

BILL NO. _____

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF FRESNO, CALIFORNIA,
ADDING SECTION 9-110 TO CHAPTER 9 OF THE FRESNO
MUNICIPAL CODE, ADDING THE INFECTIOUS DISEASE
LAB ACCOUNTABILITY AND TRANSPARENCY
ORDINANCE.

WHEREAS, the City is committed to the safe operation of businesses within its
municipal limits; and

WHEREAS, it has recently come to light that potentially dangerous laboratories
are or have been operated in and around Fresno County; and

WHEREAS, the Centers for Disease Control defines “infectious diseases” as
illnesses caused by germs, such as bacteria, viruses, and fungi that enter the body,
multiply, and can cause an infection; and

WHEREAS, some infectious diseases are contagious or communicable meaning
they are capable of spreading from one person to another.

THE COUNCIL OF THE CITY OF FRESNO DOES ORDAIN AS FOLLOWS:

SECTION 1. Section 9-110 of the Fresno Municipal Code is added to read as follows:

SECTION 9-110. – OPERATION OF CLINICAL OR MEDICAL
LABORATORIES.

(a) This Section shall be known as the Infectious Disease Lab
Accountability and Transparency Ordinance.

(b) No person or entity shall operate an infectious disease laboratory within the City of Fresno without first obtaining all proper local, state, and federal licensing.

(c) For the purpose of this ordinance, any laboratory as defined in the Clinical Laboratory Improvement Amendments of 1988 (CLIA, 42 CFR Part 493) that operates with a CLIA certification, or a California State laboratory license, is not considered an infectious disease laboratory pursuant to this ordinance and is exempt from the remainder of this ordinance if the proposed laboratory or its representatives provide the City verification through the codified City permitting process of said certification.

(d) For the purpose of this ordinance, “Infectious Diseases” are defined as those diseases identified in Title 17, California Code of Regulations (CCR) Section 2505 and include other experimental diseases not listed or identified by the United States Centers for Disease Control.

(e) For the purpose of this ordinance, “Infectious Disease Laboratory” is defined as a facility for the biological, microbiological, serological, chemical, immunohematological, hematological, biophysical, cytological, pathological, or other examination, or storage of materials that are suggestive of diseases of public health importance as specified in Title 17, CCR Section 2505.

(f) Any person or entity intending to operate an infectious disease laboratory within the City of Fresno without CLIA certification, as

described above, shall notify the City of such intent through its Planning Director by letter titled "Notice of Intent to Operate Infectious Disease Laboratory" prior to applying for any entitlement or permit to operate.

(g) Within 30 days of receiving a Notice of Intention and prior to approval of any related conditional use permit or zone clearance, the Planning Director shall notify the City Council in writing of said notice and attach a copy of the same.

(h) No later than 15 days prior to the Planning Director approving any conditional use permit or zone clearance for an infectious disease laboratory, residents and businesses within 1,000 feet shall be notified by the City.

(i) Any person or entity willfully and intentionally violating the provisions of this section or willfully and intentionally making misrepresentations under the CLIA certification requirements shall be guilty of a misdemeanor punishable up to one year in a county jail and a \$1,000 fine. The City Attorney is also authorized to refer felony violations of the law to either the Fresno County District Attorney's Office or The California Department of Justice.

SECTION 2. This ordinance shall become effective and in full force and effect at 12:01 a.m. on the thirty-first day after its final passage.

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STATE OF CALIFORNIA)
COUNTY OF FRESNO) ss.
CITY OF FRESNO)

I, TODD STERMER, City Clerk of the City of Fresno, certify that the foregoing ordinance was adopted by the Council of the City of Fresno, at a regular meeting held on the _____ day of _____ 2023.

AYES :
NOES :
ABSENT :
ABSTAIN :

Mayor Approval: _____, 2023
Mayor Approval/No Return: _____, 2023
Mayor Veto: _____, 2023
Council Override Vote: _____, 2023

TODD STERMER, CMC
City Clerk

By: _____
Deputy Date

APPROVED AS TO FORM:
ANDREW JANZ
City Attorney

By: _____
Andrew Janz Date