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AB-1787 Pesticide testing. (2021-2022)

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Assembly Bill No. 1787

CHAPTER 108

An act to amend Section 105206 of the Health and Safety Code, relating to pesticides.

[Approved by Governor July 19, 2022. Filed with Secretary of State July 19, 2022.]

LEGISLATIVE COUNSEL'S DIGEST

AB 1787, Quirk. Pesticide testing.

Existing law, until January 1, 2023, requires an employer to contract with a medical supervisor registered with the Office of Environmental Health Hazard Assessment to satisfy the employer's responsibilities for medical supervision of employees who regularly handle pesticides, as provided. Until January 1, 2023, existing law requires a laboratory that performs tests ordered by a medical supervisor to report specified information to the Department of Pesticide Regulation, including the test results, the purpose of the test, and the name, address, and telephone number of the medical supervisor who ordered the analysis.

This bill would extend those requirements to January 1, 2027, and, additionally, would require the laboratory to report the unique identifier of the person tested, as defined, the National Provider Identifier (NPI) of the medical supervisor who ordered the analysis, and the accession number of the specimen.

Vote: majority Appropriation: no Fiscal Committee: yes Local Program: no

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Section 105206 of the Health and Safety Code is amended to read:

105206. (a) In order for an employer to satisfy their responsibilities for medical supervision of their employees who regularly handle pesticides pursuant to Section 6728 of Title 3 of the California Code of Regulations, the employer shall contract with a medical supervisor registered with the Office of Environmental Health Hazard Assessment (OEHHA).

(b) A laboratory that performs tests ordered by a medical supervisor shall report the information specified in subdivision (c) to the Department of Pesticide Regulation. Reports shall be submitted to the Department of Pesticide Regulation on, at a minimum, a monthly basis. To meet the requirements in subdivision (e), the reports shall be submitted via electronic media and formatted in a manner approved by the director. The Department of Pesticide Regulation shall share information from cholinesterase reports with the OEHHA and the State Department of Public Health on an ongoing basis, in an electronic format, for the purpose of meeting the requirements of subdivisions (f) and (g).

(c) The laboratory shall report all of the following information in its possession in complying with subdivision (b):

(1) The test results in International Units per milliliter of sample (IU/mL).

(2) The purpose of the test, as indicated by the medical supervisor, as a cholinesterase test requested for an agricultural worker under medical supervision, and, if so, whether it is for a baseline, followup, or recovery test ordered to meet the requirements of Section 6728 of Title 3 of the California Code of Regulations or for the evaluation of suspected pesticide illness.

(3) The name of the person tested.

(4) The date of birth of the person tested.

(5) The unique identifier of the person tested, including both of the following:

(A) The health care facility-assigned patient identification number.

(B) The member identification, group number, and medical group name, or the provider group to which the person tested belongs.

(6) The name, National Provider Identifier (NPI), address, and telephone number of the medical supervisor who ordered the analysis.

(7) The name, address, and telephone number of the laboratory that drew and collected the blood specimen from the person tested.

(8) The date that the sample was collected from the person tested and the date the result was reported.

(9) The accession number of the specimen.

(10) Contact information for the person tested and the person's employer, if known and readily available.

(d) The registered medical supervisor ordering a cholinesterase test for a person pursuant to subdivision (b) shall note in the test order the name of the medical supervisor and the purpose of the test, pursuant to paragraph (2) of subdivision (c), and ensure that the person tested and the employer receive a copy of the cholinesterase test results and any recommendations from the medical supervisor based upon those results within 14 days of the medical supervisor's receipt of the results. The medical supervisor shall report any worker with cholinesterase depression indicating pesticide exposure to the local health officer pursuant to Section 105200.

(e) All information reported pursuant to this section shall be confidential, as provided in Section 100330, except that the OEHHA, the Department of Pesticide Regulation, and the State Department of Public Health may share the information for purposes of surveillance, case management, investigation, environmental remediation, or abatement with the appropriate county agricultural commissioner and local health officer.

(f) The OEHHA shall establish a procedure for registering and deregistering medical supervisors for purposes of outreach and training and may establish reasonable requirements for performance. The OEHHA shall review the cholinesterase test results and may provide an appropriate medical or toxicological consultation to the medical supervisor. In addition to the duties performed pursuant to Section 105210, the OEHHA, in consultation with the Department of Pesticide Regulation and the local health officer, may provide medical and toxicological consultation, as appropriate, to the county agricultural commissioner to address medical issues related to the investigation of cholinesterase inhibitor-related illness.

(g) The Department of Pesticide Regulation and the OEHHA shall prepare and publicly post an update on the effectiveness of the medical supervision program and the utility of laboratory-based reporting of cholinesterase testing for illness surveillance and prevention by January 1, 2021.

(h) This section shall remain in effect only until January 1, 2027, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2027, deletes or extends that date.