

ASSEMBLY BILL

No. 1793

Introduced by Assembly Member Yamada

February 21, 2012

An act to amend Sections 101315 and 101319 of, and to repeal Section 101320 of, the Health and Safety Code, relating to public health, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

AB 1793, as introduced, Yamada. Public health: federal funding: public health emergencies.

Existing law establishes procedures and requirements to govern the allocation to, and expenditure by, local health jurisdictions, hospitals, clinics, emergency medical systems, and poison control centers of federal funding received for the prevention of, and response to, public health emergencies. Existing law provides that these procedures apply only when the specified entities are designated by a federal or state agency to manage the funds for public health preparedness and response to public health emergencies, pursuant to a specified federally approved plan. Existing law requires funds to be allocated to these entities through the use of agreements that are exempt from provisions that establish public contracting standards. Existing law makes these provisions inoperative as of September 1, 2012, and repeals these provisions as of January 1, 2013.

This bill would expand these provisions to apply to public health emergency preparedness and response by long-term health care facilities, and would delete the repeal of these provisions.

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

Vote: 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. Section 101315 of the Health and Safety Code
2 is amended to read:
3 101315. (a) Federal funding received by the State Department
4 of *Public Health Services* for bioterrorism preparedness and
5 emergency response is subject to appropriation in the annual
6 Budget Act or other statute, commencing with the 2003–04 fiscal
7 year.
8 (b) This article shall govern those instances when federal
9 funding is allocated and expended for public health preparedness
10 and response by local health jurisdictions, hospitals, *long-term*
11 *health care facilities*, clinics, emergency medical systems, and
12 poison control centers for the prevention of, and response to,
13 bioterrorist attacks and other public health emergencies pursuant
14 to the federally approved collaborative state-local plan.
15 (c) A local health jurisdiction shall be ineligible to receive
16 funding from appropriations made for purposes of this article when
17 that local health jurisdiction receives directly or through another
18 local jurisdiction federal funding for the same purposes. Moneys
19 appropriated for purposes of this article that would have been
20 allocated to a local health jurisdiction that is ineligible, pursuant
21 to this subdivision, to receive funding shall be allocated, as
22 provided in Section 101317, among the remaining local health
23 jurisdictions that are eligible.
24 (d) Funds appropriated for the purposes of this article shall not
25 be used to supplant funding for existing levels of service and shall
26 only be used for purposes specified in Section 101317.
27 (e) This article shall apply only when local health jurisdictions,
28 hospitals, *long-term health care facilities*, clinics, emergency
29 medical systems, and poison control centers are designated by a
30 federal or state agency to manage the funds for public health
31 preparedness and response to bioterrorist attacks and other public
32 health emergencies, pursuant to the federally approved
33 collaborative state-local plan.
34 SEC. 2. Section 101319 of the Health and Safety Code is
35 amended to read:

1 101319. Due to the need to rapidly implement, and to provide
2 local health jurisdictions, hospitals, *long-term health care facilities*,
3 clinics, emergency medical systems, and poison control centers
4 with timely funding for the purposes of, this article, funds
5 appropriated in the annual Budget Act or some other act for
6 purposes of this article for the 2002–03 fiscal year and subsequent
7 fiscal years shall be allocated through the use of agreements, which
8 shall not be subject to Part 2 (commencing with Section 10100)
9 of Division 2 of the Public Contract Code.

10 SEC. 3. Section 101320 of the Health and Safety Code is
11 repealed.

12 ~~101320. This article shall become inoperative on September~~
13 ~~1, 2012, and, as of January 1, 2013, is repealed, unless a later~~
14 ~~enacted statute that is enacted before January 1, 2013, deletes or~~
15 ~~extends the dates on which it becomes inoperative and is repealed.~~

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

20 In order to ensure an adequate and timely response to public
21 health threats by preventing the lapse of provisions relating to the
22 allocation and expenditure of federal funds for public health
23 emergency preparedness programs, it is necessary for this act to
24 take effect immediately.