

**FINDING OF EMERGENCY
OF THE
OFFICE OF STATEWIDE HEALTH PLANNING AND DEVELOPMENT**

**REGARDING THE
CALIFORNIA BUILDING CODE
CALIFORNIA CODE OF REGULATIONS, TITLE 24, PART 2**

The adoption of these regulations or order of repeal is necessary for the immediate preservation of the public peace, health and safety, or general welfare, as follows:

Health and Safety Code, Section 18944.18, enacted by AB 980 (Chapter 663, Statutes of 2013), mandates that the California Building Standards Commission, in conjunction with OSHPD, repeal Section 1226.7 of the 2013 California Building Code and any cross-references to this section. This statute grants OSHPD emergency regulatory authority to repeal these specific regulations. It also mandates that the regulations adopted pursuant to the statute shall become permanent without any further regulatory action.

The regulations in Section 1226.7 of the California Building Code are minimum requirements for service space in primary care clinics that provide abortion services. Since there are no cross-references to Section 1226.7 within the Title 24, 2013 California Building Standards Code, this proposed action is specific only to that section.

AUTHORITY AND REFERENCE

The California Building Standards Commission proposes to adopt these building standards under the authority granted by Health and Safety Code Section 18944.18 and 18949.3. The purpose of these building standards is to implement, interpret, and make specific the provisions of Health and Safety Code, Section 18944.18. The Office of Statewide Health Planning and Development is proposing this regulatory action based on Health and Safety Code, Section 18944.18.

INFORMATIVE DIGEST

Summary of Existing Laws

Health and Safety Code, Section 1226 authorizes the OSHPD to prescribe minimum building standards for the physical plant of clinics, for adoption in the California Building Standards Code.

Health and Safety Code, Section 18944.18 mandates that the California Building Standards Commission, in conjunction with OSHPD, repeal Section 1226.7 of the 2013 California Building Code and any cross-references to this section in the code. OSHPD is granted emergency authority to implement the statute.

Summary of Existing Regulations

Existing building standards in the California Building Code provide physical plant requirements for licensed clinics. Primary care clinics that are licensed to provide abortion services are required to comply with the minimum space requirements for primary care clinics; as well as, space requirements specific to abortion services (i.e. post-abortion recovery area, treatment room size of 120 square feet, private room/area for pre- and post-abortion patient counseling and patient clothing storage space).

Summary of Effect

The repeal of Section 1226.7 of the 2013 California Building Code, will eliminate minimum service space requirements that accommodate the specific needs of primary care clinics that provide abortion services. This includes minimum requirements for treatment rooms, post-abortion recovery areas and private rooms/areas for counseling patients, and patient clothing storage. Repealing Section 1226.7 will result in space requirements that are the same for all licensed primary care clinics regardless of the service(s) they provide.

Comparable Federal Statute or Regulations

There is no federal statute or regulation related to this proposed action.

Policy Statement Overview

OSHDP is responsible for the development of building standards for the physical plant of clinics licensed by the California Department of Public Health.

Evaluation of consistency

The proposed action is not incompatible or inconsistent with existing regulations.

MATTERS PRESCRIBED BY STATUTE APPLICABLE TO THE AGENCY OR TO ANY SPECIFIC REGULATION OR CLASS OF REGULATIONS

There are no other matters to identify.

MANDATE ON LOCAL AGENCIES OR SCHOOL DISTRICTS

The OSHPD has determined that the proposed regulatory action will not impose a mandate on local agencies or school districts.

FISCAL IMPACT STATEMENT (attached Form 399)

- A. Cost or Savings to any state agency: No
- B. Cost to any local agency required to be reimbursed under Part 7(commencing with Section 17500) of Division 4: No
- C. Cost to any school district required to be reimbursed under Part 7 (commencing with Section 17500) of Division 4: No
- D. Other nondiscretionary cost or savings imposed on local agencies: No
- E. Cost or savings in federal funding to the state: No