

Senate Bill No. 1256

CHAPTER 754

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.

[Approved by Governor September 26, 2000. Filed
with Secretary of State September 27, 2000.]

On this date I have signed Senate Bill 1256 with a reduction.

This bill requires (1) the State Department of Health Services to develop and implement a public education and outreach program to raise awareness of Hepatitis C, (2) an annual report to the Legislature by the California Department of Corrections on the prevalence of Hepatitis C in correctional facilities, and (3) a report to the Legislature by the Department of Veterans Affairs regarding the use of funds earmarked by the federal Veterans Administration to regional offices in CA to education, screen and treat veterans with the Hepatitis C virus.

This bill addresses a growing public health concern, with as many as 500,000 Californians affected by the virus. This problem is particularly acute among veterans, with 20% of veterans tested nationally since 1998 testing positive for Hepatitis C. For this reason, I am directing the Department of Health Services to allocate at least 50% of the funds made available by this bill to outreach, education and testing efforts targeted at veterans. I am also reducing the appropriation contained in the bill by \$500,000. The revised appropriation shall be \$1,500,000.

GRAY DAVIS, Governor

LEGISLATIVE COUNSEL'S DIGEST

SB 1256, 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 \$2,000,000 from the General Fund to the State Department of Health Services for these purposes.

The bill would require the Director of Health Services to include hepatitis C counseling, education, and testing, as appropriate, into local state-funded programs, and urge local public health officials to make hepatitis C virus screening available for uninsured individuals upon request.

Appropriation: yes.

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

SECTION 1. Section 122405 of the Health and Safety Code is amended to read:

122405. The Legislature hereby finds and declares all of the following:

(a) Hepatitis C is classified as a silent killer, where no recognizable signs or symptoms occur until severe liver damage has occurred.

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

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

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

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

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

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

122406. The Secretary of Veterans Affairs shall 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.



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

122410. (a) The State Department of Health Services shall make available protocols and guidelines developed by the National Institutes of Health, the University of California at San Francisco, and California legislative advisory committees on hepatitis C for educating physicians and health professionals and training community service providers on the most recent scientific and medical information on hepatitis C detection, transmission, diagnosis, treatment, and therapeutic decisionmaking.

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

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

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

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

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

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

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

(7) Education and outreach programs for high-risk individuals, including, but not limited to, individuals who received blood transfusions prior to 1992, hemophiliacs, veterans, women who underwent a caesarian section or premature delivery prior to 1990, persons who received an organ transplant prior to 1990, persons who receive invasive cosmetic procedures, including body piercing and tattooing, students, minority communities, and any other categories of persons at high risk for hepatitis C infection as determined by the director. Education and outreach programs shall be targeted to high-risk individuals as determined by the director. Education programs may provide information and referral on hepatitis C including, but not limited to, education materials developed by health-related companies, community-based or national advocacy organizations, counseling, patient support groups, and existing hotlines for consumers.

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

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

122415. (a) The Director of Corrections shall do all of the following:



(1) Provide the budget subcommittees of the Legislature, on or before March 1, 2002, with an annual statistical report on the prevalence of the hepatitis C virus in correctional facilities and trends in the incidence and prevalence of the hepatitis C virus in the correctional system.

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

(3) Update treatment protocols and regimens as new therapies become available.

(b) This section shall be implemented only to the extent funds for this purpose have been appropriated in the annual Budget Act.

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

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

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

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

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

(3) Employ public communication strategies utilizing a variety of media that may include, but is not limited to, print, radio, television, and the Internet.

(b) Include information on co-infection of human immunodeficiency virus (HIV) or hemophilia with the hepatitis C virus in the professional training and all appropriate care and treatment programs under the jurisdiction of the department.

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

(d) Urge local public health officials to make hepatitis C virus screening available for uninsured individuals upon request.

(e) Include hepatitis C counseling, education, and testing, as appropriate, into local state-funded programs including those addressing HIV, tuberculosis, sexually transmitted disease, and all other appropriate programs approved by the director.

SEC. 6. The sum of two million dollars (\$2,000,000) is hereby appropriated from the General Fund to the State Department of



Health Services for purposes of implementing Section 122420 of the Health and Safety Code.

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