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

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PROPOSED ACTION ON REGULATIONS

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TITLE 2. FAIR POLITICAL PRACTICES COMMISSION

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

CONFLICT-OF-INTEREST CODES

AMENDMENT

MULTI-COUNTY: East Kern Healthcare District
Regional Water Authority

STATE AGENCY: Commission on Aging

A written comment period has been established commencing on July 21, 2023 and closing on September 5, 2023. Written comments should be directed to the Fair Political Practices Commission, Attention Daniel Vo, 1102 Q Street, Suite 3000, Sacramento, California 95811.

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

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

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

Any interested person may present statements, arguments or comments, in writing to the Executive Director of the Commission, relative to review of the proposed conflict-of-interest codes. Any written comments must be received no later than September 4, 2023. If a public hearing is to be held, oral comments may be presented to the Commission at the hearing.

COST TO LOCAL AGENCIES

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

EFFECT ON HOUSING COSTS AND BUSINESSES

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

AUTHORITY

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

REFERENCE

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

CONTACT

Any inquiries concerning the proposed conflict-of-interest codes should be made to Daniel Vo, Fair Political Practices Commission, 1102 Q Street, Suite 3000, Sacramento, California 95811, telephone (916) 323-9103.

AVAILABILITY OF PROPOSED CONFLICT-OF-INTEREST CODES

Copies of the proposed conflict-of-interest codes may be obtained from the Commission offices or the respective agency. Requests for copies from the Com-

mission should be made to Daniel Vo, Fair Political Practices Commission, 1102 Q Street, Suite 3000, Sacramento, California 95811, telephone (916) 323-9103.

**TITLE 2. STATE COMPENSATION
INSURANCE FUND**

**NOTICE OF INTENTION TO AMEND THE
CONFLICT-OF-INTEREST CODE**

NOTICE IS HEREBY GIVEN that the **State Compensation Insurance Fund**, pursuant to the authority vested in it by section 87306 of the Government Code, proposes amendment to its conflict-of-interest code. A comment period has been established commencing on July 21, 2023 and closing on September 4, 2023. All inquiries should be directed to the contact listed below.

The **State Compensation Insurance Fund** proposes to amend its conflict-of-interest code to include employee positions that involve the making or participation in the making of decisions that may foreseeably have a material effect on any financial interest, as set forth in subdivision (a) of section 87302 of the Government Code. The amendment carries out the purposes of the law and no other alternative would do so and be less burdensome to affected persons.

Changes to the conflict-of-interest code include newly added and deleted positions, department restructures, removing positions that do not meet the filing requirements, and makes other technical changes.

The proposed amendment and explanation of the reasons can be obtained from the agency's contact.

Any interested person may submit written comments relating to the proposed amendment by submitting them no later than September 4, 2023, or at the conclusion of the public hearing, if requested, whichever comes later. At this time, no public hearing is scheduled. A person may request a hearing no later than August 31, 2023.

The **State Compensation Insurance Fund** has determined that the proposed amendments:

1. Impose no mandate on local agencies or school districts.
2. Impose no costs or savings on any state agency.
3. Impose no costs on any local agency or school district that are required to be reimbursed under Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code.
4. Will not result in any nondiscretionary costs or savings to local agencies.
5. Will not result in any costs or savings in federal funding to the state.

6. Will not have any potential cost impact on private persons, businesses or small businesses.

All inquiries concerning this proposed amendment and any communication required by this notice should be directed to:

Jorrell Sorensen,
Director of Employee Relations
(916) 924-6895
Form700@scif.com

**TITLE 5. STATE TEACHERS'
RETIREMENT SYSTEM.**

**CHAPTER 2.5. COMPENSATION FOR 2%
AT 62 MEMBERS.**

**ARTICLE 1. CREDITABLE
COMPENSATION.**

SECTION 27650

The California State Teachers' Retirement System ("CalSTRS") and the Teachers' Retirement Board ("board") propose to adopt the regulations described hereunder, after considering all comments, objections and recommendations regarding the proposed action.

PUBLIC HEARING

The Teachers' Retirement Board will hold a public hearing:

Date and Time

1:00 p.m.
September 14, 2023

The hearing may be rescheduled to occur as early as 8:00 a.m. or as late as 4:00 p.m. as it is incorporated into the board's agenda. Please consult the agenda for the meeting, which will be available at www.CalSTRS.com/teachers-retirement-board by September 1, 2023, to confirm the exact time at which the hearing will be held.

Please arrive promptly for check in before the scheduled start time. The hearing will conclude once each speaker present has provided testimony.

Location

California State Teachers' Retirement System
Boardroom
100 Waterfront Place\
West Sacramento, CA 95605

Purpose

To receive oral or written comments about this action. Comments are limited to five minutes per per-

son and must not repeat comments already received in written or verbal form.

Accessibility

The hearing room is accessible to persons with mobility impairments, and it can be made accessible to persons with hearing or visual impairments upon advance request.

WRITTEN COMMENT PERIOD

Any interested person, or their authorized representative, may submit written comments relevant to the proposed regulatory action to CalSTRS. The written comment period closes on **September 13, 2023**. CalSTRS will only consider written comments received at CalSTRS’ address as reflected below by that date. Submit comments to:

Sal Sanchez
 Governmental Relations
 California State Teachers’ Retirement System
 P.O. Box 15275, MS-14
 Sacramento, CA 95851-0275
 E-Mail: Regulations@CalSTRS.com

AUTHORITY AND REFERENCE

The board has exclusive authority to administer CalSTRS under Article XVI, section 17 of the California Constitution.

Education Code section 22305 provides that any rules and regulations adopted by the board have the force and effect of law.

Education Code section 22119.3 requires that creditable compensation be paid “each pay period the creditable service is performed” in order for it to be creditable to CalSTRS for 2% at 62 Defined Benefit (DB) members.

Education Code section 26139.5 requires that salary be paid “each pay period in cash by an employer to a participant for creditable service performed” in order for it to be creditable to CalSTRS for Cash Balance (CB) Benefit Program participants subject to the Public Employees’ Pension Reform Act of 2013 (PEPRA).

These proposed regulations further interpret and make specific Education Code sections 22119.3 and 26139.5

The board approved the proposed regulations on March 1, 2023, and directed CalSTRS staff to give public notice and schedule a public hearing before the board.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

There are instances in which a member or participant may perform routine and regular service outside of a regular pay period, such as the beginning of the school term, where it is not clear whether compensation for such service would be considered to meet the definition of “creditable compensation” for 2% at 62 DB members or the definition of “salary” for CB participants subject to PEPRA. The proposed regulations ensure that members’ and participants’ compensation is credited in the manner intended by existing law, even when those members or participants perform creditable service for a school term outside of a regular pay period by providing employers with greater clarity on how to treat those unique situations.

No other nonmonetary benefits, such as the protection of public health and safety, worker safety or the environment; the prevention of discrimination; the promotion of fairness or social equity; or an increase in transparency in business and government are anticipated.

The regulations proposed in this rulemaking action make specific the Education Code as it relates to creditable compensation or salary being paid “each pay period the creditable service is performed” or “each pay period in cash by an employer to a participant for creditable service performed,” respectively, in order for it to be creditable. CalSTRS evaluated whether the proposed regulations were inconsistent or incompatible with existing state regulations and found that there are no overlapping provisions with other state regulations. Thus, the proposed regulations are neither inconsistent nor incompatible with existing state regulations.

DISCLOSURES REGARDING THE PROPOSED ACTION

CalSTRS has made the following initial determinations, as required by the California Administrative Procedure Act and Office of Administrative Law regulations:

1. Mandate on local agencies and school districts:
 None. The proposed regulations do not place a mandate on local agencies or school districts. CalSTRS has determined that the regulations proposed do not constitute a mandate on school districts or other local agencies. They clarify existing requirements for the proper reporting of employee compensation to CalSTRS.
2. Cost or savings to any state agency:
 None. The proposed regulations are not expected to result in costs or savings to any state agency.

3. Cost to any local agency or school district which must be reimbursed in accordance with California Government Code sections 17500 through 17630:
None. The proposed regulations do not place a mandate on local agencies or school districts, and there would be no costs incurred by these entities.
4. Other nondiscretionary cost or savings imposed on local agencies:
None. There are no requirements imposed on local agencies, and therefore, there are no other nondiscretionary costs or savings.
5. Cost or savings in federal funding to the state:
None. These regulations do not relate to any federal program.
6. Significant, statewide adverse economic impact directly affecting business including the ability of California businesses to compete with businesses in other states:
None. The proposed regulations do not affect businesses.
7. Cost impacts on a 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 proposed regulations do not affect private persons or businesses.
8. Results of the economic impact assessment/analysis:
These regulations are not anticipated to have any direct, indirect or induced effect on California businesses. Specifically:
- The action will not have any effect on the creation or elimination of jobs within the state.
 - The action will not affect the creation of new businesses or the elimination of existing businesses within the state.
 - The action will not affect the expansion of businesses currently doing business within the state.
 - The action will have no effect on worker safety and the state's environment.
- This regulatory action will not affect the health and welfare of California residents.
As stated in the Informative Digest/Policy Statement Overview, the proposed regulations will further clarify and make specific the statutory requirements that compensation be paid "each pay period the creditable service is performed" or "each pay period in cash by an employer to a participant for creditable service performed" in order to be creditable to CalSTRS for 2% at 62 DB

members and CB participants subject to PEPRAs, respectively. This conforms to the Teachers' Retirement Board's policy to support regulations that improve the delivery of benefits and services and provide more effective and efficient administration of the retirement plan.

9. Significant effect on housing costs:
None. The proposed regulations do not relate directly or indirectly to housing costs.
10. Small business determination:
The board has determined that the proposed regulations do not affect small business as small businesses are not governed or affected, either directly or indirectly, by the statutes that these regulations are clarifying.

CONSIDERATION OF ALTERNATIVES

In accordance with paragraph (13) of subdivision (a) of Government Code section 11346.5, CalSTRS and the board must determine that no reasonable alternative considered or otherwise identified and brought to its attention would be:

- More effective in carrying out the purpose for which the action is proposed,
- As effective and less burdensome to affected private persons than the proposed action, or
- More cost-effective to affected private persons and equally effective in implementing the statutory policy or other provision of law.

CalSTRS and the board invite interested persons to present any statements or arguments that would support alternatives to the proposed regulations in the form of written comments or by providing testimony at the public hearing.

CONTACT PERSON

Inquiries concerning the proposed action may be directed to:

Sal Sanchez
Governmental Relations
California State Teachers' Retirement System
P.O. Box 15275, MS-14
Sacramento, CA 95851-0275
Telephone: (916) 414-1994
E-Mail: Regulations@CalSTRS.com

The backup contact person for these inquiries is:

John Maradik-Symkowitz
Governmental Relations
California State Teachers' Retirement System
P.O. Box 15275, MS-14
Sacramento, CA 95851-0275
Telephone: (916) 414-1994
E-Mail: Regulations@CalSTRS.com

Please direct requests for copies of the proposed text of the regulations, the Initial Statement of Reasons, the modified text of the regulations, if any, or other information upon which the rulemaking is based to CalSTRS using the contact information listed above.

AVAILABILITY OF STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATIONS

The rulemaking file is available for public inspection and copying throughout the rulemaking process at CalSTRS headquarters, located at 100 Waterfront Place, West Sacramento, CA, 95605. As of the date this notice is published in the California Notice Register, the rulemaking file consists of this notice, the proposed text of the regulations, the Initial Statement of Reasons and the Economic and Fiscal Impact Statement (STD 399).

Copies of this notice, the proposed text of the regulations, the Initial Statement of Reasons and the Economic and Fiscal Impact Statement are available at no charge by contacting CalSTRS using the contact information listed above.

AVAILABILITY OF CHANGED OR MODIFIED TEXT

After considering all timely and relevant comments received, the board may adopt the proposed regulations substantially as described in this notice or may, on its own motion or at the recommendation of any interested person, modify the proposed regulations.

If the board makes modifications that are sufficiently related to the original proposed text, it will make the modified text (with the changes clearly indicated) available to the public for at least 15 days before adopting the regulations as revised. The board will accept written comments on the modified regulations for 15 days after the date on which they are made available. Please refer to www.CalSTRS.com/regulations or contact CalSTRS using the contact information listed above for copies of modifications, if any.

AVAILABILITY OF FINAL STATEMENT OF REASONS

Following its preparation, CalSTRS will have the Final Statement of Reasons available for public in-

spection and copying at its headquarters, located at 100 Waterfront Place, West Sacramento, CA, 95605. Upon filing of the amended regulations with the Secretary of State, the Final Statement of Reasons will also be available temporarily on the CalSTRS website at www.CalSTRS.com/approved-regulations.

AVAILABILITY OF DOCUMENTS ON THE INTERNET

The Notice of Proposed Rulemaking, the Initial Statement of Reasons and the text of the proposed regulations are posted on the CalSTRS website at www.CalSTRS.com/regulations.

TITLE 11. DEPARTMENT OF JUSTICE

DIVISION 1. ATTORNEY GENERAL CHAPTER 16. MASTER SETTLEMENT AGREEMENT, TOBACCO CHAPTER 16.5 FIRE STANDARD COMPLIANT CIGARETTES

The Department of Justice (Department) proposes to adopt section 999.30 of new Chapter 16.5, Division 1, of Title 11 of the California Code of Regulations and revisions to forms JUS-TOB8 and JUS-TOB15 to implement Assembly Bill 1742, which requires the Department to administer the California Cigarette Fire Safety and Firefighter Protection Act ("Fire Safety Act") (Health & Safety Code, §§ 14950-14959.) Furthermore, the Department proposes to amend sections 999.10 and 999.12 of Chapter 16, Division 1, of Title 11 of the California Code of Regulations and the Approved Tobacco Escrow Agreement form JUS-TOB6.

PUBLIC HEARING

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

WRITTEN COMMENT PERIOD

Any interested person or their authorized representative may submit written comments relevant to the proposed regulatory action. The written comment period closes on September 5, 2023 at 5:00 p.m. Only written comments received by that time will be considered. Please submit written comments to:

Department of Justice

Barry Alves
Department of Justice
Tobacco Unit
1300 I Street Sacramento, Suite 125
Sacramento, CA 95814
regulations@doj.ca.gov

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

AUTHORITY AND REFERENCE

Authority: Section 30165.1, Revenue and Taxation Code (Rev. & Tax. Code); Sections 14950, 14951, 14952, 14953, 14954, 14955, 14956, 14957, 14958, 14959 and 104555, 104556, 104557, Health and Safety Code.

Reference: Section 30165.1, Revenue and Taxation Code; Sections 14950, 14951, 14952, 14953, 14954, 14955, 14956, 14957, 14958, 14959 and 104555, 104556, 104557, Health and Safety Code; Section 22979, Business and Professions Code

**INFORMATIVE DIGEST/POLICY
STATEMENT OVERVIEW**

Summary of Existing Laws and Regulations:

A. Fire Safety Act

The Fire Safety Act (Health & Safety Code, §§ 14950–14959) governs the ignition propensity of cigarettes sold in California. Fire Standard Compliant (“FSC”) cigarettes are engineered to go out when not actively smoked. Conversely, non-FSC cigarettes may stay lit when not in active use and thus present a serious fire risk. Since 2007, cigarettes cannot be sold in California unless the manufacturer certified that their cigarettes are designed, produced, and tested to meet a nationwide performance standard regarding their propensity to burn while not being actively smoked, and marked to show compliance with Fire Safety Act requirements. (Health & Safety Code, §§ 14950–14959.) There is no federal law regulating the ignition propensity of cigarettes. Instead, this nationwide safety measure is maintained by each state having passed and continuing to administer a FSC program that is substantially the same as California’s. In 2018, California amended the Fire Safety Act to make all non-FSC cigarettes contraband per se. (Health & Safety Code, § 14957.)

In 2022, Assembly Bill 1742 amended the Fire Safety Act to transition the administration of the State’s FSC cigarette program from the State Fire Marshal to the Department, effective January 1, 2023. (Health &

Safety Code, §§ 14951(d), 14953.) Moreover, Assembly Bill 1742 makes Fire Safety Act compliance a requirement for cigarettes to be eligible for listing on the California tobacco directory, which is administered and maintained by the Department. It is unlawful for Cigarettes to be sold, offered for sale, or possessed for sale in California if they are not listed on the Department’s tobacco directory. (Rev. & Tax. Code, § 30165.1, subdivision (e).) Cigarette manufacturers must file annual certifications to remain listed on the Department’s tobacco directory. (Rev. & Tax. Code, § 30165.1, subdivision (c)(3).)

To administer the Fire Safety Act, the Department requires regulations and forms for processing Fire Safety Act certifications. New section 999.30 of new Chapter 16.5, Division 1, of Title 11 of the California Code of Regulations will set forth the Fire Safety Act regulation and new form JUS–TOB15 and the revised JUS–TOB8 form will be the Fire Safety Act forms.

B. Tobacco Escrow Agreement

In 1998, 46 states entered into the Tobacco Master Settlement Agreement (“MSA”) with the largest tobacco manufacturers in the United States to settle certain claims against manufacturers arising out of the sale, advertising, and consumption of certain tobacco products. (Health & Safety Code, § 104555, subdivision (e).) Tobacco manufacturers that elect not to join the MSA are Non-Participating Manufacturers (“NPMs”).

NPMs must deposit funds into qualified escrow accounts governed by state law based upon their sales of cigarettes and roll-your-own tobacco (“RYO”) in California. Unless specific conditions are satisfied, NPMs are statutorily prohibited from accessing or using the principal on deposit in the tobacco escrow accounts for 25 years. (Health & Safety Code, § 104557, subdivision (b).) NPMs and their escrow banks must complete a Department approved escrow agreement and ensure that the funds are held and monitored in compliance with California law. (Rev. & Tax. Code, § 30165.1, subdivision (c)(2)(a).) The Department is responsible for establishing and updating California’s tobacco escrow agreement. (Rev. & Tax. Code, § 30165.1, subdivisions (b)(3)(D), (c)(2)(A), and (o).)

In 2019, the Department amended California Code of Regulations, Chapter 16, section 999.12 and the Approved Tobacco Escrow Agreement, JUS–TOB6 (Rev. 5/2019), which is incorporated by reference into section 999.12. The Department sought to clarify that the aggregate Face Value (as defined by section 2.G of the Approved Tobacco Escrow Agreement) of the Permitted Investments (as defined by section 2.0) and the aggregate Cost Basis (as defined by section 2.D) of the Permitted Investments in an NPM’s California Subaccount must be equal to or greater than the Minimum Qualified Escrow Principal On-Deposit (as de-

financed by section 2.K). Generally, this means that the aggregate Cost Basis (also known as the purchase value) and Face Value (also known as maturity value) of the Permitted Investments shall not be lower than the Minimum Qualified Escrow Principal On-Deposit. Section 4.C of the Approved Tobacco Escrow Agreement states the applicable requirement. (Approved Tobacco Escrow Agreement, section 4.C.)

Consistent with the 2019 standard above, the first sentence of the Section 4.D should state:

Whenever the aggregate Face Value of the QEF Sub-Account or the aggregate Cost Basis of the QEF Sub-Account is less than the Minimum QEF Principal On-Deposit for a QEF Sub-Account, the Escrow Agent shall deem the QEF Sub-Account non-compliant.

The Department confirms the 2019 guidance to NPMs and escrow agents by revising the first sentence of section 4.D with the text above.

Based upon the change above, California Code of Regulations, Chapter 16, sections 999.10(b)(17) and 999.12(a) will be updated to reflect that the revision date of the Approved Tobacco Escrow Agreement, JUS-TOB6 has changed from 2019 to 2023.

On June 19, 2023, the Office of Administrative Law approved the emergency revision to the Approved Tobacco Escrow Agreement and the revisions to the regulations updating the revision date. The Department seeks to make those changes permanent.

Effect of the Proposed Rulemaking:

The rulemaking will implement the Legislature’s requirement that administration of the Fire Safety Act program move from the State Fire Marshal to the Department. Section 999.30 will be the Department’s Fire Safety Act regulation. The amended JUS-TOB15 form will be the Department’s primary Fire Safety Act form and the JUS-TOB8 form will be amended to gather supplemental product data required by the Fire Safety Act in an electronic format, which will reduce processing time and promote efficiency.

Section 4.D of the Approved Tobacco Escrow Agreement will be amended to make a technical change. Sections 999.10 and 999.12 will be updated to reflect the revision date of the Approved Tobacco Escrow Agreement.

Anticipated Benefits of the Proposed Regulations:

The Fire Safety Act limits the ignition propensity of cigarettes to avoid serious harm to the public’s health and safety and general welfare caused by fires. To promote efficiency for California, the State transitioned administration of the Fire Safety Act program from the State Fire Marshal to the Department. Until 2023, manufacturers sent their Fire Safety Act forms to both the State Fire Marshal and the Department.

Now only one state agency will receive and process Fire Safety Act certifications. The Department will also use electronic processing to further promote efficiency and reduce costs. While tobacco manufacturers will incur some limited costs associated with reviewing the Department’s forms and the costs associated with completing the JUS-TOB8 form in an electronic format with data from their most recent FSC tests, the Department anticipates that tobacco manufacturers will ultimately reduce costs by submitting Fire Safety Act and tobacco directory compliance forms to only one California agency.

The Health and Safety Code requires NPMs to deposit tobacco escrow on their Units Sold of cigarettes in California as a source of recovery for potential litigation regarding the health impacts or marketing of the cigarettes. (Health & Safety Code, § 104557.) California law requires the tobacco escrow be governed by an escrow agreement approved by the Department. (Rev. & Tax. Code, § 30165.1, subdivision (b)(3)(B)(2) and (c)(2)(A).) This rulemaking process clarifies the fund balance rules for tobacco escrow by making a technical change to the Approved Tobacco Escrow Agreement.

Comparable Federal Regulations:

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

Determination of Inconsistency/Incompatibility with Existing State Regulations:

The Department has determined that the proposed regulations are not inconsistent or incompatible with existing state regulations. After conducting a review for any regulations that would relate to or affect this area, the Department has concluded that these are the only regulations that concern the ignition propensity of cigarettes or the accounting rules that NPMs and escrow banks shall follow regarding the tobacco escrow funds on deposit for the benefit of California.

Forms Incorporated by Reference:

Form number JUS-TOB6 titled APPROVED TOBACCO ESCROW AGREEMENT was revised in February 2023 and is referenced in sections 999.10, 999.12, and 999.16.

Form number JUS-TOB8 titled BRAND LIST was revised in February 2023 and is referenced in sections 999.10, 999.16, and 999.30, and in JUS-TOB15, the FIRE STANDARD COMPLIANT (“FSC”) CERTIFICATION.

Form number JUS-TOB15 was created in February 2023, is titled FIRE STANDARD COMPLIANT (“FSC”) CERTIFICATION, and is referenced in section 999.30.

Other Statutory Requirements:

None.

DISCLOSURES REGARDING THE
PROPOSED ACTION

The Department’s Initial Determinations:

Mandate on local agencies or school districts: None.

Cost or savings to any state agency: None.

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

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

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

Cost impacts on representative person or business:

The Department anticipates the revised escrow agreement will require approximately 60 NPMs and 10 banks to each spend approximately \$1,000 reviewing the new regulation and completing the revised Approved Tobacco Escrow Agreement.

The Fire Safety Act requires approximately 30 cigarette manufacturers to test, mark, and certify that their cigarettes extinguish when they are not being actively smoked. In 2022, Assembly Bill 1742 modified the Fire Safety Act to move the FSC program to the Department. The Department anticipates that approximately 30 cigarette manufacturers will spend approximately \$1,000 reviewing the new regulation, the revised JUS–TOB8 form, and the new JUS–TOB15 form, and entering data they already possess from their most recent FSC tests into the JUS–TOB8 form’s electronic format. The substance of the reporting requirement is unchanged. Thereafter, the Department anticipates the manufacturers’ Fire Safety Act certification costs will be neutral or lower than current levels based upon the efficiency and reduced processing time associated with electronic reporting.

The seven NPMs listed on the Department’s tobacco directory will complete the revised Approved Tobacco Escrow Agreement and continue to certify under the Fire Safety Act. The remaining cigarette manufacturers and banks will only be impacted by a portion of this rulemaking.

Significant effect on housing costs: None.

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

Results of the Economic Impact Assessment (EIA):

The Department concludes that is the proposal is unlikely to: (1) create or eliminate jobs within the state; (2) create new businesses or eliminate existing businesses within the state; or (3) result in the expansion of businesses currently doing business within the state.

The Department also concludes that:

- (1) The proposal would benefit the health and welfare of California residents by improving the administration of the Fire Safety Act, which limits the ignition propensity of cigarettes to avoid the harms caused by fires. Moreover, this proposal clarifies the fund balance rules for tobacco escrow with a technical change to the Approved Tobacco Escrow Agreement. Under the Health and Safety Code, NPMs must deposit tobacco escrow on their Units Sold of cigarettes in California as a source of recovery for potential litigation regarding the health impacts or marketing of the cigarettes. (Health & Safety Code, § 104557.)
- (2) The proposal would benefit worker safety because the Fire Safety Act limits the ignition propensity of cigarettes thereby avoiding unsafe workplace situations caused by fires. To promote efficiency for California, the State transitioned administration of the Fire Safety Act program to the Department. Until 2023, manufacturers sent their Fire Safety Act submissions to both the State Fire Marshal and the Department.
- (3) The proposal would benefit the state’s environment because the Fire Safety Act limits the ignition propensity of cigarettes thereby avoiding fires caused by cigarettes, and their environmental impacts.

Business report requirement:

Approximately 30 cigarette manufacturers continue to be obligated to test, mark, and certify cigarettes under the Fire Safety Act based upon the fire risk posed by their products. The Department’s rulemaking requires manufacturers to submit FSC certifications to the Department, not the State Fire Marshal. This change is based upon Assembly Bill 1742, which amended the Fire Safety Act to transition the administration of the State’s FSC cigarette program to the Department, effective January 1, 2023. (Health & Safety Code, §§ 14951(d), 14953.) The new JUS–TOB15 form will be the Department’s primary Fire Safety Act form and the revised JUS–TOB8 form will be amended to gather supplemental product data required by the Fire Safety Act in an electronic format to reduce processing time and promote efficiency.

Section 4.D of the Approved Tobacco Escrow Agreement will be amended to make a technical change. Except for executing the agreement, the Approved Tobacco Escrow Agreement does not impose any new reporting requirements.

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

CONSIDERATION OF ALTERNATIVES

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

The Department has determined that the proposed regulations and forms are the most effective way to administer the Fire Safety Act and tobacco escrow deposits. Until 2023, manufacturers submitted their Fire Safety Act forms to both the State Fire Marshal and the Department. Now only one State agency will receive and process Fire Safety Act certification forms. The Department will also use electronic processing to further promote efficiency and reduce costs. Moreover, the Department clarifies the fund balance rules for tobacco escrow with a technical change to the Approved Tobacco Escrow Agreement.

CONTACT PERSONS

Inquiries concerning the proposed administrative action may be directed to:

Department of Justice
Barry Alves
Tobacco Unit
1300 I Street Sacramento, Suite 125
Sacramento, CA 95814
(916) 210-7838
regulations@doj.ca.gov

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

Department of Justice
James Hart
Tobacco Unit
1300 I Street Sacramento, Suite 125
Sacramento, CA 95814
(916) 210-7806
regulations@doj.ca.gov

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

The Department will have the entire rulemaking file available for inspection and copying throughout the rulemaking process upon request to the contact person above. As of the date this Notice of Proposed Rulemaking (Notice) is published in the Notice Register, the rulemaking file consists of this Notice, the Text of Proposed Regulations (the “express terms” of the regulations), the Initial Statement of Reasons, and any information upon which the proposed rulemaking is based. The text of this Notice, the express terms, the Initial Statement of Reasons, and any information upon which the proposed rulemaking is based are available on the Department’s website at <https://oag.ca.gov/tobacco/directory/regulations>. Please refer to the contact information listed above to obtain copies of these documents.

AVAILABILITY OF CHANGED OR
MODIFIED TEXT

After the Department analyzes all timely and relevant comments received during the 45-day public comment period, the Department will either adopt these regulations substantially as described in this notice or make modifications based on the comments. If the Department makes modifications which are sufficiently related to the originally-proposed text, it will make the modified text (with the changes clearly indicated) available to the public for at least 15 days before the Department adopts the regulations as revised. Please send requests for copies of any modified regulations to the attention of the name and address indicated above. The Department will accept written comments on the modified regulations for 15 days after the date on which they are made available.

AVAILABILITY OF THE FINAL
STATEMENT OF REASONS

Upon its completion, a copy of the Final Statement of Reasons will be available on the Department’s website at <https://oag.ca.gov/tobacco/directory/regulations>. Please refer to the contact information included above to obtain a written copy of the Final Statement of Reasons.

AVAILABILITY OF DOCUMENTS
ON THE INTERNET

Copies of the Notice of Proposed Rulemaking, the express terms, the Initial Statement of Reasons, and any information upon which the proposed rulemaking

is based are available on the Department's website at <https://oag.ca.gov/tobacco/directory/regulations>.

TITLE 15. DEPARTMENT OF CORRECTIONS AND REHABILITATION

NOTICE IS HEREBY GIVEN that the Secretary of the California Department of Corrections and Rehabilitation (CDCR or Department), proposes to amend Section 3000 and adopt new Section 3040.4 into Title 15, Division 3, Chapter 1, regarding the Youth Offender Program.

PUBLIC HEARING

Date and Time:

September 6, 2023 — 10:00 a.m. to 11:00 a.m.

Place:

Department of Corrections and Rehabilitation
Sequoia Conference Room 150
1515 S Street — North Building
Sacramento, CA 95811

Purpose: To receive comments about this action.

PUBLIC COMMENT PERIOD

The public comment period begins **July 21, 2023** and closes on **September 6, 2023**. Any person may submit written comments by mail addressed to the primary contact person listed below, or by email to rpmc@cdcr.ca.gov, before the close of the comment period. For questions regarding the subject matter of the regulations, call the program contact person listed below.

CONTACT PERSONS

Primary Contact

Josh Jugum
Telephone: (916) 445-2266
Regulation and Policy Management Branch
P.O. Box 942883
Sacramento, CA 94283-0001

Back-Up

Y. Sun
Telephone: (916) 445-2269
Regulation and Policy Management Branch
P.O. Box 942883
Sacramento, CA 94283-0001

Program Contact

Bryan Donahoo
Division of Adult Institutions
Telephone: (916) 322-6562

AUTHORITY AND REFERENCE

Government Code Section 12838.5 provides that commencing July 1, 2005, CDCR succeeds to, and is vested with, all the powers, functions, duties, responsibilities, obligations, liabilities, and jurisdiction of abolished predecessor entities, such as Department of Corrections, Department of the Youth Authority, and Board of Corrections.

Penal Code (PC) Section 5000 provides that commencing July 1, 2005, any reference to Department of Corrections in this or any code, refers to the CDCR, Division of Adult Operations. **PC Section 5050** provides that commencing July 1, 2005, any reference to the Director of Corrections in this or any other code, refers to the Secretary of the CDCR. As of that date, the office of the Director of Corrections is abolished.

PC Section 5054 provides that commencing July 1, 2005, the supervision, management, and control of the State prisons, and the responsibility for the care, custody, treatment, training, discipline, and employment of persons confined therein are vested in the Secretary of the CDCR. **PC Section 5055** provides that commencing July 1, 2005, all powers and duties previously granted to and imposed upon the Department of Corrections shall be exercised by the Secretary of the CDCR. **PC Section 5058** authorizes the Director to prescribe and amend rules and regulations for the administration of prisons and for the administration of the parole of persons.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Penal Code section 2905, which took effect July 1, 2015, states in part: "The department shall, at reception, automatically grant a youth offender a lower security level than the level that corresponds with that individual's classification score or placement in a facility that permits increased access to programs, except for a youth offender who has committed a serious in-custody offense, who shall be reviewed by a classification committee."

This rulemaking action will codify provisions to implement, interpret, and make specific the requirements of this statute.

This action will:

- Establish the Youth Offender Program (YOP), pursuant to PC section 2905, and define program terminology. The regulations will define a youth

offender, for purposes of the YOP, as individual committed to the department who is under 26 years of age. While PC section 2905 states that a youth offender is under 22 years of age, the department has chosen to extend the opportunity for participation in the Youth Offender Program (YOP) to offenders between the ages of 22–25 during critical developmental stages in their lives.

- Establish eligibility criteria for placement in the YOP, consistent with PC section 2905.
- Establish the Youth Offender Rehabilitative Community, a 12–month curriculum at designated institutions with increased rehabilitative programs for the YOP community.
- Establish a process for the removal of offenders from the YOP based upon behavior, age, or the participant’s wish to leave the program after the mandatory 12 months of participation.

SPECIFIC BENEFITS ANTICIPATED BY THE PROPOSED REGULATIONS

The department anticipates the proposed regulations will improve the rehabilitation of younger inmates who are in critical developmental stages of their lives by providing increased access to educational and other rehabilitative programming.

DOCUMENTS INCORPORATED BY REFERENCE

None

EVALUATION OF INCONSISTENCY/ INCOMPATIBILITY WITH EXISTING LAWS AND REGULATIONS

Pursuant to Government Code 11346.5(a)(3)(D), the department has determined the proposed regulations are not inconsistent or incompatible with existing regulations. After conducting a review for any regulations that would relate to or affect this area, the department has concluded that these are the only regulations that concern the implementation of PC section 2905 regarding youth offenders.

LOCAL MANDATES

This action imposes no mandates on local agencies or school districts, or a mandate which requires reimbursement of costs or savings pursuant to Government Code Sections 17500–17630.

FISCAL IMPACT STATEMENT

- Cost or savings to any state agency: *None*.
- Cost to any local agency or school district that is required to be reimbursed: *None*.
- Other nondiscretionary cost or savings imposed on local agencies: *None*.
- Cost or savings in federal funding to the state: *None*.

EFFECT ON HOUSING COSTS

The department has made an initial determination that the proposed action will have no significant effect on housing costs.

COST IMPACTS ON REPRESENTATIVE 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.

SIGNIFICANT STATEWIDE ADVERSE ECONOMIC IMPACT ON BUSINESS

The department has made an initial determination that the proposed regulations 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, because the proposed regulations place no obligations or requirements on any business.

EFFECT ON SMALL BUSINESSES

The department has determined that the proposed regulations will not affect small businesses. This action has no significant adverse economic impact on small business because they place no obligations or requirements on any business.

RESULTS OF THE ECONOMIC IMPACT ASSESSMENT

The department has determined that the proposed regulations will have no effect on the creation of new, or the elimination of existing, jobs or businesses within California, or effect the expansion of businesses currently doing business in California. The department has determined that the proposed regulation will have no effect on the state’s environment or worker safety. The proposed regulations may benefit the welfare of California residents by providing an environ-

ment conducive to rehabilitation for young offenders, thus reducing recidivism.

CONSIDERATION OF ALTERNATIVES

The department must determine that no reasonable alternative considered by the department or that has otherwise been identified and brought to the attention of the department would be more effective in carrying out the purpose for which the action is proposed, would be as effective and less burdensome to affected private persons than the proposed regulatory action, or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provisions of law. Interested persons are invited to present statements or arguments with respect to any alternatives to the changes proposed at the scheduled hearing or during the written comment period.

AVAILABILITY OF PROPOSED TEXT AND INITIAL STATEMENT OF REASONS

The department has prepared and will make available the text and the Initial Statement of Reasons (ISOR) of the proposed regulations. The rulemaking file for this regulatory action, which contains those items and all information on which the proposal is based (i.e., rulemaking file) is available to the public upon request directed to the department's contact person. The proposed text, ISOR, and Notice of Proposed Regulations will also be made available on the department's website: www.cdcr.ca.gov.

AVAILABILITY OF THE FINAL STATEMENT OF REASONS

Following its preparation, a copy of the Final Statement of Reasons may be obtained from the department's contact person.

AVAILABILITY OF CHANGES TO PROPOSED TEXT

After considering all timely and relevant comments received, the department may adopt the proposed regulations substantially as described in this Notice. If the department makes modifications which are sufficiently related to the originally proposed text, it will make the modified text, with the changes clearly indicated, available to the public for at least 15 days before the department adopts, amends or repeals the regulations as revised. Requests for copies of any modified regulation text should be directed to the contact person indicated in this Notice. The department will accept written comments on the modified regulations for at

least 15 days after the date on which they are made available.

TITLE 16. BUREAU OF SECURITY AND INVESTIGATIVE SERVICES

POWER TO ARREST AND APPROPRIATE USE OF FORCE TRAINING

NOTICE IS HEREBY GIVEN that the Bureau of Security and Investigative Services (Bureau) proposes to take the action described in the Informative Digest below, after considering all comments, objections, and recommendations regarding the proposed action.

PUBLIC HEARING

The Bureau has not scheduled a public hearing on this proposed action. However, the Bureau 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. 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 Bureau at its office no later than 5:00 p.m., Wednesday, September 6, 2023**, or must be received by the Bureau at the hearing, should one be scheduled.

AUTHORITY AND REFERENCE

Pursuant to the authority vested by Sections 7515, 7574.05, 7581, 7585, 7585.6, and 7591.6 of the Business and Professions Code (BPC or Code), and to implement, interpret or make specific Sections 7542, 7574.18, 7583.6, 7583.7, 7583.22, 7583.23, 7583.37, 7583.5, 7585, 7596, 7596.3, 7598.1, 7598.2, and 7599.40 of the Code, the Bureau proposes changes to sections 628, 631, 633, 635, 643, 645, and 646 of Title 16, Division 7 of the California Code of Regulations (CCR).

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Existing law requires security guard applicants, proprietary private security officers (PSOs), and alarm agents to complete a Power to Arrest (PTA) training course, and eligible private security industry, inves-

tigators, and alarm agent licensees applying for a firearms permit to complete the PTA training course and firearms training. (BPC Sections 7542, 7574.18(b)(2), 7583.5, 7583.6, 7583.7, 7585, 7585.6, 7598.1(a), and 7596(a)).

BPC section 7583.7(a) requires the PTA course for private security services licensees to be approximately eight hours in length and CCR section 643 Appendix B specifies that four of the eight hours shall be dedicated to “Weapons of Mass Destruction (WMD) & Terrorism Awareness.” BPC Section 7585(f) delineates topics to be covered in the course of training in the carrying and usage of firearms, including qualification course of fire.

BPC section 7574.18(d) requires the Department of Consumer Affairs to establish skills training for PSOs. CCR section 645(c) establishes that the PTA course for PSOs shall consist of a minimum of four hours of training, further specifying that two (2) of the hours shall be dedicated to PTA training and the remaining two (2) hours shall be dedicated to WMD and Terrorism Awareness Training for Security Professionals. Further, BPC section 7574.18(f)(1) requires Proprietary Private Security Employers to annually provide each PSO employee with a specifically dedicated review or practice of security officer skills and requires the Bureau to adopt and approve by regulation the minimum number of hours for annual review. CCR section 645(e) specifies that PSOs shall receive a minimum of two (2) hours of continuing education annually.

BPC section 7598.2(a) establishes a list of topics to be covered in the PTA training course for alarm agents.

This regulatory proposal will implement Assembly Bill (AB) 229 (Chapter 697, Statutes of 2021) and AB 2515 (Chapter 287, Statutes of 2022). AB 229 expands the PTA and firearms trainings to include topics on the appropriate use of force. AB 229 requires the Bureau to work in consultation with the Commission on Peace Officer Standards and Training (POST) to develop the outline for the course and curriculum for the appropriate use of force topics. Further, AB 229 specifies that WMD and Terrorism Awareness shall be an elective topic only. (BPC 7583.7(a)(11) and 7598.2(a)(7).) AB 2515 delays the operation of AB 229’s provisions until July 1, 2023.

This regulatory proposal will amend CCR sections 628, 631, 633, 635 and 643. Further, this proposal will adopt CCR section 646 and repeal CCR section 645. These regulatory changes align with the Bureau’s mission to protect and serve the public and consumers through effective regulatory oversight of professions within the Bureau’s jurisdiction.

The Bureau proposes the following changes:

Amend CCR section 628 Training in Exercising the Power to Arrest

This proposal will amend CCR section 628 by removing redundant and duplicative language and updating the title of the Power to Arrest and Appropriate Use of Force Training Manual dated July 2023.

Amend CCR section 631 Definitions

This proposal will amend CCR 631 by adding definitions for “Cultural Competency,” “Diverse” or “Diversity,” “Disability,” “Behavioral Health Issues” and “Mental Illness.” These additions are needed to provide definitions and context for the new training topics.

Amend CCR section 633 Biennial Renewal of Firearms Permit

This proposal will amend CCR 633 to revise the firearm permit renewal requirements by differentiating course of fire requirements for revolvers and semi-automatic firearms. Additionally, this proposal will further specify appropriate shooting stances for the purposes of qualifying and specify the allowable firearm calibers for permitholders.

Amend CCR section 635 Course of Firearm Training

This proposal will amend CCR section 635 to add Use of Force topics to the firearms training outline as mandated by BPC section 7585.6. Also, this proposal will specify appropriate shooting stances for the purposes of qualifying and specify the allowable firearm calibers for applicants. Additionally, due to the increased cost and shortage of ammunition, this proposal will remove the requirement for applicants to fire fifty (50) practice rounds before qualifying and change the requirement to be at the discretion of the instructor and applicant, contingent upon the applicant’s current skills and ability. Further, this proposal will differentiate the course of fire requirements for revolvers and semi-automatic firearms.

Amend CCR section 643 Skills Training Course for Security Guards and Proprietary Security Officers

This proposal will amend CCR section 643 to add Use of Force topics to the PTA training, and remove Weapons of Mass Destruction & Terrorism Awareness as a mandated section of training. Additionally, this proposal mandates that PSOs also complete the full Power to Arrest and Appropriate Use of Force training, to ensure that all security personnel who interact with the public are appropriately trained. Finally, this proposal will make continuing education requirements consistent across both license types.

Adopt CCR section 646 Training for Alarm Agents

This proposal will adopt CCR section 646 to outline training requirements specific to alarm agents as mandated in BPC section 7598.2.

Repeal CCR section 645 Skills Training Course for Proprietary Private Security Officers

This proposal will repeal CCR section 645 as the training requirements previously specific only to PSOs will now be mandated based on the amends in CCR section 643 which mandates that PSOs complete the same training as other security personnel.

**ANTICIPATED BENEFITS
OF THE PROPOSAL**

The Bureau has determined that this regulatory proposal will have the following benefits to the health and welfare of California residents, worker safety, and state's environment:

BPC section 7583.6(a) requires security personnel to complete PTA training prior to being assigned to security guard duties, or "standing post." BPC section 7583.7 mandates PTA training include appropriate use of force topics so security personnel are better equipped when handling situations with members of the public that may require a level of force be administered. Additionally, BPC section 7585 requires appropriate use of force topics be included in firearms training for security personnel who carry firearms while on duty.

Expanding the PTA training to include appropriate use of force topics will increase public safety and consumer protection by providing security personnel with the knowledge and skills necessary to act appropriately within the scope of their duties. The expansion of training topics better reflects the climate of the evolving industry and, through improved training, these professionals will be better equipped to make good decisions, intervene effectively, prevent conflict, achieve resolutions, and convey confidence.

Extending PTA training from four (4) hours to eight (8) hours for PSOs is consistent with this goal because PSOs also interact with the public daily and face many of the same situations as other security personnel. Because of this interaction, it is imperative that PSOs receive adequate training that would benefit both PSOs and members of the public by way of improved interactions and outcomes.

Adding a regulations section specific to alarm agents will benefit instructors and alarm agents by providing clarity and consistency related to alarm agent training. Further, the proposed regulation will provide guidance on the training specific to topic inclusion, length, format, etc., mirroring preceding section 643 of the CCR.

Amending the firearms course of fire to include a firing schedule designed for semi-automatic firearms will benefit students utilizing different weapons and provide proper training for the weapon they will be employing while on duty. Semi-automatic firearms

are more widely used by the licensing population and this proposal ensures that permitholders are trained on a schedule most appropriate for the type of firearm they will be carrying in the course of their duties.

Making practice rounds optional and at the discretion of the student and firearms training instructor will reduce costs for applicants who already have experience with firearms and do not require additional practice in order to qualify. Additionally, adding a list of permissible calibers ensures permitholders are carrying appropriate firearms while carrying out their duties. Requiring the firearms instructor to issue the student a Certificate of Proficiency will enable the student to demonstrate their proficiency for potential employers and will enable employers to be compliant with BPC section 7583.2(e).

Evaluation of Consistency and Compatibility with Existing State Regulations

During the process of developing this regulatory proposal, the Bureau 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.

**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 regulations are intended to align the Bureau's regulations with current law and existing practice. As a result, no additional costs are anticipated.

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

Nondiscretionary Costs/Savings to Local Agencies: None.

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

Mandate Imposed on Local Agencies or School Districts: None.

Significant Effect on Housing Costs: None.

BUSINESS IMPACT ESTIMATES

The Bureau has made an initial determination that the proposed regulatory action would have no significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states. This initial determination is based on a review of existing professional standards and practice. As such, the

Bureau’s regulations merely align with current law, as amended and current industry practice and standards.

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

This proposal better aligns the Bureau’s regulations with current law and existing professional practice. As a result, no additional costs impacts are anticipated for individuals.

Additionally, the coursework modules outlined in this proposal are currently readily available consistent with POST standards. As a result, businesses opting to provide these courses are anticipated to be able to incorporate them into existing programming without incurring significant start-up costs.

Effect on Housing Costs: None.

Impact on Jobs/Businesses:

The Bureau has determined that this regulatory proposal will not have any impact on the creation of jobs or new businesses or the elimination of jobs or existing businesses or the expansion of businesses in the State of California. The regulations better align the Bureau’s regulations with current law and existing professional standards and practice. As a result, any impacts are a result of current law.

Benefits of Regulation

The Bureau has determined that this regulatory proposal will benefit the health and welfare of California residents because it adds appropriate use of force topics to the required trainings which will increase the level of training for private security professionals. These increased training standards will better reflect the climate of the evolving security industry. Through improved training, these security professionals will be better equipped to make good decisions, intervene effectively, prevent conflict, achieve resolutions, and convey confidence.

Business Reporting Requirements

The regulatory action requires supervisors and security employers to file a report with the Bureau when an incident involving physical force occurs with a citizen or a firearm is discharged. The Bureau has determined that it is necessary for the health, safety, or welfare of the people of the State that the regulation apply so that supervisors and security employers keep the Bureau informed of the number of violent incidents and whether training on appropriate use of force will potentially decrease the number of violent incidents.

Effect on Small Business

The Bureau has determined that the proposed regulations will not affect small businesses. The Bureau does not maintain data relating to the number or percentage of licensees who own a small business.

CONSIDERATION OF ALTERNATIVES

In accordance with Government Code section 11346.5, subdivision (a)(13), the Bureau must determine that no reasonable alternative it considered to the regulation or that has otherwise been identified and brought to its attention would be more effective in carrying out the purpose for which the action is proposed; 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 submit comments to the Bureau in writing relevant to the above determinations at 2420 Del Paso Road, Suite 270, Sacramento, CA 95834 during the written comment period, or at the hearing if one is scheduled or requested.

AVAILABILITY OF STATEMENT OF REASONS AND RULEMAKING FILE

The Bureau 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, the initial statement of reasons, and all of the information upon which the proposal is based, may be obtained upon request from the Bureau, at 2420 Del Paso Road, Suite 270, Sacramento, CA 95834.

AVAILABILITY OF CHANGED OR MODIFIED TEXT

After considering all timely and relevant comments, the Bureau, upon its own motion or at the request of any interested party, may thereafter adopt the proposals substantially as described below or may modify such proposals if such modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified proposal, 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 comments or oral testimony 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:

Name: Kerry Ortman
Address: 2420 Del Paso Road
Suite 270
Sacramento, CA 95834
Telephone Number: (916) 619-3319
Fax Number: (916) 575-7287
E-Mail Address: BSISRegs@dca.ca.gov

The backup contact person is:

Name: Samuel Stodolski
Address: 2420 Del Paso Road
Suite 270
Sacramento, CA 95834
Telephone Number: (916) 619-3319
Fax Number: (916) 575-7287
E-Mail Address: BSISRegs@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 regulations with modifications noted, as well as the Final Statement of Reasons when completed, and modified text, if any, can be accessed through the Bureau's website at https://www.bsis.ca.gov/about_us/laws/prop_regs.shtml.

TITLE 22. DEPARTMENT OF HEALTH CARE ACCESS AND INFORMATION

**DIVISION 7, CHAPTER 10
ARTICLE 3.5 SECTIONS 97046-97046.6**

The Department of Health Care Access and Information (HCAI) proposes adding new Article 3.5 Skilled Nursing Facility Consolidated Reporting Re-

quirements (Sections 97046-97046.6) to Chapter 10 of Division 7 of Title 22 of the California Code of Regulations (CCR). Article 3.5 will implement Section 128734.1 of the Health and Safety Code (HSC), added by Senate Bill (SB) 650 (Chapter 493, Statutes of 2021). HCAI proposes to adopt the proposed regulations described below after considering all comments, objections, and recommendations regarding the proposed action.

SB 650 made changes to California law to address skilled nursing facility (SNF) financial and ownership transparency. The legislation adds Section 128734.1 to Chapter 1 of Part 5 of Division 7 of the HSC and establishes a new mandated reporting program for HCAI.

The program expands financial disclosure reporting for SNFs by requiring an organization that operates, conducts, owns, manages, or maintains a SNF or SNFs to prepare and file with the Department, an annual consolidated financial report and documentation of the corporate structure. HCAI is charged with collecting, reviewing, and publishing the annual consolidated financial reports, including required attachments and documentation.

I. PUBLIC HEARING

HCAI has not scheduled a public hearing on this proposed action. However, HCAI will hold a hearing if it receives a written request for a public hearing from any interested person, or his or her authorized representative, no later than 15 days before the close of the written comment period. Public hearing to be pursuant to Section 11346.8.

II. WRITTEN PUBLIC COMMENT PERIOD AND CONTACT PERSON

Any interested person, or his or her authorized representative, may submit written comments relevant to the proposed regulatory action. All comments must be received by HCAI by September 5, 2023, assuming July 21, 2023, date of public notice.

Inquiries and written comments regarding the proposed action should be addressed to the primary contact person named below. Comments delivered by email are suggested. Comments may also be hand-delivered or mailed.

Adrienne Wahleithner, Auditor
Office of Information Services
Department of Health Care Access and Information|
Tel: (916) 326-3848
Email: adrienne.wahleithner@hcai.ca.gov
Mailing address:
2020 West El Camino Avenue, Suite 1100
Sacramento, CA 95833-1880

Inquiries and comments may also be directed to the backup contact person at the same mailing address:

Lexie Bloyd, Audit Supervisor
Office of Information Services
Tel: (916) 326-3833
Email: lexie.bloyd@hcai.ca.gov

Comments should include the author's name, U.S. Postal Service address, and email address, if applicable, for HCAI to provide copies of any notices for proposed changes to the regulation text on which additional comments may be solicited.

III. AUTHORITY AND REFERENCE

Health and Safety Code, Section 128810 authorizes HCAI to adopt these proposed regulations. These proposed regulations implement, interpret, and make specific Section 128734.1 of the HSC.

IV. INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

A. *Summary of Existing Law*

The proposed rulemaking is intended to implement a new statutorily mandated reporting program pursuant to HSC Section 128734.1, added by SB 650.

B. *Policy Statement Overview/Specific Benefits of the Proposed Regulations*

SB 650 made changes to California law to address SNF financial and ownership transparency.

The Legislation added Section 128734.1 to Chapter 1 of Part 5 of Division 7 of the Health and Safety Code, establishing a new mandated program for HCAI.

The program expands financial disclosure reporting for SNFs by requiring an organization that operates, conducts, owns, manages, or maintains a SNF or SNFs to prepare and file with the Department an annual consolidated financial report and documentation of the corporate structure. HCAI is charged with collecting, reviewing, and publishing the annual consolidated financial reports, including required attachments and documentation.

The proposed rulemaking will provide guidance and clarity for SNFs that are required to comply with the mandated new reporting program. The benefit will be to achieve the goal of SB 650 which is to increase the transparency of SNFs' financial data and ownership structure in relation to related parties.

C. *Determination of Inconsistency/Incompatibility with Existing Law*

As required by Government Code Section 11346.5(a)(3)(D), HCAI evaluated the language contained in the proposed regulations and determined that these proposed regulations are not inconsistent with or incompatible with existing state regulations. HCAI

also determined there are no comparable federal regulations or statutes.

D. *Documents Incorporated by Reference*

The proposed rulemaking refers to the *Accounting and Reporting Manual for California Long-term Care Facilities*, Second Edition, which is incorporated by reference in Section 97019 of the CCR.

V. DISCLOSURES REGARDING THE PROPOSED ACTION

HCAI has made the following initial determinations:

- A. Mandate on local agencies and school districts: None.
- B. Cost or savings to any state agency: HCAI has identified costs of \$750,000 for fiscal year 2022–23 and \$250,000 for fiscal year 2023–24. These costs were included in an approved Fiscal Year 2022–23 BCP for SB 650 to implement the requirements of HSC Section 128734.1.
- C. Cost to any local agency or school district which must be reimbursed in accordance with Government Code Sections 17500 through 17630: None.
- D. Other nondiscretionary costs or savings imposed on local agencies: None.
- E. Cost or savings in federal funding to the state: None.
- F. Cost impact on a representative person or business: SNFs may incur up to \$80 per year to gather and upload the statutorily required information of HSC Section 128734.1.
- G. Statewide adverse economic impact directly affecting business and individuals: HCAI has made an initial determination that the regulations 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.
- H. Significant effect on housing costs: None.
- I. Cost impact on small business: HCAI determined that 1 health facility matches the small business definition stated in Government Code Section 11342.610. This health facility could potentially be affected by HCAI's proposed regulations if they have interests in businesses that provide services to the facility.
- J. Business Reporting Requirement: HCAI determined it is necessary for the welfare of the people of the state that this regulation, which requires a report, apply to business.

VI. STATEMENT OF THE RESULTS OF THE ECONOMIC IMPACT ANALYSIS (EIA)

HCAI prepared an Economic Impact Analysis in the Initial Statement of Reasons and concludes that:

- A. this regulatory action will not create jobs within the state;
- B. this regulatory action will not eliminate jobs within the state;
- C. this regulatory action will not create new businesses;
- D. this regulatory action will not eliminate existing businesses;
- E. this regulatory action will not affect the expansion of businesses currently doing business in the state; and
- F. the benefits of the regulations to the health and welfare of California residents, worker safety, and the state's environment are to achieve SNF financial and ownership transparency, pursuant to HSC Section 128734.1, by implementing the newly mandated reporting program.

VII. REASONABLE ALTERNATIVES

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

VIII. AVAILABILITY OF EXPRESS TERMS, INITIAL STATEMENT OF REASONS, AND INFORMATION UPON WHICH PROPOSED RULEMAKING IS BASED

HCAI will have the entire rulemaking file available for inspection and copying throughout the rulemaking process at its office at the address given for the contact persons. As of the date this notice is published in the Notice Register, the rulemaking file consists of this notice, the text of the proposed changes to the regulations, the initial statement of reasons, an economic impact analysis contained in the initial statement of reasons, and information upon which the proposed rulemaking is based.

IX. AVAILABILITY OF SUBSTANTIAL CHANGES TO ORIGINAL PROPOSAL

After considering all timely and relevant comments received, HCAI may adopt the proposed regulations substantially as described in this notice. If HCAI makes modifications that are sufficiently related to the originally proposed text, it will make the modified text (with the changes clearly indicated) available to the public for at least 15 days before HCAI adopts the regulations as revised.

Please send requests for copies of the modified text to the listed contact person. The modified text will also be available on the HCAI website at <https://hcai.ca.gov/about/laws-regulations/>. HCAI will accept written comments on the modified regulations for 15 days after the date on which they are made available.

X. AVAILABILITY OF FINAL STATEMENT OF REASONS

The Final Statement of Reasons, including all comments and responses, will be available, after its completion, through the HCAI website at <https://hcai.ca.gov/about/laws-regulations/>. The Final Statement of Reasons will also be available for review from the designated contact person.

XI. AVAILABILITY OF DOCUMENTS ON THE INTERNET

The Notice of Proposed Action, Initial Statement of Reasons, and the text of the proposed regulations can be accessed through the HCAI website at <https://hcai.ca.gov/about/laws-regulations/>.

TITLE 22. STATE WATER RESOURCES CONTROL BOARD

**DIVISION 4. ENVIRONMENTAL HEALTH
CHAPTER 17. SURFACE WATER
TREATMENT
SUBJECT: DIRECT POTABLE REUSE
REGULATIONS (SBDDW-23-001)**

NOTICE IS HEREBY GIVEN that the State Water Resources Control Board (State Board) proposes to amend or adopt the regulations described below after considering all comments, objections, and recommendations regarding the proposed regulatory action.

SUMMARY OF PROPOSED
REGULATORY ACTION

The State Board proposes to amend California Code of Regulations (CCR), Title 22, Division 4, Chapter 17, for the purpose of establishing regulations governing the planned use of municipal wastewater to produce water that is placed into the water distribution system of a public water system or into a water supply immediately upstream of a public water system's water treatment plant, a process known as direct potable reuse (DPR). The adoption of "Direct Potable Reuse" regulations will:

- Adopt Article 10, Chapter 17, Division 4, to establish regulations that apply to public water systems (PWS) that may choose to engage in DPR.

PUBLIC HEARING
(Gov. Code, § 11346.5(a)(1))

The State Board will conduct an Administrative Procedure Act (APA) public hearing regarding the subject proposed regulations at the time and place noted below. At the hearing, any person may present comments orally or in writing relevant to the proposed action described in this notice.

DATE: September 7, 2023
TIME: 9:30 a.m.
PLACE: California Environmental Protection Agency
 State Water Resources Control Board
 Coastal Hearing Room
 1001 I Street, Second Floor
 Sacramento, CA 95814

The public hearing will begin with a staff presentation summarizing the proposed regulations, followed by an opportunity for public comment. During the comment period, the public will be allowed three minutes to provide oral comments, unless additional time is approved.

If you wish to view or listen to the workshop only, a webcast will be available at: <https://video.calepa.ca.gov/>.

If you wish to make oral comments during the public hearing, additional information about participating telephonically or via the remote meeting solution will be available at least 10 days before the meeting at: https://www.waterboards.ca.gov/board_info/remote_meeting/.

While a quorum of the State Board may be present, this hearing is for the public to provide comments in accordance with the APA. The State Board will not take formal action. Final regulations are expected to be adopted by the State Board later this year, after consideration of all written and oral comments.

Additional information regarding State Board meetings, hearings, and workshops is available on the State Board's Internet web page at: https://www.waterboards.ca.gov/board_info/calendar/.

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

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

To request these special accommodations or language needs, please contact the Clerk to the Board at (916) 341-5600 as soon as possible, but no later than 10 business days before the scheduled Board hearing. TTY/TDD/Speech to Speech users may dial 711 for the California Relay Service.

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

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

Para solicitar estas comodidades especiales o necesidades de otro idioma, por favor llame a la oficina del Consejo al (916) 341-5600 lo más pronto posible, pero no menos de 10 días de trabajo antes del día programado para la audiencia del Consejo. TTY/TDD/Personas que necesiten este servicio pueden marcar el 711 para el Servicio de Retransmisión de Mensajes de California.

WRITTEN COMMENT PERIOD AND
SUBMITTAL OF COMMENTS
(Gov. Code, § 11346.5(a)(15))

Any interested person, or their representative, may submit written comments relevant to the proposed regulatory action to the Clerk to the Board. Any written comments pertaining to these regulations, regardless of the method of transmittal, must be received by the Clerk to the Board by **12:00 noon on Friday, September 8, 2023**, which is hereby designated as the close of the written comment period. Comments received after this date will not be considered timely.

Written comments may be submitted as follows:

Electronic mail (email):

commentletters@waterboards.ca.gov

FAX: (916) 341-5620

Postal Mail:

Ms. Courtney Tyler, Clerk to the Board
State Water Resources Control Board
P.O. Box 997377, MS 7400
Sacramento, CA 95899-7377

Hand Delivery:

Ms. Courtney Tyler, Clerk to the Board
State Water Resources Control Board
1001 I Street, 24th Floor, Sacramento, CA 95814

Persons delivering comments must check in with lobby security and have them contact Ms. Courtney Tyler at (916) 341-5600.

The State Board requests but does not require that all email, fax, or mail transmission of comments, particularly those with attachments, contain the regulation package identifier “**Comments — SBDDW-23-001: Proposed DPR Regulations**” in the subject line to facilitate timely identification and review of the comment.

The State Board requests but does not require that written comments sent by mail or hand-delivered be submitted in triplicate.

All comments, including email or fax transmissions, should include the author’s name, email address, and U.S. Postal Service mailing address in order for the State Board to provide any notices that may be required in future.

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

Due to the limitations of the email system, emails larger than 15 megabytes (MB) may be rejected and will not be delivered and received by the State Board. Therefore, emails larger than 15 MB should be submitted under separate emails or another form of delivery should be used.

The State Board requests but does not require that if reports or articles in excess of 25 pages are submitted in conjunction with the comments, that the commentator provide a summary of the report or article and describe the reason for which the report or article is being submitted or is relevant to the proposed regulation.

AUTHORITY AND REFERENCE

(Gov. Code, § 11345.5(a)(2);
CCR Title 1, Division 1, Chapter 1, § 14)

Pursuant to Water Code sections 13521 and 13561.2, and Health and Safety Code sections 116271, 116350 and 116375, the State Board is authorized to adopt the subject regulations. This action is proposed to im-

plement, interpret, and make specific one or more of the following: Sections 13520, 13522, 13522.5, 13524, 13560, 13561, 13561.2, 13563, 13566 and 13567, Water Code; and Sections 106875, 106876, 106885, 116270, 116275, 116350, 116360, 116375, 116385, 116390, 116400, 116450, 116451, 116455, 116470, 116525, 116527, 116530, 116535, 116540, 116545, 116550, 116551, 116555, 116655, 116725, 116730, 116735 and 116750, Health and Safety Code.

INFORMATIVE DIGEST
(Gov. Code, § 11346.5(a)(3))

Existing Laws and Regulations (Gov. Code, § 11346.5(a)(3)(A)): All public water systems in California are subject to regulations adopted by the U.S. EPA under the U.S. Safe Drinking Water Act (SDWA) of 1974, as amended (42 U.S.C. §§ 300f et seq.), as well as by the State Board under the California Safe Drinking Water Act (California SDWA) (Health & Safety Code, division 104, part 12, chapter 4, §§ 116270 et seq.). It is the objective of the California SDWA for public water systems to deliver drinking water to consumers that is, at all times, pure, wholesome, and potable. The ability to meet this objective is a reflection of the water quality and quantity of a public water system’s source of supply, the public water system’s ability to treat the source of supply (if necessary), and its ability to deliver drinking water, all in a manner that ensures compliance with all applicable drinking water standards.

In September 2010, Senate Bill 918 (SB 918) was signed by the Governor and filed with the Secretary of State, establishing Chapter 7.3 (“Direct and Indirect Potable Reuse”), under Division 7 of the Water Code. Among other things, SB 918 provided a definition of “direct potable reuse”: the planned introduction of recycled water directly into a public water system or into a raw water supply immediately upstream of a water treatment plant. SB 918 also required that the Department of Public Health (transferred to the State Board in 2014):

- Investigate and report to the Legislature on the feasibility of developing uniform water recycling criteria for direct potable reuse, considering among other things the availability and reliability of treatment technologies necessary to protect public health, multiple barriers and sequential treatment processes, available information on health effects, mechanisms that should be employed to protect public health if problems are found in the recycled water served to the public as a potable water supply including failure of treatment, and monitoring needed to ensure protection of public health (Water Code, § 13563).

- Consider the recommendations from an expert panel appointed by the State Board comprised of a toxicologist, an engineer licensed in the state of California with at least three years' experience in wastewater treatment, an engineer licensed in the state with at least three years' experience in treatment of drinking water supplies and knowledge of drinking water standards, an epidemiologist, a microbiologist, and a chemist. (Water Code, § 13565).
- Consider the recommendations from an advisory group appointed by the State Board consisting of no fewer than nine representatives of water and wastewater agencies, local public health officers, environmental organizations, environmental justice organizations, public health non-governmental organizations, the department, the state board, the United States Environmental Protection Agency, ratepayer or taxpayer advocate organizations, and the business community (Water Code, § 13565).
- Consider water quality and health risk assessments associated with existing potable water supplies subject to discharges from municipal wastewater, stormwater, and agricultural runoff, research, regulations, and guidelines from the State Board, other states, the federal government, or other countries (Water Code, § 13566).

In October 2017, Assembly Bill 574 (AB 574) was signed by the Governor and filed with the Secretary of State, amending Chapter 7.3 (renamed to "Potable Reuse") under Division 7 of the Water Code. Specific to the proposed DPR regulations and among other things, AB 574:

- expanded on the definition of direct potable reuse to include and add definitions for two forms of direct potable reuse — raw water augmentation and treated water augmentation, and
- authorized and mandated the State Board to develop and adopt uniform water recycling criteria for direct potable reuse through raw water augmentation, as defined by AB 574, by December 31, 2023, if an expert panel, convened and administered by the State Board pursuant to the bill's statutory requirements, found that the State Board's criteria would adequately protect public health (Water Code, § 13561.2).

AB 574 additionally recommended that the State Board establish a framework for the regulation of potable reuse projects on or before June 1, 2018, that should among other things include the following:

- consideration of recommendations provided in the State Board's "Investigation on the Feasibility of Developing Uniform Water Recycling Criteria for Direct Potable Reuse,"

- a schedule for completing the recommended research described in "Investigation on the Feasibility of Developing Uniform Water Recycling Criteria for Direct Potable Reuse," and
- a regulatory framework for potable reuse projects that will be protective of public health (Water Code, § 13560.5).

Furthermore, AB 574 required the State Board to use information from the recommended research in its development of DPR criteria and provided an 18-month extension of the deadline to adopt the uniform water recycling criteria, along with other contingencies to extend the deadline further to consult with the expert panel on the need for additional research if the recommended research is insufficient. (Water Code, § 13561.2(a)).

Comparable Federal Statute and Regulations (Gov. Code, § 11346.5(a)(3)(B)): There are no federal regulations or statutes that address the specific subject addressed by the proposed regulations.

Policy Statement Overview (Gov. Code § 11346.5(a)(3)(C)): The State Board proposes to adopt regulations governing the planned use of municipal wastewater to produce water that is placed into a water distribution system of a public water system or into a water supply immediately upstream of public water system's water treatment plant (known as raw water augmentation); a process known as direct potable reuse (DPR). Existing law requires the State Board to adopt uniform water recycling criteria for the raw water augmentation form of DPR by December 31, 2023, subject to the condition that a statutorily-mandated expert panel has made a finding that such criteria would adequately protect public health.

Problem Statement: The objective of the California Safe Drinking Water Act is to ensure that public water systems reliably deliver water for human consumption that is, at all times, pure, wholesome, and potable. (Health and Safety Code, § 116270) A number of challenges make it difficult to meet this objective. These challenges include the limited availability of new sources of drinking water from surface waters, overuse of groundwater sources and subsequent reduction in water available for use as drinking water, the projected effects of climate change, including the potential for more frequent severe droughts, along with continued population growth. To address these challenges while meeting the central mandate of the SDWA, the Governor's California Action Plan outlines a variety of actions the State will take to better manage water resources, including increased reuse of treated wastewater.

Objectives (Goals): The objective of this proposed regulatory action is to:

Through adoption of regulations, establish uniform water recycling criteria (i.e., regulations) governing the

planned use of municipal wastewater to produce water that is placed into a public water system or into a water supply immediately upstream of public water system's water treatment plant, such that the adherence to the criteria for the production of drinking water would result in adequate protection of public health.

Benefits: The anticipated benefits, including any nonmonetary benefit to the protection of public health and safety of California residents, worker safety, and the state's environment, from this proposed regulatory action are:

- Providing a safe drinking water or drinking water supply when DPR is used, by prescribing specific, uniform requirements regarding the treatment and distribution of such drinking water.
- Providing public water systems, and accordingly, Californians, with a relatively reliable, drought-proof, and sustainable option for drinking water or a drinking water supply for a water treatment plant, which is particularly important in light of climate change and expected related challenges to future water supplies.
- Enhancing the treatment of wastewater and consequent decreases in the discharge of wastewater into the environment.
- Decreasing emissions and potential energy savings by allowing for water to be used locally, thus decreasing the need for water imports from distant sources.
- Providing a means for increasing the beneficial use of recycled water in California, which may reduce use of other sources of drinking water to the benefit of other users of such water sources, including benefits to the environment through potentially greater in-stream flows.
- Although the absence of DPR regulations would not preclude the permitting of DPR projects under the SDWA, the adoption of uniform criteria in the form of the proposed DPR regulations is expected to streamline the permitting process for DPR projects.

Evaluation as to Whether the Proposed Regulations are Inconsistent or Incompatible with Existing State Regulations (Gov. Code, § 11346.5(a)(3)(D)): The State Board evaluated whether the proposed regulations are inconsistent or incompatible with existing California state regulations. This evaluation included a review of California's existing drinking water regulations and regulations potentially related to DPR, including the State Board's existing regulations related to indirect potable reuse (IPR). It was determined that no other state regulation addressed the same subject matter and that this proposal was not inconsistent or incompatible with other state regulations. California's existing drinking water regulations include requirements that

address how surface water can be made safe for drinking. For those portions of the regulations that are comparable, the proposed DPR regulations are substantially consistent with the existing surface water treatment regulations. California's existing regulations for IPR include the planned use of recycled water for the purpose of replenishing groundwater basins or for augmenting surface water reservoirs that are used as a source of domestic drinking water supply. For those portions of the regulations that are comparable, the proposed DPR regulations are substantially consistent with the existing regulations for IPR. Therefore, the State Board has determined that this proposal, if adopted, would not be inconsistent or incompatible with existing state regulations.

SUMMARY OF PROPOSAL

The proposed DPR regulations would establish *minimum* uniform water recycling criteria for the purpose of adequately protecting public health with respect to the planned use of municipal wastewater to produce water that is placed into a water distribution system of a public water system or into a water supply immediately upstream of a public water system's water treatment plant. The proposed regulations would not preclude the Regional Water Quality Control Boards (Regional Boards), via their authorities and responsibilities, from imposing additional requirements when issuing a waste discharge and/or water recycling permit to water recycling agencies that may choose to participate in DPR, including having to meet National Pollutant Discharge Elimination System (NPDES) requirements established by the U.S. Environmental Protection Agency (U.S. EPA).

In accordance with the aforementioned mandates and pursuant to Water Code sections 13521 and 13561.2, and Health and Safety Code sections 116271, 116350 and 116375, the State Board proposes the following changes to Title 22:

- Adopt Article 10, Chapter 17, Division 4, establishing criteria applying to a PWS choosing to be involved in the planned use of municipal wastewater to produce water that is placed into a water distribution system of a public water system or into a water supply immediately upstream of a public water system's water treatment plant, which includes the adoption of sections summarized as follows:
 - Section 64669.00 (Application), establishing the general applicability for the requirements of the Article;
 - Section 64669.05 (Definitions), establishing definitions related to DPR;
 - Section 64669.10 (General Requirements), establishing general requirements, including

- overarching requirements and those criteria that do not fall within the more specific subject matter in subsequent sections;
- Section 64669.15 (Permit), establishing the requirement for a direct potable reuse responsible agency, and the permitting requirements for the agency as well as other public water systems that receive water from a DPR project;
 - Section 64669.20 (Joint Plan), establishing the requirement for a Joint Plan that clarifies the roles and responsibilities of all partner agencies in a DPR project;
 - Section 64669.25 (Public Meeting), establishing the minimum requirements related to holding a public meeting for a DPR project;
 - Section 64669.30 (Technical, Managerial, and Financial Capacity), establishing minimum requirements for technical, managerial, and financial capacity necessary for a DPR project;
 - Section 64669.35 (Operator Certification), establishing minimum requirements for operator certification;
 - Section 64669.40 (Wastewater Source Control), establishing minimum requirements and criteria related to the origin and control of raw wastewater to be ultimately treated and used for DPR projects;
 - Section 64669.45 (Pathogen Control), establishing minimum requirements for the control of pathogenic microorganisms;
 - Section 64669.50 (Chemical Control), setting forth minimum treatment criteria for the control of chemical risks;
 - Section 64669.55 (Water Safety Plan), establishing minimum requirements for project-specific risk assessment for water safety;
 - Section 64669.60 (Regulated Contaminants and Physical Characteristics Control and Monitoring), establishing minimum requirements for the control of regulated contaminants and physical water quality characteristics that are commonly regulated in drinking water;
 - Section 64669.65 (Additional Chemical Monitoring), establishing requirements for the monitoring of chemicals and contaminants beyond regulated contaminants and pathogenic microorganisms;
 - Section 64669.70 (Laboratory Analysis), establishing minimum requirements related to the analyses of chemicals and contaminants for a direct potable reuse project;
 - Section 64669.75 (Engineering Report), establishing minimum requirements for the information contained in an engineering report;
 - Section 64669.80 (Operations Plan), establishing minimum requirements for an operations plan for a direct potable reuse project;
 - Section 64669.85 (Pathogen and Chemical Control Point Monitoring and Response), establishing requirements for pathogen and chemical control points to address treatment failure conditions and control system requirements;
 - Section 64669.90 (Monitoring Plan), establishing requirements to develop a monitoring plan;
 - Section 64669.95 (Compliance Reporting), establishing requirements to report compliance data and information for DPR projects;
 - Section 64669.100 (Annual Report), establishing requirements to provide an annual summary for the public record of the status of a DPR project and its ability to comply with regulations;
 - Section 64669.105 (Cross-Connection Control), establishing requirements to assess DPR projects to reduce contamination from cross-connections;
 - Section 64669.110 (Corrosion Control and Stabilization), establishing requirements for corrosion control and stabilization of the water produced by DPR projects;
 - Section 64669.120 (Independent Advisory Panel), establishing requirements related to the review of DPR projects by independent advisory panels;
 - Section 64669.125 (Public Notification), establishing requirements for public notification for specific conditions unique to DPR projects;
 - Section 64669.130 (Consumer Confidence Report), establishing requirements for information unique to DPR projects to be included in consumer confidence reports.
- The net effect of the proposed regulations would be to establish specific regulatory criteria for general application by public water systems choosing to engage in the planned use of municipal wastewater to produce water that is placed into a water distribution system of a public water system or into a water supply immediately upstream of a public water system's water treatment plant.

The proposed regulations would not affect California’s SDWA primacy delegation granted by U.S. EPA because no federal regulations exist that specifically address DPR. The net effect of these amendments is that the proposed state regulation would not be less stringent than any existing federal regulation.

**FORMS OR DOCUMENTS INCORPORATED
BY REFERENCE**
(CCR Title 1, Division 1, Chapter 1, § 20(c)(3))

The following documents are incorporated by reference in the proposed regulations, as it would be too cumbersome, unduly expensive, and impractical to publish these documents into regulation:

- D4194–23 Standard Test Methods for Operating Characteristics of Reverse Osmosis and Nanofiltration Devices (2023), available at: <https://www.astm.org/d4194-23.html>
- Protocol for the Evaluation of Alternate Test Procedures for Organic and Inorganic Analytes in Drinking Water (EPA 815–R–15–007, February 2015), available at: <http://nepis.epa.gov/Exe/ZyPDF.cgi?Dockey=P100MERX.txt>
- Protocol for the Evaluation of Alternate Test Procedures for Analyzing Radioactive Contaminants in Drinking Water (EPA 815–R–15–008, February 2015), available at: <http://nepis.epa.gov/Exe/ZyPDF.cgi?Dockey=P100MESN.txt>

**MANDATED BY FEDERAL
LAW OR REGULATIONS**
(Gov. Code, §§ 11346.2(c) and 11346.9)

Adoption of the proposed regulations is not mandated by federal laws or regulations.

OTHER STATUTORY REQUIREMENTS
(Gov. Code, § 11346.5(a)(4))

California Environmental Quality Act:

The California Environmental Quality Act (CEQA) applies to projects which may either cause a direct physical change in the environment or a reasonably indirect physical change in the environment. (Public Resources Code, § 21084). The proposed regulations do not require the development and implementation of any DPR projects, nor do these regulations create any new entitlement. Rather, the proposed regulations streamline and standardize the existing process for the approval and permitting of DPR projects. Because it is not reasonably foreseeable that the adoption of the regulations will result in the approval and implementation of any additional DPR projects, the adoption of these regulations is not considered a project under CEQA.

In addition, the State Board intends to make a finding that adoption of the proposed DPR regulations represents action taken by a regulatory agency pursuant to its general and specific statutory authority for the maintenance, enhancement, and protection of the environment and natural resources, and that adoption of the proposed DPR regulations satisfies the requirements of Title 14 of the California Code of Regulations, sections 15307 and 15308, and is therefore a Class 7 and 8 categorical exempt project. As set forth above, the proposed regulations maintain, enhance, and protect the natural resources and environment of the state by facilitating the increased use of wastewater, thereby increasing the overall supply of potable water, facilitating the increased treatment of wastewater, facilitating the treatment of drinking water, facilitating the decrease of air emissions and energy usage, and decreasing the likelihood of disturbances to land and other natural resources. The State Board intends to further find that there are no facts on the record to indicate or suggest that the proposed DPR regulations fall within any of the enumerated exceptions for the appropriate use of a categorical exemption as set forth in Title 14 CCR, section 15300.2. The State Board intends to find, therefore, that pursuant to Title 14 CCR, section 15300, adoption of the proposed DPR regulations is categorically exempt from CEQA requirements for the preparation of environmental documents.

Scientific Peer Review (Health and Safety Code, § 57004(b)):

Health and Safety Code section 57004(b) requires that the scientific portions of any regulation proposed by the California Environmental Protection Agency (Cal/EPA), or any board, department or office within Cal/EPA, be submitted to an external scientific peer review entity for evaluation of their scientific basis. “Scientific basis” and “scientific portions” mean “those foundations of a rule that are premised upon, or derived from empirical data or other scientific findings, conclusions, or assumptions establishing a regulatory level, standard, or other requirement for the protection of public health or the environment” (Health & Safety Code, § 57004(a)(2)). CalEPA’s Unified California Environmental Protection Agency Policy and Guiding Principles for External Scientific Peer Review, March 13, 1998 (CalEPA Guiding Principles) recognizes that external scientific peer review processes are not warranted where there are no underlying scientific bases at issue, or where the underlying scientific basis has already undergone review.

Coordination and oversight of the scientific peer review was conducted by California’s Environmental Protection Agency’s External Scientific Peer Review Program, in the State Board Office of Research, Plan-

ning, and Performance. The scientific peer review was completed on June 21, 2021, as required by law.

Safe, Clean, Affordable Water (Water Code, § 106.3):

Water Code section 106.3(b) requires the State Board to consider the state’s policy that “every human being has the right to safe, clean, affordable, and accessible water adequate for human consumption, cooking, and sanitary purposes.” In establishing and adopting the proposed regulations, the State Board considered the statewide policy set forth in section 106.3 of the Water Code and determined the proposed regulations will further the stated policy. The proposed regulations will result in a continued protection of the health and welfare of California residents, by establishing health protective uniform water recycling criteria for the planned use of municipal wastewater as a new source of reliable drinking water.

LOCAL MANDATE
(Gov. Code, § 11346.5(a)(5))

The State Board has determined that the regulations will not impose a mandate on local agencies or school districts that require state reimbursement.

FISCAL IMPACT
(Gov. Code, § 11346.5(a)(6))

Identified fiscal impact estimates, if any, are prepared in accordance with Department of Finance instructions (SAM 6601–6616).

Estimated Fiscal Impact on Local Agency or School District: None.

Estimated Fiscal Impact on State Government: None.

Other Non–discretionary Cost or Savings Imposed on Local Agencies: None.

Estimated Fiscal Impact on Federal Funding of State Programs: None.

Cost to Any Local Agency or School District which Must be Reimbursed in Accordance with Government Code Sections 17500 through 17630: None.

HOUSING COSTS
(Gov. Code, § 11346.5(a)(12))

The State Board has determined that the regulations will have no impact on housing costs.

**SIGNIFICANT STATEWIDE ADVERSE
ECONOMIC IMPACT DIRECTLY
AFFECTING BUSINESSES IN CALIFORNIA**
(Gov. Code, § 11346.3(a); § 11346.5(a)(7);
§ 11346.5(a)(8))

The State Board has determined that the proposed regulations 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.

**STATEMENT OF THE RESULTS OF THE
ECONOMIC IMPACT ASSESSMENT**
(Gov. Code, § 11346.5(a)(10))

The State Board estimates that the economic impact of this regulation (which includes the fiscal impact) is below \$10 million and is a non–major regulation.

The proposed regulations do not impose any additional requirements on members of the regulated entities. The proposed regulations serve to carry out the statutory requirement to develop uniform water recycling criteria for direct potable reuse. Adoption of the proposed regulations would further ensure the protection of the health and welfare of California residents by providing minimum uniform criteria for ensuring protection of public health, which will serve to streamline the existing domestic water supply permitting process for entities choosing to engage in direct potable reuse.

Adoption of the proposed regulations will not: 1) create or eliminate jobs within California; 2) create new businesses or eliminate existing businesses within California; 3) affect the expansion of businesses currently doing business in California; or 4) affect the health and welfare of California residents, worker safety, or the environment.

**STATEMENT OF THE RESULTS OF THE
STANDARDIZED REGULATORY
IMPACT ANALYSIS (SRIA)**
(Gov. Code, § 11346.5(a)(10))

Not applicable. The State Board has determined that the proposed regulations are not a major regulation.

**COST IMPACTS ON REPRESENTATIVE
PRIVATE PERSON OR BUSINESS**
(Gov. Code, § 11346.5(a)(9))

The State 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.

BUSINESS REPORT
(Gov. Code, § 11346.5(a)(11); § 11346.3(d))

Government Code subsection 11346.3(d) requires that any administrative regulation adopted on or after January 1, 1993, that requires a report shall not apply to businesses, unless the state agency adopting the regulation makes a finding that it is necessary for health, safety, or welfare of the people of the state that the regulation apply to businesses. The State Board has determined that the proposed regulations would not require reports from businesses to the extent that PWS are not considered businesses pursuant to Government Code paragraph 11342.610(b)(8). To the extent PWS may be considered businesses, reporting required by the proposed regulations is necessary for health, safety, or welfare of the people of the state.

EFFECT ON SMALL BUSINESSES
(1 CCR, § 4(a) and (b))

The State Board has determined that the proposed regulations would not affect small business because Government Code chapter 3.5, article 2, section 11342.610(b)(8) excludes utilities from the definition of a small business, and the proposed regulations thus do not apply to small businesses.

CONSIDERATION OF ALTERNATIVES
(Gov. Code, § 11346.5(a)(13))

The State Board must determine that no reasonable alternative considered or otherwise identified and brought to its attention would be more effective in carrying out the purpose for which this action is proposed, would be as effective and less burdensome to the regulated water systems and affected private persons, or would be more cost-effective to the regulated water systems and affected private persons, yet equally effective in implementing statutory requirements or other provisions of law, than the proposed action.

The State Board invites interested parties to present statements or arguments with respect to alternatives to the proposed regulations at the scheduled hearing or during the written comment period, as identified in this notice.

STATE BOARD CONTACT PERSONS
(Gov. Code, § 11346.5(a)(14))

Requests for copies of the proposed regulatory text, the initial statement of reasons, subsequent modifications of the proposed regulatory text, if any, or other inquiries concerning the proposed action may be directed to:

Jing Chao, P.E.
Senior Sanitary Engineer
State Water Resources Control Board, Division of
Drinking Water
2375 Northside Drive, Suite 100
San Diego, CA 92108-2700
Telephone: (619) 525-4834
Electronic mail address:
jchao@waterboards.ca.gov

In the event Jing Chao is not available to respond to requests or inquiries, please contact:

Randy Barnard, P.E.
Supervising Water Resource Control Engineer
State Water Resources Control Board, Division of
Drinking Water
Telephone: (619) 525-4022
Electronic mail:
randy.barnard@waterboards.ca.gov

**AVAILABILITY OF INITIAL STATEMENT
OF REASONS, TEXT OF PROPOSED
REGULATIONS, AND RULEMAKING FILE**
(Gov. Code, § 11346.5(a)(16))

The State Board has prepared the proposed regulation text and an Initial Statement of Reasons for the proposed regulatory action. The Initial Statement of Reasons includes the specific purpose of the regulations proposed for adoption, and the rationale for the State Board's determination that adoption is reasonably necessary to carry out the purpose for which the regulations are proposed. All of the information upon which the proposed regulations are based is contained in the rulemaking file, which is available for inspection and copying throughout the rulemaking process. To inspect or copy the rulemaking file at the State Board office, contact Jing Chao, identified above ("Contact Persons").

**AVAILABILITY OF CHANGED OR
MODIFIED TEXT**
(Gov. Code, § 11346.5(a)(18))

After holding the hearing and considering relevant comments received in a timely manner, the State Board may adopt the proposed regulations substantially as described in this notice. If the State Board makes modifications that are substantially related to the originally proposed text, the State Board will make the modified text — with changes clearly indicated — available to the public for at least 15 days before the State Board adopts the modified regulations. Any such modifications will also be posted on the State Board website. Please send requests for copies of any modified regulations to the attention of the contact persons

provided above (“Contact Persons”). The State Board will accept written comments on the modified regulation for 15 days after the date on which they were made available.

**AVAILABILITY OF FINAL
STATEMENT OF REASONS
(Gov. Code, § 11346.5(a)(19))**

Upon its completion, the Final Statement of Reasons will be available, and copies may be requested from the contact person(s) named in this notice (“Contact Persons”), or may be accessed on the website address provided below.

**AVAILABILITY OF DOCUMENTS
ON THE INTERNET
(Gov Code, § 11346.4(a)(6); § 11346.5(a)(20))**

Materials regarding the action described in this notice (including this public notice, the regulation text, and the Initial Statement of Reasons) are available via the Internet and may be accessed directly from the State Board DPR regulation webpage at: https://www.waterboards.ca.gov/drinking_water/certlic/drinkingwater/dpr-regs.html

DECISION NOT TO PROCEED

**EMERGENCY MEDICAL
SERVICES AUTHORITY**

**PURSUANT TO GOVERNMENT CODE
SECTION 11347**

**RE: NOTICE OF PROPOSED RULEMAKING
CONCERNING PARAMEDIC FEES**

Pursuant to Government Code Section 11347, the Emergency Medical Services Authority hereby gives notice that it has decided not to proceed with the rulemaking action published in the California Regulatory Notice Register on August 23, 2022, Register 2022, Number 38-Z. The proposed rulemaking concerned Paramedic Fees. (OAL Notice Z2022-0913-02)

Any interested person with questions concerning this rulemaking should contact Ashley Williams at Ashley.williams@emsa.ca.gov.

The Commission will also post this Notice of Decision Not to Proceed on its website.

**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.

California Pollution Control Financing Authority
File # 2023-0530-02
California Capital Access Program for Small
Businesses

This certificate of compliance makes permanent removal of the recapture mechanism designed to recycle contributions supporting future loan enrollments in the Capital Access Loan Program (CalCAP) for Small Business.

Title 04
Amend: 8070, 8072, 8073
Filed 07/10/2023
Effective 07/10/2023
Agency Contact: Kamika McGill (916) 653-0289

Department of Developmental Services
File # 2023-0530-01
Children’s Community Crisis Homes and Enhanced
Behavioral Support Homes — Restraint and
Containment

This certificate of compliance by the Department of Developmental Services makes permanent the changes approved in OAL File Number 2021-0615-08ER, 2022-0415-01EE, and 2022-0715-01EE. Those actions updated facility program plan requirements, staff training requirements, continuing education requirements, and individual behavior supports plan requirements for Community Crisis Homes licensed as adult residential facilities and group homes. Those actions also updated Form DS 6023 and Form DS 6024, which pertain to rate development for Community Crisis Homes. This action also seeks to update facility program plan requirements, staff training requirements, continuing education requirements, and individual behavior supports plan requirements for Enhanced Behavioral Support Homes.

Title 17

Adopt: 59009.5, 59010.1, 59010.2, 59010.3, 59010.4, 59010.5, 59059.5, 59060.1, 59060.2, 59060.3, 59060.4, 59060.5

Amend: 59000, 59001, 59002, 59004, 59005, 59006, 59007, 59008, 59009, 59010, 59011, 59012, 59013, 59022, 59050, 59051, 59052, 59054 (renumbered to 59060), 59055 (renumbered to 59063), 59056 (renumbered to 59059), 59057 (renumbered to 59064), 59058 (renumbered to 59065), 59059 (renumbered to 59066), 59060 (renumbered to 59054), 59061 (renumbered to 59055), 59062 (renumbered to 59056), 59063 (renumbered to 59057), 59064 (renumbered to 59058), 59065 (renumbered to 59067), 59066 (renumbered to 59068), 59067 (renumbered to 59069), 59068 (renumbered to 59070), 59069 (renumbered to 59071), 59070 (renumbered to 59061), 59071 (renumbered to 59062), and 59072

Filed 07/12/2023

Effective 07/12/2023

Agency Contact: Amy Whiting (916) 654-4418

California State University
File # 2023-0614-01
Management Personnel Plan

This action by the Board of Trustees of the California State University, submitted to OAL for courtesy filing with the Secretary of State and for printing in the California Code of Regulations, amends management personnel plan requirements. This action is exempt from the Administrative Procedure Act and takes effect upon filing with the Secretary of State pursuant to Education Code sections 89030 and 89030.1, respectively.

Title 05

Amend: 42723

Filed 07/11/2023

Effective 07/11/2023

Agency Contact: Jason Taylor (562) 951-4500

California Gambling Control Commission
File # 2023-0523-02
Incident Reporting

This action modifies incident reporting requirements for cardroom business licensees and third-party providers of proposition player services (TPPPS) business licensees.

Title 04

Adopt: 12282

Amend: 12395, 12396

Filed 07/06/2023

Effective 10/01/2023

Agency Contact: Josh Rosenstein (916) 274-5823

Department of Food and Agriculture

File # 2023-0522-01

Sweet Orange Scab Interior Quarantine

This action establishes quarantine areas for regulating the movement of hosts and possible carriers of sweet orange scab (SOS).

Title 03

Adopt: 3443

Filed 07/05/2023

Effective 10/01/2023

Agency Contact: Keith Okasaki (916) 654-0312

Public Employees' Retirement System

File # 2023-0524-01

Definition of Parent-Child Relationships (PCR)

This rulemaking action by the California Public Employees' Retirement System (CalPERS) amends regulations relating to the substantiation of a Parent Child Relationship dependent eligibility, including enrollment eligibility criteria and required supporting documentation for CalPERS health plan subscribers.

Title 02

Amend: 599.500

Filed 07/05/2023

Effective 10/01/2023

Agency Contact: Andrew White (916) 795-3038

State Personnel Board

File # 2023-0524-03

MIC and Appeals Process

In this rulemaking action, the State Personnel Board updates the merit issue complaint (MIC) and appeal process for regular and executive state employees. This includes the process and requirements for filing a merit issue complaint, the inspection of examination papers, appeals from examination results, and drug testing procedures and requirements.

Title 02

Amend: 66.1, 186, 190, 213.4, 548.49

Repeal: 202, 203.5

Filed 07/06/2023

Effective 10/01/2023

Agency Contact:

Michelle La Grandeur

(916) 651-2740

**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.