

AMENDED IN ASSEMBLY APRIL 26, 2007

AMENDED IN ASSEMBLY APRIL 11, 2007

CALIFORNIA LEGISLATURE—2007—08 REGULAR SESSION

ASSEMBLY BILL

No. 1530

Introduced by Assembly Member Lieber

February 23, 2007

An act to add Section 105206 to the Health and Safety Code, relating to pesticide poisoning.

LEGISLATIVE COUNSEL'S DIGEST

AB 1530, as amended, Lieber. Pesticide poisoning.

Existing law establishes standards for the handling and use of pesticides and for determining the hazards posed by pesticides to worker safety. Existing law imposes various reporting requirements on physicians and local health officers when there are known or suspected instances of pesticide poisoning. Under existing law, worker reentry into areas treated by pesticides determined to be hazardous to worker safety may be restricted by whether pesticide residue levels on treated plants are determined by scientific analysis not to be a significant factor in cholinesterase depression or other health effects.

This bill would require a laboratory that performs cholinesterase testing on a specimen of human blood, with regard to determining pesticide residue levels for those purposes, to electronically report specified information on every person tested to the Office of Environmental Health Hazard Assessment, *which would be required to transmit the information to the—Office Department* of Pesticide Regulation; and the Occupational Health Branch and the Environmental Health Laboratory Branch of the State Department of Public Health.

The bill would also require the Office of Environmental Health Hazard Assessment to share this information, in an electronic format, with the appropriate county agricultural commissioner and the local health officer. The bill would also impose other related reporting requirements and would require the Office of Environmental Health Hazard Assessment to maintain this information as a reporting system. The bill would also require the office to prepare an annual report on the cholinesterase testing program.

Vote: majority. Appropriation: no. Fiscal committee: yes.
 State-mandated local program: no.

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

1 SECTION 1. Section 105206 is added to the Health and Safety
 2 Code, to read:
 3 105206. (a) A laboratory that performs cholinesterase testing
 4 pursuant to Section 12981 of the Food and Agricultural Code or
 5 Section 6728 of Title 3 of the California Code of Regulations on
 6 a specimen of human blood drawn in California shall electronically
 7 report the information specified in subdivision (b) on every person
 8 tested to the Office of Environmental Health Hazard Assessment
 9 (~~OEHHA~~), ~~the Department of Pesticide Regulation, and to the~~
 10 ~~Occupational Health Branch and the Environmental Health~~
 11 ~~Laboratory Branch in the State Department of Public Health~~
 12 (*OEHHA*). *OEHHA shall manage this reporting system in*
 13 *coordination with existing or evolving electronic reporting systems.*
 14 *Alternate reporting methods may be prescribed for smaller*
 15 *laboratories lacking the capability of electronic reporting. In these*
 16 *cases the same information shall be transmitted by paper reports*
 17 *to the receiving agency, which shall enter the data into the central*
 18 *database. OEHHA shall immediately transmit the reported*
 19 *information to the Department of Pesticide Regulation, and to the*
 20 *Occupational Health Branch and the Environmental Health*
 21 *Laboratory Branch in the State Department of Public Health.*
 22 *OEHHA shall share this information, in an electronic format, as*
 23 *needed, with the appropriate county agricultural commissioner*
 24 *and the local health officer, who shall conduct followup*
 25 *investigations on an as needed basis.*
 26 (b) The testing laboratory shall report all of the following
 27 information in complying with subdivision (a):

1 (1) The test results in International Units per milliliter of sample
2 (IU/mL).

3 (2) The purpose of the test, including, but not limited to,
4 baseline, 30-day or periodic testing, pursuant to the requirements
5 of Section 6728 of Title 3 of the California Code of Regulations,
6 or evaluation of suspected pesticide illness.

7 (3) The name and gender of the person tested.

8 ~~(4) The person's birth date, if the analyzing laboratory has that~~
9 ~~information, or if not, the person's stated age.~~

10 ~~(5) The person's address, if the analyzing laboratory has that~~
11 ~~information, or if not, a telephone number by which the person~~
12 ~~may be contacted.~~

13 ~~(6) The person's job title or occupation if germane to pesticide~~
14 ~~exposure or suspected pesticide illness.~~

15 ~~(7)~~

16 (4) The name, address, and telephone number of the health care
17 provider or medical supervisor that ordered the analysis.

18 ~~(8)~~

19 (5) The name, address, and telephone number of the analyzing
20 laboratory.

21 ~~(9) The name, address, and telephone number of the person's~~
22 ~~employer, if applicable.~~

23 ~~(10)~~

24 (6) The accession number of the specimen.

25 ~~(11)~~

26 (7) The time and date that the sample was collected from the
27 patient, and the time and date the analysis was performed.

28 (c) In addition, the testing laboratory shall report to OEHHA,
29 the State Department of Public Health, and the Department of
30 Pesticide Regulation other information in its possession or that
31 may come into its possession that directly relates to the
32 cholinesterase test or to the identity, location, medical management,
33 or environmental management of the person tested.

34 (d) The employer of a person tested pursuant to Section 6728
35 of Title 3 of the California Code of Regulations shall ensure that
36 the person receives a copy of the cholinesterase test results or any
37 recommendations from the medical supervisor within 14 days of
38 receiving the information.

39 (e) All information reported pursuant to this section shall be
40 confidential, as provided in Section 100330; except that OEHHA,

1 the Department of Pesticide Regulation, or the State Department
2 of Public Health may share the information *only with each of the*
3 *other departments and with local health officers* for the purpose
4 of surveillance, case management, investigation, environmental
5 assessment, environmental remediation, or abatement with the
6 appropriate county agricultural commissioner and local health
7 officer.

8 (f) The State Public Health Officer may assess a fine up to ~~five~~
9 ~~hundred dollars (\$500)~~ *two hundred dollars (\$200)* per person per
10 case against any laboratory that knowingly fails to meet the
11 reporting requirements of this section.

12 (g) OEHHA may review the cholinesterase test results, in
13 consultation with the Department of Pesticide Regulation and the
14 State Department of Public Health, and may provide an appropriate
15 medical or toxicological consultation to the medical supervisor.
16 OEHHA may request additional medical information relevant to
17 the cholinesterase test results from the medical supervisor of the
18 person tested.

19 (h) In consultation with the Department of Pesticide Regulation
20 and the State Department of Public Health, OEHHA shall prepare
21 an annual report on the cholinesterase testing program. The report
22 may evaluate the program's effectiveness, assess program
23 compliance and compliance with this section, make
24 recommendations to the Legislature, and examine other issues it
25 deems necessary. OEHHA shall make the report publicly available
26 on its Internet Web site.