

AMENDED IN SENATE APRIL 14, 2009

SENATE BILL

No. 148

Introduced by Senator Oropeza
(Coauthors: Senators Alquist and Florez)

February 12, 2009

An act to add Section 115102 to the Health and Safety Code, relating to mammography.

LEGISLATIVE COUNSEL'S DIGEST

SB 148, as amended, Oropeza. Mammogram machines: inspection: posting of results.

Existing law, commonly known as the Radiation Protection Act of 1988, sets forth the duties of various agencies relating to the protection of the public health and safety from the harmful effects of radiation, including, among others, the duties of the State Department of Public Health regarding the licensing and regulation of radiologic technology, including, but not limited to, the inspection of mammographic X-ray equipment. Violation of provisions relating to radiologic technology is a misdemeanor.

This bill would require a facility that operates a mammogram machine to post notices of serious violations, as defined, in an area that is visible to patients. The bill would also require the department, after January 1, 2012, to post the inspection results for each facility that provides mammography services on its Internet Web site. Because this bill would create a new 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. Section 115102 is added to the Health and Safety
2 Code, to read:
3 115102. (a) A facility that operates a mammogram machine
4 shall post notices of serious violations in an area that is visible to
5 patients. For purposes of this section, “serious violation” means a
6 ~~violation that poses a significant threat to public health.~~ deviation,
7 *identified by an inspector, from federal Mammography Quality*
8 *Standards Act of 1992 (42 U.S.C. Sec. 263b) standards, in effect*
9 *as of December 31, 2009, that may seriously compromise the*
10 *quality of mammography services that are offered by the facility.*
11 (b) Not later than January 1, 2012, the department shall post the
12 inspection results for each facility that provides mammography
13 services on its Internet Web site.
14 SEC. 2. No reimbursement is required by this act pursuant to
15 Section 6 of Article XIII B of the California Constitution because
16 the only costs that may be incurred by a local agency or school
17 district will be incurred because this act creates a new crime or
18 infraction, eliminates a crime or infraction, or changes the penalty
19 for a crime or infraction, within the meaning of Section 17556 of
20 the Government Code, or changes the definition of a crime within
21 the meaning of Section 6 of Article XIII B of the California
22 Constitution.