

AMENDED IN SENATE SEPTEMBER 5, 2013

AMENDED IN SENATE JULY 10, 2013

AMENDED IN SENATE JUNE 19, 2013

AMENDED IN ASSEMBLY MARCH 21, 2013

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

ASSEMBLY BILL

No. 980

**Introduced by Assembly Member Pan
(Coauthor: Assembly Member Atkins)**

February 22, 2013

An act to add Section 18944.18 to the Health and Safety Code, relating to health care facilities.

LEGISLATIVE COUNSEL'S DIGEST

AB 980, as amended, Pan. Primary care clinics: abortion.

Existing law requires the California Building Standards Commission to codify all building standards of adopting agencies or state agencies that propose the building standards and statutes defining building standards into one California Building Standards Code. Existing law requires the commission to publish, or cause to be published, editions of the building standards code in its entirety once every 3 years.

This bill would *state the intent of the Legislature that all primary care clinics, including primary care clinics that provide abortion services, be subject to the same licensing and building standards. The bill would require the commission, in conjunction with the Office of Statewide Health Planning and Development (OSHPD), to adopt emergency regulations to repeal a specific portion provision of the 2013 Triennial Edition of the Building Standards Code, and would prohibit*

~~the commission from adopting building code standards that establish construction requirements for primary care clinics that provide medication or aspiration abortion services that differ from construction standards applicable to other specified primary care clinics. as soon as possible, and to repeal certain provisions of the 2013 Triennial Edition of the California Plumbing Code pertaining to licensed clinics. The bill would grant OSHPD emergency regulatory authority to implement these provisions, and would make these regulations permanent without further regulatory action. The bill would require the State Department of Public Health, no later than July 1, 2014, to repeal or revise certain regulations relating to abortion services in primary care clinics to ensure that any requirements specific to abortion services are consistent with applicable law and medical standards of care. clinics.~~

Vote: majority. Appropriation: no. Fiscal committee: yes.
 State-mandated local program: no.

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

1 SECTION 1. (a) *It is the intent of the Legislature that all*
 2 *primary care clinics, including primary care clinics that provide*
 3 *abortion services, be subject to the same licensing and building*
 4 *standards.*

5 (b) *It is the intent of the Legislature to render unenforceable*
 6 *Section 1226.7 of the 2013 Triennial Edition of the California*
 7 *Building Standards Code. It is the intent of the Legislature that*
 8 *the public agencies charged with authority to enforce Section*
 9 *1226.7 of the 2013 Triennial Edition of the California Building*
 10 *Standards Code not enforce that section.*

11 ~~SECTION 1.~~

12 SEC. 2. Section 18944.18 is added to the Health and Safety
 13 Code, to read:

14 ~~18944.18. (a) It is the intent of the Legislature to preempt, and~~
 15 ~~to render inoperative, Section 1226.7 of the 2013 Triennial Edition~~
 16 ~~of the California Building Standards Code.~~

17 ~~(b) Notwithstanding any other law, the California Building~~
 18 ~~Standards Commission shall not adopt building code standards~~
 19 ~~that establish construction requirements for primary care clinics~~
 20 ~~that provide medication or aspiration abortion services that differ~~
 21 ~~from construction standards applicable to other primary care clinics~~

1 ~~described in Section 1226.6 of the 2013 Triennial Edition of the~~
2 ~~California Building Standards Code.~~

3 *18944.18. (a) The California Building Standards Commission,*
4 *in conjunction with the Office of Statewide Health Planning and*
5 *Development, shall repeal Section 1226.7 of the 2013 Triennial*
6 *Edition of the California Building Standards Code, including all*
7 *cross-references to that section, as soon as possible. The Office*
8 *of Statewide Health Planning and Development is granted*
9 *emergency regulatory authority to implement this subdivision.*
10 *Notwithstanding the Administrative Procedure Act (Chapter 3.5*
11 *(commencing with Section 11340) of Part 1 of Division 3 of Title*
12 *2 of the Government Code), the regulations adopted under this*
13 *subdivision shall become permanent without further regulatory*
14 *action.*

15 *(b) The California Building Standards Commission, in*
16 *conjunction with the Office of Statewide Health Planning and*
17 *Development, shall repeal the sections of the 2013 Triennial*
18 *Edition of the California Plumbing Code pertaining to licensed*
19 *clinics that were approved by the California Building Standards*
20 *Commission on April 24, 2013. The Office of Statewide Health*
21 *Planning and Development is granted emergency regulatory*
22 *authority to implement this subdivision. Notwithstanding the*
23 *Administrative Procedure Act (Chapter 3.5 (commencing with*
24 *Section 11340) of Part 1 of Division 3 of Title 2 of the Government*
25 *Code), the regulations adopted under this subdivision shall become*
26 *permanent without further regulatory action.*

27 *(c) The State Department of Public Health shall, no later than*
28 *July 1, 2014, repeal the regulations relating to abortion services*
29 *in primary care clinics contained in Article 5 (commencing with*
30 *Section 75040) of Chapter 7 of Division 5 of Title 22 of the*
31 *California Code of Regulations.*

32 ~~SEC. 2. (a) The California Building Standards Commission,~~
33 ~~in conjunction with the Office of Statewide Health Planning and~~
34 ~~Development, shall adopt emergency regulations to delete Section~~
35 ~~1226.7 of the 2013 Triennial Edition of the California Building~~
36 ~~Standards Code, including all cross-references to that section, as~~
37 ~~soon as possible. Notwithstanding the Administrative Procedure~~
38 ~~Act (Chapter 3.5 (commencing with Section 11340) of Part 1 of~~
39 ~~Division 3 of Title 2 of the Government Code), the regulations~~

1 ~~adopted under this subdivision shall become permanent without~~
2 ~~further regulatory action.~~
3 ~~(b) The State Department of Public Health shall, no later than~~
4 ~~July 1, 2014, repeal or revise regulations relating to abortion~~
5 ~~services in primary care clinics, including those contained in Article~~
6 ~~5 (commencing with Section 75040) of Chapter 7 of Division 5~~
7 ~~of Title 22 of the California Code of Regulations, to ensure that~~
8 ~~any requirements specific to abortion services, if any are required,~~
9 ~~are consistent with applicable law and medical standards of care.~~