

AMENDED IN SENATE JANUARY 16, 2014

AMENDED IN SENATE JANUARY 6, 2014

AMENDED IN SENATE APRIL 23, 2013

AMENDED IN SENATE APRIL 15, 2013

SENATE BILL

No. 747

Introduced by Senator DeSaulnier

February 22, 2013

An act to add Article 6 (commencing with Section 108670) to Chapter 5 of Part 3 of Division 104 of the Health and Safety Code, relating to public health.

LEGISLATIVE COUNSEL'S DIGEST

SB 747, as amended, DeSaulnier. Public health impact assessments.

Existing law requires the State Department of Public Health to regulate various consumer products, including food and drugs, for the protection of the people of the state.

This bill, known as the Public Health Epidemic Prevention Act of 2014, would authorize the department to ~~submit a written request to~~ *request in writing that* the manufacturer or a group of manufacturers of a contributing product, as defined, ~~to~~ submit a written response to the department's determination that the product is a contributing product. The bill would require the written response to contain specified information, including ~~a risk assessment~~ *an analysis* of adverse public health impacts and a mitigation plan for those impacts. The bill would authorize the department to charge the manufacturer of the contributing product an amount not exceeding \$20,000 for the reasonable costs of reviewing the ~~risk assessment~~ *analysis* and mitigation document.

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

3 (a) Public health for the people of the state is now, and in the
4 future, a matter of statewide concern.

5 (b) The health and well-being of all people is a critical element
6 in supporting a healthy and prosperous California, including
7 economic sustainability, increasing workforce participation and
8 productivity, and slowing the ongoing rise of medical care
9 expenditures.

10 (c) California and its residents face a growing burden of largely
11 preventable chronic illness, including heart disease, stroke, obesity,
12 and diabetes.

13 (d) It is the intent of the Legislature to find ways to develop and
14 maintain public health, prevent negative public health risks, provide
15 the people of the state with protection from products sold in the
16 state that pose significant negative health risks, and develop
17 mitigation strategies.

18 (e) It is the intent of the Legislature to take immediate steps to
19 identify products sold in the state for consumer consumption that
20 pose a critical public health risk and coordinate any actions
21 necessary to prevent or mitigate those risks.

22 (f) It is the intent of the Legislature to regulate products sold in
23 the state for consumer consumption that pose significant public
24 health risks and mitigate their use in order to prevent chronic illness
25 and improve public health.

26 SEC. 2. Article 6 (commencing with Section 108670) is added
27 to Chapter 5 of Part 3 of Division 104 of the Health and Safety
28 Code, to read:

29

30 Article 6. Public Health Impact Assessments

31

32 108670. This article shall be known, and may be cited, as the
33 Public Health Epidemic Prevention Act of 2014.

34 108671. For the purposes of this article, the following
35 definitions shall apply:

1 (a) “Contributing product” means a manufactured product
2 intended for consumer consumption in this state for which the
3 department has credible evidence that use of the product
4 significantly contributes to a public health epidemic and that meets
5 both of the following criteria:

6 (1) The public health epidemic to which the product contributes
7 is one recognized by the federal Centers for Disease Control and
8 Prevention, the United States Department of Health and Human
9 Services, the Surgeon General, or the United States Food and Drug
10 Administration.

11 (2) The adverse impact on public health from use of the product
12 in this state ~~would have~~ *has* a fiscal impact of fifty million dollars
13 (\$50,000,000) or more annually on the state public health system,
14 including, but not limited to, public hospitals and overall Medi-Cal
15 expenditures.

16 (b) “Credible evidence” means peer-reviewed research, data,
17 and studies currently available to the department.

18 (c) “Department” means the State Department of Public Health.

19 (d) “Manufacturer” means the manufacturer whose name appears
20 on the label of a product that is identified by the department as a
21 contributing product.

22 108672. If the department determines that a product is a
23 contributing product, then the department may submit a written
24 request to the contributing product’s largest manufacturers,
25 representing 80 percent of the costs identified in paragraph (2) of
26 subdivision (a) of Section 108671 and that do business in the state,
27 to submit a written response to the department’s determination
28 that the product is a contributing product. The written response
29 shall include, but not be limited to, all of the following:

30 (1)

31 (a) A written ~~risk assessment~~ analysis that identifies the public
32 health impacts resulting from the sale of the product in this state.

33 (b) A list of mitigation strategies sufficient to reasonably reduce
34 adverse public health impacts identified in the ~~risk assessment~~
35 *analysis*.

36 108673. The department may enact all regulations necessary
37 to implement this article pursuant to the Administrative Procedure
38 Act (Chapter 3.5 (commencing with Section 11340) of Part 1 of
39 Division 3 of Title 2 of the Government Code).

1 108674. The department may charge the manufacturer of the
2 contributing product an amount not exceeding twenty thousand
3 dollars (\$20,000) for the reasonable costs of reviewing the ~~risk~~
4 ~~assessment~~ *analysis* and mitigation document submitted pursuant
5 to Section 108672. Fees collected pursuant to this subdivision shall
6 be placed in the Public Health Fund, which is hereby established
7 in the State Treasury and which may be used by the department,
8 upon appropriation by the Legislature, for the implementation of
9 this article.

10 108675. (a) Notwithstanding subdivision (c) of Section
11 25257.1, the requirements of this article shall not be interpreted
12 to affect any authority of the Department of Toxic Substances
13 Control pursuant to Article 14 (commencing with Section 25251)
14 of Chapter 6.5 of Division 20.

15 (b) *This article does not limit, and shall not be construed to*
16 *limit, the department's or any other department's or agency's*
17 *existing authority over consumer product regulation.*

18 (c) *This article does not authorize the department to supersede*
19 *the regulatory authority of any other department or agency.*

20 (d) *The department shall not duplicate or adopt conflicting*
21 *regulations for product categories already regulated or subject to*
22 *pending regulation consistent with the purposes of this article.*