



# California Regulatory Notice Register

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

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**PROPOSED ACTION ON REGULATIONS**

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**TITLE 2. DELTA PROTECTION COMMISSION**

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

NOTICE IS HEREBY GIVEN that the **Delta Protection Commission**, pursuant to the authority vested in it by section 87306 of the Government Code, proposes amendment to its conflict-of-interest code. A comment period has been established commencing on July 26, 2024 and closing on September 9, 2024. All inquiries should be directed to the contact listed below.

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

Changes to the conflict-of-interest code include: Adding the Associate Governmental Program Analyst job classification, all levels of the Staff Services Analyst job classification, all levels of the Staff Services Manager job classification and National Heritage Area Committee Members and their designees/alternates, and also makes other technical changes.

Information on the code amendment is attached to this email.

Any interested person may submit written comments relating to the proposed amendment by submitting them no later than September 9, 2024, or at the conclusion of the public hearing, if requested, whichever comes later. At this time, no public hearing is scheduled. A person may request a hearing no later than August 23, 2024.

The **Delta Protection Commission** has determined that the proposed amendments:

1. Impose no mandate on local agencies or school districts.
2. Impose no costs or savings on any state agency.

3. Impose no costs on any local agency or school district that are required to be reimbursed under Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code.
4. Will not result in any nondiscretionary costs or savings to local agencies.
5. Will not result in any costs or savings in federal funding to the state.
6. Will not have any potential cost impact on private persons, businesses or small businesses.

All inquiries concerning this proposed amendment and any communication required by this notice should be directed to: Debra Waltman, Assistant Executive Director, 530-650-6362, [debra.waltman@delta.ca.gov](mailto:debra.waltman@delta.ca.gov).

**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 conflict-of-interest code of the following:

**CONFLICT-OF-INTEREST CODE**

**ADOPTION**

**MULTI-COUNTY:** Las Virgenes-Triunfo Public Financing Authority

A written comment period has been established commencing on July 26, 2024, and closing on September 9, 2024. Written comments should be directed to the Fair Political Practices Commission, Attention Belen Cisneros, 1102 Q Street, Suite 3050, Sacramento, California 95811.

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

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

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

Any interested person may present statements, arguments, or comments, in writing to the Executive Director of the Commission, relative to review of the proposed conflict-of-interest code. Any written comments must be received no later than July 26, 2024. If a public hearing is to be held, oral comments may be presented to the Commission at the hearing.

#### COST TO LOCAL AGENCIES

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

#### EFFECT ON HOUSING COSTS AND BUSINESSES

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

#### AUTHORITY

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

#### REFERENCE

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

#### CONTACT

Any inquiries concerning the proposed conflict-of-interest code should be made to Belen Cisneros, Fair Political Practices Commission, 1102 Q Street, Suite 3050, Sacramento, California 95811, or email [bcisneros@fppc.ca.gov](mailto:bcisneros@fppc.ca.gov).

#### 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, or email [bcisneros@fppc.ca.gov](mailto:bcisneros@fppc.ca.gov).

### TITLE 2. MENTAL HEALTH SERVICES OVERSIGHT AND ACCOUNTABILITY COMMISSION

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

NOTICE IS HEREBY GIVEN that the Mental Health Services Oversight and Accountability Commission, pursuant to the authority vested in it by section 87306 of the Government Code, proposes amendment to its conflict-of-interest code. A comment period has been established commencing on July 26, 2024 and closing on September 9, 2024. All inquiries should be directed to the contact listed below.

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

Changes to the conflict-of-interest code include: modifications or deletions of some position titles, additions of new position titles to the list of designated employees (Appendix A), revisions to improve the clarity and wording of the disclosure categories (Appendix B) and also makes other technical changes.

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

Any interested person may submit written comments relating to the proposed amendment by submitting them no later than September 9, 2024, or at the conclusion of the public hearing, if requested, whichever comes later. At this time, no public hearing is scheduled. A person may request a hearing no later than August 23, 2024.

The Mental Health Services Oversight and Accountability Commission has determined that the proposed amendments:

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

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

Lauren Quintero, MHSOAC  
 1812 9<sup>th</sup> Street  
 Sacramento, CA 95811  
 (916) 605–8179  
[Lauren.Quintero@mhsoc.ca.gov](mailto:Lauren.Quintero@mhsoc.ca.gov)

## **TITLE 7. BOARD OF PILOT COMMISSIONERS**

Notice is hereby given that the Board of Pilot Commissioners for the Bays of San Francisco, San Pablo, and Suisun (Board) proposes to adopt the proposed regulations described below after considering all comments, objections, and recommendations regarding the proposed action.

The Board proposes to amend the following sections of the California Code of Regulations, Title 7, Harbors and Navigation, Division 2, State Board of Pilot Commissioners for the Bays of San Francisco, San Pablo and Suisun:

- § 236.1. Pilot Boat Surcharge.

### **PUBLIC HEARING**

The Board has will hold a public hearing if it receives a written request for a public hearing from any interested person, or his or her authorized representative, not later than 15 days before the close of the written comment period.

### **WRITTEN COMMENT PERIOD**

Any interested person, or his or her authorized representative, may submit written comments relevant to the proposed regulatory action to the Board. Comments may also be submitted by facsimile (FAX) at (415) 397–9463 or by e–mail to [bopc@bopc.ca.gov](mailto:bopc@bopc.ca.gov).

The written comment period closes at **5:00 p.m. on Friday, September 13, 2024**. The Board will consider only comments received at the Board office by that time. Submit comments to:

Allen Garfinkle, Executive Director  
 Board of Pilot Commissioners for the Bays of San Francisco, San Pablo, and Suisun  
 660 Davis Street  
 San Francisco, CA 94111

### **AUTHORITY AND REFERENCE**

Authority: Harbors and Navigation Code (HNC) §§ 1144, 1154, and 1196.5 authorize the Board to adopt these proposed regulations. The proposed regulations implement, interpret, and make specific HNC §§ 1159.1, 1194, 1194.1.

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

#### ***Existing Law and Effect of Proposed Amendments***

The proposed regulations operationalize HNC §§ 1159.1, 1194, 1194.1. These statutes, which were adopted in September 2022, require the Board to update the process for reviewing and approving reimbursement requests for costs related to pilot boat acquisition, life–extension, and modification, including design and engineering work.

The proposed regulations expand the Board’s authority to approve the use of pilot boat surcharge funds at various stages of the pilot boat development process, including design, engineering, and construction. In effect, the proposed regulations allow for multiple disbursements tied to project milestones, rather than a single disbursement at the end of the project.

The proposed regulations shift the Board’s reimbursement model from an arrears–based payment system to a progress–based payment system. Importantly, the proposed regulations address the problem of costs. Aligning the Board’s review and approval processes with the complex, phased nature of the pilot boat development process will save time and streamline the overall process. Authorizing the Board to make progress–based payments at the various stages of pilot boat development process will reduce the financing burden on the San Francisco Bar Pilots Association, the guarantor of the pilot boat loan, lowering interest costs. The benefit of these lower costs will extend to the Board’s stakeholders and the millions of Californians who rely on goods shipped through the Bays of San Francisco, San Pablo and Suisun.

The key elements of the proposed regulations are:

- **Elimination of One–Year Validity Period.** The proposed regulations eliminate the current one–

year limitation on the validity of the necessity determination. This change better aligns the necessity determination period with the pilot boat development process, which can last two years or more.

- **Design and Engineering as Separate Category of Work.** The proposed regulations implement and clarify the intent and purpose of HNC §1194(a), specifying that the pilot boat surcharge can fund various types of work, including “preliminary design and engineering” activities. This change designates design and engineering work as a separate category, better aligning the Board’s reimbursement processes with the complex, multi-stage nature of pilot boat development.
- **Preliminary and Final Authorizations at Project Stages.** The proposed regulations permit preliminary *and* final authorizations to be submitted to, considered, and approved by the Board at the different stages of the pilot boat development process. These updates, particularly the inclusion of the phrase “project stages,” better align the Board’s processes with the phased nature of pilot boat development.

In addition to enabling authorizations at various project stages, the proposed regulations streamline the process by allowing the Board to consider both preliminary and final authorizations simultaneously.

***Anticipated Benefits of the Proposed Regulations***

The proposed regulations provide significant benefits to the Board, its stakeholders, the San Francisco Bar Pilots Association, and all Californians. The benefits of this regulatory action include:

- **Environmental Benefits.** Enabling the Board to make progress payments at various stages of pilot boat development (e.g., design, engineering, and construction) will enhance efficiency. A streamlined approval process may expedite construction times, allowing non-compliant pilot boats to be replaced with environmentally friendly vessels more quickly than under the current regulations.
- **Equity Benefits.** The new pilot boats constructed under these regulations will be equipped with the latest marine engine technology, which will significantly reduce the impact of diesel particulate matter (DPM) emissions. These reduced DPM emissions will benefit Californians living near the waterways traditionally utilized by commercial harbor craft. This is particularly beneficial for communities that have been historically disadvantaged by pollution.
- **Economic Benefits.** By reducing the capital that the San Francisco Bar Pilots Association must borrow for new pilot boat development, these regulations will lower (or eliminate) interest charges

on financed capital. These lower costs will be passed on to Board stakeholders and the millions of Californians who rely on goods shipped through the Bays of San Francisco, San Pablo, and Suisun.

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

The Board has determined that the proposed amendments are not inconsistent or incompatible with existing state regulations or statutes. After conducting a review for any state regulations that would relate to or affect the sections proposed to be added and amended, the Board has concluded that these are the only state regulations related to pilot boat construction and funding under the jurisdiction of the Board.

DISCLOSURES AND DECLARATIONS REGARDING THE PROPOSED ACTION

***The Board has made the following determinations:***

- Mandate on local agencies and school districts: None.
- Cost or savings to any state agency: None.
- Cost to any local agency or school district: None.
- Cost or savings in federal funding to the state: None.
- The amendments will not have a significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.
- The 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.
- Other non-discretionary cost or savings imposed upon local agencies: None.
- Housing costs: None.
- Effect on small business: None. The regulations will have a positive economic impact on the San Francisco Bar Pilots Association, which is not a small business. It is engaged in providing services in transportation. Its annual gross receipts exceed two million dollars (\$2,000,000). It is therefore excluded from the definition of “small business” contained in Government Code section 11342.610, subdivisions (c)(6) and (c)(7).

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

The Board has concluded that the proposed regulations will not facilitate the creation or elimination of jobs within California. The proposed regulations will not affect the creation or elimination of businesses within California or the expansion of businesses currently doing business within California.

Benefits of the Proposed Action: The proposed regulations will benefit the health and welfare of California residents, communities disadvantaged by pollution, and the state’s environment. Additionally, the proposed regulations will reduce the cost of capital to the San Francisco Bar Pilots Association. Lower capital costs will reduce the need for future rate increases and provide the Board’s stakeholders with the ability to plan for future financial obligations.

#### CONSIDERATION OF ALTERNATIVES

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

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

#### WRITTEN COMMENT PERIOD

Any interested person, or his or her authorized representative, may submit written comments relevant to the proposed regulatory actions to the Board. **Written comments will be accepted by the Board until 5:00 p.m. on September 13, 2024.** Submit comments to:

Allen Garfinkle, Executive Director  
Board of Pilot Commissioners for the Bays of San Francisco, San Pablo, and Suisun  
660 Davis Street,  
San Francisco, CA 94111  
[bopc@bopc.ca.gov](mailto:bopc@bopc.ca.gov)

#### CONTACT PERSON

Inquiries concerning the proposed administrative action may be directed to:

Name: Alethea Wong  
E-mail: [bopc@bopc.ca.gov](mailto:bopc@bopc.ca.gov)  
Phone: (415) 397-2253

The backup contact person for these inquiries is:

Name: Allen Garfinkle  
E-mail: [bopc@bopc.ca.gov](mailto:bopc@bopc.ca.gov)  
Phone: (415) 397-2253

Please direct requests for copies of the proposed text (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 Ms. Alethea Wong at the above address.

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

The Board has established a rulemaking file for this regulatory action, which contains those items required by law. The file is available for inspection at the above address during normal business hours (9:00 a.m. to 5:00 p.m.). Please contact Alethea Wong at the above email address to arrange a date and time to inspect the files. As of the date this Notice is published in the Notice Register, the rulemaking file consists of this Notice, the Initial Statement of Reasons, and the proposed text of the regulations. Copies of these items are available upon request from the Board Contact Person designated in this Notice.

#### AVAILABILITY OF CHANGED OR MODIFIED TEXT

After the close of the 48-day public comment period, the Board may adopt the proposed regulations. As a result of public comments, either oral or written, that are received by the Board regarding this proposal, the Board may determine that changes to the proposed regulations are appropriate. 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. The Board will provide notification of any such modifications to all persons whose comments were received during the public comment period, all persons whose comments (written or oral) were received at the public hearing (if one is held), and all persons who requested notice of such modifications. Otherwise, please send requests for copies of any modified regulations to the attention of Ms. Wong at the above email address. The Board will accept written comments on the modified regulations for 15 days after the date on which the modified regulations are made available.

#### AVAILABILITY OF FINAL STATEMENT OF REASONS

The Board is required to prepare a Final Statement of Reasons. Once the Board has prepared a Final Statement of Reasons, a copy will be made available

to anyone who requests a copy. Requests for copies should be addressed to the Board Contact Person identified in this Notice.

#### BOARD INTERNET WEBSITE

The Board maintains an Internet website for the electronic publication and distribution of written material. Copies of the Notice of Proposed Rulemaking, the Initial Statement of reasons, and the text of the regulations in underline and strikeout can be accessed through the Board’s website at [www.bopc.ca.gov](http://www.bopc.ca.gov).

### **TITLE 10. DEPARTMENT OF REAL ESTATE**

#### **IMPLEMENTATION OF SB 143 (2023) PORTABILITY OF MILITARY SERVICEMEMBER AND SPOUSE PROFESSIONAL LICENSES CHAPTER 6, PROPOSED ARTICLE 7.7, SECTIONS 2759.1 TO 2759.8**

The Real Estate Commissioner and the Department of Real Estate (collectively, “DRE”), propose adoption of Article 7.7, Sections 2759.1 to 2759.8 of the Regulations of the Real Estate Commissioner, California Code of Regulations, Title 10, Chapter 6 (“the Regulations”), after considering all comments, objections and recommendations regarding this proposed action. Publication of this notice commences a 45–day public comment period.

#### PUBLIC HEARING

A public hearing is not scheduled. A public hearing will be held if any interested person, or that person’s duly authorized representative, submits a written request for a public hearing to the DRE, at the contact listed below, no later than 15 days prior to the close of the written comment period.

#### WRITTEN COMMENT PERIOD

Any interested person, or that person’s authorized representative, may submit written comments relevant to this proposed regulatory action to the DRE addressed as follows:

##### *Regular Mail*

Department of Real Estate  
Attention: Dan Kehew, Sacramento Legal Office  
651 Bannon Street, Suite 507  
Sacramento, CA 95811

##### *Electronic Mail*

[DRE.RegComments@dre.ca.gov](mailto:DRE.RegComments@dre.ca.gov)

**Comments may be submitted until 5:00 p.m.,  
Tuesday, September 10, 2024.**

#### AUTHORITY AND REFERENCE

Section 10080 of the Business and Professions Code (“Bus. & Prof. Code”) authorizes DRE to adopt regulations that are reasonably necessary for the enforcement of the provisions of the Real Estate Law (Bus. & Prof. Code Sections 10000 et seq.) (“the Real Estate Law”). Also, Section 115.10 of the Bus. & Prof. Code, in subdivision (h), authorized DRE to “develop and publish guidance” on this newly adopted statute. The proposed Sections 2759.1 to 2759.8 of the Regulations implement, interpret and/or make specific Section 115.10 of the Bus. & Prof. Code (“Section 115.10) adopted as Section 1 of the larger SB 143 (Committee on Budget and Fiscal Review, Chapter 196, Statutes of 2023).

#### INFORMATIVE DIGEST/ PLAIN ENGLISH OVERVIEW — SUMMARY OF PROPOSED REGULATION

Prior to the passage of SB 143, the licensing process set out in the Real Estate Law (as well as other California professional licensing laws) applied to active duty military personnel and their spouses when those individuals sought to practice real estate (as defined in Bus. & Prof. Code Section 10131 et seq.). Notably, Bus. & Prof. Code Section 10151.2 ensures priority processing of applications for licensure from military personnel, but the nature of real estate practice — which frequently calls for significant “local knowledge” for a successful practice — made requests for this priority handling of applications a relatively rare circumstance. Once licensed, military servicemembers and their spouses were held to the same standards and processes as all other licensees.

Proposed Article 7.7 will implement the program authorized by Bus. & Prof. Code Section 115.10, pursuant to the regulations authority granted in Section 115.10(h) and DRE’s broader rulemaking authority in Section 10080. The newly adopted Section 115.10 empowers DRE and the boards and bureaus within the Department of Consumer Affairs to “register” military servicemembers and their spouses who hold

“similar” professional licenses in other jurisdictions.<sup>1</sup> This registration enables these servicemembers and spouses to act (and, if necessary, face discipline) as licensees of the registering licensing body.

This proposal addresses the details needed for DRE to effectively implement the new program. The eight proposed sections within the proposed article will:

- Offer definitions for words and terms used within the article.
- Clarify for prospective applicants and DRE staff the standard for “similar licenses” (as that term is used in Bus. & Prof. Code Section 115.10) that are eligible for registration through this program.
- Set out the requirements and process through which an applicant may register through this program.
- Set out the resulting registration actions that DRE will undertake upon successful registration.
- Clarify the information that all applicable laws require DRE to post to its website upon successful registration.
- Require the registrant to notify DRE upon occurrence of specific events that impact the registrant’s eligibility to act as a licensee in California.
- Clarify the terms under which a registrant must remain in compliance with the continuing education requirements of DRE’s licensing law, pursuant to the terms of Bus. & Prof. Code Section 115.10.
- Establish a petition process for temporary extension of registration, as necessitated by the nature of the regulated industry and common events that may impact registrants’ qualification for the registration program.

*Anticipated Benefits of the Proposed Regulation*

Underlying both the federal and state legislation that prompts this proposal is the intent of those legislative bodies to minimize the licensing burden on active duty servicemembers and their spouses when military orders impose transfers between states and jurisdictions. Prior to this law, a servicemember or spouse with a real estate license in good standing from another jurisdiction would need to qualify, apply for, and pay for a DRE-issued California real estate license prior to conducting real estate business in California. Now, these individuals with appropriate qualifications may register their existing, similar license with DRE

<sup>1</sup> This portion of SB 143 is the State of California’s response to similar language in recent federal legislation, the “Veterans Auto and Education Improvement Act of 2022,” H.R. 7939. That bill included the “Military Spouse Licensing Relief Act of 2021,” purporting to mandate a form of license reciprocity between States and other U.S. jurisdictions. This regulation proposal only addresses the California statute that authorizes DRE to participate in this limited reciprocity.

and enter California’s real estate industry without additional process or cost.

This proposal implements and makes specific the provisions of Bus. & Prof. Code Section 115.10 with regard to DRE’s license program. The proposal provides out-of-state licensees with the standard for determining whether their license is “similar” to a DRE license (given the present lack of standardization between differing states’ licenses) and to understand what information is needed to register. Registrants will understand what information will be posted to DRE’s website. The proposal imposes specific notice requirements on registrants to ensure that DRE is kept up to date on events that may impact a registrant’s qualifications for registration, protecting the public from registrants who no longer qualify. Because the underlying statute provides that the DRE license program’s continuing education requirements will apply to registrants, the proposal clarifies how these requirements apply.

Finally, the proposal includes an allowance for registrants to petition for a temporary extension of their registration. The plain language of the statute appears to cut off the qualification for registration when the servicemember’s stationing in California ends, but (1) given the possible abrupt nature of such changes to orders or service status, and (2) the longer-term nature of a real estate licensee’s business relationship and responsibilities to their clients, an allowance must be established to ensure that registrants may either complete their existing licensed business in California or apply for, and receive, a full DRE-issued real estate license. This allowance serves to protect the financial interests of the clients served by registrants.

*Consistency and Compatibility with Existing Regulations*

As noted above, there are no prior statutory requirements that parallel the laws implemented by this proposal, and correspondingly there are no existing state regulations on this topic. DRE also evaluated its existing regulations pertinent to its applicants and licensees and (as described in the Initial Statement of Reasons) harmonized these proposed standards with current regulations. Therefore, the proposed regulations are neither inconsistent nor incompatible with existing state regulations.

DISCLOSURES REGARDING THE PROPOSED ACTION

*DRE has made the following determinations:*

Mandate on local agencies and school districts: None.

Cost or savings to any state agency: None.

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

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

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

Cost impacts on a representative private person or business: DRE 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 businesses, including the ability of California businesses to compete with businesses in other states: None.

Significant effect on housing costs: None.

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

The DRE concludes that it is: (1) unlikely that this regulation proposal (“proposal”) will eliminate any jobs for real estate licensees or associated professions; (2) unlikely that this proposal will create jobs; (3) unlikely that this proposal will create new businesses of any sort; (4) unlikely that this proposal will eliminate any existing businesses; (5) unlikely that this proposal will result in the expansion of businesses currently doing business in the state; (6) will benefit the health and welfare of California residents by ensuring that registrants are qualified to act in the same capacity as real estate licensees; and (7) is not expected that this proposal will affect worker safety or the state’s environment.

#### SMALL BUSINESS DETERMINATION

The DRE has determined that there will be very minimal fiscal impact on small businesses resulting from this regulation proposal. Aside from incidental, *de minimus* cost of providing required notifications to DRE as needed, applicants and registrants under Bus. & Prof. Code Section 115.10 will incur no expenses.

#### CONSIDERATION OF ALTERNATIVES

In accordance with Government Code section 11346.5, subdivision (a)(13), the DRE must determine that no reasonable alternative considered, or that has otherwise been identified and brought to its attention, would be more effective in carrying out the purpose for which this regulatory action is proposed, would be as effective and less burdensome to affected private persons than the proposed action, or would be more cost-effective to affected private persons and equally

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

DRE invites interested persons to present statements or arguments with respect to alternatives to the proposed regulation during the written comment period.

#### CONTACT PERSON

Inquiries concerning this action may be directed to Dan Kehew at (916) 737-4391, or via email at [DRE.RegComments@dre.ca.gov](mailto:DRE.RegComments@dre.ca.gov). The backup contact person is Stephen Lerner at (916) 737-4293.

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

DRE will have the entire rulemaking file available for inspection and copying throughout the rulemaking process at its headquarters office: 651 Bannon Street, Suite 507, Sacramento, California. As of the date this notice is published in the Notice Register, the rulemaking file consists of this notice, the proposed text of the regulations, the initial statement of reasons, and the Form 400 under which the package was submitted to the Office of Administrative Law for publication. Copies may be obtained by contacting Dan Kehew at the mailing address and email address listed on the first page of this notice.

#### AVAILABILITY OF CHANGED OR MODIFIED TEXT

After considering all timely and relevant comments received, DRE may adopt the proposed regulations substantially as described in this notice. If DRE makes modifications that are sufficiently related to the originally proposed text, DRE will make the modified text (with the changes clearly indicated) available to the public for at least 15 days before DRE adopts the regulation as revised. A request for a copy of any modified regulation(s) should be addressed to the contact person designated above. DRE will accept written comments on the modified regulation for 15 days after the date on which they are made available.

#### AVAILABILITY OF THE FINAL STATEMENT OF REASONS

Upon its completion, the Final Statement of Reasons will be available and copies may be requested from the contact person named in this notice or may be accessed on the website listed below.

AVAILABILITY OF DOCUMENTS  
ON THE INTERNET

Copies of the notice, the initial statement of reasons, and the text of the regulations in underline and strike-out can be accessed through DRE’s website at [www.dre.ca.gov](http://www.dre.ca.gov).

**TITLE 10. CALIFORNIA HOPE,  
OPPORTUNITY, PERSEVERANCE,  
AND EMPOWERMENT (HOPE)  
FOR CHILDREN TRUST  
ACCOUNT PROGRAM**

PROPOSAL TO ADD CHAPTER 16,  
SECTIONS 10500 TO 10509

NOTICE IS HEREBY GIVEN that The California Hope, Opportunity, Perseverance, and Empowerment (HOPE) for Children Trust Account Board (HOPE), organized and operating pursuant to encoded Chapter 16.1 of the Welfare and Institutions Code (Sections 18997.5 to 18997.55), proposes to adopt the proposed regulations described below after considering all comments, objections, and recommendations regarding the proposed action. Any person interested may present statements or arguments relevant to the proposed action to the attention of the Contact Person as listed in this Notice no later than September 9, 2024. HOPE, upon its own motion or at the instance of any interested party, may thereafter adopt the proposal substantially as described below or may modify such proposals if such modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified proposal will be available for 15 days prior to its adoption from the person(s) designated in this notice as Contact Person and will be mailed to those persons who submit comments related to this proposal or who have required notification of any changes to the proposal.

PROPOSED REGULATORY ACTION

HOPE proposes to adopt new regulations in Title 10, Chapter 16, sections 10500–10509, of the California Code of Regulations concerning California Hope, Opportunity, Perseverance, and Empowerment (HOPE) for Children Trust Account Program (HOPE Program). The regulations implement HOPE’s responsibilities and other details related to the HOPE Program.

AUTHORITY AND REFERENCE

*Authority:* Welfare and Institutions Code (“WIC”) Section 18997.52(h) provides that the Board of Directors of the HOPE Program “may adopt regulations to implement this chapter consistent with the Administrative Procedure Act (Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code).”

INFORMATIVE DIGEST/POLICY  
STATEMENT OVERVIEW

The California Hope, Opportunity, Perseverance, and Empowerment (HOPE) for Children Trust Account Act (AB 156, “the HOPE Act”) is a new law that became effective September 27, 2022, and is encoded Chapter 16.1 of the Welfare and Institutions Code (Sections 18997.5 to 18997.55). The HOPE Act, established within the Office of the State Treasurer, comprised of a one–time budget appropriation of \$100 million plus an expected \$15 million in ongoing annual appropriations, to provide each eligible child with their own economic asset: an account that is held in trust by the state that will receive annual deposits from the Fund.

The broad objective of the regulations is to provide details about the HOPE Program to the general public and to ensure HOPE beneficiaries and participants have opportunities to engage with the program. The specific benefits anticipated from the regulations are increased participation in the program.

Furthermore, the proposed regulations will set forth definitions; establish eligibility and enrollment requirements; set forth requirements for deposits, disbursements, an online eligibility portal, data collection, privacy, and confidentiality; and offer financial education and money management training services.

EVALUATION OF INCONSISTENCY/  
INCOMPATIBILITY WITH EXISTING  
STATE REGULATIONS

The Department has conducted an evaluation of this proposed regulation and has determined that it is not inconsistent or incompatible with existing state regulations.

OTHER MATTERS PRESCRIBED BY  
STATUTES APPLICABLE TO THE  
SPECIFIC STATE AGENCY OR TO  
ANY SPECIFIC REGULATION OR  
CLASS OF REGULATIONS

No other matters prescribed by statute are applicable to HOPE or to any specific regulation or class of reg-

ulations pursuant to Section Welfare and Institutions Code (Sections 18997.5 to 18997.55), pertaining to the proposed regulations or HOPE.

**MANDATE ON LOCAL AGENCIES OR  
SCHOOL DISTRICTS**

HOPE has determined that the regulations do not impose a mandate on local agencies or school districts.

**FISCAL IMPACT**

HOPE has determined that the regulations do not impose any additional cost or savings to any state agency, any costs to any local agency or school district requiring reimbursement or any other non-discretionary cost or savings to any local agency, or any cost or savings in federal funding to the State. The regulations will not have any effect on housing costs.

**INITIAL DETERMINATION REGARDING  
ANY SIGNIFICANT STATEWIDE  
ADVERSE ECONOMIC IMPACT DIRECTLY  
AFFECTING BUSINESS**

HOPE has made an initial determination that the regulations will not have any significant statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states.

**EFFECT ON SMALL BUSINESSES**

HOPE has determined that the adoption of the regulations will not affect small businesses. Small businesses will not be enrolled in the program. As such, they will not be impacted by the proposed regulations.

**Cost Impacts on Private Persons and Business**

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

**RESULTS OF THE ECONOMIC IMPACT  
ANALYSIS/ASSESSMENT:  
ASSESSMENT OF EFFECT ON  
JOBS AND BUSINESS EXPANSION,  
ELIMINATION OR CREATION**

Adoption of these regulations will not: (1) create or eliminate jobs within California; (2) create new businesses or eliminate existing businesses within California. Adoption of these regulations will have a limited effect on the expansion of businesses currently doing business within California.

**ASSESSMENT OF BENEFITS ON HEALTH  
AND WELFARE OF CALIFORNIA  
RESIDENTS, WORKER SAFETY, AND THE  
STATE'S ENVIRONMENT**

Adoption of these regulations will not provide benefits or impact on the health and welfare of California residents, worker safety, or the state's environment. As stated above, the benefits to the health and welfare of California residents include increased participation in the program, as well as ultimately creating a path to economic empowerment for underserved children. By empowering young people with economic autonomy, HOPE anticipates increased revenue in local economy and financial wealth building.

**REASONABLE ALTERNATIVES**

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

HOPE invites interested persons to present statements with respect to alternatives to the regulations during the written comment period.

**AGENCY CONTACT PERSONS**

Written comments, inquiries, and any questions regarding the substance of the regulations shall be submitted or directed to:

Rebekah Aguirre  
Program Manager  
HOPE Board  
901 P Street, Suite 411–B  
Sacramento, CA 95814  
[HopeForChildren@treasurer.ca.gov](mailto:HopeForChildren@treasurer.ca.gov)  
279–231–1591

The following person is designated as a backup contact person for inquiries only regarding the regulations:

Kasey O'Connor  
Executive Director  
HOPE Board  
901 P Street, Suite 411–B  
Sacramento, CA 95814  
[Kasey.O'Connor@treasurer.ca.gov](mailto:Kasey.O'Connor@treasurer.ca.gov)  
(916) 651–0549

AVAILABILITY OF INITIAL STATEMENT  
OF REASONS, FINAL STATEMENT  
OF REASONS, RULEMAKING  
FILE AND EXPRESS TERMS OF  
PROPOSED REGULATIONS

Pursuant to the California Government Code, HOPE has established a rulemaking file for this regulatory action, which contains those items required by law. The file is available for inspection at HOPE's office at 901 P Street, Room 411–B, Sacramento, California, during normal business hours. As of the date this Notice is published in the Notice Register, the rulemaking file consists of this Notice, the Initial Statement of Reasons, and the proposed text of the regulations. Copies of these items are available upon request, from the Agency Contact Person designated in this Notice. The Sacramento address will also be the location for inspection of the rulemaking file and any other public records, including reports, documentation and other materials related to this proposed regulatory action. In addition, the rulemaking file, including the Notice of Proposed Action, Initial Statement of Reasons, and the proposed text, may be viewed on HOPE's website at <https://www.treasurer.ca.gov/hope/>.

PUBLIC HEARING

No public hearing regarding the regulations has been scheduled. Anyone wishing a public hearing must submit a request in writing, pursuant to Section 11346.8 of the Government Code, to HOPE at least 15 days before the end of the written comment period. Such a request should be addressed to the Agency Contact Person identified in this Notice and should specify the regulations for which the hearing is being requested.

FINAL STATEMENT OF REASONS

When prepared, the Final Statement of Reasons will be made available through the Contact Person listed above.

**TITLE 14. DEPARTMENT OF PARKS  
AND RECREATION**

GRANTS AND COOPERATIVE  
AGREEMENTS PROGRAM REGULATIONS

**NOTICE IS HEREBY GIVEN** the California Department of Parks and Recreation (Department) proposes to amend the regulations and documents incorporated by reference described below after consid-

ering all comments, objections, and recommendations regarding the proposed action.

PROPOSED REGULATORY ACTION

The Department proposes to amend the regulations in the California Code of Regulations, Title 14, Division 3, Chapter 15, Articles 1 through 5 (CCR), Sections 4970.01, 4970.03, 4970.05, 4970.06, 4970.07, 4970.08, 4970.09, 4970.10, 4970.11, 4970.14, 4970.17, 4970.19, 4970.20, 4970.23, 4970.24, 4970.25, Grants and Cooperative Agreements Program — Appendix (Appendix) and adopt CCR Sections 4970.19.2.1 and 4970.19.2.2 pertaining to the Off-Highway Motor Vehicle Recreation Division (OHMVR Division) Grants and Cooperative Agreements Program (Program).

PUBLIC HEARING

No public hearing on the proposed regulations is scheduled; however, if any interested person requests, no later than 15 days prior to the close of the written comment period, that a hearing be held on these regulations, the Department will schedule a hearing. A hearing may be requested by making such a request in writing addressed to the individuals listed under "Contact Person" in this Notice.

WRITTEN COMMENT PERIOD

Any interested person, or his or her authorized representative, may submit written comments relative to the proposed rulemaking to the Department. The written comment period ends on September 9, 2024. The Department will consider only written comments received at the Department's office by that time. Written comments may be mailed to the following address:

California Department of Parks and Recreation  
Off-Highway Motor Vehicle Recreation Division  
Attention: Madeline Adams, Compliance Officer  
P.O. Box 942896  
Sacramento, CA 94296–0001

Written comments delivered by email will also be accepted by the Department. Written comments may be submitted by email to [OHV.Grants@parks.ca.gov](mailto:OHV.Grants@parks.ca.gov). Electronic mail transmission must be completed by the deadline given above.

AUTHORITY AND REFERENCE

*Authority Citation:* The proposed amendments are authorized by Public Resources Code (PRC) Sections 5001.5 and 5003.

*Reference Citation:* The particular code sections implemented, interpreted, or made specific by these

proposed amendments are PRC Sections 5020.1(j), 5024.1, 5090.01 through 5090.65 and 21000 et seq.; Vehicle Code Sections 38001 and 38006; Education Code Sections 210.3 and 66010.4; 25 CFR Section 83.5(a); 40 CFR part 1500.1 et seq.; U.S. IRC Section 501(c)(3); USC Title 42, Section 4371.

## INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

### *Summary of Existing Laws and Regulations*

PRC Section 5090.01 et seq., also known as the Off-Highway Motor Vehicle Recreation Act of 2003, governs the OHMVR Division's Grants and Cooperative Agreements and ensures appropriate resource management and maintenance in areas of off-highway vehicle (OHV) use.

The Program is administered by the OHMVR Division within the Department. The Program allows the State to assist eligible agencies and organizations to develop, maintain, expand and manage high-quality OHV Recreation areas, roads, trails, and other Facilities, while responsibly maintaining the wildlife, soils, and habitat in a manner that will sustain long-term OHV Recreation. Assistance is provided in the form of Project-specific Grant funding. Grants are awarded through a competitive process where Applicants and their Projects are evaluated using objective criteria

### *Effect of the Proposed Rulemaking*

Generally, the proposed regulatory revisions will eliminate inconsistencies of terms within the regulations and make the regulatory language more concise, clear, and consistent by adopting, amending, and repealing Program regulations and various documents within the Appendix, incorporated by reference.

### *Non-Substantive Changes*

The purpose of the proposed non-substantive changes to the regulations and appendix, include renumbering of sections, updating document revision dates, updating authority and reference to statute, and grammatical changes such as capitalization and spacing. The Division has determined these changes do not materially alter any requirement, right, responsibility, condition, prescription, or other regulatory element of any California Code of Regulations provision.

Substantive updates to the regulation and appendix are outlined below.

### *Amend CCR Section 4970.01:*

The proposed makes the section language consistent with all sections of the CCR and makes other grammatical changes; clarifies the meaning of statements within the regulatory language, provides more clear definition of terms used throughout the CCR, and/or makes statements more specific; adopts terminolo-

gy for the California Native American Tribe, Major Repairs, Qualified Biological Monitor, Trailer, and Risk Factor definitions.

### *Amend CCR Section 4970.03:*

The proposed amends regulatory language consistent throughout the CCR by updating the section language and section table.

### *Amend CCR Section 4970.05.1:*

The proposed makes grammatical changes to the section language; clarifies the meaning of statements within the regulatory language, and/or makes statements more specific.

### *Amend CCR Section 4970.05.2:*

The Proposed clarifies the meaning of statements within the regulatory language.

### *Amend CCR Section 4970.06.1*

The proposed makes the section language consistent with all sections of the CCR and makes other grammatical changes.

### *Amend CCR Section 4970.07.2:*

The proposed clarifies the meaning of statements within the regulatory language, and/or makes statements more specific by including heavy equipment and trailers as items that can be reviewed to be consistent with all potential Project expenditures allowed in regulation

### *Amend CCR Section 4970.08:*

The proposed clarifies the meaning of statements within the regulatory language, makes other grammatical changes, and/or makes statements more specific by providing examples; move a portion of the regulatory language from 4970.08(10) into a subsection to provide more clarity; adopt subsection 4970.08(b)10(B) to clarify that materials funded by the Program be made available to the public for free and have no financial gain to those producing said product.

### *Amend CCR Section 4970.08.1*

The proposed amends section header to include trailers; clarifies the meaning of statements within the regulatory language; removes redundant reference for "regular maintenance", move a portion of regulatory language from current 4970.08.1(e) into a separate subsection to provide more clarity, adopt subsection 4970.08.1(f) to clarify the process for Tires, Non-Major Repairs and Major Repairs, to increase readability and add clarity that they follow the same processes as Heavy Equipment; amends subsection to allow select agency personnel to perform Non-major repairs; makes statements more specific by providing instructions to the Grantee for repair requests.

### *Amend CCR Section 4970.08.2*

The proposed amends section title to include Trailers' amends regulatory language associated with regular maintenance so it can be moved to its own subsection; amends section language to ensure that tires

are eligible for all Grant funded equipment; adopts section language to allow flexibility with non–major repairs and provides clarity to the Grantee when requesting Major Repairs.

*Amend CCR Section 4970.09:*

The proposed clarifies the meaning of statements within the regulatory language, and/or makes statements more specific by including heavy equipment and trailers as items that are subject to the section.

*Amend CCR Section 4970.10*

The proposed amends regulatory language consistent throughout the CCR by updating the section table.

*Amend CCR Section 4970.10.1*

The proposed repeals a section that has become irrelevant to the ground operations project type; makes grammatical changes to the section language.

*Amend CCR Section 4970.10.2*

The proposed makes the section language consistent across all sections of the CCR; updates the “Development Project Criteria” revised date from (1/22) to (1/25) version date.

*Amend CCR Section 4970.10.3*

The proposed updates the “Planning Project Criteria” revised date from (1/22) to (1/25) version date.

*Amend CCR Section 4970.10.4*

The proposed makes the section language consistent with all sections of the CCR and makes other grammatical changes; clarifies the meaning of statements within the regulatory language; updates the “Acquisition Project Criteria” revised date from (1/22) to (1/25) version date.

*Amend CCR Section 4970.11*

The proposed clarifies the meaning of statements within the regulatory language; updates the “Restoration Project Criteria” revised date from (1/22) to (1/25) version date.

*Amend CCR Section 4970.14.1*

The proposed clarifies the meaning of statements within the regulatory language, makes statements more specific and makes other grammatical changes.

*Amend CCR Section 4970.14.3*

The proposed clarifies the meaning of statements within the regulatory language and makes statements more specific.

*Amend CCR Section 4970.17.1*

The proposed revise the expiration date of the contingency list to allow the Division to fully utilize unused grant funds during any given grant cycle.

*Amend CCR Section 4970.19*

The proposed clarifies the meaning of statements within the regulatory language and makes the section language consistent across all sections of the CCR.

*Amend CCR Section 4970.19.2*

The proposed moves regulatory language to its own subsection to provide more clarity.

*Adopt CCR Section 4970.19.2.1*

The proposed adopts regulatory language so Grantees have clear instructions related to making amendments to the Project Description.

*Adopt CCR Section 4970.19.2.2*

The proposed adopts regulatory language so Grantees have clear instructions related to making amendments to the Project Cost Estimate.

*Amend CCR Section 4970.20*

The proposed clarifies the meaning of statements within the regulatory language, makes statements more specific, makes the section language consistent across all sections of the CCR.

*Amend CCR Section 4970.23.1*

The proposed updates the “Payment Request DPR 364” revised date from (new 2019) to (1/25) version date.

*Amend CCR Section 4970.23.2*

The proposed clarifies the meaning of statements within the regulatory language and makes statements more specific. Adopts language to include GPS coordinates and photos as required documentation for payment requests to create consistency when Grantees request funds.

*Amend CCR Section 4970.24.1*

The proposed extends the deadline for refunds due to the Division so all agencies have an equal opportunity to meet the requirement.

*Amend CCR Section 4970.25.1*

The proposed extends the deadline for refunds due to the Division so all agencies have an equal opportunity to meet the requirement; adopts a table to further clarify the action items and time frame for the grantee that outlines the Division’s audit’s appeal process.

*Amend CCR Section 4970.25.2*

The proposed extends the deadline for refunds due to the Division so all agencies have an equal opportunity to meet the requirement.

*Amend Grants and Cooperative Agreements Program — Appendix (Rev. 1/22)*

The proposed updates the Appendix version, Table of Contents, Payment Request form, Project Accomplishment Reports and adopts a new Reallocation Request form.

*Comparable Federal Regulations*

The proposed amendments do not duplicate or conflict with federal regulations or statutes.

*Policy Statement Overview and Anticipated Benefits of the Proposed Rulemaking*

The overall objective of the proposed action is to improve the Program’s regulatory language, documents

incorporated by reference, and ensure public funds are being spent wisely and within the State’s best interest in supporting motorized recreation. These proposals, based on Division experience implementing the Program, will also reduce confusion for Applicants and Grantees and make the regulatory language concise, clear, and consistent by adopting, amending, and repealing Program regulations and various documents within the Appendix, incorporated by reference.

*Determination of Inconsistency/Incompatibility with Existing Regulations*

After conducting an evaluation for any regulations related to this area, the Department has found that there are no other regulations concerning grants that supports the planning, acquisition, development, maintenance, administration, operation, enforcement, restoration, and conservation of trails, trailheads, areas, and other facilities associated with the use of off-highway motor vehicles, and programs involving off-highway motor vehicle safety or education. Therefore, the Department has determined that the proposed regulations are neither inconsistent nor incompatible with existing state regulations.

FORMS INCORPORATED BY REFERENCE

Grants and Cooperative Agreements Program — Appendix (Rev. 1/25).

MANDATED BY FEDERAL LAW OR REGULATIONS

None.

OTHER STATUTORY REQUIREMENTS

None.

DISCLOSURES REGARDING THE PROPOSED ACTION

The Department has made the following initial determinations:

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

*Cost to any Local Agency or School District:* None.

*Cost or Savings to any State Agency:* None.

*Other Non-Discretionary Cost or Savings Imposed of Local Agencies:* None.

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

*Significant Effects on Housing Costs:* None.

*Significant Statewide Adverse Economic Impact Directly Affecting Businesses, Including the Ability of California businesses to Compete with businesses in other states:* None.

RESULTS OF THE ECONOMIC IMPACT ANALYSIS/ASSESSMENT

The Department finds that jobs, at worst would not be affected, but, mostly likely may see an increase in the creation of jobs. Additionally, the Department finds that at worst, no new business will be created and no business will be eliminated; however, the Department finds that it is likely that private businesses may be created and or expanded because of the proposed action.

This regulatory action benefits the health and welfare of California residents by improving the funding method that assists Land Managers and partners to provide recreational opportunities within the State. This regulatory action also benefits the State’s environment by improving the funding method that supports resource protection and Restoration activities related to OHV Recreation.

COST IMPACTS ON REPRESENTATIVE PERSON OR BUSINESS

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

BUSINESS REPORTING

None.

SMALL BUSINESS DETERMINATION

The Department has determined there are no cost impacts on small businesses. Program history has shown that small businesses benefit by the Program. Many of the Grant funds go to entities that utilize small businesses when they purchase goods and services. The proposed changes will provide a more streamline and efficient program that should boost the ability of small business to capture revenue from the various Grantees.

CONSIDERATION OF ALTERNATIVES

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

The Department invites interested persons to present statements or arguments with respect to alternatives to the proposed regulation during the public comment period.

#### CONTACT PERSONS

*Inquiries concerning the proposed action may be directed to:*

Madeline Adams, Compliance Officer  
California Department of Parks and Recreation  
Off-Highway Motor Vehicle Recreation Division  
P.O. Box 942896  
Sacramento, CA 94296-0001  
(916) 272-4166  
[Madeline.Adams@parks.ca.gov](mailto:Madeline.Adams@parks.ca.gov)

*The back-up contact person regarding the proposed action is:*

Joshua Liebscher, Compliance Officer  
California Department of Parks and Recreation  
Off-Highway Motor Vehicle Recreation Division  
P.O. Box 942896  
Sacramento, CA 94296-0001  
(916) 639-4812  
[Joshua.Liebscher@parks.ca.gov](mailto:Joshua.Liebscher@parks.ca.gov)

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

The Department will make the entire rulemaking available for inspection and copying throughout the rulemaking process at its office located at California Department of Parks and Recreation, Off-Highway Motor Vehicle Recreation Division, P.O. Box 942896, Sacramento, CA 94296-0001.

As of the date this Notice of Proposed Rulemaking is published in the Notice Register, the rulemaking file consists of this Notice of Proposed Rulemaking, the express terms of the regulation, the Initial Statement of Reasons, any information upon which the proposed rulemaking is based, and an economic impact assessment contained in the Initial Statement of Reasons. Copies may be obtained by contacting the above contact person at the above address.

#### AVAILABILITY OF CHANGED OR MODIFIED TEXT

After any public hearings and consideration of all timely and relevant comments received, the Department may adopt the proposed regulations substantially as described in this Notice of Proposed

Rulemaking. If the Department makes substantive modifications, which are sufficiently related to the originally proposed text, it will make the modified text (with the changes clearly indicated) available to the public for at least 15 days before the Department adopts the regulations as revised.

#### AVAILABILITY OF THE FINAL STATEMENT OF REASONS

Upon completion, copies of the Final Statement of Reasons may be obtained by contacting Madeline Adams, Compliance Officer at the above address.

#### AVAILABILITY OF DOCUMENTS ON THE INTERNET

Copies of this Notice of Proposed Rulemaking, the Initial Statement of Reasons, and the text of the regulation in underline and strikeout is available through the Division Website at [www.ohv.parks.ca.gov](http://www.ohv.parks.ca.gov), under the Grants link.

### TITLE 16. BOARD OF PHARMACY

#### PHARMACY TECHNICIAN FEES

**NOTICE IS HEREBY GIVEN** that the California State Board of Pharmacy (Board) proposes taking the rulemaking action described below under the heading Informative Digest/Policy Statement Overview. Any person interested may present statements or arguments relevant to the action proposed in writing. Written comments, including those sent by mail, facsimile, or e-mail to the addresses listed under *Contact Person* in this Notice, must be received by the Board at its office by **Monday, September 9, 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.

#### WRITTEN COMMENT PERIOD

Written comments relevant to the action proposed, including those sent by mail, facsimile, or e-mail to the addresses listed under "Contact Person" in this Notice, must be received by the Board at its office no

later than **Monday, September 9, 2024**, or must be received by the Board at the hearing, should one be scheduled.

*Authority and Reference:* Sections 4005 and 4400, Business and Professions Code (BPC). Reference: Sections 163.5, 4005, 4044.3, 4053, 4053.1, 4110, 4112, 4119.01, 4119.11, 4120, 4127.1, 4127.15, 4127.2, 4128.2, 4129.1, 4129.2, 4129.8, 4130, 4160, 4161, 4180, 4180.5, 4187, 4190, 4196, 4200, 4202, 4202.5, 4203, 4208, 4210, 4304, 4400, 4401, and 4403, BPC.

### INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

The Board is a state agency vested with the authority to regulate the pharmacy industry, including pharmacies, pharmacists, and pharmacy technicians (BPC section 4000, et seq.). The Board's mandate and mission are to protect the public (BPC section 4001.1).

BPC section 4400 establishes the fee schedule for application, renewal, and other fees for Board applicants and licensees. BPC section 4400 was amended (Senate Bill 816, Chapter 723, Statutes of 2023), and its revised fee schedule that will become operative January 1, 2025.

This regulatory proposal will amend the existing fee regulation at Title 16, California Code of Regulations (CCR) section 1749, making specific the pharmacy technician license renewal fee and reducing it from the pre-set fee established in amended BPC section 4400. This regulatory proposal will also make specific the delinquency fee that will be assessed for failure to renew pharmacy technician licenses. (Concurrently, a separate Section 100 regulatory proposal will amend this regulation section to set the other fees at the pre-set levels established in statute.)

#### ***Anticipated Benefits of the Proposed Regulations:***

Protection of the public is the Board's highest priority in exercising its licensing, regulatory, and disciplinary functions. This regulatory proposal benefits the health and welfare of California residents by removing a potential barrier to continued pharmacy technician licensure (through a reduced license renewal fee) while ensuring the Board has sufficient resources to maintain its current operations (licensing, regulation, and enforcement activities) and meet its consumer protection mandate. Additionally, this proposal makes specific the Board's pharmacy technician renewal fee and delinquency fee in accordance with the recent recasting of Board fees in amended BPC section 4400.

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

During the process of developing this regulatory proposal, the Board conducted a search of any similar regulations on this topic and concluded that these reg-

ulations are neither inconsistent nor incompatible with existing state regulations.

### DISCLOSURES REGARDING THIS PROPOSED ACTION

#### ***Fiscal Impact Estimates:***

*Fiscal Impact on Public Agencies Including Costs/Savings to State Agencies or Costs/Savings in Federal Funding to the State:* The Board estimates the proposed regulations will decrease pharmacy technician renewal license fee revenues by approximately \$881,000 per year. While the proposed fee levels will result in reduced revenues, SB 816 also adjusted the Board's other fees to help eliminate any structural imbalance. As a result, the projected decrease in revenues is not anticipated to negatively impact the Board at this time.

Because the Board currently charges the fees in this proposal and/or performs workload associated with pharmacy technician programs and fees, no additional workload and costs are anticipated.

The regulations result in one-time information technology (IT) costs of \$5,000 to update cashing and accounting software. Any IT costs will be absorbed within existing resources.

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

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

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

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

*Significant Effect on Housing Costs:* None.

#### ***Business Impact Estimates:***

The Board has made an initial determination that the proposed regulatory action would have no significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.

The proposed regulatory change establishes the pharmacy technician license renewal fee.

*Cost Impact on Representative Private Person or Business:*

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

Individuals renewing their pharmacy technician licenses will realize a decrease in the renewal fee, providing a positive impact to those individuals.

The Board estimates cost (savings) of \$30 per pharmacy technician license renewal, \$15 per delinquent

renewal, and up to approximately \$881,000 total cost (savings) per year for these individuals.

**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.

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

As stated above, the proposed regulations will benefit the health and welfare of California residents by reducing financial costs for pharmacy technicians to maintain licensure, as well as maintain the Board’s operations and consumer protection mandates.

**Business Reporting Requirements:**

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

**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 notes that the proposed regulations may affect small business. However, the Board does not have, nor does it maintain, data to determine if pharmacies which employ pharmacy technicians are “small business” as defined in Government Code section 11342.610 nor does the Board maintain in its records data to determine if pharmacies which employ pharmacy technicians pay the renewal fees for its employees.

**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 either 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.

The Board considered not reducing the pharmacy technician license renewal fee from the pre-set amount of \$180 established in BPC section 4400; however, the Board determined that a reduction in the fees was appropriate to ease the financial burden associated with pharmacy technician license renewal.

Any interested person may submit comments relevant to the above determinations in writing at the address listed below for the Contact Person 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 upon which the proposal is based. This material is contained in the rulemaking file and is available for public inspection upon request to the contact persons named in this notice.

TEXT OF PROPOSAL

Copies of the exact language of the proposed regulations, the Initial Statement of Reasons, and all of the information upon which the proposal is based, may be obtained upon request from the 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/pending\\_regs.shtml](http://www.pharmacy.ca.gov/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 persons designated in this Notice as the Contact Persons 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: Anne Sodergren  
Address: 2720 Gateway Oaks Drive, Suite 100  
Sacramento, CA 95833  
Phone Number: (916) 518–3100  
Fax Number: (916) 574–8618  
E–Mail 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  
E–Mail 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 22. DEPARTMENT OF  
PUBLIC HEALTH**

**GENERAL ACUTE CARE HOSPITAL:  
CLINICAL LABORATORY, DIETETIC AND  
PHARMACEUTICAL SERVICES  
DPH–07–011**

Notice is hereby given that the California Department of Public Health (Department) is proposing the regulation described below. This 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 a 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) rele-

vant 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: Anita Shumaker, Office of Regulations, 1415 L Street Suite 500, Sacramento, CA 95814, at 279–217–0867, email to [Anita.Shumaker@cdph.ca.gov](mailto:Anita.Shumaker@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, audio format, 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 Anita Shumaker at (279) 217–0867 or (California Relay at 711 or 1–800–735–2929), or 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 September 12, 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 e-mail to: [regulations@cdph.ca.gov](mailto:regulations@cdph.ca.gov). It is requested that e-mail transmission of comments, particularly those with attachments, contain the regulation package identifier “DPH–07–011 GACH Clinical Laboratory, Dietetic and Pharmaceutical Services” 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–07–011 GACH Clinical Laboratory, Dietetic and Pharmaceutical Services, 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’s authority to adopt, amend, or repeal the hospital regulations is provided in Health and Safety Code (HSC) sections 20, 1254, 1275, and 131200. HSC sections 1254 and 1275 provide the Department the authority to inspect, license, and oversee hospitals. The Department of Health Services (DHS) reorganization created two new departments: the Department of Health Care Services and the Department. HSC section 20 allocates the former DHS’s function of licensing and oversight of hospitals to the Department and HSC section 131200 establishes the Department has the authority to adopt and enforce regulations for the execution of its duties.

The Department proposes adding as reference citations HSC sections 131000, 131050, 131051, and 131052 that delineate the Department’s responsibilities and authority under the bill that reorganized DHS, the California Public Health Act of 2006.

#### INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

##### *Summary of Proposal*

The California Department of Public Health (Department) proposes amendments to Title 22 of the California Code of Regulations (Title 22 CCR) Division 5, Chapter 1 concerning general acute care hospitals (hospitals), specifically the Clinical Laboratory Service (Lab) regulations in sections 70241 through 70249, the Pharmaceutical Service (Pharmacy) regulations in sections 70261 through 70269, the Dietetic Service (Dietary) regulations in sections 70271 through 70279, and the Governing Body (Administration) regulation section 70701. These regulations, enacted in 1975, contain outdated language and obsolete citations that have the potential to result in confusion among the regulated community and negatively affect public health outcomes. The Department proposes to update existing regulations to adopt current industry standards and establish processes to improve health and safety measures, patient care and safety, and to improve public health.

##### *Background*

The Department’s Center for Health Care Quality (CHCQ) is responsible for licensing hospitals pursu-

ant to Health and Safety Code (HSC) section 131050 subdivision (a)(2). Currently there are 419 licensed hospitals in the State of California. HSC sections 1275 and 131200 give the Department the authority to adopt, amend, repeal, and enforce regulations and HSC section 1254, authorizes the Department to inspect and license all health facilities, including hospitals. The Laboratory Field Service (LFS) examiners enforce the Lab regulations by surveying and investigating complaints about laboratories that relate to the performance of patient tests and the accuracy, reliability, and reporting of patient test–results. The Public Health Pharmaceutical Consultants (PHPCs) enforce Pharmacy regulations by surveying and investigating complaints about the Pharmacy. The Public Health Nutrition Consultant (PHNC) surveyors enforce the Dietary regulations by surveying and investigating complaints about hospital Dietetic Service. In collaboration with LFS examiners, and PHPC and PHNC surveyors, CHCQ developed the proposed amendments for the Lab, Pharmacy, and Dietary regulations.

The California Legislature has urged the Department to revise these regulations to bring them up to current industry standards and practices, and to prevent any confusion leading to negative public health outcomes. Since the promulgation of the regulations in 1975, advances in laboratory science, pharmaceutical practices, dietetics, nutrition, and the practice of medicine that are not accounted for in existing regulatory language.

In 1988, the United States Congress passed the Clinical Laboratory Improvement Amendments (CLIA) to enlist state assistance in establishing quality standards for all clinical laboratories performing tests or examinations on humans in the United States. Under federal law, all clinical laboratories must be CLIA certified to legally perform tests or examinations on human specimens or must be covered by a specific exemption in 42 United States Code section 263a, and 42 Code of Federal Regulations (CFR) section 493.513. The Department is amending the Lab regulations to bring them into alignment with the CLIA standards, which are the prevailing standards of laboratory practice.

Senate Bill (SB) 493 (Hernandez, Chapter 469, Statutes of 2013) expanded the scope of practice for interested pharmacists to address the state’s projected physician shortage. SB 493 created a new license category, Advanced Practice Pharmacist (APP), with licensed APPs having the authority to conduct some patient assessments, order and interpret tests, and carry out other functions previously reserved for physicians. APPs often work within hospital treatment delivery teams. SB 493 also expanded pharmaceutical practice by authorizing any pharmacist who voluntarily completes education prerequisites to dispense self-

administered hormonal contraception, nicotine replacement products, vaccinations, and prescription drugs that do not require a diagnosis that are recommended for international travelers, without a doctor's prescription when done pursuant to protocols developed by the Medical Board of California and the California State Board of Pharmacy.

SB 311 (Hueso, Chapter 384, Statutes of 2021) expanded the Compassionate Use Act of 1996 (Ryan's Law, an initiative measure) that prohibits certain criminal penalties from being imposed on terminally ill patients and their providers for the use of medical cannabis. SB 311 is intended to allow terminally ill patients to use cannabis in specified health care facilities. It adds HSC Division 2, Chapter 4.9, sections 1649 which require general acute care hospitals (GACH) and certain other health care facilities to allow a terminally ill patient's use of medicinal cannabis when specified requirements are met. Compliance with SB 311 may not be used as a condition of obtaining, retaining, or renewing a license as a health care facility. A health care facility may not prohibit cannabis solely because it is a Schedule I drug pursuant to the federal Uniform Substances Control Act.

Advances in dietetic science and current industry practices have improved the prevention of contraindicated interactions between drugs and patient food. Also, since 1975, there are many advances in dietetic science and medicine not accounted for in existing regulatory language. Research on how the body absorbs nutrients has led to a new type of treatment, medical nutrition therapy. Medical nutrition therapy is prescribed as an adjunct treatment to help assist in the primary treatment of diabetes, cardiovascular disease, kidney disease, surgical recovery, certain cancers, gastro-intestinal disorders, pulmonary disease, and more.

In addition to the advances in medicine since the original promulgation of these regulations, the California Public Health Act of 2006 reorganized the State Department of Health Services (DHS) and divided its responsibilities between the newly established Department of Health Care Services and the Department. This change has yet to be accounted for by existing regulatory text. After the reorganization the Legislature urged the Department to update the hospital regulations to provide clarity to the regulated community.

On December 17, 2010, the Department announced pre-notice hearings in the California Regulatory Notice Register, in All Facilities Letter 10–45, and in an online posting regarding amendments to the Lab, Pharmacy and Dietary regulations, and invited interested parties to provide written comments. The Department received comments until the hearing on April 12, 2011. On September 20, 2017, the

Department sent an All Facilities Letter (AFL 17–18) to all hospitals soliciting additional stakeholder input on the Lab regulations via a survey. On August 15, 2019, the Department issued All Facilities Letter 19–27 announcing a stakeholder engagement meeting. Written comments were also accepted. The meeting was held on August 30, 2019, with attendance in-person and through online conferencing. Additionally, in 2018 and 2019, while producing the fiscal economic analysis for this regulatory package, the Department asked industry stakeholders about key parts of the proposed changes and invited hospital officials to complete a survey on current practices and estimated costs of complying with proposed changes to the regulations. The Department has carefully considered all comments and survey responses when drafting the proposed amendments.

*Problem Statement*

Governing Body and Clinical Laboratory, Pharmaceutical, and Dietetic Services regulations are outdated, requiring amendments to avoid confusion to the regulated community and to preserve and protect the health and safety of patients.

*Objectives (Goals) of the Regulation*

- Update citations to state and federal statutes and regulations to protect public health and safety;
- Incorporate Centers for Medicare and Medicaid Services (CMS) guidelines and current industry standards; and
- Require each service to implement and maintain a Quality Assessment and Performance Improvement (QAPI) program as defined in federal regulations that gets integrated into the hospital wide QAPI program.

*Anticipated Benefits*

Anticipated benefits from amending the Governing Body and Clinical Laboratory, Pharmaceutical, and Dietetic Services regulations as a part of this proposed regulatory action are:

- Elimination of confusion among the regulated community;
- Alignment of state regulations with CMS guidelines and current industry standards;
- Adoption of a definition of a QAPI program;
- Adopt service-specific QAPI programs integrated into the hospital-wide QAPI program; and
- Improvements in patient care and health outcomes for the people of California.

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

The Department has determined that this proposed regulatory action is not inconsistent or incompatible with existing regulations. After conducting a review

for any regulations that would relate to or affect general acute care hospitals, the Department has concluded that no known statute or regulation conflicts with this proposed regulatory action.

**FORMS INCORPORATED BY REFERENCE**

The following documents are incorporated by reference into the proposed amendments to the regulations:

- Institute of Medicine, Dietary Reference Intakes: The Essential Guide to Nutrient Requirements (2006). This is a statutory requirement under 42 Code of Federal Regulations part 482.28(b)(1).
- Caroline Steele and Emily Collins, *Infant and Pediatric Feedings: Guidelines for Preparation of Human Milk and Formula in Health Care Facilities*, 3<sup>rd</sup> Ed. (2018). Pediatric Nutrition Practice Group.
- National Sanitation Foundation International (March 2017). NSF 3–2017, *Commercial Warewashing Equipment*. P.O. Box 130140, 789 N Dixboro Road, Ann Arbor, MI 48105.

**MANDATED BY FEDERAL LAW OR REGULATIONS**

This proposed regulation does not substantially differ or conflict with existing federal regulations or statutes.

**OTHER STATUTORY REQUIREMENTS**

There are no other statutory requirements.

**LOCAL MANDATE**

The Department has determined that this regulation action would not impose a mandate on local agencies or school districts.

**FISCAL IMPACT ESTIMATES**

**Cost to any local agencies or school districts that must be reimbursed pursuant to Section 17561 of Government Code:**

The Department has determined that there will be no such costs to any local agency or school district.

**The cost or savings to any state agency**

The Department does not anticipate an increase in enforcement costs, staff, or budget as a result of the proposed regulations.

**Other Nondiscretionary Cost or Savings Imposed on Local Agencies:**

The direct, local government impact of the proposed regulations is the cost and cost savings to local hospitals. Twenty-four hospitals are city or county hospi-

tals. The average net patient revenue (NPR) for all city and county hospitals is over \$283 million. In aggregate, local hospital experience \$705 thousand in one-time costs and \$112 thousand in ongoing gross costs. Local hospitals also experience \$167 thousand in ongoing gross savings.

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

The Department has determined that the regulations will not affect federal funding.

**HOUSING COSTS**

The Department has determined that the regulations will not affect housing costs.

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

The Department has made an initial determination that these regulations would not have a significant, statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.

The Department estimates that the economic impact of this regulation (which includes the fiscal impact) is between \$11.3 million and \$28.3 million dollars. 419 general acute care hospitals will be impacted. 9.4% of the hospitals are small businesses. No businesses will be created or eliminated. Regulatory costs will be extremely small compared to net patient revenue.

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

The Department has made an initial determination that these regulations would not have a significant statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states. The proposed regulations would not significantly affect:

1. **The creation or elimination of jobs within the State of California.** The proposed amendments clarify and specify existing standards of clinical laboratory, pharmacy, and nutrition and dietetics practice, and require the implementation and maintenance of a QAPI process. Hospitals that receive Medicare and Medicaid (Medi-Cal, in California) funds are already required to follow CMS and existing standards of practice and to implement and maintain a hospital-wide QAPI process. The proposal may create up to five jobs and does not eliminate any jobs within the State of California. “The proposed regulatory changes will have minimal impact on statewide employ-

ment. We used IMPLAN to estimate the impact of a recurring \$900 thousand increase in California household income, due to reduced health insurance premiums, on employment in the state. When household spending increases, demand for goods and services increases, compelling employers to hire more workers. Overall, annual employment rises by about 5 workers. The sectors most likely to hire additional workers are full and limited-service restaurants, real estate, hospitals, and individual and family services, as defined by IMPLAN. The annual increase in labor income is estimated to be \$346 thousand. However, these estimates are likely an upper bound of the net effects of proposed regulations due to an offsetting reduction in hospital payroll and reduction in worker take-home pay.”

2. **Creation of new businesses or the elimination of existing businesses within the State of California.** For the reasons stated above, the proposal is not anticipated to have any impact upon the creation or elimination of new businesses within the State of California.
3. **The expansion of businesses currently doing business within the State of California.** This proposal does not create the need for expansion of businesses currently doing business within the State of California.
4. **The benefits of the regulation to the health and welfare of California residents, worker safety, and the state’s environment.** By updating and clarifying the existing hospital Lab, Pharmacy, and Dietary regulations, the proposed amendments are anticipated to resolve issues observed by LFS examiners and PHPC and PHNC surveyors that have the potential to compromise patient safety. By bringing the current regulations up to CMS and existing industry standards that encompass the latest advances in laboratory science, pharmacy practice and nutrition and dietetics, the Department anticipates that this regulatory proposal will improve patient care, worker safety, and reporting and accountability activities in California’s hospitals. The proposed amendments are not anticipated to contribute negatively to the state’s environment as they do not relate to environmental or natural resource issues.

**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.

**BUSINESS REPORTING REQUIREMENTS**

There are no business reporting requirements.

**EFFECT ON SMALL BUSINESS**

The Department has determined that these proposed regulations will affect 39 small hospitals. None of these hospitals will be eliminated. The Department estimates that the weighted average initial cost per small hospital is \$940. As a percentage of NPR total average one-time costs per hospital represent 0.10 percent for the Type 1 hospital and 0.05 percent for the Type 2 hospital.

**SPECIFIC TECHNOLOGIES OR EQUIPMENT**

The proposed amendments to the Lab regulations do not mandate the use of any specific technologies or equipment. Any specific technologies or equipment required in the AABB Standards are pre-existing statutory mandates, effective since 1993 for HSC section 1602.6, and since 1999 for HSC sections 1602.5.

The proposed amendments to the Dietary regulations do not mandate the immediate use of a three-compartment sink for manual cleaning and sanitizing, for sinks in use before December 31, 2007, as service areas are remodeled, or a new hospital is built. Use of a three-compartment sink is the existing industry standard, required by statute for retail food establishments since 2007 (CRFC — HSC section 114099(a)), and necessary to protect patient health.

The proposed amendments do not mandate the immediate use of hot water sanitizing sinks that are designed to have an integral heating device capable of maintaining water at a temperature of not less than 77 degrees C (171 degrees F) and are provided with a rack or basket to allow complete immersion of equipment and utensils into the hot water. Instead, this requirement is imposed as sinks used for hot water sanitizing are replaced after December 31, 2007. Requiring sinks used for hot water sanitization to have an integral heating device and a rack or basket to allow complete immersion is an industry standard, placed in statute for retail food establishments in 2018 (CRFC — HSC section 114099.4), and necessary to protect patient health.

The proposed amendments do not mandate the use of any one of the four acceptable methods of chemical sanitizing for manual washing that may be used as an alternative to the hot water immersion method. The existing regulations allow for “immersion in water containing bactericidal chemical as approved by the department,” and the four methods in the proposed amendments are the existing Department-approved

methods of chemical sanitizing for manual washing and sanitizing.

The proposed amendments do not impose a new mandate to use of any one of four acceptable methods of chemical sanitizing for mechanical sanitization. The existing regulations mandated the mechanical washing and sanitization produce results “equal to those obtained by the methods outlined” for manual washing and sanitizing. The four methods in the proposed amendments are existing industry standards the Department presently enforces in surveys.

CONSIDERATION OF ALTERNATIVES

The Department must determine that no reasonable alternative considered by the Department, or otherwise identified and brought to the attention of the Department, would be more effective in carrying out the purpose for which the action is proposed, or as effective and less burdensome to affected private persons than the proposed regulatory action (amendments), or more cost-effective to affected private persons and equally effective to protect patients’ and workers’ safety and health.

CONTACT PERSON

Inquiries regarding the substance of the proposed regulations described in this notice may be directed to Sultana Blair of the Center for Health Care Quality, at [sultana.blair@cdph.ca.gov](mailto:sultana.blair@cdph.ca.gov).

All other inquiries concerning the action described in this notice may be directed to Anita Shumaker, [Anita.Shumaker@cdph.ca.gov](mailto:Anita.Shumaker@cdph.ca.gov), Office of Regulations, at (279) 217-0867, or to the designated backup contact person, Linda Cortez, [Linda.Cortez@cdph.ca.gov](mailto:Linda.Cortez@cdph.ca.gov) at (279) 217-0681.

**In any inquiries or written comments, please identify the action by using the Department regulation package identifier, DPH-07-011.**

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 Anita Shumaker 279-217-0867, (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, audio format, 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: I am Looking For: Administrative, Proposed Regulations, Current Regulatory Proposals.

**TITLE 24. BUILDING STANDARDS COMMISSION/DIVISION OF THE STATE ARCHITECT**

NOTICE OF PROPOSED ACTION TO BUILDING STANDARDS OF THE DIVISION OF THE STATE ARCHITECT (DSA-AC) REGARDING THE 2025 CALIFORNIA BUILDING CODE & 2025 CALIFORNIA EXISTING BUILDING CODE CALIFORNIA CODE OF REGULATIONS, TITLE 24, PART 2 & 10 (DSA-AC 01-24)

Notice is hereby given that the California Building Standards Commission (CBSC) on behalf of Division of the State Architect (DSA-AC) proposes to adopt, approve, codify, and publish changes to building standards contained in the California Code of Regulations (CCR), Title 24, Part 2 & 10. The DSA-AC is proposing building standards related to 2025 CALIFORNIA BUILDING CODE & 2025 CALIFORNIA EXISTING BUILDING CODE.

**PUBLIC COMMENT PERIOD**

*Reference: Government Code Sections 11346.5(a)(1), 11346.5(a)(15) and 11346.5(a)(17).*

A public hearing has not been scheduled; however, written comments will be accepted from **July 26, 2024**, until midnight on **September 9, 2024**.

Comments may be submitted to CBSC via:

E-mail: [cbsc@dgs.ca.gov](mailto:cbsc@dgs.ca.gov)

US Mail postmarked no later than **September 9, 2024**:

California Building Standards Commission  
Attention: Public Comments  
2525 Natomas Park Drive, Suite 130  
Sacramento, CA 95833

Note: Only comments received in an accessible format will be viewable via CBSC’s website.

Any interested person, or his or her duly authorized representative, may request no later than 15 days prior to the close of the written comment period that a public hearing be held.

The public will have an opportunity to provide written and oral comments regarding the proposed action on building standards at a public meeting to be conducted by CBSC to be scheduled at a date near the end of the current adoption cycle. A meeting notice will be issued announcing the date, time and location of the public meeting.

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

*Reference: Government Code Section 11346.5(a)(18).*

Following the public comment period, CBSC may adopt the proposed building standards substantially as proposed in this notice or with modifications that are sufficiently related to the original proposed text and notice of proposed changes. If modifications are made, the full text of the proposed modifications, clearly indicated, will be made available to the public for at least 15 days prior to the date on which CBSC adopts, amends, or repeals the regulation(s). CBSC will accept written comments on the modified building standards during the 15-day period.

NOTE: To be notified of any modifications, you must submit written/oral comments or request that you be notified of any modifications.

**AUTHORITY AND REFERENCE**

*Reference: Government Code Section 11346.5(a)(2).*

CBSC proposes to adopt these building standards under the authority granted by Health and Safety Code Section 18949.1.

The purpose of these building standards is to implement, interpret, or make specific the provisions of Government Code Sections 4450 through 4452, 4456, 4457, 4459, 12955.1 and 14679, Health and Safety Code Sections 19955 through 19959 and Vehicle Code Section 22511.8.

The Division of the State Architect is proposing this regulatory action based on Government Code Sections 4450 and 12955.1(c).

**INFORMATIVE DIGEST**

*Reference: Government Code Section 11346.5(a)(3)*

**Summary of Existing Laws**

**Government Code Section 4450** authorizes the State Architect to develop regulations for making buildings, structures, sidewalks, curbs, and related facilities accessible to and usable by persons with disabilities.

**Government Code Section 4451** limits the application to buildings and facilities intended for use by the public, with reasonable availability to persons with disabilities, including educational facilities and including those buildings and facilities constructed with state, county, or municipal funds, including any political subdivision thereof. Includes temporary and emergency construction.

**Government Code Section 4452** states that it is the intent of the Legislature that the building standards relating to disabled access are intended to be used as minimum requirements to ensure that buildings and facilities are accessible to, and functional for, disabled persons.

**Government Code Section 4456** establishes that buildings and facilities constructed prior to Nov. 13, 1968 must comply with accessibility provisions when undertaking an alteration, structural repair, or addition.

**Government Code Section 4457** requires that portable school buildings be accessible, with some exceptions.

**Government Code Section 4459** directs the State Architect to develop amendments to building regulations to meet, but not exceed, state regulations effective prior to 2001 and to meet minimum federal accessibility standards adopted by the Department of Justice.

**Government Code Section 12955.1** requires that building standards for public housing must meet minimum requirements of this section and meet or exceed the requirements of the federal Fair Housing Act and implementing regulations; and gives the Division of the State Architect authority to propose regulations as deemed appropriate and necessary to implement, interpret, or make specific the provisions contained therein.

**Government Code Section 14679** requires the State Architect to develop regulations for parking facility accessibility.

**Health and Safety Code Section 18949.1** transfers the responsibilities of DSA to adopt regulations relating to building standards, to the California Building Standards Commission.

**Health and Safety Code Section 19955** requires certain public accommodations and facilities be accessible to persons with disabilities.

**Health and Safety Code Section 19956.5** requires that public walks and curbs be accessible.

**Health and Safety Code Section 19957** provides exceptions from the literal building standards in the cases of unnecessary hardship or technical difficulty and sets enforcement and equivalent facilitation standards.

**Health and Safety Code Section 19958** provides authority for enforcement of building regulations.

**Health and Safety Code Section 19959** requires existing public accommodations to provide accessible features when alterations, structural repairs, or additions are undertaken.

**Vehicle Code Section 22511.8** requires off street parking facilities to provide accessible parking and directs the State Architect to develop appropriate regulations to ensure compliance.

### Summary of Existing Regulations

Existing regulations promulgated by DSA–AC are contained in the California Building Code (Title 24, Part 2). These regulations are applicable to:

1. Publicly funded buildings, structures, sidewalks, curbs and related facilities;
2. Privately funded public accommodations and commercial facilities;
3. Public housing and private housing available for public use;
4. Any portable buildings leased or owned by a school district; and
5. Temporary and emergency buildings and facilities.

### Summary of Effect

The proposed action would amend the CCR, Title 24, Part 2 by:

- Changing the language to the term “bathroom(s)” in the definition of multi–bedroom housing unit.
- Correcting section references in site impracticality tests applied to residential units with adaptable features in public housing.
- Removing duplicative scoping language for toilet rooms and bathing rooms within transient lodging guest rooms that are not required to be accessible.

- Clarifying scoping and technical requirements for transient lodging facilities and housing at a place of education.
- Clarifying scoping exceptions for electric vehicle charging stations (EVCS).
- Adding technical section references to scoping of public housing facilities.
- Adding information to clarify the applicability of additional requirements under site impracticality.
- Clarifying technical requirements for detectable warning surfaces at blended transitions.
- Clarifying technical requirements to public housing for door signal devices, and washing machines and clothes dryers in alignment with existing California Regulations.
- Adding requirements for viewing devices at primary entrances to public housing units, when provided.
- Clarifying language for interior doors within residential dwelling units with adaptable features.
- Changing reference to bathrooms for technical section in residential dwelling units with adaptable features.
- Amending language for shower size and clear floor space at showers in residential dwelling units with adaptable features.
- Adding technical language for overlap of clear floor space at dining surfaces.
- Changing existing reference to Chapters 11A and 11B in raised deck systems egress and accessibility in Chapter 15.
- Clarifying technical requirements for personal lift devices in transient lodging facilities.

The proposed action would amend the CCR, Title 24, Part 10 by:

- Removing unadopted, duplicative language and an incorrect referenced standard in the California Existing Building Code (CEBC).

### Comparable Federal Statute or Regulations

Comparable federal statutes and regulations include:

- Regulations for Title II and Title III of the Americans with Disabilities Act of 1990, as adopted by the US Department of Justice. The regulations provide enforceable standards for accessible design, known as the 2010 ADA Standards for Accessible Design, in three parts.
  1. 2010 Standards for State and Local Government Facilities: Title II Regulations at 28 CFR Part 35.151;
  2. 2010 Standards for Public Accommodations and Commercial Facilities: Title III Regulations at 28 CFR Part 36, Subpart D; and

3. 2010 Standards for Title II and III Facilities: 2004 ADAAG

- Fair Housing Amendments Act of 1988.

**Policy Statement Overview**

The proposed building standards are intended to implement new accessibility provisions and clarify existing accessibility provisions contained in the 2025 California Building Code to ensure that publicly funded buildings, structures, sidewalks, curbs, and related facilities shall be accessible to and usable by persons with disabilities; privately funded public accommodations and commercial facilities shall be accessible to and usable by persons with disabilities; and public housing shall be accessible to and usable by persons with disabilities.

**Evaluation of Consistency**

There are no inconsistent or incompatible regulations proposed.

OTHER MATTERS PRESCRIBED BY  
STATUTE APPLICABLE TO THE AGENCY  
OR TO ANY SPECIFIC REGULATION OR  
CLASS OF REGULATIONS

*Reference: Government Code Section 11346.5(a)(4).*

There are no other matters prescribed by statute applicable to DSA–AC, or to any specific regulation or class of regulations.

MANDATE ON LOCAL AGENCIES OR  
SCHOOL DISTRICTS

*Reference: Government Code Section 11346.5(a)(5).*

DSA–AC has determined that the proposed regulatory action **WOULD NOT** impose a mandate on local agencies or school districts.

ESTIMATE OF COST OR SAVINGS

*Reference: Government Code Section 11346.5(a)(6).*

An estimate, prepared in accordance with instructions adopted by Department of Finance, of cost or savings to any state agency, local agency, or school district.

- A. Cost or Savings to any state agency: **No.**
- B. Cost to any local agency required to be reimbursed under Part 7 (commencing with Section 17500) of Division 4: **No.**
- C. Cost to any school district required to be reimbursed under Part 7 (commencing with Section 17500) of Division 4: **No.**
- D. Other nondiscretionary cost or savings imposed on local agencies: **No.**

E. Cost or savings in federal funding to the state: **No.**

Estimate: N/A.

INITIAL DETERMINATION OF NO  
SIGNIFICANT STATEWIDE ADVERSE  
ECONOMIC IMPACT ON BUSINESSES

*Reference: Government Code Section 11346.5(a)(8).*

If the agency makes an initial determination that the amendment of this regulation will not have a significant, statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states, it shall make a declaration to that effect.

DSA–AC has made an initial determination that the amendment of this regulation will not have a significant statewide adverse economic impact on businesses, including the ability of California businesses to compete with businesses in other states.

**Declaration of Evidence**

*Reference: Government Code Section 11346.5(a)(8).*

In making the declaration, the agency shall provide in the record of facts, evidence, documents, testimony, or other evidence that the agency relied upon to support its initial determination of no effect.

No facts, evidence, documents, testimony or other evidence were relied upon nor received during pre-cycle outreach workshops indicating that there would be a significant statewide adverse economic impact to business. The public may submit any information, facts or documents either supporting DSA’s initial determination or finding to the contrary.

FINDING OF NECESSITY FOR THE  
PUBLIC’S HEALTH, SAFETY, OR WELFARE

*Reference: Government Code Section 11346.5(a)(11).*

Any regulation that requires a report shall not apply to businesses, unless the agency makes a finding that it is necessary for the health, safety, or welfare of the public that the regulations apply to businesses.

N/A

COST IMPACT ON REPRESENTATIVE  
PRIVATE PERSON OR BUSINESS

*Reference: Government Code Section 11346.5(a)(9).*

Describe all cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action. If no cost impact, provide the following statement:

DSA–AC is not aware of any cost impacts that a representative private person or business would necessar-

ily incur in reasonable compliance with the proposed action.

ASSESSMENT OF EFFECT OF REGULATIONS UPON JOBS AND BUSINESS EXPANSION, ELIMINATION OR CREATION

*Reference: Government Code Section 11346.5(a)(10).*

The DSA–AC has assessed whether and to what extent this proposal will affect the following:

**A. The creation or elimination of jobs within the State of California.**

The Division of the State Architect has determined that the proposed action has no effect.

**B. The creation of new businesses or the elimination of existing businesses within the State of California.**

The Division of the State Architect has determined that the proposed action has no effect.

**C. The expansion of businesses currently doing business within the State of California.**

The Division of the State Architect has determined that the proposed action has no effect.

**D. The benefits of the regulation to the health and welfare of California residents, worker safety, and the state’s environment.**

The Division of the State Architect has determined that the proposal establishes the minimum requirements to safeguard the public health, safety and general welfare through access to persons with disabilities.

ESTIMATED COST OF COMPLIANCE OF STANDARDS THAT WOULD IMPACT HOUSING

*Reference: Government Code Section 11346.5(a)(12).*

The Division of the State Architect has made an initial determination that this proposal would not have a significant effect on housing costs.

CONSIDERATION OF ALTERNATIVES

*Reference: Government Code Section 11346.5(a)(13).*

DSA–AC has determined that no reasonable alternative considered by DSA–AC or that has otherwise been identified and brought to the attention of DSA–AC would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action. In addition, no reasonable alternative considered by DSA–AC or that has otherwise been identified and brought to the attention of DSA–AC would be more cost–effective to affected

private persons and equally effective in implementing the statutory policy or other provisions of law.

AVAILABILITY OF RULEMAKING DOCUMENTS

*Reference: Government Code Sections 11346.5(a)(16) and 11346.5(a)(20).*

All of the information upon which the proposed regulations are based is contained in the rulemaking file, which is available for public review, by contacting the person named below. This notice, the express terms and initial statement of reasons can be accessed from the CBSC website: [dgs.ca.gov/BSC](https://dgs.ca.gov/BSC).

*Reference: Government Code Section 11346.5(a)(19).*

Interested parties 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 at the CBSC website: [dgs.ca.gov/BSC](https://dgs.ca.gov/BSC).

*Reference: Government Code Section 11346.5(a)(21).*

DSA–AC shall provide, upon request, a description of proposed changes included in the proposed action, in the manner provided by Section 11346.6, to accommodate a person with a visual or other disability for which effective communication is required under state or federal law. The statement shall note that providing the accessible description of proposed changes may require extending the period of public comment for the proposed action.

CBSC CONTACT PERSON FOR PROCEDURAL AND ADMINISTRATIVE QUESTIONS

*Reference: Government Code Section 11346.5(a)(14).*

General questions regarding procedural and administrative issues should be addressed to:

Kevin Day, Deputy Executive Director  
California Building Standards Commission  
2525 Natomas Park Drive, Suite 130  
Sacramento, CA 95833  
Telephone: (916) 263–0916

PROPOSING STATE AGENCY CONTACT PERSON FOR SUBSTANTIVE OR TECHNICAL QUESTIONS ON THE PROPOSED CHANGES TO BUILDING STANDARDS

Specific questions regarding the substantive or technical aspects of the proposed changes to the building standards should be addressed to:

Primary Contact:

Eric Driever, Principal Architect  
Division of the State Architect  
Headquarters, Codes and Policies  
(916) 443-9829  
[Eric.driver@dgs.ca.gov](mailto:Eric.driver@dgs.ca.gov)

Back up Contact:

Michelle Davis, Supervising Architect  
Division of the State Architect  
Headquarters, Codes and Policies  
(279) 799-3835  
[Michelle.davis@dgs.ca.gov](mailto:Michelle.davis@dgs.ca.gov)

**TITLE 24. BUILDING STANDARDS  
COMMISSION/DEPARTMENT  
OF HOUSING AND COMMUNITY  
DEVELOPMENT**

NOTICE OF PROPOSED ACTION TO  
BUILDING STANDARDS OF THE  
CALIFORNIA DEPARTMENT OF HOUSING  
AND COMMUNITY DEVELOPMENT  
REGARDING THE 2025 CALIFORNIA  
BUILDING CODE  
CALIFORNIA CODE OF REGULATIONS,  
TITLE 24, PART 2, CHAPTER 11A  
(HCD 1-AC 01/24)

Notice is hereby given that the California Building Standards Commission (CBSC) on behalf of the Department of Housing and Community Development (HCD) proposes to adopt, approve, codify, and publish changes to building standards contained in the California Code of Regulations (CCR), title 24, part 2, chapter 11A. The HCD is proposing building standards related to the 2025 California Building Code, chapter 11A.

PUBLIC COMMENT PERIOD

*Reference: Government Code Sections 11346.5(a)(1), 11346.5(a)(15) and 11346.5(a)(17).*

A public hearing has not been scheduled; however, written comments will be accepted from **July 26, 2024**, until midnight on **September 9, 2024**.

Comments may be submitted to CBSC via:

E-mail: [cbsc@dgs.ca.gov](mailto:cbsc@dgs.ca.gov)

US Mail postmarked no later than **September 9, 2024**:

California Building Standards Commission  
Attention: Public Comments  
2525 Natomas Park Drive, Suite 130  
Sacramento, CA 95833

Note: Only comments received in an accessible format will be viewable via CBSC's website.

Any interested person, or his or her duly authorized representative, may request no later than 15 days prior to the close of the written comment period that a public hearing be held. The public will have an opportunity to provide written and oral comments regarding the proposed action on building standards at a public meeting to be conducted by CBSC to be scheduled at a date near the end of the current adoption cycle. A meeting notice will be issued announcing the date, time and location of the public meeting.

POST-HEARING MODIFICATIONS TO THE  
TEXT OF THE REGULATIONS

*Reference: Government Code Section 11346.5(a)(18).*

Following the public comment period, CBSC may adopt the proposed building standards substantially as proposed in this notice or with modifications that are sufficiently related to the original proposed text and notice of proposed changes. If modifications are made, the full text of the proposed modifications, clearly indicated, will be made available to the public for at least 15 days prior to the date on which CBSC adopts, amends, or repeals the regulation(s). CBSC will accept written comments on the modified building standards during the 15-day period.

NOTE: To be notified of any modifications, you must submit written/oral comments or request that you be notified of any modifications.

AUTHORITY AND REFERENCE

*Reference: Government Code Section 11346.5(a)(2).*

CBSC proposes to adopt these building standards under the authority granted by Health and Safety Code, Section 18949.5. The purpose of these building standards is to implement, interpret, or make specific the provisions of Health and Safety Code, sections 17000 through 17062.5, 17910 through 17995.5, 18200 through 18700, 18860 through 18874, 18941, 19960 through 19997; and Government Code, sections 12955.1, and 12955.1.1.

HCD is proposing this regulatory action based on Health and Safety Code, sections 17040, 17050, 17920.9, 17921, 17922, 18300, 18620, 18630, 18640, 18670, 18865, 18871.3, 18873, 18873.1 through 18873.5 and 19990; and Government Code, sections 12955.1, 12955.1.1 and 65852.2.

## INFORMATIVE DIGEST

*Reference: Government Code Section 11346.5(a)(3).*

**Summary of Existing Laws**

**Government Code, section 12955.1** requires HCD to propose the adoption, amendment, or repeal of building standards by the CBSC for the “design and construction of covered multifamily dwellings that are not public housing that allow access to, and use by, disabled persons”. The CBSC is authorized to adopt these building standards under the authority granted by Health and Safety Code (HSC) section 18949.5.

**Government Code, section 12955.1.1** provides a clear definition for the terms “covered multifamily dwelling” and “multistory dwelling unit.”

**Government Code, section 65852.2** establishes requirements for the Accessory dwelling units.

**Health and Safety Code, sections 17000 through 17062.5** Employee Housing Act. Requires HCD to develop and adopt building standards for employee housing.

**Health and Safety Code, sections 17040 and 17050** requires HCD to adopt building standards for employee housing for “... the protection of the public health, safety, and general welfare of employees and the public, governing the erection, construction, enlargement, conversion, alteration, repair, occupancy, use, sanitation, ventilation, and maintenance of all employee housing”.

**Health and Safety Code, sections 17910 through 17995.5** State Housing Law. Requires HCD to develop and adopt regulations for buildings used for human habitation.

**Health and Safety Code, section 17920.9** requires HCD to propose the adoption, amendment, or repeal by the CBSC of regulations necessary for the provision of minimum fire safety and fire-resistant standards relating to the manufacture, composition, and use of foam building systems manufactured for use, or used, in construction of buildings subject to State Housing Law (Part 1.5 (commencing with section 17910) of Division 13 of the HSC), mobilehomes or factory-built housing, for the protection of the health and safety of persons occupying those buildings, mobilehomes, or factory-built housing.

**Health and Safety Code, section 17921** requires HCD to propose the adoption, amendment, or repeal of building standards by the CBSC. HSC section 17922 requires that the building standards be essentially the same as the most recent editions of the international or uniform industry codes. The CBSC is authorized to adopt these building standards under the authority granted by Health and Safety Code Section 18949.5.

**Health and Safety Code, section 17922** states that the most recent editions of the international or uniform codes referred to in that section shall be consid-

ered to be adopted one year after the date of publication of the uniform codes.

**Health and Safety Code, sections 18200 through 18700.** Mobilehome Parks Act. Requires HCD to develop and adopt building standards for mobilehome parks.

**Health and Safety Code, section 18300** requires HCD to adopt building standards for mobilehome parks.

**Health and Safety Code, section 18620** establishes HCD’s authority to propose the adoption of a building standard to the CBSC pursuant to Chapter 4 (commencing with section 18935) of Part 2.5 of the HSC regarding the construction of buildings in mobilehome parks that it determines are reasonably necessary for the protection of life and property and to carry out the purposes of the Mobilehome Parks Act (Part 2.1 (commencing with section 18200) of Division 13 of the HSC).

**Health and Safety Code, section 18630** establishes HCD’s authority to propose the adoption of building standards to the CBSC pursuant to Chapter 4 (commencing with section 18935) of Part 2.5 of the HSC regarding plumbing in mobilehome parks that are reasonably necessary for the protection of life and property and to carry out the purposes of the Mobilehome Parks Act (Part 2.1 (commencing with section 18200) of Division 13 of the HSC).

**Health and Safety Code, section 18640** authorizes HCD to propose the adoption of building standards to the CBSC pursuant to Chapter 4 (commencing with section 18935) of Part 2.5 of the HSC for toilet, shower, and laundry facilities in mobilehome parks.

**Health and Safety Code, section 18670** authorizes HCD to propose the adoption of building standards to the CBSC pursuant to Chapter 4 (commencing with section 18935) of Part 2.5 of the HSC regarding electrical wiring, fixtures, and equipment installed in mobilehome parks that it determines are reasonably necessary for the protection of life and property and to carry out the purposes of the Mobilehome Parks Act (Part 2.1 (commencing with section 18200) of Division 13 of the HSC).

**Health and Safety Code, sections 18860 through 18874** Special Occupancy Parks Act. Requires HCD to develop and adopt building standards for special occupancy parks.

**Health and Safety Code, section 18865** requires HCD to adopt building standards for special occupancy parks.

**Health and Safety Code, section 18871.3** establishes HCD’s authority to propose the adoption of building standards to the CBSC pursuant to Chapter 4 (commencing with section 18935) of Part 2.5 of the HSC to adopt regulations regarding the construction, location and use of accessory structures in parks.

**Health and Safety Code, section 18873** establishes HCD’s authority to propose the adoption of building standards to the CBSC pursuant to Chapter 4 (commencing with section 18935) of Part 2.5 of the HSC to adopt regulations regarding the construction of buildings in special occupancy parks that it determines are reasonably necessary for the protection of life and property and to carry out the purposes of the Mobilehome Parks Act (Part 2.1 (commencing with section 18200) of Division 13 of the HSC).

**Health and Safety Code, section 18873.1** establishes HCD’s authority to propose the adoption of building standards to the CBSC pursuant to Chapter 4 (commencing with section 18935) of Part 2.5 of the HSC regarding plumbing in special occupancy parks that are reasonably necessary for the protection of life and property and to carry out the purposes of the Special Occupancy Parks Act (Part 2.3 (commencing with section 18860) of Division 13 of the HSC).

**Health and Safety Code, section 18873.2** authorizes HCD to propose the adoption of building standards to the CBSC pursuant to Chapter 4 (commencing with section 18935) of Part 2.5 of the HSC for toilet, shower, and laundry facilities in special occupancy parks.

**Health and Safety Code, section 18873.3** authorizes HCD to propose the adoption of building standards to the CBSC pursuant to Chapter 4 (commencing with section 18935) of Part 2.5 of the HSC regarding electrical wiring, fixtures, and equipment installed in special occupancy parks that it determines are reasonably necessary for the protection of life and property and to carry out the purposes of the Special Occupancy Parks Act (Part 2.3 (commencing with section 18860) of Division 13 of the HSC).

**Health and Safety Code, section 18873.4** establishes HCD’s authority to propose the adoption of building standards to the CBSC pursuant to Chapter 4 (commencing with section 18935) of Part 2.5 of the HSC to adopt regulations regarding fuel gas equipment and installation within permanent buildings and parks.

**Health and Safety Code, section 18873.5** establishes HCD’s authority to propose the adoption of building standards to the CBSC pursuant to Chapter 4 (commencing with section 18935) of Part 2.5 of the HSC to adopt regulations regarding the prevention of fire or for the protection of life and property against fire in parks.

**Health and Safety Code, section 18941** requires HCD to administer building standards, written on a performance basis consistent with state and nationally recognized standards for building construction in view of the use and occupancy of each structure to preserve and protect the public health and safety.

**Health and Safety Code, sections 19960 through 19997** requires HCD to adopt building standards for factory–built housing.

**Health and Safety Code, section 19990** authorizes HCD to propose the adoption of building standards to the CBSC pursuant to Chapter 4 (commencing with section 18935) of Part 2.5 of the HSC regarding requirements related to factory building housing to include the most recent editions of the international or uniform industry codes.

**Summary of Existing Regulations**

The 2022 California Building Code, CCR, title 24, part 2 (CBC), chapter 11A, became effective on January 1, 2023.

The supplement to the 2022 California Building Code, CCR, title 24, part 2 (CBC), chapter 11A will become effective on July 1, 2024. Changes as a result of the supplement will include the following proposed amendments:

- Two editorial modifications to section numbers in CBC, Chapter 10, and one in CBC, Chapter 11A.
- Adopt language from the Fair Housing Act Design Manual to allow a half–inch tolerance for installation of standard countertops.

**Summary of Effect**

Summary of effect of the proposed specific changes on existing CBC regulations:

- Clarification that newly constructed covered multifamily dwellings, which can also be defined as public housing, are subject to the requirements of Chapter 11B only.
- During the 2015 Triennial Code Adoption Cycle, many sections in Chapter 10 were renumbered to align with the changes made to section numbers in the IBC. Seven items including editorial modifications to section numbers in CBC, Chapter 11A that were omitted during the 2021 Triennial Code Adoption Cycle.

These changes will impact the following HCD programs:

- a) State Housing Law Program: relative to residential occupancies, buildings or structures accessory thereto and as provided for through the Federal Fair Housing Amendments Act of 1988 (Public Law, 100–430 — and its implementing regulations — title 24 of the Code of Federal Regulations, 100.1 et seq.) and state law accessibility requirements, except where the application is for public use only.
- b) Employee Housing Program: relative to the use of any buildings or structures on the property in accordance with HSC, section 17040.
- c) Mobilehome Parks and Special Occupancy Parks Programs: relative to the design or construction

of permanent buildings and accessory buildings and structures within the park in accordance with HSC, sections 18300, 18620, 18865 and 18873.1.

- d) Factory–built Housing Program: relative to residential buildings, dwellings or portions thereof, or building component, or manufactured assemblies in accordance with HSC, section 19990.

The standards provide consistency with model code format, state and federal laws and regulations, and conditions unique to California. In addition, the amendments provide clarity and specificity, and give direction for the code user. A discussion of the effect of the regulations may be found in the Initial Statement of Reasons.

**Comparable Federal Statute or Regulations**

There are no comparable federal statutes or regulations. However, CBC, Chapter 11A is modeled after the Federal Fair Housing Act (FHA) (see the United States Code, Title 42, Chapter 45, Section 2601) and also selected sections of the FHA Design Manual.

**Policy Statement Overview**

The proposed regulations, as part of the update to the 2025 California Building Code, chapter 11A, will adopt, amend, or repeal existing building standards and establish new building standards, which will affect residential occupancies and buildings or structures accessory thereto, as provided for by federal and state accessibility requirements; the use of general design, structural, and fire and life safety requirements in housing construction, buildings and structures accessory thereto; and permanent buildings in mobile-home parks and special occupancy parks.

The benefits anticipated from this proposed regulatory action include updating building standards, which will result in the protection of public health and safety, worker safety, the environment and the general welfare of California residents. In addition, providing for use of the most recent building technology, methods and materials, and applying those building standards on a statewide basis, as required by statute, results in uniformity in residential construction and promotes affordable costs.

**Evaluation of Consistency**

HCD has determined that the proposed regulations are not inconsistent or incompatible with existing state regulations.

**OTHER MATTERS PRESCRIBED BY  
STATUTE APPLICABLE TO THE AGENCY  
OR TO ANY SPECIFIC REGULATION OR  
CLASS OF REGULATIONS**

*Reference: Government Code Section 11346.5(a)(4).*  
None.

**MANDATE ON LOCAL AGENCIES OR  
SCHOOL DISTRICTS**

*Reference: Government Code Section 11346.5(a)(5).*

HCD has determined that the proposed regulatory action would not impose a mandate on local agencies or school districts.

**ESTIMATE OF COST OR SAVINGS**

*Reference: Government Code Section 11346.5(a)(6).*

An estimate, prepared in accordance with instructions adopted by Department of Finance, of cost or savings to any state agency, local agency, or school district.

- A. Cost or Savings to any state agency: **None.**
- B. Cost to any local agency required to be reimbursed under Part 7 (commencing with Section 17500) of Division 4: **None.**
- C. Cost to any school district required to be reimbursed under Part 7 (commencing with Section 17500) of Division 4: **None.**
- D. Other nondiscretionary cost or savings imposed on local agencies: **None.**
- E. Cost or savings in federal funding to the state: **None.**

Estimate: The proposed changes do not result in costs to state agencies, local agencies, or school districts.

**INITIAL DETERMINATION OF NO  
SIGNIFICANT STATEWIDE ADVERSE  
ECONOMIC IMPACT ON BUSINESSES**

*Reference: Government Code Section 11346.5(a)(8).*

If the agency makes an initial determination that the adoption/amendment/repeal of this regulation will not have a significant, statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states, it shall make a declaration to that effect.

HCD has made an initial determination that the amendment of this regulation will not have a significant statewide adverse economic impact on businesses, including the ability of California businesses to compete with businesses in other states.

**Declaration of Evidence**

*Reference: Government Code Section 11346.5(a)(8).*

In making the declaration, the agency shall provide in the record of facts, evidence, documents, testimony, or other evidence that the agency relied upon to support its initial determination of no effect.

HCD has determined that there are minimal facts, evidence, documents, testimony, or other evidence upon which the agency relied to support its initial de-

termination of no effect pursuant to Government Code, section 11346.5(a)(8). The public is welcome to submit any information, facts or documents either supporting HCD’s initial determination or finding to the contrary.

**FINDING OF NECESSITY FOR THE PUBLIC’S HEALTH, SAFETY, OR WELFARE**

*Reference: Government Code Section 11346.5(a)(11).*

Any regulation that requires a report shall not apply to businesses, unless the agency makes a finding that it is necessary for the health, safety, or welfare of the public that the regulations apply to businesses.

N/A.

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

*Reference: Government Code Section 11346.5(a)(9).*

Describe all cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action. If no cost impact, provide the following statement:

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

**ASSESSMENT OF EFFECT OF REGULATIONS UPON JOBS AND BUSINESS EXPANSION, ELIMINATION OR CREATION**

*Reference: Government Code Section 11346.5(a)(10).*

The Department of Housing and Community Development has assessed whether and to what extent this proposal will affect the following:

**A. The creation or elimination of jobs within the State of California.**

These regulations will not affect the creation, or cause the elimination, of jobs within the State of California.

**B. The creation of new businesses or the elimination of existing businesses within the State of California.**

These regulations will not affect the creation or the elimination of existing businesses within the State of California.

**C. The expansion of businesses currently doing business within the State of California.**

These regulations will not affect the expansion of businesses currently doing business within the State of California.

**D. The benefits of the regulation to the health and welfare of California residents, worker safety, and the state’s environment.**

These regulations benefit California residents by ensuring the building standards HCD proposes provide advancement to the accessibility needs of Californians, protection of public health and safety, worker safety, and the environment.

**ESTIMATED COST OF COMPLIANCE OF STANDARDS THAT WOULD IMPACT HOUSING**

*Reference: Government Code Section 11346.5(a)(12).*

There is no anticipated increased cost of compliance for the proposed California amendments.

**CONSIDERATION OF ALTERNATIVES**

*Reference: Government Code Section 11346.5(a)(13).*

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

**AVAILABILITY OF RULEMAKING DOCUMENTS**

*Reference: Government Code Sections 11346.5(a)(16) and 11346.5(a)(20).*

All of the information upon which the proposed regulations are based is contained in the rulemaking file, which is available for public review, by contacting the person named below. This notice, the express terms and initial statement of reasons can be accessed from the *CBSC website*: [dgs.ca.gov/BSC](https://dgs.ca.gov/BSC).

*Reference: Government Code Section 11346.5(a)(19).*

Interested parties 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 at the *CBSC website*: [dgs.ca.gov/BSC](https://dgs.ca.gov/BSC).

*Reference: Government Code Section 11346.5(a)(21).*

HCD shall provide, upon request, a description of proposed changes included in the proposed action, in the manner provided by Section 11346.6, to accommodate a person with a visual or other disability for which effective communication is required under state

or federal law. The statement shall note that providing the accessible description of proposed changes may require extending the period of public comment for the proposed action.

**GENERAL PUBLIC INTEREST**

**CBSC CONTACT PERSON  
FOR PROCEDURAL AND  
ADMINISTRATIVE QUESTIONS**

*Reference: Government Code Section 11346.5(a) (14).*

General questions regarding procedural and administrative issues should be addressed to:

Kevin Day, Deputy Executive Director  
2525 Natomas Park Drive, Suite 130  
Sacramento, CA 95833  
Telephone: (916) 263–0916

**PROPOSING STATE AGENCY CONTACT  
PERSON FOR SUBSTANTIVE OR  
TECHNICAL QUESTIONS ON  
THE PROPOSED CHANGES TO  
BUILDING STANDARDS**

Specific questions regarding the substantive or technical aspects of the proposed changes to the building standards should be addressed to:

Primary Contact:

Veronica Turdean, Associate Construction Analyst  
Department of Housing and Community  
Development  
State Housing Law Program  
(916) 841–7609  
[Veronica.Turdean@hcd.ca.gov](mailto:Veronica.Turdean@hcd.ca.gov)

Back up Contact:

Mitchel Baker, Assistant Deputy Director  
Department of Housing and Community  
Development  
Administration  
(916) 214–8097  
[Mitchel.Baker@hcd.ca.gov](mailto:Mitchel.Baker@hcd.ca.gov)

**DEPARTMENT OF FISH AND  
WILDLIFE**

**CESA CONSISTENCY DETERMINATION  
REQUEST FOR  
SAN DIEGO GAS AND ELECTRIC  
COMPANY HABITAT CONSERVATION  
PLAN AMENDMENT  
2080–2024–003–05  
SAN DIEGO, ORANGE, AND  
RIVERSIDE COUNTIES**

The California Department of Fish and Wildlife (CDFW) received a notice on June 27, 2024, that San Diego Gas and Electric (SDG&E) proposes to rely on a federal permit to carry out a project that may adversely affect a species protected by the California Endangered Species Act (CESA). The proposed project includes ongoing operation and maintenance activities, wildlife fuels management, and new construction activities. The proposed project will occur on the 2,815,930–acre SDG&E Service Area for its natural gas and electric infrastructure throughout San Diego, Orange, and Riverside Counties.

SDG&E prepared an amendment to their previous Habitat Conservation Plan (HCP, issued 1995). The amendment considered the effects of the proposed project on state and federally threatened Stephens’ kangaroo rat (*Dipodomys stephensi*) among other species. The U.S. Fish and Wildlife Service (Service) issued a federal incidental take permit (ITP)(Permit Number ESPER4956429) to SDG&E for the HCP amendment on October 20, 2023. The Service also issued a federal intra–Service biological opinion (BO)(Service Ref. Number 23–0101396\_S7–FR\_SD) for the HCP amendment in October 2023.

Pursuant to California Fish and Game Code section 2080.1, SDG&E is requesting a determination that the ITP and its associated HCP amendment and BO and its incidental take statement (ITS) are consistent with CESA for the Stephens’ kangaroo rat for the purposes of the proposed project. If CDFW determines the ITP and its associated HCP amendment, along with the ITS and associated BO, are consistent with CESA for the proposed project, SDG&E will not be required to obtain an incidental take permit under Fish and Game Code section 2081 subdivision (b) for the proposed project.

DEPARTMENT OF FISH AND  
WILDLIFE

HABITAT RESTORATION AND  
ENHANCEMENT ACT  
CONSISTENCY DETERMINATION  
NUMBER 1653–2024–137–001–R3

**Project:** San Gregorio Creek Habitat  
Enhancement Phase 3  
**Location:** San Mateo County  
**Applicant:** Ryan Silsbee, San Mateo Resource  
Conservation District

**Background**

*Project Location:* The San Gregorio Creek Habitat Enhancement Phase 3 (Project) is located at 2320 La Honda Road, San Gregorio, CA 94020, within the “Repetto Farm” agricultural property owned by Dave Repetto, Assessor Parcel Number (APN) 081–290–180, and affects San Gregorio Creek. San Gregorio Creek supports populations of Central California Coast (CCC) coho salmon (*Oncorhynchus kisutch*), steelhead (*Oncorhynchus mykiss*), Pacific lamprey (*Entosephenus tridentatus*), California red-legged frog (*Rana draytonii*), western pond turtle (*Actinemys pallida*), Santa Cruz black salamander (*Aneides niger*), San Francisco garter snake (*Thamnophis sirtalis tetrataenia*), San Francisco dusky-footed woodrat (*Neotoma fuscipes*), and American badger (*Taxidea taxus*).

*Project Description:* Ryan Silsbee, representing San Mateo Resource Conservation District (Applicant), proposes to enhance or restore habitat within San Gregorio Creek to provide a net conservation benefit for CCC coho salmon, steelhead, and Pacific lamprey. The Project includes the installation of natural habitat features that will sort and store sediment, increase hydraulic complexity, and provide habitat fish need to forage, seek refuge, rear, and spawn.

The Project will be the third phase in a series of restoration projects that have been aimed at making a concerted effort to address wood deficiency and increase habitat diversity in San Gregorio Creek. Currently, a lack of instream large wood and reduced instream habitat complexity were identified as a major limiting factor in the Santa Cruz Mountains Diversity Strata, which includes the San Gregorio Creek watershed. Increasing the amount of wood in the creek will interrupt and decrease water velocities during winter high flows, create side-channel habitat where feasible, increase size and cover of pools during summer low flows, and sort and store sediment.

The Project will install eight habitat features over a half mile of lower San Gregorio Creek, utilizing a total

of approximately 56 logs that will be either imported redwood and Douglas fir, and/or locally sourced eucalyptus. Up to 10 of the trees used will have rootwads attached, and anchored large wood will utilize boulders to both provide anchor points and necessary ballast. Additionally, a small number of large diameter trees will be felled into the stream, a minimal clearing of vegetation will occur, and a temporary access route will be created through 0.23 acres of riparian area at the Project site. The Project has been designed to minimize in-stream impacts to San Gregorio Creek, with all excavation being done outside of the wetted channel. An optional stream crossing is included in designs, but will only be used if needed to support wood structure installation and log placement. If a stream crossing is deemed necessary, blocknets will be placed upstream and downstream of the project site and fish will be relocated from the isolated area. After fish relocation, permeable super sacks will be placed in the stream to form the temporary stream crossing.

*Project Size:* The total area of ground disturbance associated with the Project is approximately 0.56 acres (0.45 temporary + 0.11 permanent) and 400 linear feet (320 temporary + 80 permanent). The Applicant has included project size calculations that were used to determine the total size of the Project. The proposed Project complies with the General 401 Certification for Small Habitat Restoration Projects and associated categorical exemption from the California Environmental Quality Act (Cal. Code Regs., title 14, § 15333).

*Project Associated Discharge:* Discharge of materials into Waters of the State, as defined by Water Code section 13050 subdivision (e), resulting from the Project include those associated with the following: (1) Fifty-six 55-foot x 30-foot logs, (2) 83 boulders 3–4 feet in diameter, (3) 28 cubic yards (cy) of slash, (4) 56 rebar for log connectors 3–4 feet long and 1 1/8 inches in diameter, and (5) 112 steel plates and nuts for log connectors, 4 inch x 4 inch x 3/8 inch.

*Project Timeframes:* Start date: July 2024

Completion date: October 2024

Work window: July 15–October 31

*Water Quality Certification Background:* Because the Project’s primary purpose is habitat restoration intended to 1) improve the quality of waters in California and 2) install natural habitat features to sort and store sediment, increase hydraulic complexity, and provide habitat fish need to forage, seek refuge, rear, and spawn, the San Francisco Bay Regional Water Quality Control Board (Regional Water Board) issued a Notice of Applicability (NOA) for Coverage under the State Water Resources Control Board General 401 Water Quality Certification Order for Small Habitat Restoration Projects SB12006GN (Order) (Waste Discharge Identification (WDID) Number 2 CW456336, RM Number 456336, and Place ID 894140

for the Project. The NOA describes the Project and requires the Applicant to comply with terms of the Order. Additionally, the Applicant has provided a supplemental document that sets forth measures to avoid and minimize impacts to California red-legged frog, San Francisco garter snake, fish species, reptiles, and mammals.

*Receiving Water:* San Gregorio Creek

*Filled or Excavated Area:* Permanent area impacted: 0.11 acres

Temporary area impacted: 0.45 acres

Length temporarily impacted: 320 linear feet

Length permanently impacted: 80 linear feet

*Dredge Volume:* None.

*Discharge Volume:* (1) Fifty-six 55-foot x 30-foot logs, (2) 83 boulders 3–4 feet in diameter, (3) 28 cubic yards (cy) of slash, (4) 56 rebar for log connectors 3–4 feet long and 1 1/8 inches in diameter, and (5) 112 steel plates and nuts for log connectors, 4-inch x 4-inch x 3/8 inch.

*Project Location:* Latitude 37.326170 North and Longitude –122.366866 West, (NAD 83); APN: 081290180.

Regional Water Board staff determined that the Project may proceed under the Order. Additionally, Regional Water Board staff determined that the Project, as described in the Notice of Intent (NOI) complies with the California Environmental Quality Act (Pub. Resources Code, § 21000 et seq.).

On June 10, 2024, the Director of the California Department of Fish and Wildlife (CDFW) received a notice from the Applicant requesting a determination pursuant to Fish and Game Code Section 1653 that the NOA, NOI, and related species protection measures are consistent with the Habitat Restoration and Enhancement Act (HREA) with respect to the Project.

Pursuant to Fish and Game Code section 1653 subdivision (c), CDFW filed an initial notice with the Office of Administrative Law on June 12, 2024, for publishing in the General Public Interest section of the California Regulatory Notice Register (Cal. Reg. Notice File Number Z–2024–0612–02) on June 28, 2024. Upon approval, CDFW will file a final notice pursuant to Fish and Game Code section 1653 subdivision (f).

### **Determination**

CDFW has determined that the NOA, NOI, and related species protection measures are consistent with HREA as to the Project and meets the conditions set forth in Fish and Game Code section 1653 for authorizing the Project.

Specifically, CDFW finds that: (1) The Project purpose is voluntary habitat restoration and the Project is not required as mitigation; (2) the Project is not part of a regulatory permit for a non-habitat restoration or enhancement construction activity, a regulatory set-

tlement, a regulatory enforcement action, or a court order; and (3) the Project meets the eligibility requirements of the State Water Resources Control Board's Order for Clean Water Act Section 401 General Water Quality Certification for Small Habitat Restoration Projects.

### **Avoidance and Minimization Measures**

The avoidance and minimization measures for Project, as required by Fish and Game Code section 1653, subdivision (b)(4), were included in an attachment to the NOI, which contains the following categories: (1) General Administration; (2) Construction Windows/Time Restrictions; (3) Preconstruction Surveys; (4) Qualified Biologist/Construction Monitoring; (5) Environmental Awareness Training; (6) Invasive Species/Contamination Prevention; (7) Construction Requirements; (8) In-Water Work Requirements; (9) Fish Relocation/Dewatering/Diversion; (10) Erosion and Sediment Control Requirements; (11) Vegetation Avoidance/Minimization and Revegetation Requirements; (12) Herbicide Use Restrictions; (13) Off-Channel Requirements; (14) Species Specific Measures; (15) Other Biological Resource Measures; and (16) Cultural Resource Protection. The specific avoidance and minimization requirements are found in an attachment to the NOI, *Avoidance and Minimization Measures, San Gregorio Creek Habitat Enhancement Phase 3 at Repetto Farm*, dated March 20, 2024.

### **Monitoring and Reporting**

As required by Fish and Game Code section 1653, subdivision (g), the Applicant included a copy of the monitoring and reporting plan. The Applicant's Monitoring and Reporting Plan provides a timeline for restoration, performance standards, and monitoring parameters and protocols. Specific requirements of the plan are found in an attachment to the NOI, *Monitoring and Reporting Plan, San Gregorio Creek Habitat Enhancement III Project*.

### **Notice of Completion**

Coverage under the State Water Resources Control Board General 401 Water Quality Certification Order for Small Habitat Restoration Projects requires the Applicant to submit a Notice of Completion (NOC) no later than 30 days after the project has been completed. A complete NOC includes at a minimum:

- photographs with a descriptive title;
- date the photograph was taken;
- name of the photographic site;
- WDID number, RM Number, and Place ID.
- success criteria for the Project.

The NOC shall demonstrate that the Applicant has carried out the Project in accordance with the Project description as provided in the Applicant's NOI. Applicant shall include the project name, WDID

number, RM Number, and Place ID with all future inquiries and document submittals. Pursuant to Fish and Game Code section 1653, subdivision (g), the Applicant shall submit the monitoring plan, monitoring report, and notice of completion to CDFW as required by the General Order. Applicant shall submit documents electronically to: [Michael.Stuhldreher@wildlife.ca.gov](mailto:Michael.Stuhldreher@wildlife.ca.gov).

**Project Authorization**

Pursuant to Fish and Game Code section 1654, CDFW’s approval of a habitat restoration or enhancement project pursuant to section 1652 or 1653 shall be in lieu of any other permit, agreement, license, or other approval issued by the department, including, but not limited to, those issued pursuant to Chapter 6 (commencing with section 1600) and Chapter 10 (commencing with section 1900) of this Division and Chapter 1.5 (commencing with section 2050) of Division 3. Additionally, Applicant must adhere to all measures contained in the approved NOA and comply with other conditions described in the NOI.

If there are any substantive changes to the Project or if the Water Board amends or replaces the NOA, the Applicant shall be required to obtain a new consistency determination from CDFW. (See generally Fish & Game Code, § 1654, subdivision (c)).

**DEPARTMENT OF FISH AND WILDLIFE**

**HABITAT RESTORATION AND ENHANCEMENT ACT  
CONSISTENCY DETERMINATION  
NUMBER 1653–2024–138–001–R3**

**Project:** Calero Reserve Pond 17  
Desedimentation and Restoration  
**Location:** Santa Clara County  
**Applicant:** Matthew Fogarty, Santa Clara Valley  
Habitat Agency

**Background**

*Project Location:* The Calero Reserve Pond 17 Desedimentation and Restoration (Project) is located within Calero County Park at a property owned by Santa Clara County Department of Parks and Recreation, Assessor Parcel Number (APN) 742–09–046, and affects an unnamed tributary to Alamitos Creek. The unnamed tributary to Alamitos Creek supports populations of California tiger salamander (*Ambystoma californiense*).

*Project Description:* Matthew Fogarty, representing Santa Clara Valley Habitat Agency (Applicant), proposes to enhance or restore habitat within Calero Reserve Pond 17, and an unnamed tributary to

Alamitos Creek to provide a net conservation benefit for California tiger salamander, bay checkerspot butterfly (*Euphydrya Editha bayensis*), and Santa Clara Valley dudleya (*Dudleya abramsii* ssp. *Setchellii*). The Project will repair the pond’s berm/embankment, improving pond depth and wetted duration. Improving the pond depth and wetted duration will provide habitat for California tiger salamander, and improve water availability for cattle grazing, which is used as a management tool to maintain upland habitat.

The Project will include the excavation of approximately 160 cubic yards of sediment from Pond 17, and this excavated sediment will be used to repair the existing berm, which has been breached and degraded. The repaired berm will have an outboard slope not to exceed 20 percent grade. Additionally, a new earthen spillway will be constructed on the side of the repaired berm/embankment and will be lined with approximately 15 yards of rock rip rap 4 inches or greater. The rip rap will prevent erosion and slow water velocity down the spillway. To accomplish the Project, an existing service road and temporary 300-foot access route will be used.

*Project Size:* The total area of ground disturbance associated with the Project is approximately 0.25 acres (0.19 to non-jurisdictional areas, and 0.06 to jurisdictional areas). The proposed Project complies with the General 401 Certification for Small Habitat Restoration Projects and associated categorical exemption from the California Environmental Quality Act (Cal. Code Regs., title 14, § 15333).

*Project Associated Discharge:* Discharge of materials into Waters of the State, as defined by Water Code section 13050 subdivision (e), resulting from the Project include those associated with the following: (1) 160 cubic yards (cy) of soil, and (2) 15 cy of rock rip-rap.

*Project Timeframes:* Start date: September 2024  
Completion date: November 2024  
Work window: September 1–October 15

*Water Quality Certification Background:* Because the Project’s primary purpose is habitat restoration intended to improve the quality of waters in California and improve habitat for California tiger salamander, as well as provide a water source for cattle grazing, which is used for upland habitat management, the San Francisco Bay Regional Water Quality Control Board (Regional Water Board) issued a Notice of Applicability (NOA) for Coverage under the State Water Resources Control Board General 401 Water Quality Certification Order for Small Habitat Restoration Projects SB12006GN (Order) (Waste Discharge Identification (WDID) Number 2CW456318, RM Number 456318, Place ID 894104) for the Project. The NOA describes the Project and requires the Applicant to comply with terms of the Order. Additionally, the Applicant has provided a sup-

plemental document that sets forth measures to avoid and minimize impacts to aquatic species and native plants.

*Receiving Water:* Unnamed tributary to Alamitos Creek.

*Filled or Excavated Area:* Permanent area impacted: 0.002 acres

Temporary area impacted: 0.06 acres

*Dredge Volume:* None.

*Discharge Volume:* 160 cy of soil and 15 cy of rock rip-rap.

*Project Location:* Latitude 37.177114 North and Longitude -121.797576 West (NAD 83); APN: 18104101.

Regional Water Board staff determined that the Project may proceed under the Order. Additionally, Regional Water Board staff determined that the Project, as described in the Notice of Intent (NOI) complies with the California Environmental Quality Act (Pub. Resources Code, § 21000 et seq.).

On June 14, 2024, the Director of the California Department of Fish and Wildlife (CDFW) received a notice from the Applicant requesting a determination pursuant to Fish and Game Code Section 1653 that the NOA, NOI, and related species protection measures are consistent with the Habitat Restoration and Enhancement Act (HREA) with respect to the Project.

Pursuant to Fish and Game Code section 1653 subdivision (c), CDFW filed an initial notice with the Office of Administrative Law on July 2, 2024, for publishing in the General Public Interest section of the California Regulatory Notice Register (Cal. Reg. Notice File Number Z–2024–0702–03) on July 12, 2024. Upon approval, CDFW will file a final notice pursuant to Fish and Game Code section 1653 subdivision (f).

#### **Determination**

CDFW has determined that the NOA, NOI, and related species protection measures are consistent with HREA as to the Project and meets the conditions set forth in Fish and Game Code section 1653 for authorizing the Project.

Specifically, CDFW finds that: (1) The Project purpose is voluntary habitat restoration and the Project is not required as mitigation; (2) the Project is not part of a regulatory permit for a non-habitat restoration or enhancement construction activity, a regulatory settlement, a regulatory enforcement action, or a court order; and (3) the Project meets the eligibility requirements of the State Water Resources Control Board's Order for Clean Water Act Section 401 General Water Quality Certification for Small Habitat Restoration Projects.

#### **Avoidance and Minimization Measures**

The avoidance and minimization measures for Project, as required by Fish and Game Code section 1653, subdivision (b)(4), were included in an attach-

ment to the NOI, which contains the following categories: (1) C1: Avoid direct impacts on legally protected plant and wildlife species; (2) C3: Maintain hydrologic conditions and protect water quality; (3) C4: Avoidance and minimization for in-stream projects; (4) C11: Stream and riparian setbacks; (5) C12: Wetland and pond avoidance and minimization; (6) C13: Serpentine associated covered species avoidance and minimization; and (7) C20: Avoid and minimize impacts to covered plant occurrences. The specific avoidance and minimization requirements are found in an attachment to the NOI, *Biological Resources Memorandum, Calero Reserve Pond 17 Desedimentation and Restoration Project*, prepared by Santa Clara Valley Habitat Agency, June 2024.

#### **Monitoring and Reporting**

As required by Fish and Game Code section 1653, subdivision (g), the Applicant included a copy of the monitoring and reporting plan. The Applicant's Monitoring and Reporting Plan provides a timeline for restoration, performance standards, and monitoring parameters and protocols. Specific requirements of the plan are found in an attachment to the NOI, *Calero Reserve Pond 17 Desedimentation and Restoration Project, Monitoring Plan Document*.

#### **Notice of Completion**

Coverage under the State Water Resources Control Board General 401 Water Quality Certification Order for Small Habitat Restoration Projects requires the Applicant to submit a Notice of Completion (NOC) no later than 30 days after the project has been completed. A complete NOC includes at a minimum:

- photographs with a descriptive title;
- date the photograph was taken;
- name of the photographic site;
- WDID number, RM Number, and Place ID number indicated above;
- success criteria for the Project.

The NOC shall demonstrate that the Applicant has carried out the Project in accordance with the Project description as provided in the Applicant's NOI. Applicant shall include the project name, WDID number, RM Number, and Place ID number with all future inquiries and document submittals. Pursuant to Fish and Game Code section 1653, subdivision (g), the Applicant shall submit the monitoring plan, monitoring report, and notice of completion to CDFW as required by the General Order. Applicant shall submit documents electronically to: [Michael.Stuhldreher@wildlife.ca.gov](mailto:Michael.Stuhldreher@wildlife.ca.gov).

#### **Project Authorization**

Pursuant to Fish and Game Code section 1654, CDFW's approval of a habitat restoration or enhancement project pursuant to section 1652 or 1653 shall be in lieu of any other permit, agreement, license, or

other approval issued by the department, including, but not limited to, those issued pursuant to Chapter 6 (commencing with section 1600) and Chapter 10 (commencing with section 1900) of this Division and Chapter 1.5 (commencing with section 2050) of Division 3. Additionally, Applicant must adhere to all measures contained in the approved NOA and comply with other conditions described in the NOI.

If there are any substantive changes to the Project or if the Water Board amends or replaces the NOA, the Applicant shall be required to obtain a new consistency determination from CDFW. (See generally Fish & Game Code, § 1654, subdivision (c)).

**DEPARTMENT OF FISH AND WILDLIFE**

**FISH AND GAME CODE SECTION 1653  
CONSISTENCY DETERMINATION  
REQUEST FOR  
SAN GREGORIO CREEK HABITAT  
ENHANCEMENT APPLE ORCHARD  
PROJECT PHASE 2  
(TRACKING NUMBER:  
1653-2024-142-001-R3)  
SAN MATEO COUNTY**

California Department of Fish and Wildlife (CDFW) received a Request to Approve on July 8, 2024, that the San Mateo Resource Conservation District proposes to carry out a habitat restoration or enhancement project pursuant to Fish and Game Code section 1653. The proposed project involves the augmentation of seven existing large woody debris features, installation of one new log structure, and implementation of accelerated recruitment at two locations. The proposed project will be carried out on San Gregorio Creek at Midpeninsula Regional Open Space District’s La Honda Open Space Preserve, specifically, on the “Apple Orchard” property, in unincorporated San Mateo County between the communities of San Gregorio and La Honda in San Mateo County, California.

On April 2, 2024, the San Francisco Bay Regional Water Quality Control Board (Regional Water Board) received a Notice of Intent (NOI) to comply with the terms of, and obtain coverage under, the General 401 Water Quality Certification Order for Small Habitat Restoration Projects (General 401 Order) for the San Gregorio Creek Habitat Enhancement Apple Orchard Project Phase 2. The Regional Water Board determined that the Project, as described in the NOI, was categorically exempt from California Environmental Quality Act (CEQA) review (section 15333 — Small

Habitat Restoration Projects) and met the eligibility requirements for coverage under the General 401 Order. The Regional Water Board issued a Notice of Applicability (WDID Number 2 CW456429) for coverage under the General 401 Order on May 3, 2024.

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

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

**SUMMARY OF REGULATORY ACTIONS**

**REGULATIONS FILED WITH THE SECRETARY OF STATE**

This Summary of Regulatory Actions lists regulations filed with the Secretary of State on the dates indicated. Copies of the regulations may be obtained by contacting the agency or from the Secretary of State, Archives, 1020 O Street, Sacramento, CA 95814, (916) 653-7715. Please have the agency name and the date filed (see below) when making a request.

Fair Political Practices Commission

File # 2024-0614-05

Paid Social Media Posts

This action adopts regulations to clarify and implement recently effective Government Code section 84513 (SB 678 (2023)) by defining “website, web application, or digital application” for purposes of that statute to include content posted on internet platforms, such as social media accounts and blogs. The action also repeals existing regulations now substantively covered by amended Government Code sections 84504.3 (SB 1360 (2022)) and adopted Government Code section 84502 (SB 678 (2023)).

Title 02  
 Adopt: 18450.10  
 Amend: 18450.9  
 Filed 07/15/2024  
 Effective 08/14/2024  
 Agency Contact: Amanda Apostol (916) 322–5660

Air Resources Board  
 File # 2024–0606–04

Changes Without Regulatory Effect to Title 13,  
 Division 3

In these changes without regulatory effect, the Board amends its regulations to update its mailing addresses, change its agency name consistently throughout the regulations, and make some grammatical changes.

Title 13  
 Amend: 1902, 1903, 1950, 1961.3, 1971.5, 2030, 2039, 2062, 2101, 2206, 2209.4, 2213, 2257, 2266.5, 2409, 2419.2, 2419.4, 2423, 2427, 2432, 2433, 2437, 2438, 2439, 2444.1, 2446, 2447, 2702, 2703, 2707, 2709, 2782, 2783, 2784, 2787, 2789  
 Filed 07/16/2024  
 Agency Contact: Chris Hopkins (279) 208–7347

California Gambling Control Commission  
 File # 2024–0604–02

Third–Party Providers of Proposition Player Services  
 Compliance Correction

This action without regulatory effect corrects an error regarding reporting certain playing book irregularities to the Bureau of Gambling Control in the California Department of Justice.

Title 04  
 Amend: 12290  
 Filed 07/17/2024  
 Agency Contact: Josh Rosenstein (916) 274–5823

Dental Board of California  
 File # 2024–0603–02  
 Permit Reform Act

This action without regulatory effect by the Dental Board of California removes language relating to the processing times for permits based on the repeal of Government Code sections 15375 and 15376.

Title 16  
 Amend: 1076, 1086  
 Repeal: 1069  
 Filed 07/16/2024  
 Agency Contact:  
 Lawrence Bruggeman (916) 263–2027

Department of Cannabis Control  
 File # 2024–0531–03  
 Labor Peace Agreement Requirements for  
 Commercial Cannabis Businesses

In this non–substantive action, the Department of Cannabis Control amends portions of its regulations to comply with Business and Professions Code section 26051.5.

Title 04  
 Amend: 15002, 15020  
 Filed 07/11/2024  
 Agency Contact: Kaila Fayne (916) 251–4544

Cemetery and Funeral Bureau  
 File # 2024–0605–03  
 Approval to Train Apprentice Embalmers

This action proposes to amend the procedures and requirements for how a licensed funeral establishment may apply to the Bureau to seek approval to train apprentice embalmers.

Title 16  
 Amend: 1230  
 Filed 07/16/2024  
 Effective 07/16/2024  
 Agency Contact:  
 Carolina Sammons (916) 574–7876

Department of Toxic Substances Control  
 File # 2024–0531–02  
 Listing Laundry Detergents Containing NPE as a  
 Priority Product

In this rulemaking action, the Department amends its regulation to add laundry detergents containing nonylphenol ethoxylates (NPEs) to its list of Priority Products. It also adopts a regulation to define NPEs.

Title 22  
 Adopt: 69511.8  
 Amend: 39511  
 Filed 07/11/2024  
 Effective 10/01/2024  
 Agency Contact:  
 Gabby Nepomuceno (916) 251–8328

Acupuncture Board  
 File # 2024–0530–01  
 Application Process for Licensing Examination and  
 Re–examination

This action by the California Acupuncture Board adopts and amends regulations concerning application procedures for licensing examination to define terms, establish minimum requirements for Board approval of credential evaluation services, update documentation and submission requirements, and specify require-

ments for applicants applying and re-applying for the California Acupuncture Licensing Examination.

Title 16  
Adopt: 1399.409, 1399.416.2, 1399.416.3, 1399.416.4  
Amend: 1399.411, 1399.413, 1399.414, 1399.416, 1399.417, 1399.419  
Filed 07/11/2024  
Effective 10/01/2024  
Agency Contact: Kristine Brothers (916) 471–0735

Department of Food and Agriculture  
File # 2024–0611–05  
Guava Fruit Fly Eradication Area

In this regular rulemaking, the Department of Food and Agriculture is amending regulations to (1) add 10 counties to the eradication area with respect to guava fruit fly (*Bactrocera correcta*) and (2) revise the list of host plants of guava fruit fly.

Title 03  
Amend: 3591.13  
Filed 07/17/2024  
Effective 10/01/2024  
Agency Contact: Rachel Avila (916) 698–2947

Department of Justice  
File # 2024–0603–03  
Custodian of Records

This action specifies the application process for the Department’s Custodian of Records confirmation pro-

gram, including appeal procedures related to denied or revoked confirmations.

Title 11  
Adopt: 999.600, 999.601, 999.602, 999.603, 999.604, 999.605, 999.606, 999.607  
Filed 07/15/2024  
Effective 10/01/2024  
Agency Contact: Marlon Martinez (213) 269–6437

**PRIOR REGULATORY  
DECISIONS AND CCR  
CHANGES FILED WITH THE  
SECRETARY OF STATE**

A quarterly index of regulatory decisions by the Office of Administrative Law (OAL) is provided in the California Regulatory Notice Register in the volume published by the second Friday in January, April, July, and October following the end of the preceding quarter. For additional information on actions taken by OAL, please visit [oal.ca.gov](http://oal.ca.gov).