

**Assembly Bill No. 2360**

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Passed the Assembly August 28, 2006

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*Chief Clerk of the Assembly*

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Passed the Senate August 23, 2006

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*Secretary of the Senate*

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This bill was received by the Governor this \_\_\_\_\_ day  
of \_\_\_\_\_, 2006, at \_\_\_\_\_ o'clock \_\_\_\_M.

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*Private Secretary of the Governor*

## CHAPTER \_\_\_\_\_

An act to add and repeal Article 7 (commencing with Section 111658) of Chapter 6 of Part 5 of Division 104 of the Health and Safety Code, relating to medical devices.

## LEGISLATIVE COUNSEL'S DIGEST

AB 2360, Lieu. Medical devices: ultrasound.

Existing law generally limits the distribution of certain dangerous substances and devices.

This bill would, until January 1, 2017, prohibit, with specified exceptions, a manufacturer or other person in California from selling, leasing, or otherwise distributing in this state an ultrasound diagnostic imaging machine to any person. A violation of this provision would be a misdemeanor. By creating a new crime, the bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

*The people of the State of California do enact as follows:*

SECTION 1. Article 7 (commencing with Section 111658) is added to Chapter 6 of Part 5 of Division 104 of the Health and Safety Code, to read:

Article 7. Dangerous Devices

111658. (a) A manufacturer or other person located in California shall not sell, lease, or otherwise distribute in this state an ultrasound diagnostic imaging machine except to any of the following:

(1) A practitioner of the healing arts licensed pursuant to Division 2 of the Business and Professions Code and any person

licensed pursuant to the Osteopathic Initiative Act or the Chiropractic Initiative Act.

(2) A licensed medical facility.

(3) A person or entity that provides diagnostic ultrasound services to any person or entity described in paragraph (1) or (2) and, during the provision of those services, is under the general supervision of the person or entity described in paragraph (1) or (2).

(4) A dealer, distributor, or manufacturer's representative or sales agent that purchases or otherwise acquires an ultrasound diagnostic imaging system from a manufacturer or other person for the sole purpose of selling, leasing, or otherwise distributing the system to a person or entity described in paragraph (1), (2), or (3).

(5) A bank, leasing company, or financial institution that purchases or otherwise acquires an ultrasound diagnostic imaging system from a manufacturer or other person for the sole purpose of leasing the system to a person or entity described in paragraph (1), (2), or (3).

(6) An educational facility that purchases an ultrasonic diagnostic imaging machine for training or research purposes.

(7) A person or entity that tests, plans, develops, or evaluates ultrasound diagnostic imaging equipment, machines, or systems to determine their safety or efficiency.

(8) A person certified in ultrasound technology for use in the livestock industry.

(b) A violation of this section is a misdemeanor.

(c) For purposes of this section, "licensed medical facility" means any facility licensed pursuant to Division 2 (commencing with Section 1200) that provides medical diagnostic services.

(d) This section shall be implemented only to the extent that it does not conflict with federal law. Nothing in this section is intended to preclude a person or entity described in paragraphs (1) to (4), inclusive, of subdivision (a) from selling, leasing, or otherwise distributing an ultrasound diagnostic system to a manufacturer in connection with a return, trade-in, or other commercial transaction.

(e) This article shall remain in effect only until January 1, 2017, and as of that date is repealed, unless a later enacted

statute, that is enacted before January 1, 2017, deletes or extends that date.

SEC. 2. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.







Approved \_\_\_\_\_, 2006

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*Governor*