

AMENDED IN ASSEMBLY AUGUST 1, 2016

AMENDED IN SENATE JUNE 1, 2016

AMENDED IN SENATE APRIL 12, 2016

SENATE BILL

No. 1090

Introduced by Senator Mitchell

(Coauthors: Assembly Members Cristina Garcia, Gipson, and Williams)

February 17, 2016

An act to amend Sections 120500, 120505, 120510, 120515, 120535, 120540, 120565, 120575, and 120605 of, to add Section 120511 to, and to repeal and add Section 120525 of, the Health and Safety Code, relating to sexually transmitted diseases.

LEGISLATIVE COUNSEL'S DIGEST

SB 1090, as amended, Mitchell. Sexually transmitted diseases: outreach and screening services.

The existing Communicable Disease Prevention and Control Act defines the term "venereal disease" to mean syphilis, gonorrhea, chancroid, lymphopathia venereum, granuloma inguinale, and chlamydia. Existing law requires the State Department of Public Health to develop and review plans and participate in a program for the prevention and control of venereal disease, and authorizes the department to establish, maintain, and subsidize clinics, dispensaries, and prophylactic stations for the diagnosis, treatment, and prevention of venereal disease.

This bill would delete the term "venereal disease" and would instead use the term "sexually transmitted diseases" (STDs), which would be defined as diseases that are primarily transmitted through sexual contact. The bill would require the department, to the extent funds are

appropriated by the Legislature, to allocate grants to local health jurisdictions for STD outreach and screening services. The bill would target and prioritize the allocation of funds to counties based on population and incidence of STDs and would require the allocation of funds to targeted counties to balance the need to spread funding to as many counties as possible and the need to provide meaningful services to each funded county. The bill would make specified mandates and accountability measures applicable to the county and to the community-based organization when providing the outreach and screening services.

This bill would require the department to authorize innovative and impactful outreach and screening services, such as voluntary screening of inmates and wards of county adult and juvenile corrections facilities, and use of state-of-the-art testing modalities. The bill would require the department to use the accountability measures developed under the bill in order to monitor the activities funded by the bill and would limit the department’s expenditures on administrative costs to no more than 10% of the funds appropriated by the Legislature for this purpose.

The bill would also delete obsolete provisions and make conforming changes.

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 120500 of the Health and Safety Code
- 2 is amended to read:
- 3 120500. As used in the Communicable Disease Prevention and
- 4 Control Act, defined in Section 27, “sexually transmitted diseases”
- 5 means diseases that are primarily transmitted through sexual
- 6 contact.
- 7 SEC. 2. Section 120505 of the Health and Safety Code is
- 8 amended to read:
- 9 120505. The department shall develop and review plans and
- 10 provide leadership and consultation for, and participate in, a
- 11 program for the prevention and control of sexually transmitted
- 12 diseases.
- 13 SEC. 3. Section 120510 of the Health and Safety Code is
- 14 amended to read:

1 120510. The department shall cooperate in the prevention,
2 control, and cure of sexually transmitted diseases with all of the
3 following:

- 4 (a) Physicians and surgeons.
- 5 (b) Medical schools.
- 6 (c) Public and private hospitals, dispensaries, and clinics.
- 7 (d) Administrators of public and private elementary and
8 secondary schools and public and private postsecondary
9 educational institutions.
- 10 (e) Penal and charitable institutions.
- 11 (f) Detention homes.
- 12 (g) Federal, state, local, and district health officers, boards of
13 health, and all other health authorities.
- 14 (h) Institutions caring for the mentally ill.
- 15 (i) Any other persons, institutions, or agencies.

16 SEC. 4. Section 120511 is added to the Health and Safety Code,
17 to read:

18 120511. (a) To the extent funds are appropriated by the
19 Legislature for these purposes, the department shall allocate funds
20 to local health jurisdictions for sexually transmitted disease
21 outreach and screening services in accordance with the following:

22 (1) Counties shall be targeted and prioritized based on
23 population and incidence of sexually transmitted diseases.

24 (2) Funds shall be allocated to targeted counties in a manner
25 that balances the need to spread funding to as many counties as
26 possible and the need to provide meaningful services to each
27 funded county.

28 (3) Each recipient county shall demonstrate to the department
29 that the county has done all of the following:

- 30 (A) Identified priority target populations.
- 31 (B) Satisfactorily described its outreach protocols.
- 32 (C) Included community-based partners for outreach and
33 screening.
- 34 (D) Allocated resources for laboratory costs.

35 (4) The department shall develop measures for each county
36 funded pursuant to this section to demonstrate accountability.

37 (b) The department shall authorize innovative and impactful
38 outreach and screening services, including, but not limited to, the
39 following:

1 (1) Voluntary screening for sexually transmitted diseases among
2 inmates and wards of county adult and juvenile correctional
3 facilities.

4 (2) Social media platforms that allow a person to receive test
5 results, share test results with partners, access treatment services,
6 and reduce administrative costs.

7 (3) State-of-the-art testing modalities that ensure swift and
8 accurate screening for sexually transmitted diseases.

9 (4) Community-based testing and disease investigation.

10 (c) The department shall monitor activities in funded counties,
11 based on the accountability measures required under paragraph
12 (4) of subdivision (a) in order to assess the effectiveness of outreach
13 and screening efforts.

14 (d) The department shall spend no more than 10 percent of any
15 funds appropriated by the Legislature for purposes of this section
16 for administrative costs.

17 (e) *It is the intent of the Legislature that the services identified*
18 *in this section are to enhance the services that are already*
19 *provided. Therefore, nothing in this section shall be construed to*
20 *require the department to replace existing services with the services*
21 *provided for in subdivision (a) or to prevent the department from*
22 *adding new services as may be appropriate.*

23 SEC. 5. Section 120515 of the Health and Safety Code is
24 amended to read:

25 120515. The department shall investigate conditions affecting
26 the prevention and control of sexually transmitted diseases and
27 approved procedures for prevention and control, and shall
28 disseminate educational information relative thereto.

29 SEC. 6. Section 120525 of the Health and Safety Code is
30 repealed.

31 SEC. 7. Section 120525 is added to the Health and Safety Code,
32 to read:

33 120525. The department may provide medical, advisory,
34 financial, or other assistance to organizations as may be approved
35 by it.

36 SEC. 8. Section 120535 of the Health and Safety Code is
37 amended to read:

38 120535. Any state agency conducting a public hospital shall
39 admit acute sexually transmitted disease cases, when, in the opinion
40 of the department or the local health officer having jurisdiction,

1 persons infected with a sexually transmitted disease may be a
2 menace to public health.

3 SEC. 9. Section 120540 of the Health and Safety Code is
4 amended to read:

5 120540. The department may require any physician in
6 attendance on a person infected, or suspected of being infected,
7 with a sexually transmitted disease infection to submit specimens
8 as may be designated for examination, when in its opinion the
9 procedure is reasonably necessary to carry out the provisions and
10 purposes of this chapter.

11 SEC. 10. Section 120565 of the Health and Safety Code is
12 amended to read:

13 120565. If a person subject to proper sexually transmitted
14 disease control measures discontinues any control procedure
15 required by this chapter, the agency administering the procedure,
16 prior to the discontinuance, shall make reasonable efforts to
17 determine whether the person is continuing to comply with the
18 procedure elsewhere.

19 SEC. 11. Section 120575 of the Health and Safety Code is
20 amended to read:

21 120575. It is the duty of the local health officers to use every
22 available means to ascertain the existence of cases of infectious
23 sexually transmitted diseases within their respective jurisdictions,
24 to investigate all cases that are not, or probably are not, subject to
25 proper control measures approved by the board, to ascertain so far
26 as possible all sources of infection, and to take all measures
27 reasonably necessary to prevent the transmission of infection.

28 SEC. 12. Section 120605 of the Health and Safety Code is
29 amended to read:

30 120605. This chapter shall not be construed to interfere with
31 the freedom of any adherent of teachings of any well-recognized
32 religious sect, denomination, or organization to depend exclusively
33 upon prayer for healing in accordance with the teachings of the
34 religious sect, denomination, or organization. That person, along
35 with any person treating him or her, shall be exempt from all
36 provisions of this chapter regarding sexually transmitted diseases,
37 except that the provisions of this code and the regulations of the
38 board regarding compulsory reporting of communicable diseases
39 and the quarantine of those diseases, and regarding callings that a

- 1 person with a sexually transmitted disease may not engage, shall
- 2 apply.

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