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HEALTH AND SAFETY CODE - HSC

DIVISION 104. ENVIRONMENTAL HEALTH [106500 - 119406] (*Division 104 added by Stats. 1995, Ch. 415, Sec. 6.)*

PART 10. RECREATIONAL SAFETY [115725 - 116095] (*Part 10 added by Stats. 1995, Ch. 415, Sec. 6.)*

CHAPTER 5. Safe Recreational Water Use [115825 - 116090.7] (*Chapter 5 added by Stats. 1995, Ch. 415, Sec. 6.)*

ARTICLE 7. Fish and Shellfish Consumption Advisories [116090.6 - 116090.7] (*Article 7 added by Stats. 2019, Ch. 538, Sec. 1.)*

116090.6. For purposes of this article, the following terms have the following meanings:

- (a) "Local health officer" means the legally appointed health officer or director of environmental health of the city, county, or city and county, having jurisdiction over the area in which a publicly accessible body of water is located, which may include a coastal area.
- (b) "Office" means the Office of Environmental Health Hazard Assessment.
- (c) "Site-specific fish or shellfish health advisory" means a consumption advisory regarding fish or shellfish in a specified body of water or area of that body of water, which may include a specified area of coastal waters.

(*Added by Stats. 2019, Ch. 538, Sec. 1. (AB 762) Effective January 1, 2020.*)

116090.7. (a) Upon issuance by the office of a site-specific fish or shellfish health advisory pursuant to Section 59011 of this code or Section 13177.5 of the Water Code, a local health officer shall conspicuously post health warnings at public access points to locations where contaminated fish or shellfish may be caught, including piers, jetties, lakes, reservoirs, and other areas where recreational or subsistence fishing is known to occur, consistent with any program guidelines adopted by the State Water Resources Control Board pursuant to paragraph (2) of subdivision (e). The local health officer shall coordinate with the office, the State Department of Public Health, the Department of Fish and Wildlife, and the appropriate regional water quality control board to identify appropriate posting locations and signage. The local health officer shall be responsible for maintaining the signage until the office rescinds or revises the relevant site-specific fish or shellfish health advisory.

(b) (1) A local health officer shall post health warnings pursuant to this section within 180 days of receiving grant funding for posting those warnings awarded pursuant to paragraph (1) of subdivision (e). If a local health officer does not request grant funding for a fiscal year pursuant to paragraph (1) of subdivision (e), the local health officer shall post health warnings pursuant to this section within 180 days of the deadline for requesting grant funding for that fiscal year.

(2) At a minimum, the health warnings shall contain information on contaminants of concern and consumption guidelines issued by the office.

(c) (1) The office shall make available on its internet website digital posters of health warnings for each site-specific fish or shellfish health advisory issued pursuant to this article that local health officers may use in meeting their responsibilities under this article.

(2) The office shall make the digital posters available in English, Spanish, and other languages that persons who commonly fish in the area will understand, as determined by the office in consultation with the local health officer.

(d) If a local health officer has requested grant funding awarded pursuant to paragraph (1) of subdivision (e), the duties imposed on the local health officer's local agency pursuant to this section are mandatory only to the extent that the local health officer has received grant funding to cover a local agency's costs associated with the performance of the duties imposed by this section. If a local health officer does not request grant funding for a fiscal year awarded pursuant to paragraph (1) of subdivision (e), the duties imposed on the local health officer's local agency pursuant to this section are mandatory for that fiscal year.

(e) (1) Upon an appropriation for this purpose in the annual Budget Act or another statute, the State Water Resources Control Board shall award grants to local agencies, or to qualified nonprofit organizations to distribute to local agencies, to meet the requirements of this section.

(2) The State Water Resources Control Board may adopt program guidelines and procedures to administer appropriated funds. The State Water Resources Control Board shall consult with the office, the State Department of Public Health, the Department of Fish and Wildlife, and the regional water quality control boards, and shall hold a public workshop before the adoption of any program guidelines and procedures. The adoption of program guidelines and procedures is not subject to Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code.

(3) Of the funds appropriated for the purposes of this section, the State Water Resources Control Board may use not more than 5 percent of the amount appropriated for its administrative costs.

(4) (A) On or before December 31, 2022, the State Water Resources Control Board shall submit a report to the Legislature summarizing whether or not the funds appropriated for local health officers to implement this section are sufficient.

(B) The report shall include, but is not limited to, all of the following information:

(i) A list of where the health advisories have been posted in accordance with this article. The list shall identify the health advisory postings funded by an appropriation in the annual Budget Act or another statute for this purpose.

(ii) A list of local agencies that have posted health advisories in accordance with this article. The list shall identify the local agencies that received a grant funded by an appropriation in the annual Budget Act or another statute for this purpose.

(iii) A summary of the bodies of water for which the office has issued health advisories pursuant to Section 59011 of this code or Section 13177.5 of the Water Code, but for which health advisories have not been posted in accordance with this article.

(iv) A cost estimate of the appropriation amount necessary to ensure full funding for implementation of this article.

(C) The report shall be submitted in compliance with Section 9795 of the Government Code.

(D) Pursuant to Section 10231.5 of the Government Code, this paragraph is inoperative on December 31, 2026.

(Added by Stats. 2019, Ch. 538, Sec. 1. (AB 762) Effective January 1, 2020.)