

Senate Bill No. 769

CHAPTER 506

An act to amend Section 101320 of, and to add Section 101318 to, the Health and Safety Code, relating to federal funding, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor September 29, 2010. Filed with
Secretary of State September 29, 2010.]

LEGISLATIVE COUNSEL'S DIGEST

SB 769, Alquist. Federal funding: supplemental appropriations: pandemic influenza.

Existing law establishes procedures and requirements to govern the allocation to, and expenditure by, local health jurisdictions of federal funding received for the prevention of, and response to, bioterrorist attacks and other public health emergencies. Existing law provides that these procedures apply only when local health jurisdictions are designated by a federal or state agency to manage the funds for public health preparedness and response to bioterrorist attacks and other public health emergencies, pursuant to a specified federally approved plan. Existing law repeals these provisions as of January 1, 2011, as specified.

This bill would extend the repeal date to January 1, 2013, and would provide that federal funding received pursuant to the federal 2009 Supplemental Appropriations Act for pandemic influenza for purposes of state and local public health and emergency response infrastructure would be subject to appropriation by the Legislature for allocation by the State Department of Public Health, as prescribed and would modify the methodology for allocation of those funds.

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

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

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

(a) The Legislature intends to ensure that federal funds granted for the purpose of public health emergency preparedness and public health emergency response to a pandemic influenza outbreak are distributed appropriately to local public health jurisdictions.

(b) The public health infrastructure and workforce at the local level are the first line of defense against communicable disease. Without proper personnel in place, a response to the H1N1 influenza virus or any other public health threat is significantly weakened.

SEC. 2. Section 101318 is added to the Health and Safety Code, to read: 101318. (a) Federal funding received pursuant to the 2009 Supplemental Appropriations Act (Public Law 111-32) for pandemic influenza for purposes of state and local public health and emergency response infrastructure, including, but not limited to, epidemiology, communicable disease response, workforce, laboratory capacity, public communications, and community mitigation guidance and planning, shall be subject to appropriation by the Legislature in the annual Budget Act or other statute for allocation by the department in accordance with this article.

(b) This section shall govern federal funding provided by the Public Health Emergency Preparedness Cooperative Agreement and the Public Health Emergency Response Cooperative Agreement for the state and local health jurisdictions.

(c) The proportion of funds allocated to support local health jurisdiction activities shall be at least the proportion stipulated in the 2008–09 federally approved state applications for the Public Health Emergency Preparedness Cooperative Agreement unless stipulated otherwise by federal law or guidance, or unless the department, in consultation with the California Conference of Local Health Officers and the County Health Executives Association of California, submits an application that specifies a different funding allocation.

(d) The department may establish a minimum allocation of less than one hundred thousand dollars (\$100,000) to local health jurisdictions, if the department consults with the California Conference of Local Health Officers and the County Health Executives Association of California.

SEC. 3. Section 101320 of the Health and Safety Code is amended to read:

101320. This article shall become inoperative on September 1, 2012, and, as of January 1, 2013, is repealed, unless a later enacted statute that is enacted before January 1, 2013, deletes or extends the dates on which it becomes inoperative and is repealed.

SEC. 4. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting the necessity are:

In order to ensure an adequate and timely response to the H1N1 virus and other public health threats, it is necessary for this act to take effect immediately.