

ASSEMBLY BILL

No. 854

Introduced by Assembly Member Mazzoni
(Coauthor: Senator Thompson)

February 27, 1997

An act to amend Section 112165 of the Health and Safety Code, relating to health.

LEGISLATIVE COUNSEL'S DIGEST

AB 854, as introduced, Mazzoni. Shellfish sanitation standards.

Existing law requires the State Department of Health Services to adopt regulations regarding shellfish, including the minimum requirements for growing and harvesting of areas, harvesting and plant facility specifications, and fees.

Existing law authorizes the department to adopt any regulations that it determines necessary to interpret and enforce those provisions of law dealing with the sanitary control of shellfish. Existing law requires that the regulations conform so far as possible to the relevant standards adopted by the National Shellfish Sanitation Program.

This bill would instead require the department to adopt regulations to interpret and enforce those provisions of law dealing with the sanitary control of shellfish. The bill would require the department to provide scientific justification in the rulemaking process for any standards and procedures that exceed the standards and procedures established in the Model Ordinance adopted in 1996 by the National Shellfish Sanitation Program and would 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 112165 of the Health and Safety
2 Code is amended to read:

3 112165. (a) The department shall adopt regulations
4 regarding all of the following:

5 (1) The classification and minimum requirements for
6 growing and harvesting areas, for relaying and
7 depuration procedures, and for aquaculture facilities that
8 are used for the cultivation and production of shellfish.

9 (2) Specifications for plant facilities and for the
10 harvesting, transporting, storing, handling, packing, and
11 repacking of shellfish.

12 (3) Fees.

13 (b) The department ~~may~~ shall adopt ~~any~~ regulations
14 ~~that it determines are necessary~~ to interpret and enforce
15 the provisions of this chapter. The regulations shall be
16 adopted by the department in the manner prescribed by
17 Chapter 3.5 (commencing with Section 11340) of Part 1
18 of Division 3 of Title 2 of the Government Code.

19 (c) The regulations shall conform, so far as possible, to
20 the standards ~~that are or~~ *procedures established in the*
21 *Model Ordinance* adopted in 1996 by the National
22 Shellfish Sanitation Program that pertain to the
23 evaluation of shellfish-growing areas and handling
24 facilities, but shall provide for regulating other wastes or
25 contaminants not covered by the *Model Ordinance*
26 *adopted in 1996 by the* National Shellfish Sanitation
27 Program that would render shellfish unsafe or unfit for
28 human consumption. *If the department adopts standards*
29 *or procedures that exceed standards or procedures*
30 *established in the Model Ordinance adopted in 1996 by*
31 *the National Shellfish Sanitation Program, the*
32 *department shall provide scientific justification for those*
33 *standards and procedures in the rulemaking process.*

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