

ASSEMBLY BILL

No. 775

Introduced by Assembly Member Chiu

February 25, 2015

An act to amend Section 123375 of the Health and Safety Code, relating to public health.

LEGISLATIVE COUNSEL'S DIGEST

AB 775, as introduced, Chiu. Public health: maternal health.

Existing law, with exceptions, prohibits a person from selling, offering for sale, giving away, distributing, or otherwise furnishing materials intended to determine the presence of pregnancy, unless that person has obtained a certificate of acceptability from the State Department of Public Health declaring that the materials have been approved as to efficacy and safety by the department.

This bill would make technical, nonsubstantive changes to that provision.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

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

1 SECTION 1. Section 123375 of the Health and Safety Code
2 is amended to read:
3 123375. (a) Except as otherwise provided in subdivision (b),
4 ~~no~~ a person shall *not* sell, offer for sale, give away, distribute, or
5 otherwise furnish materials intended to determine the presence of
6 pregnancy, unless that person has obtained a certificate of

1 acceptability from the department declaring that the materials have
2 been approved as to efficacy and safety by the department.

3 (b) Subdivision (a) shall not apply to materials intended to
4 determine the presence of pregnancy, that are sold, offered for
5 sale, given away, distributed, or otherwise furnished to a physician
6 and surgeon licensed to practice in this state, a pharmacist licensed
7 to practice in this state, a licensed primary care clinic, a licensed
8 health facility, or a public health agency.

9 (c) Any person other than a person described in subdivision
10 (b) who intends to sell, offer for sale, give away, distribute or
11 otherwise furnish materials intended to determine the presence of
12 pregnancy shall first make application to the state department for
13 certification of the materials. The department shall also require
14 that an application for certification shall be accompanied by
15 samples of any materials that are the subject of the application as
16 the department may reasonably require.

17 ~~Any~~

18 (d) *Any* violation of this section is a misdemeanor.