

Senate Bill No. 1489

CHAPTER 416

An act to amend Section 1602.5 of, and to repeal Section 1602 of, the Health and Safety Code, relating to health services.

[Approved by Governor August 28, 1998. Filed with
Secretary of State August 31, 1998.]

LEGISLATIVE COUNSEL'S DIGEST

SB 1489, Johnson. Health services: production of blood and blood derivatives.

Existing law prohibits any person from engaging in the production of human whole blood or human whole blood derivatives unless the person is licensed under specified provisions of law, and unless the human whole blood or human whole blood derivative is collected, prepared, labeled, and stored in accordance with standards published by the American Association of Blood Banks and regulations adopted by the State Department of Health Services. Existing law authorizes the department to determine, under certain circumstances, that no portion of any amendments or later editions of the standards published by the American Association of Blood Banks shall become effective.

Under existing law, the violation of any of the provisions relating to human whole blood and human whole blood derivatives is a misdemeanor.

This bill would require that any standards established by the department be adopted only after consultation with representatives of the American Association of Blood Banks. The bill would provide that the standards published by the American Association of Blood Banks shall be the standards for all licensed blood banks and blood transfusion services in the state. Because the bill would create a new crime, it would impose a state-mandated local program.

Existing law provides that persons licensed by the Public Health Service, United States Department of Health and Human Services, are not required to comply with the above described requirements for engaging in the production of human whole blood or human whole blood derivatives, or any regulations adopted thereunder.

This bill would repeal this exemption for persons licensed by the Public Health Service, United States Department of Health and Human Services. Because the bill would expand the scope of an existing crime by making criminal sanctions applicable to a broader category of persons, it 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.

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

SECTION 1. Section 1602 of the Health and Safety Code is repealed.

SEC. 2. Section 1602.5 of the Health and Safety Code is amended to read:

1602.5. (a) No person shall engage in the production of human whole blood or human whole blood derivatives unless the person is licensed under this chapter and the human whole blood or human whole blood derivative is collected, prepared, labeled, and stored in accordance with both of the following:

(1) The standards set forth in the 13th Edition of “Standards for Blood Banks and Transfusion Services,” as published by the American Association of Blood Banks and in effect on November 15, 1989, or any amendments thereto or later published editions or amendments thereto. These shall be the standards for all licensed blood banks and blood transfusion services in the state.

(2) Those provisions of Title 17 of the California Code of Regulations that are continued in effect by subdivision (c) or that are adopted pursuant to subdivision (b).

(b) The department may, by the adoption of regulations, establish and require compliance with requirements in addition to, or in lieu of, those in subdivision (a) as the department deems appropriate to reflect changing technology or to improve the safety of human whole blood or human whole blood derivatives. Any standards adopted pursuant to this subdivision shall be adopted after consultation with representatives of the American Association of Blood Banks.

(c) Until the time superseded by any regulation adopted pursuant to this section, all of the provisions of Group 1 (commencing with Section 950) of Subchapter 1 of Chapter 2 of Part 1 of Title 17 of the California Code of Regulations shall remain in effect with the exception of the following:

- (1) Subdivisions (i) to (k), inclusive, of Section 997.
- (2) Sections 999 and 1001.
- (3) Subdivisions (a) to (c), inclusive, of Section 1002.
- (4) Paragraphs (2) and (3) of subdivision (e) of Section 1002.
- (5) Subdivisions (f) and (g) of Section 1002.
- (6) Paragraphs (2) to (6), inclusive, of subdivision (h) of Section 1002.
- (7) Subdivisions (i), (k), and (l) of Section 1002.
- (8) Subdivisions (a) to (c), inclusive, of Section 1004.
- (9) Sections 1010, 1012, 1013, 1014, 1024, and 1024.1.



(10) Subdivisions (a), (b), and (e) of Section 1025.

(11) Paragraphs (1) to (3), inclusive, of subdivision (c) of Section 1025.

(d) (1) Any amendment to the 13th Edition of “Standards for Blood Banks and Transfusion Services,” any later editions, or any amendments thereto, published by the American Association of Blood Banks shall become effective in California 90 days after the effective date of this section, or 90 days after publication by the association, unless the department sends written notice, within such a 90-day period, to all persons licensed under this chapter to engage in the production of human whole blood or human whole blood derivatives, indicating which portions shall not become effective.

(2) The department may determine that no portion of any amendments or later editions shall become effective. The department shall determine that no portion of an amendment or later edition shall become effective pursuant to this section whenever the department has not received a copy of the amendment or later edition by the date it is published by the American Association of Blood Banks.

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

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

