

West's Annotated California Codes

Health and Safety Code (Refs & Annos)

Division 101. Administration of Public Health (Refs & Annos)

Part 3. Local Health Departments (Refs & Annos)

Chapter 2. Powers and Duties of Local Health Officers and Local Health Departments (Refs & Annos)

Article 2. Local Health Emergencies (Refs & Annos)

West's Ann.Cal.Health & Safety Code § 101080

§ 101080. Declaration of health emergency; conditions; duration; review

Effective: January 1, 2019

Currentness

Whenever a release, spill, escape, or entry of waste occurs as described in paragraph (2) of subdivision (b) of Section 101075 and the director or the local health officer reasonably determines that the waste is a hazardous waste or medical waste, or that it may become a hazardous waste or medical waste because of a combination or reaction with other substances or materials, and the director or local health officer reasonably determines that the release or escape is an immediate threat to the public health, or whenever there is an imminent and proximate threat of the introduction of any contagious, infectious, or communicable disease, chemical agent, noncommunicable biologic agent, toxin, or radioactive agent, the director may declare a health emergency and the local health officer may declare a local health emergency in the jurisdiction or any area thereof affected by the threat to the public health. Whenever a local health emergency is declared by a local health officer pursuant to this section, the local health emergency shall not remain in effect for a period in excess of seven days unless it has been ratified by the board of supervisors, or city council, whichever is applicable to the jurisdiction. The board of supervisors, or city council, if applicable, shall review, at least every 30 days until the local health emergency is terminated, the need for continuing the local health emergency and shall proclaim the termination of the local health emergency at the earliest possible date that conditions warrant the termination.

Credits

(Added by Stats.1995, c. 415 (S.B.1360), § 3. Amended by Stats.2006, c. 874 (S.B.1430), § 3; Stats.2007, c. 483 (S.B.1039), § 20.6; Stats.2018, c. 424 (S.B.1495), § 5, eff. Jan. 1, 2019; Stats.2018, c. 990 (A.B.2238), § 4, eff. Jan. 1, 2019.)

Editors' Notes

Relevant Additional Resources

Additional Resources listed below contain your search terms.

HISTORICAL AND STATUTORY NOTES

Title of act of Stats.2006, c. 874 (S.B.1430), see Historical and Statutory Notes under Civil Code § 56.10.

Subordination of legislation by Stats.2007, c. 483 (S.B.1039), to other 2007 legislation, see Historical and Statutory Notes under Business and Professions Code § 650.

2017 Legislation

Governor Brown issued the following executive order, B-45-17, dated Dec. 19, 2017, which read:

“WHEREAS on October 9, 2017, I proclaimed a state of emergency to exist in Butte, Lake, Mendocino, Napa, Nevada, Orange, Sonoma, and Yuba Counties as a result of the numerous wildfires burning in those counties; and

“WHEREAS these wildfires destroyed over 8,000 structures, displacing thousands of residents and creating extraordinary amounts of hazardous fire debris; and

“WHEREAS the local health officers of Butte, Lake, Mendocino, Napa, Nevada, Sonoma, and Yuba Counties have all proclaimed local health emergencies, pursuant to Health and Safety Code section **101080**, as a result of this hazardous debris; and

“WHEREAS existing law requires local governing authorities to renew their local health proclamations every fourteen days; and

“WHEREAS local governing authorities must continue devoting their time, attention, and resources to facilitating recovery of their respective communities; and

“WHEREAS thousands of residents have been displaced from their homes as a result of these fires, and it is critical that interim sheltering solutions are identified and utilized; and

“WHEREAS under the provisions of Government Code section 8571, I find that strict compliance with the various statutes and regulations specified in this order would prevent, hinder, or delay the mitigation of the effects of the wildfires; and

“NOW, THEREFORE, I, EDMUND G. BROWN JR., Governor of the State of California, in accordance with the authority vested in me by the Constitution and statutes of the State of California, and in particular, Government Code sections 8567 and 8571, do hereby issue the following order to become effective immediately:

“IT IS HEREBY ORDERED THAT:

“1) The fourteen day time period in Health and Safety Code section **101080**, within which local governing authorities must renew its local health emergency, is hereby waived. The local health emergencies resulting from the October 2017 wildfire debris will remain in effect until each local governing authority terminates its respective health emergency.

“2) Any fairgrounds that the Office of Emergency Services determines are suitable for temporary sheltering for fire survivors shall be made available to the Office of Emergency Services pursuant to the Emergency Services Act, Government Code section 8589. The Office of Emergency Services shall notify the fairgrounds of the intended use and can immediately utilize the fairgrounds without the fairground board of directors’ approval.

“3) Any state-owned properties that the Office of Emergency Services determines are suitable for temporary sheltering for fire survivors shall be made available to the Office of Emergency Services for this purpose.

“4) The Office of Emergency Services shall evaluate state properties that can be refurbished or improved to be made suitable for temporary sheltering. The costs associated with making these properties suitable for temporary sheltering shall be paid for utilizing California Disaster Assistance Act funding, pursuant to Government Code section 8680 et seq., and Code of Regulations, title 19, section 2900 et seq.

“This Order is not intended to, and does not, create any rights or benefits, substantive or procedural, enforceable at law or in equity, against the State of California, its agencies, departments, entities, officers, employees, or any other person.

“I FURTHER DIRECT that as soon as hereafter possible, this Order be filed in the Office of the Secretary of State and that widespread publicity and notice be given of this Order.

“IN WITNESS WHEREOF I have hereunto set my hand and caused the Great Seal of the State of California to be affixed this 19th day of December 2017.

“EDMUND G. BROWN JR.

“Governor of California

“ATTEST:

“ALEX PADILLA

“Secretary of State”

2018 Legislation

For executive order B-46-18 issued by Governor Brown, relating to a state of emergency for Ventura and Santa Barbara Counties, see Historical and Statutory Notes under Government Code § 21220.

For executive order B-53-18 issued by Governor Brown, relating to states of emergency in Lake, Siskiyou, Shasta, Mendocino, and Napa counties, see Historical and Statutory Notes under Government Code § 21220.

For cost reimbursement provisions relating to Stats.2018, c. 990 (A.B.2238), see Historical and Statutory Notes under Government Code § 56668.

Section affected by two or more acts at the same session of the Legislature, see Government Code § 9605.

For executive order B-57-18 issued by Governor Brown, relating to a state of emergency in Butte County, see Historical and Statutory Notes under Government Code § 8571.

2020 Legislation

For Executive Order N-81-20 issued by Governor Newsom, relating to recovery efforts for those impacted by the 2020 fire season in California, see Historical and Statutory Notes under Health and Safety Code § 101085.

Derivation

Former § 471, added by Stats.1980, c. 927, § 2, amended by Stats.1990, c. 1614, § 3; Gov.Reorg.Plan No. 1 of 1991, § 92.

West's Ann. Cal. Health & Safety Code § **101080**, CA HLTH & S § **101080**

Current with urgency legislation through Ch. 997 of 2022 Reg.Sess. Some statute sections may be more current, see credits for details.

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State of California

HEALTH AND SAFETY CODE

Section 101040

101040. (a) The local health officer may take any preventive measure that may be necessary to protect and preserve the public health from any public health hazard during any “state of war emergency,” “state of emergency,” or “local emergency,” as defined by Section 8558 of the Government Code, within his or her jurisdiction.

(b) “Preventive measure” means abatement, correction, removal or any other protective step that may be taken against any public health hazard that is caused by a disaster and affects the public health. Funds for these measures may be allowed pursuant to Sections 29127 to 29131, inclusive, and 53021 to 53023, inclusive, of the Government Code and from any other money appropriated by a county board of supervisors or a city governing body to carry out the purposes of this section.

(c) The local health officer, upon consent of the county board of supervisors or a city governing body, may certify any public health hazard resulting from any disaster condition if certification is required for any federal or state disaster relief program.

(Amended by Stats. 2007, Ch. 483, Sec. 20.4. Effective January 1, 2008.)