



# California Regulatory Notice Register

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The *California Regulatory Notice Register* is an official state publication of the Office of Administrative Law containing notices of proposed regulatory actions by state regulatory agencies to adopt, amend or repeal regulations contained in the California Code of Regulations. The effective period of a notice of proposed regulatory action by a state agency in the *California Regulatory Notice Register* shall not exceed one year [Government Code § 11346.4(b)]. It is suggested, therefore, that issues of the *California Regulatory Notice Register* be retained for a minimum of 18 months.

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**PROPOSED ACTION ON  
REGULATIONS**

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**TITLE 2. FAIR POLITICAL  
PRACTICES COMMISSION**

NOTICE IS HEREBY GIVEN that the Fair Political Practices Commission, pursuant to the authority vested in it by Sections 82011, 87303, and 87304 of the Government Code to review proposed conflict-of-interest codes, will review the proposed/amended conflict-of-interest codes of the following:

**CONFLICT-OF-INTEREST CODES**

**ADOPTION**

**MULTI-COUNTY:** Merced Subbasin Groundwater Sustainability Agency

**ADOPTION**

**MULTI-COUNTY:** Tri-Valley San Joaquin Valley Regional Rail Authority

A written comment period has been established commencing on March 9, 2018, and closing on April 23, 2018. Written comments should be directed to the Fair Political Practices Commission, Attention Sasha Linker, 1102 Q Street, Suite 3000, Sacramento, California 95811.

At the end of the 45-day comment period, the proposed conflict-of-interest code(s) will be submitted to the Commission's Executive Director for her review, unless any interested person or his or her duly authorized representative requests, no later than 15 days prior to the close of the written comment period, a public hearing before the full Commission. If a public hearing is requested, the proposed code(s) will be submitted to the Commission for review.

The Executive Director of the Commission will review the above-referenced conflict-of-interest code(s), proposed pursuant to Government Code Section 87300, which designate, pursuant to Government Code Section 87302, employees who must disclose certain investments, interests in real property and income.

The Executive Director of the Commission, upon her or its own motion or at the request of any interested person, will approve, or revise and approve, or return the proposed code(s) to the agency for revision and re-submission within 60 days without further notice.

Any interested person may present statements, arguments or comments, in writing to the Executive Director of the Commission, relative to review of the proposed conflict-of-interest code(s). Any written comments must be received no later than April 23, 2018. If a public hearing is to be held, oral comments may be presented to the Commission at the hearing.

**COST TO LOCAL AGENCIES**

There shall be no reimbursement for any new or increased costs to local government which may result from compliance with these codes because these are not new programs mandated on local agencies by the codes since the requirements described herein were mandated by the Political Reform Act of 1974. Therefore, they are not "costs mandated by the state" as defined in Government Code Section 17514.

**EFFECT ON HOUSING COSTS  
AND BUSINESSES**

Compliance with the codes has no potential effect on housing costs or on private persons, businesses or small businesses.

**AUTHORITY**

Government Code Sections 82011, 87303 and 87304 provide that the Fair Political Practices Commission as the code reviewing body for the above conflict-of-interest codes shall approve codes as submitted, revise the proposed code and approve it as revised, or return the proposed code for revision and re-submission.

**REFERENCE**

Government Code Sections 87300 and 87306 provide that agencies shall adopt and promulgate conflict-of-interest codes pursuant to the Political Reform Act and amend their codes when change is necessitated by changed circumstances.

**CONTACT**

Any inquiries concerning the proposed conflict-of-interest code(s) should be made to Sasha Linker, Fair Political Practices Commission, 1102 Q Street, Suite 3000, Sacramento, California 95811, telephone (916) 322-5660.

AVAILABILITY OF PROPOSED  
CONFLICT-OF-INTEREST CODES

Copies of the proposed conflict-of-interest codes may be obtained from the Commission offices or the respective agency. Requests for copies from the Commission should be made to Sasha Linker, Fair Political Practices Commission, 1102 Q Street, Suite 3000, Sacramento, California 95811, telephone (916) 322-5660.

**TITLE 3. DEPARTMENT OF FOOD  
AND AGRICULTURE**

The Department of Food and Agriculture (the Department) proposes to amend Section 3601(h) in Title 3 of the California Code of Regulations pertaining to control of the beet leafhopper (BLH), *Circulifer tenellus*, to allow the Department to adjust the assessment for all affected crops in an amount sufficient to reimburse the Department in carrying out the BLH program. The adjustment will be based on the Board's recommendations and approval by the Secretary.

PUBLIC HEARING

A public hearing is not scheduled. A public hearing will be held if any interested person, or his or her duly authorized representative, submits a written request for a public hearing to the Department no later than 15 days prior to the close of the written comment period.

WRITTEN COMMENT PERIOD

Any interested person or his or her authorized representative may submit written comments or a request for a public hearing relevant to the proposed amendment to the Department. Comments may be submitted by mail, facsimile (FAX) at 916.654.1018 or by email to [Dean.Kelch@cdfa.ca.gov](mailto:Dean.Kelch@cdfa.ca.gov). The written comment period closes at 5:00 p.m. on April 23, 2018. The Department will consider only comments received at the Department offices by that time.

Submit comments to:

Dean Kelch  
Department of Food and Agriculture  
Plant Health and Pest Prevention Services  
1220 N Street  
Sacramento, CA 95814  
[Dean.Kelch@cdfa.ca.gov](mailto:Dean.Kelch@cdfa.ca.gov)  
916.403.6650  
916.651.2900 (FAX)

AUTHORITY AND REFERENCE

Food and Agricultural Code (FAC) Section 407 provides that the Secretary may adopt such regulations as are reasonably necessary to carry out the provisions of this code which the Secretary is directed or authorized to administer or enforce. FAC section 5321 provides that the Secretary is obligated to investigate the existence of any pest that is not generally distributed within this State and determine the probability of its spread, and the feasibility of its control or eradication. FAC Section 6034 establishes four districts for the Beet Curly Top Virus Control Program (Program). FAC Section 6035 authorizes the Secretary to establish and adjust the assessment rate that supports the Program. FAC 6036 states that the assessment may vary based on the district and the commodity and that fees will be set by regulation. FAC 6036 also provides that the assessment to support the Program may vary from district to district and from crop to crop based on the degree of vulnerability to damage from beet curly top virus (CTV) experienced by the affected crops in each district, and may vary in accordance with the protection afforded to the affected crops in each district. It also states that any rates or rates established shall be set by regulation. This amended regulation will set the process for rate establishment. FAC Section 6039 provides for the establishment of a Beet Curly Top Virus Control Board (Board) and Section 6041 provides that the Board shall make recommendations on all matters pertaining to the Program, including assessment rates.

INFORMATIVE DIGEST/POLICY STATEMENT  
OVERVIEW

The specific purpose of Section 3601(h) is to allow the Department to adjust the assessment for all affected crops based on the Board's recommendations and approval by the Secretary.

Anticipated Benefits from this Regulatory Action

CTV has been recognized as a serious problem in California since 1919, when a BLH-CTV outbreak nearly wiped out the sugar beet industry. Research arising from that crisis suggested that an area-wide treatment strategy had the best chance of providing control.

The Legislature authorized a CTV control program to target the BLH, the primary vector of the CTV, within the San Joaquin Valley. The Program was assigned to the Department in 1943.

This proposed amendment to the regulation will enable the Department to adjust CTV assessment fees fairly, expeditiously, and transparently. This regulation also establishes greater flexibility in adjusting assessment fees as dictated by circumstances (primarily the population of BLH).

The Department considered any other possible related regulations in this area, and we find that the Department's regulations are the only regulations dealing in this subject area, and the Department is the only State agency that can implement these assessments.

As required by Government Code Section 11346.5(a)(3)(D), the Department has conducted an evaluation of this regulation and has determined that it is not inconsistent or incompatible with existing state regulations.

There is no existing, comparable federal regulation or statute.

#### DISCLOSURES REGARDING THE PROPOSED ACTION

*The Department has made the following initial determinations:*

Mandate on local agencies and school districts: None.

Cost or savings to any state agency: The Department will save money by not adjusting assessment fees through a formal rulemaking process every time an adjustment is needed.

Cost to any local agency or school district which must be reimbursed in accordance with Government Code sections 17500 through 17630: None.

Other nondiscretionary costs to or savings on local agencies: None.

Cost or savings in federal funding to the state: None.

Significant, statewide adverse economic impact directly affecting business including the ability of California businesses to compete with businesses in other states: Increasing the speed by which rate adjustments take effect will allow producers to pay the newly adjusted fees earlier than under the current protocols. Considering that the rates have historically been both raised and lowered, the adverse economic impact, including the ability of California businesses to compete with businesses in other states, will not be significant.

The Department has also determined that no savings or increased costs to any state agency, no reimbursable costs or savings under Part 7 (commencing with Section 17500) of Division 4 of the Government Code to local agencies or school districts, no nondiscretionary costs or savings to local agencies or school districts, and no costs or savings in federal funding to the State will result from the proposed action.

The agency is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action. This amendment will change the way that assessments for CTV control are announced and put into effect. Because this allows the current program to continue, this amendment should have no significant cost

increase beyond those accrued from the ongoing program. Increasing the speed by which rate adjustments take effect will allow producers to pay the newly adjusted fees earlier than under the current protocols. Therefore, we do not expect significant cost impacts on individuals or businesses.

Significant effect on housing costs: None.

#### *Small Business Determination*

The Department has determined that the proposed regulations may not affect small business, except as they promote the flexibility of an existing program that aids businesses affected by CTV. Because this amendment allows the current program to continue, this amendment should have no significant cost increase beyond those accrued from the ongoing program. Increasing the speed by which rate adjustments take effect will allow producers to pay the newly adjusted fees earlier than under the current protocols. Therefore, we do not expect the proposed regulations to affect small business.

#### Results of the Economic Impact Analysis

Amendment of these regulations will not:

- (1) Create or eliminate jobs within California;
- (2) Create new businesses or eliminate existing businesses within California; or
- (3) Affect the expansion of businesses currently doing business within California.

As this amendment affects the process of setting assessment fees for an ongoing program, there will be no effect on worker health or safety. As stated above under the Anticipated Benefits from this Regulatory Action under the INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW the benefits of this proposed regulation will be to enable the Department to adjust CTV assessment fees fairly, expeditiously, and transparently. The fees support the ongoing program, which protects growers of susceptible host crops from the crop losses associated with CTV.

The Department has evaluated and determined that the amendment of this regulation is not inconsistent with existing State regulations. There are no other comparable existing State regulations [Gov. Code sec. 11346.5(a)(3)(D)].

#### CONSIDERATION OF ALTERNATIVES

In accordance with Government Code Section 11346.5, subdivision (a)(13), the Department must determine that no reasonable alternative it considered or that has otherwise been identified and brought to the attention of the Department would be more effective in carrying out the purpose for which the action is proposed, would be as effective and less burdensome to affected private persons than the proposed action, or

would be more cost-effective to affected private person and equally effective in implementing the statutory policy or other provision of law than the proposal described in this Notice.

The Department invites interested persons to present statements or arguments with respect to alternatives to the proposed regulations during the written comment period.

#### CONTACT PERSON

Inquiries concerning the proposed administrative action may be directed to the following contacts:

Dean Kelch  
Department of Food and Agriculture  
Plant Health and Pest Prevention Services  
1220 N Street  
Sacramento, CA 95814  
[Dean.Kelch@cdfa.ca.gov](mailto:Dean.Kelch@cdfa.ca.gov)  
916.403.6650  
916.651.2900 (FAX)

Rachel Avila  
Department of Food and Agriculture  
Plant Health and Pest Prevention Services  
1220 N Street  
Sacramento, CA 95814  
[Rachel.Avila@cdfa.ca.gov](mailto:Rachel.Avila@cdfa.ca.gov)  
916.403.6813  
916.651.2900 (FAX)

#### INTERNET ACCESS

The Department has posted the information regarding this proposed regulatory action on its Internet website ([www.cdfa.ca.gov/plant/Regulations.html](http://www.cdfa.ca.gov/plant/Regulations.html)).

#### AVAILABILITY OF STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATIONS

The Department has prepared an Initial Statement of Reasons for the proposed action, has available all of the information upon which its proposal is based, and has available the express terms of the proposed action. A copy of the Initial Statement of Reasons and the proposed regulations in underline and strikeout form may be obtained upon request. The location of the information on which the proposal is based may also be obtained upon request. In addition, the final statement of reasons will be available upon request. Requests should be directed to the contact named above.

#### AVAILABILITY OF CHANGED OR MODIFIED TEXT

After considering all timely and relevant comments received, the Department may amend the proposed regulation substantially as described in this notice. If the Department makes modifications that are sufficiently related to the originally proposed text, it will make the modified text (with the changes clearly indicated) available to the public for at least 15 days before the Department adopts the regulation as revised. Please send requests for copies of any modified regulations to the attention of Dean Kelch at the address indicated above. The Department will accept written comments on the modified regulations for 15 days after the date on which they are made available.

#### AVAILABILITY OF THE FINAL STATEMENT OF REASONS

Upon its completion, copies of the Final Statement of Reasons will be posted on the Department's website or a copy may be obtained by contacting Dr. Kelch at the address listed above.

#### TITLE 5. BUREAU FOR PRIVATE POSTSECONDARY EDUCATION

NOTICE IS HEREBY GIVEN that the Bureau for Private Postsecondary Education (hereinafter "Bureau"), Department of Consumer Affairs, is proposing to take the action described in the Informative Digest. Any person interested may present statements or arguments orally or in writing relevant to the action proposed at a hearing to be held at the Department of Consumer Affairs, 1625 N. Market Blvd., Sacramento, CA 95834, at 10:00 a.m., or as soon as practicable thereafter, on April 25, 2018. Written comments, including those sent by mail, facsimile, or e-mail to the addresses listed under Contact Person in this Notice, must be received by the Bureau at its office no later than 5:00 p.m. on April 23, 2018, or must be received by the Bureau at the hearing.

The Bureau, upon its own motion or at the instance of any interested party, may thereafter adopt the proposals substantially as described below or may modify such proposals if such modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified proposal will be available for 15 days prior to its adoption from the person designated in this Notice as contact person and will be mailed to those persons who submit written or oral testimony related to this proposal or who have requested notification of any changes to the proposal.

Authority and Reference: Pursuant to the authority vested by Sections 94801.5 and 94877 of the Education Code, and to implement, interpret or make specific Sections 94801.5, 94850.5, 94930.5, 94923, 94924, 94909, and 94911 of said Code, the Bureau is considering changes to Division 7.5 of Title 5 of the California Code of Regulations as follows:

INFORMATIVE DIGEST/POLICY STATEMENT  
OVERVIEW

SB1192, Chapter 593, Statutes of 2016 (SB 1192), added the requirement that out-of-state private post-secondary institutions who enroll students residing in California must register with the Bureau and adhere to the statutory and regulatory requirements regarding the Student Tuition Recovery Fund (STRF). This rulemaking action provides the application form for registration, specifies the processes and procedures for applications, the appeal of denied applications, re-registration, and the STRF requirements for collection and submission of assessments to the Bureau, student disclosures, and required record keeping.

The effect of these regulations is to provide these schools with a uniform process to obtain registration with the Bureau, and to specify the STRF requirements that schools must meet for their California students so those students may obtain STRF relief if necessary.

Specifically, the regulatory proposal is as follows:

**1. Adopt Article 3.5 of Chapter 2, Division 7.5 of Title 5 of the California Code of Regulations**

This adoption would create a new article specific to the registration and re-registration of out-of-state institutions, entitled "Registration or Re-Registration of Out-of-State Institution."

**2. Adopt section 71396(a) of Division 7.5 of Title 5 of the California Code of Regulations**

This adoption incorporates by reference the application for registration or re-registration.

**3. Adopt section 71396(b) of Division 7.5 of Title 5 of the California Code of Regulations**

This adoption provides that applications that do not provide all information required are deemed incomplete and ineligible for registration.

**4. Adopt section 71396(c) of Division 7.5 of Title 5 of the California Code of Regulations**

This adoption provides that institutions registering under this article must participate and meet specific requirements related to STRF, including collection and submission of STRF assessments, student disclosures, and record keeping.

**5. Adopt section 71397(a) of Division 7.5 of Title 5 of the California Code of Regulations**

This adoption provides that the Bureau will either grant or deny the application depending on whether the applicant has met the requirements of section 94801.5 of the Education Code.

**6. Adopt section 71397(b) of Division 7.5 of Title 5 of the California Code of Regulations**

This adoption provides for options that an institution has if an application is denied.

**7. Adopt section 71397(c) of Division 7.5 of Title 5 of the California Code of Regulations**

This adoption provides the applicant with the opportunity to have an informal conference with the Bureau Chief if the application is denied.

**8. Adopt section 71397(d) of Division 7.5 of Title 5 of the California Code of Regulations**

This adoption provides that an applicant may submit evidence prior to or at the informal conference to be considered along with all other relevant material.

**9. Adopt section 71397(e) of Division 7.5 of Title 5 of the California Code of Regulations**

This adoption provides that the denial will either be affirmed or reversed with 30 days after the informal conference, unless extended for good cause.

**10. Adopt section 71398(a) of Division 7.5 of Title 5 of the California Code of Regulations**

This adoption provides the exact time at which a registration expires unless re-registered, namely 12:00 a.m. on the day immediately following the last day of the term of registration.

**11. Adopt section 71398(b) of Division 7.5 of Title 5 of the California Code of Regulations**

This adoption specifies that an institution is to re-register with the Bureau using the same form as for registration, and provide the same information, documentation, and fee.

**12. Adopt section 71398(c) of Division 7.5 of Title 5 of the California Code of Regulations**

This adoption provides that a re-registration submitted prior to the expiration of a current registration will be allowed to continue to operate while the new application is processed.

**13. Adopt section 71398(d) of Division 7.5 of Title 5 of the California Code of Regulations**

This adoption provides that an institution cannot re-register if it is not current with submission of STRF assessments.

**14. Adopt section 71399(a) of Division 7.5 of Title 5 of the California Code of Regulations**

This adoption provides that institutions must collect and submit STRF assessments per STRF regulations.

**15. Adopt section 71399(b) of Division 7.5 of Title 5 of the California Code of Regulations**

This adoption provides that prior to enrollment, a school catalog and enrollment agreement with the required STRF disclosures must be provided to a prospective student.

**16. Adopt section 71399(c) of Division 7.5 of Title 5 of the California Code of Regulations**

This adoption provides that the enrollment agreement shall indicate that the STRF assessment is non-refundable.

**17. Adopt section 71399(d) of Division 7.5 of Title 5 of the California Code of Regulations**

This adoption provides that prior to closing a program, an institution must provide information regarding the STRF and the Bureau to its California students.

Anticipated Benefits of the Proposal

The broad objective of the proposed rulemaking is to make the current regulations consistent with SB 1192's changes to the California Private Postsecondary Education Act of 2009 regarding out-of-state institution registration (Section 94801.5 of the Code), including providing an application form and procedures for the handling and processing of these forms and specifying the STRF regulations that these institutions are to follow.

The specific benefits anticipated from the regulation are that California residents attending these institutions via distance learning would become participants in the Student Tuition Recovery Fund (STRF) and would be eligible for reimbursement of economic loss under STRF based on the requirements set forth in the Act and regulations.

Consistency and Compatibility with Existing State Regulations

During the process of developing these regulations and amendments, the Bureau conducted a search of any similar regulations on this topic and concluded that these regulations are neither inconsistent nor incompatible with existing state regulations.

INCORPORATION BY REFERENCE

Application for Registration or Re-Registration of Out-of-State Institutions [Form Application 94801.5 (rev. 1/17)]

FISCAL IMPACT ESTIMATES

Fiscal Impact on Public Agencies Including Costs or Savings to State Agencies or Cost/Savings in Federal Funding: The Bureau anticipates additional registration and enforcement workload, as a result of the proposed regulations, including processing registrations and en-

suring compliance with the Private Postsecondary Act. The Bureau estimates approximately 250 out-of-state institutions will register with the Bureau each year beginning in 2017-18. The Bureau anticipates additional revenues based on the required fee of \$1,500 to be submitted with the registration form, which must be renewed every two years. The Bureau estimates 250 institutions will register per year beginning in 2017-18 and annually thereafter, which results in annual revenue of \$375,000 per year, which will be deposited in the Bureau's Administration Fund.

Nondiscretionary Costs/Savings to Local Agencies: None.

Local Mandate: None.

Cost to Any Local Agency or School District for Which Government Code Sections 17500-17630 Require Reimbursement: None.

Business Impact: The Bureau made an initial determination that the proposed regulatory action would have no significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.

Impacts on Jobs/New Businesses: None.

Cost Impact on Representative Private Person or Business: The Bureau is not aware of any cost impact that a representative private person or business would necessarily incur in reasonable compliance with the proposed regulations.

Effect on Housing Costs: None.

EFFECT ON SMALL BUSINESS

The Bureau determined that the proposed regulations would not affect small businesses. The proposed regulations relate to institutions that are not in the state of California but that provide distance education to students in California. The proposal makes no changes to institutions with a physical presence in California.

RESULTS OF ECONOMIC IMPACT ASSESSMENT/ANALYSIS

Impact on Jobs/Businesses:

The Bureau determined that this regulatory proposal will not have a significant impact on the creation of jobs or new businesses or the elimination of jobs or existing businesses or the expansion of businesses in the state of California.

Benefits of Regulation:

The Bureau has determined that this regulatory proposal will benefit the health and welfare of California residents by having the out-of-state institutions register with the Bureau. California residents participating in



distance learning with these institutions will participate in and be eligible for the Student Tuition Recovery Fund (STRF), which mitigates economic loss of students under specific circumstances. These students will enjoy the same protection as students attending Bureau approved schools within the State of California. This will also bring the regulations into harmony with the new requirements set forth in SB 1192. The proposal will have no effect on worker safety or the state's environment.

**CONSIDERATION OF ALTERNATIVES**

The Bureau must determine that no reasonable alternative it considered to the regulation or that has otherwise been identified and brought to its attention would be more effective in carrying out the purpose for which the action is proposed; or would be as effective and less burdensome to affected private persons than the proposal described in this Notice; or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provisions of law.

Any interested person may present statements or arguments orally or in writing relevant to the above determinations at the above-mentioned hearing.

**INITIAL STATEMENT OF REASONS AND INFORMATION**

The Bureau prepared an initial statement of reasons for the proposed action and has available all information upon which the proposal is based.

**TEXT OF PROPOSAL**

Copies of the exact language of the proposed regulations, any document incorporated by reference, the initial statement of reasons, and all of the information upon which the proposal is based, may be obtained at the hearing or prior to the hearing upon request from the Bureau for Private Postsecondary Education, P.O. Box 980818, West Sacramento, CA 95798-0818.

**AVAILABILITY AND LOCATION OF THE FINAL STATEMENT OF REASONS AND RULEMAKING FILE**

All information upon which the proposed regulations are based is contained in the rulemaking file which is available for public inspection by contacting the person named below.

You may obtain a copy of the final statement of reasons once it has been prepared, by making a written request to the contact person named below [or by accessing the website listed below].

**CONTACT PERSON**

Inquiries or comments concerning the proposed rule-making action may be addressed to:

Name: Kent Gray  
 Legislative/Regulatory Analyst  
 Address: P.O. Box 980818  
 West Sacramento, CA  
 95798-0818  
 Telephone No.: (916) 246-3907  
 Fax No.: (916) 263-1897  
 E-Mail Address: [Kent.Gray@dca.ca.gov](mailto:Kent.Gray@dca.ca.gov)

The backup contact person is:

Name: Leeza Rifredi  
 Address: P.O. Box 980818  
 West Sacramento, CA  
 95798-0818  
 Telephone No.: (916) 431-6908  
 Fax No.: (916) 263-1897  
 E-Mail Address: [Leeza.Rifredi@dca.ca.gov](mailto:Leeza.Rifredi@dca.ca.gov)

Website Access: <http://bppe.ca.gov>: Materials regarding this proposal can be found at <http://bppe.ca.gov/>.

**TITLE 10. BUREAU OF REAL ESTATE APPRAISERS**

NOTICE IS HEREBY GIVEN that the Bureau of Real Estate Appraisers ("Bureau" or "BRE") is proposing to take the action described in the informative digest below. Any interested person may present statements or arguments relevant to the action proposed, orally or in writing, at a hearing to be held at:

Bureau of Real Estate Appraisers  
 1102 Q Street, Suite 4100  
 Sacramento, CA 95811  
 Date: May 1, 2018  
 Time: 10:00 a.m.

Written comments including those sent by mail, facsimile, or email to the address listed under "Contact Person" in this Notice, must be received by the Bureau at its office not later than 5:00 p.m. on April 30, 2018, or must be received by the Bureau at the hearing.

The Bureau, upon its own motion or at the instance of any interested party, may thereafter adopt the proposals substantially as described below or may modify such

proposals if such modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified proposal will be available for 15 days prior to its adoption from the person designated in this Notice as contact person and will be mailed to those persons who submit written or oral testimony related to this proposal or who have requested notification of any changes to the proposal.

Authority and Reference: Pursuant to the authority vested by Sections 11313 and 11314 of the Business and Professions Code and to implement, interpret and make specific Section 11340 of the Business and Professions Code, the Bureau is considering revising section 3704 to Title 10 of the California Code of Regulations as described in this Notice.

#### INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Title 10, section 3704 of the California Code of Regulations (“CCR”) prohibits Bureau employees from performing appraisals except in the performance of his or her official duties. However, the Bureau does not need the exception for performance of official duties. Bureau investigators do not conduct appraisals or appraisal reviews. Instead they conduct investigations to determine if the appraiser followed the law. As such, the exception should be eliminated as it is unnecessary. Furthermore, the Bureau seeks to add the term “appraisal review” to clarify its investigators do not conduct appraisal reviews.

#### ANTICIPATED BENEFITS

The benefit is to codify Bureau practice into the regulation and make clear through regulation that Bureau employees shall not perform appraisals or appraisal reviews. The regulation will also ensure the integrity of the roles of the Bureau and its employees as oversight and investigator functions over real estate appraisers.

#### CONSISTENCY OR COMPATIBILITY WITH EXISTING STATE REGULATIONS

During the process of developing these regulations, the Bureau has conducted a search of any similar regulations on this topic and has determined that there is no reasonable interpretation of any state regulation that is inconsistent or incompatible with the proposed action.

#### FISCAL IMPACT ESTIMATES

Fiscal Impact on Public Agencies Including Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State: None.

Nondiscretionary Costs/Savings to Local Agencies: None.

Cost to, or mandate imposed on, any Local Agency or School District for Which Government Code Section 17500–17630 Require Reimbursement: None.

Business Impact: The Bureau initially determines that the proposed regulation will not have a significant, statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.

Impact on Jobs/New Businesses: None.

Cost Impact on Representative Private Person or Business: The agency is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

Effect on Housing Costs: None.

Effect on Small Businesses: None. This minor change does not affect any business as it simply clarifies existing practice.

#### RESULTS OF THE ECONOMIC IMPACT ASSESSMENT

Impact on Jobs/New Businesses: There will be no creation or elimination of jobs or businesses nor will the proposed action affect the expansion of existing businesses.

Benefits of the Regulation to the Health and Welfare of California Residents, Worker Safety, and the State’s Environment: This proposed regulation will codify current Bureau practice of prohibiting employees from conducting appraisals or appraisal reviews. This will ensure the Bureau is not using resources to develop appraisals and instead will devote resources to investigating cases. This regulation will clarify current Bureau practices and eliminate unnecessary language.

#### CONSIDERATION OF ALTERNATIVES

The Bureau must determine that no reasonable alternative considered by the Bureau or that has otherwise been identified and brought to the attention of the Bureau would be more effective in carrying out the purpose for which the action is proposed, would be as effective and less burdensome to affected private persons than the proposed action, or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provision of law.

Any interested person may present statements or arguments orally or in writing relevant to the above determinations at the above-mentioned hearing.

INITIAL STATEMENT OF REASONS  
AND INFORMATION

The Bureau has prepared an initial statement of reasons which contains the purpose, rationale, and necessity for the proposed action.

The proposed text, this notice, the statement of reasons, and any other relevant documents are available on the Bureau's website at [www.brea.ca.gov](http://www.brea.ca.gov). Click the "Laws & Enforcement" tab at the top of the page. Under the heading "Rulemaking Notifications" find the documents associated with this rulemaking subject: "Bureau Employees."

AVAILABILITY AND LOCATON OF THE  
STATEMENT OF REASONS, TEXT OF  
PROPOSED REGULATION AND  
RULEMAKING FILE

All the information upon which the proposed regulations are based is contained in the rulemaking file which is available for public inspection by contacting the person named below. As of the date this notice is published in the Notice Register, the rulemaking file consists of this notice, the proposed text of the regulation and the initial statement of reasons. Copies may be obtained by contacting the person named below or by accessing the website as provided above.

AVAILABILITY OF CHANGED OR  
MODIFIED TEXT

After holding the hearing and considering all timely and relevant comments received, BREA may adopt the proposed regulation substantially as described in this notice. If BREA makes modifications which are sufficiently related to the originally proposed text, it will make the modified text (with the changes clearly indicated) available to the public for at least 15 days before BREA adopts the regulations as revised. Please send requests for copies of any modified regulation to the attention of the contact person named below. BREA will accept written comments on the modified regulation for 15 days after the date on which they are made available.

AVAILABILITY OF THE FINAL STATEMENT  
OF REASONS

Upon its completion, copies of the Final Statement of Reasons may be obtained by contacting the person named below.

CONTACT PERSON

Inquiries or comments concerning the proposed rule-making action may be addressed to:

Kyle Muteff, Legal Counsel  
1102 Q Street, Suite 4100  
Phone: 916-341-6126  
FAX: 916-440-7406  
[kyle.muteff@orea.ca.gov](mailto:kyle.muteff@orea.ca.gov)

The backup person is:

Thu Tran  
1102 Q Street, Suite 4100  
Phone: 916-440-7876  
FAX: 916-440-7406  
[Thu.Tran@orea.ca.gov](mailto:Thu.Tran@orea.ca.gov)

TITLE 10. DEPARTMENT OF  
INSURANCE

STANDARD PRESCRIPTION DRUG  
FORMULARY TEMPLATE

CDI Regulation File: REG-2015-00019

SUBJECT OF PROPOSED RULEMAKING

The Insurance Commissioner proposes to adopt the standard prescription formulary template regulation described below after considering comments from the public. The Commissioner proposes to add Article 1.4, containing Sections 2218.80, 2218.81, 2218.82, and 2218.83, to Title 10, Chapter 5, and Subchapter 2 of the California Code of Regulations. In accordance with section 10123.192 of the Insurance Code, the proposed regulation applies to a prescription drug formulary that is maintained by a health insurer, and creates obligations pertaining to the structure of, and information contained in, prescription drug formularies.

PUBLIC HEARING

(Government Code § 11346.5(a)(1))

The Commissioner will hold a public hearing to provide all interested persons an opportunity to present statements or arguments, orally or in writing, concerning the proposed regulation as follows:

**Date:** April 23, 2018

**Time:** 10:00 a.m. If it is necessary for the hearing to exceed two hours, there will likely be a one-hour break from 12:00 noon to 1:00 p.m.

**Location:** California Department of Insurance  
300 Capitol Mall, 13th Floor  
Sacramento, California

The hearing will continue until all testimony has been submitted or 2:00 p.m., whichever is earlier.

#### ACCESS TO HEARING ROOMS

The facilities to be used for the public hearing are accessible to persons with mobility impairments. Persons with sight or hearing impairments are requested to notify the contact person(s) for the hearing to make special arrangements, if necessary.

#### PRESENTATION OF WRITTEN COMMENTS; CONTACT PERSONS (Government Code § 11346.5(a)(14))

All persons are invited to submit written comments on the proposed regulation during the public comment period. The public comment period will end at **5:00 p.m. on April 23, 2018**. Please direct all written comments to the following contact person:

Jessica Ryan  
Attorney III  
California Department of Insurance  
45 Fremont Street, 23rd Floor  
San Francisco, California 94105  
Telephone: (415) 538-4110  
[Jessica.Ryan@insurance.ca.gov](mailto:Jessica.Ryan@insurance.ca.gov)

Questions regarding procedure, comments, or the substance of the proposed action should be addressed to the above contact person. In the event the contact person is unavailable, inquiries regarding the proposed action may be directed to the following alternate contact person:

Lucas Young  
Attorney I  
California Department of Insurance  
45 Fremont Street, 23rd Floor  
San Francisco, California 94105  
Telephone: (415) 538-4352  
[Lucas.Young@insurance.ca.gov](mailto:Lucas.Young@insurance.ca.gov)

#### DEADLINE FOR WRITTEN COMMENTS (Government Code § 11346.5(a)(15))

All written materials must be received by the Insurance Commissioner, addressed to the contact person at the address listed above, no later than **5:00 p.m. on**

**April 23, 2018**. Any written materials received after that time may not be considered.

#### COMMENTS TRANSMITTED BY E-MAIL OR FACSIMILE

The Commissioner will accept written comments transmitted by email, provided they are sent to the following two email addresses: [Jessica.Ryan@insurance.ca.gov](mailto:Jessica.Ryan@insurance.ca.gov) and [Lucas.Young@insurance.ca.gov](mailto:Lucas.Young@insurance.ca.gov). The Commissioner will also accept written comments transmitted by facsimile, provided they are directed to the attention of Jessica Ryan and sent to the following facsimile number: (415) 904-5490. However, email comments are preferred.

**Comments sent to other e-mail addresses or facsimile numbers will not be accepted. Comments sent by e-mail or facsimile are subject to the deadline set forth above for written comments.**

#### AUTHORITY AND REFERENCE (Government Code § 11346.5(a)(2); 1 Cal. Code of Regulations § 14)

The Commissioner proposes to add Article 1.4, containing Sections 2218.80, 2218.81, 2218.82, and 2218.83, to Title 10, Chapter 5, and Subchapter 2 of the California Code of Regulations pursuant to the rule-making authority vested in him by subdivision (c) of section 10123.192 of the Insurance Code.

The proposed adoption will implement, interpret, and make specific the provisions of Insurance Code sections 106, 10112.2, 10112.27 (which incorporates section 1367.22 of the Health and Safety Code by reference in subdivision (a)(2)(A)(iv)), 10123.191, 10123.192, 10123.193, 10123.196, 10123.197, 10123.201, and 10123.206.

#### INFORMATIVE DIGEST/ POLICY STATEMENT OVERVIEW (Government Code § 11346.5(a)(3))

#### SUMMARY OF EXISTING LAW (Government Code § 11346.5(a)(3)(A))

Senate Bill 52 added section 10123.192 to the Insurance Code in 2014. (Stats. 2014, ch. 575, § 5.) Under section 10123.192, the Department of Insurance, jointly with the Department of Managed Health Care and with input from interested parties from at least one public meeting, must develop a standard formulary template. Section 10123.192 provides that in developing the standard formulary template, the departments must

take into consideration existing requirements for reporting of formulary information established by the federal Centers for Medicare and Medicaid Services, and to the extent feasible, must evaluate a way to include cost sharing information for drugs, including for drugs subject to coinsurance, on the standard formulary template. A health insurer that provides prescription drug benefits and maintains one or more drug formularies must use the standard formulary template to display the formulary or formularies for each product offered by the insurer no later than six months after the date of its development.

Section 10123.192 further requires the standard formulary template to include the following: a notification that the presence of a drug on the insurer's formulary does not guarantee that an insured will be prescribed that drug by his or her prescribing provider for a particular medical condition; information on cost sharing tiers and utilization controls, including prior authorization or step therapy requirements, for each drug covered by the product; an indication of any drugs on the formulary that are preferred over other drugs on the formulary; information on which medications are covered, including both generic and brand name; and information on what tier of the health insurer's drug formulary each medication is in. The standard formulary template must also include the following information to educate insureds: information about the differences between drugs administered or provided under a health insurer's medical benefit and drugs prescribed under a health insurer's prescription drug benefit and how to obtain coverage information about drugs that are not covered under the health insurer's prescription drug benefit; and health insurers that provide prescription drug benefits are required to have a method for insureds to obtain prescription drugs not listed in the health insurer's drug formulary if the drugs are deemed to be medically necessary by a clinician.

Existing law requires health insurance policies that provide coverage for outpatient prescription drugs to cover medically necessary prescription drugs, including non-formulary drugs that are determined to be medically necessary. Existing law provides that health insurers which provide coverage for outpatient prescription drugs must comply with subdivision (c) of section 156.122 of Title 45 of the Code of Federal Regulations on timelines and other applicable requirements for making coverage determinations pursuant to exception requests for coverage of non-formulary drugs. Existing law provides that if a health insurer fails to respond to a request for prior authorization or a step therapy exception within a specified number of hours, which varies depending on whether exigent circumstances exist, the request shall be deemed to have been granted.

Existing law also provides that notwithstanding the deductible, cost sharing for an individual prescription of up to a 30-day supply of prescribed, orally administered anti-cancer medications covered by a health insurance policy shall not exceed \$200. Existing law further provides for the following in health insurance policies of specified types: cost sharing for an individual prescription of up to a 30-day supply of a covered outpatient prescription drug shall not exceed \$250, except that with respect to products with actuarial value at or equivalent to the bronze level (58–62% actuarial value), cost sharing shall not exceed \$500; and that drug formularies with four tiers must place prescription drugs in tiers as the tiers are defined in subdivision (g) of section 10123.193 of the Insurance Code. In addition, existing law provides that certain health insurance products must abide by the consumer protection set forth in section 1367.22 of the Health and Safety Code, and for a related consumer protection concerning step therapy as provided in subdivision (c)(2)(B) of section 10123.201 of the Insurance Code.

Finally, existing law includes two benefit mandates for prescription drugs and other FDA-approved drugs, devices, and products that insurers generally cover under the outpatient prescription drug benefit of a health insurance product: federally mandated prescriptions and over-the-counter drugs prescribed for a preventive purpose; and all FDA-approved contraceptive drugs, devices, and other products for women, including all FDA-approved, contraceptive drugs, devices, and products available over-the-counter, as prescribed by an insured's provider, subject to a specified exception as provided in section 10123.196(b) of the Insurance Code.

#### POLICY STATEMENT OVERVIEW (Government Code § 11346.5(a)(3)(C))

Aside from section 10123.192 and parallel requirements in section 156.122 of title 45 of the Code of Federal Regulations, existing law does not regulate the content of prescription drug formularies for health insurance products. As a result, consumers face challenges when researching prescription drug benefits provided by health insurance products. Market research conducted after Senate Bill 1052 was enacted to inform regulators, insurers, and health plans of the consumer experience with prescription drug formularies indicates that publicly posted formularies often contain incomplete or inaccurate information. Consumers report they are unfamiliar with terms that are commonly used in formularies, and they cite frustration with incomplete or vague information that can lead to suboptimal decision making. Moreover, the lack of standardization of formularies creates difficulties for consumers who wish to com-

pare the prescription drug benefits provided by different health insurers and health plans. (The HSM Group & Katy Wilson, *Hidden From View: How Consumers Find Information About Prescription Drug Coverage* (California Health Care Foundation 2015), pages 3, 5, 6.) The Department, together with the Department of Managed Health Care, designed the standard formulary template to address these problems.

The purpose of the proposed regulation is to ensure that formularies are standardized in structure and content, organized clearly, and contain pertinent and complete information on the prescription drug benefits provided by a health insurance product, thereby providing consumers with the resources necessary to understand and effectively utilize their prescription drug benefits. Another objective of standardization is to facilitate consumers' ability to compare prescription drug benefits provided by different insurers, which is especially beneficial for consumers purchasing coverage in the individual health insurance market who frequently switch plans.

Anticipated benefits from the proposed regulatory action include the following:

- Consumers will have access to a more complete set of information regarding the prescription drug benefits provided by each health insurance product;
- All formularies will be organized for clarity and will include definitions, disclosures, and explanatory information to ensure that consumers have the resources needed to understand the information provided and use it effectively in accessing their prescription drug benefits;
- All formularies will contain specified information to inform consumers of consumer protections and legal entitlements in California and federal law, such as the right to obtain coverage for non-formulary drugs when medically necessary, the cost sharing limit for orally administered anti-cancer drugs, and the mandated coverage for preventive drugs and FDA-approved contraceptive drugs, devices, and products;
- All formularies will be organized according to a common structure, contain complete information, and list drugs in a standardized manner, making it easier for consumers to shop for health insurance by comparing formularies from different health insurers;
- All formularies will contain the insurer's contact information and will explain how to obtain additional information not included in the formulary, such as the cost of a prescription drug under a particular plan and information on drugs covered under the medical benefit of a product;

- Enhanced consumer and provider access to information about prescription drug benefits, especially as pertains to utilization management procedures, will improve public health by reducing avoidable delays in access to medically necessary prescription drugs; and
- Increased transparency will promote competition among health insurers and health plans and potentially inhibit them from implementing prescription drug benefit designs that discriminate based on health condition and other prohibited characteristics, as well as make such benefit designs easier to detect by regulators.

EFFECT OF PROPOSED ACTION  
(Government Code § 11346.5(a)(3)(A))

The proposed action will provide a standard prescription drug formulary template with minimum requirements for the structure and contents of prescription drug formularies maintained by health insurers. The proposed action will require prescription drug formularies to include a title page, a table of contents, an informational section, a categorical list of prescription drugs, and an alphabetical index of prescription drugs.

The proposed action will require a formulary's title page to contain specified information, including the name of the health insurer that maintains the formulary, the name of each health insurance product to which the formulary applies, the date the formulary was last updated, a website address for the publicly accessible formulary, instructions for contacting the health insurer's customer service department, and information directing consumers to plan-specific coverage documents on the insurer's website.

The proposed action will require a formulary's informational section to define specified terms as prescribed and to define additional or different terms that are necessary for comprehending the outpatient prescription drug benefit. The proposed action will require the informational section to contain specified information, including: instructions on how to locate a prescription drug in the categorical list of prescription drugs; descriptions of the manner in which drugs are listed in the categorical list; information about consumer protections applicable to prescription drug benefits under California law; information required to appear in a formulary as specified by section 10123.192 and summarized above; and other information to help consumers understand the information in the formulary and use the prescription drug benefits provided by a health insurance product, including an annotated legend, information on utilization management procedures, and information concerning preventive drugs and FDA-approved con-

traceptive drugs, devices and products covered under the outpatient prescription drug benefit of the product.

The proposed action will require a formulary’s categorical list of prescription drugs to be organized by drug category and class based on a commonly used and widely accepted drug classification system and list drugs according to specified requirements. The proposed action will require drug names to be listed and formatted as specified. The proposed action will require a formulary’s categorical list to include the following columns and specified information for each covered drug in each column: “Prescription Drug Name”; “Drug Tier”; and “Coverage Requirements and Limits”. The specified information includes all covered dosage forms and strengths for each covered prescription drug, the cost sharing tier in which a prescription drug is placed, including for specified categories of drugs, and all applicable utilization management procedures. The proposed action provides an example of a categorical list to illustrate the format and contents.

The proposed action will require a formulary to contain an alphabetical index of prescription drugs that lists each brand and generic drug in alphabetical order and includes the page number for the location of each drug within the categorical list of prescription drugs.

Lastly, the proposed action will require a health insurer, no later than six months after the proposed action is adopted, to submit all prescription drug formularies for health insurance products in which it has covered lives enrolled in the state to the commissioner for review, and prohibit an insurer from thereafter implementing any provisions in its prescription drug formularies that the commissioner determines are inconsistent with the standard formulary template or other applicable law.

**COMPARABLE FEDERAL LAW**  
(Government Code § 11346.5(a)(3)(B))

The proposed action does not differ substantially from an existing, comparable federal statute or regulation. As directed by section 10123.192, subdivision (c)(10) of proposed section 2218.82 incorporates requirements contained in subsection (c) of section 156.122 of title 45 of the Code of Federal Regulations on exception requests for non-formulary drugs. Additionally, as incorporated by section 10123.192, provisions of subdivision (b)(6) of proposed section 2218.82 are substantially similar to formulary accessibility requirements in subsection (d)(1) of section 156.122.

**CONSISTENCY OR COMPATIBILITY WITH EXISTING STATE REGULATIONS**  
(Government Code § 11346.5(a)(3)(D))

The Department conducted an evaluation of existing law, including a review of its existing regulations and those of the Department of Managed Health Care, and determined that the proposed regulation is not inconsistent or incompatible with any existing state regulations.

**OTHER STATUTORY REQUIREMENTS**  
(Government Code § 11346.5(a)(4))

Section (b)(1) of Insurance Code section 10123.192 provides that the Department of Insurance, jointly with the Department of Managed Health Care and with input from interested parties from at least one public meeting, must develop a standard formulary template for use by health insurers that provide prescription drug benefits and maintain one or more formularies within six months following development of the template. Beginning in 2016 and extending through the noticing of this proposed regulation, the Department collaborated with the Department of Managed Health Care to develop draft regulation text. The Department held a public meeting pursuant to section 11346.45 of the Government Code on August 23, 2017, at which interested persons were invited to provide oral and written comments to draft regulation text.

As directed by section 10123.192, in developing the standard formulary template the Department considered existing requirements for reporting of formulary information established by the U.S. Centers for Medicare and Medicaid Services. Specifically, the Department referred to the Calendar Year 2017 Medicare Part D Model Formulary (Abridged and Comprehensive) dated May 11, 2016, as well as to pertinent sections of Chapter 6 of the *Medicare Part D Prescription Drug Benefit Manual* on formulary requirements. The Department is proposing to adopt several elements of the Medicare Part D Model Formulary in the standard formulary template.

Finally, the enabling statute also directs the Department and the Department of Managed Health Care to evaluate whether it is feasible to include cost sharing information for prescription drugs, including for drugs subject to coinsurance, on the standard formulary template. After consulting with the Department of Managed Health Care and interested persons, the Department concluded that it is not feasible to require formularies to include cost sharing information for prescription drugs because health insurers typically pair a single formulary at the product level or higher (at the level of

market segment or even grandfathered status), and not at the plan level. Because it is industry practice to pair a single formulary with multiple plans that include different cost sharing for prescription drugs, implementing such a requirement would require a health insurer to maintain a separate formulary for each of its plans. Furthermore, requiring actual dollar amounts of cost sharing for drugs subject to coinsurance to appear in drug formularies could potentially require frequent updating of multiple plan-specific prescription drug formularies because the price of a drug on which coinsurance is based is subject to change. Finally, under the Medicare Part D Model Formulary, inclusion of cost sharing values as opposed to tier numbers in a formulary is optional. For these reasons, it was determined that including cost sharing values in the standard formulary template is not feasible. However, the proposed regulation imposes other requirements on prescription drug formularies that are designed to promote the statutory policy of cost sharing transparency, including requiring standardized product names and instructions for locating plan-specific coverage documents on an insurer's website to appear on the title page of a formulary.

LOCAL MANDATE  
(Government Code § 11346.5(a)(5))

The Department has determined that the proposed regulation will not impose a mandate on a local agency or school district that requires reimbursement pursuant to Government Code section 17500 *et seq.*

FISCAL IMPACT  
(Government Code § 11346.5(a)(6))

The Department has determined that the proposed regulation will not impose a cost on any local agency or school district that requires reimbursement under Government Code section 17500 *et seq.*, nor will it result in other nondiscretionary costs or savings to local agencies. There will be no cost or savings in federal funding to the state. However, proposed section 2218.83 will impose an estimated one-time cost of \$59,400 on the Department of Insurance to perform the compliance review. No other state agencies are affected.

SIGNIFICANT STATEWIDE ADVERSE  
ECONOMIC IMPACT DIRECTLY  
AFFECTING BUSINESS  
(Government Code § 11346.5(a)(7))

The Department has made an initial determination that the adoption of this regulation may have a signifi-

cant, statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states. The only type of business that would be directly affected is health insurance companies. The proposed regulation establishes a standard prescription drug formulary template for purposes of section 10123.192 of the Insurance Code that includes requirements for the structure and contents of prescription drug formularies maintained by health insurers.

The Department has considered proposed alternatives that would lessen any adverse economic impact on business and invites you to submit proposals. Submissions may include the following considerations:

- (1) The establishment of differing compliance or reporting requirements or timetables that take into account the resources available to businesses.
- (2) Consolidation or simplification of compliance and reporting requirements for businesses.
- (3) The use of performance standards rather than prescriptive standards.
- (4) Exemption or partial exemption from the regulatory requirements for businesses.

STATEMENT OF RESULTS OF THE ECONOMIC  
IMPACT ASSESSMENT  
(Government Code § 11346.5(a)(10))

The Department is required to assess any impact the proposed adoption may have on the following: the creation or elimination of jobs within the State of California (Government Code § 11346.3(b)(1)(A)); the creation of new businesses or the elimination of existing businesses within the State of California (Government Code § 11346.3(b)(1)(B)); and the expansion of businesses currently doing business within the State of California (Government Code § 11346.3(b)(1)(C)).

The proposed regulation is projected to have an insignificant impact on employment within the State of California. The Department does not expect the proposed regulation to impact the creation of new businesses or the elimination of existing businesses within California. The Department also does not anticipate that the proposed regulation will affect California businesses' ability to expand.

The proposed regulation will benefit the health and welfare of California residents, including businesses that provide health insurance benefits to their employees, as described above in the policy statement overview. The proposed regulation is not expected to impact worker safety or the state's environment.



POTENTIAL COST IMPACTS ON  
REPRESENTATIVE PRIVATE PERSON  
OR BUSINESS  
(Government Code § 11346.5(a)(9))

Except for health insurance companies, the Department is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action. The cost known to the Department that a representative health insurer could incur to comply with the proposed regulation is approximately \$16,400 on average.

IMPACT ON SMALL BUSINESS  
(1 Cal. Code of Regulations § 4(a) and (b))

The Department has made an initial determination that small businesses will not be adversely affected by the proposed regulation because they are not required to comply with or enforce the proposed regulation, nor will they incur a detriment from enforcement of the regulation.

However, small businesses that purchase health insurance for their owners and employees could derive a benefit from enforcement of the regulation because it promotes transparency regarding prescription drug benefits provided by health insurers.

EFFECT ON HOUSING COSTS  
(Government Code §11346.5(a)(12))

The Department has determined that the proposed regulation will not have a significant effect on housing costs.

ALTERNATIVES STATEMENT  
(Government Code §11346.5(a)(13))

The Department has determined that no reasonable alternative considered by the Department or that has otherwise been identified and brought to the attention of the Department would be more effective in carrying out the purpose for which this action is proposed, would be as effective and less burdensome to affected private persons than the proposed action, or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provision of law.

AVAILABILITY STATEMENTS  
(Government Code § 11346.5(a)(16))

The Department will make the express terms of the proposed adoption available to the public for inspection and copying on request to the contact person listed above and on its public website.

The Department has prepared an Initial Statement of Reasons that describes the reasons for the proposed adoption. The Initial Statement of Reasons will be made available for inspection and copying on request to the contact person listed above and on the Department's public website.

The file for this proceeding, which includes a copy of the proposed text of regulation, the Initial Statement of Reasons, the information upon which the proposed action is based, and any supplemental information, including reports, documentation, and other materials related to the proposed action that is contained in the rule-making file, is available by appointment for inspection and copying at 45 Fremont Street, 23rd Floor, San Francisco, California 94105, between the hours of 9:00 a.m. and 4:00 p.m., Monday through Friday. Please direct appointment requests to the contact person listed above.

MODIFIED TEXT  
(Government Code §§ 11346.5(a)(18); 11346.8(c))

If the Department adopts a regulation that differs from the one that has originally been made available but is sufficiently related to the original proposed adoption, the full text of the amended regulation, with the changes clearly indicated, will be made available to the public for at least 15 days prior to the date the Department adopts the amended regulation. Interested persons should request a copy of the amended regulation from the contact person listed above.

AUTOMATIC MAILING  
(Government Code § 11346.4(a)(1))

A copy of this Notice (including the Informative Digest, which contains the general substance of the proposed adoption) will be sent to all persons who have previously filed a request with the Department to receive notice of proposed rulemakings.

FINAL STATEMENT OF REASONS  
(Government Code § 11346.5(a)(19))

Upon request, the Final Statement of Reasons will be made available for inspection and copying once it has been prepared pursuant to Government Code section 11346.9(a). Requests for the Final Statement of Rea-

sons should be directed to the contact person listed above.

**INTERNET ACCESS**  
(Government Code §§ 11346.4(a)(6), 11346.5(a)(20))

Documents concerning the proposed regulation, including the proposed text of regulation and Initial Statement of Reasons, are available on the Department's website at the following link:

<https://www.insurance.ca.gov/0250-insurers/0500-legal-info/0200-regulations/proposed-regulations.cfm>.

**TITLE 11. COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING**

**POST BASIC COURSES TEST MANAGEMENT AND SECURITY PROTOCOLS**

Regulations 1005, 1007, 108, and 1052

Notice is hereby given that the Commission on Peace Officer Standards and Training (POST) proposes to amend regulations in Division 2 of Title 11 of the California Code of Regulations as described below in the Informative Digest. A public hearing is not scheduled. Pursuant to Government Code section 11346.8, any interested person, or his/her duly authorized representative, may request a public hearing. POST must receive the written request no later than 15 days prior to the close of the public comment period.

**Public Comments Due by April 23, 2018, at 5:00 p.m.**

Notice is also given that any interested person, or authorized representative, may submit written comments relevant to the regulatory action by fax at (916) 227-4547, or by letter to:

Commission on POST  
Attention: Rulemaking  
860 Stillwater Road, Suite 100  
West Sacramento, CA 95605-1630

**Authority and Reference**

This proposal is made pursuant to the authority vested by Penal Code Section 13503 (authority of the Commission on POST) and Penal Code section 13506 (POST authority to adopt regulations). This proposal is intended to interpret, implement, and make specific Penal Code section 13503(e), which authorizes POST to develop and implement programs to increase the effec-

tiveness of law enforcement, including programs involving training and education courses.

**INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW**

Secure Web Browser

From 2005/06 until 2013, POST required basic course presenters who were conducting online testing to use the computers for testing purposes only, which resulted in many of those presenters reverting to the paper-and-pencil method of testing. Presenters wanted to use their computers for functions other than testing (e.g., report writing, workbook access); so, in 2013, POST's Computer Services Bureau (CSB) developed a thumb (boot) drive option that maintained the security of the testing process, while providing the presenters the flexibility to use the computers for other functions. The thumb drive requirement became very costly and cumbersome for both the presenters and POST. Not only was POST purchasing the boot drives, but there were many staff hours invested in troubleshooting compatibility issues with the presenters' computers. Additionally, presenters are required to control the thumb drives, which are serialized, by locking them up in between test sessions and handing them out to students, once in the testing venue, just prior to administration and collecting them back from students after the test session. This process provides a greater opportunity for the compromise of test material. To address this issue, CSB developed a secure web browser option which requires an application be installed on each computer and secures the testing process by locking down the computer during the test session, and does not allow the student access to outside resources. With the addition of this contract, POST will begin phasing out the thumb drives for the more secure web browser option.

Terminology

Prior to 2009, development of a policy was optional for presenters, but POST supplied guidelines to assist those presenters in the development of a policy. Since 2009, basic course presenters have been required to develop and submit a test security policy which outlines how POST-developed test material is accessed, administered, secured/stored, destroyed, etc. With the requirement that each presenter develop and submit a policy, the guidelines have become required topics and a policy would not be approved without including that information. The proposed change will ensure the terminology is consistent with the requirement.

Scenario Test Matrix

POST has provided basic course presenters with a scenario scoring matrix that can be used to track how a student is performing not only on each scenario test but

also how they were performing on each required competency (e.g., officer safety, use of force.) This is valuable information for an agency to be able to review for background and field training purposes. Currently POST requires the matrix be destroyed within 10 days of the conclusion of the course, as it is a controlled document that contains scoring values for each scenario. However, destroying the matrix removes the value offered to agencies. The proposed change will allow agencies to have access to this information, while still maintaining the materials in a secure manner.

The specific benefits anticipated by the proposed changes to the regulations will be continued confidentiality of specific POST-developed test material which helps ensure only valid tests are administered to students attending the course and greater flexibility for presenters when providing agencies access to materials during the background (hiring) process. Thus, the law enforcement standards are maintained and effective in preserving peace, protection of public health, safety, and welfare of California. The proposed amendments will have no impact on worker safety or the State's environment, the prevention of discrimination, and the increase in openness and transparency in business and government.

During the process of developing these regulations and amendments, the Commission on Peace Officer Standards and Training has conducted a search of any similar regulations on this topic and has concluded that these regulations are neither inconsistent nor incompatible with existing State regulations.

Document Incorporated by Reference: *POST Basic Courses Test Management and Security Protocols, 2018.*

**Adoption of Proposed Regulations**

Following the public comment period, the Commission may adopt the proposal substantially as set forth without further notice, or the Commission may modify the proposal if such modifications remain sufficiently related to the text as described in the Informative Digest. If the Commission makes changes to the language before the date of adoption, the text of any modified language, clearly indicated, will be made available at least 15 days before adoption to all persons whose comments were received by POST during the public comment period and to all persons who request notification from POST of the availability of such changes. A request for the modified text should be addressed to the agency official designated in this notice. The Commission will accept written comments on the modified text for 15 days after the date that the revised text is made available.

**Estimate of Economic Impact**

Fiscal Impact on Public Agencies Including Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State: None.

Non-Discretionary Costs/Savings to Local Agencies: None.

Local Mandate: None.

Costs to any Local Agency or School District for which Government Code sections 17500-17630 require reimbursement: None.

Significant Statewide Adverse Economic Impact Directly Affecting California Businesses, including Small Business: The Commission on Peace Officer Standards and Training has made an initial determination that the amended regulations will not have a significant statewide adverse economic impact directly affecting California businesses, including the ability of California businesses to compete with businesses in other states. The Commission on Peace Officer Standards and Training has found that the proposed amendments will not affect California businesses, including small businesses, because the Commission sets selection and training standards for law enforcement, which does not impact California businesses, including small businesses.

Cost Impacts on Representative Private Persons or Businesses: The Commission on Peace Officer Standards and Training is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

Effect on Housing Costs: The Commission on Peace Officer Standards and Training has made an initial determination that the proposed regulations would have no effect on housing costs.

**Results of Economic Impact Assessment per Gov. Code section 11346.3(b)**

The adoption of the proposed amendments of regulations will neither create nor eliminate jobs in the State of California, nor result in the elimination of existing businesses or create or expand businesses in the State of California.

The benefits of the proposed amendments of regulations to the health and welfare of California residents would be to ensure the continued integrity of entry-level law enforcement training and testing. Thus, the law enforcement standards are maintained and effective in preserving peace, protection of public health, safety, and welfare of California. The proposed amendments will have no impact on worker safety or the State's environment.

### Consideration of Alternatives

To take this action, the Commission must determine that no reasonable alternative considered by the Commission, or otherwise identified and brought to the attention of the Commission, would be more effective in carrying out the purpose for which the action is proposed, or would be as effective as and less burdensome to affected private persons than the proposed action, or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provision of law than the proposed action.

### Contact Persons

Questions regarding this regulatory action may be directed to Jennifer Hardesty, Commission on POST, 860 Stillwater Road, Suite 100, West Sacramento, CA 95605-1630, at [jennifer.hardesty@post.ca.gov](mailto:jennifer.hardesty@post.ca.gov), or (916) 227-3917. General questions regarding the regulatory process may be directed to Christy Correa at [Christy.correa@post.ca.gov](mailto:Christy.correa@post.ca.gov) or (916) 227-4847.

### Text of Proposal

Individuals may request copies of the exact language of the proposed regulations and of the initial statement of reasons, and the information the proposal is based upon, from the Commission on POST at 860 Stillwater Road, Suite 100, West Sacramento, CA 95605-1630. These documents are also located on the POST Website at: <http://www.post.ca.gov/regulatory-actions.aspx>.

### Availability and Location of the Rulemaking File and the Final Statement of Reasons

The rulemaking file contains all information upon which POST is basing this proposal and is available for public inspection by contacting the person(s) named above.

To request a copy of the Final Statement of Reasons once it has been approved, submit a written request to the contact person(s) named above.

## TITLE 11. COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING

### POST Training and Testing Specifications for Peace Officer Basic Courses Regulations 1005, 1007, and 1008

Notice is hereby given that the Commission on Peace Officer Standards and Training (POST) proposes to amend regulations in Division 2 of Title 11 of the California Code of Regulations as described below in the Informative Digest. A public hearing is not scheduled. Pursuant to Government Code section 11346.8, any interested person, or his/her duly authorized representa-

ive, may request a public hearing. POST must receive the written request no later than 15 days prior to the close of the public comment period.

### Public Comments Due by April 23, 2018, at 5:00 p.m.

Notice is also given that any interested person, or authorized representative, may submit written comments relevant to the proposed regulatory action by fax at (916) 227-4547, or by letter to:

Commission on POST  
Attention: Rulemaking  
860 Stillwater Road, Suite 100  
West Sacramento, CA 95605-1630

### AUTHORITY AND REFERENCE

This proposal is made pursuant to the authority vested by Penal Code Section 13503 (authority of the Commission on POST) and Penal Code section 13506 (POST authority to adopt regulations). This proposal is intended to interpret, implement, and make specific Penal Code section 13503(e), which authorizes POST to develop and implement programs to increase the effectiveness of law enforcement, including programs involving training and education courses.

### INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Penal Code § 832.3(b) requires that POST develop a testing program, to include standardized tests, which enables comparison between presenters of the training and assessment of trainee achievement.

On June 23, 2016, the Commission approved a more innovative methodology for testing. The required written tests changed from 24 Individual Learning Domain tests to three multi-dimensional Learning Objective tests to prepare students for scenario testing in the basic courses and subsequent field training.

At the May 2017 consortium, the POST Test Review Panel brought forward a recommendation to discontinue testing Learning Domains:

- 2 (Criminal Justice Systems)
- 3 (Policing the Community)
- 26 (Unusual Occurrences)
- 31 (Custody)
- 36 (Information Systems)
- 43 (Emergency Management)

The proposed regulations will eliminate the duplication of testing for these learning domain objectives while keeping existing, related learning objectives that will be evaluated through the multi-dimensional learning objective tests. The recommendation to eliminate

these learning objectives from the written tests was based on several factors. The Test Review Panel looked at where objectives from these domains were covered elsewhere within the regular basic courses, and within the multi-dimensional Learning Objectives tests in more comprehensive vignettes, as well as scenario-based testing and other required learning activities. Previously, these individual test learning domains were merely knowledge-based, and important objectives from these domains are covered extensively within the multi-dimensional Learning Objective tests. For example, objectives covered in Learning Domain 2 (Criminal Justice System) covering the 4th, 5th, 6th and 14th Amendments are thoroughly covered in educational objectives from Learning Domains 15 (Laws of Arrest) and 16 (Search and Seizure). There are one or more required learning activities for each of these domains throughout the regular basic courses, as well as several hours of classroom instruction.

The benefits anticipated by the proposed amendments to the regulations will be to ensure the tests administered in the basic courses adequately assesses student learning in the classroom, which will increase the effectiveness of law enforcement standards for peace officers in preserving peace, protection of public health and safety, and welfare of California.

During the process of developing these regulations and amendments, POST has conducted a search of any similar regulations on this topic and has concluded that these regulations are the only regulations concerning basic course testing. Therefore, the proposed regulations are neither inconsistent nor incompatible with existing state regulations.

Document Incorporated by Reference: *POST Training and Testing Specifications for Peace Officer Basic Courses July 1, 2018.*

#### ADOPTION OF PROPOSED REGULATIONS

Following the public comment period, the Commission may adopt the proposal substantially as set forth without further notice, or the Commission may modify the proposal if such modifications remain sufficiently related to the text as described in the Informative Digest. If the Commission makes changes to the language before the date of adoption, the text of any modified language, clearly indicated, will be made available at least 15 days before adoption to all persons whose comments were received by POST during the public comment period and to all persons who request notification from POST of the availability of such changes. A request for the modified text should be addressed to the agency official designated in this notice. The Commission will accept written comments on the modified text for 15

days after the date that the revised text is made available.

#### ESTIMATE OF ECONOMIC IMPACT

Fiscal Impact on Public Agencies Including Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State: None.

Non-Discretionary Costs/Savings to Local Agencies: None.

Local Mandate: None.

Costs to any Local Agency or School District for which Government Code sections 17500-17630 require reimbursement: None.

Significant Statewide Adverse Economic Impact Directly Affecting California Businesses, including Small Business: The Commission on Peace Officer Standards and Training has made an initial determination that the amended regulations will not have a significant statewide adverse economic impact directly affecting California businesses, including the ability of California businesses to compete with businesses in other states. The Commission on Peace Officer Standards and Training has found that the proposed amendments will not affect California businesses, including small businesses, because the Commission sets selection and training standards for law enforcement, which does not impact California businesses, including small businesses.

Cost Impacts on Representative Private Persons or Businesses: The Commission on Peace Officer Standards and Training is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

Effect on Housing Costs: The Commission on Peace Officer Standards and Training has made an initial determination that the proposed regulation would have no effect on housing costs.

#### RESULTS OF ECONOMIC IMPACT ASSESSMENT PER GOV. CODE SECTION 11346.3(b)

The adoption of the proposed amendments of regulations will neither create nor eliminate jobs in the State of California, nor result in the elimination of existing businesses or create or expand businesses in the State of California.

The benefits of the proposed amendments of regulations to the health and welfare of California residents would be to have successful students expected to perform at a level indicating readiness to enter a field training program after graduating from the basic course. There would be no impact that would affect worker safety or the State's environment.

### CONSIDERATION OF ALTERNATIVES

To take this action, the Commission must determine that no reasonable alternative considered by the Commission, or otherwise identified and brought to the attention of the Commission, would be more effective in carrying out the purpose for which the action is proposed, or would be as effective as and less burdensome to affected private persons than the proposed action, or would be more cost-effective to affected private persons and equally effective in implementing the regulatory policy or other provision of law than the proposed action.

### CONTACT PERSONS

Questions regarding this proposed regulatory action may be directed to Windy Kaiser, Commission on POST, 860 Stillwater Road, Suite 100, West Sacramento, CA 95605-1630, at [windy.kaiser@post.ca.gov](mailto:windy.kaiser@post.ca.gov), or (916) 227-4537. General questions regarding the regulatory process may be directed to Christy Correa at [Christy.correa@post.ca.gov](mailto:Christy.correa@post.ca.gov) or (916) 227-4847.

### TEXT OF PROPOSAL

Individuals may request copies of the exact language of the proposed regulations and of the initial statement of reasons, and the information the proposal is based upon, from the Commission on POST at 860 Stillwater Road, Suite 100, West Sacramento, CA 95605-1630. These documents are also located on the POST Website at: <http://www.post.ca.gov/regulatory-actions.aspx>.

### AVAILABILITY AND LOCATION OF THE RULEMAKING FILE AND THE FINAL STATEMENT OF REASONS

The rulemaking file contains all information upon which POST is basing this proposal and is available for public inspection by contacting the person(s) named above.

To request a copy of the Final Statement of Reasons once it has been approved, submit a written request to the contact person(s) named above.

### TITLE 11. DEPARTMENT OF JUSTICE

The Department of Justice (Department) proposes to repeal sections 4032, 4033, 4034, 4035, amend sections 4030, 4031, renumber and amend sections 4036, 4037, 4039, 4040, 4041, and adopt new sections 4032, 4032.5, 4033, 4034, 4035, 4038 of title 11, division 5,

Chapter 3, of the California Code of Regulations concerning Non-Dealer Sales or Transfers of Firearms through Licensees or Dealers and Issuance of Certificates of Eligibility, after considering all comments, objections, and recommendations regarding the proposed action.

### PUBLIC HEARING

The Department will hold a public hearing to receive public comments on the proposed regulatory action. The hearing will be held on April 27, 2018, at 10:00 a.m., at the following location:

Resources Building Auditorium  
1416 9th Street  
Sacramento, California 95814

The auditorium is wheelchair accessible.

At the hearing, any person may present oral or written comments regarding the proposed regulatory action. The Department requests, but does not require, that persons making oral comments at the hearing also submit a written copy of their testimony.

### WRITTEN COMMENT PERIOD

Any interested person or their authorized representative may submit written comments relevant to the proposed regulatory action. The written comment period closes at 5:00 p.m. on April 27, 2018. Only comments received by that time will be considered. Written comments must be submitted to:

Audrey Durfor  
Bureau of Firearms  
Division of Law Enforcement  
Department of Justice  
P.O. Box 160487  
Sacramento, CA 95816-0487  
Phone: 916-227-7615  
Email: [COEregs@doj.ca.gov](mailto:COEregs@doj.ca.gov)

### AUTHORITY AND REFERENCE

Authority: Sections 11105 and 26710, Penal Code.  
Reference: Sections 12101, 12756, and 12757, Health and Safety Code; Sections 16140, 16800, 26525, 26585, 26700, 26705, 26710, 26915, 26970, 27200, 27535, 27545, 27670, 27966, 28450, 29050, 29120, 29800, 29805, 29815, 29820, 29825, 29900, 30312, 30314, 30342, 30347, 30370, and 31700, Penal Code; Sections 8100 and 8103, Welfare and Institutions Code; Title 18, Sections 921 and 922, United States

Code; and Title 27, Part 478.32, Code of Federal Regulations.

Repeal: The Department proposes to repeal content in sections 4032, 4033, 4034, and 4035 of title 11, division 5, Chapter 3, of the California Code of Regulations concerning Non-Dealer Sales or Transfers of Firearms through Licensees or Dealers.

## INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

### Existing Laws and Regulations

This rulemaking action clarifies and makes specific the Certificate of Eligibility (COE) requirements and process for initial and renewal application submission with the Department.

Penal Code section 26710 authorizes the Department to issue COEs that certify the Department has checked its records and determined the recipients are not prohibited from acquiring or possessing firearms at the time the firearms eligibility criminal background check was performed. The Department is authorized to adopt regulations to administer the program and shall recover the full cost of the administration by imposing applicant fees. Penal Code section 11105 authorizes the Department to require the submission of fingerprints for conducting summary criminal history information checks that are authorized by law.

Pursuant to Penal code Section 28060, the Bureau of Firearms is authorized to develop regulations regarding the sale or transfer of a firearm between persons who do not possess a California Firearms Dealer (CFD) license.

The regulations proposed in this rulemaking action would do the following:

### California Code of Regulations, Title 11, Division 5, Chapter 3

Section 4030 has been amended to repeal the portion of the regulation pertaining to the transfer of firearms as Penal Code sections 26875, 28050, 28055, and 28060 sufficiently explain how both a CFD and the public shall perform a private party transfer of firearms.

Section 4031 has been amended to repeal the key terms pertaining to the transfer of firearms as Penal Code sections 26875, 28050, 28055, and 28060 sufficiently explain how both a CFD and the public shall perform a private party transfer of firearms. Key terms related to Certificates of Eligibility were added.

Section 4032 has been repealed as Penal Code sections 26875, 28050, 28055, and 28060 sufficiently explain how both a CFD and the public shall perform a private party transfer of firearms. This section now renumbers and amends section 4036, specifying the qualifications required to obtain a COE.

Section 4032.5 has been added to specify that COE applicants must submit fingerprints to the Department for a firearms eligibility background check. This section also establishes the live scan operator process, where the applicant's fingerprints are electronically captured and transmitted. This section specifies that out-of-state applicants may have their fingerprints taken manually at a local law enforcement agency in their state of residence and details the fees and mailing address for sending payment.

Section 4033 has been repealed as Penal Code sections 26875, 28050, 28055, and 28060 sufficiently explain how both a CFD and the public shall perform a private party transfer of firearms. This section now establishes the process for creating a California Firearms Application Reporting System (CFARS) account, including the conditions of use and the required account information.

Section 4034 has been repealed as Penal Code sections 26875, 28050, 28055, and 28060 sufficiently explain how both a CFD and the public shall perform a private party transfer of firearms. This section now specifies that the Department may communicate with applicants and certificate holders via CFARS.

Section 4035 has been repealed as Penal Code sections 26875, 28050, 28055, and 28060 sufficiently explain how both a CFD and the public shall perform a private party transfer of firearms. This section now details the steps for submitting an application once a CFARS account has been created, including the required applicant information and associated fees.

Section 4036 has been amended as the content related to qualifications will appear in section 4032. This section now specifies how certificate holders modify information associated with their COE, including any changes to a certificate holder's employment status.

Section 4037 has been amended as the content related to the application process will appear in section 4035. This section now specifies how to renew a COE, including the renewal period, required information, and payment process.

Section 4038 has been added and renumbers section 4039 and 4040, detailing the term of the COE and the initial and renewal application fees.

Section 4039 has been amended as the content relating to the term of a COE will appear in section 4038. This section now specifies how to cancel a COE via CFARS.

Section 4040 has been amended as the content relating to the fees will appear in section 4038. This section now renumbers and amends section 4041 detailing the applicant denial review process. The process was not changed. However, after the correction of records, the resubmission of an application will now be submitted via CFARS.

Section 4041 has been amended as the content relating to the applicant denial review process will appear in section 4040. This section now specifies the revocation process.

Anticipated Benefits of the Proposed Regulations

The broad objective of the regulation is to provide greater clarity on the COE application procedure and requirements. Revising the regulations will help ensure completion of applications and the accurate submission of information. The regulations provide applicants additional guidance on the live scan operator fingerprint process. The online account system, CFARS, will increase the efficiency of submitting the COE application, making any changes to required information, and processing the certificates. The proposed regulations also specify how to modify and cancel a COE, as well as the denial and revocation process, which are not detailed in the existing regulations.

The Department has found that the existing regulations regarding the private party transfer process were not necessary. Existing Penal Code sections explain the appropriate actions; therefore, the Department has chosen to repeal those regulations.

Evaluation of Inconsistency/Incompatibility with Existing State Regulations

Pursuant to Government Code section 11346.5(a)(3)(D), the Department must evaluate whether the proposed regulations are inconsistent or incompatible with existing state regulations. The Department has reviewed existing regulations pertaining to firearms and ammunition within California Code of Regulations (CCR) Title 11, Division 5 and determined the proposed regulations are not inconsistent or incompatible.

This determination is based on the fact that the Department proposes the repeal of sections 4032, 4033, 4034, and 4035 to eliminate duplication of Penal Code sections 26875, 28050, 28055, and 28060. The amendments proposed in sections 4030 and 4031 remove references pertaining to the transfer of firearms to eliminate duplication of existing Penal Code sections, as detailed above. The addition of new sections 4032, 4032.5, 4033, 4034, 4035 and 4038 is not inconsistent or incompatible with existing state regulations, but rather updates the existing regulations related to the COE application process. The renumbering and amendment of sections 4036, 4037, 4039, 4040, and 4041 is not inconsistent or incompatible with existing state regulations, but rather details a new process for the electronic submission of COEs.

Comparable Federal Regulations

The proposed action does not differ substantially from an existing comparable federal regulation or statute.

Mandated by Federal Law or Regulations

The proposed regulations are not mandated by federal law or regulations.

Other Statutory Requirements

None.

DISCLOSURES REGARDING THE PROPOSED ACTION

*The Department has made the following initial determinations:*

Mandate on local agencies or school districts: None.

Cost or savings to any state agency: None.

Cost to any local agency or school district which must be reimbursed in accordance with Government Code sections 17500 through 17630: None.

Other nondiscretionary cost or savings imposed on local agencies: None.

Cost or savings in federal funding to the state: None.

Significant, statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states: None.

Cost impacts on a representative private person or business: The Department is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

Business report requirement: None.

Significant effect on housing costs: None.

Other matters prescribed by statute applicable to the agency or to any specific regulation or class of regulations: None.

Results of the Economic Impact Analysis

The Department has concluded that the adoption of the proposed regulation will not:

- (1) Create or eliminate jobs within California;
- (2) Create new businesses or eliminate existing businesses within California; or
- (3) Affect the expansion of businesses currently doing business within California.

The Department has made a determination on items (1) through (3) based on the fact that the proposed regulations update the COE process to reflect the most current application requirements. There are no changes to the application fee, and the fees are paid for by the COE applicant.

- (4) Benefits of the Proposed Regulations: Applicants will properly complete their fingerprint submission process and submit COE applications and changes through CFARS, thereby making the process more clear and efficient for the user and the Department.



*Small Business Determination:* The Department has determined the proposed regulations will not affect small business. This determination is based on the fact that the regulations propose no change to the application fee, and the fees are paid for by the COE applicant. Although the regulations establish a process for fingerprint submission for out-of-state applicants, the out-of-state fee matches the already existing applicant fingerprint processing fee for in-state applicants.

CONSIDERATION OF ALTERNATIVES

In accordance with Government Code section 11346.5(a)(13), the Department must determine that no reasonable alternative it considered or that has otherwise been identified and brought to its attention would be more effective in carrying out the purpose for which the action is proposed, would be as effective and less burdensome to affected private persons than the proposed action, or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provision of law.

Any person interested in presenting statements or arguments with respect to alternatives to the proposed regulations may do so at the scheduled hearing or during the written comment period.

CONTACT PERSONS

Inquiries concerning the proposed administrative action may be directed to:

Audrey Durfor  
 Bureau of Firearms  
 Division of Law Enforcement  
 Department of Justice  
 P.O. Box 160487  
 Sacramento, CA 95816-0487  
 Email: [COEregs@doj.ca.gov](mailto:COEregs@doj.ca.gov)  
 Telephone: (916) 227-7615

The back up contact person for these inquiries is:

Jacqueline Dosch  
 Bureau of Firearms  
 Division of Law Enforcement  
 Department of Justice  
 P.O. Box 160487  
 Sacramento, CA 95816-0487  
 Email: [COEregs@doj.ca.gov](mailto:COEregs@doj.ca.gov)  
 Telephone: (916) 227-5419

AVAILABILITY OF RULEMAKING FILE INCLUDING THE INITIAL STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATIONS

The Department will have the entire rulemaking file available for inspection and copying throughout the rulemaking process. The text of the proposed regulations (the “express terms”), the initial statement of reasons, and the information upon which the proposed rulemaking is based are available on the Department website at <http://oag.ca.gov/firearms>. Copies may also be obtained by contacting Audrey Durfor.

AVAILABILITY OF CHANGED OR MODIFIED TEXT

After considering all timely and relevant comments received, the Department may adopt the proposed regulations substantially as described in this notice. If the Department makes modifications which are sufficiently related to the originally proposed text, the Department will make the modified text (with the changes clearly indicated) available to the public for at least 15 days and accept written comments before the Department adopts the regulations. Copies of any modified text will be available on the Department website at <http://oag.ca.gov/firearms>. A written copy of any modified text may be obtained by contacting Audrey Durfor.

AVAILABILITY OF FINAL STATEMENT OF REASONS

Upon completion, the Final Statement of Reasons will be available on the Department website at <http://oag.ca.gov/firearms>. You may also obtain a written copy of the Final Statement of Reasons by contacting Audrey Durfor.

AVAILABILITY OF DOCUMENTS ON THE INTERNET

Copies of the Notice of Proposed Action, the Initial Statement of Reasons, and the text of the regulations in underline and strikeout format, as well as the Final Statement of Reasons once completed, can be accessed through the Department website at <http://oag.ca.gov/firearms>.

**TITLES 13. AND 17. CALIFORNIA AIR RESOURCES BOARD**

**NOTICE OF PUBLIC HEARING TO CONSIDER PROPOSED AMENDMENTS TO THE LOW-CARBON FUEL STANDARD REGULATION AND TO THE REGULATION ON COMMERCIALIZATION OF ALTERNATIVE DIESEL FUELS**

The California Air Resources Board (CARB or Board) will conduct a public hearing at the time and place noted below to consider proposed amendments to the Low-Carbon Fuel Standard (LCFS) and to the Regulation on Commercialization of Alternative Diesel Fuels (ADF).

DATE: April 27, 2018

TIME: 9:00 a.m.

LOCATION: Sacramento County Administration Building  
700 H Street  
Sacramento, California 95814

This item will be considered at a meeting of the Board, which will commence at 9:00 a.m., April 27, 2018. Please consult the agenda for the hearing, which will be available at least ten days before April 27, 2018, to determine when this item will be considered.

**WRITTEN COMMENT PERIOD AND SUBMITTAL OF COMMENTS**

Interested members of the public may present comments orally or in writing at the hearing and may provide comments by postal mail or by electronic submittal before the hearing. The public comment period for this regulatory action will begin on March 9, 2018. Written comments not physically submitted at the hearing must be submitted on or after March 9, 2018 and received **no later than 5:00 p.m. on April 23, 2018**. CARB requests that when possible, written and email statements be filed at least ten days before the hearing to give CARB staff and Board members additional time to consider each comment. The Board also encourages members of the public to bring to the attention of staff in advance of the hearing any suggestions for modification of the proposed regulatory action. Comments submitted in advance of the hearing must be addressed to one of the following:

Postal mail:  
Clerk of the Board, Air Resources Board  
1001 I Street, Sacramento, California 95814

Electronic submittal:  
<http://www.arb.ca.gov/lispub/comm/bclist.php>

Please note that under the California Public Records Act (Gov. Code, § 6250 et seq.), your written and oral comments, attachments, and associated contact information (e.g., your address, phone, email, etc.) become part of the public record and can be released to the public upon request.

Additionally, the Board requests but does not require that persons who submit written comments to the Board reference the title of the proposal in their comments to facilitate review.

**AUTHORITY AND REFERENCE**

This regulatory action is proposed under the authority granted in California Health and Safety Code, sections 38510, 38530, 38560, 38560.5, 38571, 38580, 39600, 39601, 41510, 41511, 43000.5, 43013, 43018, and 43101; 42 U.S.C. section 7545, and *Western Oil and Gas Ass'n v. Orange County Air Pollution Control District*, (1975) 14 Cal.3d 411. This action is proposed to implement, interpret, and make specific Health and Safety Code, sections 38501, 38510, 39515, 39516, 38571, 38580, 39000, 39001, 39002, 39003, 39010, 39500, 39515, 39516, 40000, 41510, 41511, 43000, 43016, 43018, 43026, 43101, 43830.8, and 43865; Public Resources Code, section 25000.5; and *Western Oil and Gas Ass'n v. Orange County Air Pollution Control District*, (1975) 14 Cal.3d 411.

**INFORMATIVE DIGEST OF PROPOSED ACTION AND POLICY STATEMENT OVERVIEW**  
(GOV. CODE, § 11346.5, subd. (a)(3))

**Sections Affected:** Proposed amendments to California Code of Regulations, title 17, sections 95480, 95481, 95482, 95483, 95483.1, 95483.2, 95484, 95485, 95486, 95487, 95488, 95489, 95490, 95491, 95492, 95493, 95494, 95495, 95496, and 95497; and proposed amendments to section 2293.6 and Appendix 1 in title 13, chapter 5, article 3, subarticle 2, California Code of Regulations. Proposed adoption of sections 95483.3, 95488.1, 95488.2, 95488.3, 95488.4, 95488.5, 95488.6, 95488.7, 95488.8, 95488.9, 95488.10, 95490, 95491.1, 95498, 95499, 95500, 95501, 95502, and 95503, California Code of Regulations, title 17.

**Documents Incorporated by Reference (Cal. Code Regs., tit. 1, § 20, subd. (c)(3)):**

The following documents and models would be incorporated in the regulation by reference as specified by section:

- ASTM Specification D910–17 (2017), Standard Specification for Leaded Aviation Gasolines, May 1, 2017, section 95481(a)(9)
- California–modified Greenhouse Gases, Regulated Emissions, and Energy use in Transportation version 3.0 (CA–GREET3.0) model, March 6, 2018, sections 95481(a)(20), 95488.3(b)
- ASTM Specification D1655–17 (2017), Standard Specification for Aviation Turbine Fuels, August 1, 2017, section 95481(a)(27)
- Oil Production Greenhouse Gas Emissions Estimator Version 2.0, March 6, 2018, section 95481(a)(93)
- ASTM D1835–16 (2016), Standard Specification for Liquefied Petroleum (LP) Gases, October 1, 2016, section 95481(a)(113)
- CA–GREET3.0 Lookup Table Pathways Technical Support Documentation, March 6, 2018, sections 95488.1(b), 95488.5(e)
- Tier 1 Simplified CI Calculator for Starch and Corn–Fiber Ethanol, March 6, 2018, section 95488.3(b)(1)
- Tier 1 Simplified CI Calculator for Sugarcane–derived Ethanol, March 6, 2018, section 95488.3(b)(2)
- Tier 1 Simplified CI Calculator for Biodiesel and Renewable Diesel, March 6, 2018, section 95488.3(b)(3)
- Tier 1 Simplified CI Calculator for LNG and L–CNG from North American Natural Gas, March 6, 2018, section 95488.3(b)(4)
- Tier 1 Simplified CI Calculator for Biomethane from North American Landfills, March 6, 2018, section 95488.3(b)(5)
- Tier 1 Simplified CI Calculator Instruction Manual, March 6, 2018, section 95488.6(a)(1)(B)
- Carbon Capture and Sequestration Protocol under the Low–Carbon Fuel Standard, March 6, 2018, section 95490(a)
- ASTM D1250–08 (2013) e1, Standard Guide for Use of the Petroleum Measurement Tables, ASTM D1250–08, reapproved 2013, sections 95491(d)(1)(B)2.b., 95491(d)(1)(B)3
- American Petroleum Institute (API) Manual of Petroleum Measurement Standards Chapter 11 — Physical Properties Data, May 2004, section 95491(d)(1)(B)3
- API Technical Data Book — Petroleum Refining Chapter 6 — Density (Sixth Edition, April 1997), section 95491(d)(3)(B)3

**Background and Effect of the Proposed Regulatory Action:**

In 2006, the Legislature passed and then–Governor Schwarzenegger signed the California Global Warming Solutions Act of 2006 (AB 32; Stats. 2006, ch. 488). In Assembly Bill (AB) 32, the Legislature declared that global warming poses a serious threat to the economic well–being, public health, natural resources, and the environment of California. The Legislature further declared that global warming will have detrimental effects on some of California’s largest industries, including agriculture and tourism, and will increase the strain on electricity supplies. The Legislature recognized that action taken by California to reduce emissions of greenhouse gases (GHG) will have far–reaching effects by encouraging other states, the federal government, and other countries to act. AB 32 creates a comprehensive, multi–year program to reduce GHG emissions in California, with the overall goal of restoring emissions to 1990 levels by the year 2020. AB 32 required CARB to take actions that included:

- Establishing a statewide GHG emissions cap for 2020, based on 1990 emissions;
- Adopting a scoping plan by January 1, 2009, indicating how emission reductions will be achieved from significant GHG sources via regulations, market mechanisms, and other actions;
- Adopting a list of discrete, early action GHG emission reduction measures by June 30, 2007, which can be implemented and enforced no later than January 1, 2010; and
- Adopting regulations by January 1, 2010, to implement the measures identified on the list of discrete early action measures.

In 2007, then–Governor Schwarzenegger signed Executive Order S–01–07. This executive order directed the CARB to determine whether an LCFS for transportation fuels used in California could be adopted as a discrete early action measure pursuant to AB 32, and if so, to draft the LCFS so that it reduces the carbon intensity of transportation fuels used in California by at least 10 percent by the year 2020. In addition to substantially reducing GHG emissions from transportation fuels, the LCFS is expected to help diversify the transportation fuels market in California, thereby cutting petroleum dependency and creating a sustainable and growing market for cleaner fuels.<sup>1</sup>

In 2007, the Board approved a list of nine discrete early action measures, including a measure entitled, “Low–Carbon Fuel Standard.” The proposed regula-

<sup>1</sup> Governor’s White Paper, *The Role of a Low–Carbon Fuel Standard in Reducing Greenhouse Gas Emissions and Protecting Our Economy*, <<http://gov.ca.gov/index.php?fact= sheet/5155/>>.

tion was designed to implement this measure pursuant to the requirements of AB 32 and Executive Order S-01-07.

The Board approved an LCFS regulation in 2009. The goal of the LCFS regulation was to reduce the carbon intensity of transportation fuels used in California by at least 10 percent by 2020 from a 2010 baseline. CARB approved revisions to the LCFS effective November 26, 2012.

On July 15, 2013, the State of California Court of Appeal (Court) issued its opinion in *POET, LLC v. California Air Resources Board* (2013) 218 Cal.App.4th 681, ruling that the LCFS adopted in 2009 and implemented in 2010 (referred to as 2010 LCFS) would remain in effect, and that CARB could continue to implement and enforce the 2013 regulatory standards while taking steps to address California Environmental Quality Act (CEQA) and Administrative Procedure Act (APA) issues identified in the ruling. To address those issues, CARB must set aside the existing LCFS regulation and re-adopt an LCFS regulation.

To comply with the court ruling, and to update and revise the LCFS regulation, on September 25, 2015, the Board set aside the previous version of the LCFS, and simultaneously adopted a new version of the LCFS. On that same day, the Board also adopted an ADF regulation designed preserve or enhance public health, environmental and emission benefits associated with the use of innovative alternative diesel fuels in California.

In the proposed rulemaking to amend the LCFS regulation in 2018, CARB intends to strengthen to LCFS targets through 2030. In 2016, the California Legislature adopted Senate Bill (SB) 32 (Stats. 2016, ch. 249 (Pavley)), which builds on the progress of AB 32 by

codifying a statewide target to reduce GHG emissions by at least 40 percent below 1990 levels by 2030. To encourage additional GHG reductions in strategic areas where decarbonization will be important to meet long-term targets, staff proposes to recognize eligibility of new fuels and vehicle applications for generating credits under the LCFS program. To enhance the integrity of the emission reduction claims in the program, the amendments include a proposal to establish an independent third-party verification and accreditation program for ensuring the accuracy of data reported under LCFS. Finally, the proposed LCFS amendments include a number of changes that would integrate the verification system, update program data, quantification methods and analysis tools, and other changes to improve, streamline, and further clarify application and reporting processes. The targeted amendments to the ADF regulation remove expired provisions, correct transcription errors, and adjust an emissions control sunset provision.

CARB may also consider other changes to the sections affected, as listed on page 392 of this notice, during the course of this rulemaking process.

**Objectives and Benefits of the Proposed Regulatory Action**

*2019 through 2030 Carbon Intensity Decline*

The most significant change under consideration in this rulemaking is how to strengthen the CI reduction targets through 2030 in-line with the SB 32 goals. The proposed amendments target a 20 percent reduction in fuel carbon intensity (CI) from a 2010 baseline by 2030. The amendments also propose smoothing the near-term benchmark schedule by linearly reducing by 1.25 percent annually from a 5 percent reduction in 2018 to the 20 percent value in 2030.

**Table 1: Proposed LCFS Schedule for Percentage Reduction in CI**

| 2019 | 2020 | 2021 | 2022  | 2023  | 2024  | 2025  | 2026  | 2027  | 2028  | 2029  | 2030  |
|------|------|------|-------|-------|-------|-------|-------|-------|-------|-------|-------|
| 6.25 | 7.50 | 8.75 | 10.00 | 11.25 | 12.50 | 13.75 | 15.00 | 16.25 | 17.50 | 18.75 | 20.00 |

Changes to Fuels Subject to the Regulation

Staff is proposing amendments that would broaden the list of fuels subject to the LCFS regulation and alter the opt-in and/or exempt status of particular fuels. The major potential changes include:

- **The addition of alternative jet fuels (AJF) as opt-in credit-generating fuels:** Including AJF in the LCFS may result in several benefits. First, incorporating AJF would clearly signal California’s interest in addressing a significant and growing source of GHG emissions. Currently, GHG emissions from aviation contribute to

approximately two percent of the total global emissions and are expected to grow. Second, because AJF and renewable diesel (RD) are often produced in the same facility using the same feedstock, inclusion of AJF may lead to increased investment in facilities, thereby increasing the production of both alternative fuels. The airline industry is developing a strong record for partnering with alternative fuel producers through direct investment and off-take agreements.

- **Removing the opt-in status for fossil compressed natural gas (CNG), hydrogen, and**

**the exemption for propane:** In the current regulation, hydrogen and CNG from fossil natural gas are opt-in fuels because they are presumed to have a CI that meets the benchmarks in every year. Staff is proposing more ambitious CI benchmarks; however, staff anticipates some pathways for these fuels will have a CI that exceeds the benchmarks and become deficit-generating fuels. Liquefied petroleum gas (LPG or “propane”), including renewable propane, is exempt from the current regulation, meaning its use as a transportation fuel generates neither credits nor deficits. Staff is also proposing to include this fuel in the LCFS.

- **Allowing alternative fuels used in military vehicles to opt in:** The LCFS currently exempts all fuels supplied for use in military tactical vehicles and support equipment from both credit and deficit generation. Producers of renewable fuels used in these applications have expressed concern that this provision reduces their incentives to sell low-carbon fuels to the military. These producers have requested opt-in status for the alternative fuels sold for use in these military applications. Staff is supportive of this approach because it simplifies the decision-making framework created by the LCFS for low-carbon fuel producers.

#### Carbon Capture and Sequestration Quantification and Permanence Protocol

Carbon Capture and Sequestration (CCS) is a potentially significant technology for reducing CO<sub>2</sub> emissions from large stationary sources. In light of California’s mid- and long-term climate goals, CCS is likely to grow in importance. In the 2015 LCFS rulemaking, CARB clarified that CCS projects would be eligible to produce LCFS credits upon the adoption of a Board-approved quantification methodology (QM) and relevant regulatory requirements that ensure sequestration permanence. The proposed amendments in this rulemaking include a fully developed CCS protocol that describes a detailed QM and crediting requirements designed to ensure sequestration permanence.

#### Promote Zero Emission Vehicle Infrastructure through Renewable Electricity to ZEVs

Staff is proposing amendments that add flexibility for accounting for renewable/low-CI electricity used in zero emission vehicle (ZEV) applications, such as electric vehicle charging and hydrogen production via electrolysis. Electricity is the primary — if not the sole — factor in determining the CI of these fuel pathways and the combination of renewable electricity and ZEVs offers significant opportunity for CI reductions.

However, we have seen very little interest in such pathways under the current rule. Staff believes that the lack of fuel pathways that combine zero carbon electricity and ZEV fueling technology is due to the small geographic footprint of ZEV infrastructure — which is often located in dense urban areas — making it difficult to co-locate renewable power generation with fueling stations.

To address this issue, staff proposes to allow renewable power generated in the same balancing authority as the ZEV load to be used in EV charging and H<sub>2</sub> production.

Staff’s goal is to incent the installation of additional low carbon electricity supply coupled with additional ZEV fueling infrastructure. Staff modelled these amendments off the existing flexibility for renewable natural gas used in natural gas vehicles — the main other alternative fuel that requires new fueling infrastructure.

Additionally, staff is proposing an option to recognize and reward the GHG benefits of shifting EV charging and electrolytic hydrogen load to the periods of time when intermittent renewable electricity might otherwise be wasted (curtailed). These amendments would allow the LCFS to increase its effectiveness as a tool for promoting the integration of renewable power and ZEV-related load and help make these vehicles truly “zero emission” on a life cycle basis.

These amendments are intended to promote the expansion of zero-emission vehicle infrastructure through the Low-Carbon Fuel Standard Program as directed by Executive Order B-48-18.

#### Improve Crediting for Innovative Actions at Conventional Fuel Refineries

The 2015 LCFS rulemaking introduced a pilot program for crediting conventional petroleum refineries for GHG reduction projects performed within the boundary of the refinery. The current Refinery Investment Credit Pilot Program (RICPP) allows refineries to generate credits for projects that reduce refinery greenhouse gas (GHG) emissions by at least 0.1 grams carbon dioxide equivalent per mega joule (gCO<sub>2</sub>e/MJ), calculated based on pre- and post-project GHG emissions at the refinery level. To date the LCFS program has not issued any credits under this provision, in part due to the uncertainty of the eligibility threshold and credit calculation using the refinery’s entire emissions, which fluctuate due to confounding factors beyond the impacts of the project in question.

Staff is proposing to make changes to the RICPP with the goals of: (1) focusing the provision on innovative changes at refineries, (2) simplifying the eligibility threshold and credit calculation method by focusing on

project-level rather than refinery-wide emission changes.<sup>2</sup> Examples of innovative projects that would be eligible under the proposed amendments include carbon capture and sequestration, the use of renewable electricity, fossil fuel substitution by renewable fuels for process energy, and electrification.

Focusing this provision on innovative technologies would align it with the more successful provision for crediting production of crude using innovative methods and the overall technology-advancement goals at the core of the LCFS.

Relative to the current provision, these amendments would clearly signal the types of technological changes CARB would like to see the conventional petroleum refineries adopt. Simultaneously it would make the eligibility threshold more achievable, easier to estimate, and equitable to all refineries.

#### Addition of Third-party Verification

A successful GHG reduction program requires a system to monitor, report, and verify GHG emissions to support implementation and tracking of the effectiveness of emission reduction strategies. To date, the LCFS has relied upon a robust reporting program that includes CARB staff evaluation of fuel CI during the fuel pathway application process and random sampling for the reporting of quarterly fuel quantities per fuel pathway. Staff is now proposing supplementing the work of CARB staff with a verification system that would include independent third parties contracted by entities regulated under the LCFS. Conceptually, LCFS verifiers would perform GHG accounting checks in a role similar to the independent, objective evaluations of organizations' financial reports by financial auditors.

#### Pathway Application and CI Determination

Staff is proposing changes to the CI pathway application and certification process to better integrate with the system for third-party verification discussed above. Staff expects these changes would reduce application preparation time by the applicant as well as evaluation and processing time by the Board's staff. Our goal is to enhance transparency and simplicity of CI calculations while ensuring accuracy of raw data inputs and basic pathway information through independent third-party verification.

<sup>2</sup> Staff is proposing a new eligibility threshold whereby the GHG reduction in project lifecycle emissions would need to be at least one percent of the pre-project on-site refinery level GHG emissions.

#### Adjust ADF Biodiesel In-Use NOx Mitigation Sunset to Ensure Long Term NOx Mitigation

On July 15, 2013, the State of California Court of Appeal, Fifth Appellate District (Court) issued an opinion in *POET, LLC v. California Air Resources Board* (2013) 218 Cal.App.4th 681. The Court held that CARB needed to remedy California Environmental Quality Act (CEQA) and Administrative Procedure Act (APA) issues relating to the adoption of the original LCFS, including concerns about CARB's analysis of the environmental impacts of biodiesel.

CARB readopted the LCFS in 2015 to address the Court's concerns. At the same hearing, the Board also adopted the ADF regulation. The ADF regulation imposed restrictions to prevent certain biodiesels, which LCFS might incent, from causing any significant new NOx emissions. A 2017 Court of Appeal opinion concluded that CARB, in the 2015 re-adoption, had failed to adequately analyze potential NOx impacts that may have been caused by increased use of biodiesel driven by the LCFS. On October 18, 2017, the Superior Court issued a writ of mandate pursuant to the direction of the Court of Appeal.

In response to this writ of mandate, CARB set aside the portions of the 2015 LCFS environmental analysis addressing NOx emissions from biodiesel on November 17, 2017, and has developed a supplemental environmental analysis to the 2015 Environmental Analysis to more comprehensively address potential LCFS-driven biodiesel NOx emissions impacts. A draft of that supplemental analysis is included as Appendix G to the ISOR.

Based on this updated analysis, staff proposes to add an additional requirement to the sunset provision of the ADF regulation such that the ADF sunset would not occur for biodiesel until the hours of operation of off-road New Technology Diesel Engines (NTDEs) are 90 percent of the total hours of operation of off-road diesel engines. This is in addition to the current provision requiring 90 percent of vehicle miles travelled by on-road heavy duty diesel vehicles to be from on-road heavy duty NTDEs.

#### Summary of Proposed Amendments

Table 2 provides a summary of the proposed changes to the regulation. Staff began conceptually discussing many of these items during an informal public process initiated in March of 2016, hosting 22 workshops and fuel-specific working meetings through December of 2017.

**Table 2: Summary of Proposed Regulatory Amendments to the LCFS Regulation**

| Topic  | Proposed Regulatory Updates  |
|--|--|
| <b>General</b>   | <ul style="list-style-type: none"> <li>• Definition updates and additions, as needed</li> <li>• Improve consistency and clarity in referring to specific entities affected by the regulation and the types of data reports</li> <li>• Ensure accuracy and support better accounting through addition of recordkeeping and reporting requirements</li> <li>• Minor updates for typographical errors, clarifications, and organization of the rule, that do not materially affect requirements</li> </ul>  |
| <b>Compliance, Program Targets &amp; Credit Generation</b> | <ul style="list-style-type: none"> <li>• Strengthen the targets through 2030: revise benchmarks for gasoline, diesel, and jet fuel substitutes from 2019 to 2030</li> <li>• Add new credit generating fuels and vehicle categories to incent further reductions, including alternative jet fuels</li> <li>• Adopt accounting and permanence protocols to enable credit generation for carbon capture and sequestration projects</li> <li>• Establish a Buffer Account to mitigate risk of credit invalidation</li> <li>• Shift credit generation to the end of each quarter and require business partner reconciliation in order to limit the scope of verification</li> </ul> |
| <b>Entities and Eligibility</b>                            | <ul style="list-style-type: none"> <li>• Enable trading exchanges to participate in the LCFS market to facilitate investment in new credit-generating projects and alternative fuels production</li> <li>• Enable account holders to designate a representative to manage fuel transactions reporting and credit transfers</li> <li>• Modify eligibility to provide flexibility while further clarifying the responsibilities of program participants</li> </ul>   |

|   |  |
|---|--|
| <p><b>Fuel Pathways Applications and CI Determination</b></p> | <ul style="list-style-type: none"> <li>• Integrate third-party validation step into the certification process</li> <li>• Update LCA modeling tools and eliminate need for most producers to have familiarity with the CA-GREET model</li> <li>• Add new Lookup Table pathways, allow for updates to electricity pathways</li> <li>• Expand flexibility to recognize GHG benefits of low-CI electricity coupled with ZEV fueling infrastructure</li> <li>• Add ongoing responsibilities for submittal of Fuel Pathway Reports to ensure CI conformance</li> <li>• Extend the time period over which conformance with a certified CI score is evaluated</li> <li>• Add a process for innovative pathways to be evaluated before operation commencement</li> <li>• Reorganize text to improve readability</li> </ul>              |
| <p><b>Fuel Transactions Reporting and Data Management</b></p> | <ul style="list-style-type: none"> <li>• Limit period of time that fuel can be transferred with credits/deficits attached</li> <li>• Add Verification Portal to the data management system for verifiers to have access to relevant applicant information</li> <li>• Require Fueling Supply Equipment registration for some fuels to avoid potential double counting of transactions reported at a distributed level</li> <li>• Further clarify requirements for reporting fuel exports</li> </ul>   |
| <p><b>Petroleum and Project-based Credits</b></p>             | <ul style="list-style-type: none"> <li>• Update Crude Oil Lookup Table</li> <li>• Improve accounting mechanisms for refinery hydrogen and investment credit pilot projects</li> <li>• Expand steam quality ranges for solar steam to improve accuracy of innovative crude crediting provisions</li> </ul>  |
| <p><b>Verification Program</b></p>                            | <ul style="list-style-type: none"> <li>• Change reporting responsibilities for fuel transactions, CI data, and projects to integrate a system for verification by accredited third-parties and the Board's staff</li> <li>• Identify entities responsible for reporting and recordkeeping to enable verification</li> <li>• Establish requirements for verification process, including: frequency and deadlines for verification; verification body selection and rotation requirements; requirements for site visits, sampling plans, data checks, assessing conformance and material misstatement, and completion of verification services.</li> <li>• Establish accreditation requirements for third parties providing verification services</li> <li>• Require demonstration to CARB of no conflict of interest</li> </ul> |

CARB anticipates that the proposed amendments would have the following general benefits to California businesses and individuals:

- **Reduced GHG emissions.** The LCFS is specifically designed to reduce GHG emissions in the transportation sector, which is responsible for

nearly half of GHG emissions in California. This would contribute to California's efforts to address climate change. Cumulatively, from 2019 through 2030, staff expects the proposed amendments to achieve 70 MMT CO<sub>2e</sub> additional GHG



reductions beyond a business-as-usual scenario in which the current regulation is not amended.

- **Increased use of lower CI alternative fuels** and alternative fueled vehicles including biodiesel, renewable diesel, renewable jet fuel, low NOx natural gas trucks, and electric and hydrogen zero emission vehicles. In addition to reducing GHG emissions, these fuels often lower levels of localized air pollutants, which are the cause of many deleterious health effects on California residents. As modeled, the proposed amendments would reduce total statewide PM<sub>2.5</sub> and NOx emissions in each year from 2019 through 2030, resulting in health benefits for individuals in California of approximately 100 avoided premature deaths as compared to the business-as-usual scenario.
- **Greater opportunities for California businesses to invest** in the production of alternative fuels and other credit-generating opportunities at oil fields and refineries.
- **Reduced dependence on fossil fuel and crude oil imports** and diversification of the transportation fuel pool, which may decrease the exposure of California to large swings in energy prices due to external economic shocks.

Some of these benefits are beyond the scope of staff's analysis in this rulemaking, but some studies suggest they are significant.<sup>3,4,5,6,7</sup>

#### **Comparable Federal Regulations:**

There are no current federal regulations comparable to the proposed regulation. The United States Environmental Protection Agency (U.S. EPA) has adopted Renewable Fuel Standard (RFS) regulations, 40 CFR §80.1400 et seq., that mandate the blending of specific volumes of renewable fuels into gasoline and diesel sold in the U.S. to achieve a specified ratio for each year (i.e., the renewable fuel standard). As defined, "renewable fuels" under the RFS superficially resembles the

list of transportation fuels subject to the LCFS.<sup>8</sup> However, there are a number of reasons why the RFS is not comparable to the LCFS.

Congress adopted a renewable fuel standard in 2005 and strengthened it in December 2007 as part of the Energy Independence and Security Act. The RFS requires that 36 billion gallons of biofuels be sold annually by 2022, of which 21 billion gallons must be "advanced" biofuels and the other 15 billion gallons can be corn ethanol. The advanced biofuels are those that achieve at least 50 percent reduction from baseline lifecycle GHG emissions, with a subcategory required to meet a 60 percent reduction target. These reduction targets are based on lifecycle emissions, including emissions from land use changes.

The RFS volumetric mandate alone will not achieve the objectives of the LCFS. The RFS targets only biofuels and not other alternatives; therefore, the potential value of electricity, hydrogen, and natural gas are not considered in an overall program to reduce the carbon intensity of transportation fuels. In addition, the targets of 50 percent and 60 percent GHG reductions only establish minimum requirements for biofuels, without incentivizing continuous improvements. Instead, the RFS assigns biofuels into four categories, without incentivizing innovations within any category. Finally, it does not apply to certain corn ethanol production plants, thus providing no incentive for reducing the carbon intensity from their fuels.

By contrast, the LCFS regulates all transportation fuels, including biofuels and non-biofuels, with a few narrow and specific exceptions. Thus, non-biofuels such as compressed natural gas, electricity, and hydrogen may play important roles in the LCFS program. In addition, the LCFS encourages much greater innovation than the federal program by providing important incentives to continuously improve the carbon intensity of biofuels and to deploy other fuels with very low carbon intensities.

<sup>3</sup> California Energy Commission, Petroleum Market Advisory Committee, September 2017, [http://docketpublic.energy.ca.gov/PublicDocuments/15-PMAC-01/TN221306\\_20170925T092536\\_Petroleum\\_Market\\_Advisory\\_Committee\\_Final\\_Report.pdf](http://docketpublic.energy.ca.gov/PublicDocuments/15-PMAC-01/TN221306_20170925T092536_Petroleum_Market_Advisory_Committee_Final_Report.pdf).

<sup>4</sup> National Research Council, Transitions to Alternative Vehicles and Fuels. (2013) National Academy of Sciences. [http://www.nap.edu/catalog.php?record\\_id=18264](http://www.nap.edu/catalog.php?record_id=18264).

<sup>5</sup> Fine, J., et al. The upside hedge value of California's global warming policy given uncertain future oil prices. Energy Policy (2012) doi 10.1016/j.enpol.2012.01.010.

<sup>6</sup> Greene, D.L., Roderick, S.L., Hopson, J.L. OPEC and the Costs to the U.S. Economy of Oil Dependence: 1970–2010 (2013) Howard H. Baker Jr. Center for Public Policy.

<sup>7</sup> Greene, D.L., Tishchishyna, N.I. Costs of Oil Dependence: A 2010 Update. (2000) Oak Ridge National Laboratory.

<sup>8</sup>40 CFR §80.1101(d)(1) and (2) provide the following definitions:

"(1) Renewable fuel is any motor vehicle fuel that is used to replace or reduce the quantity of fossil fuel present in a fuel mixture used to fuel a motor vehicle, and is produced from any of the following: (i) Grain; (ii) Starch; (iii) Oilseeds; (iv) Vegetable, animal, or fish materials including fats, greases, and oils; (v) Sugar-cane; (vi) Sugar beets; (vii) Sugar components; (viii) Tobacco; (ix) Potatoes; (x) Other biomass; (xi) Natural gas produced from a biogas source, including a landfill, sewage waste treatment plant, feedlot, or other place where there is decaying organic material.

(2) The term 'Renewable fuel' includes cellulosic biomass ethanol, waste derived ethanol, biodiesel (mono-alkyl ester), non-ester renewable diesel, and blending components derived from renewable fuel."

If California were to rely solely on the RFS (i.e., the “No LCFS” alternative), the State would neither achieve the fuel carbon intensity goals, nor stimulate the innovation needed to support future dramatic GHG reductions from the transportation sector.

Because of these differences, the federal RFS regulatory program is complementary but not comparable to the LCFS.

**An Evaluation of Inconsistency or Incompatibility with Existing State Regulations (Gov. Code, § 11346.5, subd. (a)(3)(D)):**

During the process of developing the proposed regulatory action, CARB conducted a search of any similar regulations on this topic and concluded these regulations are neither inconsistent nor incompatible with existing state regulations.

**DISCLOSURES REGARDING THE PROPOSED REGULATION**

The determinations of the Board’s Executive Officer concerning the costs or savings incurred by public agencies and private persons and businesses in reasonable compliance with the proposed regulatory action are presented below.

**Fiscal Impact/Local Mandate Determination Regarding the Proposed Action (Gov. Code, § 11346.5, subs. (a)(5)&(6)):**

Under Government Code sections 11346.5, subdivision (a)(5) and 11346.5, subdivision (a)(6), the Executive Officer has determined that the proposed regulatory action would not create costs or savings in federal funding to the State, nor impose any mandate to the State, nor any local agency or school district, whether or not reimbursable by the State under Government Code, title 2, division 4, part 7 (commencing with section 17500), or other nondiscretionary cost or savings to State or local agencies.

The proposed amendments could affect State and local governments’ finances through changes in taxes collected from fuel sales, changes in fuel expenditures for governments’ fleets, cost-savings from reduced health impacts and changes of revenues from the sale of LCFS credits generated by local governments.

The proposed LCFS amendments are expected to lead to overall increases in the tax revenues generated from fuel sales for both the State and local governments, mainly due to higher gasoline and diesel prices resulting from the proposed amendments.

However in 2019 to 2022, tax revenues from fuel sales are expected to decrease due to lower gasoline and diesel prices relative to business-as-usual, which result from the smoothing of the CI schedule in this period. Overall, from 2019 to 2030, the proposed amendments

are expected to increase State and local governments’ tax revenues by \$377 million and \$512 million, respectively.

The change in fuel prices could also affect State and local governments’ finances by changing the fuel expenditures of State and local fleets. By 2030, it is expected that the State fleet fuel expenditure could increase by \$8 million and the local governments’ fleet fuel expenditure could increase by \$37 million.

The proposed amendments are also expected to result in health benefits due to improved air quality. These health benefits are expected to lead to cost-savings due to decreased hospital and emergency room visits, and reduced sick days for state and local government employees.

The proposed amendments are also expected to increase the revenues generated by local governments from the sale of LCFS credits generated primarily from the use of low-CI fuels in public transit systems. The proposed amendments are expected to increase local governments’ revenues from the sale of LCFS credits by \$802 million from 2019 to 2030. However, some of the increased revenues from selling LCFS credits may be used to purchase more expensive low-CI fuels or as an investment in fueling infrastructure or equipment to utilize these low-CI fuels.

**Housing Costs (Gov. Code, § 11346.5, subd. (a)(12)):**

The Executive Officer has also made the initial determination that the proposed regulatory action will not have a significant effect on housing costs.

**Significant Statewide Adverse Economic Impact Directly Affecting Business, Including Ability to Compete (Gov. Code, §§ 11346.3, subd. (a), 11346.5, subd. (a)(7), 11346.5, subd. (a)(8)):**

The Executive Officer has made an initial determination that the proposed regulatory action would not have a significant statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states, or on representative private persons.

**Results of The Economic Impact Analysis/Assessment (Gov. Code, § 11346.5, subd. (a)(10)):**

**MAJOR REGULATION: Statement of the Results of the Standardized Regulatory Impact Analysis (SRIA)(Gov. Code, § 11346.3, subd. (c)):**

In November 2017, CARB submitted a Standardized Regulatory Impact Assessment to the Department of Finance (DOF) for their review. To determine the economic impacts of the regulation, CARB modeled the impact of the LCFS proposed amendments on the California economy. The economic impacts have minor negative net impacts on macroeconomic indicators. The economic modeling results show that the low-carbon fuel producing sectors of the economy gain

from implementing the proposed amendments at the expense of high carbon fuel producing sectors.

CARB has revised the SRIA based on modifications included in the proposed regulatory action since the original SRIA submittal, and to address DOF comments. The revised SRIA is included as Appendix E of the Initial Statement of Reasons (ISOR or Staff Report). The results of the updated macroeconomic modeling are not significantly different from the original SRIA submitted to the DOF.

(A) The creation or elimination of jobs within the state.

The proposed amendments are anticipated to result in growth in total employment from 2019 through 2024 as demand increases for the services of secondary industries such as construction and expansion of low-carbon fuel production facilities and third-party verification services. Slowing of employment growth, relative to the baseline, begins in 2027 as the employment benefits of the proposed amendments are offset by the employment impacts on conventional high carbon fuel producers (and the employers that use these fossil fuels) and as the CI reduction targets become more ambitious through 2030.

(B) The creation of new businesses or the elimination of existing businesses within the state.

The proposed amendments are expected to provide substantial incentive to low-CI fuel producers, spurring existing businesses to grow and new businesses to be created to meet the expanding demand for these fuels. While the proposed amendments do not guarantee the creation of in-state jobs, as the LCFS is neutral to the location of production, many California businesses currently produce low-CI fuels that are incentivized by the LCFS, and as the demand for these fuels increases it is likely that the number of businesses in California that produce low-CI fuels will increase.

(C) The competitive advantages or disadvantages for businesses currently doing business within the state.

The proposed amendments are designed to increase the competitiveness of low-CI fuels in California; therefore, California businesses that produce low-CI fuels may become more competitive. Petroleum fuel producers, however, may be negatively impacted by the proposed amendments.

California sectors that rely heavily on transportation fuel may also face higher prices, resulting in a competitive disadvantage relative to out of state entities that are not subject to the LCFS. However, due to the 2015 Paris Agreement reached by the Conference of Parties in Paris, which is aimed at keeping the global temperature

rise below 2°C, CARB expects signatories (which include all of the U.S.'s trading partners) to take action to reduce GHG emissions. As these policies come online, businesses outside of the state will begin to face similar carbon costs in order to reduce GHGs, reducing the relative impact of the proposed amendments on California businesses.

Low-carbon fuel mandates similar to California's LCFS have been adopted by the U.S. EPA and by other jurisdictions including Oregon, British Columbia, the European Union, and the United Kingdom. Canada has also proposed a Federal Clean Fuel Standard to help achieve its 2030 GHG target.

(D) The increase or decrease of investment in the state.

The proposed amendments would likely have small impacts on private investment growth, resulting in less than a one percent change in private investment growth relative to the baseline. The modeling results suggest a slight increase of investment growth from 2019 through 2024, likely driven by increased demand in secondary industries and from credit revenue generated in early years. This is followed by a slight slowing of investment growth from 2026 through 2030, likely driven by increases in fuel prices as deficit generation occurs across conventional fuel producing industries.

(E) The incentives for innovation in products, materials, or processes.

The proposed amendments would lead to an overall higher price for LCFS credits relative to the baseline, which would send a signal for research and development, and deployment of innovative technologies and fuels that support California's long-term GHG emissions reduction goals. All fuel producers would have an increased incentive to innovate and deploy new methods that reduce the CI of their fuels. The proposed amendments would additionally provide long-term policy certainty, which is essential for low-CI fuel producers to make investments in long-term capital projects and research and development. Additionally, the proposed amendments include a protocol that would facilitate LCFS crediting for CCS projects, a technology area with a high potential for innovation and development.

(F) The benefits of the regulations, including, but not limited to, benefits to the health, safety, and welfare of California residents, worker safety, and the state's environment and quality of life, among any other benefits identified by the agency.

CARB anticipates that the proposed amendments would have the following general benefits to California businesses and individuals:

- Reduced GHG emissions. The LCFS is specifically designed to reduce GHG emissions in the transportation sector, which is responsible for nearly half of GHG emissions in California. This would contribute to California’s efforts to achieve its mid- and long-term climate goals. By incentivizing the development and adoption of innovative low-carbon fuels, the more aggressive targets would facilitate greater reductions in the future. Cumulatively from 2019 through 2030, the proposed amendments provide an additional 117 MMT emission reductions as compared to the current conditions baseline and an additional 70 MMT emission reductions as compared to the business-as-usual scenario.
- Reduced criteria pollutant and toxic air contaminant emissions. Increased use of lower CI alternative fuels and alternative fueled vehicles including biodiesel, renewable diesel, renewable jet fuel, low NOx natural gas trucks, and electric and hydrogen zero emission vehicles. In addition to reducing GHG emissions, this may lower levels of localized air pollutants, which are the cause of many deleterious health effects on California residents.
- Greater opportunities for California businesses to invest in the production of alternative fuels and other credit-generating opportunities at oil fields and refineries. The proposed amendments would increase the demand for low-carbon fuels, which provides an opportunity for businesses both in-state and out-of-state, to increase revenue from the sale of low-carbon fuels in California. The proposed amendments may also lead to a higher long-run price for LCFS credits relative to business-as-usual, which would signal for research and development, and deployment of innovative technologies and fuels that support California’s long-term GHG emissions reduction goals.
- Reduced dependence on fossil fuels. The LCFS increases the cost of fossil fuels relative to low-carbon fuel options, such as electric vehicles, renewable diesel, and biomethane. As low-carbon, non-conventional fuels become lower-cost fuel options, demand for fossil fuels would be reduced.

(G) Department of Finance Comments and Responses.

**1. DOF Comment:** The SRIA baseline incorrectly assumes the continuation of certain policies through 2030 rather than requirements established in statute or regulation, which leads to an underestimate of the cost of complying with the

proposed regulation. In particular, federal renewable fuel subsidies are currently worth around 1.5 billion annually. Costs would be higher if they are not assumed to continue through 2030. Federal fuel economy standards are also assumed to be held constant past 2025. These assumptions support the 35% reduction in transportation fuel demand in the baseline, which would be an overestimate of the reduction under current policies.

**Federal Renewable Fuel Standard:** The federal renewable fuel standard does not expire or sunset in 2022. Instead, U.S. EPA has authority to set volume requirements after 2022 in coordination with the Secretary of Energy and the Secretary of Agriculture. In any given year, U.S. EPA may waive the existing federal volume obligations defined in statute through 2022, based on a determination that the statutory volume obligation poses substantial economic risk, or if the supply of renewable fuel is inadequate to comply with the standard. The U.S. EPA has used this waiver authority, and since 2014 RFS volumes have substantially deviated from the statutory volumes. In this way, in practice the statutorily defined volumes have become more similar to guidance for maximum renewable obligations than a mandatory minimum. For volumes after 2022, it is uncertain whether the renewable fuel standard will increase or decrease in stringency.

Given the cost and time it takes to invest in the necessary infrastructure to bring renewable fuels to market, it is unlikely that there will be a sudden downward shift in fuel volume requirements after 2022 due to the likelihood of stranded assets including ethanol and biodiesel production facilities and blending terminals, and the political constituencies such as the agriculture industry that would be put at risk. A multi-year stakeholder process beyond what is legally required to revise volume obligations would therefore be more likely, ultimately resulting in a gradual shift in the standard. However, if additional low-carbon renewable technologies manifest in the interim that make compliance with the standard more amenable, it is possible that the standard may be strengthened or expanded to better capture these considerations (e.g., the standard could expand to better account for possible electric vehicle pathways).

Even in the event that no volume obligations are set after 2022, there will still be existing renewable fuel assets that can provide fuel production volumes at substantially lower marginal cost than the cost of building new fuel production facilities or infrastructure to support low-carbon fuel pathways including that required to support zero emission vehicles. Reducing the federal fuel volume targets after 2022 would result in decreased domestic demand for renewable fuel, and therefore the remaining fuel production would shift to volumes pro-

duced at lower marginal cost. It is therefore possible that the incentive provided by the proposed LCFS amendments would motivate sufficient volumes of low-carbon fuel to be produced and enter into the California market without needing strong federal renewable fuel volume requirements. Additionally, there are some fuels that would be more likely to come to California in the event that the RFS volume obligations disappear, such as landfill gas, which is eligible for credit generation under the LCFS for fuel pathways like refinery investment projects that are not currently credited under the RFS. Therefore, landfill gas could be more likely to enter California where it could receive LCFS credit, relative to current conditions under which use in vehicle fleets outside of California currently receives considerable credit under the RFS.

Because there is great uncertainty with how the Renewable Fuel Standard may change after 2022, and the additional uncertainty in how this would impact California fuel supply, staff does not believe there is a more supportable assumption post-2022. The costs and supply variability provided across scenarios yields estimates and ranges that can account for the uncertainty in the post-2022 RFS.

**CAFE Standards:** The fuel demand model used in the main scenario assumes that the CAFE standards are held constant after 2025. It is possible that the standard may be revised downward, or that backsliding may occur. It is also possible that personal mobility trends in California will not shift, and that per capita reductions in Vehicle Miles Traveled will not occur. To account for these uncertainties, CARB has proposed a High Light-Duty Vehicle Demand Sensitivity in Appendix H of the SRIA. In this high-demand scenario, CARB assumed that light duty vehicle (LDV) fuel demand will decline 15 percent by 2030 (from 2016 levels). As per DOF's comments, CARB has updated scenarios to better reflect the demand forecast from the California Energy

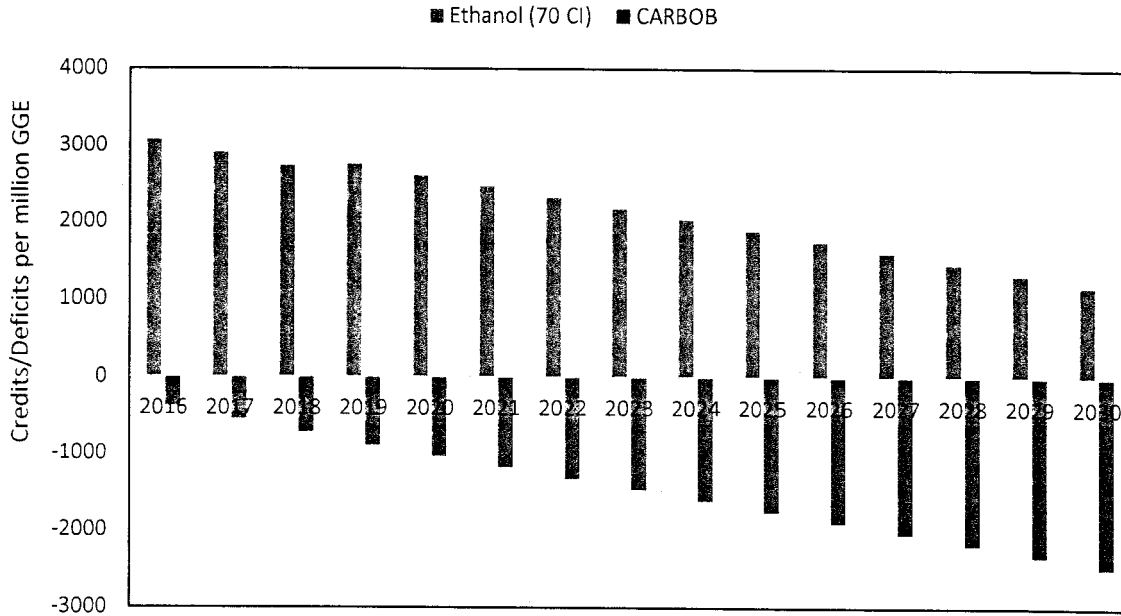
Commission (CEC), which includes an 11 percent reduction in gasoline from 2016 levels by 2030, and a 2 percent increase in diesel from 2016 levels by 2030.

This higher LDV fuel demand in the CEC-demand scenario would lead to higher deficit generation, and therefore higher demand for credits to comply with the LCFS. In the later years, additional deficits that are generated could be offset by using additional renewable diesel and alternative jet fuel, the lowest marginal cost fuels. Additional supply of these fuels is likely to be available at credit prices between \$150 and \$175, which should be sufficient to offset any deficits that occur in the CEC-demand scenario.

**2. DOF Comment:** The SRIA must explain how carbon intensity connects with supply and demand of alternative fuels, and how those quantities connect with credits. Currently, the discussion jumps from carbon intensity measured in percentage reduction from a 2010 baseline to alternative fuel volumes to credits generated to prices of credits. The reader must be able to account for the impacts of carbon intensity from the mechanisms of supply and demand described in the SRIA.

Each year the Average Fuel Carbon Intensity required by the LCFS for fuel used in California changes. This change results in greater deficits being generated by conventional higher CI fuels (gasoline and diesel), and fewer credits being generated by low-carbon fuels. Figure 1 shows how LCFS credit and deficit generation changes for one gallon of gasoline equivalent of ethanol and CARBOB over time at constant increases in carbon intensity reductions eventually reaching a 20-percent-reduction target in 2030.

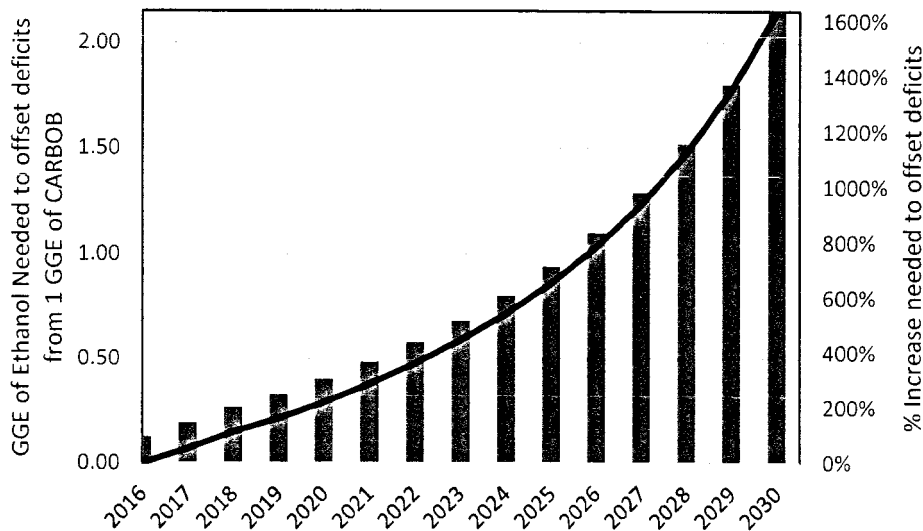
**Figure 1.** Credits generated for 1 million GGE (gasoline gallons equivalent) of Ethanol and deficits generated for 1 million GGE of CARBOB over time for a 20 percent-CI-reduction target in 2030.



As shown in Figure 1, if a single low-carbon fuel is used to decarbonize the transportation system, an ever-increasing volume of that fuel would be necessary over time to cover the increasing number of deficits being generated. Due to the flexibility of the program, compliance may be met by increasing low CI fuel volumes, decreasing carbon intensity through process improvements, or substituting lower CI fuels. Figure 2 shows

what could happen to volumes and relative costs in the event that no process improvements or fuel substitutions are made.

**Figure 2.** Quantity of ethanol (70 gCO<sub>2</sub>e/MJ) needed to offset deficits from 1 GGE of CARBOB (which changes from 99.78 to 101.43 gCO<sub>2</sub>e/MJ in 2019) over time due to an escalating Carbon Intensity reduction requirement.



As seen in Figure 2, if no other alternative fuels existed, and if it was not possible to improve the process for ethanol production, you would need 17 times the quantity of ethanol in 2016 to offset 1 GGE of CARBOB in 2030. At some point, however, the cost of bringing in additional volume exceeds the cost of decreasing the carbon intensity of that fuel, or of switching to an alternative low-carbon fuel. In this way, the LCFS credit

price and the related supply of any alternative fuel is set by the least cost option for compliance.

Because there is considerable uncertainty related to: 1) the level of decarbonization that is possible with existing low-carbon fuel supplies, 2) the cost of producing additional volume of existing fuel supplies, and 3) the cost of bringing new fuels to the California market, it is difficult to ascertain the cost of compliance and the

likely fuel supply for a given year. To better piece this out, CARB has used techno-economic models, which look at the supply curves for a variety of different technology pathways, and build supply projections based on the lowest-cost option for generating additional credits under the program. This allows total fuel supply to translate to LCFS credit prices, which can be used to assess the cost of compliance with the standard.

For any regulated party, compliance with the LCFS will be based on decisions to procure new low-carbon fuel volumes, to procure credits from the market, or to reduce the amount of fuel that is sold with a carbon intensity above the standard. For instance, for a regulated party selling 1 million gallons of CARBOB, there would be a deficit burden of 745 deficits in 2018 (CARBOB has a CI of 99.78 gCO<sub>2e</sub>/MJ, and the standard in 2018 is 93.55 gCO<sub>2e</sub>/MJ). At blend levels of 10 percent ethanol by volume, this would allow approximately 111 thousand gallons of ethanol to be blended, which, with a hypothetical carbon intensity of 70 gCO<sub>2e</sub>/MJ, would generate approximately 213 credits in 2018. The remaining 532 deficits could be offset by procuring approximately 72 thousand gallons of renewable diesel at a carbon intensity of 40 gCO<sub>2e</sub>/MJ.

Alternatively, if the lowest-cost option for compliance were to use credits to offset the remaining deficit, 532 credits could be purchased for compliance. At a price of around \$125 per credit, this would add approximately 6 cents per gallon of E10 fuel in 2018. Alternatively, the credits might also be generated to displace the remaining deficits through other fuel pathways, like

electric vehicle charging. Charging approximately 190 electric vehicles that each travel around 11,000 miles per year would likely be sufficient to offset the remaining deficits from 1 million gallons of CARBOB.

**Business Report (Gov. Code, §§ 11346.5, subd. (a)(11); 11346.3, subd. (d)):**

In accordance with Government Code sections 11346.5, subdivisions (a)(11) and 11346.3, subdivision (d), the Executive Officer finds the reporting requirements of the proposed regulatory action which apply to businesses are necessary for the health, safety, and welfare of the people of the State of California.

**Cost Impacts on Representative Private Persons or Businesses (Gov. Code, § 11346.5, subd. (a)(9)):**

In developing this regulatory proposal, CARB staff evaluated the potential economic impacts on representative private persons or businesses.

The proposed amendments are expected to indirectly impact private persons through changes in fuel prices, which would be an ongoing cost or benefit. Therefore, the potential impact of the proposed amendments on private persons depends on how much and what type of transportation fuel those persons use. Assuming that the representative individual in California travels about 12,000 miles annually in a gasoline vehicle, the incurred additional cost due to the proposed amendments will depend on the individual vehicle’s fuel economy. The table below summarizes the estimated annual increase in fuel cost for a typical individual in 2030 based on vehicles with different average fuel economies.

| 25 mpg | 30 mpg | 35 mpg | 40 mpg | 45 mpg | 50 mpg |
|--------|--------|--------|--------|--------|--------|
| \$134  | \$112  | \$96   | \$84   | \$75   | \$67   |

Conversely, individuals who drive an alternative fueled vehicle (e.g. electric vehicle, fuel cell vehicle, natural gas fueled vehicle, etc.) may experience a decrease in fuel cost if the value of LCFS credit for these lower CI fuels is passed on to the consumer.

Businesses involved in the LCFS vary greatly by size, geographic location, and even by industry, and there is no easily defined typical business. However, CARB staff expects the costs of complying with proposed amendments would fall initially on oil refineries, which are anticipated to pass these costs to consumers of high carbon conventional fuels, such as gasoline and diesel. By 2030, it is expected that the typical California refinery would incur an additional cost of \$307 million due to the proposed amendments.

**Effect on Small Business (Cal. Code Regs., tit. 1, § 4, subds. (a) and (b)):**

The Executive Officer has also determined under California Code of Regulations, title 1, section 4, that the proposed regulatory action would affect small businesses.

All small businesses in California that are directly participating in the LCFS are low-CI fuel producers and would benefit from the proposed amendments. The proposed amendments are expected to increase the demand for their products and increase the price of the LCFS credits, resulting in higher revenue for these small businesses. Although the addition of the LCFS verification requirement would likely increase the cost

for some small businesses, the increases in cost due to verification would likely be recovered through the revenues earned by the sale of LCFS credits. Biodiesel producers who are small businesses and incur costs from the proposed amendments to the ADF regulation (e.g. blending biodiesel with renewable diesel or with additives) are expected to either pass those costs on to consumers or, if they are unable to pass costs on, they may receive less benefit from LCFS credits.

The proposed amendments would also indirectly affect small businesses that do not participate in the LCFS. As described above, the proposed LCFS amendments are likely to have an ongoing impact on the price of petroleum-based transportation fuels. This would indirectly affect businesses that use transportation fuels. For example, if a small business has a vehicle fleet that travels 100,000 miles annually and achieves an average fuel economy of 25 miles per gallon, that business would consume 4,000 gallons of petroleum-derived fuel a year. In 2030, the potential cost impact of the petroleum-derived fuel (diesel) is estimated as 18–36 cents/gallon, resulting in a potential cost impact of \$720 to \$1,440. Small businesses using low-carbon fuels, including electricity, hydrogen, natural gas, and blends of low-carbon and petroleum-based fuels, could see reduced costs depending on the flow of the credit value from low-CI fuel producers to consumers.

**Alternatives Statement (Gov. Code, § 11346.5. subd. (a)(13)):**

Before taking final action on the proposed regulatory action, the Board must determine that no reasonable alternative considered by the Board, or that has otherwise been identified and brought to the attention of the Board (which includes during preliminary workshop activities), would be more effective in carrying out the purpose for which the action is proposed, would be as effective and less burdensome to affected private persons than the proposed action, or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provisions of law.

The Executive Officer analyzed two alternatives to the proposed regulation: The first alternative is more aggressive than the proposed amendments and achieves a 25 percent CI reduction in 2030. Similar to the proposed amendments, the compliance trajectory for this alternative is smoothed by linearly reducing the benchmarks between the current 5 percent reduction in 2018 to a 25 percent reduction in 2030. The second alternative achieves an overall CI reduction target of 18 percent by 2030 but does not smooth the compliance trajectory, instead maintaining the current compliance targets through 2022 and then decreasing targets linearly to an 18 percent reduction in 2030.

The first alternative would achieve higher GHG reduction than the proposed amendments but at a significantly higher cost to the California economy and consumers. The cost-effectiveness of this alternative is estimated to be nearly triple that of the proposed amendments.

The second alternative would result in similar GHG reduction to the proposed amendments but at a higher cost to the California economy and consumers. The cost-effectiveness of the second alternative was estimated to be \$174 per MT CO<sub>2</sub>e as compared to \$129 per MT CO<sub>2</sub>e for the proposed amendments.

## ENVIRONMENTAL ANALYSIS

CARB, as the lead agency for the LCFS Amendments, prepared a Draft Environmental Analysis (EA) in accordance with the requirements of its regulatory program certified by the Secretary of Natural Resources. (California Code of Regulation, title 17, sections 60006–60008; California Code of Regulation, title 14, section 15251, subdivision (d).) The Draft EA provides a programmatic environmental analysis of the reasonably foreseeable compliance responses that could result from implementation of the proposed LCFS Amendments.

The resource areas from the California Environmental Quality Act (CEQA) Guidelines Environmental Checklist were used as a framework for a programmatic environmental analysis of the direct and reasonably foreseeable indirect environmental impacts resulting from implementation of the proposed LCFS Amendments. The Draft EA provides an analysis of both the beneficial and adverse impacts and feasible mitigation measures for the reasonably foreseeable compliance responses associated with the recommended amendments.

The Draft EA concluded implementation of these proposed amendments could result in the following short-term and long-term beneficial and adverse impacts: beneficial impacts to energy demand and greenhouse gases; less-than-significant impacts to cultural resources, energy demand, greenhouse gases, hazards and hazardous materials, mineral resources, population employment, and housing, public services, and recreation; and potentially significant and unavoidable adverse impacts to aesthetics, agriculture and forest resources, air quality, biological resources, cultural resources, energy demand, geology and soils, hazards and hazardous materials, hydrology and water quality, land use and planning, mineral resources, noise, transportation/traffic and utilities and service systems. The potentially significant and unavoidable adverse impacts are primarily related to short-term, construction-related activities. This explains why some resource areas are



identified above as having both less-than-significant impacts and potentially significant impacts. Please refer to the Draft EA for further details.

The Draft EA is included as Appendix D to the ISOR and can be obtained from CARB's website at: <http://www.arb.ca.gov/regact/2018/lcsf18/lcsf18.htm>.

### SPECIAL ACCOMMODATION REQUEST

Consistent with California Government Code Section 7296.2, special accommodation or language needs may be provided for any of the following:

- An interpreter to be available at the hearing;
- Documents made available in an alternate format or another language; and
- A disability-related reasonable accommodation.

To request these special accommodations or language needs, please contact the Clerk of the Board at (916) 322-5594 or by facsimile at (916) 322-3928 as soon as possible, but no later than 10 business days before the scheduled Board hearing. TTY/TDD/Speech to Speech users may dial 711 for the California Relay Service.

Consecuente con la sección 7296.2 del Código de Gobierno de California, una acomodación especial o necesidades lingüísticas pueden ser suministradas para cualquiera de los siguientes:

- Un intérprete que esté disponible en la audiencia.
- Documentos disponibles en un formato alterno u otro idioma; y
- Una acomodación razonable relacionados con una incapacidad.

Para solicitar estas comodidades especiales o necesidades de otro idioma, por favor llame a la oficina del Consejo al (916) 322-5594 o envíe un fax a (916) 322-3928 lo más pronto posible, pero no menos de 10 días de trabajo antes del día programado para la audiencia del Consejo. TTY/TDD/Personas que necesiten este servicio pueden marcar el 711 para el Servicio de Re-transmisión de Mensajes de California.

### AGENCY CONTACT PERSONS

Inquiries concerning the substance of the proposed regulatory action may be directed to the agency representative Sam Wade, Branch Chief, Transportation Fuels Branch, Industrial Strategies Division, at (916) 322-8263, or (designated back-up contact) Anthy Alexiades, Air Resources Engineer, Alternative Fuels Section, at (916) 324-0368

### AVAILABILITY OF DOCUMENTS

CARB staff has prepared a Staff Report: Initial Statement of Reasons (ISOR) for the proposed regulatory action, which includes a summary of the economic and environmental impacts of the proposal. The report is entitled: Staff Report: Initial Statement of Reasons for the Proposed Amendments to the Low-carbon fuel Standard and Alternative Diesel Fuels Regulations.

Copies of the ISOR and the full text of the proposed regulatory language, in underline and strikeout format to allow for comparison with the existing regulations, may be accessed on CARB's website listed below, or may be obtained from the Public Information Office, Air Resources Board, 1001 I Street, Visitors and Environmental Services Center, First Floor, Sacramento, California, 95814, beginning on March 6, 2018.

Further, the agency representative to whom nonsubstantive inquiries concerning the proposed administrative action may be directed is Bradley Bechtold, Regulations Coordinator, at (916) 322-6533. The Board staff has compiled a record for this rulemaking action, which includes all the information upon which the proposal is based. This material is available for inspection upon request to the contact persons.

### HEARING PROCEDURES

The public hearing will be conducted in accordance with the California Administrative Procedure Act, Government Code, title 2, division 3, part 1, chapter 3.5 (commencing with section 11340).

Following the public hearing, the Board may vote on a resolution directing the Executive Officer to: make any proposed modified regulatory language that is sufficiently related to the originally proposed text that the public was adequately placed on notice and that the regulatory language as modified could result from the proposed regulatory action, and any additional supporting documents and information, available to the public for a period of at least 15 days; consider written comments submitted during this period; and make any further modifications as may be appropriate in light of the comments received available for further public comment. The Board may also direct the Executive Officer to: evaluate all comments received during the public comment periods, including comments regarding the Draft Environmental Analysis, and prepare written responses to those comments; and present to the Board, at a subsequently scheduled public hearing, the final proposed regulatory language, staff's written responses to comments on the Draft Environmental Analysis, along with the Final Environmental Analysis for action.

FINAL STATEMENT OF  
REASONS AVAILABILITY

Upon its completion, the Final Statement of Reasons (FSOR) will be available and copies may be requested from the agency contact persons in this notice, or may be accessed on CARB's website listed below.

INTERNET ACCESS

This notice, the ISOR and all subsequent regulatory documents, including the FSOR, when completed, are available on CARB's website for this rulemaking at <http://www.arb.ca.gov/regact/2018/lcfs18/lcfs18.htm>.

**TITLE 16. BOARD OF REGISTERED  
NURSING**

**NOTICE IS HEREBY GIVEN** that the Board of Registered Nursing (hereinafter referred to as "Board") is proposing to take the action described in the Informative Digest. Any person interested may present statements or arguments orally or in writing relevant to the action proposed at a hearing to be held at:

Board of Registered Nursing  
1747 N. Market Blvd.  
Topaz Room (Room #190)  
Sacramento, CA 95834

April 23, 2018  
9:00 a.m.

Written comments, including those sent by mail, facsimile, or e-mail to the addresses listed under Contact Person in this Notice, must be received by the Board at its office not later than 5:00 p.m. on April 23, 2018. The Board, upon its own motion or at the instance of any interested party, may thereafter adopt the proposals substantially as described below or may modify such proposals if such modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified proposal will be available for 15 days prior to its adoption from the person designated in this Notice as contact person and will be mailed to those persons who submit written or oral testimony related to this proposal or who have requested notification of any changes to the proposal.

Authority and Reference: Pursuant to the authority vested by Section 2715 of the Business and Professions Code (Code), and to implement, interpret or make specific Sections 163.5, 2746.53, 2786.5, 2815, 2815.1, 2815.5, 2815.7, 2816, 2830.7, 2831, 2833, 2836.3 and 2838.2 of said Code, the Board is considering changes to Division 14 of Title 16 of the California Code of Regulations as follows:

INFORMATIVE DIGEST/POLICY STATEMENT  
OVERVIEW

Amend Section 1417.

Existing laws authorize the Board to charge fees for initial licensure and certification applications; temporary licenses; interim permits; license and certificate renewals; delinquent renewals; and returned checks. The Board is a self-supporting, special fund agency that generates its revenues from licensing fees. In 1991, the Board set fees at the minimum level of the range established by statute. In 2010, the Board raised its fees for the first time in nearly 20 years in order to support the Board and enhance its enforcement functions. Fee increases are necessary for the preservation of public health and safety, and general welfare of the citizens of California. Without increasing fees, the Board would be forced to shut down all but the most critical operational and enforcement activities. Failure to adequately regulate nurses will lead to public harm as consumers may be treated by individuals who are incompetent or grossly negligent. Funds insolvency will also create a barrier for licensure for those nurses seeking employment. These delays would ultimately reduce the number of nurses in the workforce, and the revenue the Board collects. SB 1039 (2016) added statutory language for the Board in reference to fees. The Board is proposing to increase fees as detailed in the table below. The fee increases apply to renewal of licenses and certificates that expire after the effective date of the regulations, and to all other fees on the effective date of the regulations.

ANTICIPATED BENEFITS OF THE  
PROPOSED REGULATION

The increases in fees are necessary to enable the Board to more effectively protect consumers and effectively support the Board's functions.

| <b>FEES</b>   | <b>EXISTING</b> | <b>PROPOSED</b> |
|---|-----------------|-----------------|
| RN Interim Permit Fee   | \$50            | \$100           |
| Application Fee for Licensure by Examination for a California Graduate from an Approved California School                 | \$150           | \$300           |
| Application Fee for Licensure by Examination from a Graduate in Another State, District or Territory of the United States | \$150           | \$350           |
| Application Fee for Licensure by Examination by an International Graduate   | \$150           | \$750           |
| Application Fee for Repeat Examination  | \$150           | \$250           |
| Temporary License Fee   | \$50            | \$100           |
| Application Fee for Endorsement by a Registered Nurse in Another State, District or Territory of the United States        | \$100           | \$350           |
| Application Fee for Endorsement by an International RN  | \$100           | \$750           |
| Biennial Registered Nurse Renewal Fee**   | \$150           | \$180           |
| + Assessment for RN Education Fund  | \$10            | \$10            |
| RN Delinquent Renewal Fee   | \$75            | \$90            |
| Application Fee for Reinstatement of Lapsed License   | N/A             | \$350           |
| Temporary Nurse Practitioner Certification Fee  | \$50            | \$150           |
| Nurse Practitioner Certification Application Fee  | \$150           | \$500           |
| Biennial Nurse Practitioner Renewal Fee   | N/A             | \$150           |
| Nurse Practitioner Delinquent Renewal Fee   | N/A             | \$75            |
| Application Fee for Certified Nurse Practitioner Furnishing   | \$50            | \$400           |
| Biennial Certified Nurse Practitioner Furnishing Renewal Fee***   | \$30            | \$150           |
| + Assessment for RN Education Fund  | \$12            | \$12            |
| Nurse Practitioner Furnishing Delinquent Renewal Fee  | \$15            | \$75            |
| Temporary Nurse-Midwife Certification Fee   | \$50            | \$150           |
| Nurse-Midwife Certification Application Fee   | \$150           | \$500           |
| Fee for Application for Nurse-Midwife Equivalency Examination*  | \$200           | \$200           |
| Biennial Nurse-Midwife Certification Renewal Fee  | \$100           | \$150           |
| Nurse-Midwife Delinquent Renewal Fee  | \$50            | \$75            |
| Application Fee for Certified Nurse-Midwife Furnishing  | \$50            | \$400           |
| Biennial Certified Nurse-Midwife Furnishing Renewal Fee****   | \$30            | \$150           |
| + Assessment for RN Education Fund  | \$12            | \$12            |
| Certified Nurse-Midwife Furnishing Delinquent Renewal Fee   | \$15            | \$75            |
| Temporary Nurse Anesthetists Certification Fee  | \$50            | \$150           |
| Nurse Anesthetists Certification Application Fee  | \$150           | \$500           |
| Biennial Nurse Anesthetists Certification Renewal Fee   | \$100           | \$150           |

|  |         |          |
|--|---------|----------|
| Nurse Anesthetists Certification Delinquent Renewal Fee  | \$50    | \$75     |
| Temporary Clinical Nurse Specialist Fee  | N/A     | \$30     |
| Clinical Nurse Specialist Application Fee  | \$150   | \$500    |
| Biennial Clinical Nurse Specialist Renewal Fee   | \$100   | \$150    |
| Clinical Nurse Specialist Delinquent Renewal Fee   | \$50    | \$75     |
| Temporary Public Health Nurse Fee  | \$50    | \$150    |
| Public Health Nurse Application Fee  | \$150   | \$500    |
| Biennial Public Health Nurse Renewal Fee   | N/A     | \$125    |
| Psychiatric/Mental Health Nurse Application Fee  | N/A     | \$350    |
| Application Fee for Continuing Education Provider Approval   | \$300   | \$750    |
| Biennial Continuing Education Provider Renewal Fee   | \$300   | \$750    |
| Continuing Education Provider Renewal Delinquent Fee   | \$150   | \$375    |
| Application Fee for an Institution of Higher Education or a Private Postsecondary School of Nursing Approval | \$5,000 | \$40,000 |
| Fee for Continuing Approval of a Nursing Program Established After January 1, 2013                           | \$3,500 | \$15,000 |
| Fee for Authorizing of a Substantive Change to an Approval of a School of Nursing                            | \$500   | \$2,500  |
| Duplicate License Fee*   | \$50    | \$50     |
| Duplicate Wall Certification Fee   | \$30    | \$60     |
| Copy of NCLEX-RN Results   | \$10    | \$60     |
| Certified Copy of a School Transcript*   | \$50    | \$50     |
| Fee for Processing Endorsement Papers to Other States*   | \$100   | \$100    |
| Confirmation of License Certification  | \$2     | \$20     |
| Penalty Fee for Dishonored Check*  | \$30    | \$30     |

\*There were no fee increases for the marked fees. They are included here so that fee amounts in regulation match fee amounts in statute.

\*\*Due to the fee increase, registered nurses will pay \$190 at the time of license renewal. The fee includes a \$10 assessment for the RN Education Fund. The RN renewal fee was set at \$180 in statute effective 1/1/2017 and these regulations are only updating regulation to match statute.

\*\*\*With the proposed fee increase, certified nurse practitioners furnishing will pay \$162 at the time of license renewal. The fee includes a \$12 assessment for the Controlled Utilization Review and Evaluation System Fee.

\*\*\*\*With the proposed fee increase, certified nurse-midwife furnishing will pay \$162 at the time of license renewal. The fee includes a \$12 assessment for the Controlled Utilization Review and Evaluation System Fee.

**DETERMINATION OF  
INCONSISTENCY/INCOMPATIBILITY WITH  
EXISTING REGULATION**

During the process of developing these regulations and amendments, the Board of Registered Nursing has conducted a search of any similar regulations on this topic and has concluded that these regulations are neither inconsistent nor incompatible with existing state regulations.

**FISCAL IMPACT ESTIMATES**

Fiscal Impact on Public Agencies Including Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State: None.

Nondiscretionary Costs/Savings to Local Agencies: None.

Local Mandate: None.

Cost to Any Local Agency or School District for Which Government Code Sections 17500–17630 Require Reimbursement: None.

Business Impact: These regulations will not have a significant adverse economic impact on businesses; they should only have a minimal impact on continuing education providers and schools. Any financial impact on the businesses should be absorbed through the offset costs of tuition or course fees. These regulations will not affect the ability of California businesses to compete with businesses in other states.

Results of the Economic Impact Assessment: The Board has determined that this regulatory proposal will not have any impact on the creation of jobs or new businesses or the elimination of jobs or existing businesses or the expansion of businesses in the State of California.

Benefits of the Proposed Action: The proposed regulation will benefit California residents by enabling the Board to be more effective in protecting them and effectively supporting the Board’s functions. These proposed regulations will allow the Board to remain solvent and run the Enforcement program as needed. Without being properly funded, it could lead to nurses who would otherwise be going through the discipline process to remain practicing with unrestricted licenses, which could result in public harm.

The proposed regulations will not benefit the environment or worker’s safety because the proposed regulations are being set to update the fees to what is in the statute range for the Board.

Cost Impact on Representative Private Person or Business:

The proposed fee increases affect individuals and some small businesses. The affected individuals are the applicants for RN license, applicants for advanced practice certificates, registered nurses renewing their licenses and registered nurses renewing their Board-issued certificates. The affected small businesses are continuing education providers and approved nursing schools. The affected small businesses are also the continuing education provider applications. The remaining fee increases are penalties or fees for non-automatic particular services that licensees or applicants may request. The cost impact on the individual varies dependent on the type of application, i.e., initial certification, renewal of a license, or renewal of certificate. The Board estimates revenues will increase approximately \$22,011,000 annually from the fee increases set by the proposed regulation. The increased revenue will be used to support the Board’s functions.

Effect on Housing Costs: None.

EFFECT ON SMALL BUSINESS

The Board has determined that the proposed regulations affect small business by the increasing fees of the continuing education provider application, continuing application provider renewal, application for an institution of higher education or a private postsecondary school of nursing approval, continuing approval of a nursing program and for authorizing of a substantive change to an approval of a school of nursing. Any financial impact on the businesses should be absorbed through the offset costs of tuition or course fees.

CONSIDERATION OF ALTERNATIVES

The Board must determine that no reasonable alternative it considered to the regulation or that has otherwise been identified and brought to its attention would either be more effective in carrying out the purpose for which the action is proposed, would be as effective and less burdensome to affected private persons than the proposal described in this Notice, or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provision of law.

Any interested person may present statements or arguments orally or in writing relevant to the above determinations at the above-mentioned hearing.

INITIAL STATEMENT OF REASONS AND INFORMATION

The Board has prepared an initial statement of the reasons for the proposed action and has available all the information upon which the proposal is based.

TEXT OF PROPOSAL

Copies of the exact language of the proposed regulations and of the initial statement of reasons, and all of the information upon which the proposal is based, may be obtained at the hearing or prior to the hearing upon request from the person designated in the Notice under Contact Person or by accessing the Board’s website, [www.rn.ca.gov](http://www.rn.ca.gov).

AVAILABILITY AND LOCATION OF THE FINAL STATEMENT OF REASONS AND RULEMAKING FILE

All the information upon which the proposed regulations are based is contained in the rulemaking file,

which is available for public inspection by contacting the person named below. You may obtain a copy of the final statement of reasons once it has been prepared, by making a written request to the contact person named below or by accessing the website listed below.

#### CONTACT PERSON

Inquiries or comments concerning the proposed rule-making action may be addressed to:

Name: Dean Fairbanks  
Address: 1747 N. Market Blvd., Suite 150  
Sacramento, CA 95834  
Telephone No.: 916-574-7684  
Fax No.: 916-574-7700  
E-Mail Address: dean.fairbanks@dca.ca.gov

The backup contact person is:

Name: Stacie Berumen  
Address: 1747 N. Market Blvd., Suite 150  
Sacramento, CA 95834  
Telephone No.: 916-574-7600  
Fax No.: 916-574-7700  
E-Mail Address: Stacie.Berumen@dca.ca.gov

Website Access: Materials regarding this proposal can be found at [www.rn.ca.gov](http://www.rn.ca.gov).

### TITLE 16. BUREAU OF AUTOMOTIVE REPAIR

#### NOTICE OF PROPOSED REGULATORY ACTION AND PUBLIC HEARING CONCERNING OIL CHANGE INTERVAL REQUIREMENTS

**NOTICE IS HEREBY GIVEN** that the Department of Consumer Affairs' (DCA) Bureau of Automotive Repair (hereinafter "Bureau" or "BAR") is proposing to take the action described in the Informative Digest. Any person(s) interested may present statements or arguments orally or in writing relevant to the action proposed at a hearing or hearings to be held at the following location on the following date:

April 23, 2018 at 10:00 a.m.  
Bureau of Automotive Repair  
Hearing Room  
10949 North Mather Blvd  
Rancho Cordova, CA 95670

Written comments, including those sent by mail, facsimile, or e-mail to the addresses listed under Contact Person in this Notice, must be received by the Bureau at its office no later than 5:00 p.m. on **April 23, 2018**, or

must be received by the Bureau at the above-referenced hearing. The Bureau, upon its own motion or at the request of any interested party, may thereafter formally adopt the proposals substantially as described below or may modify such proposals if such modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified proposal will be available for 15 days prior to its adoption from the person designated in this Notice as Contact Person and will be mailed to those persons who submit oral or written testimony related to this proposal or who have requested notification of any changes to the proposal.

#### AUTHORITY AND REFERENCE

Pursuant to the authority vested by sections 137, 9882 and 9884.19, Business and Professions Code, and to implement, interpret, or make specific sections 9884.7, 9884.8, 9884.19, 9889.50 and 9889.52, Business and Professions Code, and sections 12000 and 12001, Vehicle Code, the Bureau is proposing to amend section 3356 of Article 7, and adopt section 3369 of Article 8, within Chapter 1, Division 33, Title 16, California Code of Regulations.

#### INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

In 1971, the Legislature adopted the Automotive Repair Act (Business and Professions Code (BPC) § 9880 et seq.) to protect consumers from fraud and ensure their ability to make informed choices in automotive repair transactions. The Bureau is the state agency charged with the enforcement and administration of the Automotive Repair Act (Act). *BPC § 9882*. Protection of the public is BAR's highest priority in the exercise of its licensing, regulatory and disciplinary functions. *BPC § 9880.3*. BAR may adopt and enforce regulations reasonably necessary to carry out the purposes of the Act. *BPC § 9882*.

BAR seeks to raise awareness of information that will enable consumers to make informed decisions regarding vehicle oil change intervals, and seeks to require Automotive Repair Dealers (ARDs) to base oil change recommendations on established maintenance schedules. Existing laws and regulations do not require ARDs to provide any notice to customers regarding oil change intervals. Existing laws and regulations also do not require an ARD to follow established vehicle maintenance schedules when recommending an oil change to a customer.

There is a common misconception among consumers that vehicle oil changes should occur every three months or 3,000 miles. While this was mostly true for

vehicles manufactured decades ago, technological improvements in engines and motor oil have enabled drivers to significantly extend their oil drain intervals. For example, Ford recommends that its 2005 Explorer SUV undergo an oil change every 5,000 miles, and Honda recommends an oil drain interval of 7,500 miles for its 2007 Civic. According to a recent CalRecycle survey, nearly 10 million Californians change their motor oil every 3,000 miles or less, demonstrating that many consumers are unaware of published maintenance schedules for their vehicle and the conditions and factors used to determine the proper oil change interval for their vehicle. This lack of knowledge causes consumers to unnecessarily change their vehicle oil. This regulatory package will help prevent unnecessary oil waste, saving consumers money who would have otherwise had their vehicle oil drained at an interval inconsistent with recommendations provided by the vehicle manufacturer.

Unnecessary oil changes also have a significant negative impact upon the environment. By volume, used motor oil is one of the largest hazardous waste streams in California. Of the almost 115 million gallons of motor oil sold in the state each year, approximately 35 million gallons are not collected after use. Used motor oil is insoluble and contains heavy metals and toxic chemicals. It makes its way into lakes, streams, and oceans via the storm water system and endangers fish, waterfowl, insects, and other aquatic life. In addition, one gallon of used motor oil can foul one million gallons of water.

The proposed regulations will require ARDs to provide the following notice on an invoice, or a document attached to an invoice, after completing an oil change: "Your vehicle's manufacturer publishes oil change intervals, and the conditions and factors that influence those intervals, in the owner's manual." The proposed regulations will additionally require ARDs to adhere to a maintenance schedule published by the vehicle manufacturer, an industry accepted and nationally distributed automotive service specification provider, or the California Department of Resources Recycling and Recovery (CalRecycle) when making a recommendation to a customer regarding a vehicle's next oil change. The proposed regulations also include a reference in section 3356 (Invoice requirements) to the oil change statement requirement set forth in the proposed new section 3369(b) in order to direct readers to the notice requirement and make the regulations easier to comprehend.

Although customers will retain the ability to have an oil change performed by an ARD at an interval of the customer's choosing, it is anticipated that the proposed regulations will reduce unnecessary oil changes by increasing public awareness of published vehicle maintenance schedules and of the conditions and factors used to determine a vehicle's proper oil change interval. Reducing unnecessary oil changes will save consumers

money and will decrease the volume of waste oil entering the environment.

**CONSISTENCY AND COMPATIBILITY WITH EXISTING STATE REGULATIONS:**

During the process of developing these regulations and amendments, BAR has conducted a search of any similar regulations on this topic and has concluded that these regulations are neither inconsistent nor incompatible with existing state regulations.

**FISCAL IMPACT ESTIMATES**

**FISCAL IMPACT ON PUBLIC AGENCIES INCLUDING COSTS OR SAVINGS TO STATE AGENCIES OR COSTS/SAVINGS IN FEDERAL FUNDING TO THE STATE:**

This regulation may result in increased enforcement action with regard to businesses that do not comply with the new requirements. However, BAR does not foresee nor anticipate a significant workload associated with this regulation. If any increase in workload results, it would be minor and absorbable within BAR's existing resources.

**NONDISCRETIONARY COSTS/SAVINGS TO LOCAL AGENCIES:**

None.

**LOCAL MANDATE:**

None.

**COSTS TO ANY LOCAL AGENCY OR SCHOOL DISTRICT FOR WHICH GOVERNMENT CODE SECTIONS 17500-17630 REQUIRE REIMBURSEMENT:**

None.

**BUSINESS IMPACT:**

BAR has made an initial determination that the proposed regulatory revisions will not have a significant adverse impact on businesses, including small businesses, and will not impact the ability of California businesses to compete with businesses in other states. The proposed revisions require ARDs to provide a written notice after performing an oil change and to utilize established vehicle maintenance schedules when recommending an oil change interval.

Compliance with the notice requirement may be met by legibly writing the notice on the invoice or an attached sheet. In addition, ARDs should not be recommending unnecessary oil changes that may have a negative impact on consumers and the environment. It is anticipated that the proposed revisions will increase consumer confidence in ARDs performing oil changes; thus, having a beneficial financial impact. It is not anticipated that the proposed disclosure and notice require-

ments will cause consumers to go out-of-state for oil change services. The proposed regulation should not significantly impact the ability of California businesses to compete with businesses in other states.

**COST IMPACT ON REPRESENTATIVE PRIVATE PERSON OR BUSINESS:**

BAR is not aware of any cost impacts a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

**EFFECT ON HOUSING COSTS:**

None.

**EFFECT ON SMALL BUSINESS**

The proposed regulatory revisions will not have a significant adverse impact on small businesses. The proposed revisions require ARDs to provide a written notice after performing an oil change and to utilize established vehicle maintenance schedules when recommending an oil change interval. Compliance with the notice requirement may be met by legibly writing the notice on the invoice or an attached sheet. In addition, ARDs should not be recommending unnecessary oil changes.

**RESULTS OF THE ECONOMIC IMPACT ANALYSIS**

**IMPACT ON JOBS/BUSINESSES:**

BAR has made the following initial determinations regarding the impact of the proposed regulatory action on jobs/businesses:

- It will not have any impact on the creation or elimination of jobs, the creation of new businesses, or the elimination of existing businesses.
- It will not have any impact on the expansion of businesses currently doing business within the State of California.

**BENEFITS OF THE REGULATION TO THE HEALTH AND WELFARE OF CALIFORNIA RESIDENTS:**

BAR has made an initial determination this regulatory proposal may have a positive impact on the health and welfare of California citizens. This regulatory proposal will likely reduce unnecessary oil changes and make consumers more aware of the needs of their vehicles; thus, saving consumers money.

**BENEFITS OF THE REGULATION TO WORKER SAFETY:**

BAR has made an initial determination that this regulatory proposal will not have any impact on worker safety in California.

**BENEFITS OF THE REGULATION TO THE STATE'S ENVIRONMENT:**

BAR has made an initial determination that this regulatory proposal may have a positive impact upon the state's environment by reducing the volume of waste oil attributable to unnecessary oil changes.

**CONSIDERATION OF ALTERNATIVES**

BAR must determine that no reasonable alternative it considered or that has otherwise been identified and brought to its attention would be more effective in carrying out the purpose for which the action is proposed, would be as effective and less burdensome to affected private persons than the proposal described in this Notice, or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provision of law.

Any interested person may present statements or arguments orally or in writing relevant to the above determinations at the above-mentioned hearing.

**INITIAL STATEMENT OF REASONS AND INFORMATION**

BAR has prepared an Initial Statement of Reasons for the proposed action and has available all the information upon which the proposal is based.

**TEXT OF PROPOSAL**

Copies of the exact language of the proposed regulations and of the Initial Statement of Reasons, and all of the information upon which the proposal is based, may be obtained at the hearing or prior to the hearing from the Bureau of Automotive Repair at 10949 North Matherson Blvd., Rancho Cordova, California, 95670.

**AVAILABILITY AND LOCATION OF THE RULEMAKING FILE AND THE FINAL STATEMENT OF REASONS**

All the information upon which the proposed regulations are based is contained in the rulemaking file. Further, the express terms, Initial Statement of Reasons, and information upon which the proposed regulations are based is available for public inspection by contacting the contact person(s) named below.

Interested parties may obtain a copy of the Final Statement of Reasons once it has been prepared, by making a written request to the contact person(s) or by accessing the website listed below.

**CONTACT PERSON**



**Inquiries or comments concerning the proposed administrative action may be addressed to:**

Brian Clark  
 Bureau of Automotive Repair  
 10949 North Mather Blvd.  
 Rancho Cordova, California, 95670  
 Telephone: (916) 403-8560  
 E-mail: [Brian.Clark@dca.ca.gov](mailto:Brian.Clark@dca.ca.gov)  
 Fax: (916) 464-3424

**The backup contact person is:**

Jeff Hammer  
 Bureau of Automotive Repair  
 10949 North Mather Blvd.  
 Rancho Cordova, California, 95670  
 Telephone: (916) 403-8134  
 E-mail: [Jeff.Hammer@dca.ca.gov](mailto:Jeff.Hammer@dca.ca.gov)  
 Fax: (916) 464-3405

**WEBSITE ACCESS**

Materials regarding this proposal can also be found on BAR's website at [www.bar.ca.gov](http://www.bar.ca.gov).

**TITLE 22. DEPARTMENT OF SOCIAL SERVICES**

ORD #1017-21

ITEM #1 Home Care Services Consumer Protection

The CDSS hereby gives notice of the proposed regulatory action(s) described below. Any person interested may present statements or arguments orally or in writing relevant to the proposed regulations at a public hearing to be held on April 23, 2018, at the following address:

Office Building # 8  
 744 P St. Room 103  
 Sacramento, California

The public hearing will convene at 10:00 a.m. and will remain open only if attendees are presenting testimony. The purpose of the hearing is to receive public testimony, not to engage in debate or discussion. The Department will adjourn the hearing immediately following the completion of testimony presentations. The above-referenced facility is accessible to persons with disabilities. If you need a language interpreter at the hearing (including sign language), please notify CDSS at least two weeks prior to the hearing.

Statements or arguments relating to the proposals may also be submitted in writing, e-mail, or by facsimile to the address/number listed below. All comments must be received by 5:00 p.m. on April 23, 2018.

Following the public hearing CDSS may thereafter adopt the proposals substantially as described below or may modify the proposals if the modifications are sufficiently related to the original text. Except for nonsubstantive, technical, or grammatical changes, the full text of any modified proposal will be available for 15 days prior to its adoption to all persons who testify or submit written comments during the public comment period, and all persons who request notification. Please address requests for regulations as modified to the agency representative identified below.

Copies of the express terms of the proposed regulations and the Initial Statement of Reasons are available from the office listed below. This notice, the Initial Statement of Reasons and the text of the proposed regulations are available on the internet at [CDSS Public Hearings for Proposed Regulations](http://www.cdss.ca.gov/inforesources/Letters-Regulations/Legislation-and-Regulations/CDSS-Regulation-Changes-In-Process-and-Completed-Regulations/Public-Hearing-Information) (<http://www.cdss.ca.gov/inforesources/Letters-Regulations/Legislation-and-Regulations/CDSS-Regulation-Changes-In-Process-and-Completed-Regulations/Public-Hearing-Information>). Additionally, all the information which CDSS considered as the basis for these proposed regulations (i.e., rulemaking file) is available for public reading at the address listed below. Following the public hearing, copies of the Final Statement of Reasons will also be available at the following address:

**CONTACT:**

California Department of Social Services  
 Office of Regulations Development  
 744 P. Street, MS 8-4-192  
 Sacramento, CA 95814  
 Tel: (916) 657-2856, Fax: (916) 654-3286  
 Email: [ord@dss.ca.gov](mailto:ord@dss.ca.gov)

**CHAPTERS**

Title 22, Division 15, Chapter 1

**INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW**

These regulations became effective on January 1, 2018, via an emergency filing. This is now the public comment process.

Current law Assembly Bill (AB) 1217 (Chapter 790, Statutes of 2013) Home Care Services Consumer Protection Act, herein known as "Act," promotes consumer protection for elderly and disabled individuals who hire private Home Care Aides to come into their homes and provide assistance with activities of daily living. AB 1217, added Chapter 13 to Division 2 of the Health and Safety Code, commencing with Section 1796.10. Section 1796.63 allows for the implementation of any reasonable rules, regulations, and standards as may be nec-

essary or proper to carry out the purpose and intent of the Act. The Act was implemented because there were no laws regulating the licensure of home care services in California.

These regulations implement the Act, which requires licensing and regulation of Home Care Organizations, background checks for licensees, employees and volunteers of Home Care Organizations, background checks for Registered Home Care Aides, and maintenance of the Home Care Aide Registry. Prior to the passage of AB 1217, the home care services industry had not been regulated in California; Home Care Organizations were not required to be licensed, and Home Care Aides were not required to meet any state-level mandated minimum qualifications or screenings. However, as the state's population continues to age, the demand for this program will continue to increase, and the need for health and safety measures for this population in these emergency regulations is crucial.

**Background:**

According to the U.S. Census Bureau's American Community Survey, in 2014, 36 percent of persons 65 and over reported some type of disability (i.e., difficulty in hearing, vision, cognition, ambulation, self-care, or independent living). Some of these disabilities may require assistance to meet important activities of daily living (ADLs). In 2013, 42 percent of home or community-resident persons 65 or older reported difficulty in performing one or more ADLs. According to AARP, nearly 90 percent of persons 65 years or older indicate they want to stay in their home as long as possible. The aging in place movement is likely to grow alongside the aging of the population, and many of these homes will require home care services to help individuals stay in their home.

To assist with the growing population of persons 65 years or older and the aging in place movement, in January 2016, California implemented the Home Care Services Consumer Protection Act which requires licensing and regulation of HCOs, background checks for license applicants and HCAs, and maintenance of the Registry. Prior to implementation, HCOs were not required to be licensed and HCAs were not required to meet any state level mandated minimum qualifications or screenings. Of the HCOs that chose to conduct background checks, training, or other screenings for their caregivers, there was no requirement to use a uniform process and not all of them applied the same standards. As part of the licensing and registration responsibilities, CDSS conducts biennial visits to all licensed HCOs, and processes background checks on all HCO applicants, HCO employees who have access to clients or confidential client information, and HCAs affiliated to HCOs as well as independent HCAs who submit appli-

cations. CDSS also maintains a public web-based registry of all HCAs who have applied, which allows consumers to verify a HCA's registration status by entering an individual's name and identification number. Additionally, unlike other licensure categories, HCOs must renew their licenses and HCAs must renew their registrations every two years.

**Consistency:**

The CDSS has found these regulations neither inconsistent or incompatible with existing regulations because research was done by program to determine that these are non-duplicating and non-repetitive regulations, and do not negate or overlap other existing regulation or law. Further, these regulations are not duplicative of any federal law.

**Benefits:**

These emergency regulations promote consumer protection for elderly and disabled individuals who hire private aides to come into their homes and provide assistance with activities of daily living. The regulations establish safe care alternatives in a previously unregulated home care industry, which will allow elderly and disabled individuals to continue to live independently in their homes, the least restrictive environment, and active in their local communities. These regulations aid and protect the health and safety of vulnerable individuals by providing the home care services industry and the public with a clear understanding of the responsibilities of applying for Home Care Organization (HCO) licensure, operating requirements, and requirements for biennial visits. Additionally, these regulations provide guidelines and standards for Home Care Aides (HCAs) who are affiliated to HCOs or who choose to apply independently. The regulations provide health and safety protections for a vulnerable population by requiring HCAs to be background-checked and, if they are employed by a HCO, require tuberculosis screening and annual safety training. Additionally, unlike other licensure categories, HCOs must renew their licenses and HCAs must renew their registrations every two years. Transparency is achieved by the Department listing all HCOs on a public website displaying license number, HCO name, license status, licensee name, physical address, telephone number, and in the near future the website will display all inspection reports, citations, complaints, and other site visit information. HCAs are listed on a public online registry website. Individuals who wish to review a HCA's status can enter the HCA's name and registration number on the public Home Care Aide Registry and receive information on the HCA's registration status. Worker safety has increased because the law now requires that affiliated HCAs are covered under State worker's compensation laws. HCOs are required to hold a ten thousand dollar (\$10,000) surety bond to

protect clients from financial loss resulting from a dishonest or fraudulent act. All HCO and HCA applicants are covered under the Department's nondiscrimination policy and may apply for licensure or registration regardless of age, sex, race, religion, color, political affiliation, national origin, disability, marital status, actual or perceived sexual orientation, or ancestry. These regulations will have no impact on the State's environment.

**Incorporation by Reference:**

The following forms are incorporated by reference in their entirety. The forms are not printed in the California Code of Regulations because it would be cumbersome and impractical; however, the forms are listed below and readily available from CDSS at the three following links:

Link to HCS Forms: <http://www.cdss.ca.gov/inforesources/Forms-Brochures/Forms-Alphabetic-List/E-H>

Link to LIC Forms: <http://www.cdss.ca.gov/inforesources/Forms-Brochures/Forms-Alphabetic-List/I-L>

Link to SOC Forms: <http://www.cdss.ca.gov/inforesources/Forms-Brochures/Forms-Alphabetic-List/Q-T>

HCS 001 (12/15) — Home Care Organization Suboffice Request

HCS 101 (10/17) — Home Care Aide Registration Renewal

HCS 100 (12/15) — Application for Home Care Aide Registration

HCS 200 (08/15) — Application for Home Care Organization License

HCS 215 (08/15) — Home Care Organization Licensee Applicant Information

HCS 308 (08/15) — Designation of Home Care Organization Responsibility

HCS 309 (08/15) — Partnership/Corporation/Limited Liability Company Organization Structure

HCS 402 (12/15) — Home Care Organization Dishonesty Bond

HCS 501 (06/17) — Personnel Record

HCS 9165 (08/15) — Board of Director Statement  
LIC 301E (07/03) — Reference Request

LIC 500 (11/2003) — Personnel Report

LIC 508 (07/15) — Criminal Record Statement

LIC 9163 (12/15) — Request for Live Scan Service-Community Care Licensing

LIC 9188 (11/15) — Criminal Record Exemption Transfer Request

SOC 341 A (03/15) — Statement Acknowledging Requirements to Report Suspected Abuse of Dependent Adults and Elders

**COST ESTIMATE**

As the Home Care Services Consumer Protection Act is a new program, the economic impact is yet to be determined, however, the following information is known to CDSS:

1. Costs or Savings to State Agencies: To support the Home Care Services Program, expenditure authority was included in the Budget Acts of the following respective years: \$1,472,000 for fiscal year (FY) 2014-15, \$5,466,000,000 for FY 2015-16, \$5,584,000 for FY 2016-17 and \$6,583,000 for FY 2017-18. At this point, expenditures for the program are expected to be \$6,353,000 for FY 2018 19 and ongoing.
2. Costs to Local Agencies or School Districts Which Must Be Reimbursed in Accordance with Government Code Sections 17500-17630: None.
3. Nondiscretionary Costs or Savings to Local Agencies: None.
4. Federal Funding to State Agencies: None.

**LOCAL MANDATE STATEMENT**

These emergency regulations do not impose a mandate on local agencies or school districts. There are no state-mandated local costs in this order that require reimbursement under the laws of California.

**STATEMENT OF SIGNIFICANT ADVERSE ECONOMIC IMPACT ON BUSINESS**

The Department has made an initial determination that the proposed action will not have a significant, statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states. Due to Home Care Organization (HCO) licenses being issued on a biennial basis (every two (2) years), the Department does not yet have a baseline established to determine how many HCOs have not applied for or will not renew their license for purely economic reasons.

**STATEMENT OF POTENTIAL COST IMPACT ON PRIVATE PERSONS OR BUSINESSES**

This regulatory action includes cost impacts that a representative private person or businesses would necessarily incur in reasonable compliance with the proposed action. Private individuals and businesses who

participate as or within a Home Care Organization may be subject to various fees for licensure and penalties as described in the legislatively mandated regulations.

**SMALL BUSINESS IMPACT STATEMENT**

The CDSS has determined that there may be an impact on small businesses as a result of filing these regulations. Currently, CDSS has received approximately 1,700 applications for Home Care Organization licensure and there are approximately 1,500 licensed Home Care Organizations. At this time, the number of unlicensed providers is unknown. The businesses that may be affected are Home Care Organizations that arrange for home care services for clients in the client’s own home.

**STATEMENT OF RESULTS OF ECONOMIC IMPACT ASSESSMENT**

The adoption of the proposed amendments will neither significantly create nor eliminate jobs in the State of California nor result in the elimination of existing businesses or create or expand businesses in the State of California. The benefits of the regulatory action to the health and welfare of California residents, worker safety, and the state’s environment are as follows: These emergency regulations ensure that CDSS aides and protects the health and safety of vulnerable individuals by regulating a previously unregulated industry. The home care services industry now has a clear understanding of the responsibilities of applying for HCO licensure, operating requirements, and requirements for biennial visits. Additionally, these regulations provide guidelines and standards for HCAs who are affiliated to HCOs or who choose to apply independently. There is no effect to the state’s environment.

**STATEMENT OF EFFECT ON HOUSING COSTS**

The proposed regulatory action will have no effect on housing costs.

In developing the regulatory action, the Department considered the following alternatives with the following results:

There have been no alternatives presented to the Department in consideration of these legislatively mandated regulations.

The CDSS must determine that no reasonable alternative considered or that has otherwise been identified and brought to the attention of CDSS would be more effective in carrying out the purpose for which the regulations are proposed or would be as effective as and less burdensome to affected private persons than the pro-

posed action, or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provision of law.

**AUTHORITY AND REFERENCE CITATIONS**

The CDSS adopts these regulations under the authority granted in Sections 1522, 1558, 1796.23, 1796.24, 1796.26, 1796.29, 1796.31, 1796.33, 1796.35, 1796.36, 1796.37, 1796.38, 1796.40, 1796.42, 1796.43, 1796.44, 1796.48, 1796.49, 1796.55, and 1796.63 of the Health and Safety (H&S) Code. Subject regulations implement and make specific Sections 1796.12, 1796.19, 1796.21, 1796.22, 1796.23, 1796.24, 1796.25, 1796.26, 1796.28, 1796.29, 1796.31, 1796.32, 1796.33, 1796.35, 1796.36, 1796.37, 1796.38, 1796.40, 1796.41, 1796.42, 1796.44, 1796.45, 1796.47, 1796.48, 1796.49, 1796.51, 1796.52, 1796.53, 1796.55, and 1796.63 of the H&S Code.

**CDSS REPRESENTATIVE REGARDING THE RULEMAKING PROCESS OF THE PROPOSED REGULATION**

Contact Person: Kenneth Jennings  
(916) 657-2586  
Backup: Sylvester Okeke  
(916) 657-2586

**EMERGENCY STATEMENT**

These regulations are to be adopted on an emergency basis. To allow interested persons an opportunity to submit statements or arguments concerning these regulations, they will be considered at public hearing in accordance with Government Code Section 11346.4.

**GENERAL PUBLIC INTEREST**

**DEPARTMENT OF FISH AND WILDLIFE**

**CALIFORNIA ENDANGERED SPECIES ACT  
CONSISTENCY DETERMINATION NO.  
2080-2018-001-02**

**Project:** Collecting Canal Bridges CC-2 and CC-4 Replacement and Repair Project  
**Location:** Sutter County  
**Applicant:** California Department of Water Resources

## Background

The California Department of Water Resources (Applicant) proposes to replace and repair collecting canal (CC) bridges CC-2 and CC-4, respectively. The Collecting Canal Bridges CC 2 and CC-4 Replacement and Repair Project (Project) includes replacing the single-span bridge, CC 2, with six precast box culverts, and repairing bridge CC-4 with the construction of abutments, aprons, and concrete footings. The CC-2 Bridge is located approximately 1.5 miles west of Highway 99 where Marcuse Road intersects Sawtelle Avenue. The CC-4 Bridge is located approximately 8 miles north of CC-2 and 4 miles west of Highway 99 near Obanion Road. The Project sites are both located within Sutter County, California on the east side of the Sutter Bypass.

Replacing the CC-2 Bridge will include clearing vegetation, constructing earthen cofferdams upstream and downstream of the existing bridge, removing the existing bridge, installing six precast box culverts, placing new revetment upstream and downstream of the new bridge, removing the cofferdams, and restoring the disturbed area. The repair of the CC-4 Bridge will include clearing vegetation, constructing abutments, aprons, and concrete footings on both sides of the existing bridge, sealing the existing wood deck, placing new revetment on either side of the bridge, and restoring the disturbed area. The Project activities may also include handling, capturing, and relocating giant garter snake (*Thamnophis gigas*; hereafter GGS). Construction equipment may include, but is not limited to, pickup trucks, dump trucks, excavator, concrete saw, crane, dozer, cement truck, backhoe, and hand tools.

The Project activities described above are expected to incidentally take<sup>1</sup> GGS where those activities take place within the Project sites. In particular, GGS could be incidentally taken as a result of clearing and grubbing, grading, excavating, capture and relocation, or being crushed by vehicles or heavy equipment or being entombed in burrows. GGS are designated as a threatened species pursuant to both the federal Endangered Species Act (ESA) (16 U.S.C. § 1531 et seq.) and the California Endangered Species Act (CESA) (Fish & G.

<sup>1</sup> Pursuant to Fish and Game Code section 86, "'Take' means hunt, pursue, catch, capture, or kill, or attempt to hunt, pursue, catch, capture, or kill." See also *Environmental Protection Information Center v. California Department of Forestry and Fire Protection* (2008) 44 Cal.4th 459, 507 (for purposes of incidental take permitting under Fish and Game Code section 2081, subdivision (b), "'take' . . . means to catch, capture or kill").

Code, § 2050 et seq.). (See Cal. Code Regs., tit. 14, § 670.5, subd. (b)(4)(E).)

Because GGS individuals are known to occur at both Project sites, and GGS habitat surrounds both the Project sites, the United States Fish & Wildlife Service (Service) determined that Project activities are expected to result in the incidental take of GGS.

According to the Service, the Project will result in the temporary loss of 0.79 acres, and a permanent loss of 0.084 acres of GGS habitat.

Because the Project is expected to result in take of a species designated as threatened under the ESA, the United States Army Corps of Engineers (USACE) consulted with the Service as required by Section 7 of the ESA. On November 16, 2017, the Service issued a biological opinion (Service file No. 08ESMF00-2017-F-3441) (BO) to the USACE. The BO describes the Project, requires the Applicant to comply with terms of the BO and its incidental take statement (ITS), and incorporates additional measures. The BO also requires the Applicant to implement and adhere to measures contained within the Project's Biological Assessment (BA).

On January 23, 2018, the Director of the California Department of Fish and Wildlife (CDFW) received a notice from the Applicant requesting a determination pursuant to Fish and Game Code section 2080.1 that the BO, the ITS, and the BA are consistent with CESA for purposes of the Project and GGS.

## Determination

CDFW has determined the ITS, the BO, and the BA are consistent with CESA, because the mitigation measures contained in the ITS, the BO, and the BA, meet the conditions set forth in Fish and Game Code section 2081, subdivisions (b) and (c), for authorizing incidental take of CESA-listed species. Specifically, CDFW finds that: (1) take of GGS will be incidental to an otherwise lawful activity; (2) the mitigation measures identified in the ITS, the BO, and the BA will minimize and fully mitigate the impacts of the authorized take and, in particular, these measures are roughly proportional in extent to the authorized taking and are capable of successful implementation; (3) adequate funding is ensured to implement the required avoidance, minimization and mitigation measures, and to monitor compliance with, and effectiveness of those measures; and (4) the Project will not jeopardize the continued existence of GGS. The mitigation measures in the ITS, the BO,

and the BA include, but are not limited to, the following:

Avoidance, Minimization, and Mitigation Measures

- Applicant shall compensate for the temporary loss of 0.79 acres (at a ratio of 0.5:1 = 0.40 acres), permanent habitat modification to 0.07 acres (at a ratio of 1:1 = 0.07 acres), and permanent loss to 0.014 acres (at a ratio of 3:1 = 0.042 acres) of suitable GGS aquatic habitat. The Applicant shall purchase GGS habitat preservation credits equal to 0.51 acres of GGS habitat from a Service- and CDFW-approved mitigation bank and provide proof of purchase to the Service and CDFW.
- Applicant shall complete work between May 1 and October 1. Applicant may conduct work between October 2 and November 2 or April 1 and April 30 provided the ambient air temperatures exceed 75° Fahrenheit (F) during work and maximum daily air temperatures have exceeded 75° F for at least three consecutive days immediately preceding work.
- Applicant shall dewater the collecting canal for the CC-2 Bridge removal and replacement. If the Applicant cannot remove all water, the Applicant shall remove all potential GGS prey (e.g. fish and tadpoles) from the canal so GGS are not attracted to the Project sites. Once dewatered, the Applicant shall ensure the canal remains dry for at least 15 consecutive days prior to excavating or filling, unless the Applicant consults with and obtains approval from the Service and CDFW.
- Applicant shall provide environmental awareness training to the construction lead, construction foreman, crew leader, and any contractor personnel working in the Project sites. Applicant shall ensure the training includes a description of GGS biology, their habitats, methods of identification, how personnel can avoid adverse effects to GGS, and what to do if they encounter a GGS. The Applicant shall report any sighting or take to the Service and CDFW immediately by telephone at: (916) 414-6541 and (916) 358-1330, respectively, and email CDFW at R2CESA@wildlife.ca.gov.
- Applicant shall limit the number of access routes and the size of staging and work areas to the minimum necessary to conduct the Project activities. Applicant shall use existing staging sites, maintenance toe roads, and levee crown roads to the extent practicable to avoid affecting previously undisturbed areas.
- Applicant shall ensure a qualified Service- and CDFW-approved biologist is on-site during all ground disturbing activities, vegetation removal, and trenching activities and monitor all locations where Project activities will alter GGS hibernacula/refugia (rip rap, burrows, vegetation, etc.).
- Applicant shall ensure a qualified biologist surveys GGS upland and aquatic habitats at both Project sites 24 hours before the Applicant conducts any work. The qualified biologist will delineate biological sensitive areas (BSA) that need to be avoided. The surveys will target the presence of GGS and burrows. If mowing is required prior to survey, in order to increase detectability of GGS, the Applicant shall ensure mowers are set to cut 6 inches or higher.
- Applicant shall visually scan aquatic areas for GGS immediately preceding work within GGS aquatic habitat. Applicant shall ensure excavator operators minimize disturbance to GGS in aquatic habitat by lightly brushing the bucket across the surface of the water and any associated aquatic vegetation. The excavator bucket will then be slowly lowered into the water until the bottom of the canal is encountered. A qualified biologist shall visually inspect excavated spoils for GGS while spoils are deposited. Applicant will deposit spoils on compacted or gravel roadbeds and recently disked farm fields to the greatest extent possible. Applicant shall not deposit spoils in BSAs previously identified by the qualified biologist, where feasible.
- Applicant shall ensure all vehicles and heavy equipment left at the Project sites overnight are inspected at the start of each workday for the presence of GGS.
- Applicant shall ensure that any fuels, oils, or other petroleum products, toxic chemicals, or any other substances that could be deleterious to aquatic life be stored and/or treated properly during Project activities to prevent them from contaminating soils or entering waterways. If any contamination to soils or water occurs, the Applicant will immediately remove and contain the substance, and report it to the Service and CDFW.
- A qualified biologist shall survey the Project sites immediately preceding grading of deposited spoil piles and monitor grading work while it occurs.

- If a GGS is observed in or near the Project site, the Applicant shall stop work within 200 feet and allow the GGS to leave on its own volition, or it may be captured and relocated by a Service- and CDFW-approved individual with the required permits to handle GGS.
- Applicant shall not use products with monofilament or cross-joints in the netting that are bound or stitched (e.g., straw wattles, fiber rolls, or erosion control blankets).
- Where conditions allow, Applicant shall install fencing within the Project sites in order to divert GGS away from active construction. The qualified biologist shall inspect the fencing daily during Project activities.

Monitoring and Reporting Measures

- Applicant shall ensure that weekly compliance reports are submitted to the Service and CDFW including documentation of environmental awareness training, preconstruction surveys, and the current implementation status of each mitigation measure.
- Applicant shall submit a final monitoring report to the Service and CDFW upon completion of the Project, including a precise accounting of the total acreage of GGS habitat affected. Although not a condition of the BO, CDFW requests the Applicant to submit the final monitoring report within 45 days of Project completion.
- As stated in the ITS, the Service requires the Applicant to immediately reinitiate consultation if the authorized amount of take is exceeded (i.e., two GGS found dead or injured) during Project activities. Although not a condition of the BO, CDFW requests the Applicant to notify CDFW of this consultation.

Financial Assurances

- Applicant has provided CDFW with documentation that verifies General Fund sourced funding is budgeted for \$46,225 for off-site compensatory mitigation (i.e., GGS mitigation credits).

Pursuant to Fish and Game Code section 2080. 1, take authorization under CESA is not required for the Project for incidental take of GGS, provided the Applicant implements the Project as authorized in the BO, including adherence to all measures contained therein and in the ITS, and complies with the mitigation measures and other conditions described in the BO, ITS, and the BA. If there are any substantive changes to the Project, including changes to the mitigation measures, or if the Service amends or replaces the BO, ITS, or the BA, the

Applicant shall be required to obtain a new consistency determination or a CESA incidental take permit for the Project from CDFW. (See generally Fish & G. Code, §§ 2080.1, 2081, subs. (b) and (c)).

**AVAILABILITY OF INDEX OF PRECEDENTIAL DECISIONS**

**DEPARTMENT OF SOCIAL SERVICES**

Notice of Availability of Precedential Decisions Index

Notice is hereby given that the California Department of Social Services (CDSS) maintains an index of cases CDSS has designated as precedential decisions. The index is available on the internet at <http://cclld.ca.gov/PG505.htm>.

This notice is published pursuant to California Government Code section 11425.60, subdivision (c).

**SUMMARY OF REGULATORY ACTIONS**

**REGULATIONS FILED WITH SECRETARY OF STATE**

This Summary of Regulatory Actions lists regulations filed with the Secretary of State on the dates indicated. Copies of the regulations may be obtained by contacting the agency or from the Secretary of State, Archives, 1020 O Street, Sacramento, CA 95814, (916) 653-7715. Please have the agency name and the date filed (see below) when making a request.

File# 2018-0215-01  
 BUREAU FOR PRIVATE POSTSECONDARY EDUCATION  
 Out-of-State Private Postsecondary Institution Registration

This action by the Bureau for Private Postsecondary Education (Bureau) adopts new section 71396, in title 5 of the California Code of Regulations relating to the registration of out-of-state private postsecondary institutions, including an "Application for Registration or Re-Registration of Out of State Institutions" form that is incorporated by reference. This action is a readoption of emergency actions 2017-0519-02E and 2017-0113-02EE.

Title 5  
ADOPT: 71396  
Filed 02/26/2018  
Effective 02/27/2018  
Agency Contact: Kent Gray (916) 246-3907

File# 2018-0213-02  
CALIFORNIA COLLABORATIVE FOR  
EDUCATIONAL EXCELLENCE  
Conflict-of-Interest Code

This is a Conflict-of-Interest code amendment that has been approved by the Fair Political Practices Commission and is being submitted for filing with the Secretary of State and printing only.

Title 2  
AMEND: 59800  
Filed 02/22/2018  
Effective 03/24/2018  
Agency Contact: Davina Harden (562) 653-3200

File# 2018-0213-05  
CALIFORNIA HEALTH FACILITIES FINANCING  
AUTHORITY  
Lifeline Grant Program

The California Health Facilities Financing Authority submitted this emergency action to implement the Clinic Lifeline Act of 2017, enacted in Government Code section 15438.11, by establishing the Lifeline Grant Program. The proposed regulations establish eligibility and evaluation criteria, eligible costs, and an application procedure and related procedures for specified small and rural health facilities to receive grants through the program.

Title 4  
ADOPT: 7213, 7214, 7215, 7216, 7217, 7218, 7219, 7220, 7221, 7222, 7223, 7224, 7225, 7227, 7228, 7229  
Filed 02/23/2018  
Effective 02/23/2018  
Agency Contact: Rosalind Brewer (916) 653-8243

File# 2018-0119-01  
CALIFORNIA HIGHWAY PATROL  
Modified Limousine Safety

In this rulemaking action, the Department of the California Highway Patrol makes permanent the emergency regulations implementing Senate Bill 109 (Chapter 752 of 2013), Senate Bill 611 (Chapter 860 of 2014), Assembly Bill 863 (Chapter 480 of 2015), and Senate Bill 812 (Chapter 711 of 2016) concerning the location, size, marking, latching, maintenance, inspection, record keeping, and operability requirements for push-

out window exits, passenger doors, and fire extinguishers in modified limousines.

Title 13  
ADOPT: 1267.1 AMEND: 1201, 1217, 1232, 1242, 1268, 1269  
Filed 02/27/2018  
Effective 02/27/2018  
Agency Contact: Joseph Mosinski (916) 843-3400

File# 2018-0109-02  
CALIFORNIA HORSE RACING BOARD  
Altering of Sex of Horse

This action by the California Horse Racing Board amends requirements pertaining to alterations to the sex of a horse. The amendment authorizes the stewards to declare a horse from the race if the horse's true sex is not timely reported to the racing office.

Title 4  
AMEND: 1865  
Filed 02/21/2018  
Effective 04/01/2018  
Agency Contact: Harold Coburn (916) 263-6026

File# 2018-0109-03  
CALIFORNIA HORSE RACING BOARD  
Safety Helmets Required/Safety Vest Required

This action by the California Horse Racing Board amends safety equipment requirements to provide that any person who is mounted in or riding on a jog cart must wear a safety helmet and safety vest.

Title 4  
AMEND: 1689, 1689.1  
Filed 02/21/2018  
Effective 04/01/2018  
Agency Contact: Harold Coburn (916) 263-6026

File# 2018-0111-01  
CALIFORNIA TAX CREDIT ALLOCATION  
COMMITTEE  
CTCAC Regulations Implementing Federal and State LIHTC Laws

This action by the California Tax Credit Allocation Committee (Committee) adopts and amends regulations regarding the federal and state Low Income Housing Tax Credit programs. Pursuant to subdivision (a) of section 50199.17 of the Health and Safety Code, the Committee may adopt and amend regulations for the allocation of housing credits pursuant to that chapter and other specified sections of the Revenue and Taxation Code without complying with the procedural requirements of Chapter 3.5 (commencing with section 11340) of Part 1 of Division 3 of the Government Code, except as provided in subdivision (b).



Title 4  
 AMEND: 10302, 10305, 10315, 10317, 10320,  
 10322, 10325, 10326, 10327, 10328, 10330, 10335,  
 10337 REPEAL: 10325.5  
 Filed 02/22/2018  
 Effective 02/22/2018  
 Agency Contact: Gina Ferguson (916) 651-7707

File# 2018-0209-04  
**CALIFORNIA TRAVEL AND TOURISM  
 COMMISSION**  
 Conflict-of-Interest Code

This is a Conflict-of-Interest code that has been approved by the Fair Political Commission and is being submitted for filing with the Secretary of State and printing only.

Title 2  
 AMEND: 58100  
 Filed 02/22/2018  
 Effective 03/24/2018  
 Agency Contact: Rob Jacinto (916) 319-5431

File# 2018-0116-03  
**COMMISSION ON PEACE OFFICER STANDARDS  
 AND TRAINING**  
 Academy Instructor Certificate Program

In this regular rulemaking, the Commission on Peace Officer Standards and Training is repealing the triennial recertification requirements for Certified Academy Instructors.

Title 11  
 AMEND: 1009  
 Filed 02/22/2018  
 Effective 04/01/2018  
 Agency Contact: Cheryl Smith (916) 227-0544

File# 2018-0116-04  
**COMMISSION ON PEACE OFFICER STANDARDS  
 AND TRAINING**  
 Basic Course Requalification and Basic Course Waiver Requirements

This rulemaking action by the Commission on Peace Officer Standards and Training amends sections in title 11 of the California Code of Regulations relating to basic course requalification and waiver. The changes reorganize the relevant sections to consolidate the provisions related to basic course requalification and waiver.

Title 11  
 AMEND: 1001, 1005, 1008  
 Filed 02/22/2018  
 Effective 04/01/2018  
 Agency Contact: Shelley Spilberg (916) 215-4280

File# 2018-0116-05  
**COMMISSION ON PEACE OFFICER STANDARDS  
 AND TRAINING**  
 Peace Officer & Public Safety Dispatcher Selection Standards

The Commission on Peace Officer Standards and Training amends sections of Title 11 of the California Code of Regulations to clarify medical/psychological evaluation reporting requirements and the continuing professional education requirements for screening psychologists. The amendments allow law enforcement hiring authorities to conduct updated background investigations, rather than complete new background investigations, for interim police chiefs under certain circumstances. The amendments also align public safety dispatcher and peace officer selection requirements with each other.

Title 11  
 AMEND: 1951, 1953, 1954, 1955, 1956, 1959,  
 1960  
 Filed 02/27/2018  
 Effective 04/01/2018  
 Agency Contact: Christy Correa (916) 227-4847

File# 2018-0112-04  
**COMMISSION ON STATE MANDATES**  
 General Cleanup Provisions

This request by the Commission for filing with the Secretary of State and printing in the California Code of Regulations makes various changes to Commission regulations, including revising certification, filing, and submission requirements. Pursuant to Gov. Code § 17527(g), this action is exempt from OAL review and approval.

Title 2  
 AMEND: 1181.2, 1181.3, 1182.2, 1182.7, 1182.9,  
 1182.10, 1182.15, 1183.1, 1183.2, 1183.3, 1183.4,  
 1183.6, 1183.8, 1183.9, 1183.10, 1183.11, 1183.12,  
 1183.13, 1183.15, 1183.16, 1183.17, 1184.1,  
 1185.1, 1185.2, 1185.3, 1185.7, 1185.8, 1186.2,  
 1186.4, 1187.5, 1187.7, 1187.8, 1187.9, 1187.12,  
 1187.14, 1187.15, 1190.1, 1190.2, 1190.3, 1190.5  
 Filed 02/27/2018  
 Effective 04/01/2018  
 Agency Contact: Jill Magee (916) 323-3562

File# 2018-0215-04  
**DEPARTMENT OF FISH AND WILDLIFE**  
 Rock Crab Fishery Closure

The Department of Fish and Wildlife submitted this action regarding fishery closures due to human health risk, specifically closure of the commercial rock crab fishery in all state waters north of Salt Point, Sonoma County to the California/Oregon Border. Pursuant to

Fish and Game Code section 5523 this file is exempt from the Administrative Procedure Act, and was submitted to OAL for the purpose of filing and printing only.

Title 14  
ADOPT: 131  
Filed 02/22/2018  
Effective 01/16/2018  
Agency Contact: Christy Juhasz (707) 576-2887

File# 2018-0223-01  
DEPARTMENT OF FOOD AND AGRICULTURE  
Huanglongbing Disease Interior Quarantine

This emergency rulemaking action amends section 3439(b)(1) of the California Code of Regulations to expand the quarantine area for Huanglongbing (“HLB”) in the Westminster and Garden Grove areas of Orange County by two square miles in response to confirmation, on February 2, 2018, of the detection of citrus tissue samples containing HLB in this area. This expansion brings the total area under quarantine in Los Angeles and Orange Counties to 674 square miles.

Title 3  
AMEND: 3439(b)  
Filed 02/27/2018  
Effective 02/27/2018  
Agency Contact: Kyle Beucke (916) 403-6741

File# 2018-0222-02  
DEPARTMENT OF INSURANCE  
Federal Income Tax Factors

This action by the Department of Insurance updates various property and casualty premium rates and ratemaking formulas to maintain consistency with recently revised federal income tax rates. Pursuant to Government Code section 11340.9, subdivision (g), this action is exempt from the rulemaking provisions of the Administrative Procedure Act.

Title 10  
AMEND: 2644.18, 2644.20  
Filed 02/23/2018  
Effective 02/23/2018  
Agency Contact: George Teekell (415) 538-4390

File# 2018-0214-02  
DEPARTMENT OF JUSTICE  
Department of Public Health Bond Form

This action, submitted by the Department of Justice pursuant to Government Code section 11343.8, is a request to file with the Secretary of State the Commercial Cannabis License Bond form of the Department of Public Health and to print the title of the adopted bond form

in Title 11 of the California Code of Regulations at section 80.4.

Title 11  
ADOPT: 80.4  
Filed 02/22/2018  
Effective 02/22/2018  
Agency Contact: Cara M. Porter (415) 510-3508

File# 2018-0111-02  
DEPARTMENT OF MOTOR VEHICLES  
Autonomous Vehicles

This action by the Department of Motor Vehicles further implements Vehicle Code section 38750, enacted by Statutes 2012, chapter 570 (SB 1298), relating to the safe operation of autonomous vehicles on public roads. This includes amending existing regulations relating to testing of vehicles to include vehicles that do not require the presence of a driver and adopting new regulations relating to the deployment of autonomous vehicles.

Title 13  
ADOPT: 227.38, 227.40, 227.42, 228.00, 228.02, 228.04, 228.06, 228.08, 228.10, 228.12, 228.14, 228.16, 228.18, 228.20, 228.22, 228.24, 228.26, 228.28 AMEND: 227.02, 227.04, 227.12, 227.14, 227.16, 227.18, 227.20, 227.22, 227.24, 227.26, 227.28, 227.30, 227.32, 227.34, 227.36, 227.38, 227.40, 227.42, 227.44, 227.46, 227.48, 227.50, 227.52, 227.54  
Filed 02/26/2018  
Effective 04/01/2018  
Agency Contact: Randi Calkins (916) 657-8898

File# 2018-0216-01  
DEPARTMENT OF WATER RESOURCES  
Water Loss Audit Regulations — Renumbering

This is a change without regulatory effect made by the Department of Water Resources. In this action, regulations concerning water loss audits and reporting in the California Code of Regulations, title 23, division 3 (sections 700.1-700.6) are being moved in their entirety to division 2 (sections 638.1-638.6).

Title 23  
AMEND: 700.1 (renumbered to 638.1), 700.2 (renumbered to 638.2), 700.3 (renumbered to 638.3), 700.4 (renumbered to 638.4), 700.5 (renumbered to 638.5), 700.6 (renumbered to 638.6)  
Filed 02/22/2018  
Agency Contact: Todd Thompson (916) 651-9255

File# 2018-0112-02  
FISH AND GAME COMMISSION  
Sport Fishing (Annual)

This rulemaking action by the Fish and Game Commission adopts two sections, amends eleven sections,

and repeals one section in title 14 of the California Code of Regulations regarding freshwater sport fishing. This action clarifies fishing terminology, imposes a leader length restriction, expands bow fishing opportunities, updates fishing closures, and incorporates recent statutory changes to the Fish and Game Code.

**Title 14**

ADOPT: 1.18, 2.05 AMEND: 1.05, 1.11, 1.61, 2.10, 2.25, 5.35, 5.41, 5.88, 7.00, 7.50, 8.00 REPEAL: 1.60

Filed 02/27/2018

Effective 03/01/2018

Agency Contact: Jon Snellstrom (916) 653-4899

File# 2018-0112-03

**FISH AND GAME COMMISSION**

**Nearshore Fishery Regulations**

In this regular rulemaking, the Fish and Game Commission (Commission) amends four sections in Title 14 of the California Code of Regulations to make changes related to nearshore fishery permits. The regulatory amendments clarify that a person cannot hold a valid permit for more than one regional management area, allow the estate of a deceased permittee two years to transfer the permit, increase the permit transfer fee from \$500 to \$1,500, and require that permit holders submit notarized applications to the Department of Fish and Wildlife. The amended regulations also incorporate by reference two application forms: Nearshore Fishery Permit and Nearshore Fishery Trap Endorsement Transfer Application (DFW 1045) and Deeper Nearshore Species Fishery Permit Transfer Application (DFW 1048).

**Title 14**

AMEND: 150, 150.02, 150.03, 705

Filed 02/27/2018

Effective 04/01/2018

Agency Contact: Sheri Tiemann (916) 654-9872

File# 2018-0112-01

**OCCUPATIONAL SAFETY AND HEALTH STANDARDS BOARD**

**Electric Power Generation, Transmission, and Distribution; Electrical Protective Equipment: Final Rule**

This action amends the California Electrical Safety Orders to be at least as effective as existing federal standards.

**Title 8**

ADOPT: 2320.11, 2940.11, 2940.12, 2940.13, 2940.14, 2940.15, 2940.16, 2940.17, 2940.18, 2940.19, 2943.1, 2944.1, 3428 AMEND: 2300, 2320.2, 2320.7, 2320.8, 2340.17, 2700, 2887, 2940, 2940.1, 2940.2, 2940.5, 2940.6, 2940.7, 2940.8,

2940.10, 2941, 2941.1, 2943, 2944, 2945, 2946, 2951, 3314, 3389, 3422, 3425, 5156, 8617 REPEAL: 2893

Filed 02/27/2018

Effective 04/01/2018

Agency Contact: Marley Hart (916) 274-5721

**CCR CHANGES FILED  
WITH THE SECRETARY OF STATE  
WITHIN September 27, 2017 TO  
February 28, 2018**

All regulatory actions filed by OAL during this period are listed below by California Code of Regulations titles, then by date filed with the Secretary of State, with the Manual of Policies and Procedures changes adopted by the Department of Social Services listed last. For further information on a particular file, contact the person listed in the Summary of Regulatory Actions section of the Notice Register published on the first Friday more than nine days after the date filed.

**Title 2**

02/27/18 AMEND: 1181.2, 1181.3, 1182.2, 1182.7, 1182.9, 1182.10, 1182.15, 1183.1, 1183.2, 1183.3, 1183.4, 1183.6, 1183.8, 1183.9, 1183.10, 1183.11, 1183.12, 1183.13, 1183.15, 1183.16, 1183.17, 1184.1, 1185.1, 1185.2, 1185.3, 1185.7, 1185.8, 1186.2, 1186.4, 1187.5, 1187.7, 1187.8, 1187.9, 1187.12, 1187.14, 1187.15, 1190.1, 1190.2, 1190.3, 1190.5

02/22/18 AMEND: 58100

02/22/18 AMEND: 59800

02/13/18 AMEND: 18420.1, 18432.5, 18440, 18531.10, 18533, 18901.1 REPEAL: 18450.4

02/13/18 AMEND: 18535

02/13/18 AMEND: 18247.5, 18402, 18420, 18423, 18435, 18450.5, 18521.5 REPEAL: 18225, 18450.3

02/13/18 AMEND: 11034

02/07/18 AMEND: 56800

01/23/18 AMEND: 59530

01/18/18 AMEND: 18351

01/11/18 ADOPT: 20202, 20203, 20204, 20205, 20206, 20207, 20208, 20209, 20210, 20211, 20212, 20213, 20214, 20222, 20223, 20224, 20228, 20235, 20260, 20261, 20262, 20263, 20264, 20265, 20266, 20267, 20268, 20270, 20271, 20272, 20273, 20274, 20275, 20276, 20277, 20278, 20279, 20280 AMEND: 20200, 20201, 20213 (Renumbered

|  |  |
|--|--|
| 20215), 20214 (Renumbered 20216),<br>20216 (Renumbered 20217), 20217<br>(Renumbered 20218), 20220, 20220.5<br>(Renumbered 20260), 20221, 20222<br>(Renumbered 20225), 20223<br>(Renumbered 20226), 20224<br>(Renumbered 20232), 20227, 20225<br>(Renumbered 20230), 20226<br>(Renumbered 20229), 20230<br>(Renumbered 20231), 20235<br>(Renumbered 20233), 20236<br>(Renumbered 20234), 20247<br>(Renumbered 20236), 20249.5<br>(Renumbered 20237), 20250<br>(Renumbered 20238), 20255<br>(Renumbered 20250), 20258<br>(Renumbered 20240), 20260<br>(Renumbered 20241), 20261<br>(Renumbered 20242), 20265<br>(Renumbered 20251), 20266<br>(Renumbered 20252), 20267<br>(Renumbered 20253) REPEAL: 20202,<br>20203, 20204, 20205, 20206, 20207,<br>20208, 20209, 20210, 20211, 20212,<br>20215, 20245, 20249, 20251, 20252,<br>20253, 20254, 20256, 20257, 20259,<br>20262 | <b>Title 3</b><br>02/27/18 AMEND: 3439(b)<br>02/16/18 AMEND: 3439(b)<br>02/12/18 AMEND: 6000, 6739<br>01/29/18 AMEND: 3439(b)<br>01/29/18 AMEND: 3439(b)<br>01/25/18 ADOPT: 2852.5 AMEND: 2850, 2851,<br>2852, 2853, 2854, 2855, 2856<br>01/24/18 AMEND: 2<br>01/22/18 AMEND: 3439(b)<br>01/18/18 AMEND: 3439(b)<br>01/16/18 AMEND: 3439(b)<br>01/16/18 AMEND: 3424(c), 3591.12<br>01/16/18 AMEND: 3439(b)<br>01/03/18 AMEND: 3435(b)<br>12/26/17 AMEND: 3435<br>12/21/17 AMEND: 3439(b)<br>12/20/17 AMEND: 6000, 6619, 6724, 6764, 6768,<br>6769, 6776<br>12/15/17 AMEND: 3439(b)<br>12/13/17 AMEND: 3435(b)<br>12/13/17 AMEND: 3435(d)<br>12/12/17 ADOPT: 1391.7 AMEND: 1391, 1391.1,<br>1391.3<br>12/11/17 AMEND: 3439(b)<br>12/07/17 ADOPT: 8000, 8100, 8101, 8102, 8103,<br>8104, 8105, 8106, 8107, 8108, 8109,<br>8110, 8111, 8112, 8113, 8114, 8115,<br>8200, 8201, 8202, 8203, 8204, 8205,<br>8206, 8207, 8208, 8209, 8210, 8211,<br>8212, 8213, 8214, 8215, 8216, 8300,<br>8301, 8302, 8303, 8304, 8305, 8306,<br>8307, 8308, 8400, 8401, 8402, 8403,<br>8404, 8405, 8406, 8407, 8408, 8409,<br>8500, 8501, 8600, 8601, 8602, 8603,<br>8604, 8605, 8606, 8607, 8608 |
| 01/11/18 ADOPT: 20130, 20131, 20132, 20133,<br>20134, 20135, 20136, 20137, 20138   | 12/07/17 AMEND: 3439(b)  |
| 01/08/18 ADOPT: 20140, 20141, 20142, 20143,<br>20144   | 12/05/17 AMEND: 3591.5   |
| 12/20/17 AMEND: 1859.76  | 11/28/17 AMEND: 3406(c), 3591.5(b)   |
| 11/30/17 AMEND: 10, 51.2, 52.1, 52.10, 52.11,<br>53.2, 53.3, 57.1, 58.6, 58.10, 58.13, 60.1,<br>64.1, 64.2, 64.3, 64.5, 67.2, 67.3, 67.6   | 11/22/17 AMEND: 3435(b)  |
| 11/27/17 AMEND: 18531.5  | 11/21/17 AMEND: 3435(b)  |
| 11/27/17 AMEND: 1859.190, 1859.194,<br>1859.195, 1859.198  | 11/21/17 REPEAL: 1408.22   |
| 11/21/17 AMEND: 559.502  | 11/20/17 AMEND: 3591.15  |
| 11/21/17 AMEND: 59640  | 11/20/17 AMEND: 3435(b)  |
| 11/15/17 AMEND: 18535  | 11/15/17 AMEND: 6728   |
| 10/26/17 ADOPT: 571.1  | 11/09/17 AMEND: 3435(b)  |
| 10/23/17 AMEND: 11024  | 11/07/17 ADOPT: 6690, 6691, 6692   |
| 10/23/17 AMEND: 59740  | 11/07/17 ADOPT: 2852.5 AMEND: 2850, 2851,<br>2852, 2853, 2854, 2855, 2856  |
| 10/10/17 AMEND: 10500  | 11/06/17 AMEND: 3435(b)  |
| 10/09/17 AMEND: 59780  | 11/02/17 AMEND: 3435(b)  |
| 10/04/17 ADOPT: 280, 547.50, 547.51, 547.52,<br>547.53, 547.54, 547.55, 547.55.1,<br>547.55.2, 547.56, 547.57, 547.57.1,<br>547.52.2, 547.57.3, 547.57.4, 547.58,<br>547.58.1, 547.58.2, 547.58.3, 547.58.4,<br>547.58.5, 547.58.6, 547.58.7, 547.58.8,<br>547.58.9 AMEND: 281, 282 REPEAL:<br>547.50, 547.51, 547.52, 547.53, 547.54,<br>547.55, 547.56, 547.57   | 10/23/17 AMEND: 3435(b)  |
|  | 10/16/17 AMEND: 3591.15  |
|  | 10/16/17 AMEND: 3439(b)  |
|  | 09/28/17 AMEND: 3439(b)  |

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09/28/17 AMEND: 3435(b)  
 09/27/17 AMEND: 3435(b)

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02/23/18 ADOPT: 7213, 7214, 7215, 7216, 7217, 7218, 7219, 7220, 7221, 7222, 7223, 7224, 7225, 7227, 7228, 7229

02/22/18 AMEND: 10302, 10305, 10315, 10317, 10320, 10322, 10325, 10326, 10327, 10328, 10330, 10335, 10337 REPEAL: 10325.5

02/21/18 AMEND: 1865  
 02/21/18 AMEND: 1689, 1689.1

02/15/18 AMEND: 10302, 10305, 10315, 10317, 10320, 10322, 10325, 10326, 10327, 10328, 10330, 10335, 10337

01/25/18 AMEND: 1685, 1688

01/24/18 ADOPT: 4002.10, 4206, 4207 AMEND: 4001, 4200, 4201

01/17/18 AMEND: 12386, 12391, 12566  
 01/17/18 AMEND: 12386, 12391, 12566

01/09/18 ADOPT: 1597.5, 1597.6 AMEND: 1554, 1581.1, 1588, 1597, 1853

01/08/18 AMEND: 12120, 12303, 12362

01/02/18 AMEND: 12261, 12264

12/28/17 AMEND: 4300, 4302, 4304, 4306, 4307, 4308

12/21/17 AMEND: 8078.8, 8078.10

12/19/17 AMEND: 232

12/13/17 AMEND: 10032, 10036

12/07/17 AMEND: 12200.3, 12200.5, 12200.14, 12202, 12205.1, 12220.3, 12220.5, 12220.14, 12222, 12225.1, 12301.1, 12342, 12350, 12352, 12357, 12358

12/01/17 ADOPT: 5259 AMEND: 5000, 5033, 5035, 5037, 5054, 5060, 5101, 5102, 5120, 5144, 5170, 5191, 5212, 5230, 5240, 5250, 5540

11/30/17 AMEND: 12218.11, 12236

11/29/17 AMEND: 10176, 10177, 10178, 10179, 10180, 10181, 10182, 10183, 10184, 10185, 10186, 10187, 10188, 10189, 10190

11/16/17 AMEND: 1844

11/02/17 AMEND: 10170.2, 10170.3, 10170.4, 10170.9, 10170.10

10/31/17 AMEND: 711

10/31/17 AMEND: 10031, 10032, 10033, 10035, 10036

10/18/17 ADOPT: 12250, 12260, 12261, 12262, 12263, 12264, 12285, 12287, 12290 AMEND: 12003, 12200, 12200.7, 12200.9, 12200.10A, 12200.11, 12200.18, 12220, 12220.18, 12560, 12562 REPEAL: 12200.13, 12200.16, 12200.21, 12220.13, 12220.16, 12220.21

10/13/17 ADOPT: 5145, 5146, 5233 AMEND: 5000, 5020, 5031, 5033, 5050, 5051, 5054, 5061, 5062, 5063, 5106, 5144, 5170, 5191, 5192, 5194, 5200, 5220, 5230, 5240, 5250, 5255, 5258, 5260, 5300, 5342, 5350, 5370, 5400, 5450, 5560, 5600 REPEAL: 5221

10/09/17 ADOPT: 5700, 5710, 5711, 5720, 5721, 5722, 5730, 5731 AMEND: 5000, 5020, 5100

10/05/17 AMEND: 1632

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02/26/18 ADOPT: 71396

02/20/18 ADOPT: 11526 AMEND: 11520, 11524, 11525

02/20/18 ADOPT: 11534.1 AMEND: 11530, 11533, 11534

01/29/18 AMEND: 19810

01/29/18 AMEND: 40601, 40803, 40804, 40804.1, 40806, 40900, 40901

01/25/18 ADOPT: 854.1, 854.2, 854.3, 854.4, 854.5, 854.9 AMEND: 850, 851, 851.5, 853, 855, 856, 859 REPEAL: 853.5, 853.6, 853.7, 853.8

01/22/18 AMEND: 27000

01/11/18 AMEND: 9517.3

11/28/17 AMEND: 9510, 9512, 9513, 9518, 9529, 9810

11/27/17 AMEND: 19810

11/21/17 ADOPT: 71396

11/16/17 ADOPT: 11526 AMEND: 11520, 11524, 11525

11/16/17 ADOPT: 11534.1 AMEND: 11530, 11533, 11534

11/13/17 REPEAL: 620, 621, 622, 623, 624, 625, 626, 627

11/07/17 ADOPT: 9517.1

10/18/17 AMEND: 851, 853.5, 853.7, 855, 856

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02/27/18 ADOPT: 2320.11, 2940.11, 2940.12, 2940.13, 2940.14, 2940.15, 2940.16, 2940.17, 2940.18, 2940.19, 2943.1, 2944.1, 3428 AMEND: 2300, 2320.2, 2320.7, 2320.8, 2340.17, 2700, 2887, 2940, 2940.1, 2940.2, 2940.5, 2940.6, 2940.7, 2940.8, 2940.10, 2941, 2941.1, 2943, 2944, 2945, 2946, 2951, 3314, 3389, 3422, 3425, 5156, 8617 REPEAL: 2893

02/07/18 ADOPT: 9788.1, 9788.2, 9788.3, 9788.4, 9788.5, 9788.6

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01/24/18 REPEAL: 16410, 16411, 16412, 16413, 16414  
 01/11/18 ADOPT: 9792.23.10, 9792.23.11, 9792.23.12 AMEND: 9792.20, 9792.22, 9792.23, 9792.23.1, 9792.23.2, 9792.23.3, 9792.23.4, 9792.23.5, 9792.23.6, 9792.23.7, 9792.23.8, 9792.23.9, 9792.24.1, 9792.24.2, 9792.24.3, 9792.24.4  
 01/08/18 AMEND: 336  
 01/02/18 AMEND: 10205.13, 10205.14  
 12/28/17 AMEND: 9789.17.3, 9789.19  
 12/21/17 AMEND: 344.18  
 12/07/17 ADOPT: 9792.27.1, 9792.27.2, 9792.27.3, 9792.27.4, 9792.27.5, 9792.27.6, 9792.27.7, 9792.27.8, 9792.27.9, 9792.27.10, 9792.27.11, 9792.27.12, 9792.27.13, 9792.27.14, 9792.27.15, 9792.27.16, 9792.27.17, 9792.27.18, 9792.27.19, 9792.27.20, 9792.27.21, 9792.27.22, 9792.27.23  
 12/05/17 AMEND: 5155  
 11/28/17 AMEND: 9789.25  
 11/28/17 ADOPT: 6056.1 AMEND: 6052, 6056, 6057, 6060 REPEAL: 6062  
 10/26/17 ADOPT: 1711 AMEND: 1712, 1713, 1717 REPEAL: 1711, 1721  
 10/09/17 AMEND: 1646(a)  
 10/02/17 ADOPT: 1535.1, 5205, 8359.1 AMEND: 5155  
 09/28/17 ADOPT: 9788.1, 9788.2, 9788.3, 9788.4  
 09/27/17 AMEND: 5191(b)

**Title 9**

02/12/18 ADOPT: 4020, 4020.1  
 01/16/18 AMEND: 7140.5  
 01/12/18 AMEND: 4350  
 12/05/17 AMEND: 400  
 11/22/17 ADOPT: 4700, 4710, 4711, 4712, 4713, 4714, 4715, 4716, 4717  
 10/18/17 AMEND: 7211, 7212.2, 7212.4, 7213.2, 7213.3, 7213.6, 7214.1, 7215.1, 7218, 7220, 7220.3, 7221, 7225

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02/23/18 AMEND: 2644.18, 2644.20  
 01/29/18 AMEND: 6704, 6708, 6710  
 01/23/18 AMEND: 2498.4.9  
 01/22/18 AMEND: 2498.6  
 01/17/18 AMEND: 2498.6  
 01/17/18 AMEND: 2498.5  
 11/27/17 ADOPT: 2303.23, 2303.24, 2303.25, 2303.26, 2303.27, 2303.28 AMEND: 2303, 2303.1, 2303.2, 2303.4, 2303.5, 2303.8, 2303.9, 2303.11, 2303.12, 2303.13, 2303.14, 2303.15, 2303.17,

2303.19, 2303.21, existing 2303.22 renumbered as 2303.29, existing 2303.23 renumbered as 2303.30, and existing 2303.24 renumbered as 2303.22  
 10/26/17 ADOPT: 6408, 6410, 6450, 6452, 6454, 6470, 6472, 6474, 6476, 6478, 6480, 6482, 6484, 6486, 6490, 6492, 6494, 6496, 6498, 6500, 6502, 6504, 6506, 6508, 6510, 6600, 6602, 6604, 6606, 6608, 6610, 6612, 6614, 6616, 6618, 6620, 6622  
 10/05/17 ADOPT: 9000, 9001, 9002, 9003, 9004, 9005, 9006, 9007

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02/27/18 AMEND: 1951, 1953, 1954, 1955, 1956, 1959, 1960  
 02/22/18 AMEND: 1009  
 02/22/18 AMEND: 1001, 1005, 1008  
 02/22/18 ADOPT: 80.4  
 01/30/18 AMEND: 20  
 01/29/18 ADOPT: 26.20  
 01/16/18 AMEND: 2084, 2086, 2088, 2089, 2090, 2091, 2092, 2095, 2096, 2107, 2109  
 01/02/18 ADOPT: 4260, 4261, 4262, 4263, 4264  
 11/29/17 AMEND: 2030, 2038, 2060  
 11/29/17 AMEND: 2030, 2038, 2060  
 11/27/17 AMEND: 301, 303, 308, 411, 415, 420  
 11/07/17 ADOPT: 999.224, 999.225, 999.226, 999.227, 999.228, 999.229  
 10/05/17 AMEND: 78.4  
 10/05/17 AMEND: 78.6  
 10/05/17 ADOPT: 78.7

**Title 13**

02/27/18 ADOPT: 1267.1 AMEND: 1201, 1217, 1232, 1242, 1268, 1269  
 02/26/18 ADOPT: 227.38, 227.40, 227.42, 228.00, 228.02, 228.04, 228.06, 228.08, 228.10, 228.12, 228.14, 228.16, 228.18, 228.20, 228.22, 228.24, 228.26, 228.28 AMEND: 227.02, 227.04, 227.12, 227.14, 227.16, 227.18, 227.20, 227.22, 227.24, 227.26, 227.28, 227.30, 227.32, 227.34, 227.36, 227.38, 227.40, 227.42, 227.44, 227.46, 227.48, 227.50, 227.52, 227.54  
 02/15/18 AMEND: 170.00 renumbered as 206.00, 170.02 renumbered as 206.02, 170.04 renumbered as 206.04, 170.06 renumbered as 206.06, 170.08 renumbered as 206.08, 170.10 renumbered as 206.10, 170.12 renumbered as 206.12, 171.00 renumbered as 206.20, 171.02 renumbered as 206.22, 172.00

|                 |   |   |   |
|-----------------|---|---|---|
|                 | renumbered as 206.30, 172.05              | 935.2, 935.3, 935.4, 936, 936.1, 936.2,   |   |
|                 | renumbered as 206.35, 172.10              | 936.3, 936.4, 936.5, 936.6, 936.7, 936.8, |   |
|                 | renumbered as 206.40, 173.00              | 936.9, 936.10, 936.11, 936.11.1, 936.12,  |   |
|                 | renumbered as 206.50, 173.02              | 937, 937.2, 937.5, 937.6, 937.7, 937.9,   |   |
|                 | renumbered as 206.52, 173.04              | 937.10, 938, 938.1, 938.4, 938.5, 938.6,  |   |
|                 | renumbered as 206.54, 173.06              | 938.7, 938.8, 938.10, 939, 939.1, 939.2,  |   |
|                 | renumbered as 206.56, 173.08              | 939.3, 939.4, 939.5, 939.9, 939.10,       |   |
|                 | renumbered as 206.58, 174.00              | 939.12, 939.16, 940, 943, 943.1, 943.2,   |   |
|                 | renumbered as 206.60, 180.00              | 943.3, 943.4, 943.5, 943.6, 943.7, 943.8, |   |
|                 | renumbered as 206.62, 180.02              | 943.9, 943.9.1, 949, 949.1, 949.2, 949.3, |   |
|                 | renumbered as 206.64, and 181.00          | 949.4, 949.5, 949.6, 949.7, 953, 953.1,   |   |
|                 | renumbered as 206.66                      | 953.2, 953.3, 953.4, 953.5, 953.6,        |   |
| 02/13/18        | AMEND: 553.70                             | 953.10, 953.11, 954, 954.1, 954.2, 954.3, |   |
| 02/01/18        | AMEND: 1212.5, 1218, 1239, 1264           | 954.5, 954.6, 954.7, 954.8, 954.9, 955,   |   |
| 01/25/18        | AMEND: 1152.3                             | 955.1, 955.2, 955.3, 955.4, 956, 956.1,   |   |
| 12/28/17        | ADOPT: 1294                               | 956.2, 956.3, 956.4, 956.5, 956.6, 956.7, |   |
| 12/22/17        | ADOPT: 17.00, 17.02, 17.04, 17.06         | 956.8, 956.9, 956.10, 956.11, 956.12,     |   |
|                 | AMEND: 15.00, 15.01                       | 957, 957.2, 957.5, 957.7, 957.9, 957.10,  |   |
| 12/07/17        | AMEND: 1152.6.1                           | 958, 958.1, 958.4, 958.5, 958.6, 958.7,   |   |
| 11/20/17        | ADOPT: 160.02, 160.04, 106.06, 161.00,    | 958.8, 958.10, 959, 959.1, 959.2, 959.3,  |   |
|                 | 161.02, 161.04, 161.06 AMEND: 160.00      | 959.4, 959.5, 959.12, 959.16, 960, 961,   |   |
| 11/16/17        | AMEND: 1157.21                            | 961.4, 963, 963.1, 963.2, 963.3, 963.4,   |   |
| 11/15/17        | AMEND: 180.00                             | 963.5, 963.6, 963.7, 963.8, 963.9,        |   |
| 11/13/17        | ADOPT: 2774 AMEND: 2750, 2751,            | 963.9.1, 969, 969.1, 969.2, 969.3, 969.4, |   |
|                 | 2752, 2753, 2754.1, 2755, 2756, 2757,     | 969.5, 969.6, 969.7, 1032.10              |   |
|                 | 2758, 2759, 2760, 2761, 2762, 2763,       | 12/13/17                                  | ADOPT: 3504.6                             |
|                 | 2764, 2765, 2766, 2767, 2767.1, 2768,     | 12/12/17                                  | AMEND: 3950 REPEAL: 3951, 3952,           |
|                 | 2769, 2770, 2771, 2772, 2773              |   | 3953, 3954, 3955, 3956, 3957, 3958,       |
| 11/13/17        | AMEND: 225.00, 225.03, 225.09,            |   | 3959, 3960, 3961, 3962, 3963, 3964,       |
|                 | 225.12, 225.15, 225.30, 225.35, 225.39,   |   | 3965                                      |
|                 | 225.42                                    | 12/06/17                                  | AMEND: 4970.00, 4970.03, 4970.05,         |
| 10/30/17        | AMEND: 423.00                             |   | 4970.10                                   |
| 10/25/17        | AMEND: 26.01, 26.02                       | 12/05/17                                  | AMEND: 265                                |
| 10/23/17        | AMEND: 1153                               | 12/05/17                                  | AMEND: 18660.40                           |
| 10/16/17        | ADOPT: 2208, 2208.1, 2208.2 AMEND:        | 11/28/17                                  | ADOPT: 17403.3.2, 17403.3.3 AMEND:        |
|                 | 1956.8                                    |   | 17402, 17403.0, 17403.8, 17405.0,         |
|                 |   |   | 17409.3, 18103.1, 18221.5                 |
| <b>Title 14</b> |   | 11/20/17                                  | ADOPT: 1.95                               |
| 02/27/18        | ADOPT: 1.18, 2.05 AMEND: 1.05, 1.11,      | 11/16/17                                  | AMEND: 2975                               |
|                 | 1.61, 2.10, 2.25, 5.35, 5.41, 5.88, 7.00, | 11/15/17                                  | AMEND: 1038                               |
|                 | 7.50, 8.00 REPEAL: 1.60                   | 11/14/17                                  | AMEND: 1035.1, 1035.2, 1035.3             |
| 02/27/18        | AMEND: 150, 150.02, 150.03, 705           | 10/31/17                                  | AMEND: 917, 917.2, 917.3, 917.4,          |
| 02/22/18        | ADOPT: 131                                |   | 917.5, 917.7, 917.9, 917.10, 917.11, 918, |
| 02/20/18        | AMEND: 13800                              |   | 918.1, 918.4, 918.5, 918.6, 918.7, 918.8, |
| 02/07/18        | AMEND: 3697, 3698, 3699                   |   | 918.10, 919, 919.1, 919.2, 919.3, 919.4,  |
| 02/06/18        | AMEND: 1038                               |   | 919.5, 919.9, 919.10, 919.11, 919.12,     |
| 01/25/18        | AMEND: 1038                               |   | 919.16, 920, 921, 921.1, 921.3, 921.4,    |
| 01/03/18        | AMEND: 18943, 18944, 18945.1              |   | 921.5, 921.6, 921.7, 921.8, 921.9, 923,   |
| 01/02/18        | ADOPT: 722                                |   | 923.1, 923.2, 923.3, 923.4, 923.5, 923.6, |
| 12/27/17        | AMEND: 699.5                              |   | 923.7, 923.8, 923.9, 923.9.1, 924, 924.1, |
| 12/21/17        | ADOPT: 128                                |   | 924.2, 924.3, 924.4, 924.5, 925, 925.1,   |
| 12/20/17        | AMEND: 933, 933.1, 933.2, 933.3,          |   | 925.2, 925.3, 925.4, 925.5, 925.6, 925.7, |
|                 | 933.4, 933.5, 933.6, 933.7, 933.10,       |   | 925.8, 925.9, 925.11, 926, 926.1, 926.2,  |
|                 | 933.11, 934, 934.1, 934.2, 934.3, 934.5,  |   | 926.3, 926.4, 926.5, 926.6, 926.7, 926.8, |
|                 | 934.6, 934.7, 934.8, 934.9, 935, 935.1,   |   |   |

926.9, 926.10, 926.11, 926.12, 926.13, 926.14, 926.15, 926.16, 926.17, 926.18, 926.19, 926.23, 926.25, 927, 927.1, 927.2, 927.3, 927.4, 927.5, 927.6, 927.7, 927.8, 927.9, 927.10, 927.11, 927.12, 927.13, 927.14, 927.15, 927.16, 927.17, 928, 928.1, 928.2, 928.3, 928.4, 928.6, 928.7, 929, 929.1, 929.2, 929.3, 929.4, 929.5, 929.6, 929.7, 937.3, 945, 945.1, 945.3, 945.5, 957.4, 961.1, 961.2, 961.3, 961.7, 961.8, 965, 965.1, 965.2, 965.3, 965.4, 965.5, 965.6, 965.7, 965.8, 965.9, 965.10, 1020, 1022, 1022.1, 1022.2, 1022.3, 1022.4, 1022.5, 1023, 1023.1, 1024, 1024.1, 1024.2, 1024.3, 1024.5, 1024.6, 1025, 1026, 1027, 1027.1, 1027.2, 1027.3, 1029, 1030, 1032, 1032.7, 1032.8, 1032.9, 1033, 1034, 1034.2, 1035, 1035.4, 1036.1, 1037, 1037.1, 1037.3, 1037.4, 1037.5, 1037.6, 1037.7, 1037.8, 1037.9, 1037.10, 1037.11, 1038.1, 1038.2, 1038.3, 1039, 1039.1, 1040, 1041, 1042, 1043, 1045, 1050, 1051, 1051.1, 1051.2, 1051.3, 1051.4, 1051.5, 1051.6, 1052, 1052.1, 1052.2, 1052.3, 1052.4, 1052.5, 1053, 1054, 1054.1, 1054.2, 1054.3, 1054.4, 1054.5, 1054.6, 1054.7, 1054.8, 1055, 1055.1, 1055.2, 1055.3, 1055.4, 1055.5, 1055.6, 1056, 1056.1, 1056.2, 1056.3, 1056.5, 1056.6, 1057.1, 1057.2, 1057.5, 1058, 1058.3, 1058.4, 1058.5, 1059, 1060, 1070, 1071, 1072, 1072.1, 1072.3, 1072.4, 1072.5, 1072.6, 1072.7, 1073, 1074, 1074.1, 1075, 1080.1, 1080.2, 1080.3, 1080.4, 1080.5, 1090, 1090.1, 1090.2, 1090.3, 1090.4, 1090.5, 1090.6, 1090.7, 1090.8, 1090.9, 1090.10, 1090.11, 1090.12, 1090.13, 1090.14, 1090.16, 1090.17, 1090.18, 1090.19, 1090.20, 1090.21, 1090.22, 1090.23, 1090.24, 1090.25, 1090.26, 1090.27, 1090.28, 1091.1, 1091.3, 1091.4, 1091.45, 1091.5, 1091.6, 1091.7, 1091.8, 1091.10, 1091.11, 1091.12, 1091.13, 1091.14, 1091.15, 1092, 1092.01, 1092.02, 1092.04, 1092.05, 1092.06, 1092.07, 1092.09, 1092.10, 1092.11, 1092.12, 1092.13, 1092.14, 1092.15, 1092.16, 1092.17, 1092.18, 1092.19, 1092.20, 1092.21, 1092.22, 1092.23, 1092.24, 1092.25, 1092.26, 1092.27, 1092.28, 1092.29, 1092.31, 1092.32, 1093, 1093.1, 1093.2, 1093.3, 1093.4, 1093.6, 1100, 1101, 1102, 1103, 1103.1,

1103.2, 1104, 1104.1, 1104.2, 1104.3, 1105, 1105.1, 1105.3, 1105.4, 1106, 1106.1, 1106.2, 1106.4, 1106.5, 1107, 1108, 1109, 1109.1, 1109.2, 1109.3, 1109.4, 1109.5, 1109.6, 1110, 1115, 1115.1, 1115.2, 1115.3.

10/24/17 AMEND: 25231  
 10/04/17 AMEND: 18419  
 09/29/17 AMEND: 29.80, 122

**Title 14, 27**

12/11/17 AMEND: Title 14, Sections: 18474, 18475, 18476, 18478, 18489, 18491, 18492, 18493, 18494, 18499.3, 18499.4, 18499.5, 18499.6, 18499.7, 18499.8, 18499.9, Appendix A, Forms 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, Title 27, Sections: 22240, 22241, 22242, 22243, 22244, 22246, 22247, 22249, 22249.5, 22250, 22251, 22252, 22253, 22254, Appendix 3, Forms 100, 101, 102(a), 102(b), 102(c), 103(a), 103(b), 103(c), 104, 105, 107, 109, 110, 111, 112, 113

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02/07/18 ADOPT: 3999.24  
 02/05/18 AMEND: 1006, 1062  
 02/01/18 ADOPT: 3087, 3087.1, 3087.2, 3087.3, 3087.4, 3087.5, 3087.6, 3087.7, 3087.8, 3087.9, 3087.10, 3087.11, 3087.12  
 01/02/18 AMEND: 3000, 3030, 3190, 3269  
 12/29/17 ADOPT: 3371.1 AMEND: 3043.7, 3044 REPEAL: 3371.1  
 12/21/17 AMEND: 8004, 8004.1  
 12/18/17 ADOPT: 2449.1, 2449.2, 2449.3, 2449.4, 2449.5, 3043.1, 3043.2, 3043.3, 3043.4, 3043.5, 3043.6, 3490, 3491, 3492, 3493 AMEND: 3043, 3043.5 (renumbered to 3043.7), 3043.6 (renumbered to 3043.8), 3044 REPEAL: 3042, 3043.1, 3043.2, 3043.3, 3043.4, 3043.7  
 12/12/17 AMEND: 8199  
 11/30/17 AMEND: 1  
 11/27/17 AMEND: 3600(b), 3600(e)  
 11/03/17 ADOPT: 1712.4, 1714.4, 1730.4, 1740.4 AMEND: 1700, 1706, 1731, 1747, 1747.1, 1748, 1748.5, 1749, 1749.1, 1750, 1750.1, 1751, 1752, 1753, 1754, 1756, 1760, 1766, 1767, 1768, 1770, 1772, 1776, 1778, 1788, 1790, 1792  
 10/09/17 ADOPT: 3378.9, 3378.10 AMEND: 3000, 3023, 3043.8, 3044, 3084.9, 3269, 3335, 3337, 3341, 3341.2, 3341.3, 3341.5, 3341.6, 3341.8, 3341.9, 3375, 3375.1, 3375.2, 3376, 3376.1, 3378,



|                 |  |  |
|-----------------|--|--|
|                 | 3378.1, 3378.2, 3378.3, 3378.4, 3378.5,<br>3378.6, 3378.7, 3378.8 REPEAL: 3334   | 40165, 40167, 40169, 40175, 40177,<br>40178, 40180, 40182, 40200, 40205,<br>40220, 40222, 40223, 40225, 40232,<br>40234, 40236, 40238, 40240, 40242,<br>40250, 40252, 40254, 40256, 40258,<br>40260, 40262, 40264, 40266, 40268,<br>40270, 40272, 40275, 40277, 40280,<br>40282, 40290, 40292, 40299, 40300,<br>40305, 40306, 40310, 40400, 40401,<br>40403, 40405, 40406, 40408, 40410,<br>40411, 40412, 40415, 40500, 40510,<br>40512, 40513, 40515, 40517, 40525,<br>40550, 40600, 40601  |
| 10/04/17        | AMEND: 3000, 3030, 3190, 3269  |  |
| 10/04/17        | AMEND: 18419   |  |
| <b>Title 16</b> |  |  |
| 01/25/18        | ADOPT: 1715.65   |  |
| 01/17/18        | AMEND: 1760  |  |
| 01/17/18        | AMEND: 420.1 REPEAL: 424.5   |  |
| 01/11/18        | AMEND: 427.10, 427.30  |  |
| 01/03/18        | AMEND: 1937.11   |  |
| 12/20/17        | ADOPT: 2039.5  |  |
| 12/19/17        | AMEND: 1735.2  |  |
| 12/07/17        | ADOPT: 5000, 5001, 5002, 5003, 5004,<br>5005, 5006, 5007, 5008, 5009, 5010,<br>5011, 5012, 5013, 5014, 5015, 5016,<br>5017, 5018, 5019, 5020, 5021, 5022,<br>5023, 5024, 5025, 5026, 5027, 5028,<br>5029, 5030, 5031, 5032, 5033, 5034,<br>5035, 5036, 5037, 5038, 5039, 5040,<br>5041, 5042, 5043, 5044, 5045, 5046,<br>5047, 5048, 5049, 5050, 5051, 5052,<br>5053, 5054, 5055, 5300, 5301, 5302,<br>5303, 5304, 5305, 5306, 5307, 5308,<br>5309, 5310, 5311, 5312, 5313, 5314,<br>5315, 5400, 5401, 5402, 5403, 5404,<br>5405, 5406, 5407, 5408, 5409, 5410,<br>5411, 5412, 5413, 5414, 5415, 5416,<br>5417, 5418, 5419, 5420, 5421, 5422,<br>5423, 5424, 5425, 5426, 5500, 5501,<br>5502, 5503, 5504, 5505, 5506, 5600,<br>5601, 5602, 5603, 5700, 5701, 5702,<br>5703, 5704, 5705, 5706, 5707, 5708,<br>5709, 5710, 5711, 5712, 5713, 5714,<br>5715, 5716, 5717, 5718, 5719, 5720,<br>5721, 5722, 5723, 5724, 5725, 5726,<br>5727, 5728, 5729, 5730, 5731, 5732,<br>5733, 5734, 5735, 5736, 5737, 5738,<br>5739, 5800, 5801, 5802, 5803, 5804,<br>5805, 5806, 5807, 5808, 5809, 5810,<br>5811, 5812, 5813, 5814 | 11/20/17 AMEND: 95673<br>11/13/17 AMEND: 60003<br>10/19/17 ADOPT: 1235, 1236, 1237   |
| 11/16/17        | ADOPT: 3351.7.1, 3351.7.2, 3371.7.3<br>AMEND: 3371.1   | <b>Title 18</b>  |
| 10/31/17        | AMEND: 904, 905  | 01/05/18 ADOPT: 30100, 30101, 30102, 30201,<br>30202, 30203, 30204, 30205, 30301,<br>30302, 30303, 30304, 30305, 30401,<br>30402, 30403, 30501, 30502, 30601,<br>30602, 30603, 30604, 30605, 30606,<br>30701, 30702, 30703, 30704, 30705,<br>30707, 30708, 30709, 30710, 30711,<br>30800, 30801, 30802, 30803, 30804,<br>30805, 30806, 30807, 30808, 30809,<br>30810, 30811, 30812, 30813, 30814,<br>30815, 30816, 30817, 30818, 30819,<br>30820, 30821, 30822, 30823, 30824,<br>30825, 30826, 30827, 30828, 30829,<br>30830, 30831, 30832 |
| 10/19/17        | AMEND: 1364.10, 1364.11, 1364.13,<br>1364.15   | <b>Title 20</b>  |
| 10/10/17        | AMEND: 1358  | 01/30/18 ADOPT: 4.5, 8.3, 9.5 AMEND: 1.3, 1.4,<br>1.7, 1.9, 1.13, 1.14, 1.17, 3.1, 3.3, 4.6<br>(renumbered from 4.5), 6.3, 7.2, 7.3, 7.6,<br>8.1, 8.2 (renumbered from 8.3), 8.4,<br>Article 9 (title), 9.4, 9.6 (renumbered<br>from 9.5), 12.1, 13.7, 13.8, 13.11, 13.12,<br>13.13, 13.14, 14.1, 14.2, 14.5, 14.6, 15.1,<br>15.3, 16.1, 16.2, 17.1 REPEAL: 8.2, 8.6,<br>9.6, 9.7  |
| 10/06/17        | ADOPT: 1993.4 AMEND: 1993.2<br>REPEAL: 1993.3  | 01/25/18 AMEND: 1602, 1605.3, 1606<br>10/05/17 AMEND: 1602, 1606, 1607   |
| 10/02/17        | AMEND: 1914  | <b>Title 21</b>  |
| <b>Title 17</b> |  |  |
| 12/07/17        | ADOPT: 40100, 40101, 40102, 40115,<br>40116, 40118, 40126, 40128, 40129,<br>40130, 40131, 40133, 40135, 40137,<br>40150, 40155, 40156, 40159, 40162,   | 01/04/18 ADOPT: 1478.1, 1478.2 AMEND: 1476<br>11/28/17 ADOPT: 1700.1, 1700.2, 1700.3, 1705.1,<br>1706.1, 1707.1 AMEND: 1700<br>[renumbered to 1701.1], 1701<br>[renumbered to 1701.2], 1702.1, 1703<br>[renumbered to 1702.2], 1704.1<br>[renumbered to 1703.1], 1704.2<br>[renumbered to 1703.2], 1704.3<br>[renumbered to 1703.3], 1704.4<br>[renumbered to 1703.4], 1704.5  |

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[renumbered to 1703.5], 1704.6  
 [renumbered to 1703.6], 1705.1  
 [renumbered to 1704.1], 1705.2  
 [renumbered to 1704.2], 1705.3  
 [renumbered to 1704.3], 1705.4  
 [renumbered to 1704.4], 1705.5  
 [renumbered to 1704.5], 1705.6  
 [renumbered to 1704.6], 1705.7  
 [renumbered to 1704.7], 1705.8  
 [renumbered to 1704.8]

**Title 22**

02/08/18 AMEND: 97232  
 01/24/18 AMEND: 97177.10, 97177.67, 97177.70  
 01/11/18 ADOPT: 97268 AMEND: 97215, 97218, 97219, 97253, 97254, 97255  
 12/18/17 ADOPT: 2925  
 12/08/17 AMEND: 2608-1, 2627(b)-1  
 12/05/17 AMEND: 2706-2, 3301(d)-1, 3201-1, 3303-1, 3303.1(c)-1 REPEAL: 3303(b)-1  
 11/16/17 ADOPT: 63750.80 AMEND: 63850  
 10/30/17 AMEND: 72517

**Title 22, MPP**

12/21/17 ADOPT: 130000, 130001, 130003, 130004, 130006, 130007, 130008, 130009, 130020, 130021, 130022, 130023, 130024, 130025, 130026, 130027, 130028, 130030, 130040, 130041, 130042, 130043, 130044, 130045, 130048, 130050, 130051, 130052, 130053, 130054, 130055, 130056, 130057, 130058, 130062, 130063, 130064, 130065, 130066, 130067, 130068, 130070, 130071, 130080, 130081, 130082, 130083, 130084, 130090, 130091, 130092, 130093, 130094, 130095, 130100, 130110, 130200, 130201, 130202, 130203, 130210, 130211  
 09/28/17 AMEND: 35000

**Title 23**

02/22/18 AMEND: 700.1 (renumbered to 638.1), 700.2 (renumbered to 638.2), 700.3 (renumbered to 638.3), 700.4 (renumbered to 638.4), 700.5

(renumbered to 638.5), 700.6 (renumbered to 638.6)  
 01/24/18 ADOPT: 700.1, 700.2, 700.3, 700.4, 700.5, 700.6  
 12/26/17 ADOPT: 3949.13  
 12/15/17 AMEND: 64300, 64305, 64310, 64315  
 12/14/17 AMEND: 64444, 64445, 64445.1, 64447.4, 64465, 64481  
 11/20/17 AMEND: 2922  
 11/16/17 AMEND: 3682.2, 3682.3, 3702.1, 3702.2, 3702.3, 3702.4, 3717  
 11/06/17 AMEND: 2200, 2200.5, 2200.6, 2200.7  
 11/06/17 ADOPT: 1070.5 AMEND: 1062, 1064, 1066, 1068, 1070  
 10/19/17 ADOPT: 335, 335.2, 335.4, 335.6, 335.8, 335.10, 335.12, 335.14, 335.16, 335.18, 335.20  
 10/05/17 ADOPT: 2910 REPEAL: 2910

**Title 25**

01/18/18 AMEND: 10001  
 11/08/17 ADOPT: 8313, 8313.1, 8313.2, 8317, 8318 AMEND: 8300, 8301, 8302, 8303, 8305, 8307, 8308, 8309, 8310, 8311, 8312, 8314, 8315, 8316  
 10/12/17 ADOPT: 5535, 5535.5, 5536, 5536.5

**Title 27**

02/05/18 AMEND: 25705  
 02/01/18 AMEND: 27000  
 01/29/18 AMEND: 27001  
 01/02/18 ADOPT: 25603.3  
 12/28/17 AMEND: Appendix B; Div. 3; Subd. 1; Ch. 2  
 12/20/17 AMEND: 27001  
 11/20/17 AMEND: 25600.1, 25600.2, 25601, 25602, 25603, 25607, 25607.2, 25607.5, 25607.6, 25607.7, 25607.12, 25607.13  
 11/15/17 AMEND: 27001  
 11/15/17 AMEND: 27001  
 10/30/17 ADOPT: 25607.32, 25607.33  
 10/30/17 AMEND: 27000

**Title MPP**

01/17/18 AMEND: 47-260  
 01/17/18 AMEND: 46-430  
 12/28/17 AMEND: 41-440, 42-711, 42-716, 42-717, 44-207  
 11/16/17 AMEND: 44-211