



California Regulatory Notice Register

REGISTER 2019, NUMBER 51-Z

PUBLISHED WEEKLY BY THE OFFICE OF ADMINISTRATIVE LAW

DECEMBER 20, 2019

PROPOSED ACTION ON REGULATIONS

TITLE 2. FAIR POLITICAL PRACTICES COMMISSION

Conflict-of-Interest Code — Notice File Number Z2019-1210-02 1677

Amendment

Multi-County:

Marysville Joint Unified School District

Adoption

State Agency:

UC Hastings Campus Housing Finance Authority JPA

TITLE 11. COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING

Code of Ethics — Notice File Number Z2019-1210-023 1678

TITLE 11. DEPARTMENT OF JUSTICE

Firearms and Ammo Eligibility Check — Notice File Number Z2019-1210-06 1679

TITLE 16. BOARD OF BARBERING AND COSMETOLOGY

Substantial Relationship, Rehabilitation Criteria — Notice File Number Z2019-1206-01 1683

TITLE 17. DEPARTMENT OF PUBLIC HEALTH

Prenatal Diagnosis Center — Notice File Number Z2019-1210-05 1686

TITLE 19. OFFICE OF EMERGENCY SERVICES

Community Isolation Outages — Notice File Number Z2019-1210-04 1691

DECISION NOT TO PROCEED

SUPERINTENDENT OF PUBLIC INSTRUCTION

Concerning 12-Month Eligibility and CalWORKS

(Previously Published in Notice Register 2018, Number 52-Z) 1694

(Continued on next page)

*Time-Dated
Material*

RULEMAKING PETITION DECISION

DEPARTMENT OF CORRECTIONS AND REHABILITATION

Notice of Decision on Petition from Renee Sunnafrank Concerning Family Visiting 1694

SUMMARY OF REGULATORY ACTIONS

Regulations filed with the Secretary of State 1695

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.

CALIFORNIA REGULATORY NOTICE REGISTER is published weekly by the Office of Administrative Law, 300 Capitol Mall, Suite 1250, Sacramento, CA 95814-4339. The Register is printed by Barclays, a subsidiary of West, a Thomson Reuters Business, and is offered by subscription for \$205.00 (annual price). To order or make changes to current subscriptions, please call (800) 328-4880. The Register can also be accessed at <http://www.oal.ca.gov>.

<p>PROPOSED ACTION ON REGULATIONS</p>
--

Information contained in this document is published as received from agencies and is not edited by Thomson Reuters.

**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

AMENDMENT

MULTI-COUNTY:

Marysville Joint Unified School District

ADOPTION

STATE AGENCY:

UC Hastings Campus Housing Finance
Authority JPA

A written comment period has been established commencing on December 20, 2019 and closing on February 3, 2020. Written comments should be directed to the Fair Political Practices Commission, Attention Amanda Apostol, 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 February 3, 2020. 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 Amanda Apostol, Fair Political Practices Commission, 1102 Q Street, Suite 3000, Sacramento, California 95811, telephone (916) 324-3854.

**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 Amanda Apostol, Fair Political Practices Commission, 1102 Q Street, Suite 3000, Sacramento, California 95811, telephone (916) 322-5660.

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

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
FEBRUARY 3, 2020**

Notice is also given that any interested person, or authorized representative, may submit written comments relevant to the proposed regulatory action by email to [Scott Loggins](mailto:Scott.Loggins@post.ca.gov), by fax at (916) 227-2801, or by letter to:

Commission on POST
Attention: Scott Loggins
860 Stillwater Road, Suite 100
West Sacramento, CA 95605-1630
Scott.Loggins@post.ca.gov

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**

The Law Enforcement Code of Ethics is contained in Commission Regulation 1013 and Procedure C-3. (Incidental to the preparation of this rulemaking package, OAL determined that Procedure C-3 was never formally incorporated by reference into Regulation in years past).

The Code of Ethics is required to be administered either during the academy or at the time of appointment. Most commonly, the Code of Ethics is administered in a group setting where peace officer recruits/trainees are required to memorize and recite the Code, word for word, during the basic academy. The proposed changes will remove specific terms to provide for a more general and inclusive Code of Ethics. Specifically, the words “mankind” and “men” are being removed from the first paragraph, and the text of the Law Enforcement Code of Ethics will be codified into Commission Regulation 1013, eliminating the need to formally incorporate the language into a subordinate Procedure by reference.

The specific benefit anticipated by the proposed change to the regulation will be to ensure that the Code of Ethics continues to be relevant and inclusive of all peace officers and the community they serve regardless of gender, and to streamline the regulatory mandate by including the entire text in one singular regulation.

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.

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 requires 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 SEC. 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 that all peace officers who subscribe to the Code of Ethics are doing so for the benefit of the entire community regardless of gender or religion. There would be no impact that would affect worker safety or the State's environment.

CONSIDERATION OF ALTERNATIVES

In accordance with Government Code section 11346.5, subdivision (a)(13), the Commission must determine that no reasonable alternative it considered, or that has otherwise been identified and brought to the attention of the Commission 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 the law.

CONTACT PERSONS

Questions regarding this proposed regulatory action may be directed to Scott Loggins, Commission on POST, 860 Stillwater Road, Suite 100, West Sacramento, CA 95605-1630 at (916) 227-2807. General questions regarding the regulatory process may be directed to Katie Strickland at (916) 227-2802.

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, 860 Stillwater Road, Suite 100, West Sacramento, CA 95605-1630. These documents are also located on the POST Website.

**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 prepared, submit a written request to the contact person(s) named above.

TITLE 11. DEPARTMENT OF JUSTICE

The Department of Justice (Department) proposes to adopt section 4045.1 of Chapter 4, and to amend section 4002 of Chapter 1, section 4142 of Chapter 7, and section 5478 of Chapter 39, of Title 11, Division 5 of the California Code of Regulations. Chapter 4 is now titled "Documentation Requirements for Firearms and Ammunition Eligibility Checks." The adoption and amendments provide what documentation shall be presented if

someone possesses a California driver license or identification card with the words “FEDERAL LIMITS APPLY” at the top.

PUBLIC HEARING

The Department has not scheduled a public hearing on this proposed regulatory action. However, the Department will hold a hearing if it receives a written request for a public hearing from any interested person, or his or her authorized representative, no later than 15 days before the close of the written comment period.

WRITTEN COMMENT PERIOD

Any interested person or authorized representative may submit written comments relevant to the proposed regulatory action. The written comment period closes at 5:00 p.m. on Tuesday, February 4, 2020. Only comments received by that time will be considered. Written comments must be submitted to:

Kamran Ali
Bureau of Firearms
Division of Law Enforcement
Department of Justice
P.O. Box 160487
Sacramento, CA 95816-0487
Phone: 916-210-2353
Email: REALIDregs@doj.ca.gov

AUTHORITY AND REFERENCE

Authority: Sections 18900, 18910, 27560, 27565, 27875, 27920, 27966, 28000, 28060, 28100, 28155, 28215, 28220, 28230, 28240, 30900, 31000, 32655, 32700, 32705, 32710, 32715, 32720 and 33305, Penal Code.

Reference: Sections 832.15, 832.16, 13511.5, 16400, 18900, 18905, 18910, 23000, 26150, 26155, 26170, 26710, 26715, 27540, 27560, 27565, 27875, 27920, 27966, 28000, 28160, 28215, 28220, 28230, 28235, 28240, 28250, 29182, 29500, 30105, 30370, 30515, 30900, 31000, 31005, 32650, 32655, 32700, 32705, 32710, 32715, 32720, 33300, 33305, and 33850, Penal Code; Section 12101, Health and Safety Code; 18 U.S.C. section 922(d) and (g).

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Penal Code section 28060 authorizes the Department to adopt regulations to allow the seller or transferor of a

firearm or the person loaning the firearm, and the purchaser or transferee of a firearm or the person being loaned the firearm, to complete a sale, loan, or transfer through a firearm dealer. Penal Code section 28220 requires the Department to examine its records to determine if a purchaser or transferee is prohibited by state or federal law from possessing, receiving, owning, or purchasing a firearm. Penal Code section 30370 requires the Department to approve the purchase or transfer of ammunition through a vendor to individuals who are not prohibited, and authorizes the Department to write regulations regarding this process. Further, the United States Code, Title 18, section 922, subdivisions (d) and (g), and the Code of Federal Regulations, Title 27, section 478.99, subdivision (c)(5) provide that an alien illegally or unlawfully in the United States is prohibited from owning or possessing firearms or ammunition.

These regulations are necessary for the Department to fulfill its statutory obligation to determine whether an individual is prohibited by state or federal law from purchasing or possessing firearms or ammunition. This regulation will also assist firearm dealers and ammunition vendors to determine whether an individual is prohibited by state or federal law from purchasing or possessing firearms. If this regulation is not promulgated there will be continued uncertainty regarding firearms and ammunition sales in California for which the purchaser presents a federal non-compliant driver license or identification card, as well as continued uncertainty regarding eligibility checks involving federal non-compliant driver licenses and identification cards. This uncertainty increases the risk that firearms and ammunition will fall into the hands of prohibited individuals. This uncertainty hinders the Department’s ability to fulfill its statutory duties and increases the risk that weapons will be possessed in California in violation of state and/or federal law.

This rulemaking action would interpret and make specific the details of these laws as follows:

Chapter 1, section 4002 was amended to include the current revision dates for the forms that are incorporated by reference.

The title of Chapter 4 was amended to better represent the subject of the chapter.

Article 2 was added to organize the chapter and create a new article for the new section.

Section 4045.1 was added to identify what additional documentation shall be presented to a firearm dealer or ammunition vendor for an eligibility check when the individual possesses a federal non-compliant California driver license or identification card that states “FEDERAL LIMITS APPLY” at the top. Additionally, this section instructs individuals what documents need to be presented if the name on his or her driver license or identification card does not match the document pre-

sented to prove lawful presence in the United States. This section also provides the process for providing additional documentation when submitting paper applications and reports to the Department. In addition, this section describes the process for providing additional documentation when submitting electronic applications and forms through the California Firearms Application Reporting System (CFARS), and the Dealer Record of Sale (DROS) Entry System. There are detailed descriptions of the changes that have been made to forms that are incorporated by reference as well as two forms newly being incorporated by reference. Lastly, this section includes instructions for eligibility check initiated by applications or reports submitted to other agencies that include fingerprint data to be used by the Department in order to determine whether an individual is eligible to possess a firearm or ammunition under state or federal law.

Chapter 7, section 4142 was amended to include the current revision dates for the forms that are incorporated by reference.

Chapter 39, section 5478 was amended to include the current revision dates for the forms that are incorporated by reference.

ANTICIPATED BENEFITS OF THE PROPOSED REGULATIONS

The proposed regulations will benefit the public by ensuring compliance with state and federal firearm laws and preventing firearms from falling into the hands of prohibited persons. The Department is concerned that, without these regulations, firearm dealers and ammunition vendors may inadvertently sell firearms or ammunition to individuals who are not eligible under federal law because they are not lawfully present in the United States. Additionally, these regulations will benefit firearm dealers and ammunition vendors because they will clarify the eligibility check process and allow them to obtain sufficient information that will allow for an accurate determination of whether a prospective purchaser or applicant is permitted to possess firearms or ammunition, consistent with state and federal law. Furthermore, firearm dealers and ammunition vendors will not need to turn away customers with California driver licenses and identification cards with the words "FEDERAL LIMITS APPLY", thereby losing revenue, because now they will be able to determine lawful presence from the additional required documentation.

Additionally, this rulemaking neither benefits nor hinders the environment, the prevention of discrimination, the promotion of fairness or social equity, or the increase in openness and transparency in business or government.

EVALUATION OF INCONSISTENCY/INCOMPATIBILITY WITH EXISTING STATE REGULATIONS

Pursuant to Government Code section 11346.5, subdivision (a)(3)(D), the Department shall evaluate whether the proposed regulation is inconsistent or incompatible with existing state regulations. Pursuant to this evaluation, the Department has reviewed existing regulations pertaining to firearms within California Code of Regulations ("CCR") Title 11, Division 5, and has determined that these proposed regulations are not inconsistent or incompatible. This determination is based on the fact that there are no regulations that currently exist which address the process of additional documentation for eligibility checks when an individual possesses a federal non-compliant California driver license or identification card that states "FEDERAL LIMITS APPLY" at the top. The Department has also determined that the proposed regulations are consistent with California Code of Regulations, title 13, section 15.00, the Department of Motor Vehicle regulation concerning acceptable proof of lawful residence.

COMPARABLE FEDERAL REGULATIONS

The proposed action does not differ substantially from an existing comparable federal regulation or statute. Per the Code of Federal Regulations, Title 27, section 478.99, subdivision (c)(5), an alien illegally or unlawfully in the United States is prohibited from owning or possessing firearms or ammunition. Federal regulations explain who is prohibited from what activities. The Department's regulation is necessary to explain the process of how the Department will determine if an individual is prohibited (i.e. does not have lawful presence in the United States). In addition, it clarifies what documentation an individual shall provide to prove lawful presence in the United States if the individual possesses a driver license or identification card that states, "FEDERAL LIMITS APPLY."

FORMS INCORPORATED BY REFERENCE

Form BOF 030 (Rev. 01/2020), Dangerous Weapons License/Permit(s) Application

Form BOF 031 (Rev. 01/2020), Dangerous Weapons License/Permit(s) Renewal Application

Form BOF 051, (Rev. 01/2020), Entertainment Firearms Permit Application

Form BOF 116, (Rev. 01/2020), Personal Firearm Eligibility Check Application

Form BOF 961 (Rev. 01/2020), Collector In-State Acquisition of Curio or Relic Long Gun Report

Form BOF 4010A (Rev. 01/2020), New Resident Report of Firearm Ownership

Form BOF 4100A (Rev. 01/2020), Curio or Relic Firearm Report

Form BOF 4542A (Rev. 01/2020), Firearm Ownership Report

Form BOF 4544A (Rev. 01/2020), Report of Operation of Law or Intra-Familial Firearm Transaction

OTHER STATUTORY REQUIREMENTS

None.

DISCLOSURES REGARDING THE PROPOSED ACTION

The Department made the following initial determinations:

Mandate on local agencies or school districts: None.

Cost to any local agency or school district which shall 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.

Cost or savings to any state agency: The fees related to newly incorporated forms 051 and 116 will generate revenue for the Department that will not exceed the costs incurred by the Bureau of Firearms to process the forms. The Department estimates that the fees will generate approximately \$76,228 in revenue to help offset costs of approximately \$797,620.

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 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.

Small business determination: The Department determined that the proposed regulation will not affect the creation or elimination of small businesses because the regulations pertain to new residents to the state and do not directly affect small business.

RESULTS OF THE ECONOMIC IMPACT ASSESSMENT/ANALYSIS

The Department concludes that it is not likely that the proposed rulemaking will

(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 proposed regulation will benefit the public in protecting them from harm. The Department is concerned that, without this regulation, firearm dealers and ammunition vendors may inadvertently sell firearms or ammunition to individuals who are not eligible under federal law because they are not lawfully present in the United States.

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 or 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 (if one is requested) or during the written comment period.

CONTACT PERSONS

Please direct inquiries concerning the proposed administrative action to:

Kamran Ali
Bureau of Firearms
Division of Law Enforcement
Department of Justice
P.O. Box 160487
Sacramento, CA 95816-0487
Phone: 916-210-2353
Email: REALIDregs@doj.ca.gov

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
Phone: (916) 210-2364
Email: REALIDregs@doj.ca.gov

AVAILABILITY OF RULEMAKING
FILE INCLUDING THE INITIAL
STATEMENT OF REASONS

The Department will have the entire rulemaking file available for inspection and copying throughout the rulemaking process. The text of the proposed regulation (the “express terms”), the initial statement of reasons, and the information upon which the proposed rulemaking is based are available at the Department’s website at <http://oag.ca.gov/firearms/regs>. Copies may also be obtained by contacting Kamran Ali at the address or phone number listed above.

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, it 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’s website at <http://oag.ca.gov/firearms/regs>. A written copy of any modified text may be obtained by contacting Kamran Ali at the address or phone number listed above.

AVAILABILITY OF
FINAL STATEMENT OF REASONS

Upon completion, the Final Statement of Reasons will be available on the Department’s website at <http://oag.ca.gov/firearms/regs>. You may also obtain a written copy of the final statement of reasons by contacting Kamran Ali at the address or phone number listed above.

AVAILABILITY OF
DOCUMENTS ON THE INTERNET

Copies of the Notice of Proposed Action, the Initial Statement of Reasons, and the text of the regulation in underline and strikeout format, as well as the Final Statement of Reasons once completed, are available on the Department’s website at <http://oag.ca.gov/firearms/regs>.

**TITLE 16. BOARD OF BARBERING
AND COSMETOLOGY**

NOTICE IS HEREBY GIVEN that the Board of Barbering and Cosmetology (The 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 the Board’s offices at 2420 Del Paso Road, Sacramento, California, 95834, from 10:00–11:00 a.m., on February 6, 2020. 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 February 6, 2020, or must be received by the Board at the hearing. 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 sections 481, 482, 493, and 4808 of the Business and Professions Code (BPC), and to implement, interpret, or make specific BPC sections 141, 475, 480, 481, 482, 488, 490, 492, and 493 of said code, the Board is considering amending sections 970 and 971 of the California Code of Regulations (CCR).

INFORMATIVE DIGEST

A. Informative Digest

BPC Section 7312 authorizes the Board to adopt, amend, or repeal such rules and regulations as may be reasonably necessary to enable it to carry into effect the provisions of the Barbering and Cosmetology Act. Additionally, as required under Assembly Bill (AB) 2138 (Chiu, Chapter 995, Statutes of 2018), the primary purpose of this proposal is to implement, interpret, and make specific the provisions of BPC sections 141, 475, 480, 481, 482, 488, 490, 492, and 493 relative to substantial relationship and rehabilitation criteria. The Board is proposing the following changes:

Amend CCR Section 970 of the CCR (Substantial Relationship Criteria):

The proposed regulation, for purposes of denial, suspension, or revocation of a license, would add professional misconduct and out-of-state discipline as grounds requiring the Board to consider the substantial-

ly related criteria, and require the Board, in making the substantial relationship determination for a crime, to consider the following criteria: (1) the nature and gravity of the offense; (2) the number of years elapsed since the date of the offense; and (3) the nature and duties of a person holding the license. The proposal would also add that substantially related crimes, professional misconduct, or acts would include violating other state or federal laws governing the practice of barbering and cosmetology.

Amend CCR Section 971 of the CCR (Criteria for Rehabilitation):

The proposed regulation would clarify that the Board, when considering a license denial or discipline on the ground that the applicant or licensee was convicted of a crime, would have to determine whether the applicant or licensee made a showing of rehabilitation and is presently eligible for a license, if the applicant or licensee completed the criminal sentence without a violation of parole or probation. In making that determination, the proposal would require the Board to consider the nature and gravity of the crime, the length of the parole or probation period, the extent to which the parole or probation period was shortened or lengthened, and the reasons therefor, the terms or conditions of parole or probation and the extent to which they bear on the applicant's or licensee's rehabilitation, and the extent to which the terms or conditions of parole were modified, and why. The proposal would require a broader set of rehabilitation criteria to be considered for applicants and licensees who had not completed the criminal sentence without a violation of parole or probation, did not sufficiently demonstrate their rehabilitation under the narrower set of criteria, or when the denial or discipline was based on something other than a conviction.

Policy Statement Overview/Anticipated Benefits of Proposal

As specified in the legislative analyses of AB 2138, this proposal seeks to reduce barriers to licensure for individuals with prior criminal convictions, which may reduce recidivism and provide economic opportunity to California's residents. In addition, the proposal seeks to improve clarity, transparency, and consistency for applicants and licensees in the Board's use of their criminal histories. Further, by reducing barriers to licensure, the Board anticipates benefits to consumers who may have greater access to licensed professionals.

Consistency and Compatibility with Existing State Regulations

During the process of developing these regulations and amendments, the Board of Barbering and Cosmetology 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: The Board anticipates that there may be an increased cost to the state as a result of amending and adopting the sections identified in the regulatory proposal. By further defining the substantial relationship and rehabilitation criteria for criminal convictions, Board staff may see an increased workload to research convictions and to substantiate that rehabilitation has been achieved, but believes the increases can be absorbed with existing resources.

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

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

Cost Impact on Representative Private Person or Business:

The Board estimates that there will be no increased costs for businesses or individuals to comply with the proposed regulations, as there would be fewer restrictions for individuals with criminal convictions to obtain licensure.

Effect on Housing Costs: None.

EFFECT ON SMALL BUSINESS

The proposed regulations may affect small businesses, who would have a greater pool of licensed professionals from which to hire. The Board estimates approximately 90 percent of the state's approximately 40,000 barbering and cosmetology establishments are small businesses.

RESULTS OF ECONOMIC IMPACT
ASSESSMENT/ANALYSIS

Impact on Jobs/Businesses:

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

Benefits of Regulation:

The Board has determined that this proposal may benefit individuals, who would have greater access to licensure, reduce criminal recidivism, and provide economic opportunity to California residents with a criminal history. The public may benefit from the proposal with increased access to licensed professionals, which may benefit the health and welfare of California consumers. Barbering and cosmetology establishments may benefit as they would have a larger pool of licensed professionals from which to hire. The regulatory proposal does not affect worker safety or the state's environment.

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 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.

The following alternatives were considered:

- Option 1: To pursue a regulatory change that requires the Board to find rehabilitation if the applicant completed their terms of their criminal probation or parole. Courts give little weight to the fact that an applicant did not commit additional crimes or continue addictive behavior while in prison or while on probation or parole since they are under the direct supervision of correctional authorities and are required to behave in an exemplary fashion. As such, the Board believes that reviewing each individual on the basis of multiple criteria is the better indicator whether individuals are rehabilitated and not a danger to the public's health, safety, and welfare. For these reasons, the Board rejected this option.
- Option 2: Do nothing, meaning the Board would not adopt the regulations. The Board opted not to

pursue this option because per AB 2138, the Board is mandated to adopt proposed regulations by July 1, 2020.

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 any document incorporated by reference, 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 Contact Person named below.

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 rulemaking action may be addressed to:

Name:

Kevin Flanagan

Address:

2420 Del Paso Road, Suite 100
Sacramento, CA 95834

Telephone Number:

(916) 575-7100

Fax Number:

(916) 928-6810

E-Mail Address:

Kevin.Flanagan@dca.ca.gov

The backup contact person is:

Name:

Patricia Garcia

Address:

2420 Del Paso Road, Suite 100
Sacramento, CA 95834

Telephone Number:

(916) 575-7100

Fax Number:

(916) 928-6810

E-Mail Address:

Patricia.Garcia@dca.ca.gov

Website Access: Materials regarding this proposal can be found at http://www.barbercosmo.ca.gov/laws/regs/prop_regs.shtml

TITLE 17. DEPARTMENT OF PUBLIC HEALTH

Title 17. Social Security DPH-08-005E Prenatal Screening Regulations

Notice is hereby given that the California Department of Public Health (Department) is proposing the regulation described below. This notice of proposed rulemaking commences a rulemaking to make the regulations permanent after considering all comments, objections, and recommendations regarding the regulation.

PUBLIC PROCEEDINGS

The Department is conducting a 45-day written public proceeding during which time any interested person or such person's duly authorized representative may present statements, arguments or contentions (all of which are hereinafter referred to as comments) relevant to the action described in the Informative Digest/Policy Statement Overview section of this notice.

To request copies of the regulatory proposal in an alternate format, please write or call: Anita Shumaker, Office of Regulations, 1415 L Street, Suite 500, Sacramento, CA 95814, at (916) 440-7718, email to Anita.Shumaker@CDPH.ca.gov or use the California Relay Service by dialing 711.

WRITTEN COMMENT PERIOD

Written comments pertaining to this proposal, regardless of the method of transmittal, must be received by Office of Regulations by February 3, 2020, which is hereby designated as the close of the written comment

period. Comments received after this date will not be considered timely.

Written comments may be submitted as follows:

1. By email to: regulations@cdph.ca.gov. It is requested that email transmission of comments, particularly those with attachments, contain the regulation package identifier "DPH-08-005E Prenatal Screening Regulations" in the subject line to facilitate timely identification and review of the comment;
2. By fax transmission to: (916) 636-6220;
3. By postal service or hand delivered to: California Department of Public Health, Office of Regulations, 1415 L Street, Suite 500, Sacramento, CA 95814.

All submitted comments should include the regulation package identifier, "**DPH-08-005 Prenatal Screening Regulations**", with the comment author's name and email or mailing address.

PUBLIC HEARING

The Department has scheduled a public hearing to accept comments on the proposed action. Any person may present statements or arguments described in the Informative Digest. The Department requests, but does not require, that persons who make oral comments at the hearing also submit a written copy of their testimony at the hearing.

Date:

February 11, 2020

Time:

2:00 p.m.

Location:

**1415 L Street, Suite 500
Sacramento, CA 95814**

An agenda for the public hearing will be posted at the time and place of hearing location.

ASSISTIVE SERVICES

For individuals with disabilities, The Department will provide assistive services such as the conversion of written materials into Braille, large print, audiocassette, and computer disk. For public hearings, assistive services can include sign-language interpretation, real-time captioning, notetaking, reading or writing assistance. To request these assistive services, please call (916) 558-1710 or (California Relay at 711 or 1-800-735-2929), email Regulations@cdph.ca.gov or write to the Office of Regulations at the address noted above. Note: The range of assistive services available may be limited if requests are made less than 10 business days prior to a public hearing.

AUTHORITY AND REFERENCE

The California Prenatal Screening Program is administered by the Department’s Genetic Disease Screening Program, under the authority of the Hereditary Disorders Act in the HSC, and specifically HSC sections 124977, 124980, 124996, 125000, 125050, 125055, 125060, 125065, 125070 and 131200.

Health and Safety Code (HSC) Section 124977(d) authorizes the California Department of Public Health (Department) to adopt emergency regulations. The adoption of these regulations is deemed an emergency. These regulations are necessary for the immediate preservation of the health, safety, and general welfare of Californians.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Summary of Proposal

The purpose of these regulations is to require that prenatal screening include “all tests that meet or exceed the current standard of care as recommended by nationally recognized medical or genetic organizations, including, but not limited to, inhibin.” The addition of inhibin (dimeric inhibin A, a protein produced by the ovaries and fetal placenta) as a fourth analyte tested in maternal serum in the second trimester makes the screening more accurate in detecting pregnancies at risk of Down syndrome.

In accord with this legislative mandate, the Department has also responded to ACOG and ACMG recommendations that first trimester screening be offered to pregnant women as the standard of care. This screening involves the testing of a fifth analyte, pregnancy-associated plasma protein A, associated with fetal chromosomal anomalies including aneuploidy (an abnormal number of chromosomes). The Department has also made cfDNA screening and prenatal microarray testing available as follow-up services to certain women participating in the California PNS Program, and updated requirements for State-approved PDCs, personnel and laboratories. This regulatory action is required to reflect this program expansion and the current standards and procedures that contribute to the health and safety of women and children in California.

Background

Health and Safety Code (HSC) Section 125050 requires the California Department of Public Health (Department) to administer a statewide program for prenatal testing for genetic disorders and birth defects, including but not limited to ultrasound, amniocentesis, chorionic villus sampling, and blood testing. Testing requirements for prenatal birth defects are established in

Title 17, California Code of Regulations (17 CCR), Section 6521, et seq.

HSC Code Section 124977(d)(1) and Section 125055 authorize the Department to adopt emergency regulations under the emergency rulemaking process; specifies that adoption shall be deemed an emergency and necessary for the immediate preservation of the public peace, health and safety, or general welfare; and exempts emergency regulations from review and approval by the Office of Administrative Law (OAL). Section 124977(d)(1) also requires the Department to conduct a public hearing within 120 days of filing with the Secretary of State, and to submit to OAL with the adopted regulation a final statement of reasons and updated informative digest. HSC Section 124977(d)(2) specifies that emergency regulations shall not be repealed by OAL and shall remain in effect until revised or repealed by the Department.

Problem Statement

Senate Bill (SB) 1555 (Speier, Chapter 484, Statutes of 2006) added HSC Section 125055(g)(1) which requires the Department to expand prenatal screening and testing to meet the current standard of care. Regulatory action was required to implement, interpret, and make specific this provision relating to prenatal screening and testing in California by specifying this standard of care and the options offered to women who participate in the California Prenatal Screening (PNS) Program. Additional analytes in maternal serum are now tested in the first and/or second trimester as part of the California PNS Program (originally known as the California Alpha-fetoprotein [AFP] Screening Program, and subsequently as the Expanded AFP Screening Program). The Department has also responded to recommendations that cell-free DNA (cfDNA) screening is available to high-risk women as a follow-up service, and that prenatal microarray testing is available to women with findings of major structural anomalies on ultrasound through the California PNS Program.

With the program expansion, the regulation text contained obsolete terms, program references, standards, and clinical methods. Definitions were no longer accurate and referred to acronyms no longer associated with the new program name. The regulation text also contained inaccuracies and inconsistent uses of terminology.

Objectives (Goals) of the Regulation

Broad objectives of this regulatory action are to:

- Implement, interpret, and make specific HSC Section 125055(g)(1).
- Specify the current standard of care for prenatal screening, as recommended by the American College of Obstetricians and Gynecologists (ACOG) and American College of Medical

Genetics (ACMG) and offered by the California PNS Program. This includes additional analytes tested (dimeric inhibin A and pregnancy-associated plasma protein-A) and the screening options and follow-up services available for women participating in the California PNS Program.

- Update the program name by replacing references to the “Expanded AFP Program” with the “California Prenatal Screening Program.”
- Update the period for drawing blood samples and performing serum screenings to include the first trimester.
- Update the clinical process used to assess fetal age.
- Repeal or update obsolete and inaccurate definitions, terminology, and methods, including repeat testing for screen positive results.
- Ensure accurate and consistent use of terminology and definitions.
- Update requirements for State-approved Prenatal Diagnosis Centers (PDCs), personnel and laboratories providing authorized follow-up services to women participating in the California PNS Program.

Anticipated Benefits

Anticipated benefits, including nonmonetary benefits, from this regulatory action are to:

- *Protect the health, safety, and welfare of women and children by specifying the standard of care for prenatal screening and testing offered through the California PNS Program.*
- *Reduce confusion for the regulated community, healthcare providers, the Department’s vendors, third party payers, and the general public by removing or updating obsolete terminology, methods, definitions, and standards.*
- *Provide clarity in the use of terminology, definitions, and procedures authorized by the Department.*

EVALUATION AS TO WHETHER THE PROPOSED REGULATIONS ARE INCONSISTENT OR INCOMPATIBLE WITH EXISTING STATE AND FEDERAL REGULATIONS

The Department evaluated whether this emergency rulemaking action is inconsistent or incompatible with existing state regulations. This evaluation included a review of the Department’s existing prenatal screening regulations; no other state agency regulations address the same subject matter. Therefore, the Department has

determined that this emergency rulemaking is not inconsistent or incompatible with existing state regulations.

FORMS INCORPORATED BY REFERENCE

- *Prenatal Diagnosis Standards and Definitions 2018*
- *The American College of Medical Genetics and Genomics (ACMG) Standards and Guidelines for Clinical Genetics Laboratories, 2018 Edition, Revised January 2018*

MANDATED BY FEDERAL LAW OR REGULATIONS

Not applicable.

OTHER STATUTORY REQUIREMENTS

Not applicable.

LOCAL MANDATE

The Department has determined that the emergency rulemaking does not impose a mandate on local agencies or school districts, nor are there any costs for which reimbursement is required by Part 7 (commencing with Section 17500) of Division 4 of the Government Code.

DISCLOSURES REGARDING THE PROPOSED ACTION

FISCAL IMPACT ESTIMATES

A) Cost to any local agencies or school districts that must be reimbursed pursuant to Section 17561 of the Government Code:

None.

B) The cost or savings to any state agency:

The Department estimates there will be no impact on the Genetic Disease Testing Fund. SB 1555 increased the California PNS Program participation fee by \$40 for the mandated program expansion, and by an additional \$10 to support the pregnancy blood sample storage, testing, and research activities of the Birth Defects Monitoring Program. This \$50 fee increase was reflected in an amendment to 17 CCR, Section 6540 in 2007, pursuant to Title 1, California Code of Regulations, Section 100. A subsequent \$7 fee increase was enacted through regulatory action in 2011 to maintain program solvency, followed by a \$45 fee increase from July 1,

2014, bringing the participation fee to \$207, with \$197 allocated to the GDTF and \$10 to the Birth Defects Monitoring Program Fund. This \$45 fee increase was necessary to correct for overstatements of estimated caseloads and revenue reductions from changes to the Medi-Cal reimbursement rate that had led to a cumulative deficit in GDTF. On July 1, 2016 the fee increased by \$14.60 to a total of \$221.60 to cover administrative program costs. These fee increases were necessary to maintain the self-sufficiency of the California PNS Program. The Department has determined that revenues raised through the current California PNS Program participation fee are sufficient to fund program expenses on an ongoing basis.

C) Other nondiscretionary costs or savings imposed on local agencies:

None.

D) Impact on any cost or savings in federal funding of the program:

None.

HOUSING COSTS

The Department has determined that the regulations will not have an impact on housing costs.

SIGNIFICANT STATEWIDE ADVERSE ECONOMIC IMPACT DIRECTLY AFFECTING BUSINESS, INCLUDING ABILITY TO COMPETE

The Department has made an initial determination that the regulations 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.

STATEMENT OF THE RESULTS OF THE ECONOMIC IMPACT ASSESSMENT

The Department has determined that the Program changes reflected in this emergency rulemaking may have a minimal impact on the creation of jobs; will not affect the creation of new businesses or the elimination of jobs or existing businesses; and will have a minimal impact on the expansion of businesses (e.g. contract laboratories) currently doing business within the state of California. The regulations will benefit the health and welfare of California residents, but have no impact on worker safety or the environment.

COST IMPACTS ON REPRESENTATIVE PERSON OR BUSINESS

The Department is not aware of any cost impacts that a representative private person or small business would necessarily incur in reasonable compliance with the proposed action. The Department has also determined that the rulemaking has no impact on small businesses because no small businesses are required to comply with this regulation. None of the Department-contracted prenatal screening test entities conducting business in California are small businesses.

BUSINESS REPORTING REQUIREMENT

The proposed regulatory amendments do not change current business reporting requirements.

EFFECT ON SMALL BUSINESS

The Department has determined that the emergency rulemaking has no impact on small businesses because no small businesses are required to comply with this regulation. None of the Department-contracted prenatal screening test entities conducting business in California are small businesses.

SPECIFIC TECHNOLOGIES OR EQUIPMENT

The Prenatal Screening Program is run on an on-line customized computer program called the Screening Information System (SIS). SIS is used by the screening laboratories, Case Coordination Centers, Prenatal Diagnosis Centers, and the Genetic Disease Screening Program to enter patient data and test results, to manage and update cases, to receive Prenatal Diagnosis Center data, and to acquire and store data for program evaluation.

ALTERNATIVES CONSIDERED

In accordance with Government Code Section 11346.5(a)(13) the Department must determine 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 the action was taken, 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.

The Department itself has made an initial determination that there are no acceptable alternatives to the regulations to protect the public interest. However, the De-

partment invites interested persons to present alternatives with respect to the proposed regulation either during the public comment period or at the public hearing.

TECHNICAL, THEORETICAL, AND/OR
EMPIRICAL STUDIES, REPORTS OR
DOCUMENTS RELIED UPON

The following documents were relied upon in developing these regulations:

American Academy of Pediatrics and American College of Obstetricians and Gynecologists, 2007. *Guidelines for Perinatal Care* (6th ed.), Elk Grove Village, American Academy of Pediatrics.*

American College of Obstetricians and Gynecologists, "Screening for Fetal Chromosomal Abnormalities," *ACOG Practice Bulletin — Clinical Management Guidelines for Obstetrician–Gynecologists*, Number 77, January 2007.*

American College of Obstetricians and Gynecologists Committee on Genetics and The Society for Maternal–Fetal Medicine Publications Committee, "Noninvasive Prenatal Testing for Fetal Aneuploidy," *Committee Opinion*, Number 545, December 2012.

Available at:

<http://www.acog.org/Resources–And–Publications/Committee–Opinions/Committee–on–Genetics/Noninvasive–Prenatal–Testing–for–Fetal–Aneuploidy>

American College of Obstetricians and Gynecologists Committee on Genetics, "The Use of Chromosomal Microarray Analysis in Prenatal Diagnosis," *Committee Opinion*, Number 581, December 2013.

Available at:

<http://www.acog.org/Resources–And–Publications/Committee–Opinions/Committee–on–Genetics/The–Use–of–Chromosomal–Microarray–Analysis–in–Prenatal–Diagnosis>

American College of Obstetricians and Gynecologists Committee on Genetics and The Society for Maternal–Fetal Medicine, "Cell–free DNA Screening for Fetal Aneuploidy," *Committee Opinion*, Number 640, September 2015.

Available at:

<http://www.acog.org/Resources–And–Publications/Committee–Opinions/Committee–on–Genetics/Cell–free–DNA–Screening–for–Fetal–Aneuploidy>

Driscoll, D.A., and Gross, S.J., "First trimester diagnosis and screening for fetal aneuploidy," *American College of Medical Genetics Practice Guidelines, Ge-*

netics IN Medicine, January 2008, Vol. 10, No. 1: 73–75.

Available at:

http://www.acmg.net/StaticContent/SGs/First_trimester_diagnosis_and_screening_for_fetal.10.pdf

Gregg, A.R., Gross, S.J., Best, R.G., Monaghan, K.G., Bajaj, K., Skotko, B.G., Thompson, B.H., and Watson, M.S.; The Noninvasive Prenatal Screening Work Group of the American College of Medical Genetics and Genomics, "ACMG statement on noninvasive prenatal screening for fetal aneuploidy," *Genetics in Medicine*, May 2013;15(5): 395–8.

Available at:

https://www.acmg.net/docs/nips–GiM_galley_text_130301.pdf

Prenatal Diagnosis Center Standards and Definitions 2018

American College of Medical Genetics and Genomics, Standards and Guidelines for Clinical Genetics Laboratories, 2018 Edition, Revised January 2018

CONTACT PERSON

Inquiries regarding the substance of the proposed regulations described in this notice may be directed to Sara Goldman, Genetic Disease Screening Program, (510) 412–1460. All other inquiries concerning the action described in this notice may be directed to Anita Shumaker, Office of Regulations, at (916) 440–7718, or to the designated backup contact, Linda Cortez, (916) 440–7807.

AVAILABILITY STATEMENTS

The Department has prepared and has available for public review an initial statement of reasons for the proposed regulations, all the information upon which the proposed regulations are based, and the text of the proposed regulations. The Office of Regulations, at the address previously noted, will be the location of public records, including reports, documentation, and other material related to the proposed regulations.

In order to request that a copy of this public notice, the regulation text, and the initial statement of reasons or alternate formats for these documents be mailed to you, please call (916) 440–7718 (or the California Relay Service at 711), or send an email to regulations@cdph.ca.gov, or write to the Office of Regulations at the address previously noted. Upon specific request, these documents will be made available in Braille, large print, audiocassette, or computer disk.

The full text of any regulation which is changed or modified from the express terms of the proposed action will be made available by the Department's Office of

*Viewing and Copies: Upon request, the Department's Office of Regulations will have these documents available for viewing during the public comment period(s).

Regulations at least 15 days prior to the date on which the Department adopts, amends, or repeals the resulting regulation.

A copy of the final statement of reasons when prepared will be available upon request from the Office of Regulations.

INTERNET ACCESS

Materials regarding the action described in this notice (including this public notice, the text of the proposed regulations, and the initial statement of reasons) that are available via the Internet may be accessed at www.cdph.ca.gov and by clicking on the following: Programs, Office of Regulations, and the Proposed Regulations link.

TITLE 19. OFFICE OF EMERGENCY SERVICES

The California Governor’s Office of Emergency Services (Cal OES) proposes to adopt the proposed regulations described below after considering all comments, objections, and recommendations regarding the proposed action.

PUBLIC HEARING

Cal OES will hold a public hearing starting at 9:00 a.m. on Tuesday, February 4, 2020, at the Cal OES, Public Safety Communications, located at 601 Sequoia Pacific Boulevard, Sacramento, California, 95811. The location is wheelchair accessible. At the hearing, any person may present statements or arguments orally or in writing relevant to the proposed action described in the Informative Digest. Cal OES requests but does not require that persons who make oral comments at the hearing also submit a written copy of their testimony at the hearing.

WRITTEN COMMENT PERIOD

Any interested person, or his or her authorized representative, may submit written comments relevant to the proposed regulatory action to Cal OES. The written comment period closes at **5:00 p.m. on February 4, 2020**. Cal OES will consider only comments received at the Cal OES office by that time.

IMPORTANT: All submitted comments will become part of the rulemaking file and will be subject to disclosure pursuant to the California Public Records Act (Gov. Code, section 6250 et seq.) Cal OES will not redact or withhold any portion of your submitted comments, including any personal information you include

with your comment. Submit only information that you wish to make available publicly.

Submitting Written Comments Via Email — Preferred
Send written comments to the following address: Regulations@CalOES.ca.gov.

The subject line of the message must be “Community Isolation Outage Regulations,” or “SB 670 Regulations,” or a similar subject that clearly identifies the subject matter of the regulations.

If you attach a document, indicate the format or software used to create the attachment. Do not submit attachments as HTML, GIF, PIF, ZIP, or EXE.

Submitting Paper Comments:

Send copies of paper comments to:

Michael Elder, Next Generation 9–1–1– Manager
Governor’s Office of Emergency Services
CA 9–1–1 Emergency Communications Branch
601 Sequoia Pacific Blvd.
Sacramento, CA 95811

Paper comments must include the subject “Community Isolation Outage Regulations,” or “SB 670 Regulations,” or a similar subject that clearly identifies the subject matter of the regulations.

AUTHORITY AND REFERENCE

Government Code sections 8585 and 53122 authorize Cal OES to adopt the proposed regulations. The proposed regulations implement, interpret, and make specific Government Code section 53122.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

This rulemaking action implements, interprets, and makes specific thresholds for determining whether a telecommunications service outage constitutes a community isolation outage, and the medium providers of telecommunications service must report community isolation outages to Cal OES.

Recent legislation added Government Code section 53122 to take effect immediately as an urgency statute. (Senate Bill Number 670 (2019–2020), enacted as Stats. 2019, c. 412, section 1, approved by the Governor and effective October 2, 2019.) Government Code section 53122 requires providers of telecommunication services to notify Cal OES of community isolation outages within specified timeframes, and to include specific information with the notices, among other requirements. Government Code section 53122 requires Cal OES to adopt appropriate thresholds for determining when an outage constitutes a community isolation outage, and the medium for reporting outages to Cal OES.

The regulations proposed in this rulemaking action would specify outage thresholds that would trigger the

reporting requirements of the statute, specify the medium required to report notifications, and implement a form used for reporting community isolation outages.

Anticipated Benefits of the Proposed Regulation:

The objective of the proposed regulations is to further the purpose of SB 670 and to ensure community isolation outages are deemed to exist at a reasonable threshold so that state and appropriate local agencies receive timely notification whenever a community’s public health and safety is at risk because of an outage impacting the ability access 9–1–1 or emergency notifications. The regulations are specifically anticipated to increase public health and safety in California by increasing the sharing of timely information critical to the protection of lives and property when access to 9–1–1 and the ability to receive emergency notifications is limited by an outage.

Evaluation of Inconsistency/Incompatibility with Existing State Regulations:

Cal OES conducted a review of existing regulations and determined the proposed regulations are not inconsistent or incompatible with existing regulations. SB 670 was enacted in part to address needs that are not met by any regulations potentially governing reporting outage requirements.

In particular, the California Public Utilities Commission (CPUC) requires certain outage reports, as specified in its General Order 133–D. In its order, the CPUC adopted portions of the Federal Communication Commissions (FCC) rules in Code of Federal Regulations, title 47, part 4, for reporting major service interruptions. FCC rules establish criteria for major service disruptions with respect to total user minutes impacted by an outage, and outages that affect certain offices and facilities. (See 47 C.F.R. sections 4.3–4.15.) Because SB 670 requires establishing thresholds specifically tailored to the impact outages have on customers’ ability to access 9–1–1 or receive emergency notifications and the risks to public health and safety caused by those outages, the proposed regulations adopt a threshold criteria that deems an inability of a specified number of customers in a given ZIP Code lasting at least 30 minutes to constitute a community isolation outage. The proposed thresholds are compatible with existing regulations because they do not create conflicting obligations, and are not anticipated to require the utilization of any new technology, or to impose any additional duties that are not already mandated by existing regulations and the provisions of law added by SB 670.

The proposed regulations are also consistent with existing requirements, and to the extent possible establish common definitions of terms relating to telecommunications services. For example, the proposed regulations adopt the duration of a reportable outage as one that

lasts at least 30 minutes, which is the same duration of time reportable outages under FCC and CPUC thresholds. In proposing to adopt the same duration of time for community isolation outages, the proposed regulations avoid potential conflict with existing state and federal regulations.

DISCLOSURES REGARDING THE PROPOSED ACTION

Cal OES has made the following initial determinations:

Mandate on local agencies and 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.

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

Significant, statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states: 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.

Effect on small business: The proposed action will not affect small businesses because the authorizing statute establishes compliance requirements that may apply to any business, and Cal OES is unaware of any business constituting a small business that may be affected by the proposed regulations.

Significant effect on housing costs: None.

Results of the Economic Impact Analysis/Assessment

Cal OES concludes that it is (1) unlikely that the proposal will eliminate any jobs for telecommunications service providers, (2) unlikely the proposal will create jobs, (3) unlikely that the proposal will create new businesses, (4) unlikely that the proposal will eliminate any existing businesses, and (5) unlikely the proposed regulations will result in the expansions of business currently doing business within the state.

Benefits of the proposed action: Cal OES anticipates the proposed regulations will further the purpose and goals of SB 670 and increase the protection of lives and property in California, including in the following ways:

- Contribute to increased, timely sharing of information about community isolation outages with Cal OES, county offices of emergency

services, county sheriffs, and public safety answering points.

- Make actionable data available about communities impacted by outages, which can be used by state and local agencies to assess whether communities are in potential risk of being unable to access 9-1-1 services or receive emergency notification.
- Increase situational awareness at the state and local level during disasters, and further inform when alternate forms of communication and notification are needed due to a communication outage.
- Facilitate trend and gap analysis of telecommunications systems, and may assist state and local agencies identify and establish alternate methods of communication between residents and emergency responders to mitigate risks caused by community isolation outages.
- Increase emergency mitigating actions necessary to protecting lives and property.

CONSIDERATION OF ALTERNATIVES

In accordance with Government Code section 11346.5, subdivision (a)(13), Cal OES must determine that no reasonable alternative considered by Cal OES 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.

CONTACT PERSONS

Inquiries concerning the proposed administrative action may be directed to:

Michael Elder, Next Generation 9-1-1- Manager
Governor's Office of Emergency Services
CA 9-1-1 Emergency Communications Branch
601 Sequoia Pacific Blvd.
Sacramento, CA 95811
(916) 657-9882
Regulations@CalOES.ca.gov

The backup contact person for these inquiries is:

Jim Thompson, Wireless E9-1-1, NG 9-1-1 and
Emerging Technologies
Program Manager
Governor's Office of Emergency Services
CA 9-1-1 Emergency Communications Branch
601 Sequoia Pacific Blvd.
Sacramento, CA 95811
(916) 657-9236
Regulations@CalOES.ca.gov

Please direct requests for copies of the proposed text of the regulations, the initial statement of reasons, the modified text of the regulations, if any, or other information upon which the rulemaking is based to Michael Elder at the above address.

AVAILABILITY OF STATEMENT OF REASONS, TEXT OF PROPOSED REGULATIONS, AND RULEMAKING FILE

Cal OES will have the entire rulemaking file available for inspection and copying throughout the rulemaking process at its office at the above address, including the proposed text of the regulations, the initial statement of reasons, and documents relied on in creating the proposed regulations. Copies may be obtained by contacting Michael Elder at the address or phone number listed above.

AVAILABILITY OF CHANGED OR MODIFIED TEXT

After holding the hearing and considering all timely and relevant comments received, Cal OES may adopt the proposed regulations substantially as described in this notice. If Cal OES 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 Cal OES adopts the regulations as revised. Please send requests for copies of any modified regulations to the attention of Michael Elder at the address indicated above. Cal OES 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 may be obtained by contacting Michael Elder at the above address.

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 strikethrough can be accessed through our website at www.caloes.ca.gov.

DECISION NOT TO PROCEED

SUPERINTENDENT OF PUBLIC INSTRUCTION

NOTICE OF DECISION NOT TO PROCEED Pursuant to Government Code section 11347

12-Month Eligibility and CalWORKS

Pursuant to Government Code Section 11347, the State Superintendent of Public Instruction and the California Department of Education (CDE) hereby gives notice that they have decided not to proceed with the rulemaking action published in the California Regulatory Notice Register, December 28, 2018. The CDE needs additional time to consider the fiscal impact of the proposed regulations. The CDE’s Early Learning and Care Division will be working with the Department of Finance to identify and mitigate potential cost pressures.

Any interested person with questions concerning this rulemaking should contact Patricia Alverson, Regulations Coordinator, by email at: regcomments@cde.ca.gov.

The CDE will also publish this Notice of Decision Not to Proceed on its website.

RULEMAKING PETITION DECISION

DEPARTMENT OF CORRECTIONS AND REHABILITATION

Pursuant to Government Code 11340.7

Petitioner

Renee Sunnafrank

Department Contact Person

Please direct any inquiries regarding this action to Ying Sun, Associate Director, Regulation and Policy Management Branch, Department of Corrections and Rehabilitation, P.O. Box 942883, Sacramento, CA 94283-0001.

Availability of Petition

The petition to amend regulations is available upon request directed to the Department’s contact person.

Authority

Penal Code Sections: 5054 and 5058

Provisions of California Code of Regulations Affected:

Title 15, Crime Prevention and Corrections
Division 3, Adult Institutions, Programs and Parole

Summary of Petition and Department Decision:

Subsection 3177(b)(1)(C)

Petitioner’s Request: Add the language “OR if the inmate has been in CDCR custody for less than 10 years and is currently not in CDCR custody for any of the following charges including any sex offense which include but is not limited to the following Penal Code sections: 187 (when the victim is a family member as defined in Section 3000 or minor); 192 (when the victim is a family member or minor); 243.4; 261; 261.5, 262; 264.1; 266c; 266j; 273a; 273d; 273.5; 273.6; 285; 286; 288; 287; 288.2; 288.5; 289; 289.5; 311.1; 311.2; 311.3; 311.4; 313.1; 314; or 647.6 AND has not been convicted of any of previous mentioned charges in the last 15 years prior of being placed in CDCR custody, no serious rules violation reports since in CDCR custody, documented participation in self-help groups, e.g.: Anger Management, Narcotics Anonymous, Alcoholics Anonymous, Family Relations, and inmate is required to enroll in a vocational education program.”

Reason for Request: Petitioner states certain inmates that have had a domestic violent charge (penal code 273.5) from over 15 years ago and are currently in custody on unrelated charges are currently being denied family visits (overnight) due to the current regulations which require adult inmates to be in CDCR custody for 10 years, and disciplinary free before being considered for family visits (overnight).

Additionally, petitioner believes the 10 years before the inmate was admitted into CDCR custody should qualify as the 10 year disciplinary free requirement to meet family visit regulations.

Department’s Response: Ms. Sunnafrank’s request is denied. California is one of only four states that grants family visits. CDCR’s mission is to protect the public by safely and securely supervising adult and juvenile offenders, to provide effective rehabilitation and treatment, and to successfully reintegrate offenders into the community. CDCR recognizes the value of visitation as a means to improve the safety of prisons, as well as to establish and maintain meaningful connections with family and the community; however, family visits are a privilege granted to inmates, and not a right. Family visits are a creation of CDCR regulations under the general authority of PC Sections 5054 and 5058, not of any

statute, and may be restricted or eliminated by amendment or repeal of those regulations.

Family visits occur in designated private units on prison grounds. As such, inmates and their overnight visitors are not subject to constant and direct supervision by custody staff. Because family visits are not under constant and direct supervision, staff's supervision of inmates with violent and serious offenses, prior arrests or convictions, or in-custody misconduct documented in Rules Violation Reports would be limited and pose a risk to the safety and security of the institutions. In general, such inmates require a higher degree of direct supervision while incarcerated than do inmates with less serious histories of criminal offenses and in-custody misconduct.

The intent of the visiting policy is to establish a visiting process that promotes safety in the prison, maintains meaningful family and community connections, and prepares inmates for successful release and rehabilitation. CCR Subsection 3177(b)(1) is intended to prohibit family visiting for inmates convicted of sexual offenses, spousal abuse, sexual abuse, and sexual battery. CDCR is responsible for the safety of visitors, and given that family visiting takes place in an area without the constant and direct supervision of custody staff, it is of the utmost importance that CDCR only approve family visits for inmates with no history of such offenses. CCR Subsection 3177(b)(1)(C) was adopted to afford inmates convicted of a violent offense as specified in 3177(b)(1) to be considered for eligibility by a Classification Committee on a case-by-case basis for family visiting provided the inmate has demonstrated sustained, positive behavior for a period of 10 years from the reception date into CDCR custody. CDCR believes the 10 year disciplinary free period is a reasonable timeframe to show progression towards rehabilitation and self-improvement. In addition, allowing the ability to earn a family visit by demonstrating sustained positive programming serves as a deterrent from negative behavior, promotes positive programming and self-improvement, which in turn can increase the likelihood of successful reintegration into society and reduce recidivism.

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# 2019-1203-04
 AIR RESOURCES BOARD
 Cargo Tank Vapor Recovery Program

This action by the California Air Resources Board updates the annual certification fee of vapor recovery systems for cargo tanks.

Title 17
 AMEND: 94014
 Filed 12/11/2019
 Effective 12/11/2019
 Agency Contact: Chris Hopkins (916) 445-9564

File# 2019-1121-01
 DEPARTMENT OF CORRECTIONS AND REHABILITATION
 Recommendation to Recall Sentence and Resentence

The Department of Corrections and Rehabilitation filed this emergency operational necessity action, pursuant to Penal Code section 5058.3, to amend regulations governing the recall of inmate commitments and resentencing of inmates pursuant to Penal Code section 1170(d).

Title 15
 ADOPT: 3076, 3076.1, 3076.2, 3076.5
 AMEND: 3076.3, 3076.4
 REPEAL: 3076, 3076.1, 3076.2, 3076.5
 Filed 12/10/2019
 Effective 01/01/2020
 Agency Contact: Josh Jugum (916) 445-2266

File# 2019-1118-03
 DEPARTMENT OF CORRECTIONS AND REHABILITATION
 Medical Care

This emergency readoption action, by operational necessity pursuant to Penal Code section 5058.3, repeals, amends, and adopts regulations to update health care policies applicable to patients of the Department of Corrections and Rehabilitation.

Title 15
 ADOPT: 3999.100, 3999.101, 3999.108, 3999.109, 3999.110, 3999.111, 3999.112, 3999.113, 3999.114, 3999.115, 3999.116, 3999.125, 3999.126, 3999.127, 3999.130, 3999.131, 3999.133, 3999.134, 3999.135, 3999.136, 3999.137, 3999.138, 3999.139, 3999.140, 3999.141, 3999.142, 3999.143, 3999.144, 3999.145, 3999.146, 3999.147, 3999.201, 3999.205, 3999.215, 3999.216, 3999.217, 3999.218, 3999.219, 3999.240, 3999.241, 3999.300, 3999.301, 3999.302, 3999.303, 3999.304, 3999.305, 3999.306, 3999.307, 3999.308, 3999.309, 3999.310, 3999.315, 3999.325, 3999.326, 3999.368, 3999.375, 3999.380, 3999.381, 3999.382, 3999.383, 3999.384, 3999.385, 3999.390, 3999.391, 3999.392, 3999.393, 3999.394, 3999.396, 3999.400, 3999.401, 3999.410, 3999.411, 3999.415, 3999.418, 3999.419, 3999.427, 3999.428, 3999.430, 3999.431
 AMEND: 3999.98, 3999.99, 3999.320
 REPEAL: 3352, 3352.1, 3355, 3355.2
 Filed 12/05/2019
 Effective 12/10/2019
 Agency Contact: Julie Inderkum (916) 691-0697

File# 2019-1204-03
 DEPARTMENT OF FOOD AND AGRICULTURE
 Industrial Hemp Cultivation Sampling

This action by the Department of Food and Agriculture readopts emergency regulations that establish timeframes, procedures, methods, and confirmation for industrial hemp sampling, laboratory testing, and destruction. (See OAL file no. 2019-0531-03E.)

Title 3
 ADOPT: 4940, 4941, 4942, 4943, 4944, 4945, 4946, 4950, 4950.1
 Filed 12/10/2019
 Effective 12/10/2019
 Agency Contact: Rachel Avila (916) 403-6813

File# 2019-1105-02
 DEPARTMENT OF MOTOR VEHICLES
 Driver's Licenses and Identification Cards: Real ID

This Certificate of Compliance rulemaking by the Department of Motor Vehicles (the "Department") creates a process by which persons who presented only one proof of California residency prior to being issued a REAL ID-compliant driver's license or identification card can submit a second proof to the Department to prevent the driver's license or identification card from no longer being REAL ID-compliant.

Title 13
 AMEND: 17.00
 Filed 12/09/2019
 Effective 12/09/2019
 Agency Contact: Randi Calkins (916) 657-8898

File# 2019-1029-03
 OCCUPATIONAL SAFETY AND HEALTH DIVISION
 Recording and Reporting of Occupational Injuries

The Division of Occupational Safety and Health filed this action to amend two regulations and related exhibits addressing employers' duty to record and report occupational injuries and illnesses.

Title 8
 AMEND: 14300.35, 14300.41
 Filed 12/11/2019
 Effective 12/11/2019
 Agency Contact: Willie N. Nguyen (510) 286-7348

File# 2019-1022-01
 OCCUPATIONAL SAFETY AND HEALTH STANDARDS BOARD
 Electric Power Generation, Transmission and Distribution; Electrical Protective Equipment: Final Rule-Corrections

This action amends the existing regulations on electrical power generation, transmission, and distribution and electrical protective equipment in order to remain at least as effective as related federal regulations.

Title 8
 AMEND: 2300, 2305.2, 2940.2, Article 36 Appendix A
 Filed 12/05/2019
 Effective 04/01/2020
 Agency Contact: Lara Paskins (916) 274-5721

File# 2019-1029-01
OFFICE OF THE STATE FIRE MARSHAL
Removal of Title 26 Toxics Regulations

This action by the State Fire Marshal removes regulations contained in title 26 of the California Code of Regulations that are duplicative to or outdated versions of regulations contained in title 19.

Title 26
REPEAL: 19-2040, 19-2041, 19-2060, 19-2070,
19-2071, 19-2072, 19-2073, 19-2074, 19-2075
Filed 12/10/2019
Agency Contact: Diane Arend (916) 568-2917

File# 2019-1024-01
PHYSICIAN ASSISTANT BOARD
Audit and Sanctions for Noncompliance

This rulemaking action by the Physician Assistant Board establishes a compliance deadline for continuing medical education audit requirements. This action also clarifies that hours earned to make up any continuing medical education deficiency shall not be counted towards compliance during the next biennial renewal period.

Title 16
AMEND: 1399.617
Filed 12/05/2019
Effective 04/01/2019
Agency Contact: Anita Winslow (916) 561-8782

**PRIOR REGULATORY
DECISIONS AND CCR
CHANGES FILED WITH THE
SECRETARY OF STATE**

A quarterly index of regulatory decisions by the Office of Administrative Law (OAL) is provided in the California Regulatory Notice Register in the volume published by the second Friday in January, April, July, and October following the end of the preceding quarter. For additional information on actions taken by OAL, please visit www.oal.ca.gov.