



# California Regulatory Notice Register

REGISTER 2023, NUMBER 15-Z

PUBLISHED WEEKLY BY THE OFFICE OF ADMINISTRATIVE LAW

APRIL 14, 2023

## PROPOSED ACTION ON REGULATIONS

TITLE 2. FAIR POLITICAL PRACTICES COMMISSION  
*Return or Attribution of Excessive Contributions — Notice File Number Z2023-0404-01* . . . . . 501

TITLE 2. FAIR POLITICAL PRACTICES COMMISSION  
*Concerning Section 84308 Levine Act — Notice File Number Z2023-0404-04* . . . . . 502

TITLE 4. HORSE RACING BOARD  
*Postmortem Examination Review — Notice File Number Z2023-0404-03* . . . . . 504

TITLE 4. POLLUTION CONTROL FINANCING AUTHORITY  
*California Capital Access Program — Notice File Number Z2023-0404-05* . . . . . 507

TITLE 11. COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING  
*Training and Testing Specifications for Peace Officer Basic Courses —  
 Notice File Number Z2023-0329-01* . . . . . 509

TITLE 16. BOARD OF PHARMACY  
*Temporary Licenses for Military Spouses/ Domestic Partners —  
 Notice File Number Z2023-0330-01* . . . . . 511

TITLE 16. BOARD OF OPTOMETRY  
*Continuing Education: Purpose and Requirements — Notice File Number Z2023-0330-02* . . . . . 513

TITLE 22. DEPARTMENT OF SOCIAL SERVICES  
*Group Homes for Children with Special Health Care Needs —  
 Notice File Number Z2023-0403-02* . . . . . 517

TITLE 22. DEPARTMENT OF SOCIAL SERVICES  
*Personal Rights in Foster Care — Notice File Number Z2023-0404-02* . . . . . 519

(Continued on next page)

***Time-  
Dated  
Material***

## GENERAL PUBLIC INTEREST

DEPARTMENT OF FISH AND WILDLIFE

*Consistency Determination Request for Dye Creek Fish Passage Improvement Project*

*Tracking Number: 1653-2023-110-001-R1, Tehama County* ..... 522

## SUMMARY OF REGULATORY ACTIONS

*Regulations filed with the Secretary of State* ..... 522

---

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

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

**PROPOSED ACTION ON REGULATIONS**

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

**TITLE 2. FAIR POLITICAL PRACTICES COMMISSION**

NOTICE IS HEREBY GIVEN that the Fair Political Practices Commission (the Commission), under the authority vested in it under the Political Reform Act (the Act)<sup>1</sup> by Section 83112 of the Government Code, proposes to adopt, amend, or repeal regulations in Title 2, Division 6 of the California Code of Regulations. The Commission will consider the proposed regulation at a public hearing on or after **May 18, 2023**, at the offices of the Fair Political Practices Commission, 1102 Q Street, Suite 3000, Sacramento, California, commencing at approximately **10:00 a.m.** Written comments to the Commission offices are requested no later than **5:00 p.m.** on **May 16, 2023**.

**BACKGROUND/OVERVIEW**

On September 29, 2022, the Governor signed SB 1439 into law. SB 1439 amends Section 84308 of the Political Reform Act and the amendments took effect on January 1, 2023. Section 84308 places limitations on certain public officials’ ability to take part in licensing, permitting, and other use entitlement proceedings when a party or participant in the proceeding has contributed more than \$250 to the official; the statute also prohibits officials from receiving contributions exceeding \$250 during such a proceeding and for a defined period after a final decision in the proceeding. SB 1439 broadens the scope of Section 84308 to apply to local elected officials when serving in a position directly elected by the voters and extends the period in which a post-proceeding contribution of more than \$250 is prohibited from three months after the final decision to 12 months after the final decision. Given the expansion of the scope of Section 84308 and the numerous questions the Commission has received regarding the application of Section 84308, Commission

<sup>1</sup> The Political Reform Act is contained in Government Code Sections 81000 through 91014. All statutory references are to the Government Code, unless otherwise indicated. The regulations of the Fair Political Practices Commission are contained in Sections 18110 through 18997 of Title 2 of the California Code of Regulations. All regulatory references are to Title 2, Division 6 of the California Code of Regulations, unless otherwise indicated.

staff is proposing the adoption, repeal, and amendment of various regulations pertaining to Section 84308.

**REGULATORY ACTION**

- *Amend 2 Cal. Code Regs. Sections 18438.1, 18438.2, 18438.3, 18438.4, 18438.5, 18438.6, 18438.8 and 18705*
- *Repeal 2 Cal. Code Regs. Section 18438.7*
- *Adopt 2 Cal. Code Regs. Sections 18438 and 18438.7*

**SCOPE**

*Adopt 2 Cal. Code Regs. Section 18438*

Commission staff proposes to adopt regulation specifying that provisions of Section 84308, as amended by SB 1439, do not apply to contributions received or proceedings participated in prior to January 1, 2023, when SB 1439 took effect.

*Amend 2 Cal. Code Regs. Section 18438.1*

Commission staff proposes to re-organize the regulation, amend the definition of “officer,” amend the exception pertaining to members of the Governor’s cabinet, and add a provision defining “constitutional officer.”

*Amend 2 Cal. Code Regs. Section 18438.2*

Commission staff proposes to amend the definition of “proceeding involving a license, permit, or other entitlement for use” and amend the definition of “pending” or “pending before.”

*Amend 2 Cal. Code Regs. Section 18438.3*

Commission staff proposes to re-organize the regulation, amend the definition of “agent,” and remove a provision pertaining to the aggregation of contributions made by an agent.

*Amend 2 Cal. Code Regs. Section 18438.4*

Commission staff proposes to amend the definition of “lobbies in person” and amend the definition of “otherwise acts to influence.”

*Amend 2 Cal. Code Regs. Section 18438.5*

Commission staff proposes to amend provisions pertaining to the aggregation of contributions made by parties, participants, agents, and related entities.

*Amend 2 Cal. Code Regs. Section 18438.6*

Commission staff proposes to amend to re-organize the regulation, clarify when a person “makes” a contribution for purposes of Section 84308, add a provision clarifying the types of committees through which an officer may receive a contribution, and amend provisions specifying when an officer “solicits” or “directs” a contribution.

*Repeal 2 Cal. Code Regs. Section 18438.7*

Commission staff proposes to repeal and adopt Regulation 18438.7, rather than amend it, due to the extent of changes proposed by staff.

*Adopt 2 Cal. Code Regs. Section 18438.7*

Commission staff proposes adopting provisions on the determination of an officer's knowledge of a participant's financial interest, an officer's willful or knowing receipt of a contribution, an officer's return of a contribution, and an officer's ability to take part in a proceeding prior to the return of a contribution.

*Amend 2 Cal. Code Regs. Section 18438.8*

Commission staff proposes to amend disclosure requirements for officers under Section 84308, including specifying requirements in the circumstance where an officer learns of a contribution during, rather than prior to, a proceeding.

*Amend 2 Cal. Code Regs. Section 18705*

Commission staff proposes to amend to apply provisions pertaining to "legally required participation" to officers otherwise disqualified under Section 84308, in addition to officers otherwise disqualified under Section 87100 (already included within the scope of Regulation 18705).

**FISCAL IMPACT STATEMENT**

*Fiscal Impact on Local Government.* None.

*Fiscal Impact on State Government.* None.

*Fiscal Impact on Federal Funding of State Programs.* None.

**AUTHORITY**

Section 83112 provides that the Fair Political Practices Commission may adopt, amend, and rescind rules and regulations to carry out the purposes and provisions of the Act.

**REFERENCE**

Sections 81002, 81003, 84308, and 87101, Government Code.

**CONTACT**

Any inquiries should be made to Kevin Cornwall, Fair Political Practices Commission, 1102 Q Street, Suite 3000, Sacramento, CA 95811; telephone (916) 322-5660 or 1-866-ASK-FPPC. Proposed regulatory language can be accessed at <http://www.fppc.ca.gov/the-law/fppc-regulations/proposed-regulations-and-notice.html>.

**TITLE 2. FAIR POLITICAL PRACTICES COMMISSION**

NOTICE IS HEREBY GIVEN that the Fair Political Practices Commission (the Commission), under the authority vested in it under the Political Reform Act (the Act)<sup>1</sup> by Section 83112 of the Government Code, proposes to adopt, amend, or repeal regulations in Title 2, Division 6 of the California Code of Regulations. The Commission will consider the proposed regulation at a public hearing on or after **May 18, 2023** at the offices of the Fair Political Practices Commission, 1102 Q Street, Suite 3000, Sacramento, California, commencing at approximately **10:00 a.m.** Written comments should be received at the Commission offices no later than **5:00 p.m.** on **May 17, 2023**.

**BACKGROUND/OVERVIEW**

The Act limits the amount of contributions that candidates running for a state office and committees that make contributions to state candidates may accept from a single source in a single election.<sup>2</sup> Under Assembly Bill 571 (Stats. 2019, Chapter 556, Mullin), state campaign contribution limits also apply by default to city and county candidates when the city or county has not enacted laws addressing contribution limits on such candidates.

Existing Regulation 18531 permits a committee to return a contribution, or a portion thereof, that exceeds an applicable contribution limit to the contributor if done within 14 days of receipt as long as the committee does not:

- (1) Deposit or allow deposit of the contribution with actual knowledge that the contribution exceeds the applicable limit.
- (2) Make use of the contribution prior to returning it.

Additionally, existing Regulation 18531 provides a definition for "make use of," and provides that a non-monetary contribution that is over the applicable limit may also be returned to the contributor to avoid a violation of the contribution limits either in its original form or in a monetary equivalent. Subdivision (f) of existing Regulation 18531 requires that an over-the-limit contribution that is returned be reported in full on committee campaign reports and statements and the return be reported as an expenditure.

New Section 85319.5, recently enacted by Senate Bill 794 (Stats. 2022, Chapter 816, Glazer) codifies

<sup>1</sup> The Political Reform Act is contained in Government Code Sections 81000 through 91014. All statutory references are to the Government Code, unless otherwise indicated. The regulations of the Fair Political Practices Commission are contained in Sections 18104 through 18998 of Title 2 of the California Code of Regulations. All regulatory references are to Title 2, Division 6 of the California Code of Regulations, unless otherwise indicated.

<sup>2</sup> See Sections 85301, 85302, 85303, and 85316.

and expands upon the above provisions of existing Regulation 18531 by also permitting a committee that receives an over-the-limit contribution — even if it had actual knowledge the contribution exceeded the limit — to avoid violating an applicable contribution limit by attributing the excess amount to a different election if certain criteria are met.

Accordingly, proposed amendments to Regulation 18531 would eliminate language that has now been codified in statute, directly address non-monetary over-the-limit contributions, and directly address provisions in the new law that provide for the Commission to promulgate regulations in the context of the new attribution allowance.

### REGULATORY ACTION

#### *Amend 2 Cal. Code Regs., Section 18531. Return of Excessive Contributions*

The Commission may consider repealing the text of existing subdivision (a) of Regulation 18531 because it is duplicative of language now in statute, having been codified by the Legislature in subdivision (a) of Section 85319.5.

The Commission may consider the adoption of a new subdivision (a) of Regulation 18531, addressing language provided in new Section 85319.5(d) that provides that (1) a committee may, in accordance with any regulations adopted by the Commission request that a contributor attribute in writing a contribution to a different election and (2) a committee may, in accordance with any regulations adopted by the Commission, automatically attribute the portion of a contribution that is in excess of the applicable limit between the primary and general elections without permission from the contributor. New subdivision (a) of Regulation 18531 addresses these requirements for monetary contributions attributed per Section 85319.5(a) and (b).

The Commission may consider repealing existing subdivision (b) of Regulation 18531, concerning the definition of “make use of,” since this definition has now been codified as part of Section 85319.5(f).

The Commission may consider the adoption of a new subdivision (b) of Regulation 18531, addressing the return or attribution of over-the-limit *non-monetary contributions* under Section 85319.5.

The Commission may consider repealing existing subdivision (c) of Regulation 18531 and moving its provisions into a new subdivision (b) that addresses Section 85319.5(a)’s rules for return and attribution of over-the-limit *non-monetary contributions*. Existing subdivision (d) of Regulation 18531 would then need to be renumbered as (c), while existing subdivision (e) would be renumbered (d), and (f) would be renumbered (e).

The Commission may consider adding language to new subdivision (c) (existing subdivision (d)) of Regulation 18531, clarifying that the regulation shall not be construed to authorize the making or solicitation of any contribution in excess of the contribution limits of Section 85316, in addition to Sections 85301, 85302, and 85303.

The Commission may consider adding language to new subdivision (d) (existing subdivision (e)) of Regulation 18531, clarifying the time frame for depositing a contribution that is earmarked for purposes other than making contributions directly to candidates for elective office into a separate account in order to avoid being deemed in excess of limits.

The Commission may consider adding language to existing subdivision (f) of Regulation 18531 (which would become subdivision (e)), concerning reporting and to further specify how attributed contributions should be reported on campaign reports.

The Commission may consider adding a new subdivision (f) to Regulation 18531 that provides clarification of Section 85319.5(c)’s requirements that by or before the applicable deadline for returning or attributing the contribution, or excess portion thereof, a committee that receives a contribution that exceeds a contribution limit must *notify* the contributor that their contribution was in excess of the applicable limit and the requirement that if a contribution was attributed between a primary and general election, the committee must also inform the contributor that the contribution was attributed and that the contributor may request a refund.

### SCOPE

The Commission may adopt the language noticed herein, or it may choose new language to implement its decisions concerning the issues identified above or any related issues.

### FISCAL IMPACT STATEMENT

*Fiscal Impact on Local Government.* This regulation will have no fiscal impact on any local entity or program.

*Fiscal Impact on State Government.* This regulation will have no fiscal impact on any local entity or program.

*Fiscal Impact on Federal Funding of State Programs.* This regulation will have no fiscal impact on any local entity or program.

### AUTHORITY

Section 83112 provides that the Fair Political Practices Commission may adopt, amend, and rescind

rules and regulations to carry out the purposes and provisions of the Act.

**REFERENCE**

The purpose of this regulation is to implement, interpret, and make specific Government Code Sections 84302, 85301, 85302, 85303, and 85319.5.

**CONTACT**

Any inquiries should be made to Toren Lewis, Fair Political Practices Commission, 1102 Q Street, Suite 3000, Sacramento, CA 95811; telephone (916) 322-5660 or 1-866-ASK-FPPC, or by email at [tlewis@fppca.ca.gov](mailto:tlewis@fppca.ca.gov). Proposed regulatory language can be accessed at <http://www.fppc.ca.gov/the-law/fppc-regulations/proposed-regulations-and-notice.html>.

**TITLE 4. HORSE RACING BOARD**

**RULE 1846.5. POSTMORTEM EXAMINATION.**

**RULE 1846.6. POSTMORTEM EXAMINATION REVIEW.**

The California Horse Racing Board (Board) proposes to amend the regulation described below after considering all comments, objections, and recommendations regarding the proposed action.

**PROPOSED REGULATORY ACTION**

The Board proposes to amend Board Rules 1846.5, Postmortem Examination, and 1846.6, Postmortem Examination Review, to expand the scope of both rules. Currently, Board Rule 1846.5, Postmortem Examination requires that every horse that dies within an area under the jurisdiction of the Board undergo a postmortem examination in a diagnostic laboratory which is under contract with the Board to determine the injury or sickness which resulted in euthanasia or natural death. In addition, Board Rule 1846.6, Postmortem Examination Review, currently requires the Board to conduct a postmortem examination review to determine the circumstances of each equine fatality within a Board inclosure. The proposed amendment would expand the scope of the rule to require a postmortem examination and a postmortem examination review on every horse that dies or is euthanized in California within 72 hours of leaving a facility under the jurisdiction of the Board. Furthermore, the amendment would also add affirmative duties for the owner

and trainer by requiring them to provide notice to the laboratory within one hour of a horse's death that is under their care. The postmortem examination and the postmortem examination review of race horses that die in California shortly after leaving a Board regulated facility are critical to understanding racetrack related fatalities and improving the Board's overall mission of reducing equine fatalities.

**PUBLIC HEARING**

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

**WRITTEN COMMENT PERIOD**

Any interested persons, or their authorized representative, may submit written comments about the proposed regulatory action to the Board. The written comment period closes on May 30, 2023. The Board must receive all comments by that time. Submit comments to:

Yannet G De Garcia,  
Associate Management Auditor  
California Horse Racing Board  
1010 Hurley Way, Suite 300  
Sacramento, CA 95825  
Telephone: (916) 263-6023  
Email: [ygdegarcia@chrb.ca.gov](mailto:ygdegarcia@chrb.ca.gov)

**AUTHORITY AND REFERENCE**

Authority cited: Section 19440, Business and Professions Code (BPC). Reference: Section 19435, 19444, and 19444(c), BPC.

**INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW**

BPC section 19435 provides that the Board, its executive director, or the stewards, may issue subpoenas for the attendance of witnesses or the production of any records, books, memoranda, documents, or other papers or things, as is necessary to enable any of them to effectually discharge their duties, and may administer oaths or affirmations as necessary in connection therewith. BPC section 19440 provides that the Board shall have all powers necessary and proper to enable it to carry out fully and effectually the purposes of this chapter. Responsibilities of the Board shall include adopting rules and regulations for the protection of the public and the control of horse racing and pari-mutuel

wagering. BPC section 19444 and 19444(c) states that the Board may, in performing its responsibilities under this chapter, conduct research to determine more fully the cause and prevention of horse racing accidents.

Currently, Board Rule 1846.5, Postmortem Examination, requires every horse which suffers a fatal injury on the racetrack, or which dies or is euthanized within an area under the jurisdiction of the Board, shall undergo a postmortem examination. The proposed amendment of Board Rule 1846.5 will expand the scope of authority of the rule to require a postmortem examination of every horse that dies or is euthanized in California within 72 hours of leaving a facility under the jurisdiction of the Board.

Additionally, subsection (d) of Board Rule 1846.5, requires that requests for each postmortem shall be filled with the official veterinarian by the owner's or trainer's veterinarian within one hour of death and shall submit a Necropsy Submission Form, CHR-72 (form CHR-72). Under the proposed amendments to Board Rule 1846.5, both owners and trainers would be joint-absolute insurers of the horse and responsible for the timely submission of form CHR-72 to the extent that the trainer exercised care and control at the time of death and will create affirmative duties for the owner and trainer.

In addition, Board Rule 1846.5 subsection (e), currently requires the owner's or trainer's veterinarian must phone the diagnostic laboratory within one hour of death and fax form CHR-72 to the laboratory as notification that the horse is due for necropsy if the official veterinarian is unavailable. The proposed amendment to Board Rule 1846.5 subsection (e) requires the owner or trainer to contact the diagnostic laboratory within one hour of death and fax or email form CHR-72 to the laboratory as notification that the horse is due for necropsy. On the official veterinarian's next scheduled workday of the racing association or training facility where the horse last resided, the owner or trainer shall give the original form CHR-72 to the official veterinarian.

Board Rule 1846.6, Postmortem Examination Review, requires the Board to conduct a postmortem examination review to determine the circumstances of each equine fatality within a Board inclosure. The proposed amendments to Board Rule 1846.6, will expand the scope of authority of the rule to require a postmortem examination review on each equine fatality in California within 72 hours of leaving a Board inclosure.

#### ANTICIPATED BENEFIT OF THE PROPOSED REGULATION

The proposed amendments to Board Rules 1846.5 and 1846.6 will continue to support the safety and wel-

fare of horses that race in California by expanding the scope of authority of each rule to "horses that die or are euthanized in California within 72 hours of leaving a facility under the jurisdiction of the Board." The amendments to postmortem examination and postmortem examination review will increase the critical information of in-depth research of racehorses that die or are euthanized in California. The invaluable information to be gained will help obtain a better understanding of equine racetrack related fatalities. In addition, the proposed amendments will increase positive public perception of the sport in California. The Board values and promotes horse racing in California by fostering safe racing and the Board takes animal welfare very seriously and values the health and welfare of all participants.

#### CONSISTENCY EVALUATION

Evaluation of Consistency and Compatibility with Existing State Regulations: During the process of developing the amendments, the Board conducted a search for any similar regulation on this topic and has concluded that Board Rules 1846.5 and 1846.6 are the only regulations that address postmortem examination and postmortem examination review in horse racing. Therefore, the proposed regulation is neither inconsistent nor incompatible with existing state regulations.

#### DISCLOSURES REGARDING THE PROPOSED ACTION

Mandate on local agencies and school districts: none.

Cost or savings to any state agency: none.

Cost to any local agency or school district that must be reimbursed in accordance with Government Code (GC) sections 17500 through 17630: none.

Other non-discretionary cost or savings imposed upon local agencies: none.

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

The Board has made an initial determination that the proposed amendment to Board Rules 1846.5 and 1846.6 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. The proposed amendment will support and expand the safety and welfare of horses that race in California. By expanding the scope of authority of the rules to require a postmortem examination and a postmortem examination review for every horse that dies or euthanized in California within 72 hours of leaving a facility under the jurisdiction of the Board, the Board will better promote the ability to obtain further information of equine racetrack re-

lated fatalities and improve the health and safety for California racehorses.

The following studies/relevant data were relied upon in making the above determination: none.

Cost impact on representative private persons or businesses: none. The Board is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

Significant effect on housing costs: none.

#### RESULTS OF THE ECONOMIC IMPACT ANALYSIS

The adoption of the proposed amendment to Board Rules 1846.5 and 1846.6 will not (1) create or eliminate jobs within the state; (2) create new businesses or eliminate existing businesses within the state; (3) result in the expansion of businesses currently doing business with the state; or (4) benefit the health and welfare of California residents, worker safety, or the state's environment.

Effect on small business: none. The proposal to amend Board Rules 1846.5 and 1846.6 does not affect small business because small businesses are not legally required to comply with or enforce the regulation and neither derive a benefit nor incur a detriment from the enforcement of the regulation.

#### CONSIDERATION OF ALTERNATIVES

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

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

#### CONTACT PERSONS

Inquiries concerning the substance of the proposed action and requests for copies of the proposed text of the regulation, the initial statement of reasons, the modified text of the regulation, if any, and other information upon which the rulemaking is based should be directed to:

Yannet G De Garcia,  
Associate Management Auditor  
California Horse Racing Board  
1010 Hurley Way, Suite 300  
Sacramento, CA 95825  
Telephone: (916) 263-6023  
Email: [ygdegarcia@chr.ca.gov](mailto:ygdegarcia@chr.ca.gov)

If the person named above is not available, interested parties may contact:

Amanda Drummond, Manager  
Regulations, Industry Applications, and  
Administrative Hearings  
Telephone: (916) 869-3255  
Email: [amdummond@chr.ca.gov](mailto:amdummond@chr.ca.gov)

#### AVAILABILITY OF INITIAL STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATION

The Board will have the entire rulemaking file available for inspection and copying throughout the rulemaking process at its offices 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 regulation, and the initial statement of reasons. Copies of these documents, or any of the information upon which the proposed rulemaking is based, may be obtained by contacting Yannet G De Garcia or the alternative contact person at the address, phone number, or email address listed above.

#### AVAILABILITY OF MODIFIED TEXT

After holding a hearing and considering all timely and relevant comments received, the Board may adopt the proposed regulation substantially as described in this notice. If modifications are made that are sufficiently related to the originally proposed text, the modified text, with changes clearly marked, shall be made available to the public for at least 15 days prior to the date on which the Board adopts the regulation. Requests for copies of any modified regulation should be sent to the attention of Rick Pimentel at the address stated above. The Board will accept written comments on the modified regulation for 15 days after the date on which it is made available.

#### AVAILABILITY OF FINAL STATEMENT OF REASONS

Requests for copies of the final statement of reasons, which will be made available after the Board has adopted the proposed regulation in its current or modified form, should be sent to the attention of Rick Pimentel at the address stated above.



BOARD WEB ACCESS

The Board will have the entire rulemaking file available for inspection throughout the rulemaking process at its website. The rulemaking file consists of this notice, the proposed text of the regulation, and the initial statement of reasons. The Board’s website address is [www.chrb.ca.gov](http://www.chrb.ca.gov).

**TITLE 4. POLLUTION CONTROL FINANCING AUTHORITY**

The California Pollution Control Financing Authority (“CPCFA” or the “Authority”) proposes to amend Sections 8070, 8072, 8073 of Title 4 of the California Code of Regulations (the “Proposed Regulations”) concerning the administration of the California Pollution Control Financing Authority’s California Capital Access Loan Program (“CalCAP”) for Small Business Program (“CalCAP/SB”). These Proposed Regulations are necessary to ensure program clarity and continuity, and to refine and clarify program features of the California Pollution Control Financing Authority Act (the “Act”). The Proposed Regulations have been approved by the Office of Administrative Law (“OAL”) on an emergency basis, and this proposed rulemaking would make these changes permanent.

AUTHORITY AND REFERENCE

Authority: Sections, 44520 (a), 44520 (b) and 44559.5 (f), Health and Safety Code.

Reference: Sections 44559–44559.9, Health and Safety Code.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Existing law establishes the Capital Access Program (“CalCAP”) and authorizes the Authority to contract with specified financial institutions to make loans to eligible small businesses that may have difficulty obtaining capital. (Health and Safety Code, § 44559)

The proposed amendment to the regulations will revise and update the definitions and remove the recapture mechanism to recycle contributions to support future loan enrollments in the CalCAP for Small Business Program.

The Authority has performed a search of existing regulations and has determined that the proposed regulations are not inconsistent or incompatible with existing state regulations.

**§ 8070. Definitions.**

This section defines terms commonly used throughout the regulations to avoid ambiguity or misunderstanding.

*Section 8070 (w).* Amends the term “Recapture”. This removal of the recapture requirement is for the Small Business Program only.

Necessity. The proposed amendments are necessary to include definitions specific to the implementation of the recapture mechanism for the Capital Access Program for Small Businesses, and to eliminate and refine existing definitions for clarity.

**§ 8072. Loan Enrollment.**

This section defines terms commonly used throughout the regulations to avoid ambiguity or misunderstanding.

*Section 8072 (k).* Removes requirement that loan enrollments submitted after August 15, 2017 be automatically subject to Recapture. This provision is no longer necessary because Federal funds will be used to support future loan enrollments.

Necessity. The proposed amendment is necessary to refine an existing definition specific to the Capital Access Program for Small Business.

**§ 8073. Loss Reserve Accounts.**

*Section 8073 (d).* Removes the Executive Director’s authorization to withdraw contributions subject to recapture from Loss Reserve Accounts.

*Section 8073 (g).* Removes the full description of the recapture process and voluntary election process of the lenders to participated in this process.

Necessity. The proposed amendments are necessary to amend the recapture mechanism established in the Capital Access Program for Small Business.

DISCLOSURES REGARDING THE PROPOSED ACTION

The Authority has made the following determinations regarding the effect of the Proposed Regulations:

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

**Cost or savings to any state agency:** None.

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

**Other non–discretionary cost or savings imposed on local agencies:** None.

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

**Significant effect on housing costs:** None.

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

**Small Business:** The proposed regulations will not have an effect on small business because the program is voluntary for any small business that seeks to

apply for financial assistance in any of the CalCAP Programs.

**Significant, statewide, adverse economic impact directly affecting businesses including the ability of California businesses to compete with businesses in other states:** The Authority has made an initial determination that the proposed regulations will not have a significant, statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states.

#### RESULTS OF THE ECONOMIC IMPACT ANALYSIS

**Assessment regarding effect on jobs/businesses:** The proposed regulations will not have a significant effect on the creation or elimination of jobs in California, significantly affect the creation of new businesses or elimination of existing businesses within California, or significantly affect the expansion of businesses currently doing business in California.

**Benefits of the regulation to the health and welfare of California residents, worker safety, and the state's environment:** The broad objective of the regulations is to provide sustainable access to capital for small businesses that have difficulty obtaining financing.

#### CONSIDERATION OF ALTERNATIVES

In accordance with Government Code Section 11346.5(a)(13) the Authority must determine that no reasonable alternative to the proposed regulations considered by the Authority or that has otherwise been identified and brought to the attention of the Authority would be more effective in carrying out the purpose for which the proposed regulations are 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 Authority invites interested parties to present statements with respect to alternatives to the Proposed Regulations during the written comment period.

#### AGENCY CONTACT PERSON

Written comments, inquiries, and any questions regarding the substance of the Proposed Regulations must be submitted or directed to:

Doreen Smith, Program Manager  
California Pollution Control Financing Authority  
P.O. Box 942809  
Sacramento, CA 94209-0001  
Telephone: (916) 653-3993  
Fax: (916) 589-2805  
Email: [Doreen.Smith@treasurer.ca.gov](mailto:Doreen.Smith@treasurer.ca.gov)

Kamika McGill, Associate Treasury  
Program Officer  
California Pollution Control Financing Authority  
P.O. Box 942809  
Sacramento, CA 94209-0001  
Telephone: (916) 653-9249  
Fax: (916) 589-2805  
Email: [Kamika.McGill@treasurer.ca.gov](mailto:Kamika.McGill@treasurer.ca.gov)

#### WRITTEN COMMENT PERIOD

Any interested person, or his or her authorized representative, may submit written comments relevant to the Proposed Regulations to the Authority. The written comment period on the Proposed Regulations ends at **5:00 p.m. (PT) on May 30, 2023**. All comments must be submitted in writing to the Agency Contact Person identified in this Notice by that time and day in order to be considered by the Authority.

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

The Authority has established a rulemaking file for this regulatory action, which contains those items required by law. The file is available for inspection at the Authority's office at 801 Capitol Mall, Second Floor, Sacramento, California 95814, during normal business working hours. As of the date this Notice is published in the California Regulatory Notice Register, the rulemaking file consists of this Notice, the Initial Statement of Reasons and the proposed text of the Proposed Regulations. Copies of these items and all the information upon which the proposed rulemaking is based are available upon request from the Agency Contact Person designated in this Notice or at the Authority's website located at <http://www.treasurer.ca.gov/cpcfai/index.asp>.

#### PUBLIC HEARING

CPCFA does not intend to conduct a Public Hearing on the matter of these regulations, unless requested. Any interested person may submit a written request for a public hearing no later than 15 days prior to the close of the written comment period.

AVAILABILITY OF CHANGED  
OR MODIFIED TEXT

After the written comment period ends and following a public hearing, if any is requested pursuant to Section 11346.8 of the Government Code, the Authority may adopt the Proposed Regulations substantially as described in this Notice, without further notice. If the Authority makes modifications that are sufficiently related to the originally proposed text, it will make the modified text (with changes clearly indicated) available to the public for at least fifteen (15) calendar days before the Authority adopts the proposed regulations, as modified. Inquiries about and requests for copies of any changed or modified regulations should be addressed to the Agency Contact Person identified in this Notice. The Authority will accept written comments on the modified regulations for fifteen (15) calendar days after the date on which they are made available.

AVAILABILITY OF FINAL  
STATEMENT OF REASONS

Upon completion, a copy of the Final Statement of Reasons may be requested from the Agency Contact Person designated in this Notice or found on the Authority's website at <http://www.treasurer.ca.gov/cpcf/index.asp>.

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

AMEND COMMISSION REGULATIONS  
1005 AND 1007; TRAINING AND TESTING  
SPECIFICATIONS FOR PEACE OFFICER  
BASIC COURSES

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

PUBLIC COMMENTS DUE BY  
MAY 30, 2023

Notice is also given that any interested person, or authorized representative, may submit written comments relevant to the proposed regulatory action by fax at (916) 227-2801, by email to *Raymund Nana-*

*diego* at [raymund.nanadiego@post.ca.gov](mailto:raymund.nanadiego@post.ca.gov), or by letter to:

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

AUTHORITY AND REFERENCE

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

INFORMATIVE DIGEST/POLICY  
STATEMENT OVERVIEW

PC section 13510 requires POST to develop guidelines, a course of instruction, and training for law enforcement officers who are employed as peace officers, or who are not yet employed as a peace officer but are enrolled in a training academy for law enforcement officers. This proposed action will update the incorporated by reference document, *Training and Testing Specifications for Peace Officer Basic Courses* (revised 10/01/2023).

This rulemaking action clarifies and makes specific the addition of LD 14 (Officer Wellness) as a requirement in the basic course curriculum. The benefit of the proposed action will provide a wellness foundation for entry-level officers when starting their career. It provides resources and information to assist them in recognizing ways to navigate their career while maintaining their overall wellness.

Currently, Commission Regulations 1005 and 1007 incorporates the document, *Training and Testing Specifications for Peace Officer Basic Courses*, by reference effective on April 1, 2022.

The regulations proposed in this rulemaking action will incorporate the document, *Training and Testing Specifications for Peace Officer Basic Courses*, by reference effective on October 1, 2023.

*Anticipated Benefits of the Proposed Amendments:*

The benefits anticipated by the proposed amendments to the regulation will introduce expanded officer wellness concepts for individuals in preparation for a career in law enforcement and prior to the start of the field training program, which will increase the efficiency of the state of California in delivering services to stakeholders. Thus, the law enforcement standards

are maintained and effective in preserving peace, protection of public health, safety, and welfare of California. The proposed amendments will have no impact on worker safety or the state's environment.

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

POST has determined that these proposed amendments are not inconsistent nor incompatible with existing regulations. After conducting a review for any regulations that would relate to or affect this area, POST has concluded that these are the only regulations that concern processes and procedures for peace officer eligibility in the state.

**FORMS INCORPORATED BY REFERENCE**

- *Training and Testing Specifications for Peace Officer Basic Courses* revised 10/01/2023

**DISCLOSURES REGARDING THE PROPOSED ACTION**

*POST has made the following initial determinations:*

Mandate on local agencies or school districts: None.

Cost or savings to any state agency: None.

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

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

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

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

Significant, statewide adverse economic impact directly affecting California businesses: POST has determined that the proposed regulations will not have a significant, statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states.

Significant effect on housing costs: None.

Small Business Determination: POST has determined that the proposed regulations will not affect small business because the regulations only affect state agencies that are adopting, amending or repealing regulations. Additionally, the Commission's main function to select and maintain training standards for law enforcement has no effect financially on small businesses.

**RESULTS OF ECONOMIC IMPACT ANALYSIS/ASSESSMENT**

POST concludes that it is (1) unlikely the proposal will create nor eliminate jobs in the state of California, (2) unlikely that the proposal will create nor eliminate any businesses, and (3) unlikely that the proposed regulations will result in the expansion of businesses currently doing business within the state.

Benefits of the Proposed Action: As stated above under the Informative Digest/Policy Statement Overview, the benefits of the regulation will increase the efficiency of the state of California in delivering services to stakeholders by providing clarity to the requirements for background inquiries when evaluating a candidate for peace officer selection. Thus, law enforcement standards are maintained and effective in preserving peace, protection of public health, safety, and welfare in California. There would be no impact that would affect worker safety or the state's environment.

**CONSIDERATION OF ALTERNATIVES**

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

**CONTACT PERSONS**

Questions regarding this proposed regulatory action may be directed to Law Enforcement Consultant *Raymund Nanadiego*, Commission on POST, 860 Stillwater Road, Suite 100, West Sacramento, CA 95605-1630, at (916) 227-4852. General questions regarding the regulatory process may be directed to *Katie Strickland* at (916) 227-2802.

**TEXT OF PROPOSAL**

Individuals may request copies of the 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 Commission on POST at 860 Stillwater Road, Suite 100, West Sacramento, CA 95605-1630. These documents are also located on the *POST Website* at <https://post.ca.gov/Regulatory-Actions>.

ADOPTION OF PROPOSED REGULATIONS/  
AVAILABILITY OF CHANGED OR  
MODIFIED TEXT

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

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

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

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

**TITLE 16. BOARD OF PHARMACY**

TEMPORARY LICENSES FOR MILITARY  
SPOUSES/DOMESTIC PARTNERS

**NOTICE IS HEREBY GIVEN** that the California State Board of Pharmacy (board) proposes taking the rulemaking action described below under the heading Informative Digest/Policy Statement Overview. Any person interested may present statements or arguments relevant to the action proposed in writing. Written comments, including those sent by mail, facsimile, or e-mail to the addresses listed under *Contact Person* in this Notice, must be received by the board at its office by May 30, 2023.

The board has not scheduled a public hearing on this proposed action. The board will, however, hold a hearing if it receives a written request for a public hearing

from any interested person, or that person's authorized representative, no later than 15 days prior to the close of the written comment period.

The board may, after holding a hearing if requested and considering all timely and relevant comments, adopt the proposed regulations substantially as described in this notice, or may modify the proposed regulations if such modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified proposal will be available for 15 days prior to its adoption from the person designated in this Notice as the *Contact Person* and will be mailed to those persons who submit written or oral testimony related to this proposal or who have requested notification of any changes to the proposal.

*Authority and Reference:* Authority: Sections 115.6 and 4005, Business and Professions Code. Reference: Section 30, 31, 115.6, 141, 480, 490, 4200, 4300, 4301, 4301.5, 4305, 4306.5, and 4311, Business and Professions Code.

INFORMATIVE DIGEST/POLICY  
STATEMENT OVERVIEW

The board is a state agency vested with the authority to regulate the pharmacy industry, including pharmacies, pharmacists, interns, and pharmacy technicians. The board's mandate and its mission is to protect the public (BPC § 4001.1).

Currently under BPC, section 115.6, some boards under the jurisdiction of Department of Consumer Affairs may issue temporary licenses to an applicant, if the applicant meets specified requirements, including, among other things, that 1) the applicant is married to, or in a domestic partnership or other legal union with, an active duty member of the Armed Forces of the United States who is assigned to a duty station in this state under official active duty military orders; 2) the applicant holds a current, active, and unrestricted license that confers upon the applicant the authority to practice, in another state, district, or territory of the United States, the profession or vocation for which the applicant seeks a temporary license; and the applicant submits a signed affidavit attesting to meeting the requirements of the temporary license.

Assembly Bill 107 (Chapter 693, Statutes 2021), effective July 1, 2023, expanded upon the existing requirements and will require the board to issue temporary licenses to qualified military spouses and partners under specified conditions, including completion of an appropriate background check, which may include a criminal background check, submission of supporting documentation, as specified, and passing the California law and ethics exam if otherwise required for an applicant seeking licensure.

This proposal will add section 1706.6 to Article 1 of Division 17 of Title 16 of the California Code of Regulations to define the provisions that must be met in order to obtain a temporary license, as the statute itself was not self-executing.

### ANTICIPATED BENEFITS OF THE PROPOSED REGULATIONS

The proposed regulation will provide clarity to the regulated public on the requirements to qualify and apply for a temporary license. This will expedite licensure processes, eliminate barriers to employment, and increase the number of licensed healthcare individuals in the field of pharmacy in California. This is consistent with the mission of the board, which is consumer protection.

### CONSISTENCY AND COMPATIBILITY WITH EXISTING STATE REGULATIONS

While developing these regulations, the board conducted a search of similar regulations on this topic and concluded that regulations need to be added to establish the perimeters to issue temporary professional licenses to spouses/domestic partners of active-duty military assigned to a California base.

### FISCAL IMPACT AND RELATED ESTIMATES

*Fiscal Impact on Public Agencies Including Costs/Savings to State Agencies or Costs/Savings in Federal Funding to the State:* The proposed regulations do not result in a fiscal impact to the state.

The board does not anticipate an increase in the number of military spouse applications submitted to the board per year resulting from the regulations, and no additional workload or costs are projected.

However, the board does project an increase in the issuance of a temporary license to military spouse and domestic partners to implement the provisions of Assembly Bill 107 and received additional resources during the 2022–23 budget cycle for these purposes.

The regulations do not result in costs or savings in federal funding to the state.

*Nondiscretionary Costs/Savings to Local Agencies:* None.

*Local Mandate:* None.

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

*Business Impact:*

The board has made the initial determination that the proposed regulations will not have a significant statewide adverse economic impact directly affecting

businesses including the inability of California businesses to compete with businesses in other States.

This initial determination is based on the following facts:

This initial determination is based on the absence of testimony to that effect during the public discussion and development of the proposed amendments to the regulation. Additionally, the regulations are establishing the parameters to issue temporary licenses to specific individuals and not businesses.

*Cost Impact on Representative Private Person or Business:*

The board is not aware of any negative cost impacts that a representative private person or business would necessarily incur in reasonable compliance with proposed action.

*Effect on Housing Costs:* None.

### EFFECT ON SMALL BUSINESS

While the board does not have, nor does it maintain, data to determine if any of its licensees (pharmacies and clinics) are a “small business,” as defined in Government Code section 11342.610, the board has made an initial determination that the proposed regulatory action will not affect small businesses as the regulations are establishing the parameters to issue temporary licenses to specific individuals and not businesses.

### RESULTS OF ECONOMIC IMPACT ASSESSMENT/ANALYSIS

*Impact on Jobs/New Businesses:*

The Board concludes that:

- (1) this proposal will not create jobs within California;
- (2) this proposal will not eliminate jobs within California;
- (3) this proposal will not create new businesses within California;
- (4) this proposal will not eliminate existing businesses within California; and,
- (5) this proposal will not expand businesses currently doing business in the State of California.

The board has determined that this regulatory proposal benefits the health and welfare of California residents by increasing the availability of the licensed healthcare individuals that can provide patient-centered care. The proposed regulation will not impact workers safety or the environment.

## CONSIDERATION OF ALTERNATIVES

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

Any interested person may present statements or arguments in writing relevant to the above determinations at the address listed for the *Contact Person* during the written comment period.

## AVAILABILITY OF TEXT OF PROPOSAL AND INITIAL STATEMENT OF REASONS

The board has prepared an Initial Statement of Reasons for the proposed action and has available all the information upon which the proposal is based. Copies of the exact language of the proposed regulations, the Initial Statement of Reasons, and all of the information upon which the proposal is based, may be obtained upon request from the Board of Pharmacy at 2720 Gateway Oaks Drive, Ste. 100, Sacramento, California 95833, or from the Board of Pharmacy's website at <http://www.pharmacy.ca.gov>.

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

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

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

## CONTACT PERSONS

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

Name: Lori Martinez

Address:

2720 Gateway Oaks Drive, Suite 100

Sacramento, CA 95833

Phone Number: (916) 518-3078

Fax Number: (916) 574-8618

Email Address

[PharmacyRulemaking@dca.ca.gov](mailto:PharmacyRulemaking@dca.ca.gov)

Name: Anne Sodergren

Address:

2720 Gateway Oaks Drive, Suite 100

Sacramento, CA 95833

Phone Number: (916) 518-3100

Fax Number: (916) 574-8618

Email Address:

[PharmacyRulemaking@dca.ca.gov](mailto:PharmacyRulemaking@dca.ca.gov)

## WEBSITE ACCESS

Materials regarding this proposal can be found at the Board of Pharmacy's website: [https://www.pharmacy.ca.gov/laws\\_regs/pending\\_regs.shtml](https://www.pharmacy.ca.gov/laws_regs/pending_regs.shtml).

## TITLE 16. BOARD OF OPTOMETRY

### CONTINUING EDUCATION: PURPOSE AND REQUIREMENTS

**NOTICE IS HEREBY GIVEN** that the California State Board of Optometry (Board) is proposing to take the action described in the Informative Digest below, after considering all comments, objections, and recommendations regarding the proposed action.

### PUBLIC HEARING

The Board has not scheduled a public hearing on this proposed action. However, the Board will hold a hearing if it receives a written request for a public hearing from any interested person, or the interested person's authorized representative, no later than 15 days prior to the close of the written comment period. A hearing may be requested by making such request, in writing, addressed to the individuals listed under "Contact Person" in this Notice.

### WRITTEN COMMENT PERIOD

Written comments relevant to the action proposed, including those sent by mail, facsimile, or e-mail to the addresses listed under "Contact Person" in this Notice, must be received by the Board at its office no later than **5:00 p.m. on Wednesday, May 31, 2023**, or

must be received by the Board at the hearing, should one be scheduled.

#### AUTHORITY AND REFERENCE

Pursuant to the authority vested by Business and Professions Code (BPC) section 3059, and to implement, interpret, or make specific BPC section 3059, the Board is considering amending section 1536 of Title 16 of the California Code of Regulations (CCR).

#### INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

The California State Board of Optometry (Board) currently regulates approximately 9,200 optometrists and 4,200 dispensing opticians. BPC section 3010.1 provides protection of the public is the highest priority for the Board in exercising its licensing, regulatory and disciplinary functions. BPC section 3025 authorizes the Board to make rules and regulations governing the procedure of the Board, the admission of applicants for examination for an optometry license, and the practice of optometry. BPC section 3059 authorizes the Board to adopt regulations that require, as a condition to the renewal thereof, all holders of licenses submit proof satisfactory to the Board they have informed themselves of the developments in the practice of optometry since the original issuance of their licenses by pursuing one or more courses of study satisfactory to the Board or by other equivalent means. Section 3059 requires optometrists certified to use therapeutic pharmaceutical agents to complete 50 hours of continuing education (CE) every two years to renew their certificate. (Bus. & Prof. Code, § 3059, subdivision (e).) Thirty-five of the required fifty hours of CE must be on the diagnosis, treatment and management of ocular disease. (*Ibid.*)

Existing law at section 1536 of Title 16 of the CCR establishes CE requirements for optometrists. The purpose of this proposal is to revise and update section 1536, which sets forth CE purposes and requirements for optometry licensees, as required by BPC section 3059. The Board has not updated this section since 2016, and many CE providers have since changed their approach to offering CE, including using the internet to offer courses. This mode of CE has been shown to save money for CE providers and licensees and increases licensees' access to CE. Additionally, with the COVID-19 pandemic, almost all courses that were previously taught in person have moved entirely online. This proposal seeks to clarify existing renewal requirements for licensees, improve processes for CE providers, further define the parameters of internet/self-study courses, set forth a process for registration of online courses with the Board, and revise a form

incorporated by reference used by CE providers to register their classes for approval by the Board.

#### ANTICIPATED BENEFITS OF PROPOSAL

The proposed amendments provide licensees with additional flexibility in completing their required CE by increasing the minimum permissible online CE and other categories in subdivision (c). The amendment will also benefit CE providers who will have increased flexibility in how they offer CE. This may encourage a broader array of CE offerings, which will enable optometrists to benefit in their education from more diverse course offerings.

#### EVALUATION OF CONSISTENCY AND COMPATIBILITY WITH EXISTING STATE REGULATIONS:

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

#### INCORPORATION BY REFERENCE

Continuing Education Course Approval Application, Form CE-01, Rev. 8/22

#### DISCLOSURES REGARDING THIS PROPOSED ACTION

#### FISCAL IMPACT ESTIMATES

*Fiscal Impact on Public Agencies Including Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State:*

The regulations do not result in a fiscal impact to the state.

The Board notes, minor revisions were incorporated into the existing CE Course Approval Application and completed within normal business operations at no additional costs to the Board.

The regulations do not result in costs or savings in federal funding to the state.

*Nondiscretionary Costs/Savings to Local Agencies:* None.

*Local Mandate:* None.

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

*Business Impact:*

The Board has determined the proposed amendments to section 1536 will not have a significant statewide adverse economic impact on businesses, includ-



ing the ability of California businesses to compete with businesses in other states. This initial determination is based upon the current industry practice of CE, which has trended towards completion of courses via the internet, which has shown to save money for both the CE provider and licensee and helps to increase access to a range of CE courses.

Additionally, public comments have been entirely supportive with no assertion of increased costs, only increased access for licensees. The current section has not been updated or revised since 2015, and almost all CE providers have changed their approach toward offering CE since then. Additionally, with the COVID-19 pandemic, almost all courses which were previously taught in person have moved entirely online.

Also, this proposal seeks to strengthen existing renewal requirements for licensees, improve processes for CE providers, further define what internet/self-study courses are, set forth which courses cannot be taken online and must be completed in person. All these proposed changes are administrative and are already performed by businesses as part of their normal work. Thus, this proposal would not result in an adverse impact on a business.

*Cost Impact on Representative Private Person or Business:*

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

The regulations increase the number of hourly CE credits available from 8 hours to 12 hours for participating as a subject matter expert, as specified. While this provision may result in a decrease in CE tuition costs for licensees, participation is optional and therefore no costs savings are being reported.

*Effect on Housing Costs:* None.

EFFECT ON SMALL BUSINESS

The Board has determined that the proposed amendments to section 1536 will not have a significant statewide adverse economic impact on small businesses. This initial determination is based upon the current industry practice of continuing education, which has trended towards completion of courses via the internet, which has shown to save money for both the CE provider and licensee and helps to increase access to a range of CE courses.

Additionally, public comments on this move have been entirely supportive with no discussion of increased costs, only increased access for licensees. The current section has not been updated or revised since 2015, and almost all CE providers have changed their approach toward offering CE since then. Additional-

ly, with the COVID-19 pandemic, almost all courses which were previously taught in person have moved entirely online.

Also, this proposal seeks to strengthen existing renewal requirements for licensees, improve processes for CE providers, further define what internet/self-study courses are, set forth which courses cannot be taken online and must be completed in person. All these proposed changes are administrative and are already performed by businesses as part of their normal work. Thus, this proposal would not result in an adverse impact on a business.

BUSINESS REPORTING REQUIREMENTS

The regulatory action does not require businesses to file a report with the Board.

RESULTS OF ECONOMIC IMPACT ASSESSMENT/ANALYSIS

*Impact on Jobs/Businesses:*

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

It will benefit the health and welfare of California residents because the regulatory proposal strengthens existing renewal requirements for licensees which encourage a broader array of CE offerings that licensees can take, which in turn enhances the health and welfare of California residents who receive such treatment from the licensees in that such patients may benefit from the more diverse course offerings taken by licensees.

It will not have an impact on worker safety because these proposed amendments simply seek to strengthen existing renewal requirements for licensees, improve processes for CE providers, further define what internet/self-study courses are, set forth which courses cannot be taken online and must be completed in person. All these proposed changes are administrative and are already performed by businesses as part of their normal work.

It will not have an impact on the state's environment because these proposed amendments simply seek to strengthen existing renewal requirements for licensees, improve processes for CE providers, further define what internet/self-study courses are, set forth which courses cannot be taken online and must be completed in person. All these proposed changes are administrative and are already performed by businesses as part of their normal work

### 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 regulation or that has otherwise been identified and brought to its attention would be more effective in carrying out the purpose for which the action is proposed; would be as effective and less burdensome to affected private persons than the proposal described in this Notice; or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provision of law.

Any interested person may present statements or arguments orally or in writing relevant to the above determinations at a hearing if one is scheduled.

### AVAILABILITY OF STATEMENT OF REASONS AND RULEMAKING FILE

The Board has compiled a record for this regulatory action, which includes the Initial Statement of Reasons (ISOR), proposed regulatory text, and all the information on which this proposal is based. This material is contained in the rulemaking file and is available for public inspection upon request to the contact persons named in this notice.

### TEXT OF PROPOSAL

Copies of the exact language of the proposed regulations, and any document incorporated by reference, and of the initial statement of reasons, and all of the information upon which the proposal is based, may be obtained at the hearing or prior to the hearing upon request from:

California State Board of Optometry  
2450 Del Paso Road, Suite 105  
Sacramento, CA 95834  
916-575-7170  
[optometry@dca.ca.gov](mailto:optometry@dca.ca.gov)  
[www.optometry.ca.gov](http://www.optometry.ca.gov)

### AVAILABILITY OF CHANGED OR MODIFIED TEXT

After considering all timely and relevant comments, the Board, upon its own motion or at the request of any interested party, may thereafter adopt the proposals substantially as described in this Notice, 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, with the modifications clearly indicated, will be available for review and written comment for 15 days prior to its adoption from the

person designated in this Notice as the Contact Person and will be mailed to those persons who submit written, or provide oral testimony if a hearing is requested, related to this proposal or who have requested notification of any changes to the proposal.

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

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

You may obtain a copy of the Final Statement of Reasons once it has been prepared by making a written request to the Contact Person named below or by accessing the website listed below.

### CONTACT PERSONS

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

Jonathan Gasca, Policy Analyst  
California State Board of Optometry  
2450 Del Paso Road, Suite 105  
Sacramento, CA 95834  
916-575-7170  
[optometry@dca.ca.gov](mailto:optometry@dca.ca.gov)

The backup contact person is:

Randy Love,  
Administration and Licensing Manager  
California State Board of Optometry  
2450 Del Paso Road, Suite 105  
Sacramento, CA 95834  
916-575-7170  
[optometry@dca.ca.gov](mailto:optometry@dca.ca.gov)

### AVAILABILITY OF DOCUMENTS ON THE INTERNET

Copies of the Notice of Proposed Action, the Initial Statement of Reasons, and the text of the regulation with modifications noted, as well as the Final Statement of Reasons when completed, and modified text, if any, can be accessed through the Board's website at <https://www.optometry.ca.gov/lawsregs/propregs.shtml>

## TITLE 22. DEPARTMENT OF SOCIAL SERVICES

## CHAPTERS

Chapter 5, Division 6, Title 22 of the California Code of Regulations.

### GROUP HOMES FOR CHILDREN WITH SPECIAL HEALTH CARE NEEDS

### INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

The California Department of Social Services (CDSS) hereby gives notice of the proposed regulatory action(s) described below. Any person interested may present statements or arguments relating to the proposed regulations in writing, e-mail, or by facsimile to the address, e-mail address, or numbers listed below. All comments must be received by May 31, 2023.

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

Copies of the express terms of the proposed regulations and the Initial Statement of Reasons are available from the office listed below. This notice, the Initial Statement of Reasons and the text of the proposed regulations are available on CDSS' regulations in process page (<https://www.cdss.ca.gov/inforesources/letters-regulations/legislation-and-regulations/regulations-home-page/regulations-in-process>). Additionally, all the information which CDSS considered as the basis for these proposed regulations (i.e., rulemaking file) is available for public reading at the address listed below. Following the public notice period, copies of the Final Statement of Reasons will also be available at the following address:

#### CONTACT:

California Department of Social Services  
Office of Regulations Development  
744 P. Street, MS 8-4-192  
Sacramento, CA 95814  
Tel: (916) 657-2586, Fax: (916) 654-3286  
Email: [ord@dss.ca.gov](mailto:ord@dss.ca.gov)

CDSS has not scheduled a public hearing on this proposed action. However, CDSS will hold a public 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. Any request should be made to the contact information provided above.

Assembly Bill (AB) 136 (Chapter 76, Statutes of 2021) established a new community care facility category: Group Homes for Children with Special Health-care Needs (GHCSHN), a subcategory of Group Homes. GHCSHNs are licensed by CDSS and certified by Department of Developmental Services (DDS). A GHCSHN will be a group home that provides 24-hour health care and intensive support services in a home-like setting that is licensed to serve up to five children or nonminor dependents with developmental disabilities. Unique among children's residential facilities, GHCSHNs are authorized to allow terminally ill children to remain or to be placed in the facility, provided certain conditions are met and if the child is already receiving hospice services. A GHCSHN will have a maximum capacity of five children with developmental disabilities, as defined in Welfare and Institutions Code section 4512(a).

These regulations are necessary to serve and protect public welfare. Additionally, as the children served in GHCSHNs and under these regulations will have significant medical conditions which exceed the health challenges typically encountered in children's residential facilities overseen by CDSS, these Title 22 regulations are needed to provide the appropriate framework for the management of this new category of facility for children. In addition, the proposed regulations will make other technical, conforming changes, such as amending cross references as necessary.

CDSS has attempted to ensure that these regulations comply with the non-duplication standard (Title 1, California Code of Regulations); however, the regulatory changes duplicate California statute in places where clarification of the law was required or where access to regulatory requirements in their full context is necessary for clarity. The areas of duplication are noted in the Statement of Reasons.

CDSS considered other possible related regulations in this area, and we find that these are the only regulations necessary to license GHCSHNs and do not conflict with existing state or federal regulations and law. Therefore, CDSS finds that these proposed regulations are compatible and consistent with the intent of the Legislature in adopting AB 136, as well as with existing state or federal regulations and law.

#### Benefits

The benefits of the regulatory action to the health and welfare of California residents, worker safety, and

the state’s environment are as follows: These regulations improve the health, safety, and quality of life of children with special healthcare needs and developmental disabilities by providing them suitable services and placement settings.

There are no other known benefits for protection of public health and safety, worker safety, or the environment.

*Incorporation by Reference:* There are no items to be incorporated by reference.

#### COST ESTIMATE

- (a) Costs or Savings to State Agencies: None.
- (b) Costs to Local Agencies or School Districts Which Must Be Reimbursed in Accordance with Government Code Sections 17500–17630: None.
- (c) Nondiscretionary Costs or Savings to Local Agencies: None.
- (d) Federal Funding to State Agencies: None.

#### LOCAL MANDATE STATEMENT

These regulations do not impose a mandate on local agencies or school districts. There are no state-mandated local costs in these regulations which require State reimbursement under Section 17500 et seq. of the Government Code.

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

CDSS 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. This determination was made based on the proposed regulatory action, which was designed to impact only licensees that make the business decision to serve children with special health care needs and developmental disabilities who need the level of care provided in a GHCSHN.

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

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.

#### SMALL BUSINESS IMPACT STATEMENT

CDSS has determined that the proposed regulations will not have an adverse impact on small businesses, though they will affect licensees who choose to op-

erate GHCSHNs to the extent that they operate as a small business. However, GHCSHNs are primarily residential facilities that provide a community service rather than profit-making enterprises.

#### STATEMENT OF RESULTS OF ECONOMIC IMPACT ASSESSMENT

The adoption of the proposed amendments will neither create nor eliminate jobs in the State of California nor result in the elimination of existing businesses or create or expand businesses in the State of California. The implementation of this regulatory action will benefit the health and safety of children who require intensive health services and will help with the placement of children into a less institutionalized setting as they receive those services. There are no additional benefits for worker safety or the state’s environment, as the regulations only affect licensees who make the business decision to serve children with special health care needs and developmental disabilities who need the level of care provided in a GHCSHN.

#### STATEMENT OF EFFECT ON HOUSING COSTS

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

#### STATEMENT OF ALTERNATIVES CONSIDERED

CDSS must determine that no reasonable alternative considered or that has otherwise been identified and brought to the attention of CDSS would be more effective in carrying out the purpose for which the regulations are proposed or would be as effective as and less burdensome to affected private persons than the 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. AB 136 (Chapter 76, Statutes of 2021) expands Adult Home Residential Facilities for Persons with Special Health Care Needs to include licensing and regulation of GHCSHNs and authorizes CDSS to regulate the licensing of these facilities. No reasonable alternatives have been presented for consideration.

#### AUTHORITY AND REFERENCE CITATIONS

Sections 1507.35(a), 1524, 1530, 1538.55(a), 1567, 1567.51, of the Health and Safety Code; Sections 300, 4512, 4684, 4684.50, 4684.53(c)(2), 4684.58, 4684.63, 4684.68, 11400(v), 17710(d), 17731, of the Welfare and Institutions Code.

DEPARTMENT REPRESENTATIVE  
REGARDING THE RULEMAKING PROCESS  
OF THE PROPOSED REGULATION

Kenneth Jennings: (916) 657-2586

Oliver Chu: (916) 657-2586

CONTACT:

California Department of Social Services  
Office of Regulations Development  
744 P. Street, MS 8-4-192  
Sacramento, CA 95814  
Telephone: (916) 657-2586,  
Fax: (916) 654-3286  
Email: [ord@dss.ca.gov](mailto:ord@dss.ca.gov)

Contact Person: Kenneth Jennings (916) 657-2586  
Backup: Oliver Chu (916) 657-2586

**TITLE 22. DEPARTMENT OF  
SOCIAL SERVICES**

PERSONAL RIGHTS IN FOSTER CARE

California Department of Social Services (CDSS) hereby gives notice of the proposed regulatory action described below. Any person interested may present statements or arguments relating to the proposed regulations in writing, e-mail, or by facsimile to the address, e-mail address, or numbers listed below. All comments must be received by May 31, 2023.

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

Copies of the express terms of the proposed regulations and the Initial Statement of Reasons are available from the office listed below. This notice, the Initial Statement of Reasons and the text of the proposed regulations are available on CDSS' Regulations in Process page (<https://www.cdss.ca.gov/inforesources/letters-regulations/legislation-and-regulations/regulations-home-page/regulations-in-process/>). Additionally, all the information which CDSS considered as the basis for these proposed regulations (i.e., rulemaking file) is available for public reading at the address listed below. Following the public notice period, copies of the Final Statement of Reasons will also be available at the following address:

CDSS has not scheduled a public hearing on this proposed action. However, CDSS will hold a public hearing if it receives a written request for a public hearing from any interested person, or his or her authorized representative, no later than 15 days before the close of the written comment period. Any request should be made to the contact information provided above.

CHAPTERS

Title 22, Division 6:

**Chapter 4**, Small Family Homes; **Chapter 5**, Group Homes, **Subchapter 1**, Community Treatment Facilities, **Subchapter 2**, Care for Children Under the Age of Six Years, and **Subchapter 3**, Emergency Intervention in Group Homes; **Chapter 7**, Transitional Housing Placement Program and **Subchapter 1**, Transitional Housing Placement Program for Minor Foster Children.

INFORMATIVE DIGEST/POLICY  
STATEMENT OVERVIEW

This regulation package implements legislation adopted in four separate bills: Assembly Bill (AB) 175 (Chapter 416, Statutes of 2019) Senate Bill (SB) 794 (Chapter 425, Statutes of 2015), SB 89 (Chapter 24, Statutes of 2017), and SB 179 (Chapter 853, Statutes of 2017) each of which is discussed more fully below.

During the process of developing these regulations and amendments, the CDSS has conducted a search of any similar regulations on this topic and has concluded that these regulations are neither inconsistent nor incompatible with existing state regulations. CDSS has endeavored to ensure that these regulatory amendments comply with the non-duplication standard found in Title 1, California Code of Regulations. In some instances, however, the amended regulations duplicate California statute in part where clarification of the law was necessitated and where access to regulatory requirements in their full context is necessary for clarity.

**AB 175**

The Community Care Facilities Act requires a licensee to ensure that each child is accorded the personal rights specified in the Welfare and Institutions Code (WIC) section 16001.9, as applicable. Over the years, CDSS has developed several regulation packages to implement the provisions of legislation that have added rights to WIC section 16001.9. In 2004, CDSS adopted regulations that implemented the provisions of AB 899 (Chapter 686, Statutes of 2001), and subsequently, in 2007, CDSS adopted regulations to implement AB 458 (Chapter 331, Statute of 2003) and SB 1639 (Chapter 668, Statute of 2004). Similarly, this regulations package will implement portions of AB 175 (Chapter 416, Statutes of 2019) to ensure that Title 22 regulations are consistent with statute and contain the most current personal rights to which children and nonminor dependents in foster care are entitled.

AB 175 expanded and revised the personal rights of all children and nonminor dependents in foster care. In order to have all the rights of children and nonminor dependents in a single statute, AB 175 also added existing rights located in other areas of California law into WIC section 16001.9. This means that WIC section 16001.9 now contains rights that are enforced by other oversight agencies, such as the juvenile courts or placing agency, and not directly applicable to licensed children's residential facilities. CDSS must therefore adopt regulations that clearly inform licensed children's residential facilities of their responsibilities while ensuring that children and nonminor dependents in these facilities are afforded the applicable personal rights in WIC section 16001.9.

The proposed regulations will revise the personal rights section for each facility category and add the rights from WIC section 16001.9 that licensees are required to provide to children or nonminor dependents in their care. The proposed regulations also clarify the required duties and responsibilities of licensed facilities and small family homes as they relate to affording a child their personal rights and not interfering with these rights, even when they are enforced by, or are the direct responsibility of, other oversight agencies.

**SB 794**

In 2014, the United States Congress passed the Preventing Sex Trafficking and Strengthening Families Act (Pub. L Number 113–183 (Sept. 29, 2014) 128 Stat. 1919). This Act required in part that designated state authorities: develop a reasonable and prudent parent standard for the child's participation in age or developmentally appropriate extracurricular, enrichment, cultural, and social activities; and apply this standard to any foster family home or child care institution receiving funds under title IV part E. To address California's compliance with the federal Preventing Sex Trafficking and Strengthening Families Act in California, the

State Legislature passed SB 794 (McGuire, Chapter 425, Statutes of 2015).

SB 794 added to and amended provisions of the Health and Safety Code and Welfare and Institutions Code in order to establish, apply and regulate a reasonable and prudent parent standard (RPPS) as it pertains to a child's participation in age or developmentally appropriate extracurricular, enrichment, cultural, and social activities. Regulations addressing RPPS in group homes and small family homes have already been promulgated, so changes to implement SB 794 in these proposed regulations are confined to transitional housing placement programs (THPPs).

**SB 89**

SB 89 (Chapter 24, Statutes of 2017) required CDSS to develop a curriculum for case management workers and foster care providers addressing certain topics related to sexual and reproductive health.

By addressing age and developmental issues children face while in out-of-home care SB 89 was intended in part to reduce barriers and restrictions that regulations have historically placed on a child's everyday activities in a foster care setting. These new requirements promote a shift in the experience of normalcy for children in the foster care system as these children attempt to integrate into their new family, new school, and community. CDSS was required to promulgate regulations that adopt these new statutory requirements, address new requirements developed in consultation with stakeholders, and clarify where the statute's requirements are ambiguous. Regulations addressing sexual and reproductive health in group homes and small family homes have already been promulgated, so changes to implement SB 89 in these proposed regulations are also mostly confined to the THPP regulations. As some of the personal rights added to WIC section 16001.9 relate to sexual and reproductive health, there is a nexus between the implementation of SB 89 and AB 175 as well.

**SB 179**

SB 179 (Chapter 853, Statutes of 2017), also known as the Gender Recognition Act of 2017, established a third legally recognized gender in California: nonbinary. Accordingly, changes are made throughout these proposed regulations to delete binary gender references (i.e., his or her) and replace them with more inclusive terminology (i.e., their). As several of the rights added and expanded in WIC section 16001.9 through the passage of AB 175 relate to gender identity and expression there is also a nexus between the implementation of AB 175 and SB 179.

**Benefits**

The regulations as amended will benefit the health and welfare of youth in care at the affected facilities by increasing awareness of personal rights pertain-

ing to their health and safety and will benefit youth in transitional housing placement programs by ensuring that they receive reproductive and sexual health information, care and rights. Neither worker safety, nor the state’s environment is affected by this regulatory action.

***Incorporation by Reference:***

There are no items to be incorporated by reference.

**COST ESTIMATE**

- (a) Costs or Savings to State Agencies: None.
- (b) Costs to Local Agencies or School Districts Which Must Be Reimbursed in Accordance with Government Code Sections 17500–17630: None.
- (c) Nondiscretionary Costs or Savings to Local Agencies: None.
- (d) Federal Funding to State Agencies: None.

**LOCAL MANDATE STATEMENT**

These regulations do not impose a mandate on local agencies or school districts. There are no reimbursable state–mandated costs under Section 17500 et seq. of the Government Code, because these regulations only make technical and clarifying changes.

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

These regulations codify statute as well as implement proposals that came out of discussions with stakeholders — including service providers. Providers and their representatives reviewed and offered feedback to these regulations in draft form and did not express any alternatives to these regulations as presented or express that these regulations would cause a significant or detrimental economic impact to their businesses. Therefore, CDSS 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.

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

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.

**SMALL BUSINESS IMPACT STATEMENT**

These regulations will impact small businesses to the extent that group homes, short–term residential therapeutic programs and transitional housing placement programs are considered small businesses, however, complying with these regulations will incur little to no costs to such providers. These regulations codify statute as well as implement proposals that came out of discussions with stakeholders — including service providers. Providers and their representatives reviewed and offered feedback to these regulations in draft form and did not express any alternatives to these regulations as presented or express that these regulations would cause a significant or detrimental economic impact to their businesses.

**STATEMENT OF RESULTS OF ECONOMIC IMPACT ASSESSMENT**

The adoption of the proposed amendments will neither create nor eliminate jobs in the State of California nor result in the elimination of existing businesses or create or expand businesses in the State of California. The regulations as amended will benefit the health and welfare of youth in care at the affected facilities by increasing awareness of personal rights pertaining to their health and safety and will benefit youth in transitional housing placement programs by ensuring that they receive reproductive and sexual health information, care and rights. Neither worker safety, nor the state’s environment is affected by this regulatory action.

**STATEMENT OF EFFECT ON HOUSING COSTS**

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

**STATEMENT OF ALTERNATIVES CONSIDERED**

In developing the regulatory action, the Department considered the following alternatives with the following results: No reasonable alternatives have been presented to CDSS for review.

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

effective in implementing the statutory policy or other provision of law.

**AUTHORITY AND REFERENCE CITATIONS**

**Authority:** Sections 1530 and 1530.91 of Health and Safety Code. **Reference:** Section 51 of Civil Code; Section 51931 of Education Code; Sections 6925, 6926 and 6928 of Family Code; Sections 1439.50, 1501, 1512, 1522.41, 1531 and 1522.45 of Health and Safety Code; Section 11166(a) of Penal Code; Sections 362.05, 369(h), Section 16001.9 of Welfare and Institutions Code; and the Gender Recognition Act SB 179 (Atkins, Chapter 853, Statutes of 2017).

**GENERAL PUBLIC INTEREST**

**DEPARTMENT OF  
FISH AND WILDLIFE**

FISH AND GAME CODE SECTION 1653  
CONSISTENCY DETERMINATION  
REQUEST FOR DYE CREEK FISH PASSAGE  
IMPROVEMENT PROJECT  
(TRACKING NUMBER:  
1653-2023-110-001-R1)  
TEHAMA COUNTY

California Department of Fish and Wildlife (CDFW) received a Request to Approve on 3/31/2023, that the Resource Conservation District of Tehama County (District) proposes to carry out a habitat restoration or enhancement project pursuant to Fish and Game Code section 1653. The proposed project involves replacing a low water crossing structure that is impeding fish passage. The proposed project will be carried out on Dye Creek, located three river miles upstream of the confluence with the Sacramento River, Los Molinos, Tehama County, California.

On 27 January 2023, the North Coast Regional Water Quality Control Board (Regional Water Board) received a Notice of Intent (NOI) to comply with the terms of, and obtain coverage under, the General 401 Water Quality Certification Order for Small Habitat Restoration Projects (General 401 Order) for the Dye Creek Fish Passage Improvement Project. The Regional Water Board determined that the Project, as described in the NOI, was categorically exempt from California Environmental Quality Act (CEQA) review (section 15333 — Small Habitat Restoration Projects) and met the eligibility requirements for coverage under the General 401 Order. The Regional Water Board issued a Notice of Applicability (WDID Number

5A52CR0027) for coverage under the General 401 Order on 22 March 2023.

The District is requesting a determination that the project and associated documents are complete pursuant to Fish and Game Code section 1653 subdivision (d). If CDFW determines the project is complete, the District will not be required to obtain an incidental take permit under Fish and Game Code section 2081 subdivision (b) or a Lake or Streambed Alteration Agreement under Fish and Game Code section 1605 for the proposed project.

In accordance with Fish and Game Code section 1653 subdivision (e), if CDFW determines during the review, based on substantial evidence, that the request is not complete, the District will have the opportunity to submit under Fish and Game Code section 1652.

**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.

Office of Energy Infrastructure Safety  
File # 2023-0216-01  
Hearing Process Regulation

This certificate of compliance establishes a written hearing process by which regulated entities and the public may present additional information to the office regarding a notice of defect or violation.

Title 14  
Adopt: 29104  
Filed 04/03/2023  
Effective 04/03/2023  
Agency Contact: Joy Peng (916) 336-1768

Fish and Game Commission  
File # 2023-0222-01  
Shasta Snow-Wreath

This action adds the Shasta snow-wreath (*Neviusia cliftonii*) of the Rose Family (*Rosaceae*) to the list of “threatened” plant species under the California Endangered Species Act, Fish and Game Code Section 2050 et seq. This action is exempt from the procedural and substantive requirements of the Administrative



Procedure Act pursuant to Fish and Game Code Section 2075.5, subdivision (e)(2).

Title 14  
 Amend: 670.2  
 Filed 04/04/2023  
 Effective 04/04/2023  
 Agency Contact:  
 Jennifer Bacon (916) 902-9285

Office of Tax Appeals  
 File # 2023-0316-01  
 Conflict-of-Interest Code

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

Title 02  
 Adopt: 59850  
 Filed 03/29/2023  
 Effective 04/28/2023  
 Agency Contact: Linda Newson (916) 208-2771

Fish and Game Commission  
 File # 2023-0214-05  
 Commercial Harvest of Kelp and Other Aquatic Plants

This action makes changes without regulatory effect to regulations for commercial harvest of kelp and other aquatic plants. The changes to section 165 reflect the relocation of the Department of Fish and Wildlife's Los Alamitos office to Seal Beach. The changes to section 705.1 update the dates of forms and the license fee. This action also updates three forms incorporated by reference in section 705.1: DFW 658, DFW 113, and DFW 113A.

Title 14  
 Amend: 165, 705.1  
 Filed 03/29/2023  
 Agency Contact:  
 Sherrie Fonbuena (916) 902-9284

California Privacy Protection Agency  
 File # 2023-0214-02  
 California Consumer Privacy Act

This action provides comprehensive instructions and guidance to consumers, businesses, service providers, contractors, and third parties on how to implement and operationalize new consumer privacy rights endowed by the Consumer Privacy Rights Act of 2020 (Prop. 24, as approved by voters, General Election (Nov. 3, 2020)).

Title 11  
 Adopt: 7002, 7003, 7004, 7014, 7015, 7023, 7025, 7027, 7051, 7052, 7053, 7300, 7301, 7302, 7303, 7304  
 Amend: 7000, 7001, 7010, 7011, 7012, 7013, 7016, 7020, 7021, 7022, 7024, 7026, 7028, 7051 (renumbered to 7050), 7060, 7061, 7062, 7063, 7070, 7071, 7072, 7080, 7081, 7100, 7101, 7102  
 Repeal: 7031  
 Filed 03/29/2023  
 Effective 03/29/2023  
 Agency Contact:  
 Kevin Sabo (916) 701-3027

Secretary of State  
 File # 2023-0214-03  
 Experimental Use of a Voting System in a Pilot Program

This rulemaking action by the Secretary of State adopts a process for the submission, review, approval, and use of voting system pilot programs pursuant to Election Code, section 19209(g).

Title 02  
 Adopt: 20685, 20686, 20687, 20688, 20689, 20690, 20691  
 Filed 03/29/2023  
 Effective 07/01/2023  
 Agency Contact:  
 Rodney Rodriguez (916) 695-1447

State Water Resources Control Board  
 File # 2023-0216-02  
 Addition of Tribal Beneficial Uses Definitions

This action amends the Water Quality Control Plan for the Los Angeles Region (Basin Plan). On March 10, 2022, the Los Angeles Regional Water Quality Control Board adopted Resolution Number R22-001 to amend Chapter 2 of the Basin Plan. The State Water Resources Control Board approved the amendments under Resolution Number 2022-0043 on October 18, 2022.

Title 23  
 Adopt: 3939.59  
 Filed 04/03/2023  
 Effective 04/03/2023  
 Agency Contact:  
 Stefani Daryanto (213) 576-6763

State Water Resources Control Board  
 File # 2023-0222-02  
 Lahontan Regional Water Quality Control Board Basin Plan Update

The State Water Resources Control Board ("State Water Board") submitted this action to amend the

Water Quality Control Plan for the Lahontan Region. The amendments: clarify beneficial use designations for the Mojave River; describe statewide mercury water quality objectives; update site cleanup, land disposal, and underground storage tanks policy sections; update sections on State Water Board plans and policies; and make other editorial revisions.

Title 23  
Adopt: 3959.11  
Filed 04/05/2023  
Effective 04/05/2023  
Agency Contact: Jennifer Watts (530) 542-5491

Board of State and Community Corrections  
File # 2023-0215-03  
Minimum Standards for Local Detention Facilities

This action by the Board of State and Community Corrections is a resubmittal of withdrawn sections 1030 and 1065 of title 15 of the California Code of Regulations that were originally proposed in OAL file Number 2022-1005-04S, which amends minimum standards for local detention facilities.

Title 15  
Amend: 1030, 1065  
Filed 03/30/2023  
Effective 04/01/2023  
Agency Contact: Lindsay Tu (916) 324-1959

Fish and Game Commission  
File # 2023-0214-01  
Issuance of Permits for Game Fish Contests  
Offering Prizes

This resubmittal action amends regulations relating to the issuance of permits for contests offering prizes for the taking of game fish, including definitions, contest and permit standards, and related forms.

Title 14  
Amend: 230  
Filed 03/29/2023  
Effective 07/01/2023  
Agency Contact: Jennifer Bacon (916) 902-9285

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