

**ASSEMBLY BILL**

**No. 2056**

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**Introduced by Assembly Member Floyd**

February 18, 1998

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An act to amend Section 1246.5 of the Business and Professions Code, relating to clinical laboratory technology.

LEGISLATIVE COUNSEL'S DIGEST

AB 2056, as introduced, Floyd. Clinical laboratory tests.

Existing law authorizes any person to request, and any licensed clinical laboratory or public health laboratory to perform under certain circumstances, laboratory tests for pregnancy, glucose level, cholesterol, and occult blood. Existing law authorizes the test results to be given directly to the person requesting these tests and requires the test results to be provided in a manner that presents clear information and that identifies results indicating the need for referral to a physician and surgeon. Existing law authorizes the State Department of Health Services to add additional tests if the tests have been approved by the federal Food and Drug Administration for over-the-counter sale. Violation of the law regulating clinical laboratories is a misdemeanor.

This bill would extend those provisions to authorize any person to request, and any licensed clinical laboratory or public health laboratory to perform, any laboratory test. The bill would authorize the laboratory to provide the test results directly to the person requesting the test, provided that the test is on or for that person's own body. The bill would state legislative intent regarding its purposes, and would further

state that it shall be known as the Consumer Access to Laboratory Testing Act. By changing the definition of a crime, the bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

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

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

1 SECTION 1. It is the intent of the Legislature in  
2 enacting this act to promote health care in California by  
3 increasing the opportunity for consumers to obtain high  
4 quality laboratory testing by licensed clinical laboratories.  
5 The Legislature recognizes that expanded access to  
6 medical testing will result in a citizenry that is more  
7 knowledgeable about the status of various bodily  
8 conditions, and, therefore, more involved in maintaining  
9 good health.

10 SEC. 2. Section 1246.5 of the Business and Professions  
11 Code is amended to read:

12 1246.5. (a) *This section shall be known, and may be*  
13 *cited as, the Consumer Access to Laboratory Testing Act.*

14 (b) Notwithstanding any other provision of law, any  
15 person may request, and any licensed clinical laboratory  
16 or public health laboratory may perform, ~~the laboratory~~  
17 ~~tests specified in this section. A registered clinical~~  
18 ~~laboratory may perform the laboratory tests specified in~~  
19 ~~this section if the test is subject to a certificate of waiver~~  
20 ~~under CLIA and the laboratory has registered with the~~  
21 ~~department under paragraph (2) of subdivision (a) of~~  
22 ~~Section 1265~~ *any laboratory test desired by the requesting*  
23 *person.* The results from any test may be provided  
24 directly to the person requesting the test provided the  
25 test is on or for his or her own body. These test results shall  
26 be provided in a manner that presents clear information



1 and that identifies results indicating the need for referral  
2 to a physician and surgeon.

3 ~~The tests that may be conducted pursuant to this~~  
4 ~~section are: pregnancy, glucose level, cholesterol, and~~  
5 ~~occult blood.~~

6 ~~The department may add additional tests to the list of~~  
7 ~~tests specified in this section. However, the director may~~  
8 ~~consider the addition of a test only after it has been~~  
9 ~~approved by the federal Food and Drug Administration~~  
10 ~~for sale to the public without a prescription in the form~~  
11 ~~of an over-the-counter test kit.~~

12 SEC. 3. No reimbursement is required by this act  
13 pursuant to Section 6 of Article XIII B of the California  
14 Constitution because the only costs that may be incurred  
15 by a local agency or school district will be incurred  
16 because this act creates a new crime or infraction,  
17 eliminates a crime or infraction, or changes the penalty  
18 for a crime or infraction, within the meaning of Section  
19 17556 of the Government Code, or changes the definition  
20 of a crime within the meaning of Section 6 of Article  
21 XIII B of the California Constitution.

22 Notwithstanding Section 17580 of the Government  
23 Code, unless otherwise specified, the provisions of this act  
24 shall become operative on the same date that the act  
25 takes effect pursuant to the California Constitution.

