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March 9, 2021

The Honorable Brian Jones
State Capitol, Room 4088
Sacramento, CA 95814

RE: HOAC Opposes Senate Bill 397

Dear Senator Jones,

The Health Officers Association of California (HOAC), which represents the physician health officers of California's sixty-one city and county jurisdictions, must regretfully oppose your SB 397.

California law recognizes the importance of protecting public health by empowering and requiring local health officers to take actions as necessary to prevent the spread of disease. The local health officer is a physician appointed by and accountable to the local elected body (either a County Board of Supervisors or a City Council). Health officer orders are subject to due process and may be challenged in court. Health officers must operate in a manner consistent with the U.S. and the California constitutions. In addition, case law in the United States has shown that health officer orders should be narrowly tailored and the least restrictive reasonable means of preventing disease. All of these factors create a balance that protects the public's health while ensuring appropriate constitutional protections. This bill seeks to change this balance in a way that could harm the people of our state.

Should you have any questions regarding our position on this matter, I invite you to contact me at your earliest convenience.

Sincerely,

Kat DeBurgh, MPH
Executive Director