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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 4. DEPARTMENT OF CANNABIS CONTROL**

**Subject Matter of Proposed Regulations:** Medicinal and Adult–Use Commercial Cannabis Regulations.

**Sections Affected:** Title 4, California Code of Regulations, sections 15000, 15000.1, 15000.2, 15000.3, 15000.4, 15000.5, 15000.6, 15000.7, 15000.8, 15000.9, 15000.10, 15001, 15001.1, 15001.2, 15001.3, 15001.4, 15002, 15002.1, 15003, 15004, 15004.1, 15005, 15006, 15007, 15007.2, 15008, 15009, 15010, 15010.1, 15010.2, 15010.3, 15011, 15012, 15013, 15014, 15015, 15017, 15018, 15020, 15021, 15022, 15023, 15024, 15024.1, 15025, 15026, 15027, 15028, 15030, 15031, 15032, 15033, 15034, 15035, 15036, 15037, 15038, 15039, 15040, 15040.1, 15040.2, 15041.1, 15041.2, 15041.3, 15041.4, 15041.5, 15041.6, 15041.7, 15042, 15042.1, 15043, 15044, 15045, 15046, 15047, 15047.1, 15047.2, 15048, 15048.1, 15048.2, 15048.3, 15048.4, 15048.5, 15049, 15049.1, 15049.2, 15050, 15051, 15052, 15052.1, 15053, 15054, 15300, 15301, 15302, 15303, 15303.1, 15304, 15305, 15306, 15307, 15307.1, 15307.2, 15308, 15309, 15310, 15311, 15312, 15313, 15314, 15315, 15402, 15405, 15406, 15407, 15408, 15410, 15411, 15413, 15414, 15415, 15417, 15418, 15419, 15420, 15426, 15427, 15500, 15501, 15502, 15503, 15504, 15505, 15506, 15506.1, 15507, 15600, 15601, 15602, 15603.1, 15604, 15700, 15701, 15702, 15703, 15704, 15705, 15706, 15709, 15710, 15711, 15713, 15714, 15715, 15717, 15718, 15719, 15720, 15721, 15722, 15723, 15724, 15725, 15726, 15727, 15728, 15729, 15730, 15731, 15732, 15733, 15734, 15735, 15736, 15737, 15738, 15739, 15800, 15801, 15802, 15803, 15804, 15805, 15806, 15807, 15808, 15809, 15810, 15811, 15812, 15813, 15814, 15815, 15900, 15901, 15902, 15903, 15904, 15905, 16000, 16100, 16101, 16102, 16103, 16104, 16105, 16106, 16107, 16108, 16109, 16110, 16112, 16113, 16114, 16115, 16200, 16201, 16202, 16203, 16204, 16205, 16206, 16207, 16208, 16209, 16210, 16211, 16212, 16213, 16214, 16215, 16216, 16300, 16301, 16302, 16303, 16304, 16305, 16306, 16307, 16308, 16309, 16310, 16311, 16400, 16401, 16402, 16403, 16404, 16405, 16406, 16408, 16409, 16500, 16501, 16600, 16601, 16602, 16603, 16604, 16605, 16606, 16607, 16608, 16609, 17000,

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**Notice is hereby given** that the Department of Cannabis Control (Department) proposes to adopt the proposed amended regulations, described below, after considering all comments, objections, and recommendations regarding the proposed action. The Department, upon its own motion or at the request 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 inspection and copying 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.

All the proposed sections are proposed to be added to the California Code of Regulations (CCR), under Division 19 of Title 4.

PUBLIC HEARING

The Department will hold a virtual public hearing at the following dates and times listed below:

1. **Wednesday, March 23, 2022, 10:00 a.m. to 1:00 p.m.**
2. **Tuesday, April 19, 2022, 10:00 a.m. to 1:00 p.m.**

Attendees may participate via WebEx online meeting platform or telephone conferencing. To participate via WebEx online meeting platform please email Kaila Fayne at [Kaila.Fayne@cannabis.ca.gov](mailto:Kaila.Fayne@cannabis.ca.gov) or (916) 465–9025 by 4:30 p.m. on March 22, 2022 or on April 18, 2022, to request a link to the meeting. Links to the meetings will also be posted on the Department’s website no later than 9:00 a.m. the day of the hearings.

As a reasonable accommodation, limited in-person seating may be available at the hearing in the Department Hearing Room, 2920 Kilgore Road, Ran-

cho Cordova, CA 95670. Attendees must comply with all COVID-19 safety protocols. Please contact Kaila Fayne at [Kaila.Fayne@cannabis.ca.gov](mailto:Kaila.Fayne@cannabis.ca.gov) or (916) 465-9025 by 4:30 p.m. on March 22, 2022 or April 18, 2022 if an accommodation is necessary.

Participants will be given instructions on how to provide oral comment once they have accessed the hearing. The hearings will proceed on the dates noted above until all testimony is submitted or 1:00 p.m., whichever is later. At the hearing, any person may present oral or written statements or arguments relevant to the proposed action 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 via email.

#### WRITTEN COMMENT PERIOD

Any interested person, or the interested person's authorized representative, may submit written comments relevant to the proposed regulatory action to the Department. Written comments may be sent by mail or e-mail to the addresses listed below.

**Comments submitted must be received by the Department at its office by 5:00 p.m. on April 19, 2022.**

Submit comments to:

Department of Cannabis Control  
Legal Affairs Division  
2920 Kilgore Road  
Rancho Cordova, CA 95670  
E-mail: [publiccomment@cannabis.ca.gov](mailto:publiccomment@cannabis.ca.gov)

#### AUTHORITY AND REFERENCE

Business and Professions Code section 26013 authorizes the Department to adopt these proposed regulations. The proposed regulations implement, interpret, and make specific the Medicinal and Adult-Use Cannabis Regulation and Safety Act at Business and Professions Code section 26000 et seq.

#### INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

The purpose of these regulations is to make permanent the emergency regulations the Department of Cannabis Control (Department) adopted on September 27, 2021 to make specific licensing and enforcement criteria for all commercial cannabis businesses, including: distributors, retailers, microbusinesses, temporary cannabis events, cultivators, manufacturers, and testing laboratories. These proposed regulations are necessary to implement the Medicinal

and Adult-Use Cannabis Regulation and Safety Act. (Business & Professions Code, section 26000 et seq.) under one single department, consolidated from three state cannabis licensing programs.

#### *Existing Law*

On July 12, 2021, Governor Gavin Newsom (Governor Newsom) signed California Assembly Bill 141, (*Chapter 70, Statutes of 2021*), which consolidated the former three cannabis licensing authorities — the Department of Consumer Affairs' Bureau of Cannabis Control (Bureau), the Department of Food and Agriculture's CalCannabis Cultivation Licensing Division, and the Department of Public Health's Manufactured Cannabis Safety Branch — into a single Department of Cannabis Control (Department) within the Business, Consumer Services, and Housing Agency. The newly established Department inherited all the powers, duties, purposes, functions, responsibilities, and jurisdiction of the three separate licensing entities authorized by the Medicinal and Adult-Use Cannabis Regulatory and Safety Act (MAUCRSA or Act). The Department serves as the single regulatory and enforcement entity for all licensed commercial cannabis businesses in California.

The Department regulates all commercial cannabis license holders in California, including cultivators, retailers, manufacturers, distributors, testing laboratories, microbusinesses, and temporary cannabis events. The Department also manages the state's track and trace system, used to track cannabis and cannabis products, from seed to sale, within the commercial cannabis supply chain. In furtherance of these duties, the Department continues to enforce MAUCRSA and all the regulations adopted by the three legacy licensing authorities.

Previously, the regulations of the three licensing entities were in different titles within the CCR, which have since been consolidated under Title 4 of the CCR. The OAL approved the actions to renumber and relocate the regulations and filed the actions with the Secretary of State, making the changes effective the same day.

#### *Policy Statement*

This rulemaking action would consolidate, clarify, and make consistent licensing and enforcement criteria for commercial cannabis businesses, including cultivators, manufacturers, distributors, retailers, microbusinesses, testing laboratories, and temporary cannabis events. These proposed regulations would inform applicants for licensure of the applicable meaning of key statutory terms; identify the documents and supplemental information required in an application; and provide specific clarification of terms, prohibitions, or conditions for compliance with MAUCRSA for their particular license type. Chapter 1 of these proposed regulations contains general provisions that apply to

all license types, entitled All Licensees. Chapter 2 applies to Distributors, Chapter 3 applies to Retailers, Chapter 4 applies to Microbusinesses, Chapter 5 applies to Cannabis Events, Chapter 6 applies to Testing Laboratories, Chapter 7 applies to Cultivators, and Chapter 8 applies to Manufacturers. In addition, the regulations include a number of regulatory considerations for all license types including Chapter 9 on Other Responsibilities, Chapter 10 on Cannabis and Cannabis Products, Chapter 11 on Labeling and Packaging Requirements, and Chapter 12 on Enforcement. Finally, Chapter 13 on Other Provisions includes regulations such as those related to university research funding.

### ***Regulation Objectives and Anticipated Benefits of the Proposed Regulations***

The broad objectives of these proposed regulations are to consolidate, clarify, or make consistent the commercial cannabis regulations. The proposed regulations are expected to benefit the health and welfare of California residents. The specific benefits anticipated are increased protection of the public and environment from the harms associated with an unregulated commercial cannabis market.

Prior to consolidation and the proposed regulatory amendments, there existed three separate sets of regulations. One set applied only to retailers, distributors, testing laboratories, microbusinesses, and temporary cannabis events. The second set of regulations applied only to cultivators. The third set of regulations only applied to manufacturers. Each set of regulations contained specific regulatory requirements that were only applicable to specific license types. In some areas, the requirements within each of the three separate sets of regulations were the same. In other areas, the requirements differed depending on the license type. The proposed regulations aim to take the three disparate sets of regulations and effectively combine them into one consolidated set of regulations that are applicable to all commercial cannabis license types regulated by the new Department. This includes eliminating duplicative requirements that appear in multiple sets of regulations; reorganizing regulatory chapters, articles, and sections in a manner that allows readers to easily identify the sections they are seeking; and clarifying the regulatory text to provide clear guidance regarding the requirements for commercial cannabis licensees while reducing the risk of confusion.

These proposed consolidated regulations will allow commercial cannabis businesses to more easily and effectively identify and understand the requirements for operating a commercial cannabis business within the State of California. By making it easier for commercial cannabis businesses to identify and understand these requirements, it is anticipated that the proposed regulations will be more effective in achieving the

Department's primary goal of protecting the public. Regulations regarding mandatory laboratory testing, informative product labeling, safe product packaging, and tracking of cannabis movement through the state will be more effective when they are well organized and easy for commercial cannabis businesses to understand.

At the same time, the proposed consolidated regulations increase the Department's ability to effectively regulate commercial cannabis businesses. A well organized, clearly written, consistent set of consolidated regulations will allow the Department to better educate licensees regarding the rules as well as consistently enforce them in a fair manner. Effective education and enforcement regarding the requirements found in the regulations are essential to the Department's goal of ensuring that California's commercial cannabis businesses operate in a manner that benefits the state of California while reducing or eliminating the risks of harm to the people of the state. The increased clarity and efficiency obtained by the proposed consolidated regulations will further increase the Department's ability to carry out this mission.

Moreover, the streamlined and consistent set of regulations allows all of California's commercial cannabis businesses to operate more efficiently. This in turn increases the state's ability to combat the unregulated commercial cannabis market. The unregulated cannabis market poses a risk of harm to public health and the environment. The proposed regulations will ensure that cannabis and cannabis products meet health and safety standards by requiring that samples of each batch of harvested cannabis and cannabis products be tested prior to being sold to consumers. The proposed regulations would also ensure that cannabis goods are sold in a manner that prevents access or diversion of cannabis goods to persons under the age of 21 who do not possess a valid physician's recommendation. Streamlining the requirements for operating a legally licensed commercial cannabis business makes the licensed market more available to a wider number of businesses which will strengthen the legal licensed market and weaken the illegal unlicensed market.

### ***Chapter 1: All Licensees***

The Department was established to create a comprehensive and coherent regulatory framework for an established industry that was previously regulated by the former Bureau within the Department of Consumer Affairs, former CalCannabis Program within the California Department of Food and Agriculture, and former Manufactured Cannabis Safety Branch within the California Department of Public Health. While MAUCRSA provides guidance on the larger macro issues, much of the implementation specifics and clarification of terms were left to the legacy licensing authorities. These proposed regulations would

consolidate, clarify, and make consistent terms that have been left to the Department. With a uniform set of definitions applicable to all Department licensees, these proposed regulations would help all applicants and licensees better understand:

- (1) the applicable meaning of key statutory and other terms related to the Department’s licensing program;
- (2) what documents and information are required in an application; and
- (3) specific clarification of prohibitions, requirements, or conditions for compliance with MAUCRSA.

Article 1 of the proposed regulations would provide an overview of the division’s definitions and generally applicable requirements to all licensees. Specifically, the proposed regulations would consolidate, clarify, and make consistent the applicable meaning of key statutory terms and other terms used within the proposed regulations that may have previously conflicted. These terms include those relevant to requirements of licensees, such as “cannabis waste,” “edible cannabis product,” “limited access area,” “package,” “wholesale cost,” and terms related to cannabis in different stages of the supply chain. The definitions of “immature plant,” manufacture, and tincture have been also amended for clarity. The proposed regulations would consolidate and clarify the general requirements for commercial cannabis activity including licensed premises requirements; commercial cannabis activity between licensees; where commercial cannabis activity may occur; requirements related to the use of a licensed distributor; requirements related to the non-transferability of licensees; and requirements related to the use of legal business names on all documents related to commercial cannabis activities. The proposed regulations would further consolidate general requirements regarding business conducted between licensees with A- and M- license designations. The proposed regulations would consolidate and make consistent general requirements related to the location of a premises licensed by the Department. The proposed regulations would make consistent and clarify the regulatory prohibition on subletting licensed premises or a portion of licensed premises, except for shared facilities, as well as a prohibition against including living areas as part of the licensed premises while allowing a transition period. Additionally, the proposed regulations allow for the use of shipping containers on a licensed premises and require separation by walls between storage areas and employee areas. The proposed regulations would add requirements related to the use of appellations of origins. The proposed regulations would consolidate existing regulations regarding a licensee’s responsibility for acts of

their employees or agents. The proposed regulations would clarify and make consistent existing requirements related to age restrictions at a licensed premises — clarifying that employees and persons retained to handle cannabis and cannabis products must be at least 21 years of age. In addition, the proposed regulations would consolidate, clarify, and make consistent general requirements for the storage of inventory at the licensed premises.

Article 2 of the proposed regulations would clarify what information and documents are required to complete an application for provisional and annual licensure. The proposed regulations would specify the requirements for provisional licensure including what a provisional licensee must do to obtain, and subsequently maintain their license while in pursuit of their annual license and outline the Department review process for disciplinary action on provisional licensees. The proposed regulations would also outline the annual licensure process by consolidating application requirements and making them consistent. Such changes would include updating certain application requirements based on the Department’s experience, including removing disclosure requirements for other state commercial cannabis licenses; limiting the type of business formation documents required for submittal; and updating labor peace agreement requirements, while maintaining the requirement to provide the signature page of labor peace agreements. The proposed regulations would move the temporary cannabis event application requirements to this chapter to consolidate application requirements in one area, while requiring disclosure of all participating licensees and vendors, removing the employee disclosure provision, and requiring a limited access area.

The proposed regulations would consolidate, clarify, and make consistent the definition of “owner” for the purposes of applying for licensure. The proposed regulations would further specify what individuals would be considered owners based on their management, direction, or control of the commercial cannabis business. The proposed regulations would consolidate and make consistent financial interest-holder disclosure requirements by providing additional examples regarding who constitutes a financial interest-holder. The proposed regulations would also clarify the independence of testing laboratories in respect to other licensees. This includes prohibiting common ownership, financial interest-holders, and employees between testing laboratories and other licenses. The proposed regulations also prohibit landlord-tenant relationships and discounted services between testing laboratories and other types of licensees.

The proposed regulations would clarify what a premises diagram must show for all licensees, including cultivators and manufacturers. The proposed reg-

ulations would consolidate, make consistent, and clarify landowner approval requirements. The proposed regulations would allow for the use of electronic signatures. The proposed regulations would update the current bond form and eliminate the requirement for a separate bond for each license, allowing licensees to utilize one bond with the appropriate amount for all licenses they hold. The proposed regulations would consolidate, clarify, and make consistent current California Environmental Quality Act review requirements for all applicants. The proposed regulations would add to the section on required additional information for specific license types, that would consolidate license specific application requirements into one section. The proposed regulations would consolidate, clarify, and make consistent current requirements related to incomplete and abandoned applications. The proposed regulations would consolidate, clarify, and make consistent requirements related to the withdrawal of applications.

Article 3 of the proposed regulations would provide clarification of special conditions, terms, prohibitions, or requirements set forth in MAUCRSA that apply to all license types. The proposed regulations would consolidate all existing fees into one section of the regulations. The proposed regulations would also consolidate existing requirements related to substantially related offenses and criteria for rehabilitation, making them consistent and ensuring that the regulations match the current statutory requirements. The proposed regulations would consolidate requirements related to renewal, denial, cancellation, and surrender of a license and make the requirements consistent between licensees. The requirements would outline, consolidate and make consistent the procedures for informing the Department of business modifications, or when one of the owners of a licensed premises has died, is incapacitated, or becomes insolvent.

The proposed regulations would consolidate and make consistent a licensee’s responsibilities with regards to cannabis and cannabis products after the termination of a license. The proposed regulations would consolidate and make consistent a licensee’s responsibilities to notify the Department for events such as the physical modification of a premises, when there is a significant discrepancy in inventory, or when disaster relief is required due to a state of emergency. The proposed regulations would also consolidate general recordkeeping requirements and specify certain premises requirements applicable only to licensed retailers and microbusinesses authorized to engage in retail.

Article 4 of the proposed regulations contains requirements for advertising and marketing. The proposed regulations would consolidate and make consistent all commercial cannabis advertising and marketing provisions, as well as clarify what constitutes

advertising and marketing that is attractive to children and would streamline licensee’s ability to sell branded merchandise. The proposed regulations would clarify restrictions on licensee use of giveaways, raffles, or other promotional activities. The proposed regulations would also outline procedures for the designation and transfer of trade samples between licensees.

Article 5 of the proposed regulations contains minimum–security requirements that would apply to all licensees. The proposed regulations would consolidate security requirements for all license types and clarify that some of the security requirements do not apply to commercial cannabis cultivators.

MACURSA requires that all cannabis and cannabis products be tracked throughout the supply chain. Article 6 of the proposed regulations would consolidate and clarify the requirements for using the track and trace system and reporting the movement of cannabis and cannabis products in the system for all licensees. The proposed regulations would also identify the responsibilities of the designated account manager and outline general tag requirements related to track and trace activities.

**Chapter 2: Distributors**

The proposed distributor regulations would accomplish three goals:

- (1) ensure that cannabis and cannabis products are properly stored, handled, packaged, and tested;
- (2) ensure that distributors keep and maintain records that are adequate to effectively track and trace the cannabis and cannabis products, thereby assuring that cannabis and cannabis products are safe for use by the consumer prior to distribution for retail sale; and
- (3) ensure cannabis and cannabis products are transported in a safe and secure manner. With these goals in mind, the overall purpose of the proposed regulations is to identify the minimum requirements for holding a state distributor license.

The proposed regulations would remove references to general packaging and labeling requirements as they are being consolidated in Chapter 11 of the Department’s regulations. The proposed regulations would allow for cannabis goods to be distributed directly from a premises only providing storage. The proposed regulations would allow the certificate of analysis to be provided electronically and clarify requirements for failed batches or are not fit for sale. The proposed regulations would clarify what constitutes evidence for proof of ownership of transport vehicles, who must own the vehicles, and the requirements for the vehicles. The proposed regulations would eliminate any reference to distributor application and recordkeeping requirements as they are being consolidated in Chapter 1 of the Department’s regulations. Finally,

the proposed regulations would remove references to temporary licensees, as the Department does not have the ability to issue such licenses anymore.

**Chapter 3: Retailers**

Chapter 3 of the proposed regulations would clarify requirements for licensed commercial cannabis retailers. Retailers provide commercial cannabis goods to customers who are the end users of cannabis and cannabis goods. Under MAUCRSA, the Department is responsible for establishing the rules for the operation of commercial cannabis retailers. The overall purpose of the proposed regulations is to lay out the minimum requirements for holding a state license to operate a commercial retail premises. The proposed regulations are necessary as retailers engage directly with the consumer and the public. Collectively, the proposed regulations ensure that retailers follow MAUCRSA retail supply chain requirements; protect public health and safety; and limit the risk of diversion.

The proposed regulations would remove existing discussions regarding labeling of live plants, as general packaging and labeling requirements are being consolidated in Chapter 11 of the Department's regulations. The proposed regulations would provide additional clarification regarding a retail licensee's sale of branded merchandise to ensure consistency throughout the Department's regulations. The proposed regulations would clarify and make consistent the maximum immature plant sizes for sale at retail. The proposed regulations include requirements for providing free cannabis goods to medicinal patients. The proposed regulations would allow for curbside delivery at storefront retailers. The proposed regulations would clarify that commercial cannabis delivery drivers may also deliver branded merchandise and cannabis accessories, can carry up to \$10,000 in cannabis goods, and use vehicles with fewer requirements. The proposed regulations would clarify the existing provisions regarding retail to retail transfers of cannabis goods. The proposed regulations would allow the sale of non-cannabis, non-alcoholic pre-packaged food and clarify that outside food and beverages may be delivered to a consumption lounge. Finally, the proposed regulations would remove existing discussions regarding record-keeping requirements, as they are being consolidated in Chapter 1 of the Department's regulations.

**Chapter 4: Microbusinesses**

Under MAUCRSA, a microbusiness license allows a licensee to conduct multiple commercial cannabis activities under one license. A microbusiness licensee is permitted to: cultivate cannabis on an area less than 10,000 square feet; act as a licensed distributor; manufacture cannabis as a Level 1 manufacturer; and/or sell cannabis as a retailer. The overall purpose of the Department's proposed regulations is to lay out the minimum requirements for holding a state license to

operate a microbusiness, including ensuring that the MAUCRSA supply chain requirements are adhered to.

The proposed regulations would eliminate all discussion of application requirements for microbusinesses in this chapter, as application requirements for all Department licensees have been consolidated in Chapter 1 of the Department's regulations. The proposed regulations would also clarify that distributor-transport only activities would be considered a qualifying activity for the purposes of obtaining a microbusiness license. Finally, the proposed regulations have eliminated reference to recordkeeping requirements, as they are being consolidated in Chapter 1 of the Department's regulations.

**Chapter 5: Cannabis Events**

Under MAUCRSA, state temporary event licenses may be issued, authorizing onsite cannabis sales to, and consumption by, persons 21 years of age or older at a location approved by the local jurisdiction, provided that certain conditions are met, including that all participants are licensed. The overall purpose of the proposed regulations is to lay out the minimum requirements for the operation of a temporary cannabis event, licensed by the Department.

The proposed regulations would eliminate both cannabis event organizer and temporary cannabis event application requirements, as the application requirements for all licensees have been consolidated in Chapter 1 of the Department's regulations. The proposed amendments provide for the disclosure of all participants, what each participant will sell, identification of licensee employees by badges, requirements for display of cannabis and cannabis products by non-retail licensees, and limited-access areas.

**Chapter 6: Testing Laboratories**

Under MAUCRSA, all cannabis and cannabis products must meet certain health and safety standards before they can be sold to customers. To ensure that cannabis and cannabis products meet those standards, a representative sample of the cannabis and cannabis products must be tested by a licensed testing laboratory. Through the proposed regulations, the Department aims to ensure that cannabis goods sold to customers are safe for human consumption. The Department also aims to ensure that customers receive accurate information regarding the cannabis and cannabis products they consume.

The proposed regulations remove conflicting or duplicative definitions, as definitions that are applicable to all the Department's licensees have been consolidated in Chapter 1.

Moreover, the proposed regulations eliminate application requirements for testing laboratories from this chapter, as application requirements for all licensees have been consolidated in Chapter 1 of the Department's regulations. The proposed regulations clarify

that laboratories can test items not regulated by the Department and contain recordkeeping requirements. The proposed regulations clarify evidence that the Department will consider as establishing proof of ownership of vehicles used for transporting samples and contains requirements for vehicles carrying samples. The proposed regulations remove language regarding the phase-in of testing requirements, as the date that certain tests were phased-in has already passed and this language is no longer necessary. The proposed regulations amend language regarding the testing of tinctures containing alcohol for consistency throughout the Department's regulations. The proposed regulations clarify the variance for edible cannabis products to ensure consistency with statutory requirements. The proposed regulations have added a provision clarifying how testing laboratory licensees may submit a request to amend their certificates of analysis.

Finally, the proposed regulations have eliminated reference to recordkeeping requirements in this chapter, as they are being consolidated in Chapter 1 of the Department's regulations.

#### ***Chapter 7: Cultivators***

Cultivators grow all cannabis plants that enter the commercial cannabis supply chain. Under MAUCRSA, a cultivation license is required for the planting, growing, harvesting, drying, curing, grading, or trimming of cannabis. Through the proposed regulations, the Department aims to ensure that cultivators follow MAUCRSA supply chain requirements; protect public health and safety as a part of their cultivation practices; and limit the risk of diversion.

The proposed regulations remove language regarding application requirements, fees, and general requirements, as this information has been consolidated for all licensees in Chapter 1 of the Department's regulations. The proposed regulations clarify that cannabis and cannabis products derived from plants grown in designated research and development areas cannot enter the commercial cannabis market or be transferred off the premises. The proposed regulations clarify that lights used for both safety and security shall be shielded downward. The proposed regulations provide clarification regarding greenhouse gas calculation and reporting requirements. The proposed regulations require seed, immature plants or propagated material received as trade samples be cultivated in a dedicated canopy that is included in the aggregate canopy. The proposed regulations clarify canopy, cultivation plan, and pest management plan requirements. The proposed regulations clarify that lights must be shielded from sunset to sunrise for both indoor cultivation and mixed light cultivation. Finally, the proposed regulations have eliminated reference to recordkeeping requirements in this chapter, as they are being consolidated in Chapter 1 of the Department's regulations.

#### ***Chapter 8: Manufacturers***

Under MAUCRSA, a manufacturing license is required to compound, blend, extract, infuse, package, label, or otherwise make or prepare a cannabis product. Manufacturers generally extract cannabinoids and terpenes from cannabis plants and make products out of the extract, including edible products, vape cartridges, lotions, balms, lozenges, sublingual sprays, pills, tablets, dab, shatter, and wax. The proposed regulations are intended to ensure that manufacturers follow the MAUCRSA supply chain requirements and protect public health and safety in their production of cannabis products for consumption.

The proposed regulations clarify general requirements for extraction and post-extraction requirements by consolidating current legal and regulatory requirements into one section. The proposed regulations clarify the requirements related to batch production records that are produced every time a batch of cannabis product is manufactured, or a batch of cannabis product is remediated. The proposed regulations provide further clarification regarding when written procedures are required for cannabis product components. The proposed regulations clarify that manufacturing licensees must adhere to closed-loop extraction system laws for verification and that they must be certified prior to use. The provisions related to ethanol have been clarified. Finally, the proposed regulations eliminated reference to general licensure requirements in this chapter, such as written personnel procedures and recordkeeping requirements, as these provisions are being consolidated in Chapter 1 of the Department's regulations.

#### ***Chapter 9: Other Responsibilities***

This chapter of the proposed regulations would identify and consolidate other generally applicable responsibilities for Department licensees. The proposed regulations would clarify what requirements Department licensees must satisfy when using weighing devices. The proposed regulations would identify Department licensees' responsibilities related to cannabis waste management at their licensed premises. The proposed regulations would outline procedures that licensees must adhere to when they receive product complaints. Further, the proposed regulations would establish guidelines for both voluntary and mandatory recalls of cannabis and cannabis products that are determined to be misbranded or adulterated.

#### ***Chapter 10: Cannabis and Cannabis Products***

The proposed regulations would consolidate requirements for cannabis and cannabis products. Specifically, Article 1 of the proposed regulations would enumerate standards for manufactured cannabis products. The proposed regulations would remove caffeine from the list of prohibited additives. The proposed

regulations would identify types of products that shall not be sold as cannabis products. The proposed regulations would identify the requirements for edible cannabis products, including serving sizes. The proposed regulations would identify certain requirements for topical cannabis products, concentrates, and other cannabis products. Additionally, the proposed regulations would identify dosing mechanisms that may be used to package orally-consumed products containing alcohol and tinctures. The proposed regulations would add additional requirements for inhaled products. Article 2 of the proposed regulations would describe cannabinoid concentration limits related to THC. Article 3 of the proposed regulation would describe the process that licensees may follow to remediate cannabis products that have failed regulatory compliance testing.

**Chapter 11: Labeling and Packaging Requirements**

The proposed regulations would specify the labeling and packaging considerations for all department licensees. Specifically, Article 1 of the proposed regulations would provide the labeling and packaging requirements for bulk cannabis and cannabis products, live plants, and seeds. Article 2 of the proposed regulations would provide that cannabis product must be labeled and packaged in its final form prior to release to a licensed distributor. Article 3 of the proposed regulations would enumerate labeling requirements for all cannabis and cannabis products, including requirements for primary panel labeling, informational panel labeling, labeling restrictions, and universal symbol requirements. Additionally, Article 4 of the proposed regulations provides an overview of general packaging requirements and child-resistant packaging requirements, as well as packaging requirements for tinctures.

**Chapter 12: Enforcement**

Under the MAUCRSA, the Department has the authority to create, issue, deny, renew, suspend, revoke, place on probation with terms and conditions, or otherwise discipline a licensee for any acts or omissions constituting grounds for disciplinary action. The Department is responsible for establishing the regulatory framework for disciplinary action for certain licensed and unlicensed commercial cannabis activities. The proposed regulations establish the overarching framework for which the Department will initiate or undertake enforcement action, including disciplinary action for all licensees.

Enforcement of MAUCRSA is essential to carrying out the duties of the Department in ensuring the protection of the public as the highest priority.

The proposed regulations would consolidate and clarify the enforcement provisions applicable to all Department licensees, as well as make consistent the Department’s enforcement procedures and disci-

plinary guidelines. Disciplinary guidelines, including proposed penalties and fines, would be consolidated as a part of the proposed regulations.

**Chapter 13: Other Provisions**

Revenue and Taxation Code section 34019, subsection (b), provides that a sum of ten million dollars (\$10,000,000), will be disbursed annually to public universities in California, beginning with the 2018–2019 fiscal year until the 2028–2029 fiscal year, to research and evaluate the implementation and effect of the Act. While the Revenue and Taxation Code provides the Department the authority to select the universities that will be eligible for this disbursement, much of the implementation specifics were left to the Department. The proposed regulations would relocate the regulations currently in place from Chapter 8 to Chapter 13.

**Incorporated by Reference**

**The following documents are incorporated into the regulations by reference:**

Department of Cannabis Control Disciplinary Guidelines for All Commercial Cannabis Licenses, Amended February 2022.

**The following forms are incorporated into the regulations by reference:**

DCC-LIC-019 Standard Operating Procedures (New 2/22)

DCC-LIC-021 Sampling Standard Operating Procedures (Amended 2/22)

DCC-LIC-022 Sample Preparation Operating Procedures Form (Amended 2/22)

DCC-LIC-023 Test Methods Operating Procedures Form (Amended 2/22)

DCC-LIC-024 Data Package Cover Page and Checklist (Amended 2/22)

DCC-LIC-027 Notification and Request Form (Amended 2/22)

DCC-LIC-028 Licensee Notification and Request Form, Notifications and Requests Regarding Regulatory Compliance (New 2/22)

DCC-LIC-029 Licensee Notification and Request Form, Notifications and Requests Regarding Testing Laboratories (New 2/22)

**Evaluation of Inconsistency/Incompatibility with Existing State Regulations:**

As required by Government (Gov.) Code section 11346.5(a)(3)(D), the Department has conducted an evaluation of these proposed regulations and has determined that they are not inconsistent or incompatible with existing regulations.

**Evaluation of Inconsistency with Federal Regulation Statute**

The United States Drug Enforcement Administration (DEA) under the Controlled Substances Act lists cannabis as a Schedule 1 Drug. This means that com-

mercial cannabis activity is illegal under federal law. However, California, through the MAUCRSA and other laws, has decriminalized the cultivation, sale, and possession of cannabis and cannabis products for persons aged 21 or older and for medicinal patients.

**Plain English Requirement**

Department staff prepared these proposed regulations pursuant to the standard of clarity provided in Gov. Code section 11349 and the plain English requirements of Gov. Code sections 11342.580 and 11346.2, subsection (a)(1). The proposed regulations are written to be easily understood by the persons that will use them.

DISCLOSURES REGARDING THE PROPOSED ACTION

The Department has made the following initial determinations:

Local mandate: There will be no local mandate.

Cost to any local agency or school district requiring reimbursement pursuant to Gov. Code section 17500, et seq: None.

Any other non-discretionary cost or savings imposed upon local agencies: None.

Cost or savings to any state agency: None.

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

Effect on Housing Costs: The proposed regulations will have no fiscal or other effect upon housing in the state.

Significant Statewide Adverse Economic Impact Directly Affecting Businesses: The Department has determined there will not be a significant, statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states.

Small Business Determination: The Department has determined that the proposed regulations will not affect small business. The proposed regulations consolidate the existing regulatory requirements from the three former regulatory agencies. The requirements for operating a commercial cannabis business will generally remain the same under the consolidated regulations.

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.

RESULTS OF THE ECONOMIC IMPACT ANALYSIS/ASSESSMENT

The proposed regulations will consolidate the regulations from the three former commercial cannabis regulatory agencies. This consolidation will bring all

the regulations into one place within one unified regulatory agency. This will result in added clarity, consistency, and efficiency across all commercial cannabis business requirements. As such, many of the existing requirements applicable to commercial cannabis businesses remain the same.

The Department does not anticipate the creation or elimination of jobs or businesses within the state. The Department does not anticipate the proposed regulations to have an effect or impact on the creation of new businesses or the expansion or elimination of existing businesses within the state. As stated under “Regulation Objectives and Anticipated Benefits of the Proposed Regulations” above, the consolidation of these regulations will benefit the health and welfare of California residents by allowing the Department to better educate licensees as well as provide for consistent and fair enforcement. The Department does not anticipate the proposed regulations will affect worker safety or the state’s environment. The proposed regulations are to consolidate and clarify the existing regulations for the former commercial cannabis regulatory agencies.

CONSIDERATION OF ALTERNATIVES

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.

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

CONTACT PERSON

Inquiries concerning the proposed administrative action may be directed to:

Kaila Fayne  
 Department of Cannabis Control  
 Legal Affairs Division  
 2920 Kilgore Road  
 Rancho Cordova, CA 95670  
 916-465-9025  
[Kaila.Fayne@cannabis.ca.gov](mailto:Kaila.Fayne@cannabis.ca.gov)

The backup contact person for these inquiries is:

Ashlynn Blackshire  
Department of Cannabis Control  
Legal Affairs Division  
2920 Kilgore Road  
Rancho Cordova, CA 95670  
916-251-4499  
[Ashlynn.Blackshire@cannabis.ca.gov](mailto:Ashlynn.Blackshire@cannabis.ca.gov)

Please direct requests for copies of the proposed text (the “express terms”) 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 the contact persons listed above.

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

The Department will have the entire rulemaking file available for inspection and copying, throughout the rulemaking process, at its office at the address above. As of the date this Notice is published in the Notice Register, the rulemaking file consists of this Notice, the proposed text of the regulations, and the Initial Statement of Reasons. Copies of materials may be obtained by contacting Kaila Fayne at the address, email 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 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 regulations, as revised. Please send requests for copies of any modified regulations to the attention of Kaila Fayne at the address, email, or phone number indicated above.

The Department will accept written comments on the modified regulations for at least 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 Kaila Fayne at the above address, email, or phone number indicated above.

**AVAILABILITY OF DOCUMENTS  
ON THE INTERNET**

Copies of the Notice of Proposed Action, the Initial Statement or Reasons, and the text of the proposed regulations can be accessed through the Department’s website at: [www.cannabis.ca.gov/resources/rulemaking/](http://www.cannabis.ca.gov/resources/rulemaking/).

**TITLE 8. OCCUPATIONAL SAFETY  
AND HEALTH STANDARDS BOARD**

**CONSTRUCTION SAFETY ORDERS,  
SECTION 1512 AND  
GENERAL INDUSTRY SAFETY ORDERS,  
SECTION 3400**

**FIRST AID**

NOTICE IS HEREBY GIVEN that the Occupational Safety and Health Standards Board (Board) proposes to adopt, amend or repeal the foregoing provisions of Title 8 of the California Code of Regulations in the manner described in the Informative Digest, below.

**PUBLIC HEARING**

The Board will hold a public hearing starting at 10:00 a.m. on **April 21, 2022** in the **Auditorium** of the **Harris State Building, 1515 Clay Street, Oakland, California** as well as via the following:

- Video-conference at [www.webex.com](http://www.webex.com) (meeting ID 268 984 996)
- Teleconference at (844) 992-4726 (Access code 268 984 996)
- Live video stream and audio stream (English and Spanish) at <https://videobookcase.com/california/oshsb/>

At this public hearing, any person may present statements or arguments orally or in writing relevant to the proposed action described in the Informative Digest.

**WRITTEN COMMENT PERIOD**

In addition to written or oral comments submitted at the public hearing, written comments may also be submitted to the Board’s office. The written comment period commences on **March 4, 2022** and closes at 5:00 p.m. on **April 21, 2022**. Comments received after that deadline will not be considered by the Board unless the Board announces an extension of time in which to submit written comments. Written comments are to be submitted as follows:

By mail to Sarah Money, Occupational Safety and Health Standards Board, 2520 Venture Oaks Way, Suite 350, Sacramento, CA 95833; or

By fax at (916) 274-5743; or

By email sent to [oshsb@dir.ca.gov](mailto:oshsb@dir.ca.gov).

#### AUTHORITY AND REFERENCE

Labor Code section 142.3 establishes the Board as the only agency in the State authorized to adopt occupational safety and health standards. In addition, Labor Code section 142.3 requires the adoption of occupational safety and health standards that are at least as effective as federal occupational safety and health standards. The proposed regulations implement, interpret, and make specific Labor Code section 2440 which requires all employers comply with standards relating to the ready availability of medical services and first aid adopted by the Occupational Safety and Health Standards Board, pursuant to Chapter 6 (commencing with section 140) of Division 1 of the Labor Code.

#### INFORMATIVE DIGEST OF PROPOSED ACTION/POLICY STATEMENT OVERVIEW

This proposed rulemaking results from an advisory committee convened at the Occupational Safety and Health Standards Board's (Board) request to consider Petition No. 519. This Petition requested that the requirement for approval of all first-aid kits by a consulting physician be removed. The Petitioner stated it would be very difficult for consulting physicians to be sufficiently familiar with the wide variety of possible worksite specific injury and illness risks to make knowledgeable decisions on appropriate and necessary first-aid kit contents. The Petitioner noted that Construction Safety Orders (CSO), section 1512(c) contains a list of minimal first-aid kit materials as an alternative to consulting physician input and called for a similar list to be provided in the General Industry Safety Orders (GISO). On March 17, 2011, the Board granted the Petition and referred the Petitioner's proposal to a representative advisory committee for consideration. The Board instructed the advisory committee to examine the issues raised by Petition No. 519 and review and revise the required first-aid supplies listed in section 1512(c).

The advisory committee met on June 29, 2011. The advisory committee was broadly composed of employee and employer representatives from the general industry and the construction industry, as well as technical experts in such fields as occupational medicine and emergency medical services and first aid. The committee decided the regulation should make the following clear:

1. The employer is responsible for thoroughly assessing the work environment for injury risks;
2. First-aid materials that are appropriate for the injury risks that are present in the work environment must be provided whether or not outside first-aid experts have been consulted.

The advisory committee discussed what items should or should not be included in a minimum first-aid kit. The committee also agreed that a minimal list of first-aid supplies would not be adequate for all workplaces, and that the changes to the standard should make clear that an employer's adoption of the proposed minimum list of supplies must still follow a workplace assessment of need. The committee also discussed the Petitioner's contention that it was difficult to obtain consulting physician input into first aid matters, but experiences differed on this point.

In March 2013, the Division sent a copy of the proposed changes to section 3400(c) to all advisory committee attendees and interested parties. This proposed rulemaking reflects both minor word changes and corrections to section 3400 suggested by the responses to the March 2013 transmittal and changes to the table in section 1512 that had been discussed at the advisory committee meeting on June 29, 2011.

A synopsis of the proposed changes is as follows:

#### **Section 1512. Emergency Medical Services.**

The proposal revises the title of section 1512 from "Emergency Medical Services" to "Medical Services and First Aid" to accurately portray the contents of the section and to be consistent with the title of section 3400, "Medical Services and First Aid."

#### **Subsection (c). First-Aid Kit.**

Section 1512(c)(1) currently requires employers on construction projects to ensure availability of appropriately stocked and maintained first-aid kits. This subsection also currently requires that the minimum first-aid supplies be determined by an employer-authorized, licensed physician, or, alternatively, in accordance with a table included in the subsection.

This proposed rulemaking revises the existing table of minimum first-aid kit supplies of section 1512(c)(1). It is proposed to include the phrase "and other materials" by removing six current items (safety pins, scissors, forceps, emesis basins, portable oxygen and its breathing equipment, and tongue depressors) from the table. These items are no longer considered appropriate or essential for the modern practice of first aid, and are not always stocked by the vendors of first-aid kits.

Four new items [medical exam gloves, single-use antibiotic treatment, single-use antiseptic application, and single-use CPR (cardiopulmonary resuscitation) disposable barrier device] are proposed to be added to the table of section 1512(c)(1) for consistency with the table proposed in section 3400(c)(3) and because these

items are considered necessary for the modern practice of first aid. All the additional items are also currently recommended to be included in first-aid kits in American National Standards Institute (ANSI) Z308.1 Standard: *Minimum Requirements for Workplace First Aid Kits and Supplies*, and as a result are available in most commercially available first-aid kits.

Additionally, two of the new items proposed to be added to the table of section 1512(c)(1), medical exam gloves and CPR disposable barrier devices are currently required by GISO, section 5193, Bloodborne Pathogens, because of the risk of transmission of bloodborne infection during the treatment of cuts, scrapes, open wounds, or other first-aid measures that expose employees to potentially infectious bodily fluids.

The proposed first-aid supplies added to the section 1512(c) table are required in the first-aid kit regardless of the number of employees in an establishment. To indicate this, an “X” is included in each existing column of the table, as each existing column represents a different number of employees in an establishment.

In the table of section 1512(c)(1), revisions are proposed to numerically list all the first-aid supplies in this table.

The Board proposes to delete an existing phrase requiring additional equipment in adequate quantities consisting of items following the first asterisk in the existing section 1512(c)(1) table in order to be consistent with revised section 3400 and to make it clear that the requirement to maintain adequate supplies applies to all first-aid kit items, not just the ones appearing above the asterisk. Therefore, it is proposed to include the phrase “and other materials” between the word “Dressings” and the phrase “in adequate quantities consisting of:” to clarify that the following is a list of first aid supplies and not just dressings.

The Board also proposes to delete the second existing asterisk with its explanation located at the end of the table of first-aid supplies in section 1512(c)(1) that states “To be readily available but not necessarily within the first-aid kit”. This asterisk, with its explanation, was meant to address the storage of currently required first-aid kit supplies (portable oxygen tanks) that would be too large to fit within most commercially available first-aid cabinets. In the proposed revised table, this asterisk with its explanation is superfluous because the portable oxygen tank requirement is being removed, and all first-aid kit elements that will be required will fit in standard first-aid kit containers.

***Subsection (c)(3).***

Section 1512(c)(3) currently requires that drugs, medicines, and similar medically related preparations are not to be included in first-aid kits unless specifically approved, in writing, by an employer-authorized, licensed physician.

The Board proposes to add antiseptics to the table in section 1512(c)(1) as a mandatory item in the first-aid kit and delete them from section 1512(c)(3) to be consistent with the first-aid kit requirements contained in section 3400.

The Board proposes to delete eye irrigation solutions from section 1512(c)(3). Eye irrigation solutions cannot serve as a replacement for eye wash stations (required by GISO, section 5162) needed to flush chemical splashes from the eyes. In many instances, eye irrigation solutions can worsen a chemical splash, so these solutions must not be included in first-aid supplies.

***Section 3400. Medical Services and First Aid.***

***Subsection (c).***

Section 3400(c) currently requires all employers to ensure the availability of adequate first-aid kits approved by a consulting physician.

This proposal revises section 3400(c) by moving the existing requirement that first-aid kits be approved by a consulting physician to an optional provision in new subsection (3) of section 3400(c). The proposal also clarifies the existing requirement that employers are responsible for ensuring the adequacy of first-aid materials for their workplace based upon the size of the workplace and the type of hazards found within it.

The following non-substantive changes to the existing text of subsection (c) are proposed to improve clarity. The second sentence is re-designated as a separate subsection (1) and the third sentence is re-designated as a separate subsection (2).

New proposed subsection (c)(3) allows employers to use first-aid kits approved by an employer-authorized, licensed physician similar to the existing requirement or to use, at a minimum, a new proposed table of first-aid materials. The employers shall evaluate the need for additional first-aid kits and additional types and quantities of first-aid equipment and supplies based on the size of their business and the hazards involved. The proposed table lists the minimum type and quantity of first-aid materials suitable for a workplace without unusual first-aid needs. This list is the same as the ANSI Z308.1 list of minimum materials, except that burn ointment and a first-aid manual are omitted from the proposed list.

Two new “notes” are added to this section. The first “note” informs employers that the use of certain hazardous chemicals in the workplace may require additional first-aid materials be included in a first-aid kit for the contents to be considered adequate. It further states that employers may need to assess other factors when determining the contents of the first-aid kits. The second “note” reminds employers with hazardous chemicals in the workplace of an existing requirement in GISO, section 5194(h), Hazard Communication, that information on first-aid treatment of hazardous

chemical exposures must be included as part of employee information and training.

The Board evaluated the proposed regulations pursuant to Government Code section 11346.5(a)(3)(D) and has determined that the regulations are not inconsistent or incompatible with existing state regulations. This proposal is part of a comprehensive system of occupational safety and health regulations. The consistency and compatibility of that system's component regulations is provided by such things as: (1) the requirement of the Federal Occupational Safety and Health Administration and the Labor Code that state regulations be at least as effective as their federal counterparts, and (2) the requirement that all state occupational safety and health rulemaking be channeled through a single entity (the Standards Board).

This proposal is at least as effective as the equivalent federal standards in Title 29 Code of Federal Regulations, section 1910.151 (general industry) and section 1926.50 (construction industry) published by the Occupational Safety and Health Administration.

**Anticipated Benefits**

**Section 1512. Emergency Medical Services.**

By modernizing the table of minimum first-aid supplies upon which construction employers may rely to stock workplace first-aid kits, the proposed changes to section 1512(c) make it easier for construction employers to be in compliance with the regulation. The proposed changes also remove requirements to stock certain items that are no longer considered necessary for the modern practice of first aid.

**Section 3400. Medical Services and First Aid.**

These proposed revisions to section 3400(c) will make it easier for employers to comply with the regulation. Employers without unusual first-aid needs can comply with this regulation without engaging the services of a consulting physician to determine first-aid kit contents and use the new proposed table in section 3400(c). Employers with unusual first-aid needs may continue to use the existing requirement to have a consulting physician approve their first-aid kits. Employees will be safer because the proposed revisions clarify the existing requirement that employers must evaluate the risks of injury and illness in the workplace in order to make decisions about first-aid kit contents.

DISCLOSURES REGARDING THE PROPOSED ACTION

**Mandate on Local Agencies and School Districts:**

None.

**Cost or Savings to State Agencies:**

Depending on the function of the agency, costs and savings will be similar to the impacts described

below for general industry or construction industry employers.

**Cost to Any Local Government 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:**

Depending on the function of the agency, costs and savings will be similar to the impacts described below for general industry or construction industry employers.

**Cost or Savings in Federal Funding to the State:**

None.

**Cost Impacts on a Representative Private Person or Business:**

This proposal will not have a significant adverse economic impact on businesses.

For construction businesses, the proposed changes to section 1512 remove costly items from the existing list of first-aid items that are no longer used in first-aid treatment. The proposal adds items to the list that are typically included in commercially available first-aid kits. Construction employers may also continue to use existing first-aid kits as determined by an employer-authorized, licensed physician, as there are no proposed changes to this option.

The cost to existing small construction employers to upgrade to the first-aid kit contents required in this proposal is estimated to be about \$6. A typical construction employer with average number of employees will need more kits; these employers incur about \$51 in costs to upgrade to the proposal's kit contents. A new small construction business will incur about \$39 in costs while a new typical construction business will incur approximately \$150 in costs.

For general industry, the proposed changes to section 3400 will provide a second option to employers in determining the contents of their first-aid kits. Existing employers may continue to use existing first-aid kits as determined by an employer-authorized, licensed physician without incurring new costs. Employers without unusual first-aid needs may choose the second option to use a first-aid kit consisting of a list of items typically found in commercially available first-aid kits at a cost of \$11.81 per kit. A new small business in general industry will incur approximately \$37 in costs while a typical general industry business will incur about \$201 in costs.

For both construction and general industries, ongoing costs of the proposal will be minimal and limited to the employer's need to restock kit contents as items are used or expire.

***Statewide Adverse Economic Impact Directly Affecting Businesses and Individuals, Including the Ability of California Businesses to Compete:***

The Board has made an initial determination that this proposal will not result in a significant, state-wide adverse economic impact directly affecting businesses/individuals, including the ability of California businesses to compete with businesses in other states. Employers in all states are currently required to supply and maintain first-aid materials. The types and quantities of first-aid supplies that employers must purchase and supply are not significantly changed by this proposal. Based upon a review of commercially available first-aid materials and first-aid kits, most businesses will experience cost savings or no change in expenditures on first-aid materials as a result of this proposal.

For construction businesses, the proposal removes items from the existing list of required first-aid items that are no longer recommended or used for first-aid treatment. Any items added to the construction list are of similar or lower cost to the ones removed, and are already typically included in the first-aid kits employers currently purchase.

For general industry, employers may continue to follow the existing requirement of having a consulting physician determine the contents of their first-aid kits. The proposal will allow a second alternative for employers without unusual first-aid needs who elect not to use a physician. These employers will be able to rely on a brief consensus list of inexpensive first-aid items that are less in number and expense than are found in typical first-aid kits available for purchase.

***Significant Affect on Housing Costs:***

None.

**SMALL BUSINESS DETERMINATION**

The Board has determined that the proposed amendments may affect small businesses. However, no economic impact is anticipated. Small business employers are currently required to provide and maintain first-aid supplies. The types and quantities of first-aid supplies that businesses must purchase and supply are not significantly changed by this proposal.

**RESULTS OF THE ECONOMIC IMPACT ASSESSMENT/ANALYSIS**

The proposed regulations will not have any effect on the creation or elimination of California jobs or the creation of new businesses or the elimination of existing California businesses or affect the expansion of existing California businesses.

There will be no significant adverse economic impact on businesses as a result of this proposal because

the types and quantities of first-aid supplies that businesses must purchase and supply is not significantly changed by this proposal. For general industry, employers will no longer be obligated to engage the services of a consulting physician to advise on first-aid kit contents. Instead, these employers will be able to rely on a brief consensus list of inexpensive first-aid items that are less in number and expense than are found in typical commercially available first-aid kits. For construction businesses, the proposal removes items from the existing list of required first-aid items that are no longer recommended or used for first-aid treatment. Any items added to the construction list are of similar or lower cost to the ones removed, and are already typically included in the first-aid kits employers currently purchase.

This proposal clarifies the requirements for provision of first-aid supplies, making it easier for employers to comply. Workers in California will benefit by the proposal because first-aid kits on the job will be more likely to be adequately provisioned than currently.

**BENEFITS OF THE PROPOSED ACTION**

By clarifying the requirements for first-aid kit contents and making it easier for employers to clearly understand the requirements, the proposed changes will improve the rate at which first-aid kits are initially provided to the workplace and will help ensure the kits are adequately provisioned. General industry employers choosing to no longer seek the advice of a consulting physician may save an average of \$100. Therefore, the proposed regulations will benefit the health and welfare of California residents and worker safety. It is not anticipated that the regulations will affect the state's environment

**CONSIDERATION OF ALTERNATIVES**

In accordance with Government Code Section 11346.5(a)(13), the Board must determine that no reasonable alternative it considered to the regulations 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 or would be as effective and less burdensome to affected private persons 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 proposal described in this Notice.

The Board invites interested persons to present statements or arguments with respect to alternatives to the proposed regulations at the scheduled public hearing or during the written comment period.

CONTACT PERSONS

Inquiries regarding this proposed regulatory action may be directed to Christina Shupe (Executive Officer) or the designated back-up person, Steve Smith (Principal Safety Engineer) at the Occupational Safety and Health Standards Board, 2520 Venture Oaks Way, Suite 350, Sacramento, CA 95833; (916) 274-5721.

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

The Board will have the entire rulemaking file available for inspection and copying throughout the rulemaking process at its office at the above address. As of the date this notice is published in the Notice Register, the rulemaking file consists of this notice, the proposed text of the regulations, the Initial Statement of Reasons, supporting documents, or other information upon which the rulemaking is based. Copies may be obtained by contacting Ms. Shupe or Mr. Smith at the address or telephone number listed above.

AVAILABILITY OF CHANGED OR MODIFIED TEXT

After holding the hearing and considering all timely and relevant comments received, the Board may adopt the proposed regulations substantially as described in this notice. If the Board 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 at least 15 days before the Board adopts the regulations as modified. Please request copies of any modified regulations by contacting Ms. Shupe or Mr. Smith at the address or telephone number listed above. The Board will accept written comments on the modified regulations for at least 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 Ms. Shupe or Mr. Smith at the address or telephone number listed above or via the internet.

AVAILABILITY OF DOCUMENTS ON THE INTERNET

The Board will have rulemaking documents available for inspection throughout the rulemaking process on its web site. Copies of the text of the regulations in

an underline/strikeout format, the Notice of Proposed Action and the Initial Statement of Reasons can be accessed through the Standards Board's website at <http://www.dir.ca.gov/oshsb>.

**TITLE 11. DEPARTMENT OF JUSTICE**

TITLE 11. LAW  
DIVISION 5. FIREARMS REGULATIONS  
CHAPTER 4. DOCUMENTATION  
REQUIREMENTS FOR FIREARMS AND  
AMMUNITION ELIGIBILITY CHECKS,  
CHAPTER 8. DROS ENTRY SYSTEM (DES),  
AND CHAPTER 11. FIREARM  
PRECURSOR PARTS

The Department of Justice (Department) proposes to adopt sections 4300, 4301, and 4320, 4321, 4322, 4323, 4324, 4325, 4326, and 4327 of Title 11, Division 5, Chapter 11; amend section 4045.1 of Chapter 4; and amend section 4210 of Chapter 8 of the California Code of Regulations concerning the sale or transfer of firearm precursor parts.

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 their authorized representative no later than 15 days before the close of the written comment period.

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 on April 19, 2022 at 5:00 p.m. Only written comments received by that time will be considered. Please submit written comments to:

Kelan Lowney  
Department of Justice  
P.O. Box 160487  
Sacramento, CA 95816  
(916) 210-2377  
[bofregulations@doj.ca.gov](mailto:bofregulations@doj.ca.gov)

NOTE: Written and oral comments, attachments, and associated contact information (e.g., address, phone, email, etc.) become part of the public record and can be released to the public upon request.

**AUTHORITY AND REFERENCE**

Authority: Sections 30452 and 30470, Penal Code.

Reference: Sections 28180, 28220, 30400, 30405, 30406, 30412, 30414, 30442, 30445, 30447, 30448, 30450, 30452, 30454, 30470, 30485, 30490, and 30495, Penal Code.

**INFORMATIVE DIGEST/POLICY  
STATEMENT OVERVIEW**

**Summary of Existing Laws and Regulations:**

Existing law generally limits the sale of ammunition to the following: (1) a person whose information matches an entry in the Automated Firearms System and who is eligible to possess ammunition; (2) a person who has a current Certificate of Eligibility issued by the Department; or (3) a person who purchases or transfers the ammunition in a single ammunition transaction, as specified. Existing law generally requires the sale or transfer of ammunition to be conducted through a licensed ammunition vendor.

In 2019, the Legislature passed Assembly Bill (AB) 879 (Ch. 730, Stats. 2019) to require firearm precursor parts to be sold/transferred through a licensed firearm precursor part vendor in a similar process to the laws governing ammunition purchases. It would further create a registry of these parts and a new crime for, among other things, the transfer of firearm precursor parts without the involvement of a licensed firearm precursor parts vendor.

Commencing July 1, 2022, state law will generally limit the sale of firearm precursor parts to: (1) an individual who is exempt from Department approval; (2) an individual whose information matches an entry in the Automated Firearms System and who is eligible to possess a firearm; (3) an individual who has a valid Certificate of Eligibility issued by the Department; or (4) an individual who purchases or transfers the firearm precursor part in a single transaction and is eligible to possess a firearm. It will also require the transfer or sale of firearm precursor parts to be conducted by a licensed firearm precursor part vendor.

**Effect of the Proposed Rulemaking:**

The proposed regulations will establish a process for the Department to authorize the purchase or transfer of firearm precursor parts; what to do if an attempted purchase or transfer is denied; and what is needed to establish that a purchaser or transferee is exempt from Department approval.

**Anticipated Benefits of the Proposed Regulations:**

Generally, these regulations protect public health and safety by implementing an authorization program for the transfer or sale of firearm precursor parts. Currently, people who are prohibited from possessing a firearm and are therefore not able to purchase a fire-

arm from a licensed firearm dealer can instead purchase firearm precursor parts off the Internet and build a homemade firearm. By implementing an eligibility check process for firearm precursor parts, these regulations help keep firearms out of the hands of those who are prohibited from possessing firearms.

**Comparable Federal Regulations:**

There are no existing federal regulations or statutes comparable to these proposed regulations.

**Determination of Inconsistency/Incompatibility with Existing State Regulations:**

The Department has determined that these proposed regulations are not inconsistent or incompatible with existing state regulations. After conducting a review for any regulations that would relate to or affect this area, the Department has concluded that these are the only regulations that concern firearm precursor parts.

**Forms Incorporated by Reference:**

Firearm Precursor Part Vendor (Non-Firearms Dealer or Ammunition Vendor) Application for Telephonic Vendor Approval, BOF 1107 (Original 09/2021)

**Other Statutory Requirements:**

None.

**DISCLOSURES REGARDING THE  
PROPOSED ACTION**

**The Department's Initial Determinations:**

*Mandate on local agencies or school districts:* None.

*Cost or savings to any state agency:* The Department estimates that its costs to implement the firearm precursor part authorization program will be between \$223,000 in the first 12 months subsequent to implementation of the regulation. The Department will recover some of its costs from background check fees that will be paid by firearm precursor part purchasers and transferees. The Department anticipates that the background check fees will generate annual revenue in the amount of \$20,000 to \$50,000.

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

*Other non-discretionary costs or savings imposed on local agencies:* None.

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

*Cost impacts on representative person or business:* Purchasers or transferees of firearm precursor parts will be subject to a background check fee of \$1. The cost impact of the fee on an individual will depend on how many times the individual purchases or accepts transfers of firearms precursor parts.

The Department estimates it will take an additional two minutes to complete the sale or purchase of a firearm precursor part. Assuming the additional staff time costs at least \$14 per hour, the Department es-

timates each firearm precursor part transaction will cost firearm precursor part vendors an additional \$0.47 per transaction in staff time. The additional cost per transaction is estimated to result in a yearly cost to individual firearm precursor part vendor businesses of between \$5.17 and \$12.69 each year.

*Significant effect on housing costs:* None.

*Significant, statewide adverse economic impact directly affecting businesses, including ability to compete:* 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.

**Results of the Economic Impact Assessment (EIA):**

The Department has determined that it is (1) unlikely that the proposal will create or eliminate jobs within the state, (2) unlikely that the proposal will create new businesses or eliminate existing businesses within the state, and (3) unlikely that the proposal will result in the expansion of businesses currently doing business within the state.

The Department also concludes that:

- (1) The proposal would benefit the health and welfare of California residents by implementing an authorization program for the transfer and sale of firearm precursor parts. Currently, people who are prohibited from possessing a firearm and are therefore not able to purchase a firearm from a licensed firearm dealer can instead purchase firearm precursor parts off the Internet and build a homemade firearm. By implementing an eligibility check process for firearm precursor parts, these regulations help keep firearms out of the hands of those who are prohibited from possessing firearms.
- (2) The proposal would benefit worker safety insofar as these regulations may prevent workplace firearm violence committed by individuals prohibited from possessing firearms.
- (3) The proposal would not benefit the state’s environment because it does not change any applicable environmental standards.

*Business report requirement:* None.

*Small business determination:* The Department has determined that the proposed action affects small businesses.

**CONSIDERATION OF ALTERNATIVES**

In accordance with Government Code section 11346.5, subdivision (a)(13), the Department must determine that no reasonable alternative considered by the Department or that has been brought to the attention of the Department would be more effective in car-

rying 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.

The Department has determined that the proposed regulations are the most effective way to implement a background check approval process for firearm precursor part purchases and transfers. The proposed regulations are modeled after existing regulations governing eligibility check approvals for ammunition purchases and transfers. By modeling existing processes, the proposed regulations efficiently implement the authorization program mandated, and authorized, by Penal Code section 30470, in a way that is already familiar to the regulated community.

**CONTACT PERSONS**

Inquiries concerning the proposed administrative action may be directed to:

Kelan Lowney  
 Department of Justice  
 P.O. Box 160487  
 Sacramento, CA 95816  
 (916) 210-2377  
[bofregulations@doj.ca.gov](mailto:bofregulations@doj.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 backup contact person:

Timothy Mulligan  
 Department of Justice  
 P.O. Box 160487  
 Sacramento, CA 95816  
 (916) 210-2153  
[bofregulations@doj.ca.gov](mailto:bofregulations@doj.ca.gov)

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

The Department will have the entire rulemaking file available for inspection and copying throughout the rulemaking process at its office at the above address. As of the date this Notice of Proposed Rulemaking (Notice) is published in the Notice Register, the rulemaking file consists of this Notice, the Text of Proposed Regulations (the “express terms” of the regulations), program forms, the Initial Statement of Reasons, and any information upon which the proposed rulemaking

is based. The text of this Notice, the express terms, the program forms, the Initial Statement of Reasons, and any information upon which the proposed rulemaking is based are available on the Department's website at <https://oag.ca.gov/firearms/regs>. Please refer to the contact information listed above to obtain copies of these documents.

**AVAILABILITY OF CHANGED OR  
MODIFIED TEXT**

After the Department analyzes all timely and relevant comments received during the 45-day public comment period, the Department will either adopt these regulations substantially as described in this notice or make modifications based on the comments. 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 before the Department adopts the regulations as revised. Please send requests for copies of any modified regulations to the attention of the name and 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, a copy of the Final Statement of Reasons will be available on the Department's website at <https://oag.ca.gov/firearms/regs>. Please refer to the contact information listed above to obtain a written copy of the Final Statement of Reasons.

**AVAILABILITY OF DOCUMENTS  
ON THE INTERNET**

Copies of this Notice, the express terms, the program forms, the Initial Statement of Reasons, and any information upon which the proposed rulemaking is based are available on the Department's website at <https://oag.ca.gov/firearms/regs>.

**TITLE 13. CALIFORNIA HIGHWAY  
PATROL**

**AMEND TITLE 13, CALIFORNIA CODE OF  
REGULATIONS, DIVISION 2, CHAPTER 6,  
ARTICLE 1, SECTION 1153**

**EXPLOSIVES STOPS  
(CHP-R-2022-06202)**

The California Highway Patrol (CHP) proposes to amend regulations in Title 13 of the California Code of Regulations (CCR), Section 1153, Safe Stopping and Parking Places, related to the designation of safe stopping places, safe parking places, inspection stops, and required inspection stops for commercial vehicles transporting explosives on highways in the state.

**INFORMATIVE DIGEST/POLICY  
STATEMENT OVERVIEW**

Pursuant to Section 31616, Designation of Routes, of the California Vehicle Code (CVC), the CHP shall prescribe, by regulation, a list of safe stopping places for commercial vehicles transporting explosives on highways. Section 31616 CVC further requires the CHP to revise the list and keep it current. The proposed amendments will update the list of safe stopping places in the regulation.

The CHP's field commands conduct annual surveys on the explosives routes and safe stopping places to determine if changes are necessary. The CHP field commands inspected the locations of business establishments serving as safe stopping and parking places. Business owners expressed their willingness to provide their business location and service information in the CCR by signing the CHP 114, Designation as Safe Stopping Place, or CHP 114A, Designation as Safe Parking Place.

The proposed amendments will update the list of safe stopping places to be used by carriers transporting explosives along the designated explosives routes. These updates are due to permissions received, denied, or a change of business information or ownership. The CHP has received concurrence with the proposed regulation amendments from the State Fire Marshal.

This proposed regulatory action will continue to provide a nonmonetary benefit to the protection of the health, safety, and welfare of California's residents, workers, and environment. The changes to the application of the regulation are not substantive and bring

the regulation in conformance with existing statute. The proposed changes update and clarify safe stopping places designated for carriers transporting explosives, and contribute to transportation safety and public health.

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

#### PUBLIC COMMENT

Any interested person may submit written comments on the proposed action via facsimile at (916) 322-3154, by electronic mail to [cvsregulations@chp.ca.gov](mailto:cvsregulations@chp.ca.gov), or by writing to:

California Highway Patrol  
Commercial Vehicle Section  
Attention: Dr. Tian-Ting Shih  
P.O. Box 942898  
Sacramento, CA 94298-0001

Written comments must be received by April 18, 2022.

#### PUBLIC HEARINGS

No public hearing has been scheduled. If any person desires a public hearing, a written request must be received by the CHP, Commercial Vehicle Section (CVS), no later than 15 days prior to the close of the written comment period.

#### AVAILABILITY OF INFORMATION

The CHP has available for public review an initial statement of reasons for the proposed regulatory action, the information upon which this action is based, and the proposed regulation text in strikeout and underline format. Requests to review or receive copies of this information should be directed to the CHP either at the above address, by facsimile at (916) 322-3154, or by calling the CHP, CVS, at (916) 843-3400. All requests for information should include the following: the title of the rulemaking package, the requester's name, proper mailing address (including city, state, and zip code), and a daytime telephone number in case the information is incomplete or illegible.

The rulemaking file is available for inspection. Interested parties are advised to call CHP, CVS, for an appointment.

All documents regarding the proposed action are available through the CHP's website at <https://www.chp.ca.gov/News-Alerts/Regulatory-Actions>. Any person desiring to obtain a copy of the adopted text and a final statement of reasons may request them at

the above-noted address. Copies will also be posted on the CHP website.

#### CONTACT PERSON

Any inquiries concerning the written materials pertaining to the proposed regulations or the substance of the proposed regulations should be directed to Dr. Tian-Ting Shih or Sergeant Robert Daniels at (916) 843-3400.

#### ADOPTION OF PROPOSED REGULATIONS

After consideration of public comments, the CHP may adopt the proposal substantially as set forth without further notice. If the proposal is modified prior to adoption and the change is not solely grammatical or nonsubstantive in nature, the full text of the resulting regulations, with the changes clearly indicated, will be made available to the public for at least 15 days prior to the date of adoption.

#### FISCAL IMPACT AND RESULTS OF THE ECONOMIC IMPACT ASSESSMENT

The CHP has made an initial determination that this proposed regulatory action: (1) will have no effect on housing costs; (2) will not impose any new mandate upon local agencies or school districts; (3) will involve no nondiscretionary cost or savings to any local agency, no cost to any local agency or school district for which Government Code (GC) Sections 17500-17630 require reimbursement, no cost or savings to any state agency, nor costs or savings in federal funding to the state; (4) 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; and (5) 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.

Benefits of the Proposed Action: The proposed regulations updating safe stopping places designated for carriers transporting explosives will continue to provide benefits, including the nonmonetary benefit of protecting public health and safety for residents, workers, and the environment by providing a regulatory basis for enforcement efforts as they relate to safety compliance ratings.

The regulated community is encouraged to respond during the comment period of this regulatory process if significant impacts are identified.

**COST IMPACTS ON REPRESENTATIVE  
PRIVATE PERSONS OR BUSINESSES**

The CHP 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 SMALL BUSINESSES**

The CHP has determined the proposed regulatory action may affect small businesses. If a business can no longer meet the requirements for safety, they will be deleted from the list of safe stopping and safe parking places. However, due to the very limited amount of commercial vehicles transporting explosives on the designated routes in the state, no foreseeable economic impact is projected for a small business to be removed from the list.

**ALTERNATIVES**

In accordance with Section 11346.5(a)(13) GC, the CHP has determined that no reasonable alternative considered by the CHP, or otherwise identified and brought to the attention of the CHP, 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. The CHP invites interested parties to present statements or arguments with respect to alternatives to the proposed regulations during the written comment period.

**AUTHORITY**

This regulatory action is being taken pursuant to Section 31616 CVC.

**REFERENCE**

This action implements, interprets, or makes specific Sections 31303, 31304, 31601, 31602, 31607, 31611, 31614, and 31616 CVC.

**TITLE 14. BOARD OF FORESTRY AND  
FIRE PROTECTION**

“MEADOWS AND WET AREAS, AND  
CUTOVER LAND AMENDMENTS”  
TITLE 14, CALIFORNIA CODE  
OF REGULATIONS  
DIVISION 1.5, CHAPTER 4,  
SUBCHAPTERS 1, 3, 4, 5, 6, AND 7

**NATURE OF PROCEEDING**

Notice is hereby given that the California State Board of Forestry and Fire Protection (Board) is proposing to take the action described in the Informative Digest.

**PUBLIC HEARING**

The Board will hold a public hearing on May 4, 2022, at its regularly scheduled meeting commencing at 9:00 a.m., via the virtual meeting platform of GoToWebinar. At the hearing, any person may present statements or arguments, orally or in writing, relevant to the proposed action. The Board requests, but does not require, that persons who make oral comments at the hearing also submit a written summary of their statements. Additionally, pursuant to Government Code (GOV) § 11125.1(b), writings that are public records pursuant to GOV § 11125.1(a) and that are distributed to members of the state body prior to or during a meeting, pertaining to any item to be considered during the meeting, shall be made available for public inspection at the meeting if prepared by the state body or a member of the state body, or after the meeting if prepared by some other person.

Attendees may participate via the GoToWebinar online meeting platform or telephone conferencing. To participate via the GoToWebinar online meeting platform please email [PublicComments@bof.ca.gov](mailto:PublicComments@bof.ca.gov) by 4:30 p.m. on May 3, 2022, to request a link to the meeting. A link to the meeting will also be posted under the “Webinar Information” heading on the front page of the Board website, no later than 8:00 a.m. the morning of the hearing.

**WRITTEN COMMENT PERIOD**

Any person, or authorized representative, may submit written comments relevant to the proposed regulatory action to the Board. The written comment period ends on at the conclusion of the public hearing on May 4, 2022.

The Board will consider only written comments received at the Board office by that time and those

written comments received at the public hearing, including written comments submitted in connection with oral testimony at the public hearing. The Board requests, but does not require, that persons who submit written comments to the Board reference the title of the rulemaking proposal in their comments to facilitate review.

Written comments shall be submitted to the following address:

Board of Forestry and Fire Protection  
Attention: Jane Van Susteren  
Regulations Coordinator  
P.O. Box 944246  
Sacramento, CA 94244–2460

Written comments can also be hand delivered to the contact person listed in this notice at the following address:

Board of Forestry and Fire Protection  
715 P Street  
Sacramento, CA 95814

Written comments may also be sent to the Board via facsimile at the following phone number:

(916) 653–0989

Written comments may also be delivered via e-mail at the following address:

[PublicComments@BOF.ca.gov](mailto:PublicComments@BOF.ca.gov)

#### AUTHORITY AND REFERENCE

(pursuant to GOV § 11346.5(a)(2) and 1 CCR § 14)

Authority cited: Sections 4551, 4551.5, 4552, and 4553, Public Resources Code.

#### INFORMATIVE DIGEST/POLICY

##### STATEMENT OVERVIEW

(pursuant to GOV § 11346.5(a)(3)(A)–(D))

Pursuant to the Z’berg–Nejedly Forest Practice Act (Act) of 1973, Public Resources Code (PRC) § 4511, *et seq.* (FPA) the State Board of Forestry and Fire Protection (Board) is authorized to construct a system of forest practice regulations applicable to timber management on state and private timberlands.

PRC § 4551 requires the Board to “...adopt district forest practice rules... to ensure the continuous growing and harvesting of commercial forest tree species and to protect the soil, air, fish, wildlife, and water resources...” and PRC § 4553 requires the Board to continuously review the rules in consultation with other interests and make appropriate revisions.

Furthermore, PRC § 4551.5 requires that these regulations adopted by the Board “...apply to the conduct

of timber operations and shall include, but shall not be limited to, measures for fire prevention and control, for soil erosion control, for site preparation that involves disturbance of soil or burning of vegetation following timber harvesting activities, for water quality and watershed control, for flood control, for stocking, for protection against timber operations that unnecessarily destroy young timber growth or timber productivity of the soil, for prevention and control of damage by forest insects, pests, and disease...”.

Timber Operations are further defined within PRC § 4527 as “...the cutting or removal, or both, of timber or other solid wood forest products...from Timberlands for commercial purposes, together with all the incidental work, including, but not limited to, construction and maintenance of roads, fuel breaks, firebreaks, stream crossings, Landings, skid trails, and beds for the falling of trees, fire hazard abatement, and site preparation that involves disturbance of soil or burning of vegetation following timber harvesting activities...”.

Prior to 2012, the term “Cutover Land” was defined within the Forest Practice Act as “...land which has borne a crop of commercial timber from which at least 70 percent of the merchantable original growth timber stand has been removed by logging or destroyed by fire, insects, or tree diseases and which is now supporting, or capable of growing, a crop of commercial timber or other forest products, and which has not been converted to other commercial or agricultural use.” This definition was repealed by statutory amendment in 2011 (Chapter 584, AB 1414) and the references to the repealed statute (PRC § 4522.5) were generally repealed from the Forest Practice Rules in 2017. However, the use of the term “Cutover Land” persists in various provisions of the rules, which now lack clarity in the application of that term.

Within 14 CCR § 895.1, the term “Cutover Land” is used within the definition for “Wet Meadows and Other Wet Areas” to exclude those cutover Timberlands from those natural areas which are both moist on the surface throughout most of the year and support aquatic vegetation, grasses and forbs as their principal vegetative cover. The term “Meadows and Wet Areas” is similar but refers to areas which are either moist on the surface throughout most of the year and/or support aquatic vegetation, grasses, and forbs as their principal vegetative cover; this broader definition includes dry meadows. However, there are currently two existing identical definitions for “Meadows and Wet Areas,” one for the Northern Forest District, and one for the Southern Forest District. The Coast Forest District does not have an existing definition for “Meadows and Wet Areas,” which makes the application of the Special Prescription for Aspen, meadow and wet area res-

toration as described in 14 CCR § 913.4 (933.4, 953.4) unclear.

In order to address the above circumstances, the Board amended 14 CCR §§ 895.1, 906, 912.7 (932.7, 952.7), 912.9 (932.9, 952.9), 913.4 (933.4, 953.4), 916.3 (936.3, 956.3), 921.4 (961.4), 923.1 (943.1, 963.1), 923.4 (943.4, 963.4), 927.10 (953.7, 953.12), 1027.1, 1034, 1038.4, 1051, 1051.4, 1072.4, 1090.5, 1092.09, 1094.6, and 1094.8 in accordance with the provisions of the above-mentioned statutes.

The purpose of the proposed action is to remove references to “Cutover Land” from the Rules and combine the definitions for “Meadows and Wet Areas” for the Northern and Southern Forest Districts and extend that definition to cover all forest districts in California, as well as to improve clarity using defined terms within “Aspen, Meadows and Wet Areas Restoration” special prescription, and within rules specific to the High Use Subdistrict.

The effect of the proposed action is to align the terms used in the Rules with existing definitions and promote clarity and consistent application of the rules throughout the state.

The benefit of the proposed action is regulations that are clearer and more consistent, and accurately reflect the terms defined by the Rules.

There is no comparable Federal regulation or statute.

Board staff conducted an evaluation on whether the proposed action is inconsistent or incompatible with existing State regulations pursuant to **GOV § 11346.5(a)(3)(D)**. State regulations related to the proposed action were, in fact, relied upon in the development of the proposed action to ensure the consistency and compatibility of the proposed action with existing State regulations. Otherwise, Board staff evaluated the balance of existing State regulations related to the treatment of fuels resulting from timber operations within State regulations that met the same purpose as the proposed action. Based on this evaluation and effort, the Board has determined that the proposed regulations are neither inconsistent nor incompatible with existing State regulations. The proposed regulation is entirely consistent and compatible with existing Board rules.

Statutes to which the proposed action was compared: Sections 4512, 4513, 4527, 4551, 4551.5, and 4554, Public Resources Code. Sections 13000, 13050, 13146, and 13247, Water Code.

Regulations to which the proposed action was compared: Article 4, Subchapters 4, 5, & 6, Chapter 4, Division 1.5, Title 14, California Code of Regulations. Divisions 3, 4, and 5, Title 23, California Code of Regulations.

#### MANDATED BY FEDERAL LAW OR REGULATIONS

The proposed action is not mandated by Federal law or regulations.

The proposed action neither conflicts with, nor duplicates, Federal regulations.

There are no comparable Federal regulations related to management plans for the non-industrial harvesting of timber. No existing Federal regulations meeting the same purpose as the proposed action were identified.

#### OTHER STATUTORY REQUIREMENTS (pursuant to GOV § 11346.5(a)(4))

There are no other matters as are prescribed by statute applicable to the specific State agency or to any specific regulation or class of regulations.

#### LOCAL MANDATE (pursuant to GOV § 11346.5(a)(5)).

The proposed action does not impose a mandate on local agencies or school districts.

#### FISCAL IMPACT (pursuant to GOV § 11346.5(a)(6))

There is no cost to any local agency or school district that is required to be reimbursed under Part 7 (commencing with Section 17500) of Division 4 of the Government Code.

A local agency or school district has the authority to levy service charges, fees, or assessments sufficient to pay for the program or level of service mandated by the act, within the meaning of Section 17556 of the Government Code.

The proposed action will not result in the imposition of other non-discretionary costs or savings to local agencies.

The proposed action will not result in costs or savings in Federal funding to the State.

The proposed action will not result in costs to any State agency. The proposed action represents a continuation of existing forest practice regulations related to the conduct of timber operations and will not result in any direct or indirect costs or savings to any state agency.

#### HOUSING COSTS (pursuant to GOV § 11346.5(a)(12))

The proposed action will not significantly affect housing costs.

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

(pursuant to GOV §§ 11346.3(a),  
11346.5(a)(7) and 11346.5(a)(8))

The proposed action 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 (by making it costlier to produce goods or services in California).

**FACTS, EVIDENCE, DOCUMENTS,  
TESTIMONY, OR OTHER EVIDENCE  
RELIED UPON TO SUPPORT INITIAL  
DETERMINATION IN THE NOTICE  
THAT THE PROPOSED ACTION WILL  
NOT HAVE A SIGNIFICANT ADVERSE  
ECONOMIC IMPACT ON BUSINESS**  
(pursuant to GOV § 11346.2(b)(5) and  
GOV § 11346.5(a)(8))

Contemplation by the Board of the economic impact of the provisions of the proposed action through the lens of the decades of contemplating forest practice in California that the Board brings to bear on regulatory development.

**STATEMENTS OF THE RESULTS OF THE  
ECONOMIC IMPACT ASSESSMENT (EIA)**

The results of the economic impact assessment are provided below pursuant to **GOV § 11346.5(a)(10)** and prepared pursuant to **GOV § 11346.3(b)(1)(A)–(D)**. The proposed action:

- Will not create jobs within California (GOV § 11346.3(b)(1)(A));
- Will not eliminate jobs within California (GOV § 11346.3(b)(1)(A));
- Will not create new businesses (GOV § 11346.3(b)(1)(B));
- Will not eliminate existing businesses within California (GOV § 11346.3(b)(1)(B));
- Will not affect the expansion or contraction of businesses currently doing business within California (GOV § 11346.3(b)(1)(C));
- Will yield nonmonetary benefits (GOV § 11346.3(b)(1)(D)). The proposed action will result in regulations that are clearer, more consistent, and accurately reflect the terms defined by the Rules. This includes an environmental benefit from clarifications to the Special Prescription for Aspen, Meadows and Wet Areas Resto-

ration, which provides guidelines that allow the restoration of habitats that support Special Status species. The proposed action will not affect the health and welfare of California residents or worker safety.

**COST IMPACTS ON REPRESENTATIVE  
PERSON OR BUSINESS**  
(pursuant to GOV § 11346.5(a)(9))

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. No adverse impacts are to be expected.

**BUSINESS REPORT**  
(pursuant to GOV §§ 11346.5(a)(11)  
and 11346.3(d))

The proposed action does not impose a business reporting requirement.

**SMALL BUSINESS**  
(defined in GOV § 11342.610)

Small businesses, within the meaning of GOV § 11342.610, are not expected to be significantly affected by the proposed action.

Small business, pursuant to 1 CCR § 4(a):

- (1) Is legally required to comply with the regulation;
- (2) Is not legally required to enforce the regulation;
- (3) Does not derive a benefit from the enforcement of the regulation;
- (4) May incur a detriment from the enforcement of the regulation if they do not comply with the regulation.

**ALTERNATIVES INFORMATION**

In accordance with **GOV § 11346.5(a)(13)**, the Board must determine that no reasonable alternative it considers, or that has otherwise been identified and brought to the attention of the Board, 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.

**CONTACT PERSON**

Requests for copies of the proposed text of the regulations, the Initial Statement of Reasons, modified text of the regulations and any questions regarding the substance of the proposed action may be directed to:

Board of Forestry and Fire Protection  
Attention: Jane Van Susteren  
Regulations Coordinator  
P.O. Box 944246  
Sacramento, CA 94244–2460  
Telephone: (916) 619–9796

**FINAL STATEMENT OF REASONS**

When the Final Statement of Reasons (FSOR) has been prepared, the FSOR will be available from the contact person on request.

The designated backup person in the event Ms. Van Susteren is not available is Eric Hedge, Regulations Program Manager for the Board of Forestry and Fire Protection. Mr. Hedge may be contacted at the above address or phone.

**INTERNET ACCESS**

All of the material referenced in the Availability Statements is also available on the Board website at: <https://bof.fire.ca.gov/regulations/proposed-rule-packages/>.

**AVAILABILITY STATEMENTS**  
(pursuant to GOV § 11346.5(a)(16), (18))

All of the following are available from the contact person:

1. Express terms of the proposed action using UNDERLINE to indicate an addition to the California Code of Regulations and ~~STRIKE-THROUGH~~ to indicate a deletion.
2. Initial Statement of Reasons, which includes a statement of the specific purpose of each adoption, amendment, or repeal, the problem the Board is addressing, and the rationale for the determination by the Board that each adoption, amendment, or repeal is reasonably necessary to carry out the purpose and address the problem for which it is proposed.
3. The information upon which the proposed action is based (pursuant to **GOV § 11346.5(b)**).
4. Changed or modified text. After holding the hearing and considering all timely and relevant comments received, the Board may adopt the proposed regulations substantially as described in this notice. If the Board 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 the Board adopts the regulations as revised. Notice of the comment period on changed regulations, and the full text as modified, will be sent to any person who testified at the hearings, submitted comments during the public comment period, including written and oral comments received at the public hearing, or requested notification of the availability of such changes from the Board of Forestry and Fire Protection. The Board will accept written comments on the modified regulations for 15 days after the date on which they are made available.

**TITLE 15. BOARD OF STATE AND COMMUNITY CORRECTIONS**

**MINIMUM STANDARDS FOR LOCAL DETENTION FACILITIES**  
TITLE 15, DIVISION 1, CHAPTER 1,  
SUBCHAPTER 4

Pursuant to the authority granted by Penal Code section 6030, the Board of State and Community Corrections (BSCC) hereby gives notice of the proposed regulatory action(s) described in this public notice. It is the intent of the BSCC to amend regulations contained in Title 15, Division 1, Chapter 1, Subchapter 4, California Code of Regulations, which is commonly known as the Minimum Standards for Local Detention Facilities, after considering all comments, objections, and recommendations regarding these regulations.

**PUBLIC HEARING**

Any interested person may present statements or arguments orally or in writing relevant to the action proposed at a hearing to be held on May 2, 2022, from 4:00 p.m. to 6:00 p.m. via Zoom:

**To participate via Computer/Tablet/Smartphone:**

<https://us02web.zoom.us/j/83908927055?pwd=ckQxN2oxdHFEBStkbEdlcEtpUDBKZz09>

*If joining using the link above:*

Meeting ID: 839 0892 7055  
Passcode: 755078

*If joining by phone:*

Dial by your location  
 +1 669 900 9128 US (San Jose)  
 +1 346 248 7799 US (Houston)  
 +1 253 215 8782 US (Tacoma)  
 +1 312 626 6799 US (Chicago)  
 +1 646 558 8656 US (New York)  
 +1 301 715 8592 US (Washington, DC)  
 Meeting ID: 839 0892 7055  
 Passcode: 755078

Questions regarding the May 2, 2022 Public Hearing may be directed to [regulations@bscc.ca.gov](mailto:regulations@bscc.ca.gov).

#### WRITTEN COMMENT PERIOD

Any interested person, or his or her authorized representative, may submit written comments relevant to the proposed regulatory action to the BSCC.

**A written comment period has been established commencing on March 4, 2022 and closing on April 18, 2022.** The BSCC will consider only comments received at BSCC offices by the closing date. Submit comments to:

Lindsay Tu, Staff Services Manager I  
 2590 Venture Oaks Way, Suite 200  
 Sacramento, CA 95833  
 Phone: (916) 214-7009  
[regulations@bscc.ca.gov](mailto:regulations@bscc.ca.gov)

#### POST-HEARING MODIFICATIONS TO THE TEXT OF THE REGULATIONS

Following the public comment period, the BSCC may adopt the proposed regulations substantially as proposed in this notice or with modifications that are sufficiently related to the original proposed text and notice of proposed changes. Any modifications made to the full text of the proposed modifications will be clearly indicated and made available to the public for at least 15 days prior to the date that the BSCC adopts, amends, or repeals the regulation(s). The BSCC will accept written comments on the modified regulation text during the 15-day period. Comments should be addressed to the primary contact person as provided above.

*NOTE: To be notified of any modifications, you must submit written/oral comments at the public hearing, if a hearing is held; submit comments to the office during the written public comment period; or specifically request to be notified of any modifications.*

#### AUTHORITY AND REFERENCE

Penal Code section 6030 authorizes the BSCC to establish and revise the proposed regulations, which would implement, interpret, or make specific Section 6030 of the Penal Code.

#### INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

##### Summary of Existing Laws

Penal Code section 6030 authorizes the BSCC to establish minimum standards for local detention facilities. The minimum standards include but are not limited to, health and sanitary conditions, fire and life safety, security, rehabilitation programs, recreation, treatment of persons confined in local detention facilities and personnel training. Penal Code section 6030 also requires the BSCC to review those standards biennially and make any appropriate revisions.

##### Summary of Existing Regulations

The BSCC promulgates the existing standards which prescribe requirements for local detention facilities. These existing standards are codified in Title 15 Crime Prevention and Corrections, Division 1, Chapter 1, Subchapter 4 of the California Code of Regulations (CCR).

##### Determination of Inconsistency/Incompatibility with Existing State Regulations

The BSCC has determined that these proposed regulations are not inconsistent or incompatible with existing regulations. After conducting a review for any regulations that would relate to or affect this area, the BSCC has concluded that these are the only regulations that address minimum standards for local detention facilities.

##### Summary of Effect

The proposed action will update Title 15, Division 1, Chapter 1, Subchapter 4 CCR by amending and adopting new definitions and requirements that align with Title 15, Division 1, Chapter 1, Subchapter 4 CCR. Among other various updates, the proposed revisions will update existing definitions and requirements to reflect current best practices, update outdated and inappropriate terminology, prohibit the use of carotid restraints (pursuant to Government Code section 7286.5), promote least-restrictive methods of restraints, expand safety check requirements, align suicide prevention requirements with best practices, define and expand the amount of hours dedicated to “out of cell time,” and emphasize the responsibility to provide clothing and mattresses that are clean, free of stains, holes and tears. The proposed revisions will also repeal an outdated section by eliminating Section 1247 “Disciplinary Separation Diet” from Title 15.

**Comparable Federal Statutes or Regulations**

There are no comparable federal regulations or statutes.

**Policy Statement Overview**

This rulemaking action is a result of the requirements in Penal Code 6030 for the BSCC to review the standards biennially and make any appropriate revisions. In addition, this rulemaking action is also a response to the recent controversial debates related to conditions of confinement, use of force and restraint. The broad objective of the proposed action is to update the regulatory requirements for local detention facilities in alignment with more appropriate and humane best practices, and to ensure the safety and security of incarcerated persons and facility staff.

**Benefits of the Regulations to the Health and Welfare of California Residents, Worker Safety, and the State’s Environment**

The BSCC has determined that there will be a positive impact on the health and welfare of juveniles and adults in local detention facilities, and the proposed revisions will ensure alignment with the intent of rehabilitation and an improved experience of incarceration; more clarity and consistency of the language throughout the regulations; significant improvement to the health and welfare of incarcerated persons in local detention facilities, and increased overall safety for facility staff, incarcerated persons and visitors at each facility by implementing more enhanced health and safety requirements more in line with best practices.

The BSCC has determined that the state’s environment will not be affected by the adoption of these regulations because the regulations pertain to the minimum standards for local detention facilities. Requirements of these regulations do not address any factors that would cause a positive or negative effect on the environment.

**DISCLOSURES REGARDING THE PROPOSED ACTION**

The BSCC 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 costs or savings imposed on local agencies: None.

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

Significant statewide adverse economic impact directly affecting business including the ability of Cali-

fornia businesses to compete with businesses in other states: None.

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

**RESULTS OF THE ECONOMIC IMPACT ANALYSIS**

Adoption of these regulations will not:

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

Adoption of these regulations will:

- (1) Affect the health and welfare of juveniles and adults in local detention facilities in a positive manner.
- (2) Ensure consistency in the treatment of juveniles and adults in local detention facilities.
- (3) Improve living conditions of juveniles and adults in local detention facilities.

The welfare of juveniles and adults in local detention facilities will be affected positively by the proposed revisions which intend to ensure consistency with best practices.

Significant effect on housing costs: None.

Business Report Determination: None.

Small Business Determination: The BSCC has concluded that the implementation of this action will not affect small business as these regulations only apply to local detention facilities.

**CONSIDERATION OF ALTERNATIVES**

In accordance with Government Code section 11346.5, subdivision (a)(13), the BSCC 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.

The BSCC invites interested parties to present statements or arguments with respect to alternatives to the proposed regulations during the written comment period or public hearing, if one is requested.

AVAILABILITY OF  
RULEMAKING DOCUMENTS

The Rulemaking File, which includes all the information on which this proposal is based, is available for viewing by request at the BSCC's office at the above address and may also be accessed through the BSCC's website at <http://www.bscc.ca.gov>.

AVAILABILITY OF MODIFIED TEXT

If the BSCC makes modifications that are sufficiently related to the originally proposed text, it will clearly indicate the changes and make the modified text available to the public for at least 15 days before the BSCC adopts the regulations as revised. The modified text may be accessed through the BSCC website at: <http://www.bscc.ca.gov>. Those persons who do not have access to the Internet may submit a written request to the contact persons listed below.

AVAILABILITY OF INITIAL  
STATEMENT OF REASONS AND FINAL  
STATEMENT OF REASONS

The Initial and Final Statement of Reasons may be accessed through the BSCC website at: <http://www.bscc.ca.gov>. Those persons who do not have access to the Internet may submit a written request to the contact persons listed below.

AVAILABILITY OF DOCUMENTS;  
INTERNET ACCESS

Copies of the Notice of Proposed Action, the Initial Statement of Reasons, and the text of the regulation in strikeout and underline can be accessed through our website at: <http://www.bscc.ca.gov>. Those persons who do not have access to the Internet may submit a written request to the contact persons listed below.

CONTACT PERSON FOR SUBSTANTIVE  
AND/OR TECHNICAL QUESTIONS

Inquiries concerning the proposed action may be directed to the primary contact person:

Lindsay Tu, Staff Services Manager I  
2590 Venture Oaks Way, Suite 200  
Sacramento, CA 95833  
Phone: (916) 214-7009  
[regulations@bscc.ca.gov](mailto:regulations@bscc.ca.gov)  
Fax: (916) 322-2461

The auxiliary contact person is:

Ginger Wolfe, Staff Services Manager II  
2590 Venture Oaks Way, Suite 200  
Sacramento, CA 95833  
Phone: (916) 445-5073  
[regulations@bscc.ca.gov](mailto:regulations@bscc.ca.gov)  
Fax: (916) 322-2461

**GENERAL PUBLIC INTEREST**

**FISH AND GAME COMMISSION**

NOTICE OF FINDINGS  
LIME RIDGE ERIASTRUM  
(*Eriastrum erterae*)

NOTICE IS HEREBY GIVEN that, pursuant to the provisions of Section 2074.2 of the Fish and Game Code, the California Fish and Game Commission (Commission), at its February 16-17, 2022 meeting, accepted for consideration the petition submitted to list the Lime Ridge eriastrum (*Eriastrum erterae*) as endangered under the California Endangered Species Act.

Pursuant to subdivision (e)(2) of Section 2074.2 of the Fish and Game Code, the Commission determined that the amount of information contained in the petition, when considered in light of the California Department of Fish and Wildlife's (Department) written evaluation report, the comments received, and the remainder of the administrative record, would lead a reasonable person to conclude there is a substantial possibility the requested listing could occur.

Based on that finding and the acceptance of the petition, the Commission is also providing notice that the Lime Ridge eriastrum is a candidate species as defined by Section 2068 of the Fish and Game Code.

Within one year of the date of publication of this notice of findings, the Department shall submit a written report, pursuant to Section 2074.6 of the Fish and Game Code, indicating whether the petitioned action is warranted. Copies of the petition, as well as minutes of the February 16-17, 2022 Commission meeting, are on file and available for public review from Melissa Miller-Henson, Executive Director, California Fish and Game Commission, 715 P Street, 16<sup>th</sup> floor, Sacramento, California 95814, phone (916) 653-4899.

Written comments or data related to the petitioned action should be directed to the Department contact via email ([nativeplants@wildlife.ca.gov](mailto:nativeplants@wildlife.ca.gov)): include "Lime Ridge eriastrum" in the subject line. Comments may also be submitted by mail to California Department of Fish and Wildlife, P.O. Box 944209, Sacramento, CA

94244–2090, Attn: Isabel Baer. Submission of information via email is preferred.

## OFFICE OF ENVIRONMENTAL HEALTH HAZARD ASSESSMENT

SAFE DRINKING WATER AND TOXIC  
ENFORCEMENT ACT OF 1986  
(PROPOSITION 65)

REQUEST FOR RELEVANT INFORMATION  
ON THE REPRODUCTIVE TOXICITY OF  
BISPHENOL S (BPS)

### Request for Information

The California Environmental Protection Agency's Office of Environmental Health Hazard Assessment (OEHHA) has selected bisphenol S (BPS) for the Developmental and Reproductive Toxicant Identification Committee's (DARTIC's) review for possible listing under Proposition 65 and is soliciting information relevant to the assessment of its reproductive toxicity. BPS was selected from chemicals prioritized<sup>1</sup> by the DARTIC in 2020.

Relevant information on BPS includes but is not limited to:

- Animal studies examining reproductive toxicity (evidence of developmental and male and female reproductive toxicity)
- Epidemiological studies in humans
- Studies related to mechanisms of reproductive toxicity
- Other pertinent studies on:
  - Pharmacokinetics
  - Effects on biochemical and physiological processes, including findings in humans

Interested parties wishing to provide such information should submit it in accordance with the instructions given below.

The publication of this notice marks the start of a 45–day data call–in period, ending on **Monday, April 18, 2022**. The information received during this period will be reviewed and considered by OEHHA as it prepares the hazard identification materials on the reproductive toxicity of BPS.

<sup>1</sup> <https://oehha.ca.gov/proposition-65/crn/december-10-2020-meeting-developmental-and-reproductive-toxicant-identification>.

### Background

OEHHA is the lead agency for the implementation of Proposition 65<sup>2</sup>. The DARTIC of OEHHA's Science Advisory Board serves as the state's qualified experts and renders an opinion about whether a chemical has been clearly shown to cause reproductive toxicity<sup>3</sup>. Chemicals identified by the DARTIC are added to the Proposition 65 list.

Hazard identification materials will be made available to the public for comment prior to the DARTIC's consideration of the chemical for possible listing. The availability of hazard identification materials will be announced in the *California Regulatory Notice Register* and on OEHHA's website.

### Comment Submittal

Comments should be submitted in either of the following ways:

1. Electronic submission: OEHHA strongly recommends that relevant information responsive to this request be submitted electronically through our website at <https://oehha.ca.gov/comments>, rather than in paper form.
2. Mail or in person submission: Comments submitted in paper form can be mailed or delivered in person to:

Tyler Saechao  
Office of Environmental Health Hazard  
Assessment  
1001 I Street  
P.O. Box 4010, MS–12B  
Sacramento, California 95812–4010  
Telephone: 916–445–6900

## SUMMARY OF REGULATORY ACTIONS

### REGULATIONS FILED WITH THE 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.

<sup>2</sup> The Safe Drinking Water and Toxic Enforcement Act of 1986, codified at Health and Safety Code section 25249.5 *et seq.*

<sup>3</sup> Title 27, Cal. Code of Regs., section 25302 *et seq.*

Secretary of State  
File # 2022-0211-01  
Notices Re: Prohibition of Electioneering and  
Corruption of Voting Process

This emergency action by the Secretary of State establishes notice requirements regarding the prohibition of electioneering and activity that relates to the corruption of the voting process.

Title 02  
Adopt: 20180, 20181  
Filed 02/22/2022  
Effective 02/22/2022  
Agency Contact: Robbie Anderson (916) 216-6488

Department of Food and Agriculture  
File # 2022-0110-01  
Fertilizing Materials Biotics/Biochar

This rulemaking by the Department of Food and Agriculture (Department) amends regulations relating to licensing, label registration, and field inspection for the Department's Fertilizing Materials Inspection Program.

Title 03  
Adopt: 2306  
Amend: 2300.1, 2304, 2308, 2322  
Repeal: 2306  
Filed 02/23/2022  
Effective 04/01/2022  
Agency Contact:  
Maria Tenorio Alfred (916) 900-5022

Division of Labor Standards Enforcement  
File # 2022-0104-01  
Public List of Certain Port Motor Carriers

This rulemaking action by the Division of Labor Standards Enforcement adopts regulations to specify

procedures for maintaining a public list of certain port drayage motor carriers and customer sharing of liability pursuant to Labor Code section 2810.4.

Title 08  
Adopt: 13875, 13876, 13877, 13878, 13879, 13880, 13881, 13882, 13883, 13884, 13885, 13886, 13887, 13888  
Filed 02/16/2022  
Effective 04/01/2022  
Agency Contact: Patricia Salazar (213) 897-1511

**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](http://www.oal.ca.gov).