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Director & State Health Officer

State of California—Health and Human Services Agency
California Department of Public Health



EDMUND G. BROWN JR.
Governor

NOTICE OF PROPOSED EMERGENCY REGULATORY ACTION

DPH-13-007E

Subject: HIV Screening Testing by Laboratories

Pursuant to Government Code Section 11346.1(a)(2), notice is hereby given that the Department of Public Health (Department) proposes emergency regulatory amendments to Title 17, California Code of Regulations, Division 1, Sections 1230 and 2641.57 affecting laboratory screening testing for Human Immunodeficiency Virus (HIV). These amendments would permit newly developed and recommended protocols to be used immediately by California licensed or approved public health laboratories.

The Department must, at least five working days prior to submission of the proposed emergency action to the Office of Administrative Law (OAL), provide a notice of the proposed emergency to every person who has filed a request for notice of regulatory action with the Department. After submission of the proposed emergency to OAL, OAL shall allow interested persons five calendar days to submit comments on the proposed emergency regulations as set forth in Government Code section 11349.6. Upon filing, OAL will have ten (10) calendar days within which to review and make a decision on the proposed emergency rule. If approved, OAL will file the regulations with the Secretary of State, and the emergency regulations will become effective for one hundred and eighty (180) days. Within the 180-day effective period, the Department will proceed with a regular rulemaking action, including a public comment period. The emergency regulations will remain in effect during this rulemaking action.

A copy of the regulatory language of the Department's proposed emergency action and finding of emergency are enclosed. You may also review the proposed regulatory language and Finding of Emergency on the Department's website at <http://www.cdph.ca.gov/services/DPOPP/regs/Pages/ProposedRegulations1.aspx>

Inquiries concerning this notice may be directed to Jennifer Decker, Staff Counsel of the Office of Legal Services at (916) 445-6517 or Elizabeth Reyes of the Office of Regulations at (916) 445-2529.

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