



# California Regulatory Notice Register

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

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## PROPOSED ACTION ON REGULATIONS

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### TITLE 2. FAIR POLITICAL PRACTICES COMMISSION

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

#### CONFLICT-OF-INTEREST CODES

##### AMENDMENT

MULTI-COUNTY: Antelope Valley Joint Union  
High School District  
Colusa Sutter Yolo Regional  
Child Support Agency

STATE AGENCY: Alcoholic Beverage Control

A written comment period has been established commencing on September 20, 2024, and closing on November 4, 2024. Written comments should be directed to the Fair Political Practices Commission, Attention Belen Cisneros, 1102 Q Street, Suite 3050, Sacramento, California 95811.

At the end of the 45-day comment period, the proposed conflict-of-interest codes will be submitted to the Commission's Executive Director for their review, unless any interested person or 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 codes will be submitted to the Commission for review.

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

The Executive Director of the Commission, upon their own motion or at the request of any interested person, will approve, or revise and approve, or return

the proposed codes to the agency for revision and re-submission within 60 days without further notice.

Any interested person may present statements, arguments, or comments, in writing to the Executive Director of the Commission, relative to review of the proposed conflict-of-interest codes. Any written comments must be received no later than November 4, 2024. If a public hearing is to be held, oral comments may be presented to the Commission at the hearing.

#### COST TO LOCAL AGENCIES

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

#### EFFECT ON HOUSING COSTS AND BUSINESSES

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

#### AUTHORITY

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

#### REFERENCE

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

#### CONTACT

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

AVAILABILITY OF PROPOSED  
CONFLICT-OF-INTEREST CODES

Copies of the proposed conflict-of-interest codes may be obtained from the Commission offices or the respective agency. Requests for copies from the Commission should be made to Belen Cisneros, Fair Political Practices Commission, 1102 Q Street, Suite 3050, Sacramento, California 95811, or email [bcisneros@fppc.ca.gov](mailto:bcisneros@fppc.ca.gov).

**TITLE 13. DEPARTMENT OF MOTOR  
VEHICLES**

VEHICLE REGISTRATION AND TITLING

The California Department of Motor Vehicles (department) proposes to add section 158.50 in Article 3.0, Chapter 1, Division 1, Title 13 of the California Code of Regulations (CCR), relating to the Lien Sales program.

PUBLIC HEARING

A public hearing regarding this proposed regulatory action is not scheduled. However, a public hearing will be held if any interested person or his or her duly authorized representative requests a public hearing to be held relevant to the proposed action by submitting a written request to the contact person identified in this notice no later than fifteen (15) days prior to the close of the written comment period.

DEADLINE FOR WRITTEN COMMENTS

Any interested party or his or her duly authorized representative may submit written comments relevant to the proposed regulations to the contact person identified in this notice. All written comments must be received at the department no later than **November 4, 2024**, the final day of the written comment period, in order for them to be considered by the department before it adopts the proposed regulation.

AUTHORITY AND REFERENCE

The department proposes to adopt these regulations under the authority granted by Vehicle Code section 1651 and Civil Code section 3068, to implement, interpret, or make specific Civil Code sections 3067 through 3074, and Vehicle Code section 1811.

INFORMATIVE DIGEST/POLICY  
STATEMENT OVERVIEW

The California Civil Code sections 3067 through 3074 detail the procedures for lien sales in California. Civil Code sections 3071 and 3072 bifurcate the process based on the value of a vehicle. Vehicles valued over \$4,000 are subject to the procedures established in Civil Code section 3071 and those valued at \$4,000 or less are subject to the procedures established in Civil Code section 3072. Vehicle Code section 22670 establishes that when a vehicle is towed at the request of a public agency the estimated value of that vehicle is established by the public agency who ordered the towing of the vehicle unless they opt to not set a value. The statute provides an alternative of the garage keeper or the garage keepers agent.

There is nothing in statute that determines, outside of a lien sale following the towing of a vehicle at the behest of a public agency, the value of a vehicle for lien sale purposes.

BENEFITS OF THE  
PROPOSED REGULATION

A lien sale is the process in which a vehicle may be sold to pay a debt that has not been satisfied. In a lien sale all interested parties are notified and the vehicle is then sold to the highest bidder. The California Civil Code outlines the procedures for a lien sale based on the value of a vehicle but is silent, except for in cases of a public agency ordered towing, as how the value is to be determined. Throughout the Civil Code the department is tasked with managing lien sales. Because the role of the department in the lien process changes based on the value of the vehicle it is imperative that there is a way to equitably establish a process to value vehicles. Currently, there is confusion and uncertainty regarding the valuation process of vehicles subject to a lien sale. The department has therefore determined that it is necessary to adopt a regulation to establish how value for lien sale vehicles is to be calculated. This will benefit the public and businesses when determining which procedure must be followed when selling a vehicle through the lien sale process.

CONSISTENCY AND COMPATIBILITY  
WITH STATE REGULATIONS

The department conducted a review of other state regulations and has concluded there are no other regulations that establish plate sponsor guidelines for the special interest or specialized license plate programs. Therefore, the proposed regulations are neither inconsistent nor incompatible with existing state regulations.

**COMPARABLE FEDERAL STATUTES OR  
STATE REGULATIONS**

The department has conducted a search and has determined that there are no compatible federal regulations or statutes related to vehicle valuation for lien sales.

**DOCUMENTS INCORPORATED  
BY REFERENCE**

There are no documents incorporated by reference.

**ECONOMIC AND FISCAL  
IMPACT DETERMINATIONS**

The department has made the following initial determinations concerning the proposed regulatory action:

- Cost or Savings to Any State Agency: None.
- Other Non–Discretionary Cost or Savings to Local Agencies: None.
- Costs or Savings in Federal Funding to the State: None.
- Effects on Housing Costs: None.
- Cost to any local agency or school district requiring reimbursement pursuant to Gov. Code section 17500 et seq.: None.
- Cost Impact on Representative Private Persons or Businesses: The department is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.
- Small Business Impact: This may impact small businesses if the small business is involved in the lien sale process.
- Local Agency/School District Mandate: The proposed regulatory action will not impose a mandate on local agencies or school districts, or a mandate that requires reimbursement pursuant to Part 7 (commencing with Section 17500) of Division 4 of the Government Code.
- Significant statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states: The department is not aware of any significant statewide adverse economic impact directly affecting businesses including the ability of California businesses to compete with businesses in other states.

**RESULTS OF THE ECONOMIC  
IMPACT STATEMENT**

The department has made the initial determination that this action will not impact, 1) the creation or elimination of jobs within the State of California, 2) the creation or elimination of existing businesses within the State of California, 3) the expansion of businesses currently doing business within the State of California, or 4) worker safety or the state’s environment.

This regulatory proposal may benefit the health and welfare of California residents by increasing protections for consumers who may have vehicles subject to lien sale. The department has not identified a benefit to worker safety or the state’s environment.

**PUBLIC DISCUSSIONS OF  
PROPOSED REGULATIONS**

A pre–notice workshop, pursuant to Government Code section 11346.45, is not required because the issues addressed in the proposal are not so complex or large in number that they cannot easily be reviewed during the comment period.

**ALTERNATIVES CONSIDERED**

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

**CONTACT PERSON**

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

Randi Calkins, Regulations Specialist  
Department of Motor Vehicles  
Legal Affairs Division  
P.O. Box 932382, MS C–244  
Sacramento, CA 94232–3820

Any inquiries or comments concerning the proposed rulemaking action requiring more immediate response may use:

Telephone: (916) 282–7294  
Facsimile: (916) 657–6243  
Email: [LADRegulations@dmv.ca.gov](mailto:LADRegulations@dmv.ca.gov)

In the event the contact person is unavailable, inquiries should be directed to the following back-up person:

Peggy Gibson, Attorney IV

Department of Motor Vehicles

Telephone: (916) 657–6469

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

The department has prepared an Initial Statement of Reasons for the proposed regulatory action and has available all the information upon which the proposal is based. The contact person identified in this notice shall make available to the public upon request the Express Terms of the proposed regulatory action using underline or italics to indicate additions to, and strike-out to indicate deletions from the California Code of Regulations.

The contact person identified in this notice shall also make available to the public, upon request, the Final Statement of Reasons and the location of public records, including reports, documentation and other materials related to the proposed action. In addition, the above-cited materials (the Notice of Proposed Regulatory Action, the Initial Statement of Reasons, and Express Terms) may be accessed at <https://www.dmv.ca.gov/portal/about-the-california-department-of-motor-vehicles/california-dmv-rulemaking-actions/>.

#### AVAILABILITY OF MODIFIED TEXT

Following the written comment period, and the hearing if one is held, the department may adopt the proposed regulations substantially as described in this notice. If modifications are made which are sufficiently related to the originally proposed text, the fully modified text, with changes clearly indicated, shall be made available to the public for at least 15 days prior to the date on which the department adopts the resulting regulations. Requests for copies of any modified regulations should be addressed to the department contact person identified in this notice. The department will accept written comments on the modified regulations for 15 days after the date on which they are first made available to the public.

## TITLE 14. DEPARTMENT OF CONSERVATION

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

NOTICE IS HEREBY GIVEN that the **Department of Conservation**, 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 September 20, 2024, and closing on *November 4, 2024*. All inquiries should be directed to the contact listed below.

The **Department of Conservation**, 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: removing job classifications no longer used by the Department, adding new job classifications the Department added since the last time it amended its code, revising disclosure categories for a small number of positions, and other technical changes. The proposed amendment and explanation of the reasons can be obtained from the agency's contact.

Any interested person may submit written comments relating to the proposed amendment by submitting them no later than *November 4, 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 *October 20, 2024*.

The **Department of Conservation** 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: Glen Baird, Manager of Legislative and Regulatory Affairs, (916) 531–7201, [glen.baird@conservation.ca.gov](mailto:glen.baird@conservation.ca.gov) or Ted Lindstrom, Attorney, (916) 893–7120, [ted.lindstrom@conservation.ca.gov](mailto:ted.lindstrom@conservation.ca.gov).

## TITLE 14. BOARD OF FORESTRY AND FIRE PROTECTION

### LICENSING FEE AMENDMENTS, 2024 AMEND § 1605(B)

Notice is hereby given that the California State Board of Forestry and Fire Protection (Board) is proposing to take the action described in the Informative Digest.

#### WRITTEN COMMENT PERIOD

Any person, or authorized representative, may submit written comments relevant to the proposed regulatory action to the Board. All written comments must be received by the Board office via mail, facsimile, email, or hand delivery no later than **November 6, 2024**.

Written comments shall be submitted to the following address:

Board of Forestry and Fire Protection  
Attention: Daniel Craig  
Regulations Program Manager  
P.O. Box 944246  
Sacramento, CA 94244–2460

Written comments can also be hand delivered to the contact person listed in this notice at the following address:

Board of Forestry and Fire Protection  
Attention: Daniel Craig  
715 P Street  
Sacramento, CA 95814

Written comments may also be delivered via email at the following address:

[PublicComments@BOF.ca.gov](mailto:PublicComments@BOF.ca.gov)

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

#### AUTHORITY AND REFERENCE

(pursuant to GOV § 11346.5(a)(2), 1 CCR § 14 and 14 CCR § 1122)

Authority cited: Section 759, Public Resources Code.  
Reference: Sections 767 and 782, Public Resources Code.

#### INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

(pursuant to GOV 11346.5(a)(3)(A)–(D))

The Professional Foresters Law (PFL) (Public Resources Code (PRC) § 750, *et seq.*), declares the existence of a public interest in the management and treatment of the forest resources and timberlands of this state and to provide for the regulation of persons who practice the profession of forestry and whose activities have an impact upon the ecology of forested landscapes and the quality of the forest environment, and through that regulation to enhance the control of air and water pollution, the preservation of scenic beauty, the protection of watersheds by flood and soil erosion control, the production and increased yield of natural resources, including timber, forage, wildlife, and water, and outdoor recreation, to meet the needs of the people.

Pursuant to PRC § 759, the Board is authorized to adopt rules and regulations to affect the provisions of the article (the Professional Foresters Law), including the regulation of persons who practice the profession of forestry and whose activities have an impact upon the ecology of forested landscapes and the quality of the forest environment (PRC § 751).

Additionally, within the PFL, PRC § 782 requires the Board to “...establish by regulation the amount of fees within the following ranges and based on a determination by the board of the amount of revenues reasonably necessary to carry out the article.” The section then outlines maximum fees for certain specified applications, registrations, and other actions.

The proposed action was developed, in part, in response to budgetary investigations by the Office of Foresters Registration with the assistance from CAL FIRE *prior to 2020*. After several years of review by the Professional Foresters Examination Committee (PFEC), it had been determined that the Registered Professional Foresters (RPF) Fund which is established within PRC § 780 and which is used for the administration of the PFL (PRC § 781), will have insufficient funds to conduct the normal processes and functions for the examination and licensing of Professional Foresters and the Certified Specialty program by fiscal 2019–20. Much of this problem stemmed from a reduced number of registrants and a fee structure that has not changed for 28 years since last revised in 1991.

In 2019, the PFEC made recommendations to institute a substantial renewal fee increase of 84% for RPFs and 86% for Certified Rangeland Managers (CRMs). The PFEC also discounted the renewal fee for RPFs with 30 years or more in the registry to retain those RPFs during the substantial renewal fee increase. The PFEC also increased other fees listed under 14 CCR 1605 (b) and added new regulatory text under 14 CCR 1605 (e) requiring the PFEC to review fund condition a minimum of every five years to avoid the substantial fee increase that went into effect in 2020. These actions helped to maintain the Registered Professional Forest Fund over the last five years

The *problem* is that, even with various cost-cutting and revenue generating measures which have already been implemented, the Registered Professional Foresters Fund will not be solvent enough for continued effective administration of the Professional Foresters law over the next five-year period starting in 2025. Additionally, internal renewal surveys indicate the percentage of 30-year RPFs remains at over 40% of the registry and 27% are now retired but continue to pay their renewal fee to support licensing. This is good news, but with each proposed renewal fee increase there remains the potential risk to fund solvency since eventually this large cadre of RPFs will relinquish their license. This will significantly impact revenues from the Professional Forester Fund and reduce valuable professional skills and experience from the workforce at a time where implementation of forest health or fuel reduction projects, which require RPF involvement, are critically needed. The funds which are available for the administration of the PFL are generated through fees collected pursuant to the PFL and, though good governance would establish requirements for the evaluation of these funds to ensure continued administration of the PFL for the public good. With the adoption of 14 CCR 1605 (e), the mechanism now exists to address the fund condition every 5 years and current projections are that the fund will be insolvent after next year (2025).

Data was utilized from CAL FIRE accounting reports. Utilizing the PFEC projection assumptions of 5% increase annually in new RPFs and 10% reduction in 30-year RPFs, it was determined that a minimum biennial fee to maintain fund integrity to maintain the fund solvency for another five years will require at a minimum a \$70 increase in the current renewal fee for RPFs, 30-year RPFs and CFMs.

The *purpose* of the proposed action is to raise renewal fees to ensure the continued functions of the Office of Foresters Registration including the review of applicants for examination, examination development and implementation, proctoring, and grading. Other functions supported by the RPF fund include complaint review, investigations, complaint process-

ing, litigation, record keeping, renewal processing, distribution of licensing information to the registry, and general administration of the Professional Foresters Law. The purpose is to also provide for efficient payment processing for registrants, clarify the process and procedures for appeals of examinations and qualifications for license applicants, and to support the fund through implementation of fund reviews every five years at a minimum, and fee discounts to retain the most experienced professional forester registrants to help offset revenue losses and retain experienced RPFs. Approximately 73% of costs to the fund are associated with personnel costs for Board employees operating the foresters licensing and specialties program. These costs largely increase at an estimated 2% per year as outlined in employee bargaining unit agreements. The other 27% of the fund's costs are primarily associated with contracts for exam preparation and administration, exam grading, PFEC per diem expenditures, and pro rata charges from CAL FIRE. These costs can vary year to year depending on the number of applicants sitting for the examination, the number of committee meetings, and both incurred and projected expenses from CAL FIRE. The largest component of costs is associated with the RPF and CRM examinations where the revenue generated from the application fee is at the statutory limit of \$200, yet the costs incurred for exam development, administration and grading exceed this amount by approximately \$200. Without an action by the legislature or an approved budget change proposal, the statutory limit for the application fee cannot be increased.

The *effect* of the proposed action is to increase the available revenue to the RPF fund at operable levels by increasing renewal fees associated with the Office of Professional Foresters Registration, thereby ensuring the RPF fund solvency to 2030. The proposed action equates to a 20% biennial fee increase for RPFs, a 25% increase for 30-year RPF registrants, and approximately 53% for CRM. It should be noted that the licensing office does not collect application fees from the CRM specialty program and only collects fees after a CRM applicant becomes licensed. This is done to maintain the independence of the certified program as it relates to the Board for legal purposes.

The *benefit* of the proposed action is fund solvency so the processes and benefits of licensing for Registered Professional Foresters and Certified Specialists are maintained and the continual support and administration of the Professional Foresters Law is achieved, preserving the associated environmental benefits from having trained, licensed professionals to remain engaged in the professional practice of forestry as well as to oversee the work product of license applicants, consistent with 14 CCR § 1622.

There is no comparable Federal regulation or statute.



Board staff conducted an evaluation on whether the proposed action is inconsistent or incompatible with existing State regulations pursuant to **GOV § 11346.5(a)(3)(D)**. State regulations related to the proposed action were, in fact, relied upon in the development of the proposed action to ensure the consistency and compatibility of the proposed action with existing State regulations. Otherwise, Board staff evaluated the balance of existing State regulations related to licensing fees for Professional Foresters and Certified Specialists and found no existing State regulations that met the same purpose as the proposed action. Based on this evaluation and effort, the Board has determined that the proposed regulations are neither inconsistent nor incompatible with existing State regulations. The proposed regulation is entirely consistent and compatible with existing Board rules.

Statute to which the proposed action was compared: PRC §§ 750 *et seq.*

#### MANDATED BY FEDERAL LAW OR REGULATIONS

The proposed action is not mandated by Federal law or regulations.

The proposed action neither conflicts with, nor duplicates, Federal regulations.

There are no comparable Federal regulations related to licensing fees for Professional Foresters of Certified Specialists. No existing Federal regulations meeting the same purpose as the proposed action were identified.

#### OTHER STATUTORY REQUIREMENTS (pursuant to GOV § 11346.5(a)(4))

There are no other matters as are prescribed by statute applicable to the specific State agency or to any specific regulation or class of regulations.

#### LOCAL MANDATE (pursuant to GOV § 11346.5(a)(5))

The proposed action does not impose a mandate on local agencies or school districts.

#### FISCAL IMPACT (pursuant to GOV § 11346.5(a)(6))

There is no cost to any local agency or school district that is required to be reimbursed under Part 7 (commencing with Section 17500) of Division 4 of the Government Code.

A local agency or school district has the authority to levy service charges, fees, or assessments sufficient to pay for the program or level of service mandated

by the act, within the meaning of Section 17556 of the Government Code.

The proposed action will not result in the imposition of other non-discretionary costs or savings to local agencies.

The proposed action will not result in costs or savings in Federal funding to the State.

The proposed action will not result in costs to any State agency. The proposed action represents an expansion of existing regulations related to licensing fees which will improve the ability of the State agency to operate.

The proposed action will not result in the imposition of other non-discretionary costs or savings to local agencies.

#### HOUSING COSTS (pursuant to GOV § 11346.5(a)(12))

The proposed action will not significantly affect housing costs.

#### SIGNIFICANT STATEWIDE ADVERSE ECONOMIC IMPACT DIRECTLY AFFECTING BUSINESS, INCLUDING ABILITY TO COMPETE (pursuant to GOV §§ 11346.3(a), 11346.5(a)(7) and 11346.5(a)(8))

The proposed action will not have a significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states (by making it costlier to produce goods or services in California).

#### FACTS, EVIDENCE, DOCUMENTS, TESTIMONY, OR OTHER EVIDENCE RELIED UPON TO SUPPORT INITIAL DETERMINATION IN THE NOTICE THAT THE PROPOSED ACTION WILL NOT HAVE A SIGNIFICANT ADVERSE ECONOMIC IMPACT ON BUSINESS (pursuant to GOV § 11346.2(b)(5) and GOV § 11346.5(a)(8))

Contemplation by the Board of the economic impact of the provisions of the proposed action through the lens of the decades of contemplating the implementation of the Professional Foresters Law that the Board brings to bear on regulatory development. Additionally, data was utilized from CAL FIRE accounting reports for necessary operating costs associated with the implementation of the Professional Foresters Law.

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

The results of the economic impact assessment are provided below pursuant to **GOV § 11346.5(a)(10)** and prepared pursuant to **GOV § 11346.3(b)(1)(A)–(D)**. The proposed action:

- Will not create jobs within California (GOV § 11346.3(b)(1)(A));
- Will not eliminate jobs within California (GOV § 11346.3(b)(1)(A));
- Will not create new businesses (GOV § 11346.3(b)(1)(B));
- Will not eliminate existing businesses within California (GOV § 11346.3(b)(1)(B));
- Will not affect the expansion or contraction of businesses currently doing business within California (GOV § 11346.3(b)(1)(C));
- Will yield nonmonetary benefits (GOV § 11346.3(b)(1)(D)). The proposed action will have a neutral effect on health, welfare, and worker safety, but will benefit the State's environment through the continued functions of the Office of Foresters Registration.

**COST IMPACTS ON REPRESENTATIVE  
PERSON OR BUSINESS**  
(pursuant to GOV § 11346.5(a)(9))

A representative person (an RPF or CRM) would be subjected to a biennial licensing renewal fee increase of \$70.

**BUSINESS REPORT**  
(pursuant to GOV §§ 11346.5(a)(11)  
and 11346.3(d))

The proposed action does not impose a business reporting requirement.

**SMALL BUSINESS**  
(defined in GOV 11342.610)

Small businesses, within the meaning of GOV § 11342.610, may be affected by the proposed action. It is estimated that roughly 10 percent of those businesses affected by the proposed action (i.e. those businesses which are, or cover the fees for, Registered Professional Foresters or Certified Specialists), are small businesses, as described within GOV § 11342.610, though the total number of those businesses are unknown. These small businesses are legally required to comply with the proposed amendments.

Small business, pursuant to 1 CCR § 4(a):

- (1) Is legally required to comply with the regulation;

- (2) Is not legally required to enforce the regulation;
- (3) Does not derive a benefit from the enforcement of the regulation;
- (4) May incur a detriment from the enforcement of the regulation if they do not comply with the regulation.

Pursuant to 1 CCR § 4 (b), the reason(s) the regulation affects small business are the same as provided in the Economic Impact Analysis in the Initial Statement of Reasons.

**CONSIDERATION OF ALTERNATIVES**

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

**CONTACT PERSON**

Requests for copies of the proposed text of the regulations, the Initial Statement of Reasons, modified text of the regulations and any questions regarding the substance of the proposed action may be directed to:

Board of Forestry and Fire Protection  
Attention: Daniel Craig  
Regulations Program Manager  
P.O. Box 944246  
Sacramento, CA 94244–2460  
Telephone: (916) 653–8007

The designated backup person in the event Mr. Craig is not available is Jane VanSusteren Regulation program Coordinator for the Board of Forestry and Fire Protection. Mrs. VanSusteren may be contacted at the above address or phone.

**AVAILABILITY STATEMENTS**  
(pursuant to GOV § 11346.5(a)(16), (18))

All of the following are available from the contact person:

1. Express terms of the proposed action using UNDERLINE to indicate an addition to the California Code of Regulations and ~~STRIKETHROUGH~~ to indicate a deletion.
2. Initial Statement of Reasons, which includes a statement of the specific purpose of each adoption, amendment, or repeal, the problem the Board is addressing, and the rationale for the

determination by the Board that each adoption, amendment, or repeal is reasonably necessary to carry out the purpose and address the problem for which it is proposed.

3. The information upon which the proposed action is based (pursuant to **GOV § 11346.5(b)**).
4. Changed or modified text. After considering all timely and relevant comments received, the Board may adopt the proposed regulations substantially as described in this notice. If the Board makes modifications which are sufficiently related to the originally proposed text, it will make the modified text — with the changes clearly indicated — available to the public for at least 15 days before the Board adopts the regulations as revised. Notice of the comment period on changed regulations, and the full text as modified, will be sent to any person who submitted comments during the public comment period, or requested notification of the availability of such changes from the Board of Forestry and Fire Protection. The Board will accept written comments on the modified regulations for 15 days after the date on which they are made available.

#### FINAL STATEMENT OF REASONS

When the Final Statement of Reasons (FSOR) has been prepared, the FSOR will be available from the contact person on request.

#### INTERNET ACCESS

All of the material referenced in the Availability Statements is also available on the Board web site at: <https://bof.fire.ca.gov/regulations/proposed-rule-packages/>.

### TITLE 16. BOARD OF PHARMACY

#### INDEPENDENT HIV PREEXPOSURE PROPHYLAXIS FURNISHING

**NOTICE IS HEREBY GIVEN** that the California State Board of Pharmacy (Board) proposes taking the rulemaking action described below under the heading Informative Digest/Policy Statement Overview. Any person interested may present statements or arguments, relevant to the action proposed, in writing. Written comments, including those sent by mail, facsimile, or email to the addresses listed under *Contact Persons* in this Notice, must be received by the Board at its office by November 4, 2024.

#### PUBLIC HEARING

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

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

*Authority and Reference:* Pursuant to the authority vested by Business and Professions Code (BPC) sections 4005 and 4052.02, the Board proposes amending section 1747 of Division 17 of Title 16 of the California Code of Regulations (CCR).

#### INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

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

Clinical trials have demonstrated HIV preexposure prophylaxis (PrEP) to be safe and effective in reducing the risk of contracting HIV infection if an at-risk individual adheres to the Centers for Disease Control and Prevention–recommended (CDC) PrEP regimen — a daily oral dose of tenofovir disoproxil fumarate with emtricitabine (TDF/FTC, commonly known by the brand name Truvada) — at the time of their exposure to HIV.

In addition, data indicates that adherence to a 28-day course of the "preferred" or "alternative" three-drug regimens recommended by the CDC is safe and effective in reducing the risk of infection after exposure to HIV when taken as soon as possible, but no later than 72 hours after exposure.

Creating access points to CDC–recommended PrEP and PEP consultation and treatment in pharmacies is

critical to the health, safety, and general welfare of California residents and helps save lives. Pharmacists are well positioned to independently initiate and furnish PrEP and PEP as they are trusted healthcare providers who are highly accessible to patients within their communities. Further, access to pharmacist-initiated PrEP and PEP treatment enables at-risk individuals seeking PrEP to start the treatment sooner, enabling their body to build maximum protection from HIV infection sooner, and enables individuals who have been exposed to HIV to start PEP sooner within its 72-hour window of effectiveness post exposure, improving outcomes for those individuals.

However, pharmacists cannot provide adequate PrEP consultation and treatment without having access to the necessary patient records. The proposed regulatory changes will extend the maintenance of patient records related to the furnishing of preexposure prophylaxis, ensuring pharmacists have the information they need to comply with BPC section 4052.02(e)(7) and provide patients with the medication and services they need.

The Board is proposing to amend CCR section 1747 related to the independent initiation and furnishing of PrEP and HIV postexposure prophylaxis (PEP) as recommended by the CDC to patients, as authorized by Senate Bill (SB) 339 (Wiener, Chapter 1, Statutes of 2024). HIV is a deadly virus spread through specific bodily fluids; however, transmission can be prevented with treatment of the antiretroviral medications of PrEP and PEP, based on the type of exposure.

The proposed regulation would establish the requirement 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. Such records shall be made available upon request of the Board, consistent with the provisions of BPC sections 4081 and 4105.

On February 6, 2024, SB 339 was approved by Governor Gavin Newsom. SB 339 authorizes a pharmacist to furnish up to a 90-day course of preexposure prophylaxis, or preexposure prophylaxis beyond a 90-day course, if specified conditions are met. BPC section 4052.02(e)(7) specifies that a pharmacist cannot furnish more than a 90-day course of preexposure prophylaxis to a single patient more than once every two years (unless directed otherwise by a prescriber).

The Board was required to adopt emergency regulations to implement the updated BPC provisions by October 31, 2024, and the Board did so, approving text (to be adopted as an emergency regulation at 16 CCR 1747) on April 25, 2024. The Office of Administrative Law (OAL) approved the text on August 14, 2024. The Board takes this action to certify its compliance

with Government Code section 11346.1(e) to make the emergency amendments to the regulation permanent, and makes additional nonsubstantive revisions to the permanent text.

### ***Anticipated Benefits of Proposal***

Protection of the public is the Board's highest priority in exercising its licensing, regulatory, and disciplinary functions. The Board has determined that this regulatory proposal will have the following benefits to the health and welfare of California residents.

Creating access points to CDC-recommended PrEP and PEP consultation and treatment in pharmacies is critical to the health, safety, and general welfare of California residents and helps save lives. Pharmacists are well positioned to independently initiate and furnish PrEP and PEP as they are trusted healthcare providers who are highly accessible to patients within their communities. Further, access to pharmacist-initiated PrEP and PEP treatment enables at-risk individuals seeking PrEP to start the treatment sooner, enabling their body to build maximum protection from HIV infection sooner, and enables individuals who have been exposed to HIV to start PEP sooner within its 72-hour window of effectiveness post exposure, improving outcomes for those individuals.

The proposed regulatory changes will extend the maintenance of patient records related to the furnishing of preexposure prophylaxis, ensuring pharmacists have the information they need to comply with BPC section 4052.02(e)(7) and provide patients with the medication and services they need, thereby benefiting the health and welfare of California residents.

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

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

During the process of developing this regulatory proposal, the Board conducted a search of any similar regulations on this topic and concluded that these regulations are neither inconsistent nor incompatible with existing state regulations.

## **DISCLOSURES REGARDING THIS PROPOSED ACTION**

### **FISCAL IMPACT ESTIMATES**

***Fiscal Impact on Public Agencies Including Costs/Savings to State Agencies or Costs/Savings in Federal Funding to the State:*** The regulations do not result in a fiscal impact to the state.

The regulations do not result in a fiscal impact to the state in the form of federal funding or any cost or savings to any state agency.

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

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

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

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

***Business Impact Estimates:***

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

The pharmacy may have a minimal expense related to the records retention requirement; however, the Board believes the expense to be minimal, as the records can be maintained electronically, and their retention is necessary to ensure compliance with BPC section 4052.02.

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

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

## RESULTS OF ECONOMIC IMPACT ASSESSMENT/ANALYSIS

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

The Board concludes that this proposal will not:

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

The Board determined that this proposal will not create or eliminate jobs or businesses. This proposal will ensure pharmacists have the information they need to comply with BPC section 4052.02(e)(7) and provide patients with the medication and services they need, which benefits the health and welfare of California residents and does not impact jobs or businesses.

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

***Business Reporting Requirements***

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

***Effect on Small Business:***

While the Board does not have, nor does it maintain, data to determine if any of its licensees (phar-

macies and clinics) are a “small business”, as defined in Government Code section 11342.610, the Board has determined that the proposed regulatory action may impact small businesses. The pharmacy may have a minimal expense related to the records retention requirement; however, the Board believes the expense to be minimal, as the records can be maintained electronically, and their retention is necessary to ensure compliance with BPC section 4052.02.

## CONSIDERATION OF ALTERNATIVES

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

Any interested person may submit comments — relevant to the above determinations — in writing, at the address listed below for the *Contact Persons* during the written comment period, or at the hearing if one is scheduled or requested.

## AVAILABILITY OF INITIAL STATEMENT OF REASONS AND RULEMAKING FILE

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

## TEXT OF PROPOSAL

Copies of the exact language of the proposed regulations, the Initial Statement of Reasons, and all of the information upon which the proposal is based, may be obtained upon request from the Board of Pharmacy at 2720 Gateway Oaks Drive, Suite 100, Sacramento, California 95833, or from the Board of Pharmacy’s website at [http://www.pharmacy.ca.gov/laws\\_regs/pending\\_regs.shtml](http://www.pharmacy.ca.gov/laws_regs/pending_regs.shtml).

**AVAILABILITY OF CHANGED OR  
MODIFIED TEXT**

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

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

All the information upon which the proposed regulations are based is contained in the rulemaking file, which is available for public inspection by contacting the person named below.

You may obtain a copy of the Final Statement of Reasons, once it has been prepared, by making a written request to the Contact Person named below or by accessing the website listed below.

**Contact Persons**

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

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

The backup contact person is:

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

**AVAILABILITY OF DOCUMENTS  
ON THE INTERNET**

Copies of the Notice of Proposed Action, the Initial Statement of Reasons, and the text of the regulations with modifications noted, as well as the Final Statement of Reasons when completed, and modified text, if any, can be accessed through the Board of Pharmacy's website at: [https://www.pharmacy.ca.gov/laws\\_regs/pending\\_regs.shtml](https://www.pharmacy.ca.gov/laws_regs/pending_regs.shtml).

**TITLE 17. DEPARTMENT OF  
DEVELOPMENTAL SERVICES****NOTICE OF PROPOSED RULEMAKING  
ACTION FOR REGULATIONS  
CONCERNING SPECIAL  
INCIDENT REPORTING**

The Department of Developmental Services (DDS or the Department) proposes to amend the Special Incident Reporting regulations as described below after considering all comments, objections, and recommendations.

**PUBLIC HEARING**

The Department of Developmental Services (Department or DDS) will conduct a hybrid public hearing to consider proposed amendments to regulations for Special Incident Reporting.

**DATE:** November 13, 2024

**TIME:** 11:00 a.m.–1:00 p.m.

**LOCATION:** Zoom or DDS Headquarters

The Department will have limited seating in the California Room at 1215 O St., Suite 110, Sacramento, CA, 95814 for those wishing to participate in person. To request a reasonable accommodation, please contact Nicole Smith at [regulations@dds.ca.gov](mailto:regulations@dds.ca.gov) or 916–654–2287 by 3:30 p.m. on October 29<sup>th</sup>, 2024.

***Please register using the link below and indicate whether you intend to participate via Zoom or in person.***

[https://cal-dds.zoom.us/webinar/register/  
WN\\_OHKummJESa4\\_zP3eyPk7w](https://cal-dds.zoom.us/webinar/register/WN_OHKummJESa4_zP3eyPk7w)

Participants will be given instructions on how to provide oral comment once they have accessed the hearing. The hearing will proceed on the date noted above until all testimony is submitted or until 1:00 p.m., whichever is later. At the hearing, any person may present oral or written statements or arguments relevant to the proposed action described in the Informative Digest. The Department requests, but

does not require, that persons who make oral comments at the hearing also submit a written copy of their testimony via electronic submittal as described below.

### WRITTEN COMMENT PERIOD AND SUBMITTAL OF COMMENTS

The public comment period for this regulatory action will begin on September 20, 2024, and closes on November 13, 2024. To ensure the Department will consider your comment it must be received by the Department no later than November 13, 2024. When commenting, please indicate the proposed rulemaking action to which your comment refers.

Any interested person or their representative may, orally or in writing, submit comments relevant to the proposed action described in the Informative Digest. The Department requests but does not require that a person who makes an oral comment at the hearing to also prepare and submit a written copy of their testimony. Furthermore, the Department requests but does not require that all written statements on this proposed rulemaking action be submitted at least 10 days prior to the hearing so that Department staff have sufficient time to consider each comment. The Department encourages members of the public to bring any suggestions for modifications to the proposed regulatory action to staff's attention in advance of the hearing.

For consideration, any written comments shall be submitted as follows:

Mail or Hand Delivery:

Department of Developmental Services  
Office of Regulations  
RE: **Special Incident Reporting**  
1215 O Street, M.S. 9–10  
Sacramento, CA 95814; or

Electronic Submittal:

<https://www.dds.ca.gov/transparency/laws-regulations/emergency-and-proposed-regulations/>

It is requested that all comments contain the regulation package identifier **“Special Incident Reporting”** in the subject line to facilitate timely identification and review.

**Please note: Public comments should not include any personal or medical information, as your written and oral comments, and attachments become part of the public record and can be released to the public upon request under the California Public Records Act (Gov. Code, § 6250 et seq.).**

### AUTHORITY AND REFERENCE

Government Code section 11152 authorizes the Department to implement this regulatory action. This action is proposed to implement, interpret, or make specific Welfare and Institutions Code sections 4427.5, 4436.5, 4502, 4659.2 and 15600; and Penal Code section 11164.

### INFORMATIVE DIGEST AND POLICY STATEMENT OVERVIEW (PURSUANT TO GOVERNMENT CODE SECTION 11346.5(a)(3))

**Sections Affected:** The Department proposes amendments to sections 54327 54327.1, 56002, 56026, 56038, 56059 and 56093 title 17, California Code of Regulations (CCR).

#### ***Summary of Existing Laws and Regulations and the Effect of the Proposed Regulatory Action:***

Special Incident Reporting Requirements under title 17, sections 54327 and 54327.1, will be amended to provide clarity of terms and consistent of reporting procedures across vendors and regional centers, sections 56002, 56026, 56038, 56059 and 56093 will be amended to update any section references for special incident reporting requirements amended through this regulatory action.

#### ***Policy Statement Overview***

##### ***Objectives***

Special incidents are critical and unexpected events that happen to an individual, many signifying possible health or safety concerns or the need for additional services and supports.

Regulations require vendors, long-term health care facilities, and regional centers to report certain special incidents. When a provider learns about an incident, they make a report to the individual's regional center. This information is recorded in a secure database at the regional center. The regional center then reports the incident to the Department. Regional center staff will likely contact the individual or their provider to learn more, to ensure that the individual is safe and has the supports and services that they need. Sometimes a special incident report may reveal that the individual needs additional services or supports, even for a short period of time.

Definitions do not currently exist for these reportable events. This has contributed to inconsistency in reporting across vendors and regional centers.

The list of incidents that must be reported has not changed in many years. Given the evolution of the service delivery system in the intervening time, the Department recognizes that revisions are needed.

Special incident reporting requirements must be feasible, useful, and actionable. They should have a nexus to health and safety and to ensuring delivery of necessary, quality services and supports.

The Department has had several months of discussions with stakeholders, for input of how to best amend regulations to ensure health and safety and the delivery of quality services and supports.

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

Consistent terms and clear reporting procedures will provide vendors, long term health care facilities and regional centers with the clarity necessary to report special incidents appropriately and enhance the Department’s ability to analyze incident trends and develop statewide risk mitigation for critical events. Appropriate special incident reporting allows for review of those incidents to evaluate if the individual served needs additional services or supports and may also help prevent future incidents of abuse and neglect.

The Department received feedback from the Office of Inspector General on which reportable incidents were not appropriately reported or captured. The Department has used information from the Office of Inspector General, the abuse reporting act, and existing SIR data to identify the amendments necessary to the SIR regulations.

***Evaluation of Inconsistency or Incompatibility with Existing State Regulations (Gov. Code, § 11346.5(a)(3)(D)):***

During the process of developing the proposed regulatory action, DDS conducted a search of any similar regulations on this topic and concluded these regulations are neither inconsistent nor incompatible with existing state regulations.

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

Not Applicable.

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

None.

DISCLOSURES REGARDING THE  
PROPOSED ACTION

The Department has made the following initial determinations:

***Local Mandate (Gov. Code, § 11346.5(a)(5))***

Under Government Code sections 11346.5, subdivision (a)(5), DDS has determined that the proposed regulatory action would not impose a mandate on any local agency or school district that requires reimburs-

able by the state under Government Code, title 2, division 4, part 7 (commencing with § 17500).

***Fiscal Impacts (Gov. Code, § 11346.5(a)(6)):***

Under Government Code section 11346.5(a)(5), DDS has determined that the proposed regulatory action would not impose a mandate on any local agency or school district that requires reimbursement by the state under Government Code, title 2, division 4, part 7 (commencing with § 17500).

*Cost to any local agency or school district requiring reimbursement under section 17500 et seq.:*

DDS has determined that the proposed regulatory action would not create costs or savings to any local agency or school district.

*Cost or savings to any state agency:*

DDS has determined that the proposed regulatory action would not create costs or savings to any state agency.

*Other non–discretionary costs or savings on local agencies:*

DDS has determined that the proposed regulatory action would not create costs or savings to any other nondiscretionary cost or savings to state or local agencies.

*Cost or savings in federal funding to the state:*

DDS has determined that the proposed regulatory action would not create costs or savings in federal funding to the state.

***Housing Costs (Gov. Code, § 11346.5(a)(12)):***

In accordance with Government Code section 11346.5(a)(12), the Department has made the initial determination that the proposed regulatory action will not have a significant effect on housing costs. These proposed regulations do not impact housing since they only affect individuals committed to the Department and in Department custody.

SIGNIFICANT STATEWIDE ADVERSE  
ECONOMIC IMPACT DIRECTLY  
AFFECTING BUSINESS, INCLUDING  
ABILITY TO COMPETE  
(Gov. Code, §§ 11346.3(a), 11346.5(a)(7),  
and 11346.5(a)(8))

DDS has made an initial determination that the proposed regulatory action would not have a significant statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states, or on representative private persons.



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

- (A) The creation of jobs within the State of California. The Department does not anticipate that this regulatory action would have an impact on the creation of jobs within the State of California.
- (B) The elimination of jobs within the State of California. The Department does not anticipate that this regulatory action would have an impact on the elimination of jobs within the State of California.
- (C) The creation of new business within the State of California. The Department does not anticipate that this regulatory action would have an impact on the creation of new business within the State of California.
- (D) The elimination of existing businesses within the State of California. The Department does not anticipate that this regulatory action would have an impact on the elimination of existing businesses within the State of California.
- (E) The expansion of businesses currently doing business within the State of California. The Department does not anticipate that this regulatory action would have an impact on the expansion of business within the State of California.
- (F) The benefits of the regulation to the health and welfare of California residents, worker safety, and the state's environment. The Department anticipates that this regulatory action would contribute to the health and welfare of California residents receiving regional center services.

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

In developing this regulatory proposal, DDS staff evaluated the potential economic impacts on representative private persons or businesses. DDS is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

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

In accordance with Government Code sections 11346.5(a)(11) and 11346.3(d), the Department finds the reporting requirements of the proposed regulatory action which apply to businesses are necessary for the health, safety, and welfare of the people of the State of California. The Department does not anticipate the

proposal to result in any additional reporting requirements, because special incident reporting already exists. The additional reporting added to the proposal are incidents that should already be reporting and have been added to clarify the regulations. The clarification to the regulations will likely reduce reporting that is not necessary.

**EFFECT ON SMALL BUSINESS**  
(Cal. Code Regs., Title 1, § 4(a) and (b))

DDS has determined under California Code of Regulations, title 1, section 4, that the proposed regulatory action would not affect small businesses because these are primarily changes to clarify and add definitions with minimal changes to current expectations for vendors, long term healthcare facilities, and regional centers.

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

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

During the public hearing and written comment period, DDS invites interested persons to present statements or arguments with respect to alternatives to the proposed regulation.

**AGENCY CONTACT PERSONS**  
(Gov. Code, § 11346.5(a)(14))

Inquiries concerning the substance of the proposed regulatory action may be directed to the agency representative Aaron Christian, Deputy Director, (951) 405-0214 or Ryan Langen, Staff Services Manager III, 916-651-8189.

**AVAILABILITY OF DOCUMENTS**  
(Gov. Code, § 11346.5(a)(16))

The Department has compiled a record for this rulemaking action which includes all the information upon which the proposal is based, including an Initial Statement of Reasons (ISOR) for the proposed regulatory action and the proposed regulation text.

Copies of the proposed ISOR and the full text of the proposed regulatory language, may be accessed on the Department's website listed below, or may be obtained upon request to Nicole Smith, Regulations Analyst, (916) 654–2287, 1215 O Street, MS 9–10, Sacramento, California, 95814.

Further, the agency representative to whom nonsubstantive inquiries concerning the proposed administrative action, including requests for inspecting the rulemaking record, may be directed is Nicole Smith, Regulations Analyst, (916) 654–2287.

The Department has compiled a record for this rulemaking action, which includes all the information upon which the proposal is based. This material is available for inspection upon request to the contact persons.

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

The Department may adopt or make modifications to the proposed regulatory action as described in this notice after considering all timely and relevant comments received during the 45–day comment period. If modifications that are substantially related are made by the Department, the notice of modified text and modified text with the changes clearly indicated will be made available to the public for at least 15 days before the Department adopts the regulation as revised. Copies of any modified text will be sent to anyone who commented on the first 45–day package or who otherwise has filed a request for notice of regulatory actions with the Department pursuant to Government Code section 11346.4(a)(1). You may request to receive copies of any modified regulations from the contact person indicated above. The Department will accept written comments on the modified regulations for 15 days after the date on which they are made publicly available.

**AVAILABILITY OF THE FINAL  
STATEMENT OF REASONS**

Upon its completion, Final Statement of Reasons (FSOR) shall be available, and copies may be requested from the agency contact persons in this notice or may be accessed on the Department's website listed below.

**INTERNET ACCESS**

This notice, the ISOR, the proposed regulation text, and all subsequent regulatory documents, including the FSOR, when completed, are available on the Department's website for this rulemaking

<https://www.dds.ca.gov/transparency/laws-regulations/emergency-and-proposed-regulations/>.

**TITLE 22. DEPARTMENT OF SOCIAL  
SERVICES**

**ORD #0323–02  
TRANSITIONAL HOUSING  
PLACEMENT PROGRAM (THPP)**

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](mailto: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 November 6, 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 *Regulations in Process* [<https://www.cdss.ca.gov/inforesources/letters-regulations/legislation-and-regulations/regulations-home-page/regulations-in-process>]. Additionally, all the information which CDSS considered as the basis for these proposed regulations (i.e., rulemaking file) is available for public reading at the address listed above. Following the pub-

lic comment period, copies of the Final Statement of Reasons will be available at the above address.

## CHAPTERS

California Code of Regulations (CCR), Title 22, Division 6. Licensing of Community Care Facilities, Chapter 7. Transitional Housing Placement Program

## INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

### OVERVIEW:

(a) These proposed regulations provide the following: 1) they retire the Interim Licensing Standards (ILS) governing Transitional Housing Placement Providers (THPPs) serving nonminor dependents (NMD); 2) incorporate various statute and stakeholder feedback to modernize and streamline the licensing and oversight of THPPs; and 3) the regulations provide further clarity and consistency across regulations for the license type and for other license types overseen by Community Care Licensing Division (CCLD).

Existing law in the Community Care Facilities Act, Health and Safety Code (HSC) section 1559.110, mandates that the CDSS license THPPs for participants who are either minor foster children or nonminor dependents. Currently, THPPs are overseen by regulations CCR, Title 22, Division 6, Chapter 7, as well as ILS — temporary rules with the enforcement of regulations that are used to implement law until standards can be replaced with these proposed Title 22 regulations.

(b) Due to the changes implemented by HSC section 1559.110, Assembly Bill (AB) 12 (Chapter 559, Statutes of 2010) to include the federal Fostering Connections to Success and Increasing Adoptions Act of 2008 (Public Law 110–351), Senate Bill (SB) 1013 (Chapter 35, Statutes of 2011), SB 612 (Chapter 731, Statutes of 2017), AB 592 (Chapter 702, Statutes of 2021), and changes to personal rights made by AB 175 (Chapter 416, Statutes of 2019), CDSS, Children’s Residential Program began developing this regulation package that adopts a new subchapter to regulations focusing solely on THPPs serving NMD and also amends existing law for all THPP licensees and those specifically serving minors.

(c) Similar regulations already exist in CCR, Title 22, Division 6, Chapter 7 Transitional Housing Placement Program and currently only apply to minors, or exist in the ILS overseeing THPP–NMDs. The proposed regulations simply amend and adopt the ILS into regulations while making various changes brought by statute over the years. The amendments to regulations in Chapter 7 more clearly denote which regulations apply to both minors and NMDs and

which do not. Overall, these regulations bring together the various disparate regulations, standards, and statutes and ensure that they apply appropriate across both THPP license types. These include the following: *AB 12 and SB 1013*

In 2010, AB 12, The California Fostering Connections to Success Act became law, allowing California to implement provisions of the federal Fostering Connections to Success and Increasing Adoptions Act of 2008 (Public Law 110–351). Whereas, Public Law 110–351 amended parts B and E of title IV of the Social Security Act to connect and support relative caregivers, improve outcomes for children in foster care, provide for tribal foster care and adoption access, improve incentives for adoption, and for other purposes; AB 12 is how California enacted these federal changes and allowed for the state to extend foster care for NMD. Furthermore, SB 1013 extended THPP services to NMD (youth up to age 21) and required that programs that serve both foster children and NMD have separate rules and program designs for the two groups of youth.

As required by AB 12, the CCLD developed ILS for NMD in consultation with a broad base of specified stakeholders. The standards created were the ILS, sanctioned by HSC section 1502.7, regarding the adoption of emergency regulations, and were exempt from initial review by OAL. Since the approval of AB 12, THPPs for nonminor dependents (THPP–NMD) have been using the AB 12 ILS to guide their formation and operation.

Administratively, the adoption of these regulations will allow a seamless transition from ILS to regulation and assist CDSS in maintaining and updating regulations guiding THPP–NMD going forward. Lastly, formally adopting these regulations is consistent with HSC section 1502.7 of the Administrative Procedure Act, Government Code section 11349(a) regarding a need for these regulations. These regulations meet the necessity standard as many of these regulations are mandated inclusions per various statutes. They are also needed to provide consistency across not only regulations that govern both THPP types but across similar regulations for all children’s residential program licenses overseen by CDSS where certain standards or care, health, or safety maintain do not change. These regulations also provide clarity regarding what is required of licensees, CDSS staff, stakeholders, and the youth themselves because over the years licensees, stakeholders, and CDSS staff have encountered sections of regulations that were confusing or lacked proper instruction or were simply poorly worded thus causing confusion. Lastly, these regulations meet the non–duplication standard and where language is necessary to duplicate from statute for clarity or reference purposes they are cited as such in the Factual Basis

statements within the Initial Statement of Reasons document.

#### *SB 612*

In 2017, SB 612 made additional changes to THPPs by amending Sections 1502, 1506, and 1559.110 of HSC. Edits to HSC section 1559.110 expanded the regulations regarding housing units allowing a certified family home or resource family of a foster family agency to be concurrently certified as a host family; updating the content of a THPPs staffing, services, and program statement; updating definitions of THPPs for both minor foster children and NMDs; and made other various changes.

The bill also made edits to Section 16522.1 of Welfare and Institutions Code (WIC) regarding what a THPP must provide to both minor foster children and NMD participants.

#### *AB 592*

In 2021, AB 592 amended Sections 1559.110 and 1506 of HSC and Section 11402.2 of WIC to build upon SB 612 and simplify the process for a THPP serving NMDs to certify a host family in that a host family may now also include a resource family approved by a county, a licensed foster family home, an approved relative caregiver, or a nonrelative extended family member of a participant so long as the host family / certified family home / resource family is certified by the same private, nonprofit organization licensed to operate as a THPP. It also made foster family agency amendments to HSC section 1559.110, including expanding the definition of a supervised independent living setting.

The bill also authorizes a THPP to provide transitional services to a Foster Family Agency family or Supervised Independent Living Placement by amending WIC section 11402.2.

Within this regulation package other updates, both substantial and nonsubstantial, have been made to the THPP Generals and Subchapter One to update and clarify regulations.

#### *AB 175*

The Community Care Facilities Act requires a licensee to ensure that each child is accorded the personal rights specified in the WIC section 16001.9, as applicable. Over the years, CDSS has developed several regulation packages to implement the provisions of legislation that have added rights to WIC section 16001.9. In 2004, CDSS adopted regulations that implemented the provisions of AB 899 (Chapter 686, Statutes of 2001), and subsequently, in 2007, CDSS adopted regulations to implement AB 458 (Chapter 331, Statute of 2003) and SB 1639 (Chapter 668, Statute of 2004). Similarly, this regulations package will implement portions of AB 175 to ensure that Title 22 regulations are consistent with statute and contain

the most current personal rights to which children and NMDs in foster care are entitled.

In 2019, AB 175 expanded and revised the personal rights of all children and NMDs in foster care. In order to have all the rights of children and NMDs in a single statute, AB 175 also added existing rights located in other areas of California law into WIC section 16001.9. This means that WIC section 16001.9 now contains rights that are enforced by other oversight agencies, such as the juvenile courts or placing agency, and not directly applicable to licensed children's residential facilities. CDSS must therefore adopt regulations that clearly inform licensed children's residential facilities of their responsibilities while ensuring that children and NMDs in these facilities are afforded the applicable personal rights in WIC section 16001.9.

The proposed regulations will revise the personal rights section for each facility category and add the rights from WIC section 16001.9 that licensees are required to provide to children or NMDs in their care. The proposed regulations also clarify the required duties and responsibilities of licensed facilities and THPPs as they relate to affording a child their personal rights and not interfering with these rights, even when they are enforced by, or are the direct responsibility of, other oversight agencies.

#### *Stakeholder Feedback*

Per WIC section 16522(c), CDSS has consulted with County Welfare Directors Association, the California Youth Connection, county probation departments, provider representatives, and other stakeholders (such as current and former THPP participants) as appropriate in the development of these regulations. To this, CDSS has hosted workgroups with stakeholders in 2015 and 2022 to ensure these regulations' applicability, practicality, understandability, and effectiveness in the field. In addition, CDSS has had and continues to have regular communication with stakeholders regarding new statutes, existing regulations, and the ILS.

(d) The broad objective of these regulations is to clearly layout how THPPs serving minors and/or NMDs are to be licensed, overseen, and operated and provides clarified personal rights for the participants they serve.

(e) There are no comparable federal statutes or regulations. Public Law 110–351 — Fostering Connections to Success and Increasing Adoptions Act of 2008 provides broad changes to social security law setting such as what programs will be funded to individual states and how, and covers a wide variety of program such as adoption services and adoption tax credits, makes individuals with whom kinship guardianship assistance payments are being made categorically eligible for Medicaid, and other various changes; none of which relate directly to THPPs. What changes do impact foster care programs (outside of program

funding and reimbursement policies and procedures) are broad requiring state to develop regulations regarding the licensing, administration, goals, services, and continued upkeep of these programs to state.

The closest federal regulations would be those for runaway and homeless youth shelters, albeit these serve a different group of youth who are not in foster care placement; although the focus on residential safety, individual skill building, and career and educational guidance are entailed. (Title 45, Subtitle B, Chapter XIII, Subchapter F, Part 1351.)

(f) CDSS has determined that the proposed regulations are not inconsistent or incompatible with existing regulations through careful internal review and review from outside stakeholders such as county foster care agencies; stakeholder, participant, and licensee advocacy groups; and others.

(g) These regulations are not identical to previously adopted regulations and provide necessary adoptions, amendments, and deletions to ensure enforcement of state and federal statute as well as to ensure the health and safety of both THPP participants and licensees and their staffs.

**BENEFITS:**

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 providers offering services to in-need communities, improving their ability to protect the health and safety of children receiving their services, and assisting in the participant’s development of life skills. There is no benefit to the state’s environment or worker safety.

**ITEMS INCORPORATED BY REFERENCE:**

There are no items, such as forms, to be incorporated by reference.

**COST ESTIMATE**

1. Costs or Savings to State Agencies: None.
2. Costs to Local Agencies or School Districts Which Must Be Reimbursed in Accordance With Government Code Sections 17500–17630: None.
3. Nondiscretionary Costs or Savings to Local Agencies: None.
4. Federal Funding to State Agencies: None.

**LOCAL MANDATE STATEMENT**

These regulations do not impose a mandate on local agencies, or school districts, and there are no state-mandated local costs in these regulations that would require state reimbursement under Section 17500 et seq. of the Government Code.

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

CDSS 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 package largely promulgates existing statute requiring regulations and ILS into regulations. CDSS is in regular contact with impacted facilities and 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. Licensees may choose to arrange for staff training regarding some of these updates as a whole; however, CDSS plans to release a Provider Information Notice and informational resources to assist with this and, therefore, does not necessitate any new costs.

**STATEMENT OF POTENTIAL COST IMPACT ON PRIVATE PERSONS OR BUSINESSES**

CDSS has determined that there is no impact on businesses or private persons. CDSS acknowledges a Licensee may choose to provide staff training regarding these new regulations, general staff training has always been necessary and, therefore, does not necessitate any new costs. Furthermore, after the proposed regulations are final, CDSS will publish a Provider Information Notice that provides a detailed overview of the changes made via this regulation package and is considering providing a statewide online training and overview session for the public along with a Q&A that will be also be published sometime after should these be sufficient interest. CDSS 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**

CDSS initially determines that the proposed regulations may affect small businesses.

**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 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 providers offering services to in-need communities, improving their ability to protect the health and safety of children receiving their services, and assisting in the participant's development of life skills. There is no benefit to the state's environment or worker safety.

**STATEMENT OF EFFECT ON  
HOUSING COSTS**

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

**STATEMENT OF  
ALTERNATIVES CONSIDERED**

In developing the regulatory action, CDSS considered the following alternatives with the following results: No alternatives have been proposed.

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

**AUTHORITY AND  
REFERENCE CITATIONS**

Business and Professions Code (BPC) sections 4989.14, 4999.32, 4999.33 and 22950.5; Civil Code (CIV) section 51; Government Code (GC) sections 11503 and 11505; HSC sections 1501, 1501.1, 1502, 1502.7, 1506, 1520, 1530, 1530.5, 1531, 1538.5, 1538.7, 1559.110, 1562.01 and 118948; and WIC sections 362.05, 369, 602, 706.5, 727, 5453, 5458, 10609.4, 11400, 11402.2, 11403, 11403.2, 11463, 16001.9, 16010, 16010.7, 16501, 16501.1, 16522 and 16522.1.

**CDSS REPRESENTATIVE REGARDING  
THE RULEMAKING PROCESS OF THE  
PROPOSED REGULATION**

Contact Person: Kenneth Jennings (916) 657–2586  
Backup: Oliver Chu (916) 657–2586

**GENERAL PUBLIC INTEREST**

**DEPARTMENT OF ALCOHOLIC  
BEVERAGE CONTROL**

**NOTICE OF MODIFICATION TO TEXT OF  
PROPOSED REGULATIONS**

**CONCERNING LICENSE APPLICATION  
PROTESTS PROCEDURES**

(ORIGINAL 45–DAY NOTICE  
PUBLISHED ON MAY 10, 2024 IN NOTICE  
REGISTER 2024, NUMBER 19–Z,  
OAL NOTICE FILE # Z2024–0430–09)

Pursuant to the requirements of Government Code section 11346.8(c), and section 44 of Title 1 of the California Code of Regulations, the Department of Alcoholic Beverage Control is providing notice of changes that have been made to the text of the proposed addition of Title 4 of the California Code of Regulations Title 4 sections 69–69.4.

The proposal to add California Code of Regulations Title 4 sections 146–146.4 was originally noticed to the public on May 10, 2024. The proposed regulation had a 45–day comment period that ended at 12:00 p.m. on June 25, 2024.

The Department of Alcoholic Beverage Control has made the following changes to the proposed regulations that will require an additional 45–day comment period:

- 1) Clarifying the statutory references in the definitions for “local law enforcement agency,” “owner of real property,” “protest period,” and “resident” to ensure accuracy and clarity.
- 2) Clarifying various deadlines regarding filing protests and being notified of protests.
- 3) Clarifying when a hearing may be initialized after an untimely hearing request with good cause.
- 4) Clarifying who may request additional time for filing a protest.

The necessity of each of these changes will be explained in the Final Statement of Reasons in the final rulemaking record.

Any interested person may submit written comments relating to the indicated modified language during the 45–day public comment period from **September 20, 2024, through 12:00 p.m. on November 5, 2024**. Comments received by the Department of Alcoholic Beverage Control, which pertain to the indicated changes, will be reviewed and responded to as part

of the compilation of the rulemaking file. Please limit your comments to the proposed modifications to the text which will appear in underlined text or in ~~strike through~~.

Any interested person may submit a written statement relating only to the proposed changes. The written comment period will close at **12:00 p.m. on November 5, 2024**. Submit written comments to:

**The Department of Alcoholic Beverage Control  
3927 Lennane Drive, Suite 100  
Sacramento, CA 95834  
Attention: Law and Policy Unit**

**Comments may also be submitted by email to [RPU@abc.ca.gov](mailto:RPU@abc.ca.gov). Please include “Protests” in the subject line.**

Inquiries concerning the proposed regulatory action may be directed to the agency representative Robert de Ruyter, Assistant General Counsel, (916) 419–8958, (designated backup contact) Sarah Easter, Associate Governmental Program Analyst, Law and Policy Unit, (916) 823–1310 or via email at [RPU@abc.ca.gov](mailto:RPU@abc.ca.gov).

## DEPARTMENT OF FISH AND WILDLIFE

### CESA CONSISTENCY DETERMINATION REQUEST FOR REDWOOD SIPHON REPAIR AND REPLACEMENT 2080R–2024–013–02 SACRAMENTO COUNTY

The California Department of Fish and Wildlife (CDFW) received a notice on September 5, 2024 that US Fish and Wildlife Service (USFWS) proposes to rely on a consultation between federal agencies to carry out a project that may adversely affect a species protected by the California Endangered Species Act (CESA). The proposed project involves the enhancement and restoration of water delivery to the privately-owned Rancho Llano Seco, the USFWS’s Steve Thompson North Central Valley Wildlife Management Area — Llano Seco Unit, and CDFW’s Upper Butte Basin Wildlife Area — Llano Seco Unit. Repairing and enhancing the water conveyance infrastructure, including two large Redwood Siphons, will allow Rancho Llano Seco, USFWS, and CDFW to provide reliable water to approximately 4,500 acres of wetlands, 2,700 acres of irrigated agriculture, and 9.7 miles of water delivery canals. Proposed activities will include, but are not limited to, removing canal sediment, removing vegetation that inhibits levee maintenance and canal flow, repairing and reconstructing canal levees, con-

structing two wells, developing temporary construction staging areas and construction materials borrow areas, and developing permanent habitat improvements to offset construction impacts. The Project Area is located approximately 2 miles west of the unincorporated town of Dayton in Butte County and occurs directly upstream of the Service’s Steve Thompson North Central Valley Wildlife Management Area — Llano Seco Unit (Service Wildlife Management Area), located on the privately owned Rancho Llano Seco.

The U.S. Fish and Wildlife Service (Service) issued a federal biological opinion (BO) (Service Ref. Number 2023–0129536–S7–001) in a memorandum to the Service, Sacramento National Wildlife Refuge Complex on August 27, 2023, which considered the effects of the proposed project on state and federally threatened giant garter snake (*Thamnophis gigas*).

Pursuant to California Fish and Game Code section 2080.1, USFWS is requesting a determination that the Incidental Take Statement (ITS) and its associated BO are consistent with CESA for purposes of the proposed project. If CDFW determines the ITS and associated BO are consistent with CESA for the proposed project, USFWS will not be required to obtain an incidental take permit under Fish and Game Code section 2081 subdivision (b) for the proposed project.

## RULEMAKING PETITION DECISION

### DEPARTMENT OF MOTOR VEHICLES

#### NOTICE OF DECISION ON PETITION TO ADOPT REGULATIONS

#### TITLE 13, CALIFORNIA CODE OF REGULATIONS

##### Petitioner

Mark Baker, President  
Soft Lights Foundation  
9450 SW Gemini Drive PMB 44671  
Beaverton, OR 97008

##### Contact Person

Please direct inquiries regarding this action to Randi Calkins, Regulations Specialist, Department of Motor Vehicles, Legal Affairs Division, P.O. Box 932382, Sacramento, CA 94232–3820.

##### Availability of Petition

The Petition to adopt regulations is available upon request by contacting the department’s contact person.

**Summary of Petition**

The petition requests that the department adopt regulations which would place limits on lights on emergency vehicles.

**Department's Decision**

After careful review, the department hereby denies your Petition on the ground that it does not reference DMV's authority to take the regulatory action requested.

Pursuant to California Government Code Section 11340.6(a), a petition for the adoption, amendment, or repeal of a regulation, such as in the Petition, must state all of the following clearly and concisely:

- (a) The substance or nature of the regulation, amendment, or repeal requested.
- (b) The reason for the request.
- (c) The reference to the authority of the state agency to take the action requested.

Specifically, the Petition fails to specify or identify any statute that would provide the authority of DMV to regulate functional or operational aspects of emergency vehicles and the safety features thereon, including lights.

The authority of the department to act and to regulate is specified in the California Vehicle Code section 1651 which allows the DMV director to "...adopt and enforce rules and regulations as may be necessary to carry out the provisions of this code relating to the department." The statute does not provide authority to DMV to regulate the flashing lights of motor vehicles. California law that regulates lights are found in the California Vehicle Code. Specifically, laws regarding vehicle lighting can be found in Chapter 2 of Division 12 of the Vehicle Code, starting at Section 24000. The authority to implement regulations regarding these vehicle devices rests with the California Highway Patrol [Vehicle Code Sections 24000, 26103]. Regulations regarding lights are found in Chapter 2 of Division 2 of Title 13 of the California Code of Regulations. The Commissioner of the California Highway Patrol (CHP) is authorized to adopt and enforce reasonable regulations as deemed necessary for the public health and safety regarding the operation, equipment, and certification of all drivers of ambulances used for emergency services. [Vehicle Code Section 2512.] In fact, the CHP has issued regulations regarding Ambulances. See generally Title 13, California Code of Regulations, Division 2, Chapter 5, Article 1 (commencing at Section 1100).

In summary, the CHP is authorized to issue regulations concerning flashing lights on vehicles. For the reasons set forth above, the Petition is denied. However, DMV offers you an alternative approach to pursue the regulatory actions that you seek. The CHP

is the appropriate entity in California to whom you should submit your petition.

**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.

Fish and Game Commission

File # 2024–0827–02

White Sturgeon Sport Fishing During CESA  
Candidacy

In this emergency action, the Fish and Game Commission proposes to allow catch and release fishing for white sturgeon during its California Endangered Species Act (CESA) status review.

Title 14

Adopt: 5.78, 27.93

Amend: 5.79, 5.80, 27.90, and 27.92

Filed 09/06/2024

Effective 09/06/2024

Agency Contact: Jennifer Bacon (916) 653–4899

Department of Fish and Wildlife

File # 2024–0826–02

Expand Retrieval of Commercial Dungeness Crab  
Traps

In this emergency readopt of OAL Matter Number 2024–0301–01E, the Department of Fish and Wildlife is amending regulations to allow permitted Dungeness crab vessels to retrieve an unlimited number of lost, damaged, abandoned, or otherwise derelict traps during a fishery closure pursuant to California Code of Regulations, title 14, section 132.8.

Title 14

Amend: 132.2

Filed 09/04/2024

Effective 09/05/2024

Agency Contact:

Chelle Temple–King

(916) 902–9223



Department of Toxic Substances Control

File # 2024–0826–01

Conditional Exemption for Undeployed Airbag  
— Readoption

In this emergency re–adopt, the Department amends its regulations to add definitions for “airbag waste,” “airbag waste collection facility,” and “airbag waste handler.” It further provides airbag waste handlers with a conditional exemption during the transportation of the airbag waste to the airbag waste collection facility.

Title 22

Amend: 66260.10, 66261.4

Filed 09/05/2024

Effective 09/05/2024

Agency Contact:

Gabby Nepomuceno (916) 251–8328

Fish and Game Commission

File # 2024–0807–01

Milo Baker’s Lupine

In this file–and–print action, the Fish and Game Commission is adding *Lupinus milo–bakeri* (Milo Baker’s lupine) to the list of California native plants declared to be endangered. This action is exempt from the APA pursuant to Fish and Game Code section 2075.5, subdivision (e).

Title 14

Amend: 670.2

Filed 09/04/2024

Effective 09/04/2024

Agency Contact: Jennifer Bacon (916) 653–4899

Labor and Workforce Development Agency

File # 2024–0809–02

Conflict–of–Interest Code

This is a Conflict–of–Interest code that has been approved by the Fair Political Commission and is being submitted for filing with the Secretary of State and printing only. OAL Filed this regulation(s) or order(s) of repeal with the Secretary of State and will publish the regulation(s) or order(s) of repeal in the California Code of Regulations

Title 08

Amend: 58800

Filed 09/10/2024

Effective 10/10/2024

Agency Contact: Hina Shah (916) 980–6532

Fair Political Practices Commission

File # 2024–0819–01

Audits

In this request for filing and printing pursuant to Government Code section 11343.8, the Fair Political Practices Commission (FPPC) is amending regulations pertaining to audits of campaign reports. Specifically amending the determination of local jurisdictions to be audited, the defined term “Contain in Detail”, and adding the Commission to the guidelines for Auditing and Investigations. This action is to be reviewed for compliance with Administrative Procedure Act (APA) standards based on *Fair Political Practices Commission v. Office of Administrative Law, Linda Stockdale Brewer*, Sacramento Superior Court, Case Number 512795.

Title 02

Amend: 18991, 18993, 18994

Filed 09/11/2024

Effective 10/11/2024

Agency Contact: Amanda Apostol (916) 322–5660

Board of Pharmacy

File # 2024–0725–03

Disciplinary Guidelines

This action by the Board of Pharmacy amends disciplinary guidelines, which are incorporated by reference, to include the requirement to disclose respondent’s email address, use gender inclusive language, and clarify terms, categories of violations, and timeframes for when specific actions must be taken.

Title 16

Amend: 1760

Filed 09/04/2024

Effective 01/01/2025

Agency Contact: Lori Martinez (916) 244–6648

California School Finance Authority

File # 2024–0725–02

Charter School Facility Grant Program

This action amends application and submission deadlines for the Charter School Facility Grant Program.

Title 04

Amend: 10170.5, 10170.6

Filed 09/06/2024

Effective 09/06/2024

Agency Contact:

Ryan Storey [Ryan.Storey@treasurer.ca.gov](mailto:Ryan.Storey@treasurer.ca.gov)

**Court Reporters Board of California**

File # 2024–0806–02

**Examination Results and Transcript Format**

This regular rulemaking action by the Court Reporters Board of California (CRB) amends its existing regulations regarding examination required, minimum transcript format standards, and inspection of examination papers. First, this action adds the requirement that the board notify each examinee, in writing, of their test result. Second, this action adds that transcript text must be offered in full text–search capable electronic format, if requested. Finally, this action repeals the examinee’s ability to request and appeal examinations earning a failing score.

Title 16

Amend: 2420, 2473

Repeal: 2422

Filed 09/11/2024

Effective 01/01/2025

Agency Contact: Betsy Figueira (916) 263–3660

**Department of Social Services**

File # 2024–0730–02

**CalWORKs Photo Identification**

Assembly Bill Number 135 (2021–2022 Reg. Sess.) authorized a California Work Opportunity and Responsibility to Kids (CalWORKS) applicant or recipient to provide proof of identity via videoconferencing or any other electronic means that allows for a visual interaction between the applicant or recipient and county eligibility staff. Verification conducted in this manner now satisfies any in–person identification requirement. In this regular rulemaking, the Department of Social Services is amending regulations to implement A.B. 135.

Title MPP

Amend: 40–105

Filed 09/04/2024

Effective 01/01/2025

Agency Contact: Everardo Vaca (916) 657–2363

**Emergency Medical Services Authority**

File # 2024–0724–02

**Reorganization of Division 9 of Title 22**

This rulemaking action by the Emergency Medical Services Authority seeks to reorganize Division 9 of Title 22 of the California Code of Regulations by renumbering sections, reducing the number of chapters, organizing and combining subject matter specific sections, and refine definitions.

Title 22

Amend: 100000, 100000.1 [renumbered to 100015.04], 100000.2 [renumbered to 100015.06], 100000.3 [renumbered to 100015.05], 100000.4

[renumbered to 100015.10], 100000.5 [renumbered to 100015.07], 100000.6 [renumbered to 100015.14], 100000.7 [renumbered to 100015.02 and amended text], 100000.8 [renumbered to 100015.01], 100000.9 [renumbered to 100015.15 and amended text], 100000.10 [renumbered to 100015.16], 100000.11 [renumbered to 100015.12], 100000.12 [renumbered to 100015.11], 100000.13 [renumbered to 100015.13], 100000.14 [renumbered to 100015.03], 100000.15 [renumbered to 100015.08], 100000.16 [renumbered to 100015.09], 100000.17 [renumbered to 100016], 100000.18 [renumbered to 100017.01], 100000.19 [renumbered to 100017.02], 100000.20 [renumbered to 100017.03], 100000.21 [renumbered to 100018.01], 100000.22 [renumbered to 100018.02], 100000.23 [renumbered to 100018.03], 100000.24 [renumbered to 100018.04], 100000.25 [renumbered to 100018.05], 100000.26 [renumbered to 100018.06], 100000.27 [renumbered to 100018.07], 100000.28 [renumbered to 100018.08], 100000.29 [renumbered to 100019.01], 100000.30 [renumbered to 100019.02], 100000.31 [renumbered to 100019.03], 100000.32 [renumbered to 100019.04], 100000.33 [renumbered to 100020.01], 100000.34 [renumbered to 100020.02], 100000.35 [renumbered to 100021], 100000.1 [renumbered to 100022.01], 100002 [renumbered to 100022.02], 100003 [renumbered to 100023], 100004 [renumbered to 100024], 100005 [renumbered to 100025.01], 100006 [renumbered to 100025.07], 100007 [renumbered to 100025.02], 100008 [renumbered to 100025.03], 100009 [renumbered to 100025.08], 100010 [renumbered to 100025.04], 100011 [renumbered to 100025.05], 100012 [renumbered to 100025.06], 100013 [renumbered to 100025.09], 100014 [renumbered to 100026.01], 100015 [renumbered to 100026.02], 100016 [renumbered to 100026.03], 100017 [renumbered to 100027.01], 100018 [renumbered to 100027.02], 100019 [renumbered to 100027.03], 100020 [renumbered to 100027.04], 100021 [renumbered to 100027.05], 100022 [renumbered to 100027.06], 100023 [renumbered to 100028.01], 100024 [renumbered to 100028.02], 100025 [renumbered to 100028.03], 100026 [renumbered to 100028.04], 100027 [renumbered to 100028.05], 100028 [renumbered to 100028.06], 100029 [renumbered to 100028.07], 100030 [renumbered to 100028.08], 100044 [renumbered to 100029.01], 100044.1 [renumbered to 100029.02 and amended text], 100044.2 [renumbered to 100029.03], 100044.3 [renumbered to 100029.04], 100044.4 [renumbered to 100029.05], 100044.5 [renumbered to 100029.06], 100044.6 [renumbered to 100029.07], 100044.7 [renumbered to 100029.08], 100044.8 [renumbered to

100029.09], 100044.9 [renumbered to 100029.10], 100044.10 [renumbered to 100029.11 and amended text], 100045 [renumbered to 100030.01], 100046 [renumbered to 100030.02], 100047 [renumbered to 100031.01], 100048 [renumbered to 100031.02], 100049 [renumbered to 100031.03], 100050 [renumbered to 100031.04], 100051 [renumbered to 100031.05], 100052 [renumbered to 100031.06], 100053 [renumbered to 100031.07], 100054 [renumbered to 100032], 100056.1 [renumbered to 100065.06], 100056.2 [renumbered to 100065.12], 100057 [renumbered to 100065.04], 100057.1 [renumbered to 100065.11], 100057.2 [renumbered to 100065.02], 100058 [renumbered to 100065.01], 100059 [renumbered to 100065.07], 100059.1 [renumbered to 100065.08], 100059.2 [renumbered to 100065.10], 100060 [renumbered to 100065.05], 100061 [renumbered to 100065.09 and amended text], 100061.1 [renumbered to 100065.03], 100061.2 [renumbered to 100065.13], 100062 [renumbered to 100066.01], 100063 [renumbered to 100066.02], 100063.1 [renumbered to 100066.03], 100064 [renumbered to 100066.04], 100064.1 [renumbered to 100066.05], 100065 [renumbered to 100067.01], 100066 [renumbered to 100067.02], 100067 [renumbered to 100067.03], 100068 [renumbered to 100067.04], 100069 [renumbered to 100067.05], 100070 [renumbered to 100067.06], 100071 [renumbered to 100067.07], 100072 [renumbered to 100067.08], 100073 [renumbered to 100067.09], 100074 [renumbered to 100067.10], 100075 [renumbered to 100067.11], 100076 [renumbered to 100067.12], 100077 [renumbered to 100067.13], 100078 [renumbered to 100067.14], 100079 [renumbered to 100068], 100080 [renumbered to 100069.01], 100081 [renumbered to 100069.02], 100082 [renumbered to 100070.01], 100083 [renumbered to 100070.02], 100101 [renumbered to 100075.01], 100102 [renumbered to 100075.03 and amended text], 100102.1 [renumbered to 100075.05], 100103 [renumbered to 100075.02], 100103.2 [renumbered to 100075.06], 100104 [renumbered to 100075.04], 100105 [renumbered to 100076.01], 100106 [renumbered to 100076.02], 100106.1 [renumbered to 100076.03], 100106.2 [renumbered to 100076.04], 100107 [renumbered to 100076.05], 100107.1 [renumbered to 100076.06], 100108 [renumbered to 100077.01], 100109 [renumbered to 100077.02], 100110 [renumbered to 100077.03], 100111 [renumbered to 100077.04], 100112 [renumbered to 100077.05], 100113 [renumbered to 100077.06], 100114 [renumbered to 100077.07], 100115 [renumbered to 100077.08], 100116 [renumbered to 100077.09], 100117 [renumbered to 100077.10], 100118 [renumbered to 100077.11], 100119 [renum-

bered to 100077.12], 100120 [renumbered to 100077.13], 100121 [renumbered to 100077.14], 100122 [renumbered to 100077.15], 100123 [renumbered to 100078.01], 100124 [renumbered to 100078.02], 100125 [renumbered to 100078.03], 100126 [renumbered to 100079.01], 100127 [renumbered to 100079.02], 100128 [renumbered to 100079.03], 100129 [renumbered to 100080.01], 100130 [renumbered to 100080.02], 100135 [renumbered to 100090.01], 100136 [renumbered to 100090.05], 100137 [renumbered to 100090.11], 100138 [renumbered to 100090.10], 100139 [renumbered to 100090.09], 100140 [renumbered to 100090.12], 100141 [renumbered to 100090.02], 100141.1 [renumbered to 100090.07 and amended text], 100142 [renumbered to 100090.08 and amended text], 100143 [renumbered to 100090.13], 100143.1 [renumbered to 100090.04], 100144 [renumbered to 100090.03], 100144.1 [renumbered to 100090.06], 100145 [renumbered to 100091.01], 100146 [renumbered to 100091.02], 100147 [renumbered to 100091.03], 100148 [renumbered to 100091.04], 100149 [renumbered to 100092.01], 100150 [renumbered to 100092.02], 100151 [renumbered to 100092.03], 100152 [renumbered to 100092.04], 100165 [renumbered to 100092.05], 100154 [renumbered to 100092.06], 100155 [renumbered to 100092.07], 100156 [renumbered to 100092.08], 100157 [renumbered to 100093.01], 100158 [renumbered to 100093.02], 100159 [renumbered to 100093.03], 100160 [renumbered to 100093.04], 100162 [renumbered to 100093.05], 100163 [renumbered to 100093.06], 100164 [renumbered to 100093.07], 100153 [renumbered to 100094.01], 100166 [renumbered to 100094.02], 100167 [renumbered to 100095], 100168 [renumbered to 100096.01], 100169 [renumbered to 100096.02], 100170 [renumbered to 100096.03], 100171 [renumbered to 100097.01], 100172 [renumbered to 100097.02], 100173 [renumbered to 100111.01], 100174 [renumbered to 100111.02], 100175 [renumbered to 100111.03], 100176 [renumbered to 100111.04], 100181(a) [renumbered to 100115.01], 100181(b) [renumbered to 100115.02], 100181(c) [renumbered to 100115.03], 100181(d) [renumbered to 100115.04], 100181(e) [renumbered to 100115.05], 100181(f) [renumbered to 100115.06], 100181(g) [renumbered to 100115.07], 100181(h) [renumbered to 100115.08], 100181(i) [renumbered to 100115.09], 100181(j) [renumbered to 100115.10], 100181(k) [renumbered to 100115.11], 100181(l) [renumbered to 100115.12], 100182 [renumbered to 100116.01], 100183 [renumbered to 100117.01], 100184 [renumbered to 100118.01], 100185 [renumbered to 100119.01], 100186 [renumbered to 100120.01 and amended

text], 100187 [renumbered to 100121.01], 100188 [renumbered to 100122.01], 100189 [renumbered to 100123.01], 100190 [renumbered to 100124.01], 100191 [renumbered to 100125.01], 100192 [renumbered to 100112.01], 100193 [renumbered to 100126.01], 100201 [renumbered to 100105.01], 100202 [renumbered to 100105.03], 100202.1 [renumbered to 100105.04], 100203 [renumbered to 100105.07], 100204 [renumbered to 100105.08], 100205 [renumbered to 100105.10], 100206 [renumbered to 100105.11], 100206.1 [renumbered to 100105.06], 100206.2 [renumbered to 100105.05], 100206.3 [renumbered to 100105.02], 100206.4 [renumbered to 100105.09], 100207 [renumbered to 100106.01], 100208 [renumbered to 100106.02], 100208.1 [renumbered to 100106.03], 100209 [renumbered to 100106.04], 100210 [renumbered to 100107.01], 100211 [renumbered to 100107.02], 100211.1 [renumbered to 100107.03], 100212 [renumbered to 100108.01], 100213 [renumbered to 100108.02], 100214 [renumbered to 100108.03], 100214.1 [renumbered to 100108.04], 100214.2 [renumbered to 100108.05], 100214.3 [renumbered to 100108.06], 100215 [renumbered to 100108.07], 100216 [renumbered to 100109.01], 100217 [renumbered to 100109.02], 100236 [renumbered to 100135.01], 100237 [renumbered to 100135.02 and amended text], 100238 [renumbered to 100135.03 and amended text], 100239 [renumbered to 100135.04], 100240 [renumbered to 100135.05 and amended text], 100241 [renumbered to 100135.06], 100242 [renumbered to 100135.07 and amended text], 100243 [renumbered to 100135.08], 100244 [renumbered to 100135.09], 100245 [renumbered to 100135.10], 100246 [renumbered to 100135.11], 100247 [renumbered to 100135.12], 100248 [renumbered to 100135.13], 100249 [renumbered to 100135.14], 100250 [renumbered to 100135.15], 100251 [renumbered to 100135.16], 100252 [renumbered to 100135.17], 100253 [renumbered to 100136.01], 100254 [renumbered to 100136.02], 100255 [renumbered to 100136.03], 100256 [renumbered to 100136.04], 100257 [renumbered to 100136.05], 100258 [renumbered to 100136.06], 100259 [renumbered to 100137.01], 100260 [renumbered to 100137.02], 100261 [renumbered to 100137.03], 100262 [renumbered to 100137.04], 100263 [renumbered to 100137.05], 100264 [renumbered to 100137.06], 100265 [renumbered to 100138], 100266 [renumbered to 100139], 100270.101 [renumbered to 100146.01], 100270.102 [renumbered to 100146.02], 100270.103 [renumbered to 100146.03], 100270.104 [renumbered to 100146.04], 100270.105 [renumbered to 100146.05 and amended text], 100270.106 [renumbered to 100146.06 and amended text],

100270.107 [renumbered to 100146.07 and amended text], 100270.108 [renumbered to 100146.08], 100270.109 [renumbered to 100146.09], 100270.110 [renumbered to 100146.10 and amended text], 100270.111 [renumbered to 100146.11], 100270.112 [renumbered to 100146.12], 100270.113 [renumbered to 100146.14], 100270.114 [renumbered to 100146.15], 100270.115 [renumbered to 100146.16], 100270.116 [renumbered to 100146.17], 100270.117 [renumbered to 100146.18], 100270.118 [renumbered to 100146.19], 100270.119 [renumbered to 100146.13], 100270.120 [renumbered to 100146.20], 100270.121 [renumbered to 100147.01], 100270.122 [renumbered to 100147.02], 100270.123 [renumbered to 100148], 100270.124 [renumbered to 100149.01], 100270.125 [renumbered to 100149.02], 100270.126 [renumbered to 100150.01], 100270.127 [renumbered to 100150.02], 100270.200 [renumbered to 100156.01], 100270.201 [renumbered to 100156.02], 100270.202 [renumbered to 100156.03], 100270.203 [renumbered to 100156.05], 100270.204 [renumbered to 100156.04], 100270.205 [renumbered to 100156.06 and amended text], 100270.206 [renumbered to 100156.07], 100270.207 [renumbered to 100156.08], 100270.208 [renumbered to 100156.09], 100270.209 [renumbered to 100156.10 and amended text], 100270.210 [renumbered to 100156.11], 100270.211 [renumbered to 100156.12], 100270.212 [renumbered to 100156.13], 100270.213 [renumbered to 100156.14], 100270.214 [renumbered to 100156.15], 100270.215 [renumbered to 100156.16], 100270.216 [renumbered to 100156.17], 100270.217 [renumbered to 100156.18], 100270.218 [renumbered to 100156.19], 100270.219 [renumbered to 100156.20], 100270.220 [renumbered to 100157.01], 100270.221 [renumbered to 100157.02], 100270.222 [renumbered to 100158], 100270.223 [renumbered to 100159.01], 100270.224 [renumbered to 100159.02], 100270.225 [renumbered to 100159.03], 100270.226 [renumbered to 100159.04], 100270.227 [renumbered to 100159.05], 100270.228 [renumbered to 100160.01], 100270.229 [renumbered to 100160.02], 100276 [renumbered to 100166.01], 100277 [renumbered to 100166.09], 100278 [renumbered to 100166.15], 100279 [renumbered to 100166.13], 100280 [renumbered to 100166.03], 100281 [renumbered to 100166.16], 100282 [renumbered to 100166.02], 100283 [renumbered to 100166.10], 100284 [renumbered to 100166.08], 100285 [renumbered to 100166.05], 100286 [renumbered to 100166.06], 100287 [renumbered to 100166.04], 100288 [renumbered to 100166.11], 100289 [renumbered to 100166.07], 100290

[renumbered to 100166.14], 100291 [renumbered to 100166.12], 100300 [renumbered to 100167], 100302 [renumbered to 100098], 100304 [renumbered to 100168], 100306 [renumbered to 100169], 100321 [renumbered to 100200.01 and amended text], 100322 [renumbered to 100200.02 and amended text], 100323 [renumbered to 100200.03], 100324 [renumbered to 100200.04], 100325 [renumbered to 100200.05], 100326 [renumbered to 100200.06], 100327 [renumbered to 100200.07], 100328 [renumbered to 100201.01], 100329 [renumbered to 100201.02], 100330 [renumbered to 100201.03], 100331 [renumbered to 100201.04], 100332 [renumbered to 100201.05], 100333 [renumbered to 100202.01], 100334 [renumbered to 100202.02], 100341 [renumbered to 100220.02], 100342 [renumbered to 100220.04], 100343 [renumbered to 100220.01], 100343.1 [renumbered to 100220.03], 100343.2 [renumbered to 100220.06], 100343.3 [renumbered to 100220.05], 100344 [renumbered to 100221.01], 100345 [renumbered to 100221.02], 100346 [renumbered to 100222.01], 100346.1 [renumbered to 100222.02], 100347 [renumbered to 100110.01], 100348 [renumbered to 100110.02], 100349 [renumbered to 100110.03], 100390 [renumbered to 100099.04], 100390.1 [renumbered to 100099.05], 100390.2 [renumbered to 100099.06], 100390.3 [renumbered to 100099.02], 100390.4 [renumbered to 100099.03], 100390.5 [renumbered to 100099.01], 100390.6 [renumbered to 100099.07], 100390.7 [renumbered to 100099.08], 100391 [renumbered to 100100.01], 100391.1 [renumbered to 100100.02], 100392 [renumbered to 100101], 100393 [renumbered to 100102.01], 100393.1 [renumbered to 100102.02], 100394 [renumbered to 100103], 100395 [renumbered to 100104], 100400 [renumbered to 100250.01], 100401 [renumbered to 100250.02], 100402 [renumbered to 100251], 100403 [renumbered to 100252], 100404 [renumbered to 100253], 100405 [renumbered to 100254], 100450.100 [renumbered to 100000.01], 100450.200 [renumbered to 100161.01], 100450.201 [renumbered to 100161.02 and amended text], 100450.202 [renumbered to 100161.03], 100450.203 [renumbered to 100161.04 and amended text], 100450.204 [renumbered to 100161.05], 100450.205 [renumbered to 100161.06], 100450.206 [renumbered to 100161.07], 100450.207 [renumbered to 100161.08], 100450.208 [renumbered to 100161.09], 100450.209 [renumbered to 100161.10], 100450.210 [renumbered to 100161.11], 100450.211 [renumbered to 100161.12], 100450.212 [renumbered to 100161.13], 100450.213 [renumbered to 100161.14], 100450.214 [renumbered to 100161.15 and amend-

ed text], 100450.215 [renumbered to 100161.16], 100450.216 [renumbered to 100162.01], 100450.217 [renumbered to 100162.02], 100450.218 [renumbered to 100163.01], 100450.219 [renumbered to 100163.02], 100450.220 [renumbered to 100163.03], 100450.221 [renumbered to 100163.04], 100450.222 [renumbered to 100163.05], 100450.223 [renumbered to 100164.01], 100450.224 [renumbered to 100164.02].

Repeal: 100056, 100061.2, 100103.1, 100340

Filed 09/05/2024

Effective 01/01/2025

Agency Contact: Ashley Williams (916) 591–3266

#### Employment Training Panel

File # 2024–0730–01

Update to Out-of-State Eligible NAICS Codes

In this rulemaking action, the Employment Training Panel updates the “2002” date of reference for the North American Industrial Classification System (NAICS) to 2022, amends the reference number of the publishing industry to comport with the most recent version of the NAICS, and also removes the limitation for internet publishing businesses.

Title 22

Amend: 4416

Filed 09/11/2024

Effective 01/01/2025

Agency Contact: Elisabeth Testa (916) 327–5640

#### Public Employees’ Retirement System

File # 2024–0823–02

Definition and Reporting of Full-Time Employment

This rulemaking action amends California Code of Regulations (CCR) section 574 to include instructions for how a classified member’s full-time payrate shall be reported to CalPERS in accordance with Government Code (GC) section 20636.1.

Title 02

Amend: 574

Filed 09/11/2024

Effective 01/01/2025

Agency Contact: Andrea Peters (916) 795–3038

#### Speech–Language Pathology and Audiology and Hearing Aid Dispensers Board

File # 2024–0726–01

Continuing Professional Development Requirements

This action by the Speech–Language Pathology and Audiology and Hearing Aid Dispensers Board (“Board”) amends existing regulations that concern continuing professional development (“CPD”) requirements for licensees — speech–language pathologists, audiologists, and dispensing audiologists —

regulated by the Board. Specifically, the amendments clarify definitions to reflect advancements made to CPD courses delivered online; increase the number of “self-study” hours a licensee is allowed to claim to half of the total required CPD hours; increase the number of indirect patient/client care hours a licensee is allowed to claim to a quarter of the total required CPD hours; eliminate hours restrictions a licensee is allowed to claim as CPD hours for courses that are related to the practice of speech language pathology or audiology; and make CPD requirements consistent with the Board’s CPD audit process and the professional learning requirements for similar license types and course content

Title 16

Amend: 1399.160, 1399.160.1, 1399.160.2,  
1399.160.3, 1399.160.4

Filed 09/06/2024

Effective 01/01/2025

Agency Contact: Maria Liranzo (916) 905-5441

Bureau of Automotive Repair

File # 2024-0729-01

Consumer Assistance Program Incentive Increases

This resubmitted rulemaking action by the Bureau of Automotive Repair makes several changes relating to the consumer assistance payments an owner of a vehicle failing a smog check may be eligible to receive as incentive to either repair or retire the non-compliant vehicle. First, this action increases the maximum amount of the payments to account for inflation

as measured by federal Consumer Price Index data. Second, this action establishes a procedure for future increases to the maximum amount of the payments based on measures of inflation, program participation, and appropriations. Third, this action eliminates an existing rule that prohibited a person from receiving repair assistance payments for the same vehicle more than once. Finally, this action revises what a person must provide when applying to receive these consumer assistance payments.

Title 16

Amend: 3394.3, 3394.4, 3394.6

Filed 09/04/2024

Effective 01/01/2025

Agency Contact: Holly Helsing (916) 403-8600

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| <p><b>PRIOR REGULATORY<br/>DECISIONS AND CCR<br/>CHANGES FILED WITH THE<br/>SECRETARY OF STATE</b></p> |
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A quarterly index of regulatory decisions by the Office of Administrative Law (OAL) is provided in the California Regulatory Notice Register in the volume published by the second Friday in January, April, July, and October following the end of the preceding quarter. For additional information on actions taken by OAL, please visit [oal.ca.gov](http://oal.ca.gov).