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Assembly
California Legislature
Committee on Rules

JAMES RAMOS
CHAIR

Monday, February 6, 2023
12:45 p.m.
State Capitol, Room 126

CONSENT AGENDA

VICE CHAIR
WALDRON, MARIE

MEMBERS
ADDIS, DAWN
CARRILLO, JUAN
ESSAYLI, BILL
FLORA, HEATH
LOW, EVAN
ORTEGA, LIZ
PACHECO, BLANCA
PAPAN, DIANE
PELLERIN, GAIL
RUBIO, BLANCA E.
VALENCIA, AVELINO

CERVANTES, SABRINA (D-
ALT)
ZBUR, RICK CHAVEZ (D-ALT)
DIXON, DIANE (R-ALT)

REQUEST TO WAIVE THE 30-DAY IN PRINT RULE

1. AB 269 (Berman) Public health: COVID-19 testing and dispensing sites

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STATE CAPITOL
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February 3, 2023

The Honorable James C. Ramos
Chair, Assembly Rules Committee
1021 O Street, Suite 6250
Sacramento, CA 95814

RE: Request to Waive the 30-Day in Print Requirement

Dear Assemblymember Ramos:

I respectfully request to waive the 30-Day in print requirement for Assembly Bill 269 so that it may be considered and acted upon within 30 days after introduction and prior to being in print for 30 days.

AB 269 is an urgency measure and must be passed by the Legislature and signed by the Governor before the end of February to ensure the continued ability of nurses to dispense COVID-19 therapeutics and address the technical qualifications of laboratory workers allowing them to process COVID-19 tests.

Thank you for your consideration of this request. If you have any questions regarding this request, please feel free to contact me or my Chief of Staff, Harry Ermoian at 319-2023.

Sincerely,

MARC BERMAN
Assemblymember, 23rd District

ASSEMBLY BILL

No. 269

Introduced by Assembly Member Berman

January 23, 2023

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

LEGISLATIVE COUNSEL'S DIGEST

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

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

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

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

Vote: $\frac{2}{3}$. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

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

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

3 1206.7. Notwithstanding Section 1206.5, a person may perform
4 an analysis of samples to test for SARS-CoV-2, the virus that
5 causes COVID-19, in a clinical laboratory if they meet the
6 requirements under the Clinical Laboratory Improvement
7 Amendments in Section 493.1489 of Title 42 of the Code of
8 Federal Regulations for high complexity testing.

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

11 4176. (a) Notwithstanding any other law, an entity approved
12 by the State Department of Public Health to operate a designated
13 COVID-19 testing and dispensing site may acquire, dispense, and
14 store COVID-19 oral therapeutics at or from a designated site.
15 COVID-19 oral therapeutics shall be stored in a secure manner,
16 as determined by the State Department of Public Health. Nothing
17 in this chapter shall prohibit the distribution of COVID-19 oral
18 therapeutics to, or acquisition by, an approved entity or a
19 designated site.

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

23 (c) COVID-19 oral therapeutics that are packaged by the
24 manufacturer in a dispensable container shall be dispensed in the
25 original manufacturer’s container. Each COVID-19 oral therapeutic

1 dispensed shall be labeled as specified in paragraphs (1), (2), (3),
2 (4), (5), (7), (8), and (9) of subdivision (a) of Section 4076. The
3 label shall also include the address of the designated site where
4 the therapeutic is dispensed.

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

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

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

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

19 101161. A person may perform an analysis of samples to test
20 for SARS-CoV-2, the virus that causes COVID-19, in any city or
21 county public health laboratory if they meet the requirements under
22 the Clinical Laboratory Improvement Amendments in Section
23 493.1489 of Title 42 of the Code of Federal Regulations for high
24 complexity testing.

25 SEC. 4. This act is an urgency statute necessary for the
26 immediate preservation of the public peace, health, or safety within
27 the meaning of Article IV of the California Constitution and shall
28 go into immediate effect. The facts constituting the necessity are:

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

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