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AB-269 Public health: COVID-19 testing and dispensing sites. (2023-2024)

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Date Published: 03/03/2023 04:00 AM

Assembly Bill No. 269

CHAPTER 1

An act to add Section 1206.7 to, and to add and repeal Section 4176 of, the Business and Professions Code, and to add Section 101161 to the Health and Safety Code, relating to public health, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor March 02, 2023. Filed with Secretary of State March 02, 2023.]

LEGISLATIVE COUNSEL'S DIGEST

AB 269, Berman. Public health: COVID-19 testing and dispensing sites.

Existing law, the California Emergency Services Act, authorizes the Governor to declare a state of emergency during conditions of disaster or extreme peril to persons or property, including epidemics. Pursuant to this authority, on March 4, 2020, the Governor declared a state of emergency relating to the novel coronavirus 2019 (COVID-19) pandemic, and ordered, among other things, that the certification and licensure requirements as specified in statute and regulation be suspended to all persons who meet the requirements under the Clinical Laboratory Improvement Amendments (CLIA) for high complexity testing and who are performing analysis of samples to test for SARS-CoV-2, the virus that causes COVID-19, in any certified public health laboratory or licensed clinical laboratory, and that the California Health and Human Services Agency is required to identify and make available medical facilities and other facilities that are suitable for use as medical facilities as necessary for treating individuals who test positive for COVID-19.

This bill would authorize a person to perform an analysis of samples to test for SARS-CoV-2 in a clinical laboratory or a city, county, or city and county public health laboratory if they meet the requirements under CLIA for high complexity testing. The bill would, until January 1, 2024, authorize an entity contracted with and approved by the State Department of Public Health to operate a designated COVID-19 testing and dispensing site to acquire, dispense, and store COVID-19 oral therapeutics, as defined, at or from a designated site.

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

Vote: 2/3 Appropriation: no Fiscal Committee: yes Local Program: no

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

SECTION 1. Section 1206.7 is added to the Business and Professions Code, to read:

1206.7. Notwithstanding Section 1206.5, a person may perform an analysis of samples to test for SARS-CoV-2, the virus that causes COVID-19, in a clinical laboratory if they meet the requirements under the Clinical Laboratory Improvement Amendments in Section 493.1489 of Title 42 of the Code of Federal Regulations for high complexity testing.

SEC. 2. Section 4176 is added to the Business and Professions Code, to read:

4176. (a) Notwithstanding any other law, an entity contracted with and approved by the State Department of Public Health to operate a designated COVID-19 testing and dispensing site may acquire, dispense, and store COVID-19 oral therapeutics at or from a designated site. COVID-19 oral therapeutics shall be stored in a secure manner, as determined by the State Department of Public Health. Nothing in this chapter shall prohibit the distribution of COVID-19 oral therapeutics to, or acquisition by, an approved entity or a designated site.

(b) A prescribing physician, or a registered nurse under the direction of such physician, may dispense COVID-19 oral therapeutics to patients at a designated site.

(c) COVID-19 oral therapeutics that are packaged by the manufacturer in a dispensable container shall be dispensed in the original manufacturer's container. Each COVID-19 oral therapeutic dispensed shall be labeled as specified in paragraphs (1), (2), (3), (4), (5), (7), (8), and (9) of subdivision (a) of Section 4076. The label shall also include the address of the designated site where the therapeutic is dispensed.

(d) An entity contracted with and approved by the department to operate a designated site pursuant to subdivision (a) shall maintain for three years records of acquisition and disposition for each site, including the kind and amounts of COVID-19 oral therapeutics dispensed at each site and for each patient. The records shall be available for inspection by the State Department of Public Health and the board.

(e) For purposes of this section, "COVID-19 oral therapeutics" means drugs that are approved or authorized by the United States Food and Drug Administration for the treatment of COVID-19 and administered orally.

(f) This section shall remain in effect only until January 1, 2024, and as of that date is repealed.

SEC. 3. Section 101161 is added to the Health and Safety Code, to read:

101161. A person may perform an analysis of samples to test for SARS-CoV-2, the virus that causes COVID-19, in any city or county public health laboratory if they meet the requirements under the Clinical Laboratory Improvement Amendments in Section 493.1489 of Title 42 of the Code of Federal Regulations for high complexity testing.

SEC. 4. 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:

In order to ensure the continued ability of nurses to dispense COVID-19 therapeutics as part of the Test to Treat Program and address the technical qualifications of laboratory workers allowing them to solely process COVID-19 tests, it is necessary that this act take effect immediately.