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2019 CA S 932	**Author:** Wiener **Version:** Chaptered **Version Date:** 09/26/2020

Senate Bill No. 932

CHAPTER 183

An act to add Section 120255 to the Health and Safety Code, relating to communicable diseases, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor September 26, 2020. Filed with Secretary of State September 26, 2020.]

LEGISLATIVE COUNSEL'S DIGEST

SB 932, Wiener. Communicable diseases: data collection.

(1) Existing law requires the State Department of Public Health to establish a list of reportable communicable and noncommunicable diseases and conditions and to specify the requirements for a health officer, as defined, to report each listed disease and condition. Existing law requires a health officer to report the listed diseases and conditions and to take other specified measures to prevent the spread of disease. A violation of these requirements imposed on a health officer is a crime.

This bill would require any electronic tool used by a health officer, as defined, for the purpose of reporting cases of communicable diseases to the department, as specified, to include the capacity to collect and report data relating to sexual orientation and gender identity, thereby imposing a state-mandated local program. The bill would also require a health care provider, as defined, that knows of or is in attendance on a case or suspected case of specified communicable diseases to report to the health officer for the jurisdiction in which the patient resides the patient's sexual orientation and gender identity, if known. Because a violation of these requirements by a health care provider or a health officer would be a crime, this bill would impose a state-mandated-local program.

(2) 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 with regard to certain mandates no reimbursement is required by this act for a specified reason.

With regard to any other mandates, this bill would provide that, if the Commission on State Mandates determines that the bill contains costs so mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

(3) This bill would declare that it is to take effect immediately as an urgency statute.

Vote Required: TWO THIRDS Appropriation: NO Fiscal Committee: YES Local Program: YES Immediate Effect YES Urgency: YES Tax Levy: NO Election: NO Usual Current Expenses: NO Budget Bill: NO Prop 25 Trailer Bill: NO

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

SECTION 1. Section 120255 is added to the Health and Safety Code, to read:

120255. (a) Any electronic tool used by a health officer, as defined by subdivision (a) of Section 2500 of Title 17 of the California Code of Regulations, for the purpose of reporting cases of communicable disease to the State Department of Public Health, as required by Sections 2500 and 2502 of Title 17 of the California Code of Regulations, shall include the capacity to collect and report data relating to sexual orientation and gender identity as reported pursuant to subdivision (b).

(b) In addition to the information required to be reported pursuant to Section 2500 of Title 17 of the California Code of Regulations, a health care provider, as defined by subdivision (a) of Section 2500 of Title 17 of the California Code of Regulations, that knows of or is in attendance on a case or suspected case of any of the diseases or conditions listed in subdivision (j) of Section 2500 of Title 17 of the California Code of Regulations shall report to the health officer for the jurisdiction in which the patient resides, the patient's sexual orientation and gender identity, if known.

SEC. 2. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution for certain costs that may be incurred by a local agency or school district because, in that regard, 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.

However, if the Commission on State Mandates determines that this act contains other costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code.

SEC. 3. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the California Constitution and shall go into immediate effect. The facts constituting the necessity are:

To ensure public health officials efficiently and timely collect and report data relating to the sexual orientation and gender identity of individuals diagnosed with certain communicable diseases and because studies show that the LGBTQ community is uniquely susceptible to the economic and health impacts of communicable diseases, such as COVID-19, it is necessary for this act to take effect immediately.

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