

AMENDED IN SENATE APRIL 16, 2013

SENATE BILL

No. 460

Introduced by Senator Pavley

February 21, 2013

An act to amend Section 125055 of the Health and Safety Code, relating to public health.

LEGISLATIVE COUNSEL'S DIGEST

SB 460, as amended, Pavley. Prenatal testing program: education.

Existing law imposes various responsibilities upon the State Department of Public Health and prenatal care providers with respect to prenatal care, screening, and counseling. Existing law requires the department to develop an education program designed to educate physicians and surgeons and the public concerning the uses of prenatal testing and the availability of the prenatal testing program.

~~This bill would require that education program to include information concerning the importance of avoiding consumer products that contain chemicals that are known to be harmful to reproductive health. The department to include prescribed information regarding environmental health to the California Prenatal Screening Program Prenatal Patient Booklet and to post that information on the department's Internet Web site. This bill would require the department to send a notice to obstetrician-gynecologists that informs them of the change to the booklet and encourages them to discuss environmental health with their patients.~~

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 125055 of the Health and Safety Code
2 is amended to read:

3 125055. The department shall:

4 (a) Establish criteria for eligibility for the prenatal testing
5 program. Eligibility shall include definition of conditions and
6 circumstances that result in a high risk of a detectable genetic
7 disorder or birth defect.

8 (b) (1) Develop an education program designed to educate
9 physicians and surgeons and the public concerning the uses of
10 prenatal testing and the availability of the program.

11 ~~(2) This education program shall include information concerning~~
12 ~~the importance of avoiding consumer products that contain~~
13 ~~chemicals that are known to be harmful to reproductive health.~~

14 (2) (A) *Include information regarding environmental health in*
15 *the California Prenatal Screening Program Prenatal Patient*
16 *Booklet. This information shall include, but not be limited to, the*
17 *following statement:*

18
19 *“We encounter chemicals and other substances in everyday life*
20 *that may be harmful to a developing fetus. Fortunately, there are*
21 *steps you can take to reduce your exposure to these substances at*
22 *home, in the workplace, and in the environment. Most Californians*
23 *are unaware that a number of everyday consumer products, even*
24 *when used as directed, pose potential harm. Prospective parents*
25 *are encouraged to read more about this topic to learn about simple*
26 *actions to ensure a healthy pregnancy.”*

27
28 (B) *The department shall include in the booklet links to Internet*
29 *Web sites and informational brochures relating to environmental*
30 *health, including, but not limited to, the University of California,*
31 *San Francisco Program on Reproductive Health and the*
32 *Environment informational brochures, which include the following:*

33 (i) *The “Toxic Matters” brochure at*
34 *http://prhe.ucsf.edu/prhe/pdfs/toxicmatters_readable.pdf*

35 (ii) *The “Work Matters” brochure at*
36 *http://prhe.ucsf.edu/prhe/pdfs/WorkMattersBrochure_readable.pdf*

37 (iii) *The “Pesticides Matter” brochure at*
38 *http://prhe.ucsf.edu/prhe/pdfs/pesticidesmatter_readable.pdf*

1 (C) *The department shall post the information described in*
2 *subparagraphs (A) and (B) on its Internet Web site.*

3 (D) *The department shall send a notice to all*
4 *obstetrician-gynecologists informing them of the change to the*
5 *booklet. In the notice, the department shall encourage*
6 *obstetrician-gynecologists to discuss environmental health with*
7 *their patients and to direct their patients to the appropriate page*
8 *or pages in the booklet to provide their patients with additional*
9 *information.*

10 (c) Ensure that genetic counseling be given in conjunction with
11 prenatal testing at the approved prenatal diagnosis centers.

12 (d) Designate sufficient prenatal diagnosis centers to meet the
13 need for these services. Prenatal diagnosis centers shall have
14 equipment and staff trained and capable of providing genetic
15 counseling and performing prenatal diagnostic procedures and
16 tests, including the interpretation of the results of the procedures
17 and tests.

18 (e) Administer a program of subsidy grants for approved
19 nonprofit prenatal diagnosis centers. The subsidy grants shall be
20 awarded based on the reported number of low-income women
21 referred to the center, the number of prenatal diagnoses performed
22 in the previous year at that center, and the estimated size of unmet
23 need for prenatal diagnostic procedures and tests in its service
24 area. This subsidy shall be in addition to fees collected under other
25 state programs.

26 (f) Establish any rules, regulations, and standards for prenatal
27 diagnostic testing and the allocation of subsidies as the director
28 deems necessary to promote and protect the public health and
29 safety and to implement the Hereditary Disorders Act (Section
30 27).

31 (g) (1) The department shall expand prenatal screening to
32 include all tests that meet or exceed the current standard of care
33 as recommended by nationally recognized medical or genetic
34 organizations, including, but not limited to, inhibin.

35 (2) The prenatal screening fee increase for expanding prenatal
36 screening to include those tests described in paragraph (1) is forty
37 dollars (\$40).

38 (3) The department shall report to the Legislature regarding the
39 progress of the program with regard to implementing prenatal
40 screening for those tests described in paragraph (1) on or before

1 July 1, 2007. The report shall include the costs of screening,
2 followup, and treatment as compared to costs and morbidity averted
3 by this testing under the program.

4 (4) (A) The expenditure of funds from the Genetic Disease
5 Testing Fund for the expansion of the Genetic Disease Branch
6 Screening Information System to include the expansion of prenatal
7 screenings, pursuant to paragraph (1), may be implemented through
8 the amendment of the Genetic Disease Branch Screening
9 Information System contracts, and shall not be subject to Chapter
10 2 (commencing with Section 10290) or Chapter 3 (commencing
11 with Section 12100) of Part 2 of Division 2 of the Public Contract
12 Code, Article 4 (commencing with Section 19130) of Chapter 5
13 of Part 2 of Division 5 of Title 2 of the Government Code, or
14 Sections 4800 to 5180, inclusive, of the State Administrative
15 Manual as they relate to approval of information technology
16 projects or approval of increases in the duration or costs of
17 information technology projects. This paragraph shall apply to the
18 design, development, and implementation of the expansion, and
19 to the maintenance and operation of the Genetic Disease Branch
20 Screening Information System, including change requests, once
21 the expansion is implemented.

22 (B) (i) The department may adopt emergency regulations to
23 implement and make specific the amendments to this section made
24 during the 2006 portion of the 2005–06 Regular Session in
25 accordance with Chapter 3.5 (commencing with Section 11340)
26 of Part 1 of Division 3 of Title 2 of the Government Code. For the
27 purposes of the Administrative Procedure Act, the adoption of
28 regulations shall be deemed an emergency and necessary for the
29 immediate preservation of the public peace, health and safety, or
30 general welfare. Notwithstanding Chapter 3.5 (commencing with
31 Section 11340) of Part 1 of Division 3 of Title 2 of the Government
32 Code, these emergency regulations shall not be subject to the
33 review and approval of the Office of Administrative Law.
34 Notwithstanding ~~Section~~ *Sections* 11346.1 and ~~Section~~ 11349.6
35 of the Government Code, the department shall submit these
36 regulations directly to the Secretary of State for filing. The
37 regulations shall become effective immediately upon filing by the
38 Secretary of State. Regulations shall be subject to public hearing
39 within 120 days of filing with the Secretary of State and shall

1 comply with Sections 11346.8 and 11346.9 of the Government
2 Code or shall be repealed.

3 (ii) The Office of Administrative Law shall provide for the
4 printing and publication of these regulations in the California Code
5 of Regulations. Notwithstanding Chapter 3.5 (commencing with
6 Section 11340) of Part 1 of Division 3 of Title 2 of the Government
7 Code, the regulations adopted pursuant to this chapter shall not be
8 repealed by the Office of Administrative Law and shall remain in
9 effect until revised or repealed by the department.

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