

## Assembly Bill No. 1302

### CHAPTER 700

An act to amend Sections 130311.5, 130316, and 130317 of the Health and Safety Code, relating to health care.

[Approved by Governor October 14, 2007. Filed with  
Secretary of State October 14, 2007.]

#### LEGISLATIVE COUNSEL'S DIGEST

AB 1302, Horton. Health Insurance Portability and Accountability Act.

Existing law, the Health Insurance Portability and Accountability Implementation Act of 2001 (the act), provides for the implementation of the federal Health Insurance Portability and Accountability Act (HIPAA) by the state under the direction of the Office of HIPAA Implementation, which was established by the Governor in the California Health and Human Services Agency. Under existing law, the act will be repealed January 1, 2008, unless a later enacted statute, that is enacted before January 1, 2008, deletes or extends that date, and all unexpended or unencumbered funds under the act will revert to the General Fund.

This bill would extend the act's duration to July 1, 2010, when it would become inoperative, and all funds under the act that are unexpended or unencumbered as of that date would revert to the General Fund.

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

SECTION 1. Section 130311.5 of the Health and Safety Code is amended to read:

130311.5. (a) The office shall assume statewide leadership, coordination, direction, and oversight responsibilities for determining which provisions of state law concerning personal medical information are preempted by HIPAA pursuant to Section 160.203 of Title 45 of the Code of Federal Regulations. State entities impacted by HIPAA shall, at the direction of the office, do the following:

(1) Assist in determining which state laws concerning personal medical information are preempted by HIPAA.

(2) Conform to all determinations made by the office concerning HIPAA preemption issues.

(b) Any provision of state law concerning personal medical information that is determined by the office to be preempted by HIPAA pursuant to Section 160.203 of Title 45 of the Code of Federal Regulations, shall not be applicable to the extent of that preemption. The remainder of the

provisions of state law concerning personal medical information shall remain in full force and effect.

SEC. 2. Section 130316 of the Health and Safety Code is amended to read:

130316. Any funds appropriated for the purpose of this division that remain unexpended or unencumbered on July 1, 2010, shall revert to the General Fund on that date unless a statute that is enacted before July 1, 2010, extends the provisions of this division.

SEC. 3. Section 130317 of the Health and Safety Code is amended to read:

130317. This division shall become inoperative on July 1, 2010, and as of January 1, 2011, is repealed, unless a later enacted statute, that is enacted before January 1, 2011, deletes or extends the dates on which it becomes inoperative and is repealed.