

**Senate Bill No. 1090**

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Passed the Senate August 26, 2016

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*Secretary of the Senate*

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Passed the Assembly August 23, 2016

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*Chief Clerk of the Assembly*

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This bill was received by the Governor this \_\_\_\_\_ day  
of \_\_\_\_\_, 2016, at \_\_\_\_\_ o'clock \_\_\_\_M.

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*Private Secretary of the Governor*

## CHAPTER \_\_\_\_\_

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, 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, screening, and other core 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 when providing the outreach, screening, and other core services.

This bill would provide that the department, in awarding funds pursuant to these provisions, may authorize innovative and impactful outreach, screening, and other core 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.

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

SECTION 1. Section 120500 of the Health and Safety Code is amended to read:

120500. As used in the Communicable Disease Prevention and Control Act, defined in Section 27, "sexually transmitted diseases" means diseases that are primarily transmitted through sexual contact.

SEC. 2. Section 120505 of the Health and Safety Code is amended to read:

120505. The department shall develop and review plans and provide leadership and consultation for, and participate in, a program for the prevention and control of sexually transmitted diseases.

SEC. 3. Section 120510 of the Health and Safety Code is amended to read:

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

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

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

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

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

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

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

(A) Identified priority target populations.

(B) Satisfactorily described its outreach protocols.

(C) Included community-based partners for outreach, screening, and other core services.

(D) Allocated resources for laboratory costs.

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

(b) In awarding funds pursuant to subdivision (a), the department may authorize innovative and impactful outreach, screening, and other core services, including, but not limited to, the following:

(1) Voluntary screening for sexually transmitted diseases among inmates and wards of county adult and juvenile correctional facilities. The department may provide assistance or guidance to the local health jurisdiction if necessary to secure participation by other county agencies.

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

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

(4) Community-based testing and disease investigation.

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

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

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

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

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

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

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

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

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

120535. Any state agency conducting a public hospital shall admit acute sexually transmitted disease cases, when, in the opinion of the department or the local health officer having jurisdiction, persons infected with a sexually transmitted disease may be a menace to public health.

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

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

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

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

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

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

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

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



Approved \_\_\_\_\_, 2016

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*Governor*