



Public Health Services Administration | Health Services Complex | June 2015

## OVERVIEW OF CALIFORNIA LEGISLATION (Including References to Governing Body & Public Health Authority)

### CALIFORNIA LEGISLATION

The [Constitution of California](#) is the foremost source of state law; it is composed of Article I – XXXV. Legislation is enacted within the [California Statutes](#), which in turn have been codified into the 29 [California Codes](#). State agencies promulgate regulations with the [California Regulatory Notice Register](#), which are in turn codified in the [California Code of Regulations](#).

The 29 **California Codes** are [legal codes](#) enacted by the [California State Legislature](#), which together form the general statutory [law of California](#). The codes cover various subject areas and Statutes and include the California Government Code (April 13, 1943) and the California Health and Safety Code (April 7, 1939).

The [California Law Revision Commission](#) (CLRC) is tasked with regularly reviewing the Codes and proposing various amendments to the Legislature. The [leginfo.ca.gov](http://leginfo.ca.gov) website is the official site for California legislative information is maintained by the [Legislative Counsel](#) of California, pursuant to California law.

The Codes form an important part of [California law](#). However, they must be read in combination with the federal and state constitutions, federal and state case law, and the California Code of Regulations, in order to understand how they are actually interpreted and enforced in court.

### **California Constitution - CONS** (Article 1 -35)

The following represents the 29 California Codes. The Government Code and Health and Safety Code are pertinent to public health. The link to search these codes is: <http://www.leginfo.ca.gov/calaw.html>.

- [Business and Professions Code - BPC](#)
- [Civil Code - CIV](#)
- [Code of Civil Procedure - CCP](#)
- [Commercial Code - COM](#)
- [Corporations Code - CORP](#)
- [Education Code - EDC](#)
- [Elections Code - ELEC](#)
- [Evidence Code - EVID](#)
- [Family Code - FAM](#)
- [Financial Code - FIN](#)
- [Fish and Game Code - FGC](#)
- [Food and Agricultural Code - FAC](#)
- **[Government Code - GOV](#)**
- [Harbors and Navigation Code - HNC](#)
- **[Health and Safety Code - HSC](#)**
- [Insurance Code - INS](#)
- [Labor Code - LAB](#)
- [Military and Veterans Code - MVC](#)
- [Penal Code - PEN](#)
- [Probate Code - PROB](#)
- [Public Contract Code - PCC](#)
- [Public Resources Code - PRC](#)
- [Public Utilities Code - PUC](#)
- [Revenue and Taxation Code - RTC](#)
- [Streets and Highways Code - SHC](#)
- [Unemployment Insurance Code - UIC](#)
- [Vehicle Code - VEH](#)
- [Water Code - WAT](#)
- [Welfare and Institutions Code - WIC](#)

## California Government Code

<http://leginfo.legislature.ca.gov/faces/codes.xhtml>

<http://www.leginfo.ca.gov/cgi-bin/calawquery?codesection=gov>

Selected government codes pertinent to public health are as follows:

- **TITLE 1. GENERAL**
  - DIVISION 4. PUBLIC OFFICERS AND EMPLOYEES
    - CHAPTER 1. General
      - Article 1. Classification of Officers (Section [1000-1001](#))
- **TITLE 2. GOVERNMENT OF THE STATE OF CALIFORNIA**
  - DIVISION 1. GENERAL
    - CHAPTER 7. CALIFORNIA EMERGENCY SERVICES ACT
- **TITLE 3. GOVERNMENT OF COUNTIES**
  - DIVISION 1. COUNTIES GENERALLY
    - CHAPTER 1. General (Section [23000-23027](#))
  - DIVISION 2. OFFICERS
    - PART 1. Officers Generally
      - CHAPTER 1. County Officers (Section [24000-24012](#))
      - CHAPTER 7. Consolidation of Offices (Section [24300-24308](#))
    - PART 2. Board of Supervisors
      - CHAPTER 1. Organization
        - Article 1. General (Section [25000-25008](#))
      - CHAPTER 8. Health and Safety
    - PART 3. Other Officers
      - Chapter 10. Coroner (San Diego has a Medical Examiner)
  - DIVISION 5. ORGANIZATION OF COUNTY HEALTH AND HUMAN SERVICES
    - CHAPTER 1. Organization (Section [33200-33205](#))
- **TITLE 4. GOVERNMENT OF CITIES**
  - DIVISION 2. ORGANIZATION AND BOUNDARIES
    - PART 1. Organization
      - CHAPTER 2. City or City and County Charters (Section [34450-34462](#))
- **TITLE 5. LOCAL AGENCIES**
  - DIVISION 1. CITIES AND COUNTIES
    - PART 1. Powers and Duties Common to Cities and Counties
      - CHAPTER 1. General
        - Article 2. Powers and Duties of Legislative Bodies (Section [50020-50033](#))
      - CHAPTER 6. Massage
      - CHAPTER 6.1. Cottage Food Operations
    - PART 2. Powers and Duties Exercised Jointly by Cities And Counties
  - DIVISION 2. CITIES, COUNTIES, AND OTHER AGENCIES
    - PART 1. Powers and Duties Common to Cities, Counties, and Other Agencies
      - CHAPTER 1. General
        - Article 2. Emergency Powers
      - CHAPTER 2. Officers and Employees
        - Article 2.4. Ethics Training

## California Health and Safety Code

<http://leginfo.legislature.ca.gov/faces/codes.xhtml>  
<http://www.leginfo.ca.gov/cgi-bin/calawquery?codesection=hsc&codebody=&hits=20>

- The [California Health and Safety Code](#) (HSC) is the code covering the subject areas of health and safety. These include the following pertinent codes.
- Local counties or cities must ensure that the health officer is allowed to exercise his/her authority pursuant to Section 100575 of, Chapter 1 (commencing with Section 101000) of Part 3 of Division 101 of, Article 1 (commencing with Section 101025) of Chapter 2 of Part 3 of Division 101 of, Chapter 2 (commencing with Section 123150) of Part 1 of Division 106 of, and Sections 123740 and 123745 of, the Health and Safety Code. There are currently 120 Divisions in the HSC. Pertinent divisions relevant to public are cited below.
  - **DIVISION 101: ADMINISTRATION OF PUBLIC HEALTH**
    - PART 3. LOCAL HEALTH DEPARTMENTS
      - CHAPTER 1. Organization and Appointment of Health Officers
      - CHAPTER 2. Powers and Duties of Local Health Officers and Local Health Departments
        - ARTICLE 1. County Health Officers
        - ARTICLE 2. Local Health Emergencies
        - ARTICLE 3. Public Health Nurses
        - ARTICLE 4. Dental Professionals
        - ARTICLE 5. (Multiple Versions) – Municipal and County Laboratories
  - **DIVISION 102. VITAL RECORDS AND HEALTH STATISTICS**
  - **DIVISION 103. DISEASE PREVENTION AND HEALTH PROMOTION**
  - **DIVISION 104. ENVIRONMENTAL HEALTH**
  - **DIVISION 105. COMMUNICABLE DISEASE PREVENTION AND CONTROL**
  - **DIVISION 106. PERSONAL HEALTH CARE (INCLUDING MATERNAL, CHILD, AND ADOLESCENT)**

## CALIFORNIA CODE OF REGULATION

The **California Code of Regulations (CCR, Cal. Code Regs.)** is the [codification](#) of the general and permanent rules and regulations (sometimes called [administrative law](#)) announced in the [California Regulatory Notice Register](#) by [California state agencies](#). Such rules and regulations are reviewed, approved, and made available to the public by the [Office of Administrative Law](#) (OAL), and are also filed with the [Secretary of State](#). The CCR consists of 28 titles and contains the regulations of approximately 200 state regulatory agencies.

The OAL ensures that agency regulations are clear, necessary, legally valid, and available to the public. OAL is responsible for reviewing administrative regulations proposed by over 200 state agencies for compliance with the standards set forth in California's Administrative Procedure Act (APA), for transmitting these regulations to the Secretary of State and for publishing regulations in the California Code of Regulations.

OAL assists state regulatory agencies through a formal training program, as well as through other less formal methods, to understand and comply with the APA. OAL also accepts petitions challenging alleged

underground regulations – those rules issued by state agencies which meet the Administrative Procedure Act's definition of a "[regulation](#)," but were not adopted pursuant to the APA process and are not expressly exempt.

OAL oversees the publication and distribution, in print and on the Internet, of the California Code of Regulations and the California Regulatory Notice Register.

The California Code of Regulations is available on a web site maintained by the Office of Administrative Law (<http://www.oal.ca.gov>).

CA Statutes (existing statutes in CA law): <http://leginfo.legislature.ca.gov/faces/codes.xhtml>

Office of Administrative Law: <http://www.oal.ca.gov/>

Current legislation: <http://www.leginfo.ca.gov/calaw.html>

### List of Regulation Titles

The following is the list of regulation titles, including Public Health as Title 17 (<https://govt.westlaw.com/calregs/Index?transitionType=Default&contextData=%28sc.Default%29>):

- TITLE 1: General Provisions
- TITLE 2: Administration
- TITLE 3: Food and Agriculture
- TITLE 4: Business Regulations
- TITLE 5: Education
- TITLE 6: Governor's Regulations (empty)
- TITLE 7: Harbors and Navigation
- TITLE 8: Industrial Regulations
- TITLE 9: Rehabilitative and Developmental Services
- TITLE 10: Investment
- TITLE 11: Law
- TITLE 12: Military and Veterans
- TITLE 13: Motor Vehicles
- TITLE 14: Natural Resources
- TITLE 15: Crime Prevention and Corrections
- TITLE 16: Professional and Vocational Regulations
- **TITLE 17: Public Health**
- TITLE 18: Public Revenues
- TITLE 19: Public Safety
- TITLE 20: Public Utilities and Energy
- TITLE 21: Public Works
- TITLE 22: Social Security
- TITLE 23: Waters
- TITLE 24: California Building Standards Code
- TITLE 25: Housing and Community Development
- TITLE 26: Toxics
- TITLE 27: Environmental Protection
- TITLE 28: Managed Health Care

## Title 17

**Title 17** has five Divisions. Of these, Division 1 and Division 3.5 are most relevant to public health, but there is some overlap with the other divisions as well.

([https://govt.westlaw.com/calregs/Browse/Home/California/CaliforniaCodeofRegulations?guid=I38842B20D60511DE88AEDDE29ED1DC0A&originationContext=documenttoc&transitionType=Default&contextData=\(sc.Default\)](https://govt.westlaw.com/calregs/Browse/Home/California/CaliforniaCodeofRegulations?guid=I38842B20D60511DE88AEDDE29ED1DC0A&originationContext=documenttoc&transitionType=Default&contextData=(sc.Default)))

- **TITLE 17. PUBLIC HEALTH**
  - **DIVISION 1. STATE DEPARTMENT OF HEALTH SERVICES**
    - Chapter 1. Administration
    - **Chapter 2. Laboratories**
    - Chapter 3. Local Health Service
    - Chapter 3.1. Indian Health
    - Chapter 3.5. Joint Regulations for Handicapped Children
    - **Chapter 4. Preventive Medical Service**
    - Chapter 5. Sanitation (Environmental)
    - **Chapter 6. Lead Poisoning Prevention Programs**
    - Chapter 7. Health Facilities Planning [Repealed]
    - Chapter 7.5 Eminent Domain Procedures for Nonprofit Hospitals [Repealed]
    - Chapter 7.7 Fire Protection Loans [Repealed]
    - Chapter 8. Accreditation, Certification and Work Practices for Lead-Based Paint and Lead Hazards
    - **Chapter 9. Screening for Childhood Lead Poisoning**
    - Chapter 11. Occupational Lead Poisoning Prevention Program
    - Chapter 12. Office of Problem and Pathological Gambling
  - **DIVISION 2. HEALTH AND WELFARE AGENCY -DEPARTMENT OF DEVELOPMENTAL SERVICES REGULATIONS**
    - Chapter 1. General Provisions
    - Chapter 2. Early Intervention Services
    - Chapter 3. Community Services
    - Chapter 4. Case Management [Repealed]
  - **DIVISION 3. AIR RESOURCES**
    - Chapter 1. Air Resources Board
  - **DIVISION 3.5. OFFICE OF ENVIRONMENTAL HEALTH HAZARD ASSESSMENT**
    - Chapter 2. Pesticide Program
  - **DIVISION 4. CALIFORNIA INSTITUTE FOR REGENERATIVE MEDICINE**

## CCLHO DOCUMENTS

Also provided are three documents from the California Conference of Local Health Officers (CCLHO):

- Core functions in small counties (in revision by CCLHO Small Counties Committee);
- Local health officer in California, a two-pager document , issued in July 2013; and
- *Health Officer Practice Guide for Communicable Disease Control in California*, revised June 07, 2013 (<http://www.cdph.ca.gov/programs/dcdc/Documents/Health-Officer-Practice-Guide-DCDC.pdf>); and
- *Mandated Public Health Services Requirements for Local Health Departments* (An 11-page document updated by Assistant Chief Counsel Peter Baldridge, at CDPH, in December 2012).

## LOCAL DOCUMENTS

- **Official County Documents (Charter, Ordinances, Policies)**

Documents provided in this section are essential to County Government. Powers of the BOS are derived from the State Constitution and the County Charter, first adopted by voters in 1933. The San Diego County Administrative Code and the San Diego County Regulatory Code are maintained by the Clerk of the Board and represent decisions by lawmakers for the unincorporated areas of San Diego County (<http://www.sandiegocounty.gov/content/sdc/cob/ocd.html>).

The Board of Supervisors is charged with the responsibility of establishing a Policy Manual to guide the various functions of the County and, where necessary, to establish procedures by which functions are performed. Generally, policy statements will include only such matters for which the responsibility of decision is placed upon the Board of Supervisors by virtue of the State Codes, County Charter, Administrative Code or specific ordinances and resolutions. Additionally, the Legislative Program aligns with Board policy.

- **San Diego County Charter** – The *County of San Diego Charter* includes local authority and duties for the County of San Diego Board of Supervisors (BOS), as provided by the California Constitution.
- **Administrative Code** (i.e., Code of Administrative Ordinances) – Pertinent public health references are as follows:
  - Article XV, Sec 231.
  - “...In the event that the Director does not possess the qualifications for County Health Officer specified in Section 101005 of the California Health and Safety Code, the enforcement duties described in Sections 101030 and 101040 of the Health and Safety Code shall be discharged by a physician and surgeon employed by the Agency with the title of Health Officer. The Health Officer enforcement responsibility, under said circumstances, is limited to decisions requiring technical medical judgments.”
  - The link to this website can be found at:  
([http://www.amlegal.com/nxt/gateway.dll?f=templates&fn=default.htm&vid=amlegal:sandiego\\_co\\_ca\\_mc](http://www.amlegal.com/nxt/gateway.dll?f=templates&fn=default.htm&vid=amlegal:sandiego_co_ca_mc)).
- **San Diego County Code of Regulatory Ordinances** – Pertinent to public health is Title 6. Health and Sanitation.
  - The link to this website can be found at:  
([http://www.amlegal.com/nxt/gateway.dll?f=templates&fn=default.htm&vid=amlegal:sandiego\\_co\\_ca\\_mc](http://www.amlegal.com/nxt/gateway.dll?f=templates&fn=default.htm&vid=amlegal:sandiego_co_ca_mc)).
- **Ordinances** – Ordinances are laws adopted by the Board of Supervisors, and usually amend, repeal, or supplement the County Code, Administrative Code, Compensation Ordinance, or Zoning Ordinance; provide zoning specifications; or appropriate money for specific purposes. Any new or amended ordinances are listed by year at:  
<http://www.sandiegocounty.gov/content/sdc/cob/ordinances.html>.
- **Board of Supervisors Policies** – BOS Public Health-related policies that instruct public health actions can be found at: (<http://www.sandiegocounty.gov/content/sdc/cob/policy.html>). There are 14 policies pertinent to Public Health Services. Two noted policies are as follows:
  - **A-99:** Tobacco and Electronic Smoking Devices, Prevention and Cessation, and
  - **A-114:** County Prevention Policy.

- **Legislative Program**

<http://insite.sdcountry.ca.gov/fg3/cao/sia/Pages/legislativeprogram.aspx#Summary>

The CAO's Office of Strategy and Intergovernmental Affairs (SIA) manages the Legislative Program of the Board of Supervisors by seeking enactment of the Board ' s legislative proposals and responding to federal and state legislation that could affect the County. Each year, SIA prepares for adoption by the Board of Supervisors a Legislative Program, which consists of three components:

- **Sponsorship** – Each legislative year, the County sponsors (or proposes) legislation that will have a significant impact on operations. SIA coordinates with the departments to explore sponsorship legislation and works with legislators to secure a bill author.
- **Priorities** – The Legislative Program includes information regarding projected federal and state legislative priorities that will be of great importance to the County of San Diego . These priorities help frame advocacy efforts throughout the year at the federal and state levels and represent regional, state or nationwide industry trends that the County anticipates will become primary areas of concern or interest in the year ahead.
- **Policy Guidelines** – The legislative Policy Guidelines provide standing Board direction on important issues that reoccur at the federal and state levels. It is not unusual for legislative hearings to be set with only a few days' notice and expedient action is often critical. These guidelines allow SIA and the County's representatives to advocate the County's position on pending federal or state legislation in a timely manner.

In addition to the Legislative Program, SIA responds to federal and state legislation that could affect the County by acting on existing Board Policies, Board Legislative Policies (M) and specific Board direction.