

ASSEMBLY BILL

No. 1440

**Introduced by Committee on Environmental Safety and Toxic
Materials (Assembly Members Connolly (Chair),
Hadwick (Vice Chair), Castillo, and McKinnor)**

February 21, 2025

An act to amend Section 105206 of the Health and Safety Code,
relating to health.

LEGISLATIVE COUNSEL'S DIGEST

AB 1440, as introduced, Committee on Environmental Safety and
Toxic Materials. Pesticide testing.

Existing law requires the Director of Pesticide Regulation to adopt
regulations relating to worker health in areas where pesticides are used
so that pesticide residue levels are not a significant factor in
cholinesterase depression or other health effects.

Existing law requires that an employer who has an employee who
regularly handles pesticides have an agreement with a medical
supervisor who is registered with the Office of Environmental Health
Hazard Assessment (OEHHA). Existing law requires that a laboratory
that performs tests ordered by a medical supervisor report specified
information to the Department of Pesticide Regulation on, at a minimum,
a monthly basis. Existing law requires that the reports be submitted via
electronic media and formatted in a manner approved by the director.
Existing law requires the Department of Pesticide Regulation to share
information from cholinesterase reports with the OEHHA and the State
Department of Public Health on an ongoing basis, in an electronic
format. Existing law requires the registered medical supervisor ordering
a cholinesterase test to note in the test order the name of the medical

supervisor and the purpose of the test, and ensure that the person tested and the employer receive a copy of the cholinesterase test results and any recommendations from the medical supervisor based upon those results within 14 days of the medical supervisor's receipt of the results. Existing law requires the medical supervisor to report any worker with cholinesterase depression indicating pesticide exposure to the local health officer within 24 hours. These provisions are operative until January 1, 2027.

This bill would extend these provisions until January 1, 2029.

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. Section 105206 of the Health and Safety Code
2 is amended to read:

3 105206. (a) In order for an employer to satisfy their
4 responsibilities for medical supervision of their employees who
5 regularly handle pesticides pursuant to Section 6728 of Title 3 of
6 the California Code of Regulations, the employer shall contract
7 with a medical supervisor registered with the Office of
8 Environmental Health Hazard Assessment (OEHHA).

9 (b) A laboratory that performs tests ordered by a medical
10 supervisor shall report the information specified in subdivision (c)
11 to the Department of Pesticide Regulation. Reports shall be
12 submitted to the Department of Pesticide Regulation on, at a
13 minimum, a monthly basis. To meet the requirements in
14 subdivision (e), the reports shall be submitted via electronic media
15 and formatted in a manner approved by the director. The
16 Department of Pesticide Regulation shall share information from
17 cholinesterase reports with the OEHHA and the State Department
18 of Public Health on an ongoing basis, in an electronic format, for
19 the purpose of meeting the requirements of subdivisions (f) and
20 (g).

21 (c) The laboratory shall report all of the following information
22 in its possession in complying with subdivision (b):

23 (1) The test results in International Units per milliliter of sample
24 (IU/mL).

25 (2) The purpose of the test, as indicated by the medical
26 supervisor, as a cholinesterase test requested for an agricultural

1 worker under medical supervision, and, if so, whether it is for a
2 baseline, followup, or recovery test ordered to meet the
3 requirements of Section 6728 of Title 3 of the California Code of
4 Regulations or for the evaluation of suspected pesticide illness.

5 (3) The name of the person tested.

6 (4) The date of birth of the person tested.

7 (5) The unique identifier of the person tested, including both of
8 the following:

9 (A) The health care facility-assigned patient identification
10 number.

11 (B) The member identification, group number, and medical
12 group name, or the provider group to which the person tested
13 belongs.

14 (6) The name, National Provider Identifier (NPI), address, and
15 telephone number of the medical supervisor who ordered the
16 analysis.

17 (7) The name, address, and telephone number of the laboratory
18 that drew and collected the blood specimen from the person tested.

19 (8) The date that the sample was collected from the person tested
20 and the date the result was reported.

21 (9) The accession number of the specimen.

22 (10) Contact information for the person tested and the person's
23 employer, if known and readily available.

24 (d) The registered medical supervisor ordering a cholinesterase
25 test for a person pursuant to subdivision (b) shall note in the test
26 order the name of the medical supervisor and the purpose of the
27 test, pursuant to paragraph (2) of subdivision (c), and ensure that
28 the person tested and the employer receive a copy of the
29 cholinesterase test results and any recommendations from the
30 medical supervisor based upon those results within 14 days of the
31 medical supervisor's receipt of the results. The medical supervisor
32 shall report any worker with cholinesterase depression indicating
33 pesticide exposure to the local health officer pursuant to Section
34 105200.

35 (e) All information reported pursuant to this section shall be
36 confidential, as provided in Section 100330, except that the
37 OEHHA, the Department of Pesticide Regulation, and the State
38 Department of Public Health may share the information for
39 purposes of surveillance, case management, investigation,

1 environmental remediation, or abatement with the appropriate
2 county agricultural commissioner and local health officer.

3 (f) The OEHHA shall establish a procedure for registering and
4 deregistering medical supervisors for purposes of outreach and
5 training and may establish reasonable requirements for
6 performance. The OEHHA shall review the cholinesterase test
7 results and may provide an appropriate medical or toxicological
8 consultation to the medical supervisor. In addition to the duties
9 performed pursuant to Section 105210, the OEHHA, in consultation
10 with the Department of Pesticide Regulation and the local health
11 officer, may provide medical and toxicological consultation, as
12 appropriate, to the county agricultural commissioner to address
13 medical issues related to the investigation of cholinesterase
14 inhibitor-related illness.

15 (g) The Department of Pesticide Regulation and the OEHHA
16 shall prepare and publicly post an update on the effectiveness of
17 the medical supervision program and the utility of laboratory-based
18 reporting of cholinesterase testing for illness surveillance and
19 prevention by January 1, 2021.

20 (h) This section shall remain in effect only until January 1, ~~2027~~,
21 2029, and as of that date is repealed, unless a later enacted statute,
22 that is enacted before January 1, ~~2027~~, 2029, deletes or extends
23 that date.