



# California Regulatory Notice Register

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## PROPOSED ACTION ON REGULATIONS

### TITLE 2. FAIR POLITICAL PRACTICES COMMISSION

*Conflict-of-Interest Codes — Notice File Number Z2024-0213-03* ..... 197

#### AMENDMENT

MULTI-COUNTY: Redwood Empire Schools Insurance Group  
Westlands Water District

#### ADOPTION

STATE AGENCY: California Cradle-to-Career Data System

### TITLE 2. PERSONNEL BOARD

*Unlawful Appointments — Notice File Number Z2024-0209-03* ..... 198

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

*Amend Commission Regulations 1001, 1004, 1005, and Commission Procedure D-13 —  
Field Training Program — Notice File Number Z2024-0213-01* ..... 200

### TITLE 16. BOARD OF OPTOMETRY

*Mobile Optometric Office Program — Notice File Number Z2024-0213-02* ..... 202

### TITLE 16. BOARD OF PHARMACY

*Disciplinary Guidelines — Notice File Number Z2024-0209-02* ..... 207

### TITLE 17. DEPARTMENT OF PUBLIC HEALTH

*Pet Food Labeling and Licensing Revisions — Notice File Number Z2024-0213-04* ..... 210

## PETITION DECISIONS

### TITLE 14. FISH AND GAME COMMISSION

*Notice of Regulation Change Petition Decisions — Notice File Number Z2024-0209-01* ..... 214

(Continued on next page)

***Time-  
Dated  
Material***

## SUMMARY OF REGULATORY ACTIONS

Regulations filed with the Secretary of State ..... 216

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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: Redwood Empire Schools Insurance Group  
Westlands Water District

**ADOPTION**

STATE AGENCY: California Cradle-to-Career Data System

A written comment period has been established commencing on February 23, 2024, and closing on April 8, 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 codes will be submitted to the Commission’s Executive Director for their review, unless any interested person or his or her duly authorized representative requests, no later than 15 days prior to the close of the written comment period, a public hearing before the full Commission. If a public hearing is requested, the proposed codes will be submitted to the Commission for review.

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

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

Any interested person may present statements, arguments or comments, in writing to the Executive Director of the Commission, relative to review of the proposed conflict-of-interest codes. Any written comments must be received no later than April 8, 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 codes 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 2. PERSONNEL BOARD**

**Notice is hereby given** that the State Personnel Board (Board) proposes to amend sections 52.4, 58.4, 243.2, 243.5, and 243.6 of Title 2, Chapter 1, of the California Code of Regulations, in order to clarify, streamline or, correct the deficiencies of, rules related to the unlawful appointment process. (Cal. Code Regs., title 2, §§ 52.4, 58.4, 243.2, 243.5, 243.6)

**PUBLIC HEARING**

A public hearing regarding the proposed regulatory action will be held on April 9, 2024, at 10:00 a.m. via WebEx. In order to participate in the public hearing, please see the following options:

- **Via Video (Online)**

You may click, or copy and paste into your web browser, the following link: <https://spb-meetings.webex.com/spb-meetings/j.php?MTID=m819654c675b8eb12a12bf099833c717e>.

Then enter the following information to gain access to the hearing:

Meeting Number: 2554 461 0802

Meeting password: U7HqsVReQ43

- **Via Telephone**

You may also participate by dialing the phone number first and then the participant code listed below:

Phone Number: +1-408-418-9388

Participant Code: 25544610802##

The telephonic conference to be used for the public hearing is accessible to persons with mobility impairment. Persons with sight or hearing impairments are requested to notify the contact person for these hearings (listed below) in order to make specific arrangements, if necessary.

**WRITTEN COMMENT PERIOD**

Any interested party, or their duly authorized representative, may submit written comments relevant to the proposed regulatory action to the contact person listed below.

Michelle La Grandeur, Chief  
Policy Division  
State Personnel Board  
801 Capitol Mall  
Sacramento, CA 95814

Email: [michelle.lagrandeur@spb.ca.gov](mailto:michelle.lagrandeur@spb.ca.gov)

The written comment period closes on April 8, 2024. Only written comments received by that time shall be reviewed and considered by the Board before it adopts, amends, or repeals a regulation.

**AUTHORITY AND REFERENCE**

The Board proposes to amend sections 52.4, 58.4, 243.2, 243.5, and 243.6 of Title 2, Chapter 1 of the California Code of Regulations pursuant to the authority vested in it by the California Constitution, article 7, section 3, and Government Code sections 18502, 18660 and 18701. The proposed regulation will implement, interpret, and make specific the provisions of the California Constitution, article 7, section 3, and Government Code sections 11425.20, 18502, 18654, 18654.5, 18670, 18675, 18710, 19050, 19257.5 19889.2.

**INFORMATIVE DIGEST/POLICY  
STATEMENT OVERVIEW**

The Board is a constitutional body responsible for enforcing California’s civil service statutes. (Cal. Const., article VII, §§ 1, subdivision (b), & 3; Gov. Code, § 18660.) In addition, the Board, by majority vote of all its members, prescribes probationary periods and classifications, adopts other rules authorized by statute, and reviews disciplinary actions imposed against state employees. (*Ibid.*)

Regulations adopted by the Board are exempt from the Administrative Procedure Act (APA), except as expressly specified. (Gov. Code, §§ 18211, 18215, & 18216.) Regulations concerning Board hearing procedures related to disciplinary and merit matters are not exempt from the APA. (Gov. Code, § 18215, subdivision (a)(2).)

The purpose of this regulatory action is to clarify existing rules and streamline current personnel practices. These changes reflect the Board’s continuing efforts to simplify, update, and modernize Board regulations.

**FISCAL IMPACT ON PUBLIC AGENCIES**

- 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 any State agency: None.

- Other nondiscretionary cost or savings imposed on local agencies: None.
- Cost or savings in federal funding to the State: None

**SIGNIFICANT EFFECT ON  
HOUSING COSTS**

None.

**ECONOMIC IMPACT ON BUSINESS**

- Significant, statewide adverse economic impact directly affecting businesses including the ability of California businesses to compete with businesses in other states: None.
- Effect on small business: None. The proposed regulations only set standards related to state civil service examinations, appointments, probationary periods and temporary assignments. Accordingly, it has been determined that the adoption of the proposed regulations would not affect small businesses in any way.

**COST IMPACT ON A REPRESENTATIVE  
PRIVATE PERSON OR BUSINESS**

The agency is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action since the regulatory change only impacts the Board’s examinations procedures.

**RESULTS OF ECONOMIC  
IMPACT ASSESSMENT**

Adoption of these regulations will not:

1. Create or eliminate jobs within California.
2. Create new businesses or eliminate existing businesses within California.
3. Affect the expansion of businesses currently doing business within California.
4. Affect worker safety or the state’s environment.

The adoption of these regulations, however, will have a positive impact on the general health and welfare of California residents in that the benefits of this regulatory action create a fair, equitable, and consistent process for the civil service selection process.

**CONSIDERATION OF ALTERNATIVES**

The Board must determine that no reasonable alternatives it has considered or that have been otherwise identified and brought to the attention of the Board would be more effective in carrying out the purposes

for which the instant action is proposed, or would be as effective and less burdensome to affected private persons than the proposed action, or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provision of law.

**CONTACT PERSONS**

Inquiries concerning the proposed regulatory action, including questions regarding procedure, comments, or the substance of the proposal, may be directed to:

Michelle La Grandeur, Chief  
Policy Division  
State Personnel Board  
801 Capitol Mall  
Sacramento, CA 95814  
Phone: (916) 651–2740  
Email: [michelle.lagrandeur@spb.ca.gov](mailto:michelle.lagrandeur@spb.ca.gov)

The backup contact person for these inquiries is:

Joseph Ruggiero, SSM I (Specialist)  
Policy Division  
State Personnel Board  
801 Capitol Mall  
Sacramento, CA 95814  
Email: [joseph.ruggiero@spb.ca.gov](mailto:joseph.ruggiero@spb.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 Compliance Review Division Chief, Michelle La Grandeur, at the above address.

**AVAILABILITY OF RULEMAKING FILE**

The Board is maintaining a rulemaking file for the proposed regulatory action, which as of the date of this notice contains the following:

1. A copy of the text of the regulations for which the adoption is proposed in ~~strikeout~~ and underline;
2. A copy of this notice and initial statement of reasons for the proposed adoption; and
3. Any factual information upon which the proposed rulemaking is based.

If written comments, data or other factual information, studies or reports are received, they will be added to the rulemaking file. The file is available for public inspection during normal working hours at the State Personnel Board, 801 Capitol Mall, Sacramento, CA 95814. Items 1 through 3 are also available on the Board’s website at [www.spb.ca.gov](http://www.spb.ca.gov) under “What’s New?” Copies may be obtained by contacting the person via the address, email, or phone number listed above.

**AVAILABILITY OF CHANGED OR  
MODIFIED TEXT**

After considering all timely and relevant comments received, the Board may adopt the proposed regulations substantially as described in this notice. If the Board 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 Board adopts the regulations as revised. Please send requests for copies of any modified regulations to the attention of the person at the address indicated above. The Board will accept written comments on the modified regulations for 15 days after the date on which they are made available to the public.

**AVAILABILITY OF THE FINAL  
STATEMENT OF REASONS**

It is anticipated that the proposed regulations will be filed with the Office of Administrative Law and shall include a Final Statement of Reasons. Copies of the Final Statement of Reasons may be obtained from the contact person when it becomes available.

**AVAILABILITY OF DOCUMENTS  
ON THE INTERNET**

Copies of the Notice of Proposed Action, the Initial Statement of Reasons, and the text of the regulations in underline and strikeout can be accessed on the Board's website at [www.spb.ca.gov](http://www.spb.ca.gov) under "What's New?"

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

**AMEND COMMISSION  
REGULATIONS 1001, 1004, 1005, AND  
COMMISSION PROCEDURE D–13 —  
FIELD TRAINING PROGRAM**

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

**Public Comments Due by April 8, 2024.**

Notice is also given that any interested person, or authorized representative, may submit written com-

ment(s) relevant to the proposed regulatory action by fax at (916) 404–5619, by email to *Sarah Wilhelm* at [Sarah.Wilhelm@post.ca.gov](mailto:Sarah.Wilhelm@post.ca.gov) or by letter to:

Commission on POST  
Attention: Rulemaking  
860 Stillwater Road, Suite 100  
West Sacramento, CA 95605–1630

**AUTHORITY AND REFERENCE**

This proposal is made pursuant to the authority vested by Penal Code (PC) section 13503 (authority of POST), PC § 13506 (POST authority to adopt regulations). This proposal is intended to interpret, implement, and make specific PC § 13510(a)(2), which authorizes the Commission to adopt, and from time to time amend, rules establishing minimum standards for training.

**INFORMATIVE DIGEST/POLICY  
STATEMENT OVERVIEW**

Commission Regulation 1005 requires peace officers to complete a Field Training Program following completion of the Regular Basic Course. Because of the aforementioned requirement in Commission Regulation 1005, POST proposes revisions to multiple statutory items related to Field Training, including Commission Regulations 1001, 1004, and 1005, Commission Procedure D–13, and POST–Approved Field Training Program (FTP) or Police Training Program (PTP) Application (POST 2–229).

This rulemaking action ensures the Field Training Program is relevant and current with existing statutory and regulatory requirements. In addition, modifications have been made to ensure consistency with existing Regular Basic Course Learning Domain content and provide clarification on existing language. A review of the existing Field Training Program materials identified outdated language and content.

*Anticipated Benefits of the Proposed Amendments:*

The benefits anticipated by the proposed amendments to the regulation will ensure entry–level peace officers are being trained and evaluated during field training with current and relevant materials, which will increase the efficiency of the state of California in delivering services to stakeholders. Thus, the law enforcement standards are maintained and effective in preserving peace, protection of public health, safety, and welfare of California.

The proposed amendments will have no impact on worker safety or the state's environment.

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

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

FORMS INCORPORATED BY REFERENCE

- POST–Approved Field Training Program (FTP) or Police Training Program (PTP) Application (POST 2–229, rev. 10/2024)

DISCLOSURES REGARDING THE PROPOSED ACTION

*POST has made the following initial determinations:*

Mandate on local agencies or school districts: None.

Cost or savings to any state agency: None.

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

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

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

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

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

Significant effect on housing costs: None.

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

RESULTS OF ECONOMIC IMPACT ANALYSIS/ASSESSMENT

POST concludes that it is (1) unlikely the proposal will create nor eliminate jobs in the state of California,

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

Benefits of the Proposed Action: As stated above under the Informative Digest/Policy Statement Overview, the benefits of the regulation will increase the efficiency of the state of California in delivering services to stakeholders by ensuring entry–level peace officers are being trained and evaluated during field training with current and relevant materials. Thus, the law enforcement standards are maintained and effective in preserving peace, protection of public health, safety, and welfare in California. There would be no impact that would affect worker safety or the state’s environment.

CONSIDERATION OF ALTERNATIVES

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

CONTACT PERSONS

Questions regarding this proposed regulatory action may be directed to *Sarah Wilhelm*, Commission on POST, 860 Stillwater Road, Suite 100, West Sacramento, CA 95605–1630, at (916) 227–4254. General questions regarding the regulatory process may be directed to *Katelynn Poulos* at (916) 227–4894.

TEXT OF PROPOSAL

Individuals may request copies of the proposed text (the “express terms”) of the regulations, the initial statement of reasons, the modified text of the regulations, if any, or other information upon which the rulemaking is based to, the Commission on POST at 860 Stillwater Road, Suite 100, West Sacramento, CA 95605–1630. These documents are also located on the *POST Website* at <https://post.ca.gov/Regulatory–Actions>.

ADOPTION OF PROPOSED REGULATIONS/ AVAILABILITY OF CHANGED OR MODIFIED TEXT

Following the public comment period, the Commission may adopt the proposal substantially as set forth

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

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

The rulemaking file contains all information upon which POST is basing this proposal and is available for public inspection by contacting the person(s) named above. As of the date this notice is published in the Notice Register, the rulemaking file consists of this notice, the proposed text of the regulations and the initial statement of reasons.

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

**TITLE 16. BOARD OF OPTOMETRY**

**MOBILE OPTOMETRIC OFFICE PROGRAM**

**AMEND TITLE 16, CALIFORNIA CODE OF  
REGULATIONS (CCR), SECTIONS 1505 AND  
1524, AND ADOPT SECTIONS 1583–1587**

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

**PUBLIC HEARING**

The Board has not scheduled a public hearing on this proposed action. However, the Board will hold a hearing if it receives a written request for a public hearing from any interested person, or 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 Board at its office no later than Tuesday, April 9, 2024, by 5:00 p.m.**, or must be received by the Board at the hearing, should one be scheduled.

**AUTHORITY AND REFERENCE**

Pursuant to the authority vested by section(s) 137, 138, 3025, 3041, 3044, 3070.2, 3075, 3092, 3110, 3152, 3152.5, of the Business and Professions Code (BPC), and to implement, interpret, or make specific BPC section(s) 27, 30, 31, 136, 137, 138, 142, 144, 163.5, 480, 494.5, 495, 2544, 3041, 3041.3, 3055, 3070, 3070.1, 3070.2, 3075, 3077, 3078, 3092, 3110, 3151, 3151.1, 3152, 3152.5, Civil Code sections 1633.2, 1633.7, and 1633.9, Government Code section 16.5; and Penal Code section 11105, the Board is considering amending section(s) 1505 and 1524, and adopting section(s) 1583–1587 of title 16 of the California Code of Regulations (CCR).

**INFORMATIVE DIGEST/POLICY  
STATEMENT OVERVIEW**

The Mobile Optometric Office (MOO) program was established by Assembly Bill (AB) 896 (Low, Chapter 121, Statutes of 2020), which due to an urgency clause, became effective upon signing on September 24, 2020, and enacted BPC Section 3070.2. The following year, AB 1534 (Committee on Business and Professions, Chapter 630, Statutes of 2021), made further changes to BPC section 3070.2. Among other things, BPC section 3070.2 allows for specified nonprofits and charitable organizations to provide optometric services to patients regardless of the patient’s ability to pay through mobile optometric offices under a new registration program within the Board.

BPC section 3070.2 also requires the Board to adopt regulations establishing a registry for the owners and operators of mobile optometric offices, and to set a registration fee at an amount not to exceed the reasonable regulatory costs of administration. Existing regulations do not provide the process for registering owners and operators of mobile optometric offices or set a registration fee for the regulatory costs of administration of the MOO program by the Board, including submission of application and quarterly reporting information electronically online. This proposal would



set such standards in regulation by adopting proposed amendments to CCR sections 1505 and 1524, and further adopt new MOO program standards at CCR sections 1583–1587.

Specifically, the Board’s proposal includes the following:

- *Amend subdivision (b) of section 1505 of Article 2 of Division 15 of Title 16 of the CCR* to specify requirements for providing a statement of licensure for those licensees who will engage in the practice of optometry exclusively at a mobile optometric office (MOO).
- *Amend section 1524 of Article 5 of Division 15 of Title 16 of the CCR* to include fees for all of the following: (A) the certificate to operate as an owner and operator of a MOO, (B) the biennial renewal fee for a certificate to operate as an owner and operator of a MOO, (C) the delinquency fee for failure to renew a certificate to operate as an owner and operator of a MOO, (D) the application fee for a MOO permit, (E), the biennial renewal fee for a MOO permit; and (F) the delinquency fee for failure to renew a MOO permit.
- *Adopt section 1583 of Article 13 of Division 15 of Title 16 of the CCR* to establish all the following:
  - (A) Application and qualifying registration requirements for an owner and operator of a mobile optometric office who wishes to offer optometric services at the MOO as specified, including electronic submission of the application through an online portal on the Board’s website as specified;
  - (B) Standards for reporting to the Board any change in information provided to the Board within 14 days of the change,
  - (C) The time frame for when an application shall be deemed to have been abandoned by the Board, the associated requirements for filing a new application if an application is deemed abandoned, and,
  - (D) the grounds for denying a MOO registration application.
- *Adopt section 1584 of Article 13 of Division 15 of Title 16 of the CCR* to establish minimum MOO program and operating standards, including:
  - (A) The issuance process and expiration dates for a certificate to operate a MOO, and the process and minimum compliance standards that must be met to renew including, (1) payment of a renewal fee and certification of compliance with specified standards; (2) compliance standards that prohibit an owner and operator of a mobile optometric office and the optometrist providing services from accepting payment for services other than those provided to Medi-Cal beneficiaries; and, (3) compliance standards that mandate that the medical operations of the mobile optometric office be directed by a licensed optometrist and in every phase is under the exclusive control of the licensed optometrist.
  - (B) The consequences for an owner and operator who fails to renew timely, and the process and the time frames for seeking reinstatement of an expired certificate.
  - (C) Minimum standards for responding to a Board inquiry or request and,
  - (D) Grounds for disciplining an owner and operator’s certificate to operate.
- *Adopt section 1584.5 of Article 13 of Division 15 of Title 16 of the CCR* to establish minimum registration requirements for the mobile optometric office permits, including:
  - (A) Specified application and permit requirements for an owner and operator who has obtained approval from the Board and wishes to operate a mobile optometric office, including: the requirements that they apply for a permit from the Board before beginning operation of each mobile optometric office and the minimum processing, procedures and standards for obtaining and maintaining such permit, including that the permit application be electronically submitted through an online portal on the Board’s website, as specified.
  - (B) Separate permit requirements for each MOO operated by each owner and operator with a certificate to operate and the limitations on the number of permits issued to any owner and operator until after the owner and operator’s first renewal period is complete.
  - (C) Minimum standards for communication of the unique identification number issued by the Board for each permit and requirements for advertising or other presentments to the public.
  - (D) The issuance process and expiration dates for a MOO permit, and the process and minimum compliance standards that must be met to renew.
- *Adopt section 1584 of Article 13 of Division 15 of Title 16 of the CCR* to establish fingerprints and background checks for applicants to register as an owner and operator of a mobile optometric office.
- *Adopt section 1586 of Article 13 of Division 15 of Title 16 of the CCR* to establish owner and operator quarterly reporting requirements to the

Board, including: the process and procedures for submitting a compliant filing, timeframes for filing and filing electronically the quarterly report with the Board through the online portal on the Board’s website as specified.

- *Adopt section 1587 of Article 13 of Division 15 of Title 16 of the CCR to establish patient notification and record keeping procedures, including:*
  - (A) Requirements for an owner and operator of a MOO to post consumer notice as specified in the mobile optometric office,
  - (B) Requirements for an owner and operator to provide an additional written consumer notice to each patient or patient’s caregiver or guardian regarding mandated disclosures required by this Board as specified, and,
  - (C) Record retention requirements for an owner and operator to show compliance with BPC section 3070.2 and Article 13 of the Board’s regulations governing mobile optometric offices.

#### ANTICIPATED BENEFITS OF PROPOSAL

The anticipated benefits of the MOO program are substantial and wide-reaching, positively impacting both regulatory alignment and public welfare. Here are the key advantages:

The proposed changes aim to align Title 16 CCR sections 1505 and 1524 with BPC 3070.2, ensuring that the Board’s MOO program is in full regulatory compliance. This alignment sets a solid foundation for seamless integration and operation.

Introducing new sections 1583–1587 establishes comprehensive guidelines for creating and managing a Mobile Optometric Office. These guidelines serve as a roadmap, providing specific direction and standards for MOO owners and operators.

Application and registration requirements for the owner and operator certificate and the Mobile Optometric Office Permit set minimum compliance standards for MOO applicants. This ensures that only qualified and capable individuals or organizations are entrusted with providing optometric care at these locations.

Requiring fingerprinting, background checks, and personally identifying information for key program members bolsters public safety measures. This step helps in effective enforcement, safeguarding the well-being of patients and the community.

The institution of application, renewal, and delinquency fees for the Owner and Operator (OAO) certificate and the MOO permit enables the Board to efficiently administer the MOO program. This financial

structure ensures that the program remains sustainable and well-supported.

The MOO program directly benefits Californians residing in underserved, low-income, and rural areas of the state. By authorizing through regulation services to be provided through mobile optometric offices, MOO owners and operators will be able to increase access to no-cost optometric care. As a result, the proposed MOO program addresses a critical healthcare gap, ensuring that vulnerable populations have access to essential vision services at more locations.

Access to no-cost optometric care has the potential to significantly improve the health outcomes of individuals in underserved communities. Early detection and intervention for vision issues can prevent more severe complications and enhance overall well-being.

This proposal complies with the legislative mandate to establish such standards and prioritizes public safety, efficient administration, and, most importantly, the health and well-being of Californians in need. This proposal represents a significant step towards ensuring equitable access to high-quality optometric care for all.

#### 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:**

The Board received three-year limited-term resources (\$262,000 and 2.0 positions) in 2021–22 to implement the provisions of AB 896. Any workload and costs related to this proposal are a result of current law and included in the resources provided in 2021–22. The Board does not anticipate any further costs to the state.

The regulations will result in licensing fee revenues ranging from approximately \$22,000 to \$155,000 per year and up to approximately \$885,000 over a ten-year period. Please see the Initial Statement of Reasons for further detail.

Additionally, the Board estimates fingerprint background check revenues to the Department of Justice

(DOJ) ranging from \$224 to \$320 per year and up to \$3,104 over a ten-year period.

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

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

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

**Mandate Imposed on Local Agencies or School Districts:** None.

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

### BUSINESS IMPACT ESTIMATES

The Board 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, including the ability of California businesses to compete with businesses in other states.

This initial determination is based on the following facts:

The Mobile Optometric Office program is exclusive to charitable organizations and nonprofits that will provide eye care to underserved communities in California.

Individuals and entities opting to operate a mobile optometric office will be required to apply for licensure and pay applicable fees, including:

- Certificate to Operate (Owner Application): \$2,632
- Mobile Optometric Office Permit (Initial Application): \$472
- Fingerprint Background Check: \$75
- Certificate to Operate (Biennial Renewal): \$2,632
- Mobile Optometric Office Permit (Biennial Renewal): \$472

The Board anticipates seven individuals and entities will initially apply for licensure in year-one of implementation and up to ten applicants per year thereafter, which will result in economic impacts ranging from approximately \$22,000 to \$156,000 per year and up to \$892,000 over a ten-year period. Please see the Initial Statement of Reasons for further detail.

The costs of the fingerprint background check (\$75), includes \$32 being forwarded to the DOJ, \$17 to the Federal Bureau of Investigation, and \$26 remaining with the fingerprint processing business. As a result, these fingerprint businesses are projected to have increased revenues ranging from \$182 to \$260 per year and up to \$2,522 over a ten-year period.

The Board notes, entities applying to operate a mobile optometric office under the proposed regulations and in compliance with current law must qualify as a

non-profit or charitable organization. As a result, any organization authorized to operate under this proposal are providing optometric healthcare services as non-business entities.

The Board further notes, these non-profit and charitable entities are anticipated to focus on providing optometric services to underserved populations, including rural and poor areas, and not competing directly with optometric businesses in the state.

Nearly all data required for the quarterly report set forth in this proposal is information already required to be reported by statute at BPC section 3070.2(f). As a result, it is anticipated that the owners and operators of the MOO can submit the quarterly report to the Board within normal business operations and without incurring additional workload or costs.

### COST IMPACT ON REPRESENTATIVE PRIVATE PERSON OR BUSINESS

The cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action and that are known to the Board are as follows. Individuals and entities opting to operate a mobile optometric office will be required to apply for licensure and pay applicable fees, including:

- Certificate to Operate (Owner Application): \$2,632
- Mobile Optometric Office Permit (Initial Application): \$472
- Fingerprint Background Check: \$75
- Certificate to Operate (Biennial Renewal): \$2,632
- Mobile Optometric Office Permit (Biennial Renewal): \$472

The Board anticipates up to seven individuals and entities will initially apply for licensure in year-one of implementation and up to ten applicants per year thereafter, which will result in economic impacts ranging from approximately \$22,000 to \$156,000 per year and up to \$892,000 over a ten-year period.

The Board notes, the costs of the fingerprint background check (\$75), includes \$32 being forwarded to the Department of Justice, \$17 to the Federal Bureau of Investigation, and \$26 remaining with the fingerprint processing business. As a result, these fingerprint businesses are projected to have increased revenues ranging from \$182 to \$260 per year and up to \$2,522 over a ten-year period.

The Board notes, entities applying to operate a mobile optometric office under the proposed regulations and in compliance with current law must qualify as a non-profit or charitable organization. As a result, any organization authorized to operate under this proposal

are providing optometric healthcare services as non-business entities.

The Board further notes, these non-profit and charitable entities are anticipated to focus on providing optometric services to underserved populations, including rural and poor areas, and not competing direction with optometric businesses in the state.

Nearly all data required for the quarterly report set forth in this proposal is information already required to be reported by statute at BPC section 3070.2(f). As a result, it is anticipated that the owners and operators of the MOO can submit the quarterly report to the Board within normal business operations and without incurring additional workload or costs.

## RESULTS OF ECONOMIC IMPACT ASSESSMENT/ANALYSIS

### **Impact on Jobs/Businesses**

The California State Board of Optometry has determined that this regulatory proposal 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 new business model was created by legislation enacting BPC section 3070.2 and the proposed regulations only aim to improve access to care for consumers and better define existing laws and processes for these types of businesses. These businesses may hire optometrists and other staff; however, the Board does not have data regarding the number of new jobs this program might create so the number of new jobs that could result from charitable and nonprofit organizations choosing to hire additional staff cannot be predicted. This business type will not charge consumers for services and materials rendered but can bill Medi-Cal. Additionally, since mobile optometric care would be an optional service limited to non-profits or charitable organizations, it does not require startup costs that all licensees would be forced to implement.

### **Benefits of Regulation:**

The California State Board of Optometry has determined that this regulatory proposal will have the following benefits to the health and welfare of California residents. The proposed regulations will implement a mobile optometric office program that directly benefits Californians residing in underserved, low-income, and rural areas of the state. By authorizing through regulation services to be provided through mobile optometric offices, MOO owners and operators will be able to increase access to no-cost optometric care. This proposal will set minimum standards for MOO owners and operators to meet and therefore ensure that only qualified and capable individuals or organizations are entrusted with providing optometric care at these locations. This helps in effective enforce-

ment, safeguarding the well-being of patients and the community.

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

### **Business Reporting Requirements**

The regulatory action requires businesses to file a quarterly report electronically with the Board with information primarily required to be reported by statute at BPC section 3070.2. The Board has determined that it is necessary for the health, safety, or welfare of the people of the State that the regulation apply to businesses. This report is required to be filed electronically with the Board by proposed CCR section 1586 to ensure that all necessary information is provided by applicants in the simplest and most secure method available, thus assisting applicants with providing a completed and accurate report to the Board in compliance with legal requirements set by BPC section 3070.2.

### **Effect on Small Business**

The Board has determined that the proposed regulations would affect small businesses, but the regulations will not have a significant statewide adverse economic impact on small businesses for the reasons set forth in the "Business Impact Estimates" section. The Board does not maintain data relating to the number of percentage of licensees who own a small business; therefore, the number or percentage of small businesses that may be impacted cannot be predicted.

## 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 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 Board in writing relevant to the above determinations at 2450 Del Paso Road, Suite 105, Sacramento, California 95834 during the written comment period, or at the hearing if one is scheduled or requested.

## AVAILABILITY OF STATEMENT OF REASONS AND RULEMAKING FILE

The Board has compiled a record for this regulatory action, which includes the Initial Statement of Reasons (ISOR), proposed regulatory text, and all the information on which this proposal is based. This material is

contained in the rulemaking file and is available for public inspection upon request to the contact persons named in this notice.

#### TEXT OF PROPOSAL

Copies of the exact language of the proposed regulations, and any document incorporated by reference, and of the initial statement of reasons, and all of the information upon which the proposal is based, may be obtained upon request from the Board, at 2450 Del Paso Road, Suite 105, Sacramento, California 95834.

#### 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, 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: Gregory Pruden  
Address: California State Board of Optometry  
2450 Del Paso Road, Suite 105  
Sacramento, CA 95834  
Telephone Number: 916-574-7808  
Email Address: [Gregory.Pruden@dca.ca.gov](mailto:Gregory.Pruden@dca.ca.gov)

The backup contact person is:

Name: Randy Love  
Address: California State Board of Optometry  
2450 Del Paso Road, Suite 105  
Sacramento, CA 95834  
Telephone Number: 279-895-1471  
Email Address: [Randy.Love@dca.ca.gov](mailto:Randy.Love@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://optometry.ca.gov/lawsregs/propregs.shtml>.

### TITLE 16. BOARD OF PHARMACY

#### DISCIPLINARY GUIDELINES

**NOTICE IS HEREBY GIVEN** that the California State Board of Pharmacy (Board) proposes taking the rulemaking action described below under the heading Informative Digest/Policy Statement Overview. Any person interested may present statements or arguments relevant to the action proposed in writing. Written comments, including those sent by mail, facsimile, or email to the addresses listed under "Contact Person" in this notice, must be received by the Board at its office by April 8, 2024.

#### PUBLIC HEARING

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

*Authority and Reference:* Sections 315, 315.2, 315.4, and 4005 of the Business and Professions Code (BPC) and section 11400.20 of the Government Code (GC) authorize the Board to adopt this regulation. The proposed regulation implements, interprets, and makes specific BPC sections 4300 and 4301 and GC sections 11420.20 and 11425.50(e). The Board is considering amending section 1760 of title 16 of the California Code of Regulations (CCR).

**INFORMATIVE DIGEST/POLICY  
STATEMENT OVERVIEW**

The Board is a state agency vested with the authority to regulate the pharmacy industry, including pharmacies, pharmacists, pharmacy interns, and pharmacy technicians. The Board’s mandate and mission are to protect the public (BPC section 4001.1).

Existing law authorizes the Board (in conjunction with other healing arts boards, as part of a Substance Abuse Coordination Committee) to develop specific standards in dealing with substance-abusing licensees (BPC section 315). Existing law also authorizes the Board to suspend a licensee on probation from the practice of pharmacy if the licensee tests positive for any substance that is prohibited under the terms of the licensee’s probation or diversion program (BPC section 315.2), if the licensee commits major violations (BPC section 315.4), or when the Board orders a licensee to undergo a clinical diagnostic evaluation (*id.*).

Additionally, existing law authorizes the Board to amend rules and regulations pertaining to the practice of pharmacy (BPC section 4005), and to discipline a licensee (BPC section 4300), refuse to issue a license to an applicant (*id.*), and take action against a licensee “who is guilty of unprofessional conduct” (as defined in BPC section 4301).

Further, existing law authorizes the Board to adopt “regulations to govern an adjudicative proceeding” (GC section 11400.20), and prohibits a penalty from being based upon a guideline unless the guideline has been adopted as a regulation (GC section 11425.50(e)).

An existing regulation, at Title 16 CCR section 1760, requires the Board to consider the disciplinary guidelines, incorporated by reference, when “reaching a decision on a disciplinary action.” Board staff, Deputy Attorney Generals, Administrative Law Judges, licensees, and attorneys use these guidelines to assist in determining penalties in disciplinary cases against Board licensees. The Board proposes updating the “Disciplinary Guidelines,” incorporated by reference, to include the requirement to disclose respondent’s email address, use gender inclusive language, and use updated terms for consistency throughout the document (including Pharmacy Law Language). Clarification of relevant terms, changes to categories of violations, additional optional terms, language regarding reinstatement of a license, and timeframes for when specific actions must be taken are also proposed. In addition, the proposed update addresses probation, for new licenses issued, under specified conditions. The current document incorporated by reference was previously amended in February of 2017, and the revised version is dated January 2022.

**ANTICIPATED BENEFITS OF THE  
PROPOSED REGULATIONS**

The Board has determined that this regulatory proposal will have the following benefits to the health and welfare of California residents and worker safety,

This proposal would ensure that the disciplinary guidelines reflect changes in current law, use gender inclusive language, and provide clarification of certain terminology.

Updating and clarifying the disciplinary guidelines (Rev. 1/2022) strengthens the Board’s ability to monitor licensees on probation and will benefit the health, safety, and welfare of California residents, and worker safety. By updating and clarifying the disciplinary guidelines, the Board will be better equipped to ensure licensees whose licenses are restricted pursuant to administrative action complete appropriate rehabilitation and prevent further harm to the public consistent with the Board’s consumer protection mandate.

This regulatory proposal does not affect the state’s environment.

**EVALUATION OF CONSISTENCY AND  
COMPATIBILITY WITH EXISTING  
STATE REGULATIONS**

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

**INCORPORATION BY REFERENCE**

Documents incorporated by reference:

1. Disciplinary Guidelines (Rev. 1/2022)

**DISCLOSURES REGARDING THIS  
PROPOSED ACTION**

**FISCAL IMPACT AND  
RELATED ESTIMATES**

***Fiscal Impact on Public Agencies Including Costs/Savings to State Agencies or Costs/Savings in Federal Funding to the State:*** None.

This proposal provides a more accurate overview of the Board’s process in formal disciplinary actions, which will provide greater clarity to licensees, consumers, the Board, the Office of Attorney General, and the Office of Administrative Hearings by outlining relevant and transparent standards directly related to violations outlined in current law.

This proposal does not change the fines amounts for violations and is not anticipated to increase the num-

ber of citations and fines issued. As a result, no additional workload costs or revenues are anticipated.

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

***Mandate Imposed on Local Agencies or School Districts:*** None.

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

***Business Impact Estimates:***

The Board has made an initial determination that the proposed regulatory action will have no significant statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states, as it only affects licensees that have been disciplined by the Board.

This initial determination is based on the absence of testimony to that effect during the public discussion and development of the proposed amendments to the regulation. Additionally, the proposal does not establish new requirements and simply updates the guidelines to strengthen the Board’s ability to monitor licensees on probation by improving clarity of the terms of probation.

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

The Board is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action. Combining the requirements of multiple existing statues and regulations into one regulation (through the document incorporated by reference) would ease some of the administrative burden on pharmacists, which will increase the availability of the pharmacists to provide patient–centered care, which may result in a minor cost savings to licensees.

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

***Effect on Small Business:***

While the Board does not have, nor does it maintain, data to determine if any of its licensees (pharmacies and clinics) are a “small business,” as defined in Government Code section 11342.610, the Board has made an initial determination that the proposed regulatory action will not affect small businesses. Although the proposed regulation will directly affect businesses statewide that are licensed by the Board and placed on probation, which may include small businesses, the Board does not anticipate any adverse economic impact. Licensees on probation are required to comply with numerous terms and conditions of probation.

RESULTS OF ECONOMIC IMPACT ASSESSMENT/ANALYSIS

***Impact on Jobs/New Businesses:***

The Board concludes that this proposal will not:

- (1) create jobs within California;
- (2) eliminate jobs within California;
- (3) create new businesses within California;
- (4) eliminate existing businesses within California; and,
- (5) expand businesses currently doing business in the State of California.

The Board has determined that this regulatory proposal will not have a significant impact on the creation or elimination of jobs or new businesses, or the expansion of businesses, in the State of California. This initial determination was made because the proposed regulation only affects licensees that have been disciplined by the Board. Additionally, licensees on probation are currently subject to these disciplinary guidelines.

***Benefits of Regulation:***

The Board has determined that this regulatory proposal benefits the health and welfare of California residents and worker safety by strengthening the Board’s ability to monitor licensees who are on probation for violation of pharmacy law.

Additionally, the Board determined that this regulatory amendment will not impact the state’s environment, as these changes do not involve the environment.

***Business Reporting Requirements***

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

CONSIDERATION OF ALTERNATIVES

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

During the written comment period, any interested person may submit to the Board statements or arguments, in writing, relevant to the above determinations at the address listed below for the Contact Person.

**AVAILABILITY OF STATEMENT OF REASONS AND RULEMAKING FILE**

The Board has compiled a record for this regulatory action, which includes the Initial Statement of Reasons (ISOR), proposed regulatory text, and all the information upon 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, any document incorporated by reference, and the Initial Statement of Reasons, and all of the information upon which the proposal is based, may be obtained upon request from the Board of Pharmacy at 2720 Gateway Oaks Drive, Suite 100, Sacramento, California 95833, or from the Board of Pharmacy’s website at [http://www.pharmacy.ca.gov/laws\\_regs/pending\\_regs.shtml](http://www.pharmacy.ca.gov/laws_regs/pending_regs.shtml).

**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, 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 PERSON**

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

Name: Lori Martinez  
Address: 2720 Gateway Oaks Drive, Suite 100  
Sacramento, CA 95833  
Phone Number: (916) 518–3100  
Fax Number: (916) 574–8618  
Email Address:  
[PharmacyRulemaking@dca.ca.gov](mailto:PharmacyRulemaking@dca.ca.gov)

The backup contact person is:

Name: Julie Ansel  
Address: 2720 Gateway Oaks Drive, Suite 100  
Sacramento, CA 95833  
Phone Number: (916) 518–3100  
Fax Number: (916) 574–8618  
Email Address:  
[PharmacyRulemaking@dca.ca.gov](mailto:PharmacyRulemaking@dca.ca.gov)

**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 of Pharmacy’s website at: [https://www.pharmacy.ca.gov/laws\\_regs/pending\\_regs.shtml](https://www.pharmacy.ca.gov/laws_regs/pending_regs.shtml).

**TITLE 17. DEPARTMENT OF PUBLIC HEALTH**

**PET FOOD LABELING AND LICENSING REVISIONS (DPH–18–016)**

Notice is hereby given that the California Department of Public Health (Department) is proposing the regulation described below. This additional 45–day notice of proposed rulemaking commences a rulemaking to make the regulations permanent after considering all comments, objections, and recommendations regarding the regulation.

**PUBLIC PROCEEDINGS**

The Department is conducting an additional 45–day written public proceeding during which time any interested person or such person’s duly authorized representative may present statements, arguments or contentions (all of which are hereinafter referred to as



comments) relevant to the action described in the Informative Digest/Policy Statement Overview section of this notice.

To request copies of the regulatory proposal in an alternate format, please write or call: David Martin, Office of Regulations, 1415 L Street, Suite 500, Sacramento, CA 95814, at (916) 440–7673, email to [David.martin@CDPH.ca.gov](mailto:David.martin@CDPH.ca.gov) or use the California Relay Service by dialing 711.

### PUBLIC HEARING

A public hearing has not been scheduled for this rulemaking. However, the Department will conduct a public hearing if a written request for a public hearing is received from any interested person, or his or her authorized representative, no later than 15 days prior to the close of the written comment period, pursuant to Government Code Section 11346.8.

#### *Assistive Services:*

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

### WRITTEN COMMENT PERIOD

Written comments pertaining to this proposal, regardless of the method of transmittal, must be received by Office of Regulations on April 11, 2024, which is hereby designated as the close of the written comment period. Comments received after this date will not be considered timely.

Written Comments must be submitted as follows:

1. By email to: [regulations@cdph.ca.gov](mailto:regulations@cdph.ca.gov). It is requested that email transmission of comments, particularly those with attachments, contain the regulation package identifier “DPH–18–016” in the subject line; to facilitate timely identification and review of the comment;
2. By fax transmission to: (916) 636–6220;
3. By postal service or hand delivered to: California Department of Public Health, Office of Regulations, 1415 L Street, Suite 500, Sacramento, CA 95814.

All comments, including email or fax transmissions, should include the regulation package identifier,

DPH–18–016 “Pet Food Labeling and Licensing Revisions ,” along with your name and your mailing address or email address in order for the Department to provide copies of any notices for proposed changes to the regulation text on which additional comments may be solicited.

### AUTHORITY AND REFERENCE

The Department proposes this amendment under the authority provided in Sections 113115, 131000, 131050, 131051, 131052, and 131200 of the Health and Safety Code. The proposed regulations implement, interpret, and make specific Sections 113060, 113065, 113095, 113100, 113105, 113110, and 113115, of the Health and Safety Code.

### INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

#### *Summary of Proposal*

This proposal would amend the Labeling and Licensing Requirements of Sections 19025 and 19041 (respectively) of the regulations set forth in Title 17, of the California Code of Regulations (CCR) which relate to the Pure Pet Food Act of 1969 (Act). In regard to labeling, the amendment would permit pet food producers who meet the requirements set forth in Section 19025 to use the terms “human grade” and “natural” in describing their processed pet food products, delete unclear and non–specific language related to the term human grade. In regard to licensing, the amendment to Section 19041 would align the fees and license period noted in the regulations with the fees and license period set forth in the Health and Safety Code. Finally, non–substantive changes are also proposed.

#### *Background*

A valid Pet Food Processor License (if manufacturing in–state) or Registration Certificate (if manufacturing out–of–state for import into California), issued by the California Department of Public Health (Department) Food and Drug Branch, is required to manufacture or sell processed pet food in California. An individual or company seeking a license or registration certificate submits an application, a representative label from the product, and a license or registration certificate fee to the Department’s Food and Drug Branch.

The Department received a formal petition from a processed pet food producer regarding the labeling requirements set forth in Section 19025 (hereinafter processed pet food producers will be generically referred to as “producers” or a “producer”). The petitioner was sued for deceptive and misleading labeling as it had labeled its pet food as “natural.” The petition stated the petitioner is in compliance with the Association

of American Feed Control Officials, Inc. Official Publication (AAFCO OP) on the use of the term natural on the label and asked for clarification of Department regulations. Existing regulations set forth in Section 19025 do not address the use of the term “natural” on a processed pet food label.

Also, during the comment period on the petition, the Department received a request from a different producer regarding Section 19025, subsection (g), which prohibits producers from using the terms “fit for human food,” “fit for human consumption,” or “any similar terms” on their labels. The commenter previously submitted an application for a license to the Department. The application included a representative label from the products it wished to sell in California, which included the term human grade. The Department denied the application under subsection (g)’s prohibition of the terms “fit for human food,” “fit for human consumption,” or “any similar terms” (emphasis added) because human grade was a “similar” enough term to deny the application. The producer noted the AAFCO OP permits use of the term human grade on pet food labels, which appears to be inconsistent with this subsection of the regulations. In addition to this comment from the producer, the Department received a number of correspondences from consumers asking that producers be permitted to offer human grade pet food in California.

Considering the changing pet food market, the Department agrees an amendment is necessary to provide clarity and consistency for the nationwide industry and California consumers while continuing to ensure the quality and safety of processed pet food. Additionally, an amendment to the licensing section would align language in the CCR and the Act.

**Existing Laws and Regulations:** The Department evaluated this proposal and determined, if adopted, it will not be incompatible or duplicative with existing state or federal regulations. No statute or regulation conflicts with this proposed regulatory update. No other State regulation addresses the same subject matter, and this proposal is not inconsistent or incompatible with other state regulations.

*Problem Statement*

The Department recognizes the pet food market has changed from when these regulations were originally adopted. Today both producers and customers desire to sell and have access to a wider variety of options. Therefore, the Department proposes amending the regulations to permit producers to use the terms “human grade” and “natural” in labeling. This amendment change is necessary to keep in step with the changing pet food market, to provide clarity and consistency for the industry and consumers, and to ensure the quality and safety of processed pet food. In addition to the labeling sections noted above, existing reg-

ulations include unclear language related to a prohibition on labeling processed pet food. Specifically, the existing regulations include the ambiguous phrase “or any similar terms” as related to the prohibited terms “fit for human food” or “fit for human consumption.” The Department does not intend to permit a producer to state or imply processed pet food is meant to be eaten by a human; however, it proposes deleting this section’s prohibitions on use of “fit for human food,” “fit for human consumption,” and “any similar terms” to harmonize it with the addition of the human grade labeling language. Of note, the proposed amendment permitting using of the term human grade includes limitations and prohibitions, which would prohibit a producer from stating or implying its food is anything other than pet food.

Finally, during the process of reviewing and updating the regulations, the Department found one additional area that would benefit from clarification. Specifically, the licensing regulations express the licensing fees are different than the Health and Safety Code 113065.

*Objectives (Goals) of the Regulation*

Broad objectives of this proposed regulatory action are to:

- Incorporate labeling language based upon guidelines from the AAFCO OP to increase consistency for producers and consumers.
- Clarify ambiguous language in the existing regulations.
- Clarify licensing fees for producers.

*Anticipated Benefits*

Anticipated benefits from this proposed regulatory action are:

- Increased clarity of terms regarding regulated producers who are permitted to describe processed pet food which provides consumers with a more complete understanding of what they are purchasing for their pets.
- Increased clarity in permissible language regulated producers can print on a processed pet food label to protect consumers from confusion as to the proper use of the processed pet food.
- Increased consistency for producers selling in more than one state.
- Updated labeling language for increased consistency with industry standards.
- Continued protection of the public health and safety.
- Protection of the public’s wellbeing through protection of the health of their pets.
- Updated, clear, and consistent regulations.

*Evaluation as to Whether the Proposed Regulations Are Inconsistent or Incompatible with Existing State and Federal Regulations*

The Department has determined these regulations are neither inconsistent nor incompatible with other state regulations. After conducting a review for any other related regulations, the Department has found that these are the only regulations concerning pet food labeling and licensing revisions.

FORMS INCORPORATED BY REFERENCE (IDENTIFIED IN THE INFORMATIVE DIGEST)

The Department is proposing to incorporate by reference Chapter X<sup>1</sup> (ten) of the AAFCO Pet Food and Specialty Food Labeling Guide: AAFCO Association of American Feed Control Officials, AAFCO Pet Food and Specialty Pet Food Labeling Guide (Revised May 2016).

MANDATED BY FEDERAL LAW OR REGULATIONS

The Department determined these regulations are not identical to previously adopted or amended federal regulations.

OTHER STATUTORY REQUIREMENTS

The Department has determined there are no other statutory requirements

LOCAL MANDATE

The Department has determined 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.

DISCLOSURES REGARDING THE PROPOSED ACTION

FISCAL IMPACT ESTIMATES

- *Cost or Savings to Any Local Agency or School District:* None.
- *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.

<sup>1</sup> The AAFCO Pet Food and Specialty Pet Food Labeling Guide designates chapters with Roman numerals.

HOUSING COSTS

The Department has determined this regulatory action will not have any significant effect on housing costs.

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

The proposed regulations will not have any significant statewide adverse economic impact directly affecting business or the ability of California businesses to compete with businesses in other states.

STATEMENT OF THE RESULTS OF THE ECONOMIC IMPACT ASSESSMENT (EIA)

The Department has determined that the proposed regulations would not affect the following:

- A. The creation or elimination of jobs within the state.
- B. The creation of new businesses or the elimination of existing businesses within the state.
- C. The expansion of businesses currently doing business within the state.

Anticipated Benefits:

The Department anticipates a benefit to the health and welfare of California residents by the enhancement of the public's wellbeing through protection of the general health and diet of their pets, and a continued protection of the public health and safety. There are no anticipated benefits to worker safety or the state's environment.

COST IMPACTS ON REPRESENTATIVE PERSON OR BUSINESS

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

**Effect on Small Business**

As this regulatory action permits a business to choose whether or not to produce or sell pet food under the new labeling guidelines it is permissive and not mandatory. The new regulations would affect all business including small businesses if they chose to label products based on the labeling guidelines.

ALTERNATIVES CONSIDERED

The Department must determine that no reasonable alternative considered by the Department or that has otherwise been identified and brought to the attention

of the Department would be more effective in carrying out the purpose for which the action is proposed (to align 17 CCR with 40 C.F.R. § 745.65 as required by 40 C.F.R. § 745.325(e)(1)), 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 intent of 17 CCR section 35035 or other provision of law.

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

None.

CONTACT PERSON

Inquiries regarding the substance of the proposed regulations described in this notice may be directed to Melissa Vasquez of the Center for Environmental Health.

All other inquiries concerning the action described in this notice may be directed to David Martin, Office of Regulations, at (916) 440-7673.

**In any inquiries or written comments, please identify the action by using the Department regulation package identifier, DPH-18-016.**

AVAILABILITY STATEMENTS

The Department has prepared and has available for public review an initial statement of reasons for the proposed regulations, all the information upon which the proposed regulations are based, and the text of the proposed regulations. The Office of Regulations, 1415 L Street, Suite 500, Sacramento, CA 95814, will be the custodian of public records, including reports, documentation, and other material related to the proposed regulations (rulemaking file).

In order to request that a copy of this public notice, the regulation text, and the initial statement of reasons or alternate formats for these documents be mailed to you, please call (279) 217-0836 (or the California Relay Service at 711), send an email to [regulations@cdph.ca.gov](mailto:regulations@cdph.ca.gov), or write to the Office of Regulations at the address previously noted. Upon specific request, these documents will be made available in Braille, large print, audiocassette, or computer disk. The full text of any regulation which is changed or modified from the express terms of the proposed action will be made available by the Department's Office of Regulations at least 15 days prior to the date on which the Department adopts, amends, or repeals the resulting regulation.

*Final Statement of Reasons*

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

INTERNET ACCESS

Materials regarding the action described in this notice (including this public notice, the text of the proposed regulations, and the initial statement of reasons) that are available via the Internet may be accessed at [www.cdph.ca.gov](http://www.cdph.ca.gov) by clicking on these links, in the following order: Decisions Pending & Opportunities for Public Participation, Proposed Regulations.

**PETITION DECISIONS**

**TITLE 14. FISH AND GAME  
COMMISSION**

NOTICE OF REGULATION  
CHANGE PETITION DECISIONS,  
CALENDAR YEAR 2023

Pursuant to California Government Code, Section 11340.7, subdivision (d), the California Fish and Game Commission (CFG) hereby provides notice of its decisions for petitions from the public requesting CFGC to adopt, amend, or repeal a regulation under its authority, for the calendar year 2023. The reasons supporting CFGC's determination for each petition may be found in the meeting materials and video for each meeting at <https://fgc.ca.gov/Meetings/2023>; the meeting date when a final decision was made is provided for each petition. Note that petitions that were granted in part and denied in part are listed under granted petitions.

Information on CFGC's petition process, as well as copies of previous petitions, can be found at <https://fgc.ca.gov/Regulations/Petition-for-Regulation-Change>. If you have any questions, contact the agency contact person, Melissa Miller-Henson, Executive Director, at [fgc@fgc.ca.gov](mailto:fgc@fgc.ca.gov).

Notes: "CCR" refers to the California Code of Regulations, and "F&G Code" refers to the California Fish and Game Code

**2023 Granted Regulation Change Petitions**

*Tracking Number:* 2021-017

*Party Submitting the Petition:* Dan Ryan

*Subject of Petition:* Mammal hunting: Big game

*CCR Title 14 Section(s) Requested to be Affected:*

**Authority:** F&G Code sections 200, 203, 265, 460, 3051, 3452, 3453, 3953 and 4334

**CFGC Meeting Dates for Initial Action:** 12/15–16/2021

**CFGC Meeting Dates for Final Action (if applicable):** 2/8–9/2023

**Tracking Number:** 2021–028

**Party Submitting the Petition:** Ben Wehrle

**Subject of Petition:** Sport fishing: Shad spearfishing

**CCR Title 14 Section(s) Requested to be Affected:** 2.30

**Authority:** F&G Code sections 200, 205, 255 and 265

**CFGC Meeting Dates for Initial Action:** 2/16–17/2022

**CFGC Meeting Dates for Final Action (if applicable):** 12/13–14/2023

**Tracking Number:** 2022–11

**Party Submitting the Petition:** Andy Guiliano

**Subject of Petition:** Recreational fishing: Dungeness crab and vessel permits

**CCR Title 14 Section(s) Requested to be Affected:** 29.80 and 29.85

**Authority:** F&G Code sections 200, 205, 265, 270, 275, 7075, 7078 and 399.

**CFGC Meeting Dates for Initial Action:** 10/12–13/2022

**CFGC Meeting Dates for Final Action (if applicable):** 6/14–15/2023

**Tracking Number:** 2023–05

**Party Submitting the Petition:** Jeff Reed, Del Norte Waterfowlers

**Subject of Petition:** Waterfowl hunting: Lake Earl Wildlife Area

**CCR Title 14 Section(s) Requested to be Affected:** 551(l)(15)

**Authority:** F&G Code sections 200, 203, 205, 265, 355, 710, 710.5, 710.7, 1050, 1530, 1583, 1745, 1764, 1765, 3003.1, 3039, 4001, 4004, 4150 and 10504

**CFGC Meeting Dates for Initial Action:** 8/22–23/2023

**CFGC Meeting Dates for Final Action (if applicable):**

### 2023 Denied Regulation Change Petitions

**Tracking Number:** 2021–005

**Party Submitting the Petition:** Jeff Miller, Alameda Creek Alliance

**Subject of Petition:** Special fishing regulations: Alameda Creek

**CCR Title 14 Section(s) Requested to be Affected:** 7.50(b)(2)(B), 7.50(b)(2)(c)

**Authority:** F&G Code sections 200, 205, 265, 270, 315 and 399

**CFGC Meeting Dates for Initial Action:** 8/18/2021

**CFGC Meeting Dates for Final Action (if applicable):** 4/19–20/2023

**Tracking Number:** 2021–007

**Party Submitting the Petition:** Colin Gallagher

**Subject of Petition:** Wild pig

**CCR Title 14 Section(s) Requested to be Affected:** 350, 353 and 353(c).

**Authority:** F&G Code sections 200(a), 203(d) and 265

**CFGC Meeting Dates for Initial Action:** 8/18/2021

**CFGC Meeting Dates for Final Action (if applicable):** 2/8–9/2023

**Tracking Number:** 2022–01

**Party Submitting the Petition:** Cathy Bennett

**Subject of Petition:** Hunting: Restrict duck hunting in Benicia

**CCR Title 14 Section(s) Requested to be Affected:** 502 and 355

**Authority:** F&G Code sections 265 and 355

**CFGC Meeting Dates for Initial Action:** 4/20–21/2022

**CFGC Meeting Dates for Final Action (if applicable):** 10/11–12/2023

**Tracking Number:** 2022–17

**Party Submitting the Petition:** David Kasheta

**Subject of Petition:** Recreational fishing: Crab trap buoys

**CCR Title 14 Section(s) Requested to be Affected:** 29.8(c)(3)

**Authority:** F&G Code sections 200, 205, 265, 275, 7074 and 7078

**CFGC Meeting Dates for Initial Action:** 2/8–9/2023

**CFGC Meeting Dates for Final Action (if applicable):** 6/14–15/2023

**Tracking Number:** 2022–18

**Party Submitting the Petition:** John Burk

**Subject of Petition:** Game hunting: Deer season

**CCR Title 14 Section(s) Requested to be Affected:** 360

**Authority:** F&G Code Section 235

**CFGC Meeting Dates for Initial Action:**

2/8–9/2023

**CFGC Meeting Dates for Final Action (if applicable):**

**Tracking Number:** 2023–02

**Party Submitting the Petition:** Keith Rootsart

**Subject of Petition:** Recreational fishing:

Groundfish depth limit

**CCR Title 14 Section(s) Requested to be Affected:**

New Section 27.40C

**Authority:** F&G Code sections 200 and 205

**CFGC Meeting Dates for Initial Action:**

4/19–20/2023

**CFGC Meeting Dates for Final Action (if applicable):**

**Tracking Number:** 2021–007R

**Party Submitting the Petition:** Colin Gallagher

**Subject of Petition:** Hunting: Add BB devices for wild pig

**CCR Title 14 Section(s) Requested to be Affected:**

353(c)

**Authority:** F&G Code sections 200 and 203

**CFGC Meeting Dates for Initial Action:**

6/14–15/2023

**CFGC Meeting Dates for Final Action (if applicable):**

**Tracking Number:** 2023–03

**Party Submitting the Petition:** Fredrick Broad, Jr.

**Subject of Petition:** Waterfowl hunting: Add senior day

**CCR Title 14 Section(s) Requested to be Affected:**

502

**Authority:** Sections 265, 355, 356 Fish and Game Code

**CFGC Meeting Dates for Initial Action:**

6/14–15/2023

**CFGC Meeting Dates for Final Action (if applicable):**

**SUMMARY OF REGULATORY ACTIONS**

**REGULATIONS FILED WITH THE SECRETARY OF STATE**

This Summary of Regulatory Actions lists regulations filed with the Secretary of State on the dates indicated. Copies of the regulations may be obtained by contacting the agency or from the Secretary of State,

Archives, 1020 O Street, Sacramento, CA 95814, (916) 653–7715. Please have the agency name and the date filed (see below) when making a request.

California Film Commission

File # 2023–1226–01

California Soundstage Filming Tax Credit Program

This Certificate of Compliance rulemaking action by the California Film Commission makes permanent, with modifications, amendments to regulations made in emergency action 2023–0808–01E that implement a tax credit for qualified expenditures for a qualified motion picture produced in California at a certified studio construction project as provided for in Revenue and Taxation Code sections 17053.98(k) and 23698(k).

Title 10

Amend: 5530, 5531, 5532, 5533, 5534, 5535, 5536, 5537, 5538, 5539, 5540, 5541

Filed 02/08/2024

Effective 02/08/2024

Agency Contact: Hedvig Marx (323) 817–4115

Department of Food and Agriculture

File # 2023–1222–03

*Zeugodacus tau* Interior Quarantine, *Zeugodacus tau* Eradication Area

This certificate of compliance action makes permanent emergency regulations creating an interior quarantine for the fruit fly *Zeugodacus tau* (formerly *Bactrocera tau*), adds Ventura, Orange, and San Diego counties to the list of eradication areas, and updates the host list.

Title 03

Adopt: 3444

Amend: 3591.27

Filed 02/07/2024

Effective 02/07/2024

Agency Contact: Rachel Avila (916) 698–2947

Department of Fish and Wildlife

File # 2024–0202–02

Commercial Groundfish Management Measures

This emergency action establishes the California Groundfish Restriction Area which prohibits the take of federal groundfish from 20 fathoms depth to the shoreward Economic Exclusive Zone, and permits take of specific groundfish shoreward of 20 fathoms.

Title 14

Adopt: 35.00

Amend: 150.06, 150.16, 189

Filed 02/12/2024

Effective 02/12/2024

Agency Contact: Ona Alminas (916) 902–9222

Bureau for Private Postsecondary Education  
 File # 2023–1228–02  
 Student Tuition Recovery Fund

This action amends the Student Tuition Recovery Fund (STRF) assessment rate that each student at Bureau–approved institutions pays from \$2.50 per \$1000.00 of institutional charges to \$0.00 per \$1000.00 of institutional charges. This action is exempt from the Administrative Procedure Act under the rates exemption in Government Code section 11340.9(g).

Title 05  
 Amend: 76120  
 Filed 02/08/2024  
 Effective 04/01/2024  
 Agency Contact: David Dumble (279) 895–6091

Department of Industrial Relations  
 File # 2024–0116–05  
 Order Regulating Wages and Hours in Amusement and Recreation Industries

The request by the Department of Industrial Relations (to file with the Secretary of State and print in the California Code of Regulations [CCR] amendments to Wage Order Number 10–2001, Amusement and Recreation Industry [codified at Title 8 CCR section 11100], specific to: minor league baseball players, workers with disabilities, overtime compensation for computer software employees, the required minimum wage in California, and limitations on the amounts an employer may credit, for the provision of meals and lodging, against an employee’s minimum wages) is granted.

Title 08  
 Amend: 11100  
 Filed 02/12/2024  
 Effective 02/12/2024  
 Agency Contact:  
 Robert Villalovos (916) 205–9145

Department of Insurance  
 File # 2023–1229–02  
 CLCA Plan of Operations

The Department of Insurance submitted this file and print action to amend the California Automobile Insurance Low Cost Program Plan of Operations (CLCA). This action is exempt from the Administrative Procedure Act pursuant to California Insurance Code section 11620(c).

Title 10  
 Amend: 2498.6  
 Filed 02/13/2024  
 Effective 02/13/2024  
 Agency Contact: Michael Riordan (415) 538–4226

Department of Insurance  
 File # 2023–1229–03  
 CAARP Simplified Rules and Rates Manual

This action makes changes to rates in sections 73, 75, 77, 122, 123, and 124 of the California Automobile Assigned Risk Plan (CAARP), which is incorporated by reference in title 10, California Code of Regulations, section 2498.5. This action is exempt from the Administrative Procedure Act pursuant to Insurance Code section 11620(c) and Government Code section 11340.9.

Title 10  
 Amend: 2498.5  
 Filed 02/13/2024  
 Effective 02/13/2024  
 Agency Contact: Michael Riordan (415) 538–4226

Department of Insurance  
 File # 2023–1229–04  
 CAARP Simplified Rules and Rates Manual

This action by the Department of Insurance makes changes to rates in Rule 25 of the California Automobile Assigned Risk Plan (CAARP), which is incorporated by reference in title 10, California Code of Regulations, section 2498.5. This action is exempt from the Administrative Procedure Act pursuant to Insurance Code section 11620(c) and Government Code section 11340.9.

Title 10  
 Amend: 2498.5  
 Filed 02/13/2024  
 Effective 02/13/2024  
 Agency Contact: Michael Riordan (415) 538–4226

Department of Insurance  
 File # 2023–1229–05  
 CAARP Plan of Operations

This action makes changes to the California Automobile Assigned Risk Plan (CAARP) Plan of Operations, which is incorporated by reference in title 10, California Code of Regulations, section 2498.4.9. This action is exempt from the Administrative Procedure Act pursuant to Insurance Code section 11620(c).

Title 10  
 Amend: 2498.4.9  
 Filed 02/13/2024  
 Effective 02/13/2024  
 Agency Contact: Michael Riordan (415) 538–4226

Division of Workers' Compensation  
File # 2024–0104–02  
Workers' Compensation — Official Medical Fee  
Schedule — Inpatient Hospital

This action amends the Official Medical Fee Schedule — Inpatient Hospital located within section 9789.25 in title 8 of the California Code of Regulations. This action is exempt from the Administrative Procedure Act pursuant to Labor Code section 5307.1(g)(2). This action was submitted to OAL for filing and printing only.

Title 08  
Amend: 9789.25  
Filed 02/13/2024  
Effective 02/13/2024  
Agency Contact: John Cortes (510) 286–0519

Commission on Peace Officer Standards and Training  
File # 2024–0104–01  
Regulation 1005 — Minimum Standards for Training  
(Section 100)

In this action without regulatory effect, the Commission corrects a spelling error.

Title 11  
Amend: 1005  
Filed 02/14/2024  
Agency Contact: Katelynn Poulos (916) 227–4894

Commission on Peace Officer Standards and Training  
File # 2024–0104–03  
Employment Status Notifications

This action without regulatory effect revises grammar and punctuation.

Title 11  
Amend: 1003  
Filed 02/14/2024  
Agency Contact: Katelynn Poulos (916) 227–4894

New Motor Vehicle Board  
File # 2024–0116–02  
2023–2024 ACP Fees

The New Motor Vehicle Board submitted this action without regulatory effect for the annual update of the Arbitration Certification Program (ACP) fee set forth, and based on the formula established, in section 553.70 of title 13 of the California Code of Regulations. The ACP fee will increase from \$.904 to \$1.00 (the maximum amount permitted by Business and Professions Code section 472.5(b)) for each new motor vehicle sold, leased, or otherwise distributed during calendar year 2022.

Title 13  
Amend: 553.70  
Filed 02/12/2024  
Effective 02/12/2024  
Agency Contact: Jason A. Rose (916) 818–2962

Veterinary Medical Board

File # 2023–1228–03

Uniform Standards for Substance–Abusing Licensees

In this rulemaking action, the Board adopts uniform standards for the discipline of substance–abusing licensees. The regulations define the terms “prohibited substance” and “biological fluid testing,” specify disciplinary actions for violations of probation, and set forth reporting requirements. Further, the regulations establish procedures and requirements for clinical diagnostic evaluations when ordered by the Board, licensee requests to return to practice, and use of private sector vendors for laboratory testing or wellness program services. In addition, the Board adopts the “Veterinary Medical Board Uniform Standards for Substance–Abusing Licensees, January 2022 Edition,” which is incorporated by reference in the regulations.

Title 16  
Adopt: 2006.5, 2006.51, 2006.52, 2006.53,  
2006.54, 2006.55, 2006.56  
Amend: 2006  
Filed 02/12/2024  
Effective 04/01/2024  
Agency Contact: Jeffrey Olguin (916) 282–6893

Commission on Teacher Credentialing

File # 2023–1222–06

PK–3 ECE Specialist Instruction Credential

This resubmittal action establishes preconditions, standards, and teaching performance expectations for candidates seeking the PK–3 Early Childhood Education (ECE) Specialist Credential, for children in grades PK through 3, and to standardize parameters for acceptable coursework to meet the PK–3 ECE Specialist Credential requirements.

Title 05  
Adopt: 80067.1, 80067.2, 80067.3  
Amend: 80067  
Filed 02/07/2024  
Effective 04/01/2024  
Agency Contact:  
Christina Villanueva (916) 327–8697



**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](https://oal.ca.gov).