

AMENDED IN ASSEMBLY AUGUST 6, 2013

AMENDED IN SENATE MAY 28, 2013

AMENDED IN SENATE APRIL 16, 2013

**SENATE BILL**

**No. 460**

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**Introduced by Senator Pavley**

February 21, 2013

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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 the department to include prescribed information regarding environmental health in 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 all distributors of the booklet that informs them of the change to the booklet and encourages obstetrician-gynecologists and midwives 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) (A) Include information regarding environmental health in  
12 the California Prenatal Screening Program Prenatal Patient Booklet.  
13 This information shall ~~include, but not be limited to,~~ *include* the  
14 following statement:

15  
16 “We encounter chemicals and other substances in everyday life  
17 ~~that may be harmful to a~~ *that may affect your* developing fetus.  
18 Fortunately, there are steps you can take to reduce your exposure  
19 to these *potentially harmful* substances at home, in the workplace,  
20 and in the environment. ~~Most~~ *Many* Californians are unaware that  
21 a number of everyday consumer products may pose potential harm.  
22 Prospective parents are encouraged to read more about this topic  
23 to learn about simple actions to ~~ensure~~ *promote* a healthy  
24 pregnancy.”

25  
26 (B) The department shall include in the booklet links to ~~Internet~~  
27 ~~Web sites and to informational brochures relating to environmental~~  
28 ~~health, including, but not limited to, the “All That Matters”~~  
29 ~~brochures from the University of California, San Francisco~~  
30 ~~Program on Reproductive Health and the Environment~~ *educational*  
31 *materials derived from peer-reviewed materials relating to*  
32 *environmental health and reproductive toxins. The department*  
33 *shall also include in the booklet links to educational materials on*  
34 *environmental health and reproductive toxins developed by the*  
35 *University of California.*

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

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

7 (E) In order to minimize costs, the information described in this  
8 paragraph shall be included when the booklet is otherwise revised  
9 and reprinted.

10 (F) *The department may modify the language in the booklet*  
11 *after consultation with experts in the field of environmental health*  
12 *and reproductive toxins.*

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

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

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

29 (f) Establish any rules, regulations, and standards for prenatal  
30 diagnostic testing and the allocation of subsidies as the director  
31 deems necessary to promote and protect the public health and  
32 safety and to implement the Hereditary Disorders Act (Section  
33 27).

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

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

1 (3) The department shall report to the Legislature regarding the  
2 progress of the program with regard to implementing prenatal  
3 screening for those tests described in paragraph (1) on or before  
4 July 1, 2007. The report shall include the costs of screening,  
5 followup, and treatment as compared to costs and morbidity averted  
6 by this testing under the program.

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

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

1 shall be subject to public hearing within 120 days of filing with  
2 the Secretary of State and shall comply with Sections 11346.8 and  
3 11346.9 of the Government Code or shall be repealed.

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

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