

AMENDED IN ASSEMBLY APRIL 1, 2009

AMENDED IN ASSEMBLY MARCH 5, 2009

CALIFORNIA LEGISLATURE—2009—10 REGULAR SESSION

ASSEMBLY BILL

No. 52

Introduced by Assembly Member Portantino

(Coauthors: Assembly Members Block, Blumenfield, Buchanan, and Price)

(Coauthors: Senators DeSaulnier, Leno, and Maldonado)

December 2, 2008

An act to amend Sections 1627, 1628, and 1630 of, to amend, repeal, and add Sections 102247, 103605, and 103625 of, and to add Sections 1627.5 and 1627.7 to, the Health and Safety Code, relating to umbilical cord blood banking, *and declaring the urgency thereof, to take effect immediately.*

LEGISLATIVE COUNSEL'S DIGEST

AB 52, as amended, Portantino. Umbilical Cord Blood Collection Program.

Existing law requires the State Department of Public Health to establish, by January 1, 2010, and until January 1, 2015, the Umbilical Cord Blood Collection Program for the purpose of increasing the amount of umbilical cord blood that is donated in the state and that will be added to the national inventory. Existing law authorizes the department, to the extent private or public funds are identified for this purpose, to contract with blood banks that are licensed or accredited to provide umbilical cord blood banking storage services, for the purpose of collecting and storing umbilical cord blood.

This bill would, instead, require the department to establish the Umbilical Cord Blood Collection Program from January 1, 2011, until January 1, 2020, for the purpose of collecting and storing umbilical cord blood for public use, as defined, for human transplantation and human research. The bill would require the department to contract with up to 5 entities, including blood banks that are licensed or accredited to provide umbilical cord blood banking storage services, to collect, and make available for transplant or medical research, umbilical cord blood.

The bill would also establish an implementing committee composed of specified members to develop policy recommendations for purposes of implementing the program.

The bill would require the department, in consultation with the implementing committee, to submit to the Governor and specified committees of the Legislature, 2 reports on the effectiveness of the program by January 1, 2013, and January 1, 2018, respectively, and would require the program to conclude no later than December 31, 2019.

Existing law provides that any funds made available for purposes of the program shall be deposited into the Umbilical Cord Blood Collection Program Fund. Existing law provides that moneys in the fund shall be available, upon appropriation by the Legislature, for purposes of the program. Existing law provides that the fund shall include any federal, state, and private funds made available for purposes of the program.

Existing law requires the collection of a \$7 fee for certified copies of birth certificates.

This bill would, instead, until January 1, 2020, require the collection of a \$9 fee for certified copies of birth certificates and require that \$2 of any \$9 fee be paid to the Umbilical Cord Blood Collection Program Fund. The bill would make other conforming changes.

This bill would declare that it is to take effect immediately as an urgency statute.

Vote: ~~majority~~^{2/3}. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

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

1 SECTION 1. The Legislature finds and declares all of the
2 following:

1 (a) The umbilical cord and placenta are discarded as medical
2 waste in a large majority of American births. However, the blood
3 retrieved from the umbilical cord is rich in stem cells known as
4 hematopoietic progenitor cells (HPCs) and can be used today to
5 treat nine disorders and diseases. Clinical trials, which are currently
6 at various stages, may reveal that umbilical cord blood could be
7 used to treat many other disorders and diseases. These disorders
8 and diseases include: (1) blood cancers such as leukemia, myeloma,
9 and lymphoma; (2) immunodeficiencies and genetic diseases,
10 including sickle cell anemia, thalassemia, and inherited marrow
11 failure disorders; and (3) inherited disorders or errors of
12 metabolism.

13 (b) Umbilical cord blood has been used in about 8,000
14 transplants since 1988 and has many benefits over bone marrow.
15 The donation procedure, conducted after birth, is painless, quick,
16 and risk free for the mother and newborn baby.

17 (c) The National Marrow Donor Program has the largest registry
18 in the United States that can be searched for a marrow or umbilical
19 cord blood match when stem cell transplants are needed. In order
20 to find the best tissue match for optimal transplant outcome, genetic
21 diversity is needed since a patient's most likely match is someone
22 of the same heritage. According to the National Marrow Donor
23 Program, over 10,000 children and adults in the United States
24 would benefit from a transplant from someone unrelated to them,
25 but only 25 percent actually receive one. This is, in part, due to
26 the lack of acceptable stem cell sources.

27 (d) Finding a marrow or blood donor match is challenging for
28 people of all races. Only 30 percent of patients in need of a marrow
29 or an umbilical cord blood transplant find a matched donor in their
30 family. The other 70 percent search registries for an unrelated
31 donor or umbilical cord blood units. Finding a match is particularly
32 difficult for people of color, including people of multiracial
33 ancestry, because they are underrepresented in the national
34 inventory. Many of these patients die while waiting for a transplant.

35 (e) Because most national health and medical organizations do
36 not recommend private umbilical cord blood banking unless there
37 are known health reasons, it is not the intent of the Legislature to
38 collect umbilical cord blood for private use.

39 (f) The Institute of Medicine of the National Academies' report
40 "Cord Blood: Establishing a National Hematopoietic Stem Cell

1 Bank Program” (2005) calls for an increase in the volume and
2 genetic diversity of umbilical cord blood public bank inventory.
3 This report was the basis for establishing the national Stem Cell
4 Therapeutic and Research Act of 2005 which provides for the
5 collection and maintenance of human umbilical cord blood stem
6 cells for the treatment of patients and research. This act dedicated
7 funds for this purpose.

8 (g) California has been a leader in umbilical cord blood
9 transplant research through a number of previous projects including
10 a sibling donor pilot project, through participation in the national
11 study, and *through* its current involvement in the national cord
12 blood program.

13 (h) The national cord blood program has a goal of collecting
14 150,000 genetically diverse units in order to increase the best
15 chances of tissue matches. Due to a low supply of ethnically diverse
16 umbilical cord blood the program has specified target collection
17 goals for specific ethnicities, including, but not limited to, Native
18 American, Latino, African American, and Asian populations, and
19 persons of multiracial ethnicities.

20 (i) California is uniquely situated to add volumes of genetically
21 diverse, high-quality umbilical cord blood units for public banking
22 because of its high birth rate of more than 550,000 births per year
23 and ethnically diverse population. This contribution will not only
24 serve the health needs of California constituents, but can contribute
25 to the national and international umbilical cord blood inventory
26 efforts.

27 (j) An increase in stem cell transplants is also cost effective. It
28 will save the state, insurers, donors, and patients significant moneys
29 now being spent on lifetime medical treatments and relieve ongoing
30 pain and anguish of affected patients and their families.

31 SEC. 2. Section 1627 of the Health and Safety Code is amended
32 to read:

33 1627. (a) (1) On or before January 1, 2011, the State
34 Department of Public Health shall establish the Umbilical Cord
35 Blood Collection Program (hereafter program) for the purpose of
36 collecting and storing umbilical cord blood for public use for
37 human transplantation and human research. The program shall
38 conclude no later than December 31, 2019.

39 (2) For purposes of this article, “public use” means both of the
40 following:

1 (A) The collection of an inventory of genetically diverse
2 umbilical cord blood, for placement in the National Cord Blood
3 Inventory, to increase the likelihood of a patient obtaining a
4 suitable donor match.

5 (B) The use of research protocols approved by the Committee
6 for the Protection of Human Subjects or an institutional review
7 board, as defined in subdivision (e) of Section 125330, to further
8 the understanding of the use of umbilical cord blood as tissue to
9 treat human diseases.

10 (b) In implementing this program, the department shall consider
11 the policy recommendations of the implementing committee
12 established pursuant to Section 1627.5.

13 (c) (1) In order to implement the program, the department shall
14 contract with up to five entities, including entities that are licensed
15 or accredited to provide umbilical cord blood collection and data
16 processing services, and entities that provide umbilical cord blood
17 banking storage services that are licensed or accredited pursuant
18 to Section 1604.6, to build an inventory of anonymous umbilical
19 cord blood units and make the inventory available for transplant
20 or medical research for purposes consistent with the public use,
21 as defined in paragraph (2) of subdivision (a). The department
22 shall ensure that any cord blood bank receiving funds through the
23 program also meets the federal requirements outlined in the C.W.
24 Bill Young Cell Transplantation Program (42 U.S.C. Sec. 274k et
25 seq.) so that all umbilical cord blood units collected can be listed
26 through the National Cord Blood Inventory. A medical provider
27 or research facility shall comply with, and shall be subject to
28 existing penalties for violations of, all state and federal laws with
29 respect to the protection of any medical information, as defined
30 in subdivision (g) of Section 56.05 of the Civil Code, and any
31 personally identifiable information contained in the umbilical cord
32 blood inventory.

33 (2) In selecting qualified entities under this subdivision, the
34 following shall apply:

35 (A) The department may use a competitive process to identify
36 qualified entities to administer the program.

37 (B) In order to qualify for selection under this section, an entity
38 shall have experience in blood collection, labeling, storage,
39 transportation, or distribution. The department shall select entities

1 with demonstrated ability to retrieve umbilical cord blood from
2 ethnically diverse communities.

3 (d) ~~The program shall attempt~~ *department, in conjunction with*
4 *the implementing committee established pursuant to Section*
5 *1627.5, shall ensure that the program attempts* to meet at least all
6 of the following objectives:

7 (1) Define and identify qualified umbilical cord blood collection
8 entities.

9 (2) Design a competitive process to identify qualified
10 participants licensed or accredited to harvest umbilical cord blood
11 in a manner that complies with state and federal regulations.

12 (3) Establish criteria for determining which units of umbilical
13 cord blood may be used for research versus transplantation, and
14 *establish* policy addressing circumstances under which umbilical
15 cord blood may be used for either purpose.

16 (4) Create collection targets for ethnically diverse populations
17 in accordance with identified deficiencies in inventories.

18 (5) Consider a medical contingency response program to prepare
19 for, and respond effectively to, biological, chemical, or radiological
20 attacks, and other public health emergencies requiring treatment
21 with umbilical cord blood.

22 (6) Develop a public awareness campaign that includes, but is
23 not limited to, activities described in Section 123370.

24 (7) Increase hospital participation in collection and storage
25 efforts, and identify funding sources to offset the financial impact
26 on hospitals.

27 (8) Determine whether the program will require training of
28 health care providers relative to handling, labeling, transporting,
29 and storing umbilical cord blood.

30 (9) Determine policy on obtaining patient consent and timing
31 of consent in relation to existing law and standards of care.

32 (10) Determine whether current law and guidelines applicable
33 to donor confidentiality and security of donor information are
34 sufficient and, if they are insufficient, what additional requirements
35 or guidelines are necessary.

36 (11) Determine whether a sibling donor component would help
37 achieve the overall inventory goals of the program.

38 (12) Explore feasibility of operating the Umbilical Cord Blood
39 Collection Program as a self-funding program.

1 (13) Ensure that California's Umbilical Cord Blood Collection
2 Program does not conflict with other state, national, and
3 international efforts to generate an adequate inventory of
4 high-quality umbilical cord blood.

5 (e) In implementing the program, the department shall make
6 every effort to avoid duplication or conflicts with existing and
7 ongoing programs and to leverage existing resources. The
8 department shall use its existing authority to promote the collection,
9 storage, retrieval, and distribution of umbilical cord blood and
10 advise the Legislature of its needs to accomplish these goals.

11 (f) (1) All information collected pursuant to the program shall
12 be confidential, and shall be used solely for the purposes of the
13 program. Access to confidential information shall be limited to
14 authorized persons who agree, in writing, to maintain the
15 confidentiality of that information.

16 (2) Any person who, in violation of a written agreement to
17 maintain confidentiality, discloses any information provided
18 pursuant to this section, or who uses information provided pursuant
19 to this section in a manner other than as approved pursuant to this
20 section, may be denied further access to any confidential
21 information maintained by the department, and shall be subject to
22 a civil penalty not exceeding one thousand dollars (\$1,000). The
23 penalty provided for in this section shall not be construed to limit
24 or otherwise restrict any remedy, provisional or otherwise, provided
25 by law for the benefit of the department or any other person
26 covered by this section.

27 (3) Notwithstanding the restrictions of this section, an individual
28 to whom the confidential information pertains shall have access
29 to his or her own personal information.

30 SEC. 3. Section 1627.5 is added to the Health and Safety Code,
31 to read:

32 1627.5. (a) There shall be established, within the State
33 Department of Public Health, an implementing committee to
34 provide guidance and policy suggestions to the department on the
35 implementation of the Umbilical Cord Blood Collection Program
36 ~~created~~ *established* pursuant to Section 1627.

37 (b) (1) The implementing committee shall be composed of 15
38 members. The committee shall include representatives with
39 expertise and experience in all aspects of umbilical cord collection
40 and storage. On or before March 1, 2011, the Governor, the Senate

1 Committee on Rules, and the Speaker of the Assembly shall each
2 appoint five members of the implementing committee.

3 (2) The implementing committee shall include all of the
4 following:

5 (A) Two representatives of blood banks licensed or accredited
6 to provide umbilical cord blood services.

7 (B) A representative of a stem cell transplant center that uses
8 umbilical cord blood.

9 (C) Two representatives from hospitals providing labor and
10 delivery services, including one representative from a large hospital
11 system and one representative from an independent hospital. At
12 least one representative shall represent a hospital currently
13 participating in umbilical cord blood collections.

14 (D) Three physicians of different practice types or geographical
15 regions. One physician shall have expertise in umbilical cord blood
16 transplantation, one physician shall have expertise in obstetrics or
17 gynecology, and one shall have expertise in oncology, hematology,
18 or a pediatric specialty that treats children with anemia, immune
19 disorders, or cancers that may be treated with stem cell
20 transplantation.

21 (E) A patient or relative of a patient who has received transplants
22 using umbilical cord blood.

23 (F) A previous donor of umbilical cord blood or a person who
24 has searched or has been involved in searching for an unrelated
25 donor of umbilical cord blood.

26 (G) A person with expertise in typing, matching, and transplant
27 outcome data analysis.

28 (H) A scientist with expertise in stem cell biology.

29 (I) Two representatives of organizations focusing on medical
30 conditions that involve umbilical cord blood treatments or ethnic
31 or racial health disparities.

32 (J) A health plan medical director.

33 (c) Implementing committee members shall serve without
34 compensation, except that members shall be reimbursed for
35 authorized travel costs and expenses.

36 (d) For purposes of implementing the program established
37 pursuant to Section 1627, the implementing committee, by January
38 1, 2012, shall make initial policy recommendations to the
39 Legislature, the Assembly and Senate Health Committees, the
40 Assembly and Senate Judiciary Committees, the Governor, and

1 the department on meeting the objectives contained in subdivision
2 (d) of Section 1627.

3 SEC. 4. Section 1627.7 is added to the Health and Safety Code,
4 to read:

5 1627.7. The department, in consultation with the implementing
6 committee established pursuant to Section 1627.5, shall submit
7 two reports to the Assembly and Senate Health Committees, the
8 Assembly and Senate Judiciary Committees, and the Governor on
9 the effectiveness of the program. The first report shall be submitted
10 no later than January 1, 2013, and the second report, no later than
11 January 1, 2018.

12 SEC. 5. Section 1628 of the Health and Safety Code is amended
13 to read:

14 1628. (a) The department may accept public and private funds
15 for the purpose of implementing this article.

16 (b) Any funds made available for purposes of this article,
17 including fees collected pursuant to Section 103625, shall be
18 deposited into the Umbilical Cord Blood Collection Program Fund,
19 which is hereby created in the State Treasury. Moneys in the fund
20 shall be available, upon appropriation by the Legislature, for
21 purposes of this article.

22 (c) The fund shall include any federal, state, and private funds
23 made available for purposes of the program, including, but not
24 limited to, the fees collected for the fund pursuant to Section
25 103625, and, notwithstanding Section 16305.7 of the Government
26 Code, any interest earned on moneys in the fund.

27 SEC. 6. Section 1630 of the Health and Safety Code is amended
28 to read:

29 1630. This article shall remain in effect only until January 1,
30 2020, and as of that date is repealed, unless a later enacted statute,
31 that is enacted before January 1, 2020, deletes or extends that date.

32 SEC. 7. Section 102247 of the Health and Safety Code is
33 amended to read:

34 102247. (a) There is hereby created in the State Treasury the
35 Health Statistics Special Fund. The fund shall consist of revenues,
36 including, but not limited to, all of the following:

37 (1) Fees or charges remitted to the State Registrar for record
38 search or issuance of certificates, permits, registrations, or other
39 documents pursuant to Chapter 3 (commencing with Section
40 26801) of Part 3 of Division 2 of Title 3 of the Government Code,

1 and Chapter 4 (commencing with Section 102525), Chapter 5
2 (commencing with Section 102625), Chapter 8 (commencing with
3 Section 103050), and Chapter 15 (commencing with Section
4 103600) of Part 1 of Division 102.

5 (2) Funds remitted to the State Registrar by the federal Social
6 Security Administration for participation in the enumeration at
7 birth program.

8 (3) Funds remitted to the State Registrar by the National Center
9 for Health Statistics pursuant to the federal Vital Statistics
10 Cooperative Program.

11 (4) Any other funds collected by the State Registrar, except
12 Children's Trust Fund fees collected pursuant to Section 18966 of
13 the Welfare and Institutions Code, Umbilical Cord Blood
14 Collection Program Fund fees collected pursuant to Section 1628,
15 fees allocated to the Judicial Council pursuant to Section 1852 of
16 the Family Code, and fees collected pursuant to Section 103645,
17 all of which shall be deposited into the General Fund.

18 (b) Moneys in the Health Statistics Special Fund shall be
19 expended by the State Registrar for the purpose of funding its
20 existing programs and programs that may become necessary to
21 carry out its mission, upon appropriation by the Legislature.

22 (c) Health Statistics Special Fund moneys shall be expended
23 only for the purposes set forth in this section and Section 102249,
24 and shall not be expended for any other purpose or for any other
25 state program.

26 (d) It is the intent of the Legislature that the Health Statistics
27 Special Fund provide for the following:

28 (1) Registration and preservation of vital event records and
29 dissemination of vital event information to the public.

30 (2) Data analysis of vital statistics for population projections,
31 health trends and patterns, epidemiologic research, and
32 development of information to support new health policies.

33 (3) Development of uniform health data systems that are
34 integrated, accessible, and useful in the collection of information
35 on health status.

36 (e) This section shall remain in effect only until January 1, 2020,
37 and as of that date is repealed, unless a later enacted statute, that
38 is enacted before January 1, 2020, deletes or extends that date.

39 SEC. 8. Section 102247 is added to the Health and Safety Code,
40 to read:

1 102247. (a) There is hereby created in the State Treasury the
2 Health Statistics Special Fund. The fund shall consist of revenues,
3 including, but not limited to, all of the following:

4 (1) Fees or charges remitted to the State Registrar for record
5 search or issuance of certificates, permits, registrations, or other
6 documents pursuant to Chapter 3 (commencing with Section
7 26801) of Part 3 of Division 2 of Title 3 of the Government Code,
8 and Chapter 4 (commencing with Section 102525), Chapter 5
9 (commencing with Section 102625), Chapter 8 (commencing with
10 Section 103050), and Chapter 15 (commencing with Section
11 103600) of Part 1 of Division 102.

12 (2) Funds remitted to the State Registrar by the federal Social
13 Security Administration for participation in the enumeration at
14 birth program.

15 (3) Funds remitted to the State Registrar by the National Center
16 for Health Statistics pursuant to the federal Vital Statistics
17 Cooperative Program.

18 (4) Any other funds collected by the State Registrar, except
19 Children's Trust Fund fees collected pursuant to Section 18966 of
20 the Welfare and Institutions Code, fees allocated to the Judicial
21 Council pursuant to Section 1852 of the Family Code, and fees
22 collected pursuant to Section 103645, all of which shall be
23 deposited into the General Fund.

24 (b) Moneys in the Health Statistics Special Fund shall be
25 expended by the State Registrar for the purpose of funding its
26 existing programs and programs that may become necessary to
27 carry out its mission, upon appropriation by the Legislature.

28 (c) Health Statistics Special Fund moneys shall be expended
29 only for the purposes set forth in this section and Section 102249,
30 and shall not be expended for any other purpose or for any other
31 state program.

32 (d) It is the intent of the Legislature that the Health Statistics
33 Special Fund provide for the following:

34 (1) Registration and preservation of vital event records and
35 dissemination of vital event information to the public.

36 (2) Data analysis of vital statistics for population projections,
37 health trends and patterns, epidemiologic research, and
38 development of information to support new health policies.

1 (3) Development of uniform health data systems that are
2 integrated, accessible, and useful in the collection of information
3 on health status.

4 (e) This section shall become operative on January 1, 2020.

5 SEC. 9. Section 103605 of the Health and Safety Code is
6 amended to read:

7 103605. (a) The money collected by the State Registrar shall
8 be deposited with the Treasurer for credit to the Health Statistics
9 Special Fund, except for the Children's Trust Fund fees collected
10 pursuant to Section 18966 of the Welfare and Institutions Code,
11 the Umbilical Cord Blood Collection Program Fund fees collected
12 pursuant to Section 1628, the fees allocated to the Judicial Council
13 pursuant to Section 1852 of the Family Code, and the fees collected
14 pursuant to Section 103645, all of which shall be deposited in the
15 General Fund.

16 (b) This section shall remain in effect only until January 1, 2020,
17 and as of that date is repealed, unless a later enacted statute, that
18 is enacted before January 1, 2020, deletes or extends that date.

19 SEC. 10. Section 103605 is added to the Health and Safety
20 Code, to read:

21 103605. (a) The money collected by the State Registrar shall
22 be deposited with the Treasurer for credit to the Health Statistics
23 Special Fund, except for the Children's Trust Fund fees collected
24 pursuant to Section 18966 of the Welfare and Institutions Code,
25 the fees allocated to the Judicial Council pursuant to Section 1852
26 of the Family Code, and the fees collected pursuant to Section
27 103645, all of which shall be deposited in the General Fund.

28 (b) This section shall become operative on January 1, 2020.

29 SEC. 11. Section 103625 of the Health and Safety Code is
30 amended to read:

31 103625. (a) A fee of three dollars (\$3) shall be paid by the
32 applicant for a certified copy of a fetal death or death record.

33 (b) (1) A fee of three dollars (\$3) shall be paid by a public
34 agency or licensed private adoption agency applicant for a certified
35 copy of a birth certificate that the agency is required to obtain in
36 the ordinary course of business. A fee of nine dollars (\$9) shall be
37 paid by any other applicant for a certified copy of a birth certificate.
38 Four dollars (\$4) of any nine-dollar (\$9) fee is exempt from
39 subdivision (e) and shall be paid either to a county children's trust
40 fund or to the State Children's Trust Fund, in conformity with

1 Article 5 (commencing with Section 18965) of Chapter 11 of Part
2 6 of Division 9 of the Welfare and Institutions Code. Two dollars
3 (\$2) of any nine-dollar (\$9) fee is exempt from subdivision (e) and
4 shall be paid to the Umbilical Cord Blood Collection Program
5 Fund in conformity with Section 1628.

6 (2) The board of supervisors of any county that has established
7 a county children's trust fund may increase the fee for a certified
8 copy of a birth certificate by up to three dollars (\$3) for deposit in
9 the county children's trust fund in conformity with Article 5
10 (commencing with Section 18965) of Chapter 11 of Part 6 of
11 Division 9 of the Welfare and Institutions Code.

12 (c) A fee of three dollars (\$3) shall be paid by a public agency
13 applicant for a certified copy of a marriage record, that has been
14 filed with the county recorder or county clerk, that the agency is
15 required to obtain in the ordinary course of business. A fee of six
16 dollars (\$6) shall be paid by any other applicant for a certified
17 copy of a marriage record that has been filed with the county
18 recorder or county clerk. Three dollars (\$3) of any six-dollar (\$6)
19 fee is exempt from subdivision (e) and shall be transmitted monthly
20 by each local registrar, county recorder, and county clerk to the
21 state for deposit into the General Fund as provided by Section
22 1852 of the Family Code.

23 (d) A fee of three dollars (\$3) shall be paid by a public agency
24 applicant for a certified copy of a marriage dissolution record
25 obtained from the State Registrar that the agency is required to
26 obtain in the ordinary course of business. A fee of six dollars (\$6)
27 shall be paid by any other applicant for a certified copy of a
28 marriage dissolution record obtained from the State Registrar.

29 (e) Each local registrar, county recorder, or county clerk
30 collecting a fee pursuant to subdivisions (a) to (d), inclusive, shall
31 transmit 15 percent of the fee for each certified copy to the State
32 Registrar by the 10th day of the month following the month in
33 which the fee was received.

34 (f) In addition to the fees prescribed pursuant to subdivisions
35 (a) to (d), inclusive, all applicants for certified copies of the records
36 described in those subdivisions shall pay an additional fee of three
37 dollars (\$3), that shall be collected by the State Registrar, the local
38 registrar, county recorder, or county clerk, as the case may be.

39 (g) The local public official charged with the collection of the
40 additional fee established pursuant to subdivision (f) may create

1 a local vital and health statistics trust fund. The fees collected by
2 local public officials pursuant to subdivision (f) shall be distributed
3 as follows:

4 (1) Forty-five percent of the fee collected pursuant to subdivision
5 (f) shall be transmitted to the State Registrar.

6 (2) The remainder of the fee collected pursuant to subdivision
7 (f) shall be deposited into the collecting agency's vital and health
8 statistics trust fund, except that in any jurisdiction in which a local
9 vital and health statistics *trust* fund has not been established, the
10 entire amount of the fee collected pursuant to subdivision (f) shall
11 be transmitted to the State Registrar.

12 (3) Moneys transmitted to the State Registrar pursuant to this
13 subdivision shall be deposited in accordance with Section 102247.

14 (h) Moneys in each local vital and health statistics trust fund
15 shall be available to the local official charged with the collection
16 of fees pursuant to subdivision (f) for the applicable jurisdiction
17 for the purpose of defraying the administrative costs of collecting
18 and reporting with respect to those fees and for other costs as
19 follows:

20 (1) Modernization of vital record operations, including
21 improvement, automation, and technical support of vital record
22 systems.

23 (2) Improvement in the collection and analysis of health-related
24 birth and death certificate information, and other community health
25 data collection and analysis, as appropriate.

26 (i) Funds collected pursuant to subdivision (f) shall not be used
27 to supplant funding in existence on January 1, 2002, that is
28 necessary for the daily operation of vital record systems. It is the
29 intent of the Legislature that funds collected pursuant to subdivision
30 (f) be used to enhance service to the public, to improve analytical
31 capabilities of state and local health authorities in addressing the
32 health needs of newborn children and maternal health problems,
33 and to analyze the health status of the general population.

34 (j) Each county shall annually submit a report to the State
35 Registrar by March 1 containing information on the amount of
36 revenues collected pursuant to subdivision (f) in the previous
37 calendar year and on how the revenues were expended and for
38 what purpose.

39 (k) Each local registrar, county recorder, or county clerk
40 collecting the fee pursuant to subdivision (f) shall transmit 45

1 percent of the fee for each certified copy to which subdivision (f)
2 applies to the State Registrar by the 10th day of the month
3 following the month in which the fee was received.

4 (l) The additional three dollars (\$3) authorized to be charged to
5 applicants other than public agency applicants for certified copies
6 of marriage records by subdivision (c) may be increased pursuant
7 to Section 114.

8 (m) In providing for the expiration of the surcharge on birth
9 certificate fees on June 30, 1999, the Legislature intends that
10 juvenile dependency mediation programs pursue ancillary funding
11 sources after that date.

12 (n) This section shall remain in effect only until January 1, 2020,
13 and as of that date is repealed, unless a later enacted statute, that
14 is enacted before January 1, 2020, deletes or extends that date.

15 SEC. 12. Section 103625 is added to the Health and Safety
16 Code, to read:

17 103625. (a) A fee of three dollars (\$3) shall be paid by the
18 applicant for a certified copy of a fetal death or death record.

19 (b) (1) A fee of three dollars (\$3) shall be paid by a public
20 agency or licensed private adoption agency applicant for a certified
21 copy of a birth certificate that the agency is required to obtain in
22 the ordinary course of business. A fee of seven dollars (\$7) shall
23 be paid by any other applicant for a certified copy of a birth
24 certificate. Four dollars (\$4) of any seven-dollar (\$7) fee is exempt
25 from subdivision (e) and shall be paid either to a county children's
26 trust fund or to the State Children's Trust Fund, in conformity with
27 Article 5 (commencing with Section 18965) of Chapter 11 of Part
28 6 of Division 9 of the Welfare and Institutions Code.

29 (2) The board of supervisors of any county that has established
30 a county children's trust fund may increase the fee for a certified
31 copy of a birth certificate by up to three dollars (\$3) for deposit in
32 the county children's trust fund in conformity with Article 5
33 (commencing with Section 18965) of Chapter 11 of Part 6 of
34 Division 9 of the Welfare and Institutions Code.

35 (c) A fee of three dollars (\$3) shall be paid by a public agency
36 applicant for a certified copy of a marriage record, that has been
37 filed with the county recorder or county clerk, that the agency is
38 required to obtain in the ordinary course of business. A fee of six
39 dollars (\$6) shall be paid by any other applicant for a certified
40 copy of a marriage record that has been filed with the county

1 recorder or county clerk. Three dollars (\$3) of any six-dollar (\$6)
2 fee is exempt from subdivision (e) and shall be transmitted monthly
3 by each local registrar, county recorder, and county clerk to the
4 state for deposit into the General Fund as provided by Section
5 1852 of the Family Code.

6 (d) A fee of three dollars (\$3) shall be paid by a public agency
7 applicant for a certified copy of a marriage dissolution record
8 obtained from the State Registrar that the agency is required to
9 obtain in the ordinary course of business. A fee of six dollars (\$6)
10 shall be paid by any other applicant for a certified copy of a
11 marriage dissolution record obtained from the State Registrar.

12 (e) Each local registrar, county recorder, or county clerk
13 collecting a fee pursuant to subdivisions (a) to (d), inclusive, shall
14 transmit 15 percent of the fee for each certified copy to the State
15 Registrar by the 10th day of the month following the month in
16 which the fee was received.

17 (f) In addition to the fees prescribed pursuant to subdivisions
18 (a) to (d), inclusive, all applicants for certified copies of the records
19 described in those subdivisions shall pay an additional fee of three
20 dollars (\$3), that shall be collected by the State Registrar, the local
21 registrar, county recorder, or county clerk, as the case may be.

22 (g) The local public official charged with the collection of the
23 additional fee established pursuant to subdivision (f) may create
24 a local vital and health statistics trust fund. The fees collected by
25 local public officials pursuant to subdivision (f) shall be distributed
26 as follows:

27 (1) Forty-five percent of the fee collected pursuant to subdivision
28 (f) shall be transmitted to the State Registrar.

29 (2) The remainder of the fee collected pursuant to subdivision
30 (f) shall be deposited into the collecting agency's vital and health
31 statistics trust fund, except that in any jurisdiction in which a local
32 vital and health statistics *trust* fund has not been established, the
33 entire amount of the fee collected pursuant to subdivision (f) shall
34 be transmitted to the State Registrar.

35 (3) Moneys transmitted to the State Registrar pursuant to this
36 subdivision shall be deposited in accordance with Section 102247.

37 (h) Moneys in each local vital and health statistics trust fund
38 shall be available to the local official charged with the collection
39 of fees pursuant to subdivision (f) for the applicable jurisdiction
40 for the purpose of defraying the administrative costs of collecting

1 and reporting with respect to those fees and for other costs as
2 follows:

3 (1) Modernization of vital record operations, including
4 improvement, automation, and technical support of vital record
5 systems.

6 (2) Improvement in the collection and analysis of health-related
7 birth and death certificate information, and other community health
8 data collection and analysis, as appropriate.

9 (i) Funds collected pursuant to subdivision (f) shall not be used
10 to supplant funding in existence on January 1, 2002, that is
11 necessary for the daily operation of vital record systems. It is the
12 intent of the Legislature that funds collected pursuant to subdivision
13 (f) be used to enhance service to the public, to improve analytical
14 capabilities of state and local health authorities in addressing the
15 health needs of newborn children and maternal health problems,
16 and to analyze the health status of the general population.

17 (j) Each county shall annually submit a report to the State
18 Registrar by March 1 containing information on the amount of
19 revenues collected pursuant to subdivision (f) in the previous
20 calendar year and on how the revenues were expended and for
21 what purpose.

22 (k) Each local registrar, county recorder, or county clerk
23 collecting the fee pursuant to subdivision (f) shall transmit 45
24 percent of the fee for each certified copy to which subdivision (f)
25 applies to the State Registrar by the 10th day of the month
26 following the month in which the fee was received.

27 (l) The additional three dollars (\$3) authorized to be charged to
28 applicants other than public agency applicants for certified copies
29 of marriage records by subdivision (c) may be increased pursuant
30 to Section 114.

31 (m) In providing for the expiration of the surcharge on birth
32 certificate fees on June 30, 1999, the Legislature intends that
33 juvenile dependency mediation programs pursue ancillary funding
34 sources after that date.

35 (n) This section shall become operative on January 1, 2020.

36 *SEC. 13. This act is an urgency statute necessary for the*
37 *immediate preservation of the public peace, health, or safety within*
38 *the meaning of Article IV of the Constitution and shall go into*
39 *immediate effect. The facts constituting the necessity are:*

- 1 *In order to fund efforts aimed at curing disorders and diseases*
- 2 *at the earliest possible time, it is necessary that this act take effect*
- 3 *immediately.*