

AMENDED IN SENATE MARCH 15, 2021

**SENATE BILL**

**No. 397**

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**Introduced by Senator Jones**

*(Coauthors: Senators Bates, Borgeas, Dahle, Grove, Melendez,  
Nielsen, Ochoa Bogh, and Wilk)*

February 11, 2021

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An act to amend Section 8571, 8627, 8627.5, 8634, and 8655 of, and to add Article 18.5 (commencing with Section 8663) to Chapter 7 of Division 1 of Title 2 of, the Government Code, and to amend Sections 120130, 120135, 120140, 120145, and 131080 of the Health and Safety Code, relating to emergency powers.

LEGISLATIVE COUNSEL'S DIGEST

SB 397, as amended, Jones. Emergency powers: essential services: religious services.

Existing law, the California Emergency Services Act, authorizes the Governor to proclaim a state of emergency, and local governments to proclaim a local emergency, when specified conditions of disaster or extreme peril to the safety of persons and property exist, and authorizes the Governor or the local government to exercise certain powers in response to that emergency. Existing law grants immunity to the state and its political subdivisions for any claim based upon the exercise or performance, or the failure to exercise or perform, a discretionary function or duty on the part of a state or local agency or any employee of the state or its political subdivisions in carrying out the California Emergency Services Act.

Existing law establishes the State Department of Public Health, headed by the State Public Health Officer, and sets forth its powers and duties, including the administration of provisions relating to the prevention

and control of communicable disease. Existing law authorizes the department to adopt and enforce regulations requiring strict or modified isolation, or quarantine, for any of the contagious, infectious, or communicable diseases, if in the opinion of the department the action is necessary for the protection of the public health.

On March 4, 2020, the Governor proclaimed a state of emergency in response to the 2019 novel coronavirus disease (COVID-19) pandemic. Pursuant to specified provisions relating to the prevention and control, the State Public Health Officer ordered all individuals living in the state to stay home or at their place of residence except as needed to maintain continuity of operations of the federal critical infrastructure sectors, as outlined in the United States Cybersecurity and Infrastructure Security Agency's guidance on the essential critical infrastructure workforce. Pursuant to authority under specified provisions of the California Emergency Services Act, the Governor issued Executive Order No. N-33-20 requiring all residents to immediately heed those state public health directives.

This bill, the Religion is Essential Act, would, during a state of emergency or local emergency, require the Governor or the local government to deem religious services to be an essential service and to be necessary and vital to the health and welfare of the public. The bill would prohibit the state and local government from taking a discriminatory action against a religious organization, as those terms are defined, and would require the state and local government to permit a religious organization to continue operating and engaging in religious services during a state of emergency to the same or greater extent that other organizations or businesses that provide essential services that are necessary and vital to the health and welfare of the public are permitted to operate. The bill would prohibit the state and local government from enforcing any health, safety, or occupancy requirement that imposes a substantial burden on a religious service unless the state or local government demonstrates that applying the burden to the religious service is essential to further a compelling governmental interest and is the least restrictive means of furthering that compelling governmental interest.

This bill would authorize a religious organization to assert a violation of these provisions as a claim against the state or a local government in a judicial or administrative proceeding or as a defense in a judicial or administrative proceeding, as specified. The bill would entitle a religious organization that successfully asserts a claim or defense to

certain relief, as specified. The bill would make related findings and declarations.

By imposing additional duties on a local government in the exercise of emergency powers, this bill would impose a state-mandated local program.

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. This act shall be known, and may be cited, as the  
2 Religion is Essential Act.

3 SEC. 2. (a) Religion provides extensive benefits to our country,  
4 not only in meeting the spiritual needs of our populace, but also  
5 supporting social services, health care, and economic activity.

6 (b) Religion contributes \$1.2 trillion annually to the nation's  
7 economy and society. This includes charitable activities, health  
8 care, educational services, and millions of volunteer hours in  
9 programs that help the poor, individuals struggling with addiction  
10 or mental illness, and even job training programs. "Congregations,  
11 businesses inspired by faith, faith-based charities and institutions  
12 not only build communities and families, but also strengthen our  
13 economy in every town and city of the country." "The  
14 Socio-economic Contribution of Religion to American Society:  
15 An Empirical Analysis," a 2016 study by Brian J. Grim  
16 (Georgetown University) and Melissa E. Grim (Newseum  
17 Institute), published in the peer-reviewed journal, *Interdisciplinary  
18 Journal of Research on Religion*, Volume 12, Article 3.

19 (c) "The Constitution forbids laws that prohibit the free exercise  
20 of religion. That guarantee protects not just the right to be a  
21 religious person, holding beliefs inwardly and secretly; it also  
22 protects the right to act on those beliefs outwardly and publicly."

1 Espinoza v. Montana Department of Revenue, 140 S. Ct. 2246,  
2 2276 (June 30, 2020) (Gorsuch, J., concurring).

3 (d) The United States Supreme Court has “long recognized the  
4 importance of protecting religious actions, not just religious status.”  
5 Id. “[T]he First Amendment protects the ‘freedom to act’ as well  
6 as the ‘freedom to believe.’ ” Id., (quoting *Cantwell v. State of*  
7 *Connecticut*, 310 U.S. 296, 303 (1940)).

8 (e) The Free Exercise Clause of the United States Constitution  
9 guarantees religious believers, at a bare minimum, equal treatment  
10 under the law. *Church of the Lukumi Babalu Aye, Inc. v. City of*  
11 *Hialeah*, 508 U.S. 520, 542 (1993).

12 (f) “What benefits the government decides to give, whether  
13 meager or munificent, it must give without discrimination against  
14 religious conduct.” *Espinoza v. Montana Department of Revenue*,  
15 140 S. Ct. 2246, 2277 (June 30, 2020) (Gorsuch, J., concurring).

16 (g) The government violates the Free Exercise Clause whenever  
17 it “conditions receipt of an important benefit upon conduct  
18 proscribed by a religious faith, or ... denies such a benefit because  
19 of conduct mandated by a religious belief, thereby putting  
20 substantial pressure on an adherent to modify his behavior to  
21 violate his beliefs.” *Thomas v. Review Bd. of Ind. Employment*  
22 *Sec. Division*, 450 U.S. 707, 717-18 (1981).

23 (h) “The First Amendment does not allow our leaders to decide  
24 which rights to honor and which to ignore.” *Spell v. Edwards*, 962  
25 F.3d 175, 183 (5th Cir., June 18, 2020) (Ho, J., concurring).

26 (i) “Government does not have carte blanche, even in a  
27 pandemic, to pick and choose which First Amendment rights are  
28 ‘open’ and which remain ‘closed.’ ” Id. at p. 181.

29 (j) Government officials may not afford a greater degree of  
30 protection to commercial than to noncommercial speech,  
31 *Metromedia, Inc. v. City of San Diego*, 453 U.S. 490, 513 (1981)  
32 (plurality opinion), or prefer the transmission of secular views over  
33 religious ones, *Rosenberger v. Rector and Visitors of University*  
34 *of Virginia*, 515 U.S. 819, 830-31 (1995).

35 (k) The government may not devalue religious reasons for  
36 congregating by judging them to be of lesser import than  
37 nonreligious reasons. *Church of the Lukumi Babalu Aye, Inc. v.*  
38 *City of Hialeah*, 508 U.S. 520, 537 (1993).

39 (l) The government may not permit “life-sustaining” operations  
40 to continue during a state of emergency without also permitting

1 “soul-sustaining” operations such as religious services to continue,  
2 especially when the religious services “adhere to all the public  
3 health guidelines required of the other services.” *Roberts v. Neace*,  
4 958 F.3d 409, 414 (6th Cir., May 9, 2020).

5 (m) Dr. Timothy P. Flanigan, Professor of Medicine at the  
6 Warren Alpert Medical School of Brown University, provided  
7 sworn testimony in federal court that religious services pose no  
8 greater threat to public health than other gatherings where the  
9 federal Centers for Disease Control and Prevention guidelines are  
10 followed, per Flanigan Expert Decl., *Calvary Chapel Dayton Valley*  
11 *v. Sisolak*, No. 3:20-cv-00303, Dkt. 38-31 (D. Nev. June 3, 2020).  
12 Dr. Flanigan concluded:

13 (1) “There is no scientific or medical reason that a religious  
14 service that follows the guidelines issued by the CDC would pose  
15 a more significant risk of spreading SARS-CoV-2 than gatherings  
16 or interactions at other establishments or institutions.” *Id.* at  
17 paragraph 27.

18 (2) “[T]here is no scientific or medical reason that people could  
19 not follow the CDC guidance just as carefully in a religious setting  
20 as they could in a non-religious setting. In fact, my experience has  
21 been that individuals in religious settings are observant of the rules  
22 established by their houses of worship.” *Id.* at paragraph 32.

23 (3) “[S]o long as the CDC guidelines are followed, there is no  
24 scientific or medical reason to prohibit religious services but not  
25 prohibit other activities or gatherings, nor is there any scientific  
26 or medical reason to allow certain activities or gatherings while  
27 not allowing religious services.” *Id.* at paragraph 33.

28 (4) “[S]o long as the CDC guidelines are followed, there is no  
29 scientific or medical reason to limit the number of persons at a  
30 religious gathering while not imposing the same restrictions on  
31 shopping malls, big box stores, restaurants or bars, gyms or fitness  
32 centers, barbershops or hair salons, movie theaters, museums,  
33 water parks, offices, workplace meetings, gambling casinos,  
34 factories, supermarkets, farmer’s markets, retail stores,  
35 demonstrations, or other places where individuals interact, gather,  
36 or share space.” *Id.* at paragraph 34.

37 SEC. 3. Section 8571 of the Government Code is amended to  
38 read:

39 8571. Except as provided in Article 18.5 (commencing with  
40 Section 8663), during a state of war-~~emergency~~, *emergency* or a

1 state of emergency the Governor may suspend any regulatory  
2 statute, or statute prescribing the procedure for conduct of state  
3 business, or the orders, rules, or regulations of any state agency,  
4 including subdivision (d) of Section 1253 of the Unemployment  
5 Insurance Code, where the Governor determines and declares that  
6 strict compliance with any statute, order, rule, or regulation would  
7 in any way prevent, hinder, or delay the mitigation of the effects  
8 of the emergency.

9 SEC. 4. Section 8627 of the Government Code is amended to  
10 read:

11 8627. Except as provided in Article 18.5 (commencing with  
12 Section 8663), during a state of emergency, the Governor shall,  
13 to the extent they deem necessary, have complete authority over  
14 all agencies of the state government and the right to exercise within  
15 the area designated all police power vested in the state by the  
16 Constitution and laws of the State of California in order to  
17 effectuate the purposes of this chapter. In exercise thereof, they  
18 shall promulgate, issue, and enforce such orders and regulations  
19 as they deem necessary, in accordance with the provisions of  
20 Section 8567.

21 SEC. 5. Section 8627.5 of the Government Code is amended  
22 to read:

23 8627.5. (a) Except as provided in Article 18.5 (commencing  
24 with Section 8663), the Governor may make, amend, or rescind  
25 orders and regulations during a state of emergency that temporarily  
26 suspend any state, county, city, or special district statute, ordinance,  
27 regulation, or rule imposing nonsafety related restrictions on the  
28 delivery of food products, pharmaceuticals, and other emergency  
29 necessities distributed through retail or institutional channels,  
30 including, but not limited to, hospitals, jails, restaurants, and  
31 schools. The Governor shall cause widespread publicity and notice  
32 to be given to all of these orders and regulations, or amendments  
33 and rescissions thereof.

34 (b) The orders and regulations shall be in writing and take effect  
35 immediately on issuance. The temporary suspension of any statute,  
36 ordinance, regulation, or rule shall remain in effect until the order  
37 or regulation is rescinded by the Governor, the Governor proclaims  
38 the termination of the state of emergency, or for a period of 60  
39 days, whichever occurs first.

1 SEC. 6. Section 8634 of the Government Code is amended to  
2 read:

3 8634. Except as provided in Article 18.5 (commencing with  
4 Section 8663), during a local emergency, the governing body of  
5 a political subdivision, or officials designated thereby, may  
6 promulgate orders and regulations necessary to provide for the  
7 protection of life and property, including orders or regulations  
8 imposing a curfew within designated boundaries where necessary  
9 to preserve the public order and safety. Such orders and regulations  
10 and amendments and rescissions thereof shall be in writing and  
11 shall be given widespread publicity and notice.

12 The authorization granted by this chapter to impose a curfew  
13 shall not be construed as restricting in any manner the existing  
14 authority of counties and cities and any city and county to impose  
15 pursuant to the police power a curfew for any other lawful purpose.

16 SEC. 7. Section 8655 of the Government Code is amended to  
17 read:

18 8655. Except as provided in Article 18.5 (commencing with  
19 Section 8663), the state or its political subdivisions shall not be  
20 liable for any claim based upon the exercise or performance, or  
21 the failure to exercise or perform, a discretionary function or duty  
22 on the part of a state or local agency or any employee of the state  
23 or its political subdivisions in carrying out the provisions of this  
24 chapter.

25 SEC. 8. Article 18.5 (commencing with Section 8663) is added  
26 to Chapter 7 of Division 1 of Title 2 of the Government Code, to  
27 read:

28  
29 Article 18.5. Religion is Essential Act  
30

31 8663. For purposes of this article, the following definitions  
32 shall apply:

33 (a) “Discriminatory action” means any of the following actions  
34 taken against an organization on the basis of that organization  
35 being a religious organization:

36 (1) Alter in any way the tax treatment of, or cause any tax,  
37 penalty, or payment to be assessed against, or deny, delay, revoke,  
38 or otherwise make unavailable an exemption from taxation.

1 (2) Disallow, deny, or otherwise make unavailable a deduction  
2 for state tax purposes of any charitable contribution made to or by  
3 the organization.

4 (3) Impose, levy, or assess a monetary fine, fee, civil or criminal  
5 penalty, damages award, or injunction.

6 (4) Withhold, reduce, exclude, terminate, materially alter the  
7 terms or conditions of, or otherwise make unavailable or deny any:

8 (A) State grant, contract, subcontract, cooperative agreement,  
9 guarantee, loan, scholarship, or other similar benefit from or to  
10 the organization.

11 (B) Entitlement or benefit under a state benefit program from  
12 or to the organization.

13 (C) License, certification, accreditation, recognition, or other  
14 similar benefit, position, or status from or to the organization.

15 (b) “Religious organization” means any of the following:

16 (1) A house of worship, including, but not limited to, churches,  
17 synagogues, shrines, mosques, and temples.

18 (2) A religious group, corporation, association, educational  
19 institution, ministry, order, society, or similar entity, regardless of  
20 whether it is integrated or affiliated with a house of worship.

21 (3) An officer, owner, employee, manager, religious leader,  
22 clergy member, or minister of an entity or organization described  
23 in paragraph (1) or (2).

24 (c) “Religious services” means a meeting, gathering, or assembly  
25 of two or more persons organized by a religious organization for  
26 the purpose of worship, teaching, training, providing educational  
27 services, conducting religious rituals, or other activities that are  
28 deemed necessary by the religious organization for the exercise  
29 of religion.

30 (d) “State and local governments” includes any of the following:

31 (1) The state or a political subdivision of the state.

32 (2) An agency of the state or of a political subdivision of the  
33 state, including a department, bureau, board, commission, council,  
34 court, or public institution of higher education.

35 (3) A person acting under color of state law.

36 (4) A private person suing under or attempting to enforce a law,  
37 rule, or regulation adopted by the state or a political subdivision  
38 of the state.

1 8663.1. (a) (1) During a state of emergency, the Governor  
2 shall deem religious services to be an essential service and to be  
3 necessary and vital to the health and welfare of the public.

4 (2) During a local emergency, the governing body of the city  
5 or county or the official designated pursuant to Section 8630 shall  
6 deem religious services to be an essential service and to be  
7 necessary and vital to the health and welfare of the public.

8 (b) During a state of emergency or a local emergency, the state  
9 and local governments shall not take a discriminatory action against  
10 a religious organization and shall permit a religious organization  
11 to continue operating and engaging in religious services to the  
12 same or greater extent that other organizations or businesses that  
13 provide essential services that are necessary and vital to the health  
14 and welfare of the public are permitted to operate.

15 (c) The state and local governments shall not enforce any health,  
16 safety, or occupancy requirement that imposes a substantial burden  
17 on a religious service unless the state or local government  
18 demonstrates that applying the burden to the religious service is  
19 essential to further a compelling governmental interest and is the  
20 least restrictive means of furthering that compelling governmental  
21 interest.

22 (d) Except as provided by subdivision (c), this section does not  
23 prohibit the state or local governments from requiring religious  
24 organizations to comply with health, safety, or occupancy  
25 requirements issued by the state or federal government that are  
26 applicable to all organizations and businesses that provide essential  
27 services.

28 8663.2. (a) (1) Subject to paragraph (2), a religious  
29 organization may assert a violation of Section 8663.1 as a claim  
30 against the state or a local government in a judicial or  
31 administrative proceeding or as a defense in a judicial or  
32 administrative proceeding without regard to whether the proceeding  
33 is brought by or in the name of the state, a private person, or any  
34 other party.

35 (2) A religious organization shall not bring an action to assert  
36 a claim pursuant to this subdivision later than two years after the  
37 date that the organization knew or should have known that a  
38 discriminatory action or other violation of Section 8663.1 was  
39 taken against that religious organization.

1 (b) (1) Subject to paragraph (2), a religious organization that  
2 successfully asserts a claim or defense pursuant to subdivision (a)  
3 may be entitled to any of the following:

- 4 (A) Declaratory relief.
- 5 (B) Injunctive relief to prevent or remedy a violation of Section  
6 8663.1 or the effects of such a violation.
- 7 (C) Compensatory damages for pecuniary and nonpecuniary  
8 losses.
- 9 (D) Reasonable attorneys’ fees and costs.
- 10 (E) Any other appropriate relief.

11 (2) All claims for money or damages are governed by Division  
12 3.6 (commencing with Section 810) of Title 1 of the Government  
13 Code.

14 8663.3. (a) This article shall be construed in favor of a broad  
15 protection of the free exercise of religion.

16 (b) The protection of free exercise of religion afforded by this  
17 article are in addition to the protections provided under federal  
18 law, state law, and the state and federal constitutions. This article  
19 does not preempt or repeal any state or local law that is equally or  
20 more protective of free exercise of religion. This article shall not  
21 be construed to narrow the meaning or application of any state or  
22 local law protecting free exercise of religion.

23 (c) This article applies to, and in cases of conflict supersedes,  
24 any state law that impinges upon the free exercise of religion  
25 protected by this article, unless a conflicting statute is expressly  
26 made exempt from the application of this article. This article also  
27 applies to, and in cases of conflict supersedes, any ordinance, rule,  
28 regulation, order, opinion, decision, practice, or other exercise of  
29 the state government’s authority that impinges upon the free  
30 exercise of religion protected by this article.

31 (d) If any provision of this article or an application of its  
32 provisions to a particular person or circumstance is held to be  
33 invalid under law, the remainder of this article and the application  
34 of its provisions to any other person or circumstance shall not be  
35 affected.

36 SEC. 9. Section 120130 of the Health and Safety Code is  
37 amended to read:

38 120130. (a) The department shall establish a list of reportable  
39 diseases and conditions. For each reportable disease and condition,  
40 the department shall specify the timeliness requirements related

1 to the reporting of each disease and condition, and the mechanisms  
2 required for, and the content to be included in, reports made  
3 pursuant to this section. The list of reportable diseases and  
4 conditions may include both communicable and noncommunicable  
5 diseases. The list may include those diseases that are either known  
6 to be, or suspected of being, transmitted by milk or milk-based  
7 products. The list may be modified at any time by the department,  
8 after consultation with the California Conference of Local Health  
9 Officers. Modification of the list shall be exempt from the  
10 administrative regulation and rulemaking requirements of Chapter  
11 3.5 (commencing with Section 11340) of Part 1 of Division 3 of  
12 Title 2 of the Government Code, and shall be implemented without  
13 being adopted as a regulation, except that the revised list shall be  
14 filed with the Secretary of State and printed in the California Code  
15 of Regulations as required pursuant to subdivision (e). Those  
16 diseases listed as reportable shall be properly reported as required  
17 to the department by the health officer.

18 (b) The department shall establish a list of communicable  
19 diseases and conditions for which clinical laboratories shall submit  
20 a culture or a specimen to the local public health laboratory. The  
21 list shall set forth the conditions under which the culture and  
22 specimen shall also be submitted to the State Public Health  
23 Laboratory. The list may be modified at any time by the  
24 department, in consultation with appropriate local public health  
25 stakeholders, including, but not limited to, local health officers  
26 and public health laboratory directors. Both establishment and  
27 modification of the list shall be exempt from the administrative  
28 regulation and rulemaking requirements of Chapter 3.5  
29 (commencing with Section 11340) of Part 1 of Division 3 of Title  
30 2 of the Government Code, and shall be implemented without  
31 being adopted as a regulation, except that the initial list and any  
32 modifications shall be filed with the Secretary of State and printed  
33 in the California Code of Regulations as required pursuant to  
34 subdivision (e).

35 (c) Except as provided in Article 18.5 (commencing with Section  
36 8663) of Chapter 7 of Division 1 of Title 2 of the Government  
37 Code, the department may from time to time adopt and enforce  
38 regulations requiring strict or modified isolation, or quarantine,  
39 for any of the contagious, infectious, or communicable diseases,

1 if in the opinion of the department the action is necessary for the  
2 protection of the public health.

3 (d) Except as provided in Article 18.5 (commencing with Section  
4 8663) of Chapter 7 of Division 1 of Title 2 of the Government  
5 Code, the health officer may require strict or modified isolation,  
6 or quarantine, for any case of contagious, infectious, or  
7 communicable disease, when this action is necessary for the  
8 protection of the public health.

9 (e) The lists established pursuant to subdivisions (a) and (b) and  
10 any subsequent modifications shall be published in Title 17 of the  
11 California Code of Regulations.

12 (f) Notwithstanding any other provision of law, no civil or  
13 criminal penalty, fine, sanction, or finding, or denial, suspension,  
14 or revocation of licensure for any person or facility may be imposed  
15 based upon a failure to provide the notification of a reportable  
16 disease or condition or to provide the submission of a culture or  
17 specimen that is required under this section, unless the name of  
18 the disease or condition that is required to be reported, or for which  
19 a culture or specimen is required to be submitted, was printed in  
20 the California Code of Regulations and the department notified  
21 the person or facility of the disease or condition at least six months  
22 prior to the date of the claimed failure to report or submit.

23 (g) Commencing July 1, 2009, or within one year of the  
24 establishment of a state electronic laboratory reporting system,  
25 whichever is later, a report generated pursuant to this section, or  
26 Section 121022, by a laboratory shall be submitted electronically  
27 in a manner specified by the department. The department shall  
28 allow laboratories that receive incomplete patient information to  
29 report the name of the provider who submitted the request to the  
30 local health officer.

31 (h) The department may, through its internet website and via  
32 electronic mail, advise out-of-state laboratories that are known to  
33 the department to test specimens from California residents of the  
34 new reporting requirements.

35 SEC. 10. Section 120135 of the Health and Safety Code is  
36 amended to read:

37 120135. Except as provided in Article 18.5 (commencing with  
38 Section 8663) of Chapter 7 of Division 1 of Title 2 of the  
39 Government Code, the department may establish and maintain  
40 places of quarantine or isolation.

1 SEC. 11. Section 120140 of the Health and Safety Code is  
2 amended to read:

3 120140. Except as provided in Article 18.5 (commencing with  
4 Section 8663) of Chapter 7 of Division 1 of Title 2 of the  
5 Government Code, upon being informed by a health officer of any  
6 contagious, infectious, or communicable disease, the department  
7 may take measures as are necessary to ascertain the nature of the  
8 disease and prevent its spread. To that end, the department may,  
9 if it considers it proper, take possession or control of the body of  
10 any living person, or the corpse of any deceased person.

11 SEC. 12. Section 120145 of the Health and Safety Code is  
12 amended to read:

13 120145. Except as provided in Article 18.5 (commencing with  
14 Section 8663) of Chapter 7 of Division 1 of Title 2 of the  
15 Government Code, the department may quarantine, isolate, inspect,  
16 and disinfect persons, animals, houses, rooms, other property,  
17 places, cities, or localities, whenever in its judgment the action is  
18 necessary to protect or preserve the public health.

19 SEC. 13. Section 131080 of the Health and Safety Code is  
20 amended to read:

21 131080. Except as provided in Article 18.5 (commencing with  
22 Section 8663) of Chapter 7 of Division 1 of Title 2 of the  
23 Government Code, the department may advise all local health  
24 authorities, and, when in its judgment the public health is menaced,  
25 it shall control and regulate their action.

26 SEC. 14. If the Commission on State Mandates determines  
27 that this act contains costs mandated by the state, reimbursement  
28 to local agencies and school districts for those costs shall be made  
29 pursuant to Part 7 (commencing with Section 17500) of Division  
30 4 of Title 2 of the Government Code.