

AMENDED IN ASSEMBLY JUNE 21, 2000

AMENDED IN ASSEMBLY APRIL 24, 2000

SENATE BILL

No. 1256

Introduced by Senator Polanco

(Principal coauthor: Assembly Member Bock)

(Coauthor: Senator Ortiz)

(Coauthors: Assembly Members Cardenas, Firebaugh, and Steinberg)

February 26, 1999

An act to amend Sections 122405 and 122410 of, and to add Sections 122406, 122415, and 122420 to, the Health and Safety Code, relating to hepatitis, and making an appropriation therefor.

LEGISLATIVE COUNSEL'S DIGEST

SB 1256, as amended, Polanco. Hepatitis C.

Existing law, the Hepatitis C Education, Screening, and Treatment Act, requires the State Department of Health Services to make available protocols and guidelines developed by the National Institutes of Health and California legislative advisory committees on hepatitis C for educating physicians and health professionals and training community service providers. Existing law further provides that these guidelines may include education programs for specified high-risk individuals.

This bill would provide that these guidelines may also include outreach programs and would expand the categories of high-risk individuals for which these programs are targeted.

This bill would require the Secretary of Veterans Affairs to report to the Legislature on or before March 1, 2001, regarding the use of funds earmarked by the federal Veteran's Administration to regional offices in California to educate, screen, and treat veterans with the hepatitis C virus. It would also require the Director of Corrections and Director of Health Services to perform various functions and duties with respect to providing outreach to, and testing of, certain targeted groups and would appropriate an unspecified amount from the General Fund to the Department of Corrections and the State Department of Health Services for these purposes.

The bill would require the Director of Health Services to ~~require county~~ *urge local* public health officials to make hepatitis C virus screening available for uninsured individuals upon request. ~~The imposition of this new requirement on counties would create 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, including the creation of a State Mandates Claims Fund to pay the costs of mandates that do not exceed \$1,000,000 statewide and other procedures for claims whose statewide costs exceed \$1,000,000.~~

~~This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions:~~

Vote: $\frac{2}{3}$. Appropriation: yes. Fiscal committee: yes.
State-mandated local program: ~~yes~~ *no*.

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

- 1 SECTION 1. Section 122405 of the Health and Safety
- 2 Code is amended to read:
- 3 122405. The Legislature hereby finds and declares all
- 4 of the following:
- 5 (a) Hepatitis C is classified as a silent killer, where no
- 6 recognizable signs or symptoms occur until severe liver
- 7 damage has occurred.



1 (b) Hepatitis C has been characterized by the World
2 Health Organization as a disease of primary concern to
3 humanity.

4 (c) Studies indicate that 1.8 percent of the population,
5 nearly 4 million Americans, carry the virus HCV that
6 causes hepatitis C. In California, as many as 500,000
7 individuals may be carriers and could develop the
8 debilitating and potentially deadly liver disease
9 associated with hepatitis C in their lifetime. An expert
10 panel, convened in March by the National Institutes of
11 Health (NIH), estimated that 30,000 acute new infections
12 occur each year in the United States, and only 25 to 30
13 percent of those are diagnosed. Current data sources
14 indicate that 8,000 to 10,000 Americans die from hepatitis
15 C each year.

16 (d) Studies also indicate that 39.4 percent of male
17 inmates and 54.5 percent of female inmates in California
18 correctional facilities have hepatitis C, 26 times higher
19 than the general population. Upon their release from
20 prison, these inmates present a significant health risk to
21 the general population of California.

22 (e) It is the intent of the Legislature to study the
23 adequacy of the health care delivery system as it pertains
24 to hepatitis C.

25 (f) It is the intent of the Legislature to urge the
26 department to make funds available to community-based
27 nonprofit organizations for education and outreach with
28 respect to the hepatitis C virus.

29 SEC. 2. Section 122406 is added to the Health and
30 Safety Code, to read:

31 122406. The Secretary of Veterans Affairs shall report
32 to the Legislature on or before March 1, 2001, regarding
33 the use of funds earmarked by the federal Veteran's
34 Administration to regional offices in California to
35 educate, screen, and treat veterans with the hepatitis C
36 virus.

37 SEC. 3. Section 122410 of the Health and Safety Code
38 is amended to read:

39 122410. (a) The State Department of Health Services
40 shall make available protocols and guidelines developed



1 by the National Institutes of Health and California
2 legislative advisory committees on hepatitis C for
3 educating physicians and health professionals and
4 training community service providers on the most recent
5 scientific and medical information on hepatitis C
6 detection, diagnosis, treatment, and therapeutic
7 decisionmaking.

8 (b) The guidelines referenced in subdivision (a) may
9 include, but not be limited to, all of the following:

10 (1) Tracking and reporting of both acute and chronic
11 cases of hepatitis C by public health officials.

12 (2) A cost-efficient plan to screen the prison
13 population and the medically indigent population in
14 California.

15 (3) Protocols within the Department of Corrections to
16 enable that department to provide appropriate
17 treatment to prisoners with hepatitis C.

18 (4) Protocols for the education of correctional peace
19 officers and other correctional workers who work with
20 prisoners with hepatitis C.

21 (5) Protocols for public safety and health care workers
22 who come in contact with hepatitis C patients.

23 (6) Surveillance programs to determine the
24 prevalence of hepatitis C in ethnic and other high-risk
25 populations.

26 (7) Education and outreach programs for high-risk
27 individuals, including, but not limited to, individuals who
28 received blood transfusions prior to 1992, hemophiliacs,
29 veterans, women who underwent a caesarian section or
30 premature delivery prior to 1990, persons who received
31 an organ transplant prior to 1990, persons who receive
32 invasive cosmetic procedures, including body piercing
33 and tattooing, students, minority communities, and any
34 other categories of persons at high risk for hepatitis C
35 infection as determined by the director. Education
36 programs may provide information and referral on
37 hepatitis C including, but not limited to, education
38 materials developed by health-related companies,
39 community-based or national advocacy organizations,



1 counseling, patient support groups, and existing hotlines
2 for consumers.

3 (c) Nothing in this section shall be construed to
4 require the department to develop or produce any
5 protocol, guideline, or proposal.

6 SEC. 4. Section 122415 is added to the Health and
7 Safety Code, to read:

8 122415. The Director of Corrections shall do all of the
9 following:

10 (a) Provide the budget subcommittees of the
11 Legislature, on or before March 1, with an annual
12 statistical report on the prevalence of the hepatitis C virus
13 in correctional facilities and trends in the incidence and
14 prevalence of the hepatitis C virus in the correctional
15 system.

16 (b) Establish and make available a voluntary program
17 to test inmates for the presence of the hepatitis C virus
18 upon incarceration and in conjunction with any routine
19 blood testing.

20 (c) Update treatment protocols and regimens as new
21 therapies become available.

22 SEC. 5. Section 122420 is added to the Health and
23 Safety Code, to read:

24 122420. The Director of Health Services shall do all of
25 the following:

26 (a) Develop and implement a public education and
27 outreach program to raise awareness of the hepatitis C
28 virus aimed at high-risk groups, physician's offices, health
29 care workers, and health care facilities. The program shall
30 do all of the following:

31 (1) Attempt to coordinate with national public
32 education efforts related to the identification and
33 notification of recipients of blood from hepatitis C
34 virus-positive donors.

35 (2) Attempt to stimulate interest and coordinate with
36 community-based organizations to sponsor community
37 forums and undertake other appropriate community
38 outreach activities.



1 (3) Employ public communication strategies utilizing
2 a variety of media including, but not limited to, print,
3 radio, television, and the Internet.

4 (b) Include information on co-infection of acquired
5 immune deficiency syndrome (AIDS) or hemophilia
6 with the hepatitis C virus in the professional training
7 programs under the jurisdiction of the department.

8 (c) Develop a program to work with the Department
9 of Corrections to identify hepatitis C virus-positive
10 inmates likely to be released within two years and provide
11 counseling and treatment options to reduce the
12 community risk.

13 (d) ~~Require county~~ *Urge local* public health officials to
14 make hepatitis C virus screening available for uninsured
15 individuals upon request.

16 SEC. 6. The sum of _____ dollars
17 (\$_____) is hereby appropriated from the General
18 Fund for allocation in accordance with the following
19 schedule:

20 (a) The sum of _____ dollars (\$_____) to the
21 Department of Corrections for purposes of
22 implementing Section 122415 of the Health and Safety
23 Code.

24 (b) The sum of _____ dollars (\$_____) to the
25 State Department of Health Services for purposes of
26 implementing Section 122420 of the Health and Safety
27 Code.

28 ~~SEC. 7. Notwithstanding Section 17610 of the~~
29 ~~Government Code, if the Commission on State Mandates~~
30 ~~determines that this act contains costs mandated by the~~
31 ~~state, reimbursement to local agencies and school~~
32 ~~districts for those costs shall be made pursuant to Part 7~~
33 ~~(commencing with Section 17500) of Division 4 of Title~~
34 ~~2 of the Government Code. If the statewide cost of the~~
35 ~~claim for reimbursement does not exceed one million~~
36 ~~dollars (\$1,000,000), reimbursement shall be made from~~
37 ~~the State Mandates Claims Fund.~~

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