



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

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

TITLE 2. FAIR POLITICAL PRACTICES COMMISSION

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

CONFLICT-OF-INTEREST CODES

AMENDMENT

MULTI-COUNTY: Connecting Waters Charter Schools

A written comment period has been established commencing on August 30, 2024, and closing on October 14, 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 October 14, 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.

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.

**TITLE 4. DEPARTMENT OF
ALCOHOLIC BEVERAGE CONTROL**

CONFLICT-OF-INTEREST CODE

NOTICE IS HEREBY GIVEN that the **Department of Alcoholic Beverage Control**, 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 Friday, August 30, 2024, and closing on Friday, October 15, 2024. All inquiries should be directed to the contact listed below.

The **Department of Alcoholic Beverage Control** 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, alphabetizing and updating the designated position list, modernizing the language, and other technical changes.

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

Any interested person may submit written comments relating to the proposed amendment by submitting them no later than *October 15, 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 *September 30, 2024*.

The **Department of Alcoholic Beverage Control** 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: Shelby Pender, Associate Governmental Program Analyst, (916) 285-8517.

**TITLE 22. DEPARTMENT OF SOCIAL
SERVICES**

ORD #0124-01

**ITEM # ADOPTIONS AGENCY
REGULATIONS AMENDMENTS**

The California Department of Social Services (CDSS) hereby gives notice of the proposed regulatory action(s) described below. A public hearing regarding this proposal is not currently scheduled. Not later than 15 days prior to the close of the public comment period, any interested person, or his or her authorized representative, may make a written request for a public hearing pursuant to Government Code section 11346.8, and a public hearing will be held. Requests for a public hearing should be sent to:

California Department of Social Services
Office of Regulations Development
744 P Street, MS 8-4-192
Sacramento, CA 95814
Tel: (916) 657-2856, Fax: (916) 653-7395
Email: ord@dss.ca.gov

Statements or arguments relating to the proposals may be submitted in writing, email, or by facsimile to the address/number listed above. All comments must be received by October 15, 2024.

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

Copies of the express terms of the proposed regulations and the Initial Statement of Reasons are available from the office listed above. This notice, the Initial Statement of Reasons and the text of the proposed regulations are available on the internet at [CDSS Public Comment Period for Proposed Regulations \(https://www.cdss.ca.gov/inforesources/letters-regulations/legislation-and-regulations/regulations-home-page/cdss-regulation-changes-in-process-and-completed-regulations/public-hearing-information\)](https://www.cdss.ca.gov/inforesources/letters-regulations/legislation-and-regulations/regulations-home-page/cdss-regulation-changes-in-process-and-completed-regulations/public-hearing-information). Additionally, all the information which CDSS consid-

ered as the basis for these proposed regulations (i.e., rulemaking file) is available for public reading at the address listed above. Following the public comment period, copies of the Final Statement of Reasons will be available at the above address.

CHAPTERS

Title 22, Division 6, Chapter 9, Sections 89043 and 89179.

**INFORMATIVE DIGEST/POLICY
STATEMENT OVERVIEW**

The California Department of Social Services, Community Care Licensing Division license adoption agencies to facilitate the children’s adoption process in the State of California.

To conform with Health and Safety Code section 1524, regulations are adopted and amended to include not only the procedures for termination of a license but also procedures for forfeiture of a license by an adoption agency. The new procedures conform with established policies from the Department and are necessary for and will benefit the well-being and health and safety of children in placement. The amended regulations:

- Add a 60–calendar–day timeframe which is the standard in the field and allows for the placing agency to find suitable options for the youth in care and allows for the Department to work closely with the agency to ensure all records are collected and properly stored.
- Require to submit to the Department a closure plan developed by the Executive Director of the adoption agency or designee which is important and is in conformance with established policies regarding closure plans for Foster Family Agencies and Short–Term Residential Therapeutic Programs. The closure plan shall include a list of all children and nonminor dependents to the Department, placement worker and all applicable parties that will be affected by this closure. The closure plan shall include a plan for continued approval of all affected families as well as a timeline for that transition.
- Require to keep the communication lines open between the Department and the agency and is included so that the Department is notified if and when there is a change to the original closure plan. They also require notification from the agency to the Department when the closure is complete and there are no remaining children unaccounted for.
- Specify how records are to be handled by the agency for permanent filing and provide a specific timeline and direct instruction to assure pres-

ervation of case records. This is in line with Title 22, Division 6, Chapter 9, Section 89179(b) and Welfare and Institution Code section 10851(f) on county case record retention and safeguard continuity and Family Code sections 9203, 9205 and 9206 on providing post adoption services. This update provides instruction on where closed adoption records are to be sent and if the county has a cooperative agreement with the agency as well as a timeline.

The department conducted a review of existing regulations and evaluated the proposed regulations for any inconsistency or incompatibility. The proposed regulations are neither inconsistent nor incompatible with existing state regulations.

COST ESTIMATE

1. Costs or Savings to State Agencies: No fiscal impact.
2. Costs to Local Agencies or School Districts Which Must Be Reimbursed in Accordance with Government Code Sections 17500–17630: N/A
3. Nondiscretionary Costs or Savings to Local Agencies: No fiscal impact.
4. Federal Funding to State Agencies: No fiscal impact.

LOCAL MANDATE STATEMENT

These regulations do impose a mandate upon local agencies, but not on school districts. There are no “state–mandated local costs” in these regulations which require state reimbursement under Section 17500 et seq. of the Government Code because any costs associated with the implementation of these regulations are costs mandated by the federal government within the meaning of Section 17513 of the Government Code.

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

The Department has made an initial determination that the proposed action will not have a significant, statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states. This determination was made based on the proposed regulatory action, which was designed based on current procedures currently in place.

STATEMENT OF POTENTIAL COST
IMPACT ON PRIVATE
PERSONS OR BUSINESSES

The Department has determined that there is no impact on businesses or private persons. While businesses may choose to provide for staff training regarding these new regulations, general staff training has always been necessary and, therefore, does not necessitate any new costs. The Department is not aware of any cost impacts that a representative private person would incur in reasonable compliance with the proposed action.

SMALL BUSINESS IMPACT STATEMENT

The Department has determined that the proposed regulations may affect small business, specifically adoption agencies that choose to provide for staff training regarding these new regulations. While businesses may choose to provide for staff training regarding these new regulations, general staff training has always been necessary and, therefore, does not necessitate any new costs.

STATEMENT OF RESULTS OF ECONOMIC
IMPACT ASSESSMENT

The adoption of the proposed amendments will neither create nor eliminate jobs in the State of California nor result in the elimination of existing businesses or create or expand businesses in the State of California. The implementation of this regulatory action will ensure the health and safety of children in care by an agency that will terminate or forfeit their license.

The benefits of the regulatory action to the health and welfare of California residents, worker safety, and the state's environment are as follows: The regulations as proposed and amended will provide clarity to Adoption Agencies that are terminating or forfeiting their license. They provide clear instruction that will ensure the health, safety, and well-being of children/clients in care. There are no additional benefits for worker safety or the state's environment.

BUSINESS REPORTING REQUIREMENT

The Department finds that it is necessary for the health, safety, and welfare of the people of this state that the proposed regulations which requires a report apply to business.

STATEMENT OF EFFECT ON
HOUSING COSTS

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

STATEMENT OF
ALTERNATIVES CONSIDERED

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

Department invites interested persons to submit statements or arguments with respect to alternatives during the written comment period.

AUTHORITY AND
REFERENCE CITATIONS

CDSS adopts these regulations under the authority granted in Sections 1524 and 1530, Health and Safety Code. Subject regulations implement and make specific Sections 1524, Health and Safety Code.

CDSS REPRESENTATIVE REGARDING
THE RULEMAKING PROCESS OF THE
PROPOSED REGULATION

Contact Person: Everardo Vaca (916) 657-2586
Backup: Oliver Chu (916) 657-2586

GENERAL PUBLIC INTEREST

**DEPARTMENT OF FISH AND
WILDLIFE**

HABITAT RESTORATION AND
ENHANCEMENT ACT
CONSISTENCY DETERMINATION
NUMBER 1653-2024-144-001-R3

Project: Butano Creek Habitat Enhancement at
Camp Butano

Location: San Mateo County

Applicant: Caileen Viehweg, San Mateo Resource
Conservation District

Background

Project Location: The Butano Creek Habitat Enhancement at Camp Butano (Project) is located along Butano Creek within Camp Butano Creek owned and operated by the Girl Scouts of Northern California. The Project is located on the west side of Canyon Road in the Community of Pescadero, San

Mateo County, approximately 0.75 miles north of Butano State Park and 0.25 miles south of the Butano Canyon Community. Butano Creek is a tributary to the Pescadero Creek watershed and supports populations of Central California Coast (CCC) steelhead (*Oncorhynchus mykiss*), and CCC coho salmon (*Oncorhynchus kisutch*).

Project Description: Caileen Viehweg, representing San Mateo Resource Conservation District (Applicant), proposes to enhance or restore habitat within Butano Creek to provide a net conservation benefit for CCC steelhead (*Oncorhynchus mykiss*), and CCC coho salmon (*Oncorhynchus kisutch*). The Project will improve habitat conditions for both steelhead and coho salmon which has been identified as a limiting factor for the recovery of these species.

The Project will enhance instream habitat complexity and promote floodplain connectivity for salmonids and other aquatic species within Butano Creek by installing approximately 12 large wood structures and creating a backwater alcove. Large Wood Loading Structures and Engineered Large Wood Structures will be installed with approximately 50 existing and imported redwood, Douglas fir, and alder trees, over approximately 2,000 feet of Butano Creek. Large Wood Loading Structures will be constructed with felled trees selected from on site. Felling of trees will include the use of handheld equipment such as chainsaws and Large Wood Loading Structures will be anchored with jute rope to existing native trees as necessary. Engineered Large Wood Structures will be constructed with imported and existing downed logs and installed with the use of heavy equipment such as an excavator and dozer. Engineered Large Wood Structures will be anchored to existing native trees and boulders with threaded rebar and chains to provide additional stability. Additionally, a backwater alcove will be graded to create a gentle sloping inset floodplain promoting connectivity to the larger Butano Creek floodplain. Temporary creek dewatering including installation of a coffer dam and bypass flow system will be required at three locations within the Project reach to facilitate equipment mobilization and to avoid impacts to aquatic species and habitat.

Project Size: The total area of ground disturbance associated with the Project is approximately 0.81 acres and 440 linear feet. 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) 50 native tree logs, (2) 36 tons of boulder ballast, (3)

827 square feet of erosion control fabric, (4) 183 feet of anchoring materials, and (5) 626 feet of jute rope.

Project Timeframes: Start date: September 2024

Completion date: October 2027

Work window: September 1–October 31

Water Quality Certification Background: Because the Project's primary purpose is habitat restoration intended to improve the quality of waters in California and improve instream habitat for CCC steelhead and CCC coho salmon, the San Francisco 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 2CW456331, RM Number 456331, Place ID 894131) 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 aquatic and terrestrial wildlife species.

Receiving Water: Butano Creek

Filled or Excavated Area: Permanent area impacted: 0.07 acres

Temporary area impacted: 0.26 acres

Dredge Volume: None

Discharge Volume: 50 native tree logs (redwood, Douglas fir, and alder), 36 tons of boulder ballast, 827 square feet of erosion control fabric, 183 feet of anchoring materials (washers, nuts, threaded rebar, and metal chain), and 626 feet of jute rope.

Project Location: Latitude 37.225111 and Longitude -122.331008 (NAD 83); APN: 089120110.

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 (Public Resources Code, § 21000 et seq.).

On August 7, 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 August 8, 2024, for publishing in the General Public Interest section of the California Regulatory Notice Register (Cal. Reg. Notice File Number Z–2024–0808–02) on August 23, 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 the 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) Construction Windows and Time Restrictions, (2) Preconstruction Surveys, (3) Qualified Biologist Construction Monitoring, (4) Invasive Species and Contamination Prevention, (5) General Protection Measures during Construction, (6) In-Water Work Requirements, (7) Fish Relocation, Dewatering, and Diversion Requirements, (8) Erosion and Sediment Control Requirements, (9) Native Vegetation Avoidance and Minimization and Revegetation Requirements, (10) Herbicide Use Restrictions, (11) Sensitive and Listed Species-Specific Protection Measures, and (12) General Biological Resource Protection Measures. The specific avoidance and minimization requirements are found in an attachment to the NOI, *Avoidance and Minimization Measures* prepared by San Mateo Resource Conservation District.

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 Butano Creek Habitat Enhancement at Camp Butano*, prepared by San Mateo Resource Conservation District.

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 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 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: Desiree.Delavega@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
DONNER CREEK RESTORATION PROJECT
(TRACKING NUMBER:
1653–2024–146–001–R2)
NEVADA COUNTY

California Department of Fish and Wildlife (CDFW) received a Request to Approve on August 13, 2024,

that the Truckee River Watershed Council (Council) proposes to carry out a habitat restoration or enhancement project pursuant to Fish and Game Code section 1653. The proposed project involves restoration work at four sites to improve water quality and habitat. The proposed project will be carried out on Donner Creek, located in Truckee, Nevada County, California.

On April 10, 2024, the Lahontan 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 Donner Creek Restoration Project. The Regional Water Board determined that the Project, as described in the NOI, was categorically exempt from California Environmental Quality Act (CEQA) review (section 15333 — Small Habitat Restoration Projects) and met the eligibility requirements for coverage under the General 401 Order. The Regional Water Board issued a Notice of Applicability (WDID Number 6A292404006) for coverage under the General 401 Order on August 7, 2024.

The Council 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 Council 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 Council will have the opportunity to submit under Fish and Game Code section 1652.

OCCUPATIONAL SAFETY AND HEALTH STANDARDS BOARD

NOTICE OF PUBLIC MEETING AND BUSINESS MEETING

Pursuant to Government Code section 11346.4 and the provisions of Labor Code Sections 142.1, 142.2, 142.3, 142.4, and 144.6, the Occupational Safety and Health Standards Board (“Board”) of the State of California has set the time and place for a Public Meeting and Business Meeting:

PUBLIC MEETING:

On **October 17, 2024**, at 10:00 a.m.
in the City Council Chambers of the City of
Watsonville
275 Main Street, Top Floor, Watsonville,
California

as well as via the following:

- Videoconference at www.webex.com (meeting ID 1469 63 6425)
- Teleconference at (844) 992–4726 (Access code 1469 63 6425)
- Live video stream and audio stream (English and Spanish) at <https://videobookcase.com/california/oshsb/>

At the Public Meeting, the Board will make time available to receive comments or proposals from interested persons on any item concerning occupational safety and health.

BUSINESS MEETING:

On **October 17, 2024**, at 10:00 a.m.
in the City Council Chambers of the City of
Watsonville
275 Main Street, Top Floor, Watsonville,
California

as well as via the following:

- Videoconference at www.webex.com (meeting ID 1469 63 6425)
- Teleconference at (844) 992–4726 (Access code 1469 63 6425)
- Live video stream and audio stream (English and Spanish) at <https://videobookcase.com/california/oshsb/>

At the Business Meeting, the Board will conduct its monthly business.

DISABILITY ACCOMMODATION NOTICE:

Disability accommodation is available upon request. Any person with a disability requiring an accommodation, auxiliary aid or service, or a modification of policies or procedures to ensure effective communication and access to the public hearings/meetings of the Board should contact the Disability Accommodation Coordinator at (916) 274–5721 or the state-wide Disability Accommodation Coordinator at 1 (866) 326–1616 (toll free). The state-wide Coordinator can also be reached through the California Relay Service, by dialing 711 or 1 (800) 735–2929 (TTY) or 1 (800) 855–3000 (TTY–Spanish).

Accommodations can include modifications of policies or procedures or provision of auxiliary aids or services. Accommodations include, but are not limited to, an Assistive Listening System (ALS), a Computer–Aided Transcription System or Communication Access Realtime Translation (CART), a sign–language inter-

preter, documents in Braille, large print or on computer disk, and audio cassette recording. Accommodation requests should be made as soon as possible. Requests for an ALS or CART should be made no later than five (5) days before the hearing.

DECISION NOT TO PROCEED

HIGHWAY PATROL

NOTICE OF DECISION NOT TO PROCEED
PURSUANT TO GOVERNMENT CODE
SECTION 11347

TITLE 13, CALIFORNIA CODE OF
REGULATIONS, DIVISION 2,
CHAPTER 6, ARTICLE 1,
AMEND SECTIONS 1151.9 AND 1153

EXPLOSIVES STOPS
(CHP–R–2023–06202)

Pursuant to Government Code Section 11347, the California Highway Patrol (CHP) hereby gives notice that it has decided not to proceed with the rulemaking action published in the California Regulatory Notice Register on September 15, 2023, Register 2023, Number 37–Z.

The proposed rulemaking concerned Explosives Stops contained in Title 13, California Code of Regulations, Division 2, Chapter 6, Article 3, Section 1160.2 (Notice File Number Z2023–0905–02).

Any inquiries concerning this rulemaking should be directed to Environmental Program Manager Erica De Parsia, CHP, Commercial Vehicle Section, at (916) 843 3400, or by electronic mail to cvsregulations@chp.ca.gov. The Department will also publish this Notice of Decision Not to Proceed on its Web site at <https://www.chp.ca.gov/News-Alerts/Regulatory-Actions>.

**OAL REGULATORY
DETERMINATION**

DEPARTMENT OF STATE HOSPITALS

DETERMINATION OF ALLEGED
UNDERGROUND REGULATIONS

(Pursuant to Government Code section 11340.5
and section 270 of title 1 of the
California Code of Regulations)

Exhibit A to the determination is not being printed for practical reasons or space consideration. If you would like to view Exhibit A, please contact Margaret Molina at (916) 324–6044 or Margaret.Molina@oal.ca.gov.

2024 OAL DETERMINATION NUMBER 2
(OAL MATTER NUMBER CTU2024–0206–01)

REQUESTED BY:

Cory Hoch

CONCERNING:

Administrative Directive Number 558, dated September 20, 2022, Hospital Access System, issued by the Department of State Hospitals — Coalinga

DETERMINATION ISSUED PURSUANT TO
GOVERNMENT CODE SECTION 11340.5.

SCOPE OF REVIEW

A determination by the Office of Administrative Law (OAL) evaluates whether an action or enactment by a state agency complies with California administrative law governing how state agencies adopt regulations. OAL review is limited to the sole issue of whether the challenged rule meets the definition of a “regulation” as defined in Government Code section 11342.600 and is subject to the Administrative Procedure Act (APA).

If a rule meets the definition of a “regulation” but was not adopted pursuant to the APA and should have been, it is an underground regulation as defined in section 250 of title 1 of the California Code of

Regulations (CCR).¹ Nothing in this analysis evaluates the advisability or wisdom of the underlying action or enactment.

CHALLENGED RULE

At issue is whether Administrative Directive Number 558 (A.D. 558), dated September 20, 2022, issued by the Department of State Hospitals — Coalinga (DSH–C), regarding Hospital Access System, contains underground regulations. A.D. 558 is attached hereto as Exhibit A.

DETERMINATION

OAL determines A.D. 558 contains rules meeting the definition of a “regulation” that the Department of State Hospitals (Department) should have adopted pursuant to the APA but did not.

FACTUAL BACKGROUND

On February 6, 2024, OAL received the petition from Cory Hoch (Petitioner).

On April 8, 2024, OAL accepted the petition for consideration.

OAL published a summary of the petition in the California Regulatory Notice Register on April 19, 2024, and solicited comments from the public until May 20, 2024. OAL received one timely public comment during the comment period that asserted A.D. 558 is an underground regulation “which needs to be properly promulgated pursuant to the APA.”²

On June 3, 2024, OAL received the Department’s response to the petition, which was due no later than June 3, 2024.³ The Department’s timely response indicates the Department provided a copy of the response to Petitioner on June 3, 2024.

On June 17, 2024, OAL received a rebuttal from Petitioner, which was due no later than June 18, 2024.

¹ “Underground regulation” means any guideline, criterion, bulletin, manual, instruction, order, standard of general application, or other rule, including a rule governing a state agency procedure, that is a regulation as defined in Section 11342.600 of the Government Code, but has not been adopted as a regulation and filed with the Secretary of State pursuant to the APA and is not subject to an express statutory exemption from adoption pursuant to the APA.” (Cal. Code Regs., title 1, § 250, sub. (a)(1).)

² Comment from Allan Fletcher, dated April 25, 2024.

³ Please note, the Department’s response references A.D. 558, dated May 27, 2020, as opposed to A.D. 558, dated September 20, 2022, which is the version of A.D. 558 that was attached to Petitioner’s petition. OAL’s determination is based on A.D. 558, dated September 20, 2022.

THE DEPARTMENT’S RESPONSE TO THE PETITION

In its response, the Department asserts A.D. 558 does not meet the definition of a regulation because it does not meet the elements set forth in *Tidewater Marine Western, Inc. v. Bradshaw*.⁴ The Department also asserts A.D. 558 is not a regulation because “it restates various regulations to clarify points and emphasize main ideas into more manageable concepts to comprehend.”⁵

Also relevant to the analysis in this determination, the Department asserts A.D. 558 is exempt from the APA for the following reasons:

1. It contains rules that only apply to DSH–C employees and does not apply generally to the population throughout the State of California;⁶
2. It relates only to the internal management of DSH–C;⁷ and
3. It embodies the only legally tenable interpretation of law and is a restatement of existing law.⁸

EXISTING STATUTES AND REGULATIONS RELATING TO THE CHALLENGED RULE

The following statutes and regulations relate to A.D. 558.

1. [The Department] ... may adopt and enforce rules and regulations necessary to carry out [its] ... duties under this division [regarding the care and treatment of persons with mental health disorders under the custody of the Department].⁹
2. [The Department] shall have jurisdiction over the execution of the laws relating to care and treatment of persons with mental health disorders under the custody of [the Department].¹⁰
3. [The Department] may adopt regulations concerning patients’ rights and related procedures applicable to the inpatient treatment of mentally ill offenders ... persons receiving treatment as mentally disordered sex offenders, and inmates of jail psychiatric units.¹¹

⁴ *Tidewater Marine Western, Inc. v. Bradshaw* (1996) 14 Cal.4th 557.

⁵ Department Response to the Petition, page 13.

⁶ Department Response to the Petition, page 9; Gov. Code, § 11340.9, subdivision (i).

⁷ Department Response to the Petition, pages 9–10; Gov. Code, § 11340.9, subdivision (d).

⁸ Department Response to the Petition, pages 10–12; Gov. Code, § 11340.9, subdivision (f).

⁹ Welf. & Inst. Code, § 4005.1.

¹⁰ Welf. & Inst. Code, § 4011, subdivision (a).

¹¹ Welf. & Inst. Code, § 4027.

4. [The Department] has general control and direction of the property and concerns of each state hospital ... The [D]epartment shall ... [t]ake care of the interests of the hospital, and see that its purpose and its bylaws, rules, and regulations are carried into effect, according to law ... [e]stablish such bylaws, rules, and regulations ... for regulating the duties of officers and employees of the hospital, and for its internal government ... and management ... [m]aintain an effective inspection of the hospital.¹²
5. The hospital director may establish rules and regulations not inconsistent with law or departmental regulations, concerning the care and treatment of patients, research, clinical training, and for the government of the hospital buildings and grounds. Any person who knowingly or willfully violates such rules and regulations may, upon the order of either of the hospital officers, be ejected from the buildings and premises of the hospital.¹³
6. [The Department] Hospital Access System provides two levels of patient access to move about on state hospital grounds.¹⁴
7. Escorted Access. (1) Upon arrival at a state hospital, a patient's access level shall be immediately set to Escorted Access. (2) Upon admission to a state hospital, a patient's access level shall be immediately set to Escorted Access. (3) Upon transfer from one state hospital to another state hospital, a patient's access level shall be immediately set to Escorted Access.¹⁵
8. Unescorted Access. (1) Before or at the first post-admission Treatment Team Conference, the Treatment Team shall evaluate the factors listed in section 4359 ... and determine whether a patient's access level shall be set to Unescorted Access. (2) If at the first post-admission Treatment Team Conference, the Treatment Team determines that the patient's access level shall remain set to Escorted Access, it shall discuss with the patient any impediments to setting their access level to Unescorted Access and assist them with overcoming those impediments. The Treatment Team shall reevaluate the factors listed in section 4359 ... and determine whether a patient's access level shall remain set to Escorted Access or change to Unescorted Access at the regularly scheduled Treatment Team Conferences or at any time the Treatment Team deems appropriate.¹⁶
9. (1) Upon transfer from one unit to another unit in the same state hospital, a patient's access level remains set to the same access level that they had on the previous unit. If the Treatment Team deems it appropriate, it may evaluate the factors listed in section 4359 ... and determine whether a newly transferred patient's access level shall remain as set or change. (2) The Treatment Team may reevaluate the factors listed in section 4359 ... and determine whether a patient's access level shall remain as set or change, at each Treatment Team Conference or at any time the Treatment Team deems appropriate. (3) Program Staff or Executive Staff may conduct its own review of the factors listed in section 4359 ... and determine whether a patient's access level shall remain as set or change. Any Program Staff review, or Executive Staff review shall be in collaboration with the Treatment Team.¹⁷
10. A patient's Treatment Team shall evaluate the factors listed in section 4359 ... and determine a patient's access level. Program Staff or Executive Staff may also review the factors listed in section 4359 ... and determine a patient's access level. Any Program Staff review, or any Executive Staff review shall be in collaboration with the Treatment Team.¹⁸
11. To determine a patient's access level, the Treatment Team, Program Staff, or Executive Staff shall consider the following factors: (1) Hospital grounds, physical structure of the hospital, or layout of the hospital and units; (2) Staffing ratios or other licensing requirements; (3) Patient's Commitment Type; (4) Patient's participation in treatment; (5) Patient input; (6) History of verbal or physical aggression toward self or others while at DSH; (7) History or allegations of criminal activity while at DSH; (8) History of possession of contraband while at DSH; (9) History of escape attempts or otherwise unauthorized movement while at DSH; (10) History of exploiting, strong-arming, or inciting others or being exploited, strong-armed, or incited by others while at DSH; (11) History of destroying property while at DSH; (12) History of suicide ideation, threats, or attempts while at DSH; (13) Medical condition; (14) History of unauthorized possession or use of prescribed medication, drugs, or illicit substances or refusal to comply with a drug screen while at DSH; and (15) Other relevant information.¹⁹

¹² Welf. & Inst. Code, § 4109.

¹³ Welf. & Inst. Code, § 4312.

¹⁴ Cal. Code Regs., title 9, §§ 4355, sub. (a)(1), and 4356, sub. (a).

¹⁵ Cal. Code Regs., title 9, § 4357, sub. (a).

¹⁶ Cal. Code Regs., title 9, § 4357, sub. (b).

¹⁷ Cal. Code Regs., title 9, § 4357, sub. (c).

¹⁸ Cal. Code Regs., title 9, § 4358.

¹⁹ Cal. Code Regs., title 9, § 4359, sub. (a).

12. Unit staff may place a patient’s access level immediately on hold if clinically indicated, in cases of emergency, or when there has been significant change in any of the factors listed in section 4359 ... A patient’s access level, on hold ... shall be reviewed before or at the next Treatment Team Conference. In this review, the Treatment Team shall evaluate the factors listed in section 4359 ... identify the impediments, if any, to the patient receiving back their access level, and assist them with overcoming those impediments. If there are no impediments, the Treatment Team may return the patient’s access level to them. This review and any subsequent review of the patient’s access level shall be conducted pursuant to subsection (c) of section 4357....²⁰

UNDERGROUND REGULATIONS

Government Code section 11340.5, subdivision (a), provides:

No state agency shall issue, utilize, enforce, or attempt to enforce any guideline, criterion, bulletin, manual, instruction, order, standard of general application, or other rule, which is a regulation as defined in [Government Code] Section 11342.600, unless the guideline, criterion, bulletin, manual, instruction, order, standard of general application, or other rule has been adopted as a regulation and filed with the Secretary of State pursuant to [the APA].

When an agency issues, utilizes, enforces, or attempts to enforce a rule in violation of Government Code section 11340.5 that is not exempt from the APA, it creates an underground regulation as defined in section 250 of title 1 of the CCR.

OAL may issue a determination as to whether an agency has issued, utilized, enforced, or attempted to enforce a rule that meets the definition of a “regulation” as defined in Government Code section 11342.600 and should have been adopted pursuant to the APA.²¹ An OAL determination is not enforceable against the agency through any formal administrative means, but it is entitled to due deference in any subsequent litigation of the issue.²²

ANALYSIS

OAL’s authority to issue a determination extends only to the limited question of whether the challenged rule is a regulation subject to the APA. This analysis will determine: (1) whether the challenged rule is a

regulation within the meaning of Government Code section 11342.600; and (2) whether the challenged rule falls within any recognized APA exemption.

1. A.D. 558 satisfies the elements of a regulation.

“Regulation” is defined in Government Code section 11342.600 as:

... every rule, regulation, order, or standard of general application or the amendment, supplement, or revision of any rule, regulation, order, or standard adopted by any state agency to implement, interpret, or make specific the law enforced or administered by it, or to govern its procedure.

In *Tidewater Marine Western, Inc. v. Bradshaw*, the California Supreme Court expanded on this definition:

A regulation subject to the [APA] has two principal identifying characteristics. First, the agency must intend its rule to apply generally, rather than in a specific case. The rule need not, however, apply universally; a rule applies generally so long as it declares how a certain class of cases will be decided. Second, the rule must implement, interpret, or make specific the law enforced or administered by the agency, or govern the agency’s procedure.²³

As stated in *Tidewater*, the first element used to identify a regulation is whether the rule applies generally. As *Tidewater* points out, a rule need not apply to all persons in the State of California. It is sufficient if the rule applies to a clearly defined class of persons or situations.²⁴ By its own terms, A.D. 558 applies to all patients and staff at DSH–C and, therefore, applies to a class of persons. Moreover, each class of persons impacted by A.D. 558 is an open class with individuals regularly hired at, leaving from, committed to, or discharged from, the facility. As such, the Department’s assertion that A.D. 558 does not apply generally because it applies only to DSH–C staff²⁵ is without merit.

The second element of a regulation under *Tidewater* is that the rule must implement, interpret, or make specific the law enforced or administered by the agency, or govern the agency’s procedure.

The rules contained in A.D. 558 implement, interpret, and make specific the Welfare and Institutions Code sections enforced or administered by the Department and govern the Department’s procedure in at least the following ways:

1. They implement, interpret, and make specific section 4005.1 and subdivision (a) of section 4011

²³ *Tidewater Marine Western, Inc. v. Bradshaw* (1996) 14 Cal.4th 557, 571.

²⁴ *Roth v. Department of Veterans Affairs* (1980) 110 Cal.App.3d 622, 630.

²⁵ Department Response to the Petition, page 2.

²⁰ Cal. Code Regs., title 9, § 4360.

²¹ Gov. Code, § 11340.5, subdivision (b).

²² *Grier v. Kizer* (1990) 219 Cal.App.3d 422, 428.

of the Welfare and Institutions Code in order to carry out the Department’s duty to execute the laws relating to care and treatment of persons under the Department’s custody.

2. They implement, interpret, and make specific section 4027 of the Welfare and Institutions Code because they concern patients’ rights and related procedures applicable to their treatment.
3. They implement, interpret, and make specific section 4109 of the Welfare and Institutions Code because they provide for the general control and direction of DSH–C. They also seek to ensure the purpose, rules, and regulations of the Department are carried into effect according to law, govern the duties of DSH–C staff, and establish DSH–C procedures.
4. They implement, interpret, and make specific section 4312 of the Welfare and Institutions Code because they concern the care and treatment of patients and govern hospital buildings and grounds.

The rules contained in A.D. 558 also implement, interpret, and make specific the CCR sections enforced or administered by the Department and govern the Department’s procedure in at least the following ways:

1. Section V.A.2. implements, interprets, and makes specific subsection (b) of section 4357 of title 9 of the CCR by establishing a specific number of days within which newly admitted patients will be assigned unescorted hospital access.
2. Section V.B.3.a. and e. implement, interpret, and make specific subsection (c) of section 4356 of title 9 of the CCR by specifying how patient identification badges must be worn and indicating that failure to follow this rule “will lead to the hospital access being reviewed by the [Treatment Team] for appropriateness.”
3. Section V.C.1. and 4. implement, interpret, and make specific sections 4356, 4357, and 4358 of title 9 of the CCR by establishing a specific number of days within which a patient’s hospital access will be reviewed and a specific number of days within which the Unit Supervisor must discuss the return of a patient’s hospital access with the Treatment Team, if access was returned prior to Treatment Team review.
4. Section V.C.5. implements, interprets, and makes specific subsection (a) of section 4359 of title 9 of the CCR by establishing a “Medical Restriction” for patients who need their access restricted for “medical reasons.”

These examples illustrate how A.D. 558 meets the definition of a “regulation” under *Tidewater*.

Although the Department’s response repeatedly identifies A.D. 558 as “rules” for DSH–C staff, A.D. 558 satisfies the requirements necessary to be consid-

ered a regulation. The type of document is not an item of consideration in the underground regulations analysis. Rather, “if it looks like a regulation, reads like a regulation, and acts like a regulation, it will be treated as a regulation whether or not the agency in question so labeled it.”²⁶ Additionally, Government Code section 11340.5, subdivision (a), specifically prohibits the issuance of a “rule” unless it is adopted pursuant to the APA.

2. All of A.D. 558 is not APA exempt.

The final issue to examine is whether an express statutory exemption applies to the challenged rule. Exemptions from the APA can be general exemptions that apply to all state rulemaking agencies. Exemptions may also be specific to a particular rulemaking agency or a specific program.

In its response, the Department asserts that A.D. 558 is not “considered a rule that needs to be promulgated by the APA because it is specific to DSH–C and not to the entire DSH, state agency.”²⁷ To support this argument, the Department relies upon the use of the word “rule” in Welfare and Institutions Code section 4312.²⁸ The Department concludes:

The authority given to the hospital director is to either establish a rule or establish a regulation. The statute differentiates a rule and a regulation by separating their distinction with the word “and.” A.D. Number 558 is not inconsistent with the intent of this statute because the rules are an extension of the staff’s duties and are not inconsistent with departmental regulations

Thus, the hospital director can establish rules concerning the care and treatment of patients, research, clinical training, and for the government of the hospital buildings and grounds that do not need to be promulgated by the APA.²⁹

Contrary to the Department’s assertion, Welfare and Institutions Code section 4312 does not exempt hospital rules from adoption pursuant to the APA. If the Legislature intended to provide the Department with an exemption to the APA, the Legislature knows how to draft the statutory language express-

²⁶ *State Water Resources Control Board v. Office of Administrative Law* (1993) 12 Cal.App.4th 697.

²⁷ Department Response to the Petition, page 3.

²⁸ “The hospital director may establish rules and regulations not inconsistent with law or departmental regulations, concerning the care and treatment of patients, research, clinical training, and for the government of the hospital buildings and grounds. Any person who knowingly or willfully violates such rules and regulations may, upon the order of either of the hospital officers, be ejected from the buildings and premises of the hospital.” (Welf. & Inst. Code, § 4312.)

²⁹ Department Response to the Petition, page 3.

ly.³⁰ Additionally, Government Code section 11340.5, subdivision (a), specifically refers to a “rule” in its definition of “regulation,” further undermining the Department’s argument.

The procedural requirements established in the APA “shall not be superseded or modified by any subsequent legislation except to the extent that the legislation shall do so expressly.”³¹ In the absence of an express statutory exemption, “any doubt as to the applicability of the APA’s requirements should be resolved in favor of the APA.”³²

A. A.D. 558 is not directed to a specifically named person or to a group of persons.

A regulation that is directed to a specifically named person or to a group of persons and does not apply generally throughout the state is exempt from the APA.³³ The Department asserts that A.D. 558 is exempt from the APA pursuant to subdivision (i) of section 11340.9 of the Government Code because “A.D. 558 specifically applies only to DSH–C employees and does not apply generally to the population throughout the State of California.”³⁴ With respect to the Department’s first point, the assertion that A.D. 558 applies only to DSH–C employees is without merit. A.D. 558 contains numerous provisions that directly affect a DSH–C patient’s access to the facility and off–unit destinations. With respect to the Department’s second point, a rule need not apply to all persons in the State of California.³⁵ It is sufficient if the rule applies to a clearly defined class of persons or situations.³⁶ By its own terms, A.D. 558 applies to all patients and staff at DSH–C now and in the future and, therefore, applies to an open class of persons, not a specifically named person or group of persons.

Thus, A.D. 558 is not exempt from the APA pursuant to subdivision (i) of Government Code section 11340.9.

B. A.D. 558 does not relate only to the internal management of DSH–C.

A regulation that relates only to the internal management of the state agency is exempt from the APA.³⁷ However, this exemption applies only if the rule satisfies two conditions:

1. The rule affects only the employees of the issuing agency;³⁸ and
2. The rule does not involve a matter of serious consequence involving an important public interest.³⁹

Courts have interpreted the internal management exemption narrowly:

The internal management exception ... is a narrow one, as demonstrated by a line of cases consistently rejecting its application — even where the policies govern internal administrative matters — if the policies or procedures affect the interests of persons other than the agency itself.⁴⁰

In its response, the Department asserts that Sections III, IV, and V of A.D. 558 are exempt from the APA pursuant to the internal management exemption.⁴¹ However, these sections contain a number of provisions that directly affect a DSH–C patient’s access to the facility and off–unit destinations.

For example, Section V.B.3. states, in relevant part:

Patients with hospital access will adhere to the following while off the units: a. Patient identification badge will be displayed at all times when off unit and will be attached to their outermost garment above the waist. ... e. Failure to follow these rules and the other rules listed under in [sic] this A.D. will lead to the hospital access being reviewed by the [Treatment Team] for appropriateness.

While this provision may be necessary for general hospital security, it clearly impacts DSH–C patients, in addition to Department staff.

Another example, Section V.D.5. states:

When it is necessary or desirable for a patient to remain at an off–unit destination beyond his recorded departure time, it is the responsibility of the patient to request that staff supervising the off–unit destination notify Unit Staff and obtain permission for the patient to remain at the off–unit destination.

While this provision “outlines the staff’s job duties”⁴² by clarifying Unit Staff must provide permission for a patient to remain at an off–unit destination, this provision clearly affects DSH–C patients by placing the burden on patients to request that staff super-

³⁰ See, e.g., Pen. Code, § 5058, subdivision (c)(1).

³¹ Gov. Code, § 11346.

³² *California School Boards Assn. v. State Board of Education* (2010) 186 Cal.App.4th 1298, 1328.

³³ Gov. Code, § 11340.9, subdivision (i).

³⁴ Department Response to the Petition, page 9.

³⁵ *Tidewater Marine Western, Inc. v. Bradshaw* (1996) 14 Cal.4th 557, 571.

³⁶ *Roth v. Department of Veterans Affairs* (1980) 110 Cal.App.3d 622, 630.

³⁷ Gov. Code, § 11340.9, subdivision (d).

³⁸ See *Stoneham v. Rushen* (1982) 137 Cal.App.3d 729, 736; *Armistead v. State Personnel Board* (1978) 22 Cal.3d 198, 204.

³⁹ See *Poschman v. Dumke* (1973) 31 Cal.App.3d 932, 943; *Grier v. Kizer* (1990) 219 Cal.App.3d 422, 436.

⁴⁰ *California School Boards Assn. v. State Board of Education* (2010) 186 Cal.App.4th 1298, 1334.

⁴¹ Department Response to the Petition, pages 9–10.

⁴² Department Response to the Petition, page 10.

vising the off–unit destination notify Unit Staff and obtain permission for a patient’s late return.

To the extent the Department believes that a patient’s hospital access level, which necessarily involves an assessment of any safety and security concerns posed by the patient, does not involve a matter of serious consequence involving an important public interest, OAL disagrees.

Thus, A.D. 558 is not exempt from the APA based upon the internal management exemption.

C. A.D. 558 does not embody the only legally tenable interpretation of law and is not a restatement of existing law.

Generally, a rule is excepted from the APA if it is the only legally tenable interpretation of a provision of law.

The exception for the lone “legally tenable” reading of the law applies only in situations where the law “can reasonably be read only one way [citation omitted], such that the agency’s actions or decisions in applying the law are essentially rote, ministerial, or otherwise patently compelled by, or repetitive of, the statute’s plain language.”⁴³

But to the extent any of the contents of the [statement of policy or procedure] depart from, or embellish upon, express statutory authorization, the [agency] will need to promulgate regulations.⁴⁴

A.D. 558 includes numerous provisions which are neither the only legally tenable interpretation of law nor a restatement of existing law.

For example, in Section V.A.2, the Department states that “[n]ewly admitted patients ... will be assigned unescorted hospital access within seven days after the [Treatment Team] determines that there are no safety or security concerns regarding the patient.” The Department asserts that this requirement “clarifies to the staff when to re–evaluate the patient to change their access level,” which is the only legally tenable interpretation of subsections (a)(2) and (b)(1) of section 4357 of title 9 of the CCR.⁴⁵ There are no specific time frames included in subsections (a)(2) and (b)(1) of section 4357 of title 9 of the CCR and, contrary to the Department’s assertion, Section V.A.2. further interprets these subsections by establishing a specific time period for assignment of unescorted hospital access. The Department has discretion to establish a specific time frame but chose to adopt a seven–day time period. Thus, the seven–day time period is not the only

legally tenable interpretation of subsections (a)(2) and (b)(1) of section 4357 of title 9 of the CCR.

Additionally, for example, in Sections IV.C, V.B., and V.C., the Department lists a number of factors to be considered when determining whether to grant a patient unescorted or escorted hospital access, some of which are not found in section 4359 of title 9 of the CCR.⁴⁶ The Department relies upon the catchall language in subsection (a)(15) of section 4359 of title 9 of the CCR to justify the adoption of this language. Subsection (a)(15) of section 4359 states, “To determine a patient’s access level, the Treatment Team, Program Staff, or Executive Staff shall consider the following factors: ... (15) Other relevant information.” According to the Department, “[t]he above are additional factors as part of other relevant information that the staff needs to consider in determining a patient’s access within the hospital. Not all factors can be listed because behaviors, risk level and treatment change dependent on the patient.”⁴⁷ The Department further asserts these sections “should be exempt by the only tenable interpretation exemption because staff can evaluate the access level based on other relevant information.”⁴⁸ While additional factors may need to be evaluated by the Department on a case–by–case basis, the Department is further implementing subsection (a)(15) of section 4359 of title 9 of the CCR in Sections IV.C, V.B., and V.C. by *requiring consideration of these factors for every patient*. The Department has discretion to enumerate factors for consideration but chose to adopt the specific factors enumerated in Sections IV.C, V.B., and V.C. Thus, the specific factors adopted in Sections IV.C., V.B., and V.C. are not the only legally tenable interpretation of subsection (a)(15) of section 4359 of title 9 of the CCR. Rather, they are standards of general application imposed upon DSH–C patients and staff.

The Department also asserts that A.D. 558 does not “implement, interpret, or make specific the [Hospital Access System] regulations [sections 4355 through 4360 of article 3.5 of chapter 16 of division 1 of title 9 of the CCR]”⁴⁹ and instead merely “restates various regulations to clarify points and emphasize main ideas into more manageable concepts to comprehend.”⁵⁰

The Department further argues:

Restatement can be used to clarify points or emphasize main ideas. Restatement can help break down complex, dense ideas into more manageable concepts. Restatement also helps

⁴³ *Morning Star Co. v. State Board of Equalization* (2006) 38 Cal.4th 324, 336–337 (internal citations omitted).

⁴⁴ *Engelmann v. State Board of Education* (1991) 2 Cal.App.4th 47, 62.

⁴⁵ Department Response to the Petition, pages 7, 11.

⁴⁶ See, e.g., “practice of pro–social unit norms.” (A.D. 558, Section IV.C.)

⁴⁷ Department Response to the Petition, page 12.

⁴⁸ *Ibid.*

⁴⁹ Department Response to the Petition, page 3.

⁵⁰ Department Response to the Petition, page 13.

with comprehension ... A.D. Number 558 is a restatement to clarify the regulations. It does not change the content, the meaning or concept of the regulation. Restatement is not a cut and paste of the regulation or the rewriting of the regulation verbatim, but words to make clear and to break down the complexity of ideas.⁵¹

This statement is expressly inconsistent with case-law. In *Armistead v. State Personnel Board*, the court held that “rules that interpret and implement other rules have no legal effect unless they have been promulgated in substantial compliance with the APA.”⁵² While A.D. 558 includes a number of accurate restatements of existing law, some of the examples of restatements identified by the Department actually interpret or further implement existing law. For example, in Section V.D.2.d., the Department requires a patient’s identification badge to be displayed “at all times when off the unit” and requires the patient’s identification badge to be “attached to their outermost garment above the waist.” The requirement regarding display of a patient’s identification badge at all times when off the unit is a restatement of subsection (d) of section 4356 of title 9 of the CCR. However, the requirement to attach an identification badge to the patient’s outermost garment above the waist is not a restatement of section 4356 of title 9 of the CCR and serves to impose an additional requirement upon patients that has not been adopted pursuant to the APA.

Whether the contents of A.D. 558 “maintain the integrity and intended meaning of the regulations and [are] not inconsistent with the regulations,”⁵³ is irrelevant to the evaluation of whether the contents of A.D. 558 are the only legally tenable interpretation of a provision of law or a restatement of existing law. Implementation, interpretation, or clarification of existing regulations by the Department in a manner that is not patently compelled by or repetitive of existing law necessitates the adoption of regulations.

Thus, A.D. 558 is not exempt from the APA as the only legally tenable interpretation of law and is not a restatement of existing law.

CONCLUSION

In accordance with the above analysis, OAL determines that A.D. 558 contains rules meeting the definition of “regulation” that the Department should have adopted pursuant to the APA. For example, the adoption of time periods pertaining to the assignment or reassignment of unescorted hospital access, additional criteria to evaluate in connection with patient access

⁵¹ Department Response to the Petition, page 4.

⁵² *Armistead v. State Personnel Board* (1978) 22 Cal.3d 198, 204.

⁵³ Department Response to the Petition, page 12.

determinations, and a requirement regarding how to wear a patient identification badge, are all rules meeting the definition of a regulation that the Department should have adopted pursuant to the APA. Thus, A.D. 558 contains underground regulations.

Date: August 19, 2024

/s/

Lindsey S. McNeill
Attorney IV

For: Kenneth J. Pogue
Director

Copy: Stephanie Clendenin, Director,
Department of State Hospitals
Loretta Davila, Attorney

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.

CalSavers Retirement Savings Board
File # 2024–0802–04
CalSavers Retirement Savings Program

This action by the CalSavers Retirement Savings Board (Board) makes permanent the emergency regulatory provisions in the Board’s regulations which define “noncompliance” and specify penalties and the process for assessment of penalties on eligible employers for noncompliance with the CalSavers Retirement Savings Program.

Title 10
Amend: 10000, 10008
Filed 08/21/2024
Effective 08/21/2024
Agency Contact: Tristan Woolacott (916) 653–1744

Department of Social Services
File # 2024–0708–02
Eligibility and Reporting Pregnancy and Pregnancy Special Need Amount for CalWORKs Program

This certificate of compliance action makes permanent the emergency changes made in OAL Matter Number 2023–1227–01EF. In that action, the Department of Social Services amended divisions 44,

80, and 82 of its Manual of Policies and Procedures to conform to statutory amendments affecting the eligibility criteria, verification process, and cash aid amount of pregnancy-related assistance available through the CalWORKs public assistance program.

Title MPP
Amend: 42–762, 44–211, 44–316, 80–301, 82–836
Filed 08/19/2024
Effective 08/19/2024
Agency Contact: Everardo Vaca (916) 657–2363

Board of Pharmacy
File # 2024–0805–03

Independent HIV Preexposure Prophylaxis
Furnishing

In this emergency rulemaking action, the Board of Pharmacy amends its HIV preexposure prophylaxis regulations to require that documentation of preexposure prophylaxis furnished and services provided shall be maintained in patient records, in the record system maintained by the pharmacy, for a minimum of three years from the date when the preexposure prophylaxis was furnished.

Title 16
Amend: 1747
Filed 08/14/2024
Effective 08/14/2024
Agency Contact: Lori Martinez (916) 244–6648

Department of Housing and Community
Development
File # 2024–0731–02

Mobilehome Residency Law Protection Program

This emergency rulemaking action repeals the requirement that the Department of Housing and Community Development (Department) use a request-for-proposals process to contract with one or more nonprofit legal services providers to provide legal advice and representation to mobilehome residents concerning alleged Mobilehome Residency Law violations. Instead of a request-for-proposals process, the amended regulation provides that the Department may award contracts in compliance with California public contracting requirements, as applicable, and the Mobilehome Residency Law Protection Act.

Title 25
Amend: 4916
Filed 08/12/2024
Effective 08/12/2024
Agency Contact: Jenna Kline (916) 841–5286

Department of Corrections and Rehabilitation
File # 2024–0808–02
Milestone Completion Credit Schedule

This rulemaking action amends section 3043.3 to revise the Milestone Completion Credit Schedule (MCCS), which is incorporated by reference in subsection 3043.3(d), and to update the references to the form within 3043.3.

Title 15
Amend: 3043.3
Filed 08/21/2024
Effective 09/09/2024
Agency Contact: Sarah Pollock (279) 223–2308

Department of Fish and Wildlife
File # 2024–0726–02
Commercial Groundfish Management Measures
Emergency

This emergency readopt with one change to the latitude range establishes the California Groundfish Restriction Area (CGRA) which prohibits the take of federal groundfish from 20 fathoms depth to the shoreward Economic Exclusive Zone, and permits take of specific groundfish shoreward of 20 fathoms.

Title 14
Adopt: 35.00
Amend: 150.06, 150.16, 189
Filed 08/05/2024
Effective 08/13/2024
Agency Contact: Ona Alminas (916) 902–9222

Department of Corrections and Rehabilitation
File # 2024–0701–01
Youth Offender Camp Pilot Program Expansion

This action by the Department of Corrections and Rehabilitation (“Department”) — submitted to the Office of Administrative Law (“OAL”) for filing with the Secretary of State and for printing in the California Code of Regulations — amends Section 3999.30, a pilot program that established the Youth Offender Program at Growlersburg Conservation Camp, by expanding the pilot program to Pine Grove Youth Conservation Camp. This filing is exempt from Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code (“APA”) pursuant to Penal Code section 5058.1 and is not subject to review by OAL, as the conditions set forth in Penal Code section 5058.1(b) have been met and the Department Director has certified in writing that the regulation applies to a pilot program that qualifies for exemption under said section. This action is effective on filing with the Secretary of State pursuant to Penal Code section 5058.1(c) and shall lapse by operation of law two years after the commencement of

the pilot program (i.e., July 27, 2025) pursuant to Penal Code section 5058.1(d).

Title 15
 Amend: 3999.30
 Filed 08/07/2024
 Effective 08/07/2024
 Agency Contact: Renee Rodriguez (916) 445–2220

California Coastal Commission

File # 2024–0702–04

Annual Increases To Permit Fees and Major Public Works Threshold

This action by the California Coastal Commission adjusts the threshold amount to qualify as a major public works or energy project and the fees for permit applications and other filings.

Title 14
 Amend: 13012, 13055
 Filed 08/14/2024
 Agency Contact: Claire Wilkens (415) 904–5225

California Gambling Control Commission

File # 2024–0625–01

Third–Party Providers of Proposition Players Services Contract Criteria

In this change without regulatory effect, the Commission amends its regulations to make grammatical changes.

Title 04
 Amend: 12270
 Filed 08/05/2024
 Agency Contact: Doris Pires (916) 263–1362

Department of Pesticide Regulation

File # 2024–0703–01

Mill Assessment

This action without regulatory effect by the Department of Pesticide Regulation updates mill assessment rates on pesticide products to align with Food and Agricultural Code section 12841(f), as amended by Assembly Bill 2113 (Stats. 2024, chapter 60, section 17).

Title 03
 Amend: 6386
 Filed 08/14/2024
 Agency Contact: Lauren Otani (916) 445–5781

Board of Vocational Nursing and Psychiatric Technicians

File # 2024–0702–02

Disciplinary Guidelines

In this rulemaking action the Board of Vocational Nursing and Psychiatric Technicians (BVNPT) updates its disciplinary guidelines.

Title 16
 Amend: 2524, 2579.10
 Filed 08/14/2024
 Effective 10/01/2024
 Agency Contact: Antoinette Wood (916) 214–5014

California Horse Racing Board

File # 2024–0715–03

Firearms

This action by the California Horse Racing Board (“CHRB”) amends the existing Firearms regulation under California Code of Regulations (“CCR”) Title 4 section 1875 by adding ammunition, non–powder guns, and any device or instrument which expels a projectile through air pressure, gas pressure, or spring action to the prohibited items. Furthermore, this action also amends the title of this regulation to “Weapons and Ammunition” to better reflect the totality of prohibited items.

Title 04
 Amend: 1875
 Filed 08/09/2024
 Effective 10/01/2024
 Agency Contact: Rick Pimentel (916) 274–6043

California School Finance Authority

File # 2024–0625–04

Charter School Facilities Credit Enhancement Grant Program

This regular rulemaking action by the California School Finance Authority increases the maximum award limit for the Charter School Facilities Credit Enhancement Grant Program from \$1,500,000 to \$2,000,000 and changes the basis of the maximum award limit from per–application to per–financing. This action also establishes a filing fee of \$1,000 to be submitted with each application for an award.

Title 04
 Amend: 10193, 10194, 10195, 10196, 10198
 Filed 08/06/2024
 Effective 08/06/2024
 Agency Contact: Ryan Storey Ryan.Storey@treasurer.ca.gov

Commission on Peace Officer Standards and Training
File # 2024-0724-03
Voluntary Surrender

This rulemaking action amends CCR section 1210 regarding voluntary surrender of peace officer certification. Specifically, it clarifies what information a peace officer needs to provide to complete the voluntary surrender of their peace officer certification.

Title 11
Amend: 1210
Filed 08/20/2024
Effective 08/20/2024
Agency Contact: Katelynn Poulos (916) 227-4894

Department of Corrections and Rehabilitation
File # 2024-0627-02
Hiring of Ex-Offenders

This action by the California Department of Corrections and Rehabilitation (CDCR) amends the existing hiring of ex-offender regulation by requiring secretary approval for the initial hiring of an ex-offender only, unless the position enables the ex-offender access to employee records or incarcerated individuals personal or medical information.

Title 15
Amend: 3404
Filed 08/06/2024
Effective 10/01/2024
Agency Contact: Renee Rodriguez (916) 445-2220

Department of Food and Agriculture
File # 2024-0731-01
Queensland Fruit Fly Eradication Area

This rulemaking action submitted by the Department of Food and Agriculture, amends the Queensland Fruit Fly host list included within CCR Section 3591.30, related to the Queensland Fruit Fly Eradication Area. Specifically, the amendment would update the host list to reflect the fruit, vegetables, pericarp of nuts, seeds, and berries currently affected to permit the Department of Food and Agriculture to eradicate the Queensland Fruit Fly therefrom.

Title 03
Amend: 3591.30
Filed 08/20/2024
Effective 10/01/2024
Agency Contact: Rachel Avila (916) 698-2947

Department of Motor Vehicles
File # 2024-0708-01
Insurance Cards

This rulemaking action by the Department of Motor Vehicles amends Cal. Code Regs. Title 13, § 82.00, re-

lated to format and content of insurance cards to better reflect technological advances and industry practices which have occurred since it was originally enacted in 2004.

Title 13
Amend: 82.00
Filed 08/06/2024
Effective 10/01/2024
Agency Contact: Randi Calkins (916) 282-7294

Fish and Game Commission

File # 2024-0702-03

Klamath River Basin Sport Fishing

This rulemaking action by the Fish and Game Commission (“Commission”) institutes a complete closure of the Klamath River fall-run Chinook Salmon (“KRFC”) in-river recreational fishery for the 2024 season to provide maximum protection of KRFC following recent projections showing Chinook Salmon abundance in California’s ocean waters to be at historic lows. This action also clarifies that the South Fork Trinity River downstream of the South Fork Trinity River bridge at Hyampom to the confluence with the Trinity River is closed to the catch-and-release of KRFC, and makes changes to numbering, abbreviated terminology, capitalization, and punctuation.

Title 14
Amend: 7.40
Filed 08/14/2024
Effective 08/14/2024
Agency Contact: David Haug (916) 902-9286

State Water Resources Control Board

File # 2024-0624-02

Direct Potable Reuse Regulations

This action adopts regulations governing direct potable reuse (DPR): the planned use of municipal wastewater to produce water that is used to augment a source of supply for a public water system’s drinking water treatment plan or placed into a public water system’s drinking water distribution system.

Title 22
Adopt: 64669.00, 64669.05, 64669.10, 64669.15, 64669.20, 64669.25, 64669.30, 64669.35, 64669.40, 64669.45, 64669.50, 64669.55, 64669.60, 64669.65, 64669.70, 64669.75, 64669.80, 64669.85, 64669.90, 64669.95, 64669.100, 64669.105, 64669.110, 64669.120, 64669.125, 64669.130
Filed 08/06/2024
Effective 10/01/2024
Agency Contact: Jing Chao (619) 525-4834

Structural Pest Control Board
 File # 2024–0725–01
 Fumigation and Pesticide Standards and Record Requirements

This rulemaking action by the Structural Pest Control Board (SPCB) amends the existing Standards and Recording Requirements regulation under California Code of Regulations Title 16 section 1970 by relocating the required information for Fumigation Logs into a new Standard Structural Fumigation Log (Form number 43M–47, Rev. 6/2023) which is incorporated by reference. Additionally, this action amends the required structural pest control application report information to be align with the minimum federal standards set forth in 40 C.F.R. 171.303(b)(7)(vi).

Title 16
 Amend: 1970
 Filed 08/21/2024
 Effective 10/01/2024
 Agency Contact: Sophia Azar (279) 236–2502

Department of Motor Vehicles
 File # 2024–0626–01
 Environmental License Plates

This action amends the application for environmental and special interest license plates and clarifies the rules regarding environmental license plate configurations to reduce department discretion and comply with current first amendment law.

Title 13
 Adopt: 206.00, 206.16
 Amend: 205.00, 206.00 [renumbered to 206.02], 206.02 [renumbered to 206.04], 206.04 [renumbered to 206.06], 206.06 [renumbered to 206.08], 206.08 [renumbered to 206.10], 206.10 [renumbered to 206.12], 206.12 [renumbered to 206.14]
 Repeal: 206.20, 206.22, 206.30, 206.35, 206.40, 206.50, 206.52, 206.54, 206.56, 206.58, 206.60
 Filed 08/08/2024
 Effective 08/08/2024
 Agency Contact: Randi Calkins (916) 282–7294

Speech–Language Pathology and Audiology and Hearing Aid Dispensers Boa
 File # 2024–0702–01
 Continuing Education Requirements

This rulemaking action by the Speech–Language Pathology and Audiology and Hearing Aid Dispensers Board amends regulations relating to continuing education requirements for hearing aid licensees.

Title 16
 Amend: 1399.140, 1399.140.1, 1399.144
 Filed 08/14/2024
 Effective 10/01/2024
 Agency Contact: Maria Liranzo (916) 905–5441

State Controller’s Office
 File # 2024–0621–05
 Procedure for Administrative Review of Unclaimed Property Audit Findings and Interest Assessments

This rulemaking action by the State Controller’s Office establishes a standardized process by which unclaimed property holders can request a review of audit findings and interest assessments made at the conclusion of an unclaimed property audit.

Title 02
 Adopt: 1180.049, 1180.050, 1180.051, 1180.052, 1180.053, 1180.054, 1180.055, 1180.056, 1180.057, 1180.058
 Filed 08/05/2024
 Effective 10/01/2024
 Agency Contact: Ethan Jaffe (916) 327–1041

CCR CHANGES FILED WITH THE SECRETARY OF STATE WITHIN APRIL 1, 2024 TO JUNE 30, 2024

All regulatory actions filed by OAL during this period are listed below by California Code of Regulations titles, then by date filed with the Secretary of State, with the Manual of Policies and Procedures changes adopted by the Department of Social Services listed last. For further information on a particular file, contact the person listed in the Summary of Regulatory Actions section of the Notice Register published on the first Friday more than nine days after the date filed.

- Title 02**
- 04/17/2024 AMEND: 649.7, 649.15, 649.16, 649.18, 649.19, 649.24, 649.28, 649.50
 - 05/08/2024 AMEND: 1181.2, 1181.3, 1181.13, 1183.1, 1183.5, 1183.6, 1184.1, 1185.4, 1185.6, 1187.5, 1187.7, AND 1187.8
 - 05/13/2024 ADOPT: 18360.1, 18360.2, 18360.3 REPEAL: 18360.1, 18360.2, 18360.3
 - 05/14/2024 AMEND: 1859.76
 - 05/16/2024 AMEND: 59560
 - 06/03/2024 AMEND: 1860.2, 1860.3, 1860.4, 1860.16, 1860.18
 - 06/10/2024 AMEND: 18237, 18421.2
 - 06/13/2024 AMEND: 18227.5
 - 06/27/2024 ADOPT: 20296, 20297, 20298, 20299, 20300, 20301, 20302, 20303, 20304, 20305,

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20306, 20307, 20310, 20311, 20312, 20313, 20314, 20315 AMEND: 20980 [renumbered to 20280.1], 20981 [renumbered to 20281], 20982 [renumbered to 20282], 20983 [renumbered to 20283], 20984 [renumbered to 20284], 20810 [renumbered to 20350], 20811 [renumbered to 20351], 20812 [renumbered to 20352], 20813 [renumbered to 20353], 20814 [renumbered to 20354], 20815 [renumbered to 20355], 20816 [renumbered to 20356], 20817 [renumbered to 20357], 20818 [renumbered to 20358], 20819 [renumbered to 20359], 20820 [renumbered to 20360], 20821 [renumbered to 20361], 20822 [renumbered to 20362], 20823 [renumbered to 20363], 20830 [renumbered to 20370], 20831 [renumbered to 20371], 20832 [renumbered to 20372], 20833 [renumbered to 20373] REPEAL: 20840, 20841, 20842, 20985

Title 03

04/15/2024 AMEND: 3591.2
04/25/2024 AMEND: 3436, 3591.23
04/30/2024 AMEND: 4500
05/06/2024 AMEND: 6130
05/23/2024 AMEND: 3251

Title 04

04/02/2024 AMEND: 1866.3
04/04/2024 AMEND: 12396
04/10/2024 REPEAL: 12500, 12501, 12503, 12504, 12505, 12508, 12510, 12511, 12514, APPENDIX C
04/15/2024 ADOPT: 10091.7 AMEND: 10091.1, 10091.2, 10091.5, 10091.6, 10091.7 [renumbered to 10091.8], 10091.8 [renumbered to 10091.9], 10091.9 [renumbered to 10091.10], 10091.10 [renumbered to 10091.11], 10091.11 [renumbered to 10091.12], 10091.12 [renumbered to 10091.13], 10091.13 [renumbered to 10091.14], 10091.14 [renumbered to 10091.15], 10091.15 [renumbered to 10091.16], 10091.16 [renumbered to 10091.17], 10091.17 [renumbered to 10091.18]
05/13/2024 ADOPT: 10092.16, 10092.17 AMEND: 10092.1, 10092.2, 10092.4, 10092.5, 10092.6, 10092.7, 10092.8, 10092.9, 10092.10, 10092.13, 10092.14, 10092.15
05/20/2024 AMEND: 10315, 10317, 10320, 10322, 10325, 10327, 10327
05/22/2024 AMEND: 12252, 12252.2, 12368, 12368.2
06/14/2024 ADOPT: 10091.7, 10091.17 AMEND: 10091.1, 10091.2, 10091.5, 10091.6, 10091.7 [renumbered to 10091.8], 10091.8 [renumbered to 10091.9], 10091.9 [renumbered to 10091.10],

10091.10 [renumbered to 10091.11], 10091.11 [renumbered to 10091.12], 10091.12 [renumbered to 10091.13], 10091.13 [renumbered to 10091.14], 10091.14 [renumbered to 10091.15], 10091.15 [renumbered to 10091.16], 10091.16 [renumbered to 10091.17], 10091.17 [renumbered to 10091.18]

06/26/2024 AMEND: 1927, 1928, 2101, 2103

Title 05

04/02/2024 AMEND: 855
04/03/2024 AMEND: 71600
05/13/2024 AMEND: 75020
05/22/2024 ADOPT: 30928, 30929, 30930, 30931, Appendix A
06/05/2024 AMEND: 80692
06/10/2024 AMEND: 80457
06/20/2024 AMEND: 20500, 20514, 21023, 23005, 24011, 27600, 27601, 27704, 27705
06/24/2024 AMEND: 19810
06/26/2024 AMEND: 31010, 31012, 31013, 31014, 31015, 31016, 31017

Title 08

04/08/2024 AMEND: 1532.1, 1532.1 Appendix A, 1532.1 Appendix B, 1532.1 Appendix C, 5155, 5198, 5198 Appendix A, 5198 Appendix B, 5198 Appendix C REPEAL: 1532.1 Appendix D, 5198 Appendix D
04/08/2024 ADOPT: 32095, 32610.2, and 32611.8.
05/28/2024 AMEND: 5204
06/05/2024 ADOPT: 32019.1, 32019.2, 32019.5, 32019.6, 2019.7, 32019.8, 32096, 32613, 32613.5, 32614, 32614.1, 32614.2, 32614.3, 70050, 71091, 71690, 71695, 71698, 72000, 72000.5, 72001, 72005, 72010, 72020, 72025, 72030, 72035, 72040, 72045, 72050, 72055, 72060, 72065, 72070, 72075, 72080, 72085, 72090, 72095, 72100, 72105, 72110, 72115, 72120, 72125, 72130, 72135, 72140, 72145, 72147, 72150, 72155, 72160, 72165, 72170, 72175, 72180, 72185, 72190, 72195, 72200, 72205, 72215, 72220, 72225 AMEND: 31001, 32018, 32020, 32030, 32040, 32050, 32055, 32060, 32075, 32080, 32090, 32091, 32092, 32093, 32094, 32100, 32105, 32110, 32111, 32115, 32120, 32125, 32130, 32132, 32135, 32136, 32140, 32143, 32145, 32147, 32149, 32150, 32155, 32162, 32164, 32165, 32166, 32168, 32169, 32170, 32175, 32176, 32178, 32180, 32185, 32190, 32200, 32205, 32206, 32207, 32209, 32210, 32212, 32215, 32220, 32230, 32295, 32300, 32305, 32310, 32312, 32315, 32320, 32325, 32350, 32360, 32370, 32375, 32380,

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32400, 32410, 32450, 32455, 32460, 32465, 32470, 32500, 32602, 32615, 32612 renumbered as 32616, 32620, 32621, 32625, 32630, 32635, 32640, 32644, 32645, 32647, 32648, 32649, 32650, 32661, 32680, 32690, 32720, 32980, 71010, 71030, 71035, 71040, 71090, 71095, 71100, 71110, 71120, 71130, 71140, 71210, 71230, 71235, 71300, 71310, 71320, 71680, 71685 REPEAL: 71026, 71027, 71050, 71055, 71060, 71070, 71080, 71115, 93000, 93005, 93010, 93015, 93020, 93025, 93030, 93035, 93040, 93045, 93050, 93055, 93060, 93065, 93070, 93075, 93080.

06/10/2024 AMEND: 9789.12.2, 9789.12.11, 9789.12.12, 9789.19

06/18/2024 AMEND: 15431.1

06/24/2024 AMEND: 5144, Appendix A

Title 09

06/18/2024 AMEND: 4530, 4530.1, 4530.2, 4530.3, 4530.4, 4530.5, 4530.6, 4530.7, 4530.8, 4530.9, 4530.10, 4530.11, 4530.12

06/19/2024 AMEND: 400

Title 10

04/03/2024 AMEND: 10002

05/01/2024 ADOPT: 260.236.2

05/16/2024 AMEND: 2498.6

05/28/2024 AMEND: 2498.4.9

06/05/2024 AMEND: 10002

06/12/2024 AMEND: 5528, 5541

06/20/2024 AMEND: 10000, 10008

06/27/2024 AMEND: 2498.4.9

06/28/2024 AMEND: 2498.6

Title 11

04/10/2024 ADOPT: 4410, 4412

04/18/2024 AMEND: 1205

05/10/2024 AMEND: 1011

05/16/2024 AMEND: 20

05/29/2024 AMEND: 756.2, 820, 828.4, 828.5, 828.6, 962, 964, 966, 967, 968, 999.228

06/17/2024 AMEND: 25 (28.4)

06/19/2024 AMEND: 999.226

Title 13

04/23/2024 AMEND: 350.06

05/31/2024 AMEND: 1956.8, 1971.1, 1971.5

06/03/2024 AMEND: 345.35, 345.40, 345.41, 345.50

06/27/2024 ADOPT: 115.00, 115.01, 115.06, 115.07, 115.12, 115.13 AMEND: 115.01 [renumbered to 115.00], 115.02, 115.03, 115.04, 115.05 [renumbered to 115.08], 115.06 [renumbered to

115.09], 115.07 [renumbered to 115.10], 115.08 [renumbered to 115.11], 115.09 [renumbered to 115.14], 115.10 [renumbered to 115.15]

Title 14

04/11/2024 AMEND: 7.40, 7.50

04/19/2024 AMEND: 27.20, 27.25, 27.30, 27.35, 27.40, 27.45, 27.50, 28.27, 28.28, 28.29, 28.47, 28.48, 28.49, 28.54, 28.55, 28.56

04/24/2024 AMEND: 670.2

05/14/2024 AMEND: 11945

05/15/2024 AMEND: 5.79, 5.80, 27.90, 27.92

05/22/2024 AMEND: 18660.24, 18660.25, 18660.33, 18660.34

05/29/2024 ADOPT: 375, 376, 377, 378, 379 AMEND: 250, 251.5, 252, 257.5, 258, 350, 352, 353, 401, 465.5, 679, 708.13

05/29/2024 ADOPT: 12030, 12131, 12132, 12133 AMEND: 12052

06/07/2024 ADOPT: 540 AMEND: 550, 551, 630

06/10/2024 AMEND: 7.40

06/20/2024 AMEND: 28.15

06/21/2024 AMEND: 3504, 3550.1, 3550.7, 3550.9, 3550.10, 3550.14, 3550.16, 3550.17, 3631, 3653, 3697, 3698, 3699, 3710, 3801, 3802, 3803.2, 3804, 3805, 3805.5, 3806.1, 3806.2, 3900, 3901, 3902, 3903, 3906, 3909, 3910, 3911

06/24/2024 ADOPT: 1753, 1753.1, 1753.1.1, 1753.1.2, 1753.2, 1753.2.1, 1753.2.2, 1753.3, 1753.3.1, 1753.3.2

Title 15

04/08/2024 AMEND: 3000, 3312

04/08/2024 ADOPT: 3335.2, 3335.3, 3335.4, 3337, 3339, 3341, 3343, 3345, 3346 AMEND: 3000, 3043, 3044, 3044.1, 3045.1, 3091, 3095, 3139, 3164, 3170.1, 3176, 3177, 3190, 3261.5, 3269, 3269.1, 3269.4, 3287, 3312, 3314, 3315, 3317, 3322, 3327, 3329.5, 3332, 3335, 3335.5 (renumbered to 3335.1), 3336, 3337 (renumbered to 3340), 3338 renumbered to 3342), 3340 (renumbered to 3344), 3341.5 (renumbered to 3338), 3342 (renumbered to 3347), 3343 (renumbered to 3348), 3344 (renumbered to 3349), 3375, 3375.1, 3375.2, 3375.3, 3375.4, 3375.5, 3376, 3376.1, 3377.1, 3377.2, 3378.2, 3378.4, 3378.5, 3378.7, 3378.9, 3378.10, 3379 REPEAL: 3339, 3341, 3341.1, 3341.2, 3341.3, 3341.4, 3341.6, 3341.7, 3341.8, 3341.9, 3345, 3378.3

04/10/2024 AMEND: 3044, 3090

04/16/2024 AMEND: 3041.2

04/16/2024 AMEND: 8004, 8004.1, 8004.3, 8004.4, 8008, 8100, 8108, 8114, 8115, 8116, 8116.1, 8117, 8118

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04/22/2024 AMEND: 3173.2, 3174, 3176
05/30/2024 AMEND: 1046
05/31/2024 AMEND: 2056, 2057, 2058, 2063
06/19/2024 ADOPT: 3078.7, 3078.8, 3078.9, 3078.10,
3078.11, 3078.12, 3078.13 AMEND: 3000,
3077, 3078.1, 3078.2, 3078.3, 3078.4, 3078.6,
3375.2, 3379 REPEAL: 3074.3, 3630

Title 16

04/09/2024 AMEND: 39, 48.3, 70
05/01/2024 AMEND: 1426
05/20/2024 AMEND: 116
05/28/2024 ADOPT: 10.1 AMEND: 10, 87.1
05/28/2024 AMEND: 3340.17
05/29/2024 AMEND: 1105
06/05/2024 AMEND: 810, 832.10, 832.46
06/12/2024 AMEND: 811 REPEAL: 812
06/20/2024 REPEAL: 120(a)
06/20/2024 AMEND: 1018
06/26/2024 AMEND: 1364.10, 1364.11

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04/03/2024 AMEND: 6520, 6523, 6527, 6540, 6541
05/17/2024 ADOPT: 95364.2, 95366.1, 95366.2, 95367.1,
95367.2 AMEND: 95360, 95361, 95362,
95364, 95364.1, 95365, 95366, 95367, 95368,
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04/03/2024 ADOPT: 3210, 3220, 3230, 3240, Appendix A
05/08/2024 REPEAL: 2610
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05/20/2024 AMEND: 1363.1, 1363.2, 1366, 1367, 1370,
1371, and Division 2, Chapter 3, Article 3,
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05/06/2024 ADOPT: 66262.13, 66262.15, 66262.16,
66262.17, 66262.18, 66262.250, 66262.251,
66262.252, 66262.253, 66262.254, 66262.255,
66262.256, 66262.260, 66262.261, 66262.262,
66262.263, 66262.264, 66262.265 AMEND:

66260.10, 66260.23, 66262.10, 66262.32,
66262.35, 66262.41, 66263.43, 66263.45,
66263.46, 66264.1, 66264.71, 66264.191,
66264.192, 66264.193, 66264.1030,
66264.1050, 66265.1, 66265.71, 66265.191,
66265.192, 66265.193, 66265.1030,
66265.1050, 66268.1, 66268.7, 66268.50,
66270.60, 66273.8, 66273.9, 66273.72,
66279.10, 67426.1 REPEAL: 66262.12,
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05/22/2024 AMEND: 100164, 100167

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05/02/2024 AMEND: 35000, 35001 REPEAL: 35078

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04/11/2024 ADOPT: Chapter 1 and Article 1 in Division
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04/17/2024 AMEND: 1040

05/01/2024 ADOPT: 3929.21

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05/13/2024 REPEAL: 6600.1, 6601.1, 6602.1, 6603.1,
6604.1, 6605.1, 6606.1, 6607.1

06/10/2024 AMEND: 4908, 4914, 4916 REPEAL: 4912

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