

AMENDED IN SENATE JUNE 24, 2009

AMENDED IN ASSEMBLY JUNE 2, 2009

AMENDED IN ASSEMBLY APRIL 1, 2009

AMENDED IN ASSEMBLY MARCH 5, 2009

CALIFORNIA LEGISLATURE—2009—10 REGULAR SESSION

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**ASSEMBLY BILL**

**No. 52**

**Introduced by Assembly Member Portantino**

*(Principal coauthor: Assembly Member Anderson)*

**(Coauthors: Assembly Members Bass, Block, Blumenfield,  
Buchanan, and Price Cook, Huffman, Jones, Ma, Swanson, and  
Torlakson)**

*(Coauthors: Senators DeSaulnier, Leno, and Maldonado Maldonado,  
Padilla, and Price)*

December 2, 2008

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An act to amend Sections ~~1627 and 1628~~ 1627, 1628, and 1630 of, ~~and~~ to amend, repeal, and add Sections 102247, 103605, and 103625 of, *and to add Sections 1627.5 and 1627.7 to*, the Health and Safety Code, relating to umbilical cord blood banking, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

AB 52, as amended, Portantino. Umbilical Cord Blood Collection Program.

Existing law requires the State Department of Public Health to establish, by January 1, 2010, and until January 1, 2015, the Umbilical Cord Blood Collection Program for the purpose of increasing the amount of umbilical cord blood that is donated in the state and that will be added

to the national inventory. Existing law authorizes the department, to the extent private or public funds are identified for this purpose, to contract with blood banks that are licensed or accredited to provide umbilical cord blood banking storage services, for the purpose of collecting and storing umbilical cord blood.

This bill would, instead, require the department to establish the Umbilical Cord Blood Collection Program from January 1, 2011, until January 1, ~~2015~~ 2020, for the purpose of collecting and storing umbilical cord blood for public use, as defined, for ~~human transplantation and human research~~. The bill would require the department to contract with up to 5 entities, including blood banks that are licensed or accredited to provide umbilical cord blood banking storage services, to collect, and make available for transplant or medical research, umbilical cord blood. *transplantation and for providing nonclinical units for specified research.*

*This bill would require the department to establish the California Umbilical Cord Blood Collection Board, with prescribed membership, which would administer the program in accordance with specified requirements.*

Existing law provides that any funds made available for purposes of the program shall be deposited into the Umbilical Cord Blood Collection Program Fund. Existing law provides that moneys in the fund shall be available, upon appropriation by the Legislature, for purposes of the program. Existing law provides that the fund shall include any federal, state, and private funds made available for purposes of the program.

Existing law requires the collection of a \$7 fee for certified copies of birth certificates.

*Under existing law, \$4 of the \$7 fee is allocated to either the county Children's Trust Fund or to the State Children's Trust Fund, which exists in the State Treasury. Existing law requires that the money in the State Children's Trust Fund, upon appropriation by the Legislature, be allocated to the State Department of Social Services for the purpose of funding child abuse and neglect prevention and intervention programs, as specified.*

This bill would, instead, until January 1, ~~2015~~ 2020, require the collection of ~~an \$8~~ a \$9 fee for certified copies of birth certificates and require that ~~\$1 of any \$8~~ \$2 of any \$9 fee be paid to the Umbilical Cord Blood Collection Program Fund. ~~The bill would make other conforming changes.~~

*The bill would provide that no moneys shall be expended from the fund to implement the program unless the Controller determines, by an unspecified date, that at least an unspecified amount is available in the fund, and would provide, if this determination is not made, for a prescribed distribution of the money in the fund, including the distribution of proceeds from the birth certificate fee increase to the Children's Trust Fund.*

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. The Legislature finds and declares all of the*  
2     *following:*

3     *(a) Although rich in stem cells known as hematopoietic stem*  
4     *and progenitor cells (HSPCs), the blood within the umbilical cord*  
5     *and placenta is mostly discarded as medical waste following the*  
6     *birth of a child. The relatively small number of units of cord blood*  
7     *that are stored for transplantation are used to treat blood cancers,*  
8     *such as leukemia, myeloma, and lymphoma, and more than 70*  
9     *inherited immunodeficiencies and other genetic and acquired blood*  
10    *diseases, including sickle cell anemia, thalassemias,*  
11    *hemoglobinopathies, aplastic anemias, and marrow failure*  
12    *disorders, and inherited disorders or errors of metabolism.*

13    *(b) Conducted after birth, the cord blood donation procedure*  
14    *is quick, painless, and risk-free to the child and mother. The*  
15    *harvested cord blood is immediately shipped, processed, sorted,*  
16    *labeled, stored, and frozen. Since the first transplant in 1988, as*  
17    *its use for transplantation has steadily increased, the unique*  
18    *handling of cord blood has been the subject of both recent and*  
19    *pending regulation by the United States Food and Drug*  
20    *Administration (FDA).*

21    *(c) Although only one-third of all harvested cord blood has*  
22    *sufficient stem cells to be suitable for transplantation as currently*  
23    *practiced, the rest may be valuable to university-based and private*  
24    *research facilities that continue to search for cures for some of*  
25    *our most common and perplexing medical conditions. The uses*  
26    *for cord blood are quickly evolving and have created great*

1 excitement among researchers and physicians. For example, cord  
2 blood derived from stem and progenitor cells may also be  
3 particularly suitable candidates for conversion into induced  
4 pluripotent stem cells (iPSCs) derived by modifying only four stem  
5 cell-associated genes. This modification causes the cord blood  
6 stem cells to exhibit the essential characteristics of embryonic stem  
7 (ES) cells, the potential to differentiate into all tissues of the body.  
8 Since cord blood stem and progenitor cells per se are very early  
9 cells that have great proliferative capacity, and they already are  
10 banked for public use, tested, and HLA-typed, they could well  
11 become the premier source of optimal cells to convert to iPSCs  
12 and might, arguably, provide an individual a lifetime of  
13 personalized replaceable tissue.

14 (d) Cord blood units that are appropriate for transplantation  
15 are used to treat more than 70 lethal diseases, but the current  
16 inventory is not only unable to accommodate the overall demand,  
17 but especially fails to properly provide matched units for many  
18 ethnic and racial groups, including multicultural individuals.  
19 According to the United States Government Accountability Office  
20 (GAO) and the National Marrow Donor Program, over 10,000  
21 children and adults in the United States would benefit annually  
22 from a transplant from someone unrelated to them, but less than  
23 30 percent actually receive one largely due to an inadequate  
24 inventory.

25 (e) Unlike bone marrow, cord blood can provide good clinical  
26 outcomes with less than a perfect match to the patient. However,  
27 to transplanting physicians, both options are considered valuable.  
28 A bone marrow donation requires an exact match and a live donor  
29 who is willing and available to undergo a time-sensitive medical  
30 procedure. With targeted collections and an adequate inventory,  
31 cord blood can be stored frozen and made immediately available  
32 upon need. This source of stem cells provides all races, ethnicities,  
33 and multiracial individuals with an equal probability of a suitable  
34 match.

35 (f) Private industry has focused on alerting the public about the  
36 possibility of banking cord blood for their families. However, the  
37 goal of the California Umbilical Cord Blood Collection Program  
38 is to collect cord blood only for public use to ensure all persons  
39 have an equal probability of attaining an appropriate stem cell  
40 match.

1 (g) *The federal government established the Stem Cell*  
2 *Therapeutic and Research Act of 2005 (42 U.S.C. Sec. 201 et seq.)*  
3 *to collect and maintain cord blood for public use in transplantation*  
4 *and research. The goal of the federal program is to collect 150,000*  
5 *genetically diverse units in an effort to provide patients of all*  
6 *ethnicities an equal probability of receiving a clinical grade,*  
7 *suitably matched unit of umbilical cord blood. The program,*  
8 *implemented by Health Resources and Services Administration*  
9 *(HRSA) which is part of the United States Department of Health*  
10 *and Human Services, has specified target collection goals for cord*  
11 *blood units that will match patient populations that are*  
12 *underrepresented in the national inventory, including Native*  
13 *American, Latino, African American, Asian, and multiracial*  
14 *individuals.*

15 (h) *California has been a leader in stem cell research through*  
16 *a number of previous and ongoing efforts. For example, California*  
17 *pioneered the first sibling donor cord blood pilot project, and is*  
18 *a world leader in the more general area of stem cell research and*  
19 *its medical applications through the establishment and funding of*  
20 *the California Institute of Regenerative Medicine (CIRM). This*  
21 *makes California ideally situated to become the leader in*  
22 *harnessing the therapeutic potential of nonhematopoietic cord*  
23 *blood-derived stem and progenitor cells.*

24 (i) *Furthermore, California is home to the most ethnically*  
25 *diverse population in the world with the highest birth rate in the*  
26 *nation of 550,000 per year. Cord blood donations from California*  
27 *will not only serve the health needs of Californians, but help build*  
28 *a more diverse inventory that can provide better matches for*  
29 *patients throughout the world.*

30 (j) *In addition to directly savings lives, an increase in the*  
31 *inventory of FDA-licensed cord blood stem cell units will save the*  
32 *state, insurers, donors, and patients significant money now being*  
33 *spent on lifetime treatments and relieve ongoing pain and anguish*  
34 *of affected patients and their families.*

35 (k) *Although the Umbilical Cord Blood Collection Program*  
36 *and the California Umbilical Cord Blood Collection Board will*  
37 *be within the State Department of Public Health, it is the intent of*  
38 *the Legislature that they operate autonomously and be*  
39 *self-contained.*

1 SECTION 1.

2 SEC. 2. Section 1627 of the Health and Safety Code is amended  
3 to read:

4 1627. (a) (1) On or before January 1, 2011, the State  
5 Department of Public Health shall establish the Umbilical Cord  
6 Blood Collection Program (~~hereafter program~~) for the purpose of  
7 collecting and storing umbilical cord blood for public use ~~for~~  
8 ~~human transplantation and human research in transplantation and~~  
9 ~~providing nonclinical units for research pertaining to biology and~~  
10 ~~new clinical utilization of stem cells derived from the blood and~~  
11 ~~tissue of the placenta and umbilical cord.~~ The program shall  
12 conclude no later than December 31, ~~2014~~ 2019.

13 (2) For purposes of this article, “public use” means both of the  
14 following:

15 ~~(A) The collection of an inventory of genetically diverse~~  
16 ~~umbilical cord blood, for placement in the National Cord Blood~~  
17 ~~Inventory, to increase the likelihood of a patient obtaining a~~  
18 ~~suitable donor match.~~

19 ~~(B) The use of research protocols approved by the Committee~~  
20 ~~for the Protection of Human Subjects or an institutional review~~  
21 ~~board, as defined in subdivision (c) of Section 125330, to further~~  
22 ~~the understanding of the use of umbilical cord blood as tissue to~~  
23 ~~treat human diseases.~~

24 ~~(b) (1) In order to implement the program, the department shall~~  
25 ~~contract with up to five entities, including entities that are licensed~~  
26 ~~or accredited to provide umbilical cord blood collection and data~~  
27 ~~processing services, and entities that provide umbilical cord blood~~  
28 ~~banking storage services that are licensed or accredited pursuant~~  
29 ~~to Section 1604.6, to build an inventory of anonymous umbilical~~  
30 ~~cord blood units and make the inventory available for transplant~~  
31 ~~or medical research for purposes consistent with the public use,~~  
32 ~~as defined in paragraph (2) of subdivision (a). The department~~  
33 ~~shall ensure that any cord blood bank receiving funds through the~~  
34 ~~program also meets the federal requirements outlined in the C.W.~~  
35 ~~Bill Young Cell Transplantation Program (42 U.S.C. Sec. 274k et~~  
36 ~~seq.) so that all umbilical cord blood units collected can be listed~~  
37 ~~through the National Cord Blood Inventory~~

38 *(A) The collection of umbilical cord blood units from genetically*  
39 *diverse donors that will be owned by the participating cord blood*  
40 *bank that is chosen by the California Umbilical Cord Blood*

1 *Collection Board, established pursuant to Section 1627.5, to*  
2 *process and store the cord blood units. This inventory shall be*  
3 *accessible by the National Registry and by California-based and*  
4 *other United States and international registries and transplant*  
5 *centers to increase the likelihood of providing suitably matched*  
6 *donor tissue to patients who are in need of transplantation.*

7 *(B) Cord blood units with a lower number of cells than deemed*  
8 *necessary for clinical transplantation, and those available in*  
9 *excessive numbers owing to their overly common types, as well as*  
10 *placental tissue, shall be provided to assist California-based*  
11 *academic stem cell research laboratories in the investigation of*  
12 *treatments for additional human diseases, under protocols*  
13 *approved by the Committee for the Protection of Human Subjects*  
14 *or an institutional review board, as defined in subdivision (e) of*  
15 *Section 125330, or by the State Department of Public Health.*

16 *(b) (1) In order to implement the collection part of this*  
17 *program, the board shall contract with one or more selected*  
18 *applicant entities that have demonstrated the competence to collect*  
19 *and ship cord blood units in compliance with federal Food and*  
20 *Drug Administration (FDA) and Health Resources and Services*  
21 *Administration (HRSA) guidelines and regulations. The collected*  
22 *units shall only be shipped to a cord blood bank that has obtained*  
23 *an FDA investigational new drug (IND) exemption, a valid*  
24 *accreditation from an agency recognized by the State Department*  
25 *of Public Health, and shall be approved by its own institutional*  
26 *review board (IRB) and the IRB of the hospitals where the cord*  
27 *blood would be collected, or has a Biologic License from the FDA,*  
28 *when available, to manufacture clinical grade cord blood stem*  
29 *cell units for clinical indications and to make nonclinical level*  
30 *cord blood units available to entities that will perform medical*  
31 *research for purposes consistent with public use, as defined in*  
32 *paragraph (2) of subdivision (a). The board shall ensure that cord*  
33 *blood units financed by the program are manufactured in full*  
34 *compliance with FDA and HRSA regulations so that all umbilical*  
35 *cord blood units stored are of the highest quality and can be*  
36 *utilized by the National Registry, as administered by HRSA.. A*  
37 *medical provider or research facility shall comply with, and shall*  
38 *be subject to existing penalties for violations of, all state and federal*  
39 *laws with respect to the protection of any medical information, as*  
40 *defined in subdivision (g) of Section 56.05 of the Civil Code, and*

1 any personally identifiable information contained in the umbilical  
2 cord blood inventory.

3 (2) In selecting qualified entities under this subdivision, the  
4 following shall apply:

5 (A) The ~~department~~ *board* may use a competitive process to  
6 identify ~~qualified entities to administer the program.~~

7 ~~(B) In order to qualify for selection under this section, an entity~~  
8 ~~shall have experience in blood collection, labeling, storage,~~  
9 ~~transportation, or distribution. The department shall select entities~~  
10 ~~with demonstrated ability to retrieve umbilical cord blood from~~  
11 ~~ethnically diverse communities; the best proposals submitted by~~  
12 ~~applicant entities to administer the collection, banking, and~~  
13 ~~research objectives of the program.~~

14 (B) *In order to qualify for selection under this section to bank*  
15 *cord blood, an entity shall have obtained an FDA IND, a valid*  
16 *accreditation from an agency recognized by the State Department*  
17 *of Public Health, and shall be approved by its own IRB and those*  
18 *of the hospitals where the cord blood would be collected, or a*  
19 *Biologic License from the FDA, when available, to manufacture*  
20 *clinical grade cord blood stem cell units for clinical indications.*

21 (C) *In order to qualify to receive appropriate cord blood units*  
22 *and placental tissue to advance the research goals of this program,*  
23 *an entity shall be a laboratory recognized as having performed*  
24 *peer-reviewed research on stem and progenitor cells, including*  
25 *those derived from placental or umbilical cord blood and postnatal*  
26 *tissue.*

27 (c) *The board shall ensure that the program attempts to meet,*  
28 *at a minimum, all of the following objectives:*

29 (1) *Define and identify qualified umbilical cord blood collection*  
30 *entities in accordance with subparagraph (B) of paragraph (2) of*  
31 *subdivision (b).*

32 (2) *Design a competitive process for identifying qualified*  
33 *participants in accordance with subparagraph (B) of paragraph*  
34 *(2) of subdivision (b) in a manner that complies with state, federal,*  
35 *and international regulations.*

36 (3) *Establish criteria for determining when units of umbilical*  
37 *cord blood may be used only for research and when units of*  
38 *umbilical cord blood may be used only for transplantation and a*  
39 *policy addressing circumstances under which units of umbilical*  
40 *cord blood may be used for either purpose.*



1 (4) Create umbilical cord blood collection targets for ethnically  
2 diverse populations in accordance with identified deficiencies in  
3 the inventories in order to provide all Californians an equal  
4 probability of obtaining a suitable match.

5 (5) Develop a strategy to increase voluntary participation by  
6 hospitals in the collection and storage of umbilical cord blood and  
7 identify funding sources to offset the financial impact on hospitals.

8 (6) Consider a medical contingency response program to  
9 prepare for and respond effectively to biological, chemical, or  
10 radiological attacks, accidents, and other public health  
11 emergencies where victims potentially benefit from treatment.

12 (7) Determine whether collection of umbilical cord blood from  
13 donors that have siblings or other close relatives who either have  
14 or are at high risk of developing a disease that can be treated by  
15 stem cell transplantation would help achieve the overall inventory  
16 goals of the program.

17 (8) Explore the feasibility of operating the program as a  
18 self-funding program, including the potential of charging users a  
19 reimbursement fee.

20 (9) Ensure the program does not conflict with other national  
21 and international efforts to generate an adequate inventory of  
22 high-quality umbilical cord blood.

23 (e)

24 (d) In implementing the program, the ~~department~~ board shall  
25 make every effort to avoid duplication or conflicts with existing  
26 and ongoing programs and to leverage existing resources. The  
27 ~~department~~ board shall use its existing authority to promote the  
28 collection, storage, retrieval, and distribution of umbilical cord  
29 blood and advise the Legislature of its needs to accomplish these  
30 goals.

31 (d)

32 (e) (1) All information collected pursuant to the program shall  
33 be confidential, and shall be used solely for the purposes of the  
34 program. Access to confidential information shall be limited to  
35 authorized persons who agree, in writing, to maintain the  
36 confidentiality of that information.

37 (2) Any person who, in violation of a written agreement to  
38 maintain confidentiality, discloses any information provided  
39 pursuant to this section, or who uses information provided pursuant  
40 to this section in a manner other than as approved pursuant to this

1 section, may be denied further access to any confidential  
2 information maintained by the department, and shall be subject to  
3 a civil penalty not exceeding one thousand dollars (\$1,000). The  
4 penalty provided for in this section shall not be construed to limit  
5 or otherwise restrict any remedy, provisional or otherwise, provided  
6 by law for the benefit of the department or any other person  
7 covered by this section.

8 (3) Notwithstanding the restrictions of this section, an individual  
9 to whom the confidential information pertains shall have access  
10 to his or her own personal information.

11 *SEC. 3. Section 1627.5 is added to the Health and Safety Code,*  
12 *to read:*

13 *1627.5. (a) (1) There shall be established, within the State*  
14 *Department of Public Health, the California Umbilical Cord Blood*  
15 *Collection Board for purposes of implementing the Umbilical Cord*  
16 *Blood Collection Program established pursuant to Section 1627.*

17 *(2) The board shall be the decisionmaking body for the program*  
18 *and shall develop policies for implementing the program that are*  
19 *in accordance with the objectives specified in subdivision (c) of*  
20 *Section 1627.*

21 *(b) (1) The board shall be composed of five members who shall*  
22 *be appointed not later than March 1, 2011. The Governor shall*  
23 *appoint one member who shall chair the board, and the Senate*  
24 *Committee on Rules and the Speaker of the Assembly shall each*  
25 *appoint two members.*

26 *(2) The board shall include all of the following:*

27 *(A) A medical director or chief scientist of an umbilical cord*  
28 *blood bank that meets all of the following requirements:*

29 *(i) Is not based in California.*

30 *(ii) Has obtained a federal Food and Drug Administration*  
31 *investigational new drug (FDA IND).*

32 *(iii) Has a valid accreditation from an agency recognized by*  
33 *the State Department of Public Health.*

34 *(iv) Has been approved by its own institutional review board*  
35 *(IRB) and the IRBs of hospitals where the umbilical cord blood*  
36 *would be collected, or has a biological license from the FDA to*  
37 *manufacture, store, and release clinical grade units of cord blood*  
38 *stem cells.*

39 *(B) A transplant physician with experience in transplanting*  
40 *units of umbilical cord blood.*

1 (C) A physician with expertise in obstetrics or gynecology and  
2 experience in a birthing hospital participating in umbilical cord  
3 blood collections.

4 (D) A scientist with expertise in the biology of stem and  
5 progenitor cells derived from placental and umbilical cord blood  
6 and tissue.

7 (E) A person with professional business knowledge of and  
8 experience in umbilical cord blood banking, as practiced  
9 internationally.

10 (c) Board members shall serve without compensation, except  
11 that members shall be reimbursed for authorized travel costs and  
12 expenses.

13 (d) The following persons may be appointed to assist the board  
14 with the administration of the program:

15 (1) An officer who is appointed by the board and is exempt from  
16 civil service pursuant to subdivision (e) of Section 4 of Article VII  
17 of the California Constitution.

18 (2) An officer who is appointed by the Governor and is exempt  
19 from civil service pursuant to subdivision (f) of Section 4 of Article  
20 VII of the California Constitution.

21 SEC. 4. Section 1627.7 is added to the Health and Safety Code,  
22 to read:

23 1627.7. (a) The California Umbilical Cord Blood Collection  
24 Board shall submit two reports to the Assembly and Senate  
25 Committees on Health, the Assembly and Senate Committees on  
26 Judiciary, and the Governor on the effectiveness of the program.  
27 The first report shall be submitted no later than January 1, 2013,  
28 and the second report no later than January 1, 2018.

29 (b) The chair of the board shall submit an annual report to the  
30 Assembly and Senate Committees on Health, the Assembly and  
31 Senate Committees on Judiciary, and the Governor, on the progress  
32 of the program in meeting its goals. The chair shall continue to  
33 provide the annual report until the Governor determines that the  
34 reports are no longer necessary, and files a declaration to that  
35 effect with the department.

36 ~~SEC. 2.~~

37 SEC. 5. Section 1628 of the Health and Safety Code is amended  
38 to read:

1 1628. (a) ~~The department~~ *California Umbilical Cord Blood*  
2 *Collection Board* may accept public and private funds for the  
3 purpose of implementing this article.

4 (b) Any funds made available for purposes of this article,  
5 including fees collected pursuant to Section 103625, shall be  
6 deposited into the Umbilical Cord Blood Collection Program Fund,  
7 which is hereby created in the State Treasury. Moneys in the fund  
8 shall be available, upon appropriation by the Legislature, for  
9 purposes of this article.

10 (c) The fund shall include any federal, state, and private funds  
11 made available for purposes of the program, including, but not  
12 limited to, the fees collected for the fund pursuant to Section  
13 103625, and, notwithstanding Section 16305.7 of the Government  
14 Code, any interest earned on moneys in the fund.

15 (d) *No moneys shall be expended from the fund to implement*  
16 *the program unless and until the Controller determines, by not*  
17 *later than \_\_\_\_\_, that at least \_\_\_\_\_ dollars (\$\_\_\_\_\_), including both*  
18 *federal and private moneys, is available in the fund.*

19 (e) *The Controller shall determine whether there is at least \_\_\_\_\_*  
20 *dollars (\$\_\_\_\_\_ ) available for implementation of the program. Once*  
21 *the Controller has determined that at least \_\_\_\_\_ dollars (\$\_\_\_\_\_ )*  
22 *is available to implement the program, he or she shall distribute*  
23 *these funds. If the Controller has not made a determination on or*  
24 *before \_\_\_\_\_, that at least \_\_\_\_\_ dollars (\$\_\_\_\_\_ ) is available to*  
25 *implement the program, the amount in the fund shall be*  
26 *immediately distributed to each private contributor or the federal*  
27 *government in the amount contributed, and the amount of funds*  
28 *attributable to the two dollar (\$2) fee collected pursuant to Section*  
29 *103625 shall be deposited into the Children's Trust Fund. The*  
30 *fund shall cease to exist thereafter.*

31 *SEC. 6. Section 1630 of the Health and Safety Code is amended*  
32 *to read:*

33 1630. This article shall remain in effect only until January 1,  
34 2015 2020, and as of that date is repealed, unless a later enacted  
35 statute, that is enacted before January 1, 2015 2020, deletes or  
36 extends that date.

37 ~~SEC. 3.~~

38 *SEC. 7. Section 102247 of the Health and Safety Code is*  
39 *amended to read:*

1 102247. (a) There is hereby created in the State Treasury the  
2 Health Statistics Special Fund. The fund shall consist of revenues,  
3 including, but not limited to, all of the following:

4 (1) Fees or charges remitted to the State Registrar for record  
5 search or issuance of certificates, permits, registrations, or other  
6 documents pursuant to Chapter 3 (commencing with Section  
7 26801) of Part 3 of Division 2 of Title 3 of the Government Code,  
8 and Chapter 4 (commencing with Section 102525), Chapter 5  
9 (commencing with Section 102625), Chapter 8 (commencing with  
10 Section 103050), and Chapter 15 (commencing with Section  
11 103600) of Part 1 of Division 102.

12 (2) Funds remitted to the State Registrar by the federal Social  
13 Security Administration for participation in the enumeration at  
14 birth program.

15 (3) Funds remitted to the State Registrar by the National Center  
16 for Health Statistics pursuant to the federal Vital Statistics  
17 Cooperative Program.

18 (4) Any other funds collected by the State Registrar, except  
19 Children's Trust Fund fees collected pursuant to Section 18966 of  
20 the Welfare and Institutions Code, Umbilical Cord Blood  
21 Collection Program Fund fees collected pursuant to Section 1628,  
22 fees allocated to the Judicial Council pursuant to Section 1852 of  
23 the Family Code, and fees collected pursuant to Section 103645,  
24 all of which shall be deposited into the General Fund.

25 (b) Moneys in the Health Statistics Special Fund shall be  
26 expended by the State Registrar for the purpose of funding its  
27 existing programs and programs that may become necessary to  
28 carry out its mission, upon appropriation by the Legislature.

29 (c) Health Statistics Special Fund moneys shall be expended  
30 only for the purposes set forth in this section and Section 102249,  
31 and shall not be expended for any other purpose or for any other  
32 state program.

33 (d) It is the intent of the Legislature that the Health Statistics  
34 Special Fund provide for the following:

35 (1) Registration and preservation of vital event records and  
36 dissemination of vital event information to the public.

37 (2) Data analysis of vital statistics for population projections,  
38 health trends and patterns, epidemiologic research, and  
39 development of information to support new health policies.

1 (3) Development of uniform health data systems that are  
2 integrated, accessible, and useful in the collection of information  
3 on health status.

4 (e) This section shall remain in effect only until January 1, ~~2015~~  
5 2020, and as of that date is repealed, unless a later enacted statute,  
6 that is enacted before January 1, ~~2015~~ 2020, deletes or extends  
7 that date.

8 ~~SEC. 4.~~

9 *SEC. 8.* Section 102247 is added to the Health and Safety Code,  
10 to read:

11 102247. (a) There is hereby created in the State Treasury the  
12 Health Statistics Special Fund. The fund shall consist of revenues,  
13 including, but not limited to, all of the following:

14 (1) Fees or charges remitted to the State Registrar for record  
15 search or issuance of certificates, permits, registrations, or other  
16 documents pursuant to Chapter 3 (commencing with Section  
17 26801) of Part 3 of Division 2 of Title 3 of the Government Code,  
18 and Chapter 4 (commencing with Section 102525), Chapter 5  
19 (commencing with Section 102625), Chapter 8 (commencing with  
20 Section 103050), and Chapter 15 (commencing with Section  
21 103600) of Part 1 of Division 102.

22 (2) Funds remitted to the State Registrar by the federal Social  
23 Security Administration for participation in the enumeration at  
24 birth program.

25 (3) Funds remitted to the State Registrar by the National Center  
26 for Health Statistics pursuant to the federal Vital Statistics  
27 Cooperative Program.

28 (4) Any other funds collected by the State Registrar, except  
29 Children's Trust Fund fees collected pursuant to Section 18966 of  
30 the Welfare and Institutions Code, fees allocated to the Judicial  
31 Council pursuant to Section 1852 of the Family Code, and fees  
32 collected pursuant to Section 103645, all of which shall be  
33 deposited into the General Fund.

34 (b) Moneys in the Health Statistics Special Fund shall be  
35 expended by the State Registrar for the purpose of funding its  
36 existing programs and programs that may become necessary to  
37 carry out its mission, upon appropriation by the Legislature.

38 (c) Health Statistics Special Fund moneys shall be expended  
39 only for the purposes set forth in this section and Section 102249,

1 and shall not be expended for any other purpose or for any other  
2 state program.

3 (d) It is the intent of the Legislature that the Health Statistics  
4 Special Fund provide for the following:

5 (1) Registration and preservation of vital event records and  
6 dissemination of vital event information to the public.

7 (2) Data analysis of vital statistics for population projections,  
8 health trends and patterns, epidemiologic research, and  
9 development of information to support new health policies.

10 (3) Development of uniform health data systems that are  
11 integrated, accessible, and useful in the collection of information  
12 on health status.

13 (e) This section shall become operative on January 1, ~~2015~~  
14 2020.

15 ~~SEC. 5.~~

16 *SEC. 9.* Section 103605 of the Health and Safety Code is  
17 amended to read:

18 103605. (a) The money collected by the State Registrar shall  
19 be deposited with the Treasurer for credit to the Health Statistics  
20 Special Fund, except for the Children's Trust Fund fees collected  
21 pursuant to Section 18966 of the Welfare and Institutions Code,  
22 the Umbilical Cord Blood Collection Program Fund fees collected  
23 pursuant to Section 1628, the fees allocated to the Judicial Council  
24 pursuant to Section 1852 of the Family Code, and the fees collected  
25 pursuant to Section 103645, all of which shall be deposited in the  
26 General Fund.

27 (b) This section shall remain in effect only until January 1, ~~2015~~  
28 2020, and as of that date is repealed, unless a later enacted statute,  
29 that is enacted before January 1, ~~2015~~ 2020, deletes or extends  
30 that date.

31 ~~SEC. 6.~~

32 *SEC. 10.* Section 103605 is added to the Health and Safety  
33 Code, to read:

34 103605. (a) The money collected by the State Registrar shall  
35 be deposited with the Treasurer for credit to the Health Statistics  
36 Special Fund, except for the Children's Trust Fund fees collected  
37 pursuant to Section 18966 of the Welfare and Institutions Code,  
38 the fees allocated to the Judicial Council pursuant to Section 1852  
39 of the Family Code, and the fees collected pursuant to Section  
40 103645, all of which shall be deposited in the General Fund.

1 (b) This section shall become operative on January 1, ~~2015~~  
2 2020.

3 ~~SEC. 7.~~

4 *SEC. 11.* Section 103625 of the Health and Safety Code is  
5 amended to read:

6 103625. (a) A fee of three dollars (\$3) shall be paid by the  
7 applicant for a certified copy of a fetal death or death record.

8 (b) (1) A fee of three dollars (\$3) shall be paid by a public  
9 agency or licensed private adoption agency applicant for a certified  
10 copy of a birth certificate that the agency is required to obtain in  
11 the ordinary course of business. A fee of ~~eight dollar (\$8)~~ *nine*  
12 *dollars (\$9)* shall be paid by any other applicant for a certified  
13 copy of a birth certificate. Four dollars (\$4) of any ~~eight-dollar~~  
14 ~~(\$8) nine-dollar (\$9)~~ fee is exempt from subdivision (e) and shall  
15 be paid either to a county children's trust fund or to the State  
16 Children's Trust Fund, in conformity with Article 5 (commencing  
17 with Section 18965) of Chapter 11 of Part 6 of Division 9 of the  
18 Welfare and Institutions Code. ~~One dollar of any eight-dollar (\$8)~~  
19 *Two dollars (\$2) of any nine-dollar (\$9)* fee is exempt from  
20 subdivision (e) and shall be paid to the Umbilical Cord Blood  
21 Collection Program Fund in conformity with Section 1628.

22 (2) The board of supervisors of any county that has established  
23 a county children's trust fund may increase the fee for a certified  
24 copy of a birth certificate by up to three dollars (\$3) for deposit in  
25 the county children's trust fund in conformity with Article 5  
26 (commencing with Section 18965) of Chapter 11 of Part 6 of  
27 Division 9 of the Welfare and Institutions Code.

28 (c) A fee of three dollars (\$3) shall be paid by a public agency  
29 applicant for a certified copy of a marriage record, that has been  
30 filed with the county recorder or county clerk, that the agency is  
31 required to obtain in the ordinary course of business. A fee of six  
32 dollars (\$6) shall be paid by any other applicant for a certified  
33 copy of a marriage record that has been filed with the county  
34 recorder or county clerk. Three dollars (\$3) of any six-dollar (\$6)  
35 fee is exempt from subdivision (e) and shall be transmitted monthly  
36 by each local registrar, county recorder, and county clerk to the  
37 state for deposit into the General Fund as provided by Section  
38 1852 of the Family Code.

39 (d) A fee of three dollars (\$3) shall be paid by a public agency  
40 applicant for a certified copy of a marriage dissolution record



1 obtained from the State Registrar that the agency is required to  
2 obtain in the ordinary course of business. A fee of six dollars (\$6)  
3 shall be paid by any other applicant for a certified copy of a  
4 marriage dissolution record obtained from the State Registrar.

5 (e) Each local registrar, county recorder, or county clerk  
6 collecting a fee pursuant to subdivisions (a) to (d), inclusive, shall  
7 transmit 15 percent of the fee for each certified copy to the State  
8 Registrar by the 10th day of the month following the month in  
9 which the fee was received.

10 (f) In addition to the fees prescribed pursuant to subdivisions  
11 (a) to (d), inclusive, all applicants for certified copies of the records  
12 described in those subdivisions shall pay an additional fee of three  
13 dollars (\$3), that shall be collected by the State Registrar, the local  
14 registrar, county recorder, or county clerk, as the case may be.

15 (g) The local public official charged with the collection of the  
16 additional fee established pursuant to subdivision (f) may create  
17 a local vital and health statistics trust fund. The fees collected by  
18 local public officials pursuant to subdivision (f) shall be distributed  
19 as follows:

20 (1) Forty-five percent of the fee collected pursuant to subdivision  
21 (f) shall be transmitted to the State Registrar.

22 (2) The remainder of the fee collected pursuant to subdivision  
23 (f) shall be deposited into the collecting agency's vital and health  
24 statistics trust fund, except that in any jurisdiction in which a local  
25 vital and health statistics trust fund has not been established, the  
26 entire amount of the fee collected pursuant to subdivision (f) shall  
27 be transmitted to the State Registrar.

28 (3) Moneys transmitted to the State Registrar pursuant to this  
29 subdivision shall be deposited in accordance with Section 102247.

30 (h) Moneys in each local vital and health statistics trust fund  
31 shall be available to the local official charged with the collection  
32 of fees pursuant to subdivision (f) for the applicable jurisdiction  
33 for the purpose of defraying the administrative costs of collecting  
34 and reporting with respect to those fees and for other costs as  
35 follows:

36 (1) Modernization of vital record operations, including  
37 improvement, automation, and technical support of vital record  
38 systems.

1 (2) Improvement in the collection and analysis of health-related  
2 birth and death certificate information, and other community health  
3 data collection and analysis, as appropriate.

4 (i) Funds collected pursuant to subdivision (f) shall not be used  
5 to supplant funding in existence on January 1, 2002, that is  
6 necessary for the daily operation of vital record systems. It is the  
7 intent of the Legislature that funds collected pursuant to subdivision  
8 (f) be used to enhance service to the public, to improve analytical  
9 capabilities of state and local health authorities in addressing the  
10 health needs of newborn children and maternal health problems,  
11 and to analyze the health status of the general population.

12 (j) Each county shall annually submit a report to the State  
13 Registrar by March 1 containing information on the amount of  
14 revenues collected pursuant to subdivision (f) in the previous  
15 calendar year and on how the revenues were expended and for  
16 what purpose.

17 (k) Each local registrar, county recorder, or county clerk  
18 collecting the fee pursuant to subdivision (f) shall transmit 45  
19 percent of the fee for each certified copy to which subdivision (f)  
20 applies to the State Registrar by the 10th day of the month  
21 following the month in which the fee was received.

22 (l) The additional three dollars (\$3) authorized to be charged to  
23 applicants other than public agency applicants for certified copies  
24 of marriage records by subdivision (c) may be increased pursuant  
25 to Section 114.

26 (m) In providing for the expiration of the surcharge on birth  
27 certificate fees on June 30, 1999, the Legislature intends that  
28 juvenile dependency mediation programs pursue ancillary funding  
29 sources after that date.

30 (n) This section shall remain in effect only until January 1, ~~2015~~  
31 2020, and as of that date is repealed, unless a later enacted statute,  
32 that is enacted before January 1, ~~2015~~ 2020, deletes or extends  
33 that date.

34 ~~SEC. 8.~~

35 *SEC. 12.* Section 103625 is added to the Health and Safety  
36 Code, to read:

37 103625. (a) A fee of three dollars (\$3) shall be paid by the  
38 applicant for a certified copy of a fetal death or death record.

39 (b) (1) A fee of three dollars (\$3) shall be paid by a public  
40 agency or licensed private adoption agency applicant for a certified

1 copy of a birth certificate that the agency is required to obtain in  
2 the ordinary course of business. A fee of seven dollars (\$7) shall  
3 be paid by any other applicant for a certified copy of a birth  
4 certificate. Four dollars (\$4) of any seven-dollar (\$7) fee is exempt  
5 from subdivision (e) and shall be paid either to a county children's  
6 trust fund or to the State Children's Trust Fund, in conformity with  
7 Article 5 (commencing with Section 18965) of Chapter 11 of Part  
8 6 of Division 9 of the Welfare and Institutions Code.

9 (2) The board of supervisors of any county that has established  
10 a county children's trust fund may increase the fee for a certified  
11 copy of a birth certificate by up to three dollars (\$3) for deposit in  
12 the county children's trust fund in conformity with Article 5  
13 (commencing with Section 18965) of Chapter 11 of Part 6 of  
14 Division 9 of the Welfare and Institutions Code.

15 (c) A fee of three dollars (\$3) shall be paid by a public agency  
16 applicant for a certified copy of a marriage record, that has been  
17 filed with the county recorder or county clerk, that the agency is  
18 required to obtain in the ordinary course of business. A fee of six  
19 dollars (\$6) shall be paid by any other applicant for a certified  
20 copy of a marriage record that has been filed with the county  
21 recorder or county clerk. Three dollars (\$3) of any six-dollar (\$6)  
22 fee is exempt from subdivision (e) and shall be transmitted monthly  
23 by each local registrar, county recorder, and county clerk to the  
24 state for deposit into the General Fund as provided by Section  
25 1852 of the Family Code.

26 (d) A fee of three dollars (\$3) shall be paid by a public agency  
27 applicant for a certified copy of a marriage dissolution record  
28 obtained from the State Registrar that the agency is required to  
29 obtain in the ordinary course of business. A fee of six dollars (\$6)  
30 shall be paid by any other applicant for a certified copy of a  
31 marriage dissolution record obtained from the State Registrar.

32 (e) Each local registrar, county recorder, or county clerk  
33 collecting a fee pursuant to subdivisions (a) to (d), inclusive, shall  
34 transmit 15 percent of the fee for each certified copy to the State  
35 Registrar by the 10th day of the month following the month in  
36 which the fee was received.

37 (f) In addition to the fees prescribed pursuant to subdivisions  
38 (a) to (d), inclusive, all applicants for certified copies of the records  
39 described in those subdivisions shall pay an additional fee of three

1 dollars (\$3), that shall be collected by the State Registrar, the local  
2 registrar, county recorder, or county clerk, as the case may be.

3 (g) The local public official charged with the collection of the  
4 additional fee established pursuant to subdivision (f) may create  
5 a local vital and health statistics trust fund. The fees collected by  
6 local public officials pursuant to subdivision (f) shall be distributed  
7 as follows:

8 (1) Forty-five percent of the fee collected pursuant to subdivision  
9 (f) shall be transmitted to the State Registrar.

10 (2) The remainder of the fee collected pursuant to subdivision  
11 (f) shall be deposited into the collecting agency's vital and health  
12 statistics trust fund, except that in any jurisdiction in which a local  
13 vital and health statistics trust fund has not been established, the  
14 entire amount of the fee collected pursuant to subdivision (f) shall  
15 be transmitted to the State Registrar.

16 (3) Moneys transmitted to the State Registrar pursuant to this  
17 subdivision shall be deposited in accordance with Section 102247.

18 (h) Moneys in each local vital and health statistics trust fund  
19 shall be available to the local official charged with the collection  
20 of fees pursuant to subdivision (f) for the applicable jurisdiction  
21 for the purpose of defraying the administrative costs of collecting  
22 and reporting with respect to those fees and for other costs as  
23 follows:

24 (1) Modernization of vital record operations, including  
25 improvement, automation, and technical support of vital record  
26 systems.

27 (2) Improvement in the collection and analysis of health-related  
28 birth and death certificate information, and other community health  
29 data collection and analysis, as appropriate.

30 (i) Funds collected pursuant to subdivision (f) shall not be used  
31 to supplant funding in existence on January 1, 2002, that is  
32 necessary for the daily operation of vital record systems. It is the  
33 intent of the Legislature that funds collected pursuant to subdivision  
34 (f) be used to enhance service to the public, to improve analytical  
35 capabilities of state and local health authorities in addressing the  
36 health needs of newborn children and maternal health problems,  
37 and to analyze the health status of the general population.

38 (j) Each county shall annually submit a report to the State  
39 Registrar by March 1 containing information on the amount of  
40 revenues collected pursuant to subdivision (f) in the previous

1 calendar year and on how the revenues were expended and for  
2 what purpose.

3 (k) Each local registrar, county recorder, or county clerk  
4 collecting the fee pursuant to subdivision (f) shall transmit 45  
5 percent of the fee for each certified copy to which subdivision (f)  
6 applies to the State Registrar by the 10th day of the month  
7 following the month in which the fee was received.

8 (l) The additional three dollars (\$3) authorized to be charged to  
9 applicants other than public agency applicants for certified copies  
10 of marriage records by subdivision (c) may be increased pursuant  
11 to Section 114.

12 (m) In providing for the expiration of the surcharge on birth  
13 certificate fees on June 30, 1999, the Legislature intends that  
14 juvenile dependency mediation programs pursue ancillary funding  
15 sources after that date.

16 (n) This section shall become operative on January 1, ~~2015~~  
17 ~~2020~~.

18 ~~SEC. 9.~~

19 *SEC. 13.* This act is an urgency statute necessary for the  
20 immediate preservation of the public peace, health, or safety within  
21 the meaning of Article IV of the Constitution and shall go into  
22 immediate effect. The facts constituting the necessity are:

23 In order to fund efforts aimed at curing disorders and diseases  
24 at the earliest possible time, it is necessary that this act take effect  
25 immediately.