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STATUTORY LANGUAGE—

Reorganization Plan No. 1 of 1970

As Required by Section 8523 of the Government Code

An act to amend Sections 6021, 27551, 27971, 27991, 27992, 27993, 28054, 28055, 28062, 28082, 28083, 28084, 28085, 28086, 28090, 28093, 28141, 41302, 41331, 41332, 41581, 56351, and 58382 of the Agricultural Code; to amend Sections 101, 555, 1435.6, 1601, 2100, 2701, 2718, 2728, 2841, 2842, 3010, 3148, 3151, 4000, 4006, 4035, 4047, 4160, 4360, 4800, 7311, 9001, 9007, and 23007 of, and to add Section 101.5 to, the Business and Professions Code; to amend Sections 4011, 5671, 5672, and 5674 of the Fish and Game Code; to amend Sections 1322, 11200, 11550.5, and 12803 of the Government Code; to amend Sections 3229 and 3230 of the Harbors and Navigations Code; to amend the heading of Part 1 (commencing with Section 100) of Division 1 of, and Sections 21, 22, 200, 205, 214, 217, 249, 280, 291, 300, 304, 305, 310, 374, 382, 384, 400, 405, 410, 416, 416.9, 416.10, 416.12, 416.13, 416.14, 416.15, 416.16, 417, 417.3, 420, 425, 428, 429, 429.11,

LEGISLATIVE COUNSEL'S DIGEST

Executive reorganization: plan 1

Amends, adds, repeals, various provisions, various codes.

Reduces Executive Reorganization Plan No. 1 of 1970 to statutory form without substantive change.

Specifically abolishes Departments of Mental Hygiene, Public Health, and Health Care Services and transfers their functions to new Department of Health; transfer social services functions of Department of Social Welfare to Department of Health; transfers alcoholism functions of Department of Rehabilitation to Department of Health; transfers 10 health related licensing boards from Department of Professional and Vocational Standards to Department of Health; abolishes State Board of Public Health, Health Planning Council, and the Health Review and Program Council, and transfers their functions to a created Advisory Health Council, except for licensing and regulatory powers of the State Board of Public Health, which are transferred to the Department of Health; designates Advisory Health Council the board of health required by the constitution; and provides for provisions to become operative upon certification of the Director of Health.

429.30, 431, 432.2, 432.9, 433, 434, 435.2, 435.7, 436.2, 436.45, 436.50, 436.51, 436.52, 436.53, 436.57, 436.58, 436.59, 436.60, 436.61, 436.62, 436.63, 437, 437.1, 437.2, 437.3, 437.5, 437.7, 437.8, 438.1, 438.3, 438.4, 452, 541, 1101, 1102, 1110, 1110.5, 1111, 1112, 1130, 1140, 1153, 1155, 1156, 1157, 1203, 1204, 1210, 1213, 1236, 1237, 1402.1, 1415, 1419, 1420, 1421, 1421.5, 1424, 1457, 1509, 1513, 1514, 1600.6, 1651, 1685, 1686, 1701, 1725, 1727, 1756, 1760, 2283.5, 3110, 3226, 3296, 3380, 3382, 3387, 3400, 3407, 3701, 3751, 3801, 3901, 4008, 4010.1, 4051, 4403, 4457, 4463, 4470.1, 5465, 5474.29, 5474.30, 7152, 10001, 10025, 10066, 10439, 11655.5, 11722, 11901, 13399.6, 18897.2, 18897.6, 18897.7, 24101, 24156, 24159, 25600, 25600.5, 25661, 25663, 25696, 25697, 25771, 25812, 25896, 25990.5, 26011, 26051, 26234, 26243, 26255, 26271, 26273, 26289, 26289.5, 26290, 26290.5, 26291, 26294, 26310, 26311, 26321, 26322, 26323, 26324, 26325, 26330, 26332, 26333, 26334, 26335, 26341, 26360, 26366, 26366.5, 26367, 26368, 26369, 26369.5, 26381, 26387, 26467, 26472, 26473, 26475, 26476, 26495, 26540, 26540.1, 26540.2, 26542, 26542.1, 26543, 26544, 26545, 26546, 26553, 26554, 26555, 26556, 26557, 26558, 26568, 26582, 26586, 26586.5, 26588, 26589, 26589.5, 26590, 26601, 26622, 26623, 26624, 26630, 27000, 27002, 27010, 27041, 28122, 28123, 28127, 28130, 28131, 28132, 28133, 28140, 28141, 28143, 28144, 28145, 28147, 28149, 28153, 28180, 28182, 28211, 28214, 28296, 28297, 28298, 28313, 28317, 28322, 28325, 28332, 28333, 28334, 28335, 28336, 28339, 28360, 28364, 28380, 28383, 28385, 28386, 28400, 28401, 28402, 28403, 28410, 28411, 28411.5, 28412, 28413, 28415, 28416, 28418, 28430, 28431, 28432, 28433, 28440, 28441, 28442, 28451, 28452, 28478, 28479, 28483, 28487, 28504, 28507, 28508, 28616.1, 28694.5, 28700, 28716, 28742, 32002, 32127.2, 32201, 38003, 38056, 38060, 38101, 38150, 38202, 38203, 38250, 38253, 39020, 39023, 39051, and 39052 of, to add Chapter 1 (commencing with Section 100) to Part 1 of Division 1 and Sections 431.2 and 437.05 to, and to repeal Chapter 1 (commencing with Section 100) of Part 1 of Division 1 and Sections 350, 351, 354, 431.2, 431.10, 26343, 26344, and 26559 of, the Health and Safety Code; to amend Sections 1535 and 1554 of the Probate Code; and to amend Sections 20, 703, 727, 1128, 1756.5, 3003, 3300, 4001, 4002, 4003, 4004, 4008, 4011, 4012, 4012.5, 4100, 4101, 4104, 4105, 4107.1, 4108, 4109, 4110, 4111, 4117, 4118, 4119, 4122, 4123, 4124, 4125, 4126, 4127, 4133, 4134, 4200, 4202, 4203, 4301, 4306, 4307, 4313, 5008, 5008.1, 5150, 5170, 5174, 5202, 5253, 5263, 5304, 5325, 5326, 5328, 5331, 5358, 5366, 5400, 5401, 5601, 5602, 5607, 5609, 5650, 5654, 5661, 5662, 5701, 5702, 5702.1, 5703, 5704, 5708, 5712, 5714.1, 5715, 5718, 5750, 5751, 5755, 5757, 5758, 5759, 5760, 5761, 5762, 5763, 5764, 5765, 5766, 6000, 6002, 6007, 6254, 6316, 6326, 6327, 6350, 6357, 6360, 6406, 6407, 6454, 6500, 6501, 6502, 6509, 6551, 6700, 6701, 6702, 6710, 6713, 6718, 6750, 7001, 7002, 7003.1, 7025, 7026, 7100, 7200, 7201, 7204, 7205, 7206, 7226,

7250, 7252, 7254, 7276, 7277, 7281, 7282, 7283, 7284, 7285, 7286, 7287, 7288, 7289, 7290, 7292, 7293, 7294, 7300, 7301, 7302, 7303, 7304, 7305, 7325, 7328, 7352, 7355, 7356, 7357, 7359, 7362, 7503, 7508, 7509, 7511, 7512, 7514, 7515, 7517, 7551, 7553, 7555, 7556, 7558, 7559, 7603, 7604, 7606, 7702, 7705, 7706, 8007, 8051, 8053, 8104, 8105, 8200, 10051, 10053, 10053.5, 10060, 10553, 10554, 10555, 10600, 10602, 10603, 10604, 10605, 10606, 10608, 10609, 10610, 10611, 10613, 10616, 10617, 10800, 10802, 10804, 10805, 10809, 10810, 10900, 10905, 10906, 11170, 11172, 11209, 11250, 11251, 11450.6, 11451.5, 11505, 12016, 13902, 13911, 13912, 14053, 14061, 14062, 14103, 14103.4, 14104, 14105, 14105.5, 14106, 14110, 14114, 16000, 16018, 16150, 16151, 16152, 16153, 16154, 16155, 16157, 16200, 16500, 18351, 18353, 18354, 18600, 18601, 18603, 19801, 19802, 19805, 19812, 19852, and 19853 of, to add Sections 10553.1, 10554.1, 10602.1, 10603.1, 10604.1, 10605.1, 10606.1, 10607.1, 10609.1, 10613.1, 10804.1, 10905.1, 11209.1, 11251.1, 18200.1, and 18205 to, and Chapter 6 (commencing with Section 16575) to Part 4 of Division 9 of, and to repeal Sections 4000, 4005, 7552, 7554, 7605, 7701, 7703, 7704, 14125, and 14126 of, and Chapter 3.5 (commencing with Section 10750) of Part 2 of Division 9 of, the Welfare and Institutions Code, relating to the reorganization of the executive branch of the California state government.

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

- 1 SECTION 1. Section 6021 of the Agricultural Code is
- 2 amended to read:
- 3 6021. If the director receives a report from the executive
- 4 officer of the State Department of Public Health which states
- 5 that field rodents in a certain area carry, or are likely to carry,
- 6 any disease, insect, or other vector of any disease which is
- 7 transmissible and injurious to humans, he shall forthwith
- 8 advise the commissioner of the county in which such rodents
- 9 exist.
- 10 SEC. 2. Section 27551 of the Agricultural Code is
- 11 amended to read:
- 12 27551. The director and the commissioners of each county,
- 13 their deputies and inspectors, under the supervision and
- 14 control of the director shall, and the State Department of
- 15 Public Health, the other city, county and state officers may,
- 16 enforce this chapter pursuant to regulations which are adopted
- 17 by the director.
- 18 SEC. 3. Section 27971 of the Agricultural Code is
- 19 amended to read:
- 20 27971. The State Department of Public Health shall en-
- 21 force this chapter and shall make and enforce all necessary
- 22 regulations in relation to it.
- 23 SEC. 4. Section 27991 of the Agricultural Code is
- 24 amended to read:

1 27991. It is unlawful for any person to do any of the fol-
2 lowing, unless he has a license issued by the State Department
3 of Public Health:

4 (a) Engage in egg breaking, liquefying, or dehydration of
5 egg products.

6 (b) Bring, or cause to be brought, into this state from other
7 states, or from outside the United States, for the purpose of
8 resale any egg product.

9 This section does not apply to any bakery or restaurant, or
10 any employee of a bakery or restaurant, in which eggs are
11 broken for immediate use upon the premises.

12 SEC. 5. Section 27992 of the Agricultural Code is
13 amended to read:

14 27992. The State Department of Public Health shall issue
15 to any person an annual nontransferable license upon the
16 receipt of one hundred dollars (\$100) for each such license
17 and such evidence as the department may require to show that
18 the applicant is properly equipped to operate such an estab-
19 lishment at each location where the applicant conducts op-
20 erations which are required to be licensed pursuant to Section
21 27991.

22 SEC. 6. Section 27993 of the Agricultural Code is
23 amended to read:

24 27993. Annual license fees payable pursuant to Section
25 27992 shall become due and payable by each person approved
26 by the State Department of Public Health on or before Janu-
27 ary 1st in each year. The fees shall be paid by the department
28 into the General Fund in the State Treasury.

29 SEC. 7. Section 28054 of the Agricultural Code is
30 amended to read:

31 28054. Certificates issued pursuant to Section 28053 shall
32 be submitted to the State Department of Public Health prior
33 to the sale of egg products covered by the certificate in inter-
34 state commerce.

35 SEC. 8. Section 28055 of the Agricultural Code is
36 amended to read:

37 28055. Any egg product which is packed in tin containers
38 that hold 30 pounds or less and sold in this state shall be
39 sold only in new containers. Plastic containers or bags may
40 be used if the plastic is of a type which is approved by the
41 Department of Public Health for food contact purpose and if
42 the closure is adequate to properly seal the package from con-
43 tamination of any type.

44 SEC. 9. Section 28062 of the Agricultural Code is amended
45 to read:

46 28062. In addition to the procedure which is authorized
47 by Section 28061, the State Department of Public Health
48 may adopt regulations which provide procedures for treat-
49 ment of egg products to make such products equally as safe
50 for human consumption as treatment by the procedure which
51 is provided in Section 28061.

1 SEC. 10. Section 28082 of the Agricultural Code is amended
2 to read:

3 28082. A person shall not sell for human consumption in
4 the state any imported egg product until it has been inspected
5 by the State Department of Public Health, found to be fit
6 for human consumption, and a permit authorizing the sale
7 has been issued.

8 SEC. 11. Section 28083 of the Agricultural Code is amended
9 to read:

10 28083. The State Department of Public Health shall cause
11 an inspection to be made of all imported egg products.

12 SEC. 12. Section 28084 of the Agricultural Code is amended
13 to read:

14 28084. If, after inspection, the imported egg product is
15 found by the State Department of Public Health to be in fit
16 condition for human consumption, the department shall issue
17 to the importer or consignee a permit which authorizes the sale
18 of the imported egg product for such purpose, together with
19 certificates of inspection equal in number to the number of
20 containers in which the imported egg product is packed.

21 SEC. 13. Section 28085 of the Agricultural Code is amended
22 to read:

23 28085. The importer or consignee shall pay for the inspec-
24 tion an inspection fee to be fixed by the State Department of
25 Public Health for each certificate of inspection.

26 SEC. 14. Section 28086 of the Agricultural Code is amended
27 to read:

28 28086. The certificate of inspection shall be in such form
29 as the State Department of Public Health deems appropriate.
30 They shall have printed upon a white background in plain
31 black letters, not less than one inch high, "frozen eggs (or, as
32 the case may be, liquid eggs, dried eggs or egg products) im-
33 ported into the State of California from without the United
34 States, inspected (inserting the date) by California Depart-
35 ment of Public Health."

36 SEC. 15. Section 28090 of the Agricultural Code is amended
37 to read:

38 28090. Every public warehouse, including a cold storage
39 warehouse, shall keep a record of, furnish to the State Depart-
40 ment of Public Health at the end of each month a statement of,
41 every imported egg product received by it during the month.
42 The statement shall show all of the following:

43 (a) The name of the depositor.

44 (b) The quantity of the imported egg product warehoused.

45 (c) The type of container in which the imported egg prod-
46 uct is packed.

47 SEC. 16. Section 28093 of the Agricultural Code is amended
48 to read:

49 28093. Every importer and wholesale distributor of any
50 imported egg product shall furnish the State Department of
51 Public Health both of the following:

(a) Within five days after the receipt of any imported egg product, a statement which shows the quantity and kind of imported egg product received and the type of container in which it is packed and the place where it is stored.

(b) Within five days after any sale, a statement which shows the person, firm, or corporation to whom the imported egg product was sold and the quantity and kind of the imported egg product.

SEC. 17. Section 28141 of the Agricultural Code is amended to read:

28141. Any violation of any provision of this chapter or any regulation which is made by the State Department of Public Health pursuant to it is punishable for the first offense by a fine not exceeding five hundred dollars (\$500) and for the second offense by a fine not exceeding one thousand dollars (\$1,000) or by imprisonment for not more than 90 days, or both.

SEC. 18. Section 41302 of the Agricultural Code is amended to read:

41302. Any act which is made unlawful by any provisions of Chapter 3 (commencing with Section 26450), Division 21 of the Health and Safety Code is not made lawful by reason of any provision of this part. This part does not limit the powers of the State Board Department of Health.

SEC. 19. Section 41331 of the Agricultural Code is amended to read:

41331. The Director of Public Health shall be charged with the enforcement of this chapter and for that purpose he shall have all the powers heretofore conferred upon the Director of Agriculture.

SEC. 20. Section 41332 of the Agricultural Code is amended to read:

41332. The Director of Public Health, for the purpose of enforcing this chapter, may do all of the following:

(a) Enter and inspect every place within the state where canned fruits or vegetables, including olives, are canned, stored, shipped, delivered for shipment, or sold, and inspect all fruits or vegetables, including olives, and containers which are found in any such place.

(b) Seize and retain possession of any canned olives or canned fruits or vegetables which are packed, shipped, delivered for shipment, or sold in violation of any provision of this chapter, and hold them pending the order of the court.

(c) Cause to be instituted and to be prosecuted in the superior court of any county of the state in which may be found canned olives or canned fruits or vegetables which are packed, shipped, delivered for shipment, or sold, in violation of any provision of this chapter, an action for the condemnation of canned olives or canned fruits or vegetables as provided by Chapter 3 (commencing with Section 26450), Division 21 of the Health and Safety Code.

SEC. 21. Section 41581 of the Agricultural Code is amended to read:

41581. If the Director of Public Health finds, after investigation and examination, that any canned fruits or vegetables, including olives, which are found in the possession of any person, firm, company, or corporation are misbranded or mislabeled within the meaning of this chapter, he may seize such canned fruits or vegetables, including olives, and tag them "quarantined." Such canned fruits or vegetables, including olives, shall not thereafter be sold, removed, or otherwise disposed of pending a hearing and final disposition as provided by Chapter 3 (commencing with Section 26450), Division 21 of the Health and Safety Code.

SEC. 22. Section 56351 of the Agricultural Code is amended to read:

56351. A claim may not be made against the seller of any farm product by a dealer or cash buyer pursuant to this chapter, and no credit may be allowed to such dealer or cash buyer against a producer of any farm product by reason of damage to, or loss, dumping, or disposal of any farm product which is sold to such dealer or cash buyer, in any payment, accounting, or settlement which is made by the dealer or cash buyer to the producer, unless the dealer or cash buyer has secured and is in possession of a certificate, which is issued by a commissioner, as defined in Section 26, a county health officer, the director, a duly authorized officer of the State Board Department of Health, or by some other official now or hereafter authorized by law, to the effect that the farm product which is involved has been damaged, dumped, destroyed, or otherwise disposed of as unfit for human consumption or as in violation of the fruit and vegetable standards which are contained in Division 17 (commencing with Section 42501) of this code.

SEC. 23. Section 58382 of the Agricultural Code is amended to read:

58382. A person that receives any agricultural product, for sale on commission or for sale or exchange for the benefit of any other person, shall not destroy, abandon, discard as refuse, or dump, such product, without a permit in writing from the commissioner, county health officer, director, Secretary Director of the State Board Department of Health, or from some other official now or hereafter authorized by law to issue permits for the destruction of such product. Such permits, together with a detailed statement of every product which is destroyed pursuant to the permit, shall be kept on file by the person to whom they are issued.

SEC. 23.1. Section 101 of the Business and Professions Code is amended to read:

101. The department is comprised of:

(a) The Board of Dental Examiners of California.

(b) The Board of Medical Examiners of the State of California.

(c) The State Board of Optometry.

- 1 (d) The California State Board of Pharmacy.
- 2 (e) The Board of Examiners in Veterinary Medicine.
- 3 (f) (a) The State Board of Accountancy.
- 4 (g) (b) The California State Board of Architectural Ex-
- 5 aminers.
- 6 (h) (c) The State Board of Barber Examiners.
- 7 (i) (d) The State Board of Registration for Civil and Pro-
- 8 fessional Engineers.
- 9 (j) (e) The Contractors' State License Board.
- 10 (k) (f) The State Board of Cosmetology.
- 11 (l) (g) The State Board of Funeral Directors and Em-
- 12 balmers.
- 13 (m) (h) The Structural Pest Control Board.
- 14 (n) (i) The Bureau of Furniture and Bedding Inspection.
- 15 (o) The California Board of Nursing Education and Nurse
- 16 Registration.
- 17 (p) (j) The State Board of Dry Cleaners.
- 18 (q) The Board of Chiropractic Examiners.
- 19 (r) The Board of Social Work Examiners of the State of
- 20 California.
- 21 (s) (k) The State Athletic Commission.
- 22 (t) (l) The Cemetery Board.
- 23 (u) (m) The State Board of Guide Dogs for the Blind.
- 24 (v) (n) The Bureau of Private Investigators and Adjust-
- 25 ers.
- 26 (w) (o) The Certified Shorthand Reporters Board.
- 27 (x) The Board of Vocational Nurse and Psychiatric Techni-
- 28 cian Examiners of the State of California.
- 29 (y) (p) The California State Board of Landscape Archi-
- 30 tects.
- 31 (z) (q) The Collection Agency Licensing Bureau.
- 32 (aa) (r) The Bureau of Electronic Repair Dealer Regis-
- 33 tration.
- 34 (ab) (s) The Bureau of Employment Agencies.
- 35 (ac) The Board of Osteopathic Examiners.
- 36 (ad) (t) Any other boards, offices, or officers subject to its
- 37 jurisdiction by law.
- 38 SEC. 23.2. Section 101.5 is added to the Business and Pro-
- 39 fessions Code, to read:
- 40 101.5. There are in the Department of Health the follow-
- 41 ing boards:
- 42 (a) The Board of Dental Examiners of California.
- 43 (b) The Board of Medical Examiners of California.
- 44 (c) The State Board of Optometry.
- 45 (d) The California State Board of Pharmacy.
- 46 (e) The Board of Examiners in Veterinary Medicine.
- 47 (f) The California Board of Nursing Education and Nurse
- 48 Registration.
- 49 (g) The Board of Chiropractic Examiners.
- 50 (h) The Board of Social Work Examiners of the State of
- 51 California.

- 1 (i) The Board of Vocational Nurse and Psychiatric Tech-
- 2 nician Examiners of the State of California.
- 3 (j) The Board of Osteopathic Examiners.
- 4 SEC. 24. Section 555 of the Business and Professions Code
- 5 is amended to read:
- 6 555. The State Department of Public Health shall:
- 7 (a) Enforce the provisions of this article.
- 8 (b) Promulgate rules and regulations necessary to carry
- 9 out properly the provisions of this article.
- 10 (c) Print and publish any further advice and information
- 11 concerning the dangers of ophthalmia neonatorum and the
- 12 necessity for prompt and effective treatment thereof, as it
- 13 deems necessary.
- 14 (d) Furnish without cost copies of this article to all physi-
- 15 cians, midwives and such other persons as may be lawfully
- 16 engaged in the practice of obstetrics or assisting at childbirths.
- 17 (e) Keep a proper record of any and all cases of ophthalmia
- 18 neonatorum filed in its office in pursuance of this article, and
- 19 as may come to its attention in any way, and such records
- 20 shall constitute a part of the biennial report to the Governor
- 21 and the Legislature.
- 22 (f) Report any and all violations of this article as may
- 23 come to its attention to the district attorney of the county
- 24 wherein any violation of any provision of this article has been
- 25 committed, for the purpose of prosecution.
- 26 SEC. 25. Section 1435.6 of the Business and Professions
- 27 Code is amended to read:
- 28 1435.6. If the alleged incompetent person is a patient in or
- 29 on leave of absence from a state institution under the juris-
- 30 diction of the Department of Mental Hygiene Health, the
- 31 petition shall set forth the name of such institution, and a
- 32 copy of such notice and petition shall be mailed to the Director
- 33 of Mental Hygiene Health at his office in Sacramento at least
- 34 10 days prior to the hearing, and the director may appear
- 35 and represent the interests of such incompetent spouse.
- 36 SEC. 26. Section 1601 of the Business and Professions Code
- 37 is amended to read:
- 38 1601. There is in the Department of Professional and Voca-
- 39 tional Standards Health a Board of Dental Examiners of Cali-
- 40 fornia in which the administration of this chapter is vested.
- 41 The board consists of seven practicing dentists and one public
- 42 member.
- 43 SEC. 27. Section 2100 of the Business and Professions Code
- 44 is amended to read:
- 45 2100. There is in the Department of Professional and
- 46 Vocational Standards Health a Board of Medical Examiners
- 47 of the State of California which consists of 11 members who
- 48 shall be appointed by the Governor, one of whom shall be a
- 49 public member.
- 50 SEC. 28. Section 2701 of the Business and Professions Code
- 51 is amended to read:

2701. The Board of Nurse Examiners of the State of California, consisting of six members, is continued in existence in the Department of Professional and Vocational Standards Health as the California Board of Nursing Education and Nurse Registration.

Within the meaning of this chapter, board, or the board, refers to the California Board of Nursing Education and Nurse Registration. Any reference in state law to the Board of Nurse Examiners of the State of California shall be construed to refer to the California Board of Nursing Education and Nurse Registration.

SEC. 29. Section 2718 of the Business and Professions Code is amended to read:

2718. The advisory council to the Board of Nurse Examiners of the State of California is hereby continued in existence as the advisory council to the California Board of Nursing Education and Nurse Registration. The advisory council shall be composed of:

(a) Two persons who are members of and shall represent the California State Medical Association.

(b) One person who is a member of and shall represent the California Hospital Association.

(c) One person who is a member of and shall represent the Western Conference of the Catholic Hospital Association.

(d) Two persons who are members of and shall represent the California League for Nursing, one representative to be from the nursing education department and one from the public health department of the organization.

(e) Two persons who are members of and shall represent the California Nurses' Association.

(f) One person who is a member of and shall represent the California Teachers' Association.

(g) The Director, State Department of Public Health, or his representative.

(h) Three lay members, representing the public.

The three lay members shall be appointed by the Governor for a term of three years. The other members, except for the Director of the State Department of Public Health, who shall serve ex officio, shall be appointed by the board for a term of three years as provided in this section.

Within 30 days after this section goes into effect, and thereafter within 30 days after any vacancy occurs, each of the above mentioned organizations whose members may be qualified to fill the vacancy and/or vacancies then existing, shall submit to the board the names of persons qualified to represent it on said advisory council, from which said lists the board shall make its appointments. The list or lists so submitted shall each contain not less than twice the number of names of qualified persons as there shall be vacancies existing.

SEC. 30. Section 2728 of the Business and Professions Code is amended to read:

2728. If adequate medical and nursing supervision by a professional nurse or nurses is provided, nursing service may be given by attendants in institutions under the jurisdiction of or subject to visitation by the State Department of Public Health; the State Department of Mental Hygiene or the Department of Corrections.

The Director of Mental Hygiene Health shall determine what shall constitute adequate medical and nursing supervision in any institution under the jurisdiction of the State Department of Mental Hygiene Health.

SEC. 32. Section 2841 of the Business and Professions Code is amended to read:

2841. There is hereby created continued in existence in the Department of Professional and Vocational Standards Health a Board of Vocational Nurse and Psychiatric Technician Examiners of the State of California, consisting of 11 members.

Within the meaning of this chapter, board, or the board, refers to the Board of Vocational Nurse and Psychiatric Technician Examiners of the State of California.

SEC. 33. Section 2842 of the Business and Professions Code is amended to read:

2842. Each member of the board shall be a citizen of the United States and a resident of the State of California. One member shall be a duly licensed physician and surgeon; one member shall be a registered nurse who shall have had not less than five years' experience as a teacher or administrator in an accredited school of nursing offering a program of study in professional nursing under the provisions of Chapter 6, Division 2 of the Business and Professions Code or in an accredited school of vocational nursing; one member shall be a hospital administrator; one member shall be a public school administrator of this state; two members shall be certified psychiatric technicians, each of whom shall have had not less than five years experience in a psychiatric hospital, or in a psychiatric unit of a hospital licensed by the Department of Public Health, or private institution licensed by the Department of Mental Hygiene Health; and five members shall be duly licensed vocational nurses who have been licensed for a period of three years prior to appointment.

No person may serve as a member of the board for more than two consecutive terms.

Per diem and expenses of members of the board who are certified psychiatric technicians shall be paid solely from revenues received pursuant to the provisions of Chapter 10 (commencing with Section 4500) of Division 2.

SEC. 34. Section 3010 of the Business and Professions Code is amended to read:

3010. There is in the Department of Professional and Vocational Standards Health a State Board of Optometry in which the enforcement of this chapter is vested. The board consists of six members appointed by the Governor, one of whom shall be a public member.

1 Four members of the board shall constitute a quorum.

2 SEC. 35. Section 3148 of the Business and Professions
3 Code is amended to read:

4 3148. From each fee for the renewal of a certificate of reg-
5 istration for the renewal periods ending on January 31, 1962,
6 and on January 31, 1963, respectively, there shall be paid the
7 sum of eight dollars (\$8), and from each fee for the renewal
8 of a certificate of registration for each biennial renewal period
9 thereafter, there shall be paid the sum of sixteen dollars (\$16)
10 by the Director of the Department of Professional and Voca-
11 tional Standards Health to the University of California.

12 This sum shall be used at and by the University of Cali-
13 fornia solely for the advancement of optometrical research
14 and the maintenance and support of the department at the
15 university in which the science of optometry is taught.

16 The balance of each renewal fee shall be paid into the op-
17 tometry fund.

18 SEC. 36. Section 3151 of the Business and Professions Code
19 is amended to read:

20 3151. The Director of Professional and Vocational Stand-
21 ards Health shall, within 30 days prior to each general session
22 of the Legislature, submit to the Governor a full and true
23 report of transactions under this chapter during the current
24 biennium, including a complete statement of receipts and ex-
25 penditures during that period.

26 In addition, the Director of Professional and Vocational
27 Standards Health, within 10 days after the beginning of each
28 month, shall report to the State Controller all collections and
29 receipts for the preceding month, and at the same time shall
30 pay them into the Optometry Fund in the State Treasury.

31 SEC. 37. Section 4000 of the Business and Professions Code
32 is amended to read:

33 4000. There is in the Department of Professional and Vo-
34 cational Standards Health a California State Board of Phar-
35 macy in which the administration and enforcement of this
36 chapter is vested. The board consists of eight members who
37 shall be appointed by the Governor.

38 SEC. 38. Section 4006 of the Business and Professions Code
39 is amended to read:

40 4006. The executive secretary shall give receipts for all
41 money received by him and pay it to the Department of Pro-
42 fessional and Vocational Standards Health, taking its receipt
43 therefor. Besides the duties required by this chapter, the exec-
44 utive secretary shall perform such other duties pertaining to
45 his office as may be required of him by the board.

46 SEC. 39. Section 4035 of the Business and Professions Code
47 is amended to read:

48 4035. Pharmacy is an area, place or premises in which the
49 profession of pharmacy is practiced and where prescriptions
50 are compounded. "Pharmacy" means and includes but is not
51 limited to any area, place or premises described in a permit
52 issued by the board by reference to plans filed with and ap-

1 proved by the board wherein narcotics or dangerous drugs or
2 dangerous devices, as they are herein defined, are stored,
3 possessed, prepared, manufactured, derived, compounded or
4 repackaged, and from which said narcotics or dangerous drugs
5 or dangerous devices are furnished, sold, or dispensed at retail.

6 "Pharmacy" shall not include any area in a facility li-
7 censed by the Bureau of Hospitals of the State Department
8 of Public Health where floor supplies, ward supplies, oper-
9 ating room supplies, or emergency room supplies of drugs
10 or dangerous devices are stored or possessed solely for treat-
11 ment of patients registered for treatment in the facility or
12 for treatment of patients receiving emergency care in the
13 facility.

14 "Narcotics or dangerous drugs or dangerous devices" as
15 used herein shall include but is not limited to all narcotics,
16 drugs or devices which are included within one or more of the
17 following classifications:

18 (a) Drugs or devices bearing the legend, "Caution, federal
19 law prohibits dispensing without prescription," or words of
20 similar import.

21 (b) Narcotics as defined by Sections 11001 and 11002 of
22 the Health and Safety Code.

23 (c) Drugs or devices enumerated in Section 4211 of this
24 code.

25 (d) Drugs or devices heretofore or hereafter classified as
26 dangerous by the board pursuant to Sections 4061 and 4240
27 of this code.

28 (e) Poisons, hypodermic syringes and needles, or other
29 drugs or devices, the sale of which is restricted by law to a
30 registered pharmacist.

31 All pharmacies in existence on the effective date of this
32 section shall comply with the provisions of this section within
33 five years following the effective date thereof.

34 SEC. 40. Section 4047 of the Business and Professions Code
35 is amended to read:

36 4047. As used in this chapter, "licensed or county hospi-
37 tal" means an institution, place, building, or agency which
38 maintains and operates organized facilities for one or more
39 persons for the diagnosis, care, and treatment of human ill-
40 nesses to which persons may be admitted for overnight stay,
41 and includes any institution classified under regulations issued
42 by the Bureau of Hospitals of the State Department of Public
43 Health as a general or specialized hospital, as a maternity
44 hospital, or as a tuberculosis hospital, but does not include a
45 sanatorium, rest home, a nursing or convalescent home, a
46 maternity home, an institution for treating alcoholics, or
47 lying-in asylums.

48 SEC. 41. Section 4160 of the Business and Professions Code
49 is amended to read:

50 4160. "Poison" means and includes the compositions of
51 the following schedules:

Schedule "A"

- 1
- 2
- 3 (a) Arsenic compounds and preparations.
- 4 (b) Cyanides and preparations, including hydrocyanic acid.
- 5 (c) Fluorides soluble in water, and preparations.
- 6 (d) Mercury compounds and preparations, except prepara-
- 7 tions made and labeled for external use only and containing
- 8 not more than five-tenths percent (0.5%) total mercury, and
- 9 except ointments or soaps containing not more than two per-
- 10 cent (2.0%) total mercury or not more than ten percent
- 11 (10.0%) ammonium mercuric chloride or mercuric oxide.
- 12 (e) Phosphorus and preparations.
- 13 (f) Thallium compounds and preparations.
- 14 (g) Aconite, belladonna, cantharides, cocculus, conium, dig-
- 15 italis, gelsemium, hyoseyamus, nux vomica, santonica, stra-
- 16 monium, strophanthus, veratrum, or their contained or derived
- 17 active compounds and preparations, except preparations made
- 18 and labeled for external use only, and except preparations con-
- 19 taining not more than four-thousandths percent (0.004%)
- 20 total belladonna alkaloids or not more than two-hundredths
- 21 percent (0.02%) total nux vomica alkaloids, and except prepa-
- 22 rations in dosage forms each containing not more than two-
- 23 tenths milligram (0.20 mg.) total belladonna alkaloids or not
- 24 more than one milligram (1.0 mg.) total nux vomica alkaloids.
- 25 (h) Zinc phosphide and preparations.
- 26 (i) Sodium fluoroacetate and preparations.

Schedule "B"

- 27
- 28
- 29
- 30 (a) Antimony, barium, copper, lead, silver or zinc com-
- 31 pounds soluble in water, and preparations containing five
- 32 percent (5.0%) or more of these compounds.
- 33 (b) Bromine or iodine and preparations.
- 34 (c) Hypochlorous acid, free or combined, and preparations
- 35 that yield ten percent (10.0%) or more of available chlorine,
- 36 excepting chloride of lime or bleaching powder.
- 37 (d) Permanganates soluble in water, and preparations con-
- 38 taining five percent (5.0%) or more of these compounds.
- 39 (e) Nitric acid and preparations containing five percent
- 40 (5.0%) or more of the free acid.
- 41 (f) Hydrochloric, hydrobromic or sulfuric acids, and prepa-
- 42 rations containing ten percent (10.0%) or more of the free
- 43 acids.
- 44 (g) Oxalic acid or oxalates, and preparations containing
- 45 ten percent (10.0%) or more of these compounds.
- 46 (h) Acetic acid and preparations containing twenty percent
- 47 (20.0%) or more of the free acid.
- 48 (i) Potassium or sodium hydroxides, and preparations con-
- 49 taining ten percent (10.0%) or more of the free alkalis.
- 50 (j) Ammonia solutions or ammonium hydroxide, and prepa-
- 51 rations containing five percent (5.0%) or more of free am-
- 52 monia.

- 1 (k) Chloroform or ether, and preparations containing five
- 2 percent (5.0%) or more of these compounds, except prepara-
- 3 tions made and labeled for external use only.
- 4 (l) Methyl alcohol or formaldehyde, and preparations con-
- 5 taining one percent (1.0%) or more of these compounds, ex-
- 6 cept when used as a preservative and not sold to the general
- 7 public.
- 8 (m) Phenol or carbolic acid, cresols or other phenol deriva-
- 9 tives, soluble in water, and preparations containing five per-
- 10 cent (5.0%) or more of these compounds.
- 11 (n) Nitroglycerine and nitrites.
- 12 (o) Nicotine and preparations containing nicotine expressed
- 13 as alkaloid more than two percent (2.0%).
- 14 (p) Ergot, cottonroot, pennyroyal and larkspur, or their
- 15 contained or derived active compounds or mixtures thereof.

Schedule "C"

- 16
- 17
- 18
- 19 (a) Carbon tetrachloride.
- 20 (b) Camphorated oil.
- 21 (c) Boric acid.
- 22

Schedule "D"

- 23
- 24
- 25 (a) Any glue or cement containing toluene.
- 26 (b) Any glue or cement containing a substance which the
- 27 Department of Public Health has determined by regulations
- 28 adopted pursuant to the Administrative Procedure Act (Chap-
- 29 ter 4 (commencing with Section 11370), Chapter 4.5 (com-
- 30 mencing with Section 11371), and Chapter 5 (commencing
- 31 with Section 11500), Part 1, Division 3, Title 2, Government
- 32 Code) has toxic qualities similar to toluene and should, in the
- 33 interest of public safety, be subject to the provisions of this
- 34 article.
- 35 Subdivisions (a) and (b) of Schedule "D" shall not apply
- 36 to any glue or cement which has been certified by the Depart-
- 37 ment of Public Health as containing a substance which makes
- 38 such glue or cement malodorous or causes such glue or cement
- 39 to induce sneezing, nor shall subdivisions (a) and (b) of
- 40 Schedule "D" apply where the glue or cement is sold, deliv-
- 41 ered, or given away simultaneously with or as part of a kit used
- 42 for the construction of model airplanes, model boats, model
- 43 automobiles, model trains, or other similar models.
- 44 SEC. 42. Section 4360 of the Business and Professions Code
- 45 is amended to read:
- 46 4360. A person whose certificate, license, permit, registra-
- 47 tion or exemption has been revoked or suspended for more
- 48 than one year, may petition the board to reinstate the certifi-
- 49 cate, license, permit, registration or exemption after a period
- 50 of not less than one year has elapsed from the date of the
- 51 revocation or suspension.

1 The petition shall state such facts as may be required by
2 the board. The petition shall be accompanied by two or more
3 verified recommendations from holders of certificates, licenses,
4 permits, registrations or exemptions issued by the board to
5 which the petition is addressed and by two or more recommen-
6 dations from citizens each having personal knowledge of the
7 activities of the petitioner since the disciplinary penalty was
8 imposed. The petition shall be heard at the next regular meet-
9 ing of the board, held not earlier than 30 days after the peti-
10 tion was filed. The hearing may be continued from time to
11 time as the board finds necessary. No petition shall be consid-
12 ered while the petitioner is under sentence for any criminal
13 offense, including any period during which he is on probation
14 or parole.

15 In determining whether the disciplinary penalty should be
16 set aside and the terms and conditions, if any, which should
17 be imposed if the disciplinary penalty is set aside, the board
18 may investigate and consider all activities of the petitioner
19 since the disciplinary action was taken against him, the offense
20 for which he was disciplined, his activity during the time his
21 certificate, license, permit, registration or exemption was in
22 good standing, and his general reputation for truth, profes-
23 sional ability and good character. The affirmative vote of at
24 least five members of the board is necessary to set aside a
25 penalty and to restore a certificate, license, permit, registra-
26 tion or exemption with or without terms, conditions and re-
27 strictions. The board may grant or deny, without a hearing or
28 argument, any petition filed pursuant to this section, where
29 the petitioner has been afforded a hearing upon any petition
30 filed pursuant to this section within a period of two years
31 immediately preceding the filing of such petition.

32 The executive secretary shall enter in his records of the
33 case all actions of the board in setting aside a disciplinary
34 penalty under this section, and he shall certify notices to the
35 Department of Professional and Vocational Standards Health.
36 The Department of Professional and Vocational Standards
37 Health shall make such changes on its records as may be
38 necessary.

39 SEC. 43. Section 4800 of the Business and Professions
40 Code is amended to read:

41 4800. There is in the Department of Professional and Voca-
42 tional Standards Health a Board of Examiners in Veterinary
43 Medicine in which the administration of this chapter is vested.
44 The board consists of six members appointed by the Governor,
45 one of whom shall be a public member.

46 SEC. 44. Section 7311 of the Business and Professions
47 Code is amended to read:

48 7311. The board may adopt such rules governing sanitary
49 conditions, and precautions to be employed as are reasonably
50 necessary to prevent the creating or spreading of infectious or
51 contagious diseases in cosmetological establishments, schools of
52 cosmetology, in the practice of a cosmetologist, and in any

1 branch of cosmetology. Such rules shall be adopted in accord-
2 ance with the provisions of the Administrative Procedure Act,
3 and shall be submitted to the Department of Public Health,
4 and approved by such department prior to transmission to the
5 Department of Professional and Vocational Standards for
6 filing with the Secretary of State. A copy of all such rules
7 shall be furnished to each licensee.

8 SEC. 45. Section 9001 of the Business and Professions
9 Code is amended to read:

10 9001. There is in the Department of Professional and Vo-
11 cational Standards Health a Social Worker and Marriage
12 Counselor Qualifications Board of the State of California,
13 which consists of nine members appointed by the Governor
14 with the advice and consent of the Senate.

15 SEC. 46. Section 9007 of the Business and Professions
16 Code is amended to read:

17 9007. With the approval of the Director of Professional and
18 Vocational Standards Health, the board shall fix the salary
19 of the executive secretary.

20 SEC. 47. Section 23007 of the Business and Professions
21 Code is amended to read:

22 23007. "Wine" means the product obtained from normal
23 alcoholic fermentation of the juice of sound ripe grapes or
24 other agricultural products containing natural or added sugar
25 or any such alcoholic beverage to which is added grape brandy,
26 fruit brandy, or spirits of wine, which is distilled from the
27 particular agricultural product or products of which the wine
28 is made and other rectified wine products and by whatever
29 name and which does not contain more than 15 percent added
30 flavoring, coloring, and blending material and which contains
31 not more than 24 percent of alcohol by volume, and includes
32 vermouth and sake, known as Japanese rice wine.

33 Nothing contained in this section affects or limits the power,
34 authority, or duty of the Department of Public Health in the
35 enforcement of the laws directed toward preventing the manu-
36 facture, production, sale, or transportation of adulterated, mis-
37 branded, or mislabeled alcoholic beverages, and the definition
38 of "wine" contained in this section is limited strictly to the
39 purposes of this division and does not extend to, or repeal by
40 implication, any law preventing the production, manufacture,
41 sale, or transportation of adulterated, misbranded, or misla-
42 beled alcoholic beverages.

43 SEC. 48. Section 4011 of the Fish and Game Code is
44 amended to read:

45 4011. Fur-bearing mammals and game mammals when in-
46 volved in dangerous disease outbreaks, may be taken by duly
47 constituted federal officers of the United States Departments
48 of Agriculture, Interior, and Public Health and state officers
49 of the California Departments of Agriculture, Public Health,
50 and Fish and Game.

SEC. 49. Section 5671 of the Fish and Game Code is amended to read:

5671. The State Department of Public Health may:

(a) Examine any area from which shellfish may be taken.
(b) Determine whether the area is subject to sewage contamination.

(c) Determine whether the taking of shellfish from the area does or may constitute a menace to the lives or health of human beings.

SEC. 50. Section 5672 of the Fish and Game Code is amended to read:

5672. Upon the determination by the Department of Public Health that the area is or may be subject to sewage contamination, and that the taking of shellfish from it does or may constitute a menace to the lives or health of human beings, it shall ascertain as accurately as it can the bounds of the contamination, and shall post notices on or in the area describing its bounds and prohibiting the taking of shellfish therefrom.

The taking of shellfish from the area is unlawful after the completion of the publication of the notices as prescribed in this article.

SEC. 51. Section 5674 of the Fish and Game Code is amended to read:

5674. The Department of Public Health shall enforce the provisions of this article, and for that purpose the inspectors and employees of that agency may enter at all times upon public or private property upon which shellfish may be located.

SEC. 52. Section 1322 of the Government Code is amended to read:

1322. In addition to any other statutory provisions requiring confirmation by the Senate of officers appointed by the Governor, the appointments by the Governor of the following officers and the appointments by him to the listed boards and commissions are subject to confirmation by the Senate:

- (a) California Horse Racing Board.
- (b) Certified Shorthand Reporters Board.
- (c) Chief, Division of Housing.
- (d) Chief, Division of Industrial Safety.
- (e) Chief, Division of Industrial Welfare.
- (f) Chief, Division of Labor Law Enforcement.
- (g) Commissioner of Corporations.
- (h) Contractors State License Board.
- (i) Director of Fish and Game.
- (j) ~~Director of Mental Hygiene.~~
- (~~k~~) Director of Public Health.
- (~~l~~)
- (k) Real Estate Commissioner.
- (~~m~~)
- (l) State Athletic Commission.
- (~~n~~)
- (m) State Board of Barber Examiners.

(~~e~~)

(n) State Librarian.

SEC. 53. Section 11200 of the Government Code is amended to read:

11200. The Governor, upon recommendation of the director of the following state departments, may appoint not to exceed two chief deputies for the Directors of the Departments of Finance, Public Works, and General Services, and Mental Hygiene, and not to exceed one chief deputy for the Directors of the Departments of Social Welfare, Agriculture, Insurance, Employment, Motor Vehicles, Professional and Vocational Standards, and Water Resources.

The deputies provided for in this section shall be in addition to those authorized by any other law.

SEC. 54. Section 11550.5 of the Government Code is amended to read:

11550.5. An annual salary of thirty-two thousand five hundred dollars (\$32,500) shall be paid to each of the following:

(a) ~~Director of Mental Hygiene.~~

(~~b~~) Director of Public Health.

SEC. 55. Section 12803 of the Government Code is amended to read:

12803. The Health and Welfare Agency is hereby renamed the Human Relations Agency.

The Human Relations Agency consists of the following departments: Social Welfare; ~~Mental Hygiene~~; Rehabilitation; Public Health; Human Resources Development; the Youth Authority; Corrections; ~~Health Care Services~~; and Industrial Relations.

SEC. 56. Section 3229 of the Harbors and Navigation Code is amended to read:

3229. The ~~board of health~~ State Department of Health may enforce compulsory vaccination on passengers in infected vessels or vessels coming from infected ports.

SEC. 57. Section 3230 of the Harbors and Navigation Code is amended to read:

3230. The ~~board of health~~ State Department of Health may provide suitable hospitals, to be situated at or near Sausalito, and furnish and supply them with nurses and attachés, and remove thereto all persons afflicted with cholera, smallpox, yellow fever, typhus fever, or ship fever.

SEC. 58. Section 21 of the Health and Safety Code is amended to read:

21. "Director" means "Director of Public Health."

SEC. 59. Section 22 of the Health and Safety Code is amended to read:

22. "Board" means or "State Board of Public Health," means "State Department of Health," with respect to regulatory functions heretofore performed by the State Board of Public Health or the "Advisory Health Council" with respect to all other functions heretofore performed by the board.

SEC. 60. The heading of Part 1 (commencing with Section 100) of Division 1 of the Health and Safety Code is amended to read:

PART 1. STATE DEPARTMENT OF PUBLIC HEALTH

SEC. 61. Chapter 1 (commencing with Section 100) of Part 1 of Division 1 of the Health and Safety Code is repealed.

SEC. 62. Chapter 1 (commencing with Section 100) is added to Part 1 of Division 1 of the Health and Safety Code, to read:

CHAPTER 1. ORGANIZATION

100. There is in the state government in the Human Relations Agency, a Department of Health.

101. The Department of Health is under the control of an executive officer known as the Director of Health, who shall be appointed by the Governor, subject to confirmation by the Senate, and hold office at the pleasure of the Governor. He shall receive the annual salary provided by Article 1 (commencing with Section 11550) of Chapter 6 of Part 1 of Division 3 of Title 2 of the Government Code.

102. The Director of Health shall have the powers of a head of the department pursuant to Chapter 2 (commencing with Section 11150) of Part 1 of Division 3 of Title 2 of the Government Code.

103. The Department of Health succeeds to and is vested with all the duties, powers, purposes, responsibilities, and jurisdiction of the Department of Mental Hygiene, the Department of Public Health, the Department of Health Care Services, the Department of Social Welfare, with respect to social service functions thereof, the Department of Rehabilitation, with respect to its alcoholism program, and the State Board of Public Health, with respect to its powers to issue, amend, and revoke, rules and regulations and licenses or permits.

104. The Department of Health may use the unexpended balance of funds available for use in connection with the performance of the functions of any of the departments or boards to which the Department of Health has succeeded pursuant to Section 103.

105. All officers and employees of any department or board, heretofore vested with any duty, power, purpose, responsibility, or jurisdiction to which the Department of Health has succeeded, who, on the operative date of this section, are serving in the state civil service, other than as temporary employees, and engaged in the performance of a function vested in the Department of Health by Section 103 shall be transferred to the Department of Health. The status, positions, and rights of such persons shall not be affected by the transfer and shall be retained by them as officers and employees of the Department of Health, pursuant to the State Civil Service Act except as to positions exempted from civil service.

106. The Department of Health shall have the possession and control of all records, papers, officers, equipment, supplies, moneys, funds, appropriations, land or other property, real or personal, held for the benefit or use of any state agency the functions of which are vested in the Department of Health by Section 103.

107. All officers or employees of the Department of Health employed after the operative date of this section shall be appointed by the Director of Health. Notwithstanding the foregoing, four Deputy Directors of Health shall be appointed by the Governor, with the advice of the Director of Health, to serve at the pleasure of the Director of Health. The four deputy directors shall be exempt from civil service. The annual salaries of the four exempted deputy directors shall be fixed by the Director of Health, subject to the approval of the Director of Finance.

108. The Public Health Federal Fund in the State Treasury is hereby created. All grants of money received by this state from the United States, the expenditure of which is administered through or under the direction of the State Department of Public Health, shall, on order of the State Controller, be deposited in the Public Health Federal Fund.

109. All money in the Public Health Federal Fund is hereby appropriated to the State Department of Health, without regard to fiscal years, for expenditure for the purposes for which the money deposited therein is made available by the United States for expenditure by the state.

110. The State Department of Health and the State Controller shall keep a record of the classes and sources of income deposited in, or transferred to, the Public Health Federal Fund, and of the disbursements and transfers therefrom.

111. The Director of Finance and the State Controller may approve any general plan whereby:

(a) Any expenditures which are a proper charge against the money made available by the United States and deposited in the Public Health Federal Fund may be paid in the first instance from any appropriation from the General Fund, expenditures from which are administered through or under the direction of the State Department of Health, and

(b) Any expenditures which are a proper charge against an appropriation from any special fund in the State Treasury, expenditures from which are administered through or under the direction of the State Department of Health, may be paid in the first instance from any appropriation from the General Fund, expenditures from which are administered through or under the direction of said department, and

(c) The General Fund shall be reimbursed for expenditures made therefrom that are a proper charge against the Public Health Federal Fund or against any appropriation from any special fund.

Such a general plan may provide for advance transfers from the Public Health Federal Fund to the General Fund, based on

estimates of such expenditures that will be subject to reimbursement from the Public Health Federal Fund pursuant to such plan, and may provide for reimbursements to the Public Health Federal Fund, when necessary.

Request for reimbursement or transfer pursuant to such a plan shall be furnished to the State Controller in writing by the State Department of Health, accompanied by such financial statements as the plan may provide; and on order of the State Controller, the required amount shall be transferred in accordance therewith.

112. All grants or donations of money received by the state from sources other than the United States, the expenditure of which is administered through or under the direction of the State Department of Health, shall, on order of the State Controller, be deposited in the Special Deposit Fund, subject to the provisions of Article 2 of Chapter 2 of Part 2 of Division 4 of Title 2 of the Government Code. The State Controller shall designate, by name, separate accounts within the Special Deposit Fund covering the accountability for each class of grant or donation deposited under the provisions of this section; and the State Department of Health and the State Controller shall keep a record of the classes and sources of income deposited in, or transferred to, each of such accounts in the Special Deposit Fund, and of the disbursements therefrom.

All moneys deposited in the Special Deposit Fund under the provisions of this section shall be available, without regard to fiscal years, for expenditure for the purposes for which such money was made available to the state.

SEC. 63. Section 200 of the Health and Safety Code is amended to read:

200. The State Department of Public Health shall examine into the causes of communicable disease in man and domestic animals occurring or likely to occur in this state.

SEC. 64. Section 205 of the Health and Safety Code is amended to read:

205. It may commence and maintain all proper and necessary actions and proceedings for any or all of the following purposes:

- (a) To enforce its rules and regulations.
- (b) To enjoin and abate nuisances dangerous to health.
- (c) To compel the performance of any act specifically enjoined upon any person, officer, or board, by any law of this state relating to the public health.
- (d) To protect and preserve the public health.

It may defend all actions and proceedings involving its powers and duties. In all actions and proceedings it shall sue and be sued under the name of the Department of Public Health.

SEC. 65. Section 214 of the Health and Safety Code is amended to read:

214. The State Department of Public Health shall enforce the provisions of Section 383b of the Penal Code.

SEC. 66. Section 217 of the Health and Safety Code is amended to read:

217. All policemen, sheriffs, deputy sheriffs, members of the California Highway Patrol, and firemen in this state shall be trained to administer first aid. The training, which shall at least meet the standards of the standard American Red Cross training in first aid, shall be satisfactorily completed by such policemen, sheriffs, deputy sheriffs, members of the California Highway Patrol, and firemen, as soon as practical, but in no event more than one year after the date of employment. Satisfactory completion of a refresher course approved by the State Department of Public Health in first aid every three years shall also be required.

Presently employed policemen, sheriffs, deputy sheriffs, members of the California Highway Patrol, and firemen shall satisfactorily complete first aid training by July 1, 1969.

This section shall not apply to policemen, sheriffs, deputy sheriffs, members of the California Highway Patrol, and firemen whose duties are primarily clerical or administrative.

As used in this section, "fireman" means any regularly employed and paid officer, employee, or member of a fire department or fire protection or firefighting agency of the State of California, a city, county, city and county, district, or other public or municipal corporation or political subdivision of this state or member of an emergency reserve unit of a volunteer fire department or fire protection district.

SEC. 67. Section 249 of the Health and Safety Code is amended to read:

249. The Department of Public Health shall establish and administer a program of services for physically defective or handicapped persons under the age of 21 years, in cooperation with the federal government through its appropriate agency or instrumentality, for the purpose of developing, extending and improving such services. The department shall receive and expend all funds made available to it by the federal government, the state, its political subdivisions or from other sources, and it shall have power to supervise those services included in the state plan which are not directly administered by the state. The department shall cooperate with the medical, health, nursing and welfare groups and organizations concerned with the program, and any agency of the state charged with the administration of laws providing for vocational rehabilitation of physically handicapped children.

SEC. 68. Section 280 of the Health and Safety Code is amended to read:

280. It is the policy of the State of California to make every effort to detect, as early as possible, phenylketonuria and other preventable heritable disorders leading to mental retardation or physical defects.

The State Department of Public Health shall have the responsibility of designating tests and regulations to be used in executing this policy. Such tests shall be in accordance with

1 accepted medical practices and shall be administered to each
2 child born in California at such time as the department has
3 established appropriate regulations and testing methods.

4 The department shall inform all hospitals or physicians, or
5 both, of required regulations and tests and may alter or with-
6 draw any such requirements whenever sound medical practice
7 so indicates.

8 The department shall report to the Governor and the Legis-
9 lature annually as to the progress and effect of testing pro-
10 grams.

11 The provisions of this section shall not apply if a parent or
12 guardian of the newborn child objects to a test on the ground
13 that the test conflicts with his religious beliefs or practices.

14 SEC. 69. Section 291 of the Health and Safety Code is
15 amended to read:

16 291. (a) The blood specimen obtained shall be submitted to
17 a licensed clinical laboratory for a determination of rhesus
18 (Rh) blood type and the results reported (1) to the physician
19 and surgeon or other person engaged in the prenatal care of
20 the woman or attending such woman at the time of delivery,
21 and (2) to the woman tested.

22 (b) The State Board of Public Department of Health shall
23 adopt such rules and regulations as it determines are reason-
24 ably necessary for the implementation of the provisions of sub-
25 division (a) of this section.

26 SEC. 70. Section 300 of the Health and Safety Code is
27 amended to read:

28 300. The State Department of Public Health shall maintain
29 a program of child health.

30 SEC. 71. Section 304 of the Health and Safety Code is
31 amended to read:

32 304. Every licensed physician and surgeon or other person
33 attending a newborn infant diagnosed as having had rhesus
34 (Rh) isoimmunization hemolytic disease shall report such con-
35 dition to the State Department of Public Health on report
36 forms prescribed by the department.

37 SEC. 72. Section 305 of the Health and Safety Code is
38 amended to read:

39 305. The State Department of Public Health shall report
40 the number of reported cases of rhesus (Rh) isoimmunization
41 hemolytic disease to the Legislature on the fifth legislative day
42 of the 1971 Regular Session of the Legislature.

43 SEC. 73. Section 310 of the Health and Safety Code is
44 amended to read:

45 310. The State Department of Public Health shall initiate
46 and carry out a pilot project in two areas of the state for the
47 purpose of determining the extent of the needs of severely
48 handicapped persons of normal mentality for residential care
49 and to determine how best to meet these needs.

50 SEC. 74. Section 350 of the Health and Safety Code is
51 repealed.

1 350. The State Department of Public Health shall estab-
2 lish and maintain a division in the Department of Public
3 Health to be known as the Division of Dental Health to study,
4 plan, and under the supervision of the director of the depart-
5 ment to administer all functions of the department relating to
6 dentistry and all matters relating to dentistry shall be referred
7 to the dental division.

8 SEC. 75. Section 351 of the Health and Safety Code is
9 repealed.

10 351. The Director of Public Health shall appoint a chief
11 of the division who shall be a graduate dentist eligible to li-
12 cense in the State of California.

13 SEC. 76. Section 354 of the Health and Safety Code is
14 repealed.

15 354. The State Department of Public Health shall have
16 the power to receive for the division any financial aid granted
17 by any private, federal, state, district, or local or other grant
18 or source, and the division shall use such funds to carry out
19 the provisions and purposes of this article.

20 SEC. 77. Section 374 of the Health and Safety Code is
21 amended to read:

22 374. The State Department of Public Health shall main-
23 tain a laboratory and such branch laboratories as may be neces-
24 sary to perform the microbiological, physical and chemical
25 analyses required to meet the responsibilities of the depart-
26 ment.

27 SEC. 78. Section 382 of the Health and Safety Code is
28 amended to read:

29 382. No person shall be awarded a scholarship under sub-
30 division (a) or (b) of Section 381 unless:

31 (a) He is a resident of California.

32 (b) He is licensed as a registered nurse by this state.

33 (c) He has complied with all the rules and regulations
34 adopted pursuant to this article.

35 (d) He has agreed that he will continue his education to
36 completion of the bachelor's degree or a program supple-
37 mental to a bachelor's degree required for admission to mas-
38 ter level studies in nursing, and that after completion of the
39 requirements of Section 381 (a) or (b), and within a period
40 of time to be determined by the State Department of Public
41 Health will enroll in an accredited master's degree program
42 in teaching or supervision in a clinical nursing area.

43 (e) He agrees that immediately upon completion of his
44 graduate study, either master's degree or post-master's pro-
45 gram, he will assume an employment obligation in California
46 in teaching or supervision in a clinical nursing area, for not
47 less than one year.

48 SEC. 79. Section 384 of the Health and Safety Code is
49 amended to read:

50 384. The State Department of Public Health shall admin-
51 ister the program of nursing education scholarships and shall
52 for such purpose, adopt such rules and regulations as it deter-

mines are necessary to carry out the provisions of this article.

SEC. 80. Section 400 of the Health and Safety Code is amended to read:

400. The State Department of Public Health shall maintain a program of sanitary engineering.

SEC. 81. Section 405 of the Health and Safety Code is amended to read:

405. The State Department of Public Health may maintain a program of accidental injury study and control, including but not limited to, all of the following:

(a) The conduct of studies to determine the health and human components of accidental injury.

(b) The study of factors associated with prompt and efficient emergency treatment of accidental injuries.

(c) The study of human and environmental factors in the occurrence of accidental injury.

(d) The development of control programs to reduce the frequency and severity of accidental injuries resulting from health and other human factors, either alone or in combination with environmental factors.

(e) Consultation with and assistance to local health departments and other agencies in the development and maintenance of programs for the prevention and control of accidental injuries.

SEC. 82. Section 410 of the Health and Safety Code is amended to read:

410. The State Department of Public Health shall define disorders characterized by lapses of consciousness for the purposes of the reports hereinafter referred to:

(1) All physicians shall report immediately to the local health officer in writing, the name, date of birth, and address of every person diagnosed as a case of a disorder characterized by lapses of consciousness.

(2) The local health officer shall report in writing to the state department the name, age, and address, of every person reported to it as a case of a disorder characterized by lapses of consciousness.

(3) The state department shall report to the State Department of Motor Vehicles the names, dates of birth, and addresses, of all persons reported as a case of a disorder characterized by lapses of consciousness by the physicians and local health officers.

(4) Such reports shall be for the information of the State Department of Motor Vehicles in enforcing the provisions of the Vehicle Code of California, and shall be kept confidential and used solely for the purpose of determining the eligibility of any person to operate a motor vehicle on the highways of this state.

SEC. 83. Section 416 of the Health and Safety Code is amended to read:

416. The Director of Public Health may be appointed as either guardian or conservator of the person and estate, or

person or estate, of any mentally retarded person, who is either of the following: (1) Eligible for the services of a regional center. (2) A patient in any state hospital, and who was admitted or committed to such hospital from a county served by a regional center.

SEC. 84. Section 416.9 of the Health and Safety Code is amended to read:

416.9. The court may appoint the Director of Public Health as guardian or conservator of the person and estate or person or estate of a minor or adult mentally retarded person. The preferences established in Probate Code Section 1753 for appointment of a conservator shall not apply. An appointment of the Director of Public Health as conservator shall not constitute a judicial finding that the mentally retarded person is legally incompetent.

SEC. 85. Section 416.10 of the Health and Safety Code is amended to read:

416.10. No appointment of both the Director of Public Health and a private guardian or conservator shall be made for the same person and estate, or person or estate. The Director of Public Health may be appointed as provided in this article to succeed an existing guardian or conservator upon the death, resignation or removal of such guardian or conservator.

SEC. 86. Section 416.12 of the Health and Safety Code is amended to read:

416.12. The Director of Public Health shall file an official bond in no event less than twenty-five thousand dollars (\$25,000), which bond shall inure to the joint benefit of the several guardianship or conservatorship estates and the State of California, and the Director of Public Health shall not be required to file bonds in individual cases.

SEC. 87. Section 416.13 of the Health and Safety Code is amended to read:

416.13. The appointment by the court of the Director of Public Health as conservator or guardian shall be by the title of his office. The authority of the Director of Public Health as conservator or guardian shall cease upon the termination of his term of office as such Director of Public Health and his authority shall vest in his successor or successors in office without further court proceedings. The Director of Public Health shall not resign as conservator or guardian unless his resignation is approved by the court.

SEC. 88. Section 416.14 of the Health and Safety Code is amended to read:

416.14. The Director of Public Health shall consult with mentally retarded persons and their families with respect to the services he offers, and, in addition, shall:

(a) Act as adviser for those mentally retarded persons who request his advice and guidance or for whose benefit it is requested.

1 (b) Accept appointment as conservator of the person and
2 estate, or person or estate, of those mentally retarded persons
3 who need his assistance and protection, but who have not been
4 judicially determined to be legally incompetent. Such appoint-
5 ment shall not constitute a finding that the mentally retarded
6 person is legally incompetent.

7 (c) Accept appointment as guardian of the person and
8 estate, or person or estate of those mentally retarded persons
9 who are or have been judicially determined to be legally
10 incompetent.

11 SEC. 89. Section 416.15 of the Health and Safety Code is
12 amended to read:

13 416.15. The Director of Public Health, when acting as
14 adviser, may provide advice and guidance to the mentally
15 retarded person without prior appointment by a court. The
16 provision for such services shall not be dependent upon a
17 finding of incompetency, nor shall it abrogate any civil right
18 otherwise possessed by the mentally retarded person.

19 SEC. 90. Section 416.16 of the Health and Safety Code is
20 amended to read:

21 416.16. The Director of Public Health shall have the same
22 powers and duties as those established for guardians and
23 conservators in the Guardianship Act and the Conservator-
24 ship Act.

25 SEC. 91. Section 417 of the Health and Safety Code is
26 amended to read:

27 417. Two regional dialysis centers, one in the northern and
28 one in the southern part of the state, shall be established for
29 the treatment of persons suffering from chronic uremia. Each
30 such center shall be located in a metropolitan area and shall
31 have an affiliation with a large hospital or medical school,
32 but shall not be necessarily a physical part of such institution.
33 These institutions, however, shall be able to provide a full
34 range of medical, surgical and rehabilitation services. The
35 State Department of Public Health shall only act as a granting
36 agency for state funds which are appropriated for the estab-
37 lishment and the continuation of the two centers. The state
38 department, upon the advice of the review committee which
39 is provided for by Section 417.3, may contract with any such
40 hospital or medical care institution for the administration and
41 operation of one of the regional dialysis centers. It is not the
42 intent of this section that any new hospital or medical school
43 be established.

44 SEC. 92. Section 417.3 of the Health and Safety Code is
45 amended to read:

46 417.3. The Director of Public Health shall appoint a
47 review committee, upon nomination of the represented party,
48 not to exceed seven members, two of whom shall represent the
49 California Medical Association, one to represent the University
50 of California Administration, one to represent the National
51 Kidney Disease Foundation in California, one to represent
52 the State Department of Public Health, and two members to

1 represent the lay public. The chairman of the committee shall
2 be appointed by the Governor. This committee shall establish
3 standards for the expenditure of state funds which are pro-
4 vided for the establishment and support of regional dialysis
5 centers to assure the availability of specialized personnel, re-
6 sources, and equipment necessary to enable such centers to
7 function and care for patients with severe uremia. The direc-
8 tor shall choose from a list provided by the review committee
9 the institutions which qualify under the standards established
10 to receive grants of state funds to establish and continue a re-
11 gional dialysis center. The review committee shall also examine
12 periodically the performance of established regional dialysis
13 centers and recommend continuation grants to the director.
14 The members of the review committee shall serve for a two-
15 year period and may be reappointed. Not more than half the
16 membership of the committee shall be changed during any one
17 year. The committee shall serve without compensation, but shall
18 receive their necessary travel expenses.

19 SEC. 93. Section 420 of the Health and Safety Code is
20 amended to read:

21 420. The State Department of Public Health may maintain
22 a mental health service which shall advise and assist local
23 departments of health and education in the establishment of
24 mental health services, particularly in connection with ma-
25 ternal and child health conferences and in the schools of the
26 state.

27 The department shall coordinate this service with the pro-
28 gram of the State Department of Mental Hygiene and may
29 conduct such other activities as may be required in the devel-
30 opment of mental health services as related to public health.

31 This article does not authorize any form of compulsory medi-
32 cal or physical examination, treatment, or control of any
33 person.

34 SEC. 94. Section 425 of the Health and Safety Code is
35 amended to read:

36 425. The State Department of Public Health shall submit
37 to the State Air Resources Board recommendations for am-
38 bient air quality standards reflecting the relationship between
39 the intensity and composition of air pollution and the health,
40 illness, irritation to the senses, and the death of human beings.

41 SEC. 95. Section 428 of the Health and Safety Code is
42 amended to read:

43 428. The State Department of Public Health shall maintain
44 a program for the prevention of blindness, including, but not
45 limited to:

46 (a) Studies to determine the number, distribution, and
47 nature of conditions leading to blindness among the population
48 of the state.

49 (b) Investigations into the causes of blindness for the pur-
50 pose of developing control procedures.

51 (c) Consultations with, and assistance to, local agencies
52 directed toward education for the prevention of blindness, the

1 early identification of conditions leading to blindness, and
2 the application of methods for reducing the amount of blind-
3 ness resulting from preventable conditions.

4 SEC. 96. Section 429 of the Health and Safety Code is
5 amended to read:

6 429. The State Department of Public Health may main-
7 tain a program for seasonal agricultural and migratory work-
8 ers and their families, consisting of:

9 (a) Studies of the health and health services for seasonal
10 agricultural and migratory workers and their families through-
11 out the state.

12 (b) Technical and financial assistance to local agencies con-
13 cerned with the health of seasonal agricultural and migratory
14 workers and their families.

15 (c) Coordination with similar programs of the federal gov-
16 ernment, other states, and voluntary agencies.

17 SEC. 97. Section 429.11 of the Health and Safety Code is
18 amended to read:

19 429.11. The State Department of Public Health shall main-
20 tain a program of occupational health and occupational disease
21 prevention including, but not limited to, the following:

22 (a) Investigations into the causes of morbidity and mortal-
23 ity from work-induced diseases.

24 (b) Development of recommendations for improved control
25 of work-induced diseases.

26 (c) Maintenance of a thorough knowledge of the effects of
27 industrial chemicals and work practices on the health of Cali-
28 fornia workers.

29 (d) Provision of technical assistance in matters of occupa-
30 tional disease prevention and control to the Department of
31 Industrial Relations and other governmental and nongovern-
32 mental agencies, organizations, and private individuals.

33 (e) Collection and summarization of statistics describing
34 the causes and prevalence of work-induced diseases in Cali-
35 fornia.

36 SEC. 98. Section 429.30 of the Health and Safety Code is
37 amended to read:

38 429.30. The State Department of Public Health shall main-
39 tain a program for Indians and their families, consisting of:

40 (a) Studies of the health and health services for Indians
41 and their families throughout the state.

42 (b) Technical and financial assistance to local agencies con-
43 cerned with the health of Indians and their families.

44 (c) Coordination with similar programs of the federal gov-
45 ernment, other states, and voluntary agencies.

46 SEC. 99. Section 431 of the Health and Safety Code is
47 amended to read:

48 431. The State Department of Public Health shall con-
49 stitute the sole agency of the state for the following purposes:

50 (a) Making an inventory of existing hospitals, surveying
51 the need for construction of hospitals, and developing a pro-

1 gram of hospital construction as provided in Article 3 of this
2 chapter.

3 (b) Developing and administering a state plan for the
4 construction of public and other nonprofit hospitals as pro-
5 vided in Article 3 of this chapter.

6 SEC. 100. Section 431.2 of the Health and Safety Code is
7 repealed.

8 431.2. The Governor shall appoint an Advisory Hospital
9 Council to advise and consult with the department in carrying
10 out the administration of this chapter. The council shall con-
11 sist of the director, who shall serve as chairman ex officio, the
12 Director of the Department of Mental Hygiene and eleven
13 other members, including one who shall be selected on the
14 basis of his responsibility for matters relating to the operation
15 of general hospitals; one shall be selected on the basis of his
16 concern for the care and treatment of the long-term patient;
17 one shall be selected on the basis of his concern with matters
18 relating to the operation of hospitals or other medical facilities
19 providing services to the mentally ill or mentally retarded; one
20 who shall be a licensed physician-surgeon selected on the basis
21 of his concern with matters relating to general health care serv-
22 ices, together with seven representatives of the general public
23 as consumers of services, including one who shall be selected
24 on the basis of his concern with matters relating to mental
25 health; one who shall be selected on the basis of his concern
26 with matters relating to the mentally retarded and five others
27 selected from among persons familiar with the need for the
28 services and facilities covered by this section in urban or rural
29 areas. A major consideration in making appointments to the
30 Advisory Hospital Council shall be the avoidance of potential
31 material conflicts of interest. Appointments of members of the
32 council shall be subject to confirmation by the Senate. Of the
33 members appointed in 1964, three shall be designated by the
34 Governor to hold office until October 1, 1966; three shall hold
35 office until October 1, 1967, and one shall hold office until
36 October 1, 1968. Of the members appointed in 1965, two shall
37 be designated by the Governor to hold office until October 1,
38 1968, and two shall hold office until October 1, 1969. Members
39 other than the members appointed in 1964 and 1965 shall hold
40 office for terms of four (4) years, except that any member ap-
41 pointed to fill a vacancy occurring prior to the expiration of
42 the term for which his predecessor was appointed, shall be
43 appointed for the remainder of such term. Council members,
44 while serving on business of the council, shall receive no com-
45 pensation, but shall be entitled to receive actual and necessary
46 travel and subsistence expenses while so serving away from
47 their places of residence. The council shall meet as frequently
48 as the director deems necessary, but not less than once each
49 year. Upon request by six (6) or more members, the director
50 shall call a meeting of the council.

1 The chairman, with concurrence of the council, may appoint
2 subcommittees of the council for particular areas of council
3 responsibilities.

4 SEC. 100.5. Section 431.2 is added to the Health and Safety
5 Code, to read:

6 431.2. The Advisory Health Council shall advise and con-
7 sult with the department in carrying out the administration of
8 this chapter and succeeds to and is vested with the functions,
9 authority and responsibility of the Advisory Hospital Council
10 and the Health Planning Council.

11 Any reference in any code to the Advisory Hospital Coun-
12 cil or to the Health Planning Council shall be deemed a refer-
13 ence to the Advisory Health Council.

14 SEC. 101. Section 431.10 of the Health and Safety Code is
15 repealed.

16 431.10. Applications for federal funds under Public Law
17 88-164 for facilities for the mentally retarded or community
18 mental health centers shall be referred by the Director of Pub-
19 lic Health to the Director of Mental Hygiene for review and
20 recommendation. The Director of Mental Hygiene shall have
21 60 days from the time of his receipt of the application to sub-
22 mit recommendations.

23 SEC. 102. Section 432.2 of the Health and Safety Code is
24 amended to read:

25 432.2. The department may make application to the Sur-
26 geon General for federal funds to assist in carrying out the
27 survey and planning activities provided for in this article.
28 Such funds shall be deposited in the Department of Public
29 Health Fund in the State Treasury.

30 SEC. 103. Section 432.9 of the Health and Safety Code is
31 amended to read:

32 432.9. The department is hereby authorized to receive
33 federal funds in behalf of, and transmit them to, such appli-
34 cants. Money received from the federal government for a
35 construction project approved by the Surgeon General shall
36 be deposited in the Department of Public Health Fund, and
37 shall be used solely for payments due applicants for work per-
38 formed, or purchases made, in carrying out approved projects.

39 SEC. 104. Section 433 of the Health and Safety Code is
40 amended to read:

41 433. Any moneys deposited in the Department of Public
42 Health Fund in accordance with the provisions of this article
43 are appropriated for expenditure by the director for the pur-
44 poses for which such moneys were received, in accordance with
45 the provisions of this chapter. Any such funds received and not
46 expended for the purposes of this article shall be repaid to the
47 Treasury of the United States.

48 SEC. 105. Section 434 of the Health and Safety Code is
49 amended to read:

50 434. The Legislature finds that in certain areas there is a
51 need for nursing and convalescent homes for persons who are
52 indigent. It is the purpose of this section to provide authoriza-

1 tion for the construction of such homes, so that public medical
2 assistance may be provided, under the state's medical assist-
3 ance programs, for such indigent persons.

4 The State Department of Public Health may issue a certifi-
5 cate of need upon application by a chartered nonprofit cor-
6 poration, for a nursing and convalescent home which pro-
7 vides or makes available medical care for indigent persons,
8 to be constructed under the Mortgage Insurance Program of
9 the Federal Housing Administration.

10 SEC. 106. Section 435.2 of the Health and Safety Code is
11 amended to read:

12 435.2. The State Department of Public Health shall
13 administer this article, and shall make such rules and regula-
14 tions as may be necessary to carry out its provisions.

15 SEC. 107. Section 435.7 of the Health and Safety Code is
16 amended to read:

17 435.7. Application for state assistance under this article
18 shall be made to the State Department of Public Health,
19 in the manner and form prescribed by the department. The
20 department shall prescribe the time and manner of payment of
21 state assistance, if granted.

22 SEC. 108. Section 436.2 of the Health and Safety Code is
23 amended to read:

24 436.2. Unless the context otherwise requires, the defini-
25 tions in this section govern the construction of this chapter
26 and of Section 32127.2 of this code.

27 (a) "Bondholder" means the legal owner of a bond or
28 other evidence of indebtedness issued by a political subdivi-
29 sion or a nonprofit corporation.

30 (b) "Borrower" means a political subdivision or nonprofit
31 corporation which has secured or intends to secure a loan for
32 the construction of a health facility.

33 (c) "Construction" includes construction of new build-
34 ings, expansion, modernization, renovation, remodeling and
35 alteration of existing buildings, and initial or additional equip-
36 ping of any such buildings. "Construction" also includes con-
37 sulting, financing, architectural, and engineering costs and
38 fees, cost of land acquisition and site development, including
39 parking facilities, and all other costs necessary or incidental to
40 construct a new building or to expand, modernize, renovate,
41 remodel or alter an existing building.

42 (d) "Council" means the Advisory Hospital Health Coun-
43 cil.

44 (e) "Debenture" means any form of written evidence of
45 indebtedness issued by the State Treasurer pursuant to this
46 chapter, as authorized by Article XIII, Section 21.5 of the
47 California Constitution.

48 (f) "Department" means the State Department of Public
49 Health.

50 (g) "Fund" means the Health Facility Construction Loan
51 Insurance Fund.

(h) "Health facility" means any facility providing or designed to provide services for the acute, convalescent, and chronically ill and impaired, including but not limited to public health centers, community mental health centers, facilities for the mentally retarded, and general, tuberculosis, mental, and other types of hospitals and related facilities, such as laboratories, outpatient departments, extended care, nurses' home and training facilities, offices and central service facilities operated in connection with hospitals, diagnostic or treatment centers, extended care facilities, nursing homes, and rehabilitation facilities. Except for facilities for the mentally retarded, "health facility" does not include any institution furnishing primarily domiciliary care.

(i) "Lender" means the provider of a loan and its successors and assigns.

(j) "Loan" means money or credit advanced for the construction costs of the health facility, and includes both initial loans and loans secured upon refinancing and may include both interim, or short-term loans, and long-term loans. A duly authorized bond or bond issue may constitute a "loan."

(k) "Maturity date" means the date on which the loan indebtedness would be extinguished if paid in accordance with periodic payments provided for by the terms of the loan.

(l) "Mortgage" means a first mortgage on real estate. "Mortgage" includes a first deed of trust.

(m) "Mortgagee" includes a lender whose loan is secured by a mortgage. "Mortgagee" includes a beneficiary of a deed of trust.

(n) "Mortgagor" includes a borrower, a loan to whom is secured by a mortgage, and the trustor of a deed of trust.

(o) "Nonprofit corporation" means any corporation organized under the General Nonprofit Corporation Law (Part 1 (commencing with Section 9000), Division 2 of the Corporation Code) or its equivalent under the laws of the state of incorporation, organized for the purpose of owning and operating a health facility.

(p) "Political subdivision" means any city, county, city and county, and local hospital district.

(q) "Project property" means the real property upon which the health facility is, or is to be, constructed, the health facility, and the initial equipment in such health facility.

(r) "Public health facility" means any health facility which is or will be constructed for and operated and maintained by any city, county, city and county, or local hospital district.

SEC. 109. Section 436.45 of the Health and Safety Code is amended to read:

436.45. No insurance shall be provided for loans under this chapter until a statewide system of health facility planning has been established so that all hospitals as defined in Section 1401 and facilities licensed by the Department of Mental Hygiene Health pursuant to Chapter 1 (commencing with Section

7000) of Division 7 of the Welfare and Institutions Code have been reviewed by an area health planning agency prior to licensure. No insurance shall be provided for a loan under this chapter for a hospital or facility unless it has been finally approved through the statewide system of health facility planning.

SEC. 110. Section 436.50 of the Health and Safety Code is amended to read:

436.50. On or before July 1, 1970, the State Board of Public Health shall adopt and publish such rules and regulations to be used in approving and governing the operation of laboratories engaging in the performance of tests referred to in Section 436.51 and 436.52, including the qualifications of the employees of such laboratories who perform such tests, as it determines are reasonably necessary to insure the competence of such laboratories and employees to prepare, analyze, and report the results of such tests. The rules and regulations shall be adopted, only after the State Board of Public Health has consulted with at least one member of each of the following groups: district attorneys, public defenders, coroners, criminalists, pathologists, analytical chemists, and such other persons deemed by the board department to be qualified.

SEC. 111. Section 436.51 of the Health and Safety Code is amended to read:

436.51. On or after January 1, 1971, the testing by or for law enforcement agencies of blood, urine, or tissue for the purposes of determining the concentration of ethyl alcohol in the blood of persons involved in traffic accidents or in traffic violations shall be performed only by a laboratory approved and licensed by the State Director of Public Health for the performance of such tests.

SEC. 112. Section 436.52 of the Health and Safety Code is amended to read:

436.52. The testing of breath samples by or for law enforcement agencies for purposes of determining the concentration of ethyl alcohol in the blood of persons involved in traffic accidents or in traffic violations shall be performed in accordance with regulations adopted by the State Board of Public Health.

The rules and regulations shall establish the procedures to be used by law enforcement agencies in administering breath tests for the purposes of determining the concentration of ethyl alcohol in a person's blood. Such rules and regulations shall be adopted and published in accordance with the provisions of Chapter 4.5 (commencing with Section 11371) of Part 1 of Division 3 of Title 2 of the Government Code.

SEC. 113. Section 436.53 of the Health and Safety Code is amended to read:

436.53. Each laboratory in this state which performs the tests referred to in Sections 436.51 and 436.52, shall be licensed by the State Director of Public Health. Each such laboratory,

1 other than a laboratory operated by the state, city or county
2 or other public agency shall upon application for licensing
3 pay a fee to the State Department of Public Health in an
4 amount, to be determined by the State Board of Public Health
5 department, which will reimburse the department for the costs
6 incurred by the department in the issuance and renewal of such
7 licenses, but not to exceed one hundred dollars (\$100). On or
8 before each January 1 of each year thereafter, each such labo-
9 ratory shall pay to the department a fee so determined by the
10 board department, not to exceed one hundred dollars (\$100),
11 for renewal of its license.

12 SEC. 114. Section 436.57 of the Health and Safety Code is
13 amended to read:

14 436.57. Any license issued pursuant to Section 436.53 may
15 be suspended or revoked by the State Director of Public
16 Health for any of the reasons set forth in Section 436.59. The
17 director may refuse to issue a license to any applicant for any
18 of the reasons set forth in Section 436.58. The proceedings
19 under this part shall be conducted in accordance with Chapter
20 5 (commencing with Section 11500) of Part 1 of Division 3
21 of Title 2 of the Government Code, and the director shall have
22 the powers and duties granted therein.

23 SEC. 115. Section 436.58 of the Health and Safety Code is
24 amended to read:

25 436.58. The State Director of Public Health may deny a
26 license if the applicant or any partner, officer or director
27 thereof:

28 (a) Fails to meet the qualifications established by the State
29 Board of Public Health department pursuant to this part for
30 the issuance of the license applied for.

31 (b) Was previously the holder of a license issued under this
32 part which license has been revoked and never reissued or
33 which license was suspended and the terms of the suspension
34 have not been fulfilled.

35 (c) Has committed any act involving dishonesty, fraud, or
36 deceit whereby another was injured or whereby applicant has
37 benefited.

38 SEC. 116. Section 436.59 of the Health and Safety Code is
39 amended to read:

40 436.59. The State Director of Public Health may suspend,
41 revoke, or take other disciplinary action against a licensee as
42 provided in this chapter if the licensee or any partner, officer
43 or director thereof:

44 (a) Violates any of the regulations promulgated by the
45 State Board of Public Health department pursuant to this
46 chapter.

47 (b) Commits any act of dishonesty, fraud, or deceit whereby
48 another is injured or whereby the licensee benefited.

49 (c) Has misrepresented any material fact in obtaining a
50 license.

51 SEC. 117. Section 436.60 of the Health and Safety Code is
52 amended to read:

1 436.60. The State Director of Public Health may take dis-
2 ciplinary action against any licensee after a hearing as pro-
3 vided in this part by any of the following:

4 (a) Imposing probation upon terms and conditions to be
5 set forth by the director.

6 (b) Suspending the license.

7 (c) Revoking the license.

8 SEC. 118. Section 436.61 of the Health and Safety Code is
9 amended to read:

10 436.61. Upon the effective date of any order of suspension
11 or revocation of any license governed by this part, the licensee
12 shall surrender the license to the State Director of Public
13 Health.

14 SEC. 119. Section 436.62 of the Health and Safety Code is
15 amended to read:

16 436.62. All accusations against licensees shall be filed
17 within three years after the act or omission alleged as the
18 ground for disciplinary action, except that with respect to an
19 accusation alleging a violation of subdivision (c) of Section
20 436.59, the accusation may be filed within two years after the
21 discovery by the State Department of Public Health of the
22 alleged facts constituting the fraud or misrepresentation pro-
23 hibited by said section.

24 SEC. 120. Section 436.63 of the Health and Safety Code
25 is amended to read:

26 436.63. After suspension of the license upon any of the
27 grounds set forth in this article, the State Director of Public
28 Health may reinstate the license upon proof of compliance by
29 the applicant with all provisions of the decision as to reinstate-
30 ment. After revocation of a license upon any of the grounds
31 set forth in this part, the license shall not be reinstated or
32 reissued within a period of one year after the effective date
33 of revocation.

34 SEC. 121. Section 437 of the Health and Safety Code is
35 amended to read:

36 437. In order to provide comprehensive state health plan-
37 ning in response to the enactment of Public Law 89-749, and
38 to advise the Director of Health, there is hereby created a the
39 Advisory Health Planning Council, to be composed of 21 19
40 members.

41 The Governor shall appoint 12 members, one of whom shall
42 be representative of nongovernmental organizations or groups
43 concerned with the operation, construction, or utilization of
44 hospitals or other health care facilities, one of whom shall be
45 representative of a public agency concerned with the opera-
46 tion, construction, or utilization of hospitals or general health
47 activities, one of whom shall be concerned with the operation,
48 construction or utilization of nongovernmental facilities or
49 services for the retarded, one of whom shall be representa-
50 tive of nongovernmental organizations or groups concerned
51 with the operation, construction or utilization of mental health
52 services, one of whom shall be a provider of health care, one

1 of whom shall be a representative of consumers of services for
2 the mentally retarded, one of whom shall be a representative
3 of consumers of mental health services, one of whom shall be a
4 representative of local government, and four of whom shall be
5 representatives of the general consumer public, as defined.

6 The Chairman of the Senate Committee on Rules shall ap-
7 point three members, one of whom shall be a Member of the
8 Senate, one of whom shall be a provider of health care, and
9 one of whom shall be a representative of the general consumer
10 public.

11 The Speaker of the Assembly shall appoint three members,
12 one of whom shall be a Member of the Assembly, one of whom
13 shall be a provider of health care, and one of whom shall be a
14 representative of the general consumer public.

15 The Director of the Department of Public Health, the Direc-
16 tor of the Department of Mental Hygiene, and a state govern-
17 ment official concerned with health who is appointed by and
18 serves at the pleasure of the Governor shall be members of the
19 council.

20 *The Governor shall appoint a state government official con-*
21 *cerned with health.*

22 The chairman and vice chairman of the council shall be
23 appointed by the Governor. The chairman shall be chosen
24 from among the representatives of the general consumer public
25 or public officials, except for legislators and except for repre-
26 sentatives of major purchasers of health care services. The
27 chairman and vice chairman shall serve at the pleasure of the
28 Governor.

29 The representatives of the general consumer public shall be
30 bona fide public representatives whose occupations are neither
31 the administration of health activities nor the performance of
32 health services, who have no fiduciary obligation to a hospital
33 or other health agency, and who have no material financial
34 interest in the rendering of health services.

35 The Member, or Members, of the Senate, appointed by the
36 Chairman of the Senate Committee on Rules, and the Member,
37 or Members, of the Assembly, appointed by the Speaker, shall
38 meet with and participate in the work of the council to the
39 extent that such participation is not incompatible with their
40 positions as Members of the Legislature. The Members of the
41 Legislature appointed to the council shall serve at the pleasure
42 of the appointing power. For purposes of this part, such
43 Members of the Legislature shall constitute a joint legislative
44 committee on the subject of this part and shall have the
45 powers and duties imposed upon such committee by the Joint
46 Rules of the Senate and Assembly.

47 SEC. 122. Section 437.05 is added to the Health and Safety
48 Code, to read:

49 437.05. Any reference in any code to the Health Planning
50 Council, the Health Review and Program Council, or the State
51 Board of Public Health, with respect to functions thereof that

1 are advisory, shall be deemed a reference to the Advisory
2 Health Council.

3 The Advisory Health Council is a state board of health for
4 the purposes of Section 14 of Article XX of the California
5 Constitution.

6 SEC. 123. Section 437.1 of the Health and Safety Code is
7 amended to read:

8 437.1. Of the members first appointed by the Governor,
9 two shall hold office for four years, four shall hold office for
10 three years, and two shall hold office for two years.

11 Of the members first appointed by the Chairman of the
12 Senate Committee on Rules, one shall hold office for four years
13 and one shall hold office for two years.

14 Of the members first appointed by the Speaker of the As-
15 sembly, one shall hold office for four years and one shall hold
16 office for two years.

17 The members first appointed to the additional offices cre-
18 ated by the amendments to this part enacted at the 1969 Regu-
19 lar Session of the Legislature shall hold office for four-year
20 terms.

21 Thereafter, each member shall hold office for four years. No
22 appointing authority specified in Section 437 shall appoint
23 any person to alternate membership on the *Advisory Health*
24 *Planning Council*, unless to fill the vacant term of an appoint-
25 ment.

26 The terms of Members of the Legislature appointed to the
27 council shall be figured as indicated above, but the members
28 shall serve at the pleasure of the appointing power and in no
29 event after they cease to be Members of the Legislature.

30 SEC. 124. Section 437.2 of the Health and Safety Code is
31 amended to read:

32 437.2. The *Advisory Health Planning Council* shall meet
33 on call of the council chairman as often as necessary to fulfill
34 its duties. All decisions of the council shall be decided by a
35 majority of the voting members.

36 SEC. 125. Section 437.3 of the Health and Safety Code is
37 amended to read:

38 437.3. The members of the *Advisory Health Planning*
39 *Council* shall serve without compensation, but shall be reim-
40 bursed for any actual and necessary expenses incurred in con-
41 nection with their duties as members of the council.

42 SEC. 126. Section 437.5 of the Health and Safety Code is
43 amended to read:

44 437.5. (a) The Governor shall designate a state health
45 planning agency in order to comply with Section 314 of Public
46 Law 89-749, after receiving the recommendation of the council.
47 The council shall approve the comprehensive health plan to be
48 submitted to the federal government. The budget of the agency
49 for the expenditure of planning money and health grant funds
50 shall be submitted to the council for its recommendation before
51 its submission to the Governor and the Legislature.

(b) The *Advisory Health Planning Council* shall advise the agency in the conduct of its comprehensive health planning activities and in the setting of priorities. The council shall review all project grant applications for public funds that relate to health and which are administered either directly or indirectly by state agencies, except funds appropriated by the Legislature. Such review shall include the priority of each project, its relationship to projects funded under the provisions of the Comprehensive Health Planning Act, Public Law 89-749, and its relationship to statewide health needs.

(c) The *Advisory Health Planning Council* may require state and other public agencies to submit data on publicly administered or financed health programs pertinent to effective planning and coordination under the provisions of Public Law 89-749.

SEC. 127. Section 437.7 of the Health and Safety Code is amended to read:

437.7. In order to assure availability of objective and impartial review by planning groups (referred to as voluntary area health planning agencies) of hospitals and related facilities, including facilities licensed by the Department of Mental Hygiene Health, or proposed projects for new, additional or revised hospital and related health facility projects, including facilities licensed by the Department of Mental Hygiene Health, the *Advisory Health Planning Council*, from time to time, shall approve no more than one voluntary area health planning agency for any designated area of the state, provided such group shall meet the following criteria:

(a) Shall be incorporated as a nonprofit corporation and be controlled by a board of directors consisting of a majority representing the public and local government as consumers of health services with the balance being broadly representative of the providers of health services and the health professions.

(b) Shall review information on utilization of hospitals and related health facilities.

(c) Shall develop principles for the determination of community need and desirability to guide hospitals and related health facilities in acting in the public interest. Such principles shall be consistent with the general guidelines developed by the *Advisory Health Planning Council* in accordance with Section 437.8.

(d) Shall conduct public meetings in which members of the health professions and consumers will be encouraged to participate.

(e) Shall review individual proposals for the construction of new or additional hospital and related health facilities, the conversion of one type of facility to a different category of licensure or the creation or expansion of new areas of service, and make decisions as to the need and desirability for the particular proposal in accordance with the principles developed pursuant to subdivision (c).

(f) Individual proposal reviews shall be in accordance with administrative procedures established by the *Advisory Health Planning Council*, which shall include, but need not be limited to:

(1) A public hearing.

(2) Reasonable notice.

(3) Right to representation by counsel.

(4) Right to present oral and written evidence and confront and cross-examine opposing witnesses.

(5) Availability of transcript at applicant's expense.

(6) Written findings of fact and recommendations to be delivered to applicant and filed with the State Department of Public Health as a public record.

(g) Shall have a plan to finance the procedure which shall include, but not necessarily be limited to, filing fees and charges for processing and appeal.

Voluntary area health planning agencies may divide their areas into local areas for purposes of more efficient health facility planning, with the approval of the *Advisory Health Planning Council*. Such local areas shall be of a geographic size and contain adequate population to insure a broad base for planning decisions. Each local area shall contain a voluntary local health planning agency which shall meet the criteria in subdivisions (a) through (g) of this section.

An organization which meets the criteria in subdivisions (a) through (g) of this section may make application to its voluntary area health planning agency for designation as a voluntary local health planning agency for a designated area. After a complete application has been received, the area agency shall reach a decision concerning the application. The decision, or lack of decision, of the area agency may be appealed to the *Advisory Health Planning Council*. Any appeal shall be made within 30 days of the decision or lack of decision.

Approval of voluntary area and local area health planning agencies, adoption of statewide general principles for planning and the adoption of administrative procedures for voluntary area and local area health planning agencies shall be made by the *Advisory Health Planning Council* only after notice and public hearing.

SEC. 128. Section 437.8 of the Health and Safety Code is amended to read:

437.8. The *Advisory Health Planning Council* shall develop general principles to guide voluntary area and local area health planning agencies in the performance of their responsibilities under Section 437.7. These principles shall provide for consideration of the following factors and may provide other guidelines not inconsistent herewith:

(a) The need for health care services in the area and the requirements of the population to be served by the applicant

(b) The availability and adequacy of health care services in the area's existing facilities which currently conform to federal and state standards;

1 (c) The availability and adequacy of other services in the
2 area such as preadmission, ambulatory or home care services
3 which may serve as alternatives or substitutes for the whole
4 or any part of the services to be provided by the proposed
5 facility;

6 (d) The possible economies and improvement in service that
7 may be derived from operation of joint, cooperative, or shared
8 health care resources;

9 (e) The development of comprehensive services for the com-
10 munity to be served. Such services may be either direct or
11 indirect through formal affiliation with other health programs
12 in the area, and include preventive, diagnostic, treatment and
13 rehabilitation services. Preference shall be given to health
14 facilities which will provide the most comprehensive health
15 services and include outpatient and other integrated services
16 useful and convenient to the operation of the facility and the
17 community.

18 Sec. 129. Section 438.1 of the Health and Safety Code is
19 amended to read:

20 438.1. The decision or lack of decision of a voluntary area
21 health planning agency or the decision or lack of decision of
22 the consumer members of a voluntary area health planning
23 agency acting as an appeals body may be appealed by the ap-
24 plicant or by more than one-third of the members of the board
25 of directors of the voluntary area health planning agency. The
26 appeal by the members of the board shall be made directly to
27 the *Advisory Health Planning Council*. The appeal by the
28 applicant shall be made to the consumer members of another
29 voluntary area health planning agency as previously desig-
30 nated by the *Advisory Health Planning Council*. The *Advisory*
31 *Health Planning Council*, on a periodic basis, shall designate
32 the voluntary area health planning agency or agencies, the con-
33 sumer members of which shall be the appeals body or bodies for
34 another voluntary area health planning agency; provided that
35 such agencies shall not be the appeals body or bodies for each
36 other.

37 The decision of a voluntary area health planning agency
38 upon reviewing the recommendation or lack of recommenda-
39 tion of a voluntary local health planning agency may be ap-
40 pealed by more than one-third of the members of the board of
41 directors of the voluntary local health planning agency. The
42 appeal by the members of the board shall be made directly to
43 the *Advisory Health Planning Council*. The *Advisory Health*
44 *Planning Council* shall develop guidelines for appeal proce-
45 dures for the voluntary area health planning agencies.

46 Sec. 130. Section 438.3 of the Health and Safety Code is
47 amended to read:

48 438.3. An applicant may petition the *Advisory Health*
49 *Planning Council* for a hearing on the decision on appeal. A
50 petition for hearing shall be made within 30 days of the ap-
51 pealed decision.

1 The required number of members of the board of directors
2 may petition the *Advisory Health Planning Council* for a
3 hearing on the decision of the voluntary area health planning
4 agency or the decision or lack of decision of the consumer mem-
5 bers of a voluntary area health planning agency acting as an
6 appeals body. A petition for hearing shall be made within 30
7 days of the decision of the voluntary area health planning
8 agency or the decision or lack of decision of the consumer mem-
9 bers of a voluntary health planning agency acting as an ap-
10 peals body.

11 The *Advisory Health Planning Council* shall grant a hearing
12 if at least one-third of the voting members of the council
13 certify in writing that they agree to a hearing. Such certifica-
14 tion shall be made within 60 days of the receipt of the petition
15 for hearing.

16 If the required number of voting members agree to a hear-
17 ing, the council shall reach a decision within 90 days of the
18 date of agreement. At least one hearing shall be held on the
19 appeal, but it may be heard by a committee of the council
20 composed of at least three voting members, a majority of
21 whom shall be consumers. The final decision on the appeal shall
22 be made by the full council.

23 Sec. 131. Section 438.4 of the Health and Safety Code is
24 amended to read:

25 438.4. The voluntary area health planning agency, acting
26 upon an application originally or reviewing a recommendation
27 of a voluntary local health planning agency or the consumer
28 members of a voluntary area health planning agency acting as
29 an appeals body, and the *Advisory Health Planning Council*
30 shall make one of the following decisions:

31 (a) Approve the application in its entirety;

32 (b) Deny the application in its entirety;

33 (c) Approve the application subject to modification by the
34 applicant, as recommended by the body involved.

35 A decision shall become final when all rights to appeal have
36 been exhausted. Approval shall terminate 12 months after the
37 date of such approval unless the applicant has commenced con-
38 struction or conversion to a different license category and is
39 diligently pursuing the same to completion as determined by
40 the voluntary area health planning agency; or unless the ap-
41 proval is extended by the voluntary area health planning
42 agency for an additional period of up to 12 months upon the
43 showing of good cause for the extension.

44 Sec. 132. Section 452 of the Health and Safety Code is
45 amended to read:

46 452. The county health officer shall enforce and observe
47 in the unincorporated territory of his county, all of the fol-
48 lowing:

49 (a) Orders and ordinances of the board of supervisors,
50 pertaining to the public health and sanitary matters.

51 (b) Orders, quarantine and other regulations, and rules
52 prescribed by the State Department of Public Health.

1 (c) Statutes relating to public health.

2 SEC. 133. Section 541 of the Health and Safety Code is
3 amended to read:

4 541. The governing body of a city, of a county, or of a local
5 health district may employ on a full-time basis one or more
6 sanitarians each of whom shall be a registered sanitarian as
7 provided for in this article for the purpose of the enforcement
8 of such state statutes relative to public health, and such rules
9 and regulations of the State Department of ~~Board of Public~~
10 Health, and any local ordinances of a city, county or local
11 health district that relate to the inspection of food products,
12 water supplies, sewage disposal, food establishments, general
13 sanitation or housing; provided, however, that any person who
14 shall be known as assistant sanitarian may without a certifi-
15 cate of registration be employed to work under the super-
16 vision of a registered sanitarian until such time as he may be
17 qualified by examination as provided under Section 542(b),
18 such time not to exceed two years of such employment.

19 SEC. 134. Section 1101 of the Health and Safety Code is
20 amended to read:

21 1101. "Population," for the purpose of this chapter, shall
22 be determined by the most recent United States decennial
23 census; provided, however, whenever it appears to the State
24 Department of ~~Public Health~~ that the population of any city,
25 county, or city and county has changed sufficiently to warrant
26 adjustment, the State Department of ~~Public Health~~ for pur-
27 poses of this chapter may determine population for cities,
28 counties, and cities and counties.

29 SEC. 135. Section 1102 of the Health and Safety Code is
30 amended to read:

31 1102. For the purposes of this chapter a "local health
32 department" shall be interpreted to mean any one of the fol-
33 lowing public health administrative organizations:

34 (a) A local health district created pursuant to Division 1,
35 Part 2, Chapter 6 of the Health and Safety Code, which in-
36 cludes territory in one or more counties, and which includes at
37 least all of the cities which have less than 50,000 population in
38 such county or counties.

39 (b) A local health department serving one or more coun-
40 ties which shall on the effective date of this act and thereafter
41 provide services to all cities whose population is less than 50,-
42 000 in addition to the unincorporated territory of such county
43 or counties.

44 (c) A county health department which does not serve all
45 of the cities of less than 50,000 population, but which has the
46 provisional approval of the State Department of ~~Public~~
47 Health, in accordance with Section 1140.

48 (d) The health department of a city of 50,000 or greater
49 population, except that the governing body of such city by
50 resolution may declare its intention to be included under the
51 jurisdiction of the county health department, or of the local

1 health district serving other territory in such county, as pro-
2 vided by existing statutes.

3 (e) The local health department of any county which had
4 under its jurisdiction on the effective date of this chapter a
5 population in excess of 1,000,000, or the local health depart-
6 ment of any city and county.

7 SEC. 136. Section 1110 of the Health and Safety Code is
8 amended to read:

9 1110. There is hereby established a California Conference
10 of Local Health Officers with which ~~the board and~~ the state
11 department shall consult in establishing standards as provided
12 in this chapter and may consult on other matters affecting
13 health. The conference may consult with, advise, and make
14 recommendations to the State Department of ~~Public Health~~,
15 other departments, boards, commissions and officials of fed-
16 eral, state, and local government, the Legislature, and any
17 other organization or association on matters affecting health.
18 The conference shall consist of all legally appointed local
19 health officers in the state. It shall organize, adopt bylaws, and
20 shall annually elect officers.

21 Actual and necessary expenses, including any necessary
22 registration fee, incident to attendance at not more than two
23 meetings per year of the conference shall be a legal charge
24 against the local governmental unit. Actual and necessary
25 expenses incident to attendance at special meetings of the
26 committees of the conference called by the director shall be
27 a legal charge against any funds available for administration
28 of this chapter.

29 SEC. 137. Section 1110.5 of the Health and Safety Code is
30 amended to read:

31 1110.5. Nothing in this chapter or in any rule or regula-
32 tion prescribed by the State Department of ~~Public Health~~ in
33 accordance herewith shall compel any practitioner who treats
34 the sick by prayer in the practice of the religion of any well
35 recognized church, sect, denomination, or organization or any
36 persons covered by Sections 2731 and 2800 of the Business and
37 Professions Code to give any information about a disease or
38 disability which is not infectious, contagious, or communicable
39 or authorize any compulsory education, medical examination,
40 or medical treatment.

41 SEC. 138. Section 1111 of the Health and Safety Code is
42 amended to read:

43 1111. The State Department of ~~Public Health~~ shall
44 administer this chapter and ~~the State Board of Public Health~~
45 shall adopt rules and regulations necessary thereto; provided,
46 however, that such rules and regulations shall be adopted only
47 after consultation with and approval by the California Con-
48 ference of Local Health Officers. Approval of such rules and
49 regulations shall be by majority vote of those present at an
50 official session.

51 SEC. 139. Section 1112 of the Health and Safety Code is
52 amended to read:

1112. The State Department of ~~Public~~ Health may provide for consultant and advisory services and for the training of technical and professional personnel in educational institutions and field training centers approved by said department, and for the establishment and maintenance of field training centers in local health departments and in the State Department of ~~Public~~ Health.

SEC. 140. Section 1130 of the Health and Safety Code is amended to read:

1130. The State Department of ~~Public~~ Health, after consultation with and approval by the Conference of Local Health Officers, shall by ~~board~~ regulations establish standards of education and experience for professional and technical personnel employed in local health departments and for the organization and operation of the local health departments. Such standards may include the maintenance of records of services, finances and expenditures, which shall be reported to the State Department of ~~Public~~ Health in a manner and at such times as it may specify.

SEC. 141. Section 1140 of the Health and Safety Code is amended to read:

1140. Provisional approval may be given by the State Department of ~~Public~~ Health to a county health department which meets minimum standards as provided for in this chapter, but which does not serve all cities of less than 50,000 population within such county.

SEC. 142. Section 1153 of the Health and Safety Code is amended to read:

1153. After determining the total amounts available to each area, the State Department of ~~Public~~ Health shall notify the governing body of each local health department of such amount, and of the conditions governing its availability.

SEC. 143. Section 1155 of the Health and Safety Code is amended to read:

1155. No funds appropriated for the purposes of this article shall be allocated to any local health department whose professional and technical personnel and whose organization and program do not meet the minimum standards established by the State Department of ~~Public~~ Health.

SEC. 144. Section 1156 of the Health and Safety Code is amended to read:

1156. The basic and per capita allotments shall be paid quarterly to the administrative body of each qualifying local health department. Each quarterly payment may be adjusted on a basis of the actual expenditures during the previous quarter, if such adjustment is necessary to maintain the minimum proportional relationship of state and local expenditures as outlined in Section 1154. The State Department of ~~Public~~ Health shall certify to the State Controller the amounts to be paid to each local health department each quarter and the State Controller shall thereupon draw the necessary warrants, and the State Treasurer shall pay to the administrative body of

each local health department the amount so certified. Any such payments may be withheld by the State Department of ~~Public~~ Health if a local health department fails to continue to meet the minimum standards established, provided that not less than 45 days' advance notice of intention to withhold such payments, and the reasons therefor, shall be given to the governing body of the local health department.

SEC. 145. Section 1157 of the Health and Safety Code is amended to read:

1157. In lieu of any other provisions of this chapter, upon request of the board of supervisors of any county of less than 40,000 population and upon the appropriation for public health purposes by such county of a sum of not less than fifty-five cents (\$0.55) per capita for the total county population, the State Department of ~~Public~~ Health may organize and operate a local public health service in such county. The State Department of ~~Public~~ Health may conduct such local public health service either directly, or by contract with other agencies, or by some combination of these methods as may be agreed upon by the State Department of ~~Public~~ Health and the board of supervisors of the county concerned. The creation of a county board of public health or a similar local advisory group shall be at the discretion of the board of supervisors. The state financial assistance which is appropriated for public health services in counties which have not qualified or do not elect to qualify for such funds under other provisions of this chapter, is hereby made available to the State Department of ~~Public~~ Health for such purposes. Funds expended pursuant to this Section shall be in accordance with law regarding expenditures of money appropriated out of the State Treasury, including those in the Budget Act and any applicable provisions of the Government Code.

SEC. 146. Section 1203 of the Health and Safety Code is amended to read:

1203. No clinics are eligible for licensure under this chapter, except the classes as defined in the following:

(a) Charitable clinic is a clinic supported and maintained in whole or in part by donations, bequests, gifts or contributions, in which advice, diagnosis, treatment, medicines, drugs, appliances or apparatus concerning bodily and mental disease and injuries is given without charge. No corporation, other than a charitable corporation, shall operate a charitable clinic. No natural person or persons shall operate a charitable clinic. Nominal charges, made and collected from individuals advised or treated in a charitable clinic to defray administrative costs, if approved by the State Department of ~~Public~~ Health do not affect a status or classification of a charitable clinic.

(b) A teaching and research clinic is a clinic operated by or affiliated with any institution of learning which teaches a recognized healing art and is approved by the state agency having regulation of the practice of that healing art.

1 (c) An employer's clinic is a clinic operated by an em-
2 ployer, or jointly by two or more employers, without profit to
3 them, for the prevention and treatment of accidental injuries
4 to, and the care of the health of, their employees only.

5 (d) An employees' clinic is a clinic operated by a group of
6 employees or jointly by employees and employers, without
7 profit to the operators thereof or to any other person, for the
8 prevention and treatment of accidental injuries to, and the
9 care of the health of, the employees comprising such group.

10 SEC. 147. Section 1204 of the Health and Safety Code is
11 amended to read:

12 1204. The provisions of this chapter do not apply to the
13 following:

14 (a) Any clinic conducted, maintained or operated by the
15 United States Government, or by any of its departments,
16 officers or agencies or by this state, or by any of its political
17 subdivisions or districts, or by any city.

18 (b) Clinics conducted, maintained, or operated as out-
19 patient departments of hospitals.

20 (c) Any clinic conducted, maintained, or operated by any
21 establishment or institution licensed by the State Department
22 of ~~Mental Hygiene~~ *Health* exclusively for care and treatment
23 of any mentally disordered or other incompetent person re-
24 ferred to in Division 5 or 6 of the Welfare and Institutions
25 Code.

26 SEC. 148. Section 1210 of the Health and Safety Code is
27 amended to read:

28 1210. Any person desiring a license under the provisions of
29 this chapter shall file with the State Department of ~~Public~~
30 Health a verified application on a form prescribed and fur-
31 nished by the department, containing:

32 (a) The name and address of the clinic.

33 (b) The name and address of the applicant who is respon-
34 sible for control, management, and direction of the clinic.

35 (c) The name and address of the professional licentiate re-
36 sponsible for the professional activities of the clinic.

37 (d) The class of clinic to be operated.

38 (e) Complete information on the character and scope of ad-
39 vice and treatment to be provided.

40 (f) Complete description of the building, its location, facili-
41 ties, equipment, apparatus, and appliances to be furnished and
42 used in the operation of the clinic.

43 (g) Source and anticipated amount of funds and income for
44 the operation of the clinic covering the year for which the
45 application is made.

46 (h) Anticipated volume of service to be rendered, the antici-
47 pated unit cost, and the anticipated unit charge to be made to
48 patients, covering the year for which the application is made.

49 (i) Justification for the operation of the clinic.

50 (j) Such additional information as may be required by
51 the department for the proper administration and enforcement
52 of this chapter.

1 SEC. 149. Section 1213 of the Health and Safety Code is
2 amended to read:

3 1213. Every clinic for which a license has been issued shall
4 be periodically inspected by a duly authorized representative
5 of the department. The department may delegate such of its
6 authority under this chapter as it deems advisable to local
7 health departments, the staffs and inspectorial services of which
8 have the written approval of the Department of ~~Public~~ Health.
9 Reports of each inspection shall be prepared by the representa-
10 tive conducting it upon forms prepared and furnished by the
11 department filed with the department.

12 SEC. 150. Section 1236 of the Health and Safety Code is
13 amended to read:

14 1236. Any officer, employee or agent of the State Depart-
15 ment of ~~Public~~ Health may enter and inspect any building or
16 premises at any reasonable time to secure compliance with or to
17 prevent a violation of any provision of this chapter.

18 SEC. 151. Section 1237 of the Health and Safety Code is
19 amended to read:

20 1237. The district attorney of every county shall, upon ap-
21 plication by the State Department of ~~Public~~ Health, or its au-
22 thorized representative, institute and conduct the prosecution
23 of any action for violation within his county of any provision
24 of this chapter.

25 SEC. 152. Section 1402.1 of the Health and Safety Code
26 is amended to read:

27 1402.1. In addition to the requirements of Section 1402,
28 any person, political subdivision of the state or governmental
29 agency desiring a license under the provisions of this chapter
30 which shall cover a new facility or additional bed capacity or
31 the conversion of existing bed capacity to a different license
32 category, except outpatient and emergency services, shall file
33 with the state department a verified statement on a form pre-
34 scribed, prepared, and furnished by the department con-
35 taining:

36 (a) The date applicant filed its complete application for
37 new or additional bed capacity or conversion of an existing
38 bed capacity with the voluntary area health planning agency
39 or voluntary local health planning agency approved pursuant
40 to Section 437.7.

41 (b) The date or dates the voluntary area health planning
42 agency or voluntary local health planning agency held a
43 public hearing or hearings on the proposal, and evidence
44 that the applicant participated in the hearing in accordance
45 with established procedures of such group.

46 (c) The date the voluntary area health planning agency or
47 the consumer members of a voluntary area health planning
48 agency acting as an appeals body or the *Advisory* Health
49 Planning Council made a final and favorable decision concern-
50 ing the new or additional bed capacity or conversion of facil-
51 ities and a statement that the time for appeal has expired, or

in the case of a modified approval, that the modifications have been made, or

(d) That the time allowed for decision has passed and no decision has been made or that the voluntary area health planning agency failed to act upon a lack of recommendation by the voluntary local health planning agency within the time allowed, or

(e) That more than 12 months have expired since a decision has been reached by the voluntary area health planning agency.

SEC. 153. Section 1415 of the Health and Safety Code is amended to read:

1415. The provisions of this chapter do not apply to any of the following institutions:

(a) Any hospital conducted, maintained or operated by the United States government or a duly authorized agency thereof.

(b) Any hospital conducted, maintained or operated by this state or any state department, authority, bureau, commission, or officer, nor to any hospital conducted, maintained or operated by the Regents of the University of California, the autonomous character of said Regents of the University of California having been established by the provisions of Article IX, Section 9, of the Constitution of the State. However, a local hospital district or city is not a state agency or a state department, authority, bureau, commission, or officer within the meaning of this subdivision, and this subdivision does not exempt a hospital conducted, maintained, or operated by a local hospital district or city from the provisions of this chapter.

(c) Any hospital conducted by and for the adherents of any well recognized church or religious denomination for the purpose of providing facilities for the care or treatment of the sick who depend upon prayer or spiritual means for healing in the practice of the religion of such church or denomination.

(d) Hotels or other similar places that furnish only board and room, or either, to their guests.

(e) Establishments, institutions, homes, and other places for the reception and care of the insane, alleged insane, mentally ill, mentally deficient, or other incompetent persons referred to in Division 6 of the Welfare and Institutions Code, subject to the jurisdiction of the State Department of ~~Mental Hygiene~~ *Health*.

(f) Establishments, institutions, homes, and other places for the reception and care of children or of aged persons referred to in Divisions 2 and 3 of the Welfare and Institutions Code, respectively, subject to the jurisdiction of the State Department of ~~Social Welfare~~ *Health*.

(g) County hospitals, except that the department shall investigate, examine and make reports upon such hospitals, and except that all plans for the use of existing buildings or for new buildings, parts of buildings, or additions to or alterations in buildings, for any such hospitals shall, before their adop-

tion, be submitted to the department for suggestions and approval as to the social requirements of the occupants.

SEC. 154. Section 1419 of the Health and Safety Code is amended to read:

1419. Any officer, employee, or agent of the State Department of ~~Public~~ *Health* may enter and inspect any building or premises at any reasonable time to secure compliance with, or to prevent a violation of, any provision of this chapter.

SEC. 155. Section 1420 of the Health and Safety Code is amended to read:

1420. The District Attorney of every county shall, upon application by the State Department of ~~Public~~ *Health*, or its authorized representative, institute and conduct the prosecution of any action for violation within his county of any provisions of this chapter.

SEC. 156. Section 1421 of the Health and Safety Code is amended to read:

1421. The State Department of ~~Public~~ *Health* may delegate to local health departments, the staffs and inspectorial services of which have the written approval of the State Department of ~~Public~~ *Health*, the authority to verify compliance with this chapter, investigate unlicensed facilities, inspect licensed facilities, consult with licensees, require licensees to comply with statutory provisions and the rules and regulations of the state department, and to recommend disciplinary action by the state department against licensees. In exercising the authority so delegated, the local health department shall conform to the requirements of this chapter and to the rules and regulations as interpreted by the state department.

SEC. 157. Section 1421.5 of the Health and Safety Code is amended to read:

1421.5. On or before the first day of January of any calendar year, the board of supervisors of any county with a population in excess of 6,000,000 persons may elect to have the county health department during the next succeeding fiscal year, commencing on July 1st of such calendar year, verify compliance with this chapter, investigate unlicensed facilities, consult with licensees, require licensees to comply with statutory provisions and the rules and regulations of the state department, recommend disciplinary action by the state department against licensees, and recommend to the district attorney the prosecution of any action for the violation of any provision of this chapter in such county.

The election shall be made by the adoption by the board of supervisors of an ordinance which recites that, pursuant to this section, the board of supervisors has elected to have the county health department perform hospital inspection and enforcement functions in such county during the next succeeding fiscal year. Immediately, upon the adoption of the ordinance, a certified copy of the ordinance shall be transmitted to the state department.

In exercising the authority which is vested in it pursuant to this section and the election of the board of supervisors, the county health department shall conform to the requirements of this chapter and to the rules and regulations as interpreted by the state department. It shall, however, have the power to recommend directly to the district attorney the prosecution of any action for the violation of any provision of this chapter.

During any fiscal year in which the board of supervisors of the county has elected to have the county health department perform hospital inspection and enforcement functions in such county, the costs of the performance of such inspection and enforcement functions by the county health department shall be paid by the state. Such expenditures shall not, however, exceed amounts appropriated by the Legislature for the purpose of such inspection and enforcement.

Each health department performing such inspection and enforcement functions shall at such times and in such manner as required by the State Director of Public Health, present to the director a proposed annual budget for the reasonable cost, including necessary overhead, of such inspection and enforcement functions to be conducted hereunder by the county health department. Such budget shall be examined by the director and, to the extent found by him to be reasonable for efficient inspection service, and after concurrence by the Department of Finance, shall be approved in writing. Nothing in this section shall prevent a county health department from providing more than the minimum inspectional services as prescribed in Section 1421 providing that the cost of such additional service shall be borne by the county health department.

During any period with regard to which federal law requires state inspection of hospitals other than as provided in this section as a condition for the receipt of federal aid for medical care, the provisions of this section shall not be operative.

SEC. 158. Section 1424 of the Health and Safety Code is amended to read:

1424. The Departments of Social Welfare, Mental Hygiene, Rehabilitation, and Public Health may enter into an agreement under the provisions of Chapter 5 (commencing with Section 6500) of Division 7 of Title 1 of the Government Code, whereunder any such either department may administer all or any portion of the licensing functions of any or all of the other departments department.

SEC. 159. Section 1457 of the Health and Safety Code is amended to read:

1457. The Department of Public Health, with the advice of the Department of Social Welfare, shall prescribe the records to be kept by county hospitals of persons received into or discharged from such institutions, including, but not limited to, records for the admission and processing of county hospital patients.

The records shall be preserved and maintained pursuant to regulations adopted by the department, or at the request of the

county physician or other person in charge of the county hospital, the board of supervisors of the county may authorize the destruction of any record, paper or document prescribed by the department following compliance with the conditions prescribed in Section 26205 of the Government Code.

SEC. 160. Section 1509 of the Health and Safety Code is amended to read:

1509. The State Board of Department of Health shall make, promulgate, and may thereafter modify, amend or rescind, reasonable rules and regulations to carry out the purposes of this chapter, prescribing minimum standards regarding physical welfare, health, safety, and sanitation, which shall be maintained by any licensee or applicant for license under the provisions of this chapter.

The state department shall consult with and obtain the advice and recommendations of such other public or private authorities as it deems advisable in order that the minimum standards prescribed pursuant to this section shall give proper recognition to the interdependence of services concerned with mental, physical, and social welfare and education of handicapped persons. The State Board of Department of Health shall give due consideration to such advice and recommendations in prescribing said minimum standards.

SEC. 161. Section 1513 of the Health and Safety Code is amended to read:

1513. The provisions of this chapter do not apply to any of the following:

(a) Establishments conducted, maintained, or operated by the United States government or a duly authorized agency thereof.

(b) Establishments whose activities are restricted solely to the reception and care of the insane, alleged insane, mentally ill, mentally deficient, or other incompetent persons referred to in Division 6 of the Welfare and Institutions Code, subject to the jurisdiction of the State Department of Mental Hygiene Health.

(c) Establishments subject to the licensing provisions of Chapter 2 of Division 2 of this code.

(d) Services, including special services, provided by licensed practitioners of the healing arts who are governed by Division 2 of the Business and Professions Code. However, any establishment operated, conducted, or maintained by any such licensed practitioner for the purpose of rendering special services to handicapped persons is subject to the provisions of this chapter.

(e) Establishments established, conducted or maintained by or under the jurisdiction of, the Department of Education, a county superintendent of schools or of any school district.

SEC. 162. Section 1514 of the Health and Safety Code is amended to read:

1514. Nothing in this chapter authorizes the state department or the State Board of Health to establish rules and regu-

lations concerning the content of the academic curriculum of any applicant or licensee, or concerning the qualification or certification of teachers in the educational curriculum of any applicant or licensee.

SEC. 163. Section 1600.6 of the Health and Safety Code is amended to read:

1600.6. "Department" means the State Department of Public Health.

SEC. 164. Section 1651 of the Health and Safety Code is amended to read:

1651. The State Department of Public Health shall administer the provisions of this chapter.

Every provision of this chapter shall be liberally construed to protect the interests of all persons and animals affected.

As used in this chapter, "person" includes: laboratory, firm, association, corporation, copartnership, and educational institution.

As used in this chapter, "board" means the State Board of Public Health.

As used in this chapter, or "department" means the Department of Public Health.

SEC. 165. Section 1685 of the Health and Safety Code is amended to read:

1685. The governing body of a city, county, city and county or school district may employ one or more school audiometrists, each of whom shall be registered with the State Board of Public Department of Health and possess such qualifications as may at the date of registration be prescribed by the state board department.

Audiometric testing as conducted by the qualified school audiometrist, pursuant to Section 13300 of the Education Code, or by other qualified certificated school personnel, as defined in Sections 11751 and 11904 of the Education Code, shall meet the standards which the State Board of Public Department of Health determines necessary to insure the adequacy of hearing testing in the schools. Subject to Section 11902 of the Education Code, audiometric tests may be administered to school and preschool children in school buildings and other places as are or may be used by schools, health departments or other agencies that provide qualified personnel to conduct such tests.

SEC. 166. Section 1686 of the Health and Safety Code is amended to read:

1686. The State Board of Public Department of Health shall, subject to the provisions of Section 1685, issue certificates of registration to school audiometrists and to qualified supervisors of health, pursuant to Sections 11751 and 11903 of the Education Code. The state board department shall prescribe such qualifications as may be necessary for the testing of the hearing of schoolchildren.

Candidates for registration who present evidence of having satisfactorily completed the required training in audiology and

audiometry at an accredited university or college, as prescribed by the State Board of Public Department of Health, may be issued certificates of registration without further examination.

The state board department shall require a registration fee not in excess of ten dollars (\$10) for each certificate issued. Such fee shall be based upon a determination by the board department as to the amount that is reasonably necessary to pay for the costs of the issuance of certificates of registration.

SEC. 167. Section 1701 of the Health and Safety Code is amended to read:

1701. There is in the State Department of Public Health a Cancer Advisory Council composed of nine physicians and surgeons licensed to practice medicine in, and residing in, this state, three persons who are not physicians and surgeons, two persons representing nonprofit cancer research institutes recognized by the National Cancer Institute, and the director of the department, who shall be an ex officio member. The members of the council shall be appointed by the Governor to serve for terms of four years. The Governor, in appointing the first members, shall appoint at least one member from the faculty of each of the schools teaching medicine and surgery and located in this state that are approved by the State Board of Medical Examiners. The Governor shall endeavor to maintain one member from the faculty of each school in making subsequent appointments.

SEC. 168. Section 1725 of the Health and Safety Code is amended to read:

1725. It is the purpose of this chapter to license home health agencies in order to permit certain agencies to meet the requirements of federal law as provided in Public Law 89-97, the Social Security Amendments of 1965. By passing a licensing act it is the intent of the Legislature to allow all those who are qualified to provide home health services to the people of California. It is the further intent that the State Department of Public Health shall establish high standards of quality for home health agencies which provide such services.

SEC. 169. Section 1727 of the Health and Safety Code is amended to read:

1727. As used in this chapter, the following terms have the meanings set forth in this section:

(a) "State department" means the State Department of Public Health.

(b) "Home health agency" means a public agency or private organization, or a subdivision of any such agency or organization, which—

(1) Is primarily engaged in providing skilled nursing services and other therapeutic services to patients in the home on a part-time or intermittent basis, including but not limited to a licensed hospital, sanatorium, nursing or convalescent home or local health department which incidentally to its primary function provides health services in the home environment;

(2) Has policies, established by a group of professional personnel, including one or more physicians and one or more public health nurses as certified by the state department pursuant to Section 600 of this code, to govern the services which it provides, and provides for supervision of such services by a physician or registered nurse, provided that skilled nursing services shall be supervised by a registered nurse. Such policies shall be written and include, but not be limited to, those concerning patient care, personnel, training and indoctrination, supervision and program evaluation;

(3) Maintains clinical records on all patients, including a plan of treatment prescribed by the patient's physician; and

(4) Meets such other standards, rules and regulations adopted by the state department.

(c) "Skilled nursing services" means those services ordinarily provided by a registered nurse or licensed vocational nurse in the home environment to patients under a plan of treatment prescribed by the patient's physician who is licensed to practice medicine in the state.

(d) "Other therapeutic services" includes but is not limited to physical, speech or occupational therapy; medical social services; and home health aide services.

(e) "Home health aide services" means those services ordinarily provided by an unlicensed person, including a practical nurse, who is employed by a home health agency to provide supportive services to the patient in the home under the supervision of a registered nurse or a physical, speech, or occupational therapist.

SEC. 170. Section 1756 of the Health and Safety Code is amended to read:

1756. Every emergency medical care committee shall, at least annually, report to the *Advisory Health Planning Council*, the state department, and the areawide comprehensive health planning agency for its area its observations and recommendations relative to its review of the ambulance services, emergency medical care, and first aid practices in that county. The emergency medical care committee shall submit its observations and recommendations to the county board or boards of supervisors which it serves for comment only.

SEC. 171. Section 1760 of the Health and Safety Code is amended to read:

1760. The State Department of ~~Public~~ Health shall maintain, in cooperation with local agencies, an Emergency Medical Services Program including, but not limited to, the following:

(a) Collection of data on the use of emergency medical services which will be of value in their development.

(b) Evaluation of emergency medical services.

(c) Establishment of recommended standards for emergency medical services.

(d) Provision of plans whereby community medical emergency services can be augmented by assistance from nearby

communities and from other resources throughout the state at large.

(e) Providing consultation services with the emergency medical care committee of each county established under Section 1750 of this code.

SEC. 172. Section 2283.5 of the Health and Safety Code is amended to read:

2283.5. When any nuisance specified in this chapter is found to exist on any property subject to the control of any state agency, the district shall notify the state agency of the existence of the nuisance. The provisions of Sections 2275, 2276, 2277, 2278, 2280, 2281, and 2282 shall govern the contents of the notice and the manner of serving it, the right of the state agency to a hearing before the board, the hearing before the board, and the power of the district to abate the nuisance if it is not abated by the state agency. If the state agency determines that the order to prevent recurrence of the breeding specified in the notice to abate the nuisance is excessive or inappropriate for the intended use of the land, or if the state agency determines that a nuisance, as specified in Section 2271, does not exist, such agency may appeal the decision of the board to the State Director of ~~Public~~ Health within 10 days subsequent to the hearing. The director shall decide the matters on appeal and convey his decision to the agency and district within 30 days of the receipt of the appeal. The decision of the director shall be final and conclusive. If the control of the nuisance is performed by the district, the cost for such control is a charge against, and shall be paid from, the maintenance fund or from other funds for the support of the state agency.

Any state agency and a district may enter into contractual agreements to provide control of nuisances as defined in this chapter. The authority which is granted by this paragraph is in addition to any other authority which a state agency and a district may have to enter into contractual agreements for such purpose.

As used in this section, the term "state agency" has the meaning prescribed by Section 11000 of the Government Code.

SEC. 173. Section 3110 of the Health and Safety Code is amended to read:

3110. Each health officer knowing or having reason to believe that any case of the diseases made reportable by regulation of the ~~Board of Public~~ *Department of Health*, or any other contagious, infectious or communicable disease exists, or has recently existed, within the territory under his jurisdiction, shall take such measures as may be necessary to prevent the spread of the disease or occurrence of additional cases.

SEC. 174. Section 3226 of the Health and Safety Code is amended to read:

3226. The laboratory shall submit such laboratory reports or records to the State Department of ~~Public~~ Health as are required by the regulation of the ~~State Board of Public Health~~

department. The health officer may destroy any copies of reports which have been retained by him pursuant to this section for a period of two years.

SEC. 175. Section 3296 of the Health and Safety Code is amended to read:

3296. Whenever any person confined in any state institution, as provided in Section 3351 of this code, subject to the jurisdiction of the Director of Corrections, dies, and any personal funds or personal property of such person remains in the hands of the Director of Corrections, such funds may be applied in an amount not exceeding three hundred dollars (\$300) to the payment of expenses relating to burial; provided, however, that if no such funds are available, the State Department of Public Health shall reimburse the Director of Corrections for such expenses in an amount not exceeding three hundred dollars (\$300).

SEC. 176. Section 3380 of the Health and Safety Code is amended to read:

3380. No person may be unconditionally admitted as a pupil of a private elementary or secondary school or as a pupil of any school district unless prior to his first admission to school in California he has been immunized against poliomyelitis in the manner and with immunizing agents approved by the State Department of Public Health.

A person who presents evidence that he has received one such immunizing dose of poliomyelitis vaccine may be admitted on condition that within a period designated by regulation of the State Department of Public Health he presents evidence that he has been fully immunized against poliomyelitis.

A person who has not received any poliomyelitis vaccine may be admitted on condition that within two weeks of the date of his admission he shall present evidence that he has obtained his first such immunizing dose and shall thereafter within a period designated by regulation of the State Department of Public Health present evidence that he has been fully immunized against poliomyelitis.

This chapter does not apply to:

(a) Any person who is seeking admission to a public secondary school as an "adult" as that word is defined in Section 5756 of the Education Code.

(b) Any person who is seeking admission to a private secondary school for enrollment in a course consisting of less than 10 hours of instruction a week who attains his 21st birthday prior to the first day of the semester or other period of instruction for which he is seeking enrollment.

(c) Any person who is seeking admission to a junior college who has graduated from a high school located in this state.

(d) Students 18 years of age or older seeking enrollment in an adult school or a class for adults.

SEC. 177. Section 3382 of the Health and Safety Code is amended to read:

3382. The county health officer of each county shall organize and have in operation by January 1, 1962, an immunization program so that immunization is made available to all persons required by this chapter to be immunized. He shall also determine how the cost of such a program is to be covered. To the extent that the cost to the county is in excess of that sum recovered from persons immunized, funds made available by the school districts may be used to pay the cost of the immunization of any person seeking admission to the public schools. The remainder of the cost shall be paid by the county in the same manner as other expenses of the county are paid.

Immunization performed by a private physician shall be acceptable for admission to school if the immunization is performed and records are made in accordance with rules established by the State Department of Public Health.

SEC. 178. Section 3387 of the Health and Safety Code is amended to read:

3387. In enacting this chapter, it is the intent of the Legislature to provide a means for the eventual achievement of total immunization against poliomyelitis. This chapter is intended to provide exemptions from immunization under specified conditions. It is also designed to provide for the keeping of adequate records of immunization so that appropriate public agencies and the persons immunized will be able to ascertain that a person is fully immunized or only partially immunized. It is also the intent of the Legislature that the persons required to be immunized by this chapter be allowed to obtain immunization from whatever medical source they so desire, subject only to the condition that the immunization be performed in accordance with the regulations of the State Department of Public Health and that a record of the immunization is made in accordance with such regulations.

SEC. 179. Section 3400 of the Health and Safety Code is amended to read:

3400. No person may be unconditionally admitted as a pupil of a private elementary or secondary school or as a pupil of any school district unless prior to his first admission to school in California he has been immunized against measles (rubeola) in the manner and with immunizing agents approved by the State Department of Public Health.

A person who has not received an immunizing dose of measles (rubeola) vaccine may be admitted on condition that within two weeks of the date of his admission he shall present evidence that he has been fully immunized against measles (rubeola).

This chapter does not apply to:

(a) Any person who is seeking admission to a public secondary school as an "adult" as that word is defined in Section 5756 of the Education Code.

(b) Any person who is seeking admission to a private secondary school for enrollment in a course consisting of less than 10 hours of instruction a week who attains his 21st birthday

1 prior to the first day of the semester or other period of in-
2 struction for which he is seeking enrollment.

3 (c) Any person who is seeking admission to a junior col-
4 lege who has graduated from a high school located in this
5 state.

6 (d) Students 18 years of age or older seeking enrollment
7 in an adult school or a class for adults.

8 SEC. 180. Section 3407 of the Health and Safety Code is
9 amended to read:

10 3407. In enacting this chapter, it is the intent of the Leg-
11 islature to provide a means for the eventual achievement of
12 total immunization against measles (rubeola). This chapter is
13 intended to provide exemptions from immunization under
14 specified conditions. It is also designed to provide for the keep-
15 ing of adequate records of immunization so that appropriate
16 public agencies and the persons immunized will be able to
17 ascertain that a person is immunized. It is also the intent of
18 the Legislature that the persons required to be immunized by
19 this chapter be allowed to obtain immunization from what-
20 ever medical source they so desire, subject only to the condi-
21 tion that the immunization be performed in accordance with
22 the regulations of the State Department of Public Health and
23 that a record of the immunization is made in accordance with
24 such regulations.

25 SEC. 181. Section 3701 of the Health and Safety Code is
26 amended to read:

27 3701. For the purposes of this chapter the term "com-
28 mon use" when applied to a drinking receptacle is defined
29 as its use for drinking purposes by, or for, more than one
30 person without its being thoroughly cleansed and sterilized
31 between consecutive uses thereof by methods prescribed by or
32 acceptable to the State Department of Public Health.

33 SEC. 182. Section 3751 of the Health and Safety Code is
34 amended to read:

35 3751. Unsanitary packing material shall not be used until
36 it has been cleaned and disinfected to the satisfaction of the
37 State Department of Agriculture, State Department of Public
38 Health, or the agents of either or both, or by a county health
39 officer.

40 SEC. 183. Section 3801 of the Health and Safety Code is
41 amended to read:

42 3801. For the purpose of this chapter the term "common
43 use" when applied to a towel means its use by, or for, more
44 than one person without its being laundered between consecu-
45 tive uses of such towel by methods prescribed by or acceptable
46 to the State Department of Public Health.

47 SEC. 184. Section 3901 of the Health and Safety Code is
48 amended to read:

49 3901. No person shall supply or furnish to his employees
50 for wiping rags, or sell or offer for sale for wiping rags, any
51 soiled wearing apparel, underclothing, bedding, or parts of
52 soiled or used underclothing, wearing apparel, bedclothes,

1 bedding, or soiled rags or cloths unless they have been steri-
2 lized by methods prescribed by or acceptable to the State De-
3 partment of Public Health.

4 SEC. 185. Section 4008 of the Health and Safety Code is
5 amended to read:

6 4008. (a) The provisions of this chapter shall be enforced
7 by the State Department of Public Health, or any local public
8 health department.

9 (b) Any health officer or inspector, upon demand and notice
10 of his authority, may, during reasonable hours, enter and in-
11 spect the ice, equipment, premises, sources of supply, and
12 places of storage used by any person for storing or selling ice
13 intended for human consumption or the preservation of food.

14 SEC. 186. Section 4010.1 of the Health and Safety Code is
15 amended to read:

16 4010.1. In areas where the service rendered by a person
17 is primarily agricultural and domestic service is only incident-
18 al thereto, the provisions of this chapter shall not apply ex-
19 cept in specific areas in which the Department of Public
20 Health has found its application to be necessary for the pro-
21 tection of the public health and has given written notice
22 thereof to the person furnishing or supplying water in such
23 area.

24 The Department of Public Health may prescribe reasonable
25 and feasible action to be taken by such persons or the con-
26 sumers to insure that their domestic water will not be in-
27 jurious to health.

28 SEC. 187. Section 4051 of the Health and Safety Code is
29 amended to read:

30 4051. All water supply reservoirs of a public agency,
31 whether heretofore or hereafter constructed, shall be open for
32 recreational use by the people of this state, subject to the regu-
33 lations of the State Department of Public Health.

34 SEC. 188. Section 4403 of the Health and Safety Code is
35 amended to read:

36 4403. A vessel upon which any garbage has been loaded
37 with the intent that it shall be dumped or deposited upon any
38 of the waters of the ocean where permitted by this article,
39 shall not leave any point within the state unless it shall carry
40 for the entire trip an inspector appointed by the State De-
41 partment of Public Health, or where the point of departure
42 is in a city, then by the city. The inspector shall enforce the
43 provisions of this article.

44 Every person in charge of a vessel which is required to have
45 an inspector on board by this article, and which does not
46 carry an inspector during the entire trip, is guilty of a mis-
47 demeanor.

48 SEC. 189. Section 4457 of the Health and Safety Code is
49 amended to read:

50 4457. Every person who violates, or refuses or neglects to
51 conform to, any sanitary rule, order, or regulation prescribed
52 by the State Department of Public Health for the prevention

1 of the pollution of springs, streams, rivers, lakes, wells, or
2 other waters used or intended to be used for human or animal
3 consumption, is guilty of a misdemeanor.

4 SEC. 190. Section 4463 of the Health and Safety Code is
5 amended to read:

6 4463. Before the reservoir and its surrounding land are
7 opened to public fishing the public agency owning or operating
8 the reservoir shall determine that such public fishing will not
9 affect the purity and safety for drinking and domestic pur-
10 poses of the water collected in the reservoir, and shall obtain
11 from the State Board of Public Department of Health a valid
12 water supply permit setting forth the terms and conditions
13 upon which public fishing may be conducted in the reservoir
14 and on its surrounding land.

15 SEC. 191. Section 4470.1 of the Health and Safety Code is
16 amended to read:

17 4470.1. The board of supervisors of any county wherein
18 is located a body of water owned by a governmental agency,
19 which is used to supply water for human consumption may
20 by resolution request the governmental agency owning the
21 body of water to open the body of water to public fishing and
22 the surrounding land area for other recreational use. The gov-
23 ernmental agency owning the body of water shall thereupon
24 make and file with said board of supervisors an estimate of the
25 cost of preparing a coordinated plan for public fishing in said
26 body of water and other recreational uses in the surrounding
27 land area. Said board of supervisors thereupon may deposit
28 with the governmental agency owning said body of water the
29 amount of such estimate not exceeding two thousand five hun-
30 dred dollars (\$2,500), and the governmental agency owning
31 said body of water thereupon shall proceed promptly with and
32 complete such coordinated plan. In event the cost of preparing
33 such plan shall be less than the amount deposited by said
34 board of supervisors, the excess shall be repaid by the govern-
35 mental agency owning the body of water to the board of super-
36 visors which made such deposit. Such plan may provide for
37 development of the area by stages and may exclude from pub-
38 lic access structures, facilities or works of the agency neces-
39 sary in supplying water for human consumption and such
40 portions of the body of water and surrounding land area as
41 may be reasonably required for the protection, maintenance
42 or operation of such structures, facilities or works. Such plan
43 may exclude such portions of the surrounding area as are
44 unsuitable for public recreational use. The coordinated plan
45 may also include an estimate of the cost of the capital improve-
46 ments necessary or convenient for such public fishing and
47 recreational uses, an estimate of the annual cost of mainte-
48 nance and operation of the plan, and a recommendation as to
49 the manner in which the plan may be financed.

50 After completion of the coordinated plan the governmental
51 agency shall promptly make application to the State Depart-
52 ment of Public Health for an amendment to its water supply

1 permit, which would allow the opening of the body of water
2 to public fishing and the surrounding land area for other rec-
3 reational use pursuant to the coordinated plan.

4 SEC. 192. Section 5465 of the Health and Safety Code is
5 amended to read:

6 5465. Notwithstanding any other provision of law, in any
7 district which is authorized to provide sewer facilities and the
8 district is authorized to incur bonded indebtedness after a
9 favorable vote of two-thirds of the votes cast at an election
10 held for that purpose, if at the last two such elections such a
11 favorable vote was not received, and if the health officer of the
12 county in which the principal portion of the district is
13 located makes a finding that the proceeds of any bond issue
14 are necessary for the construction of sewage facilities essen-
15 tial to the public health and such officer certifies that a pres-
16 ent dangerous hazard to the public health exists, and the gov-
17 erning body of such district or county shall, in conjunction
18 with the public health officer, certify that they will cease and
19 desist in any activity which may contribute to such hazard,
20 and such finding is concurred in by the State Department of
21 Public Health and the board of supervisors of such county as
22 evidenced by resolution, or if the regional water quality con-
23 trol board issues an order to the district to cease and desist,
24 and the fact of such order is stated in a resolution, then by
25 resolution adopted by a four-fifths vote, the district board
26 may call for a bond election and provide in the resolution call-
27 ing for such election that bonds for the district for the amount
28 stated may be issued and sold if a majority of the votes cast at
29 the election are in favor of incurring the bonded indebtedness
30 as proposed. This section shall remain in effect until December
31 31, 1973, and shall have no force or effect after that date.

32 SEC. 193. Section 5474.29 of the Health and Safety Code
33 is amended to read:

34 5474.29. The State Department of Public Health, after
35 consultation with the State Departments of Agriculture, and
36 Industrial Relations, may make and promulgate reasonable
37 regulations in accordance with this chapter pursuant to Chap-
38 ter 4.5 (commencing with Section 11371), Part 1, Division 3,
39 Title 2 of the Government Code.

40 SEC. 194. Section 5474.30 of the Health and Safety Code
41 is amended to read:

42 5474.30. The primary responsibility for enforcement of the
43 provisions of this chapter shall be vested in the local health
44 officers; county agricultural commissioners may participate in
45 such enforcement. The State Departments of Public Health,
46 Industrial Relations, and Agriculture may also enforce the
47 provision of this chapter.

48 Any agency enforcing the provisions of this chapter shall
49 report any violation to all offices of the Division of Farm Labor
50 Service of the Department of Employment Human Resources
51 Development located in the county where the violation occurs.
52 Such report shall identify the employer responsible for the

1 violation, the nature of the violation, and the location of the
2 food crop growing and harvesting operation where the viola-
3 tion occurs. The Division of Farm Labor Service shall not re-
4 fer persons for employment to any employer or food crop
5 growing and harvesting operation identified in such report un-
6 til the agency reporting the violation certifies that the violation
7 has been corrected.

8 SEC. 195. Section 7152 of the Health and Safety Code is
9 amended to read:

10 7152. The following persons are eligible to receive gifts of
11 human bodies or parts thereof for the purposes stated:

12 (a) The State Director of ~~Public~~ Health, any licensed hos-
13 pital accredited by the Joint Commission on Accreditation of
14 Hospitals, any licensed physician or surgeon, or any medical
15 school, college, university, or teaching institution for use in
16 medical education, research, advancement of medical science,
17 therapy, or transplantation to individuals;

18 (b) Any nonprofit blood bank, artery bank, eye bank, or
19 other therapeutic service operated by any agency approved
20 by the Director of ~~Public~~ Health under rules and regulations
21 established by the director, for use in therapy or transplanta-
22 tion to individuals;

23 (c) Any specified individual for use in therapy or trans-
24 plantation needed by him.

25 SEC. 196. Section 10001 of the Health and Safety Code is
26 amended to read:

27 10001. The State Department of ~~Public~~ Health is charged
28 with the uniform and thorough enforcement of this division
29 throughout the state, and may promulgate additional regula-
30 tions for its enforcement.

31 SEC. 197. Section 10025 of the Health and Safety Code is
32 amended to read:

33 10025. The Director of ~~Public~~ Health shall be the State
34 Registrar of Vital Statistics.

35 SEC. 198. Section 10066 of the Health and Safety Code is
36 amended to read:

37 10066. Special county records of birth certificates and
38 death certificates transmitted and filed with the county re-
39 corder under the provisions of this chapter shall be open for
40 inspection by the public in accordance with rules and regula-
41 tions adopted by the State Department of ~~Public~~ Health for
42 local registrars.

43 SEC. 199. Section 10439 of the Health and Safety Code is
44 amended to read:

45 10439. All records and information specified in this ar-
46 ticle, other than the newly issued birth certificate, shall be
47 available only upon the order of the superior court of the
48 county of residence of the adopted child or the superior court
49 of the county granting the order of adoption.

50 No such order shall be granted by the superior court unless
51 a verified petition setting forth facts showing the necessity of
52 such an order has been presented to the court and good and

1 compelling cause is shown for the granting of the order.
2 The clerk of the superior court shall send a copy of the peti-
3 tion to the State Department of ~~Social Welfare~~ *Health* and
4 the department shall send a copy of all records and informa-
5 tion it has concerning the adopted person with the name and
6 address of the natural parents removed to the court. The court
7 must review these records before making an order and the
8 order should so state. If the petition is by or on behalf of an
9 adopted child who has attained majority, these facts shall be
10 given great weight, but the granting of any petition is solely
11 within the sound discretion of the court.

12 The name and address of the natural parents shall be given
13 to the petitioner only if he can demonstrate that such name
14 and address, or either of them, are necessary to assist him in
15 establishing a legal right.

16 SEC. 200. Section 11655.5 of the Health and Safety Code is
17 amended to read:

18 11655.5. The Legislature finds that there is a need to en-
19 courage further research into the nature and effects of mari-
20 juana (*Cannabis sativa*) and hallucinogenic drugs and to co-
21 ordinate research efforts on such subjects.

22 There shall be established a Research Advisory Panel which
23 shall consist of a representative of the State Department of
24 ~~Public Health~~, a representative of the Department of Mental
25 Hygiene, the Chairman of the Interagency Council on Drug
26 Abuse, a representative of the California State Board of Phar-
27 macy, a representative of the Attorney General, a representa-
28 tive of the University of California who shall be a pharmacolo-
29 gist or physician or a person holding a doctorate degree in the
30 health sciences, and a representative of a private university
31 in this state who shall be a pharmacologist or physician or a
32 person holding a doctorate degree in the health sciences. The
33 Governor shall annually designate the private university repre-
34 sented on the panel. Members of the panel shall be appointed
35 by the heads of the entities to be represented, and they shall
36 serve at the pleasure of the appointing power.

37 The panel may hold hearings on, and in other ways study,
38 research projects concerning marijuana (*Cannabis sativa*) or
39 hallucinogenic drugs in this state. Members of the panel shall
40 serve without compensation, but shall be reimbursed for any
41 actual and necessary expenses incurred in connection with the
42 performance of their duties.

43 The panel may approve research projects into the nature
44 and effects of marijuana (*Cannabis sativa*) or hallucinogenic
45 drugs, and shall inform the Chief of the Bureau of Narcotic
46 Enforcement of the head of such approved research projects
47 which are entitled to receive quantities of marijuana (*Can-*
48 *nabis sativa*) pursuant to Section 11655.

49 The panel may withdraw approval of a research project at
50 any time, and when approval is withdrawn shall notify the
51 head of the research project to return any quantities of mari-

1 juana (*Cannabis sativa*) to the Chief of the Bureau of Nar-
2 cotic Enforcement.

3 The panel shall report annually to the Legislature and the
4 Governor those research projects approved by the panel, the
5 nature of each research project, and, where available, the con-
6 clusions of the research project.

7 SEC. 201. Section 11722 of the Health and Safety Code is
8 amended to read:

9 11722. (a) Whenever any court in this state grants pro-
10 bation to a person who the court has reason to believe is or
11 has been a user of narcotics, the court may require as a con-
12 dition to probation that the probationer submit to periodic
13 tests by a city or county health officer, or by a physician and
14 surgeon appointed by the city or county health officer with
15 the approval of the State Division of Narcotic Enforcement,
16 to determine, by means of the use of synthetic opiate anti-
17 narcotic in action whether the probationer is a narcotic addict.

18 In any case provided for in this subdivision, the city or
19 county health officer, or the physician and surgeon appointed
20 by the city or county health officer with the approval of the
21 State Division of Narcotic Enforcement, shall report the re-
22 sults of the tests to the probation officer.

23 (b) In any case in which a person is granted parole by a
24 county parole board and the person is or has been a user of
25 narcotics, a condition of the parole may be that the parolee
26 undergo periodic tests as provided in subdivision (a) and that
27 the county or city health officer, or the physician and surgeon
28 appointed by the city or county health officer with the approval
29 of the State Division of Narcotic Enforcement, shall report
30 the results to the board.

31 (c) In any case in which any state agency grants a parole
32 to a person who is or has been a user of narcotics, it may be
33 a condition of the parole that the parolee undergo periodic
34 tests as provided in subdivision (a) and that the county or city
35 health officer, or the physician and surgeon appointed by the
36 city or county health officer with the approval of the State
37 Division of Narcotic Enforcement, shall report the results of
38 the tests to such state agency.

39 (d) The cost of administering tests pursuant to subdivisions
40 (a) and (b) shall be a charge against the county. The cost of
41 administering tests pursuant to subdivision (c) shall be paid
42 by the state.

43 (e) The State Department of Public Health, in conjunction
44 with the State Division of Narcotic Enforcement, shall issue
45 regulations governing the administering of the tests provided
46 for in this section and providing the form of the report re-
47 quired by this section.

48 SEC. 202. Section 11901 of the Health and Safety Code is
49 amended to read:

50 11901. "Restricted dangerous drugs," as used in this divi-
51 sion, means any of the following:

1 (a) "Hypnotic drug" including acetyluric derivatives,
2 barbituric acid derivatives, chloral, paraldehyde, sulfomethane
3 derivatives, or any compounds or mixtures or preparations
4 that may be used for producing hypnotic effects.

5 (b) "Amphetamine" including amphetamine, desoxyephe-
6 drine, or compounds or mixtures thereof.

7 (c) "Lysergic acid," "LSD" (lysergic acid diethylamide)
8 and "DMT" (N-N-dimethyltryptamine), including their salts
9 and derivatives, or any compounds, mixtures, or preparations
10 which are chemically identical with such substances.

11 (d) Any other substance or preparation, which the Depart-
12 ment of Public Health, after investigation, has found to have,
13 and by regulation adopted pursuant to the Administrative
14 Procedure Act designates as having, a potential for abuse be-
15 cause of its hallucinogenic effect; except that the department
16 shall not designate under this subdivision any substance in-
17 cluded in Section 11001 or 11002 of this code or Section 23004
18 of the Business and Professions Code. The authority of the
19 department to adopt regulations pursuant to this subdivision
20 shall not be exercised except during those times when the
21 Legislature is not meeting in regular session. The department
22 may, by regulation, exempt any hallucinogenic drug, other
23 than those listed in subdivision (c), from the application of all
24 or part of this division when it finds that regulation of such
25 drug as provided in this division is not necessary for the
26 protection of the public health. Substances or preparations
27 designated by regulations adopted pursuant to this subdivision
28 shall be the same insofar as practicable as those designated
29 as having a potential for abuse because of their hallucinogenic
30 effect by the United States Department of Health, Education,
31 and Welfare. Any regulation adopted pursuant to this sub-
32 division shall be drafted in the form of a proposed law for
33 submission to the next succeeding regular session of the Legis-
34 lature and shall not remain in effect beyond 61 days after
35 the final adjournment of that session of the Legislature. Not-
36 withstanding any other provision of law, any violation of Sec-
37 tion 11910 which involves solely a substance or preparation
38 designated pursuant to this subdivision shall be punished by
39 a fine of not more than five hundred dollars (\$500) or by im-
40 prisonment in the county jail not exceeding six months, or by
41 both such fine and imprisonment; any violation of any other
42 provision of this division which involves solely a substance or
43 preparation designated pursuant to this subdivision shall be
44 punished by a fine of not more than one thousand dollars
45 (\$1,000) or by imprisonment in the county jail not exceeding
46 one year, or by both such fine and imprisonment.

47 SEC. 203. Section 13399.6 of the Health and Safety Code
48 is amended to read:

49 13399.6. The dangerously toxic concentrations of vapors
50 of solvents not defined in this chapter shall be established by
51 regulations adopted by the State Fire Marshal. The State Fire

1 Marshal shall seek the advice of the State Department of
2 Public Health in developing such regulations.

3 SEC. 204. Section 18897.2 of the Health and Safety Code
4 is amended to read:

5 18897.2. The State Director of Public Health shall adopt,
6 in accordance with the provisions of Chapter 4.5 (commenc-
7 ing with Section 11371, Part 1, Division 3, Title 2 of the
8 Government Code, and enforce such rules and regulations
9 establishing minimum standards for organized camps and reg-
10 ulating the operation of organized camps as he determines are
11 necessary to protect the health and safety of the campers. In
12 adopting such rules and regulations the State Director of
13 Public Health shall consider the Resident Camp Standards of
14 the American Camping Association.

15 SEC. 205. Section 18897.6 of the Health and Safety Code
16 is amended to read:

17 18897.6. Organized camps shall not be subject to regula-
18 tion by any state agency other than the State Department of
19 Public Health and the State Fire Marshal; provided, that
20 this section shall not affect the authority of the Department of
21 Industrial Relations to regulate the wages or hours, of em-
22 ployees of organized camps.

23 SEC. 206. Section 18897.7 of the Health and Safety Code
24 is amended to read:

25 18897.7. No organized camp shall be operated in this state
26 unless each site or location in which the camp operates satisfies
27 the minimum standards for organized camps prescribed by the
28 State Director of Public Health and the State Fire Marshal.
29 Any violation of this section or of any rule or regulation
30 adopted pursuant to Section 18897.2 or Section 18897.3 of this
31 code in the operation of organized camps is a misdemeanor.

32 SEC. 207. Section 24101 of the Health and Safety Code is
33 amended to read:

34 24101. The State Department of Public Health has super-
35 vision of sanitation, healthfulness, and safety of public swim-
36 ming pools.

37 SEC. 208. Section 24156 of the Health and Safety Code is
38 amended to read:

39 24156. The State Department of Public Health has super-
40 vision of sanitation, healthfulness, and safety of the public
41 beaches and public water-contact sport areas of the ocean
42 waters and bays of the state and the department may make
43 and enforce such rules and regulations pertaining thereto as
44 it deems proper.

45 SEC. 209. Section 24159 of the Health and Safety Code is
46 amended to read:

47 24159. Nothing contained in this article shall be construed
48 to give the State Department of Public Health the authority
49 to fix the areas wherein water-contact sports may be engaged
50 in or to affect the authority of the State Water Pollution Con-
51 trol Board or regional water pollution control boards to fix
52 appropriate areas for various uses.

1 SEC. 210. Section 25600 of the Health and Safety Code is
2 amended to read:

3 25600. The Legislature finds and declares that radioactive
4 contamination of the environment may subject the people of
5 the State of California to unnecessary exposure to ionizing
6 radiation unless it is properly controlled. It is therefore de-
7 clared to be the policy of this state that the State Department
8 of Public Health initiate and administer necessary programs
9 of surveillance and control of those activities which could lead
10 to the introduction of radioactive materials into the environ-
11 ment.

12 SEC. 211. Section 25600.5 of the Health and Safety Code
13 is amended to read:

14 25600.5. As used in this chapter the following terms have
15 the meanings described in this section:

16 (a) "Department" means the State Department of Public
17 Health.

18 (b) "Environment" means all places outside the control of
19 the person responsible for the radioactive materials.

20 (c) "Field tracer study" is any project, experiment, or
21 study which includes provision for deliberate introduction of
22 radioactive material into the environment for experimental or
23 test purposes.

24 (d) "Person" includes any association of persons, copart-
25 nership or corporation.

26 (e) "Radiation," or "ionizing radiation," means gamma
27 rays and X-rays; alpha and beta particles, high-speed elec-
28 trons, neutrons, protons, and other nuclear particles; but not
29 sound or radio waves, or visible, infrared, or ultraviolet light.

30 (f) "Radioactive material" means any material or combina-
31 tion of materials that spontaneously emits ionizing radiation.

32 (g) "Radioactive waste" means any radioactive material
33 that is discarded as nonusable.

34 (h) "Significant" or "significantly," as applied to radio-
35 active contamination, means such concentrations or amounts of
36 radioactive material as are likely to expose persons to ionizing
37 radiation equal to or greater than the guide levels published by
38 the Federal Radiation Council.

39 (i) "Radiological monitoring" means the measurement of
40 the amounts and kinds of radioactive materials in the en-
41 vironment.

42 SEC. 212. Section 25661 of the Health and Safety Code is
43 amended to read:

44 25661. As used in this chapter:

45 (a) "Department" means the State Department of Public
46 Health.

47 (b) "Board" means the State Board of Public Department
48 of Health.

49 (c) "Committee" means the Radiologic Technology Certifi-
50 cation Committee.

1 (d) "Radiologic technology" means the application of
2 X-rays on human beings for diagnostic or therapeutic pur-
3 poses.

4 (e) "Radiologic technologist" means any person other than
5 a licentiate of the healing arts making application of X-rays
6 to human beings for diagnostic or therapeutic purposes pur-
7 suant to subdivision (b) of Section 25668.

8 (f) "Limited permit" means a permit issued pursuant to
9 subdivision (c) of Section 25668 to persons to conduct
10 radiologic technology limited to the performance of certain
11 procedures or the application of X-ray to specific areas of the
12 human body.

13 (g) "Approved school for radiologic technologists" means
14 a school which the department has determined provides a
15 course of instruction in radiologic technology which is ade-
16 quate to meet the purposes of this chapter.

17 (h) "Supervision" means responsibility for, and control of,
18 quality, radiation safety, and technical aspects of all X-ray
19 examinations and procedures.

20 (i) "Licentiate of the healing arts" means a person licensed
21 under the provisions of Chapter 5 (commencing with Section
22 2000) of Division 2 of the Business and Professions Code who
23 possesses a certificate issued under the provisions of Section
24 2135 of such code, and a person licensed under the provi-
25 sions of the initiative act entitled "An act prescribing the
26 terms upon which licenses may be issued to practitioners of
27 chiropractic, creating the State Board of Chiropractic Exam-
28 iners and declaring its powers and duties, prescribing penal-
29 ties for violation thereof, and repealing all acts and parts of
30 acts inconsistent herewith," approved by electors November 7,
31 1922, as amended, or under the "Osteopathic Act."

32 (j) "Certified supervisor or operator" means a licentiate of
33 the healing arts who has been certified under the provisions of
34 subdivision (e) of Section 25668, Section 25699.1, or Section
35 25699.2, to supervise the operation of X-ray machines or to
36 operate X-ray machines, or both.

37 SEC. 213. Section 25663 of the Health and Safety Code is
38 amended to read:

39 25663. The State Board of Public Department of Health
40 shall appoint a certification committee to assist, advise, and
41 make recommendations for the establishment of rules and
42 regulations necessary to insure the proper administration and
43 enforcement of the provisions of this chapter, and for those
44 purposes to serve as consultants to the department. The ap-
45 pointments shall be made from lists of at least three nominees
46 for each position submitted by appropriate professional as-
47 sociations and societies designated by the Director of Public
48 Health, and provisions shall be made for orderly rotation of
49 membership.

50 SEC. 214. Section 25696 of the Health and Safety Code is
51 amended to read:

1 25696. The ~~board~~ department may establish a schedule of
2 fees for permits issued pursuant to subdivisions (c) and (e)
3 of Section 25668, Sections 25670, 25699.1, and 25699.2, pro-
4 vided that such fees do not exceed the maximum authorized
5 in Section 25694, and further provided that the revenue from
6 such fees shall be related to the costs of administering the
7 provisions of this chapter.

8 SEC. 215. Section 25697 of the Health and Safety Code is
9 amended to read:

10 25697. The ~~board~~ department may establish a schedule of
11 fees to be paid by schools applying for approval as approved
12 schools for radiologic technologists and, on an annual basis, by
13 schools which are included on the department's list of approved
14 schools for radiologic technologists. Such fees shall not exceed
15 ten dollars (\$10) per year per registered student.

16 SEC. 217. Section 25771 of the Health and Safety Code is
17 amended to read:

18 25771. The Department of Public Health shall keep cur-
19 rent information on the permits or licenses issued by the
20 United States Atomic Energy Commission in the state and
21 shall transmit such information to the ~~Coordinator of Atomic~~
22 ~~Energy Development~~ Secretary of the Resources Agency and
23 upon request to any state department or agency or member
24 of the public.

25 SEC. 218. Section 25812 of the Health and Safety Code is
26 amended to read:

27 25812. The department shall not grant any license to re-
28 ceive radioactive material from other persons for disposal on
29 land unless all of the following requirements are satisfied:

30 (a) The land on which the radioactive wastes are to be
31 buried is owned by the federal or state government.

32 (b) The department determines that the site is consistent
33 with the public health and safety.

34 (c) The department receives a finding from the ~~Coordinator~~
35 ~~of Atomic Energy Development~~ Secretary of the Resources
36 Agency that the establishment and operation of the site will
37 be of economic benefit to atomic energy development in this
38 state. The coordinator, in arriving at such a finding, shall con-
39 sult with the Advisory Council on Atomic Energy Develop-
40 ment. If the Office of Nuclear Energy is not in operation, the
41 finding that the establishment and operation of the site will
42 be of economic benefit to atomic energy development in this
43 state shall be made by the State Board of Public Department
44 of Health.

45 SEC. 219. Section 25896 of the Health and Safety Code is
46 amended to read:

47 25896. Any person is guilty of a misdemeanor who manu-
48 factures, sells, or exchanges, has in his possession with intent
49 to sell or exchange, or exposes or offers for sale or exchange to
50 any retailer, any toy which either (1) is coated with paints
51 and lacquers containing compounds of lead of which the lead
52 content (calculated as Pb) is in excess of 1 percent of the

total weight of the contained solids (including pigments and drier), or soluble compounds of antimony, arsenic, cadmium, mercury, selenium or barium, introduced as such; compounds are considered soluble if quantities in excess of 0.1 percent are dissolved by 5 percent hydrochloric acid after stirring for 10 minutes at room temperature; (2) consists in whole or in part of a diseased, contaminated, filthy, putrid or decomposed substance; (3) has been produced, prepared, packed or held under insanitary conditions; (4) is stuffed, padded, or lined with materials which are toxic or which would otherwise be hazardous if ingested; or (5) is a stuffed, padded, or lined toy which is not securely wrapped or packaged.

The State Department of ~~Public~~ Health and local health officers shall enforce the provisions of this chapter.

SEC. 220. Section 25990.5 of the Health and Safety Code is amended to read:

25990.5. The State ~~Board of Public~~ Department of Health may promulgate regulations governing the entry, quarantine, or release from quarantine, of any and all wild animals imported into this state pursuant to the provisions of this chapter. The regulations shall be designed to protect the public health against diseases known to occur in any such animals.

SEC. 221. Section 26011 of the Health and Safety Code is amended to read:

26011. "Department" means the State Department of ~~Public~~ Health.

SEC. 222. Section 26051 of the Health and Safety Code is amended to read:

26051. The provisions of this chapter shall be administered by the department in accordance with the provisions of Article 6 (commencing with Section 26320) of Chapter 2 of Division 21 of the Health and Safety Code, and the department shall have all of the powers granted to the board or department in that article, and for this purpose a cosmetic shall be deemed a drug as that term is used in that article.

SEC. 223. Section 26234 of the Health and Safety Code is amended to read:

26234. A drug or device shall be deemed to be adulterated (1) if it consists in whole or in part of any filthy, putrid or decomposed substance; or (2) if it has been produced, prepared, packed, or held under insanitary conditions whereby it may have been contaminated with filth, or whereby it may have been rendered injurious to health; or (3) if it is a drug and the methods used in, or the facilities or controls used for, its manufacture, processing, packing, or holding do not conform to or are not operated or administered with current good manufacturing practice to assure that such drug meets the requirements of this chapter as to safety and has the identity and strength and meets the quality and purity characteristics which it purports or is represented to possess. The ~~board~~ department shall promulgate such interpretative regulations as the ~~board~~ department determines is necessary to define "cur-

rent good manufacturing practice" as used in this chapter; provided, that such regulations shall conform, insofar as practicable, to those promulgated by the Secretary of Health, Education, and Welfare.

SEC. 224. Section 26243 of the Health and Safety Code is amended to read:

26243. (a) A drug shall be deemed to be misbranded unless its label bears, to the exclusion of any other nonproprietary name (except the applicable systematic chemical name or the chemical formula), (1) the established name of the drug, if such there be; and (2) in case it is fabricated from two or more ingredients, the established name and quantity of each active ingredient, including the kind and quantity or proportion of any alcohol, and also including, whether active or not, the established name and quantity or proportion of any bromides, ether, chloroform, acetanilid, acetphenetidin, antipyrine, atropine, hyoscyne, hyoscyamine, codeine, arsenic, digitalis, digitalis glucosides, mercury, ouabain, strophanthin, strychnine, barbituric acid, or any derivative or preparation of any such substances, contained therein. The requirement for stating the quantity of the active ingredients, including the quantity of those specifically named in this paragraph, shall apply to all drugs, including prescription drugs; provided that for non-prescription drugs, and except as to the quantity of the ingredients specifically named in this paragraph which must be stated on the label, this requirement shall be satisfied by either stating such quantities on the label of the drug or by filing a statement of such quantities with the State Department of ~~Public~~ Health. When such a statement is filed with the department, it shall make the information provided therein available to local public and private health agencies, poison control centers, licentiates of the healing arts, the California State Board of Pharmacy, and others, to promote the purposes of this requirement. The department may exempt any nonprescription drug from the requirement of stating the quantity of the active ingredients, other than those specifically named in this paragraph, upon a showing by the applicant through evidence satisfactory to the department that the granting of the exemption will not endanger the public health. For any prescription drug the established name of such drug or ingredient, as the case may be, on such label (and on any labeling on which a name for such drug or ingredient is used) shall be printed prominently and in type at least half as large as that used thereon for any proprietary name or designation for such drug or ingredient.

This section shall not apply to any drug shipped by a manufacturer or packer to a retailer or wholesaler before the operative date of this section. Any such drugs so shipped shall comply with the provisions of this section on and after July 1, 1973.

(b) The department may establish regulations requiring an applicant for an exemption pursuant to subdivision (a) of

1 this section to pay a reasonable fee not to exceed one hundred
2 dollars (\$100).

3 SEC. 225. Section 26255 of the Health and Safety Code is
4 amended to read:

5 26255. (1) A drug intended for use by man which:

6 (a) Is a habit-forming drug to which Section 26254 ap-
7 plies; or

8 (b) Because of its toxicity or other potentiality for harm-
9 ful effect, or the method of its use, or the collateral measures
10 necessary to its use, is not safe for use except under the super-
11 vision of a practitioner licensed by law to administer such
12 drug; or

13 (c) Is limited by an effective application under Section
14 26288 to use under the professional supervision of a practi-
15 tioner licensed by law to administer such drug, shall be dis-
16 pensed only (i) upon a written prescription of a practitioner
17 licensed by law to administer such drug, or (ii) upon an oral
18 prescription of such practitioner which is reduced promptly
19 to writing and filed by the pharmacist, or (iii) by refilling
20 any such written or oral prescription if such refilling is au-
21 thorized by the prescriber either in the original prescription
22 or by oral order which is reduced promptly to writing and
23 filed by the pharmacist. The act of dispensing a drug contrary
24 to the provisions of this paragraph shall be deemed to be an
25 act which results in the drug being misbranded while held for
26 sale.

27 (2) Any drug dispensed by filling or refilling a written or
28 oral prescription of a practitioner licensed by law to admin-
29 ister such drug shall be exempt from the requirements of Sec-
30 tions 26241, 26242, 26243, 26244, 26245, 26246, 26247, 26250,
31 and 26254, and the provisions of Section 26249 deeming a drug
32 misbranded if its container is so formed, made, or filled as to be
33 misleading, except the packaging requirements of Sections
34 26245, 26246 and 26247, if the drug bears a label contain-
35 ing the name and address of the dispenser, the serial number
36 and date of the prescription or of its filling, the name of the
37 prescriber, and, if stated in the prescription, the name of the
38 patient, and the directions for use and cautionary statements,
39 if any, contained in such prescription. This exemption shall not
40 apply to any drug dispensed in the course of the conduct of
41 a business of dispensing drugs pursuant to diagnosis by mail,
42 or to a drug dispensed in violation of subdivision (1) of this
43 section.

44 (3) The *board department* may by regulation remove drugs
45 subject to Section 26254 and Section 26288 from the require-
46 ments of subdivision (1) of this section when such require-
47 ments are not necessary for the protection of the public health.

48 (4) A drug which is subject to subdivision (1) of this sec-
49 tion shall be deemed to be misbranded if at any time prior to
50 dispensing its label fails to bear the statement "Caution:
51 Federal law prohibits dispensing without prescription," or
52 "Caution: Not to be dispensed without a prescription." The

1 cautionary statements shall be printed as prescribed in Chap-
2 ter 10 (commencing at Section 25900), Division 20 of this
3 code. A drug to which subdivision (1) of this section does not
4 apply shall be deemed to be misbranded if at any time prior
5 to dispensing its label bears the caution statement provided
6 for in this subdivision.

7 (5) Nothing in this section shall be construed to relieve
8 any person from any requirement described by or under
9 authority of law with respect to drugs now included or which
10 may hereafter be included within the classifications stated in
11 Division 10 (commencing at Section 11000) of this code.

12 SEC. 226. Section 26271 of the Health and Safety Code is
13 amended to read:

14 26271. No person shall compound for, give, or sell to any
15 person any drugs, medicines, or other substances advertised,
16 called for, labeled, or to be used for, the cure or treatment of
17 gonorrhea, syphilis, chaneroid, lymphogranuloma inguinale, or
18 granuloma inguinale except upon prescription of a duly li-
19 censed physician. Such prescription shall not be transferable
20 to any person except the patient whose name appears thereon,
21 and shall be kept on file by the person or firm providing the
22 drug, medicine, or substance for two years during which it
23 shall be open to inspection by any authorized agent of the State
24 Department of Public Health. Prescriptions containing sulfan-
25 ilamide, its compounds or derivatives, issued under this sec-
26 tion, cannot be refilled without the order of the physician who
27 prescribed same.

28 SEC. 227. Section 26273 of the Health and Safety Code
29 is amended to read:

30 26273. Whenever the *board department* determines that an
31 advance in medical science has made any type of self-medica-
32 tion safe as to any of the diseases named in Section 26286.5,
33 the *board department* shall by regulation authorize the adver-
34 tisement of drugs or devices having curative or therapeutic
35 effect for such disease, subject to such conditions and restric-
36 tions as the *board department* may deem necessary in the in-
37 terests of public health.

38 SEC. 228. Section 26289 of the Health and Safety Code is
39 amended to read:

40 26289. Within 180 days after the filing of an application
41 provided for in subdivision (2) of Section 26288, or such ad-
42 ditional period as may be agreed upon by the *board depart-*
43 *ment* and the applicant, the *board department* shall either:

44 (1) Approve the application if it finds that none of the
45 grounds for denying approval specified in Section 26290 ap-
46 plies, or

47 (2) Give the applicant notice for an opportunity for a hear-
48 ing before the *board department* on the question whether such
49 application is approvable. If the applicant elects to accept the
50 opportunity for hearing by written request within 30 days
51 after such notice, such hearing shall commence not more than
52 90 days after the expiration of such 30 days unless the *board*

1 department and the applicant otherwise agree. Any such hear-
2 ing shall thereafter be conducted on an expedited basis and
3 the ~~board~~ department order thereon shall be issued within 90
4 days after the date fixed by the ~~board~~ department for filing
5 final briefs.

6 SEC. 229. Section 26289.5 of the Health and Safety Code
7 is amended to read:

8 26289.5. (a) In the case of any drug or device for which
9 an approval of an application filed pursuant to this chapter is
10 in effect, the applicant shall establish and maintain such
11 records, and make such reports to the ~~board~~ department, of
12 data relating to clinical experience and other data or informa-
13 tion, received or otherwise obtained by such applicant with
14 respect to such drug or device, as the ~~board~~ department may
15 prescribe on the basis of a finding that such records and re-
16 ports are necessary in order to enable the ~~board~~ department
17 to determine, or facilitate a determination, whether there is or
18 may be ground for suspension of the application.

19 (b) Every person required under this section to maintain
20 records, and every person in charge of custody thereof shall,
21 upon request of an agent of the ~~board~~ department, permit
22 such agent at all reasonable times to have access to and copy
23 and verify such records.

24 SEC. 230. Section 26290 of the Health and Safety Code is
25 amended to read:

26 26290. The ~~board~~ department shall issue an order refusing
27 to permit the application to become effective, if, after due
28 notice to the applicant and opportunity for a hearing, the
29 ~~board~~ department finds any of the following:

30 (a) The investigations, reports of which are required to be
31 submitted to the ~~board~~ department pursuant to subdivision

32 (2) of Section 26288, do not include adequate tests by all
33 methods reasonably applicable to show whether or not a drug
34 or device is safe for use under the conditions prescribed, rec-
35 ommended, or suggested in the proposed labeling thereof.

36 (b) The results of tests specified in subdivision (a) show
37 that a drug or device is unsafe for use under the conditions
38 specified in subdivision (a) or do not show that the drug or
39 device is safe for use under such conditions.

40 (c) The methods used in, and the facilities and controls
41 used for, the manufacture, processing, and packing of a drug
42 or device are inadequate to preserve its identity, strength,
43 quality, and purity.

44 (d) Upon the basis of the information submitted to it as
45 part of the application, or upon the basis of any other infor-
46 mation before it with respect to a drug or device, it has in-
47 sufficient evidence to determine whether the drug or device is
48 safe for use under the conditions specified in subdivision (a).

49 (e) Evaluated on the basis of the information submitted
50 to it as part of the application and any other information be-
51 fore it with respect to such drug or device there is a lack of
52 substantial evidence that the drug or device will have the ef-

1 fect it purports or is represented to have under the conditions
2 of use prescribed, recommended, or suggested in the proposed
3 labeling or advertising thereof.

4 (f) The application contains any untrue statement of a
5 material fact.

6 SEC. 231. Section 26290.5 of the Health and Safety Code
7 is amended to read:

8 26290.5. (a) The ~~board~~ department shall issue an order
9 withdrawing approval of an application concerning any drug
10 or device if, after due notice to the applicant and opportunity
11 for a hearing, the ~~board~~ department finds any of the following:

12 (1) That clinical or other experience, tests, or other scien-
13 tific data show that such drug or device is unsafe for use
14 under the conditions of use upon the basis of which the appli-
15 cation was approved;

16 (2) That new evidence of clinical experience, not contained
17 in such application or not available to the ~~board~~ department
18 until after such application was approved, or tests by new
19 methods, or tests by methods not deemed reasonably applicable
20 when such application was approved, evaluated together with
21 the evidence available to the ~~board~~ department when the appli-
22 cation was approved, shows that such drug or device is not
23 shown to be safe for use under conditions of use upon the
24 basis of which the application was approved; or

25 (3) On the basis of new information with respect to such
26 drug or device, evaluated together with the evidence available
27 to the ~~board~~ department when the application was approved,
28 that there is a lack of substantial evidence that the drug or
29 device will have the effect it purports or is represented to
30 have under the conditions of use prescribed, recommended, or
31 suggested in the labeling or advertising thereof; or

32 (4) That the application contains any untrue statement of
33 a material fact.

34 (b) If the ~~board~~ department finds that there is an immi-
35 nent hazard to the public health, it may suspend the approval
36 of such application immediately.

37 (c) The ~~board~~ department may also, after due notice and
38 opportunity for hearing, withdraw the approval of an appli-
39 cation with respect to any drug or device under this section
40 if the ~~board~~ department finds any of the following:

41 (1) That the applicant has failed to establish a system for
42 maintaining required records, or has repeatedly or deliber-
43 ately failed to maintain such records or to make required re-
44 ports, or the applicant has refused to permit access to, or
45 copying or verification of, such records; or

46 (2) That on the basis of new information before the ~~board~~
47 department, evaluated together with the evidence before it
48 when the application was approved, the methods used in, or
49 the facilities and controls used for, the manufacture, process-
50 ing, and packing of such drug are inadequate to assure and
51 preserve its identity, strength, quality, and purity and were
52 not made adequate within a reasonable time after receipt of

1 written notice from the ~~board~~ department specifying the mat-
2 ter complained of; or

3 (3) That on the basis of new information before it, evalu-
4 ated together with the evidence before it when the applica-
5 tion was approved, the labeling of such drug or device, based
6 on a fair evaluation of all material facts, is false or misleading
7 in any particular and was not corrected within a reasonable
8 time after receipt of written notice from the ~~board~~ department
9 specifying the matter complained of.

10 (d) Any order under this section shall state the findings
11 upon which it is based.

12 SEC. 232. Section 26291 of the Health and Safety Code is
13 amended to read:

14 26291. An order refusing to permit an application, con-
15 cerning any drug or device, to become effective shall be re-
16 voked whenever the ~~board~~ department finds that the facts
17 justify such action.

18 SEC. 233. Section 26294 of the Health and Safety Code is
19 amended to read:

20 26294. It shall be unlawful to refuse to permit, to attempt
21 to prevent, or to prevent the free access of any agent of the
22 ~~board~~ department to any factory, warehouse, or establishment
23 in which a drug or device is, or is suspected of being manu-
24 factured, processed, packed or held for introduction into com-
25 merce, or to any vehicle being used or suspected of being used
26 to transport or hold such drug or device.

27 SEC. 234. Section 26310 of the Health and Safety Code is
28 amended to read:

29 26310. Every person who manufactures in this state a drug
30 or device as defined in this chapter shall first obtain a license
31 from the State Department of Public Health. Such license is
32 good for one calendar year from the date of issue and is not
33 transferable.

34 SEC. 235. Section 26311 of the Health and Safety Code is
35 amended to read:

36 26311. A separate license shall be required for each place
37 of business. Every person licensed pursuant to Section 26310
38 shall immediately notify the State Department of Public
39 Health of any change of ownership, name or address, or of any
40 additional establishment he intends to operate.

41 SEC. 236. Section 26321 of the Health and Safety Code is
42 amended to read:

43 26321. The authority to promulgate regulations for the
44 efficient enforcement of this chapter is vested in the ~~board~~
45 department. The ~~board~~ department is authorized to make the
46 regulations promulgated under this chapter conform, insofar
47 as practicable, to those promulgated under the federal act.
48 The violation of a regulation promulgated under this chapter
49 shall be deemed to be a violation of this chapter.

50 SEC. 237. Section 26322 of the Health and Safety Code is
51 amended to read:

1 26322. Hearings authorized or required by this chapter
2 shall be conducted by the ~~board~~ department or such officer,
3 agent, or employee as the ~~board~~ department may designate for
4 the purpose.

5 SEC. 238. Section 26323 of the Health and Safety Code is
6 amended to read:

7 26323. Before promulgating any regulation, the ~~board de-~~
8 partment shall give appropriate notice of the proposal and of
9 the time and place for a hearing. The regulation so promul-
10 gated shall become effective on a date fixed by the ~~board de-~~
11 partment. The effective date shall not be prior to 90 days after
12 the promulgation of the regulation. Such regulation may be
13 amended or repealed in the same manner as is provided for
14 its adoption.

15 In the case of a regulation amending or repealing any regu-
16 lation the ~~board~~ department, to such an extent as it deems
17 necessary in order to prevent undue hardship, may disregard
18 the foregoing provisions regarding notice, hearing, or effective
19 date.

20 SEC. 239. Section 26324 of the Health and Safety Code is
21 amended to read:

22 26324. The ~~board~~ department shall require examinations to
23 be made of samples secured under the provisions of this chap-
24 ter to determine whether or not any provision of this chapter
25 is being violated.

26 SEC. 240. Section 26325 of the Health and Safety Code is
27 amended to read:

28 26325. The ~~board~~ department may appoint such agents as
29 it may deem necessary.

30 SEC. 241. Section 26330 of the Health and Safety Code is
31 amended to read:

32 26330. The ~~board~~ department or its duly authorized agent
33 shall have free access at all reasonable hours to any factory,
34 warehouse, or establishment in which drugs or devices are
35 manufactured, processed, packed, or held for introduction into
36 commerce, or to enter any vehicle being used to transport or
37 hold such drugs and devices, in commerce, for the purpose:

38 (1) Of inspecting such factory, warehouse, establishment, or
39 vehicle to determine if any of the provisions of this chapter are
40 being violated; and in the case of any factory, warehouse,
41 establishment, or consulting laboratory in which prescription
42 drugs are manufactured, processed, packed, or held, the in-
43 spection shall extend to all things therein (including records,
44 files, papers, processes, controls, and facilities) bearing on
45 whether prescription drugs which are adulterated or mis-
46 branded within the meaning of this chapter, or which may not
47 be manufactured, introduced into commerce, or sold, or offered
48 for sale by reason of any provision of this chapter, have been
49 or are being manufactured, processed, packed, transported, or
50 held in any such place, or otherwise bearing on violation of this
51 chapter. No inspection authorized for prescription drugs by
52 the preceding sentence shall extend to (a) financial data,

1 (b) sales data other than shipment data, (c) pricing data,
2 (d) personnel data (other than data as to qualifications of
3 technical and professional personnel performing functions
4 subject to this chapter), and (e) research data (other than
5 data, relating to new drugs subject to reporting under this
6 chapter).

7 (2) To secure samples or specimens of any drugs and de-
8 vices after paying or offering to pay for such sample.

9 SEC. 242. Section 26332 of the Health and Safety Code is
10 amended to read:

11 26332. Nothing in this chapter shall be construed as re-
12 quiring the ~~board department~~ to report for the institution of
13 proceedings under this chapter, minor violations of this chap-
14 ter, whenever the ~~board department~~ believes that the public
15 interest will be adequately served in the circumstances by a
16 suitable written notice or warning.

17 SEC. 243. Section 26333 of the Health and Safety Code is
18 amended to read:

19 26333. The ~~board department~~ may cause to be published
20 from time to time reports summarizing all judgments, decrees,
21 and court orders which have been rendered under this chapter,
22 including the nature of the charge and the disposition thereof.

23 SEC. 244. Section 26334 of the Health and Safety Code is
24 amended to read:

25 26334. The ~~board department~~ may cause to be disseminated
26 such information regarding drugs and devices as the ~~board~~
27 ~~department~~ deems necessary in the interest of public health
28 and the protection of the consumer against fraud. Nothing in
29 this section shall be construed to prohibit the ~~board depart-~~
30 ~~ment~~ from collecting, reporting, and illustrating the results of
31 the investigations of the ~~board department~~.

32 SEC. 245. Section 26335 of the Health and Safety Code is
33 amended to read:

34 26335. Any person who refuses to sell to any agent of the
35 ~~board department~~ any sample of drug or device upon tender
36 of the market price therefor, or who conceals any such drug
37 or device from such officer, or who withholds from the officer
38 information respecting the place where such drug or device
39 is kept or stored is guilty of a misdemeanor punishable as pro-
40 vided in Section 26295.

41 SEC. 246. Section 26341 of the Health and Safety Code is
42 amended to read:

43 26341. The hearings shall be held at such place as the
44 ~~board department~~ or the person conducting the hearing may
45 designate. The hearings shall be private and confined to the
46 consideration of fact. Parties interested may appear in person
47 or by attorney and may propound interrogatories and submit
48 oral or written evidence to show any fault or error in the
49 findings made by the state ~~laboratory department~~.

50 SEC. 247. Section 26343 of the Health and Safety Code is
51 repealed.

1 26343. On or before August 1st of each year, the Chief of
2 the Division of Laboratories of the State department shall
3 make an annual report to the board upon adulterated or mis-
4 branded drugs and devices. The report shall include the list
5 of cases examined by him in which adulterants were found, the
6 list of articles found to be misbranded, and the names of the
7 manufacturers, producers, jobbers and sellers. The Chief of
8 the Bureau of Food and Drug Inspections shall report at the
9 same time on all activities of that bureau.

10 SEC. 248. Section 26344 of the Health and Safety Code is
11 repealed.

12 26344. The board may include the reports, or any parts
13 thereof, in the report which the board makes to the Governor.

14 SEC. 249. Section 26360 of the Health and Safety Code is
15 amended to read:

16 26360. Whenever a duly authorized agent of the ~~board~~
17 ~~department~~ finds, or has probable cause to believe, that any
18 drug or device is adulterated, misbranded, or falsely adver-
19 tised, he shall affix to such articles a tag or other appropriate
20 marking giving notice that such article is, or is suspected of
21 being, adulterated, misbranded, or falsely advertised and has
22 been detained or quarantined, and warning all persons not to
23 remove or dispose of such article by sale or otherwise until
24 permission for removal or disposal is given by the Chief of the
25 Bureau of Food and Drug Inspection ~~department~~ or the court.

26 SEC. 250. Section 26366 of the Health and Safety Code is
27 amended to read:

28 26366. When an article is found to be adulterated or mis-
29 branded, and is detained or quarantined under this article, the
30 ~~board department~~ shall commence proceedings in the name of
31 the people of the State of California against such article in the
32 superior court of the county or city and county in which the
33 article is detained or quarantined by petitioning said court for
34 a judgment to forfeit, condemn and destroy such article. Upon
35 the filing of such petition, the clerk of said court shall fix a
36 time and place for the hearing thereof, and cause notices
37 thereof to be prepared notifying all persons who may claim
38 an interest in said article of the time and place of said hearing.
39 A copy of the petition and notice shall be posted for 14 days in
40 at least three public places in the town, city or county
41 where the court is held, and in a conspicuous place where such
42 article is detained or quarantined. A copy of the petition and
43 notice shall also be served upon each person in possession of
44 said article and on each owner or claimant whose name and
45 address is known. Said service may be made by personal service
46 or by registered mail to the last known address of such person.
47 At any time prior to the date of the hearing any person in pos-
48 session of said article, or owner thereof or claimant thereto,
49 may file an answer which may include a prayer for a judgment
50 of release of such article or relief in accordance with Sections
51 26368 and 26369. At the time set for the hearing the court shall

commence to hear and determine said proceeding, but may, for good cause shown, continue the hearing to a day certain; provided, the court shall finally determine all the issues presented by the petition and answer within 60 days after the date when the matter was first set for hearing.

SEC. 251. Section 26366.5 of the Health and Safety Code is amended to read:

26366.5. If, within 30 days after detention or quarantine of any article under this article, the ~~board department~~ has not commenced a proceeding under Section 26366, then the person in possession of such article, or the owner thereof or any claimant thereto, may commence a proceeding in the superior court of the county or city and county in which the article is detained or quarantined, by petitioning said court for a judgment to release said article or for relief under Sections 26368 and 26369. Upon the filing of such petition, the clerk of the court shall fix a time and place for the hearing thereof, and cause notices thereof to be prepared notifying all persons who may claim an interest in the article of the time and place of the hearing. A copy of the petition and notice shall be posted for 14 days in at least three public places in the town, city or county and county where the court is held, and in a conspicuous place where such article is detained or quarantined. A copy of the petition and notice shall also be served upon the ~~board department~~ by serving it upon the ~~executive officer~~ director of said ~~the board department~~. Service may be made by personal service or by registered mail addressed to the ~~board at the office of the executive officer department~~, Berkeley, California.

At the time set for the hearing the court shall commence to hear the proceeding but may, for good cause shown, continue the hearing to a day certain; provided, the court shall finally determine all the issues presented in the proceeding within 60 days after the date when the matter was first set for hearing.

SEC. 252. Section 26367 of the Health and Safety Code is amended to read:

26367. If the court finds that a detained or quarantined article is adulterated or misbranded, after entry of the decree such article shall be destroyed at the expense of the claimant thereof, under the supervision of an agent of the ~~board department~~. All court costs and fees, and storage and other proper expenses, shall be taxed against the claimant of such article or his agent.

SEC. 253. Section 26368 of the Health and Safety Code is amended to read:

26368. If the adulteration or misbranding can be corrected by proper labeling or processing of the article, after entry of the decree and after costs, fees and expenses have been paid and a good and sufficient bond, conditioned that such article shall be so labeled or processed, has been executed, the court may by order direct that such article be delivered to the claimant thereof for such labeling or processing under the super-

vision of an agent of the ~~board department~~. The expense of such supervision shall be paid by the claimant.

SEC. 254. Section 26369 of the Health and Safety Code is amended to read:

26369. The bond shall be returned to the claimant of the article on representation to the court by the ~~board department~~ that the article is no longer in violation of this chapter and that the expenses of such supervision have been paid.

SEC. 255. Section 26369.5 of the Health and Safety Code is amended to read:

26369.5. If at any time after detention or quarantine, a duly authorized agent of the ~~board department~~ finds that an article detained or quarantined is not adulterated or misbranded, such agent shall remove the tag or other marking.

SEC. 256. Section 26381 of the Health and Safety Code is amended to read:

26381. One sample shall be delivered to the party from whom procured or to the party guaranteeing such merchandise; ~~one sample shall be sent to the director of the State laboratory, and the third sample shall be sent to, and held under seal by, the board and two samples shall be sent to the department, one of which shall be held under seal.~~

SEC. 257. Section 26387 of the Health and Safety Code is amended to read:

26387. There is under the jurisdiction of the State Department of Public Health an advisory committee on drug manufacturing. The committee shall consist of five members appointed for four-year terms. Three members shall be appointed by the Governor, one member shall be appointed by the Speaker of the Assembly, and one member shall be appointed by the Senate Committee on Rules. Each member shall be a representative from the drug manufacturing industry.

The committee shall advise the department on all matters concerning the drug manufacturing industry for the purpose of promoting the purity, safety, and efficacy of drugs.

Not less than 30 days after the commencement of the 1970 Regular Session of the Legislature the department shall report to the Legislature on the activities of the committee and shall recommend whether the committee shall be continued in existence.

SEC. 258. Section 26467 of the Health and Safety Code is amended to read:

26467. It is unlawful to sell packaged dehydrated food sealed and labeled as "emergency food pack," "disaster pack," or "civil defense pack," or with language of similar import, unless the label states the contents of the package; the number of items of food contained therein, stated by quantity of each product, by weight of each, and the number of servings of each; and the nutritional value of each.

The Department of Public Health shall by regulations establish the manner of stating the nutritional values upon the labels of such packages.

1 SEC. 259. Section 26472 of the Health and Safety Code is
2 amended to read:

3 26472. A food shall be deemed to be adulterated:

4 (a) (1) If any valuable constituent has been in whole or
5 in part omitted or abstracted therefrom; or

6 (2) If any substance has been substituted wholly or in part
7 therefor; or

8 (3) If damage or inferiority has been concealed in any
9 manner; or

10 (4) If any substance has been added thereto or mixed or
11 packed therewith so as to increase its bulk or weight or reduce
12 its quality or strength or make it appear better or of greater
13 value than it is.

14 (b) If it is confectionery and it bears or contains any alco-
15 hol or nonnutritive article or substance except harmless color-
16 ing, harmless flavoring, harmless resinous glaze not in excess of
17 four-tenths of 1 per centum, harmless natural gum and pectin.
18 This subsection shall not apply to any confectionery by reason
19 of its containing less than one-half of 1 per centum by volume
20 of alcohol derived solely from the use of flavoring extracts, or
21 to any chewing gum by reason of its containing harmless non-
22 nutritive masticatory substances.

23 (c) If it bears or contains a color additive other than one
24 listed or certified by the United States Department of Health,
25 Education, and Welfare, Food and Drug Administration.

26 (d) If any mineral oil has been added thereto or mixed or
27 packed therewith contrary to the provisions of this chapter.

28 (e) If it be fresh meat and it contains any chemical sub-
29 stance containing sulphites, sulphur dioxide, benzoic acid,
30 salts of benzoic acid or any other chemical preservative, or
31 any substance which is not approved for use in fresh meat by
32 the United States Department of Agriculture, Agricultural Re-
33 search Service, or the Division of Animal Industry of the
34 California State Department of Agriculture, or the California
35 State Board of Public Department of Health.

36 (f) If it be chopped or ground beef, or hamburger con-
37 taining any substance other than the voluntary striated muscle
38 of fresh beef, except those substances approved by the State
39 Department of Public Health, or if the total fat content (de-
40 termined by either extract method of analysis) of chopped or
41 ground beef, or hamburger is in excess of 30 percent.

42 Nothing in this subdivision shall be deemed to prohibit the
43 use of monosodium glutamate in such chopped or ground beef
44 and hamburger.

45 (g) Notwithstanding the provisions of Section 26461,
46 nothing in this article shall be deemed to prohibit the use of
47 common salt, sugar (cane or beet), maple sugar, dextrose,
48 invert sugar, honey, corn syrup solids, corn syrup and glu-
49 cose syrup, wood smoke, a vinegar, pure spices, spice oils,
50 flavorings, saltpeter, nitrate of soda, nitrite of soda and po-
51 tassium nitrite in meat food products such as sausage, corned,
52 brined or pickled meats, hams, bacon and the like. No such

1 substances shall increase the green or original weight by more
2 than 10 percent of products which are not smoked or cooked,
3 with the exception of fresh uncured beef brisket in which case
4 the finished cured product may exceed the weight of the fresh
5 uncured brisket by 20 percent, nor shall any such substance
6 increase the green or original weight by more than 1 percent
7 of the green or original weight of products which are cooked
8 or smoked. In the case of meat food products such as sausage,
9 10 percent added water shall be permitted and allowed in
10 smoked or cooked products of such nature and 3 percent in
11 said products which are not cooked or smoked.

12 (h) If it be alimentary paste and contains any artificial
13 color derived from coal tar or vegetable substances.

14 (i) If it contains any saccharine or other nonnutritive
15 sweetening agent contrary to the provisions of this chapter.

16 (j) If it be pork sausage or breakfast sausage and the total
17 fat content (determined by the ether extract method of anal-
18 ysis) is in excess of 50 percent.

19 SEC. 260. Section 26473 of the Health and Safety Code is
20 amended to read:

21 26473. Whenever the ~~board~~ department finds after investi-
22 gation that the distribution in the State of California of any
23 class of food may, by reason of contamination with micro-
24 organisms during manufacture, processing or packing thereof
25 in any locality, be injurious to health, and that such injurious
26 nature can not be adequately determined after such articles
27 have entered commerce, the ~~board~~ department then, and in
28 such case only, shall promulgate regulations providing for the
29 issuance, to manufacturers, processors or packers of such class
30 of food in such locality, of permits to which shall be attached
31 such conditions governing the manufacture, processing or pack-
32 ing of such class of food, for such temporary period of time,
33 as may be necessary to protect the public health.

34 SEC. 261. Section 26475 of the Health and Safety Code is
35 amended to read:

36 26475. The ~~board~~ department is authorized to suspend im-
37 mediately upon notice any permit issued under authority of
38 section 26473 if it is found that any of the conditions of the
39 permit have been violated. The holder of a permit so suspended
40 shall be privileged at any time to apply for the reinstatement
41 of such permit, and the ~~board~~ department shall, immediately
42 after prompt hearing and an inspection of the establishment,
43 reinstate such permit if it is found that adequate measures have
44 been taken to comply with and maintain the conditions of the
45 permit, as originally issued, or as amended.

46 SEC. 262. Section 26476 of the Health and Safety Code is
47 amended to read:

48 26476. Any officer or employee duly designated by the
49 ~~board~~ department shall have access to any factory or establish-
50 ment, the operator of which holds a permit from the ~~board~~
51 department for the purpose of ascertaining whether or not the
52 conditions of the permit are being complied with, and denial

1 of access for such inspection shall be ground for suspension
2 of the permit.

3 SEC. 263. Section 26495 of the Health and Safety Code is
4 amended to read:

5 26495. A food shall be deemed to be misbranded if it is not
6 subject to the provisions of Section 26493, unless its label
7 bears (1) the common or usual name of the food, if any there
8 be, and (2) in case it is fabricated from two or more in-
9 gredients, the common or usual name of each such ingredient.
10 Spices, flavorings, and colorings, other than those sold as such,
11 may be designated as spices, flavorings, and colorings, without
12 naming each.

13 The requirements of clause (2) of this section shall not
14 apply to any carbonated beverage identified by registered
15 trademark or trade name in which the ingredients have been
16 fully and correctly disclosed to the *board department* in the
17 manner described by clause (2) above in a sworn affidavit;
18 provided, however, that the filing of such affidavit shall not ex-
19 empt carbonated beverages identified by registered trademark
20 or trade name from any other requirement of this chapter;
21 and particularly the requirements of stating in the label
22 thereon any imitation or artificial flavor or color, or chemical
23 preservative. If no affidavit covering a carbonated beverage
24 identified by trade mark or trade name has been filed with the
25 *board department* all the requirements of clause (2) of this
26 section shall apply to such product, except the following in-
27 gredients are exempt from declaration on the label: water,
28 carbon dioxide, caramel, sugar, and citric acid. Beer and wine,
29 as defined in the Alcoholic Beverage Control Act, are exempt
30 from the requirements of clause (2) of this section.

31 To the extent that compliance with the requirements of
32 clause (2) of this section is impractical or results in deception
33 or unfair competition, exemption shall be established by regu-
34 lations promulgated by the *board department*.

35 SEC. 264. Section 26540 of the Health and Safety Code
36 is amended to read:

37 26540. Whenever in the judgment of the *board department*
38 such action will promote honesty and fair dealing in the inter-
39 est of consumers, the *board department* may promulgate regu-
40 lations establishing for any food or class of food a reasonable
41 definition and standard of identity, or reasonable standard of
42 quality or fill of container.

43 No standard of identity or fill of container shall be estab-
44 lished for beer as defined in the Alcoholic Beverage Control
45 Act. No definition and standard of identity, and no stand-
46 ard of quality shall be established for fresh or dried fruits,
47 fresh or dried vegetables, or butter, except that definitions
48 and standards of identity may be established for avocados,
49 cantaloupes, citrus fruits, and melons. In prescribing any
50 standard of fill of container, the *board department* shall give
51 due consideration to the natural shrinkage in storage and in
52 transit of fresh natural food and to need for the necessary

1 packing and protective material. In the prescribing of any
2 standard of quality for any canned fruit or canned vegetable,
3 consideration shall be given and due allowance made for the
4 differing characteristics of the several varieties of such fruit
5 or vegetable. Any definition and standard of identity pre-
6 scribed by the board for avocados, cantaloupes, citrus fruits,
7 or melons shall relate only to maturity and to the effects of
8 freezing.

9 SEC. 265. Section 26540.1 of the Health and Safety Code
10 is amended to read:

11 26540.1. The *board department* shall not prescribe require-
12 ments respecting the size or type of containers for beer as
13 defined in the Alcoholic Beverage Control Act.

14 SEC. 266. Section 26540.2 of the Health and Safety Code
15 is amended to read:

16 The State *Board of Public Department of Health* is hereby
17 empowered under this section to promulgate regulations estab-
18 lishing standards of purity for wine; provided, that the *board*
19 *department* shall not prescribe requirements respecting the
20 size or type of containers for wine.

21 SEC. 267. Section 26542 of the Health and Safety Code is
22 amended to read:

23 26542. The authority to promulgate regulations for the
24 efficient enforcement of this chapter is vested in the *board*
25 *department*. The *board department* shall promulgate regula-
26 tions exempting from any labeling requirement of this chap-
27 ter food which is in accordance with the normal practice of
28 the trade introduced or offered for introduction into trade
29 and which is being delivered to an establishment where it is
30 to be processed, labeled or packed on condition that such food
31 shall conform with the provisions of this act upon its removal
32 from such processing, labeling or packing establishment. The
33 regulations promulgated and the definitions and standards pre-
34 scribed pursuant to this chapter shall not require higher
35 standards and shall not be more restrictive than the definitions,
36 standards and regulations which are in force, or promulgated
37 by the United States Department of Health, Education, and
38 Welfare, Food and Drug Administration, under the provisions
39 of the federal act or by the United States Department of Agri-
40 culture, Agricultural Research Service, in the event that any
41 such definitions, standards, or regulations are in force there-
42 under. The violation of a regulation promulgated under this
43 chapter shall be deemed to be a violation of this chapter.

44 SEC. 268. Section 26542.1 of the Health and Safety Code
45 is amended to read:

46 26542.1. The *board department* may promulgate rules and
47 regulations prescribing the conditions under which food addi-
48 tives may be safely used. All rules and regulations promulgated
49 pursuant to this chapter shall not in any instance require a
50 higher standard than the standards required by the Federal
51 Food, Drug and Cosmetic Act (52 Stat. 1040) and the rules
52 and regulations currently promulgated by the United States

1 Department of Health, Education and Welfare, Food and
2 Drug Administration, and subtitle E, Chapter 51, United
3 States Internal Revenue Code of 1954 and the United States
4 Internal Revenue Service, Alcohol and Tobacco Tax Division,
5 as amended.

6 When a food additive is permitted and its intended use is
7 in conformity with regulations established by the *board de-*
8 *partment*, it shall not be considered adulterated within the
9 meaning of subdivisions (1), (2), or (8) of Section 26470.

10 SEC. 269. Section 26543 of the Health and Safety Code is
11 amended to read:

12 26543. Hearings authorized or required by this chapter
13 shall be conducted by the *board department* or such officer,
14 agent, or employee as the *board department* may designate for
15 the purpose.

16 SEC. 270. Section 26544 of the Health and Safety Code is
17 amended to read:

18 26544. Before promulgating any regulation, the *board de-*
19 *partment* shall give appropriate notice of the proposal and of
20 the time and place for a hearing. The regulation so promul-
21 gated shall become effective on a date fixed by the *board de-*
22 *partment*. The effective date shall not be prior to 90 days
23 after the promulgation of the regulation. Such regulation may
24 be amended or repealed in the same manner as is provided for
25 its adoption.

26 In the case of a regulation amending or repealing any regu-
27 lation the *board department*, to such an extent as it deems
28 necessary in order to prevent undue hardship, may disregard
29 the foregoing provisions regarding notice, hearing, or effective
30 date.

31 SEC. 271. Section 26545 of the Health and Safety Code is
32 amended to read:

33 26545. The *board department* shall require examinations to
34 be made of samples secured under the provisions of this chapter
35 to determine whether or not any provision of this chapter is
36 being violated.

37 SEC. 272. Section 26546 of the Health and Safety Code is
38 amended to read:

39 26546. The *board department* may appoint such agents as
40 it may deem necessary.

41 SEC. 273. Section 26553 of the Health and Safety Code is
42 amended to read:

43 26553. The *board department* or its duly authorized agent
44 shall have free access at all reasonable hours to any factory,
45 warehouse or establishment in which foods are manufactured,
46 processed, packed or held for introduction into commerce, or
47 to enter any vehicle being used to transport or hold such foods,
48 in commerce, for the purpose:

49 (1) Of inspecting such factory, warehouse, establishment
50 or vehicle to determine if any of the provisions of this chap-
51 ter are being violated; and

1 (2) To secure samples or specimens of any food after pay-
2 ing or offering to pay for such sample.

3 SEC. 274. Section 26554 of the Health and Safety Code is
4 amended to read:

5 26554. Whenever it has satisfactory evidence of the viola-
6 tion of any of the provisions of this chapter respecting the
7 adulteration or misbranding of foods and after the hearing
8 provided in Section 26564, the *board department* shall report
9 such facts to the district attorney of the county, or the prose-
10 cuting officer of the city, where the law is violated.

11 SEC. 275. Section 26555 of the Health and Safety Code is
12 amended to read:

13 26555. Nothing in this chapter shall be construed as re-
14 quiring the *board department* to report for the institution of
15 proceedings under this chapter, minor violations of this chap-
16 ter, whenever the *board department* believes that the public
17 interest will be adequately served in the circumstances by a
18 suitable written notice of warning.

19 SEC. 276. Section 26556 of the Health and Safety Code is
20 amended to read:

21 26556. The *board department* may cause to be published
22 from time to time reports summarizing all judgments, decrees
23 and court orders which have been rendered under this chapter,
24 including the nature of the charge and the disposition thereof.

25 SEC. 277. Section 26557 of the Health and Safety Code is
26 amended to read:

27 26557. The *board department* may cause to be disseminated
28 such information regarding food as the *board department*
29 deems necessary in the interest of public health and the pro-
30 tection of the consumer against fraud. Nothing in this section
31 shall be construed to prohibit the *board department* from col-
32 lecting, reporting and illustrating the results of the investiga-
33 tions of the *board department*.

34 SEC. 278. Section 26558 of the Health and Safety Code is
35 amended to read:

36 26558. There is a state laboratory for the analysis and
37 examination of foods, drugs, devices and cosmetics. The
38 laboratory shall be under the supervision of the *board depart-*
39 *ment* and shall be located at such place as the *board depart-*
40 *ment* may select.

41 SEC. 279. Section 26559 of the Health and Safety Code
42 is repealed:

43 26559. The board shall appoint a Chief of the Bureau of
44 Food and Drug Inspections who shall have such qualifications
45 and perform such duties as may be required by the board.

46 The board may employ and fix the compensation of other
47 clerical and professional assistants.

48 SEC. 280. Section 26568 of the Health and Safety Code is
49 amended to read:

50 26568. The *board department* may include the reports, or
51 any parts thereof, in the report which the *board department*
52 makes to the Governor.

1 SEC. 281. Section 26582 of the Health and Safety Code is
2 amended to read:

3 26582. The food shall not thereafter be sold, offered for
4 sale, removed or otherwise disposed of until further notice in
5 writing from the *department board*, the *director*, or the *Chief*
6 *of the Bureau of Food and Drug Inspections*.

7 SEC. 282. Section 26586 of the Health and Safety Code is
8 amended to read:

9 26586. When an article is found to be adulterated or mis-
10 branded, and is detained or quarantined under this article, the
11 *board department* shall commence proceedings in the name of
12 the people of the State of California against such article
13 within 90 days after the article is detained or quarantined,
14 in the superior court of the county or city and county in which
15 the article is detained or quarantined by petitioning said
16 court for a judgment to forfeit, condemn and destroy such
17 article. Upon the filing of such petition, the clerk of said
18 court shall fix a time and place for the hearing thereof, and
19 cause notices thereof to be prepared notifying all persons who
20 may claim an interest in said article of the time and place of
21 said hearing. A copy of the petition and notice shall be posted
22 for 14 days in at least three public places in the town, city or
23 city and county where the court is held, and in a conspicuous
24 place where such article is detained or quarantined. A copy
25 of the petition and notice shall also be served upon each per-
26 son in possession of said article and on each owner or claim-
27 ant whose name and address is known. Said service may be
28 made by personal service or by registered mail by mailing a
29 copy of such notice and petition by registered mail to the last
30 known address of such person. At any time prior to the date
31 of the hearing any person in possession of said article, or
32 owner thereof or claimant thereto, may file an answer which
33 may include a prayer for a judgment of release of such article
34 or relief in accordance with Sections 26588 and 26589. At the
35 time set for the hearing the court shall commence to hear and
36 determine said proceeding, but may for good cause shown, con-
37 tinue the hearing to a day certain; provided, the court shall
38 finally determine all the issues presented by the petition and
39 answer within 60 days after the date when the matter was
40 first set for hearing.

41 If the *board department* fails to commence proceedings
42 against an article which is detained or quarantined within
43 90 days after said article is detained or quarantined, as
44 above provided, the *board department* shall immediately re-
45 lease said article from detention or quarantine and remove
46 therefrom any warning tags affixed thereto by the *board de-*
47 *partment* or its agents. If the *board department* or its agent
48 has taken possession of or assumed control of said article, the
49 *board department* shall immediately return said article to the
50 possession of the person from whom it was taken.

51 SEC. 283. Section 26586.5 of the Health and Safety Code
52 is amended to read:

1 26586.5. If, within 30 days after detention or quarantine
2 of any article under this article, the *board department* has not
3 commenced a proceeding under Section 26586, then the person
4 in possession of such article, or the owner thereof or any claim-
5 ant thereto, may commence a proceeding in the superior court
6 of the county or city and county in which the article is de-
7 tained or quarantined, by petitioning said court for a judg-
8 ment to release said article or for relief under Sections 26588
9 and 26589. Upon the filing of such petition, the clerk of the
10 court shall fix a time and place for the hearing thereof, and
11 cause notices thereof to be prepared notifying all persons who
12 may claim an interest in the article of the time and place of
13 the hearing. A copy of the petition and notice shall be posted
14 for 14 days in at least three public places in the town, city or
15 city and county where the court is held, and in a conspicuous
16 place where such article is detained or quarantined. A copy of
17 the petition and notice shall also be served upon the *board*
18 *by serving it upon the executive officer of said board, director*
19 *of the department*. Service may be made by personal service
20 or by registered mail addressed to the *board at the office of*
21 *the executive officer department*, Berkeley, California.

22 At the time set for the hearing the court shall commence
23 to hear the proceeding but may, for good cause shown, con-
24 tinue the hearing to a day certain; provided, the court shall
25 finally determine all the issues presented in the proceeding
26 within 60 days after the date when the matter was first set
27 for hearing.

28 SEC. 284. Section 26588 of the Health and Safety Code is
29 amended to read:

30 26588. If the adulteration or misbranding can be corrected
31 by proper labeling or processing of the article, after entry of
32 the decree and after costs, fees, and expenses have been paid
33 and a good and sufficient bond, conditioned that such article
34 shall be so labeled or processed, has been executed, the court
35 may by order direct that such article be delivered to the claim-
36 ant thereof for such labeling or processing under the super-
37 vision of an agent of the *board department*. The expense of
38 such supervision shall be paid by the claimant.

39 SEC. 285. Section 26589 of the Health and Safety Code is
40 amended to read:

41 26589. The bond shall be returned to the claimant of the
42 article on representation to the court by the *board department*
43 that the article is no longer in violation of this chapter, and
44 that the expenses of such supervision have been paid.

45 SEC. 286. Section 26589.5 of the Health and Safety Code is
46 amended to read:

47 26589.5. If at any time after detention or quarantine, a
48 duly authorized agent of the *board department* finds that an
49 article detained or quarantined is not adulterated or mis-
50 branded, such agent shall remove the tag or other marking.

51 SEC. 287. Section 26590 of the Health and Safety Code is
52 amended to read:

1 26590. Whenever the ~~board~~ department or any of its au-
2 thorized agents shall find in any room, building, vehicle of
3 transportation or other structure, any meat, seafood, poultry,
4 vegetable, fruit or other perishable articles which are unsound,
5 or contain any filthy, decomposed or putrid substance, or
6 which may be poisonous or deleterious to health or otherwise
7 unsafe, the same being hereby declared to be a nuisance, the
8 ~~board department~~ or its authorized agent shall forthwith con-
9 demn or destroy the same or in any other manner render the
10 same unsalable as human food.

11 SEC. 288. Section 26601 of the Health and Safety Code is
12 amended to read:

13 26601. One sample shall be delivered to the party from
14 whom procured or to the party guaranteeing such merchan-
15 dise; ~~one sample shall be sent to the Chief of the Division of~~
16 ~~Laboratories, and the third sample shall be sent to, and held~~
17 ~~under seal by, the board and two samples shall be sent to~~
18 ~~the department, one of which shall be held under seal.~~

19 SEC. 289. Section 26622 of the Health and Safety Code is
20 amended to read:

21 26622. The state ~~board~~ department, upon the request of a
22 health officer, may authorize the local health department of
23 such city, county, city and county, or local health district to
24 enforce this chapter, and the rules and regulations adopted
25 pursuant to this chapter, as they pertain to retail food estab-
26 lishments, as defined by regulation, within the area under the
27 jurisdiction of such local health department, if the state ~~board~~
28 department determines the local health department has suffi-
29 cient personnel with adequate training to do so.

30 SEC. 290. Section 26623 of the Health and Safety Code is
31 amended to read:

32 26623. The state ~~board~~ department may revoke any au-
33 thorization made pursuant to this article, if it determines, after
34 a hearing conducted pursuant to Chapter 5 (commencing with
35 Section 11500) of Part 1 of Division 3 of Title 2 of the Gov-
36 ernment Code, that the local health department authorized pur-
37 suant to this article is not enforcing this chapter, or the rules
38 and regulations adopted thereunder, or no longer has an ade-
39 quate staff qualified to do so.

40 SEC. 291. Section 26624 of the Health and Safety Code is
41 amended to read:

42 26624. A local health department authorized by the state
43 ~~board department~~ to enforce this chapter shall have authority
44 to make inspections, take samples, make laboratory examina-
45 tions, impose and remove quarantines, hold informal hearings,
46 certify facts to the district attorney, and institute proceedings
47 for the forfeiture, condemnation, and destruction of articles
48 found to be adulterated or misbranded. Such actions shall be
49 instituted in the name of the city, county, city and county, or
50 district of which such health department is a part, and shall
51 conform to the requirements of this chapter and the rules and

1 regulations adopted by the state ~~board~~ department pursuant to
2 this chapter.

3 SEC. 293. Section 26630 of the Health and Safety Code is
4 amended to read:

5 26630. The state ~~board~~ department may prescribe such
6 rules and regulations relating to the operation of a local health
7 department as it may deem necessary fully to effectuate the
8 provisions of this article, including, but not limited to, require-
9 ments relating to the reporting of activities and the numbers
10 and qualification of personnel.

11 SEC. 294. Section 27000 of the Health and Safety Code is
12 amended to read:

13 27000. "Processed pet food" means a food for pets which
14 has been prepared by heating, drying, semidrying, canning,
15 or by a method of treatment prescribed by regulation of the
16 State Department of Public Health. The term includes special
17 diet, health foods, supplements, treats and candy for pets, but
18 does not include fresh or frozen pet foods subject to the con-
19 trol of the Department of Agriculture of this state.

20 SEC. 295. Section 27002 of the Health and Safety Code is
21 amended to read:

22 27002. "Pet food ingredients" means each of the constitu-
23 ent materials making up a processed pet food. Pet food in-
24 gredients of animal or poultry origin shall be only from ani-
25 mals or poultry slaughtered or processed in an approved or
26 licensed establishment. Such animal or poultry ingredients
27 condemned for human food but passed for animal food in an
28 establishment inspected by the United States Department of
29 Agriculture or the Department of Agriculture of this state
30 may be used for pet food, provided it is properly denatured
31 or handled in accordance with this chapter and regulations
32 of the State Department of Public Health and the regulations
33 of the Department of Agriculture of this state so as to render
34 the ingredients safe for pet food. Animals or poultry classified
35 as "deads" are prohibited.

36 SEC. 296. Section 27010 of the Health and Safety Code is
37 amended to read:

38 27010. Every person who manufactures a processed pet
39 food in California shall first obtain a license from, and every
40 person who manufactures a processed pet food for import into
41 California from another state shall first obtain a registration
42 certificate from, the State Department of Public Health. Each
43 license or registration certificate is good for one calendar year
44 from the date of issue and is nontransferable.

45 An application for a license or registration certificate shall
46 be made on an application form provided by the department.

47 SEC. 297. Section 27041 of the Health and Safety Code is
48 amended to read:

49 27041. The provisions of this chapter shall be administered
50 by the State Department of Public Health in accordance with
51 the provisions of Chapter 3 (commencing with Section 26450)

1 of this division, and the department shall have all the powers
2 granted to the ~~board~~ department in that chapter.

3 SEC. 298. Section 28122 of the Health and Safety Code is
4 amended to read:

5 28122. If it finds the plant to be in a sanitary condition
6 and otherwise properly equipped for the business of cold stor-
7 age, the ~~board~~ department, upon the payment of the license
8 fee specified in this chapter, shall issue a license authorizing
9 the applicant to operate a cold storage or refrigerating ware-
10 house for a period of not more than one year.

11 SEC. 299. Section 28123 of the Health and Safety Code is
12 amended to read:

13 28123. No person, firm, or corporation shall engage in the
14 operation of a cold storage or refrigerating warehouse for
15 storing articles of food without having obtained from the
16 ~~board~~ department a license for each such place of business.
17 This license is nontransferable.

18 SEC. 300. Section 28127 of the Health and Safety Code is
19 amended to read:

20 28127. The ~~secretary of the board~~ Director of Health shall
21 keep a full and correct account of all fees received under this
22 chapter. At least once each month he shall deposit all such fees
23 with the State Treasurer for credit to the State General Fund.

24 SEC. 301. Section 28130 of the Health and Safety Code is
25 amended to read:

26 28130. If any place or portion of a place for which a license
27 be issued is deemed by the ~~board~~ department to be in an unsan-
28 itary condition, the ~~board~~ department shall give written notifi-
29 cation to the licensee of the condition, stating in particular the
30 matters found to be unsanitary.

31 SEC. 302. Section 28131 of the Health and Safety Code is
32 amended to read:

33 28131. Upon failure of the licensee to correct the situation
34 within a designated time the ~~board~~ department shall prohibit
35 the licensee from using the place or specified portion until such
36 time as it is restored to a sanitary condition.

37 SEC. 303. Section 28132 of the Health and Safety Code is
38 amended to read:

39 28132. Every licensee shall keep an accurate record of re-
40 cepts and withdrawals of articles of food and the ~~board de-~~
41 partment shall have free access to these records at any time.

42 SEC. 304. Section 28133 of the Health and Safety Code is
43 amended to read:

44 28133. When requested by the ~~board~~ department or an
45 agent thereof, any licensee shall within a reasonable time sub-
46 mit a report setting forth in itemized particulars the quantity
47 of food products held by him in cold storage.

48 SEC. 305. Section 28140 of the Health and Safety Code is
49 amended to read:

50 28140. No storer shall place in cold storage any article of
51 food whose keeping qualities have been impaired by disease,
52 taint, or deterioration, or which has not been slaughtered,

1 handled, and prepared for storage in accordance with food laws
2 pertaining thereto and such rules and regulations as may be
3 prescribed by the ~~board~~ department for the sanitary prepara-
4 tion of food products for cold storage.

5 SEC. 306. Section 28141 of the Health and Safety Code is
6 amended to read:

7 28141. Any article of food intended for use other than
8 human consumption shall, before being cold stored, be marked
9 by the owner in accordance with forms prescribed by the ~~board~~
10 department in such a way as to indicate plainly that the article
11 is not to be sold for human food.

12 SEC. 307. Section 28143 of the Health and Safety Code is
13 amended to read:

14 28143. The ~~board~~ department shall inspect and supervise
15 all cold storage or refrigerating warehouses, and make such
16 inspection of the entry of articles of food therein as it deems
17 necessary to secure the proper enforcement of this chapter.

18 SEC. 308. Section 28144 of the Health and Safety Code is
19 amended to read:

20 28144. The ~~members of the board~~ department and its duly
21 authorized employees shall be permitted access to cold storage
22 or refrigerating warehouses at all reasonable times for pur-
23 poses of inspection and enforcing the provisions of this chapter.

24 SEC. 309. Section 28145 of the Health and Safety Code is
25 amended to read:

26 28145. The ~~board~~ department may also appoint at such
27 salary as it may designate, any person it deems qualified to
28 make any inspection required by this chapter.

29 SEC. 310. Section 28147 of the Health and Safety Code is
30 amended to read:

31 28147. The ~~board~~ department shall, upon application,
32 grant permission to extend the period of storage beyond 12
33 months for a particular consignment of goods, if the goods in
34 question are found, upon examination, to be in proper con-
35 dition for further storage at the end of 12 months. The length
36 of time for which further storage is allowed shall be specified
37 in the order granting the permission.

38 SEC. 311. Section 28149 of the Health and Safety Code
39 is amended to read:

40 28149. For the purpose of determining whether or not
41 food locker plants come under the provision of this act, the op-
42 erators or owners of all such frozen food locker plants shall
43 make available, upon request to any agent of the State Depart-
44 ment of Public Health, the names and addresses of any and
45 all persons, firms, or corporations renting, leasing or occupying
46 such lockers or compartments.

47 SEC. 312. Section 28153 of the Health and Safety Code
48 is amended to read:

49 28153. The ~~board~~ department may make rules and regula-
50 tions to secure the proper enforcement of this chapter, in-
51 cluding rules and regulations with respect to the sanitary

1 preparation of articles of food for cold storage, the use of
2 marks, tags, or labels, and the display of signs.

3 SEC. 313. Section 28180 of the Health and Safety Code
4 is amended to read:

5 28180. The State Department of ~~Public~~ Health shall en-
6 force this chapter.

7 SEC. 313.5. Section 28182 of the Health and Safety Code
8 is amended to read:

9 28182. The ~~board~~ department may make rules and regu-
10 lations to secure the proper enforcement of this chapter, in-
11 cluding rules and regulations with respect to the sanitary
12 preparation of articles of food for freezing, the use of con-
13 tainers, marks, tags, or labels, and the display of signs.

14 SEC. 314. Section 28211 of the Health and Safety Code
15 is amended to read:

16 28211. All bakery products produced, prepared, packed,
17 sold or offered for sale shall comply with the provisions of
18 Chapter 3 (commencing with Section 26450), of this division,
19 except as exempted in Section 28210. The State Department
20 of ~~Public~~ Health shall enforce the provisions of this section
21 which pertain to the adulteration, standards of identity, and
22 labeling of bakery products.

23 SEC. 315. Section 28214 of the Health and Safety Code is
24 amended to read:

25 28214. The State ~~Board of Public~~ Department of Health
26 may adopt regulations for the administration of this chapter.
27 Any violation of such regulations is a violation of this chapter.

28 SEC. 316. Section 28296 of the Health and Safety Code is
29 amended to read:

30 28296. The ~~board~~ department, its inspectors and agents,
31 and all local health officers and inspectors may at all times
32 enter any building, room, basement, cellar, or other place oc-
33 cupied or used, or suspected of being occupied or used, for
34 the production, preparation, manufacture, storage, sale, or
35 distribution of food, and inspect the premises and all utensils,
36 implements, receptacles, fixtures, furniture, and machinery
37 used.

38 SEC. 317. Section 28297 of the Health and Safety Code is
39 amended to read:

40 28297. If upon inspection any such building, room, base-
41 ment, cellar, or other place, or any vehicle, employer, employee,
42 or other person is found to be in violation of or violating any
43 of the provisions of this article, or if the production, prepara-
44 tion, manufacture, packing, storing, sale, or distribution of
45 food is being conducted in a manner detrimental to the health
46 of the employees or to the character or quality of the food
47 being produced, prepared, manufactured, packed, stored, sold,
48 distributed, or conveyed, the person making the inspection
49 shall at once make a written report of the violation to the
50 district attorney of the county, who shall prosecute the viola-
51 tor. He shall make a like report to the ~~board~~ department. The

1 ~~board~~ department, from time to time, may publish such re-
2 ports in its monthly bulletin.

3 SEC. 318. Section 28298 of the Health and Safety Code is
4 amended to read:

5 28298. Every building, room, basement, cellar, or other
6 place or thing kept, maintained, or operated in violation of
7 this article, and all food produced, prepared, manufactured,
8 packed, stored, kept, sold, distributed, or transported in viola-
9 tion of this article, is a public nuisance dangerous to health.
10 Any such nuisance may be abated or enjoined in an action
11 brought for that purpose by the local or state ~~board~~ depart-
12 ment or may be summarily abated in the manner provided by
13 law for the summary abatement of public nuisances dangerous
14 to health.

15 SEC. 319. Section 28313 of the Health and Safety Code is
16 amended to read:

17 28313. The ~~board~~ department shall issue a license to an
18 applicant therefor upon the receipt of such evidence as the
19 ~~board~~ department may require showing that the applicant is
20 properly equipped for the cleansing and sterilization of bot-
21 tles as herein provided, or at its option upon the recommenda-
22 tion of a city, county or city and county health officer. This
23 license is nontransferable.

24 The license provisions of this article shall not apply to food,
25 drug or liquor manufacturers or packers who buy bottles for
26 their own use and purposes, but do apply to any other per-
27 son, firm or corporation engaged in the business of cleaning,
28 sterilizing and reselling bottles to such manufacturers or pack-
29 ers except as hereinabove provided.

30 SEC. 320. Section 28317 of the Health and Safety Code is
31 amended to read:

32 28317. If any licensee fails to maintain his equipment and
33 to cleanse or sterilize any bottle in the manner required by
34 this article, and issues a certificate knowing its contents to be
35 untrue the ~~board~~ department may revoke or suspend his li-
36 cense after a hearing. The proceedings for the revocation or
37 suspension of a license shall be conducted in accordance with
38 Chapter 5 of Part 1 of Division 3 of Title 2 of the Govern-
39 ment Code, and the ~~board~~ department shall have all the
40 powers granted therein.

41 SEC. 321. Section 28322 of the Health and Safety Code is
42 amended to read:

43 28322. A nonalcoholic soft drink, whether or not carbon-
44 ated, shall be deemed to be misbranded if in a bottle or other
45 closed container unless the name and address of the bottler
46 or distributor thereof appears on such container by being
47 molded, printed, or otherwise labeled thereon, or said name
48 and address is shown on the crown or cap of such container
49 if such container is a permanently and distinctively branded
50 bottle. Such a beverage shall not be deemed to be misbranded
51 under this section if in a bottle or other closed container on

1 which is molded, printed or otherwise labeled the product
2 name, trademark or brand of the distributor or bottler thereof
3 and if a sworn affidavit has been filed in the Bureau of Food
4 and Drug Inspections of with the Department of Public
5 Health stating the name, trademark, or brand of such beverage,
6 a full and complete description of each territory or area
7 of the state in which such beverage is to be distributed, and
8 the names and addresses of such persons as are responsible for
9 compliance with this division in the bottling and distribution
10 of such beverage in each territory or area of the state in
11 which such beverage is distributed. Nothing in this section
12 shall be deemed to exempt any bottler or distributor of a beverage
13 or beverages from any provision of Chapter 3 of this
14 division.

15 SEC. 322. Section 28325 of the Health and Safety Code is
16 amended to read:

17 28325. Except when sold in bulk for manufacturing purposes,
18 it is unlawful to sell or otherwise dispose of at retail
19 jams, jellies, preserves, marmalades, peanut butter, horse-
20 radish, mayonnaise, or salad dressings other than in closed
21 containers approved by the board department, when the
22 board department determines that any other method of sale
23 or disposition of any such food or food product is conducive to
24 its contamination by flies, insects, dust, dirt, or foreign material
25 of any kind whatsoever.

26 SEC. 323. Section 28332 of the Health and Safety Code
27 is amended to read:

28 28332. No license shall be issued except upon application
29 and after inspection by the board department of the premises
30 for which the license is requested, and only if the board department
31 finds that the premises comply with the standards
32 prescribed in Sections 28280 to 28287, both inclusive, and
33 28295 of this chapter.

34 SEC. 324. Section 28333 of the Health and Safety Code is
35 amended to read:

36 28333. The board department shall inspect the premises
37 within 10 days after the date of the filing of the application.

38 SEC. 325. Section 28334 of the Health and Safety Code is
39 amended to read:

40 28334. A license issued by the board department shall not
41 be for a period of more than one year, and shall expire at the
42 end of the period for which it is issued. This license is non-
43 transferable.

44 SEC. 326. Section 28335 of the Health and Safety Code
45 is amended to read:

46 28335. At any time after the issuance of the license the
47 premises covered thereby may be reinspected by the board department,
48 and the license may be revoked or suspended after
49 a hearing by the board department if it finds that the premises
50 no longer comply with the standards prescribed by Sections
51 28280 to 28287, both inclusive, and 28295 of this chapter.
52 The proceedings for the revocation or suspension of a license

1 shall be conducted in accordance with Chapter 5 of Part 1 of
2 Division 3 of Title 2 of the Government Code, and the board
3 department shall have all the powers granted therein.

4 SEC. 327. Section 28336 of the Health and Safety Code is
5 amended to read:

6 28336. All licensees and others subject to Section 28337
7 shall keep accurate and sufficient records showing their respective
8 shelling, cleaning, grading, packing, preparing, purchasing,
9 and receiving operations in shelled walnuts, and the
10 names and addresses of their employees and agents. Such records
11 shall be kept in the form prescribed by the board department,
12 and are subject to inspection at any time by the board
13 department.

14 Failure to keep any records required by this section is unlawful.
15

16 SEC. 328. Section 28339 of the Health and Safety Code is
17 amended to read:

18 28339. The board department may issue and enforce all
19 rules and regulations necessary to carry out this article, and
20 may prescribe forms and accounting methods to be used by licensees
21 with respect to operations subject to license under this
22 article.

23 SEC. 329. Section 28360 of the Health and Safety Code is
24 amended to read:

25 28360. "State board," or "State Board of Public Health,"
26 as used in this chapter, means the State Board of Public
27 Department of Health.

28 SEC. 330. Section 28364 of the Health and Safety Code is
29 amended to read:

30 28364. In lieu of a license, a permit to operate such a canning
31 center shall be issued without cost by the board department upon
32 the submission of such evidence as the board department requires
33 to show that the persons operating the center are qualified and
34 that the center is properly equipped and
35 meets all other provisions of this chapter.

36 SEC. 331. Section 28380 of the Health and Safety Code is
37 amended to read:

38 28380. There is in the state government a Cannery Inspection
39 Board consisting of the following six members:

40 (a) The director of the state department, who shall act as
41 chairman.

42 (b) One man appointed by the Director of the State Board
43 Department of Health who shall have had at the time of his
44 appointment at least ten (10) years experience in or with canning
45 technology and has a degree in chemistry, bacteriology or
46 medicine.

47 (c) Four men appointed by the state board department who
48 are experienced, have substantial investments and are actively
49 engaged in the canning industry at the time of their appointment.
50

51 One of the four appointive members shall be engaged in the
52 canning of animal food.

1 SEC. 332. Section 28383 of the Health and Safety Code is
2 amended to read:

3 28383. The Cannery Inspection Board shall, subject to the
4 approval of the state ~~board department~~, estimate the cost of
5 the separate inspection and laboratory control required to be
6 made for each food product subject to this chapter.

7 SEC. 333. Section 28385 of the Health and Safety Code is
8 amended to read:

9 28385. For the purpose of prorating the estimated cost of
10 inspection and laboratory control, the Cannery Inspection
11 Board, subject to the approval of the state ~~board department~~,
12 shall estimate the number of cases to be packed, the number of
13 tons to be packed, or the number of man-hours necessary to be
14 employed, whichever in its discretion is most equitable as a
15 basis of proration.

16 SEC. 334. Section 28386 of the Health and Safety Code is
17 amended to read:

18 28386. Based on the estimates required by the last three
19 sections, the Cannery Inspection Board, subject to the ap-
20 proval of the state ~~board department~~, shall determine the
21 probable cost of inspection and laboratory control per thousand
22 cases, per ton, or per man-hour, whichever in its discretion is
23 most equitable.

24 SEC. 335. Section 28400 of the Health and Safety Code is
25 amended to read:

26 28400. At the end of each quarter, or at the close of any
27 canning season which does not exceed three consecutive months,
28 the state ~~board department~~ shall determine the actual cost of
29 inspection and laboratory control of each separate food prod-
30 uct for the preceding quarter or preceding canning season, and
31 shall prorate such cost to each person licensed under this
32 chapter on the basis of cases packed, tons packed, or number of
33 man-hours necessary to be employed, whichever has been deter-
34 mined by the Cannery Inspection Board, with the approval of
35 the state ~~board department~~, to be most equitable.

36 SEC. 336. Section 28401 of the Health and Safety Code is
37 amended to read:

38 28401. In making any separate inspection and laboratory
39 control for any food product, the state ~~board department~~ shall
40 not spend more than the amount estimated by the Cannery
41 Inspection Board as the cost of the inspection without the ap-
42 proval of the Cannery Inspection Board.

43 SEC. 337. Section 28402 of the Health and Safety Code is
44 amended to read:

45 28402. In making estimates, determinations, assessments,
46 and prorations under Articles 2 and 3 of this Chapter, the
47 Cannery Inspection Board and the state ~~board department~~ may
48 include as a part of the cost of inspection a reasonable charge
49 for standby services of inspectors.

50 SEC. 338. Section 28403 of the Health and Safety Code is
51 amended to read:

1 28403. In lieu of all other procedures in Articles 2 and 3
2 of this chapter, each person licensed under this chapter may be
3 assessed at an estimated annual hourly rate set by the Cannery
4 Inspection Board with the approval of the state ~~board depart-~~
5 ~~ment~~ and the State Director of General Services. Such annual
6 rate shall be set for each industry group based on the estimated
7 cost.

8 SEC. 339. Section 28410 of the Health and Safety Code is
9 amended to read:

10 28410. It is unlawful for any person to engage in the non-
11 commercial canning of salmon, or in the commercial canning
12 of any fish or fish product, meat or meat product, or any other
13 food product for the use of man or animal, the sterilization
14 of which in the opinion of the state ~~board department~~ requires
15 the use of a pressure cooker or a retort, without first obtain-
16 ing a license from the state ~~board department~~.

17 SEC. 340. Section 28411 of the Health and Safety Code is
18 amended to read:

19 28411. The state ~~board department~~ shall issue an annual
20 license, which is nontransferable, to any person on the receipt
21 of fifty dollars (\$50) per plant, and such evidence as the
22 board may require to show that (1) the applicant is properly
23 equipped with a retort or pressure cooker which has recording
24 thermometers, indicating thermometers, and pressure gauges
25 to carry out such rules and regulations as the state department
26 may adopt for the sterilization of food products for the
27 canning of which a license is sought and (2) the applicant is
28 in compliance with the sanitary regulations of the state ~~board~~
29 ~~department~~. The applicant shall be deemed to be in compliance
30 with such sanitary regulations unless the applicant has been
31 given written notice by the state ~~board department~~ not less
32 than sixty (60) days prior to the expiration of the existing
33 license that the cannery does not comply with such sanitary
34 regulations, and the applicant has subsequently failed to bring
35 the cannery into compliance therewith.

36 SEC. 341. Section 28411.5 of the Health and Safety Code
37 is amended to read:

38 28411.5. Any person who has been denied the annual
39 license provided in this chapter may obtain a hearing by the
40 state ~~board department~~ by mailing a written request therefor
41 to ~~said board the department~~. The state ~~board department~~
42 shall give the applicant at least ten (10) days notice of such
43 hearing and shall hold such hearing within thirty (30) days of
44 the receipt of such request.

45 SEC. 342. Section 28412 of the Health and Safety Code is
46 amended to read:

47 28412. In addition to the annual license fee, the state
48 ~~board department~~ shall demand from each licensee such cash
49 deposit for the payment of his pro rata share of the estimated
50 cost of inspection and laboratory control as the state ~~board~~
51 ~~department~~ may deem necessary.

1 SEC. 343. Section 28413 of the Health and Safety Code is
2 amended to read:

3 28413. If the deposit made by any licensee is insufficient
4 to meet the actual cost of an inspection and laboratory control
5 of any product determined by the state ~~board~~ department,
6 the latter shall demand from the licensee, and the licensee
7 shall immediately pay to the state ~~board~~ department, in ad-
8 dition to the license fee payable by the licensee, the difference
9 between the deposit and his pro rata share of the actual cost
10 of the inspection and laboratory control.

11 SEC. 344. Section 28415 of the Health and Safety Code is
12 amended to read:

13 28415. No food product subject to the inspection required
14 by this chapter shall be shipped by the licensee who packed it
15 until the licensee has either paid his pro rata share of the esti-
16 mated cost of inspection or has furnished the state ~~board de-~~
17 ~~partment~~ a cash deposit for the payment of his pro rata share
18 of such cost.

19 SEC. 345. Section 28416 of the Health and Safety Code is
20 amended to read:

21 28416. The state ~~board~~ department may after notice and
22 opportunity for hearing suspend or revoke a license issued
23 under this chapter for any of the following causes:

24 (a) Nonpayment of the pro rata share of the cost of in-
25 spection and laboratory control, or failure to comply with a
26 demand for a cash deposit or other security by the holder of
27 the license.

28 (b) Noncompliance with any of the regulations of the state
29 ~~board~~ department.

30 (c) Operation of an insanitary cannery after due notice by
31 registered mail has been received.

32 (d) Inadequate ratproofing of a cannery throughout.

33 (e) Willful packing of any canned food commodity which
34 has been rejected by an agent of the state department.

35 (f) Packing of any canned food commodity subject to this
36 chapter without notifying the state department before packing.

37 SEC. 346. Section 28418 of the Health and Safety Code is
38 amended to read:

39 28418. Proceedings for the suspension and revocation of
40 licenses shall be conducted in accordance with Chapter 5, Part
41 1, Division 3, Title 2 of the Government Code; and the state
42 ~~board~~ department has all the powers granted therein.

43 SEC. 347. Section 28430 of the Health and Safety Code
44 is amended to read:

45 28430. No person shall permit another to operate a steam
46 controlled retort used in the commercial canning industry
47 for the sterilization of food products, unless the latter first
48 obtains a permit from the state ~~board~~ department. The ~~board~~
49 department may pass upon and determine the qualifications of
50 the applicant with a view to the preservation of the public
51 health.

1 Any permit granted is revocable by the ~~board~~ department
2 whenever in its judgment the public health requires such ac-
3 tion.

4 SEC. 348. Section 28431 of the Health and Safety Code is
5 amended to read:

6 28431. It is unlawful for any person to place upon the
7 label of any bottle, can, jar, carton, case, box, barrel, or any
8 other receptacle, vessel, or container of whatever material or
9 nature which may be used by a packer, manufacturer, pro-
10 ducer, jobber, or dealer for enclosing any canned food product,
11 fish or fish product, or meat or meat product, any statement
12 relative to the product having been inspected, unless the state-
13 ment has been approved in writing by the state ~~board~~ depart-
14 ment.

15 Approval of a statement is revocable at any time by the
16 state ~~board~~ department upon written notice.

17 SEC. 349. Section 28432 of the Health and Safety Code is
18 amended to read:

19 28432. Any food product packed in violation of this chap-
20 ter may be quarantined by the state ~~board~~ department until
21 a laboratory examination has established that the product
22 meets the requirements of this chapter.

23 SEC. 350. Section 28433 of the Health and Safety Code is
24 amended to read:

25 28433. Any person who packs any food product which
26 has been quarantined by the state ~~board~~ department shall pay
27 the state ~~board~~ department all reasonable costs of any labora-
28 tory examination, determined by the Cannery Inspection
29 Board, subject to the approval of the state ~~board~~ department,
30 to be necessary to ascertain that the seized product was packed
31 in violation of this chapter.

32 SEC. 351. Section 28440 of the Health and Safety Code is
33 amended to read:

34 28440. The state ~~board~~ department may make such rules
35 and regulations as it deems necessary for the proper enforce-
36 ment of this chapter, and such rules and regulations shall have
37 the force and effect of law.

38 SEC. 352. Section 28441 of the Health and Safety Code is
39 amended to read:

40 28441. No rule or regulation or amendment thereto shall
41 be adopted unless submitted by the state ~~board~~ department to
42 the Cannery Inspection Board at least five days prior to the
43 date of adoption.

44 SEC. 353. Section 28442 of the Health and Safety Code is
45 amended to read:

46 28442. The state ~~board~~ department shall enforce its rules
47 and regulations and the provisions of Chapter 3 of this divi-
48 sion relating to the canning of food products; through the
49 Chief of the Bureau of Cannery Inspections and such other
50 employees as it deems necessary. The state ~~board~~ department
51 shall, so far as practicable, acquaint each licensee subject to
52 this chapter with its rules and regulations, and upon request

1 therefor by any licensee shall furnish a copy of such rules and
2 regulations.

3 SEC. 354. Section 28451 of the Health and Safety Code is
4 amended to read:

5 28451. All money received by the State Department of
6 Public Health under the provisions of this chapter shall be
7 paid at least once each month to the State Treasurer, and on
8 order of the State Controller, shall be deposited in the Gen-
9 eral Fund in the State Treasury.

10 SEC. 355. Section 28452 of the Health and Safety Code is
11 amended to read:

12 28452. Notwithstanding the provisions of Section 28451,
13 the State Department of Public Health and the Department
14 of General Services may authorize the deposit in the Special
15 Deposit Fund of cash deposits received by the State Depart-
16 ment of Public Health under the provisions of Section 28412;
17 and in such event, upon the determination by the State De-
18 partment of Public Health that all or a part of any such
19 deposit is due the state for payment on account of the deposi-
20 tor's pro rata share of costs incurred by the state under this
21 chapter, the amount so determined shall, on order of the State
22 Controller, be transferred from the Special Deposit Fund to
23 the General Fund.

24 All money deposited in the Special Deposit Fund under the
25 provisions of this section shall be subject to the provisions of
26 Article 2 of Chapter 2 of Part 2 of Division 4 of Title 2 of
27 the Government Code.

28 SEC. 356. Section 28478 of the Health and Safety Code is
29 amended to read:

30 28478. Unless a license so to do is first obtained from the
31 *board department*, it is unlawful for any person in this state
32 to engage in the packaging or manufacture of olive oil, or in
33 the wholesale distribution of olive oil where his name and ad-
34 dress will appear upon olive oil containers of one pint ca-
35 pacity or larger, as the distributor and his name will appear
36 upon the containers as the only California addressee.

37 SEC. 357. Section 28479 of the Health and Safety Code is
38 amended to read:

39 28479. On receipt of an application showing that the ap-
40 plicant is properly equipped to package or manufacture olive
41 oil, or is a wholesale distributor of olive oil whose name and
42 address will appear upon olive oil containers as distributor and
43 whose name also will appear upon such containers as the only
44 California addressee, the *board department* shall, free of
45 charge, issue the applicant a license, not transferable, but good
46 until revoked, to package, manufacture, or distribute olive oil
47 as the case may be.

48 The *board department* may revoke or suspend such license
49 after a hearing. The proceedings for the revocation or suspen-
50 sion of a license shall be in accordance with Chapter 5 of Part
51 1 of Division 3 of Title 2 of the Government Code, and the
52 *board department* shall have all the powers granted therein.

1 SEC. 358. Section 28483 of the Health and Safety Code is
2 amended to read:

3 28483. All records of those licensed under the provisions
4 of this act which concern the amounts of olive oil produced
5 and/or purchased, or the sale and/or distribution of any olive
6 oil, shall be open to inspection upon demand of any agent of
7 this *board department*.

8 SEC. 359. Section 28487 of the Health and Safety Code is
9 amended to read:

10 28487. The *board department* shall enforce the provisions
11 of this chapter.

12 SEC. 360. Section 28504 of the Health and Safety Code is
13 amended to read:

14 28504. The *board department* shall prescribe the form of
15 the tags or labels to be used.

16 SEC. 361. Section 28507 of the Health and Safety Code is
17 amended to read:

18 28507. The *board department* shall enforce the provisions
19 of this chapter.

20 SEC. 362. Section 28508 of the Health and Safety Code is
21 amended to read:

22 28508. The *board department* shall prescribe and enforce
23 such rules and regulations as it may deem necessary to carry
24 into effect the full intent and meaning of this chapter.

25 SEC. 363. Section 28616.1 of the Health and Safety Code is
26 amended to read:

27 28616.1. All mobile units, upon which food is prepared,
28 except mobile units to which the local health officer has issued
29 written authorization to operate at a special public event, shall
30 operate out of a commissary or other facility approved by the
31 local health officer. All mobile units upon which food is pre-
32 pared shall be subject to approval by the local health officer
33 and shall be cleaned at the approved commissary or other ap-
34 proved facility after each day's use and before being used
35 again. The commissary shall meet the requirements of Article
36 2 (commencing with Section 28540) of this chapter, any rules
37 and the regulations applicable to commissaries adopted by the
38 State *Board of Public Department of Health* pursuant to Sec-
39 tion 38694.5, and any additional local standards applicable to
40 commissaries. All mobile units upon which food is prepared
41 shall meet the requirements of Article 3 (commencing with
42 Section 28590) of this chapter, any rules and regulations ap-
43 plicable to mobile units adopted by the State *Board of Public*
44 *Department of Health* pursuant to Section 38694.5, and any
45 additional local standards applicable to mobile units.

46 No food, beverage, or ingredient of food or beverage may
47 be placed on a mobile unit upon which food is prepared ex-
48 cept at an approved commissary or other approved facility
49 or directly from a vendor under inspection by the state de-
50 partment or a local health department, or both.

51 The operator of a mobile unit upon which food is prepared
52 shall maintain a record on such mobile unit which shows the

source of all foods, beverages and ingredients of foods and beverages used on such mobile unit and the location of the commissary or other approved facility from which the mobile unit is operated. Such record shall be available for examination by the local health officer or any representative of the state department when the mobile unit is being operated. The failure to maintain such record or the refusal to permit the examination shall be sufficient ground for the revocation of the approval of the mobile unit to operate.

SEC. 364. Section 28694.5 of the Health and Safety Code is amended to read:

28694.5. The State Board of Public Department of Health shall adopt rules and regulations prescribing such additional requirements for commissaries and mobile units upon which food is prepared and for the administration of Articles 2 (commencing with Section 28540) and 3 (commencing with Section 28590) of this chapter as it determines are reasonably necessary for the protection of the public health and safety. Any violation of such rules and regulations is a violation of this chapter.

SEC. 365. Section 28700 of the Health and Safety Code is amended to read:

28700. When used in this chapter, unless the context otherwise requires:

(a) "Food" means any article used by man for food, drink, confectionery or condiment, or which enters into the composition thereof, whether simple, blended, mixed or compounded.

(b) "Locker" means the individual sections or compartments of a capacity of not to exceed 25 cubic feet in the locker room of a frozen food locker plant.

(c) "Frozen food locker plant" means an establishment in which space in such individual lockers is rented, leased or loaned to individuals, firms or corporations, for the storage of food for their own use and which is artificially cooled for the purpose of preserving such food. The term includes service locker plant, storage locker plant and branch locker plant.

(d) "Service locker plant" means a frozen food locker plant in which patrons' foods are prepared or packaged by the operator of such plant before such foods are placed in the lockers for storage.

(e) "Storage locker plant" means a frozen food locker plant, the operator of which does not prepare or package the foods of patrons.

(f) "Branch locker plant" means a frozen food locker plant in any location or establishment artificially cooled in which space in individual lockers are rented, leased or loaned to individuals, firms or corporations for the storage of food for their own use after preparation for storage in a central or parent plant.

(g) "Frozen" means food frozen in a room or compartment in which the temperature is plus 5 degrees F. or lower.

(h) "Temperature" means the average air temperature in refrigerated rooms.

(i) "Department" means the State Department of Public Health.

(j) "Operator" means any person, firm or corporation operating or maintaining a frozen food locker plant.

(k) "Processor" means an establishment in which, for compensation directly or indirectly, meat or meat products are cut, wrapped, or frozen to be delivered for frozen storage by the ultimate consumer.

SEC. 366. Section 28716 of the Health and Safety Code is amended to read:

28716. Every operator of a frozen food locker plant, shall keep a record showing names and addresses of renters of lockers and such records shall be available for examination by the Director of the Department of Agriculture or his representatives, or the State Department of Public Health or its representatives, during business hours of such plants.

SEC. 367. Section 28742 of the Health and Safety Code is amended to read:

28742. "Department" means the State Department of Public Health.

SEC. 368. Section 32002 of the Health and Safety Code is amended to read:

32002. The manner of formation of local hospital districts, and the conducting of elections, unless otherwise provided herein shall be as in the manner provided by Chapter 1, Division 2 of Title 6 of the Government Code. All of the provisions of said chapter are hereby incorporated in this division by reference and shall have the same effect and force as if fully set forth herein. In addition to all other requirements regarding formation of hospital districts, no hearing upon the petition to form a hospital district shall be held until there shall have been filed with the supervising authority a certificate from the State Department of Public Health stating its findings in accordance with the standards established for allocated funds under the California Hospital Survey and Construction Act, upon the following facts:

(a) The need for hospital beds in the hospital service area to be served.

(b) The fulfillment of needs in the service area based upon hospital beds in existence or under construction.

(c) Upon request of the supervising authority the State Department of Public Health shall furnish its findings regarding (a) and (b).

SEC. 370. Section 32127.2 of the Health and Safety Code is amended to read:

32127.2. Exclusively for the purpose of securing state insurance of financing for the construction of new health facilities, the expansion, modernization, renovation, remodeling and alteration of existing health facilities, and the initial equipping of any such health facilities under Chapter 4 (commencing

1 with Section 436) of Part 1 of Division 1, and notwithstand-
 2 ing any provision of this division or any other provision or
 3 holding of law, the board of directors of any district may (a)
 4 borrow money or credit from private or public lenders, as well
 5 as by the financing methods specified in this division, and
 6 (b) execute in favor of the state first mortgages, first deeds of
 7 trust, and such other necessary security interests as the State
 8 Department of Public Health may reasonably require in re-
 9 spect to a health facility project property as security for
 10 such insurance. No payments of principal, interest, insurance
 11 premium and inspection fees, and all other costs of state-
 12 insured loans obtained under the authorization of this section
 13 shall be made from funds derived from the district's power
 14 to tax. It is hereby declared that the authorizations for the
 15 executing of such mortgages, deeds of trust and other neces-
 16 sary security agreements by the board and for the enforce-
 17 ment of the state's rights thereunder is in the public interest
 18 in order to preserve and promote the health, welfare, and
 19 safety of the people of this state by providing, without cost
 20 to the state, a state insurance program for health facility
 21 construction loans in order to stimulate the flow of private
 22 capital into health facilities construction to enable the rational
 23 meeting of the critical need for new, expanded and modern-
 24 ized public health facilities.

25 SEC. 371. Section 32201 of the Health and Safety Code is
 26 amended to read:

27 32201. Annually, at least 15 days before the first day of
 28 the month in which county taxes are levied, the board of di-
 29 rectors of each local hospital district shall furnish to the board
 30 of supervisors of the county in which the district or any part
 31 thereof is situated an estimate in writing of the amount of
 32 money necessary to be raised by taxation for all purposes re-
 33 quired under the provisions of this division during the next
 34 ensuing fiscal year. In addition to such written estimate the
 35 board of directors of each local hospital district shall furnish
 36 to the board of supervisors for each tax year occurring after
 37 the second full fiscal year of actual hospital operations a certi-
 38 fied copy of a resolution of said board of directors finding that
 39 the rates and charges made for services and facilities in the
 40 hospital on an overall basis are comparable to charges made
 41 for similar services and facilities by the nonprofit hospitals
 42 operated within the hospital service area in which the district
 43 hospital is located. No such certificate need be furnished if
 44 there are no nonprofit hospitals in such service area. Such hos-
 45 pital service area shall be as from time to time delineated by
 46 the State Department of Public Health.

47 SEC. 372. Section 38003 of the Health and Safety Code is
 48 amended to read:

49 38003. As used in this division:

50 (a) "Regional center" means a regional diagnostic, coun-
 51 seling and service center for mentally retarded persons and
 52 their families.

1 (b) "Director" means the Director of Public Health.
 2 (c) "Department" means the Department of Public Health.
 3 (d) "Secretary" means the Secretary of the Human Rela-
 4 tions Agency.
 5 (e) "State board" means the State Mental Retardation
 6 Program Advisory Board.
 7 (f) "Area board" means an areawide mental retardation
 8 program board.
 9 (g) "Area plan" means an areawide mental retardation
 10 plan.

11 SEC. 373. Section 38056 of the Health and Safety Code
 12 is amended to read:

13 38056. No member of an area board may be an employee of
 14 a regional center, the State Department of Public Health,
 15 the State Department of Mental Hygiene, or the State Depart-
 16 ment of Social Welfare.

17 SEC. 374. Section 38060 of the Health and Safety Code
 18 is amended to read:

19 38060. Area plans shall be submitted to the Areawide Com-
 20 prehensive Health Planning Agency for review, and to the
 21 secretary for approval and transmission to the *Advisory*
 22 *Health Planning Council*.

23 SEC. 375. Section 38101 of the Health and Safety Code
 24 is amended to read:

25 38101. The State Department of Public Health, within the
 26 limitations of funds appropriated, shall contract with appro-
 27 priate agencies, either public or private nonprofit corporations,
 28 for the establishment of regional centers.

29 SEC. 376. Section 38150 of the Health and Safety Code
 30 is amended to read:

31 38150. Notwithstanding any other provision of law, the
 32 Department of Mental Hygiene shall not be appointed as
 33 guardian of any mentally retarded person after July 1, 1971.
 34 This chapter shall not be construed to terminate any appoint-
 35 ment of the Department of Mental Hygiene as guardian of a
 36 mentally retarded person prior to July 1, 1971.

37 It is the intent of this section that the Director of Public
 38 Health be appointed as guardian or conservator of a mentally
 39 retarded person as provided, pursuant to the provisions of
 40 Article 7.5 (commencing with Section 416) of Chapter 2 of
 41 Part 1 of Division 1 of this code, in any case in which the
 42 Director of Mental Hygiene would otherwise have been so
 43 appointed.

44 Notwithstanding Section 6000 of the Welfare and Institu-
 45 tions Code, the admission of an adult mentally retarded per-
 46 son to a state hospital or private institution shall be upon the
 47 application of the person's parent or guardian.

48 SEC. 377. Section 38202 of the Health and Safety Code is
 49 amended to read:

50 38202. The state board shall advise the *Advisory Health*
 51 *Planning Council*, the secretary, the Governor and the Legis-
 52 lature on the initiation, coordination, and implementation of

1 programs and projects for the mentally retarded, including,
2 but not limited to, the following:

3 (a) Present and proposed programs of service for the men-
4 tally retarded of state, local governmental, and voluntary
5 agencies.

6 (b) The development by the secretary of a state plan for
7 mental retardation services and the system of priorities con-
8 tained in a program budget to be developed by the secretary.

9 (c) The development by the *Advisory Health Planning*
10 Council of the mental retardation portion of the state plan for
11 all health services.

12 (d) Standards for services in various facilities that are now
13 being operated or which will hereafter be created.

14 (e) Standards and rates of state payment for any services
15 purchased for mentally retarded persons through the regional
16 centers.

17 (f) The development of uniform recordkeeping in all serv-
18 ices for the mentally retarded.

19 (g) The coordination of services and research activities in
20 the field of mental retardation, including the evaluation of
21 services and programs, studies of the prevalence of mental
22 retardation, and the development of experimental programs.

23 (h) The stimulation of planning for professional training
24 in the state universities and colleges.

25 SEC. 378. Section 38203 of the Health and Safety Code is
26 amended to read:

27 38203. The state board shall prepare and render annually
28 a written report of its activities and its recommendations to
29 the *Advisory Health Planning* Council, the Secretary of the
30 Human Relations Agency, the Governor and the Legislature.

31 SEC. 379. Section 38250 of the Health and Safety Code is
32 amended to read:

33 38250. It is the intent of this division that by July 1, 1971,
34 state funds previously allocated to other agencies for the pro-
35 vision of out-of-home prehospital, hospital and posthospital
36 care be allocated, to the fullest extent feasible, to regional cen-
37 ters to contract with appropriate agencies for the provision of
38 out-of-home placements.

39 In the event either the Governor or the Legislature should
40 obtain federal approval to transfer programs for the mentally
41 retarded from other state departments to the Department of
42 Public Health under the provisions of Public Law 90-577 (In-
43 tergovernmental Cooperation Act of 1968), the State Control-
44 ler shall, upon approval of the Director of Finance, transfer
45 to the Department of Public Health such parts of the appro-
46 priation of the other departments that are related to mental
47 retardation programs; provided further, that such transfer
48 shall enable the state to make maximum utilization of available
49 state and federal funds.

50 It is the intent of this division that the regional center pro-
51 gram be funded by the state on a regional basis using the maxi-

1 mum of federal funds available, and that all funds be trans-
2 mitted through the department to each regional center.

3 SEC. 380. Section 38253 of the Health and Safety Code is
4 amended to read:

5 38253. The secretary, in the same manner and subject to
6 the same conditions as other state agencies, shall submit a
7 program budget annually to the Department of Finance, in-
8 cluding not only expenditures proposed to be made under
9 this division, but also expenditures proposed to be made under
10 any related program or by any other state agency, designed to
11 provide services incidental to the functions to which this divi-
12 sion relates. The secretary may require state departments to
13 contract with it for services to carry out the provisions of
14 this division.

15 Notwithstanding any other provision of law, authorized
16 services to eligible persons, as defined in this division, pro-
17 vided by all state agencies, including, but not limited to, the
18 Departments of Education, Mental Hygiene, Public Health,
19 Rehabilitation and Social Welfare shall, to the fullest extent
20 permitted by federal law, by contract or otherwise, be made
21 available upon request of the director, and the approval of
22 the secretary, to the department for services to eligible persons.

23 The secretary shall consult with the departments involved
24 in developing the statewide plan and program budget, and
25 shall seek the advice of the state board.

26 SEC. 381. Section 39020 of the Health and Safety Code is
27 amended to read:

28 39020. There is in state government, in the Resources
29 Agency, the State Air Resources Board. The board shall con-
30 sist of 14 members, nine of whom shall be appointed by the
31 Governor with the consent of the Senate. The Governor shall
32 consider demonstrated interest and proven ability in the field
33 of air pollution as well as the needs of the general public, in-
34 dustry, agriculture, and other related interests, in making
35 appointments to the board. The Director of Public Health,
36 Director of Motor Vehicles, Director of Agriculture, Commis-
37 sioner of the California Highway Patrol, and Director of Con-
38 servation shall serve as members of the board. The Governor
39 shall appoint the chairman from one of the nine appointees
40 who shall serve as chairman at the pleasure of the Governor.

41 SEC. 382. Section 39023 of the Health and Safety Code is
42 amended to read:

43 39023. The board shall appoint an executive officer and may
44 contract for services and may employ such technical and other
45 personnel and acquire such facilities and may call upon the
46 Department of Public Health as may be necessary for the per-
47 formance of its powers and duties in carrying out the pro-
48 visions of this division. The board may appoint such advisory
49 groups and committees as it requires to effectuate the purpose
50 of this division.

51 SEC. 383. Section 39051 of the Health and Safety Code is
52 amended to read:

1 39051. The board shall after holding public hearings:

2 (a) Divide the state into basins to fulfill the purposes of this
3 division not later than January 1, 1969.

4 (b) Adopt standards of ambient air quality for each basin
5 in consideration of the public health, safety and welfare, in-
6 cluding but not limited to health, illness, irritation to the
7 senses, aesthetic value, interference with visibility, and effects
8 on the economy. These standards may vary from one basin to
9 another. Standards relating to health effects shall be based
10 upon the recommendations of the State Department of Public
11 Health.

12 (c) Adopt rules and regulations in accordance with the
13 provisions of the Administrative Procedure Act (commencing
14 with Section 11370 of the Government Code) necessary for the
15 proper execution of the powers and duties granted to, and
16 imposed upon, the board by this division.

17 (d) Adopt emission standards for all nonvehicular air pol-
18 lution sources for application for each basin as found necessary
19 as provided in Section 39054.

20 SEC. 384. Section 39052 of the Health and Safety Code is
21 amended to read:

22 39052. The board shall:

23 (a) Conduct studies and evaluate the effects of air pollution
24 upon human, plant, and animal life and the factors responsi-
25 ble for air pollution. The board may call upon the Department
26 of Public Health, Department of Agriculture, the University
27 of California, and such other state agencies it may deem nec-
28 essary.

29 (b) Encourage a cooperative state effort in combating air
30 pollution.

31 (c) Inventory sources of air pollution within the basins of
32 the state and determine the kinds and quantity of air pollu-
33 tants. The board shall use, to the fullest extent, the data of
34 local agencies in fulfilling this purpose.

35 (d) Monitor air pollutants in cooperation with other agen-
36 cies to fulfill the purpose of this division.

37 (e) Coordinate and collect research data on air pollution.

38 (f) Review rules and regulations of local or regional author-
39 ities filed with it pursuant to Sections 39314 and 39461 to
40 assure that reasonable provision is made to control emissions
41 from nonvehicular sources and to achieve the air quality stand-
42 ards established by the board.

43 (g) Adopt formal procedures, after consultation with the
44 Department of Motor Vehicles, for making timely and decisive
45 mutual agreements on vehicle air pollution matters with which
46 both agencies are concerned, and submit a copy of these pro-
47 cedures to the Legislature by January 1, 1969.

48 (h) Adopt formal procedures, after consultation with the
49 Department of Public Health, for the performance of services
50 required by the board and for evaluating and resolving air
51 pollution matters with which both agencies are concerned, and

1 submit a copy of these procedures to the Legislature by Janu-
2 ary 1, 1969.

3 (i) Adopt formal procedures, after consultation with the
4 Department of the California Highway Patrol, for making
5 timely and decisive mutual agreements on vehicle air pollution
6 matters with which both agencies are concerned, and submit a
7 copy of these procedures to the Legislature by January 1, 1969.

8 (j) Publish annually a report of the results of the tests
9 administered pursuant to subdivision (k) of this section, which
10 shall include all of the following:

11 (1) The total number of motor vehicles tested.

12 (2) The total number of each engine and transmission com-
13 bination tested.

14 (3) The average emissions of all motor vehicles tested.

15 (4) The average emissions of each engine and transmission
16 combination tested.

17 (5) An analysis of the emissions of each engine and trans-
18 mission combination tested.

19 (k) Adopt test procedures as soon as possible, but in no
20 event later than 45 days after the effective date of the amend-
21 ments to this section enacted by the Legislature at the 1968
22 Regular Session, specifying the manner in which new motor
23 vehicles shall be approved based upon the emission standards
24 contained in Article 2 (commencing with Section 39100) of
25 Chapter 4 of this part. The board shall base its test procedures
26 on driving patterns typical in the urban areas of California,
27 and shall weight approval standards appropriately to reflect
28 normal engine deposit accumulation. The board shall admin-
29 ister the test for new motor vehicles in accordance with such
30 procedures.

31 (l) Adopt regulations specifying the manner in which used
32 motor vehicles shall be accredited based upon their emissions.
33 These regulations are to be submitted to the Legislature by
34 January 1, 1969.

35 (m) Adopt, by regulation, emission standards and test pro-
36 cedures applicable to motor vehicles manufactured for sale in
37 this state. Such regulations shall provide for the testing of
38 vehicles on factory assembly lines or in such other manner as
39 the board determines best suited to carry out the purposes of
40 this part. The standards established by the board may deviate
41 from the standards established as a condition of approval as
42 the board determines is necessary to implement this section.
43 The test procedures shall be adopted after consideration of the
44 recommendations of the Technical Advisory Panel to the As-
45 sembly Transportation and Commerce Committee of April 14,
46 1968. Any manufacturer or distributor failing to comply with
47 the standards or test procedures established under this subdi-
48 vision shall be subject to a civil penalty of fifty dollars (\$50)
49 for each vehicle which does not comply with the regulations
50 and which is first sold in this state. The payment of such pen-

alties shall be a condition to the further sale of motor vehicles in this state.

(n) Adopt exhaust emission standards for hydrocarbons, carbon monoxide, and oxides of nitrogen for new diesel-powered vehicles, and diesel engines for vehicles first sold and registered in this state, no later than January 1, 1971.

(o) Adopt emission standards for motor vehicles which shall be applicable only to motor vehicles for which emission standards have not been specified in Article 2 (commencing with Section 39100) of Chapter 4 of this part.

(p) Adopt low emission standards for the purpose of carrying out Section 14808.1 of the Government Code and Section 6377 of the Revenue and Taxation Code for each model year motor vehicle beginning in 1970.

(q) The board shall adopt test procedures to establish that motor vehicles which have been modified or altered to use a fuel other than gasoline or diesel are in compliance with Section 39110 giving consideration to relative reactivity and air-fuel correction factor of the fuel being tested.

SEC. 387. Section 1535 of the Probate Code is amended to read:

1535. When the ward is or has been, during the guardianship, confined in a state hospital in this state, notice of the hearing of the return must be given to the Director of ~~Mental Hygiene~~ *Health* at his office in Sacramento at least 15 days before the hearing.

SEC. 388. Section 1554 of the Probate Code is amended to read:

1554. No account of the guardian of an insane or incompetent person who is or has been during the guardianship confined in a state hospital in this state shall be settled or allowed unless notice of the time and place of hearing and a copy of the account have been given to the Director of ~~Mental Hygiene~~ *Health* at his office in Sacramento at least 15 days before the hearing. The statute of limitations shall not run against any claim of the Department of ~~Mental Hygiene~~ *Health* against the estate of the incompetent for board, care, maintenance or transportation if the account is settled without giving the notice prescribed above.

SEC. 389. Section 20 of the Welfare and Institutions Code is amended to read:

20. Whenever reference is made in this code to the adoption of regulations or personnel standards, or to the conduct of hearings, by the State Social Welfare Board, unless the context indicates otherwise, the reference shall be construed to refer to the Director of the Department of Social Welfare *with respect to money payment programs or the Director of the Department of Health with respect to social services.*

References to the State Social Welfare Board in Sections 3050, 3083, 4150, 4557, and 4724 shall be construed to refer to the *appropriate* director.

A hearing or other matter pertaining to a hearing before the State Social Welfare Board, not completed on September 20, 1963, shall be completed by the Director of the Department of Social Welfare.

SEC. 390. Section 703 of the Welfare and Institutions Code is amended to read:

703. If the court, after finding that the minor is a person described by Sections 600, 601, or 602, is in doubt concerning the state of mental health or the mental condition of the person, the court may continue the hearing and commit the person to the Department of ~~Mental Hygiene~~ *Health* for placement in a state hospital or state home for the mentally deficient for an indeterminate period of not more than 90 days, for observation of the mental health or the mental condition of the person and recommendations concerning his future care, supervision, and treatment. If the Department of ~~Mental Hygiene~~ *Health* has designated a particular state institution to receive minors so committed for observation, all commitments shall be made to the department for placement in the institution so designated. The superintendent of the institution to which the minor is so committed shall receive him, unless the institution is already full or the funds available for its support are exhausted, or if, in the opinion of the superintendent, the person is not a suitable subject for admission. Before such person is conveyed to the institution, it shall be ascertained from the superintendent thereof if the person may be accepted as herein set forth.

For each minor person so committed for observation, the county from which he is committed shall pay the state at the rate of forty dollars (\$40) per month for the time the person so committed remains in the state institution for observation. Such expense shall be considered expense of support and maintenance within the meaning of Article 16, (commencing with Section 900) and the county shall be entitled to reimbursement therefor from the earnings, property, or estate of the minor, or from his parents, guardian, or other person liable for his support and maintenance, in accordance with the provisions of that article. The department shall present to the county, not more frequently than monthly, a claim for the amount due the state under this section which the county shall process and pay pursuant to the provisions of Chapter 4 (commencing with Section 29700) of Division 3 of Title 3 of the Government Code.

The medical superintendent or other person in charge of the state hospital or state home for the mentally deficient in which a minor person is placed for observation pursuant to this section shall, as soon as possible and within 90 days, examine the person to determine the state of his mental health or his mental condition, and submit to the juvenile court a report on the state of his mental health or mental condition which shall include a diagnosis of the nature of his mental illness or dis-

ability, if any, and recommendations concerning his future care, supervision, and treatment.

If the medical superintendent or other person in charge of the state institution in which the minor has been placed for observation reports to the court that the minor is not affected with any mental illness, disorder, or other mental disability for which he might be committed to the Department of ~~Mental Hygiene~~ *Health* for placement in any state institution under Division 6 (commencing with Section 5000) of this code, such superintendent or other person in charge of the state institution shall return the minor to the juvenile court within seven days after the date of the report and the court shall proceed with the case in accordance with the provisions of this chapter.

When the juvenile court directs the filing in any other court of a petition for the commitment of a minor to the Department of ~~Mental Hygiene~~ *Health* for placement in any state institution, the juvenile court shall transmit to the court in which the petition is filed a copy of the report of the medical superintendent or other person in charge of the state institution in which the minor was placed for observation. The court in which the petition for commitment is filed may accept the report of the medical superintendent or other person in charge of the state institution in lieu of the appointment, certificate, and testimony of medical examiners or other expert witnesses appointed by the court, if the laws applicable to such commitment proceedings provide for the appointment by court of medical examiners or other expert witnesses or may consider the report as evidence in addition to the certificates and testimony of medical examiners or other expert witnesses.

The jurisdiction of the juvenile court over the minor shall be suspended during such time as the minor is subject to the jurisdiction of the court in which the petition for commitment is filed or under commitment ordered by that court.

SEC. 391. Section 727 of the Welfare and Institutions Code is amended to read:

727. When a minor is adjudged a dependent child of the court, on the ground that he is a person described by Section 600, the court may make any and all reasonable orders for the care, supervision, custody, conduct, maintenance, and support of such minor, including medical treatment, subject to further order of the court.

The court may order the care, custody, control and conduct of such minor to be under the supervision of the probation officer or may commit such minor to the care, custody and control of:

(a) Some reputable person of good moral character who consents to such commitment.

(b) Some association, society, or corporation embracing within its objects the purpose of caring for such minors, with the consent of such association, society, or corporation.

(c) The probation officer, to be boarded out or placed in some suitable family home or suitable private institution, sub-

ject to the requirements of Chapter 1 (commencing with Section 16000) of Part 4 of Division 9; provided, however, that pending action by the State Department of ~~Social Welfare~~ *Health*, the placement of a minor in a home certified as meeting minimum standards for boarding homes by the probation officer shall be legal for all purposes.

(d) Any other public agency organized to provide care for needy or neglected children.

SEC. 392. Section 1128 of the Welfare and Institutions Code is amended to read:

1128. Any person committed to or placed in a correctional school who is epileptic, mentally deficient, or mentally ill within the meaning of this code may be discharged and re-committed for an indefinite period to a state hospital, with the prior concurrence of the Department of ~~Mental Hygiene~~ *Health*.

Application for such discharge and recommitment may be made to the judge of the superior court of the county in which the person is, by the Director of the Youth Authority.

Notice of the application shall be served upon such relatives of the person, or upon such other persons as the judge deems necessary or proper, in such manner as the judge deems sufficient to enable them to be heard on the application.

The order for such discharge and recommitment shall be made only if the findings of the court and the opinion of the Department of ~~Mental Hygiene~~ *Health* are the same as on the commitment and reception at a state home for the mentally deficient or mentally ill of other persons committed for placement therein.

SEC. 393. Section 1756.5 of the Welfare and Institutions Code is amended to read:

1756.5. Whenever the authority finds that any person committed to the authority is feeble-minded, insane, mentally ill, a sexual psychopath, or a defective or psychopathic delinquent, the authority may return the person to the committing court for discharge from the control of the authority and recommitment in accordance with law to the Department of ~~Mental Hygiene~~ *Health* for placement in the appropriate state institution.

SEC. 394. Section 3003 of the Welfare and Institutions Code is amended to read:

3003. The Director of Corrections may enter into agreements with the Director of ~~Mental Hygiene~~ *Health* pursuant to which persons committed to the custody of either for narcotic addiction or imminent narcotic addiction can be transferred to an institution under the jurisdiction of the other.

SEC. 395. Section 3300 of the Welfare and Institutions Code is amended to read:

3300. There is hereby established an institution and branches, under the jurisdiction of the Department of Corrections, to be known as the California Rehabilitation Center. Branches may be established in existing institutions of the

Department of Corrections or of the Department of the Youth Authority, in halfway houses as described in Section 3153, and in such other facilities as may be made available on the grounds of other state institutions. Branches shall not be established on the grounds of such other state institutions in any manner which will result in the placement of patients of such institutions into inferior facilities. Branches placed in a facility of the Department of ~~Mental Hygiene Health~~ shall have prior approval of the Director of ~~Mental Hygiene Health~~. The branches in the Department of the Youth Authority shall be established on order of the Secretary of the Human Relations Agency and shall be subject to the administrative direction of the Director of the Youth Authority.

SEC. 396. Section 4000 of the Welfare and Institutions Code is repealed.

4000. There is in the Human Relations Agency a Department of ~~Mental Hygiene~~.

SEC. 396.1. Section 4005 of the Welfare and Institutions Code is repealed.

4005. The director shall be appointed by and hold office at the pleasure of the Governor. The director shall receive an annual salary as provided for by Chapter 6 of Part 1 of Division 3 of Title 2 of the Government Code. Before entering upon the duties of his office the director shall execute an official bond to the State of California in the penal sum of twenty-five thousand dollars (\$25,000), conditioned upon the faithful performance of his duties.

SEC. 397. Section 4001 of the Welfare and Institutions Code is amended to read:

4001. As used in this part:

(a) "Department" means the Department of ~~Mental Hygiene Health~~.

(b) "Director" means the Director of ~~Mental Hygiene Health~~.

SEC. 398. Section 4002 of the Welfare and Institutions Code is amended to read:

4002. As used in this code and in every other statute heretofore, or hereafter enacted, the term terms "Department of Institutions" or "*Department of Mental Hygiene*" shall be construed to refer to and mean the Department of ~~Mental Hygiene Health~~.

SEC. 399. Section 4003 of the Welfare and Institutions Code is amended to read:

4003. As used in this code and in every other statute heretofore, or hereafter enacted, the term terms "Director of Institutions" or "*Director of Mental Hygiene*" shall be construed to refer to and mean the Director of ~~Mental Hygiene Health~~.

SEC. 400. Section 4004 of the Welfare and Institutions Code is amended to read:

4004. The department is under the control of an executive officer known as the Director of ~~Mental Hygiene Health~~.

SEC. 401. Section 4008 of the Welfare and Institutions Code is amended to read:

4008. The department may expend money in accordance with law for the actual and necessary travel expenses of officers and employees of the department who are authorized to absent themselves from the State of California on official business.

For the purposes of this section and of Sections 11030 and 11032 of the Government Code, the following constitutes, among other purposes, official business for said officers and employees for which such officers and employees shall be allowed actual and necessary traveling expenses when incurred either in or out of this state upon approval of the Governor and Director of Finance:

Attending meetings of any national association or organization having as its principal purpose the study of matters relating to administration of institutions, and care and treatment of mentally ill, mentally retarded, or other institutional patients; conferring with officers or employees of the United States or other states, relative to problems of institutional care, treatment or management; and obtaining information therefrom, which information would be useful in the conduct of institutional, psychiatric, medical, and similar activities of the Department of ~~Mental Hygiene Health~~.

SEC. 402. Section 4011 of the Welfare and Institutions Code is amended to read:

4011. Unless otherwise indicated in this code, the Department of ~~Mental Hygiene Health~~ has jurisdiction over the execution of the laws relating to the care, custody, and treatment of mentally disordered persons, mentally retarded persons and other incompetent persons, as provided in this code.

As used in this part, "establishment" and "institution" include every hospital, sanitarium, boarding home, or other place receiving or caring for any of the persons enumerated in this section.

SEC. 403. Section 4012 of the Welfare and Institutions Code is amended to read:

4012. The Department of ~~Mental Hygiene Health~~ may:

(a) Disseminate educational information relating to the prevention, diagnosis and treatment of mental disorder, or mental retardation.

(b) Upon request, advise all public officers, organizations and agencies interested in the mental health of the people of the state.

(c) Conduct such educational and related work as will tend to encourage the development of proper mental hygiene facilities throughout the state.

The department may organize, establish and maintain community mental hygiene clinics for the prevention, early diagnosis and treatment of mental retardation or disorder. Such clinics may be maintained only for persons not requiring institutional care, who voluntarily seek the aid of such clinics. Such clinics may be maintained at the locations in the communities

1 of the state designated by the director, or at any institution
2 under the jurisdiction of the department designated by the
3 director.

4 The department may establish such rules and regulations as
5 are necessary to carry out the provisions of this section. This
6 section does not authorize any form of compulsory medical or
7 physical examination, treatment, or control of any person.

8 SEC. 404. Section 4012.5 of the Welfare and Institutions
9 Code is amended to read:

10 4012.5. The Department of ~~Mental Hygiene Health~~ may
11 obtain psychiatric, medical and other necessary aftercare serv-
12 ices for judicially committed patients on leave of absence from
13 state hospitals by contracting with any city, county, local
14 health district, or other public officer or agency, or with any
15 private person or agency to furnish such services to patients
16 in or near the home community of the patient. Any city,
17 county, local health district, or other public officer or agency
18 authorized by law to provide mental health and aftercare
19 services is authorized to enter such contracts.

20 SEC. 405. Section 4100 of the Welfare and Institutions
21 Code is amended to read:

22 4100. The department has jurisdiction over the following
23 institutions:

24 Agnews State Hospital.
25 Atascadero State Hospital.
26 Camarillo State Hospital.
27 DeWitt State Hospital.
28 Fairview State Hospital.
29 Mendocino State Hospital.
30 Modesto State Hospital.
31 Napa State Hospital.
32 Metropolitan State Hospital.
33 Pacific State Hospital.
34 Patton State Hospital.
35 Porterville State Hospital.
36 Sonoma State Hospital.
37 Stockton State Hospital.

38 ~~The Langley Porter Neuropsychiatric Institute.~~
39 ~~Neuropsychiatric Institute, U.C.L.A. Medical Center.~~

40 SEC. 406. Section 4101 of the Welfare and Institutions
41 Code is amended to read:

42 4101. Except as otherwise specifically provided elsewhere
43 in this code, all of the institutions under the jurisdiction of the
44 Department of ~~Mental Hygiene Health~~ shall be governed by
45 uniform rule and regulation of the Department of ~~Mental~~
46 ~~Hygiene Health~~ and all of the provisions of this chapter shall
47 apply to the conduct and management of such institutions.

48 SEC. 407. Section 4104 of the Welfare and Institutions
49 Code is amended to read:

50 4104. All lands necessary for the use of state hospitals
51 except those acquired by gift, devise, or purchase, shall be

1 acquired by condemnation as lands for other public uses are
2 acquired.

3 The terms of every purchase shall be approved by the De-
4 partment of ~~Mental Hygiene Health~~. No public street or road
5 for railway or other purposes, except for hospital use, shall
6 be opened through the lands of any state hospital, unless the
7 Legislature by special enactment consents thereto.

8 SEC. 408. Section 4105 of the Welfare and Institutions
9 Code is amended to read:

10 4105. Notwithstanding the provisions of Section 4104, the
11 Director of General Services, with the consent of the Depart-
12 ment of ~~Mental Hygiene Health~~, may grant rights-of-way for
13 road purposes over and across state property comprising the
14 site of the Sonoma State Hospital, upon such terms and condi-
15 tions as the Director of General Services may deem to be for
16 the best interests of the state.

17 SEC. 409. Section 4107.1 of the Welfare and Institutions
18 Code is amended to read:

19 4107.1. Notwithstanding the provisions of Section 4104, the
20 Director of General Services, with the consent of the Depart-
21 ment of ~~Mental Hygiene Health~~, may grant to the County of
22 Napa a right-of-way for public road purposes over the north-
23 erly portion of the Napa State Hospital lands for the widening
24 of Imola Avenue between Penny Lane and Fourth Avenue,
25 upon such terms and conditions as the Director of General
26 Services may deem for the best interests of the state.

27 SEC. 410. Section 4108 of the Welfare and Institutions
28 Code is amended to read:

29 4108. Notwithstanding Section 4104 of the Welfare and
30 Institutions Code, the Director of General Services with the
31 consent of the Department of ~~Mental Hygiene Health~~, may
32 grant a right-of-way for road purposes to the City of Stock-
33 ton over and along a portion of the Stockton State Hospital
34 property adjacent to Harding Way upon such terms and condi-
35 tions and with such reservations and exceptions as in the
36 opinion of the Director of General Services may be for the best
37 interests of the state.

38 The Director of General Services under the same conditions
39 may grant a right-of-way for road purposes to the County of
40 Orange over a portion of the Fairview State Hospital property
41 adjacent to Harbor Boulevard.

42 SEC. 411. Section 4109 of the Welfare and Institutions
43 Code is amended to read:

44 4109. The Department of ~~Mental Hygiene Health~~ has gen-
45 eral control and direction of the property and concerns of each
46 state hospital. The department shall:

47 (a) Take care of the interests of the hospital, and see that
48 its purpose and its bylaws, rules, and regulations are carried
49 into effect, according to law.

50 (b) Establish such bylaws, rules, and regulations as it deems
51 necessary and expedient for regulating the duties of officers

1 and employees of the hospital, and for its internal government,
2 discipline, and management.

3 (c) Maintain an effective inspection of the hospital.

4 SEC. 412. Section 4110 of the Welfare and Institutions
5 Code is amended to read:

6 4110. The medical superintendent shall make triplicate
7 estimates, in minute detail, as approved by the Department
8 of *Mental Hygiene Health*, of such supplies, expenses, build-
9 ings, and improvements as are required for the best interests
10 of the hospital, and for the improvement thereof and of the
11 grounds and building connected therewith. These estimates
12 shall be submitted to the Department of *Mental Hygiene*
13 *Health*, which may revise them. The department shall certify
14 that it has carefully examined the estimates, and that the sup-
15 plies, expenses, buildings, and improvements contained in such
16 estimates, as approved by it, are required for the best interests
17 of the hospital. The department shall thereupon proceed to
18 purchase such supplies, make such expenditures, or conduct
19 such improvements or buildings in accordance with law.

20 SEC. 413. Section 4111 of the Welfare and Institutions
21 Code is amended to read:

22 4111. The state hospitals may manufacture supplies and
23 materials necessary or required to be used in any of the state
24 hospitals which can be economically manufactured therein. The
25 necessary cost and expense of providing for and conducting
26 the manufacture of such supplies and materials shall be paid
27 in the same manner as other expenses of the hospitals. No
28 hospital shall enter into or engage in manufacturing any sup-
29 plies or materials unless permission for the same is obtained
30 from the Department of *Mental Hygiene Health*. If, at any
31 time, it appears to the department that the manufacture of any
32 article is not being or cannot be economically carried on at a
33 state hospital, the department may suspend or stop the manu-
34 facture of such article, and on receipt of a certified copy of
35 the order directing the suspension or stopping of such manu-
36 facture, by the medical superintendent, the hospital shall cease
37 from manufacturing such article.

38 SEC. 414. Section 4117 of the Welfare and Institutions
39 Code is amended to read:

40 4117. Whenever a trial is had of any person charged with
41 escape or attempt to escape from a state hospital under the
42 provisions of Section 6330, whenever a hearing is had on the
43 return of a writ of habeas corpus prosecuted by or on behalf
44 of any person confined in a state hospital except in a proceed-
45 ing to which Section 5110 applies, whenever a hearing is had
46 on a petition under Section 1026a of the Penal Code or Section
47 7361 of this code for the release of a person confined in a state
48 hospital, and whenever a person confined in a state hospital
49 is tried for any crime committed therein, the county clerk of
50 the county in which such trial or hearing is had must make
51 out a statement of all costs incurred by the county for investi-
52 gation and other preparation for the trial or hearing, and the

1 actual trial or hearing, all costs of maintaining custody of
2 the patient and transporting him to and from the hospital, and
3 costs of appeal, which statement shall be properly certified by
4 a judge of the superior court of such county and sent to the
5 Department of *Mental Hygiene Health* for its approval. After
6 such approval, the department shall cause the amount of such
7 costs to be paid out of the money appropriated for the support
8 of the state hospital, to the county treasurer of the county
9 where such trial or hearing was had.

10 SEC. 415. Section 4118 of the Welfare and Institutions
11 Code is amended to read:

12 4118. The Department of *Mental Hygiene Health* shall co-
13 operate with the United States Bureau of Immigration in ar-
14 ranging for the deportation of all aliens who are confined in,
15 admitted, or committed to any state hospital.

16 SEC. 416. Section 4119 of the Welfare and Institutions
17 Code is amended to read:

18 4119. The Department of *Mental Hygiene Health* shall in-
19 vestigate and examine all nonresident persons judicially com-
20 mitted to any state hospital and shall cause such persons, when
21 found to be nonresidents as defined in this chapter, to be
22 promptly and humanely returned under proper supervision to
23 the states in which they have legal residence. The department
24 may defer such action by reason of a patient's medical condi-
25 tion.

26 For the purpose of facilitating the prompt and humane
27 return of such persons the Department of *Mental Hygiene*
28 *Health* may enter into reciprocal agreements with the proper
29 boards, commissions, or officers of other states or political sub-
30 division thereof for the mutual exchange or return of such
31 persons judicially committed to any state hospital in one state
32 whose legal residence is in the other, and it may in such
33 reciprocal agreements vary the period of residence as defined
34 in this chapter to meet the requirements or laws of the other
35 states.

36 The department may give written permission for the return
37 of any resident of this state confined in a public institution
38 in another state, corresponding to any state hospital for the
39 mentally disordered or to any state home for the mentally re-
40 tardated of this state. When a resident is returned to this state
41 pursuant to this chapter, he may be admitted as a voluntary
42 patient to any institution of the department as designated by
43 the Director of *Mental Hygiene Health*. If he is mentally dis-
44 ordered and is a danger to himself or others or he is gravely
45 disabled, he may be detained and given care and services in
46 accordance with the provisions of Part 1 (commencing with
47 Section 5000) of Division 5, or, if he is a person subject to
48 judicial commitment, he may be committed in accordance with
49 the law.

50 SEC. 417. Section 4122 of the Welfare and Institutions
51 Code is amended to read:

4122. The Department of ~~Mental Hygiene Health~~, when it deems it necessary, may, under conditions prescribed by the director, transfer any patients of a state institution under its jurisdiction to another such institution. Transfers of patients of state hospitals shall be made in accordance with the provisions of Section 7300.

Transfer of a conservatee shall only be with the consent of the conservator.

The expense of any such transfer shall be paid from the moneys available by law for the support of the department or for the support of the institution from which the patient is transferred. Liability for the care, support, and maintenance of a patient so transferred in the institution to which he has been transferred shall be the same as if he had originally been committed to such institution. The Department of ~~Mental Hygiene Health~~ shall present to the county, not more frequently than monthly, a claim for the amount due the state for care, support, and maintenance of any such patients and which the county shall process and pay pursuant to the provisions of Chapter 4 (commencing with Section 29700) of Division 3 of Title 3 of the Government Code.

SEC. 418. Section 4123 of the Welfare and Institutions Code is amended to read:

4123. The Director of ~~Mental Hygiene Health~~ may authorize the transfer of persons from any institution within the department to any institution authorized by the federal government to receive such person.

SEC. 419. Section 4124 of the Welfare and Institutions Code is amended to read:

4124. The Department of ~~Mental Hygiene Health~~ shall send to the Department of Veterans Affairs whenever requested a list of all persons who have been patients for six months or more in each state institution within the jurisdiction of the department and who are known to have served in the armed forces of the United States.

SEC. 420. Section 4125 of the Welfare and Institutions Code is amended to read:

4125. The Director of ~~Mental Hygiene Health~~ may deposit any funds of patients in the possession of each hospital administrator of a state hospital in trust with the Treasurer pursuant to Section 16305.3, Government Code, or, subject to the approval of the Department of General Services, may deposit such funds in interest-bearing bank accounts or invest and reinvest such funds in any of the securities which are described in Article 1 (commencing with Section 16430), Chapter 3, Part 2, Division 4, Title 2 of the Government Code and for the purposes of deposit or investment only may mingle the funds of any patient with the funds of other patients. The hospital administrator with the consent of the patient may deposit the interest or increment on the funds of a patient in the state hospital in a special fund for each state hospital, to be designated the "Benefit Fund," of which he shall be the trustee.

He may, with the approval of the Director of ~~Mental Hygiene Health~~, expend the moneys in any such fund for the education or entertainment of the patients of the institution.

On and after December 1, 1970, the funds of a patient in a state hospital or a patient on leave of absence from a state hospital shall not be deposited in interest-bearing bank accounts or invested and reinvested pursuant to this section except when authorized by the patient; any interest or increment accruing on the funds of a patient on leave of absence from a state hospital shall be deposited in his account; any interest or increment accruing on the funds of a patient in a state hospital shall be deposited in his account, unless such patient authorizes their deposit in the state hospital's "benefit fund."

Any state hospital charges for patient care against the funds of a patient in the possession of a hospital administrator or deposited pursuant to this section and which are used to pay for such care, shall be stated in an itemized bill to the patient.

SEC. 421. Section 4126 of the Welfare and Institutions Code is amended to read:

4126. Whenever any patient in any state institution subject to the jurisdiction of the Department of ~~Mental Hygiene Health~~ dies, and any personal funds or property of such patient remains in the hands of the superintendent thereof, and no demand is made upon said superintendent by the owner of the funds or property or his legally appointed representative all money and other personal property of such decedent remaining in the custody or possession of the superintendent thereof shall be held by him for a period of one year from the date of death of the decedent, for the benefit of the heirs, legatees, or successors in interest of such decedent.

Upon the expiration of said one-year period, any money remaining unclaimed in the custody or possession of the superintendent shall be delivered by him to the State Treasurer for deposit in the Unclaimed Property Fund under the provisions of Article 1 of Chapter 6 of Title 10 of Part 3 of the Code of Civil Procedure.

Upon the expiration of said one-year period, all personal property and documents of the decedent, other than cash, remaining unclaimed in the custody or possession of the superintendent, shall be disposed of as follows:

(a) All deeds, contracts or assignments shall be filed by the superintendent with the public administrator of the county of commitment of the decedent;

(b) All other personal property shall be sold by the superintendent at public auction, or upon a sealed-bid basis, and the proceeds of the sale delivered by him to the State Treasurer in the same manner as is herein provided with respect to unclaimed money of the decedent. If he deems it expedient to do so, the superintendent may accumulate the property of several decedents and sell the property in such lots as he may

1 determine, provided that he makes a determination as to each
2 decedent's share of the proceeds;

3 (c) If any personal property of the decedent is not salable
4 at public auction, or upon a sealed-bid basis, or if it has no
5 intrinsic value, or if its value is not sufficient to justify the
6 deposit of such property in the State Treasury, the superin-
7 tendent may order it destroyed;

8 (d) All other unclaimed personal property of the decedent
9 not disposed of as provided in paragraph (a), (b), or (c)
10 hereof, shall be delivered by the superintendent to the State
11 Controller for deposit in the State Treasury under the pro-
12 visions of Article 1 of Chapter 6 of Title 10 of Part 3 of the
13 Code of Civil Procedure.

14 SEC. 422. Section 4127 of the Welfare and Institutions
15 Code is amended to read:

16 4127. Whenever any patient in any state institution sub-
17 ject to the jurisdiction of the Department of ~~Mental Hygiene~~
18 *Health* escapes, or is discharged or is on leave of absence from
19 such institution, and any personal funds or property of such
20 patient remains in the hands of the superintendent thereof,
21 and no demand is made upon said superintendent by the owner
22 of the funds or property or his legally appointed representa-
23 tive, all money and other intangible personal property of such
24 patient, other than deeds, contracts, or assignments, remaining
25 in the custody or possession of the superintendent thereof
26 shall be held by him for a period of seven years from the
27 date of such escape, discharge, or leave of absence, for the
28 benefit of such patient or his successors in interest; provided,
29 however, that unclaimed personal funds or property of minors
30 on leave of absence may be exempted from the provisions of
31 this section during the period of their minority and for a
32 period of one year thereafter, at the discretion of the Di-
33 rector of ~~Mental Hygiene~~ *Health*.

34 Upon the expiration of said seven-year period, any money
35 and other intangible property, other than deeds, contracts, or
36 assignments, remaining unclaimed in the custody or possession
37 of the superintendent shall be subject to the provisions of
38 Chapter 7 of Title 10 of Part 3 of the Code of Civil Procedure.

39 Upon the expiration of one year from the date of such
40 escape, discharge, or parole:

41 (a) All deeds, contracts or assignments shall be filed by
42 the superintendent with the public administrator of the county
43 of commitment of such patient;

44 (b) All tangible personal property other than money, re-
45 maining unclaimed in his custody or possession, shall be sold
46 by the superintendent at public auction, or upon a sealed-bid
47 basis, and the proceeds of the sale shall be held by him subject
48 to the provisions of Section 4125 of this code, and subject
49 to the provisions of Chapter 7 of Title 10 of Part 3 of the Code
50 of Civil Procedure. If he deems it expedient to do so, the
51 superintendent may accumulate the property of several pa-
52 tients and may sell the property in such lots as he may deter-

1 mine, provided that he makes a determination as to each pa-
2 tient's share of the proceeds;

3 If any tangible personal property covered by this section
4 is not salable at public auction or upon a sealed-bid basis, or
5 if it has no intrinsic value, or if its value is not sufficient to
6 justify its retention by the superintendent to be offered for
7 sale at public auction or upon a sealed-bid basis at a later date,
8 the superintendent may order it destroyed.

9 SEC. 423. Section 4133 of the Welfare and Institutions
10 Code is amended to read:

11 4133. All day hospitals and rehabilitation centers main-
12 tained by the Department of ~~Mental Hygiene~~ *Health* shall be
13 subject to the provisions of this code pertaining to the admis-
14 sion, transfer, and discharge of patients at the state hospitals,
15 except that all admissions to such facilities shall be subject to
16 the approval of the chief officer thereof. Charges for services
17 rendered to patients at such facilities shall be determined pur-
18 suant to Section 4025. The liability for such charges shall be
19 governed by the provisions of Article 4 (commencing at Sec-
20 tion 7275) of Chapter 3 of Division 7 of this code, except at
21 the hospitals for the mentally retarded such liability shall be
22 governed by the provisions of Article 4 (commencing with
23 Section 6715) of Chapter 3 of Part 2 of Division 6 of this
24 code and Chapter 4 (commencing with Section 7500) of Divi-
25 sion 7 of this code.

26 SEC. 424. Section 4134 of the Welfare and Institutions
27 Code is amended to read:

28 4134. The state mental hospitals under the jurisdiction of
29 the Department of ~~Mental Hygiene~~ *Health* shall comply with
30 the provisions contained in the California Food Sanitation Act,
31 Article 1 (commencing with Section 28280) of Chapter 7 of
32 Division 21 of the Health and Safety Code.

33 The state mental hospitals under the jurisdiction of the
34 Department of ~~Mental Hygiene~~ *Health* shall also comply with
35 the provisions contained in the California Restaurant Act,
36 Chapter 11 (commencing with Section 28520) of Division 21
37 of the Health and Safety Code.

38 Sanitation, health and hygiene standards which have been
39 adopted by a city, county, or city and county which are more
40 strict than those of the California Restaurant Act or the Cali-
41 fornia Food Sanitation Act shall not be applicable to state
42 mental hospitals which are under the jurisdiction of the De-
43 partment of ~~Mental Hygiene~~ *Health*.

44 SEC. 425. Section 4200 of the Welfare and Institutions
45 Code is amended to read:

46 4200. Each state hospital under the jurisdiction of the
47 Department of ~~Mental Hygiene~~ *Health* shall have a hospital
48 advisory board of five members appointed by the Governor
49 from a list of nominations submitted to him by the boards of
50 supervisors of counties within each hospital's designated serv-
51 ice area. If a state hospital provides services for both the men-
52 tally disordered and the mentally retarded, there shall be a

1 separate advisory board for the program provided the mentally
2 disordered and a separate board for the program provided the
3 mentally retarded.

4 Within 60 days of the date upon which this act takes effect,
5 the Governor shall appoint the members of the board. Of the
6 members first appointed, one shall be appointed for a term of
7 one year, two for two years, and two for three years. There-
8 after, each appointment shall be for the term of three years,
9 except that an appointment to fill a vacancy shall be for the
10 unexpired term only. No person shall be appointed to serve
11 more than a maximum of two terms as a member of the board.

12 SEC. 426. Section 4202 of the Welfare and Institutions
13 Code is amended to read:

14 4202. The advisory boards of the several state hospitals
15 are advisory to the Department of ~~Mental Hygiene Health~~
16 and the Legislature with power of visitation and advice with
17 respect to the conduct of the hospitals and coordination with
18 community mental health programs or regional programs for
19 the mentally retarded. The members of the boards shall serve
20 without compensation other than necessary expenses incurred
21 in the performance of duty. They shall organize and elect a
22 chairman. They shall meet at least once every three months
23 and at such other times as they are called by the chairman,
24 by the medical director, by the head of the department or a
25 majority of the board. No expenses shall be allowed except in
26 connection with meetings so held.

27 The advisory board or boards of each state hospital shall
28 make a written report on its activities, findings and recommen-
29 dations for transmission through the Department of ~~Mental~~
30 ~~Hygiene Health~~ to each regular session of the Legislature. The
31 department shall transmit the reports along with their sugges-
32 tions, comments and recommendations concerning the reports
33 to the Legislature.

34 SEC. 427. Section 4203 of the Welfare and Institutions
35 Code is amended to read:

36 4203. The Atascadero State Hospital, the ~~Langley-Porter~~
37 ~~Neuropsychiatric Institute and the Neuropsychiatric Institute,~~
38 ~~U.C.L.A. Medical Center,~~ shall each have an advisory board of
39 five persons appointed by the Governor, each of whom holds
40 office for the term of three years. ~~Such boards~~ *The board* shall
41 advise and consult with the department with respect to the
42 conduct of the ~~several facilities~~ *hospital*. The members of the
43 board shall serve without compensation other than necessary
44 expenses incurred in attendance at meetings. ~~Such boards shall~~
45 ~~be concerned with those phases of operations which are the~~
46 ~~responsibility of the Department of Mental Hygiene. They~~
47 ~~shall not be concerned with reference to affairs of the uni-~~
48 ~~versity.~~

49 SEC. 428. Section 4301 of the Welfare and Institutions
50 Code is amended to read:

51 4301. The Director of the Department of ~~Mental Hygiene~~
52 ~~Health~~ may appoint and define the duties, subject to the laws

1 governing civil service, of the medical director, medical pro-
2 gram directors and hospital administrator for each state hos-
3 pital.

4 The director shall appoint a medical program director for
5 each medical program at a state hospital. He shall appoint a
6 medical director for each state hospital. The medical director
7 of a hospital may also be a medical program director.

8 SEC. 429. Section 4306 of the Welfare and Institutions
9 Code is amended to read:

10 4306. The hospital administrator may submit to the Di-
11 rector of ~~Mental Hygiene Health~~ any decision made by the
12 hospital medical director which the hospital administrator
13 believes involves a nonmedical matter.

14 SEC. 430. Section 4307 of the Welfare and Institutions
15 Code is amended to read:

16 4307. As often as a vacancy occurs in a hospital under the
17 jurisdiction of the Director of the Department of ~~Mental Hy-~~
18 ~~giene Health~~, he shall appoint, as provided in Section 4301,
19 medical directors, program directors, and hospital adminis-
20 trators.

21 The hospital administrator shall be a well-educated person,
22 preferably with an advanced degree in business or hospital
23 administration. In addition, he shall have had at least three
24 years' experience in business or hospital administration, or
25 equivalent experience.

26 Medical directors shall be well-educated physicians who
27 have passed, or shall pass, an examination touching their pro-
28 fessional qualifications in all different branches of medicine
29 and surgery, and particularly in diseases affecting the brain
30 and nervous system.

31 The standards for the professional qualifications of a pro-
32 gram director shall be established by the Director of ~~Mental~~
33 ~~Hygiene Health~~ for each type of program except that if the
34 duties of the program director include the medical care of
35 patients, the qualifications of the program director shall be the
36 same as medical director.

37 SEC. 431. Section 4313 of the Welfare and Institutions
38 Code is amended to read:

39 4313. The Director of ~~Mental Hygiene Health~~ may set aside
40 and designate any space on the grounds of any of the institu-
41 tions under the jurisdiction of the department that is not
42 needed for other authorized purposes, to enable such institution
43 to establish and maintain therein a store or canteen for the
44 sale to or for the benefit of patients of the institution of can-
45 dies, cigarettes, sundries and other articles. The stores shall be
46 conducted subject to the rules and regulations of the depart-
47 ment and the rental, utility and service charges shall be fixed
48 as will reimburse the institutions for the cost thereof. The
49 stores when conducted under the direction of a hospital admin-
50 istrator shall be operated on a nonprofit basis but any profits

1 derived shall be deposited in the benefit fund of each such
2 institution as set forth in Section 4125.

3 Before any store is authorized or established, the Director
4 of ~~Mental Hygiene~~ *Health* shall first determine that such facil-
5 ities are not being furnished adequately by private enterprise
6 in the community where it is proposed to locate the store, and
7 the director may hold public hearings or cause surveys to be
8 made to determine the same.

9 The Director of ~~Mental Hygiene~~ *Health* may rent such space
10 to private individuals, for the maintenance of a store or can-
11 teen at any of the said institutions upon such terms and subject
12 to such regulations as are approved by the Department of
13 General Services, in accordance with the provisions of Section
14 13109 of the Government Code. The terms imposed shall pro-
15 vide that the rental, utility and service charges to be paid
16 shall be fixed so as to reimburse the institution for the cost
17 thereof and any additional charges required to be paid shall
18 be deposited in the benefit fund of such institution as set
19 forth in Section 4125.

20 Sec. 432. Section 5008 of the Welfare and Institutions
21 Code is amended to read:

22 5008. Unless the context otherwise requires, the following
23 definitions shall govern the construction of this part:

24 (a) "Evaluation" consists of multidisciplinary professional
25 analyses of a person's medical, psychological, social, financial,
26 and legal conditions as may appear to constitute a problem.
27 Persons providing evaluation services shall be properly quali-
28 fied professionals and may be full-time employees of an agency
29 providing evaluation services or may be part-time employees
30 or may be employed on a contractual basis.

31 (b) "Court-ordered evaluation" means an evaluation or-
32 dered by a superior court pursuant to Article 2 (commencing
33 with Section 5200) or by a court pursuant to Article 3 (com-
34 mencing with Section 5225) of Chapter 3 of this part;

35 (c) "Intensive treatment" consists of such hospital and
36 other services as may be indicated. Intensive treatment shall
37 be provided by properly qualified professionals and carried out
38 in facilities qualifying for reimbursement under the California
39 medical assistance program set forth in Chapter 7 (commenc-
40 ing with Section 14000) of Part 3 of Division 9 of this code, or
41 under Title XVIII of the Federal Social Security Act and
42 regulations thereunder. Intensive treatment may be provided
43 in hospitals of the United States government by properly
44 qualified professionals. Nothing in this part shall be construed
45 to prohibit an intensive treatment facility from also providing
46 72-hour treatment and evaluation;

47 (d) "Referral" is referral of persons by each agency or
48 facility providing intensive treatment or evaluation services
49 to other agencies or individuals. The purpose of referral shall
50 be to provide for continuity of care, and may include, but
51 need not be limited to, informing the person of available
52 services, making appointments on the person's behalf, dis-

1 cussing the person's problem with the agency or individual to
2 which the person has been referred, appraising the outcome of
3 referrals, and arranging for personal escort and transportation
4 when necessary. Referral shall be considered complete when the
5 agency or individual to whom the person has been referred
6 accepts responsibility for providing the necessary services. All
7 persons shall be advised of available precare services which
8 prevent initial recourse to hospital treatment or aftercare
9 services which support adjustment to community living fol-
10 lowing hospital treatment. Such services may be provided
11 through county welfare departments, State Department of
12 Social Welfare, Department of ~~Mental Hygiene~~ *Health*, Short-
13 Doyle programs or other local agencies.

14 Each agency or facility providing evaluation services shall
15 maintain a current and comprehensive file of all community
16 services, both public and private. Such files shall contain cur-
17 rent agreements with agencies or individuals accepting refer-
18 rals, as well as appraisals of the results of past referrals;

19 (e) "Crisis intervention" consists of an interview or series
20 of interviews within a brief period of time, conducted by quali-
21 fied professionals, and designed to alleviate personal or family
22 situations which present a serious and imminent threat to the
23 health or stability of the person or the family. The interview
24 or interviews may be conducted in the home of the person or
25 family, or on an inpatient or outpatient basis with such ther-
26 apy, or other services, as may be appropriate. Crisis interven-
27 tion may, as appropriate, include suicide prevention, psychi-
28 atric, welfare, psychological, legal, or other social services;

29 (f) "Prepetition screening" is a screening of all petitions
30 for court-ordered evaluation as provided in Article 2 (com-
31 mencing with Section 5200) of Chapter 3, consisting of a pro-
32 fessional review of all petitions; an interview with the peti-
33 tioner and, whenever possible, the person alleged, as a result
34 of mental disorder, to be a danger to others, or to himself, or
35 to be gravely disabled, to assess the problem and explain the
36 petition; when indicated, efforts to persuade the person to
37 receive, on a voluntary basis, comprehensive evaluation, crisis
38 intervention, referral, and other services specified in this part.

39 (g) "Conservatorship investigation" means investigation
40 by an agency appointed or designated by the governing body
41 of cases in which conservatorship is recommended pursuant to
42 Chapter 3 (commencing with Section 5350) of this part;

43 (h) For purposes of Article 1 (commencing with Section
44 5150), Article 2 (commencing with Section 5200), and Article
45 4 (commencing with Section 5250) of Chapter 2 of this part,
46 and for the purposes of Chapter 3 (commencing with Section
47 5350) of this part, "gravely disabled" means a condition in
48 which a person, as a result of a mental disorder, is unable to
49 provide for his basic personal needs for food, clothing, or
50 shelter.

51 For purposes of Article 3 (commencing with Section 5225)
52 and Article 4 (commencing with Section 5250), of Chapter 2

1 of this part, and for the purposes of Chapter 3 (commencing
2 with Section 5350) of this part, "gravely disabled" means a
3 condition in which a person, as a result of impairment by
4 chronic alcoholism, is unable to provide for his basic personal
5 needs for food, clothing, or shelter.

6 A person of any age may be "gravely disabled" under this
7 definition, but the term does not include mentally retarded
8 persons;

9 (i) "Peace officer" means each of the persons specified in
10 Sections 830.1 and 830.2 of the Penal Code;

11 (j) "Postcertification treatment" means an additional pe-
12 riod of treatment pursuant to Article 5 (commencing with
13 Section 5300) of Chapter 3 of this part;

14 (k) "Court," unless otherwise specified, means a court of
15 record or a justice court.

16 SEC. 433. Section 5008.1 of the Welfare and Institutions
17 Code is amended to read:

18 5008.1. As used in this division and in Division 4 (com-
19 mencing with Section 4000), Division 6 (commencing with
20 Section 6000), Division 7 (commencing with Section 7000),
21 and Division 8 (commencing with Section 8000), the term
22 "judicially committed" means all of the following:

23 (a) Persons who are mentally disordered sex offenders
24 placed in a state hospital or institutional unit for observation
25 or committed to the Department of Mental Hygiene Health
26 for an indeterminate period pursuant to Article 1 (commenc-
27 ing with Section 6300) of Chapter 2 of Part 2 of Division 6.

28 (b) Persons who are narcotic drug addicts committed to the
29 Department of Mental Hygiene Health pursuant to Article 2
30 (commencing with Section 6350) of Chapter 2 of Part 2 of
31 Division 6.

32 (c) Persons who are habit-forming drug addicts committed
33 to the Department of Mental Hygiene Health pursuant to
34 Article 3 (commencing with Section 6400) of Chapter 2 of
35 Part 2 of Division 6.

36 (d) Persons who are mentally abnormal sex offenders com-
37 mitted to the Department of Mental Hygiene Health pursuant
38 to Article 4 (commencing with Section 6450) of Chapter 2 of
39 Part 2 of Division 6.

40 (e) Mentally retarded persons who are admitted to a state
41 hospital upon application or who are committed to the Depart-
42 ment of Mental Hygiene Health by court order pursuant to
43 Article 5 (commencing with Section 6500) of Chapter 2 of
44 Part 2 of Division 6.

45 (f) Persons committed to the Department of Mental Hy-
46 giene Health or a state hospital pursuant to the Penal Code.

47 SEC. 434. Section 5150 of the Welfare and Institutions
48 Code is amended to read:

49 5150. When any person is a danger to others, or to himself,
50 or gravely disabled as a result of mental disorder, a peace offi-
51 cer, member of the attending staff, as defined by regulation, of
52 an evaluation facility designated by the county, or other pro-

1 fessional person designated by the county may, upon reason-
2 able cause, take, or cause to be taken, the person into custody
3 and place him in a facility designated by the county and ap-
4 proved by the State Department of Mental Hygiene Health
5 as a facility for 72-hour treatment and evaluation.

6 Such facility shall require an application in writing stating
7 the circumstances under which the person's condition was
8 called to the attention of the officer, member of the attending
9 staff, or professional person, and stating that the officer, mem-
10 ber of the attending staff, or professional person believes as a
11 result of his personal observations that the person is, as a
12 result of mental disorder, a danger to others, or to himself,
13 or gravely disabled.

14 SEC. 435. Section 5170 of the Welfare and Institutions
15 Code is amended to read:

16 5170. When any person is a danger to others, or to him-
17 self, or greatly disabled as a result of inebriation, a peace
18 officer, member of the attending staff, as defined by regula-
19 tion, of an evaluation facility designated by the county, or
20 other person designated by the county may, upon reasonable
21 cause, take, or cause to be taken, the person into custody and
22 place him in a facility designated by the county and approved
23 by the State Department of Mental Hygiene Health as a fa-
24 cility for 72-hour treatment and evaluation of inebriates.

25 Such facility shall require an application in writing stating
26 the circumstances under which the person's condition was
27 called to the attention of the officer, member of the attending
28 staff, or other designated person, and stating that the officer,
29 member of the attending staff, or other designated person be-
30 lieves as a result of his personal observations that the person
31 is, as a result of inebriation, a danger to others, or to himself,
32 or gravely disabled.

33 SEC. 436. Section 5174 of the Welfare and Institutions
34 Code is amended to read:

35 5174. It is the intent of the Legislature that facilities for
36 72-hour treatment and evaluation of inebriates be subject to
37 state funding under Part 2 (commencing with Section 5600)
38 of this division only if they primarily provide medical services
39 and would normally be considered an integral part of a com-
40 munity health program. Services provided under this act shall
41 not be included in Priority 1 funding under the Short-Doyle
42 program. While facilities previously receiving funds from
43 other sources may be designated as facilities for 72-hour treat-
44 ment and evaluation of inebriates, it is intended that they con-
45 tinue such previous funding. McAteer funds or facilities shall
46 not be utilized for the purposes of the 72-hour involuntary
47 holding program as outlined in this chapter.

48 To this end, no facility for 72-hour treatment and evaluation
49 of inebriates shall be eligible for funding under Part 2 (com-
50 mencing with Section 5600) of this division until approved by
51 the Director of Mental Hygiene Health.

SEC. 437. Section 5202 of the Welfare and Institutions Code is amended to read:

5202. The person or agency designated by the county shall prepare the petition and all other forms required in the proceeding, and shall be responsible for filing the petition. Before filing the petition, the person or agency designated by the county shall request the person or agency designated by the county and approved by the State Department of ~~Mental Hygiene~~ *Health* to provide prepetition screening to determine whether there is probable cause to believe the allegations. The screening shall also determine whether the person will agree voluntarily to receive crisis intervention services or an evaluation in his own home or in a facility designated by the county and approved by the State Department of ~~Mental Hygiene~~ *Health*. Following prepetition screening, the person or agency designated by the county shall file the petition if satisfied that there is probable cause to believe that the person is, as a result of mental disorder, a danger to others, or to himself, or gravely disabled, and that the person will not voluntarily receive evaluation or crisis intervention.

If the petition is filed, it shall be accompanied by a report containing the findings of the person or agency designated by the county to provide prepetition screening. The prepetition screening report submitted to the superior court shall be confidential and shall be subject to the provisions of Section 5328.

SEC. 438. Section 5253 of the Welfare and Institutions Code is amended to read:

5253. Copies of the certification notice, as set forth in Section 5252, shall be filed with the court and personally delivered to the person certified. A copy shall also be sent to the person's attorney, to the district attorney, to the public defender, if any, to the facility providing intensive treatment, and to the State Department of ~~Mental Hygiene~~ *Health*.

The person certified shall also be asked to designate any person whom he wishes informed regarding his certification. If he is incapable of making such a designation at the time of certification, he shall be asked to designate such person as soon as he is capable.

SEC. 439. Section 5263 of the Welfare and Institutions Code is amended to read:

5263. Copies of the second notice of certification for imminently suicidal persons, as set forth in Section 5262, shall be filed with the court and personally delivered to the person certified. A copy shall also be sent to the person's attorney, to the district attorney, to the public defender, if any, to the facility providing intensive treatment, and to the State Department of ~~Mental Hygiene~~ *Health*.

The person certified shall also be asked to designate any person whom he wishes informed regarding his certification. If he is incapable of making such a designation at the time of certification, he shall be asked to designate such person as soon as he is capable.

SEC. 440. Section 5304 of the Welfare and Institutions Code is amended to read:

5304. If the court finds that the person named in the petition for postcertification treatment has (a) threatened, attempted, or actually inflicted physical harm upon the person of another after having been taken into custody for evaluation and treatment, and, as a result of mental disorder, presents an imminent threat of substantial physical harm to others, or (b) had attempted or inflicted physical harm upon the person of another, that act having resulted in his being taken into custody and who, as a result of mental disorder, presents an imminent threat of substantial physical harm to others, it shall remand him to the custody of the Department of ~~Mental Hygiene~~ *Health* or to a facility designated by the county of residence for a further period of intensive treatment not to exceed 90 days from the date of court judgment. Said person shall be released from involuntary treatment at the expiration of 90 days unless the superintendent or professional person in charge of the hospital in which he is confined files a new petition for postcertification treatment on the grounds that he has threatened, attempted, or actually inflicted physical harm to another during his period of postcertification treatment, and he is a person who, by reason of mental disorder, presents an imminent threat of substantial physical harm to others. Such new petition for postcertification treatment shall be filed in the superior court wherein the original petition for postcertification treatment was filed.

The county from which the person is remanded shall bear any transportation costs incurred pursuant to this section.

SEC. 441. Section 5325 of the Welfare and Institutions Code is amended to read:

5325. Each person involuntarily detained for evaluation or treatment under provisions of this part shall have the following rights, a list of which shall be prominently posted in English and Spanish in all facilities providing such services and otherwise brought to his attention by such additional means as the Director of ~~Mental Hygiene~~ *Health* may designate by regulation:

(a) To wear his own clothes; to keep and use his own personal possessions including his toilet articles; and to keep and be allowed to spend a reasonable sum of his own money for canteen expenses and small purchases.

(b) To have access to individual storage space for his private use.

(c) To see visitors each day.

(d) To have reasonable access to telephones, both to make and receive confidential calls.

(e) To have ready access to letter writing materials, including stamps, and to mail and receive unopened correspondence.

(f) To refuse shock treatment.

(g) To refuse lobotomy.

(h) Other rights, as specified by regulation.

SEC. 442. Section 5326 of the Welfare and Institutions Code is amended to read:

5326. A person's rights under Section 5325 may be denied for good cause only by the professional person in charge of the facility or his designee. Denial of an involuntarily detained person's rights shall in all cases be entered into the person's treatment record.

Information pertaining to a denial of rights contained in the person's treatment record shall be made available, on request, to the person, his attorney, his conservator or guardian, or the State Department of Mental Hygiene Health, Members of the State Legislature, or a member of a county board of supervisors.

SEC. 443. Section 5328 of the Welfare and Institutions Code is amended to read:

5328. All information and records obtained in the course of providing services under Division 5 (commencing with Section 5000), Division 6 (commencing with Section 6000), or Division 7 (commencing with Section 7000) to either voluntary or involuntary recipients of services shall be confidential. Information and records may be disclosed only:

(a) In communications between qualified professional persons in the provision of services or appropriate referrals, or in the course of conservatorship proceedings;

(b) When the physician in charge of the patient, with the approval of the patient, designates persons to whom information or records may be released, except that nothing in this article shall be construed to compel a physician, psychologist, social worker, nurse, attorney, or other professional person to reveal information which has been given to him in confidence by members of a patient's family. No information or record may be released under this subdivision after six months have elapsed since the completion of the record;

(c) To the extent necessary to make claims on behalf of a recipient for aid, insurance, or medical assistance to which he may be entitled;

(d) If the recipient of services is a ward or conservatee, and his guardian or conservator designates, in writing, persons to whom records or information may be disclosed, except that nothing in this article shall be construed to compel a physician, psychologist, social worker, nurse, attorney, or other professional person to reveal information which has been given to him in confidence by members of a patient's family;

(e) For research, provided that the Director of Mental Hygiene Health designates by regulation, rules for the conduct of research. Such rules shall include, but need not be limited to, the requirement that all researchers must sign an oath of confidentiality as follows:

_____ Date

As a condition of doing research concerning persons who have received services from _____ (fill in the facility, agency or person), I, _____, agree not to divulge any information obtained in the course of such research to unauthorized persons, and not to publish or otherwise make public any information regarding persons who have received services such that the person who received services is identifiable.

I recognize that unauthorized release of confidential information may make me subject to a civil action under provisions of the Welfare and Institutions Code.

_____ Signed

(f) To the courts, as necessary to the administration of justice.

(g) To governmental law enforcement agencies as needed for the protection of federal and state elective constitutional officers and their families.

SEC. 444. Section 5331 of the Welfare and Institutions Code is amended to read:

5331. No person may be presumed to be incompetent because he or she has been evaluated or treated for mental disorder or chronic alcoholism, regardless of whether such evaluation or treatment was voluntarily or involuntarily received. Any person who leaves a public or private mental health facility following evaluation or treatment for mental disorder or chronic alcoholism, regardless of whether that evaluation or treatment was voluntarily or involuntarily received, shall be given a statement of California law as stated in this paragraph.

Any person who has been, or is, discharged from a state hospital and received voluntary or involuntary treatment under former provisions of this code relating to inebriates or the mentally ill shall, upon request to the state hospital superintendent or the Department of Mental Hygiene Health, be given a statement of California law as stated in this section unless the person is found to be incompetent under proceedings for conservatorship or guardianship.

SEC. 445. Section 5358 of the Welfare and Institutions Code is amended to read:

5358. A conservator appointed pursuant to this chapter shall have the right, if specified in the court order, to place his conservatee in a medical, psychiatric, nursing, or other state-licensed facility, or a state hospital, county hospital, hospital operated by the Regents of the University of California, a United States government hospital, or other nonmedical facility approved by the State Department of Social Welfare Health or an agency accredited by the State Department of Social Welfare Health; or in addition to any of the foregoing, in cases of chronic alcoholism, to a county alcoholic treatment center. If the conservatee is not to be placed in his own home or the home of a relative, first priority shall be to placement in

a suitable facility as close as possible to his home or the home of a relative. Before doing so, the conservator shall inform the officer providing conservatorship investigation and shall, if requested by the officer, submit his conservatee to an evaluation pursuant to this part to determine whether such action is necessary.

SEC. 446. Section 5366 of the Welfare and Institutions Code is amended to read:

5366. On or before June 30, 1970, the medical director of each state hospital for the mentally disordered shall compile a roster of those mentally disordered or chronic alcoholic patients within the institution who are gravely disabled. The roster shall indicate the county from which each such patient was admitted to the hospital or, if the hospital records indicate that the county of residence of the patient is a different county, the county of residence. The officer providing conservatorship investigation for each county shall be given a copy of the names and pertinent records of the patients from that county and shall investigate the need for conservatorship for such patients as provided in this chapter.

Each state hospital and the Department of Mental Hygiene Health shall make their records concerning such patients available to the officer providing conservatorship investigation.

SEC. 447. Section 5400 of the Welfare and Institutions Code is amended to read:

5400. The Director of Mental Hygiene Health shall administer this part and shall adopt rules, regulations and standards as necessary. In developing rules, regulations, and standards, the Director of Mental Hygiene Health shall consult with the California Conference of Local Mental Health Directors, the Citizens Advisory Committee, and the office of the Attorney General. Adoption of such standards, rules and regulations shall require approval by the California Conference of Local Mental Health Directors by majority vote of those present at an official session.

Wherever feasible and appropriate, rules, regulations and standards adopted under this part shall correspond to comparable rules, regulations, and standards adopted under the Short-Doyle Act. Such corresponding rules, regulations, and standards shall include qualifications for professional personnel.

Regulations adopted pursuant to this part may provide standards for services for chronic alcoholics which differ from the standards for services for the mentally disordered.

SEC. 448. Section 5401 of the Welfare and Institutions Code is amended to read:

5401. The Department of Mental Hygiene Health may contract with a county or combination of counties acting jointly, to provide the evaluation, referral, intensive treatment, prepetition screening, crisis intervention, and other services described in this part.

No person shall receive treatment in a state hospital pursuant to a contract executed under this section unless the county, or combination of counties has utilized, insofar as practicable, the existing facilities in the county which are subject to reimbursement under the Short-Doyle Act.

Contracts between the Department of Mental Hygiene Health and counties shall provide that the amount paid for services by counties shall not exceed the actual cost of services. Funds received by the Department of Mental Hygiene Health under such contract shall constitute a reimbursement to the appropriation from which such cost is expendable and may be used for the purposes of the appropriation.

SEC. 449. Section 5601 of the Welfare and Institutions Code is amended to read:

5601. As used in this part:

(a) "Governing body" means the county board of supervisors or boards of supervisors in the case of counties acting jointly; and in the case of a city, the city council or city councils acting jointly.

(b) "Conference" means the California Conference of Local Mental Health Directors as established under Section 5757.

(c) "County Short-Doyle Plan" means the mental health plan which must be adopted by each county, or combination of counties acting jointly, in accordance with Section 5650.

(d) "Part 1" refers to the Lanterman-Petris-Short Act (Part 1 (commencing with Section 5000) of this division).

(e) "Director of Mental Hygiene Health" means the Director of the Department of Mental Hygiene Health.

SEC. 450. Section 5602 of the Welfare and Institutions Code is amended to read:

5602. By July 1, 1969, the board of supervisors of every county, or the boards of supervisors of counties acting under the joint powers provisions of Article 1 (commencing with Section 6500) of Chapter 5 of Division 7 of Title 1 of the Government Code shall establish a community mental health service to cover the entire area of the county or counties. Services to mentally disordered persons in the county or counties by county agencies and county institutions and by the hospitals of the State Department of Mental Hygiene Health shall be provided in accordance with the County Short-Doyle Plan. Services of the State Department of Mental Hygiene Health shall be provided to the county, or counties acting jointly, by contract or, if both parties agree, the state facilities may, in whole or in part, be leased, rented or sold to the county or counties for county operation, subject to such terms and conditions as are approved by the Director of General Services.

SEC. 451. Section 5607 of the Welfare and Institutions Code is amended to read:

5607. The local mental health services shall be administered by a local director of mental health services to be appointed by the governing body. He shall meet such standards of training and experience as the State Department of Mental Hygiene

1 *Health*, by regulation, shall require. Applicants for such posi-
2 tions need not be residents of the city, county, or state, and
3 may be employed on a full- or part-time basis. If a county is
4 unable to secure the services of a person who meets the stand-
5 ards of the State Department of ~~Mental Hygiene Health~~, the
6 county may select an alternate administrator subject to the
7 approval of the Director of ~~Mental Hygiene Health~~.

8 SEC. 452. Section 5609 of the Welfare and Institutions
9 Code is amended to read:

10 5609. Subject to the approval of the Director of ~~Mental~~
11 ~~Hygiene Health~~ any community mental health service may by
12 contract furnish community mental health services to any
13 other county.

14 SEC. 453. Section 5650 of the Welfare and Institutions
15 Code is amended to read:

16 5650. No later than the first day of the month following
17 the month in which statutes enacted at the 1968 Regular Ses-
18 sion of the Legislature are effective and on or before October
19 1 of each year thereafter, the board of supervisors of each
20 county, or boards of supervisors of counties acting jointly,
21 shall adopt, and submit to the Director of ~~Mental Hygiene~~
22 ~~Health~~, an annual County Short-Doyle Plan for the next
23 fiscal year for mental health services in the county or counties.
24 The purpose of a county plan shall be to provide the basis
25 for reimbursement pursuant to the provisions of this division
26 and to coordinate services as specified in this chapter in such
27 a manner as to avoid duplication, fragmentation of services,
28 and unnecessary expenditures. To achieve this purpose, a
29 County Short-Doyle Plan shall provide for the most appro-
30 priate and economical use of all existing public and private
31 agencies and personnel. A County Short-Doyle Plan must in-
32 clude the fullest possible and most appropriate participation
33 by existing city Short-Doyle programs, state hospitals and
34 clinics, public and private general and psychiatric hospitals,
35 city, county, and state health and welfare agencies, public
36 guardians, mental health counselors, alcoholism programs, pro-
37 bation departments, physicians, psychologists, social workers,
38 public health nurses, psychiatric technicians, and all such other
39 public and private agencies and personnel as are required to,
40 or may agree to, participate in the County Short-Doyle Plan.

41 SEC. 454. Section 5654 of the Welfare and Institutions
42 Code is amended to read:

43 5654. The county Short-Doyle plan shall also include the
44 estimated number of county residents who will reside in the
45 state hospital on July 1, 1969, the estimated cost of state hos-
46 pital care for such patients during the fiscal year and all
47 sources of revenue for the care of such patients. This section
48 shall not apply to mentally retarded patients or to persons
49 committed as mentally disordered sex offenders, narcotic drug
50 addicts, habit-forming drug addicts, mentally abnormal sex
51 offenders, juvenile court wards, and mentally disordered crim-
52 inal offenders.

1 The State Department of ~~Mental Hygiene Health~~ shall pro-
2 vide the counties, to the extent possible, the information upon
3 which to base this estimate.

4 SEC. 455. Section 5661 of the Welfare and Institutions
5 Code is amended to read:

6 5661. All departments of state government and all local
7 public agencies shall cooperate with county officials to assist
8 them in mental health planning. The State Department of
9 ~~Mental Hygiene Health~~ shall, upon request and with available
10 staff, provide consultation services to the local mental health
11 directors, local governing bodies and local mental health ad-
12 visory boards.

13 SEC. 456. Section 5662 of the Welfare and Institutions
14 Code is amended to read:

15 5662. The County Short-Doyle Plan shall be submitted an-
16 nually to the Director of ~~Mental Hygiene Health~~, in the form,
17 and according to procedures specified by the director.

18 SEC. 457. Section 5701 of the Welfare and Institutions
19 Code is amended to read:

20 5701. There shall be a single state appropriation for serv-
21 ices for mentally disordered persons. The single appropriation
22 shall be made to the State Department of ~~Mental Hygiene~~
23 ~~Health~~ for mental health services and shall consolidate appro-
24 priations previously made to the department for mental health
25 services under the Short-Doyle Act, and for the operation of
26 the state hospitals for the mentally disordered, and other di-
27 rect services of the department.

28 SEC. 458. Section 5702 of the Welfare and Institutions
29 Code is amended to read:

30 5702. The department shall continue to receive separate
31 appropriations for central office functions, ~~neuropsychiatric~~
32 ~~institutes~~, research and training functions, and state hospital
33 services for the mentally retarded and the judicially com-
34 mitted.

35 SEC. 459. Section 5702.1 of the Welfare and Institutions
36 Code is amended to read:

37 5702.1. The Secretary of the Human Relations Agency, in
38 the same manner and subject to the same conditions as other
39 state agencies, shall submit a program budget annually to the
40 Department of Finance, including not only expenditures pro-
41 posed to be made under this division, but also expenditures
42 proposed to be made under any related program or by any
43 other state agency, designed to provide services incidental to
44 the functions to which this division relates. The secretary may
45 require state departments to contract with it for services to
46 carry out the provisions of this division.

47 Notwithstanding any other provision of law, authorized
48 services to eligible persons, as defined in this division, provided
49 by all state agencies, including, but not limited to, the Depart-
50 ments of Education, ~~Mental Hygiene~~, Public Health, Rehabili-
51 tation and Social Welfare shall, to the fullest extent permitted
52 by federal law, by contract or otherwise, be made available

1 upon request of the director, and the approval of the secretary,
2 to the department for services to eligible persons.

3 The secretary shall consult with the departments involved
4 in developing the program budget.

5 SEC. 460. Section 5703 of the Welfare and Institutions
6 Code is amended to read:

7 5703. If after the review specified in Section 5752, the
8 County Short-Doyle Plan is approved, the Director of ~~Mental~~
9 ~~Hygiene Health~~ shall determine the amount of state funds
10 available for each county or city for specific services under
11 the approved County Short-Doyle Plan, from the funds appro-
12 priated for mental health services.

13 SEC. 461. Section 5704 of the Welfare and Institutions
14 Code is amended to read:

15 5704. When allocating funds for each county, the director
16 shall use the following priorities:

17 (1) County Short-Doyle Plans shall be funded to provide
18 the approved required services for involuntary patients speci-
19 fied in Section 5652 and for diagnostic screening of voluntary
20 patients admitted to state hospitals in accordance with Section
21 5655.

22 (2) County Short-Doyle Plans shall be funded to provide
23 for the maintenance of Short-Doyle services in addition to
24 those funded under subdivision (1) of this section established
25 prior to July 1, 1969, as specified in Section 5653 and to pro-
26 vide for the care of state hospital patients admitted prior to
27 July 1, 1969, as specified in Section 5654.

28 (3) County Short-Doyle Plans shall be funded, within the
29 limit of available funds, to expand existing programs; to pro-
30 vide service to voluntary patients entering the state hospital
31 after July 1, 1969, as specified in Section 5655, or to establish
32 new programs as specified in Section 5656 in accordance with
33 priorities determined by the county as specified in Section 5657.

34 If in any fiscal year the approved appropriation is insuffi-
35 cient to finance the programs and services specified by this sub-
36 division, the Director of ~~Mental Hygiene Health~~ shall have the
37 authority to determine the amount of state funds available to
38 each county for such purposes in accordance with the priori-
39 ties in both the state and county plans.

40 SEC. 462. Section 5708 of the Welfare and Institutions
41 Code is amended to read:

42 5708. During the course of each fiscal year, a county may
43 reallocate funds initially allocated for the approved County
44 Short-Doyle Plan between state-operated and other approved
45 services with the approval of the Director of ~~Mental Hygiene~~
46 ~~Health~~.

47 The director shall approve such requests for reallocation
48 if the services to be provided by a county requesting the
49 reallocation are in accordance with the priorities in the County
50 Short-Doyle and state plans.

51 The Director of ~~Mental Hygiene Health~~ may reallocate
52 among County Short-Doyle Plans the state share of any sav-

1 ings occurring during the year in services provided under the
2 County Short-Doyle Plans. Reallocations shall be to counties
3 desiring to provide services supplementary to services speci-
4 fied in approved County Short-Doyle Plans in accordance with
5 county and state mental health priorities.

6 SEC. 463. Section 5712 of the Welfare and Institutions
7 Code is amended to read:

8 5712. Expenditures incurred for the items specified in Sec-
9 tion 5704, shall, in accordance with the regulations of the
10 Director of ~~Mental Hygiene Health~~, be subject to payment
11 whether incurred by direct or joint operation of such facilities
12 and services, by provisions therefor through contract, or by
13 other arrangement pursuant to the provisions of this division.
14 The Director of ~~Mental Hygiene Health~~ may make investiga-
15 tions and audits of such expenditures as he may deem neces-
16 sary.

17 SEC. 464. Section 5714.1 of the Welfare and Institutions
18 Code is amended to read:

19 5714.1. Claims for state reimbursement shall be made in
20 such form and in such manner as the Director of ~~Mental Hy-~~
21 ~~giene Health~~ shall determine. When certified by the Director
22 of ~~Mental Hygiene Health~~, claims for state reimbursements
23 shall be presented to the State Controller for payment. The
24 State Controller shall make such audit as he deems necessary,
25 before or after disbursement, for the purpose of determining
26 that such reimbursement is for expenditures made for the pur-
27 poses and under the conditions authorized under this part.

28 Each claim for state reimbursement shall be payable from
29 the appropriation made for the fiscal year in which the ex-
30 penses upon which the claim is based are incurred, except that
31 each claim for reimbursement for the last three-month period
32 of the 1969-1970 fiscal year, for the last two-month period of
33 the 1970-1971 fiscal year, and for the last one-month period of
34 the 1971-1972 fiscal year, shall be payable from the appro-
35 priation made for the fiscal year next succeeding that in which
36 the expenses upon which the claim is based are incurred.

37 SEC. 465. Section 5715 of the Welfare and Institutions
38 Code is amended to read:

39 5715. Expenditures subject to payment shall include ex-
40 penditures for the items specified in Section 5704; salaries
41 of personnel; approved facilities and services provided through
42 contract; operation, maintenance and service costs; depreci-
43 ation of county facilities as established in the state's uniform
44 accounting manual, disregarding depreciation on such a fa-
45 cility to the extent it was financed by state funds under this
46 part; expenses incurred under this act by members of the
47 Conference of Local Mental Health Directors for attendance
48 at regular meetings of such conferences; and such other ex-
49 penditures as may be approved by the Director of ~~Mental~~
50 ~~Hygiene Health~~. It shall not include expenditures for initial
51 capital improvements; the purchase or construction of build-
52 ings except for such equipment items and remodeling expense

as may be provided for in regulation of the Department of ~~Mental Hygiene Health~~; compensation to members of a local mental health advisory board (except actual and necessary expenses incurred in the performance of official duties); or expenditures for a purpose for which state reimbursement is claimed under any other provision of law.

SEC. 466. Section 5718 of the Welfare and Institutions Code is amended to read:

5718. Charges shall be made for services rendered to each person under a county Short-Doyle plan in accordance with this section. Charges for the care and treatment of each such patient receiving service under a county Short-Doyle plan shall not exceed the actual cost thereof as determined by the Director of ~~Mental Hygiene Health~~ in accordance with standard accounting practices. The director is not prohibited from including the amount of expenditures for capital outlay or the interest thereon, or both, in his determination of actual cost. The responsibility of a patient, his estate, or his responsible relatives to pay such charges and the powers of the director with respect thereto shall be determined in accordance with Article 4 (commencing with Section 7275) of Chapter 3 of Division 7.

The director may delegate to each county all or part of the responsibility for determining the liability of patients rendered services under a county Short-Doyle plan other than in a state hospital, and of their estates or responsible relatives to pay such charges, and all or part of the responsibility for collecting such charges. If such responsibility is delegated by the director, he shall establish and maintain the policies and procedures for making such determinations and collections, and each county to which the responsibility is delegated shall comply with such policy and procedures.

Each county shall furnish the Director of ~~Mental Hygiene Health~~ with such information as he shall require to enable him to establish and maintain a cost reporting system of the costs of mental health services in the county, except state hospitals, funded in whole or in part by state funds. Each county shall maintain records containing such information and in such form as the director shall require for the purposes of this section.

Pending the development of a cost reporting system, the director shall prepare and adopt a uniform patient fee schedule to be used in all mental health agencies for services rendered to each patient. In preparing such uniform patient fee schedule, the director shall take into account the existing charges for state hospital services and those for Short-Doyle Act community mental health program services. If the director determines that it is not practicable to devise a single uniform patient fee schedule applicable to both state hospital services and services of other mental health agencies, he may adopt a separate fee schedule for state hospital services which differs from the uniform patient fee schedule applicable to

other mental health agencies. Such patient fee schedules shall not be used after the development and implementation of the cost reporting system provided for in this section or after December 31, 1971, whichever occurs first.

SEC. 467. Section 5750 of the Welfare and Institutions Code is amended to read:

5750. The State Department of ~~Mental Hygiene Health~~ shall administer this part and shall adopt standards for approval of mental health services, and rules and regulations necessary thereto; provided, however, that such standards, rules and regulations shall be adopted only after consultation with both the Citizens Advisory Council and the California Conference of Local Mental Health Directors. Adoption of such standards, rules and regulations shall require approval by the California Conference of Local Mental Health Directors by majority vote of those present at an official session.

If the conference refuses or fails to approve standards, rules, or regulations submitted to it by the department for its approval, the department may submit such standards, rules, or regulations to the conference at its next meeting, and if the conference again refuses to approve them, the matter shall be referred for decision to a committee composed of the Secretary of the Human Relations Agency, the Director of ~~Mental Hygiene Health~~, the President of the California Conference of Local Mental Health Directors, the Chairman of the Citizens Advisory Council, and a member designated by the State ~~Advisory Health Planning~~ Council.

SEC. 468. Section 5751 of the Welfare and Institutions Code is amended to read:

5751. The State Director of ~~Mental Hygiene Health~~, after approval by the California Conference of Local Mental Health Directors, shall by regulation establish standards of education and experience for professional and technical personnel employed in mental health services and for the organization and operation of mental health services. Regulations pertaining to the qualifications of directors of local mental health services shall be administered in accordance with Section 5608. Such standards may include the maintenance of records of services, finances and expenditures, which shall be reported to the State Department of ~~Mental Hygiene Health~~ in a manner and at such times as it may specify.

The regulations shall be adopted in accordance with the Administrative Procedure Act, Chapter 4 (commencing with Section 11370) of Part 1 of Division 3 of the Government Code.

SEC. 469. Section 5755 of the Welfare and Institutions Code is amended to read:

5755. By March 15, 1971, the State Department of ~~Mental Hygiene Health~~ shall adopt a five-year state plan for community mental health services. The state plan shall consider the community mental health needs set forth in the county plans

1 and shall include a system of priorities for allocating state
2 mental health funds to the counties. The director shall consult
3 with the California Conference of Local Mental Health Direc-
4 tors and the Citizens Advisory Council in developing the state
5 plan. The state plan shall be reviewed and revised as necessary
6 to provide a basis for allocating mental health funds through-
7 out the state. The state plan and the system of priorities shall
8 encourage innovations by county mental health programs.

9 SEC. 470. Section 5757 of the Welfare and Institutions
10 Code is amended to read:

11 5757. There is hereby established the California Conference
12 of Local Mental Health Directors, with which the Director of
13 ~~Mental Hygiene Health~~ shall consult in establishing standards,
14 rules, and regulations pursuant to this division.

15 SEC. 471. Section 5758 of the Welfare and Institutions
16 Code is amended to read:

17 5758. The California Conference of Local Mental Health
18 Directors shall consist of all regularly appointed directors of
19 community mental health services and program chiefs as de-
20 fined by regulation. It shall organize and shall annually elect
21 a president, a vice president, and a secretary, who shall serve
22 as the executive committee of the conference. The president of
23 the conference, after consultation with the Director of ~~Mental~~
24 ~~Health Hygiene~~, may appoint, for the purpose of advising the
25 director, such other committees of the conference as may from
26 time to time be necessary.

27 SEC. 472. Section 5759 of the Welfare and Institutions
28 Code is amended to read:

29 5759. Meetings of the conference for the purposes of this
30 division shall be called by the Director of ~~Mental Hygiene~~
31 ~~Health~~, who shall give the members at least 10 days' notice of
32 such meetings. At official sessions of meetings of the conference
33 the president of the conference shall preside; provided, how-
34 ever, that the conference may hold additional sessions as may
35 be determined by the executive committee of the conference at
36 which the president or other members of the conference shall
37 preside. Each community mental health service shall have one
38 vote cast by the director or his designee.

39 SEC. 473. Section 5760 of the Welfare and Institutions
40 Code is amended to read:

41 5760. Actual and necessary expenses incurred by a member
42 as incident to his attendance at meetings of the conference
43 shall be a legal charge against the local government unit which
44 he represents. Actual and necessary expense incurred by mem-
45 bers of the conference incident to attendance at special meet-
46 ings of the committees of the conference called by the Director
47 of ~~Mental Hygiene Health~~ shall be a legal charge against any
48 funds available for the administration of this division.

49 SEC. 474. Section 5761 of the Welfare and Institutions
50 Code is amended to read:

51 5761. The State Department of ~~Mental Hygiene Health~~,
52 after approval by the California Conference of Local Mental

1 Health Directors, may provide for consultant and advisory
2 services and for the training of technical and professional per-
3 sonnel in educational institutions and field training centers ap-
4 proved by the department and for the establishment and main-
5 tenance of field training centers.

6 SEC. 475. Section 5762 of the Welfare and Institutions
7 Code is amended to read:

8 5762. The President of the California Conference of Local
9 Mental Health Directors, for the purposes of this division,
10 may, after consultation with the Director of ~~Mental Hygiene~~
11 ~~Health~~, appoint such psychiatric and such other consultants
12 as may be deemed necessary who shall serve without pay but
13 who shall receive actual and necessary travel and other ex-
14 penses incurred.

15 SEC. 476. Section 5763 of the Welfare and Institutions
16 Code is amended to read:

17 5763. There is a Citizens Advisory Council to advise and
18 assist the Director of ~~Mental Hygiene Health~~ in carrying out
19 the provisions of this division.

20 The council shall consist of fifteen (15) appointed voting
21 members. Each of the following professions shall be repre-
22 sented by one member: general medicine, general psychiatry,
23 child psychiatry, psychology, social work, sociology, law, and
24 nursing. Two members shall be county supervisors; one mem-
25 ber shall be an administrator of a private hospital providing
26 psychiatric services; one member shall be a member of the
27 California Conference of Local Mental Health Directors who
28 is appointed under this part; and three members shall repre-
29 sent the general public.

30 The Governor shall appoint the following nine (9) members
31 of the council: representatives of the professions of general
32 medicine (1), psychiatry (1), child psychiatry (1), psychology
33 (1), social work (1), and nursing (1); an administrator of
34 a private hospital providing psychiatric services; a county su-
35 pervisor; and a representative of the general public. The
36 Chairman of the Senate Rules Committee shall appoint the
37 following three (3) members of the council: a representative of
38 the profession of law; a county supervisor; and a representa-
39 tive of the general public. The Speaker of the Assembly shall
40 appoint the following three (3) members of the council: a
41 representative of the profession of sociology; a member of the
42 California Conference of Local Mental Health Directors; and
43 a representative of the general public.

44 Of the members first appointed by the Governor, three shall
45 hold office for three years, three shall hold office for two years,
46 and three shall hold office for one year. Of the members first
47 appointed by the Speaker of the Assembly, one shall hold
48 office for three years, one shall hold office for two years, and
49 one shall hold office for one year. Of the members first ap-
50 pointed by the Chairman of the Senate Rules Committee, one
51 shall hold office for three years, one shall hold office for two

1 years, and one shall hold office for one year. Thereafter, each
2 member shall hold office for three years.

3 The members of the Citizens Advisory Council shall serve
4 without compensation but shall be reimbursed for any actual
5 and necessary expenses incurred in connection with the per-
6 formance of their duties under this chapter.

7 The Citizens Advisory Council shall meet at least quarterly,
8 and on call of the council chairman as often as necessary to
9 fulfill its duties. All meetings and records of the Citizens Ad-
10 visory Council shall be open to the public.

11 The Citizens Advisory Council shall, by majority vote of the
12 voting members, elect its own chairman from among the 15
13 appointed members, and shall establish such committees as it
14 deems necessary or desirable. The council chairman shall ap-
15 point all members of committees of the Citizens Advisory
16 Council.

17 SEC. 477. Section 5764 of the Welfare and Institutions
18 Code is amended to read:

19 5764. The powers, duties, and responsibilities of the Citi-
20 zens Advisory Council shall include the following:

21 (a) To advise the Director of ~~Mental Hygiene~~ *Health* on the
22 development of the state five-year mental health plan and the
23 system of priorities contained in that plan.

24 (b) To periodically review all mental health services in
25 California, conducting independent investigations and studies
26 as necessary. The Citizens Advisory Council may prepare such
27 reports as necessary to the Governor, the Legislature, the Di-
28 rector of ~~Mental Hygiene~~ *Health*, and the State ~~Advisory~~
29 ~~Health Planning~~ Council.

30 (c) To suggest rules, regulations and standards for the ad-
31 ministration of this division.

32 (d) To encourage, whenever necessary and possible the co-
33 ordination on a regional basis of community mental health
34 resources, with the purpose of avoiding duplication and frag-
35 mentation of services.

36 (e) To mediate disputes between counties and the state
37 arising under this part.

38 SEC. 478. Section 5765 of the Welfare and Institutions
39 Code is amended to read:

40 5765. The state five-year mental health plan shall be sub-
41 mitted to the ~~Advisory~~ *Health Planning* Council for review
42 and recommendations as to conformance with California's com-
43 prehensive statewide health plan. The state five-year mental
44 health plan shall be submitted on an annual basis or as often as
45 there are amendments or changes thereto.

46 It is the intent of the Legislature to carefully review the
47 state five-year mental health plan prior to the adoption of the
48 budget in the 1971-1972 fiscal year. To this end, the Depart-
49 ment of ~~Mental Hygiene~~ *Health* shall report to the Legislature
50 on the plan and any changes therein no later than March 15,
51 1971, and March 15 each subsequent year.

1 SEC. 479. Section 5766 of the Welfare and Institutions
2 Code is amended to read:

3 5766. The Citizens Advisory Council may utilize such staff
4 of the central and regional offices of the Department of ~~Mental~~
5 ~~Health Hygiene~~ as are available, and such staff of all other
6 public or private agencies which have an interest in the
7 mental health of the public and which are able and willing to
8 provide such services.

9 SEC. 480. Section 6000 of the Welfare and Institutions
10 Code is amended to read:

11 6000. Pursuant to rules and regulations established by the
12 State Department of ~~Mental Hygiene~~ *Health*, the medical di-
13 rector of a state hospital for the mentally disordered or men-
14 tally retarded may receive in such hospital, as a boarder and
15 patient, any person who is a suitable person for care and
16 treatment in such hospital, upon receipt of a written appli-
17 cation for the admission of the person into the hospital for care
18 and treatment made in accordance with the following require-
19 ments:

20 (a) In the case of an adult person, the application shall be
21 made voluntarily by the person, at a time when he is in such
22 condition of mind as to render him competent to make it or, if
23 he is a conservatee with a conservator of the person or person
24 and estate who was appointed under Chapter 3 (commencing
25 with Section 5350) of Part 1 of Division 5 with the right as
26 specified by court order under Section 5328 to place his con-
27 servatee in a state hospital, by his conservator.

28 (b) In the case of a minor person, the application shall be
29 made by his parents, or by the parent, guardian, or other per-
30 son entitled to his custody to any of such mental hospitals
31 as may be designated by the Director of ~~Mental Hygiene~~
32 *Health* to admit minors on voluntary applications. If the
33 minor has a conservator of the person, or the person and the
34 estate, appointed under Chapter 3 (commencing with Section
35 5350) of Part 1 of Division 5, with the right as specified by
36 court order under Section 5328 to place the conservatee in a
37 state hospital the application for the minor shall be made by
38 his conservator.

39 Any such person received in a state hospital shall be deemed
40 a voluntary patient.

41 Upon the admission of a voluntary patient to a state hos-
42 pital the medical director shall immediately forward to the
43 office of the State Department of ~~Mental Hygiene~~ *Health* the
44 record of such voluntary patient, showing the name, resi-
45 dence, age, sex, place of birth, occupation, civil condition, date
46 of admission of such patient to such hospital, and such other
47 information as is required by the rules and regulations of the
48 department.

49 The charges for the care and keeping of a mentally dis-
50 ordered person in a state hospital shall be governed by the
51 provisions of Article 4 (commencing with Section 7275) of
52 Chapter 3 of Part 4 relating to the charges for the care and

1 keeping of mentally disordered persons in state hospitals. The
2 county where a mentally retarded person resided at the time
3 of admission, as determined by the Department of ~~Mental~~
4 ~~Hygiene Health~~, shall pay the cost to the state of the care
5 of such person as provided by Sections 7510 and 7511 of this
6 code; provided that, if a minor mentally retarded person is
7 committed by the county where the state hospital is located
8 solely for the reason that he has attained majority, the county
9 of residence of such person shall remain the same as that
10 established at the time of his initial admission. The responsi-
11 bility of the mentally retarded patient and his kindred for
12 reimbursement to the county shall be governed by Chapters
13 1, 2, 4, and 5 (commencing with Section 17000) of Part 5
14 of Division 10.

15 A voluntary adult patient may leave the hospital or insti-
16 tution at any time by giving notice of his desire to leave to
17 any member of the hospital staff and completing normal hos-
18 pitalization departure procedures. A conservatee may leave
19 in a like manner if notice is given by his conservator.

20 A minor person who is a voluntary patient may leave the
21 hospital or institution after completing normal hospitalization
22 departure procedures after notice is given to the superin-
23 tendent or person in charge by the parents, or the parent,
24 guardian, or other person entitled to the custody of the minor,
25 of their desire to remove him from the hospital.

26 No person received into a state hospital, private mental
27 institution, or county psychiatric hospital as a voluntary
28 patient during his minority shall be detained therein after
29 he reaches the age of majority, but any such person, after
30 attaining the age of majority, may apply for admission into
31 the hospital or institution for care and treatment in the man-
32 ner prescribed in this section for applications by adult persons.

33 The Department of ~~Mental Hygiene Health~~ shall establish
34 such rules and regulations as are necessary to carry out prop-
35 erly the provisions of this section.

36 No person shall be admitted to a state hospital for the men-
37 tally retarded under this article unless he meets the residence
38 requirements set forth in Section 6451.

39 SEC. 481. Section 6002 of the Welfare and Institutions
40 Code is amended to read:

41 6002. The person in charge of any private institution, hos-
42 pital, clinic, or sanitarium which is conducted for, or includes
43 a department or ward conducted for, the care and treatment
44 of persons who are mentally disordered may receive therein
45 as a voluntary patient any person suffering from a mental dis-
46 order who is a suitable person for care and treatment in the
47 institution, hospital, clinic, or sanitarium who voluntarily
48 makes a written application to the person in charge for admis-
49 sion into the institution, hospital, clinic, or sanitarium, and
50 who is at the time of making the application mentally compe-
51 tent to make the application. A conservatee, with a conserva-
52 tor of the person, or person and estate, appointed under Chap-

1 ter 3 (commencing with Section 5350) of Part 1 of Division 5,
2 with the right as specified by court order under Section 5328
3 to place his conservatee, may be admitted upon written appli-
4 cation by his conservator.

5 After the admission of a voluntary patient to a private in-
6 stitution, hospital, clinic, or sanitarium the person in charge
7 shall forward to the office of the State Department of ~~Mental~~
8 ~~Hygiene Health~~ a record of the voluntary patient showing
9 such information as may be required by rule by the depart-
10 ment.

11 A voluntary adult patient may leave the hospital, clinic, or
12 institution at any time by giving notice of his desire to leave to
13 any member of the hospital staff and completing normal hos-
14 pitalization departure procedures. A conservatee may leave in
15 a like manner if notice is given by his conservator.

16 SEC. 482. Section 6007 of the Welfare and Institutions
17 Code is amended to read:

18 6007. Any person detained as of June 30, 1969, in a pri-
19 vate institution, pursuant to former Sections 6030 to 6033,
20 inclusive, as they read immediately preceding July 1, 1969,
21 on the certification of one physician, may be detained after
22 July 1, 1969, for a period no longer than 90 days.

23 Any person detained as of June 30, 1969, in a private insti-
24 tution, pursuant to such sections, on the certification of two
25 physicians, may be detained after July 1, 1969, for a period
26 no longer than 180 days.

27 Any person detained pursuant to this section after July 1,
28 1969, shall be evaluated by the facility designated by the
29 county and approved by the State Department of ~~Mental Hy-~~
30 ~~giene Health~~ pursuant to Section 5150 as a facility for 72-
31 hour treatment and evaluation. Such evaluation shall be made
32 at the request of the person in charge of the private institution
33 in which the person is detained or by one of the physicians
34 who signed the certificate. If in the opinion of the professional
35 person in charge of the evaluation and treatment facility or
36 his designee, the evaluation of the person can be made by such
37 professional person or his designee at the private institution
38 in which the person is detained, the person shall not be re-
39 quired to be evaluated at the evaluation and treatment facility,
40 but shall be evaluated at the private institution to determine
41 if the person is a danger to others, himself, or gravely dis-
42 abled as a result of mental disorder.

43 Any person evaluated under this section shall be released
44 from the private institution immediately upon completion of
45 the evaluation if in the opinion of the professional person in
46 charge of the evaluation and treatment facility, or his des-
47 ignee, the person evaluated is not a danger to others, or to
48 himself, or gravely disabled as a result of mental disorder,
49 unless the person agrees voluntarily to remain in the private
50 institution.

51 If in the opinion of the professional person in charge of the
52 facility or his designee, the person evaluated requires intensive

treatment or recommendation for conservatorship, such professional person or his designee shall proceed under Article 4 (commencing with Section 5250) of Chapter 2, or under Chapter 3 (commencing with Section 5350), of Part 1 of Division 5.

SEC. 483. Section 6254 of the Welfare and Institutions Code is amended to read:

6254. Wherever provision is made in this code for an order of commitment by a superior court, the order of commitment shall be in substantially the following form:

In the Superior Court of the State of California
for the County of _____

The People
For the Best Interest and Protection of

as a _____,

and Concerning

Order for Care,
Hospitalization
or Commitment

and
_____, Respondents

The petition dated _____, alleging that _____, having been presented to this court on the _____ day of _____, 19____, and an order of detention issued thereon by a judge of the superior court of this county, and a return of the said order:

And it further appearing that the provisions of Sections 6250 to 6254, inclusive, of the Welfare and Institutions Code have been complied with;

And it further appearing that Dr. _____ and Dr. _____, two regularly appointed and qualified medical examiners of this county, have made a personal examination of the alleged _____, and have made and signed the certificate of the medical examiners, which certificate is attached hereto and made a part hereof;

Now therefore, after examination and certificate made as aforesaid the court is satisfied and believes that _____ is a _____ and is so _____.

It is ordered, adjudged and decreed:

That _____ is a _____ and that _____

*(a) Be cared for and detained in _____, a county psychiatric hospital, a community mental health service, or a licensed sanitarium or hospital for the care of the mentally disordered until the further order of the court, or

*(b) Be cared for at _____, until the further order of the court, or

*(c) Be committed to the Department of ~~Mental Hygiene~~ *Health* for placement in a state hospital, or

*(d) Be committed to a facility of the Veterans Administration or other agency of the United States, to wit: _____ at _____ in accordance with the provisions of Section 1663 of the Probate Code of the State of California.

It is further ordered and directed that _____ of this county, take, convey and deliver _____ to the proper authorities of the hospital or establishment designated herein to be cared for as provided by law.

Dated this _____ day of _____, 19____.

Judge of the Superior Court

*Strike out where inapplicable.

SEC. 484. Section 6316 of the Welfare and Institutions Code is amended to read:

6316. If, after examination and hearing, it appears there is sufficient cause to believe that the person is a mentally disordered sex offender within the meaning of this article, the judge may make and sign an order that the person be placed temporarily in a suitable psychiatric facility maintained by a county or in a state hospital of the Department of ~~Mental Hygiene~~ *Health* designated by the court for observation and diagnosis for a period not to exceed 90 days, with the further provision in said order that the superintendent of the hospital or person in charge of the county facility shall report to the court the diagnosis and recommendations concerning such person within the 90-day period. The court shall attach to the order for observation its findings and copies of the certification and statement from the other court, any affidavits filed, the written reports of the court-appointed psychiatrists, and the report of the probation officer, together with such social and other data that it has available bearing upon the case, and the same shall be delivered to the institution with such order.

The superintendent of the hospital or person in charge of the county facility shall within 90 days cause the person to be examined and forward to the committing court his opinion as to whether or not the person is a mentally disordered sex offender, whether or not he is a danger to the health and safety of others, and whether or not he will benefit by care and treatment in a state hospital, including therein a report, diagnosis and recommendation concerning the person's future care, supervision and treatment.

If the superintendent of the hospital or person in charge of the county facility reports to the court that the person is not a mentally disordered sex offender, the person shall be returned to the court for further disposition of his case. The court shall then cause the person to be returned to the court in which the criminal charge was tried to await further action with reference to such criminal charge.

If the superintendent of the hospital or person in charge of the county facility reports to the committing court that the person is a mentally disordered sex offender but will not

1 benefit by care or treatment in a state hospital and is a danger
2 to the health and safety of others, the court shall then cause
3 the person to be returned to the court in which the criminal
4 charge was tried to await further action with reference to such
5 criminal charge. Such court shall resume the proceedings and
6 shall impose sentence or make such other suitable disposition
7 of the case as the court deems necessary. If, however, such
8 court is satisfied that the person is a mentally disordered sex
9 offender but would not benefit by care or treatment in a state
10 hospital and is a danger to the health and safety of others,
11 it may recertify the person to the superior court of the county.
12 If the superior court, after hearing, finds that the person is
13 a mentally disordered sex offender but would not benefit by
14 care or treatment in a state hospital and is a danger to the
15 health and safety of others, it may make an order committing
16 the person for an indefinite period to the Department of ~~Mental~~
17 ~~Hygiene Health~~ for placement in a state institution or
18 institutional unit for the care and treatment of mentally dis-
19 ordered sex offenders designated by the court and provided
20 pursuant to Section 6326. At such hearing or hearings, the
21 person shall be entitled to present witnesses in his own behalf,
22 to be represented by counsel and to cross-examine any wit-
23 nesses who testify against him. The person shall remain in such
24 institution or institutional unit until he is no longer a danger
25 to the health and safety of others. Thereupon, the proceedings
26 set forth in Section 6325 shall be followed with respect to the
27 certifying of an opinion to the committing court and the
28 release of the person thereby.

29 If the superintendent of the hospital or person in charge of
30 the county facility reports to the court that the person is a
31 mentally disordered sex offender and that the person could
32 benefit by treatment in a state hospital, the court in its discre-
33 tion has the alternative to return the person to the criminal
34 court for further disposition or may make an order committing
35 the person to the department for placement in a state hospital
36 for an indeterminate period and a copy of such commitment
37 shall be personally served upon said person within five days
38 after the making of such order and such person may within 10
39 days demand a hearing in court and upon such demand said
40 court shall order the return of said person to said court and
41 fix a time and place for a hearing. Upon such hearing the
42 court may accept the report of the superintendent of the hos-
43 pital or person in charge of the county facility, if verified, in
44 lieu of the examination by and testimony of court-appointed
45 psychiatrists, or may consider the report as additional evi-
46 dence. Upon such further hearing the court may make an
47 order committing the person to the department for placement
48 in a state hospital designated by the court for an indetermi-
49 nate period, or may make other suitable disposition of the
50 case.

51 No person shall be committed for an indeterminate period
52 as a mentally disordered sex offender unless an observation

1 placement has been made and reported, diagnosed and recom-
2 mended upon as provided by this section.

3 SEC. 485. Section 6326 of the Welfare and Institutions
4 Code is amended to read:

5 6326. If the opinion so certified is under subdivision (b)
6 of Section 6325, the committing court shall forthwith order
7 the return of the person to said committing court and shall
8 thereafter cause the person to be returned to the court in which
9 the criminal charge was tried to await further action with
10 reference to such criminal charge.

11 Such court shall resume the proceedings and after consider-
12 ing all the evidence before it shall impose sentence or make
13 such other disposition of the case as the court may deem neces-
14 sary and proper; provided, that said court, if satisfied that the
15 person has not recovered from his mental disorder and is still
16 a danger to the health and safety of others, may recertify the
17 person to the superior court of the county. If said court after
18 hearing makes a finding that the person is still a mentally dis-
19 ordered sex offender and is still a danger to the health and
20 safety of others, it may make an order recommmitting the per-
21 son for an indeterminate period to the Department of ~~Mental~~
22 ~~Hygiene Health~~ for placement in a state institution or institu-
23 tional unit for the care and treatment of such mentally dis-
24 ordered sex offenders designated by the court. At such hearing
25 or hearings, the person shall be entitled to present witnesses
26 in his own behalf, to be represented by counsel and to cross-
27 examine any witnesses who testify against him.

28 The Director of ~~Mental Hygiene Health~~, with the approval
29 of the Director of Corrections and the Director of Finance,
30 may provide on the grounds of a state institution or institu-
31 tions under the jurisdiction of the Department of Corrections
32 or the Department of ~~Mental Hygiene Health~~ one or more in-
33 stitutional units to be used for the custodial care and treat-
34 ment of mentally disordered sex offenders. Each such unit
35 shall be administered in the manner provided by law for the
36 government of the institution in which such unit is established.

37 The court shall cause the person so recommitted to be de-
38 livered to the state institution or the institutional unit so
39 designated. The person shall remain therein or in any other
40 such institution or institutional unit to which he may be trans-
41 ferred by the Director of ~~Mental Hygiene Health~~ until the
42 person is no longer a danger to the health and safety of
43 others. Thereupon the proceedings set forth in Section 6325
44 shall be followed with respect to the certifying of an opinion
45 to the committing court and the release of the person thereby.

46 SEC. 486. Section 6327 of the Welfare and Institutions
47 Code is amended to read:

48 6327. After a person has been committed for an indetermi-
49 nate period to the department for placement in a state hos-
50 pital as a mentally disordered sex offender and has been con-
51 fined for a period of not less than six months from the date of
52 the order of commitment, the committing court may upon its

own motion or on motion by or on behalf of the person committed, require the superintendent of the state hospital to which the person was committed to forward to the committing court, within 30 days, his opinion under (a) or (b) of Section 6325, including therein a report, diagnosis and recommendation concerning the person's future care, supervision, or treatment. After receipt of the report, the committing court may order the return of the person to the court for a hearing as to whether the person is still a mentally disordered sex offender within the meaning of this article.

The hearing shall be conducted substantially in accordance with Section 6306 to 6314, inclusive. If, after the hearing, the judge finds that the person has not recovered from his mental disorder and is still a danger to the health and safety of others, he shall order the person returned to the Department of ~~Mental Hygiene Health~~ under the prior order of commitment for an indeterminate period, or, if the opinion of the superintendent of the state hospital was under (b) of Section 6325, he may make and sign an order recommitting the person for an indeterminate period to the Department of ~~Mental Hygiene Health~~ for placement in a state institution or institutional unit for the care and treatment of such mentally disordered sex offenders designated by the court and provided pursuant to Section 6326. A subsequent hearing may not be held under this section until the person has been confined for an additional period of six months from the date of his return to the department. If the court finds that the person has recovered from his mental disorder to such an extent that he is no longer a danger to the health and safety of others, or that he will not benefit by further care and treatment in the hospital and is not a danger to the health and safety of others, the committing court shall thereafter cause the person to be returned to the court in which the criminal charge was tried to await further action with reference to such criminal charge.

SEC. 487. Section 6350 of the Welfare and Institutions Code is amended to read:

6350. A "narcotic drug addict" within the meaning of this article is any person who habitually takes or otherwise uses to the extent of having lost the power of self-control any opium, morphine, cocaine, or other narcotic drug as defined in Article 1 of Chapter 1 of Division 10 of the Health and Safety Code.

Wherever in this article the term "drug addict" is used, such term shall be construed to refer to and mean "narcotic drug addict" as defined in this section. All persons heretofore committed or admitted as drug addicts to any state hospital, or committed to the Department of ~~Mental Hygiene Health~~ for placement therein, shall be deemed to have been committed or admitted as narcotic drug addicts.

SEC. 488. Section 6357 of the Welfare and Institutions Code is amended to read:

6357. If, after a hearing and examination, the judge believes the person charged is a narcotic drug addict, he shall

make an order committing such person to the Department of ~~Mental Hygiene Health~~ for placement in a state hospital for an indeterminate period of not less than three months nor more than two years.

If satisfactory evidence is submitted to the trial judge showing that the person to be committed is of bad repute or bad character, apart from his habit for which the commitment is made, and that there is reasonable ground for believing that the person if committed will not be benefited by treatment, the judge shall not commit the person to a state hospital.

SEC. 489. Section 6360 of the Welfare and Institutions Code is amended to read:

6360. Any person committed as a narcotic drug addict except such persons as have been committed under the provisions of Section 6361, may be placed on leave of absence after the expiration of three months under the same rules and conditions under which the other committed persons are placed on leave of absence, and the superintendent, on filing his written certificate with the Director of ~~Mental Hygiene Health~~, may discharge any person committed under this article after the expiration of three months and before the expiration of the maximum term of confinement when such superintendent is satisfied that the person will not receive substantial benefit from further hospital treatment.

SEC. 490. Section 6406 of the Welfare and Institutions Code is amended to read:

6406. If the judge, after such hearing and examination, believes the person is so far addicted to the intemperate use of habit-forming drugs, as provided in this article, as to have lost the power of self-control, he shall make an order that the person be committed to the Department of ~~Mental Hygiene Health~~ for placement in a state hospital, or that such person be confined for a definite period not exceeding one year, in a regional jail camp maintained by the Department of Corrections or in an industrial farm or industrial road camp within the county or, in the event that the county maintains a branch of the county jail at which inmates thereof are required to perform agricultural and other out-of-doors labor, in such branch of the county jail. The order of commitment and statement of financial condition shall be in substantially the form provided by Section 6254 of this code for the commitment of mentally disordered persons.

Before a person is committed to a state hospital, however, satisfactory evidence shall be submitted to the trial judge showing that the person to be committed is not of bad repute or bad character, apart from his habit for which the commitment is made, and that there is reasonable ground for believing that the person, if committed, will be permanently benefited by treatment.

SEC. 491. Section 6407 of the Welfare and Institutions Code is amended to read:

6407. If the court orders that the person be confined in a state hospital, the court shall commit the person to the Department of *Mental Hygiene Health* for placement in a designated hospital for a definite period not to exceed two years, but he may be placed on leave of absence by the medical superintendent under the same rules and conditions under which other judicially committed persons are placed on leave of absence, and the superintendent, on filing his written certificate with the Director of *Mental Hygiene Health*, may discharge any person committed under this article when he is satisfied that the person will not receive substantial benefit from further hospital treatment, with the same power as contained in Article 7 (commencing with Section 7350), Chapter 3, Division 7 of this code. In the event that the person shall have been committed to an industrial farm or industrial road camp or branch of the county jail, as provided in Section 6404 or 6405 of this code, he may, after recommendation by the medical director of the county:

(1) Be paroled by the county board of parole commissioners in the same manner as prisoners in county jails are paroled; or

(2) By order of the court, be released from confinement subject to the supervision of the director of the industrial farm or road camp for a period not to exceed the balance of the commitment.

Any person released from confinement in accordance with subdivision (2) may, upon recommendation by the medical director of the county and review of the recommendation by the court, be ordered by the court to be returned to confinement for the balance of his commitment. Any person so returned to confinement may, upon written demand filed with the clerk at any time during the period of confinement, request a hearing and examination as provided in Chapter 1 (commencing with Section 6250) of Part 2 of Division 6. Upon the filing of such a request, the judge shall, by order, fix a time and place for hearing and examination, and proceed as in cases where no order of commitment has been made pursuant to the consent of a medical examiner and the person charged to determine if such person shall be retained in custody for the balance of his original commitment.

SEC. 492. Section 6454 of the Welfare and Institutions Code is amended to read:

6454. If, after examination and hearing, the judge believes that the person is a mentally abnormal sex offender, as defined in this article, he may order that the person be committed to the Department of *Mental Hygiene Health* for placement in a state hospital designated by the court for a period of time not to exceed two years for supervision, care and treatment, or the judge may dismiss the petition. The petition, the reports, the court orders and other court documents filed in the court shall not be open to inspection by any other than the parties to the proceeding, the attorneys for the party or parties, and the State Department of *Mental Hygiene Health*, except upon the

written authority of a judge of the superior court of the county in which the proceedings were had.

SEC. 493. Section 6500 of the Welfare and Institutions Code is amended to read:

6500. As used in this code, "mentally retarded persons" means those persons who are so mentally retarded from infancy or before reaching maturity that they are incapable of managing themselves and their affairs independently, with ordinary prudence, or of being taught to do so, and who require supervision, control, and care, because they are a danger to themselves or others.

Wherever in this code or in any provision of statute heretofore or hereafter enacted the terms "feeble-minded" and "feeble-mindedness" are used, they shall be construed to refer to and mean "mentally retarded" and "mental retardation," respectively, as defined in this section. All persons heretofore committed or admitted as feeble-minded to any state hospital for the mentally retarded, or committed to the Department of *Mental Hygiene Health* for placement therein, shall be deemed to have been committed or admitted thereto as mentally retarded persons.

SEC. 494. Section 6501 of the Welfare and Institutions Code is amended to read:

6501. Any mentally retarded person requiring hospitalization may be committed to the Department of *Mental Hygiene Health* for placement in a state hospital if he has been a resident of the state for the period of one year next preceding the presentation of the petition.

Residence acquired in this or in another state shall not be lost by reason of military service in the armed forces of the United States. The residence of minor children during the period of such military service shall be determined in accordance with the residence of the parent in such service or in accordance with the residence of the child.

Any mentally retarded minor requiring hospitalization may be committed to the Department of *Mental Hygiene Health* if the parent or guardian having custody of the minor has lived continuously in this state for a period of one year next preceding the presentation of the petition and has not acquired residence in another state by living continuously therein for at least one year subsequent to his residence in this state. Such parent or guardian shall be deemed a resident of this state for the purposes of this section and such minor shall be eligible for hospitalization in this state as a mentally retarded person. The eligibility of such minor for hospitalization in this state ceases when such parent or guardian ceases to be a resident of this state and such minor shall be transferred to the state of residence of the parent or guardian in accordance with the applicable provisions of this code.

SEC. 495. Section 6502 of the Welfare and Institutions Code is amended to read:

1 6502. A petition for the commitment of a mentally retarded
2 person to the Department of ~~Mental Hygiene~~ *Health* for place-
3 ment in a state hospital may be filed in the superior court of
4 the county in which such person resides, by any of the follow-
5 ing persons:

- 6 (a) The parent, guardian, or other person charged with the
- 7 support of the mentally retarded person.
- 8 (b) Any district attorney or probation officer.
- 9 (c) The Youth Authority.
- 10 (d) Any person designated for that purpose by the judge of
- 11 the court.
- 12 (e) The Director of Corrections.

13 The petition shall state the petitioner's reasons for supposing
14 the person to be eligible for admission thereto, and shall be
15 verified by the affidavit of the petitioner.

16 SEC. 496. Section 6509 of the Welfare and Institutions
17 Code is amended to read:

18 6509. If the court finds that the person is mentally retarded,
19 and that he or his parent or guardian is a resident of this
20 state as determined in accordance with Section 6501, the court
21 may make an order that the person be committed to the De-
22 partment of ~~Mental Hygiene~~ *Health* for hospitalization. The
23 court, however, may commit a mentally retarded person who
24 has been in the state less than one year, or a mentally retarded
25 minor who is not eligible for commitment to the Department of
26 ~~Mental Hygiene~~ *Health* under Section 6501 for the purpose of
27 transportation of such person to the state of his legal residence
28 pursuant to Section 4119. The Department of ~~Mental Hygiene~~
29 *Health* shall receive the person committed to it and shall place
30 the person in a state hospital unless such institutions are al-
31 ready full, or the funds available for their support are ex-
32 hausted, or, in the opinion of the Department of ~~Mental Hy-~~
33 ~~giene~~ *Health*, the person is not a suitable subject for admission
34 thereto.

35 SEC. 497. Section 6551 of the Welfare and Institutions
36 Code is amended to read:

37 6551. If the court is in doubt as to whether the person is
38 mentally disordered or mentally retarded, the court shall order
39 the person to be taken to a facility designated by the county
40 and approved by the State Department of ~~Mental Hygiene~~
41 *Health* as a facility for 72-hour treatment and evaluation.
42 Thereupon the provisions of Article 1 (commencing with Sec-
43 tion 5150) of Chapter 2 of Part 1 of Division 5 apply except
44 that the professional person in charge of the facility shall make
45 a written report to the court concerning the results of the
46 evaluation of the person's mental condition. If the professional
47 person in charge of the facility finds the person is, as a result
48 of mental disorder, in need of intensive treatment, he may be
49 certified for not more than 14 days involuntary intensive treat-
50 ment if the conditions set forth in subdivision (c) of Section
51 5250 are complied with. Thereupon, the provisions of Article 4
52 (commencing with Section 5250) of Chapter 2 of Part 1 of

1 Division 5 shall apply to the person. The person may be de-
2 tained pursuant to Article 4.5 (commencing with Section 5260)
3 or Article 6 (commencing with Section 5300) of Part 1 of
4 Division 5 if the provisions of such articles apply to him.

5 If the professional person in charge of the facility finds that
6 the person is mentally retarded, the juvenile court may direct
7 the filing in any other court of a petition for the commitment
8 of a minor as a mentally retarded person to the Department
9 of ~~Mental Hygiene~~ *Health* for placement in a state hospital. In
10 such case, the juvenile court shall transmit to the court in
11 which the petition is filed a copy of the report of the profes-
12 sional person in charge of the facility in which the minor was
13 placed for observation. The court in which the petition for
14 commitment is filed may accept the report of the professional
15 person in lieu of the appointment, or subpoenaing, and testi-
16 mony of other expert witnesses appointed by the court, if the
17 laws applicable to such commitment proceedings provide for
18 the appointment by court of medical or other expert witnesses
19 or may consider the report as evidence in addition to the testi-
20 mony of medical or other expert witnesses.

21 If the professional person in charge of the facility for 72-
22 hour evaluation and treatment reports to the juvenile court
23 that the minor is not affected with any mental disorder requir-
24 ing intensive treatment or mental retardation, the professional
25 person in charge of the facility shall return the minor to the
26 juvenile court on or before the expiration of the 72-hour pe-
27 riod and the court shall proceed with the case in accordance
28 with the Juvenile Court Law.

29 Any expenditure for the evaluation or intensive treatment
30 of a minor under this section shall be considered an expend-
31 iture made under Part 2 (commencing with Section 5600) of
32 Division 5 and shall be reimbursed by the state as are other
33 local expenditures pursuant to that part.

34 The jurisdiction of the juvenile court over the minor shall
35 be suspended during such time as the minor is subject to the
36 jurisdiction of the court in which the petition for postcertifi-
37 cation treatment of an imminently dangerous person or the
38 petition for commitment of a mentally retarded person is filed
39 or under remand for 90 days for intensive treatment or com-
40 mitment ordered by such court.

41 SEC. 498. Section 6700 of the Welfare and Institutions
42 Code is amended to read:

43 6700. At the hearing involving a person alleged to be a
44 narcotic drug addict the court shall inquire into the financial
45 condition of the person committed or, if the person is a minor,
46 of the parent, guardian, or other person charged with his
47 support. If the court finds such person or persons able to do so
48 in whole or in part, a further order shall be made requiring
49 him or them to pay, to the extent the judge considers just,
50 the expenses of the proceedings in connection with his commit-
51 ment, and to pay to the county of which he is a bona fide resi-

dent, such sums as the court deems proper, during such time as the person committed remains in the hospital or on parole to a licensed home for the care of such person. The court shall make a further order requiring such person or persons to pay to the Department of ~~Mental Hygiene~~ *Health* the expense of delivery of the patient to the state hospital for placement in which he was committed, which shall be paid to and collected by the department and credited to the appropriation for transportation of patients.

The court shall designate some county officer to keep a record of such payments ordered to be made, to receive, receipt for, and record such payments made, to pay over such payments to the county treasurer, to see that the persons ordered to make such payments comply with such orders, and to report to the court any failure on the part of such persons to make such payments.

SEC. 499. Section 6701 of the Welfare and Institutions Code is amended to read:

6701. The county from which each person is committed under Section 6357 shall pay the state the cost of care of such person, for the time the person committed remains an inmate of the institution or on leave of absence to a licensed home for the care of such person, at the monthly rate therefor as fixed and determined by the Director of ~~Mental Hygiene~~ *Health* from time to time, but in no case shall it exceed the rate of forty dollars (\$40) per month.

SEC. 500. Section 6702 of the Welfare and Institutions Code is amended to read:

6702. The Department of ~~Mental Hygiene~~ *Health* shall present to the county, not more frequently than monthly, a claim for the amount due the state under Section 6701 which the county shall process and pay pursuant to the provisions of Chapter 4 (commencing with Section 29700) of Division 3 of Title 3 of the Government Code.

SEC. 501. Section 6710 of the Welfare and Institutions Code is amended to read:

6710. The cost necessarily incurred in determining that an indigent person is a mentally abnormal sex offender in need of commitment under this code and securing his admission into a state hospital, and the expense of providing proper clothing for him in accordance with the rules and regulations adopted by the Department of ~~Mental Hygiene~~ *Health*, is a charge upon the county from which he is committed. Such costs include the fees of the medical examiners allowed by the judge before whom the testimony of the medical examiners is given.

SEC. 502. Section 6713 of the Welfare and Institutions Code is amended to read:

6713. The Department of ~~Mental Hygiene~~ *Health* shall present to the county, not more frequently than monthly, a claim for the amount due the state under Section 6710 which the county shall process and pay pursuant to the provisions

of Chapter 4 (commencing with Section 29700) of Division 3 of Title 3 of the Government Code.

SEC. 503. Section 6718 of the Welfare and Institutions Code is amended to read:

6718. The Department of ~~Mental Hygiene~~ *Health* shall present to the county, not more frequently than monthly, a claim for the amount due the state by reason of commitments of the mentally retarded which the county shall process and pay pursuant to the provisions of Chapter 4 (commencing with Section 29700) of Division 3 of Title 3 of the Government Code.

SEC. 504. Section 6750 of the Welfare and Institutions Code is amended to read:

6750. The superior judge of each county may grant certificates in accordance with the form prescribed by the State Department of ~~Mental Hygiene~~ *Health*, showing that the persons named therein are reputable physicians licensed in this state, and have been in active practice of their profession at least five years. When certified copies of such certificates have been filed with the department, it shall issue to such persons certificates or commissions, and the persons therein named shall be known as "medical examiners." There shall at all times be at least two such medical examiners in each county. The certificate may be revoked by the department for incompetency or neglect, and shall not be again granted without the consent of the department.

SEC. 505. Section 7001 of the Welfare and Institutions Code is amended to read:

7001. No person, association, or corporation, shall establish or keep, for compensation or hire, an establishment for the care, custody, or treatment of the mentally disordered or other incompetent persons referred to in Division 6 without first having obtained a license therefor from the Department of ~~Mental Hygiene~~ *Health*, and having paid the license fee provided in this chapter.

Any person who carries on, conducts, or attempts to carry on or conduct an establishment for the care or treatment of the mentally disordered or incompetents without first having obtained a license from the Department of ~~Mental Hygiene~~ *Health*, as in this chapter provided, is guilty of a misdemeanor and on conviction thereof shall be punished by imprisonment in a county jail not exceeding six months or by a fine not exceeding one thousand dollars (\$1,000), or by both such fine and imprisonment. The managing and executive officers of any corporation violating the provisions of this section shall be liable under the provisions of this section in the same manner and to the same effect as a private individual violating the same.

The provisions of this chapter do not apply to any hospital which maintains and operates organized medical, surgical or nursing and convalescent facilities primarily for the diagnosis, care, and treatment of physical human illness, including

1 care during and after pregnancy, and to which persons may
2 be admitted for overnight stay or longer, and holds a license
3 in good standing issued under the provisions of Chapter 2
4 (commencing with Section 1400) of Division 2 of the Health
5 and Safety Code.

6 SEC. 506. Section 7002 of the Welfare and Institutions
7 Code is amended to read:

8 7002. The district attorney of every county shall, upon
9 application by the State Department of ~~Mental Hygiene~~
10 *Health* or its authorized representatives, institute and conduct
11 the prosecution of any action brought for the violation within
12 his county of any of the provisions of this chapter.

13 SEC. 507. Section 7003.1 of the Welfare and Institutions
14 Code is amended to read:

15 7003.1. In addition to the requirements of Section 7003,
16 any private institution desiring a license under the provisions
17 of this chapter which shall cover a new facility or additional
18 bed capacity or the conversion of existing bed capacity to a
19 different license category, except for outpatient and emergency
20 services, shall file with the department a verified statement on
21 a form prescribed, prepared and furnished by the department
22 containing:

23 (a) The date applicant filed its complete application for
24 new or additional bed capacity or conversion of an existing
25 bed capacity with the voluntary area health planning agency
26 or voluntary local health planning agency approved pursuant
27 to Section 437.7 of the Health and Safety Code.

28 (b) The date or dates the voluntary area health planning
29 agency or voluntary local health planning agency held a pub-
30 lic hearing or hearings on the proposal, and evidence that the
31 applicant participated in the hearing in accordance with es-
32 tablished procedures of such group.

33 (c) The date the voluntary health planning agency, a vol-
34 untary area health planning agency acting as an appeals body
35 or the *Advisory Health Planning Council* made its final and
36 favorable decision concerning the new or additional bed ca-
37 pacity or conversion of facilities and a statement that the time
38 for appeal has expired, or in the case of a modified approval,
39 that the modifications have been made, or

40 (d) That the time allowed for decision has passed and no
41 decision has been made or that the voluntary area health
42 planning agency failed to act upon a lack of recommendation
43 by the voluntary local health planning agency within the time
44 allowed, or

45 (e) That more than 12 months have expired since a de-
46 cision has been reached by the voluntary area health planning
47 agency.

48 SEC. 508. Section 7025 of the Welfare and Institutions
49 Code is amended to read:

50 7025. Upon proof of the violation of any provision of this
51 chapter, the license to any person to operate such private in-
52 stitution, hospital, establishment, home, or sanitarium may be

1 suspended or revoked by the Department of ~~Mental Hygiene~~
2 *Health*. The proceedings shall be conducted in accordance with
3 Chapter 5 (commencing with Section 11500) of Part 1 of
4 Division 3 of Title 2 of the Government Code, and the de-
5 partment shall have all the powers granted therein.

6 SEC. 509. Section 7026 of the Welfare and Institutions
7 Code is amended to read:

8 7026. The Director of ~~Mental Hygiene~~ *Health* may bring
9 an action to enjoin the threatened violation, or continued vio-
10 lation of the provisions of this chapter, including the operation
11 of an establishment or institution without a license, or of any
12 of the regulations promulgated under this chapter, in the
13 superior court located in the county in which the violation oc-
14 curred or is about to occur. Any proceeding under the provi-
15 sions of this section shall conform to the requirements of
16 Chapter 3 (commencing with Section 525) of Title 7 of Part
17 2 of the Code of Civil Procedure, except that the director shall
18 not be required to allege facts necessary to show or tending to
19 show the lack of an adequate remedy at law or to show or
20 tending to show irreparable damage or loss.

21 At least 30 days prior to the filing of a complaint against
22 a licensee, the director shall serve the licensee with a written
23 notice specifying each deficiency in the licensed establishment
24 or institution, and of the violation or continued violation by
25 such establishment or institution of this part or any of the
26 regulations promulgated under this part. No restraining order
27 or injunction, either temporary or permanent, shall be
28 granted by the court which would cause a licensed estab-
29 lishment or institution to cease operations or which would seri-
30 ously impede the continued operation of the establishment or
31 institution, unless the operator thereof has been accorded a
32 prior judicial hearing with respect to whether or not such
33 restraining order or injunction shall issue.

34 SEC. 510. Section 7100 of the Welfare and Institutions
35 Code is amended to read:

36 7100. The board of supervisors of each county may main-
37 tain in the county hospital or in any other hospital situated
38 within or without the county, suitable facilities and hospital
39 service for the detention, supervision, care, and treatment of
40 persons who are mentally disordered, mentally retarded, or who
41 are alleged to be such.

42 The county may contract with public or private hospitals
43 for such facilities and hospital service when they are not suit-
44 ably available in any institution or establishment maintained
45 or operated by the county.

46 The facilities and services, ~~unless subject to or provided~~
47 ~~under the Short Doyle Act,~~ shall be subject to the approval
48 of the State Department of ~~Public Health~~ and each person
49 having charge and control of any such hospital shall allow
50 the department to make such investigations thereof as it deems
51 necessary at any time.

1 Nothing in this chapter means that mentally disordered, or
2 mentally retarded persons may not be detained, supervised,
3 cared for, or treated, subject to the right of inquiry or investi-
4 gation by the department, in their own homes, or the homes of
5 their relatives or friends, or in a licensed establishment.

6 SEC. 511. Section 7200 of the Welfare and Institutions
7 Code is amended to read:

8 7200. There are in the state the following state hospitals
9 for the care and treatment of the mentally disordered:

- 10 1. Stockton State Hospital at the City of Stockton.
- 11 2. Napa State Hospital near the City of Napa.
- 12 3. Agnews State Hospital near the City of San Jose.
- 13 4. Mendocino State Hospital near the City of Ukiah.
- 14 5. Patton State Hospital near the City of San Bernardino.
- 15 6. Metropolitan State Hospital near the City of Norwalk,
16 Los Angeles County.

17 7. Camarillo State Hospital near Camarillo, Ventura
18 County.

19 8. The Langley Porter Neuropsychiatric Institute, in the
20 City and County of San Francisco.

21 9. DeWitt State Hospital near the City of Auburn.

22 10

23 9. Modesto State Hospital near the City of Modesto.

24 11

25 10. Atascadero State Hospital near the City of Atascadero,
26 San Luis Obispo County.

27 12. Neuropsychiatric Institute, U.C.L.A. Medical Center.

28 SEC. 512. Section 7201 of the Welfare and Institutions
29 Code is amended to read:

30 7201. All of the institutions under the jurisdiction of the
31 Department of *Mental Hygiene Health* shall be governed by
32 the uniform rules and regulation of the Department of *Mental*
33 *Health Hygiene* and all of the provisions of Chapter 2 (com-
34 mencing with Section 4100) of Part 1 of Division 4 of this
35 code on the administration of state institutions shall apply to
36 the conduct and management of the state hospitals for the
37 mentally disordered and, except as provided in Chapter 4
38 (commencing with Section 7500) of this division, to state hos-
39 pitals for the mentally retarded.

40 SEC. 513. Section 7204 of the Welfare and Institutions
41 Code is amended to read:

42 7204. The Director of General Services, with the consent
43 of the Department of *Mental Hygiene Health*, may sell the
44 water treatment plant at the DeWitt State Hospital to the
45 Nevada Irrigation District or the County of Placer under such
46 terms, conditions, and restrictions as he deems to be for the
47 best interests of the state. No such sale shall be made unless
48 the district or county agrees to provide a sufficient amount of
49 satisfactorily treated water to the hospital for its needs, at a
50 cost no greater than that incurred by the hospital for water
51 at the time of the sale.

1 SEC. 514. Section 7205 of the Welfare and Institutions
2 Code is amended to read:

3 7205. The Director of General Services with the consent
4 of the Department of *Mental Hygiene Health* is hereby au-
5 thorized to transfer to the City of Costa Mesa and to convey
6 to said city all of the state's rights, title and interest, and upon
7 such terms and conditions and with such reservations and ex-
8 ceptions as in the opinion of the Director of General Services
9 may be in the best interest of the state, and subject to such use
10 or uses as may be agreed upon by the city and the Department
11 of *Mental Hygiene Health* with the approval of the Director
12 of General Services, in all or any part of the real property
13 consisting of approximately five acres lying at the southwest
14 corner of the Fairview State Hospital property in Orange
15 County, being a parcel of land lying within Lot A of the
16 Banning Tract, in the Rancho Santiago de Santa Ana, City of
17 Orange, State of California, as shown on a map of said tract
18 filed in action No. 6385 in the Superior Court of the State of
19 California in and for the City of Los Angeles, being an action
20 for partition entitled Hancock Banning et al. vs. Mary H.
21 Banning, more particularly described as follows:

22 Beginning at the most southeasterly corner of Parcel G as
23 shown on a record of survey filed in Book 53, pages 34 through
24 36, of records of Surveys in the office of the County Recorder
25 of Orange County, California; thence along the boundary of
26 said Parcel G northwesterly along a curve concave south-
27 westerly having a radius of 540.00 feet through a central angle
28 of 23 degrees, 01 minutes, 33 seconds, an arc distance of 217.01
29 feet, thence north 34 degrees, 32 minutes, 30 seconds west,
30 97.50 feet to a point on a line parallel with and 280.00 feet
31 measured at right angles northerly of the north line of Fair-
32 view Farms as shown on said record of Survey; thence de-
33 parting from the boundary of said Parcel G north 89 degrees,
34 27 minutes, 30 seconds east along said parallel line 936.97
35 feet; thence south 0 degrees, 32 minutes, 30 seconds east,
36 280.00 feet to said north line of Fairview Farms; thence south
37 89 degrees, 27 minutes, 30 seconds, west, 800.00 feet to the
38 point of beginning.

39 The conveyance of such property shall be subject to the
40 following conditions:

41 (a) There shall be excepted and reserved in the state all
42 deposits of minerals, including oil and gas, in the property
43 and to the state, or persons authorized by the state, the right
44 to prospect for, mine, and remove such deposits from the
45 property.

46 (b) If the city shall cease to use the property for public
47 purposes, all right, title, and interest of the county in and to
48 the property shall cease and the property shall revert and rest
49 in the state.

50 SEC. 515. Section 7206 of the Welfare and Institutions
51 Code is amended to read:

1 7206. Notwithstanding the provisions of Section 4104 of
2 this code, the Director of General Services, with the consent of
3 the Director of *Mental Hygiene Health*, may grant a right-of-
4 way for road purposes to the County of San Bernardino over
5 and along a portion of the Patton State Hospital property
6 adjacent to Arden Way and Pacific Street upon such terms and
7 conditions and with such reservations and exceptions as in the
8 opinion of the Director of General Services will be for the best
9 interests of the state.

10 SEC. 517. Section 7226 of the Welfare and Institutions
11 Code is amended to read:

12 7226. The Department of *Mental Hygiene Health* may ad-
13 mit to any state hospital for the mentally disordered, if there
14 is room therein, any mentally disordered soldier or sailor in the
15 service of the United States on such terms as are agreed upon
16 between the department and the properly authorized agents,
17 officers, or representatives of the United States government.

18 SEC. 518. Section 7250 of the Welfare and Institutions
19 Code is amended to read:

20 7250. Any person who has been committed is entitled to a
21 writ of habeas corpus, upon a proper application made by the
22 Department of *Mental Hygiene Health*, by such person, or by
23 a relative or friend in his behalf to the judge of the superior
24 court of the county in which the hospital is located. Upon the
25 return of the writ, the truth of the allegations under which he
26 was committed shall be inquired into and determined. The
27 medical history of the person as it appears in the clinical rec-
28 ords shall be given in evidence, and the superintendent in
29 charge of the state hospital wherein the person is held in
30 custody and any other person who has knowledge of the facts
31 shall be sworn and shall testify relative to the mental condition
32 of the person.

33 SEC. 519. Section 7252 of the Welfare and Institutions
34 Code is amended to read:

35 7252. Any patient in a state hospital, upon the consent
36 of the superintendent and medical director of such hospital,
37 may voluntarily donate blood to any nonprofit blood bank
38 duly licensed by the State Department of *Public Health*.

39 SEC. 520. Section 7254 of the Welfare and Institutions
40 Code is amended to read:

41 7254. The provisions of this section apply to any person
42 who has been lawfully committed or admitted to any state hos-
43 pital for the mentally disordered or mentally retarded and
44 who is afflicted with, or suffers from, any of the following
45 conditions:

46 (a) Mental disease which may have been inherited and is
47 likely to be transmitted to descendants.

48 (b) Mental retardation, in any of its various grades.

49 (c) Marked departures from normal mentality.

50 The State Department of *Mental Hygiene Health*, upon
51 compliance with the provisions of this section, may cause any
52 such person to be sterilized by the operation of vasectomy upon

1 the patient if a male and of salpingectomy if a female or any
2 other operation or treatment that will permanently sterilize
3 but not unsex the patient. When the superintendent of the
4 state hospital or state home is of the opinion that a patient
5 who is afflicted with or suffering from any of the conditions
6 specified in this section should be sterilized, he shall certify
7 such opinion to the Director of *Mental Hygiene Health* and
8 shall at the same time give written notice of such certification
9 to the patient and to his known parents, spouse, adult children,
10 or guardian, if any, by registered mail to their last known
11 address. If the patient has no known relatives or guardian,
12 such notice shall be given to the person who petitioned for
13 the patient's commitment. Such notice shall further state that
14 written objection or written consent to the proposed steriliza-
15 tion, should be filed with the Director of *Mental Hygiene*
16 *Health* at his office in Sacramento within 30 days by the pa-
17 tient, spouse, next of kin or guardian.

18 When a written consent is filed, or if no objection is filed
19 within the 30 days, the Director of *Mental Hygiene Health*, if
20 satisfied that the sterilization will not unduly endanger the
21 patient's health and that it is a proper case for sterilization,
22 may authorize the superintendent to proceed with the steriliza-
23 tion of the patient. The director may cause such examination
24 of the patient and other inquiry to be made as he deems ad-
25 visable before issuing the authorization to the superintendent.

26 If a written objection is filed within the 30 days by the
27 patient, his spouse, next of kin, or guardian, and in those cases
28 where the patient has no known relatives or guardian, the
29 proposed sterilization shall not be authorized or performed
30 until the Director of *Mental Hygiene Health* has determined
31 the matter. He shall make full inquiry into the case, and may
32 hold a hearing at the institution at which hearing the patient
33 shall be present, and the objecting party and others interested
34 on behalf of the patient may be heard. If the decision of the
35 director is that the patient shall not be sterilized, he shall so
36 order and notify the superintendent, the patient and the ob-
37 jecting party. If the decision of the director is that the patient
38 should be sterilized, he shall send notice of such decision to
39 the patient, his known parents, spouse, adult children, and
40 guardian, if any, and the objecting party, by registered mail
41 to their last known address. Such notice shall further state
42 that any such party has the right within 30 days to petition
43 the superior court of the county in which the institution is
44 situated or of the county of the patient's residence for a re-
45 view of the decision.

46 If such petition is filed in court within 30 days, and a true
47 copy thereof is served upon the Director of *Mental Hygiene*
48 *Health*, the patient shall not be sterilized unless and until the
49 court, after hearing, issues an order authorizing the steriliza-
50 tion of the patient in accordance with the provisions of this
51 section. If such petition is not filed in court within 30 days,
52 the director may authorize the superintendent to proceed with

1 such sterilization. The sterilization of a patient in accordance
2 with the provisions of this section, whether performed with or
3 without the consent of the patient, shall be lawful and shall
4 not render the department, its officers or employees, or any
5 persons participating in the operation liable either civilly or
6 criminally.

7 SEC. 521. Section 7276 of the Welfare and Institutions
8 Code is amended to read:

9 7276. The charge for the care and treatment of all men-
10 tally disordered persons and alcoholics at state hospitals for
11 the mentally disordered for whom there is liability to pay
12 therefor shall be determined pursuant to Section 4025. The
13 Director of ~~Mental Hygiene~~ *Health* may reduce, cancel or re-
14 mit the amount to be paid by the estate or the relatives, as the
15 case may be, liable for the care and treatment of any mentally
16 disordered person or alcoholic who is a patient at a state hos-
17 pital for the mentally disordered, on satisfactory proof that
18 the estate or relatives, as the case may be, are unable to pay
19 the cost of such care and treatment or that the amount is un-
20 collectible. In any case where there has been a payment under
21 this section, and such payment or any part thereof is refunded
22 because of the death, leave of absence, or discharge of any pa-
23 tient of such hospital, such amount shall be paid by the hos-
24 pital or the Department of ~~Mental Hygiene~~ *Health* to the per-
25 son who made the payment upon demand, and in the statement
26 to the Controller the amounts refunded shall be itemized and
27 the aggregate deducted from the amount to be paid into the
28 State Treasury, as provided by law. If any person dies at any
29 time while his estate is liable for his care and treatment at a
30 state hospital, the claim for the amount due may be presented
31 to the executor or administrator of his estate, and paid as a
32 preferred claim, with the same rank in order of preference, as
33 claims for expenses of last illness.

34 SEC. 522. Section 7277 of the Welfare and Institutions
35 Code is amended to read:

36 7277. The Department of ~~Mental Hygiene~~ *Health* shall col-
37 lect all the costs and charges mentioned in Section 7275, and
38 shall determine, pursuant to Section 7275, and collect the
39 charges for care and treatment rendered persons in any com-
40 munity mental hygiene clinics maintained by the department
41 and may take such action as is necessary to effect their collec-
42 tion within or without the state. The Director of ~~Mental Hy-~~
43 ~~giene~~ *Health* may, however, at his discretion, refuse to accept
44 payment of charges for the care and treatment in a state hos-
45 pital of any mentally disordered person or inebriate who is
46 eligible for deportation by the federal immigration authori-
47 ties.

48 SEC. 523. Section 7281 of the Welfare and Institutions
49 Code is amended to read:

50 7281. There is at each institution under the jurisdiction
51 of the Department of ~~Mental Hygiene~~ *Health*, a fund known
52 as the patients' personal deposit fund. Any funds coming into

1 the possession of the superintendent, belonging to any patient
2 in that institution, shall be deposited in the name of that pa-
3 tient in the patients' personal deposit fund, except that if a
4 guardian of the estate is appointed for the patient then he shall
5 have the right to demand and receive such funds. Whenever the
6 sum belonging to any one patient, deposited in the patients'
7 personal deposit fund, exceeds the sum of five hundred dollars
8 (\$500), the excess may be applied to the payment of the care,
9 support, maintenance and medical attention of the patient.
10 After the death of the patient any sum remaining in his per-
11 sonal deposit account in excess of burial costs may be applied
12 for payment of care, support, maintenance and medical atten-
13 tion. Any of the funds belonging to a patient deposited in the
14 patients' personal deposit fund may be used for the purchase
15 of personal incidentals for the patient or may be applied in
16 an amount not exceeding five hundred dollars (\$500) to the
17 payment of his burial expenses.

18 SEC. 524. Section 7282 of the Welfare and Institutions
19 Code is amended to read:

20 7282. The Department of ~~Mental Hygiene~~ *Health* may in
21 its own name bring an action to enforce payment for the cost
22 and charges of transportation of a person to a state hospital
23 against any person, guardian or relative liable for such trans-
24 portation. The department also may in its own name bring an
25 action to recover for the use and benefit of any state hospital
26 or for the state the amount due for the care, support, main-
27 tenance, and expenses of any patient therein, against any
28 county, or officer thereof, or against any person, guardian,
29 or relative, liable for such care, support, maintenance, or ex-
30 penses.

31 SEC. 525. Section 7283 of the Welfare and Institutions
32 Code is amended to read:

33 7283. All moneys collected by the Department of ~~Mental~~
34 ~~Hygiene~~ *Health* for the cost and charges of transportation of
35 persons to state hospitals shall be remitted by the department
36 to the State Treasury for credit to, and shall become a part
37 of, the current appropriation from the General Fund of the
38 state for the transportation of the mentally disordered, cor-
39 rectional school, or other state hospital patients and shall be
40 available for expenditure for such purposes. In lieu of exact
41 calculations of moneys collected for transportation charges
42 the department may determine the amount of such collections
43 by the use of such estimates or formula as may be approved
44 by the Department of Finance.

45 SEC. 526. Section 7284 of the Welfare and Institutions
46 Code is amended to read:

47 7284. If any incompetent person, who has no guardian and
48 who has been admitted or committed to the Department of
49 ~~Mental Hygiene~~ *Health* for placement in any state hospital
50 for the mentally disordered or the mentally retarded is the
51 owner of any property, the Department of ~~Mental Hygiene~~
52 *Health*, acting through its designated officer, may apply to a

1 court of competent jurisdiction for its appointment as guard-
2 ian of the estate of such incompetent person.

3 For the purposes of this section, the Department of ~~Mental~~
4 ~~Hygiene Health~~ is hereby made a corporation and may act as
5 executor, administrator, guardian of estates, assignee, receiver,
6 depositary or trustee, under appointment of any court or by
7 authority of any law of this state, and may transact business
8 in such capacity in like manner as an individual, and for this
9 purpose may sue and be sued in any of the courts of this state.

10 If a person admitted or committed to the Department of
11 ~~Mental Hygiene Health~~ dies, leaving any estate, and having
12 no relatives at the time residing within this state, the Depart-
13 ment of ~~Mental Hygiene Health~~ may apply for letters of ad-
14 ministration of his estate, and, in the discretion of the court,
15 letters of administration may be issued to the department.
16 When the Department of ~~Mental Hygiene Health~~ is appointed
17 as guardian or administrator, the department shall be ap-
18 pointed as guardian or administrator without bond. The offi-
19 cer designated by the department shall be required to give a
20 surety bond in such amount as may be deemed necessary from
21 time to time by the director, but in no event shall the initial
22 bond be less than ten thousand dollars (\$10,000), which bond
23 shall be for the joint benefit of the several estates and the
24 State of California. The Department of ~~Mental Hygiene Health~~
25 shall receive such reasonable fees for its services as such
26 guardian or administrator as the court allows. The fees paid
27 to the Department of ~~Mental Hygiene Health~~ for its services
28 as guardian or administrator of the various estates may be
29 used as a trust account from which may be drawn expenses for
30 filing fees, bond premiums, court costs, and other expenses
31 required in the administration of the various estates. When-
32 ever the balance remaining in such trust fund account shall
33 exceed a sum deemed necessary by the department for the pay-
34 ment of said expenses, such excess shall be paid quarterly by
35 the department into the State Treasury to the credit of the
36 General Fund.

37 SEC. 527. Section 7285 of the Welfare and Institutions
38 Code is amended to read:

39 7285. The Department of ~~Mental Hygiene Health~~ may in-
40 vest funds held as executor, administrator, guardian of estates,
41 or trustee, in bonds or obligations issued or guaranteed by the
42 United States or the State of California. Such investments
43 may be made and such bonds or obligations may be sold or
44 exchanged for similar bonds or obligations without notice or
45 court authorization.

46 SEC. 528. Section 7286 of the Welfare and Institutions
47 Code is amended to read:

48 7286. The Department of ~~Mental Hygiene Health~~ may
49 establish one or more common trusts for investment of funds
50 held as executor, administrator, guardian of estates, or trustee
51 and may designate from time to time the amount of partici-
52 pation of each estate in such trusts. The funds in such trusts

1 may be invested only in bonds or obligations issued or guaran-
2 teed by the United States or the State of California.

3 The income and profits of each trust shall be the property
4 of the estates participating and shall be distributed, when
5 received, in proportion to the amount of participation of each
6 estate in such trust. The losses of each trust shall be the losses
7 of the estates participating and shall be apportioned, as the
8 same occur, upon the same basis as income and profits.

9 SEC. 529. Section 7287 of the Welfare and Institutions
10 Code is amended to read:

11 7287. Upon the death of an incompetent person over whom
12 the Department of ~~Mental Hygiene Health~~ has obtained juris-
13 diction pursuant to Section 7284, the department may make
14 proper disposition of the remains, and pay for the disposition
15 of the remains together with any indebtedness existing at the
16 time of the death of such person from the assets of the guard-
17 ianship estate, and thereupon it shall file its final account with
18 the court or otherwise close its administration of the estate of
19 such person.

20 SEC. 530. Section 7288 of the Welfare and Institutions
21 Code is amended to read:

22 7288. Whenever it appears that a person who has been
23 admitted to a state institution and remains under the jurisdic-
24 tion of the Department of ~~Mental Hygiene Health~~ does not
25 have a guardian and owns personal property which requires
26 safekeeping for the benefit of the patient, the Department of
27 ~~Mental Hygiene Health~~ may remove or cause to be removed
28 such personal property from wherever located to a place of
29 safekeeping.

30 Whenever it appears that such patient does not own prop-
31 erty of a value which would warrant guardianship proceedings,
32 the expenses of such removal and safekeeping shall be paid
33 from funds appropriated for the support of the institution in
34 which the patient is receiving care and treatment; provided,
35 however, that if the sum on deposit to the credit of such
36 patient in the patients' personal deposit fund exceeds the sum
37 of three hundred dollars (\$300), the excess may be applied
38 to the payment of such expenses of removal and safekeeping.

39 When it is determined by the superintendent at any time
40 after the removal for safekeeping of such personal property,
41 that the patient is incurable or is likely to remain in a state
42 institution indefinitely, then any of those articles of personal
43 property which cannot be used by the patient at the institution
44 may be sold at public auction and the proceeds therefrom shall
45 first be applied in reimbursement of the expenses so incurred
46 and the balance shall be deposited to the patient's credit in
47 the patients' personal deposit fund. All moneys so received as
48 reimbursement shall be deposited in the State Treasury in
49 augmentation of the appropriation from which the expenses
50 were paid.

51 SEC. 531. Section 7289 of the Welfare and Institutions
52 Code is amended to read:

1 7289. When a person who is a patient of a state hospital
2 in the Department of ~~Mental Hygiene~~ *Health* has no guardian
3 and has money due or owing to him, the total amount of which
4 does not exceed the sum of three thousand dollars (\$3,000), the
5 superintendent of the institution of which the person is a
6 patient may collect any money so due or owing upon furnish-
7 ing to the person, representative, officer, body or corporation in
8 possession of or owing any such sums, an affidavit executed by
9 the superintendent or acting superintendent. The affidavit shall
10 contain the name of the institution of which the person is a
11 patient, and the statement that the total amount of such sums
12 known to be due to the person does not exceed the sum of three
13 thousand dollars (\$3,000). Payments from retirement systems
14 and annuity plans which are due or owing to such patients may
15 also be collected by the superintendent of the institution of
16 which the person is a patient, upon the furnishing of an affi-
17 davit executed by the superintendent or acting superintendent,
18 containing the name of the institution of which the person is a
19 patient and the statement that such person is entitled to re-
20 ceive such payments. Such sums shall be delivered to the super-
21 intendent and shall be deposited by him in the patients' per-
22 sonal deposit fund as provided in Section 7281 of this code.

23 The receipt of such superintendent shall constitute sufficient
24 acquittance for any payment of money made pursuant to the
25 provisions of this section and shall fully discharge such person,
26 representative, officer, body or corporation from any further
27 liability with reference to the amount of money so paid.

28 The superintendent of each institution shall render such re-
29 ports and accounts annually or more often as may be required
30 by the Department of ~~Mental Hygiene~~ *Health* or the Depart-
31 ment of Finance of all moneys of patients deposited in the
32 patients' personal deposit accounts of the institution.

33 SEC. 532. Section 7290 of the Welfare and Institutions
34 Code is amended to read:

35 7290. The Department of ~~Mental Hygiene~~ *Health* may en-
36 ter into a special agreement, secured by a properly executed
37 bond, with the relatives, guardian, or friend of any patient
38 therein, for his care, support, maintenance, or other expenses
39 at the institution. Such agreement and bond shall be to the
40 people of the State of California and action to enforce the same
41 may be brought thereon by the department. All charges due
42 under the provisions of this section, including the monthly
43 rate for the patient's care and treatment as established by or
44 pursuant to law, shall be collected monthly. No patient, how-
45 ever, shall be permitted to occupy more than one room in any
46 state institution.

47 SEC. 533. Section 7292 of the Welfare and Institutions
48 Code is amended to read:

49 7292. The cost of such care shall be determined and fixed
50 from time to time by the Director of ~~Mental Hygiene~~ *Health*,
51 but in no case shall it exceed the rate of forty dollars (\$40)
52 per month.

1 SEC. 534. Section 7293 of the Welfare and Institutions
2 Code is amended to read:

3 7293. The Department of ~~Mental Hygiene~~ *Health* shall pre-
4 sent to the county, not more frequently than monthly, a claim
5 for the amount due the state under Section 7291 which the
6 county shall process and pay pursuant to the provisions of
7 Chapter 4 (commencing with Section 29700) of Division 3 of
8 Title 3 of the Government Code.

9 SEC. 535. Section 7294 of the Welfare and Institutions
10 Code is amended to read:

11 7294. Any person who has been committed as a defective or
12 psychopathic delinquent may be paroled or granted a leave of
13 absence by the medical superintendent of the institution
14 wherein the person is confined whenever the medical superin-
15 tendent is of the opinion that the person has improved to
16 such an extent that he is no longer a menace to the health and
17 safety of others or that the person will receive benefit from
18 such parole or leave of absence, and after the medical super-
19 intendent and the Director of ~~Mental Hygiene~~ *Health* have
20 certified such opinion to the committing court.

21 If within 30 days after the receipt of such certification the
22 committing court orders the return of such person, the person
23 shall be returned forthwith to await further action of the court.
24 If within 30 days after the receipt of such certification the
25 committing court does not order the return of the person to
26 await the further action of the court, the medical superin-
27 tendent may thereafter parole the person under such terms
28 and conditions as may be specified by the superintendent. Any
29 such paroled inmate may at any time during the parole period
30 be recalled to the institution. The period of parole shall in no
31 case be less than five years, and shall be on the same general
32 rules and conditions as parole of the mentally disordered.

33 When any person has been paroled for five consecutive years,
34 if in the opinion of the medical superintendent and the Direc-
35 tor of ~~Mental Hygiene~~ *Health* the person is no longer a menace
36 to the health, person, or property of himself or of any other
37 person, the medical superintendent, subject to the approval of
38 the Director of ~~Mental Hygiene~~ *Health*, may discharge the
39 person. The committing court shall be furnished with a certi-
40 fied copy of such discharge and shall thereupon make such
41 disposition of the court case as it deems necessary and proper.

42 When, in the opinion of the medical superintendent, a per-
43 son heretofore committed as a defective or psychopathic de-
44 linquent will not benefit by further care and treatment under
45 any facilities of the department and should be returned to the
46 jurisdiction of the court, the superintendent of the institution
47 and the Director of ~~Mental Hygiene~~ *Health* shall certify such
48 opinion to the committing court including therein a report,
49 diagnosis and recommendation concerning the person's future
50 care, supervision or treatment. Upon receipt of such certifica-
51 tion, the committing court shall forthwith order the return
52 of the person to the court. The person shall be entitled to a

1 court hearing and to present witnesses in his own behalf, to
2 be represented by counsel and to cross-examine any witness
3 who testifies against him. After considering all the evidence
4 before it, the court may make such further order or commit-
5 ment with reference to such person as may be authorized by
6 law.

7 SEC. 536. Section 7300 of the Welfare and Institutions
8 Code is amended to read:

9 7300. It shall be the policy of the department to make
10 available to all persons admitted to a state hospital prior to
11 July 1, 1969, and to all persons judicially committed or
12 remanded to its jurisdiction all of the facilities under the
13 control of the department. Whenever, in the opinion of the
14 Director of ~~Mental Hygiene~~ *Health*, it appears that a person
15 admitted prior to July 1, 1969, or that a person judicially
16 committed or remanded to the Department of ~~Mental Hygiene~~
17 *Health* for placement in an institution would be benefited by
18 a transfer from that institution to another institution in the
19 department, the director may cause the transfer of the patient
20 from that institution to another institution under the jurisdic-
21 tion of the department. Preference shall be given in any such
22 transfer to an institution in an adjoining rather than a remote
23 district.

24 However, before any inmate of a correctional school may
25 be transferred to a state hospital for the mentally disordered
26 he shall first be returned to a court of competent jurisdiction,
27 and, if subject to commitment, after hearing, may be com-
28 mitted to a state hospital for the mentally disordered in ac-
29 cordance with law.

30 The expense of such transfers is chargeable to the state,
31 and the bills for the same, when approved by the Director of
32 ~~Mental Hygiene~~ *Health*, shall be paid by the Treasurer on the
33 warrant of the Controller, out of any moneys provided for the
34 care or support of the patients or out of the moneys provided
35 for the support of the department, in the discretion of the
36 department.

37 SEC. 537. Section 7301 of the Welfare and Institutions
38 Code is amended to read:

39 7301. Whenever, in the opinion of the Director of ~~Mental~~
40 ~~Hygiene~~ *Health* and with the approval of the Director of Cor-
41 rections, any person who has been committed to a state hospital
42 pursuant to provisions of the Penal Code or who has been
43 placed in a state hospital temporarily for observation pursuant
44 to, or who has been committed to a state hospital for an inde-
45 terminate period pursuant to Article 1 (commencing with Sec-
46 tion 6300) of Chapter 2 of Part 2 of Division 6 of this code
47 needs care and treatment under conditions of custodial secu-
48 rity which can be better provided within the Department of
49 Corrections, such person may be transferred for such purposes
50 from an institution under the jurisdiction of the Department
51 of ~~Mental Hygiene~~ *Health* to an institution under the jurisdic-
52 tion of the Department of Corrections.

1 Persons so transferred shall not be subject to the provisions
2 of Section 4500, 4501, 4501.5, 4502, 4530, or 4531 of the Penal
3 Code. However, they shall be subject to the general rules of
4 the Director of Corrections and of the facility where they are
5 confined and any correctional employee dealing with such
6 persons during the course of an escape or attempted escape,
7 a fight or a riot, shall have the same rights, privileges and
8 immunities as if the person transferred had been committed to
9 the Director of Corrections.

10 Whenever a person is transferred to an institution under
11 the jurisdiction of the Department of Corrections pursuant
12 to this section, any report, opinion, or certificate required or
13 authorized to be filed with the court which committed such
14 person to a state hospital, or ordered such person placed
15 therein, shall be prepared and filed with the court by the head
16 of the institution in which the person is actually confined or
17 by the designee of such head.

18 SEC. 538. Section 7302 of the Welfare and Institutions
19 Code is amended to read:

20 7302. Patients admitted to a state hospital prior to July
21 1, 1969, and all patients judicially committed or remanded,
22 may be transferred to a like institution at the request of rela-
23 tives or friends, if there is room in the like institution to which
24 transfer is sought and if the Department of ~~Mental Hygiene~~
25 *Health* and the medical directors of the institutions from
26 which and to which the transfer is to be made consent thereto.
27 The expense of such transfer shall be paid by such relatives
28 or friends.

29 SEC. 539. Section 7303 of the Welfare and Institutions
30 Code is amended to read:

31 7303. Whenever a person, committed to the care of the
32 Department of ~~Mental Hygiene~~ *Health* under one of the com-
33 mitment laws which provides for reimbursement for care and
34 treatment to the state by the county of commitment of such
35 person, is transferred under Section 7300 to an institution
36 under the jurisdiction of the department where the state rather
37 than the county is liable for the support and care of patients,
38 the county of commitment may have the original commitment
39 vacated and a new commitment issued, designating the insti-
40 tution to which the person has been transferred, in order to
41 absolve the county from liability under the original com-
42 mitment.

43 SEC. 540. Section 7304 of the Welfare and Institutions
44 Code is amended to read:

45 7304. Whenever a person, committed to the Department
46 of ~~Mental Hygiene~~ *Health* under one of the commitment laws
47 providing for no reimbursement for care and treatment to the
48 state by the county of commitment, is transferred under Sec-
49 tion 6700 to an institution under the jurisdiction of the de-
50 partment where the county is required to reimburse the state
51 for such care and treatment, the Department of ~~Mental Hy-~~

1 ~~giene~~ *Health* may have the original commitment vacated and
2 a new commitment issued, designating the institution to which
3 the person has been transferred, in order to make the county
4 liable for the care and treatment of the committed person to
5 the extent provided by Sections 7511 and 7512 of the Welfare
6 and Institutions Code.

7 SEC. 541. Section 7305 of the Welfare and Institutions
8 Code is amended to read:

9 7305. A mentally retarded patient in a state hospital shall
10 not be transferred by the Department of ~~Mental Hygiene~~
11 *Health* to a different state hospital without the consent of his
12 parent, or guardian, if any.

13 SEC. 542. Section 7325 of the Welfare and Institutions
14 Code is amended to read:

15 7325. When any patient committed by a court to a state
16 hospital or other institution on or before June 30, 1969, or
17 when any patient who is judicially committed on or after
18 July 1, 1969, or when any patient who is involuntarily de-
19 tained pursuant to Part 1 (commencing with Section 5000) of
20 Division 5 escapes from any state hospital, any hospital or
21 facility operated by or under the Veterans' Administration
22 of the United States government, or any facility designated by
23 a county pursuant to said Part 1, or when a judicially com-
24 mitted patient's return from leave of absence has been au-
25 thorized or ordered by the Department of ~~Mental Hygiene~~
26 *Health* or the facility of the Veterans' Administration, any
27 peace officer, upon written request of the state hospital, vet-
28 erans' facility, or the facility designated by a county, shall
29 without the necessity of a warrant or court order, or any officer
30 or employee of the Department of ~~Mental Hygiene~~ *Health*
31 designated to perform such duties may, apprehend, take into
32 custody and deliver him to the state hospital or to a facility of
33 the Veterans' Administration, or the facility designated by a
34 county, or to any person or place authorized by the Depart-
35 ment of ~~Mental Hygiene~~ *Health*, or by the Veterans' Adminis-
36 tration, or the local director of the county mental health pro-
37 gram of the county in which is located the facility designated
38 by the county, as the case may be, to receive him. Every officer
39 or employee of the department designated to apprehend or re-
40 turn such patients shall have the powers and privileges of peace
41 officers so far as necessary to enforce the provisions of this sec-
42 tion.

43 As used in this section "any peace officer" means the per-
44 sons specified in Section 830.1 of the Penal Code.

45 SEC. 543. Section 7328 of the Welfare and Institutions Code
46 is amended to read:

47 7328. Whenever a person, committed to an institution sub-
48 ject to the jurisdiction of the Department of ~~Mental Hygiene~~
49 *Health* under one of the commitment laws which provides for
50 reimbursement for care and treatment to the state by the
51 county of commitment of such person, is accused of committing
52 a crime while confined in such institution and is committed by

1 the court in which the crime is charged to another institution
2 under the jurisdiction of the Department of ~~Mental Hygiene~~
3 *Health* or the Department of Corrections, the state rather than
4 the county of commitment shall bear the subsequent cost of
5 supporting and caring for such person.

6 SEC. 544. Section 7352 of the Welfare and Institutions
7 Code is amended to read:

8 7352. The medical director of a state hospital for the men-
9 tally disordered or mentally retarded may grant a leave of
10 absence to any mentally retarded patient or judicially com-
11 mitted patient, except as provided in Section 7350, under
12 general conditions prescribed by the Department of ~~Mental~~
13 *Hygiene Health*.

14 The Department of ~~Mental Hygiene~~ *Health* may continue to
15 render services to patients placed on leave of absence prior to
16 July 1, 1969, to the extent such services are authorized by law
17 in effect immediately preceding July 1, 1969.

18 SEC. 545. Section 7355 of the Welfare and Institutions
19 Code is amended to read:

20 7355. No patient shall be discharged or granted a leave of
21 absence from a state hospital without suitable clothing adapted
22 to the season in which he is discharged; and, if it cannot other-
23 wise be obtained, the superintendent, under general conditions
24 prescribed by the Department of ~~Mental Hygiene~~ *Health*, shall
25 furnish such clothing and money, not exceeding fifty dollars
26 (\$50) to defray the necessary expenses of such patient who is
27 going on leave of absence or is to be discharged until he can
28 reach his relatives or friends, or find employment to earn a
29 subsistence.

30 The superintendent may, under general conditions prescribed
31 by the Department of ~~Mental Hygiene~~ *Health*, furnish to
32 patients while on leave of absence such incidental moneys, sup-
33 plies or services as are necessary and advisable in the care, su-
34 pervision and rehabilitation of such patients on leave of
35 absence. Payments therefor shall be made from funds available
36 for support of patients in the state hospital or hospitals from
37 which such patients have been granted a leave of absence.

38 SEC. 546. Section 7356 of the Welfare and Institutions
39 Code is amended to read:

40 7356. The charges for the care and keeping of persons on
41 leave of absence from a state hospital where the Department of
42 ~~Mental Hygiene~~ *Health* or the Department of Social Welfare
43 pays for such care shall be a liability of such person, his estate,
44 and relatives, to the same extent that such liability exists for
45 patients in state hospitals.

46 The Department of ~~Mental Hygiene~~ *Health* shall collect or
47 adjust such charges in accordance with Article 4 (commencing
48 with Section 7275) of Chapter 3 of this division.

49 SEC. 547. Section 7357 of the Welfare and Institutions
50 Code is amended to read:

51 7357. The superintendent of a state hospital, on filing his
52 written certificate with the Director of ~~Mental Hygiene~~ *Health*,

1 may discharge any patient who, in his judgment, has recovered
2 or was not, at time of admission, mentally disordered.

3 SEC. 548. Section 7359 of the Welfare and Institutions
4 Code is amended to read:

5 7359. The superintendent of a state hospital, on filing his
6 written certificate with the Director of *Mental Hygiene Health*,
7 may discharge as improved, or may discharge as unimproved,
8 as the case may be, any judicially committed patient who is not
9 recovered, but whose discharge, in the judgment of the super-
10 intendent, will not be detrimental to the public welfare, or
11 injurious to the patient.

12 SEC. 549. Section 7362 of the Welfare and Institutions
13 Code is amended to read:

14 7362. The medical superintendent of a state hospital, on
15 filing his written certificate with the Director of *Mental Hy-*
16 *giene Health*, may on his own motion, and shall on the order of
17 the Department of *Mental Hygiene Health*, discharge any
18 patient who comes within any of the following descriptions:

- 19 (a) Who is not a proper case for treatment therein.
- 20 (b) Who is mentally deficient or is affected with a chronic
21 harmless mental disorder.

22 Such person, when discharged, shall be returned to the
23 county of his residence at the expense of such county, and
24 delivered to the sheriff or other appropriate county official to
25 be designated by the board of supervisors, for delivery to the
26 official or agency in that county charged with the responsi-
27 bility for such person. Should such person be a poor and indi-
28 gent person, he shall be cared for by such county as are other
29 indigent poor.

30 No person who has been discharged from any state hospital
31 under the provisions of subdivision (b) above shall be again
32 committed to any state hospital for the mentally disordered
33 unless he is subject to judicial commitment.

34 SEC. 550. Section 7503 of the Welfare and Institutions
35 Code is amended to read:

36 7503. The object of each home is such care, training, and
37 education of the persons committed thereto as will render them
38 more comfortable and happy and better fitted to care for and
39 support themselves. To this end the Department of *Mental*
40 *Hygiene Health* shall furnish them with such agricultural and
41 mechanical education as they are capable of receiving and that
42 the facilities offered by the state allow, including farmwork,
43 shops, and the employment of trade teachers.

44 SEC. 551. Section 7508 of the Welfare and Institutions
45 Code is amended to read:

46 7508. The Department of *Mental Hygiene Health* may au-
47 thorize the superintendent of each state hospital mentioned in
48 Section 7500 to admit persons suspected of being mentally
49 retarded thereto, temporarily, without commitment, under
50 rules and regulations prescribed by the department, for pur-
51 poses of observation and diagnosis, to ascertain whether or not
52 they are actually mentally retarded and proper cases for care,

1 treatment, and training in a state hospital for the mentally
2 retarded. If any person so admitted is found to be mentally
3 retarded and a proper case for institutional care, treatment,
4 and training, application may be made to the superior court
5 for an order of commitment of the person to a state hospital
6 for the mentally retarded.

7 SEC. 552. Section 7509 of the Welfare and Institutions
8 Code is amended to read:

9 7509. The Department of *Mental Hygiene Health* shall pre-
10 scribe and publish instructions and forms, in relation to the
11 commitment and admission of patients, and may include in
12 them such interrogatories as it deems necessary or useful. Such
13 instructions and forms shall be furnished to anyone applying
14 therefor, and shall also be sent in sufficient numbers to the
15 county clerks of the several counties of the state.

16 SEC. 553. Section 7511 of the Welfare and Institutions
17 Code is amended to read:

18 7511. The portion of the cost of such care payable by the
19 county for mentally retarded persons placed in state hospitals
20 prior to July 1, 1971, shall be determined by the Department
21 of *Mental Hygiene Health* from time to time, subject to the
22 approval of the Department of Finance, but in no case shall it
23 exceed the rate of twenty dollars (\$20) per month.

24 SEC. 554. Section 7512 of the Welfare and Institutions
25 Code is amended to read:

26 7512. The Department of *Mental Hygiene Health* shall pre-
27 sent to the county, not more frequently than monthly, a claim
28 for the amount due the state under Section 7510 which the
29 county shall process and pay pursuant to the provisions of
30 Chapter 4 (commencing with Section 29700) of Division 3 of
31 Title 3 of the Government Code.

32 SEC. 555. Section 7514 of the Welfare and Institutions
33 Code is amended to read:

34 7514. The Department of *Mental Hygiene Health* may
35 transfer any patient of a state hospital for the mentally re-
36 tarded to another state hospital for the mentally retarded, at
37 any time and from time to time, upon the application of the
38 parent, guardian, or other person charged with the support of
39 such patient, if the expenses of the transfer are paid by the
40 applicant. The liability of any estate, person, or county for
41 the care, support and maintenance of such patient in the in-
42 stitution to which he is transferred shall be the same as if he
43 had originally been committed to such institution.

44 SEC. 556. Section 7515 of the Welfare and Institutions
45 Code is amended to read:

46 7515. The superintendent may, with the approval of the
47 Department of *Mental Hygiene Health*, cause the peremptory
48 discharge of any person who has been a patient for the period
49 of one month.

50 SEC. 557. Section 7517 of the Welfare and Institutions
51 Code is amended to read:

1 7517. The superintendent of each state hospital for the
2 mentally retarded shall, on or before the fifth day of each
3 month, prepare a true and correct report, verified by oath, of
4 all patients supported, cared for, trained, and educated in the
5 hospital for the preceding month, whose support, care, training,
6 and education in such hospital are to be paid for by the
7 several counties from which they came. This report shall give
8 the names and counties from which committed of all such
9 patients, and the name of the committing judge. Copies of this
10 report shall be filed in the offices of the Department of Finance,
11 the Controller, the State Treasurer, and the Department of
12 *Mental Hygiene Health*, but shall not be printed, or used, nor
13 permitted to be used, for any other purpose than the special
14 information of the officers designated. The superintendent shall
15 also, within the time above designated, prepare a report, verified
16 by his oath, showing substantially the facts set forth in
17 the above report, which shall be filed with the county auditors
18 of the several counties from which the commitments have been
19 made to the institution, showing the name of each patient supported,
20 and for which such county is liable to the state for support and maintenance.

22 SEC. 558. Section 7551 of the Welfare and Institutions
23 Code is amended to read:

24 7551. The institute shall be operated and maintained pursuant
25 to a coordinating plan and agreement entered into by
26 the Regents of the University of California and the Department
27 of Mental Hygiene.

28 SEC. 559. Section 7552 of the Welfare and Institutions
29 Code is repealed.

30 7552. The Department of Mental Hygiene may enter into
31 such agreements with the Regents of the University of California
32 as are necessary or appropriate to carry out the provisions of Chapter 5
33 (commencing with Section 7600) of this part.

35 The Department of Mental Hygiene may establish rules and
36 regulations for the institute that are not in conflict with Chapter 5
37 (commencing with Section 7600) of this part or the agreement provided for
38 in this section.

39 SEC. 560. Section 7553 of the Welfare and Institutions
40 Code is amended to read:

41 7553. The Langley Porter Neuropsychiatric Institute shall
42 be conducted and maintained for the purpose of treating incipient
43 and acute mental and nervous cases. Admissions may be on a voluntary
44 basis after approval by the medical director, or on transfer from another
45 institution under the jurisdiction of the department *Department of Health*
46 after approval by the Director of *Mental Hygiene Health*, or on an involuntary
47 basis under the Lanterman-Petris-Short Act, Part 1 (commencing
48 with Section 5000), of Division 5, after approval by the medical director
49 and the Director of *Mental Hygiene Health*. No person shall be committed
50 or remanded by a court either directly to the Langley Porter Neuropsychiatric Insti-

1 tute or to the Department of *Mental Hygiene Health* for placement
2 therein. All admissions shall be for temporary observation, research,
3 diagnosis and treatment purposes as determined by the medical director;
4 in the cases of transfer from another institution the patients so transferred
5 may be returned upon the completion of the study, diagnosis or treatment
6 to an institution of the type from which they came.

8 There shall be conducted and maintained in conjunction
9 with the hospital unit an outpatient unit.

10 The charges for the care and treatment rendered to each
11 person admitted to the hospital, including the outpatient clinic, and the
12 liability for such charges shall be determined and collection, or adjustment
13 of charges made, in the same manner as is provided by law for patients
14 admitted to other state hospitals.

16 The department *regents* shall establish such rules and regulations
17 as are necessary properly to carry out the provisions of this chapter.

19 SEC. 561. Section 7554 of the Welfare and Institutions
20 Code is repealed.

21 7554. The Regents of the University of California decided
22 unconditionally to the Department of Mental Hygiene the land upon which
23 the Langley Porter Neuropsychiatric Institute is constructed. The purpose
24 of the deed of gift was to provide for the state a suitable site whereon
25 through the agency of the Department of Mental Hygiene there might be
26 constructed, and thereafter maintained and operated, an acute neuropsychiatric
27 hospital unit. There has been constructed upon that land the Langley Porter
28 Neuropsychiatric Institute. It was the further purpose of the regents to
29 enable the state, through the Department of Mental Hygiene, to develop
30 as far as possible preventive work in the field of mental disorders, and to
31 make full provision for the diagnosis of such disorders in their incipient
32 and earliest stages with a view to instituting timely and more effective
33 treatment. It was the further purpose of the regents to insure to the state
34 through the proximity of the Langley Porter Neuropsychiatric Institute to
35 the Medical Center of the University of California, full opportunity for
36 consultation with the university's personnel at the medical center, and to
37 provide opportunities for the state and the University of California to
38 cooperate in prevention, diagnosis, treatment and promotion of research
39 in the field of mental disorder, and advancement of the learning and
40 knowledge of students of the university; and others whose work lies in
41 the fields of surgery and medicine; and, in particular, in those branches
42 of medical science which have to do with mental and nervous diseases and
43 disorders. It is, therefore, the intent of the Legislature that all the
44 facilities and services of the Department of Mental Hygiene at the
45 Langley Porter Neuropsychiatric Institute be made available to the
46 Regents of the University of California at the desire of the Department
47 of Mental Hygiene to make such facilities and services available. It is further the intent

1 of the Legislature that all the facilities and services of the
2 University of California Medical School be made available to
3 the Department of Mental Hygiene at the Langley Porter Neu-
4 ropsychiatric Institute upon the desire of the Regents of the
5 University of California to make such facilities and services
6 available to the department.

7 SEC. 562. Section 7555 of the Welfare and Institutions
8 Code is amended to read:

9 7555. The Regents of the University of California shall
10 have the exclusive right and privilege of rendering professional
11 and administrative consultant services to the Langley Porter
12 Neuropsychiatric Institute. ~~When the services rendered to the~~
13 ~~Langley Porter Neuropsychiatric Institute by the Regents of~~
14 ~~the University of California have been rendered at the request~~
15 ~~and initiation of the regents, then the regents shall be liable~~
16 ~~for any expense incurred in rendering such services. If, how-~~
17 ~~ever, the services are rendered by the regents at the request~~
18 ~~of the Department of Mental Hygiene, then the regents may~~
19 ~~refuse to render such services unless the expense be borne by~~
20 ~~the Department of Mental Hygiene.~~

21 SEC. 563. Section 7556 of the Welfare and Institutions
22 Code is amended to read:

23 7556. The Regents of the University of California shall
24 have the exclusive right and privilege, except as hereinafter
25 mentioned, of providing for the Langley Porter Neuropsy-
26 chiatric Institute and carrying on and conducting therein
27 such teaching services as it may deem desirable and of deter-
28 mining the scope of such teaching services and supervising and
29 administering the teaching services so provided or conducted
30 by it. The regents shall have the exclusive right and privilege
31 of supervising the clinical care of patients at said Langley
32 Porter Neuropsychiatric Institute for the purpose of rendering
33 such teaching services effective. The Regents of the University
34 of California may make available to students of the University
35 of California and to such other person or persons as the
36 regents in its sole discretion may deem desirable, such teaching
37 services. ~~Nothing in this section shall be construed to prevent~~
38 ~~the Department of Mental Hygiene from providing for its~~
39 ~~employees such teaching services as in its sole discretion it~~
40 ~~shall or may deem desirable.~~

41 SEC. 564. Section 7558 of the Welfare and Institutions
42 Code is amended to read:

43 7558. The Regents of the University of California shall
44 have the exclusive right and privilege of conducting at the
45 Langley Porter Neuropsychiatric Institute such research or
46 study projects as in its sole discretion it may desire to con-
47 duct, and of supervising the conducting thereof, and of pub-
48 lishing the results obtained from such projects; ~~but nothing in~~
49 ~~this paragraph shall be construed to deny the Department of~~
50 ~~Mental Hygiene the right to conduct such research projects by~~
51 ~~its employees as it may deem desirable.~~

1 SEC. 565. Section 7559 of the Welfare and Institutions
2 Code is amended to read:

3 7559. There shall be a superintendent and medical director
4 of the institute. He shall be appointed by the Director of
5 Mental Hygiene with the prior approval of the Regents of the
6 University of California. The superintendent and medical
7 director of the institute shall be a person who has demon-
8 strated by his past experience his qualifications in teaching
9 and research in the fields of psychiatry and neurology, and in
10 addition has the qualifications required for the superintendents
11 of state hospitals under the jurisdiction of the Department of
12 Mental Hygiene *Health*. In addition to the usual duties re-
13 quired of superintendents of state hospitals under the juris-
14 diction of the department, the superintendent and medical
15 director shall be responsible for the integration of the insti-
16 tute's operation with the teaching and research program of
17 the university.

18 Prospective applicants for the position of superintendent
19 and medical director shall be given an examination prepared
20 by the Personnel Board together with the Director of Mental
21 Hygiene or any medical superintendent that he shall design-
22 ate, and the Dean of the School of Medicine of the Univer-
23 sity of California, San Francisco, or such member of the
24 faculty of the school of medicine as the dean shall designate,
25 in consultation with a representative of the State Personnel
26 Board *Regents of the University of California*. The questions
27 contained in such examination shall weigh the qualifications
28 and experience of prospective applicants in hospital admin-
29 istration, in the field of teaching, and in the organization and
30 successful prosecution of meritorious research projects.

31 Nothing contained in this chapter shall prevent the making
32 of a temporary appointment of a superintendent and medical
33 director pending the holding of an examination to qualify a
34 list of persons eligible to be appointed to the position.

35 SEC. 566. Section 7603 of the Welfare and Institutions
36 Code is amended to read:

37 7603. The institute shall be operated and maintained pur-
38 suant to a coordinating plan and agreement entered into by
39 the Regents of the University of California and the Depart-
40 ment of Mental Hygiene.

41 SEC. 567. Section 7604 of the Welfare and Institutions
42 Code is amended to read:

43 7604. The institute shall be conducted and maintained for
44 diagnosis and treatment and for teaching and research in the
45 field of neuropsychiatry and mental retardation to the end
46 that critical shortages of trained personnel will be relieved
47 and with the expectation that through research more rapid and
48 economical treatment and preventive methods concerning
49 mental disorders and retardation will be developed. The Uni-
50 versity of California shall utilize the facilities of the institute
51 for teaching, research, and training in the field of neuropsy-
52 chiatry and mental retardation. ~~The Department of Mental~~

1 Hygiene shall utilize the facilities of the institute for the care
2 of patients as defined in Section 4025, and for such research
3 and training as it may undertake in the field of neuropsychi-
4 atry and mental retardation. Admissions may be on a volun-
5 tary basis after approval by the medical director, or on trans-
6 fer from another an institution under the jurisdiction of the
7 department *Department of Health* after approval by the Di-
8 rector of *Mental Hygiene Health*, or on an involuntary basis
9 under the Lanterman-Petris-Short Act, Part 1 (commencing
10 with Section 5000) of Division 5, after approval by the medi-
11 cal director and the Director of *Mental Hygiene Health*. No
12 person shall be committed either directly to the Langley
13 Porter Neuropsychiatric Institute or to the Department of
14 *Mental Hygiene Health* for placement therein. All admissions
15 shall be for temporary observation, research, diagnosis and
16 treatment purposes as determined by the medical superin-
17 tendent; in the cases of transfer from another institution, the
18 patients so transferred may be returned, upon the completion
19 of the study, diagnosis, or treatment, to an institution of the
20 type from which they came.

21 There shall be conducted and maintained in conjunction
22 with the hospital unit an outpatient unit.

23 The charges for the care and treatment rendered to each
24 person admitted to the hospital, including the outpatient
25 clinic, and the liability for such charges shall be determined
26 and collection, or adjustment of charges made, in the same
27 manner as is provided by law for patients admitted to other
28 state hospitals.

29 The department *regents* shall establish such rules and regu-
30 lations as are necessary properly to carry out the provisions
31 of this chapter.

32 Sec. 568. Section 7605 of the Welfare and Institutions
33 Code is repealed.

34 7605. The Department of Mental Hygiene may enter into
35 such agreements with the Regents of the University of Cali-
36 fornia as are necessary or appropriate to carry out the pro-
37 visions of this chapter.

38 The Department of Mental Hygiene may establish rules and
39 regulations for the institute that are not in conflict with this
40 chapter or the agreement provided for in this section.

41 Sec. 569. Section 7606 of the Welfare and Institutions
42 Code is amended to read:

43 7606. There shall be a superintendent and medical di-
44 rector of the institute. He shall be appointed by the Director
45 of Mental Hygiene with the prior approval of the Regents of
46 the University of California. The superintendent and medical
47 director of the institute shall be a person who has demon-
48 strated by his past experience his qualifications in teaching
49 and research in the fields of psychiatry and related clinical
50 sciences and in addition has the qualifications required for the
51 superintendents of state hospitals under the jurisdiction of
52 the Department of *Mental Hygiene Health*. In addition to the

1 usual duties required of superintendents of state hospitals
2 under the jurisdiction of the department, the superintendent
3 and medical director shall be responsible for the integration of
4 the institute's operation with the teaching and research pro-
5 gram of the university.

6 Prospective applicants for the position of superintendent
7 and medical director shall be given an oral examination by
8 (1) the Director of Mental Hygiene or the chief deputy
9 director or other deputy director of the Department of Men-
10 tal Hygiene designated by the Director of Mental Hygiene;
11 (2) the Chancellor of the University of California, San Fran-
12 cisco, or any member of the medical faculty of that campus
13 he shall designate; and (3) a representative of the Regents of
14 the University of California third examiner chosen by mutual
15 agreement of the director and the chancellor. The three ex-
16 aminers shall formulate the terms, conditions and content of
17 the examination in consultation with a representative of the
18 State Personnel Board.

19 Nothing contained in this chapter shall prevent the making
20 of a temporary appointment of a superintendent and medical
21 director with concurrence of the Director of Mental Hygiene
22 and the Chancellor of the University of California; San Fran-
23 cisco; in consultation with a representative of the State Per-
24 sonnel Board pending the holding of an examination to qualify
25 a list of persons eligible to be appointed to the position.

26 Sec. 570. Section 7701 of the Welfare and Institutions
27 Code is repealed.

28 7701. The Regents of the University of California shall
29 grant to the Department of Mental Hygiene the right to oc-
30 cupy the institute, which shall be known as the Neuropsychi-
31 atic Institute, U.C.L.A. Medical Center. The period and extent
32 of occupancy shall be determined in the agreement provided
33 for in Section 7702.

34 Sec. 571. Section 7702 of the Welfare and Institutions
35 Code is amended to read:

36 7702. The institute, which shall be known as the Neuro-
37 psychiatric Institute, U.C.L.A. Medical Center, shall be oper-
38 ated and maintained pursuant to a coordinating plan and
39 agreement entered into by the Regents of the University of
40 California and the Department of Mental Hygiene.

41 Sec. 572. Section 7703 of the Welfare and Institutions
42 Code is repealed.

43 7703. The Department of Mental Hygiene may enter into
44 such agreements with the Regents of the University of Cali-
45 fornia as are necessary or appropriate to carry out the pro-
46 visions of this chapter.

47 Sec. 573. Section 7704 of the Welfare and Institutions
48 Code is repealed.

49 7704. The Department of Mental Hygiene may establish
50 rules and regulations for the institute that are not in conflict
51 with this chapter or the agreement provided for in Section
52 7702.

1 SEC. 574. Section 7705 of the Welfare and Institutions
2 Code is amended to read:

3 7705. There shall be a superintendent and medical director
4 of the institute. He shall be appointed by the Director of
5 Mental Hygiene with the prior approval of the Regents of the
6 University of California. The superintendent and medical di-
7 rector of the institute shall be a person who has demonstrated
8 by past experience his qualifications in teaching and research
9 in the fields of psychiatry and neurology, and in addition has
10 the qualifications required for superintendents of state hos-
11 pitals under the jurisdiction of the Department of Mental
12 Hygiene Health. In addition to the usual duties required of
13 superintendents of state hospitals under the jurisdiction of the
14 department, the superintendent and medical director shall be
15 responsible for the integration of the institute's operation with
16 the teaching and research program of the university.

17 Prospective applicants for the position of superintendent
18 and medical director shall be given an examination prepared
19 by the Personnel Board together with the Director of Mental
20 Hygiene or any medical superintendent that he shall designate,
21 and by the Dean of the University of California Medical School
22 at Los Angeles, or such member of the faculty of the medical
23 school as the dean shall designate, in consultation with a rep-
24 resentative of the State Personnel Board. The questions con-
25 tained in such examination shall weigh the qualifications and
26 experience of prospective applicants in hospital administra-
27 tion, in the field of teaching, and in the organization and suc-
28 cessful prosecution of meritorious research projects.

29 Nothing contained in this chapter shall prevent the making
30 of a temporary appointment of a superintendent and medical
31 director pending the holding of an examination to qualify a
32 list of persons eligible to be appointed to the position.

33 SEC. 575. Section 7706 of the Welfare and Institutions
34 Code is amended to read:

35 7706. The institute shall be conducted and maintained for
36 the purpose of treating patients with organic and functional
37 disorders of the nervous system, and to further the respective
38 educational, training and research programs of the university
39 and the Department of Mental Hygiene.

40 All admissions to the institute shall be for observation,
41 teaching, research, diagnosis, and treatment purposes as de-
42 termined by the medical director. No person shall be admitted
43 to the institute or transferred to the institute from any hos-
44 pital under the jurisdiction of the Department of Mental Hy-
45 giene Health unless the medical director of the institute ap-
46 proves such admission or transfer. Persons may be admitted
47 on an involuntary basis under the Lanterman-Petris-Short Act,
48 Part 1 (commencing with Section 5000) of Division 5, after
49 approval by the medical director and the Director of Mental
50 Hygiene Health.

51 There shall be conducted and maintained in conjunction
52 with the hospital unit an outpatient clinic.

1 The charges for the care and treatment rendered to each
2 person admitted to the hospital, including the outpatient clinic,
3 and the liability for such charges shall be determined and
4 collection, or adjustment of charges made, in the same manner
5 as is provided by law for patients admitted to other state
6 hospitals.

7 SEC. 576. Section 8007 of the Welfare and Institutions
8 Code is amended to read:

9 8007. When the public guardian makes application under
10 Section 8006 of this code for guardianship or conservatorship
11 of the person and estate or person or estate of any person who
12 is under the jurisdiction of the State Department of Mental
13 Hygiene Health such application may be granted, if sufficient
14 under said Section 8006, with the written consent of said de-
15 partment.

16 SEC. 577. Section 8051 of the Welfare and Institutions
17 Code is amended to read:

18 8051. Upon the recommendation of the superintendent of
19 the Langley Porter Clinic, the Department of Mental Hygiene
20 Health may enter into contracts with the Regents of the Uni-
21 versity of California for the conduct, by either for the other,
22 of all or any portion of the research provided for in this
23 chapter.

24 SEC. 578. Section 8053 of the Welfare and Institutions
25 Code is amended to read:

26 8053. The Department of Mental Hygiene Health with the
27 approval of the Director of Finance may accept gifts or grants
28 from any source for the accomplishment of the objects and
29 purposes of this chapter. The provisions of Section 16302 of
30 the Government Code do not apply to such gifts or grants and
31 the money so received shall be expended to carry out the pur-
32 poses of this chapter, subject to any limitation contained in
33 such gift or grant.

34 SEC. 579. Section 8104 of the Welfare and Institutions
35 Code is amended to read:

36 8104. The Department of Mental Hygiene Health shall keep
37 and maintain records necessary to identify any person who
38 comes within any of the provisions of this chapter. Such rec-
39 ords shall be made available to the State Bureau of Criminal
40 Identification and Investigation upon request. The State Bu-
41 reau of Criminal Identification and Investigation shall make
42 such requests only with respect to its duties under Chapter 1
43 (commencing with Section 12000) of Title 2 of Part 4 of the
44 Penal Code. Such records shall not be furnished or made avail-
45 able to any person unless the bureau determines that disclosure
46 of any information in such records is necessary to carry out
47 its duties under Chapter 1 (commencing with Section 12000)
48 of Title 2 of Part 4 of the Penal Code.

49 SEC. 580. Section 8105 of the Welfare and Institutions
50 Code is amended to read:

51 8105. Upon request of the Department of Mental Hygiene
52 Health, each public and private mental hospital, sanitarium,

1 and institution shall submit to the department such informa-
2 tion with respect to mental patients and former mental pa-
3 tients as the department deems necessary to carry out its duties
4 under Section 8104.

5 Sec. 581. Section 8200 of the Welfare and Institutions
6 Code is amended to read:

7 8200. If provision is made by law of the United States for
8 the administration by public agencies of this state of federal
9 appropriations for the welfare of the Indians in this state,
10 such state agencies may administer the expenditure of such
11 federal appropriations within the scope of their legal powers.

12 The State Department of Public Health shall administer
13 the expenditure of all such federal appropriations for the
14 care and hospitalization of, and for medical attention to, sick
15 or injured Indians and for the control and prevention of com-
16 municable and infectious diseases and general sanitation among
17 the Indians in this state.

18 The State Department of Education shall administer the
19 expenditure of such federal appropriations for the construc-
20 tion and maintenance of schools and the education of the
21 Indians in this state.

22 The State Department of Social Welfare shall administer
23 the expenditure of such federal appropriations for the relief
24 of aged, infirm, and indigent Indians in this state.

25 Subject to such limitations as the law of the United States
26 or the Secretary of the Interior lawfully imposes upon the
27 administration of such funds, the state departments above
28 mentioned may expend the same for the purposes within their
29 respective jurisdictions which the respective heads of the de-
30 partments deem best to conserve the interests and welfare of
31 all the Indians residing within the state.

32 SEC. 582. Section 10051 of the Welfare and Institutions
33 Code is amended to read:

34 10051. "Public social services" means those activities and
35 functions of state and local government administered or super-
36 vised by the department *or the Department of Health* and
37 involved in providing aid or services or both to those people
38 of the state who, because of their economic circumstances or
39 social condition, are in need thereof and may benefit thereby.

40 SEC. 583. Section 10053 of the Welfare and Institutions
41 Code is amended to read:

42 10053. "Services" means those activities and functions per-
43 formed by social work staff and related personnel of the de-
44 partment *Department of Health* and county departments with
45 or in behalf of individuals or families, which are directed
46 toward the improvement of the capabilities of such individuals
47 or families maintaining or achieving a sound family life, re-
48 habilitation, self-care, and economic independence.

49 SEC. 584. Section 10053.5 of the Welfare and Institutions
50 Code is amended to read:

1 10053.5. The ~~department~~ *Department of Health* shall di-
2 rectly or through the county department provide protective
3 social services:

4 (a) For care of patients on leave of absence from state in-
5 stitutions of the Department of ~~Mental Hygiene~~ *Health*; and

6 (b) When requested by the local director of mental health
7 services, to prevent unnecessary admission of persons to state
8 mental institutions or to facilitate the release of patients for
9 whom hospital care is not the appropriate treatment.

10 The ~~department~~ *Department of Social Welfare*, to the ex-
11 tent funds are appropriated and available shall pay for the
12 cost of providing for care in a private home, certified by the
13 ~~department~~ *Department of Health*, for any patient on leave
14 of absence from a state hospital, or, when requested by local
15 director of mental health services any person who would other-
16 wise be subject to admission thereto. The monthly rate for
17 such private home care shall be set by the ~~department~~ *Depart-*
18 *ment of Social Welfare* at an amount which will provide the
19 best possible care at minimum cost and also insure:

20 (a) That the leave patient will receive proper treatment and
21 may be expected to show progress in achieving the maximum
22 adjustment toward returning to community life; and

23 (b) That sufficient homes can be recruited to achieve the
24 stated objectives of this section.

25 To avoid duplication of effort and overlapping of services,
26 the Department of Social Welfare and *It is the legislative in-*
27 *tent, that the Department of Public Health shall develop*
28 *working agreements so that regional centers now existing or*
29 *as may be hereinafter created may make fullest possible use*
30 *of available resources in serving the mentally retarded in*
31 *regional centers now existing or as may be hereinafter created.*
32 In no event shall the monthly rate established by the ~~depart-~~
33 ~~ment~~ *Department of Social Welfare* pursuant to this section
34 be set at an amount which exceeds one hundred sixty dollars
35 (\$160).

36 SEC. 585. Section 10060 of the Welfare and Institutions
37 Code is amended to read:

38 10060. "Regulations" includes but is not limited to stand-
39 ards of eligibility for aid and services, procedures necessary
40 for the proper and efficient administration of public social
41 services, and standards as to conditions which must be met by
42 agencies or individuals subject to licensing or supervision by
43 the department *or the Department of Health*.

44 SEC. 586. Section 10062 is added to the Welfare and Insti-
45 tutions Code, to read:

46 10062. Notwithstanding any other provision of law, the
47 Department of Health and the Director of Health shall have
48 those powers and duties conferred by state law upon the De-
49 partment of Social Welfare and its director as is necessary
50 to carry out the purposes imposed on it by this chapter.

51 SEC. 587. Section 10553 of the Welfare and Institutions
52 Code is amended to read:

1 10553. The director shall:

2 (a) Be responsible for the management of the department.

3 (b) Administer the laws pertaining to the administration
4 of ~~public social services aid~~.

5 (c) Observe and report to the Governor on the conditions
6 of ~~public social services aid~~ throughout the state.

7 (d) Formulate, adopt, amend or repeal regulations and gen-
8 eral policies affecting the purposes, responsibilities, and juris-
9 diction of the department and which are consistent with law
10 and necessary for the administration of ~~public social services~~
11 ~~aid~~.

12 All regulations heretofore adopted by the ~~board~~ shall remain
13 in effect and shall be fully enforceable unless and until re-
14 adopted, amended or repealed by the director.

15 (e) Perform such other duties as may be prescribed by law
16 and such other administrative and executive duties as have by
17 other provisions of law been previously imposed ~~upon the~~
18 ~~board~~.

19 SEC. 588. Section 10553.1 is added to the Welfare and In-
20 stitutions Code, to read:

21 10553.1. The Director of Health shall:

22 (a) Administer the laws pertaining to the administration of
23 services.

24 (b) Observe and report to the Governor on the condition
25 of services throughout the state.

26 (c) Formulate, adopt, amend or repeal regulations and gen-
27 eral policies affecting the purposes, responsibilities, and juris-
28 diction of the Department of Health and which are consistent
29 with law and necessary for the administration of services.

30 All regulations heretofore adopted by the director relating
31 to services shall remain in effect and shall be fully enforce-
32 able unless and until readopted, amended or repealed by the
33 Director of Health.

34 (d) Perform such other duties as may be prescribed by law
35 and such other administrative and executive duties as have by
36 other provisions of law been previously imposed upon the di-
37 rector.

38 SEC. 589. Section 10554 of the Welfare and Institutions
39 Code is amended to read:

40 10554. The director is the only person authorized to adopt
41 regulations, orders, or standards of general application to im-
42 plement, interpret, or make specific the law enforced by the
43 department, and such regulations, orders, and standards shall
44 be adopted, amended, or repealed by the director only in ac-
45 cordance with the provisions of Chapter 4.5 (commencing with
46 Section 11371), Part 1, Division 3, Title 2 of the Government
47 Code, provided that such regulations need not be printed
48 in the California Administrative Code or California Admin-
49 istrative Register if they are included in the publications of
50 the department and are not promulgated pursuant to Section
51 16003, 16201, or 16309. If such regulations are promulgated
52 pursuant to Section 16003, 16201 or 16309, they shall be

1 printed in the California Administrative Code or California
2 Administrative Register.

3 In adopting regulations the director shall strive for clarity
4 of language which may be readily understood by those ad-
5 ministering ~~public social services aid~~ or subject to such regula-
6 tions.

7 The rules of the department need not specify or include the
8 detail of forms, reports or records, but shall include the essen-
9 tial authority by which any person, agency, organization, asso-
10 ciation or institution subject to the supervision or investiga-
11 tion of the department is required to use, submit or maintain
12 such forms, reports or records.

13 SEC. 590. Section 10554.1 is added to the Welfare and In-
14 stitutions Code, to read:

15 10554.1. The Director of Health is the only person author-
16 ized to adopt regulations, orders, or standards of general ap-
17 plication to implement, interpret, or make specific the law
18 enforced by the Department of Health, and such regulations,
19 orders, and standards shall be adopted, amended, or repealed
20 by the director only in accordance with the provisions of
21 Chapter 4.5 (commencing with Section 11371), Part 1, Divi-
22 sion 3, Title 2 of the Government Code, provided that regula-
23 tions relating to services need not be printed in the California
24 Administrative Code or California Administrative Register if
25 they are included in the publications of the department and
26 are not promulgated pursuant to Section 16003, 16201, or
27 16309. If such regulations are promulgated pursuant to Sec-
28 tion 16003, 16201 or 16309, they shall be printed in the Cali-
29 fornia Administrative Code or California Administrative Reg-
30 ister.

31 In adopting regulations the Director of Health shall strive
32 for clarity of language which may be readily understood by
33 those administering services or subject to such regulations.

34 The rules of the Department of Health need not specify or
35 include the detail of forms, reports or records, but shall in-
36 clude the essential authority by which any person, agency,
37 organization, association or institution subject to the super-
38 vision or investigation of the Department of Health is required
39 to use, submit or maintain such forms, reports or records.

40 SEC. 591. Section 10555 of the Welfare and Institutions
41 Code is amended to read:

42 10555. Subject to the State Civil Service Act, the director
43 shall appoint such assistants and other employees as are neces-
44 sary for the administration of the affairs of the department
45 and shall prescribe their duties and, subject to the approval
46 of the Department of Finance, fix their salaries.

47 During such times as grants-in-aid are made available to
48 the states by the United States government for the care of
49 public assistance applicants or recipients confined in state in-
50 stitutions, including but not limited to hospitals, for the men-
51 tally ill or mentally deficient, the director may employ such

1 assistants or employees as may be necessary to assist in the
2 development of plans for the care of each aged patient.

3 SEC. 595. Section 10600 of the Welfare and Institutions
4 Code is amended to read:

5 10600. It is hereby declared that provision for public social
6 services in this code is a matter of statewide concern. The
7 department is hereby designated as the single state agency
8 with full power to supervise every phase of the administration
9 of the public social services aid and the Department of Health
10 is hereby designated as the single state agency with full power
11 to supervise every phase of the administration of services for
12 which grants-in-aid are received from the United States gov-
13 ernment or made by the state in order to secure full compli-
14 ance with the applicable provisions of state and federal laws.

15 SEC. 596. Section 10602 of the Welfare and Institutions
16 Code is amended to read:

17 10602. The ~~department~~ Department of Health shall in-
18 vestigate, examine and make reports upon:

19 (a) The charitable institutions of the state and of the coun-
20 ties and cities of the state, other than county hospitals and
21 institutions under the jurisdiction of another state depart-
22 ment.

23 (b) The public officers who are in any way responsible for
24 the administration of public funds used for public social
25 services.

26 SEC. 597. Section 10602.1 is added to the Welfare and
27 Institutions Code, to read:

28 10602.1. The department shall investigate, examine and
29 make reports upon the public officers who are in any way
30 responsible for the administration of public funds used for
31 aid.

32 SEC. 598. Section 10603 of the Welfare and Institutions
33 Code is amended to read:

34 10603. The department shall advise public officers regard-
35 ing the administration of public social services aid by public
36 agencies throughout the state, and shall supervise the admin-
37 istration of state aid to all person receiving or eligible to
38 receive state aid. It shall also supervise the expenditure of
39 any funds for Indian relief which may be granted to the state
40 by the federal government.

41 SEC. 599. Section 10603.1 is added to the Welfare and
42 Institutions Code, to read:

43 10603.1. The Department of Health shall advise public
44 officers regarding the administration of services by public
45 agencies throughout the state, and shall supervise the admin-
46 istration of services to all persons receiving or eligible to
47 receive such services.

48 SEC. 600. Section 10604 of the Welfare and Institutions
49 Code is amended to read:

50 10604. In administering any funds appropriated or made
51 available to the department for disbursement through the
52 counties for welfare purposes, the department shall:

1 (a) Require as a condition for receiving such grants-in-aid,
2 that the county shall bear that proportion of the total expense
3 of furnishing aid, as is fixed by the law relating to such aid.

4 (b) Establish regulations, not in conflict with the law fixing
5 statewide standards for the administration of all state or fed-
6 erally aided public social service assisted aid programs, defin-
7 ing and controlling the conditions under which aid may be
8 granted or refused. All regulations established by the depart-
9 ment shall be binding upon the boards of supervisors and the
10 county department.

11 SEC. 601. Section 10604.1 is added to the Welfare and
12 Institutions Code, to read:

13 10604.1. In administering any funds appropriated or made
14 available to the Department of Health for disbursement
15 through the counties for welfare purposes, the Department of
16 Health shall establish regulations, not in conflict with the law
17 fixing statewide standards for the administration of all state
18 or federally assisted service programs. All regulations estab-
19 lished by the department shall be binding upon the boards
20 of supervisors and the county department.

21 SEC. 602. Section 10605 of the Welfare and Institutions
22 Code is amended to read:

23 10605. If the director considers a county director to be
24 failing, in a substantial manner, to comply with any provision
25 of this code or any regulation, over the administration of
26 which the department has supervision, he shall put the county
27 director on written notice to that effect, and shall give a copy
28 of the notice to the board of supervisors.

29 If within 60 days the county director fails to give reasonable
30 assurance that he is complying and will continue to comply
31 with the laws and regulations, the director shall order the
32 county to appear at a hearing, before the director, with the
33 State Social Welfare Board, to show cause why the department
34 should not take action to secure compliance. The county shall
35 be given at least 30 days' notice of such hearing. The di-
36 rector shall consider the case on the record established at the
37 hearing, and the advice of the State Social Welfare Board,
38 and, within 30 days, shall render proposed findings and a
39 proposed decision on the issues. The proposed findings and
40 decision shall be submitted to the county, and the county shall
41 have an opportunity to appear within 10 days at such time and
42 place as may be fixed by the director, for the purpose of pre-
43 senting oral arguments respecting the proposed findings and
44 decision. Thereupon, the director shall make his final findings
45 and decision.

46 If the director determines that there is a failure on the part
47 of the county to comply with the provisions of this code or the
48 established regulations, or if the State Personnel Board certi-
49 fies to the director that a county is not in conformity with
50 established merit system standards under Part 2.5 (commenc-
51 ing with Section 19800) of Division 5 of Title 2 of the Govern-
52 ment Code, and that administrative sanctions are necessary

1 to secure compliance, the department may invoke any of the
2 following sanctions:

3 (a) Withhold part or all of state and federal funds from
4 such county until the county shall make a showing to the di-
5 rector of compliance; or

6 (b) Assume, temporarily, direct responsibility for the ad-
7 ministration of any or all state-aided public social service as-
8 sisted aid programs in such county until the county shall pro-
9 vide reasonable assurance to the director of its intention and
10 ability to comply with such laws and regulations. During such
11 period of state administrative responsibility for county pro-
12 grams, the director or his authorized representative shall have
13 all of the powers and responsibilities of the county director,
14 with the exception that he shall not be subject to the authority
15 of the board of supervisors; or

16 (c) Bring an action in mandamus or such other action in
17 court as may be appropriate to compel compliance. Any such
18 action shall be entitled to a preference in setting a date for
19 a hearing.

20 Nothing in this section shall be construed as relieving the
21 board of supervisors of the responsibility to provide funds
22 necessary for the continued public social services aid required
23 by law.

24 Nothing contained in this section shall be construed as pre-
25 venting a county from seeking judicial review of action taken
26 by the director pursuant to this section under Section 1094.5
27 of the Code of Civil Procedure or, except in cases arising
28 under Sections 10962 and 10963, from seeking injunctive re-
29 lief when deemed appropriate.

30 SEC. 603. Section 10605.1 is added to the Welfare and In-
31 stitutions Code, to read:

32 10605.1. If the Director of Health considers a county direc-
33 tor to be failing, in a substantial manner, to comply with any
34 provision of this code or any regulation over the administra-
35 tion of which the Department of Health has supervision, he
36 shall put the county director on written notice to that effect,
37 and shall give a copy of the notice to the board of supervisors.

38 If within 60 days the county director fails to give reasonable
39 assurance that he is complying and will continue to comply
40 with the laws and regulations, the Director of Health shall
41 order the county to appear at a hearing, before the Director of
42 Health to show cause why the Department of Health should
43 not take action to secure compliance. The county shall be given
44 at least 30 days notice of such hearing. The Director of Health
45 shall consider the case on the record established at the hearing
46 and, within 30 days, shall render proposed findings and a
47 proposed decision on the issues. The proposed findings and
48 decision shall be submitted to the county, and the county shall
49 have an opportunity to appear within 10 days at such time
50 and place as may be fixed by the Director of Health for the
51 purpose of presenting oral arguments respecting the proposed

1 findings and decision. Thereupon the Director of Health shall
2 make his final findings and decision.

3 If the Director of Health determines that there is a failure
4 on the part of the county to comply with the provisions of this
5 code or the established regulations, or if the State Personnel
6 Board certifies to the Director of Health that a county is not
7 in conformity with established merit system standards under
8 Part 2.5 (commencing with Section 19800) of Division 5 of
9 Title 2 of the Government Code, and that administrative sanc-
10 tions are necessary to secure compliance, the Department of
11 Health may invoke any of the following sanctions:

12 (a) Withhold part or all of state and federal funds from
13 such county until the county shall make a showing to the Di-
14 rector of Health of compliance; or

15 (b) Assume, temporarily, direct responsibility for the ad-
16 ministration of any or all state-aided service programs in such
17 county until the county shall provide reasonable assurance to
18 the Director of Health of its intention and ability to comply
19 with such laws and regulations. During such period of state
20 administrative responsibility for county programs, the Direc-
21 tor of Health or his authorized representative shall have all of
22 the powers and responsibilities of the county director, with
23 the exception that he shall not be subject to the authority of
24 the board of supervisors; or

25 (c) Bring an action in mandamus or such other action in
26 court as may be appropriate to compel compliance. Any such
27 action shall be entitled to a preference in setting a date for a
28 hearing.

29 Nothing in this section shall be construed as relieving the
30 board of supervisors of the responsibility to provide funds
31 necessary for the continued services required by law.

32 Nothing contained in this section shall be construed as pre-
33 venting a county from seeking judicial review of action taken
34 by the Director of Health pursuant to this section under Sec-
35 tion 1094.5 of the Code of Civil Procedure or, except in cases
36 arising under Sections 10962 and 10963, from seeking injunc-
37 tive relief when deemed appropriate.

38 SEC. 604. Section 10606 of the Welfare and Institutions
39 Code is amended to read:

40 10606. The department shall cause to be published and
41 made available for sale to the public, at the cost of publishing,
42 all of its rules and regulations relating to:

43 (a) The government of the department.

44 (b) Any form of public social services assistance for which
45 state aid is granted to the counties or over the administration
46 of which the department has supervision.

47 The department shall also provide at cost such subscription
48 service as may be necessary to assure to purchasers of the
49 printed rules and regulations prompt receipt of all additions
50 and amendments to the rules and regulations of the depart-
51 ment and digests of decisions compiled under Section 10964.

1 SEC. 605. Section 10606.1 is added to the Welfare and In-
2 stitutions Code, to read:

3 10606.1. The Department of Health shall cause to be pub-
4 lished and made available for sale to the public, at the cost of
5 publishing, all of its rules and regulations relating to:

6 (a) The government of the Department of Health.

7 (b) Any form of services for which state aid is granted to
8 the counties or over the administration of which the depart-
9 ment has supervision.

10 The Department of Health shall also provide at cost such
11 subscription service as may be necessary to assure to pur-
12 chasers of the printed rules and regulations with respect to
13 services prompt receipt of all additions and amendments to
14 the rules and regulations of the Department of Health.

15 SEC. 606. Section 10607.1 is added to the Welfare and In-
16 stitutions Code, to read:

17 10607.1. When the Department of Health causes to be pub-
18 lished for public distribution informational pamphlet and re-
19 lated materials relating to public assistance programs adminis-
20 tered or supervised by the Department of Health, they shall
21 be printed in English and may be printed separately in
22 Spanish, or at the discretion of the Department of Health, in
23 English and Spanish, in such numbers as the Department of
24 Health may determine.

25 SEC. 607. Section 10608 of the Welfare and Institutions
26 Code is amended to read:

27 10608. Copies of all laws relating to any form of public
28 social service for which state aid is granted to counties, and
29 over the administration of which the department *or the De-*
30 *partment of Health* has supervision, and of all bulletins and
31 rules and regulations of the department, shall be made avail-
32 able to the public and for public inspection during regular of-
33 fice hours at each county office administering such aid and in
34 each local or regional office of ~~the department~~ *these depart-*
35 *ments*.

36 SEC. 608. Section 10609 of the Welfare and Institutions
37 Code is amended to read:

38 10609. The department may act as the agent or representa-
39 tive of or cooperate with the federal government in any mat-
40 ters within the scope of the functions of the department, for
41 the administration of federal funds granted to this state or for
42 any other purpose in furtherance of those functions.

43 ~~The department may cooperate with the federal government,~~
44 ~~its agencies or instrumentalities, in establishing, extending, and~~
45 ~~strengthening services for the protection and care of homeless,~~
46 ~~dependent, and neglected children, and children in danger of~~
47 ~~becoming delinquent, and may receive and expend all funds~~
48 ~~made available for such purposes by the federal government~~
49 ~~to the department, the state, a county, a district, a municipal~~
50 ~~corporation, or a political subdivision.~~

51 Any contract or agreement entered into by the department
52 with the federal government or any agency thereof for the

1 expenditure of any funds in the exercise of any power granted
2 to the department by this section shall be subject to approval
3 by the State Department of Finance.

4 SEC. 609. Section 10609.1 is added to the Welfare and In-
5 stitutions Code, to read:

6 10609.1. The Department of Health may act as the agent
7 or representative of or cooperate with the federal government
8 in any matters within the scope of the functions of the Depart-
9 ment of Health under this division, for the administration of
10 federal funds granted to this state or for any other purpose
11 in furtherance of those functions.

12 The Department of Health may cooperate with the federal
13 government, its agencies or instrumentalities, in establishing,
14 extending, and strengthening services for the protection and
15 care of homeless, dependent, and neglected children, and chil-
16 dren in danger of becoming delinquent, and may receive and
17 expend all funds made available for such purposes by the fed-
18 eral government to the Department of Health, the state, a
19 county, a district, a municipal corporation, or a political sub-
20 division.

21 Any contract or agreement entered into by the Department
22 of Health with the federal government or any agency thereof
23 for the expenditure of any funds in the exercise of any power
24 granted to the Department of Health by this section shall be
25 subject to approval by the State Department of Finance.

26 SEC. 610. Section 10610 of the Welfare and Institutions
27 Code is amended to read:

28 10610. The department *or the Department of Health* may
29 join associations of social welfare agencies having as their pur-
30 pose the interchanging or supplying of information relating to
31 the technique of social welfare administration.

32 SEC. 611. Section 10611 of the Welfare and Institutions
33 Code is amended to read:

34 10611. All plans for the use of existing buildings or for
35 new buildings, parts of buildings, or additions to or alterations
36 in buildings, for any public institution under the supervision
37 of the ~~department~~ *Department of Health* or for any state, city,
38 or county charitable institution (other than county hospitals)
39 or for any privately operated institution which receives state
40 aid for the care or support of its inmates shall, before their
41 adoption, be submitted to the ~~department~~ *Department of*
42 *Health* for suggestions and approval as to the social require-
43 ments of the occupants.

44 SEC. 612. Section 10613 of the Welfare and Institutions
45 Code is amended to read:

46 10613. The functions of the department may include the
47 administration and the supervision of the administration of
48 public social services *aid* within this state as an agent of the
49 federal government; and acting as a service agency for the
50 federal government in the field of social service and welfare.

51 SEC. 613. Section 10613.1 is added to the Welfare and
52 Institutions Code, to read:

10613.1. The functions of the Department of Health may include the administration and the supervision of the administration of services within this state as an agent of the federal government and acting as a service agency for the federal government in the field of social service and welfare.

Sec. 614. Section 10616 of the Welfare and Institutions Code is amended to read:

10616. The ~~department~~ *Department of Health* shall formulate plans for the recruitment, utilization, and training of volunteers to assist in performing services and other duties for the county public social services for the purpose of improving participation in the county public welfare programs. Such plans shall not become effective in a county until approved by a resolution adopted by the board of supervisors.

Sec. 615. Section 10617 of the Welfare and Institutions Code is amended to read:

10617. In fixing rates for out-of-home care in nonmedical facilities authorized to provide care for recipients of public assistance, the department shall establish a rate plan providing a differential in rate allowances related to the differences in the degree of care required by recipients. The rate structure shall reflect differences in accordance with the specific types of services that are rendered by the facility in providing care for recipients.

In establishing the rate structure, the department shall strive to improve and increase the range of services provided by out-of-home facilities in order that recipients may receive the type of care they require at a reasonable cost.

In order to keep people in their own homes whenever possible, the ~~department~~ *Department of Health* shall develop an expanded range of home-care services that will make it possible for people to remain in their own homes or homes of their own choosing with safety. The ~~department~~ *Department of Health* shall give particular attention to the training of homemakers to be employed directly by county departments.

In developing plans for the recruitment and training of homemakers, the ~~department~~ *Department of Health* shall give priority to the training and employment of recipients of public assistance. Emphasis shall be given to arranging hours of work and training so that mothers can participate in the program.

The feasibility of expanding home-care services as a means of reducing more costly out-of-home care, of preventing physical and mental deterioration leading to institutionalization, and of affording employment opportunities to recipients of public assistance shall be tested by pilot projects in three counties to be selected by the ~~department~~ *Department of Health*.

Sec. 616. Chapter 3.5 (commencing with Section 10750) of Part 2 of Division 9 of the Welfare and Institutions Code is repealed.

SEC. 617. Section 10800 of the Welfare and Institutions Code is amended to read:

10800. The administration of public social services in each of the several counties of the state is hereby declared to be a county function and responsibility and therefore rests upon the boards of supervisors in the respective counties pursuant to the applicable laws, and in the case of public social services for which federal or state funds are provided, subject to the regulations of the department *relating to aid, and to the regulations of the Department of Health relating to services*.

For the purpose of providing for and carrying out this function and responsibility, the board of supervisors of each county, or other agency as may be otherwise provided by county charter, shall establish a county department, unless otherwise provided by the county charter. Except as provided herein, the county department shall be the county agency for the administration of public social services and for the promotion of public understanding of the public social services provided under this code and the problems with which they deal.

SEC. 618. Section 10802 of the Welfare and Institutions Code is amended to read:

10802. The county director shall, for and in behalf of the board of supervisors, have full charge of the county department and the responsibility for administering and enforcing the provisions of this code pertaining to public social services under the regulations of the department *relating to aid and the regulations of the Department of Health relating to services*. He shall abide by all lawful directives of the department *relating to aid and the lawful directive of the Department of Health relating to services*, transmitted through the board of supervisors.

SEC. 619. Section 10804 of the Welfare and Institutions Code is amended to read:

10804. The board of supervisors in any county may contract with any other county or counties or with the department for the operation and maintenance of such ~~public social services aid~~ as ~~are~~ *is* provided in one or more of the contracting counties, or for the establishment and maintenance of such ~~public social services aid~~ as the board of supervisors shall deem to be desirable to discharge the duties of the county to provide for ~~public social services aid~~ for those eligible therefor. The cost of contracted services shall be borne by the contracting county or counties and shall, insofar as state or federal funds are involved, conform to department standards and regulations generally applicable to such ~~services aid~~.

SEC. 620. Section 10804.1 is added to the Welfare and Institutions Code, to read:

10804.1. The board of supervisors in any county may contract with any other county or counties or with the Depart-

1 ment of Health for the operation and maintenance of such
2 services as are provided in one or more of the contracting
3 counties, or for the establishment and maintenance of such
4 services as the board of supervisors shall deem to be desirable
5 to discharge the duties of the county to provide for services
6 for those eligible therefor or the health and care of the sick.
7 The cost of contracted services shall be borne by the contract-
8 ing county or counties and shall, insofar as state or federal
9 funds are involved, conform to department standards and
10 regulations generally applicable to such services.

11 SEC. 621. Section 10805 of the Welfare and Institutions
12 Code is amended to read:

13 10805. Each social worker employed by the ~~department~~
14 *Department of Health* shall be provided with an identification
15 card, showing the name and position of the worker, and con-
16 taining a recent picture. Upon calling at the home of any
17 applicant for or recipient of public social services, the social
18 worker shall display the identification card to the applicant
19 or recipient.

20 Should a social worker terminate his employment with the
21 agency, he shall return his identification card to the agency.

22 SEC. 622. Section 10809 of the Welfare and Institutions
23 Code is amended to read:

24 10809. The county department shall administer the public
25 social services authorized or permitted under the applicable
26 portions of this code in accordance with the regulations of the
27 department *relating to aid and of the Department of Health*
28 *relating to services*.

29 The county department shall make such reports to the ap-
30 propriate department as may be required.

31 SEC. 623. Section 10810 of the Welfare and Institutions
32 Code is amended to read:

33 10810. Subject to the respective approval of the ~~depart-~~
34 ~~ment~~ *Department of Social Welfare and the Department of*
35 *Health*, each county department is authorized to sponsor and
36 conduct programs for the recruitment, training, and utiliza-
37 tion of volunteers to assist county department employees in
38 the performance of office duties and to aid in performing
39 services in the counties including but not limited to the fol-
40 lowing:

- 41 (a) Friendly visiting of the indigent aged;
 - 42 (b) Finding homes for foster children;
 - 43 (c) Escorting and transporting recipients to clinics and
44 other destinations;
 - 45 (d) Aiding in location of improved housing;
 - 46 (e) Teaching homemaking skills and aiding in budgeting
47 and care of the household;
 - 48 (f) Providing tutoring and other educational aid.
- 49 Volunteers shall not duplicate services performed by county
50 department employees.

51 The county department shall maintain the confidentiality of
52 records of recipients.

1 SEC. 624. Section 10900 of the Welfare and Institutions
2 Code is amended to read:

3 10900. The ~~department~~ *Department of Social Welfare and*
4 *the Department of Health* shall, within the limits of funds
5 made available, provide welfare personnel training courses
6 and services, including in-service training, educational leaves
7 or stipends, traineeships, internships, and the expansion of
8 field work training facilities within county departments for
9 the use of colleges and universities in preparing students for
10 employment in the administration of public social services
11 programs. The training courses and services provided pursu-
12 ant to this section shall be designed to promote welfare per-
13 sonnel training in every county in this state, which will
14 provide the quality and quantity of trained personnel re-
15 quired to eliminate or reduce the circumstances or conditions
16 which impede or prevent an individual or a family from mak-
17 ing progress toward proper social adjustment, self-support,
18 and self-direction.

19 SEC. 625. Section 10905 of the Welfare and Institutions
20 Code is amended to read:

21 10905. If, when, and during such times as the federal gov-
22 ernment allots money to this state for training grants for public
23 welfare aid personnel, pursuant to Title VII of the Federal
24 Social Security Act, the department is authorized to act as the
25 agent and representative of this state.

26 SEC. 626. Section 10905.1 is added to the Welfare and In-
27 stitutions Code, to read:

28 10905.1. If, when and during such times as the federal gov-
29 ernment allots money to this state for training grants for serv-
30 ice personnel, pursuant to Title VII of the Federal Social
31 Security Act, the Department of Health is authorized to act as
32 the agent and representative of the state.

33 SEC. 627. Section 10906 of the Welfare and Institutions
34 Code is amended to read:

35 10906. Employees of the department *or the Department of*
36 *Health* who are engaged in the administration of public social
37 services are authorized (1) to attend courses of training pro-
38 vided by institutions of higher learning, (2) to attend special
39 courses of study or seminars of short duration conducted by
40 experts on a temporary basis for the purpose, (3) to accept
41 fellowships or traineeships at institutions of higher learning
42 with such stipends as are permitted by regulations of the fed-
43 eral government.

44 Any leave of absence granted to any employee of the ~~depart-~~
45 ~~ment~~ *these departments*, as authorized by this section, shall
46 be subject to the approval of the State Personnel Board.

47 SEC. 628. Section 11170 of the Welfare and Institutions
48 Code is amended to read:

49 11170. The ~~department~~ *Department of Health* shall estab-
50 lish a program of homemaker services in cooperation with the
51 county welfare department in each county of the state where
52 such service is essential to maintaining recipients of public

1 assistance in their own home in preference to placement in pro-
2 tective living arrangements.

3 In developing these services, the department *Department of*
4 *Health* shall program a plan for the orderly development of
5 the service on a county-by-county basis to the end that service
6 becomes available in all counties of the state.

7 SEC. 629. Section 11172 of the Welfare and Institutions
8 Code is amended to read:

9 11172. The county welfare department shall file a certificate
10 with the department *Department of Health* stating that they
11 have developed a plan pursuant to Section 11171. Notwith-
12 standing the provisions of Section 12152, 12652, or 13700, upon
13 approval of the county plan by the department *Department of*
14 *Health*, except as otherwise provided in this section no
15 further public assistance allowances shall be made by such
16 county to allow recipients to employ homemaker or attendant
17 care services. State funds appropriated to such county pur-
18 suant to the provisions of Sections 15201 to 15204, inclusive,
19 for that purpose are hereby allocated to the county as set forth
20 in the Budget Act for the purpose of providing homemaker
21 services pursuant to this article. The state funds appropriated
22 pursuant to the Budget Act shall cover all of the nonfederal
23 costs of providing homemaker services.

24 The costs of attendant care services provided in lieu of
25 homemaker services through cash payments to recipients dur-
26 ing the developmental period of the homemaker service or in
27 circumstances where such homemaker service is impractical
28 shall be subject to participation by the county in accordance
29 with the regular state-county sharing formula applicable to
30 the category of public assistance for which the recipient
31 qualifies.

32 SEC. 630. Section 11209 of the Welfare and Institutions
33 Code is amended to read:

34 11209. The department shall ~~+(a) make rules and regula-~~
35 ~~tions for the proper maintenance and care of needy children;~~
36 ~~(b) make rules and regulations for the administration of aid~~
37 ~~to families with dependent children. Such rules and regulations~~
38 ~~shall be binding upon the institutions and counties.~~

39 The department may inquire at any time into the manage-
40 ment of any institution receiving aid under the provisions of
41 this chapter or into the management by any county of aid to
42 families with dependent children.

43 If an institution or a county fails to comply promptly with
44 the provisions of this chapter and the rules and regulations of
45 the department cannot be enforced in any other manner, the
46 institution or county failing or refusing to comply with such
47 provisions, rules, and regulations, or to permit the inquiry
48 provided for in this section, shall not thereafter receive aid
49 under the provisions of this chapter until it has complied with
50 all such provisions, rules, and regulations and has permitted
51 the inquiry by the department, if such inquiry is demanded.

1 SEC. 631. Section 11209.1 is added to the Welfare and
2 Institutions Code, to read:

3 11209.1. The Department of Health shall make rules and
4 regulations for the proper maintenance and care of needy
5 children. Such rules and regulations shall be binding upon
6 the institutions and counties.

7 The Department of Health may inquire at any time into
8 the management of any institution receiving aid under the
9 provisions of this chapter.

10 If an institution or county fails to comply promptly with
11 the provisions of this chapter and the rules and regulations of
12 the Department of Health cannot be enforced in any other
13 manner, the institution or county failing or refusing to com-
14 ply with such provisions, rules, and regulations, or to permit
15 the inquiry provided for in this section, shall not thereafter
16 receive aid under the provisions of this chapter until it has
17 complied with all such provisions, rules, and regulations and
18 has permitted the inquiry by the Department of Health, if
19 such inquiry is demanded.

20 SEC. 632. Section 11250 of the Welfare and Institutions
21 Code is amended to read:

22 11250. Aid; services, or both, shall be granted under the
23 provisions of this chapter, and subject to the regulations of
24 the department, to families with related children under the
25 age of 18 years, except as provided in Section 11253, in need
26 thereof because they have been deprived of parental support
27 or care due to:

28 (a) The death, physical or mental incapacity, or incarceration
29 of a parent; or

30 (b) The divorce, separation or desertion of a parent or par-
31 ents and resultant continued absence of a parent from the
32 home for these or other reasons; or

33 (c) The unemployment of a parent or parents.

34 SEC. 633. Section 11251 of the Welfare and Institutions
35 Code is amended to read:

36 11251. Aid ~~and services~~ shall also be provided under this
37 chapter to or in behalf of any child under the age of 18, ex-
38 cept as provided in Section 11253, who is in need and lacks
39 parental support and care and who:

40 (a) Has been relinquished, for purposes of adoption, to a
41 county adoption agency or an organization licensed by the
42 department *Department of Health* as an adoption agency, if
43 such child was receiving assistance under this chapter at the
44 time of relinquishment, or subsequent to relinquishment has
45 been found to be unplaceable for adoption; or

46 (b) Lacks parental support for the same reasons set out in
47 Section 11250, is in need of aid as well as protection or care
48 by persons other than his parents, and has been placed in foster
49 care for purposes of providing such care and protection.

50 For purposes of this chapter, "foster care" means care
51 other than in the home of his parent or relative, as these terms
52 are used in Title IV of the Federal Social Security Act.

1 SEC. 634. Section 11251.1 is added to the Welfare and In-
2 stitutions Code, to read:

3 11251.1. Services shall be granted under this chapter, and
4 subject to the regulations of the Department of Health to
5 persons described in Sections 11250 and 11251.

6 SEC. 635. Section 11450.6 of the Welfare and Institutions
7 Code is amended to read:

8 11450.6. Out of any money made available under the pro-
9 visions of Item 282 of the Budget Act of 1968, the department
10 shall allocate to the county departments, together with any
11 federal funds available, an amount equal to the nonfederal
12 share of the total cost of child care services pursuant to this
13 section. To the extent of funds so allocated, each county de-
14 partment shall provide child care services *subject to the regu-*
15 *lations of the Department of Health* for persons receiving aid
16 under this chapter who are in need of such services because
17 they are engaged in, or, if provided such services, could engage
18 in a work incentive program or approved vocational develop-
19 ment program.

20 SEC. 636. Section 11451.5 of the Welfare and Institutions
21 Code is amended to read:

22 11451.5. The purpose of this section is to provide the de-
23 partment with the necessary support and authority to imple-
24 ment provisions of the Work Incentive Program as established
25 pursuant to Division 2 (commencing with Section 5000) of
26 the Unemployment Insurance Code. The cost of work or train-
27 ing-related expenses shall be paid from special funds appropri-
28 ated by the Legislature for the purpose. The state shall pay
29 67½ percent and the county shall pay 32½ percent of the addi-
30 tional aid furnished for such work or training-connected ex-
31 penses after a deduction therefrom of any funds received from
32 the United States government.

33 The county welfare department in each county of this state
34 shall establish a program of day care services, *subject to regu-*
35 *lations of the Department of Health* in order to permit moth-
36 ers of children, qualified for aid under this chapter, to exercise
37 their right to participate in the Work Incentive Program au-
38 thorized by Division 2 (commencing with Section 5000) of the
39 Unemployment Insurance Code.

40 It is the intent of this section to make maximum use of
41 federal funds that are available to provide training or work-
42 related expenses and home care services. Accordingly, each
43 county shall be required to provide or purchase day care serv-
44 ices and to pay for training or work-related expenses under
45 that plan which provides the greatest financial participation
46 by the United States government. No allowance for day care of
47 children shall be included in the grant authorized by Section
48 11450 of this code.

49 The state shall pay 67½ percent and the county shall pay
50 32½ percent of the cost of day care services after deducting
51 therefrom the amount of funds received from the United
52 States government.

1 SEC. 637. Section 11505 of the Welfare and Institutions
2 Code is amended to read:

3 11505. The ~~department~~ *Department of Health* shall set
4 standards of health, safety, and quality of home care in its
5 regulations.

6 SEC. 638. Section 12016 of the Welfare and Institutions
7 Code is amended to read:

8 12016. The ~~department~~ *Department of Health* may con-
9 tract with one or more public agencies or nonprofit corpora-
10 tions lawfully operating under Section 9200 or 9201 of the
11 Corporations Code, so as to provide for the ~~department~~ *De-*
12 *partment of Health* to manage, staff, administer and provide
13 group services at a nonprofit facility for aged persons or their
14 families.

15 SEC. 639. Section 13902 of the Welfare and Institutions
16 Code is amended to read:

17 13902. Insofar as practicable and consistent with the best
18 interest of the recipients, the provisions of this chapter shall
19 be administered as a separate program which provides the
20 aged, blind or disabled persons who qualify under the provi-
21 sions of the separate aid categories with a unified and com-
22 prehensive program of care. In developing administrative
23 plans to implement the provisions of this chapter priority shall
24 be given to the plan utilizing the most favorable federal cost-
25 sharing formula.

26 The State Department of ~~Social Welfare~~ *Health* and the
27 county departments of the various counties in a manner con-
28 sistent with efficient administration shall, where recruitment,
29 training and employment of personnel is economical and prac-
30 tical, establish special civil service or merit system classifica-
31 tions for the employment of supportive home care service per-
32 sonnel.

33 In the recruitment, training and employment of staff to
34 carry out the provisions of this chapter, preference shall be
35 given whenever possible to recipients of public assistance.
36 Persons engaged in training under programs conducted by the
37 Department of ~~Employment~~ *Human Resources Development*
38 shall be given every consideration in competing and qualifying
39 for employment under the applicable civil service and merit
40 system requirements.

41 In the event that it is not consistent with efficient adminis-
42 tration to recruit, train and employ in-home supportive care
43 service workers as regular county employees, the service may
44 be provided pursuant to contract with another public agency,
45 or with a voluntary nonprofit agency. Such a contract shall in-
46 clude a provision that assures preference will be given to the
47 employment of recipients of public assistance.

48 SEC. 640. Section 13911 of the Welfare and Institutions
49 Code is amended to read:

50 13911. In developing in-home supportive services, the ~~de-~~
51 ~~partment~~ *Department of Health* shall program a plan for the
52 orderly development of such services on a county-by-county

1 basis to the end that service becomes available in all counties
2 of the state.

3 SEC. 641. Section 13912 of the Welfare and Institutions
4 Code is amended to read:

5 13912. Each county welfare department shall file a certifi-
6 cate with the ~~department~~ *Department of Health* stating that
7 they have developed a plan pursuant to the objectives and
8 conditions of this chapter with regard to in-home supportive
9 services. Notwithstanding the provisions of Sections 12152,
10 12652, or 13700, upon approval of the county plan by the ~~de-~~
11 ~~partment~~ *Department of Health*, no further public assistance
12 aid allowances shall be made by the county to allow recipients
13 to employ homemaker or attendant care services, or other in-
14 home supportive care services under this chapter. State funds
15 appropriated to such county pursuant to the provisions of
16 Sections 15201 to 15204, inclusive, of this code, for that pur-
17 pose shall constitute the nonfederal share of the costs of serv-
18 ices provided under this article.

19 SEC. 645. Section 14053 of the Welfare and Institutions
20 Code is amended to read:

21 14053. "Health care and related remedial or preventive
22 services" means:

23 1. Inpatient hospital services (other than services in a med-
24 ical institution for tuberculosis or mental diseases except to
25 the extent permitted by federal law) in and by a medical in-
26 stitution or facility operated by, or licensed by, the United
27 States, one of the several states, a political subdivision of a
28 state, the State Department of ~~Public Health~~, or exempt from
29 such licensure pursuant to subdivision (c) of Section 1415 of
30 the Health and Safety Code.

31 2. Outpatient hospital services.

32 3. Laboratory and X-ray services.

33 4. Skilled nursing home services (other than services in a
34 medical institution for tuberculosis or mental diseases except
35 to the extent permitted by federal law), as defined for the
36 purpose of securing federal approval of a plan under Title
37 XIX of the Federal Social Security Act, to persons 21 years
38 of age or older, or to persons under 21 years of age to the
39 extent permitted by federal law.

40 5. Physicians' services, whether furnished in the office, the
41 patient's home, a hospital, or a skilled nursing home, or else-
42 where.

43 6. Medical care, or any other type of remedial care recog-
44 nized under the laws of this state, furnished by licensed prac-
45 titioners within the scope of their practice as defined by the
46 laws of this state. Other remedial care shall include, without
47 being limited to, treatment by prayer or healing by spiritual
48 means in the practice of any church or religious denomination
49 insofar as these can be encompassed by federal participation
50 under an approved plan.

51 7. Home health care services.

52 8. Private duty nursing services.

1 9. Outpatient clinic services.

2 10. Dental services.

3 11. Physical therapy and related services.

4 12. Prescribed drugs, dentures, and prosthetic devices; and
5 eyeglasses prescribed by a physician skilled in the diseases of
6 the eye or by an optometrist, whichever the individual may
7 select.

8 13. Other diagnostic, screening, preventive, or rehabilitative
9 services.

10 14. Inpatient hospital services and skilled nursing home
11 services for any individual 65 years of age or over in an in-
12 stitution for tuberculosis or mental diseases.

13 Such term shall not include, except to the extent permitted
14 by federal law,

15 a. Any care or services for any individual who is an in-
16 mate of a public institution (except as a patient in a medical
17 institution); or

18 b. Any care or services for any individual who has not at-
19 tained 65 years of age and who is a patient in an institution
20 for tuberculosis or mental diseases.

21 SEC. 646. Section 14061 of the Welfare and Institutions
22 Code is amended to read:

23 14061. As used in this chapter, "director" means the Di-
24 rector of Health ~~Care Services~~.

25 SEC. 647. Section 14062 of the Welfare and Institutions
26 Code is amended to read:

27 14062. As used in this chapter, "department" means the
28 Department of Health ~~Care Services~~.

29 SEC. 648. Section 14103 of the Welfare and Institutions
30 Code is amended to read:

31 14103. The director shall, within the range of services in-
32 cluded under health care and with the advice of the *Advisory*
33 ~~Health Review and Program~~ Council, and taking into account
34 health care services otherwise available to eligible persons, es-
35 tablish the scope of services to be provided through health
36 benefits plans.

37 SEC. 649. Section 14103.4 of the Welfare and Institutions
38 Code is amended to read:

39 14103.4. The director, with the advice of the *Advisory*
40 ~~Health Review and Program~~ Council, shall determine which of
41 the health care and related remedial or preventive services are
42 elective. The director and the *Advisory Health Review and*
43 ~~Program~~ Council shall consult with representatives of pro-
44 viders of such services before making a determination.

45 SEC. 650. Section 14104 of the Welfare and Institutions
46 Code is amended to read:

47 14104. (a) The department shall, to the extent feasible,
48 contract with one or more carriers to provide or arrange serv-
49 ices through health benefits plans.

50 (b) The department shall, to the extent feasible, enter into
51 nonexclusive contracts providing arrangements under which

funds available for health care under this chapter shall be administered and disbursed to providers of health care or to their designated agents in consideration for services rendered and supplies furnished by them in accordance with the provisions of the applicable contract and any schedule of charges or formula for determining payments established pursuant to such contract. Payment for services to hospitals and other facilities and professional services shall be predicated on the basis of reimbursement for reasonable cost based on standards, determined by the director with the advice of the *Advisory Health Review and Program Council*. The formula for such payments shall be determined in accordance with regulations establishing the methods to be used and the items to be included. In prescribing such regulations, the department shall consider, among other things, the principles generally applied by state organizations representing such hospitals or other facilities or by established prepayment organizations which have developed such principles, in determining the method or methods to be used in arriving at the payment formula.

(c) Each such contract shall provide that the carrier:

1. Will take such action as may be necessary to assure that, where payment under this chapter for a service is on a cost basis, the cost is reasonable, as referred to in subdivision (b) of Section 14104.

2. Will take such action as may be necessary to assure that where payment under this chapter is on a charge basis, such charge will be reasonable and not higher* than the charge applicable for a comparable service and under comparable circumstances to the policyholders and subscribers of the carrier, and such payment will be made on the basis of a receipted bill, or on the basis of an assignment under the terms of which the reasonable charge is the full charge for the service.

3. Will, in the case of a contract with a carrier which, under contracts not affected by this chapter, limits the availability of services to a defined geographical area or areas, provide that the carrier will pay for necessary services furnished to any person who is covered by such contract and who receives such services outside such area or areas.

4. Will furnish to the director such timely information and reports as he may find necessary in performing his functions under this chapter.

5. Will maintain such records and afford such access thereto as the director finds necessary to assure the correctness and verification of the information and reports which may be required under paragraph (c)3 of this section.

6. Will make payment under this chapter promptly and in any event within 30 days from receipt by the carrier of proper evidence establishing the validity of the claim for payment.

In determining the reasonable charge for a physician's services, there shall be taken into consideration the customary

charge for similar services generally made by the physician, as well as the prevailing charges in the locality for similar services.

(d) Each such contract shall provide that the carrier or plan will not charge to any family person or adult defined in Article 2 (commencing with Section 14050) of this chapter, part or all of any enrollment fee, extra charges, or premiums for care provided under this chapter.

(e) Each such contract shall provide that the carrier or plan will agree to provide such services as defined by the department without reference to the race, religion, creed, color, national origin or ancestry, or age of any person eligible under the provisions of this chapter.

(f) Consistent with the efficient and economical administration of this chapter, at least one arrangement available to all recipients and medically indigent persons shall afford free choice among physicians, pharmacists, and pharmacies willing to provide services under the terms of a contract entered into pursuant to this section.

(g) In the consideration of proposals for contracts with carriers under this chapter, the department shall, for comparative purposes, deduct from the total cost proposed by any carrier the amount of tax which that carrier would be required to pay under Part 7 (commencing with Section 12001) of Division 2 of the Revenue and Taxation Code computed on the basis of the net rate of tax, after deductions, which would have applied to such carrier for the preceding calendar year, had the amount of anticipated premium under the proposed contract been added to its taxable premiums for such year.

Contracts awarded to carriers under this section shall be awarded on a bid basis, and before entering into a contract with any carrier, the director shall publish notice soliciting bids from carriers.

The director, at least once each year, shall report to the Joint Legislative Budget Committee actions taken by him in the awarding of contracts under this section, including, but not limited to, the number and types of bids submitted, the basis on which contracts were awarded, and, if a contract is awarded to other than the lowest bidder, the reason for such action.

(h) In entering into contracts under this section, or subdivision (e) or subdivision (f) of Section 14000, the department may provide that the extent of benefit coverage by the carrier may be limited to a fixed number of days, or amount, or duration of services. The contract may provide that the carrier shall continue to administer the benefits provided beyond the applicable limitation, with the state paying for such extended coverage on the basis of reasonable costs or charges.

The intent of the Legislature in enacting this subdivision is to authorize a limitation on the liability of a carrier in catastrophic or extended-care situations.

1 SEC. 651. Section 14105 of the Welfare and Institutions
2 Code is amended to read:

3 14105. The director shall prescribe the policies to be fol-
4 lowed in the administration of this chapter and the scope of
5 the services to be provided, and may limit the rates of pay-
6 ment for such services, and shall adopt such rules and regula-
7 tions as are necessary for carrying out, not inconsistent with,
8 the provisions thereof.

9 Such policies and regulations shall include rates for pay-
10 ment for services not rendered under a contract pursuant to
11 Section 14104. Standards for costs shall be based on payments
12 of the reasonable cost for such services. Cost reports and other
13 data submitted by providers to a state agency for the pur-
14 pose of determining reasonable costs for services or establish-
15 ing rates of payment shall be considered true and correct un-
16 less audited within eighteen (18) months after July 1, 1969,
17 the close of the period covered by the report, or after the date
18 of submission of the original or amended report by the pro-
19 vider, whichever is later.

20 Nothing in this section shall be construed to limit the cor-
21 rection of cost reports or rates of payment when inaccuracies
22 are determined to be the result of intent to defraud, or when
23 a delay in the completion of an audit is the result of willful
24 acts by the provider or inability to reach agreement on the
25 terms of final settlement.

26 Insofar as practical, consistent with the efficient and eco-
27 nomical administration of this part, the department shall af-
28 ford recipients of public assistance free choice of arrangements
29 under which they shall receive health care.

30 In establishing the scope of services to be provided, the
31 director shall provide for recipients at least for a minimum
32 coverage as defined in Section 14056, and insofar as possible
33 shall include other health care and related remedial or pre-
34 ventive services giving priority to those services which are
35 considered to have the greatest value in preventing or reduc-
36 ing the likelihood of future high cost medical services.

37 Notwithstanding the provisions of the preceding paragraph,
38 and in accordance with the intent of this chapter, the director,
39 with respect to medically indigent persons, may limit, by ap-
40 propriate classifications, the number of medically indigent
41 persons eligible, and may limit the scope and kinds of health
42 care to which such persons are entitled, to the extent necessary
43 to operate programs under this chapter within the limits of
44 appropriated funds. When and if necessary, such action shall
45 be taken by the director with the advice of the *Advisory*
46 *Health Review and Program* Council and in ways consistent
47 with the requirements of the Federal Social Security Act.

48 SEC. 652. Section 14105.5 of the Welfare and Institutions
49 Code is amended to read:

50 14105.5. The director shall make no payment for services to
51 any hospital facility which secures a license under the provisions
52 of Chapter 2 (commencing with Section 1400) of Division 2

1 of the Health and Safety Code or Chapter 1 (commencing
2 with Section 7000) of Division 7 of this code after July 1,
3 1970, covering a new facility or additional bed capacity or
4 the conversion of existing bed capacity to a different license
5 category, unless such licensee received a favorable final
6 decision by the voluntary area health planning agency in the
7 area, the consumer members of a voluntary area health plan-
8 ning agency acting as an appeals body or the *Advisory Health*
9 *Planning Council* pursuant to Sections 437.7 to 438.5, inclusive,
10 of the Health and Safety Code; or unless the licensee had filed
11 an application for a license prior to January 1, 1970, and the
12 application met all then-existing requirements and regulations
13 of the appropriate state agency at the time of application in-
14 cluding, at least, preliminary submission of plans.

15 SEC. 653. Section 14106 of the Welfare and Institutions
16 Code is amended to read:

17 14106. The director shall, with respect to carriers and
18 with the advice of the *Advisory Health Review and Program*
19 *Council*, adopt all necessary rules and regulations to carry out
20 the provisions of this chapter, including, but not limited to,
21 establishing the scope and content of health care, regulations
22 fixing reasonable minimum standards for health benefits plans,
23 regulations fixing the time, manner, methods and procedures
24 for determining whether a contract with any plan shall be
25 undertaken or withdrawn, and regulations pertaining to any
26 other matters made necessary by the provisions of this chapter.

27 In adopting such rules and regulations, the director shall
28 be guided by the needs of eligible persons as well as prevailing
29 practices in the field of arrangements for health care.

30 The director shall terminate contracts with any carrier if
31 he finds that the standards prescribed therefor are not being
32 complied with, that claims accrued or to accrue will not be
33 paid, or for other good cause shown. The director shall give
34 reasonable notice of his intention to terminate the contract
35 to any carrier, to eligible persons and others who may be di-
36 rectly interested, including such other persons and organiza-
37 tions as the director may deem necessary and proper. The
38 notice shall state the effective date of, and the reason for,
39 the termination.

40 SEC. 654. Section 14110 of the Welfare and Institutions
41 Code is amended to read:

42 14110. No cost of care shall be paid for under this part to
43 a medical facility unless:

44 (a) It is licensed by the State Department of ~~Public~~ Health
45 as a hospital within the meaning of Section 1401 of the Health
46 and Safety Code; or

47 (b) It is licensed by a comparable agency in another state;
48 or

49 (c) It is exempt from licensure pursuant to subdivision (c)
50 of Section 1415 of the Health and Safety Code; or

51 (d) It is operated by the Regents of the University of Cali-
52 fornia.

(e) It meets the utilization review plan criteria for certification or is certified as an institutional provider of services under Title XVIII of the Federal Social Security Act and regulations issued thereunder.

Nothing in this section shall preclude payments for care for aged patients in medical facilities or institutions operated or licensed by the State Department of Mental Hygiene, State Department of Public Health, or by the State Department of Rehabilitation, or by the State Department of Social Welfare.

SEC. 655. Section 14114 of the Welfare and Institutions Code is amended to read:

14114. The director may make available information, in such form as he may deem satisfactory, as will enable the eligible persons to exercise an informed choice among the health benefits plans which have been contracted for under this chapter. Each eligible person enrolled in a health benefits plan shall be issued an appropriate document setting forth or authorizing the services or benefits to which that person is entitled thereunder, the procedure for obtaining benefits, and the principal provisions of the plan affecting the eligible person.

The *Advisory Health Review and Program Council* shall provide for a continuing study of the quality of care and services resulting from the operation of this chapter and for surveys and reports on health care plans and benefits. With respect to such plans contracted for under this chapter, the council may contract with the State Department of Public Health for studies and reports of the experience of such plans as to the standards of care available to eligible persons, gross and net costs, administrative costs, benefits, utilization of benefits, the portion of actual personal expenditures of eligible persons for health care which are being met by prepaid benefits, and the methods of evaluating and improving the quality of, and controlling the costs of, health care provided under such contracts; provided, however, that this section shall not be construed to require any plan to provide accounting data or statistical data not required in the normal operation of the plan.

SEC. 655.1. The heading of Article 4 (commencing with Section 14125) of Chapter 7 of Part 3 of Division 9 of the Welfare and Institutions Code is amended to read:

Article 4. *Advisory Health Review and Program Council*

SEC. 655.2. Section 14125 of the Welfare and Institutions Code is repealed.

14125. There is in the Department of Health Care Services the Health Review and Program Council, hereafter referred to as the council.

SEC. 655.3. Section 14126 of the Welfare and Institutions Code is repealed.

14126. The council shall consist of 11 members appointed by the Governor, five of whom shall be members of the health professions.

The Director of Health Care Services, the Director of Social Welfare, the Director of Public Health, the Director of Rehabilitation, and the Director of Mental Hygiene shall serve as ex officio members of the council.

SEC. 656. Section 16000 of the Welfare and Institutions Code is amended to read:

16000. No person, association, or corporation shall, without first having obtained a written license or permit therefor from the department *Department of Health* or from an inspection service approved or accredited by the department:

(a) Maintain or conduct any institution, boarding home, day nursery, or other place for the reception or care of children under 16 years of age, nor engage in the business of receiving or caring for such children, nor receive nor care for any such child in the absence of its parents or guardian, either with or without compensation.

(b) Engage in the finding of homes for children under 16 years of age, or place any such child in any home or other place either for temporary or permanent care or for adoption.

The provisions of subdivision (a) do not apply to any hospital or establishment holding a license in good standing issued under the provisions of Chapter 2 or Chapter 3 of Division 2 of the Health and Safety Code. However, where a hospital or establishment holding such a license from the State Department of Public Health provides services not incidental to its primary purpose, the provisions of subdivision (a) continue to apply to the hospital or establishment in respect to such additional services.

SEC. 657. Section 16018 of the Welfare and Institutions Code is amended to read:

16018. Before issuing a license to any person to operate a boarding home, foster home, or other place maintained to receive and care for children, the department *Department of Health* or the county or city inspection service, as the case may be, shall secure from the Federal Bureau of Investigation or State Bureau of Criminal Identification and Investigation a full criminal record to determine whether the applicant or his spouse has ever been convicted of a crime other than a minor traffic violation. If it is found that the applicant, or his spouse living in the same location, has been so convicted, the application shall be denied, unless otherwise provided pursuant to the following paragraph.

After review of the record, the Director of Social Welfare *Health*, or the person in charge of the county or city inspection service, as the case may be, may exempt any applicant for a license from the provisions of this section, if the record reveals no conviction of a felony involving intentional bodily harm or a sex offense, and if the director or person in charge of the county or city inspection service believes the applicant

1 to be of such good character as to justify issuance of a li-
2 cense.

3 SEC. 658. Section 16150 of the Welfare and Institutions
4 Code is amended to read:

5 16150. The Legislature finds and declares that preschool
6 programs with a strong educational component are of great
7 value to all children in preparing them for success in school,
8 and constitute an essential component of public social services
9 as defined in Section 16151. The Legislature further finds that
10 such programs are often not available to many children who,
11 because of the low income of their families, are deprived of
12 this valuable educational experience. Therefore it is the in-
13 tention of the Legislature in enacting this chapter to provide
14 equal educational opportunity to children of low income or
15 disadvantaged families through appropriate arrangements for
16 preschool programs of an educational value to be developed
17 in accordance with a contractual agreement between the State
18 Department of ~~Social Welfare~~ *Health* and the State Depart-
19 ment of Education. The Legislature believes that the intro-
20 duction of young children to an atmosphere of learning will
21 improve their performance and increase their motivation and
22 productivity when they enter school. In order to achieve this
23 end all programs established under this chapter shall be
24 centered upon a defined preschool educational program de-
25 veloped, conducted and administered with the maximum fea-
26 sible participation of the families served by the program.

27 SEC. 659. Section 16151 of the Welfare and Institutions
28 Code is amended to read:

29 16151. The State Department of ~~Social Welfare~~ *Health*
30 shall enter into a contract with the Department of Education
31 to provide for a statewide system of preschool programs of an
32 educational value, to be established by any eligible local public
33 or private nonprofit agency which submits an application
34 therefor.

35 The State Department of ~~Social Welfare~~ *Health* shall, in
36 cooperation and consultation with the Department of Educa-
37 tion, determine the areas of the state in which the approval
38 and establishment of such preschool educational programs is
39 most likely to fulfill the intent of this chapter.

40 Any application to operate and maintain a preschool edu-
41 cational program pursuant to this chapter may include a pro-
42 vision for the use of facilities owned and maintained by an
43 eligible local nonprofit private agency, when such facilities
44 may be necessary for the provision of a preschool educational
45 program in the area to be served. Children between the ages
46 of three and six years who are not currently enrolled in the
47 public schools shall be eligible to participate in these preschool
48 programs, provided that such instruction is deemed to be in the
49 best interests of the child. Special priority shall be given to
50 children from families of low income. Special priority shall
51 also be given to children from families in which English is not
52 the language primarily used in the home in order that they

1 may develop that degree of English facility necessary to profit
2 from school instruction.

3 All local preschool educational programs operated pursuant
4 to any contract herein authorized shall be available to any
5 child otherwise eligible pursuant to the procedures established
6 by this chapter and by the contract regardless of race, reli-
7 gion or ethnic background; and no such local preschool pro-
8 gram shall be used, in whole or in part, for religious worship
9 or instruction. No funds herein provided may be used for the
10 general support of any private or sectarian school system.

11 SEC. 660. Section 16152 of the Welfare and Institutions
12 Code is amended to read:

13 16152. The contract entered into pursuant to Section 16151
14 shall provide for a fee to be paid by the parent or other per-
15 son having charge or custody of any child, or to be reimbursed
16 from state and federal funds, on account of the child. The De-
17 partment of Education shall, pursuant to the contract, estab-
18 lish a system of fees which may be charged to parents who have
19 the financial ability to pay all, or part of, the cost of the
20 child's preschool educational program.

21 The State Department of ~~Social Welfare~~ *Health* shall, pur-
22 suant to the contract, pay to the Department of Education a
23 per capita reimbursement for each child certified as eligible
24 for this program and participating in a preschool program
25 established under this chapter. The per capita reimbursement
26 shall not exceed the costs incurred in providing the service,
27 less any parental fees, divided by the total number of children
28 participating in the program.

29 As used in this section, "costs" include administrative costs
30 which may be incurred by the Department of Education, the
31 Department of ~~Social Welfare~~ *Health*, and other local public
32 agencies, necessary for the development and implementation
33 of the public social service herein described and for the desig-
34 nation of those children eligible for participation.

35 Maximum standards for such costs, per child, shall be estab-
36 lished by the Department of ~~Social Welfare~~ *Health*, in con-
37 sultation and cooperation with the Department of Education
38 and with the advice of the advisory committee established pur-
39 suant to Section 16155, and such maximum cost standards
40 shall be applied beginning with the 1966-67 fiscal year and
41 each year thereafter.

42 SEC. 661. Section 16153 of the Welfare and Institutions
43 Code is amended to read:

44 16153. The State Department of ~~Social Welfare~~ *Health*
45 shall receive and administer state and federal funds for this
46 program. Priority in the establishment of programs shall be
47 given to eligible public and nonprofit private agencies in
48 communities with the greatest relative need for such programs.

49 Notwithstanding any other provision of this code, the State
50 Department of ~~Social Welfare~~ *Health* shall not provide any
51 per capita reimbursements pursuant to Section 16152 on ac-
52 count of any local preschool educational program established

1 pursuant to this chapter which does not meet the minimum
2 educational standards established by the State Board of Edu-
3 cation and set forth in the contract entered into with the
4 Department of Education.

5 The State Department of ~~Social Welfare~~ *Health* shall have
6 only such functions, duties and responsibilities with respect to
7 the educational program carried on in preschool centers as is
8 required by law and federal regulations.

9 SEC. 662. Section 16154 of the Welfare and Institutions
10 Code is amended to read:

11 16154. The State Department of ~~Social Welfare~~ *Health*
12 and the Department of Education shall cooperate fully with
13 the State Board of Health to assure health services for all
14 children enrolled in a program under this chapter.

15 SEC. 663. Section 16155 of the Welfare and Institutions
16 Code is amended to read:

17 16155. The Governor shall appoint an advisory committee
18 composed of one representative from the State Board of Pub-
19 lic Health *Advisory Health Council*, one representative from
20 the State Board of Education, one representative from the
21 State Social Welfare Board, the Directors of the Department
22 of Education, State Department of Social Welfare, and State
23 Department of Public Health, and three persons representing
24 professional or civic groups or public or nonprofit private
25 agencies, organizations or groups concerned with preschool
26 educational programs, which shall provide for a continuing
27 evaluation of the effectiveness of such programs and shall re-
28 port thereon at each general session of the Legislature.

29 SEC. 664. Section 16157 of the Welfare and Institutions
30 Code is amended to read:

31 16157. The Superintendent of Public Instruction and the
32 Director of ~~Social Welfare~~ *Health* shall jointly report to the
33 Legislature on the results of the preschool education programs
34 at the 1967 General Session and each general session there-
35 after, and shall make recommendations for adjustments in
36 the program.

37 SEC. 665. Section 16200 of the Welfare and Institutions
38 Code is amended to read:

39 16200. No person, association, or corporation shall, with-
40 out first having obtained a written license or permit therefor
41 from the ~~department~~ *Department of Health* or from an inspec-
42 tion service approved or accredited by the ~~department~~ *Depart-*
43 *ment of Health*, maintain or conduct any institution, boarding
44 home, or other place for the reception or care of aged persons,
45 nor receive or care for any such person not related to him by
46 blood or affinity within the second degree. The provisions of
47 this chapter do not apply to any hospital or establishment
48 holding a license in good standing, issued under the provisions
49 of Chapter 2 or Chapter 3 of Division 2 of the Health and
50 Safety Code, or to hospitals exempt from the provisions of
51 either or both of those chapters. However, where a hospital or
52 establishment holding such a license from the State Depart-

1 ment of Public Health provides services not incidental to its
2 primary purpose, the provisions of this chapter continue to
3 apply to the hospital or establishment in respect to such ad-
4 ditional services.

5 The ~~department~~ *Department of Health* shall require, as a
6 condition to the issuance or retention of a license or permit,
7 that any contracts made by the institution, home, or place,
8 under which payment is made in advance for care of the aged
9 person for a period of one year or more, shall be in writing
10 and in a form approved by the department, prior to its use
11 by the institution, home, or place.

12 SEC. 666. Section 16500 of the Welfare and Institutions
13 Code is amended to read:

14 16500. The state, through the State Department of ~~Social~~
15 ~~Welfare~~ *Health* and county welfare departments, shall estab-
16 lish and support a public system of statewide child protective
17 services to be developed as rapidly as possible and to be avail-
18 able in each county of the state. All counties or combinations
19 of counties shall establish specialized units of protective serv-
20 ices for children.

21 SEC. 667. Chapter 6 (commencing with Section 16575) is
22 added to Part 4 of Division 9 of the Welfare and Institutions
23 Code, to read:

CHAPTER 6. GENERAL PROVISIONS

27 16575. Whenever the term "department" or "State De-
28 partment of Social Welfare" or "Department of Social Wel-
29 fare" occurs in this part it shall mean the Department of
30 Health. Whenever the term "director" or "Director of the
31 State Department of Social Welfare" or "Director of the De-
32 partment of Social Welfare" occurs in this part, it shall mean
33 the Director of Health.

34 SEC. 668. Section 18200.1 is added to the Welfare and In-
35 stitutions Code, to read:

36 18200.1. For the purposes of this chapter "department"
37 means Department of Health and "director" means Director
38 of Health.

39 SEC. 669. Section 18205 is added to the Welfare and Insti-
40 tutions Code, to read:

41 18205. The Department of Social Welfare may authorize
42 the payment of state funds for projects pursuant to this chap-
43 ter to improve the administration of aid and to promote a more
44 effective and efficient system of public aid.

45 SEC. 670. Section 18351 of the Welfare and Institutions
46 Code is amended to read:

47 18351. Funds appropriated by the Legislature or otherwise
48 subject to expenditure for the purposes of this chapter shall
49 be made available to local public agencies on a matching
50 basis for

51 1. Community planning and development of services neces-
52 sary to carry out the objectives and purposes of this chapter.

1 2. Demonstration of programs and activities by local com-
2 munities which are particularly valuable in carrying out such
3 purposes.

4 3. The provision of recreational and other leisure time ac-
5 tivities, information, referral and counseling services, and op-
6 portunities for older persons to engage in paid or volunteer
7 community or civic services.

8 The state share of any project shall not exceed 50 percent of
9 the funds expended in connection with that project. The state
10 share of any project involving a senior activities center shall
11 be limited to the costs of providing staff, equipment and sup-
12 plies necessary to the center's program of activities and of
13 minor alterations and improvements necessary to provide safe
14 and adequate programs for participation of older persons.

15 Local matching funds may be in the form of cash, facilities,
16 or services on the basis of a local plan submitted to and
17 approved by the Director of *Social Welfare Health*. The local
18 plan shall be in the form of a contract setting forth the objec-
19 tives of the plan and the responsibilities of the local organiza-
20 tion. No plan shall be approved unless it is generally available
21 to the older citizens of the community without discrimination
22 because of race, religion, creed, color, national origin or an-
23 cestry.

24 SEC. 671. Section 18353 of the Welfare and Institutions
25 Code is amended to read:

26 18353. The ~~department~~ *Department of Health* shall formu-
27 late and promulgate criteria by which community projects are
28 to be approved for matching funds. Such criteria shall be de-
29 veloped by consultation with recognized experts in the field,
30 and interested groups or organizations shall be afforded full
31 opportunity to be heard prior to their publication.

32 The California Commission on Aging, as established by Sec-
33 tion 18300 of this code, shall serve in an advisory capacity to
34 the Director of *Social Welfare Health* for the purpose of assist-
35 ing in the establishment of criteria and evaluating proposals
36 under which projects of local public agencies are to be approved
37 as being eligible to receive matching funds.

38 SEC. 672. Section 18354 of the Welfare and Institutions
39 Code is amended to read:

40 18354. The ~~department~~ *Department of Health* shall include
41 in its annual report an evaluative summary of the progress
42 made in accomplishing the purpose of this chapter. Such report
43 shall also include a synopsis of local projects submitted to the
44 ~~department~~ *Department of Health* for matching funds, showing
45 the action taken in relation to them.

46 SEC. 673. Section 18600 of the Welfare and Institutions
47 Code is amended to read:

48 18600. There is established a Coordinating Council on
49 State Programs for the Blind, the membership of such council
50 to consist of the Director of Education, the Director of Re-
51 habilitation, the Director of Social Welfare, and the Director
52 of *Public Health*. The council shall consider and recommend

1 policies for coordination of the various state programs for the
2 adult blind, and for the coordination of the functions and
3 programs of the various state departments insofar as such
4 functions and programs affect the adult blind.

5 SEC. 674. Section 18601 of the Welfare and Institutions
6 Code is amended to read:

7 18601. The council shall recommend policies to the various
8 state departments, and shall make recommendations to the
9 Legislature. The council shall report annually to the ~~boards~~
10 *Board of Education and Public Health*, the Department of
11 Social Welfare, the Department of Rehabilitation, *the Depart-*
12 *ment of Health*, and to the Legislature.

13 SEC. 675. Section 18603 of the Welfare and Institutions
14 Code is amended to read:

15 18603. The council may establish such interdepartmental
16 committees as may be necessary to coordinate the programs of
17 the four departments and advise the council on matters of
18 general or specific interest. Persons appointed to the interde-
19 partmental committees shall be employees of the respective
20 Departments of Education, Rehabilitation, *Public Health*,
21 and Social Welfare.

22 SEC. 676. Section 19801 of the Welfare and Institutions
23 Code is amended to read:

24 19801. The Department of *Rehabilitation Health* shall be
25 responsible for the development and maintenance of a state-
26 wide comprehensive plan for the conduct of vocational rehabil-
27 itation programs for early detection and prevention of alcohol-
28 ism and effective treatment and rehabilitation; for encouraging
29 and promoting effective use of facilities, resources, and funds
30 in the planning and conduct of programs and activities for
31 early detection and prevention of alcoholism and effective treat-
32 ment and rehabilitation; for developing a comprehensive state-
33 wide educational program, in cooperation with the Department
34 of Education; ~~Department of Public Health~~, and other related
35 agencies, so that all citizens will be made aware of the inherent
36 dangers involved in the misuse of alcoholic beverages, with this
37 program to be at an adult, college, and secondary school level;
38 and for reporting periodically to the Governor and the Legis-
39 lature on the status of alcoholism and related matters in the
40 state and on the progress of efforts to reduce the effects of
41 alcoholism on the individuals, their families, the community,
42 and the progress of the statewide public education program on
43 the dangers involved in the misuse of alcoholic beverages.

44 In the discharge of this responsibility, the department shall
45 cooperate with and utilize to the maximum possible extent the
46 resources and services of federal, state, and local agencies, in-
47 cluding those within the Human Relations Agency.

48 The Department of *Rehabilitation Health* is the successor to
49 the Division of Alcoholism of the State Department of Public
50 Health *and the Department of Rehabilitation*. Whenever a
51 reference is in any statute or contract to the Division of Alco-
52 holism of the State Department of Public Health, *or the De-*

1 *partment of Rehabilitation* it shall be construed as the Depart-
2 ment of ~~Rehabilitation Health~~. *As used in this chapter*
3 *"department" means Department of Health.*

4 Sec. 677. Section 19802 of the Welfare and Institutions
5 Code is amended to read:

6 19802. The department shall plan, promote, and assist in
7 the support of vocational rehabilitation programs for early
8 detection and prevention of alcoholism and effective treatment
9 and rehabilitation; shall conduct, sponsor, and support inves-
10 tigations and studies, including evaluation, of all phases of
11 alcoholism; shall assist in the development of educational and
12 training programs; and shall carry on programs to assist the
13 public, and technical and professional groups, in becoming
14 fully informed about alcoholism.

15 The department shall promote, develop, and financially as-
16 sist, where necessary, community vocational rehabilitation alco-
17 holism programs.

18 The department may directly administer community voca-
19 tional rehabilitation programs or may conduct such programs
20 as cooperative programs with a local department of public
21 health or mental health services as designated by the county
22 board of supervisors, or such other local public agency as
23 designated by the county board of supervisors which meets
24 standards of training and experience, as the ~~Department of~~
25 ~~Rehabilitation department~~ shall prescribe ~~after consultation~~
26 ~~with the State Department of Public Health and the Depart-~~
27 ~~ment of Mental Hygiene.~~

28 The cooperative vocational rehabilitation alcoholism pro-
29 grams will be conducted within a comprehensive local plan
30 including, but not limited to, the following services as defined
31 by the California State Plan for Vocational Rehabilitation:

32 (a) Vocational rehabilitation services for individuals.
33 (1) Casefinding including outreach, referral, and advoca-
34 cacy.

35 (2) Evaluation including diagnostic and related services.

36 (3) Counseling and guidance.

37 (4) Physical restoration services, both inpatient and out-
38 patient including medical, surgical, psychiatric, psychologi-
39 cal, and nursing services.

40 (5) Training, including personal and vocational adjust-
41 ment, and related services.

42 (6) Maintenance.

43 (7) Transportation.

44 (8) Services to family members.

45 (9) Job placement.

46 (10) Followup services.

47 (b) Vocational rehabilitation administration services for
48 the community.

49 (1) Continuing measurement of local problem and re-
50 sources.

51 (2) Development and coordination of local programs.

1 (3) Public information training, staff development and
2 professional education.

3 (4) Consultation and guidance to other local agencies and
4 groups.

5 (5) Evaluation.

6 The department shall promote, develop, and financially assist
7 such other services as may be required to implement the pro-
8 visions of this chapter.

9 Local public agencies conducting such cooperative vocational
10 rehabilitation alcoholism programs shall maintain records and
11 submit periodic reports as required by the department.

12 Sec. 678. Section 19805 of the Welfare and Institutions
13 Code is amended to read:

14 19805. The department, the ~~Department of Mental Hy-~~
15 ~~giene, and the State Department of Public Health~~ shall con-
16 sult with and render assistance to any county which requests
17 information or advice concerning the planning and operation
18 of its local plan.

19 The ~~State Department of Public Health~~ department also has
20 the primary responsibility of consulting with and assisting any
21 county making such request with respect to any medical serv-
22 ices provided by the local plan.

23 Sec. 680. Section 19812 of the Welfare and Institutions
24 Code is amended to read:

25 19812. All officers and employees of the agencies enumer-
26 ated in Section 19701 on the operative date of this chapter
27 *the amendments to this section made at the 1971 Regular Ses-*
28 *sion of the Legislature* who are serving in the state civil serv-
29 ice, other than temporary employees, and *or* who are engaged
30 in the performance of a function *heretofore* transferred to the
31 Department of Rehabilitation ~~or who are engaged in the ad-~~
32 ~~ministration of a law, the administration of which is trans-~~
33 ~~ferred to the Department of Rehabilitation, by this chapter~~
34 shall be transferred to the Department of Rehabilitation
35 Health and their status, positions, and rights shall not be
36 affected by their transfer and they shall continue to be re-
37 tained as employees of the Department of Rehabilitation
38 Health pursuant to the State Civil Service Act, except as to
39 positions the duties of which are vested in a position exempt
40 from civil service.

41 Sec. 681. Section 19852 of the Welfare and Institutions
42 Code is amended to read:

43 19852. Subject to the approval of the Secretary of the
44 Human Relations Agency, the Department of Rehabilitation
45 Health shall prepare rules, standards, and procedures, neces-
46 sary and proper for the planning and effective operation of
47 treatment and rehabilitation programs. ~~In preparing such~~
48 ~~rules, standards, and procedures, the Department of Rehabil-~~
49 ~~itation shall consult with the State Department of Mental~~
50 ~~Hygiene and the State Department of Public Health and State~~

1 Board of Public Health. Such rules, standards, and proce-
2 dures shall, to the extent feasible, be consistent and coordi-
3 nated with any adopted pursuant to the McAteer Alcoholism
4 Act.

5 SEC. 682. Section 19853 of the Welfare and Institutions
6 Code is amended to read:

7 19853. If a county determines that it will establish a com-
8 prehensive treatment and rehabilitation program for chronic
9 alcoholics, the county shall prepare a county plan for such
10 a treatment and rehabilitation program in strict conformance
11 with the rules, standards, and procedures provided for in Sec-
12 tion 19852. Such plans shall be submitted to the Department
13 of ~~Rehabilitation Health~~. The Department of ~~Rehabilitation~~
14 ~~Health~~ shall review all county plans, determine whether they
15 comply with the rules, standards, and procedures promul-
16 gated pursuant to this section, and grant or deny approval
17 of such plans on the basis of that determination. The Depart-
18 ment of ~~Rehabilitation~~, the State Department of Mental Hy-
19 giene, and the State Department of Public Health shall con-
20 sult with and render assistance to any county which requests
21 information or advice concerning the planning and operation
22 of its local plan.

23 The State Department of Public Health has the primary
24 responsibility of consulting with and assisting any county
25 making such request with respect to any medical services pro-
26 vided by the local plan.

27 SEC. 682.5. Except as provided in Section 683, the provi-
28 sions of this measure shall become operative upon the recom-
29 mendation of the Director of Health and the approval of the
30 Secretary of the Human Relations Agency and the Depart-
31 ment of Finance, but no later than July 1, 1971.

32 SEC. 683. The provisions of this act relating to the crea-
33 tion of the Advisory Health Council and the abolition of the
34 State Board of Public Health, the Health Planning Council,
35 and the Health Review and Program Council, and the transfer
36 of functions therefrom, shall become operative at such time as
37 the Director of Health shall deem appropriate but no later
38 than one year after the operative date of the other provisions
39 of this act.

O

**REORGANIZATION OF THE EXECUTIVE
BRANCH OF CALIFORNIA STATE
GOVERNMENT**

Reorganization Plan No. 1 of 1970

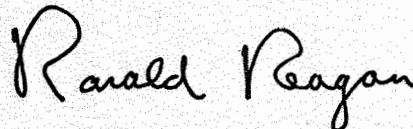
February 26, 1970

HON. ED REINECKE, *President
and Members of the Senate*

HON. BOB MONAGAN, *Speaker
and Members of the Assembly*

Pursuant to Section 12080.2 of the Government Code, I
hereby transmit Reorganization Plan No. 1 of 1970.

Respectfully,

A handwritten signature in dark ink, reading "Ronald Reagan". The signature is written in a cursive, flowing style with a large initial "R".

RONALD REAGAN
Governor

REORGANIZATION PLAN NO. 1 OF 1970

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GOVERNOR'S MESSAGE

In accordance with Section 12080.2 of the Government Code, I am submitting Reorganization Plan No. 1 of 1970 for review by the Legislature. The Plan has been reviewed by the Commission on California State Government Organization and Economy, and their comments have been carefully considered in the preparation of the Plan. I have found each reorganization action included in this Plan to be in the public interest.

The problems surrounding the administration of health programs are becoming increasingly complex and difficult. Rapidly rising costs and an inefficient health care delivery system that needs improvement are two of the major problems facing us. The State must provide more leadership in mobilizing both public and private health resources to meet these and other problems. We cannot provide such leadership without undertaking a basic reorganization of the State's health programs.

The Plan that I am submitting to you will enable us to eliminate much of the fragmentation that exists in such fields as mental retardation, alcoholism, and facilities licensing. It will permit us to carry out comprehensive health planning more effectively, so that better and less costly health care is available to all Californians. It will encourage integration of health and related services, replacing the present system under which the consumer must find his way through a maze of uncoordinated services. It will put us in a better position to deal with the growing demand for health manpower.

The State has a vital role to play in meeting health needs of the people of California. Creation of a Department of Health is an essential first step if the State is to fulfill this role. I urge your support of the Plan.

This Plan has also been submitted to the Legislative Counsel as required by Section 8523 of the Government Code.

REORGANIZATION ACTIONS

1. A Department of Health is established in the Human Relations Agency.

The Department of Health is under the control of an executive officer known as the Director of Health. The Director is appointed by and holds office at the pleasure of the Governor. The appointment of the Director is subject to confirmation by the Senate. The annual salary of the Director shall be fixed by the Legislature.

The authority to make exempt appointments in the existing Departments of Public Health, Mental Hygiene and Health Care Services shall continue to be available to the Governor in order to provide the necessary leadership for the organizational elements of the new Department. Persons filling these exempt positions shall be appointed by the Governor and serve at the pleasure of the Director of Health. The annual salaries shall be fixed by the Director of Health, subject to approval by the Director of Finance.

The general powers and authorities of the Director are defined in Sections 11151 through 11157 of the Government Code. The Director of Health shall be the appointing authority for all officers and employees of the Department of Health, except for the various boards and commissions appointed by the Governor and their exempt appointees, and the exempt appointees mentioned above.

Explanatory Material:

There is a need to consolidate the State's health programs into a unified Department of Health. At present, responsibility for these programs is divided among several departments. This fragmentation prevents effective planning, creates confusion at both the State and local level, and limits the State's ability to achieve maximum benefit from its expenditures for health.

As health programs have proliferated and expanded, administrative problems have multiplied. Coordination has become more difficult, funds have not necessarily been

allocated on the basis of priority of needs, costs of medical care have risen much more rapidly than the general cost of living, and the consumer has been left with the formidable task of threading his way through a maze of health services in attempting to find the types of assistance appropriate to his needs.

The organization of the State's health programs has been complicated further by Federal funding requirements. However, this situation appears to be changing. Passage of the Intergovernmental Cooperation Act in 1968 allows the states more flexibility in organizing programs that are wholly or partly federally funded. It is anticipated that organizational changes set forth in this plan can be accomplished without loss of Federal funds.

Establishment of a Department of Health will enable the State to combine most of its health programs in a single organization. It will then be possible to structure these programs in such a way that coordination is achieved, health needs and programs are viewed comprehensively rather than as isolated segments, and services are organized more efficiently to facilitate their use by consumers.

The plan provides for appointment by the Governor of the Director of Health. His annual salary will be fixed by the Legislature. Positions at this level command a salary of \$32,000 per annum.

The plan also provides that the Governor shall retain the authority to make exempt appointments that he now has with respect to the Departments of Mental Hygiene, Public Health, and Health Care Services. In developing a strong management team to direct the operations of a large, complex organization like the proposed Department of Health, it is essential that the Governor have the opportunity to draw upon the best talent available, whether within or outside State Government, in filling the key policy positions in the Department.

Statutes Suspended:

None

2. The Department of Mental Hygiene is abolished and its functions, authorities, and responsibilities are transferred to the Department of Health. The only exception to this is the two Neuropsychiatric Institutes, which are transferred to the University of California.

Explanatory Material:

The Department of Mental Hygiene is responsible for providing mental health services, including diagnosis, care and treatment, and rehabilitation of mentally ill or mentally retarded persons for whom no other treatment resources are available or suitable. This responsibility is carried out through the operation of 14 State hospitals.

The Department administers the Lanterman-Petris-Short Act, which provides funds for community programs for the mentally ill. The Department also conducts research into the causes, treatment, and prevention of mental illness and retardation; provides education for the general public on mental health; and conducts training for mental health specialties.

The two Neuropsychiatric Institutes carry on academic instruction and research, both of which are basic responsibilities of a university system. The Institutes are located on the campuses of the University of California Medical Schools in San Francisco and Los Angeles. All members of the professional staff of the Institutes hold faculty appointments on the medical school staff, and the Institutes serve as the medical schools' Division of Psychiatry. Because of these interrelationships, it is difficult to establish a clear dividing line between the functions and responsibilities of the medical schools and the Neuropsychiatric Institutes. Since the Institutes are performing a predominantly university function in a university setting and their transfer would have little impact on the balance of the Department of Mental Hygiene programs, they should be assigned to the University for integration within its total educational system.

Statutes Suspended:

Sections 4000, 4005, 7552, 7554, 7605, 7701, 7703 and 7704 of the Welfare and Institutions Code.

3. The Department of Public Health is abolished and all of its functions, authorities, and responsibilities are transferred to the Department of Health.

Explanatory Material:

The mission of the Department of Public Health is to promote the highest level of health attainable for every Californian in an environment which contributes positively to healthful individual and family living. In carrying out this mission, the department's responsibility includes identifying those biological, physical, and social conditions in working, living, and recreational environments that are

detrimental to healthful living; planning and coordinating the provision of high quality comprehensive health services and facilities to all segments of the population for the prevention and control of disease and disability; and encouraging the full participation of the people in recognizing their health concerns and interests and in taking action in relation to these.

All of these functions are appropriate to a Department of Health and essential to its effective functioning.

Statutes Suspended:

Chapter 1 (commencing with Section 100) of Part 1 of Division 1, and Sections 350, 351, 354, 431.10, 26343 and 26559 of the Health and Safety Code.

4. The Department of Health Care Services is abolished and all of its functions, authorities, and responsibilities are transferred to the Department of Health.

Explanatory Material:

The Department of Health Care Services is responsible for administering the California Medical Assistance Program, referred to as Medi-Cal. The purpose of the program is to provide basic medical care and related remedial or preventive services to recipients of public assistance and to medically needy, aged, and other medically needy persons, including related social services.

The State is currently spending more than \$1 billion per year on Medi-Cal, of which \$454 million comes from the Federal Government, \$219 million from the counties, and \$387 million from the State General Fund. It is essential that, in evaluating total health needs and priorities, this program be viewed in conjunction with other health programs. In addition, an expenditure program of this magnitude is certain to influence the total health care delivery system. It is in the interest of all Californians that this influence be purposeful rather than random, and that the State work cooperatively with the private sector to find alternative ways of providing quality care at lower cost. This can best be accomplished by placing responsibility for Medi-Cal in the Department of Health, where decisions affecting that program can be related directly to comprehensive health planning and other health activities.

Statutes Suspended:

Chapter 3.5 (commencing with Section 10750) of Part 2 of Division 9 of the Welfare and Institutions Code.

5. Ten of the healing arts boards in the Department of Professional and Vocational Standards, including all of their functions, authorities, and responsibilities, are transferred to the Department of Health. These boards include:

Board of Chiropractic Examiners

Board of Dental Examiners

Board of Medical Examiners

Board of Nursing Education and Nurse Registration

Board of Optometry

Board of Osteopathic Examiners

Board of Pharmacy

Board of Examiners in Veterinarian Medicine

Board of Vocational Nurse and Psychiatric Technician Examiners

Social Worker and Marriage Counselor Qualifications Board

Explanatory Material:

The demand for better protection of the public's health resulted in creation of the Board of Medical Examiners in 1879 (and since that time, the other healing arts licensing boards) to restrict entry only to qualified practitioners. The boards have wide statutory powers to set standards, conduct examinations, make investigations, and take disciplinary action against erring licensees. The basic purpose of these healing arts licensing programs is protection of the public health, safety, and welfare.

The Department of Public Health also licenses certain health occupations. Among these are clinical laboratory technologists and trainees, bioanalysts, home health aides, public health microbiologists, public health nurses, public health sanitarians, radiologic technicians, and school audiometrists.

One of the responsibilities of the proposed Department of Health is to assess the need for health manpower and develop plans to meet that need. Decisions made by the healing arts licensing boards may have a significant impact on the ability of the state to implement these plans. The licensing function must be closely coordinated with

the planning for health manpower. Such coordination can be accomplished most effectively by assigning both responsibilities to a Department of Health. Combining these functions will also help to eliminate the repetition of educational programs which is sometimes required when a person attempts to upgrade his skills and qualify for work at a higher professional level.

Statutes Suspended:

None

6. The social service functions, authorities, and responsibilities of the Department of Social Welfare are transferred to the Department of Health.

Explanatory Material:

There is general acceptance at all levels of government of the desirability of making a clear separation of the two basic responsibilities generally associated with welfare programs—social services and money payments. The Federal Department of Health, Education, and Welfare has recommended organizational separation of social services from cash payments in welfare programs. The State has concurred and organized its functions along these lines. In addition, the State has directed the counties to effect a similar organizational separation by July 1, 1970.

Along with this separation, there is a growing recognition of the interrelationship and interdependency of health services and social services. The line between the two types of services is becoming increasingly blurred, particularly at the local level. The Department of Social Welfare, directly and through the counties, provides a number of social services to people—most of whom are recipients of cash or medical assistance. These social services have varying degrees of relatedness to health services. They range from the placement of persons discharged from State hospitals in out-of-home care facilities to the supervision of county adoption programs; from identification of medical treatment needs to promotion of adequate child nutrition; and from family planning counseling to the provision of a home health aide or homemaker.

At present, several State departments have overlapping responsibilities in the health and social service fields. Alcoholism clinics, local mental health clinics, and diagnostic centers for mental retardation compete with the county welfare department's protective services for budget resources, qualified staff, and even clients. To cite another example, home health aide services for the tem-

porarily ill, permanently disabled, or feeble aged are licensed by the Department of Public Health, funded by the Department of Health Care Services, duplicated to a large extent by the Department of Social Welfare's attendant care-homemaker program, and used by the same client group.

One of the major social service functions of the Department of Social Welfare is licensing of institutions for children and aged. The apparent purpose for licensing such residential facilities is to insure the health and safety of the public. At present, this responsibility is divided among several State departments. Effective administration of the State's functions related to licensing of out-of-home care facilities can best be accomplished by consolidating these functions in the Department of Health.

Three major departments being consolidated into the Department of Health—Mental Hygiene, Public Health, and Health Care Services—also have social work staffs. In addition, social workers are included as an integral part of the staffs of local community programs for the mentally ill and mentally retarded. Consolidation of State responsibility for social services in the Department of Health will permit the integration of this staff into a more effective system, with a consequent improvement in the quality of service rendered to the public.

Statutes Suspended:

None

7. All of the functions, responsibilities, and authorities of the Department of Rehabilitation in connection with its alcoholism program are transferred to the Department of Health.

Explanatory Material:

The Department of Rehabilitation is responsible for carrying out the provisions of the McAteer Alcoholism Act, along with certain other laws related to alcoholism. In doing so, the department operates directly one alcoholism clinic and contracts with various cities and counties for the operation of 13 others. Until recently, the responsibility for this program was vested in the Department of Public Health. Subsequently, the responsibility was shifted to the Department of Rehabilitation. As a result of Congress' passing the Intergovernmental Cooperation Act in 1968, it appears that the function can be reassigned to the Department of Health without loss of Federal funds.

The Department of Mental Hygiene provides similar services to alcoholics through the Lanterman-Petris-Short program, using a combination of clinics, purchased services, and State hospitals. The programs of the two departments operate independently, and there has been little concerted effort to coordinate their activities.

Transfer of the Department of Rehabilitation's responsibility for alcoholism to the Department of Health will eliminate the present program overlap with the Department of Mental Hygiene and will make it possible to provide a systematic approach to the prevention of alcoholism and to the identification, treatment, and rehabilitation of alcoholics.

Statutes Suspended:

None

8. The State Board of Public Health, the Health Planning Council, and the Health Review and Program Council are to be eliminated. All of their functions, authorities, and responsibilities are to be transferred to an Advisory Health Council, except that the powers of the State Board of Public Health with respect to adopting, promulgating, repealing, or amending rules and regulations, and its power to issue licenses and permits, are to be transferred to the Director of Health. The composition of the Advisory Health Council will be the same as that now prescribed by law for the Health Planning Council, except for elimination of the positions of Director of Public Health and Director of Mental Hygiene. The Advisory Health Council will serve in an advisory capacity to the Director of Health. These reorganization actions will be accomplished no later than one year from the operative date of this Reorganization Plan, or earlier at the discretion of the Director of Health.

Explanatory Material:

At present, there are numerous boards, commissions, and committees advising various State health agencies. With the consolidation of health programs into a Department of Health, there is a need to consolidate some of the boards that have broad advisory responsibilities in the

field of health. This can be accomplished by creating an Advisory Health Council, consisting of 19 members representing a broad range of health interests.

One of the primary responsibilities of the Advisory Health Council will be to assist the Department of Health in comprehensive health planning. The Council will be expected to take the long view ahead, developing a concept of the kinds of health services that should be available to the public, five, ten, and fifteen years from now. It should conduct a continuous evaluation of the health care delivery system and make recommendations to improve it. Working with public and private groups representing both providers and consumers, the Council should help to clarify the roles of government and the private sector in health. Part of the total delivery system is the health programs now carried out by the State, such as operation of State hospitals, support of health programs carried out at the local level, and Medi-Cal. The Council should recommend policy directions in relation to these areas that will provide a basis for program decisions.

The rule-making and licensing responsibilities of the State Board of Public Health will be transferred to the Director of Health. This follows the pattern established in a number of other departments of State Government, enabling the Advisory Health Council to concentrate on major policy issues.

Insofar as possible, the membership of the Advisory Health Council will be drawn from the present membership of the three boards being eliminated.

Statutes Suspended:

Sections 431.2 and 26344 of the Health and Safety Code and Sections 14125 and 14126 of the Welfare and Institutions Code.

GENERAL PROVISIONS

This Reorganization Plan is effective on the date specified by Government Code Section 12080.5. The plan shall become operative at such time as is recommended by the Director of the Department of Health, and approved by the Secretary of the Human Relations Agency and the Department of Finance, but not later than July 1, 1971. On the effective date of the transfer of a function, the funds incident to such function shall be transferred to the department.

The appointment of the Director of the Department of Health may be made on or after the effective date of this plan, and he shall assume such administrative functions and be

vested with such powers provided for in this plan as are necessary to carry out the provisions of this section. The director, immediately after his appointment, shall appoint such assistants as are necessary to plan and provide for the orderly assumption of those functions transferred to the department.

The director shall recommend that the plan become operative when he has made all arrangements necessary to assure the effectuation of the transfer of programs and funds under the plan in an orderly manner and with no disruption of functions and upon determining that sufficient funds and personnel for proper administration are available for implementation of the plan.

The agencies, officers and employees affected by this plan shall continue to perform their existing functions until the reorganization changes take place.

In addition to the description of the reorganization of various agencies in the Executive Branch of the State Government, there is also set forth explanatory material and the statutes that are suspended (required by Government Code Sections 12080.2 and 12080.3(g)). To facilitate understanding and reference, the explanatory material immediately follows the reorganization to which it is applicable.

TRANSFER OF EMPLOYEES

In accordance with Government Code Sections 12080.3 and 19370, all employees serving in the State civil service, other than temporary employees, who are engaged in the performances of a function transferred to another agency, or engaged in the administration of a law, the administration of which is transferred to another agency by this Reorganization Plan, are transferred to the agency to which such function or administration is transferred. The personnel records of all transferred employees shall be transferred to the agency to which the employee is transferred. The status, positions, and rights of such persons shall not be affected by their transfer and shall continue to be retained by them pursuant to the State Civil Service Act, except as to positions the duties of which are vested in a position exempt from civil service. If any doubt arises as to where such employees are transferred, the Personnel Board shall determine where an employee is transferred.

Explanatory Material

This provision is required by Government Code Section 12080.3(c) and (d).

TRANSFER OF PROPERTY

The property of any agency affected by this reorganization is transferred to the agency to which the function or adminis-

tration has been transferred. If any doubt arises as to where such property is transferred, the Department of General Services shall determine where the property is transferred. The property of any agency which is abolished shall be transferred to the Department of General Services.

Explanatory Material

This provision is required by Government Code Section 12080.3(d).

TRANSFER OF FUNDS

All unexpended balances of appropriations and other funds available for use in connection with any function or the administration of any law transferred by this Reorganization Plan shall be transferred to the agency to which the function or administration has been transferred for use for the purpose for which the appropriation was originally made or the funds originally available. If there is any doubt as to where such balances and funds are transferred, the Department of Finance shall determine where such balances and funds are transferred. All unexpended balances of appropriations and other funds for functions eliminated by this Reorganization Plan shall revert to the fund from which appropriated as determined by the Department of Finance.

Explanatory Material

This provision is required by Government Code Section 12080.3(e).

TERMINATION OF AGENCIES ABOLISHED

The affairs of any agency abolished by this Reorganization Plan shall be terminated as rapidly as possible. Such termination shall be the responsibility of the Governor's Cabinet.

Explanatory Material:

This provision is required by Government Code Section 12080.3(f).

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**REORGANIZATION OF THE EXECUTIVE
BRANCH OF CALIFORNIA STATE
GOVERNMENT**

Reorganization Plan No. 2 of 1970

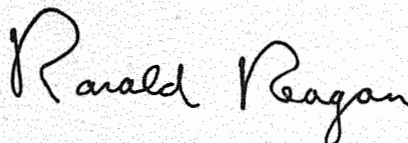
February 26, 1970

**HON. ED REINECKE, *President
and Members of the Senate***

**HON. BOB MONAGAN, *Speaker
and Members of the Assembly***

Pursuant to Section 12080.2 of the Government Code, I
hereby transmit Reorganization Plan No. 2 of 1970.

Respectfully,

A handwritten signature in dark ink, reading "Ronald Reagan". The signature is written in a cursive, flowing style with a large initial "R".

RONALD REAGAN
Governor

REORGANIZATION PLAN NO. 2 OF 1970

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GOVERNOR'S MESSAGE

In accordance with Section 12080.2 of the Government Code, I am submitting Reorganization Plan No. 2 of 1970 for review by the Legislature. It has also been submitted to the Commission on California State Government Organization and Economy and to the Legislative Counsel as provided in Section 8523 of the Government Code. I have found each reorganization action included in this Plan to be in the public interest.

The actions proposed in this Plan will increase efficiency, save the taxpayers money, provide more effective management of the Executive Branch and more particularly of the boards, bureaus, committees and commissions of the Department of Professional and Vocational Standards and will promote the expeditious administration of the public business.

This Plan emphasizes that the Department of Professional and Vocational Standards and the agencies contained within the Department were created to protect the public health, safety, and welfare and that their primary interest is consumer protection in the public interest. As reorganized the Department of Consumer Affairs will be the first major state agency of its kind in the United States.

The Plan constitutes one of several important changes in the continuing process of updating our State Government. I am certain that, with your support, it will prove to be a constructive step in streamlining and making more efficient the operation of the department.

REORGANIZATION ACTIONS

1. The name of the Department of Professional and Vocational Standards is changed to the Department of Consumer Affairs.

Explanatory Material:

This change is a step which re-emphasizes the basic responsibilities of this department in State government. The department's primary purpose is to protect the public health, safety, and welfare. The new name is more descriptive of the functions of the department in consumer protection and better identifies these functions for the consumer in the field of business and professional licensing.

Statutes Suspended:

None

2. The Office of Consumer Counsel is transferred to the Department of Consumer Affairs.

Explanatory Material:

Both the Department of Consumer Affairs and the Office of Consumer Counsel are in the Agriculture and Services Agency. This will provide statutory confirmation of an administrative change, already completed, to place the Office of Consumer Counsel in the department most logically related to its functions. The change will provide the Consumer Counsel with additional administrative support and will enable the public to more easily identify and locate the agency.

Statutes Suspended:

None

3. The Collection Agency Licensing Bureau and the Bureau of Private Investigators and Adjusters are abolished and their functions, powers, duties, and responsibilities transferred to the Bureau of Collection and Investigative Services, which is established in the department under the supervision and control of the director. Subject to confirmation by the Senate, the Governor may appoint a chief of the new bureau to serve under the supervision and

control of the director. The director and the chief shall have the same functions, powers, duties and responsibilities with respect to each of the acts subject to the new bureau's jurisdiction as they have with respect to such acts under present law, and the present separate funding of each act shall be continued. The name of the California Advisory Board of Collection Agencies is changed to the Collection Agency Advisory Board.

Explanatory Material:

At present the director administers the Collection Agency Act and the Private Investigator and Adjuster Act through the Collection Agency Licensing Bureau and the Bureau of Private Investigators and Adjusters, respectively, and the law provides for a chief of each bureau. Consolidation of the bureaus, with provision for a single chief, will assure better coordination of related activities and permit a more efficient, economical, and effective service to the public.

Statutes Suspended:

None

4. The name of the Bureau of Electronic Repair Dealer Registration is changed to the Bureau of Repair Services. The name of the Advisory Board, Bureau of Electronic Repair Dealer Registration, is changed to the Repair Services Advisory Board. The name of the Electronic Repair Dealer Registration Fund is changed to the Repair Services Fund.

Explanatory Material:

The name change is more descriptive of the functions of the bureau and is in keeping with the administration's proposed umbrella agency concept. Under this concept the Legislature may, if deemed desirable in the public interest, expand the bureau to encompass the regulation of other types of repair industries.

Statutes Suspended:

None

5. The authority to employ the investigative, inspectional, and auditing personnel necessary for the

work of the various agencies in the department is transferred from the agencies themselves to the department in the following manner: If an agency has no investigative, inspectional, or auditing positions of its own on the 60th day after the effective date of this Reorganization Plan, its authority to employ such personnel is transferred to the department on that date. If an agency has investigative, inspectional, or auditing positions of its own on the 60th day after the effective date of this Reorganization Plan, its authority to employ such personnel is transferred to the department on the date the director of the department determines, after consultation with and consideration of the views of the agency, that the authority should be so transferred in the interests of efficient, economical, and effective service to the public. All investigative, inspectional, and auditing personnel employed by the department shall be assigned to the department's Division of Investigation.

Explanatory Material:

The Division of Investigation, which was created by Executive Order of the Governor in 1961, operates under the direction and control of a Chief who is responsible to the Director. At present, its personnel perform the investigative and inspectional work required by most of the agencies in the department and these agencies no longer employ their own personnel. Authorization for the transfer to the Division of the personnel of the remaining agencies is a desirable step toward full realization of the potential for economy and for effective and objective service to the public which underlies the Division concept.

Statutes Suspended:

None

6. All functions, authorities and responsibilities of any agency in the Department of Consumer Affairs to determine the form and content of licenses, certificates, permits and similar indicia of authority, including renewals thereof, are transferred to the director. Before any determination is made by the

director he shall consult with and consider the views of the agencies concerned. Existing supplies may be used until exhausted or until December 31, 1971, whichever is earlier.

Explanatory Material:

Standardization of the form and content of these documents will eliminate unnecessary information, together with such costly procedures as hand lettering, and will permit greater utilization of data processing capabilities. The result will be increased efficiency and economy without the sacrifice of essential service.

Statutes Suspended:

None

7. The Governor shall appoint a public member to replace one of the present licensee members on the following boards in the Department of Consumer Affairs: State Board of Accountancy, California State Board of Architectural Examiners, California State Board of Landscape Architects, State Board of Barber Examiners, State Board of Registration for Professional Engineers, Collection Agency Advisory Board, Contractors' State License Board, State Board of Cosmetology, State Board of Funeral Directors and Embalmers, State Board of Registration for Geologists, Structural Pest Control Board, Cemetery Board, California Advisory Board of Furniture and Bedding. Each office so affected shall thereafter be held by a public member.

The appointment to the State Board of Accountancy shall be to fill the first vacancy occurring in the office of a certified public accountant member whose term expires November 26, 1972. If a vacancy occurs in more than one of such offices simultaneously, the Governor shall determine the office to be filled by the appointment of a public member. The term of the office shall remain the same as under present law.

The appointment to the California State Board of Architectural Examiners shall be to fill the vacancy created by the expiration of the term of the building designer member whose term expires January 15, 1971. The first appointment shall be for a term expiring June 1, 1974. Each appointment thereafter shall be for a four-year term expiring June 1.

The appointment to the California State Board of Landscape Architects shall be to fill the vacancy created by the expiration of the term of the landscape architect member from Southern California whose term expires January 15, 1971. The first appointment shall be for a term expiring June 1, 1974. Each appointment thereafter shall be for a four-year term expiring June 1.

The appointment to the State Board of Barber Examiners shall be to fill the vacancy created by the expiration of the term of the barber member whose term expires January 15, 1971. The first appointment shall be for a term expiring June 1, 1974. Each appointment thereafter shall be for a four-year term expiring June 1. The persons so appointed shall not receive a salary but shall receive the same per diem compensation and reimbursement for expenses as the present public member. Appointments to this board shall be subject to Senate confirmation, as required by present law.

The appointment to the State Board of Registration for Professional Engineers shall be to fill the vacancy created by the expiration of the term of the civil engineer member whose term expires January 15, 1971. The first appointment shall be for a term expiring June 1, 1974. Each appointment thereafter shall be for a four-year term expiring June 1.

The appointment to the Collection Agency Advisory Board shall be to fill the first vacancy occurring in the office of a member whose term expires June 30, 1971. If a vacancy occurs in more than one of such offices simultaneously, the Governor shall determine the office to be filled by the appointment of a public member. The term of the office shall remain the same as under present law.

The appointment to the Contractors' State License Board shall be to fill the first vacancy occurring in the office of the general building contractor member whose term expires January 15, 1972. An appointment to fill a vacancy occurring prior to January 15, 1972, shall be for a term expiring January 15, 1972. An appointment to fill a vacancy occurring on or after January 15, 1972, but prior to June 1, 1975, shall be for a term expiring June 1, 1975. Appointments to fill vacancies occurring on and after June 1, 1975, shall be for four-year terms expiring June 1. Appointments to this board shall be subject to Senate confirmation, as required by present law.

The appointment to the State Board of Cosmetology shall be to fill the vacancy created by the expiration of the term of the member whose term expires January 15, 1971. The first appointment shall be for a term expiring June 1, 1974. Each appointment thereafter shall be for a four-year term expiring June 1.

The appointment to the State Board of Funeral Directors and Embalmers shall be to fill the vacancy created by the expiration of the term of the member whose term expires January 15, 1971. The first appointment shall be for a term expiring June 1, 1974. Each appointment thereafter shall be for a four-year term expiring June 1.

The appointment to the State Board of Registration for Geologists shall be to fill the vacancy

created by the expiration of the term of the geologist member from Administrative District 5 whose term expires January 15, 1971. The first appointment shall be for a term expiring June 1, 1974. Each appointment thereafter shall be for a four-year term expiring June 1.

The appointment to the Structural Pest Control Board shall be to fill the vacancy created by the expiration of the term of the member whose term expires January 15, 1971. The first appointment shall be for a term expiring June 1, 1974. Each appointment thereafter shall be for a four-year term expiring June 1.

The appointment to the Cemetery Board shall be to fill the vacancy created by the expiration of the term of the member whose term expires January 15, 1971. The first appointment shall be for a term expiring June 1, 1974. Each appointment thereafter shall be for a four-year term expiring June 1. Appointments to this board shall be subject to Senate confirmation, as required by present law.

The appointment to the California Advisory Board of Furniture and Bedding shall be to fill the first vacancy occurring in the office of the supply dealer member whose term expires June 30, 1973. The term of the office shall be the same as under present law.

Explanatory Material:

The substitution of public members for licensee members will result in greater objectivity in the regulatory process and increased responsiveness to the public interest by the boards affected. Certain boards have been excluded because they presently have two or more public members. The Athletic Commission and the State Board of Guide Dogs for the Blind, also excluded, have no licensee members. The Certified Shorthand Reporters Board, similarly excluded, has a complement of non-licensee membership which makes the addition of public members unnecessary. The healing arts boards and related examining committees are included in another reorganization plan which will

place them in another department and are therefore excluded from this Plan.

The terms of the public members for whom this Plan provides will be in general conformity with the terms established by present law for the offices to which they are to be appointed.

Statutes Suspended:

None

GENERAL PROVISIONS

This Reorganization Plan is effective on the date specified by Government Code Section 12080.5. The agencies, officers and employees affected by this Plan shall continue to perform their existing functions for sixty days following the effective date of this Reorganization Plan and during this period shall plan for the necessary changes. The reorganization changes herein provided shall take place on the sixtieth day after the effective date of this Plan except as otherwise provided in this Plan.

In addition to the description of the reorganization of various agencies in the Executive Branch of the State Government, there is also set forth explanatory material and the statutes that are suspended (required by Government Code Sections 12080.2 and 12080.3(g)). To facilitate understanding and reference, the explanatory material immediately follows the reorganization to which it is applicable.

TRANSFER OF EMPLOYEES

In accordance with Government Code Sections 12080.3 and 19370, all employees serving in the State civil service, other than temporary employees, who are engaged in the performance of a function transferred to another agency, or engaged in the administration of a law, the administration of which is transferred to another agency by this Reorganization Plan, are transferred to the agency to which such function or administration is transferred. The personnel records of all transferred employees shall be transferred to the agency to which the employee is transferred. The status, positions, and rights of such persons shall not be affected by their transfer and shall continue to be retained by them pursuant to the State Civil Service Act, except as to positions the duties of which are vested in a position exempted from civil service. If any doubt arises as to where such employees are transferred, the Personnel Board shall determine where an employee is transferred.

Explanatory Material:

This provision is required by Government Code Section 12080.3(e) and (d).

TRANSFER OF PROPERTY

The property of any agency affected by this reorganization is transferred to the agency to which the function or administration has been transferred. If any doubt arises as to where such property is transferred, the Department of General Services shall determine where the property is transferred. The property of any agency which is abolished shall be transferred to the Department of General Services.

Explanatory Material:

This provision is required by Government Code Section 12080.3(d).

TRANSFER OF FUNDS

All unexpended balances of appropriations and other funds available for use in connection with any function or the administration of any law transferred by this Reorganization Plan shall be transferred to the agency to which the function or administration has been transferred for use for the purpose for which the appropriation was originally made or the funds originally available. If there is any doubt as to where such balances and funds are transferred, the Department of Finance shall determine where such balances and funds are transferred. All unexpended balances of appropriations and other funds for functions eliminated by this Reorganization Plan shall revert to the fund from which appropriated as determined by the Department of Finance.

Explanatory Material:

This provision is required by Government Code Section 12080.3(e).

TERMINATION OF AGENCIES ABOLISHED

The affairs of any agency abolished by this Reorganization Plan shall be terminated as rapidly as possible. Such termination shall be the responsibility of the Governor's Cabinet.

Explanatory Material:

This provision is required by Government Code Section 12080.3(f).

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**REORGANIZATION OF THE EXECUTIVE BRANCH
OF CALIFORNIA STATE GOVERNMENT**

REORGANIZATION PLAN NO. 1 OF 1971

**Transmitted to the Legislature
on June 2, 1971**

**RONALD REAGAN
Governor**

GOVERNOR'S MESSAGE

In accordance with Section 12080.2 of the Government Code, I am submitting Reorganization Plan No. 1 of 1971 for review by the Legislature. I have found each reorganization action included in the Plan to be in the public interest.

The actions proposed in this Plan will increase the efficiency of the operation of state government to the fullest extent practicable, and promote the better execution of the laws relating to water quality control. Regional Water Quality Control Boards reorganized by these actions would be more consolidated, permitting more efficient management of each region and easier access to board meetings by the public, board members, and staff, without requiring the creation of a new board.

The Porter-Cologne Water Quality Control Act became effective on January 1, 1970. It is most appropriate at this time to accomplish needed reorganization of the regional water quality control boards and their regions for the effective enforcement of the revised water quality control laws.

REORGANIZATION ACTIONS

1. The California Regional Water Quality Control Board, Central Valley Region, is renamed the California Regional Water Quality Control Board, Sacramento Valley Region, and its region is changed by transfer:
 - a. To exclude all that portion of the San Joaquin Valley which lies southerly of (1) the Stanislaus River watershed in Tuolumne County and (2) the Hetch Hetchy Aqueduct in Stanislaus and San Joaquin Counties.
 - b. To exclude an industrial area about ten miles wide in the westerly Sacramento-San Joaquin Delta in accordance with Reorganization Action 4.
 - c. To include Lake Tahoe and all the northerly portion of the Lahontan Region from the California-Oregon border to and including Alpine County.
2. The California Regional Water Quality Control Board, San Joaquin-High Desert Region, is established, and its region consists of:
 - a. The entire southern portion of the Central Valley Region, bounded on the north by the southerly boundary of the Sacramento Valley Region; and
 - b. The entire southerly portion of the Lahontan Region, bounded on the north by the northwesterly boundary of Mono County.
3. The California Regional Water Quality Control Board, Lahontan Region, is abolished.

Statutes Suspended:
Water Code Section 13200 (h).
4. The region of the California Regional Water Quality Control Board, San Francisco Bay Region, is changed by transfer:

- a. To include all that portion of Solano County which lies westerly of Toland Landing and southerly of the southerly watershed boundary of Clank Hollow.
 - b. To include all that portion of Contra Costa County which lies westerly or northerly of the southeasterly boundary of the watershed of Marsh Creek.
 - c. To include the area lying westerly of a line drawn between Toland Landing and the point where Marsh Creek empties into Dutch Slough and Big Break.
5. All members of a California regional water quality control board whose residence or principal place of business no longer qualifies them to serve on the same board as a result of this reorganization shall be designated by the Governor, to the extent they are otherwise qualified and a vacancy exists, as members of a reorganized board. In cases where the reorganization results in more than one person qualified by comparable background, the Governor shall designate the person with the longest remaining term to serve as a member of the reorganized board. In the event of a conflict the Governor shall designate the person to serve on the reorganized board.
6. Any person in the position of executive officer of a regional water quality control board affected by this reorganization may be appointed by, and shall serve at the pleasure of, any board reorganized by this plan.

GENERAL PROVISIONS

This Reorganization Plan is effective on the date specified by Government Code Section 12080.5. The regional boards, officers and employees affected by this Plan shall continue to perform their existing functions for 60 days following the effective date of this Reorganization Plan and during this period shall plan for the necessary changes, except that the State Water Resources Control Board shall promptly designate from personnel of a reorganized board an interim staff for the San Joaquin-High Desert Regional Board. The reorganization changes herein provided shall take place 60 days after the effective date of this Plan, except as otherwise provided herein.

TRANSFER OF EMPLOYEES

In accordance with Government Code Sections 12080.3(c) and 19370, all employees serving in the state civil service, other than temporary employees, who are engaged in the performance of a function transferred to another board by this Reorganization Plan, are transferred to the board to which such function is transferred. The personnel records of all transferred employees shall be retained in the offices of the State Water Resources Control Board. The status, positions, and rights of such persons shall not be affected by their transfer and shall continue to be retained by them pursuant to the State Civil Service Act, except as to positions the duties of which are vested in a position exempt from civil service.

TRANSFER OF PROPERTY

The property of any board affected by this reorganization is transferred to the board to which the function has been transferred. If any doubt arises as to where such property is transferred, the State Water Resources Control Board shall determine where the property is transferred.

TRANSFER OF FUNDS

All unexpended balances of appropriations and other funds available for use in connection with any function transferred by this Reorganization Plan shall be transferred to the board

to which the function has been transferred for use for the purpose for which the appropriation was originally made or for which the funds were originally available.

TERMINATION OF REGIONAL BOARD ABOLISHED

The affairs of the Lahontan Regional Board after this Reorganization Plan becomes effective shall be terminated as rapidly as possible.