

AMENDED IN ASSEMBLY APRIL 5, 2021

AMENDED IN ASSEMBLY MARCH 18, 2021

CALIFORNIA LEGISLATURE—2021–22 REGULAR SESSION

**ASSEMBLY BILL**

**No. 1251**

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**Introduced by Assembly Members Muratsuchi and Lackey**

February 19, 2021

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An act to add Section 53024 to the Government Code, relating to public health.

LEGISLATIVE COUNSEL'S DIGEST

AB 1251, as amended, Muratsuchi. Local public health orders.

Existing law, the California Emergency Services Act (CESA), among other things, authorizes the Governor to proclaim a state of emergency in an area affected or likely to be affected. The CESA also authorizes the governing body of any city, county, or city and county, or an official designated by ordinance adopted by that governing body, to proclaim a local emergency, as provided. Existing law authorizes local health officials to take any preventative measures that may be necessary to protect and preserve the public health from any public health hazard during any state of emergency or local emergency.

This bill would require a public health order issued by the County of Los Angeles local health officer during ~~a~~ *the COVID-19 pandemic* state ~~or local public health~~ of emergency to be based on data for each service planning area, as defined, rather than on countywide data. The bill would further require that ~~any a~~ local public health ~~orders~~ order related to the COVID-19 pandemic ~~be issued in accordance with the~~ *include the data for each service planning area data.* ~~upon which the order is based.~~ *The bill would specify that these provisions remain operative*

until the termination of the state of emergency declared on March 4, 2020. By requiring the County of Los Angeles to prepare emergency local public health orders based on data for each service planning area, this bill would impose a state-mandated local program.

This bill would make legislative findings and declarations as to the necessity of a special statute for the County of Los Angeles.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

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

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

- 1 SECTION 1. The Legislature finds and declares the following:
- 2 (a) State and county public health departments should develop
- 3 and provide relevant and data-based public health and clinical
- 4 services targeted to the specific health needs of residents in
- 5 different communities and regions.
- 6 (b) The County of Los Angeles, comparable to the geographic
- 7 size of the States of Delaware and Rhode Island combined, has
- 8 the largest population of any county in the United States. The
- 9 County of Los Angeles is larger in population than the nine
- 10 counties of the San Francisco Bay area, with a population of
- 11 approximately 10,000,000 residents.
- 12 (c) The County of Los Angeles is divided into geographic areas,
- 13 known as service planning areas, to allow the Los Angeles County
- 14 Department of Public Health to provide relevant public health and
- 15 clinical services targeted to the specific health needs of the
- 16 residents in each of the service planning areas.
- 17 (d) To achieve the goals of developing and providing more
- 18 relevant and data-based public health services during a statewide
- 19 or local public health emergency, the Los Angeles County
- 20 Department of Public Health public health orders, and the
- 21 enforcement of these orders, must be based on data for each public
- 22 health service planning area and not on countywide data.

1 SEC. 2. Section 53024 is added to the Government Code, to  
2 read:

3 53024. (a) For the purposes of this section, “service planning  
4 area” means the subdivided areas of the County of Los Angeles  
5 intended to facilitate and improve local service and health care  
6 planning, as defined in Section 3.29.010 of the Los Angeles County  
7 Code.

8 (b) ~~In the event of a “state of emergency” or “local emergency”~~,  
9 ~~as defined by Section 8558, a~~ public health order issued by the  
10 County of Los Angeles local health officer pursuant to Section  
11 101040 or 120175 of the Health and Safety Code *due to the*  
12 *COVID-19 pandemic* shall be based on data for each respective  
13 service planning area and not on data for the entire County of Los  
14 Angeles. *An order issued pursuant to this section shall include the*  
15 *data for each respective service planning area upon which the*  
16 *order is based.*

17 (c) ~~The requirements described in subdivision (b) shall apply~~  
18 ~~to all public health orders issued by the County of Los Angeles~~  
19 ~~due to the COVID-19 pandemic. This section shall remain~~  
20 ~~operative until the termination of the state of emergency~~  
21 ~~proclaimed by the Governor on March 4, 2020, regarding the~~  
22 ~~COVID-19 pandemic.~~

23 SEC. 3. The Legislature finds and declares that a special statute  
24 is necessary and that a general statute cannot be made applicable  
25 within the meaning of Section 16 of Article IV of the California  
26 Constitution because of the unique circumstances regarding the  
27 large population of the County of Los Angeles. It is necessary that  
28 special legislation be enacted to ensure relevant data-based public  
29 health services and orders are based on the specific needs of  
30 residents in the respective service planning areas within the County  
31 of Los Angeles.

32 SEC. 4. If the Commission on State Mandates determines that  
33 this act contains costs mandated by the state, reimbursement to  
34 local agencies and school districts for those costs shall be made  
35 pursuant to Part 7 (commencing with Section 17500) of Division  
36 4 of Title 2 of the Government Code.

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