



# California Regulatory Notice Register

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

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**PROPOSED ACTION ON REGULATIONS**

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**TITLE 2. FAIR POLITICAL PRACTICES COMMISSION**

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

**CONFLICT-OF-INTEREST CODES**

**AMENDMENT**

**MULTI-COUNTY:** Central CA Alliance for Health  
A written comment period has been established commencing on February 2, 2024, and closing on March 18, 2024. Written comments should be directed to the Fair Political Practices Commission, Attention Belen Cisneros, 1102 Q Street, Suite 3050, Sacramento, California 95811.

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

The Executive Director of the Commission will review the above-referenced conflict-of-interest code, 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 their own motion or at the request of any interested person, will approve, or revise and approve, or return the proposed code to the agency for revision and re-submission within 60 days without further notice.

Any interested person may present statements, arguments, or comments, in writing to the Executive Director of the Commission, relative to review of the

proposed conflict-of-interest code. Any written comments must be received no later than March 18, 2024. If a public hearing is to be held, oral comments may be presented to the Commission at the hearing.

**COST TO LOCAL AGENCIES**

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

**EFFECT ON HOUSING COSTS AND BUSINESSES**

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

**AUTHORITY**

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

**REFERENCE**

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

**CONTACT**

Any inquiries concerning the proposed conflict-of-interest code should be made to Belen Cisneros, Fair Political Practices Commission, 1102 Q Street, Suite 3050, Sacramento, California 95811, telephone (916) 322-5660.

**AVAILABILITY OF PROPOSED CONFLICT-OF-INTEREST CODES**

Copies of the proposed conflict-of-interest codes may be obtained from the Commission offices or the respective agency. Requests for copies from the Commission should be made to Belen Cisneros, Fair Political Practices Commission, 1102 Q Street, Suite

3050, Sacramento, California 95811, telephone (916) 322–5660.

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

#### **SECTION 3591.13 GUAVA FRUIT FLY ERADICATION AREA**

The Department of Food and Agriculture (Department) proposes to amend Title 3 of the California Code of Regulations (CCR) Section 3591.13 Guava Fruit Fly Eradication Area.

#### **PUBLIC HEARING**

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

#### **WRITTEN COMMENT PERIOD**

Any interested person or his or her authorized representative may submit written comments relevant to the proposed regulations to the Department. Comments may be submitted by USPS, FAX or email. The written comment period closes on March 18, 2024. The Department will consider only comments received at the Department offices by that date or postmarked no later than March 18, 2024. Submit comments to:

Erin Lovig, Senior Environmental Scientist  
Supervisor  
California Department of Food and Agriculture  
Plant Health and Pest Prevention Services  
1220 N Street,  
Sacramento, CA 95814  
916.654.1017  
[Permits@cdfa.ca.gov](mailto:Permits@cdfa.ca.gov)

Questions regarding the substance of the proposed regulation should be directed to Erin Lovig. In her absence, you may contact Karen Olmstead at (916) 403–6879 or [karen.olmstead@cdfa.ca.gov](mailto:karen.olmstead@cdfa.ca.gov).

Unless there are substantial changes to the proposed regulations prior to amendment, the Department of Food and Agriculture may adopt the proposal as set forth in this notice without further notice to the public. Following the public hearing, if one is requested, or following the written comment period if none is requested, the Department, at its own motion, or at the instance of any interested person, may adopt the proposal substantially as set forth without further notice.

#### **AUTHORITY**

The Department proposes to amend Section 3591.13 pursuant to the authority vested by Sections 407 and 5322 of the Food and Agricultural Code (FAC).

#### **REFERENCE**

The Department proposes this action to implement, interpret and make specific Sections 5761, 5762, 5763, and 5764 of the FAC.

#### **INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW**

The specific purpose of this amendment to Section 3591.13 (a) is to expand the area in which the State may eradicate infestations of *Bactrocera correcta*, Guava fruit fly (GFF) using established means and methods and update the host list in Section 3591.13 (b) to harmonize it with the most current available information.

#### **EXISTING LAWS & REGULATIONS**

Existing law, FAC Section 407, provides that the Secretary may adopt such regulations as are reasonably necessary to carry out the provisions of this code that the Secretary is directed or authorized to administer or enforce.

Existing law, FAC Section 5322, provides that the Secretary may establish, maintain, and enforce quarantine, eradication, and such other regulations as are in her opinion necessary to circumscribe and exterminate or prevent the spread of any pest that is described in FAC Section 5321.

Existing law, FAC Section 5761, provides that the Secretary may proclaim any portion of the state to be an eradication area with respect to the pest, prescribe the boundaries of such area, and name the pest and the hosts of the pest which are known to exist within the area, together with the means or methods which are to be used in the eradication or control of such pest.

Existing law, FAC Section 5762, provides that the Secretary may proclaim any pest with respect to which an eradication area has been proclaimed, and any stages of the pest, its hosts and carriers, and any premises, plants, and things infested or infected or exposed to infestation or infection with such pest or its hosts or carriers, within such area, are public nuisances, which are subject to all laws and remedies which relate to the prevention and abatement of public nuisances.

Existing law, FAC Section 5763, provides that the Secretary, or the commissioner acting under the supervision and direction of the director, in a summary manner, may disinfect or take such other action, including removal or destruction, with reference to any such public nuisance, which he thinks is necessary.

Existing law, FAC Section 5764, provides that if an eradication area has been proclaimed with respect to a species of fruit flies and the removal of host plants of such species is involved, the director may enter into an agreement with the owner of such host plants to remove and replace them with suitable nursery stock in lieu of treatment. Expenditures, if any, allocated for the replacement nursery stock shall not exceed an amount which is budgeted for the purpose or approved by the Director of Finance.

ANTICIPATED BENEFITS OF THE PROPOSED AMENDMENT

The adoption of this regulation provides the necessary regulatory authority to eradicate a serious insect pest; this is a mandated, statutory goal. Prevention of the establishment and spread of GFF will prevent:

- direct damage to the agricultural industry growing host fruits
- indirect damage to the agricultural industry growing host fruits due to the implementation of quarantines by other countries and loss of export markets
- increased production costs to the affected agricultural industries
- increased pesticide use by the affected agricultural industries
- increased costs to the consumers of host fruits
- increased pesticide use by homeowners and others
- the need to implement a State interior quarantine
- the need to implement a federal domestic quarantine

There is no existing, comparable federal regulations or statute.

There are no known specific benefits to worker safety or the health of California residents.

EVALUATION OF INCONSISTENCY/ INCOMPATIBILITY WITH EXISTING STATE REGULATIONS

As required by Government Code Section 11346.5(a)(3)(D), the Department has conducted an evaluation of the amendment to Section 3591.13 and has determined that it is are not inconsistent or incompatible with existing state regulation.

CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

Prior to conducting any action authorized by this regulation, the Department shall comply with the California Environmental Quality Act of 1970 (Public

Resources Code Section 21000 et seq. as amended) and the State CEQA Guidelines (Title 14 California Code of Regulations Section 15000 et seq.).

DISCLOSURES REGARDING THE PROPOSED ACTION

*The Department has made the following initial determinations:*

Mandate on local agencies or school districts: None.

There is no reimbursable costs or savings under Part 7 (commencing with Section 17500) of Division 4 of the Government Code to local agencies or school districts and no nondiscretionary costs or savings to local agencies or school districts, will result from the amendment of 3423 and 3591.2.

Cost or savings to any state agency: None.

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

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

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

Significant, statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states: The cost impacts are expected to be minimal/non-consequential. The Department makes the initial determination that the proposed action will not have a significant, statewide adverse economic impact.

Significant effect on housing costs: None.

Small business determination: The proposed regulation would be unlikely to affect small business. The Department has been conducting eradication actions throughout the state for over 30 years without causing significant creation or elimination of jobs or causing any other significant impact on businesses.

RESULTS OF THE ECONOMIC IMPACT ANALYSIS/ASSESSMENT

The Department has concluded that the Section 3591.13 amendment (1) will have no significant impact on the creation or elimination of jobs in California, (2) will have no impact on the creation or elimination of businesses within California, (3) will have no impact on the expansion of businesses within California, (4) is expected to benefit the health and welfare of California residents, (5) is expected to benefit the state's environment, and (6) is not expected to harm or benefit workers' safety.

The health and welfare of California residents: The regulation benefits industries (nursery, fruit for domestic use and exports, packing facilities), the envi-

ronment (urban landscapes), and the overall California economy by preventing the spread of GFF. The agricultural industry is one of the economic engines in the state. Negative impacts to agriculture impact the state's economy and the general welfare of the State.

The state's environment: The amendment of this regulation benefits environment (urban landscapes) by providing the Department an eradication program to prevent the artificial spread of the GFF over short and long distances. GFF spread could cause an increase in pesticide use by industry and homeowners.

#### CONSIDERATION OF ALTERNATIVES

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

The Department invites interested persons to present alternatives during the written comment period.

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

The Department has prepared an initial statement of reasons for the proposed action and has made available all the information upon which its proposal is based and the express terms of the proposed action. The Department has posted the information regarding this proposed regulatory action on its Internet website ([www.cdffa.ca.gov/plant/Regulations.html](http://www.cdffa.ca.gov/plant/Regulations.html)). A copy of the initial statement of reasons and the proposed regulations in underline and strikeout form may be obtained upon request. The location of the information on which the proposal is based may also be obtained upon request. In addition, the final statement of reasons will be available upon request. Requests should be directed to the contact named herein.

#### AVAILABILITY OF CHANGED OR MODIFIED TEXT

After the comment period and 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 the

regulations as revised. Any person interested may obtain a copy of said regulations prior to the date of adoption by contacting the agency officer named herein. The Department will accept written comments on the modified regulations for 15 days after the date on which they are made available.

#### AVAILABILITY OF THE FINAL STATEMENT OF REASONS

Upon its completion, copies of the Final Statement of Reasons may be obtained by contacting the agency officer named herein.

### TITLE 3. DEPARTMENT OF FOOD AND AGRICULTURE

#### CANNABIS APPELLATIONS PROGRAM

**NOTICE IS HEREBY GIVEN** that the California Department of Food and Agriculture (Department) proposes to amend regulations to Chapter 2, Cannabis Appellations Program, within Title 3 of the California Code of Regulations. With this rulemaking, the Department will propose permanent regulations after the consideration of all comments, objections, and recommendations regarding the proposed action.

The Department is issuing this notice to meet requirements set forth in Government Code section 11346.5.

#### PUBLIC HEARING

The Department will hold a virtual public hearing at the following date and time listed below:

Tuesday, March 19, 2024  
11:00 a.m. to 1:00 p.m.

Attendees may participate via Zoom online meeting platform or telephone conferencing. To participate via Zoom online meeting platform please contact Eric Duran at [Eric.Duran@cdffa.ca.gov](mailto:Eric.Duran@cdffa.ca.gov) or (916) 387-5887 by 4:30 p.m. on March 15, 2024, to request a link to the meeting. The link to the meeting will also be posted on the Department's website no later than 9:00 a.m. the day of the hearing.

As a reasonable accommodation, limited in-person seating may be available at the hearing in the Department Hearing Room, 1220 N Street, Sacramento, CA 95814. Attendees must comply with all COVID-19 safety protocols. Please contact Eric Duran at [Eric.Duran@cdffa.ca.gov](mailto:Eric.Duran@cdffa.ca.gov) or (916) 387-5887 by 4:30 p.m. on March 11, 2024, if an accommodation is necessary.

Participants will be given instructions on how to provide oral comment once they have accessed the

hearing. The hearing will proceed on the date noted above until all testimony is submitted or 1:00 p.m., whichever is later. At the hearing, any person may present oral or written statements or arguments relevant to the proposed action described in the Informative Digest. The Department requests, but does not require, that persons who make oral comments at the hearing also submit a written copy of their testimony via email.

#### WRITTEN COMMENT PERIOD

Any interested person, or his or her authorized representative, may submit written comments relevant to the proposed regulatory action to the Department. The written comment period closes at midnight on March 19<sup>th</sup>, 2024. The Department will only consider comments received at the Department offices by that time.

Submit comments to:

Cannabis Appellations Program  
California Department of Food and Agriculture  
Office of Environmental Farming and Innovation  
1220 N Street, Sacramento, CA 95814

or

Email: [CannabisAg@cdfa.ca.gov](mailto:CannabisAg@cdfa.ca.gov)

#### AUTHORITY AND REFERENCE

Section 26063 of the California Business and Professions Code authorizes the Department to adopt, implement, and enforce regulations related to the cannabis appellations of origin process. The Department is proposing to amend sections 9000, 9102, 9106, 9202 and 9203, and adopt sections 9301 and 9302 of Title 3, Division 8, Chapter 2 of the California Code of Regulations.

The proposed regulations will implement, interpret, make specific, or reference sections 26001, 26012, 26061, 26063, and 26160 of the California Business and Professions Code.

#### INFORMATIVE DIGEST/ POLICY STATEMENT

##### *Existing Law:*

**Senate Bill 94** (Committee on Budget and Fiscal Review, Chapter 94, Statutes of 2017), also known as the Medicinal and Adult–Use Cannabis Regulation and Safety Act (MAUCRSA) required the Department to establish, no later than January 1, 2021, a process by which licensed cultivators may establish appellations of standards, practices, and varieties applicable to cannabis grown in a certain geographical area in California.

**Senate Bill 185** (McGuire, Chapter 841, Statutes of 2019) restored the term “appellation of origin” to statute and replaced the words “varietal” and “grown” with the more industry–appropriate terms of “cultivar” and “produced.” It also expanded appellation of origin protections by specifically prohibiting cannabis from being advertised, marketed, labeled, or sold using an appellation of origin, or any similar name that is likely to mislead consumers as to the kind of cannabis, unless the cannabis meets the appellation of origin requirements for, and was produced in, the geographical area; and prohibiting an appellation of origin, or any similar name that is likely to mislead consumers as to the kind of cannabis contained in the product, from being used in the advertising, labeling, marketing, or packaging of a cannabis product unless 100 percent of the cannabis contained in the product meets the appellation of origin requirements and was produced in the geographical area.

**Senate Bill 67** (McGuire, Chapter 298, Statutes of 2020) limited the approval of appellations of origin for cannabis unless it requires the practice of planting in the ground in the canopy area and excludes the practices of using structures and any artificial light in the canopy area.

**Assembly Bill 141** (Budget Act of 2021) established the Department of Cannabis Control (DCC) and transferred to that department most of the powers, duties, purposes, functions, responsibilities, and jurisdiction of the Bureau of Cannabis Control, the Department of Food and Agriculture, and the State Department of Public Health under MAUCRSA. As a result, the authority to create and implement cannabis cultivation regulations was transferred from CDFa to the DCC. This bill maintained the mandate for CDFa to establish a process by which licensed cultivators may establish appellations of origin for cannabis produced in certain geographical areas of California. It also authorizes the Department of Food and Agriculture to collect fees to cover the reasonable regulatory costs of performing the duties relating to the appellations of origin program.

**Senate Bill 160** (Committee on Budget and Fiscal Review, Chapter 87, Statutes of 2021) Delayed the requirement that the Department establish a process by which licensed cultivators may establish appellations of origin for cannabis produced in certain geographical areas of California, until January 1, 2022, and made other clarifying changes.

##### *Effect of the Proposed Action:*

The proposed regulations would establish the following requirements for use of an appellation of origin:

- (1) All cultivation activities (i.e., planting, growing, harvesting, drying, curing, grading, and trimming) must occur within the area represented by the appellation of origin.



- (2) The cultivator must notify the Department of use of the appellation of origin.

*Objectives and Anticipated Benefits from this Regulatory Action:*

Existing law requires the Department to establish a process by which licensed cannabis cultivators may establish appellations of origin. Regulations detailing that process were approved by the Office of Administrative Law on November 23, 2021.

The regulations proposed in this rulemaking action provide clarity on the requirements to use an appellation of origin in advertising, marketing, labeling, and packaging of cannabis and nonmanufactured cannabis products. Some of the expected impacts of the proposed regulations are:

- (1) Provide more reliable information available to consumers regarding the geographical origin of cannabis;
- (2) Increase efficiency in administering the program by clarifying recordkeeping and Notice of Use requirements for use of an appellation of origin; and
- (3) Provide consistency on the meaning of an appellation of origin by providing a uniform definition of “produced” for cannabis originating from different appellations of origin throughout the state.

The proposed amendments to the regulations are intended to strengthen the appellations program and consequentially aid in achieving a government-implemented, clearly defined and straight-forward process for establishing and using an appellation of origin.

*Inconsistency with Federal Regulations or Statutes:*

The United States Drug Enforcement Administration, under the Controlled Substances Act, lists cannabis as a Schedule I drug. Schedule I drugs are defined as having a high potential for abuse, having no currently accepted medical use in treatment in the United States, and a lack of accepted safety for use of the drug under medical supervision (21 U.S.C. § 812).

Controlled Substances Act, Title 21 — Food and Drugs, Chapter 13 — Drug Abuse and Prevention Control, Subchapter 1 — Control and Enforcement, Part B — Authority to Control; Standards and Schedules: <https://uscode.house.gov/view.xhtml?path=/prelim@title21/chapter13&edition=prelim>.

*Consistency with Existing State Regulations:*

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

**PLAIN ENGLISH REQUIREMENT**

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

**DISCLOSURES REGARDING THE PROPOSED ACTION**

The Department has made the following initial determinations:

Mandate on local agencies and school districts: None.

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

Cost or savings to state agencies: There is a cost to the state to administer the appellations program. The Department has estimated that the fees for petitioning to participate in the program will cover those administrative costs. There are no additional costs to state agencies associated with these proposed regulations. The proposed recordkeeping and Notice of Use requirements may result in savings to the state by providing more efficient program administration.

Non-discretionary cost or savings imposed upon local agencies: None.

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

Cost impacts on a representative private person or business: Participation in the cannabis appellations program is voluntary. Thus, there are no mandated costs on cannabis businesses. There would be a cost to cannabis businesses choosing to participate in the appellations program. Those costs are not increased by these proposed amendments to the existing regulations. Consumers may choose cannabis produced in an appellation that might be more expensive, but they will also have the choice to purchase cannabis produced outside of the appellations program.

Effect on small business: Participation in the appellations program is voluntary and so there is no mandated impact on small businesses. There may be a positive effect on small business. California Business and Professions Code section 26063 requires specific cultivation practices that are most associated with small cannabis farms. The appellation of origin program will provide a tool to those small businesses for collective marketing of cannabis from their region. The proposed amendments are intended to strengthen that tool.

Effect on housing costs: None.

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

### RESULTS OF THE ECONOMIC IMPACT ANALYSIS

California Government Code section 11346.3 requires state agencies to assess the potential economic impacts on California businesses and individuals when proposing to adopt or amend any administrative regulation.

The Department has concluded that the proposed amendments (1) will have no significant impact on the creation or elimination of jobs in the State of California, (2) will have no impact on the creation or elimination of businesses within the State of California, (3) will have no impact on the expansion of businesses within the State of California, (4) as stated above, will benefit the health and welfare of California residents by providing clarity on the use of key terms and strengthening the appellations program, (5) are not expected to impact the state’s environment, and (6) are not expected to impact workers’ safety.

The proposed amendments to the regulations are intended to ensure that the benefits detailed in Economic and Fiscal Impact Analysis (EFIA) of the regulations creating the CAP are achieved, and aid in efficient administration of the program.

### CONSIDERATION OF ALTERNATIVES

In accordance with Government Code section 11346.5(a)(13), the Department must determine that no reasonable alternative considered by the Department or that has otherwise been identified and brought to the attention of the Department would be more effective in carrying out the purpose for which this action is proposed, would be as effective and less burdensome to affected private persons than the proposed action, or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provisions of law. The Department invites interested persons to present statements or arguments with respect to alternatives to the proposed regulations at the scheduled hearing or during the written comment period.

To gain stakeholder input regarding the appellations program, the Department held outreach events during 2018 and 2019 allowing for broad input and subsequently more focused workshops with representatives

of cultivator groups and subject matter experts. The proposed amendments in this action were included in multiple iterations of proposed regulations in 2020 and 2021. Comments received during these events were considered during the development of these amendments to the regulations. Comments not considered were either in conflict with existing statute or unreasonable to adopt.

The primary alternative for each of the proposed amendments is to not include them in the CAP. The currently proposed regulations regarding defining “produced” and requiring a Notice of Use from cultivators using an appellation of origin were included in multiple iterations of CAP’s initially proposed regulations but not in the final version. During that initial period, the department considered alternatives such as allowing each appellation of origin to define produced for their region. The Department also considered alternatives to the Notice of Use such as individual cultivators requiring certification from the Department prior to use of an appellation of origin. The Department determined that those options would weaken the program or greatly increase administrative costs for the Department and lessen the probability of achieving the potential benefits of an appellation program.

### CONTACT PERSONS

Inquiries concerning the proposed action may be directed to:

Francis Bean  
California Department of Food and Agriculture  
Office of Environmental Farming and Innovation  
1220 N Street, Sacramento, CA 95814  
Email: [Francis.Bean@cdfa.ca.gov](mailto:Francis.Bean@cdfa.ca.gov)  
Phone: (916) 387–5853

The backup contact person for these inquiries is:

Eric Duran  
California Department of Food and Agriculture  
Office of Environmental Farming and Innovation  
1220 N Street, Sacramento, CA 95814  
Email: [Eric.Duran@cdfa.ca.gov](mailto:Eric.Duran@cdfa.ca.gov)  
Phone: (916) 387–5887

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

The Department has prepared and has available for public review an Initial Statement of Reasons for the proposed regulations, including all the information upon which the proposed regulations are based, and the express terms of the proposed regulations. A copy of the Initial Statement of Reasons and the proposed

regulations in underline will be available on the program’s webpage at <https://www.cdfa.ca.gov/oefi/cap/>.

**AVAILABILITY OF CHANGED OR  
MODIFIED TEXT**

After considering all timely and relevant comments received, the Department may adopt the proposed regulations substantially as described in this notice. If the Department makes modifications that are sufficiently related to the originally proposed text, it will make the modified text (with the changes clearly indicated) available to the public for at least 15 days before the Department adopts the revised regulations. The Department will notify any interested person who commented previously on these revised regulations. Any person interested may obtain a copy of any modified regulations prior to the date of adoption from the Contact Persons at the mailing or email addresses specified above or by accessing the program’s webpage during subsequent comment periods.

**AVAILABILITY OF THE FINAL  
STATEMENT OF REASONS**

Upon its completion, copies of the Final Statement of Reasons will be posted on the program’s webpage and may be obtained directly from the Contact Persons at the mailing or email addresses specified above.

**AVAILABILITY OF DOCUMENTS**

Copies of the Notice of Proposed Action and other information related to this regulatory action can be accessed through our website at <https://www.cdfa.ca.gov/oefi/cap/>.

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

**SECTION 4500 NOXIOUS WEED SPECIES**

The California Department of Food and Agriculture (Department) proposes to amend of Title 3 California Code of Regulations (CCR) Section 4500 Noxious Weed Species to change *Volutaria canariensis* to *Volutaria tubuliflora*.

**PUBLIC HEARING**

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

**WRITTEN COMMENT PERIOD**

Any interested person or his or her authorized representative may submit written comments relevant to the proposed regulations to the Department. Comments may be submitted by USPS, FAX or email. The written comment period closes on March 18, 2024. The Department will consider only comments received at the Department offices by that date or postmarked no later than March 18, 2024. Submit comments to:

Erin Lovig, Senior Environmental Scientist  
Supervisor California  
Department of Food and Agriculture  
1220 N Street  
Sacramento, CA 95814  
[Permits@cdfa.ca.gov](mailto:Permits@cdfa.ca.gov)  
916.403.6650  
916.651.2900 (FAX)

Questions regarding the substance of the proposed regulation should be directed to Erin Lovig. In her absence, you may contact Dean Kelch at (916) 261–9252 or [dean.kelch@cdfa.ca.gov](mailto:dean.kelch@cdfa.ca.gov), FAX number (916) 651–2900.

Unless there are substantial changes to the proposed regulations prior to adoption, the Department may adopt the proposal as set forth in this notice without further notice to the public. Following the public hearing, if one is requested, or following the written comment period if none is requested, the Department, at its own motion, or at the instance of any interested person, may adopt the proposal substantially as set forth without further notice.

**AUTHORITY**

The Department proposes to amend Section 4500 pursuant to the authority vested by Sections 407 and 5004 of the Food and Agricultural Code.

**REFERENCE**

The Department proposes this action to implement, interpret and make specific Section 5004 of the Food and Agricultural Code.

**INFORMATIVE DIGEST/POLICY  
STATEMENT OVERVIEW**

CCR section 4500 lists the species of plants that are noxious weeds within the meaning of Section 5004 of the Food and Agricultural Code. A weed species originally identified as *Volutaria canariensis* has been corrected by the individual who identified it to *Volutaria tubuliflora*; this amendment changes the name within the regulation.

EXISTING LAWS AND REGULATIONS

Existing law, FAC Section 407, provides that the Secretary may adopt such regulations as are reasonably necessary to carry out the provisions of this code which the Secretary is directed or authorized to administer or enforce.

Existing law, FAC section 5004, provides that the Secretary may adopt a list of the plants that is, or is liable to be, detrimental, to agriculture or important native species, and difficult to control or eradicate, which the Secretary, by regulation, designates to be a noxious weed.

ANTICIPATED BENEFITS OF THE PROPOSED AMENDMENT

By correctly classifying noxious weeds the Department will be limiting their spread which will provide economic savings to the general public, farmers, ranchers, local governments, state and federal agencies, affected and potentially affected businesses, and land management entities, both private and public.

There is no existing, comparable federal regulations or statute regulating this noxious weed.

There are no known specific benefits to worker safety or the health of California residents.

EVALUATION OF INCONSISTENCY/ INCOMPATIBILITY WITH EXISTING STATE REGULATIONS

The Department considered any other possible regulations addressing this noxious weed, and it found that these are the proposed amendment is the only regulation dealing with this subject, and the Department is the only State agency which can identify noxious weeds. As required by Government Code Section 11346.5(a)(3)(D), the Department has conducted an evaluation of Section 4500 and has determined that it is not inconsistent or incompatible with existing state regulations.

DISCLOSURES REGARDING THE PROPOSED ACTION

*The Department has made the following initial determinations:*

Mandate on local agencies or school districts: None.

Cost or savings to any state agency: The proposed action corrects a noxious weed species that was already being regulated. The Department has determined that no savings or increased costs to any state agency and no costs or savings in federal funding to the State will result from the amendment of Section

4500. The amendment of this regulation would have no fiscal impact on the Department.

Cost to any local agency or school district which must be reimbursed in accordance with Government Code sections 17500 through 17630: None and no nondiscretionary costs or savings to local agencies or school districts.

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

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

Cost impacts on a representative private person or business: The proposed action corrects a noxious weed species that was already being regulated. The agency is not aware of any cost impacts that a representative person or business would necessarily incur in reasonable compliance with the proposed action.

Significant, statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states: The proposed action corrects a noxious weed species name. The Department makes the initial determination that the proposed action will not have a significant, statewide adverse economic impact.

Significant effect on housing costs: None.

Small business determination: The proposed action will correct a noxious weed species name without any impact on small business.

RESULTS OF THE ECONOMIC IMPACT ANALYSIS/ASSESSMENT

The Department has concluded that the amendment of Section 4500 (1) will have no impact on the creation or elimination of jobs in the State of California, (2) will have no impact on the creation or elimination of businesses within the State of California, (3) will have no impact on the expansion of businesses within the State of California, (4) as stated above under ANTICIPATED BENEFITS OF THE PROPOSED AMENDMENT, will limit the spread of the noxious weeds and provide benefits to California residents, including public and private entities and interests and the state's environment. There are no known specific benefits to worker safety or the health of California residents.

CONSIDERATION OF ALTERNATIVES

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

vate persons and equally effective in implementing the statutory policy or other provision of law.

The Department invites interested persons to present alternatives during the written comment period.

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

The Department has prepared an initial statement of reasons for the proposed action and has made available all the information upon which its proposal is based and the express terms of the proposed action. The Department has posted the information regarding this proposed regulatory action on its Internet website ([www.cdfa.ca.gov/plant/Regulations.html](http://www.cdfa.ca.gov/plant/Regulations.html)). A copy of the initial statement of reasons and the proposed regulations in underline and strikeout form may be obtained upon request. The location of the information on which the proposal is based may also be obtained upon request. In addition, the final statement of reasons will be available upon request. Requests should be directed to the contact named herein.

**AVAILABILITY OF CHANGED OR  
MODIFIED TEXT**

After the comment period and considering all timely and relevant comments received, the Department may amend 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 the regulations as revised. Any person interested may obtain a copy of said regulations prior to the date of adoption by contacting the agency officer named herein. The Department will accept written comments on the modified regulations for 15 days after the date on which they are made available.

**AVAILABILITY OF THE FINAL  
STATEMENT OF REASONS**

Upon its completion, copies of the Final Statement of Reasons may be obtained by contacting the agency officer named herein.

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

**ANIMAL BLOOD BANKS**

NOTICE IS HEREBY GIVEN that the Department of Food and Agriculture (herein after referred to as "Department") proposes to adopt the regulations described below in the Informative Digest/Policy Statement Overview after considering all comments, objections, and recommendations regarding this proposal. Publication of this notice commences a 45-day public comment period.

**PUBLIC HEARING**

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

**WRITTEN COMMENT PERIOD**

Any interested person, or his or her authorized representative, may submit written comments relevant to the proposed regulatory action to the Department. Comments can be submitted via email to [sean.brady@cdfa.ca.gov](mailto:sean.brady@cdfa.ca.gov), or mailed to the address listed below. The written comment period begins on **February 2, 2024 and closes on March 18, 2024**. The Department is not required to respond to comments that are outside the scope of this Notice or comments that are not received or postmarked during the written comment period.

**WRITTEN COMMENTS AND REQUEST  
FOR PUBLIC HEARING**

All written comments and any requests for a public hearing should be directed to the following person:

Sean Brady, DVM  
Department of Food and Agriculture  
Animal Health and Food Safety Services  
Animal Blood Banks  
1220 N Street, Sacramento, CA 95814  
Telephone (916) 208-0500  
Email: [sean.brady@cdfa.ca.gov](mailto:sean.brady@cdfa.ca.gov)

**AUTHORITY AND REFERENCE**

Food and Agricultural Code (FAC) section 14 authorizes the Department to adopt rules and regulations in accordance with the Administrative Procedure Act. Additional authority vested in FAC grants the Depart-

ment Secretary the authority to amend or repeal rules and regulations.

FAC section 407 authorizes the Secretary of the Department to adopt such regulations as are reasonably necessary to carry out the provisions of the FAC which the Secretary is directed or authorized to administer or enforce.

FAC section 9221(g) authorizes the Secretary of the Department to collect necessary and proper information on the application for a license for an establishment that produces, or proposes to produce, animal blood or blood component products from a closed–colony blood bank.

FAC section 9231(d) authorizes the Department to set inspection fees in an amount not to exceed the Department’s reasonable regulatory costs incurred with the oversight of commercial blood banks for animals.

FAC section 9244(b) authorizes the Department to set fees in an amount that will cover the Department’s reasonable regulatory costs incurred to administer and enforce product safety standards for animal blood and blood component products.

FAC section 9245 authorizes the Secretary of the Department to impose conditions on the production or use of blood and blood component products as necessary to ensure product safety standards and compliance with facility requirements.

FAC section 9251 authorizes the Secretary of the Department to adopt reasonably necessary rules and regulations for the administration and enforcement of requirements relating to commercial blood banks for animals.

Business and Professions Code (BPC) section 4920.5 requires community blood banks operating pursuant to Article 7 of Chapter 11 of Division 2 of the BPC to comply with blood or blood component product registration requirements under Article 5 (commencing with section 9241) of Chapter 1.5 of Part 1 of Division 5 of the Food and Agricultural Code.

BPC section 4920.6 authorizes the Department to collect quarterly reports from community blood banks operating pursuant to Article 7 of Chapter 11 of Division 2 of the BPC.

The proposed regulation implements, interprets, and makes specific sections 9201, 9210, 9212, 9221, 9231, 9241, 9242, 9243, 9244, 9245, 9252, 9253 and 9266 of the FAC and sections 4920.4 and 4920.6 of the BPC.

#### INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

To implement AB 1282, the Department proposes to amend Title 3, California Code of Regulations, Division 2, Chapter 8, and adopt new Articles 1–4 (commencing with section 1303) to implement, inter-

pret, and make specific laws relating to animal blood banking.

#### *Summary of Existing Laws and Effect of the Proposed Action*

In 2021, Governor Gavin Newsom signed AB 1282 (Stats. 2021, Chapter 725), the California Pet Blood Bank Modernization Act (Act) into law. The goal of the Act is to address the shortage of animal blood available for veterinary transfusion medicine in California and transition the state from closed colony blood banks to community blood banks. The Act directs the Department to adopt reasonably necessary rules and regulations for administration and enforcement of these changes.

The proposed regulations would establish the application requirements for a closed–colony facility license and the circumstances under which the Department would discontinue the closed–colony licensing program. The proposed regulations would require that a commercial blood bank that is not a closed–colony blood bank or otherwise registered as a community blood bank be licensed by the Department and establish the licensing requirement for those establishments. The proposed regulation would establish quarterly reporting requirements for closed–colony blood banks licensed with the Department. The proposed regulations would require that those with blood or blood competent products registered with the Department be inspected at least once a year. The proposed regulations would also require that commercial blood banks licensed by the Department be inspected at least once a year. The proposed regulations would also establish the fees that commercial blood banks for animals with products registered with the Department pay to the Department.

#### *Anticipated Benefits of the Proposal*

This proposal will ensure stakeholders have a clear understanding of when the Department will discontinue its licensing program for closed–colony blood banks. It will increase the supply of lifesaving blood and blood component products offered for sale to California veterinarians and ultimately improve the quality of veterinary transfusion medicine in the state. The proposal clarifies facility inspections and quarterly reporting requirements, allowing the Department to monitor animal health and welfare. By setting clear requirements and fee structures for those persons wanting to sell animal blood and blood component products, the Department anticipates more community blood banks will begin entering the market.

#### *State Regulation Consistency Evaluation*

The Department has evaluated this proposal and has concluded that it is not inconsistent or incompatible with existing regulations of closed–colony animal

blood banks and community animal blood banks in California.

### DISCLOSURES REGARDING THE PROPOSED ACTION

The Department has made the following initial determinations:

Mandate on Local Agencies and School Districts: None.

Costs or Savings to Any State Agency: The new fees as proposed, will cover the Department's costs incurred to administer and enforce animal blood and blood component product safety standards.

Costs to Any Local Agency or School District for Which Government Code section 17500 et seq., Require Reimbursement: None.

Nondiscretionary Costs/Savings to Local Agencies: None.

Cost or Savings in Federal Funding to the State: None.

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

Cost Impacts on Representative Private Persons or Businesses: According to the Department's projections, the implementation of the proposed action is anticipated to incur an annual expense of approximately \$100,000 for the commercial blood bank industry in California. This financial burden is expected to be transferred downstream to emergency veterinary hospitals, subsequently slightly increasing the cost of animal blood transfusions at these facilities.

Anticipated Compliance Requirements as a Result of this Proposal: This proposal affects persons or businesses applying for a license to operate an animal blood bank and to register blood product components with the Department. It requires applicants and licensees to submit to the Department licensure and registration forms, quarterly reports, and it contains record keeping requirements.

Effect on Housing Costs: None.

### RESULTS OF THE ECONOMIC IMPACT ASSESSMENT/ANALYSIS

The Department concludes that it is: (1) likely that the proposal will have no immediate impact on jobs at existing commercial blood banks and will facilitate the creation of an unknown number of jobs at newly formed community blood banks; (2) likely that this proposal will accelerate the creation of new businesses operating as community blood banks and clarify

when businesses operating as closed-colony blood banks will be eliminated; (3) likely this proposal will facilitate the expansion of the unknown number of veterinary hospitals into the blood banking marketplace; (4) likely the enhanced enforcement and reporting responsibilities will protect consumers and the industry. Finally, this proposed rulemaking will have no impact on the general public and the protection of public health and safety.

### SMALL BUSINESS DETERMINATION

The Department has initially determined that the proposed adoption of this regulatory action would affect small businesses.

### CONSIDERATION OF ALTERNATIVES

In accordance with Government Code section 11346.5(a)(13), the Department must determine that no reasonable alternative it considered or that has otherwise been identified and brought to 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 invites interested persons to present statements or arguments with respect to alternatives to the proposed regulations at the scheduled hearing if one is requested by the public or during the written comment period.

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

Copies of the exact language of the proposed regulations and the Initial Statement of Reasons, and all the information upon which the proposal is based, may be obtained by contacting the persons named below or by accessing the Department's website as indicated below in this Notice.

The Department will have the rulemaking file available for inspection and copying throughout the rulemaking process at its office located at 1220 N Street, Sacramento, CA 95814. As of the date this notice is published in the California Regulatory Notice Register, the rulemaking file consists of this Notice, Proposed Text, the Initial Statement of Reasons and the Material Relied Upon which at this time consists of (1) Consensus Statement on blood donor infectious disease screening by the American College of Veterinary Internal Medicine, (2) California Consumer

Price Index 2022/2023, and (3) Animal Blood Bank Program Expenditure/Revenue report. Copies may be obtained by contacting Dr. Sean Brady at the address or phone number listed below.

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

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

#### AVAILABILITY OF CHANGED OR MODIFIED TEXT

After considering all timely and relevant comments received, the Department may amend 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 changes clearly indicated) available to the public for at least 15 days before the Department adopts the regulations as modified. Please send requests for copies of any modified regulations to the attention of Dr. Sean Brady at the address listed below. The Department will accept written comments on the modified regulations for 15 days after the date on which they are made available.

#### AVAILABILITY OF DOCUMENTS ON THE INTERNET

Copies of the Notice of Proposed Action, the Initial Statement of Reasons and the text of the proposed regulations shown in strikeout and underline format, can be accessed through the Department's website at: <http://www.cdfa.ca.gov/ahfss/regulations.html>, or by contacting the contact person named below in this Notice.

#### CONTACT PERSONS

Inquiries, written comments, copies of the proposed text of the regulations, the Initial Statement of Reasons, modified text of the regulation, if any, or other information upon which the rulemaking proposal is based, are to be addressed to the following person:

Sean Brady, DVM  
Department of Food and Agriculture  
Animal Health and Food Safety Services  
Animal Blood Banks  
1220 N Street, Sacramento, CA 95814  
Telephone (916) 208–0500  
Email: [sean.brady@cdfa.ca.gov](mailto:sean.brady@cdfa.ca.gov)

The back-up person is:

Nancy Grillo  
Department of Food and Agriculture  
Animal Health and Food Safety Services  
Division Administration  
1220 N Street, Sacramento, CA 95814  
Telephone (916) 900–5000  
Email: [nancy.grillo@cdfa.ca.gov](mailto:nancy.grillo@cdfa.ca.gov)

### TITLE 3. DEPARTMENT OF FOOD AND AGRICULTURE

#### SECTION 3436 BACTROCERA ALBISTRIGATA INTERIOR QUARANTINE SECTION 3591.23 WHITE STRIPED FRUIT FLY ERADICATION AREA

The Department of Food and Agriculture (Department) proposes to amend Title 3 of the California Code of Regulations (CCR) Section 3436 Bactrocera albistrigata Interior Quarantine and Section 3591.23 White Striped Fruit Fly (WSFF) Eradication Area.

#### PUBLIC HEARING

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

#### WRITTEN COMMENT PERIOD

Any interested person or his or her authorized representative may submit written comments relevant to the proposed regulations to the Department. Comments may be submitted by USPS, FAX or email. The written comment period closes on March 19, 2024. The Department will consider only comments received at the Department offices by that date or postmarked no later than March 19, 2024. Submit comments to:

Erin Lovig, Senior Environmental Scientist  
Supervisor  
California Department of Food and Agriculture  
Plant Health and Pest Prevention Services  
1220 N Street  
Sacramento, CA 95814  
916.403.6650  
[Permits@cdfa.ca.gov](mailto:Permits@cdfa.ca.gov)

Questions regarding the substance of the proposed regulation should be directed to Erin Lovig. In her absence, you may contact Rachel Avila at (916) 698–2947 or [rachel.avila@cdfa.ca.gov](mailto:rachel.avila@cdfa.ca.gov).



Unless there are substantial changes to the proposed regulations prior to amendment, the Department of Food and Agriculture may adopt the proposal as set forth in this notice without further notice to the public.

### AUTHORITY

The Department proposes to amend Sections 3436 and 3591.23 pursuant to the authority vested by Sections 407, 5301, 5302, and 5322 of the Food and Agricultural Code (FAC).

### REFERENCE

The Department proposes this action to implement, interpret and make specific Sections 5301, 5302, 5322, 5761, 5762, 5763, and 5764 of the FAC.

### INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

In Section 3436(c)(1) *Bactrocera albistrigata* Interior Quarantine, the host list will be removed and a reference to Section 3591.23(b), White Striped Fruit Fly Eradication Area, will be added. The host list in Section 3591.23(b) will be reformatted to more be more easily read and updated to match the United States Department of Agriculture (USDA) host list. Currently, both these lists are incomplete and not in harmony. By the Department referencing the list in Section 3591.23(b), there will only be one list for the public to reference, and by updating this list with current USDA information, Section 3591.23(b) will offer the best possible regulatory guidance if this pest is found.

### EXISTING LAWS & REGULATIONS

Existing law, FAC Section 407, provides that the Secretary may adopt such regulations as are reasonably necessary to carry out the provisions of this code which the Secretary is directed or authorized to administer or enforce.

Existing law, FAC Section 5301, provides that the Secretary may establish, maintain, and enforce such quarantine regulations as they deem necessary to protect the agricultural industry of this state from pests. The regulations may establish a quarantine at the boundaries of this state or elsewhere within the state.

Existing law, FAC Section 5302, provides that the Secretary may make and enforce such regulations as they deem necessary to prevent any plant or thing which is, or is liable to be, infested or infected by, or which might act as a carrier of, any pest, from passing over any quarantine line which is established and proclaimed pursuant to this division.

Existing law, FAC section 5322, provides that the Secretary may establish, maintain, and enforce quar-

antine, eradication, and such other regulations as are in her opinion necessary to circumscribe and exterminate or prevent the spread of any pest which is described in FAC section 5321.

Existing law, FAC Section 5761, provides that the Secretary may proclaim any portion of the state to be an eradication area with respect to the pest, prescribe the boundaries of such area, and name the pest and the hosts of the pest which are known to exist within the area, together with the means or methods which are to be used in the eradication or control of such pest.

Existing law, FAC Section 5762, provides that the Secretary may proclaim any pest with respect to which an eradication area has been proclaimed, and any stages of the pest, its hosts and carriers, and any premises, plants, and things infested or infected or exposed to infestation or infection with such pest or its hosts or carriers, within such area, are public nuisances, which are subject to all laws and remedies which relate to the prevention and abatement of public nuisances.

Existing law, FAC Section 5763, provides that the Secretary, or the commissioner acting under the supervision and direction of the director, in a summary manner, may disinfect or take such other action, including removal or destruction, with reference to any such public nuisance, which he thinks is necessary.

Existing law, FAC Section 5764, provides that if an eradication area has been proclaimed with respect to a species of fruit flies and the removal of host plants of such species is involved, the director may enter into an agreement with the owner of such host plants to remove and replace them with suitable nursery stock in lieu of treatment.

### ANTICIPATED BENEFITS OF THE PROPOSED AMENDMENT

The implementation of this amendment will help prevent potential future issues when the WSFF host list needs to be amended. Functional and accurate host lists will help prevent the spread of pests within California, which will prevent:

- direct damage to the agricultural industry growing host fruits
- indirect damage to the agricultural industry growing host fruits due to the implementation of quarantines by other countries and loss of export markets
- increased production costs to the affected agricultural industries
- increased pesticide use by the affected agricultural industries
- increased costs to the consumers of host fruits
- increased pesticide use by homeowners and others

- the need to implement a State interior quarantine
- the need to implement a federal domestic quarantine

There is no existing, comparable federal regulations or statute.

#### EVALUATION OF INCONSISTENCY/ INCOMPATIBILITY WITH EXISTING STATE REGULATIONS

As required by Government Code Section 11346.5(a)(3)(D), the Department has conducted an evaluation of Section 3436 and 3591.23 has determined that they are not inconsistent or incompatible with existing state regulations.

#### DISCLOSURES REGARDING THE PROPOSED ACTION

*The Department has made the following initial determinations:*

Mandate on local agencies or school districts: None.

There is no reimbursable costs or savings under Part 7 (commencing with Section 17500) of Division 4 of the Government Code to local agencies or school districts and no nondiscretionary costs or savings to local agencies or school districts, will result from the amendment of 3436 and 3591.23.

Cost or savings to any state agency: None.

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

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

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

Significant, statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states: The cost impacts are expected to be minimal/non-consequential. The Department makes the initial determination that the proposed action will not have a significant, statewide adverse economic impact.

Significant effect on housing costs: None.

Small business determination: The proposed action will not affect small business because compliance activities are currently being performed by existing staff throughout quarantine areas within the state without any impact on small business.

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

The Department has concluded that the Section 3436 and 3591.23 amendment (1) will have no signif-

icant impact on the creation or elimination of jobs in the State of California, (2) will have no impact on the creation or elimination of businesses within the state of California, (3) will have no impact on the expansion of businesses within the State of California, (4) is expected to benefit the health and welfare of California residents, (5) is expected to benefit the state's environment, and (6) is not expected to harm or benefit workers' safety.

The health and welfare of California residents: The proposed action will benefit the health and welfare of California residents by preventing programmatic delays, such as the California Code of Regulations containing host lists that re out of date, which can lead to pest quarantines, increased production costs, and job loss. The agricultural industry is a significant economic engine in California.. Negative impacts to agriculture impact the state's economy and the general welfare of the state.

The state's environment: The amendment of this regulation benefits the environment as correctly regulating hosts of WSFF lowers the risk that the pests could spread into the local environment via the surrounding non-agricultural ecosystems. Spread of WSFF could adversely impact private and commercial landscape plantings, local, regional, state and national parks, other recreational sites, open habitats, and wild lands. Affected plants could become less vigorous and may produce fewer seeds. Plants/trees with low propagule output can result in major changes to plant community structure.

#### CONSIDERATION OF ALTERNATIVES

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

The Department invites interested persons to present alternatives during the written comment period.

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

The Department has prepared an initial statement of reasons for the proposed action and has made available all the information upon which its proposal is based and the express terms of the proposed action. The Department has posted the information regarding this proposed regulatory action on its Internet website

([www.cdfr.ca.gov/plant/Regulations.html](http://www.cdfr.ca.gov/plant/Regulations.html)). A copy of the initial statement of reasons and the proposed regulations in underline and strikeout form may be obtained upon request. The location of the information on which the proposal is based may also be obtained upon request. In addition, the final statement of reasons will be available upon request. Requests should be directed to the contact named herein.

#### AVAILABILITY OF CHANGED OR MODIFIED TEXT

After the comment period and 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 the regulations as revised. Any person interested may obtain a copy of said regulations prior to the date of adoption by contacting the agency officer named herein. The Department will accept written comments on the modified regulations for 15 days after the date on which they are made available.

#### AVAILABILITY OF THE FINAL STATEMENT OF REASONS

Upon its completion, copies of the Final Statement of Reasons may be obtained by contacting the agency officer named herein.

### **TITLE 4. HORSE RACING BOARD**

#### PROPOSED AMENDMENT OF RULE 1866.3, INTRA-ARTICULAR INJECTIONS RESTRICTED

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

#### PROPOSED REGULATORY ACTION

The Board proposes to amend Board Rule 1866.3, Intra-articular Injections Restricted, to prohibit administration of a corticosteroid intra-articular joint injection into a high-motion joint of a horse without diagnostic imaging of the joint having been performed within seven days prior to the injection; define “high-motion joints” and “diagnostic imaging”; and make non-substantive edits.

#### PUBLIC HEARING

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

#### WRITTEN COMMENT PERIOD

Any interested persons, or their authorized representative, may submit written comments about the proposed regulatory action to the Board. The written comment period closes on **March 18, 2024**. The Board must receive all comments by that time. Submit comments to:

Rick Pimentel, Regulations Analyst  
California Horse Racing Board  
1010 Hurley Way, Suite 300  
Sacramento, CA 95825  
Telephone: (916) 274-6043  
Email: [rpimentel@chr.ca.gov](mailto:rpimentel@chr.ca.gov)

#### AUTHORITY AND REFERENCE

Authority cited: Sections 19440, 19562, and 19580, Business and Professions Code (BPC). Reference: Sections 19440, 19562 and 19580, BPC.

#### INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

BPC section 19440 provides that the Board shall have all powers necessary and proper to enable it to carry out fully and effectually the purposes of Horse Racing Law. Responsibilities of the Board shall include, but not be limited to, adopting rules and regulations for the protection of the public and control of horse racing and parimutuel wagering. BPC section 19562 provides that the Board may prescribe rules, regulations, and conditions, consistent with Horse Racing Law, under which all horse races with wagering on their results shall be conducted. BPC section 19580 provides that the Board shall adopt regulations to establish policies, guidelines, and penalties relating to equine medication in order to preserve and enhance the integrity of horse racing in the state.

Board Rule 1866.3 prohibits the racing of a horse that has received an intra-articular joint injection within 14 days of race day or a corticosteroid intra-articular joint injection into a fetlock joint within 30 days of race day. The rule also prohibits the completion of a timed workout for a horse that has received a corticosteroid intra-articular joint injection within the previous 10 days, requires placement on the Vet-

erinarian’s List of any horse receiving intra-articular joint injection treatment, and specifies a penalty for violation of these provisions.

A corticosteroid intra-articular joint injection is often administered into a high-motion joint of a racehorse without diagnostic imaging having been performed beforehand. This is problematic because the horse could have an underlying condition that may be compounded by the injection. For example, corticosteroids can travel from joints to surrounding soft tissues, where they have been shown to delay healing of injury. Additionally, repeated corticosteroid injections may have detrimental effects on cartilage. Furthermore, as corticosteroids alleviate pain and inflammation, horses are often able to continue training at full-bore after having received such an injection, which is especially problematic for high-motion joints because relatively greater forces are involved than with other joints. The Board, therefore, seeks to amend Board Rule 1866.3 to require the performance of diagnostic imaging prior to a corticosteroid intra-articular joint injection into a high-motion joint, which will help identify any existing issues and inform the practitioner in the decision to administer the injection and, thereby, promote the health and welfare of the horse.

#### ANTICIPATED BENEFIT OF THE PROPOSED REGULATION

By prohibiting the administration of a corticosteroid intra-articular injection into a high-motion joint of a horse unless diagnostic imaging is performed prior to the injection, the proposed regulatory action will help ensure that any underlying condition that could be exacerbated by the injection is first addressed, which will help prevent injury and, thereby, promote the health and welfare of the horse.

#### CONSISTENCY EVALUATION

Evaluation of Consistency and Compatibility with Existing State Regulations: During the process of developing the regulatory action, the Board conducted a search of any similar regulations on the topic and concluded that Board Rule 1866.3 is the only regulation that sets forth racing and training restrictions related to intra-articular joint injections. Additionally, the proposed amendment to the rule is the only regulation that will prohibit administration of a corticosteroid intra-articular joint injection into a high-motion joint of a horse without diagnostic imaging of the joint having been performed prior to the injection, as well as define “high-motion joints” and “diagnostic imaging.” Therefore, the proposed regulatory action is neither inconsistent nor incompatible with existing state regulations.

#### DISCLOSURES REGARDING THE PROPOSED ACTION

Mandate on local agencies and school districts: none.

Cost or savings to any state agency: none.

Cost to local agencies and school districts that must be reimbursed in accordance with Government Code (GC) sections 17500 through 17630: none.

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

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

The Board has made an initial determination that the proposed regulatory action will not have a significant, statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states. The proposed regulatory action will prohibit administration of a corticosteroid intra-articular joint injection into a high-motion joint of a horse without diagnostic imaging of the joint having been performed within seven days prior to the injection; define “high-motion joints” and “diagnostic imaging”; and make non-substantive edits. None of these changes poses a direct adverse economic impact to business.

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

Cost impact on representative private persons or businesses: The cost of diagnostic imaging, pursuant to the proposed regulation, for a racehorse owner who chooses to have a corticosteroid intra-articular joint injection administered into a high-motion joint of the horse would be approximately \$500 within a given year, with an average career length of three to four years for the horse. While the proposed definition of “diagnostic imaging” includes various modalities, it is reasonable to assume that an owner would opt for radiographs, most commonly X-rays, as they are the least costly option. The cost of a single image typically ranges from \$50 to \$60, and a set of images will normally be taken that consists of at least two images. Multiple images are commonly taken, such that total costs often range from \$200 to \$300. In compliance with the proposed regulation, the owner of such a horse may be expected to order two sets of X-rays within a given year, as one injection within a six-month period would not necessarily be cause for alarm. However, two injections within a six-month period would likely prompt the owner’s hired veterinarian to recommend diagnostic imaging prior to injection regardless of any required imaging.

Approximately 460 horses receive corticosteroid intra-articular joint injections into a high-motion joint within a given year. Assuming these horses do not currently undergo diagnostic imaging prior to administration of said injections, the proposed regula-

tion would result in yearly aggregate costs of about \$230,000 to the owners of these horses. This also assumes that the owners choose not to forego said treatment for their horses.

Significant effect on housing costs: none.

### RESULTS OF THE ECONOMIC IMPACT ANALYSIS

The adoption of the proposed regulatory action will not create or eliminate jobs within the state, will not create new businesses or eliminate existing businesses within the state, will not result in the expansion of businesses currently doing business with the state, and will not benefit the health and welfare of California residents, worker safety, or the state's environment.

Effect on small business: none. The proposed regulatory action does not affect small business because small businesses are not legally required to comply with or enforce the regulation and neither derive a benefit nor incur a detriment from the enforcement of the regulation. The proposed regulatory action will prohibit administration of a corticosteroid intra-articular joint injection into a high-motion joint of a horse without diagnostic imaging of the joint having been performed within seven days prior to the injection; define "high-motion joints" and "diagnostic imaging"; and make non-substantive edits.

### CONSIDERATION OF ALTERNATIVES

In accordance with GC section 11346.5, subdivision (a)(13), the Board must determine that no reasonable alternative considered by the Board or that has otherwise been identified and brought to the attention of the Board would be more effective in carrying out the purpose for which the action is proposed, would be as effective and less burdensome 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 Board invites interested persons to present statements or arguments with respect to alternatives to the proposed regulation at the scheduled hearing or during the written comment period.

### CONTACT PERSONS

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

Rick Pimentel, Regulations Analyst  
California Horse Racing Board  
1010 Hurley Way, Suite 300  
Sacramento, CA 95825  
Telephone: (916) 274-6043  
Email: [repimentel@chr.ca.gov](mailto:repimentel@chr.ca.gov)

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

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

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

The Board will have the entire rulemaking file available for inspection and copying throughout the rulemaking process at its offices at the above address. As of the date this notice is published in the Notice Register, the rulemaking file consists of this notice, the proposed text of the regulation, and the initial statement of reasons. Copies of these documents, or any of the information upon which the proposed rulemaking is based, may be obtained by contacting Rick Pimentel or the alternative contact person at the address, phone number, or email address listed above.

### AVAILABILITY OF MODIFIED TEXT

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

### AVAILABILITY OF FINAL STATEMENT OF REASONS

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

BOARD WEB ACCESS

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

**TITLE 5. BUREAU FOR POSTSECONDARY EDUCATION**

ARTICLE 2. CITATIONS AND FINES  
SECTION 75020  
PUBLIC INSTITUTIONS

**NOTICE IS HEREBY GIVEN** that the Bureau for Private Postsecondary Education (hereafter Bureau) is proposing to take the action described in the Informative Digest below, after considering all comments, objections, and recommendations regarding the proposed action.

PUBLIC HEARING

The 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 email to the addresses listed under “Contact Person” in this Notice, must be **received by the Bureau at its office no later than Tuesday, March 19, 2024 by 5:00 p.m.**, or must be received by the Bureau at the hearing, should one be scheduled.

AUTHORITY AND REFERENCE CITATION

Authority cited: Sections 94877 and 94936, Education Code. Reference: Section 149, Business and Professions Code; and Sections 94936, 94944, and 94948.5 Education Code.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

The Bureau for Private Postsecondary Education (Bureau) protects students and consumers through the regulatory oversight of California’s private postsecondary educational institutions (“institutions”) pursuant to the California Private Postsecondary Education Act of 2009 (“Act” — Ed. Code, §§ 94800–94950), including conducting qualitative reviews of educational programs and operating standards.

Existing regulations at section 75020 authorize the Bureau to issue citations “against approved private, postsecondary institutions that have committed any acts or omissions that are in violation of the Act or any regulation adopted pursuant thereto.” Per section 75020(b), the Bureau is also authorized to issue citations containing orders of abatement or fines “against persons who are without proper approval to operate a private, postsecondary institution.”

In 2022, the legislature enacted Senate Bill (SB) 1433 (Chapter 544, Statutes of 2022), which adopted Education Code Section 94949.8 and expanded the Bureau’s jurisdiction to grant an approval to a public institution of higher education that is operated by another state and maintains a physical presence in the state of California. The legislature, in Education Code Section 94949.8(c), required that, “The bureau shall, on or before July 1, 2024, amend any regulations that conflict with this section.”

The Bureau currently does not have regulations implementing the requirements to issue citations against an approved public institution of higher education that is operated by another state and maintains a physical presence in the state of California. This regulatory proposal amends CCR section 75020 to authorize the Bureau to issue citations to approved public institutions. This proposal also includes technical, nonsubstantive amendments such as changing gendered pronouns and changing “and/or” to “or” and “both.” This proposal also adds “calendar” before the mention of “days.”

**Anticipated Benefits of Proposal**

The proposed regulatory language benefits the welfare of Californians because it grants the Bureau enforcement power over certain approved public institutions doing business in California, which protects students by ensuring fair treatment, and shielding students from fraudulent or exploitative practices. This regulation will allow the Bureau to enforce provisions of the Act and further the Bureau’s mission of consumer protection for students seeking educational services from postsecondary institutions by helping to ensure approved schools comply with all legal requirements for operating an approved institution in California.

This regulatory proposal does not affect the health of California residents, worker safety, or the state's environment.

**Evaluation of Consistency and Compatibility with Existing State Regulations**

During the process of developing these regulations and amendments, 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:**

*Fiscal impact to the state agency or other state agencies, and/or costs or savings in federal funding option:* The proposed regulations expand the Bureau's citation and fine authority, but any fiscal impact is anticipated to be minimal. According to the Bureau's records, only one school is currently registered that would be subject to the expanded authority, but the number of institutions could increase in the future.

In the event an institution is issued a citation and fine resulting from the proposed regulations, the Bureau will incur enforcement-related workload and costs, including appeals, of approximately \$2,000 per occurrence.

Additionally, the Bureau would incur Attorney General costs of approximately \$5,000 per occurrence.

The Bureau indicates the average citation and fine amount would be \$5,000 per occurrence.

Because the number of future enforcement cases is currently unknown, the Bureau does not have a total fiscal estimate of costs or revenues at this time. Any workload and costs are anticipated to be absorbed within existing resources.

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 (and, if applicable, including any estimated costs of compliance or potential benefits of a building standard):** None.

**BUSINESS IMPACT ESTIMATES**

The Bureau has made the 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 the following facts/evidence/documents or testimony:

The only impact of this proposed regulation is that it will authorize the Bureau to issue citations to out-of-state public institutions that have been approved to operate by the Bureau. This will have no impact on any private business operating in California.

**Cost Impact on Representative Private Person or Business**

The Bureau 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 only impact of the proposed regulation would be on out-of-state public institutions approved to operate in California by the Bureau.

**RESULTS OF ECONOMIC IMPACT ASSESSMENT/ANALYSIS**

**Impact on Jobs/Businesses**

The Bureau for Private Postsecondary Education has determined that this regulatory proposal will have no 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. This proposal authorizes the Bureau to issue citations to out-of-state public institutions approved by the Bureau, which should have no impact on any businesses in California.

**Benefits of Regulation:**

This regulatory proposal benefits the health and welfare of California residents by allowing the Bureau to issue citations to public out-of-state institutions operating a physical facility in California, which will encourage them to comply with all legal requirements for operating an approved institution in California.

This regulatory proposal does not affect worker safety or the state's environment.

**Business Reporting Requirements**

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

**Effect on Small Business**

The Bureau has determined that the proposed regulations will not affect small businesses. This proposal authorizes the Bureau to issue citations to out-of-state public institutions approved by the Bureau, which should have no impact on any businesses in California.

## 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 P.O. Box 980818, West Sacramento, CA 95798–0818 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, and any document incorporated by reference, and of the initial statement of reasons, and all of the information upon which the proposal is based, may be obtained upon request from the Bureau, at P.O. Box 980818, West Sacramento, CA 95798–0818.

## 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: David Dumble

Address: Bureau for Private Postsecondary Education

P.O. Box 980818, West Sacramento, CA 95798–0818.

Telephone Number: (279) 895–6091

Fax Number: (916) 263–1897

Email Address: [David.dumble@dca.ca.gov](mailto:David.dumble@dca.ca.gov)

The backup contact person is:

Name: Yvette Johnson

Address: P.O. Box 980818, West Sacramento, CA 95798–0818.

Telephone Number: (279) 895–6099

Fax Number: (916) 263–1897

Email Address: [Yvette.johnson@dca.ca.gov](mailto:Yvette.johnson@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 <http://bppe.ca.gov>. Materials regarding this proposal can be found at <http://bppe.ca.gov/lawsregs/current.shtml>. An archive of the Bureau's prior regulatory actions can be found at <http://bppe.ca.gov/lawsregs/archive.shtml>.



**TITLE 5. STUDENT AID COMMISSION**

**PUBLIC INTEREST ATTORNEY LOAN  
REPAYMENT PROGRAM  
(PIALR PROGRAM)  
ADOPT NEW ARTICLE,  
SECTIONS 30928–30931**

**NOTICE IS HEREBY GIVEN** that the California Student Aid Commission (Commission) proposes to adopt the proposed regulations described below after considering all comments, objections, or recommendations regarding the proposed action.

**PUBLIC HEARING**

A public hearing regarding this proposal is currently not scheduled. However, any interested person or duly authorized representative may request, no later than 15 days before the close of the written comment period that a public hearing be scheduled.

**WRITTEN COMMENT PERIOD AND  
SUBMITTAL OF COMMENTS**

Notice is also given that any interested person, or their authorized representative, may submit written comments relevant to the proposed regulatory action to:

California Student Aid Commission  
Attention: Synequeen Alasa–as, Legal Services  
P. O. Box 419026  
Rancho Cordova, CA 95741

Comments may also be submitted by facsimile (FAX) at (916) 464–6411 or by email to [Rulemaking@csac.ca.gov](mailto:Rulemaking@csac.ca.gov). The public comment period for this regulatory action will **begin on Friday, February 2, 2024**. Comments must be **submitted by Tuesday, April 9, 2024**, to be considered.

**AUTHORITY AND REFERENCE**

This document presents the California Student Aid Commission’s (Commission) proposed regulations to implement the Public Interest Attorney Loan Repayment (PIALR) Program, in accordance with the provisions of Education Code Sections 69740 through 69746.5.

The provisions of the PIALR Program were initially adopted and established within the Education Code in 2001 (Assembly Bill 935, Statutes of 2001). These Education Code provisions direct the Commission to adopt regulations to administer the program within one year of the initial program funding appropriation.

Senate Bill 101 (Chapter 12, Statutes of 2023) included the first funding appropriation for the PIALR Program in the amount of \$667,000, as part of the “Budget Act of 2023”. Thus, under the Education Code, the Commission is charged with adopting initial regulations to administer the PIALR Program by July 1, 2024. Specifically, Education Code Section 69742(b) provides:

*The Commission shall adopt initial regulations for the program within one year of the effective date of the initial appropriation funding the program.*

The proposed regulations discussed in this document were developed by staff to interpret, implement, and make specific the statutory provisions of the Education Code relative to the PIALR Program and to govern the Commission’s administration of the Program. The proposed draft regulations developed by staff are shown in “Appendix A: Proposed Regulations.”

**INFORMATIVE DIGEST/POLICY  
STATEMENT OVERVIEW**

As described above, Education Code Section 69742(b) directs the Commission to develop regulations to administer the PIALR Program by July 1, 2024. The regulations are necessary for the Commission to establish the programmatic provisions for its administration of the PIALR Program within the California Code of Regulations, in accordance with the statutory provisions of the Education Code. These Education Code provisions direct the Commission to establish the eligibility criteria for making program awards to eligible Program participants based on “need and merit”, among other things.

Staff developed these proposed regulations in consultation with an Advisory Committee established in accordance with Education Code section 69740(i). The Advisory Committee included representatives from the State Bar of California, Legal Aid Association of California, the California on Access to Justice Commission, the Universities of California at Davis and Irvine, and the Thomas Jefferson School of Law. Advisory Committee representatives included Law School Deans, and Professors, Program Directors, and others with an interest in the PIALR Program.

Staff consultations with the Advisory Committee included an October 2023 working–group meeting where the Committee helped staff interpret and define regulatory terms relative to public interest law, review and comment on provisions of the proposed application scoring matrix and respond to staff questions about the proposed regulations. Advisory Committee representatives continued to provide review assistance to staff as the proposed regulations were finalized.

**Objectives and Benefits of the Proposed Regulation**

The proposed regulations are necessary to clarify statutory provisions and implement the Public Interest Attorney Loan Repayment Program. The Program provides financial assistance towards reducing the remaining law school debt of licensed attorneys who agree to work in certain defined areas of “public interest law”. The Program may further the interest of the State by encouraging attorneys to pursue careers in public interest law, including in those areas of the State underrepresented by licensed and/or practicing attorneys.

**Evaluation of Inconsistency or Incompatibility with Existing State Regulations**

After conducting a review of for any related regulations in this area, the Commission has determined that no other regulations exists concerning the Public Interest Attorney Loan Repayment Program. Therefore, the proposed regulations are neither inconsistent nor incompatible with existing state regulations.

DISCLOSURES REGARDING THE PROPOSED ACTION

The Commission has made the following initial determinations:

**Mandate on Local Agencies and School Districts:** None.

**Fiscal Impact Estimates:**

This proposal does not impose costs on any local agency or school district for which reimbursement would be required pursuant to Part 7 (commencing with Section 17500) of Division 4 of the Government Code. This proposal does not impose other nondiscretionary costs or savings on local agencies. This proposal does not result in any cost or savings in federal funding to the state. With respect to potential costs or savings to State agencies, the California Student Aid Commission may incur minor absorbable costs relative to preparing the proposed regulations.

**Housing Cost:** None.

**Cost Impact on Representative Private Person or Business:**

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

**Other Business Impacts:**

The Commission has determined 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. The proposal would impose no costs upon business. The proposal does not affect small businesses as defined by California Gov-

ernment Code Section 11342.610. This proposal would not affect private sector or small business as defined by California Government Code Section 11342.610.

**Cost or Savings in Federal Funding to the State:** None.

**Results of the Economic Impact Analysis:**

The proposed regulations would clarify and implement program provisions and application requirements for the Public Interest Attorney Loan Repayment Program.

Participating in this educational grant funding program is a voluntary option available to eligible students and employers. As such, the proposed regulations place no new or substantial requirements on businesses, individuals, or government agencies within California.

The proposed regulations are not expected to create or eliminate any jobs within the state. The proposed regulation is not expected to create new businesses or eliminate existing businesses within the state or cause an expansion to businesses currently doing business within the state. Therefore, the proposed regulations have no potential for adverse economic or fiscal impact. Furthermore, there is no significant statewide adverse economic impact directly affecting businesses, including California businesses’ ability to compete with businesses in other states or on representative private persons.

The benefits of this regulation, as discussed above, would be to improve the efficient implementation and administration of this program by the Commission on behalf of student applicants. This should enable more students to take advantage of this source of educational grant funding in support of their educational goals. The regulation is not expected to directly impact California residents’ health and welfare, worker safety, or the state’s environment.

FEDERAL MANDATE

The proposed regulation would only apply within California and specifically to attorneys residing and practicing law in California who elect to participate in the PIALR Program. The provisions of the proposed regulations would neither affect nor conflict with any federal regulations, or federal education or work study programs.

CONSIDERATION OF ALTERNATIVES

The Commission must determine that no reasonable alternative it considered, or that has otherwise been identified and brought to its attention, would be more effective in carrying out the purpose for which the action is proposed, would be as effective and less burdensome to affected private persons than the proposed

action, or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provision of law. The Commission invites interested parties to submit statements or arguments with respect to alternatives to the proposed regulatory action during the written comment period or at the public hearing.

#### CONTACT PERSONS

Inquiries concerning the proposed adoption of the regulations and written comments may be directed to:

Synequeen Alasa-as  
California Student Aid Commission  
11120 International Drive, Suite 100  
Rancho Cordova, CA 95670  
Telephone: (916) 464-6411  
Fax: (916) 464-6411  
Email: [salasa-as@csac.ca.gov](mailto:salasa-as@csac.ca.gov)

The back-up contact person for these inquiries is:

Gary Collord  
California Student Aid Commission  
11120 International Drive, Suite 100  
Rancho Cordova, CA 95670  
Telephone: (916) 347-0632  
Fax: (916) 464-8033  
Email: [gcollord@csac.ca.gov](mailto:gcollord@csac.ca.gov)

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

The Commission will have the entire rulemaking file available for inspection and copying throughout the rulemaking process at its office listed at the address above. As of the date this notice is published, the rulemaking file consists of this notice, the proposed text of regulations, the initial statement of reasons, an economic and fiscal analysis, and other reference information upon which the proposed rulemaking is based. Copies may be obtained by making a written request to Synequeen Alasa-as.

These documents may also be viewed and downloaded from the Commission's website at <https://www.csac.ca.gov/proposed-regulations-rulemaking-documents>.

#### AVAILABILITY OF CHANGED OR MODIFIED TEXT

After considering all timely and relevant comments received, the Commission may adopt the proposed regulations substantially as described in this notice. If the Commission makes modifications which are suffi-

ciently related to the originally proposed text, it will make the modified text, with changes clearly indicated, available to the public for at least 15 days before the Board adopts the regulations as revised. Please send requests for copies of any modified regulations to the attention of Synequeen Alasa-as at the above address. The Commission will accept written comments on the modified regulations for 15 days after the date on which they are made available.

#### AVAILABILITY OF THE FINAL STATEMENT OF REASONS

Upon its completion, copies of the final statement of reasons may be obtained by making a written request to Synequeen Alasa-as at the above address.

#### WEBSITE ACCESS

Materials regarding this proposal can be found at <https://www.csac.ca.gov/proposed-regulations-rulemaking-documents>.

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

#### GENERAL INDUSTRY SAFETY ORDERS APPENDIX A TO SECTION 5144 FIT TESTING PROCEDURES (MANDATORY) (HORCHER)

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

#### PUBLIC HEARING

The Board will hold a public hearing starting at 10:00 a.m. on **March 21, 2024** in **Room 310** of the **County Administration Center, 1600 Pacific Highway, San Diego, California** as well as via the following.

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

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

WRITTEN COMMENT PERIOD

In addition to written or oral comments submitted at the public hearing, written comments may also be submitted to the Board’s office. The written comment period commences on **February 2, 2024** and closes at 5:00 p.m. on **March 21, 2024**. Comments received after that deadline will not be considered by the Board unless the Board announces an extension of time in which to submit written comments. Written comments can be submitted as follows:

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

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

AUTHORITY AND REFERENCE

Labor Code (LC) section 142.3 establishes the Board as the only agency in the State authorized to adopt occupational safety and health standards. In addition, LC 142.3 requires the adoption of occupational safety and health standards that are at least as effective as federal occupational safety and health standards.

INFORMATIVE DIGEST OF PROPOSED ACTION/POLICY STATEMENT OVERVIEW

The Board intends to adopt the proposed rulemaking action pursuant to LC 142.3, which mandates the Board to adopt regulations at least as effective as federal regulations addressing occupational safety and health issues.

The U.S. Department of Labor, Occupational Safety and Health Administration (Federal OSHA) promulgated regulations addressing additional ambient aerosol condensation nuclei counter (CNC) quantitative fit testing protocols effective on September 26, 2019, as 29 Code of Federal Regulations (CFR), Part 1910, Section 1910.134, Appendix A. The Board is relying on the explanation of the provisions of the federal regulations in Federal Register, Volume 84, Number 187 pages 50739–50756, September 26, 2019, as the justification for the Board’s proposed rulemaking action. The Board proposes to adopt a regulation which is the same as the federal regulation except for editorial and format differences.

Federal OSHA has approved two additional quantitative fit testing protocols for inclusion in Appendix A of the Respiratory Protection standard. The protocols are: (1) the modified ambient aerosol CNC quantitative fit testing protocol for full–facepiece and half–mask elastomeric respirators; and (2) the modified ambient aerosol CNC quantitative fit testing protocol for filtering facepiece respirators. The protocols apply to employers in general industry, shipyard employment

and the construction industry. Both protocols are abbreviated variations of the original Federal OSHA–approved ambient aerosol CNC quantitative fit testing protocol (often referred to as the PortaCount® protocol), but differ from the test by the exercise sets, exercise duration and sampling sequence. These protocols will serve as alternatives to the four existing quantitative fit testing protocols already listed in Appendix A of the Respiratory Protection standard and will maintain safety and health protections for workers while providing additional flexibility and reducing compliance burdens.

The proposed regulation is substantially the same as the final rule promulgated by Federal OSHA. Therefore, LC 142.3(a)(3) exempts the Board from the provisions of article 5 (commencing with section 11346) and article 6 (commencing with section 11349) of chapter 3.5, part 1, division 3 of title 2 of the Government Code when adopting standards substantially the same as federal standards; however, the Board is still providing a comment period and will convene a public hearing. The primary purpose of the written and oral comments at the public hearing is to:

1. Identify any clear and compelling reasons for California to deviate from the federal standard; and
2. Identify any issues unique to California related to this proposal which should be addressed in this rulemaking and/or a subsequent rulemaking.

The responses to comments will be available in a rulemaking file on this matter and will be limited to the above areas.

The Board evaluated the proposed regulations pursuant to Government Code section 11346.5(a)(3)(D) and has determined that the regulations are not inconsistent or incompatible with existing state regulations. This proposal is part of a system of occupational safety and health regulations. The consistency and compatibility of that system’s component regulations is provided by such things as: (1) the requirement of the federal government and the LC to the effect that the State regulations be at least as effective as their federal counterparts, and (2) the requirement that all state occupational safety and health rulemakings be channeled through the Board.

DOCUMENT RELIED UPON

1. Federal Register, Volume 84, Number 187, September 26, 2019. Pages 50739–50756. <https://www.osha.gov/sites/default/files/laws–regs/federalregister/2019–09–26.pdf>.

This document is available for review BY APPOINTMENT Monday through Friday from 8:00 a.m. to 4:30 p.m. at the Board office located at 2520 Venture Oaks Way, Suite 350, Sacramento, California.

Appointments can be scheduled via email at [oshsb@dir.ca.gov](mailto:oshsb@dir.ca.gov) or by calling (916) 274-5721.

#### COST ESTIMATES OF PROPOSED ACTION

According to the Final Economic Analysis and Regulatory Flexibility Certification section of the Volume 84 of the Federal Register, Number 187, September 26, 2019, there are no additional costs expected on any private- or public-sector entity, there is an anticipated annual cost savings in excess of \$4 million per year to regulated entities<sup>1</sup>. In California, the industry-wide savings could be in excess of \$500,000 per year (California accounts for approximately 13 percent of the national workforce).

#### DETERMINATION OF MANDATE

The Board has determined that the proposed standard does not impose a local mandate. There are no costs to any local government or school district which must be reimbursed in accordance with Government Code sections 17500 through 17630.

#### SMALL BUSINESS DETERMINATION

The Board has determined that the proposed amendment(s) may affect small businesses. However, no economic impact is anticipated. The amendment of Appendix A for title 8 section 5144 is mandated by LC 142.3.

#### CONTACT PERSONS

Inquiries regarding this proposed regulatory action may be directed to Autumn Gonzalez (Acting Executive Officer) or the back-up contact person, Amalia Neidhardt (Principal Safety Engineer) at the Occupational Safety and Health Standards Board, 2520 Venture Oaks Way, Suite 350, Sacramento, CA 95833; (916) 274-5731.

#### AVAILABILITY OF TEXT OF THE PROPOSED REGULATIONS AND RULEMAKING FILE

The Board will have the entire rulemaking file, and all information that provides the basis for the proposed regulation available for inspection and copying throughout the rulemaking process at its office at the above address. As of the date this notice is published in the Notice Register, the rulemaking file consists of this notice, the proposed text of the regulation, supporting documents, or other information upon which

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<sup>1</sup> <https://www.osha.gov/sites/default/files/laws-regs/federal-register/2019-09-26.pdf>. Page 50752.

the rulemaking is based. Copies may be obtained by contacting Autumn Gonzalez or Amalia Neidhardt at the address or telephone number listed above.

#### AVAILABILITY OF CHANGED OR MODIFIED TEXT

After holding the hearing and considering all timely and relevant comments received, the Board may adopt the proposed regulation(s) without further notice even though modifications may be made to the original proposal in response to public comments or at the Board's discretion.

#### AVAILABILITY OF THE MEMORANDUM TO THE STANDARDS BOARD MEMBERS

Upon its completion, copies of the Memorandum may be obtained by contacting Autumn Gonzalez or Amalia Neidhardt at the address or telephone number listed above or via the internet.

#### AVAILABILITY OF DOCUMENTS ON THE INTERNET

The Board will have rulemaking documents available for inspection throughout the rulemaking process on its website. Copies of the text of the regulation in an underline/strikeout format and the Notice of Proposed Action can be accessed through the Standards Board's website at <http://www.dir.ca.gov/oshsb>.

### TITLE 9. DEPARTMENT OF STATE HOSPITALS

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

NOTICE IS HEREBY GIVEN that the **Department of State Hospitals**, 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 February 2, 2024 and closing on March 18, 2024. All inquiries should be directed to the contact listed below.

The **Department of State Hospitals** 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: adding new classifications, a new division with its classifications required to file, organizing the divisions and programs to be consistent throughout the code, changing/correcting the disclosure category for the Deputy Director/Chief Information Officer from 2 to 6 and also makes other technical changes.

Information on the code amendment is available on the agency's intranet site and/or attached to this email.

Any interested person may submit written comments relating to the proposed amendment by submitting them no later than *March 18, 2024*, 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 *March 4, 2024*.

The **Department of State Hospitals** 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: Anna Libonati, Chief, (916) 654-2478, [dsh.regulations@dsh.ca.gov](mailto:dsh.regulations@dsh.ca.gov).

**TITLE 10. DEPARTMENT OF INSURANCE**

REG-2024-00001  
REVISIONS TO CALIFORNIA  
AUTOMOBILE ASSIGNED RISK PLAN  
PLAN OF OPERATIONS

**SUBJECT OF HEARING**

California Insurance Commissioner Ricardo Lara ("Commissioner") will hold a public hearing to address the proposed amendments to the California Automobile Assigned Risk Plan ("CAARP" or "Plan") of Operations. California Code of Regulations, Title 10, Chapter 5, Section 2498.4.9 references this plan.

**AUTHORITY TO ADOPT RATES AND REFERENCES**

The Commissioner will consider the proposed changes pursuant to the authority vested in him by Section 11620 of the California Insurance Code. The Commissioner's decision on the proposed changes will implement, interpret and make specific the requirements of Insurance Code Section 11624(e). Insurance Code section 11620(c) applies to this proceeding.

**HEARING DATE AND LOCATION**

Notice is hereby given that a public hearing will be held to permit all interested persons the opportunity to present statements or arguments, orally or in writing, with respect to the proposed changes at the following date, time, and place:

**Date and Time:**

**March 21, 2024  
1:00 p.m.**

**Location:**

**Department of Insurance Hearing Room  
1901 Harrison Street 3rd Floor  
Oakland, CA 94612**

**ACCESS TO HEARING ROOM**

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

**WRITTEN AND/OR ORAL COMMENTS:  
AGENCY CONTACT PERSON**

All persons are invited to submit written comments to the Insurance Commissioner on the application prior to the public comment deadline. Comments should be addressed to the contact person for this proceeding:

Contact Person:

Michael Riordan, Attorney  
California Department of Insurance  
Enforcement Bureau  
1901 Harrison Street  
Oakland, CA 94612  
[riordanm@insurance.ca.gov](mailto:riordanm@insurance.ca.gov)  
Telephone: (415) 538-4226  
Facsimile: (510) 238-7830

The *backup* agency contact person for this proceeding will be:

Elsa Carre, Legal Analyst  
California Department of Insurance  
Rate Enforcement Bureau  
1901 Harrison Street  
Oakland, CA 94612  
[Elsa.Carre@insurance.ca.gov](mailto:Elsa.Carre@insurance.ca.gov)  
Telephone: (415) 538-4461

All persons are invited to present oral and/or written testimony at the scheduled public hearing.

#### DEADLINE FOR WRITTEN COMMENTS

All written materials, unless submitted at the hearing, must be **received** by the Insurance Commissioner at the address listed above **no later than 5:00 p.m. on March 21, 2024**. Any written materials received after that time will not be considered. Written comments may also be submitted to the contact person by email or facsimile transmission. Please select only one method to submit written comments.

#### ADVOCACY OR WITNESS FEES

Persons or groups representing the interest of consumers may be entitled to reasonable advocacy fees, witness fees, and other reasonable expenses, in accordance with the provisions of California Code of Regulations, Title 10, Sections 2662.1-2662.6 in connection with their participation in this matter. Interested persons must submit a Petition to Participate, as specified in California Code of Regulations, Title 10, Section 2661.4. The Petition to Participate must be submitted to the Commissioner at the Office of the Public Advisor at the following address:

California Department of Insurance  
Office of the Public Advisor  
300 Spring Street 12th Floor  
Los Angeles, CA 90013  
Telephone: (213) 346-6635

A copy of the Petition to Participate must also be submitted to the contact person for this hearing (listed above). For further information, please contact the Office of the Public Advisor.

#### INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

##### *CA 24-01*

Currently when additional or replacement vehicles and/or changes in coverages are requested, a completed Policy Change Request form (PCR) is submitted directly to the insurer or servicing carrier by (1) mail via the United States Postal Service, (2) delivery by means other than the United States Postal Service, or (3) electronically by email or facsimile.

CAARP is proposing that a telephone option for submitting the private passenger PCR. This will speed up the process and insure the proper coverages are applied. In addition, the process of remitting any additional premium after the electronic submission of the PCR to the insurer or servicing carrier as well as the calculation of the effective date are amended.

##### *CA 24-02*

Currently an applicant selecting the advance premium payment option is required to submit either 40% of the estimated total annual premium or a minimum deposit per vehicle, whichever is greater, to the Plan with each application. The balance of the total annual premium is due within 30 days of the date of the servicing carrier bills the insured. Over the years Commercial Auto rates have increased dramatically.

CAARP is proposing a change that updates the minimum deposit premium requirements for specific types of vehicles in order to keep pace with the change in average vehicle premiums.

##### *CA 24-03*

Currently upon receipt of an application of a CAARP private passenger policy, a temporary insurance identification (ID) card(s) is generated for each vehicle. The temporary ID card is carried in the vehicle and serves as valid proof of financial responsibility for the State of California under Vehicle Code 16506 for a period of 45 days.

CAARP is proposing extending the period the temporary ID card serves as valid proof of financial responsibility from 45 days to 60 days.

#### COMPARABLE FEDERAL LAW

There are no comparable existing federal regulations or statutes.

#### LOCAL MANDATE DETERMINATION

The Insurance Commissioner has initially determined that the application will not result in any new program mandates on local agencies or school districts.

#### MANDATES ON LOCAL AGENCIES OR SCHOOL DISTRICTS OR COSTS WHICH MUST BE REIMBURSED PURSUANT TO GOVERNMENT CODE SECTIONS 17500 THROUGH 17630

The Insurance Commissioner has initially determined that the application will not result in any cost or significant savings to any local agency or school district for which Part 7 (commencing with Section 17500) of Division 4 of the Government Code would require reimbursement, or in other nondiscretionary costs or savings to local agencies.

COST OR SAVINGS TO ANY STATE  
AGENCY; FEDERAL FUNDING

The Commissioner has determined that the application will result in no cost or savings to any state agency and no cost or savings in federal funding to the state.

SIGNIFICANT STATEWIDE ADVERSE  
ECONOMIC IMPACT ON BUSINESSES  
AND THE ABILITY OF CALIFORNIA  
BUSINESSES TO COMPETE

The Commissioner has initially determined that the proposal will not have a significant statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states. This proposal will have no effect on the creation or elimination of jobs in California, the creation of new businesses, the elimination of existing businesses in California, or the expansion of businesses in California.

COST IMPACTS ON PRIVATE  
PERSONS OR ENTITIES

The Insurance Commissioner has initially determined that the proposal will not affect private person or entities.

IMPACT ON HOUSING COSTS

The Insurance Commissioner has initially determined that the application will not affect housing costs.

IMPACT ON SMALL BUSINESS

The proposed rate changes could affect small businesses.

SPECIFIC TECHNOLOGIES  
OR EQUIPMENT

The application would not mandate the use of specific technologies or equipment.

ALTERNATIVES

The Insurance Commissioner must determine that no reasonable alternative considered by the agency, or that has otherwise been identified and brought to the attention of the agency, 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.

PLAIN ENGLISH

The application describing the proposal is in plain English. However, the application itself is based on technical actuarial principles.

TEXT AND INITIAL  
STATEMENT OF REASONS

The Department has prepared an Initial Statement of Reasons addressing the proposed rate application in addition to the Informative Digest included in this notice. The Initial Statement of Reasons, Notice of Proposed Action and Regulation Text are available for inspection or copying, and will be provided at no charge upon request to the contact person listed above. Further details on CAARP's proposal are on file with the Commissioner and available for review as set forth below.

FINAL STATEMENT OF REASONS

A Final Statement of Reasons will be prepared at the conclusion of this proceeding. Upon written or email request to the contact person listed above, the Final Statement of Reasons will be made available for inspection and copying once it has been prepared. A copy of the Final Statement of Reasons will also be posted on the Department's website.

ACCESS TO RULEMAKING FILE

Any interested person may inspect a copy of or direct questions about CAARP's application, the statement of reasons, and any supplemental information contained in the rulemaking file by contacting the contact person listed above. **By prior appointment**, the rulemaking file is available for inspection at 1901 Harrison Street, Oakland, CA 94612, between the hours of 9:00 a.m. and 4:30 p.m. Monday through Friday.

AUTOMATIC MAILING

A copy of this Notice, including the Informative Digest is being sent to all persons on the Insurance Commissioner's mailing list.

AVAILABILITY OF DOCUMENTS  
ON THE INTERNET

The Initial Statement of Reasons, proposed text, and this Notice of Proposed Action will be published online and may be accessed through the Department's website at [www.insurance.ca.gov](http://www.insurance.ca.gov).



AVAILABILITY OF MODIFIED  
TEXT OF REGULATIONS

If the Department amends the application with changes that are sufficiently related to the original application, the Department will make the full text of the amended rates, with the changes clearly indicated, available to the public for at least 15 days before the date the Department adopts the amended rates.

**TITLE 10. DEPARTMENT OF  
INSURANCE**

REG–2024–00002  
REVISIONS TO CALIFORNIA LOW COST  
AUTOMOBILE PLAN OF OPERATIONS

SUBJECT OF HEARING

California Insurance Commissioner Ricardo Lara (“Commissioner”) will hold a public hearing to address the proposed amendments to the proposed amendments to the California Low Cost Automobile (“CLCA”) Plan of Operations. California Code of Regulations, Title 10, Chapter 5, Section 2498.6 references this plan.

AUTHORITY TO ADOPT  
RATES AND REFERENCES

The Commissioner will consider the proposed changes pursuant to the authority vested in him by Section 11620 of the California Insurance Code. The Commissioner’s decision on the proposed changes will implement, interpret and make specific the requirements of Insurance Code Section 11624(e). Insurance Code section 11620(c) applies to this proceeding.

HEARING DATE AND LOCATION

Notice is hereby given that a public hearing will be held to permit all interested persons the opportunity to present statements or arguments, orally or in writing, with respect to the proposed changes at the following date, time, and place:

**Date and Time:**

**March 21, 2024  
1:00 p.m.**

**Location:**

**Department of Insurance Hearing Room  
1901 Harrison Street 3<sup>rd</sup> Floor  
Oakland, CA 94612**

ACCESS TO HEARING ROOM

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

WRITTEN AND/OR ORAL COMMENTS:  
AGENCY CONTACT PERSON

All persons are invited to submit written comments to the Insurance Commissioner on the application prior to the public comment deadline. Comments should be addressed to the contact person for this proceeding:  
Contact Person:

Michael Riordan, Attorney  
California Department of Insurance  
Enforcement Bureau  
1901 Harrison Street  
Oakland, CA 94612  
[riordanm@insurance.ca.gov](mailto:riordanm@insurance.ca.gov)  
Telephone: (415) 538–4226  
Facsimile: (510) 238–7830

The *backup* agency contact person for this proceeding will be:

Elsa Carre, Legal Analyst  
California Department of Insurance  
Rate Enforcement Bureau  
1901 Harrison Street  
Oakland, CA 94612  
[Elsa.Carre@insurance.ca.gov](mailto:Elsa.Carre@insurance.ca.gov)  
Telephone: (415) 538–4461

All persons are invited to present oral and/or written testimony at the scheduled public hearing.

DEADLINE FOR WRITTEN COMMENTS

All written materials, unless submitted at the hearing, must be **received** by the Insurance Commissioner at the address listed above **no later than 5:00 p.m. on March 21, 2024**. Any written materials received after that time will not be considered. Written comments may also be submitted to the contact person by email or facsimile transmission. Please select only one method to submit written comments.

ADVOCACY OR WITNESS FEES

Persons or groups representing the interest of consumers may be entitled to reasonable advocacy fees, witness fees, and other reasonable expenses, in accordance with the provisions of California Code of Regulations, Title 10, Sections 2662.1–2662.6 in connection

with their participation in this matter. Interested persons must submit a Petition to Participate, as specified in California Code of Regulations, Title 10, Section 2661.4. The Petition to Participate must be submitted to the Commissioner at the Office of the Public Advisor at the following address:

California Department of Insurance  
Office of the Public Advisor  
300 Spring Street 12<sup>th</sup> Floor  
Los Angeles, CA 90013  
Telephone: (213) 346-6635

A copy of the Petition to Participate must also be submitted to the contact person for this hearing (listed above). For further information, please contact the Office of the Public Advisor.

#### INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

##### **LC 24-01**

Currently copies of all policy bills and notices generated by the insurer are provided to the insured and to the producer.

CAARP is proposing amending the premium payment option provisions so copies of the billing notices are sent to the insured only.

##### **LC 24-02**

Currently at least 30 days but no earlier than 75 days prior to the expiration date of a current Low Cost policy, the insurer issues a nonrenewal notice when an insured no longer meets the eligibility requirements for insurance under the Low Cost Automobile Insurance Program. One of the requirements request for a copy of the vehicle registration to confirm vehicle eligibility. If not received LCA issues a notice of nonrenewal.

Additionally, when a new business application or a policy change request is submitted for a newly acquired auto, and a valid vehicle registration is not available, the insured is subject to a one year period of eligibility for coverage. At the time of renewal, the insurer will request a copy of the vehicle registration to confirm vehicle eligibility.

CAARP proposes removing the requirement for the insurer to request a copy of the vehicle registration to confirm vehicle eligibility prior to renewal, and removing the one year period of eligibility for coverage through the Program when a Low Cost applicant or insured does not have a vehicle registration upon submitting a new application or a policy change request for a newly acquired auto

##### **LC 24-03**

Currently upon receipt of an application of a Low Cost Auto policy, a temporary insurance identification (ID) card(s) is generated for each vehicle. The tempo-

rary ID card is carried in the vehicle and serves as valid proof of financial responsibility for the State of California under Vehicle Code 16506 for a period of 45 days.

CAARP is proposing extending the period the temporary ID card serves as valid proof of financial responsibility from 45 days to 60 days.

##### **LC 24-04**

Currently when an applicant is determined to be ineligible for coverage within 20 calendar days following the Plan assignment date by the assigned insurer, current Low Cost Program provisions allow for both the application and deposit to be returned to the producer and coverage is void from inception. The Low Cost Program provisions also do not address instances where the assigned insurer determines there is existing coverage for a Low Cost applicant.

CAARP proposes if an assigned insurer receive a Low Cost application and later determine the applicant is ineligible for coverage within 20 calendar days following the Plan assignment date, the assigned insurer will issue a policy for one year and issue a nonrenewal at the one year policy expiration if the risk remains ineligible. Also If the assigned insurer receives a new business Low Cost application and the assigned insurer determines that there is existing Low Cost coverage, the assigned insurer will return the new business application and deposit to the producer.

#### COMPARABLE FEDERAL LAW

There are no comparable existing federal regulations or statutes.

#### LOCAL MANDATE DETERMINATION

The Insurance Commissioner has initially determined that the application will not result in any new program mandates on local agencies or school districts.

#### MANDATES ON LOCAL AGENCIES OR SCHOOL DISTRICTS OR COSTS WHICH MUST BE REIMBURSED PURSUANT TO GOVERNMENT CODE SECTIONS 17500 THROUGH 17630

The Insurance Commissioner has initially determined that the application will not result in any cost or significant savings to any local agency or school district for which Part 7 (commencing with Section 17500) of Division 4 of the Government Code would require reimbursement, or in other nondiscretionary costs or savings to local agencies.

**COST OR SAVINGS TO ANY STATE  
AGENCY; FEDERAL FUNDING**

The Commissioner has determined that the application will result in no cost or savings to any state agency and no cost or savings in federal funding to the state.

**SIGNIFICANT STATEWIDE ADVERSE  
ECONOMIC IMPACT ON BUSINESSES  
AND THE ABILITY OF CALIFORNIA  
BUSINESSES TO COMPETE**

The Commissioner has initially determined that the proposal will not have a significant statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states. This proposal will have no effect on the creation or elimination of jobs in California, the creation of new businesses, the elimination of existing businesses in California, or the expansion of businesses in California.

**COST IMPACTS ON PRIVATE  
PERSONS OR ENTITIES**

The Insurance Commissioner has initially determined that the proposal will not affect private person or entities.

**IMPACT ON HOUSING COSTS**

The Insurance Commissioner has initially determined that the application will not affect housing costs.

**IMPACT ON SMALL BUSINESS**

The proposed rate changes could affect small businesses.

**SPECIFIC TECHNOLOGIES  
OR EQUIPMENT**

The application would not mandate the use of specific technologies or equipment.

**ALTERNATIVES**

The Insurance Commissioner must determine that no reasonable alternative considered by the agency, or that has otherwise been identified and brought to the attention of the agency, 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.

**PLAIN ENGLISH**

The application describing the proposal is in plain English. However, the application itself is based on technical actuarial principles.

**TEXT AND INITIAL  
STATEMENT OF REASONS**

The Department has prepared an Initial Statement of Reasons addressing the proposed rate application in addition to the Informative Digest included in this notice. The Initial Statement of Reasons, Notice of Proposed Action and Regulation Text are available for inspection or copying, and will be provided at no charge upon request to the contact person listed above. Further details on CAARP's proposal are on file with the Commissioner and available for review as set forth below.

**FINAL STATEMENT OF REASONS**

A Final Statement of Reasons will be prepared at the conclusion of this proceeding. Upon written or email request to the contact person listed above, the Final Statement of Reasons will be made available for inspection and copying once it has been prepared. A copy of the Final Statement of Reasons will also be posted on the Department's website.

**ACCESS TO RULEMAKING FILE**

Any interested person may inspect a copy of or direct questions about CAARP's application, the statement of reasons, and any supplemental information contained in the rulemaking file by contacting the contact person listed above. **By prior appointment**, the rulemaking file is available for inspection at 1901 Harrison Street, Oakland, CA 94612, between the hours of 9:00 a.m. and 4:30 p.m. Monday through Friday.

**AUTOMATIC MAILING**

A copy of this Notice, including the Informative Digest is being sent to all persons on the Insurance Commissioner's mailing list.

**AVAILABILITY OF DOCUMENTS  
ON THE INTERNET**

The Initial Statement of Reasons, proposed text, and this Notice of Proposed Action will be published online and may be accessed through the Department's website at [www.insurance.ca.gov](http://www.insurance.ca.gov).

AVAILABILITY OF MODIFIED  
TEXT OF REGULATIONS

If the Department amends the application with changes that are sufficiently related to the original application, the Department will make the full text of the amended rates, with the changes clearly indicated, available to the public for at least 15 days before the date the Department adopts the amended rates.

**TITLE 14. FISH AND GAME  
COMMISSION**

NOTICE OF PROPOSED CHANGES  
IN REGULATIONS

**NOTICE IS HEREBY GIVEN** that the Fish and Game Commission (Commission), pursuant to the authority vested by Sections **110, 200, 201, 203, 203.1, 219, 265, 270, 275, 331, 332, 1050, 1572, 1575, 4302, 4902, and 10502** of the Fish and Game Code and to implement, interpret or make specific Sections **67, 110, 200, 201, 203, 203.1, 219, 255, 265, 270, 275, 331, 332, 713, 1050, 1570, 1571, 1572, 1573, 1574, 1575, 3950, 3951, 4302, 4330, 4331, 4332, 4333, 4336, 4340, 4341, 4902, 10500, and 10502** of said Code, proposes to **amend** Sections 362, 363, 364, 364.1, 554, 555, and 708.14, Title 14, California Code of Regulations and **add** Section 555.1, Title 14, California Code of Regulations relating to **mammal hunting regulations**.

INFORMATIVE DIGEST/POLICY  
STATEMENT OVERVIEW

Unless otherwise specified, all section references in this document are to Title 14 of the California Code of Regulations (CCR).

**Section 362**

Current regulations in Section 362 provide definitions, hunting zone descriptions, season opening and closing dates, tag quotas (total number of hunting tags to be made available), and bag and possession limits for bighorn sheep hunting. Individuals are awarded a bighorn sheep hunting tag through the California Department of Fish and Wildlife (Department’s) Big Game Drawing. A limited number of fundraising tags are also available for purchase, usually by auction, via non-governmental organizations that assist the Department with fundraising.

Harvest of a bighorn sheep is authorized for an individual with a tag for a respective hunt zone and season. Tag quotas are established based on a variety of factors including population density and abundance, age and sex composition, and distribution.

The proposed changes are as follows:

**Amend Subsection 362(d)** to modify hunt tag quotas to ranges for each hunt zone.

Periodic adjustments of tag quotas in response to dynamic environmental and biological conditions are necessary to maintain sustainable populations of bighorn sheep and hunt opportunities, as well as keeping with mandates and management recommendations. Unfortunately, administrative procedures and the Fish and Game Code require the Fish and Game Commission to receive proposed changes to existing regulations prior the completion of surveys and analyses, thus necessitating a range of numbers. Analyses are scheduled for completion by March 2024.

Non-substantive editing to improve the clarity and consistency of the regulatory language has been made in section 362.

Benefit of the Regulations:

The goals and benefits of the regulations are to help maintain sustainable populations of desert bighorn sheep, maintain sustainable hunt opportunities, achieve management recommendations in existing unit plans, and so as not to exceed the 15 percent threshold identified in subdivision (b)(2) of Fish and Game Code Section 4902.

Consistency and Compatibility with Existing Regulations:

The proposed regulations are neither inconsistent nor incompatible with existing state regulations. Section 20, Article IV, of the state Constitution specifies that the Legislature may delegate to the Commission such powers relating to the protection and propagation of fish and game as the Legislature sees fit. The Legislature has delegated to the Commission the power to adopt regulations governing nelson bighorn sheep (California Fish and Game Code Section 4902). No other state agency has the authority to adopt regulations governing Nelson bighorn sheep. The Commission has reviewed its own regulations and finds that the proposed regulations are neither inconsistent nor incompatible with existing state regulations. The Commission has searched the CCR for any regulations regarding the adoption of Nelson bighorn sheep regulations; therefore, the Commission has concluded that the proposed regulations are neither inconsistent nor incompatible with existing state regulations.

**Section 363**

Current regulations in Section 363 provide definitions, hunting zone descriptions, season opening and closing dates, tag quotas (total number of hunting tags to be made available), and bag and possession limits for pronghorn antelope hunting. Individuals are

awarded a pronghorn antelope hunting tag through the California Department of Fish and Wildlife (Department's) Big Game Drawing. A limited number of fundraising tags are also available for purchase, usually by auction, via nongovernmental organizations that assist the Department with fundraising.

Harvest of a pronghorn antelope is authorized for an individual with a tag for a respective hunt zone and season. Tag quotas are established based on a variety of factors including population density and abundance, age and sex composition, and distribution.

The proposed changes are as follows:

**Amend Subsection 363(m)** to modify hunt tag quotas as ranges for each zone.

Periodic adjustments of tag quotas in response to dynamic environmental and biological conditions are necessary to maintain sustainable populations of pronghorn antelope and hunt opportunities, as well as keeping with mandates and management recommendations. Unfortunately, administrative procedures and the Fish and Game Code require the Fish and Game Commission (Commission) to receive proposed changes to existing regulations prior to the completion of surveys and analyses, thus necessitating a range of numbers. Analyses are scheduled for completion by March 2024.

Non-substantive editing and renumbering to improve the clarity and consistency of the regulatory language have been made in Section 363.

**Benefit of the Regulations:**

The goals and benefits of the regulations are to help maintain sustainable populations of pronghorn antelope, maintain sustainable hunt opportunities, and achieve management recommendations in existing unit plans.

**Consistency and Compatibility with Existing Regulations:**

The proposed regulations are neither inconsistent nor incompatible with existing state regulations. Section 20, Article IV, of the state Constitution specifies that the Legislature may delegate to the Commission such powers relating to the protection and propagation of fish and game as the Legislature sees fit. The Legislature has delegated to the Commission the power to adopt regulations governing pronghorn antelope hunting (California Fish and Game Code Section 331). No other state agency has the authority to adopt regulations governing pronghorn antelope hunting. The Commission has reviewed its own regulations and finds that the proposed regulations are neither inconsistent nor incompatible with existing state regulations. The Commission has searched the CCR for any

regulations regarding the adoption of pronghorn antelope hunting regulations; therefore, the Commission has concluded that the proposed regulations are neither inconsistent nor incompatible with existing state regulations.

**Sections 364 and 364.1**

Current regulations in Section 364 provide definitions, hunting zone descriptions, season opening and closing dates, tag quotas (total number of hunting tags to be made available), and bag and possession limits for elk hunting. Currently, elk tags are distributed through four issuance types governed by different sections under Title 14. Issuance types for elk tags include Section 364 General Public tags awarded via the Big Game Drawing, Section 364.1 Shared Habitat Alliance for Recreational Enhancement (SHARE) tags, Section 555 Cooperative Elk Hunting Area "Landowner" tags, and Section 601 Private Lands Wildlife Habitat Enhancement and Management Area (PLM) tags. A limited number of fundraising tags are also available for purchase, usually by auction, via nongovernmental organizations that assist the Department with fundraising.

Harvest of an elk is authorized for an individual with a tag for a respective hunt zone and season or specific property, depending on the tag issuance type. Tag quotas are established based on a variety of factors including population density and abundance, age and sex composition, and distribution as well as environmental and social factors.

The proposed changes are as follows:

**Amend 364(u)** to modify hunt quotas for Grizzly Island Periods 10, 12, and 13.

**Amend 364.1(i-k)** to modify hunt quotas for Siskiyou, Northwestern, Tehachapi, and Mendocino SHARE elk hunts.

Periodic adjustments of tag quotas in response to dynamic environmental and biological conditions are necessary to maintain sustainable populations of elk and hunt opportunities, as well as keeping with mandates and management recommendations. Unfortunately, administrative procedures and the Fish and Game Code require the Fish and Game Commission to receive proposed changes to existing regulations prior to the completion of surveys and analyses, thus necessitating a range of numbers. Analyses are scheduled for completion by March 2024.

Non-substantive editing and renumbering to improve the clarity and consistency of the regulatory language have been made in sections 364 and 364.1.

Benefit of the Regulations:

The goals and benefits of the regulations are to help maintain sustainable populations of elk, maintain sustainable hunt opportunities, and achieve management recommendations in existing unit plans.

Consistency and Compatibility with Existing Regulations:

The proposed regulations are neither inconsistent nor incompatible with existing state regulations. Section 20, Article IV, of the state Constitution specifies that the Legislature may delegate to the Commission such powers relating to the protection and propagation of fish and game as the Legislature sees fit. The Legislature has delegated to the Commission the power to adopt regulations governing elk hunting (California Fish and Game Code sections 332 and 3951. No other state agency has the authority to adopt regulations governing elk hunting. The Commission has reviewed its own regulations and finds that the proposed regulations are neither inconsistent nor incompatible with existing state regulations. The Commission has searched the CCR for any regulations regarding the adoption of elk hunting regulations; therefore, the Commission has concluded that the proposed regulations are neither inconsistent nor incompatible with existing state regulations.

**Section 554**

The Cooperative Deer Hunting Area (deer “landowner (LO) tags”) program that is administered by the California Department of Fish and Wildlife (Department) was initially established as a public access program to encourage protection and enhancement of deer habitat. With the creation of the Shared Habitat Alliance for Recreational Enhancement (“SHARE”) public access program in 2010, it shifted to a landowner tag program. Current regulations for Cooperative Deer Hunting Areas (Section 554) require that landowners who own a minimum of 640 acres in a draw zone may apply for up to two deer tags. Landowners must apply for tags and identify the customer(s) that the tags will be issued to and pay the appropriate fees with their application. For approved applications, the regions sell the tags to the identified customers in the Automated License Data System (ALDS). There are several instances of outdated and confusing language within the regulation that need to be updated and clarified.

Currently, LO tags are not limited by zone and tags are issued in addition to public tag quotas resulting in some zones issuing a greater proportion of LO to public tags. Tag issuance needs to be reduced in these zones.

The proposed changes are as follows:

Amend Section 554(b)

Update regional office addresses and provide clarity to the application process.

(b) Application Process.

(1) Definitions.

(2) Eligibility Requirements.

(3) Application Materials.

(4) Application Form.

(5) Review and Approval.

Add Section 554(b)(1): Provide a definition for immediate family member.

Add Section 554(b)(2): Clarify that a landowner application can be for up to two deer tags that can be designated to the landowner or an immediate family member of the landowner.

Add Section 554(b)(2): Reduce the number of available tags to one per application in zones X3a, X5a, and X5b.

Add Section 554(b)(2) and (b)(5): Update “one deer tag” language. Clarify that individuals shall not be eligible for a cooperative deer hunting tag if they hold a deer tag in the same license year for a premium or restricted hunt as defined in 708.1.

Section 554(b)(3): Add application materials.

Application materials need to be added; includes the application, proof of ownership, proof of property size, and applicable fees. Unsuccessful Deer Tag Letter can be used as proof of payment.

Section 554(b)(4): **Add application form.**

Need to list the information required within the application.

Add Section 554(b)(5): Review and approval process.

Benefit of the Regulations:

The goal and benefits of these regulations serve to update administration of the landowner tags through the Cooperative Deer Hunting Area program by updating the application instructions, correcting outdated terms within the regulation, and reducing the number of tags issued in zones of concern (X3a, X5a, and X5b).

Consistency and Compatibility with Existing Regulations:

The proposed regulations are neither inconsistent nor incompatible with existing state regulations. Section 20, Article IV, of the state Constitution specifies that the Legislature may delegate to the Commission such powers relating to the protection and propagation of fish and game as the Legislature sees fit. The Legislature has delegated to the Commission the power to adopt regulations governing landowner tags (California Fish and Game Code Section 1575). No other state agency has the authority to adopt regulations

governing landowner tags. The Commission has reviewed its own regulations and finds that the proposed regulations are neither inconsistent nor incompatible with existing state regulations. The Commission has searched the CCR for any regulations regarding the adoption of landowner tag regulations; therefore, the Commission has concluded that the proposed regulations are neither inconsistent nor incompatible with existing state regulations.

**Sections 555 and 555.1**

The California Department of Fish and Wildlife (Department) has identified regulated hunting as a preferred tool to both manage elk populations and provide public recreation opportunities. The Fish and Game Commission (Commission) periodically considers the recommendations of the Department in establishing elk hunting regulations. Currently, elk tags are distributed through four issuance types governed by different sections under Title 14. Issuance types for elk tags include Section 364 General Public tags awarded via the Big Game Drawing, Section 364.1 Shared Habitat Alliance for Recreational Enhancement (SHARE) tags, Section 555 Cooperative Elk Hunting Area “Landowner” tags, and Section 601 Private Lands Wildlife Habitat Enhancement and Management Area (PLM) tags.

Regulated harvest is an effective management tool to help reduce human–elk conflict to tolerable levels. The Department aims to provide public hunting opportunity to the greatest extent possible, however, in some cases, elk almost exclusively occupy privately owned property causing significant conflict issues yet may be unavailable for harvest to a majority of general public tagholders. The efficacy of regulated harvest as a management tool in these areas may therefore be reduced due to land access constraints imposed on the general public, among other factors.

The Department has identified an opportunity to modify regulations within an existing framework, Section 555 Cooperative Elk Hunting Areas, to help reduce conflict and provide increased hunting opportunities for qualifying landowners. Chronic, elevated human–elk conflict, elk occupation of predominantly private property, and limited public hunting access has been documented by the Department in the Siskiyou, Northwestern, Mendocino, and Tehachapi Elk Hunt Zones.

The proposed changes are as follows:

Amend Section 555(a)

- Clarify distinction between 5,000 acres and 640 acres criteria
- Add sentence to clarify formula for allocating annual tag distribution relative to general methods public tags (sum of general methods public elk tags + SHARE elk tags issued annually)

- A clarification that a cooperative elk hunting area is an area of private land located within the boundary of an area open to public elk hunting at least 5,000 acres (Fish and Game Code Section 1575) in size (elk hunt zones as identified in section 364). A cooperative elk hunting area must be composed of contiguous parcels of at least 640 acres within a hunting area that is open to the public.
- Public license tags shall equate to the sum of the general methods elk license tags under Section 364 and the SHARE elk license tags under Section 364.1 for the corresponding hunt and for the same designation issued annually.

Amend subsection 555(b)

- (b)(1): Move the location in the regulation, and update the following regional office addresses:  
 Region 3: 2825 Cordelia Road, Suite 100 Fairfield 94594 (707) 428–2002  
 Region 5: 3883 Ruffin Road, San Diego 92123 (858) 467–4201  
 Region 6: 3602 Inland Empire Boulevard, Suite C–220, Ontario 91764 (909) 484–0167

Clarify eligibility requirements regarding landownership as reiterated above for 555(a).

- Add (b)(2): This subsection is necessary for application materials to be clarified; these include the application form referenced in subsequent language, proof of ownership, proof of property size, and applicable fees.
- Add (b)(3): This subsection is necessary to list the information required within an application form that will be provided by the department. The requested information serves to provide the Department with necessary contact information, including name of first and second applicant, as well as the ability to cross reference to Department data systems (Driver’s License number).
- (b)(4): Update the review and approval process, clarifying how lands will be verified.
- (b)(5): update a cross–reference to subsection 702 for elk license fees.

The Reference section under “Note” is updated as the fees referenced in Section 702 require a cross reference to Fish and Game Code Section 713 for annual adjustment pursuant to the Implicit Price Deflator.

Non–substantive editing and renumbering to improve the clarity and consistency of the regulatory language have been made in Section 555.

Add Section 555.1

- Describe and classify four “conflict zones”

- Reduce qualifying landowner criteria within identified conflict zones from 640 acres to 60 acres
- Increase antlerless tag distribution relative to public tags (general methods public elk tags + SHARE elk tags issued annually) from 20% to up to 100%
- Extend the hunt season through November 30th annually

**Benefit of the Regulations:**

Elk conflict exceeds tolerable levels in some areas. Elk almost exclusively occupy privately owned property in some hunt zones, causing significant conflict issues yet may be unavailable for harvest to a majority of general public tagholders. The efficacy of regulated harvest as a management tool in these areas may therefore be reduced due to land access constraints imposed on the general public, among other factors. Chronic, elevated human–elk conflict, elk occupation of predominantly private property, and limited public hunting access has been documented by the Department in the Siskiyou, Northwestern, Mendocino, and Tehachapi Elk Hunt Zones. Modifying regulations within an existing framework, Section 555 Cooperative Elk Hunting Areas, will provide increased hunting opportunities for qualifying landowners and serve to help reduce human–elk conflict.

**Consistency and Compatibility with Existing Regulations:**

The proposed regulations are neither inconsistent nor incompatible with existing state regulations. Section 20, Article IV, of the state Constitution specifies that the Legislature may delegate to the Commission such powers relating to the protection and propagation of fish and game as the Legislature sees fit. The Legislature has delegated to the Commission the power to adopt regulations governing landowner tags (California Fish and Game Code Section 1575). No other state agency has the authority to adopt regulations governing landowner tags. The Commission has reviewed its own regulations and finds that the proposed regulations are neither inconsistent nor incompatible with existing state regulations. The Commission has searched the CCR for any regulations regarding the adoption of landowner tag regulations; therefore, the Commission has concluded that the proposed regulations are neither inconsistent nor incompatible with existing state regulations.

**Section 708.14**

The California Department of Fish and Wildlife (Department) manages deer, bighorn sheep, pronghorn antelope, and elk resources in California. Deer hunting tags, bighorn sheep hunting tags, pronghorn antelope hunting tags, and elk hunting tags are required to hunt these species in California. The Depart-

ment distributes hunting tags for certain deer, bighorn sheep, pronghorn antelope, and elk annually via the big game drawing. Public demand for deer, bighorn sheep, pronghorn antelope, and elk hunting tags exceeds the available opportunities; therefore, a modified preference point system (Section 708.14) provides preference to hunters who have applied for, but not received, tags in past drawings. Each year a hunter applies for a deer, bighorn sheep, pronghorn antelope, or elk hunting tag and is not drawn, that hunter receives a preference point which gives that hunter preference in future drawings for that species. A portion of the tag quota for deer, bighorn sheep, pronghorn antelope, and elk tags are allocated by preference point drawing each year. A portion of tags are issued randomly to allow some opportunity for new hunters and hunters that do not have enough preference points to draw through the preference point portion of the drawing.

Proposed changes to subsection 708.14(j) would remedy a loophole issue in that hunters with few preference points can unduly benefit from hunters with many preference points to repeatedly get drawn for premium hunts by leveraging the party preference point system as currently written.

Under current regulations, junior license hunters may apply and be drawn for multiple premium tags. The addition of the apprentice tag rule is to prevent abuse of gaining preference points while simultaneously keeping a premium tag.

Currently the regulation language does not explicitly state that the entire tag including the carcass portion must be returned for point reinstatement. We propose to make this explicit. Finally, it is proposed that apprentice hunters must return both drawing tags in order to receive preference point reinstatement since they are allowed to enter the drawing twice.

The proposed changes are as follows:

1. The party preference point rule needs to be changed regarding how tags may be returned. Propose that for pre–season tag returns, individual party members may return tags only if their points are less than or equal to the party points average. For party members who have more points than the party’s point average, all members of the party must return their tags for point reinstatement.
2. Require a completed harvest report for postseason tag returns. Change wording to explicitly state that the entire tag needs to be returned (including carcass section) — otherwise the carcass section could be used illegitimately.
3. Apprentice hunters must return all premium first–choice tags to be eligible for preference points reinstatement since they can apply twice in the lottery and both tags carry full point value.



4. Non–substantive editing and renumbering to improve the clarity and consistency of the regulatory language has been made in this section.

**Benefit of the Regulations:**

The proposed regulation changes will make hunting opportunities more equitable and close loopholes that allow leveraging of the system.

**Consistency and Compatibility with Existing Regulations:**

The proposed regulations are neither inconsistent nor incompatible with existing state regulations. Section 20, Article IV, of the state Constitution specifies that the Legislature may delegate to the Commission such powers relating to the protection and propagation of fish and game as the Legislature sees fit. The Legislature has delegated to the Commission the power to adopt regulations governing big game hunting (California Fish and Game Code Section 200). No other state agency has the authority to adopt regulations governing big game hunting. The Commission has reviewed its own regulations and finds that the proposed regulations are neither inconsistent nor incompatible with existing state regulations. The Commission has searched the CCR for any regulations regarding the adoption of big game hunting regulations; therefore, the Commission has concluded that the proposed regulations are neither inconsistent nor incompatible with existing state regulations.

**PUBLIC PARTICIPATION**

**Comments Submitted by Mail or Email**

It is requested, but not required, that written comments be submitted on or before **April 4, 2024** at the address given below, or by email to [FGC@fgc.ca.gov](mailto:FGC@fgc.ca.gov). Written comments mailed, or emailed to the Commission office, must be received before 12:00 noon on **April 12, 2024**. If you would like copies of any modifications to this proposal, please include your name and mailing address. Mailed comments should be addressed to Fish and Game Commission, P.O. Box 944209, Sacramento, CA 94244–2090.

**MEETINGS**

**NOTICE IS GIVEN** that any person interested may present statements, orally or in writing, relevant to this action at a hearing to be held in the **California Natural Resources Building, 715 P Street, Second Floor, Sacramento, California**, which will commence at **8:00 a.m. on February 14, 2024**, and may continue at **8:00 a.m., on February 15, 2024**. This meeting will also include the opportunity to participate via webinar/teleconference. Instructions for participation in the webinar/teleconference hearing will be posted at [www.fgc.ca.gov](http://www.fgc.ca.gov) in advance of the meeting or may be

obtained by calling 916–653–4899. Please refer to the Commission meeting agenda, which will be available at least 10 days prior to the meeting, for the most current information.

**NOTICE IS ALSO GIVEN** that any person interested may present statements, orally or in writing, relevant to this action at a hearing to be held in **San Jose, California**, which will commence at **8:00 a.m. on April 17, 2024**, and may continue at **8:00 a.m., on April 18, 2024**. The exact location of this meeting has not yet been determined. As soon as this information is available but not less than ten days before the hearing, a continuation notice will be sent to interested and affected parties providing the exact location. The continuation notice will also be published on the Commission’s website. This meeting will also include the opportunity to participate via webinar/teleconference. Instructions for participation in the webinar/teleconference hearing will be posted at [www.fgc.ca.gov](http://www.fgc.ca.gov) in advance of the meeting or may be obtained by calling 916–653–4899. Please refer to the Commission meeting agenda, which will be available at least 10 days prior to the meeting, for the most current information.

**AVAILABILITY OF DOCUMENTS**

Copies of the Notice of Proposed Action, the Initial Statement of Reasons, and the text of the regulation in underline and strikeout format can be accessed through the Commission website at [www.fgc.ca.gov](http://www.fgc.ca.gov). The regulations as well as all related documents upon which the proposal is based (rulemaking file), are on file and available for public review from the agency representative, Melissa Miller–Henson, Executive Director, Fish and Game Commission, 715 P Street, P.O. Box 944209, Sacramento, California 94244–2090, phone (916) 653–4899. Please direct requests for the above–mentioned documents and inquiries concerning the regulatory process to Melissa Miller–Henson or **David Haug** at [FGC@fgc.ca.gov](mailto:FGC@fgc.ca.gov) or at the preceding address or phone number. **Regina Vu, Wildlife Regulations Coordinator, Department of Fish and Wildlife, [regina.vu@wildlife.ca.gov](mailto:regina.vu@wildlife.ca.gov), Brian Leo, Statewide Deer Coordinator, Department of Fish and Wildlife, [brian.leo@wildlife.ca.gov](mailto:brian.leo@wildlife.ca.gov), and Tom Batter, Elk and Pronghorn Coordinator, Department of Fish and Wildlife, [thomas.batter@wildlife.ca.gov](mailto:thomas.batter@wildlife.ca.gov)**, have been designated to respond to questions on the substance of the proposed regulations.

**AVAILABILITY OF MODIFIED TEXT**

If the regulations adopted by the Commission differ from but are sufficiently related to the action proposed, they will be available to the public for at least 15 days prior to the date of adoption. Circumstances

beyond the control of the Commission (e.g., timing of Federal regulation adoption, timing of resource data collection, timelines do not allow, etc.) or changes made to be responsive to public recommendation and comments during the regulatory process may preclude full compliance with the 15–day comment period, and the Commission will exercise its powers under Section 265 of the Fish and Game Code. Regulations adopted pursuant to this section are not subject to the time periods for adoption, amendment or repeal of regulations prescribed in sections 11343.4, 11346.4, 11346.8 and 11347.1 of the Government Code. Any person interested may obtain a copy of said regulations prior to the date of adoption by contacting the agency representative named herein.

If the regulatory proposal is adopted, the final statement of reasons may be obtained from the address above when it has been received from the agency program staff.

IMPACT OF REGULATORY ACTION/  
RESULTS OF THE ECONOMIC IMPACT  
ASSESSMENT

The potential for significant statewide adverse economic impacts that might result from the proposed regulatory action has been assessed, and the following initial determinations relative to the required statutory categories have been made:

(a) Significant Statewide Adverse Economic Impact Directly Affecting Business, Including the Ability of California Businesses to Compete with Businesses in Other States:

**362:** The proposed action will not have a significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states. The proposed action adjusts tag quotas for existing hunts. Given the number of tags available and the area over which they are distributed, these proposals are economically neutral to business.

**363:** The proposed regulation will not have a significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states. This regulatory action will not impose cost impacts that a representative business would necessarily incur in reasonable compliance with the proposed regulation.

**364 and 364.1:** The proposed action will not have a significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states. The proposed action adjusts tag quotas for existing hunts. Given the number of tags available and

the area over which they are distributed, these proposals are economically neutral to business.

**554:** The proposed action will not have a significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states. Considering the relatively small number of deer landowner tags over the entire state, this proposal is economically neutral to business.

**555:** The proposed action will not have a significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states. Considering the relatively small number of elk landowner tags over the entire state, this proposal is economically neutral to business.

**708.14:** The proposed action will not have a significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states. The proposed amendments are economically neutral to business.

(b) Impact on the Creation or Elimination of Jobs Within the State, the Creation of New Businesses or the Elimination of Existing Businesses, or the Expansion of Businesses in California; Benefits of the Regulation to the Health and Welfare of California Residents, Worker Safety, and the State’s Environment:

**362:** The Commission does not anticipate impacts on the creation or elimination of jobs within the state, the creation of new business, the elimination of existing businesses, or the expansion of businesses in California because the expected economic impacts of the proposed regulations are unlikely to be substantial enough to substantially stimulate demand for goods or services related to Nelson bighorn sheep hunting. If greater numbers of hunters visit the areas in the state with increased opportunities, businesses that provide goods and services to Nelson bighorn sheep hunters could benefit from small increases in sales. Conversely, if fewer tags are awarded and less hunters visit the areas in the state with decreased opportunities, businesses that provide goods and services to Nelson bighorn sheep hunters could be negatively affected from small decreases in sales. The Commission does not anticipate direct benefits to the general health and welfare of California residents, the environment, or to worker safety, however California residents will benefit generally through access to recreational opportunities created by the proposed changes.

**363:** The Commission does not anticipate impacts on the creation or elimination of jobs within the state, the creation of new business, the elimination of existing businesses, or the expansion of businesses in California because the expected economic impacts of the proposed regulations are unlikely to be substantial

enough to substantially stimulate demand for goods or services related to pronghorn antelope hunting. If greater numbers of hunters visit the areas in the state with increased opportunities, businesses that provide goods and services to pronghorn antelope hunters could benefit from small increases in sales. Conversely, if fewer tags are awarded and less hunters visit the areas in the state with decreased opportunities, businesses that provide goods and services to pronghorn antelope hunters could be negatively affected from small decreases in sales. The Commission does not anticipate direct benefits to the general health and welfare of California residents, the environment, or to worker safety, however California residents will benefit generally through access to the expanded recreational opportunities created by the proposed changes.

**364 and 364.1:** The Commission does not anticipate impacts on the creation or elimination of jobs or businesses within the State; no significant impacts to the creation of new business, the elimination of existing businesses, or the expansion of businesses in California are anticipated. The Commission does not anticipate direct benefits to the general health and welfare of California residents or to worker safety but anticipates benefits to the environment.

**554:** The Commission anticipates no impact on the creation or elimination of jobs within the state, no impact on the creation of new business, the elimination of existing businesses or the expansion of businesses in California as minor variations in hunting regulations are, by themselves, unlikely to provide a substantial economic stimulus to the state.

**555 and 555.1:** The Commission anticipates no impact on the creation or elimination of jobs within the state, no impact on the creation of new business, the elimination of existing businesses or the expansion of businesses in California as minor variations in hunting regulations are, by themselves, unlikely to provide a substantial economic stimulus to the state.

**708.14:** The Commission anticipates no impact on the creation or elimination of jobs within the state, no impact on the creation of new business, the elimination of existing businesses or the expansion of businesses in California as minor variations in hunting regulations are, by themselves, unlikely to provide a substantial economic stimulus to the state.

(c) Cost Impacts on a Representative Private Person or Business:

**362:** The total net number of tags is anticipated to be same as the previous year, so no net economic impacts to individuals or to businesses that support Nelson bighorn sheep hunts are anticipated. As such, the Commission does not anticipate significant impacts on the representative private persons or businesses.

**363:** The Commission does not anticipate significant impacts on the representative private persons or businesses.

**364 and 364.1:** The Commission does not anticipate significant impacts on the representative private persons or businesses.

**554:** The Commission is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with this proposed action.

**555 and 555.1:** The Commission is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with this proposed action.

**708.14:** The Commission is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with this proposed action.

(d) Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State:

**362:** None.

**363:** The Department Wildlife program oversight, Law Enforcement Branch, and License and Revenue Branch work is projected to be unchanged from currently existing budgets and resources. However, the Department revenue is expected to decline with a reduced number of tags available in zones 3 and 5 (See STD399 and Addendum).

**364 and 364.1:** Non new costs/savings or change to federal funding are anticipated for state agencies. However, the Department is projected to experience higher elk tag sales that may result in revenue increases (see STD399 and Addendum).

**554:** None.

**555:** None.

**708.14:** None

(e) Nondiscretionary Costs/Savings to Local Agencies:

**All:** None.

(f) Programs Mandated on Local Agencies or School Districts:

**All:** None.

(g) Costs Imposed on any Local Agency or School District that is Required to be Reimbursed Under Part 7 (commencing with Section 17500) of Division 4, Government Code:

**All:** None.

(h) Effect on Housing Costs:

**All:** None.

#### EFFECT ON SMALL BUSINESS

It has been determined that the adoption of these regulations may affect small business. The Commission has drafted the regulations in Plain English pur-

suant to Government Code Sections 11342.580 and 11346.2(a)(1).

### CONSIDERATION OF ALTERNATIVES

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

## TITLE 15. BOARD OF STATE AND COMMUNITY CORRECTIONS

### MINIMUM STANDARDS FOR LOCAL DETENTION FACILITIES

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

### PUBLIC HEARING

The BSCC has not yet scheduled a public hearing on this proposed action. However, the BSCC 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 to the BSCC.

A written comment period has been established commencing on February 2, 2024, and closing on March 20, 2024. The BSCC will consider only comments received at BSCC offices by the closing date. Submit comments to:

Amanda Ferreira, Associate Governmental Program Analyst  
2590 Venture Oaks Way, Suite 200  
Sacramento, CA 95833  
Phone: (916) 324–2878  
[regulations@bscc.ca.gov](mailto:regulations@bscc.ca.gov)

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

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

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

### AUTHORITY AND REFERENCE

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

### INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

This rulemaking action is a result of Senate Bill (SB) 519 (Chapter 306, Statutes of 2023), which establishes the Director of In-Custody Death Review (Director) within the BSCC and, beginning July 1, 2024, requires the Director to “review investigations of any death incident... occurring within a local detention facility.” Following these reviews, the Director shall “make specific and customized recommendations to the sheriff or administrator of the local detention facility who operates the local detention facility regarding those incidents, including changes to policies, procedures, and practices, facility upgrades, staffing considerations, the delivery of medical and behavioral health services within local detention facilities, and operational and capital funding requirements to address the director’s recommendations.” (Pen. Code, § 6034, subdivision (b).)

**Summary of Existing Laws and Effect of the Proposed Action**

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

The proposed amendments to section 1046 of Title 15, Division 1, Chapter 1, Subchapter 4 of the CCR include additional in-custody death review and reporting requirements that will become effective July 1, 2024, in accordance with the provisions of Penal Code sections 832.10 and 6034. The proposed revisions will update existing requirements to reflect the facility administrator’s obligation to develop written policy and procedures that comply with in-custody death reporting requirements of Government Code section 12525, submitting a copy of the report filed pursuant to section 12525 to the BSCC, content requirements for the initial in-custody death review report, and making reports accessible by the public.

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

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

**Comparable Federal Statute or Regulations**

There are no comparable federal regulations or statutes.

**Anticipated Benefits of the Proposed Regulation**

The anticipated benefits from the proposed regulation amendments include the expansion of facility policies and procedures on in-custody death, improved investigative accountability and transparency in reporting, and the necessary data and reporting to support the enhanced mission of the BSCC to review, inspect, and promote legal and safe conditions in local detention facilities. Additional benefits of the amended regulations are the advancement of minimum standards for local detention facilities that improve the overall safety, security, and welfare of incarcerated people and staff in local detention facilities.

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

that would cause a positive or negative effect on the environment.

**DISCLOSURE REGARDING THE PROPOSED ACTION**

The BSCC has made the following initial determinations:

Mandate on local agencies and school districts: None.

Cost or savings to any state agency: None.

Cost to any local agency or school district which must be reimbursed in accordance with Government Code sections 17500 through 17630: No.

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

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

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

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

**RESULTS OF THE ECONOMIC IMPACT ANALYSIS**

The BSCC concludes that it is unlikely that these regulations will (1) create new businesses or eliminate existing businesses within California, (2) create jobs or eliminate jobs within California, (3) affect the expansion of businesses currently doing business within California; and (4) affect worker safety or the state’s environment. The BSCC concludes that it is likely that these regulations will benefit the health and welfare of California residents, specifically, the health and welfare of juveniles and adults in local detention facilities in a positive manner with the support of consistent review and reporting of in-custody deaths by local detention facilities.

Significant effect on housing costs: None.

Business Report Determination: None.

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

**CONSIDERATION OF ALTERNATIVES**

In accordance with Government Code section 11346.5, subdivision (a)(13), the BSCC must determine that no reasonable alternative it considered or

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

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

#### AVAILABILITY OF RULEMAKING DOCUMENTS

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

#### AVAILABILITY OF MODIFIED TEXT

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

#### AVAILABILITY OF INITIAL STATEMENT OF REASONS AND FINAL STATEMENT OF REASONS

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

#### AVAILABILITY OF DOCUMENTS; INTERNET ACCESS

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

#### CONTACT PERSON FOR SUBSTANTIVE AND/OR TECHNICAL QUESTIONS

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

Amanda Ferreira, Associate Governmental  
Program Analyst  
2590 Venture Oaks Way, Suite 200  
Sacramento, CA 95833  
Phone: (916) 324-2878  
[regulations@bscc.ca.gov](mailto:regulations@bscc.ca.gov)  
Fax: (916) 322-2461

The auxiliary contact person is:

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

#### TITLE 15. PRISON INDUSTRY AUTHORITY

Notice is hereby given that the California Prison Industry Authority (CalPIA) and the Prison Industry Board (PIB) propose the regulation amendment described below. This notice of proposed rulemaking (Notice) commences a rulemaking to make the regulations permanent after considering all comments, objections, contentions, and recommendations regarding the regulation.

#### PUBLIC PROCEEDINGS

CalPIA is conducting a 45-day written public proceeding during which time any interested person may represent statements or arguments (hereinafter referred to as 'comments') relevant to the action described in the Informative Digest portion of this Notice.

Please direct any inquiries regarding this action or questions of substance of the proposed regulatory action, or 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 the below-referenced persons:

*Primary Contact*

Kelly Mortenson, Regulations Manager  
California Prison Industry Authority  
560 East Natoma Street, Folsom, CA 95630  
[Kelly.mortenson@calpia.ca.gov](mailto:Kelly.mortenson@calpia.ca.gov)

*Secondary Contact*

Christine Pesce, Executive Assistant  
California Prison Industry Authority  
560 East Natoma Street, Folsom, CA 95630  
[Christine.pesce@calpia.ca.gov](mailto:Christine.pesce@calpia.ca.gov)

**PUBLIC COMMENT PERIOD**

Written comments pertaining to this regulatory proposal, regardless of the method of transmittal, must be received by the Legal Services Unit at CalPIA by 5:00 p.m. on **March 19, 2024**, which is designated as the close of the written comment period. Comments received after this date will not be considered timely. To submit comments regarding the proposed regulation, any interested person may use one of the following methods:

**MAIL/HAND DELIVER**

Regulatory Manager  
CALPIA/Legal Services Unit  
560 East Natoma Street  
Folsom, CA 95630

**FAX**

(916) 358–2709

**EMAIL**

[PIAregs@calpia.ca.gov](mailto:PIAregs@calpia.ca.gov)

Due to technological limitations, emails larger than 15 megabytes (MB) may be rejected and will not be delivered and received by CalPIA. Emails larger than 15 MB should be submitted in separate emails or another form of delivery should be used.

CalPIA requests, but does not require, that reports or articles in excess of 25 pages submitted with comments include a summary of the report or article. This summary should include a concise overview of the report or article, describe the reason for submitting the report or article and describe the relevance of the report or article to the proposed regulation. Please note that under the California Public Records Act (Gov. Code Section 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.

**PUBLIC HEARING**

At this time, no public hearing has been scheduled concerning the proposed regulatory action. Any interested person may request a public hearing by contacting Kelly Mortenson at [Kelly.mortenson@calpia](mailto:Kelly.mortenson@calpia).

[ca.gov](http://ca.gov). Requests for public hearings must be made no later than **March 4, 2024**.

**ASSISTIVE SERVICES**

For individuals with disabilities, CalPIA will provide assistive services which include an interpreter, documents made available in an alternate format, or another disability–related reasonable accommodation. To request assistive services, please contact the Reasonable Accommodation Coordinator at [reasonableaccommodation@calpia.ca.gov](mailto:reasonableaccommodation@calpia.ca.gov) as soon as possible, but no later than 10 business days before a scheduled hearing.

**AUTHORITY & REFERENCE**

Penal Code section 2801 authorizes CALPIA to develop and operate industrial, agricultural, and service enterprises employing incarcerated individuals in institutions under the jurisdiction of CDCR.

Penal Code section 2808 authorizes the Prison Industry Board, in the exercise of its duties, all of the powers of and to do all of the things that the board of directors of a private corporation would do.

Penal Code section 2809 establishes CALPIA as a department with its own authority to recruit and employ civilian staff as well as authorizes the General Manager the appointing authority for all personnel of CALPIA.

This regulatory proposal implements Penal Code section 2805, which authorizes CALPIA to assume jurisdiction over CALPIA operations, by adopting a grievance and appeal process for the redress of incarcerated individual grievances.

**CONSIDERATION OF ALTERNATIVES**

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

**DISCLOSURES**

**Fiscal Impact**

Cost or savings to any state agency: ..... None.  
Cost to any local agency or school district ..... None.  
Other nondiscretionary cost or savings imposed on local agencies ..... None.

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

**Statement of Results of the Economic Impact Assessment**

CalPIA has determined that this regulatory proposal will have no impact on the creation or elimination of existing jobs within the State of California. Businesses are not affected by the internal management of CalPIA.

CalPIA has determined that this regulatory proposal will have no impact on the creation, elimination, or expansion of businesses within the State of California as well as no significant adverse impact on business because businesses are not affected by the internal management of CalPIA.

The proposed regulations are expected to affect incarcerated worker safety by ensuring that incarcerated individuals have access to proper grievance and appeal processes that address work safety, among other issues. The proposed regulations are not expected to affect the health and safety of the California public or the state’s environment.

**Housing Costs**

CALPIA has determined that the proposed action will not have a significant effect of housing costs.

**Significant Statewide Adverse Economic Impact on Business**

CalPIA has initially determined that the proposed action will not have a significant statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states because they are not affected by the internal management of CalPIA.

**Mandated by Federal Law or Regulation**

The proposed regulations are not federally mandated.

**Local Mandate**

CalPIA has determined that this regulatory action would not impose a mandate on local agencies or school districts, nor are there any costs for which reimbursement is required by part 7 (commencing with Section 17500) of division 4 of the Government Code.

**Cost Impacts on Representative Person or Business**

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

**Effect on Small Business**

CalPIA has initially determined that the proposed action will not have an effect on small businesses because they are not affected by the internal management of CalPIA.

**Mandated Use of Specific Technologies, Equipment, Actions or Procedures**

The proposed regulatory action does not mandate the use of specific technologies, equipment, actions, or procedures.

**Other Statutory Requirements**

Not Applicable

AVAILABILITY

**Rulemaking Record**

CalPIA will have the rulemaking record available for inspection and photocopying throughout the rulemaking process. The Proposed Text, Initial Statement of Reasons, and all information upon which this proposal is based have been placed in the rulemaking record, which is available to the public upon request directed to the CalPIA contact person referenced above or by visiting the *CalPIA regulations webpage*. Following its preparation, the Final Statement of Reasons may be obtained by contacting the CalPIA contact person referenced above or by visiting the *CalPIA regulations webpage*.

**Changes to Proposed Regulation Text:**

After considering all timely and relevant comments received, the PIB may approve the proposed regulations as described in this Notice. If CalPIA makes modifications which are sufficiently related to the originally proposed text, it will make the modified text available to the public for at least 15 days before the PIB reviews and approves the regulations as revised. CalPIA will accept written comments on the modified regulations for 15 days after the date on which they are made available. Requests for copies of any modified regulation text should be directed to the contact person indicated above or can be viewed by visiting the *CalPIA regulations webpage*.

INFORMATIVE DIGEST

SUMMARY

Incarcerated individuals have the right to submit a written grievance to dispute a policy, decision, action, condition, or omission by the California Prison Industry Authority (CALPIA) or CALPIA staff, receive a written decision to the grievance, appeal the decision made, and receive a written decision to the appeal. Although CALPIA and the California Department of Corrections (CDCR) are separate departments, CDCR processed and responded to CALPIA’s written grievances and appeals submitted by incarcerated individuals. However, in 2020 CDCR restructured their grievance and appeal regulations as well as the regulations that address allegations of staff misconduct. In the restructuring of their grievance, appeal, and staff mis-



conduct regulations, CDCR included a provision for grievances and appeals to be processed by CALPIA when the facts and circumstances involve CALPIA staff and operations<sup>1</sup>. Therefore, it is necessary for CALPIA to promulgate its own grievance, appeal, and staff misconduct regulations for incarcerated workers.

#### AUTHORITY & REFERENCE

Penal Code section 2801 authorizes CALPIA to develop and operate industrial, agricultural, and service enterprises employing incarcerated individuals in institutions under the jurisdiction of CDCR.

Penal Code section 2808 authorizes the Prison Industry Board, in the exercise of its duties, all of the powers of and to do all of the things that the board of directors of a private corporation would do.

Penal Code section 2809 establishes CALPIA as a department with its own authority to recruit and employ civilian staff as well as authorizes the General Manager the appointing authority for all personnel of CALPIA.

This regulatory proposal implements Penal Code section 2805, which authorizes CALPIA to assume jurisdiction over CALPIA operations, by adopting a grievance and appeal process for the redress of incarcerated individual grievances.

#### POLICY STATEMENT OVERVIEW

**Problem Statement:** In the restructuring of their grievance, appeal, and staff misconduct regulations, CDCR included a provision for grievances and appeals to be processed by CALPIA when the facts and circumstances involve CALPIA staff and operations<sup>2</sup>. Therefore, it is necessary for CALPIA to promulgate its own grievance, appeal, and staff misconduct regulations for incarcerated workers.

This regulatory proposal describes CALPIA's process to increase access, reduce processing times, process urgent matters expeditiously, and reduce bias and the appearance of bias in the processing of incarcerated individuals claims. Each step in the process is designed to lead to either resolution of the claim(s) or the next step in the process toward resolution of the claim(s) in a timely and efficient manner.

This proposal also adopts a process to address incarcerated individual allegations of staff misconduct. It proposes to eliminate time constraints for filing an allegation and conducting investigations into allegations of excessive, unnecessary, or unreported use of force incidents as well as allegations sexual abuse and

sexual harassment as defined in the Prison Rape Elimination Act of 2003 (PREA).

CALPIA has made every effort, where possible, to align its grievance and appeal regulations with CDCR's grievance and appeal regulations. This will help ensure that CALPIA staff and CDCR staff are held to a similar standard and that incarcerated workers have a similar process for filing grievances and appeals with both departments.

#### Objectives

- Align CALPIA grievance and appeal regulations with CDCR's grievance and appeal regulations, to the extent possible, to avoid confusion and streamline processes.
- Formalize CALPIA's incarcerated individual grievance and appeal processes.
- Clarify roles and responsibilities of CALPIA staff involved in the grievance and appeal processes.
- Formalize the process for addressing allegations of staff misconduct.
- Expedite the processing of incarcerated individual grievances which contain information concerning personal safety, institutional security, and sexual misconduct.

#### Benefits

Formalizing the grievance and appeal process will:

- Provide incarcerated individuals with timely, well-reasoned responses to their grievances and appeals while resolving as many claims as possible at the lowest level possible.
- Help ensure safe and efficient work environments within each CalPIA enterprise.
- Improve CALPIA's transparency, integrity, and staff accountability.

#### EVALUATION OF INCONSISTENCY OR INCOMPATIBILITY WITH EXISTING STATE AND FEDERAL REGULATIONS

CALPIA evaluated whether the proposed regulations are inconsistent or incompatible with existing state regulations. This evaluation included a review of CDCR and CalPIA laws, as well as those statutes and regulations related to this subject. CalPIA has determined that no other state regulation addresses the same subject matter, and there are no existing state or federal regulations with which the proposed regulations conflict or with which they are incompatible.

#### DOCUMENTS INCORPORATED BY REFERENCE

1. CALPIA Grievance Form 602–1 (Rev. 10/23)
2. CALPIA Appeals Form 602–2 (Rev. 10/23)

<sup>1</sup> Title 15, section 3481(e).

<sup>2</sup> Title 15, section 3481(e).

3. CALPIA Request to Implement Remedies Form 602–3 (Rev. 10/23)

MANDATED BY FEDERAL LAW  
OR REGULATIONS

Not Applicable.

**TITLE 16. BOARD OF BEHAVIORAL  
SCIENCES**

UNPROFESSIONAL CONDUCT

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

PUBLIC HEARING

The Board has not scheduled a public hearing on this proposed action. However, the Board will hold a hearing if it receives a written request for a public hearing from any interested person, or their 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 email to the addresses listed under **Contact Person** in this Notice, must be received by the Board at its office not later than **5:00 p.m. on Tuesday, March 19, 2024**, or must be received by the Board at the hearing, should one be scheduled.

AVAILABILITY OF CHANGED OR  
MODIFIED TEXT

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

AUTHORITY AND REFERENCE

Pursuant to the authority vested by Sections 125.9, 148, 149, 4980.60, 4989.18 and 4990.20 of the Business and Professions Code (BPC), and Section 56.36 of the Civil Code, and to implement, interpret, or make specific Sections 125.9, 148, 149, 480, 702, 4980, 4980.02, 4980.30, 4980.60, 4982, 4989.10, 4989.12, 4989.14, 4989.18, 4989.54, 4990.20, 4992.3, 4992.36, 4996, 4996.5, 4996.9, 4996.11, 4998.1, 4998.5, 4999.20, 4999.24, 4999.30, 4999.90, 4999.124 and 4999.128 of the Business and Professions Code, Section 56.36 of the Civil Code, Section 1000.4 of the Penal Code, Sections 11357, 11360, 11361.5 and 11361.7 of the Health and Safety Code, and Section 15630 of the Welfare and Institutions Code, the Board is considering changes to Division 18 of Title 16 of the California Code of Regulations (CCR) as follows:

INFORMATIVE DIGEST/POLICY  
STATEMENT OVERVIEW

The Board of Behavioral Sciences (Board) licenses and regulates Licensed Marriage and Family Therapists (LMFTs) (Bus. & Prof. Code (BPC), §§ 4980 et seq.), Licensed Educational Psychologists (LEPs) (BPC §§ 4989.10 et seq.), Licensed Clinical Social Workers (LCSWs) (BPC §§ 4991 et seq.), and Licensed Professional Clinical Counselors (LPCCs) (BPC §§ 4999.10 et seq.).

The Board also registers and regulates individuals gaining supervised experience toward meeting the requirements for licensure. This includes registered Associate Marriage and Family Therapists (AMFTs), Associate Professional Clinical Counselors (APCCs) and Associate Clinical Social Workers (ASWs), and applicants pending registration.

BPC section 4990.16 mandates that the protection of the public shall be the highest priority of the Board in exercising its licensing, regulatory, and disciplinary functions. Whenever the protection of the public is inconsistent with other interests sought to be promoted, the protection of the public shall be paramount.

BPC section 4990.20 authorizes the Board in accordance with the Administrative Procedure Act (APA) (Government Code sections 11400 et seq.), to adopt, amend, or repeal such rules and regulations as may be reasonably necessary to enable it to carry into effect the provisions of BPC Chapters 13, 13.5, 13.7, 14 and 16.

The Board is authorized to investigate allegations of unprofessional conduct and to take disciplinary action against a licensee, registrant or applicant found to be in violation and to deny applications, discipline or cite licensees or registrants for such unprofessional conduct in accordance with BPC sections 108, 4982,

4989.54, 4992.3, and Title 16, California Code of Regulations (CCR) section 1886. The Board’s original unprofessional conduct statutes for LMFTs, LEPs, and LCSWs did not specify all grounds considered unprofessional conduct by the Board. The Board then adopted implementing regulations to further specify what it considered “unprofessional conduct” as used in BPC sections 4982, 4989.54 and 4992.3 at CCR sections 1845, 1858 and 1888.

However, since that time, certain provisions of the Board’s unprofessional conduct regulations have been replicated in the Board’s statutes. This renders the corresponding Board regulations redundant and unnecessary. As a result, the regulations need to be updated for clarity and transparency consistent with these statutory changes, and to repeal subsections that duplicate provisions of the Business and Professions Code (BPC).

The Confidentiality of Medical Information Act (commencing with section 56 of the Civil Code — CMIA) prohibits a provider of health care from disclosing medical information regarding a patient of the provider of health care or an enrollee or subscriber of a health care service plan without first obtaining an authorization as specified. Section 56.36 of the CMIA authorizes licensing agencies to issue administrative fines for violations of the CMIA, as specified, and requires licensing agencies to consider specified factors before issuing said fines. The Board’s current regulations that specify its authority to issue citations, the grounds for such issuance, citation factors and fine amounts do not refer to this CMIA authority, list the required factors the Board must consider, or the amount of the fines authorized by the CMIA to be issued. This proposal would update those sections of the Board’s regulations to add those provisions consistent with the authority to issue such fines in accordance with the CMIA.

The proposal would make other non–substantive changes including grammatical changes, renumbering sections affected by the repeal or adoption of others, the addition of gender neutral pronouns and changes to the authority and reference note sections of the proposed regulations to revise or repeal outdated and changed statutory references.

*The proposal would include the following changes:*

*Unprofessional Conduct*

The Board’s statutes and regulations specify acts that are considered unprofessional conduct. This proposal makes amendments to certain subsections of CCR sections 1845, 1858 and 1881 to repeal regulatory provisions that duplicate provisions of the Business and Professions Code.

The proposal would also update the authority and reference sections of the regulation to add relevant sections and delete unnecessary sections.

*Citation Factors and Amount of Fines for Violations of the Confidentiality of Medical Information Act*

Existing regulation at CCR section 1886.30 requires the Board, when assessing an administrative fine or issuing an order of abatement, to give consideration to certain factors. Section 1886.40 defines “citable offense” and specifies the amount of fines that may be levied for a violation.

This proposal clarifies that the Board’s Executive Officer must also consider the factors listed in the Confidentiality of Medical Information Act (CMIA, Civil Code section 56 et seq.) when assessing an administrative fine or issuing an order of abatement for violations of the CMIA. It would also add a violation of the CMIA to the definition of a “citable offense” and specify that the fine for violating the CMIA shall not exceed the amount specified in Section 56.36 of the Civil Code (a section included in the CMIA).

All of these changes are consistent with current Board practice, as the Board already follows the requirements specified in the CMIA. Incorporating references to the CMIA into the Board’s regulations will provide clarity and transparency by citing the source of factors considered when assessing an administrative fine or issuing an order of abatement for breaches of the CMIA, and making transparent that the fine for violation of the CMIA shall not exceed the amount specified in the CMIA.

*Anticipated Benefits of Proposal*

The objectives of the amendments in this regulatory proposal are intended to achieve the following:

- Increase clarity and conciseness in regulation by removing unnecessary language that duplicates statute.
- Increase clarity and transparency in regulation by citing the source of the statutory authority for a citation and fine for a breach of confidentiality violation.
- Increase awareness of and compliance with the CMIA among Board licensees, thus benefitting consumers of mental health services, as it may lead to fewer confidentiality violations by the Board’s licensees.

*Evaluation of Consistency and Compatibility with Existing State Regulations*

During the process of developing this regulatory proposal, the Board has conducted a search of any similar regulations on these topics 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:* There is no fiscal impact to the State in the form of federal funding or any cost or savings to any state agency because this proposal would merely strike regulations that duplicate existing statutes and the Board already applies the requirements of the CMIA when reviewing potential violations of the CMIA and when determining citation factors, assessing an administrative fine, or issuing an order of abatement. The Board does not anticipate additional workload or costs from the proposed regulations. Any workload or costs of implementation are a result of current law.

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

*Local Mandate:* None.

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

*Significant Effect on Housing Costs:* None.

*Business Impact Estimates:* The Board 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 the following facts/evidence/documents or testimony:

- Striking regulations that duplicate statute has no adverse economic effect because the statutory provisions will continue to be in effect.
- Adding references to the CMIA has no adverse economic effect because it already applies to Board licensees, and the Board already applies the requirements of the CMIA when reviewing potential violations of the CMIA and when determining citation factors, assessing an administrative fine, or issuing an order of abatement.

The rulemaking file includes the facts, evidence, documents, testimony, and other evidence which supports this determination.

*Cost Impact on Representative Private Person or Business:* The Board is not aware of any cost impacts that are representative private person or business would necessarily incur in reasonable compliance with the proposed action for the reasons set forth above in the “Business Impact Estimates” section.

*Effect on Small Business:* The Board has determined that the proposed regulations will not affect small businesses. This is because striking language

duplicate in statute has no effect on small businesses as described in the “Business Impact Estimate” section above. In addition, the CMIA already applies to Board licensees, and the Board already applies the requirements of the CMIA when reviewing potential violations of the CMIA and issuing a citation and fine or order of abatement.

RESULTS OF ECONOMIC IMPACT  
ASSESSMENT/ANALYSIS

*Impact on Jobs/Businesses:* The Board has determined that the proposed regulatory action will not have a significant impact on the creation of jobs or new businesses or the elimination of jobs or existing businesses or the expansion of businesses in the State of California. This is because striking language duplicated in statute has no effect on jobs or businesses. In addition, the CMIA already applies to Board licensees, and the Board already applies the requirements of the CMIA when reviewing potential violations of the CMIA and issuing a citation and fine or order of abatement.

*Benefits of the Regulation to the Health and Welfare of California Residents, Worker Safety, and the State’s Environment:* The Board has determined that this regulatory proposal will benefit the health and welfare of California residents, as it may increase awareness of the CMIA among Board licensees and increase compliance, potentially leading to fewer violations of client confidentiality. The proposal will have no effect on worker safety or the State’s environment because it does not relate to worker safety or the environment.

*Business Reporting Requirements:* This proposed regulation does not require businesses to file a report with the Board.

CONSIDERATION OF ALTERNATIVES

In accordance with Government Code section 11346.5, subdivision (a)(13), the Board must determine that no reasonable alternative it considered to the regulation or that has otherwise been identified and brought to its attention would either be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons 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 board in writing relevant to the above determinations at 1625 North Market Boulevard, Suite S200, Sacramento CA 95834 during the written comment period, or at the hearing if one is scheduled or requested.

AVAILABILITY OF INITIAL STATEMENT  
OF REASONS AND RULEMAKING FILE

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

TEXT OF PROPOSAL

Copies of the exact language of the proposed regulations and of the initial statement of reasons, and all of the information upon which the proposal is based, may be obtained at the hearing or prior to the hearing upon request from the person designated in this Notice under Contact Person listed below, or by accessing the Board's website at [https://www.bbs.ca.gov/about/law\\_reg.html](https://www.bbs.ca.gov/about/law_reg.html).

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

All of the information upon which the proposed regulations are based is contained in the rulemaking file, which is available for public inspection by contacting the Contact 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 Persons named below or by accessing the website listed below.

CONTACT PERSON

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

Name: Christy Berger  
Address: Board of Behavioral Sciences  
1625 North Market Boulevard, Suite S200  
Sacramento CA 95834  
Telephone: 916-574-7995  
Fax: 916-574-8625  
Email: [Christy.Berger@dca.ca.gov](mailto:Christy.Berger@dca.ca.gov)

The backup contact person is:

Name: Rosanne Helms  
Address: Board of Behavioral Sciences  
1625 North Market Boulevard, Suite S200  
Sacramento CA 95834  
Telephone: 916-574-7939  
Fax: 916-574-8625  
Email: [Rosanne.Helms@dca.ca.gov](mailto:Rosanne.Helms@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 Board's website at: [https://www.bbs.ca.gov/about/law\\_reg.html](https://www.bbs.ca.gov/about/law_reg.html).

**TITLE 16. DENTAL HYGIENE BOARD**

DIVISION 11, ARTICLE 4,  
SECTIONS 1116 & 1116.5

MOBILE DENTAL HYGIENE CLINICS;  
ISSUANCE OF APPROVAL; AND  
REGISTERED DENTAL HYGIENIST IN  
ALTERNATIVE PRACTICE, PHYSICAL  
FACILITY REGISTRATION

**NOTICE IS HEREBY GIVEN** that the Dental Hygiene Board of California (Board) is proposing to take the rulemaking action described below under the heading Informative Digest/Policy Statement Overview. Any person interested may present statements or arguments relevant to the action proposed in writing. Written comments, including those sent by mail, facsimile, or email to the addresses listed under Contact Person in this Notice, must be received by the Board at its office on **Tuesday, March 19, 2024, by 5:00 p.m.**

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

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

AUTHORITY AND REFERENCE

Pursuant to the authority vested by Business and Professions Code (BPC) sections 1905, 1906, 1926.1, 1926.2, 1926.3, 1926.4, and 1944, and to implement,

interpret or make specific BPC sections 125.6, 137, 138, 142, 680, 1922, 1925, 1926, 1926.1, 1926.2, 1926.3, 1926.4, 1955, and 1962, the Board is considering changes to Division 11 of Title 16 of the California Code of Regulations as follows:

INFORMATIVE DIGEST/POLICY  
STATEMENT OVERVIEW

Senate Bill 1202 (Leno, Chapter 331, Statutes of 2012) (SB 1202) added BPC sections 1926.1 and 1926.2 to the Code, authorizing RDHAPs to operate mobile dental hygiene clinics (MDHCs). In addition, SB 1202 created BPC sections 1944(g) and (h) which state: “(g) The fee for registration of a mobile dental hygiene unit shall not exceed one hundred fifty dollars (\$150);” and “(h) The biennial renewal fee for a mobile dental hygiene unit shall not exceed two hundred and fifty dollars (\$250).”

Additionally, SB 1202 added BPC sections 1926.3, and 1926.4, requiring RDHAPs to register their place or places of practice with the executive officer and to receive permission from the Board, subject to a biennial renewal fee, to have an additional place of practice. SB 1202 also created BPC sections 1944(i) and (j) which state: “(i) The fee for an additional office permit shall not exceed two hundred fifty dollars (\$250);” and “(j) The biennial renewal fee for an additional office as described in Section 1926.4 shall not exceed two hundred fifty dollars (\$250).”

During the initial regulatory process, the Board determined there was a lack of authority to conduct reviews and inspections of MDHCs and physical facilities to ensure the health and safety of services provided to consumers at MDHCs and physical facilities. To address this, Senate Bill 534 (Jones, Chapter 491, Statutes of 2021) (SB534) granted the Board authority for announced and unannounced reviews and inspections to ensure the health and safety of services provided at MDHCs and physical facilities, as well as to ensure continued compliance with all laws and regulations applicable to MDHCs and physical facilities.

This proposal implements sections 1926.1, 1926.2, 1926.3, and 1926.4 by: (1) establishing a process by which an RDHAP may apply to register a MDHC or physical facility; (2) establishing minimum operating requirements for MDHCs and physical facilities; (3) requiring RDHAPs to provide the Board access to MDHCs and physical facilities to determine compliance with all laws and regulations applicable to MDHCs and physical facilities; (4) establishing a registration renewal process for MDHCs and physical facilities; and (5) establishing a process for the RDHAP to notify the Board and active patients of record of the cessation of operation of a MDHC or physical facility and for the preservation of patient care records.

The Board approved the proposed languages, associated forms incorporated by reference, established fees by resolution at the Board’s November 19, 2022, Full Board teleconference, and delegated authority to the Board’s Executive Officer to make any technical, non–substantive changes, if necessary.

***Anticipated Benefits of the Proposed Regulation:***

The anticipated benefits of the proposed regulation are:

- First, establishing a process by which an RDHAP may apply to register and renew registration of an MDHC or physical facility promotes a fair, equal, and clear process for RDHAPs to apply for registration and renewal from the Board.
- Second, establishing minimum operating requirements for MDHCs and physical facilities ensures MDHCs and physical facilities operate at established, safe levels, ensuring clean and safe facilities for treatment of the RDHAP’s patients.
- Third, requiring RDHAPs to provide the Board access to MDHCs and physical facilities will promote RDHAPs’ compliance and cooperation with Board reviews of MDHC and physical facility requirements. This promotes safety of the public because it incentivizes RDHAPs to follow all laws, regulations, and standards applicable to MDHCs and physical facilities.
- Fourth, establishing a process for the RDHAP to notify the Board and active patients of record of the cessation of operation of an MDHC or physical facility ensures the patients are given adequate notice of the closure, allowing patients adequate time to find another provider to continue their care, as well as provides adequate time to access to their records for transfer to the new provider. This enhances patient safety by ensuring the patient’s records are available for the patient’s new provider and ensures continuity of care for the RDHAPs’ patients.

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

During the process of developing this regulation, the Board has conducted a search of any similar regulations on this topic and has concluded the proposed regulatory action is not inconsistent or incompatible with existing state regulations.

**Documents Incorporated by Reference:**

- Application for Registration of a Mobile Dental Hygiene Clinic (MDHC) [MDHC–01 (New 11/2022).]
- Registered Dental Hygienists in Alternative Practice: Registration of Physical Facilities” [form DHBC HAPR–01 New (11/2022).]

DISCLOSURES REGARDING  
PROPOSED ACTION

The DHBC has made the following initial determinations:

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

The Board anticipates modest participation with initial MDHC applications ranging from 2 to 4 per year and initial physical facility applications (first and second locations) ranging from 3 to 6 per year, which would result in workload costs and revenues as follows:

**Registration (costs):** The Board estimates workload and costs ranging from \$1,647 to \$12,823 per year and up to \$63,107 over a ten-year period.

Additionally, the Board will incur one-time workload and costs of approximately \$2,000 to update the current MDHC and physical facility registration forms and \$35,000 to post them on the Board's website.

**Compliance Inspection (costs):** The Board estimates workload and costs ranging from \$8,940 to 21,976 per year and up to \$140,992 over a ten-year period.

**Enforcement-Related (costs):** In the event a registrant is determined to be in non-compliance, the Board may issue a citation and fine. The total workload and costs, including an appeal of the citation is estimated to be approximately \$10,000 per issuance. The Board does not have a total fiscal estimate of enforcement-related costs at this time.

Any workload and costs are anticipated to be absorbed within existing resources.

**Registration Fee (revenues):** The proposed regulations are anticipated to generate initial and renewal registration fee revenues ranging from \$360 to \$3,480 per year and up to \$17,660 over a ten-year period.

**Enforcement-Related (revenues):** In the event, a registrant is determined to be out-of-compliance with the proposed regulations, the Board is authorized to issue a citation and fine of up to \$5,000. Because the number of future violations of non-compliance is unknown, the Board does not have a total revenue estimate related to citations and fines at this time.

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

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

***Local Mandate:*** None.

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

***Business Impact***

This regulation will have an economic impact on businesses. However, there will not be a 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 the following facts:

The initial physical facility registration and portable equipment does not impose any regulatory fee. Again, this is necessary because the RDHAP category was created by the Board to provide dental hygiene care to the public in DHCAI dental health professional shortage areas, thereby increasing access to care for Californians.

The proposed regulations impose an initial MDHC registration fee of \$100 and a \$160 biennial renewal registration fee, as well as an initial registration fee of \$160 for each additional (second) physical facility registration and a \$250 biennial renewal registration fee.

The Board estimates MDHC and physical facility registration fee costs ranging from \$360 to \$3,480 per year and up to \$17,660 over a ten-year period.

The proposed regulatory language defines parameters for the Board to conduct inspections of MDHCs and physical facilities to ensure compliance. In the event, a registrant is determined to be out-of-compliance with the proposed regulations, the Board is authorized to issue a citation and fine of up to \$5,000. Because the number of future violations of non-compliance is unknown, the Board does not have a total cost estimate related to citations and fines at this time.

Any workload related to reporting requirements are anticipated to be incurred within normal business operations and not result in additional costs.

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

This regulation will have a minor economic impact on private individuals. This initial determination is based on the following facts:

Initial physical facility registration and portable equipment does not impose any regulatory fee. The impact would be the time for the private individual to fill out the form and gather documentation for the application.

Additionally, the Board has determined this regulatory action may have a minor economic impact on private individuals applying for an additional physical facility registrations or MDHC registration.

This regulation will have a minor economic impact on private businesses. This initial determination is based on the following facts:

The proposed regulations impose an initial MDHC registration fee of \$100 and a \$160 biennial renewal registration fee, as well as an initial registration fee of

\$160 for each additional (second) physical facility registration and a \$250 biennial renewal registration fee.

The Board estimates MDHC and physical facility registration fee costs ranging from \$360 to \$3,480 per year and up to \$17,660 over a ten-year period.

The proposed regulatory language defines parameters for the Board to conduct inspections of MDHCs and physical facilities to ensure compliance. In the event, a registrant is determined to be out-of-compliance with the proposed regulations, the Board is authorized to issue a citation and fine of up to \$5,000. Because the number of future violations of non-compliance is unknown, the Board does not have a total cost estimate related to citations and fines at this time.

**Significant Effect on Housing Costs:** None.

**Business Reporting Requirement:**

The regulation will require businesses to file a report with the Board. The change in regulatory language will require the RDHAP to provide documentation to the Board [forms MDHC-01 (New 11/2022) and DHBC HAPR-01 New (11/2022)] (1) upon application for MDHC and physical facility registrations; (2) at every biennial registration renewal; and (3) at any time there are any changes to the MDHC and/or physical facility registrations which require a report per the regulations. It is necessary for the health, safety, and welfare of the people of the state that the regulation apply to businesses. Any workload related to reporting requirements related to this proposal are anticipated to be incurred within normal business operations and not anticipated to result in additional costs.

**Results of the Economic Impact Analysis/Assessment:**

*Impact on Jobs/Businesses:* The Board has determined this regulatory action will not create jobs within the State of California because the proposed language in the regulation only allows already licensed RDHAPs to open MDHCs and physical facilities, as specified.

The Board determined this regulatory action will not create new businesses or eliminate existing businesses, and will not affect the expansion of businesses currently doing business within the State of California as the proposed language in the regulation only allows already licensed RDHAPs to open MDHCs and physical facilities, as specified.

*Benefits of the Proposed Action:* This regulatory proposal will positively impact worker safety as the proposed language in the regulation would ensure MDHCs and physical facilities adhere to all laws, regulations, and standards applicable to a MDHCs and physical facilities, including worker safety (OSHA).

This regulatory proposal will positively impact the health and welfare of California residents as the pro-

posed language in the regulation would ensure MDHCs and physical facilities to adhere to all laws, regulations, and standards applicable to a DHEP, including patient safety (e.g., HIPAA, HSC, CDC). Additionally, this regulatory proposal will increase access to care to the public in DHCAI dental health professional shortage areas, as well as those patients unable to access traditional dental care due to disabilities.

This regulatory proposal will not affect the state's environment because this proposed regulation does not involve environmental issues.

*Effect on Small Business:* The Board determined this regulatory action would have a positive impact on small businesses, including the ability of small business to compete in this state because the proposed language in the regulation defines parameters for the Board to issue MDHC and physical facility registrations, thereby increasing small businesses in California.

CONSIDERATION OF ALTERNATIVES

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

Interested persons are invited to present statements or arguments in writing relevant to the above determinations during the written comment period.

CONTACT PERSONS

Inquiries or comments concerning the proposed regulatory action may be directed to the following designated agency contact persons:

Dental Hygiene Board of California  
 Attn: Adina A. Pineschi-Petty DDS  
 2005 Evergreen Street, Suite 1350  
 Sacramento, CA 95815  
 Phone: 916-576-5002  
 Email: [adina.petty@dca.ca.gov](mailto:adina.petty@dca.ca.gov)

Backup Contact Person:

Attn: Anthony Lum  
 2005 Evergreen Street, Suite 1350  
 Sacramento, CA 95815  
 Phone: 916-576-5004  
 Email: [anthony.lum@dca.ca.gov](mailto:anthony.lum@dca.ca.gov)



Please direct requests for copies of the proposed text of the regulations, the initial statement of reasons, or other information upon which the rulemaking is based to Dr. Pineschi–Petty at the above address. In her absence, please contact the designated back–up contact person.

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

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

**AVAILABILITY OF CHANGED OR  
MODIFIED TEXT**

After considering all timely and relevant comments received, the Board may adopt the amendments as originally proposed, or with non–substantial or grammatical modifications. The Board may also adopt the proposed regulatory language with other modifications if the text as modified is sufficiently related to the originally proposed text that was noticed to the public. In the event that such modifications are made, the full regulatory text, with the modifications clearly indicated, will be made available to the public for review and or written comment at least 15 days before it is adopted. The public may request a copy of the modified regulatory text by contacting Dr. Pineschi–Petty at the address above.

**AVAILABILITY OF FINAL  
STATEMENT OF REASONS**

All the information upon which the proposed regulations are based is contained in the rulemaking file which is available for public inspection by contacting Dr. Pineschi–Petty at the address above.

You may obtain a copy of the Final Statement of Reasons once it has been prepared, by making a written request to Dr. Pineschi–Petty at the address above or by accessing the website listed below.

**TEXT OF THE PROPOSAL**

Copies of the exact language of the proposed regulations, and any document incorporated by reference, and of the ISOR, and all of the information on which the proposal is based, may be obtained upon request from the Board at 2005 Evergreen Street, Suite 1350,

Sacramento, California 95815, or by accessing the Board’s website at <https://www.dhbc.ca.gov/lawsregs/index.shtml>.

**AVAILABILITY OF DOCUMENTS  
ON THE INTERNET**

Copies of the Notice of Proposed Action, the ISOR, and the text of the regulations can be accessed through the Board’s website at <https://www.dhbc.ca.gov/lawsregs/index.shtml>.

**GENERAL PUBLIC INTEREST**

**DEPARTMENT OF  
DEVELOPMENTAL SERVICES**

**PROPOSED AMENDMENTS TO MEDI-  
CAL HOME AND COMMUNITY BASED  
SERVICES (HCBS) 1915(C) WAIVER FOR  
THE DEVELOPMENTALLY DISABLED**

The Department of Health Care Services (DHCS) requests input from beneficiaries, providers, and other interested stakeholders concerning a proposed amendment to the Medi–Cal 1915(c) Home and Community–Based Services Waiver for the Developmentally Disabled (HCBS–DD Waiver). A copy of which is attached.

Under the Lanterman Developmental Disabilities Services Act (Lanterman Act), Welfare & Institutions (W&I) Code section 4500 et seq., people with developmental disabilities, as defined in W&I Code section 4512(a), are eligible to receive services and supports that meet their individual needs and choices as defined in W&I Code section 4512(a). The Department of Developmental Services (DDS) administers the Lanterman Act.

DDS administers the HCBS–DD Waiver. DDS ensures, under the oversight of DHCS as the State Medicaid agency, that the HCBS–DD Waiver is implemented by regional centers in accordance with Medicaid law and the State’s approved Waiver application. Regional centers coordinate, provide, and arrange or purchase the services and supports available under the HCBS–DD Waiver. Information about the HCBS–DD Waiver can be found at [www.dds.ca.gov/initiatives/hcbs/](http://www.dds.ca.gov/initiatives/hcbs/).

This amendment proposes to:

- Complete the implementation of the rate reform informed by the DDS 2019 Rate Study subject to continued statutory authority to fully implement on July 1, 2024.

The fiscal impact of this amendment is estimated to be \$690,000,000 in waiver year two (2) and \$1,432,000,000 in waiver year three (3). All proposed HCBS–DD Waiver amendments must be approved by the Centers for Medicare and Medicaid Services (CMS) to be effective.

**Public Review and Comments**

DHCS plans to submit the proposed waiver amendment to CMS by March 31, 2024, for a proposed effective date of July 1, 2024.

A copy of the proposed waiver amendment will be posted on February 2, 2024, at <https://www.dhcs.ca.gov/services/Pages/Medi-CalWaivers.aspx> and at <https://www.dds.ca.gov/initiatives/hcbs/>.

Copies of the proposed amendment can be obtained by sending a written request to the mailing or email addresses listed below, or by visiting your local regional center. Please indicate ‘HCBS Waiver’ in the subject line or message.

Written comments may be sent to the following address:

Department of Developmental Services  
 Attn: Jonathan Hill  
 1215 O Street MS 7–40  
 Sacramento, CA 95814  
 Email [Federal.Programs@dds.ca.gov](mailto:Federal.Programs@dds.ca.gov)

To be assured consideration prior to DHCS’ submission of the waiver amendment to CMS, comments must be received no later than March 3, 2024. Please note that comments will continue to be accepted after March 3, 2024, but DHCS may not be able to consider those comments prior to the initial submission of the HCBS–DD waiver amendment to CMS.

**DEPARTMENT OF DEVELOPMENTAL SERVICES**

**PROPOSED AMENDMENTS TO MEDI-CAL HOME AND COMMUNITY BASED SERVICES (HCBS) 1915(C) WAIVER FOR THE DEVELOPMENTALLY DISABLED**

The Department of Health Care Services (DHCS) requests input from beneficiaries, providers, and other interested stakeholders concerning a proposed amendment to the Medi-Cal 1915(c) Home and Community-Based Services Waiver for the Developmentally Disabled (HCBS–DD Waiver). A copy of which is attached.

Under the Lanterman Developmental Disabilities Services Act (Lanterman Act), Welfare & Institutions (W&I) Code section 4500 et seq., people with developmental disabilities, as defined in W&I Code section

4512(a), are eligible to receive services and supports that meet their individual needs and choices as defined in W&I Code section 4512(a). The Department of Developmental Services (DDS) administers the Lanterman Act.

DDS administers the HCBS–DD Waiver. DDS ensures, under the oversight of DHCS as the State Medicaid agency, that the HCBS–DD Waiver is implemented by regional centers in accordance with Medicaid law and the State’s approved Waiver application. Regional centers coordinate, provide, and arrange or purchase the services and supports available under the HCBS–DD Waiver. Information about the HCBS–DD Waiver can be found at [www.dds.ca.gov/initiatives/hcbs/](http://www.dds.ca.gov/initiatives/hcbs/).

This amendment proposes to:

- Add telehealth as a delivery method for specified services.
- Add group homes for children with special health care needs as a new provider of community living arrangement services.
- Add participant-directed as a service delivery method for self-directed support services.

The fiscal impact of this amendment is estimated to be \$910,000 in waiver year two (2) and \$1,820,000 in waiver years three (3). All proposed HCBS–DD Waiver amendments must be approved by the Centers for Medicare and Medicaid Services (CMS) to be effective.

**Public Review and Comments**

DHCS plans to submit the proposed waiver amendment to CMS by March 31, 2024, for a proposed effective date of July 1, 2024.

A copy of the proposed waiver amendment will be posted on February 2, 2024, at <https://www.dhcs.ca.gov/services/Pages/Medi-CalWaivers.aspx> and at <https://www.dds.ca.gov/initiatives/hcbs/>.

Copies of the proposed amendment can be obtained by sending a written request to the mailing or email addresses listed below, or by visiting your local regional center. Please indicate ‘HCBS Waiver’ in the subject line or message.

Written comments may be sent to the following address:

Department of Developmental Services  
 Attn: Jonathan Hill  
 1215 O Street MS 7–40  
 Sacramento, CA 95814  
 Email [Federal.Programs@dds.ca.gov](mailto:Federal.Programs@dds.ca.gov)

To be assured consideration prior to DHCS’ submission of the waiver amendment to CMS, comments must be received no later than March 3, 2024. Please note that comments will continue to be accepted after March 3, 2024, but DHCS may not be able to consider

those comments prior to the initial submission of the HCBS-DD waiver amendment to CMS.

**DECISION NOT TO PROCEED**

**DEPARTMENT OF PESTICIDE  
REGULATION**

OFFICE OF ADMINISTRATIVE LAW  
NOTICE FILE NUMBER:  
Z2023-0302-01

PESTICIDE DECONTAMINATION SITES  
DEPARTMENT OF  
PESTICIDE REGULATION  
REGULATION NUMBER 23-001

Pursuant to Government Code section 11347, the Department of Pesticide Regulation (DPR) hereby gives notice that it has decided to not proceed with the proposed regulatory action published in the California Regulatory Notice Register on March 17, 2023 (Register 2023, Number 11-Z, page 257, Notice File Number Z2023-0302-01) concerning pesticide decontamination sites at this time. Instead, DPR will initiate a new regulatory action to adopt/amend regulations pertaining to the same or similar subject matter on a later date.

DPR will also publish this Notice of Decision Not to Proceed on the Department's website at <<http://www.cdpr.ca.gov>>.

Inquiries regarding this action may be directed to:

Lauren Otani, Senior Environmental Scientist  
(Specialist)  
Department of Pesticide Regulation  
1001 I Street, P.O. Box 4015  
Sacramento, California 95812-4015  
916-445-5781

Note: In the event the contact person is unavailable, questions may be directed to the following back-up person at the same address as noted below:

Emily Bryson, MPH, Senior Environmental  
Scientist (Supervisory)  
Worker Health and Safety Branch  
916-324-6344

**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.

Department of Resources Recycling and Recovery  
File # 2024-0111-01  
AB 962 Bottle Washer Processor

This emergency action provides general requirements and a certification process for a bottle washer processor to accept and cancel empty reusable beverage containers in the manner prescribed by existing regulations governing other processors, with some variances. This action implements AB 962 (2021) recognizing bottle washing as a valid method of cancellation. This emergency action provides general requirements and a certification process for a bottle washer processor to accept and cancel empty reusable beverage containers in the manner prescribed by existing regulations governing other processors, with some variances. This action implements AB 962 (2021) recognizing bottle washing as a valid method of cancellation.

Title 14  
Adopt: 2421  
Amend: 2000, 2010, 2045, 2110, 2400  
Filed 01/22/2024  
Effective 01/22/2024  
Agency Contact: Kris Chisholm (916) 322-2404

State Water Resources Control Board  
File # 2024-0112-06  
Information Order for Clear Lake Watershed

In this emergency rulemaking action, the State Water Resources Control Board adopts regulations allowing the Board to issue information orders to water right holders and water users to collect their water use information in the Clear Lake Watershed. This will inform the Board's evaluation of how groundwater pumping and other water uses may influence creek flows that are critical for the spawning and migration of hitch — an endangered fish.

Title 23  
 Adopt: 1050, 1051, 1052  
 Filed 01/22/2024  
 Effective 01/22/2024  
 Agency Contact: Max Cassell (916) 341-5330

California Citizen Oversight Board  
 File # 2023-1228-01  
 Conflict-of-Interest Code

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

Title 02  
 Repeal: 59820  
 Filed 01/23/2024  
 Effective 02/22/2024  
 Agency Contact: Jack Bastida (916) 327-2224

Delta Stewardship Council  
 File # 2023-1214-01  
 Administrative Procedures Governing Appeals

This action by the Delta Stewardship Council (“Council”) adopts Article 5 (commencing with Section 5020) of Chapter 2 of Division 6 of Title 23 of the California Code of Regulations (“CCR”) as administrative procedures governing appeals of certifications of consistency (“appeal procedures”). This filing is exempt from Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code (“APA”) pursuant to Water Code section 85225.30 and is not subject to review by the Office of Administrative Law (“OAL”).

Title 23  
 Adopt: 5020, 5021, 5022, 5023, 5024, 5025, 5026, 5027, 5028, 5029, 5030, 5031, 5032, 5033, 5034, 5035  
 Amend: 5001  
 Filed 01/24/2024  
 Effective 01/24/2024  
 Agency Contact: Eva Bush (916) 284-1619

Office of Energy Infrastructure Safety  
 File # 2023-1222-05  
 Conflict-of-Interest Code

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

Title 02  
 Adopt: 59910  
 Filed 01/24/2024  
 Effective 02/23/2024  
 Agency Contact: Megan Nevin (209) 429-7390

State Compensation Insurance Fund  
 File # 2023-1220-01  
 Conflict-of-Interest Code

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

Title 02  
 Amend: 52400  
 Filed 01/18/2024  
 Effective 02/17/2024  
 Agency Contact: Jorrell Sorenson (916) 924-6895

Commission on Peace Officer Standards and Training  
 File # 2023-1218-01  
 Amend Commission Regulations 1953 and 1959

This action without regulatory effect by the Commission on Peace Officer Standards and Training (hereafter POST) amends POST’s Forms 2-251 and 2-255 (the Personal History Statement — Peace Officer and the POST Personal History Statement — Public Safety Dispatcher, respectively) to conform them to Government Code section 12954 (as amended by Senate Bill 700, Chapter 408, Stats. 2023) concerning employment discrimination based on an individual’s use of cannabis off the job and away from the workplace.

Title 11  
 Amend: 1953, 1959  
 Filed 01/17/2024  
 Agency Contact: Melani Singley (916) 227-4258

Commission on Peace Officer Standards and Training  
 File # 2024-0111-03  
 Regulation 1005 & 1008 — Section 100

This amendment without regulatory effect conforms the revision date of two forms (Regular Basic Course Waiver Application, POST 2-267, and Specialized Investigators’ Basic Course Waiver Application, POST 2-353) to the effective date of the approval of the rulemaking action that most recently amended these forms.

Title 11  
 Amend: 1005  
 Filed 01/24/2024  
 Agency Contact: Katelynn Poulos (916) 227-4894

Occupational Safety and Health Standards Board  
 File # 2023-1226-03  
 Hazardous Waste Operations and Emergency Response

This action without regulatory effect amends section 5192 of Title 8 of the California Code of Regulations

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to conform references to sections of the Health and Safety Code to the reorganization of these statutes by Assembly Bill 2293 (Chapter 257, Statutes of 2022).

Title 08  
Amend: 5192  
Filed 01/23/2024  
Agency Contact: Kelly Chau (916) 274-5794

Superintendent of Public Instruction  
File # 2023-1218-03  
Regional Parent Advisory Council

This nonsubstantive action deletes a provision prohibiting the use of alternate members for eligible parent members of Regional Parent Advisory Councils. The deleted provision was held invalid in *Wendz v. California Department of Education* (2023) 93 Cal. App.5th 607.

Title 05  
Amend: 12011  
Filed 01/19/2024  
Agency Contact: Lorie Adame (916) 319-0860

Department of Resources Recycling and Recovery  
File # 2023-1207-02  
Recycling and Disposal Reporting System Permanent Regulations

This rulemaking action by the Department of Resources, Recycle, and Recover amends regulations relating to the reporting requirements for recycling and disposal of covered materials.

Title 14  
Amend: 18815.1, 18815.2, 18815.3, 18815.4, 18815.5, 18815.6, 18815.7, 18815.8, 18815.9, 18815.11, 18815.12, 18794.2  
Filed 01/23/2024  
Effective 04/01/2024  
Agency Contact: Kris Chisholm (916) 322-2404

State Teachers Retirement System  
File # 2023-1213-02  
2% at 62 Compensation Paid Each Pay Period

In this rulemaking action, the Board adopts a regulation to include remuneration paid for services performed within 30 days of the beginning or end of a pay period as remuneration to be paid for creditable services, for purposes of determining creditable com-

pensation under Education Code section 2119.3 or salary under Education Code section 26139.5.

Title 05  
Adopt: 27650  
Filed 01/22/2024  
Effective 04/01/2024  
Agency Contact: Sal Sanchez (916) 414-1984

Dental Hygiene Board of California  
File # 2023-1206-02  
Temporary Licensure (Military Spouses or Partners)

Prior to the enactment of Assembly Bill 107 (Salas, chapter 693, Stats. of 2021) ("A.B. 107"), existing law required specific boards — not including the Dental Hygiene Board of California ("DHBC") — within the Department of Consumer Affairs ("DCA") to issue, after appropriate investigation, certain types of temporary licenses to an applicant if the applicant meets specified requirements. These requirements included supplying evidence satisfactory to the board that the applicant is married to, or in a domestic partnership or other legal union with, an active member of the Armed Forces of the United States who is assigned to a duty station in this state under official active duty military orders. A.B. 107 expanded the requirement to issue temporary licenses to practice a profession or vocation to include licenses issued by any board within DCA and amended Business and Professions Code section 115.6 to include DHBC. In this regular rulemaking DHBC is implementing, interpreting, and making specific these statutory changes made by A.B. 107.

Title 16  
Adopt: 1114  
Filed 01/17/2024  
Effective 04/01/2024  
Agency Contact:  
Adina Pineschi-Petty (916) 576-5002

Department of Human Resources  
File # 2023-1201-02  
Contracts Bidding Process

This action by the Department of Human Resources amends contract bidding procedures for the Savings Plus Program in accordance with Public Contract Code section 10344.1.

Title 02

Amend: 599.943

Filed 01/17/2024

Effective 04/01/2024

Agency Contact: Joseph Mesich (916) 909–3269

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

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