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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 11. DEPARTMENT OF JUSTICE

CARRY CONCEALED WEAPONS LICENSES

The California Department of Justice (Department) proposes to adopt sections 4400, 4401, 4402, 4410, 4411, 4412, 4420, 4421, 4422, 4430, 4431, 4432, and 4440 of title 11, division 5, chapter 14 of the California Code of Regulations regarding carry concealed weapons (CCW) licenses.

PUBLIC HEARING

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

WRITTEN COMMENT PERIOD

Any interested person or their authorized representative may submit written comments relevant to the proposed regulatory action. The written comment period closes on February 19, 2025 at 5:00 p.m. Only written comments received by that time will be considered. Please submit written comments to:

Q. Farris
 Department of Justice
 P.O. Box 160487
 Sacramento, CA 95816
 (916) 210–2372
bofregulations@doj.ca.gov

NOTE: Written and oral comments, attachments, and associated contact information (e.g., address, phone, email, etc.) become part of the public record and can be released to the public upon request.

AUTHORITY AND REFERENCE

Authority: Sections 26165, 26175, 26185, 26206, 26225 and 26230, Penal Code.

Reference: Sections 11106, 26150, 26155, 26162, 26165, 26170, 26175, 26185, 26206 and 26230, Penal Code.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Summary of Existing Laws and Regulations

California law requires a person who desires to carry a concealed weapon in public to obtain a CCW license. This license may be issued by a sheriff of a county, or the police chief or other head of a municipal police department of any county or city. (Pen. Code, §§ 26150, 26155, 26170.)¹

In late June 2022, the United States Supreme Court issued its decision in *New York Rifle & Pistol Association v. Bruen* (2022) 597 U.S. 1 (*Bruen*), holding that the State of New York’s requirement that “proper cause” be demonstrated in order to obtain a permit to carry a concealed weapon in most public places was unconstitutional. The day after the decision was issued, the California Attorney General issued Legal Alert Number OAG–2022–02, which concluded that the “good cause” requirements set forth in Penal Code sections 26150, subdivision (a)(2), and 26155, subdivision (a)(2), which authorized local officials to issue CCW licenses, were unconstitutional and unenforceable under *Bruen*. However, the Supreme Court expressly stated that it is constitutional for states to require a license to carry a firearm in public. The decision accordingly required a legislative response.

Senate Bill 2 (SB 2) replaced California’s “good cause” and “good moral character” requirements in Penal Code sections 26150, 26155, and 26170. Under SB 2, a licensing authority (such as a county sheriff or municipal police chief) shall issue or renew a CCW license if the licensing authority determines that the applicant is not a disqualified person under certain defined and objective criteria and meets other specified requirements. (§ 26202.) An applicant may challenge a licensing authority’s disqualified person determination by requesting a hearing in the superior court of their county of residence. (§ 26206.) SB 2 additionally amended other requirements in sections 26150, 26155, and 26170 to obtain a CCW license, including the minimum age, training requirements, and ownership status of the weapons listed on the CCW license. (§§ 26150, 26155, 26165, 26170, 26175.)

The Legislature authorized the Department to promulgate emergency regulations to implement SB 2. (§ 26225, subdivision (d).) The Department’s emergency rulemaking was completed in three parts: OAL

¹ All references are to the Penal Code unless otherwise indicated.

Matter Numbers 2023–1222–01, 2024–0223–01, and 2024–0403–01.

Effect of the Proposed Rulemaking

The proposed regulations:

- create the uniform CCW license that complies with the new statutory requirements;
- establish the qualifications necessary to become a CCW DOJ Certified Instructor;
- establish the grounds for revoking a CCW DOJ Certified Instructor’s certification;
- establish the process for the CCW license applicant’s background check so the Department can determine the applicant’s eligibility to possess, receive, own, or purchase a firearm;
- provide the manner for a licensing authority to send certain CCW license records to the Department; and
- prescribe the uniform design for signs allowing CCW licenseholders to carry firearms on private property and places of worship.

Anticipated Benefits of the Proposed Regulations

The Department’s regulations protect public health and safety by implementing a licensing scheme that prevents persons who are prohibited from owning or possessing a firearm from obtaining CCW licenses.

The regulations ensure that CCW instructors have the minimum level of skill, knowledge, and competency to teach the course required by Penal Code section 26165.

The existing uniform CCW license is not produced in a format that is easy to carry on one’s person. The new uniform license has a similar format to a California driver’s license or ID card and therefore it can easily be carried on one’s person. A new uniform license can help reduce the use of fraudulent or fake licenses.

Comparable Federal Regulations

There are no existing federal regulations or statutes comparable to these proposed regulations.

Determination of Inconsistency/Incompatibility with Existing State Regulations

The Department has determined that these proposed regulations are not inconsistent or incompatible with existing State regulations. After conducting a review for any regulations that would relate to or affect this area, the Department has concluded that these are the only regulations that concern CCW licenses.

Forms Incorporated by Reference

- Concealed Carry Weapon Program DOJ Certified Instructor Application, Form BOF 1034 (Rev. 12/2024)
- License to Carry Concealed Pistol, Revolver, or Other Firearm Notification of Denial or Revocation, Form BOF 1032 (Rev. 12/2024)

- Reserve/Auxiliary Peace Officer and Judicial Carry Concealed Weapon (CCW) License Annual Survey, Form BOF 1027 (Rev. 12/2024)

Other Statutory Requirements

None.

DISCLOSURES REGARDING THE PROPOSED ACTION

The Department’s Initial Determinations

Mandate on local agencies or school districts: These regulations may create a reimbursable mandate as determined by the Commission on State Mandates. The bill analysis provided by the Senate Appropriations Committee contained the following information regarding SB 2’s fiscal impact on local government:

Local Costs: Unknown, possibly reimbursable costs, to local law enforcement agencies, including city police agencies and county sheriff offices to comply with the requirements in this bill for issuing CCWs (Local Funds, General Fund).

Prior to the *Bruen* decision, local law enforcement used a good cause standard to make case–by–case decisions on CCWs. This bill may require a more nuanced evaluation of a CCW application. Local costs could be in the millions in the first two or three fiscal years as more people apply for CCWs following the Supreme Court’s ruling, with costs declining over time. Costs to the General Fund will depend on whether the duties imposed by this bill constitute a reimbursable state mandate, as determined by the Commission on State Mandates.

Cost or savings to any state agency: The Department’s decision to establish qualifications for CCW instructors has increased the workload to the Department, which is now tasked with reviewing the applications. The Department requested one additional Staff Services Analyst (SSA) to process these applications.

The cost of the SSA to the Department is \$122,434 for fiscal year 2024–25 and \$114,068 on–going for subsequent fiscal years.

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

Other non–discretionary costs or savings imposed on local agencies: None. Licensing authorities may charge a fee in an amount equal to the reasonable costs for processing the application for a new license or a license renewal, issuing the license, and enforcing the license, including any required notices, excluding fingerprint and training costs. (§ 26190, subdivisions (b) & (d).)

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

Cost impacts on representative person or business: The regulations require CCW instructor applicants to provide a training certificate from a specified training

entity. The average cost to obtain a training certificate is \$350. While the Department estimates that the majority of CCW instructor applicants already had one of the necessary certificates (as there is significant overlap between Penal Code section 31635 training entities and California Code of Regulations, title 11, section 4410 training entities), instructor applicants that were not already certified by an authorized entity would have to pay for and pass the course in order to continue teaching CCW license applicants.

Significant effect on housing costs: None.

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

Results of the Economic Impact Assessment (EIA)

The Department concludes that it is (1) unlikely that the proposal will create or eliminate jobs within the state, (2) unlikely that the proposal will create new businesses or eliminate existing businesses within the state, (3) unlikely that the proposal will result in the expansion of businesses currently doing business within the state.

The Department also concludes that:

- (1) The proposal would benefit the health and welfare of California residents by implementing a licensing scheme that prevents persons who are prohibited from owning or possessing a firearm from obtaining CCW licenses. The regulations also ensure that CCW instructors have the minimum level of skill, knowledge, and competency to teach the course required by Penal Code section 26165.
- (2) The proposal would not benefit worker safety because it does not regulate worker safety standards.
- (3) The proposal would not benefit the state’s environment because it does not change any applicable environmental standards.

Business report requirement: None.

Small business determination: The Department has determined that this proposed action affects small businesses.

CONSIDERATION OF ALTERNATIVES

In accordance with Government Code section 11346.5, subdivision (a)(13), the Department must determine that no reasonable alternative considered by the Department or that has otherwise been identified and brought to the attention of the Department would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less

burdensome to affected private persons than the proposed action or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provision of law.

The Department has determined that the proposed regulation is the most effective and least burdensome way for the Department to certify CCW instructors. While the Department considered allowing CCW instructors to be certified pursuant to Penal Code section 31635 (i.e., the same manner and requirements as Firearm Safety Certificate (FSC) instructors), the Department rejected this alternative because FSC instructors do not have the minimum level of skill, knowledge, and competency to teach the course required by Penal Code section 26165, subdivision (a)(2) and (6).

The Department’s original emergency regulations required applicants to provide a training certificate from one of the following programs: (1) Bureau of Security and Investigative Services (BSIS), Department of Consumer Affairs, State of California–Firearm Training Instructor; (2) Commission on Peace Officer Standards and Training (POST), State of California–Firearms Instructor or Rangemaster; or (3) Authorization from a State of California accredited school to teach a firearm training course.

The Department received approximately 2,000 public comments, most of which argued that the training options for becoming a DOJ Certified Instructor were too restrictive and would lead to a shortage of qualified instructors.

The Department decided to expand the qualifications to include other recommended training entities, which increased the number of qualified CCW instructors. Stakeholders did not raise any concerns about the cost of obtaining the proposed training certificates.

CONTACT PERSONS

Inquiries concerning the proposed administrative action may be directed to:

Q. Farris
 Department of Justice
 P.O. Box 160487
 Sacramento, CA 95816
 (916) 210–2372
bofregulations@doj.ca.gov

Questions regarding procedure, comments, or the substance of the proposed action should be addressed to the above contact person. In the event the contact person is unavailable, inquiries regarding the proposed action may be directed to the following backup contact person:

S. Villareal
 Department of Justice
 P.O. Box 160487

Sacramento, CA 95816
(916) 210–2364

bofregulations@doj.ca.gov

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

The Department will have the entire rulemaking file available for inspection and copying throughout the rulemaking process upon request to the contact person above. As of the date this Notice of Proposed Rulemaking (Notice) is published in the Notice Register, the rulemaking file consists of this Notice, the Text of Proposed Regulations (the “express terms” of the regulations), the forms incorporated by reference, the Initial Statement of Reasons, and any information upon which the proposed rulemaking is based. The text of this Notice, the express terms, the forms incorporated by reference, and the Initial Statement of Reasons are available on the Department’s website at <https://oag.ca.gov/firearms/regs>. Please refer to the contact information listed above to obtain copies of these documents.

**AVAILABILITY OF CHANGED OR
MODIFIED TEXT**

After the Department analyzes all timely and relevant comments received during the 45–day public comment period, the Department will either adopt these regulations substantially as described in this notice or make modifications based on the comments. If the Department makes modifications which are sufficiently related to the originally–proposed text, it will make the modified text (with the changes clearly indicated) available to the public for at least 15 days before the Department adopts the regulations as revised. Please send requests for copies of any modified regulations to the attention of the name and address indicated above. The Department will accept written comments on the modified regulations for 15 days after the date on which they are made available.

**AVAILABILITY OF THE FINAL
STATEMENT OF REASONS**

Upon its completion, a copy of the Final Statement of Reasons will be available on the Department’s website at <https://oag.ca.gov/firearms/regs>. Please refer to the contact information included above to obtain a written copy of the Final Statement of Reasons.

**AVAILABILITY OF DOCUMENTS
ON THE INTERNET**

Copies of the Notice of Proposed Rulemaking, the express terms, the forms incorporated by reference, and the Initial Statement of Reasons are available on the Department’s website at <https://oag.ca.gov/firearms/regs>.

**TITLE 14. SACRAMENTO–SAN
JOAQUIN DELTA CONSERVANCY**

**SELECTION PROCESS FOR PRIVATE
ARCHITECTURAL AND
ENGINEERING FIRMS**

The Sacramento–San Joaquin Delta Conservancy (Department) proposes to adopt sections 28302, 28303, 28304, 28305, 28306, 28307, 28308, 28309, 28310, 28311, 28312, 28313, and 28314 of Title 14, Division 16, Chapter 2 of the California Code of Regulations concerning the selection process for private architectural and engineering firms.

PUBLIC HEARING

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

WRITTEN COMMENT PERIOD

Any interested person or their authorized representative may submit written comments relevant to the proposed regulatory action. The written comment period closes on February 18, 2025, at 5:00 p.m.. Only written comments received by that time will be considered. Please submit written comments to:

Brenda Lusk
Sacramento–San Joaquin Delta Conservancy
1450 Halyard Drive, Suite 6
West Sacramento, CA 95691
(916) 634–3398

Brenda.Lusk@deltaconservancy.ca.gov

NOTE: Written and oral comments, attachments, and associated contact information (e.g., address, phone, email, etc.) become part of the public record and can be released to the public upon request.

AUTHORITY AND REFERENCE

Authority: Section 4526, Government Code.

Reference: Sections 4525, 4526, 4526.5, 4527, 4528, 4529, 4529.5, 4529.10, 4529.11, 4529.12, 4529.13, 4529.13, 4529.14, 4529.15, 4529.16, 4529.17, 4529.18, 4529.19, and 4529.20, Government Code; and Article XXII, Sections 1 and 2, California Constitution.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Summary of Existing Laws and Regulations

Generally, the California Constitution forbids state agencies from contracting for private companies to perform the services that state civil service employees can perform. In response, California voters adopted Proposition 35 in November 2000. Entitled the “Fair Competition and Taxpayer Savings Act,” Proposition 35 added Article XXII to the California Constitution to provide that the State of California and all other governmental entities “shall be allowed to contract with qualified private entities for architectural and engineering services for all public works of improvement.” (Cal. Const., article XXII, § 1.)

Proposition 35 also added chapter 10.1, commencing with section 4529.10, to the Government Code. “Architectural and engineering services” includes all architectural, landscape architectural, environmental, engineering, land surveying, and construction project management services.” (Gov. Code, § 4529.10.) Proposition 35 also codified the voters’ intent to promote fair competition. (*Id.* at § 4529.12.) State agencies enter contracts with private firms through a competitive process of advertising for the service, selecting the firm determined to be best qualified, and negotiating a contract with that firm. (*Id.* at § 4525 et seq.)

A state agency is required to develop regulations describing the procedures for contracting with private architectural and engineering firms. (Gov. Code, § 4526.) Currently, the Department is unable to contract with private architectural and engineering firms because it has not adopted regulations on this subject.

Effect of the Proposed Rulemaking

These proposed regulations would create a process for the Department to contract with private architectural and engineering firms.

Anticipated Benefits of the Proposed Regulations

The purpose and intent of Proposition 35 included “remov[ing] existing restrictions on contracting for architectural and engineering services and [allowing] state, regional and local governments to use qualified private architectural and engineering firms to help deliver transportation, schools, water, seismic retrofit and other infrastructure projects safely, cost effectively and on time;” “encourag[ing] the kind of pub-

lic/private partnerships necessary to ensure that California taxpayers benefit from the use of private sector experts to deliver transportation, schools, water, seismic retrofit and other infrastructure projects;” “promot[ing] fair competition so that both public and private sector architects and engineers work smarter, more efficiently and ultimately deliver better value to taxpayers;” “speed[ing] the completion of a multi-billion dollar backlog of highway, bridge, transit and other projects;” “ensur[ing] that contracting for architectural and engineering services occurs through a fair, competitive selection process, free of undue political influence, to obtain the best quality and value for California taxpayers;” and “ensur[ing] that private firms contracting for architectural and engineering services with governmental entities meet established design and construction standards and comply with standard accounting practice and permit financial and performance audits as necessary to ensure contract services are delivered within the agreed schedule and budget.” (Initiative Measure (Prop. 35, § 2, approved Nov. 7, 2000, eff. Nov. 8, 2000).)

The specific benefits anticipated by the proposed regulations include: (1) the Department will be able to complete projects in a timely manner by directly contracting with private firms when State civil service staff are not available to perform the necessary work; (2) the Department will be able to make annual announcements based on the general need for architectural and engineering services to assist in its overall mission and may enter into requirements contracts, also commonly known as “on-call” contracts; (3) “on-call” contracts will allow for expeditious and cost-effective contracting for as-needed projects; and (4) business opportunities for private firms to contract with the Department will be increased.

Comparable Federal Regulations

There are no existing federal regulations or statutes comparable to these proposed regulations.

Determination of Inconsistency/Incompatibility with Existing State Regulations

The Department has determined that these proposed regulations are not inconsistent or incompatible with existing state regulations. After conducting a review for any regulations that would relate to or affect this area, the Department has concluded that these are the only regulations that concern the Department’s ability to contract with private architectural and engineering firms.

Forms or Documents Incorporated by Reference

None.

Other Statutory Requirements

None.

DISCLOSURES REGARDING THE
PROPOSED ACTION

The Department’s Initial Determinations

Mandate on local agencies or school districts: None.

Cost or savings to any state agency: No fiscal impact on Department spending because the cost of contracting with private architectural and engineering firms will be comparable to current spending with the Department of General Services for architectural and engineering services.

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

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

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

Cost impacts on representative person or business: The Department is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action. Businesses are not required to apply for contracting opportunities with the Department. These regulations could result in additional income for businesses if they choose to participate in the program and are selected for a project.

Significant effect on housing costs: None.

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

Results of the Economic Impact Assessment (EIA)

The Department concludes that it is (1) unlikely that the proposal will create or eliminate jobs within the state, (2) unlikely that the proposal will create new businesses or eliminate existing businesses within the state, (3) likely that the proposal will result in the expansion of businesses currently doing business within the state.

The Department also concludes that:

- (1) The proposal would benefit the health and welfare of California residents by allowing the Department to use qualified private architectural and engineering firms to help deliver projects safely, cost effectively, and on time.
- (2) The proposal would benefit worker safety by allowing the Department to contract with private architectural and engineering firms, thereby enabling the Department to resolve and avoid project delays that may otherwise jeopardize worker safety.

- (3) The proposal would not benefit the state’s environment because it does not change any applicable environmental standards.

Business report requirement: None.

Small business determination: The Department has determined that the proposed action affects small businesses. Small businesses will have more of an opportunity to compete for contracts under these regulations.

CONSIDERATION OF ALTERNATIVES

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

The Department has determined that the proposed regulations are the most effective way to contract with private architectural and engineering firms. The regulations do not create any burden because applying to contract with the Department is voluntary. These regulations increase business opportunities for private firms because they will allow the Department to select private firms to complete necessary projects.

CONTACT PERSONS

Inquiries concerning the proposed administrative action may be directed to:

Brenda Lusk

Sacramento–San Joaquin Delta Conservancy

1450 Halyard Drive, Suite 6

West Sacramento, CA 95691

(916) 634–3398

Brenda.Lusk@deltaconservancy.ca.gov

Questions regarding procedure, comments, or the substance of the proposed action should be addressed to the above contact person. In the event the contact person is unavailable, inquiries regarding the proposed action may be directed to the following backup contact person:

Karen Buhr
Sacramento–San Joaquin Delta Conservancy
1450 Halyard Drive, Suite 6
West Sacramento, CA 95691
(916) 996–8117
Karen.Buhr@deltaconservancy.ca.gov

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

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AVAILABILITY OF CHANGED OR
MODIFIED TEXT

After the Department analyzes all timely and relevant comments received during the 45–day public comment period, the Department will either adopt these regulations substantially as described in this notice or make modifications based on the comments. If the Department makes modifications which are sufficiently related to the originally–proposed text, it will make the modified text (with the changes clearly indicated) available to the public for at least 15 days before the Department adopts the regulations as revised. Please send requests for copies of any modified regulations to the attention of the name and address indicated above. The Department will accept written comments on the modified regulations for 15 days after the date on which they are made available.

AVAILABILITY OF THE FINAL
STATEMENT OF REASONS

Upon its completion, a copy of the Final Statement of Reasons will be available on the Department’s website at <https://deltaconservancy.ca.gov/public-info/>. Please refer to the contact information listed above to obtain a written copy of the Final Statement of Reasons.

AVAILABILITY OF DOCUMENTS
ON THE INTERNET

Copies of this Notice, the express terms, the Initial Statement of Reasons, and any information upon which the proposed rulemaking is based are available on the Department’s website at <https://deltaconservancy.ca.gov/public-info/>.

**TITLE 15. DEPARTMENT
OF CORRECTIONS AND
REHABILITATION**

ELECTROCONVULSIVE THERAPY

NOTICE IS HEREBY GIVEN that the Secretary of the California Department of Corrections and Rehabilitation (CDCR), pursuant to the authority granted by Government Code (GC) section 12838.5 and Penal Code (PC) section 5055, and the rulemaking authority granted by PC section 5058, proposes to amend sections 3999.98, 3999.99, and 3999.348 of the California Code of Regulations (CCR), Title 15, Division 3, concerning Electroconvulsive Therapy (ECT).

PUBLIC HEARING

The CDCR will hold a virtual public hearing on February 18, 2025. To join the virtual hearing, follow this link: *click here*, or you may call (916) 701–9994 and enter phone conference ID 650 402 349# to join by phone (audio only) between the hours of 1:30 p.m. and 2:00 p.m. on February 18, 2025.

PUBLIC COMMENT PERIOD

The public comment period will close on **February 18, 2025**. Any person may submit public comments in writing (by mail or by email) regarding the proposed changes. To be considered, comments must be submitted to California Correctional Health Care Services (CCHCS), Health Care Regulations and Policy Section, P.O. Box 588500, Elk Grove, CA, 95758, or by email to HealthCareRegulations@cdcr.ca.gov before the close of the comment period.

CONTACT PERSON

Please direct any inquiries regarding this action to:

R. Hart
Associate Director
Risk Management Branch
California Correctional Health Care Services
P.O. Box 588500
Elk Grove, CA 95758
(916) 691–2922

A. Burrell
Staff Services Manager II
Health Care Regulations and Policy Section
California Correctional Health Care Services
(916) 691–2921

AUTHORITY AND REFERENCE

GC section 12838.5 provides that commencing July 1, 2005, CDCR succeeds to, and is vested with, all the powers, functions, duties, responsibilities, obligations, liabilities, and jurisdiction of abolished predecessor entities, such as: Department of Corrections, Department of the Youth Authority, and Board of Corrections.

PC section 5000 provides that commencing July 1, 2005, any reference to the Department of Corrections in this or any code, refers to the CDCR, Division of Adult Operations.

PC section 5050 provides that commencing July 1, 2005, any reference to the Director of Corrections, in this or any other code, refers to the Secretary of the CDCR. As of that date, the office of the Director of Corrections is abolished.

PC section 5054 provides that commencing July 1, 2005, the supervision, management, and control of the State prisons, and the responsibility for the care, custody, treatment, training, discipline, and employment of persons confined therein are vested in the Secretary of the CDCR.

PC section 5058 authorizes the Director to prescribe and amend regulations for the administration of prisons.

References cited pursuant to this regulatory action are as follows: PC 2670.5, 2671, 2672, 2673, and 5054; and *Plata v. Newsom* (Number C01–1351 JST), U.S. District Court, Northern District of California.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

The CDCR and CCHCS propose to amend sections 3999.98, 3999.99, and 3999.348 of the CCR, Title 15, Division 3, governing ECT. Current regulations do not take into account structural changes in the correctional landscape and largely restate what is already in the PC without providing guidance on how the ECT process should work operationally. In addition, existing

regulations do not explain the required forms that are needed to request for ECT and the flow of paperwork, necessary to initiate a case or see it through fruition. The Department has concluded that the current regulations actually make the ECT process more cumbersome than what the PC requires by creating artificial roadblocks that delay care to patients.

This action will:

- Establish a standardized process for documenting patients need for initiation, or continuation, of ECT.
- Create accountability related to who at the institution is responsible for handling the various forms as well as service of the forms, and create time-bound rule to ensure the paperwork moves quickly through the approval chain.
- Provide clarity as to how this procedure would be used in the event of a medical emergency.
- Eliminate redundancy already defined in the statute.
- Provide clarity on selection of appropriate housing and determination of acuity for patients, to receive timely care.
- Establish a written consent process to align with the PC requirements.
- Ensure all CDCR patients in the Mental Health Service Division benefit from having a clear guideline as to how to start and renew this type of treatment.

BENEFITS ANTICIPATED BY THE PROPOSED REGULATIONS

The Department anticipates that the proposed regulations will benefit the health and welfare of CDCR patients, staff, and the general public and protect worker safety by ensuring an efficient and effective ECT process is available to CDCR staff to utilize in the treatment of patients. The regulations will establish a standard workflow, timelines, and forms which will prevent delays in processing ECT cases and ensure quick access to ECT. This regulation will not have an impact on the State’s environment, as it is not impacted by the administration of the ECT process.

FORMS INCORPORATED BY REFERENCE

- CDCR 7707, Patient Electroconvulsive Therapy Rights (xx/xx) (Revision date to be determined upon filing with the Secretary of State).
- CDCR 7708, Patient Informed Consent for Electroconvulsive Therapy (xx/xx) (Revision date to be determined upon filing with the Secretary of State).

- CDCR 7712, Clinical Recommendation for Electroconvulsive Therapy (xx/xx) (Revision date to be determined upon filing with the Secretary of State).
- CDCR 7713, Clinical Recommendation for Electroconvulsive Therapy Renewal (xx/xx) (Revision date to be determined upon filing with the Secretary of State).
- CDCR 7715, Routing Sheet for Electroconvulsive Therapy (xx/xx) (Revision date to be determined upon filing with the Secretary of State).

EVALUATION OF CONSISTENCY/ COMPATIBILITY WITH EXISTING REGULATIONS

Pursuant to GC section 11346.5(a)(3)(D), the Department must evaluate whether the proposed regulations are inconsistent or incompatible with existing State regulations. Pursuant to this evaluation, the Department has determined these proposed regulations are not inconsistent or incompatible with any existing regulations within CCR, Title 15, Division 3.

LOCAL MANDATES

The proposed regulatory action imposes no mandates on local agencies or school districts, or a mandate which requires reimbursement pursuant to GC section 17500–17630.

FISCAL IMPACT STATEMENT

Cost or savings to any State agency: *None*.

Cost to any local agency or school district that is required to be reimbursed: *None*.

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

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

EFFECT ON HOUSING COSTS

The Department has made an initial determination that the proposed action will have no significant effect on housing costs because the proposed action relates strictly to ECT which only affects staff and patients within CDCR.

SIGNIFICANT STATEWIDE ADVERSE ECONOMIC IMPACT ON BUSINESS

The Department has determined that the proposed action will not have a significant statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states because the proposed

action relates strictly to ECT which only affects staff and patients within CDCR.

RESULTS OF ECONOMIC IMPACT ASSESSMENT

The proposed changes will benefit the health and welfare of CDCR patients, staff, and the general public and protect worker safety by ensuring an efficient and effective ECT process is available to CDCR staff to utilize in the treatment of patients. The regulations will establish a standard workflow, timelines, and forms which will prevent delays in processing ECT cases and ensure quick access to ECT. This regulation will not have an impact on the State's environment, as it is not impacted by the administration of the ECT process.

The Department has determined that the proposed regulations will have no impact on the creation of new or the elimination of existing jobs or businesses within California or affect the expansion of businesses currently doing business in California because this regulatory action relates strictly to ECT which only affects staff and patients within CDCR.

BENEFITS ANTICIPATED BY THE PROPOSED REGULATIONS

The Department anticipates that the proposed regulations will benefit the health and welfare of CDCR patients, staff, and the general public and protect worker safety by ensuring an efficient and effective ECT process is available to CDCR staff to utilize in the treatment of patients. The regulations will establish a standard workflow, timelines, and forms which will prevent delays in processing ECT cases and ensure quick access to ECT.

The proposed regulations will not have an impact on the State's environment, as it is not impacted by these administrative and operational changes and clarifications.

COST IMPACTS 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. The proposed action relates strictly to ECT which only affects CDCR staff and patients.

EFFECT ON SMALL BUSINESSES

The Department has determined that the proposed regulations will have no significant adverse economic impact on small businesses because the proposed ac-

tion relates strictly to ECT which only affects staff and patients within CDCR.

CONSIDERATION OF ALTERNATIVES

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

The Department has made an initial determination that the action will not have a significant adverse economic impact on business. Additionally, there has been no testimony, reasonable alternative, or other evidence provided that would alter the CDCR's initial determination to proceed with this action.

AVAILABILITY OF PROPOSED TEXT AND INITIAL STATEMENT OF REASONS

The Department has prepared, and will make available, the proposed text and the Initial Statement of Reasons (ISOR) of the proposed regulatory action. The rulemaking file for this regulatory action, which contains those items and all information on which the proposal is based (i.e., rulemaking file) is available to the public upon request directed to the contact person listed in this Notice. The proposed text, ISOR, and Notice of Proposed Action will also be made available on CCHCS's website <https://cchcs.ca.gov> and CDCR institution law libraries.

AVAILABILITY OF THE FINAL STATEMENT OF REASONS

Following its preparation, a copy of the Final Statement of Reasons may be obtained from the contact person listed in this Notice.

AVAILABILITY OF CHANGES TO PROPOSED TEXT

After considering all timely and relevant comments received, the Department may adopt the proposed regulations substantially as described in this Notice. If the Department makes modifications 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 calendar days before the Department adopts the regulations as revised. Requests for copies of any modified regulation text should be directed to the contact person list-

ed in this Notice. The Department will accept written comments on the modified regulations for 15 calendar days after the date on which they are made available.

TITLE 15. DEPARTMENT OF CORRECTIONS AND REHABILITATION

SEX OFFENDER TREATMENT

NOTICE IS HEREBY GIVEN that the Secretary of the California Department of Corrections and Rehabilitation (CDCR or the department), proposes to adopt 3574 of the California Code of Regulations (CCR), Title 15, Crime Prevention and Corrections, Division 3, Chapter 1, regarding Sex Offender Treatment.

PUBLIC HEARING

Date and Time:

February 20, 2025 — 10:00 a.m. to 11:00 a.m.

Place:

Department of Corrections and Rehabilitation
Room 113
9272 Laguna Springs Drive — Building G-1
Elk Grove, CA 95758

Purpose: To receive comments about this action.

PUBLIC COMMENT PERIOD

The public comment period begins **January 3, 2025** and closes on **February 19, 2025**. Any person may submit written comments by mail addressed to the primary contact person listed below, or by email to rpmb@cdcr.ca.gov, before the close of the comment period. For questions regarding the subject matter of the regulations, call the program contact person listed below.

CONTACT PERSONS

Primary Contact

Dmitriy Kostyuk
Telephone: (279) 223-2313
Regulation and Policy
Management Branch
P.O. Box 942883
Sacramento, CA 94283-0001

Back-Up

Y. Sun
 Telephone: (916) 203–9779
 Regulation and Policy
 Management Branch
 P.O. Box 942883
 Sacramento, CA 94283–0001

Program Contact

Andres Olivarez
 Telephone: (925) 596–3655
 Division of Adult Parole Operations

AUTHORITY AND REFERENCE

Government Code Section 12838.5 provides that commencing July 1, 2005, CDCR succeeds to, and is vested with, all the powers, functions, duties, responsibilities, obligations, liabilities, and jurisdiction of abolished predecessor entities, such as Department of Corrections, Department of the Youth Authority, and Board of Corrections.

Penal Code (PC) Section 5000 provides that commencing July 1, 2005, any reference to Department of Corrections in this or any code, refers to the CDCR, Division of Adult Operations. **PC Section 5050** provides that commencing July 1, 2005, any reference to the Director of Corrections in this or any other code, refers to the Secretary of the CDCR. As of that date, the office of the Director of Corrections is abolished.

PC Section 5054 provides that commencing July 1, 2005, the supervision, management, and control of the State prisons, and the responsibility for the care, custody, treatment, training, discipline, and employment of persons confined therein are vested in the Secretary of the CDCR. **PC Section 5055** provides that commencing July 1, 2005, all powers and duties previously granted to and imposed upon the Department of Corrections shall be exercised by the Secretary of the CDCR. **PC Section 5058** authorizes the Director to prescribe and amend rules and regulations for the administration of prisons and for the administration of the parole of persons.

INFORMATIVE DIGEST/POLICY
 STATEMENT OVERVIEW

The proposed regulations are necessary to establish regulations regarding the sex offender management program, pursuant to Penal Code (PC) section 3008(d) for supervised persons. The proposed regulations require a sex offender supervised person to attend treatment for no less than one year, up to the entire period of parole. These proposed regulations define the various phases of treatment and establish a review pro-

cess in which a supervised person may be able to complete their treatment. This change is also necessary to comply with the settlement agreement made between the Alliance for Constitutional Sex Offense Laws, Inc. (ACSOL) and the department.

This action will:

- Provide provisions for the various sex offender treatment terms and treatment stages.
- Establish the sex offender treatment review process for treatment completion.
- Establish guidelines for retaining a sex offender supervised persons in treatment during their annual Containment Team Meeting review.
- Establish requirements to re-refer a sex offender supervised person back to treatment.

SPECIFIC BENEFITS ANTICIPATED BY
 THE PROPOSED REGULATIONS

The benefits of the proposed regulations include ensuring supervised persons who have attended one year of treatment receive an assessment to determine whether the person has met the requirements for treatment completion or requires further treatment. These regulations will provide the Sex Offender Treatment (SOT) contractors criteria for assessing and determining if completion of treatment is warranted at the minimum of one year, pursuant to PC 3008(d). Furthermore, the proposed regulations will ensure the criteria and assessments are met, which will streamline the treatment completion process, making it more efficient. Lastly, the proposed regulations will ensure the department’s compliance with the settlement agreement made between the ACSOL and the department.

DOCUMENTS INCORPORATED
 BY REFERENCE

- CDCR Form 3043 Containment Team Meeting/ Earned Discharge Consideration Committee (Rev. 11/24)

EVALUATION OF INCONSISTENCY/
 INCOMPATIBILITY WITH EXISTING
 LAWS AND REGULATIONS

Pursuant to Government Code 11346.5(a)(3)(D), the department has determined the proposed regulations are not inconsistent or incompatible with existing regulations. After conducting a review for any regulations that would relate to or affect this area, the department has concluded that these are the only regulations that concern Sex Offender Treatment.

LOCAL MANDATES

This action imposes no mandates on local agencies or school districts, or a mandate which requires reimbursement of costs or savings pursuant to Government Code Sections 17500–17630.

FISCAL IMPACT STATEMENT

Cost or savings to any state agency: *None*.

Cost to any local agency or school district that is required to be reimbursed: *None*.

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

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

EFFECT ON HOUSING COSTS

The department has made an initial determination that the proposed action will have no significant effect on housing costs.

COST IMPACTS 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.

SIGNIFICANT STATEWIDE ADVERSE ECONOMIC IMPACT ON BUSINESS

The department has made an initial determination that the proposed regulations 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, because the proposed regulations place no obligations or requirements on any business.

EFFECT ON SMALL BUSINESSES

The department has determined that the proposed regulations will not affect small businesses. This action has no significant adverse economic impact on small business because they place no obligations or requirements on any business.

RESULTS OF THE ECONOMIC IMPACT ASSESSMENT

The department has determined that the proposed regulations will have no effect on the creation of new, or the elimination of existing, jobs or businesses within California, or effect the expansion of businesses currently doing business in California. The depart-

ment has determined that the proposed regulation will have no effect on the state’s environment or worker safety, or the welfare of California residents.

CONSIDERATION OF ALTERNATIVES

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, would be as effective and less burdensome to affected private persons than the proposed regulatory action, or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provisions of law. Interested persons are invited to present statements or arguments with respect to any alternatives to the changes proposed at the scheduled hearing or during the written comment period.

AVAILABILITY OF PROPOSED TEXT AND INITIAL STATEMENT OF REASONS

The department has prepared and will make available the text and the Initial Statement of Reasons (ISOR) of the proposed regulations. The rulemaking file for this regulatory action, which contains those items and all information on which the proposal is based (i.e., rulemaking file) is available to the public upon request directed to the department’s contact person. The proposed text, ISOR, and Notice of Proposed Regulations will also be made available on the department’s website: www.cdcr.ca.gov.

AVAILABILITY OF THE FINAL STATEMENT OF REASONS

Following its preparation, a copy of the Final Statement of Reasons may be obtained from the department’s contact person.

AVAILABILITY OF CHANGES TO PROPOSED TEXT

After considering all timely and relevant comments received, the department may adopt the proposed regulations substantially as described in this Notice. If the department makes modifications which are sufficiently related to the originally proposed text, it will make the modified text, with the changes clearly indicated, available to the public for at least 15 days before the department adopts, amends or repeals the regulations as revised. Requests for copies of any modified regulation text should be directed to the contact person indicated in this Notice. The department will ac-

cept written comments on the modified regulations for at least 15 days after the date on which they are made available.

TITLE 16. BOARD OF CHIROPRACTIC EXAMINERS

REPEAL OF SUCCESSFUL EXAMINATION REGULATION

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

PUBLIC HEARING

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

WRITTEN COMMENT PERIOD

Written comments relevant to the action proposed, including those sent by mail, facsimile, or email to the addresses listed under “Contact Person” in this Notice, must be **received by the Board at its office no later than by Tuesday, February 18, 2025**, or must be received by the Board at the hearing, should one be scheduled.

AUTHORITY AND REFERENCE

Pursuant to the authority vested by sections 4(b) and 4(e) of the Chiropractic Initiative Act of California (Act), Stats. 1923, page lxxxviii, the Board is considering repealing section 354 of Title 16, Division 4, Article 5 of the California Code of Regulations (CCR).

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Existing law, the Act, section 5, states it shall be unlawful for any person to practice chiropractic in this state without a license to do so, and section 15 specifies that it is a misdemeanor for any person to practice or attempt to practice chiropractic, or use the title “chiropractor” or “D.C.” or any word or title to induce, or tending to induce belief that they are engaged in the

practice of chiropractic without first complying with the provisions of the Act.

Additionally, CCR, title 16, section 310.2 prohibits a person from engaging in the practice of chiropractic without holding an active license issued by the Board, and section 312 prohibits an unlicensed individual from diagnosing, analyzing, or performing a chiropractic adjustment.

However, CCR, title 16, section 354, which was adopted by the Board effective November 17, 1979, permits applicants who are notified in writing by the Board of successful completion of the Board examination to immediately commence the practice of chiropractic in California pending the receipt of their certificate.

CCR section 354 is problematic because it conflicts with existing laws and regulations that prohibit the unlicensed practice of chiropractic (the Act, sections 5 and 15, CCR section 310.2 and 312 and Business and Professions Code (BPC) section 1006.5), since the regulation suggests that completion of the Board examination allows practice, when the licensing process requires the Board to collect a fee and evaluate an application after a successful examination. CCR section 354 is also contrary to the public’s expectation that only duly licensed doctors of chiropractic may practice chiropractic within the state, as it suggests that a successful examinee can practice, when a successful examinee does not necessarily have their application approved yet and has not yet officially obtained a license from the Board.

This proposal will repeal CCR section 354 because it is necessary to eliminate confusion surrounding the licensure process and the current regulation may be interpreted as allowing for the unlicensed practice of chiropractic by applicants.

Anticipated Benefits of Proposal

This proposal benefits the health and welfare of California residents by helping ensure that only appropriately qualified and licensed doctors of chiropractic may engage in the practice of chiropractic in California through eliminating a potentially conflicting regulatory provision that could be interpreted as allowing a successful examination applicant to practice without meeting other licensure requirements. Repealing CCR section 354 helps clarify the licensure process.

This regulatory proposal does not affect worker 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 has conducted a search of any similar regulations on these topics and has concluded that this proposal is neither inconsistent nor incompatible with existing state regulations.

DISCLOSURES REGARDING THIS
PROPOSED ACTION

FISCAL IMPACT ESTIMATES

Fiscal Impact on Public Agencies Including Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State: None. The regulations do not result in a fiscal impact to the state. This proposal is intended to better align the Board’s regulations with current law and does not result in additional workload or costs. The regulations do not result in costs or savings in federal funding to the state.

Nondiscretionary Costs/Savings to Local Agencies: None.

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

Mandate Imposed on Local Agencies or School Districts: None.

Significant Effect on Housing Costs: None.

BUSINESS IMPACT ESTIMATES

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

Cost Impact on Representative Private Person or Business

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

This proposal is intended to better align the Board’s regulations with current law and does not result in additional costs to individuals or businesses.

RESULTS OF ECONOMIC IMPACT
ASSESSMENT/ANALYSIS

Impact on Jobs/Businesses

The Board has determined that this regulatory proposal will not have any impact on the creation of jobs or new businesses or the elimination of jobs or existing businesses or the expansion of businesses within the State of California.

Benefits of Regulation

The Board has determined that this regulatory proposal will benefit the health and welfare of California residents by ensuring that only appropriately qualified and licensed doctors of chiropractic may engage in the practice of chiropractic in California.

This regulatory proposal does not affect worker safety or the state’s environment as this proposal is not related to any of those issues.

Business Reporting Requirements

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

Effect on Small Business

The Board has determined that the proposed regulations will not affect small businesses. This proposal is intended to better align the Board’s regulations with current law and does not result in additional costs to small businesses.

CONSIDERATION OF ALTERNATIVES

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

Any interested person may submit written comments relevant to the above determinations to the Board’s office at 1625 North Market Boulevard, Suite N-327, Sacramento, CA 95834 during the written comment period, or at the hearing if one is scheduled or requested.

AVAILABILITY OF STATEMENT OF
REASONS AND RULEMAKING FILE

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

TEXT OF PROPOSAL

Copies of the exact language of the proposed regulations, and any document incorporated by reference, and of the initial statement of reasons, and all of the information upon which the proposal is based, may be obtained upon request from the Board at 1625 North Market Boulevard, Suite N-327, Sacramento, CA 95834.

AVAILABILITY OF CHANGED OR
MODIFIED TEXT

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

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

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

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

CONTACT PERSONS

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

Name: Tammi Pitto
Address: Board of Chiropractic Examiners
1625 North Market Boulevard, Suite N-327
Sacramento, CA 95834
Telephone Number: (916) 574-8983
Fax Number: (916) 327-0039
Email Address: tammi.pitto@dca.ca.gov

The backup contact person is:

Name: Kristin Walker
Address: Board of Chiropractic Examiners
1625 North Market Boulevard, Suite N-327
Sacramento, CA 95834
Telephone Number: (916) 574-7784
Fax Number: (916) 327-0039
Email Address: kristin.walker@dca.ca.gov

AVAILABILITY OF DOCUMENTS
ON THE INTERNET

Copies of the Notice of Proposed Action, the Initial Statement of Reasons, and the text of the regulations with modifications noted, as well as the Final Statement of Reasons when completed, and modified text, if any, can be accessed through the Board's website at https://www.chiro.ca.gov/laws_regs/prop_regs.shtml.

GENERAL PUBLIC INTEREST

**DEPARTMENT OF
FISH AND WILDLIFE**

CESA CONSISTENCY DETERMINATION
REQUEST FOR OCEAN BREEZE RANCH
PROJECT 2080-2024-021-05
SAN DIEGO COUNTY

The California Department of Fish and Wildlife (CDFW) received a notice on December 20, 2024 that Ocean Breeze Ranch, LLC. 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 construction of the Ocean Breeze Ranch Development Project and includes the construction of 396 single-family homes, stormwater detention facilities, roads, and other infrastructure related to residential development. The proposed project will occur west of Interstate 15 (I-15), south of State Route 76 (SR-76) in the unincorporated community of Bonsall, San Diego County, CA.

The U.S. Fish and Wildlife Service (Service) issued a federal biological opinion (BO)(Service Ref. Number 2022-0006653-S7-FR-002-SD) in a memorandum to the U.S. Army Corps of Engineers — Los Angeles District on February 15, 2022, which considered the effects of the proposed project on state endangered and federally endangered species least Bell's vireo (*Vireo bellii pusillus*).

Pursuant to California Fish and Game Code section 2080.1, Ocean Breeze Ranch, LLC. 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, Ocean Breeze Ranch, LLC. will not be required to obtain an incidental take permit under Fish and Game Code section 2081 subdivision (b) for the proposed project.

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PUBLIC HEARING
PETITION FROM THE AMERICAN NURSES
ASSOCIATION\CALIFORNIA TO AMEND
MEDICAL STAFF MEMBERSHIP
P–24–02

This hearing will be held by videoconference with no physical location.

Notice to the Public

The California Department of Public Health (Department) will hold a hearing via Microsoft Teams®, on **January 28, 2025**, at 1:00 p.m. in response to a petition. To view and download information regarding this petition, please visit the following link: <https://www.cdph.ca.gov/Programs/OLS/Pages/Office-of-Regulations.aspx> and click on “Petitions for Regulatory Actions”.

Please consider submitting written public comments to Regulations@cdph.ca.gov or by fax: (916) 440–5747 or mail: California Department of Public Health, 1415 L Street, Suite 500, Sacramento, CA 95814. Written comments can be submitted now and will be accepted after the hearing until **February 28th, 2025**. The public will also be able to provide public comments when prompted during the hearing.

Public Hearing

The Department plans to webcast this hearing online. Webcast availability cannot be guaranteed due to limitations on resources or technical difficulties that may arise. To access the hearing on **January 28th, 2025**, from 1:00 P.M. to 2:00 P.M., please register for the webinar at the following webpage: *Public Hearing P–24–02*. If you are unable to use the Microsoft Teams application to attend the Public Hearing, you can attend by dial in on a telephone by calling (916)306–8051 and entering conference ID: 472050864.

Assistive Services

For individuals with disabilities, the Department will provide assistive services. To request these assistive services, please call (916) 558–1710, California Relay at 711, or 1–800–735–2929, or email Regulations@cdph.ca.gov, or write to the Office of Regulations at the address noted below. Note: The range of assistive services available may be limited if requests are received less than 10 business days prior to public hearing.

Contact Person

Inquiries concerning the hearing described in this notice may be directed to Jasmine Fullwood, Office of Regulations, at Regulations@cdph.ca.gov, or to the designated backup contact person, Mi-

chael Boutros, Chief of the Office of Regulations, at Regulations@cdph.ca.gov.

**OCCUPATIONAL SAFETY AND
HEALTH STANDARDS BOARD**

NOTICE OF PUBLIC MEETING
AND BUSINESS MEETING OF THE
OCCUPATIONAL SAFETY AND HEALTH
STANDARDS BOARD

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

PUBLIC MEETING: On **February 20, 2025**, at 10:00 a.m. in the Auditorium of the Elihu Harris State Building 1515 Clay Street, Oakland, California as well as via the following:

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

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

BUSINESS MEETING: On **February 20, 2025**, at 10:00 a.m. in the Auditorium of the Elihu Harris State Building 1515 Clay Street, Oakland, California as well as via the following:

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

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

DISABILITY ACCOMMODATION NOTICE: Disability accommodation is available upon request. Any person with a disability requiring an accommodation, auxiliary aid or service, or a modification of policies or procedures to ensure effective communication and access to the public hearings/meetings of the Board should contact the Disability Accommodation Coordinator at (916) 274–5721 or the state-wide Disability Accommodation Coordinator at 1 (866) 326–

1616 (toll free). The state-wide Coordinator can also be reached through the California Relay Service, by dialing 711 or 1 (800) 735-2929 (TTY) or 1 (800) 855-3000 (TTY-Spanish).

Accommodations can include modifications of policies or procedures or provision of auxiliary aids or services. Accommodations include, but are not limited to, an Assistive Listening System (ALS), a Computer-Aided Transcription System or Communication Access Realtime Translation (CART), a sign-language interpreter, documents in Braille, large print or on computer disk, and audio cassette recording. Accommodation requests should be made as soon as possible. Requests for an ALS or CART should be made no later than five (5) days before the hearing.

PROPOSITION 65

**OFFICE OF ENVIRONMENTAL
HEALTH HAZARD ASSESSMENT**

SAFE DRINKING WATER AND
TOXIC ENFORCEMENT ACT OF 1986
(PROPOSITION 65)

NOTICE TO INTERESTED PARTIES

CHEMICAL LISTED EFFECTIVE
JANUARY 3, 2025

AS KNOWN TO THE STATE OF
CALIFORNIA TO CAUSE MALE
REPRODUCTIVE TOXICITY:
BISPHENOL S (BPS)

Effective January 3, 2025, the Office of Environmental Health Hazard Assessment (OEHHA) is adding the male reproductive toxicity endpoint to the listing of bisphenol S (BPS) on the list of chemicals known to the State of California to cause reproductive toxicity under the Safe Drinking Water and Toxic Enforcement Act of 1986, sections 25249.5 et seq. of the Health and Safety Code, otherwise known as Proposition 65. BPS was first placed on the Proposition 65 list for reproductive toxicity, based on the female reproductive endpoint, on December 29, 2023.

At a public meeting on December 12, 2024, the Developmental and Reproductive Toxicant Identification Committee (DARTIC) in its official capacity as the “state’s qualified experts” determined that BPS was clearly shown, through scientifically valid testing

according to generally accepted principles, to cause male reproductive toxicity. Regulations for the listing of chemicals by the DARTIC are set out in Title 27, California Code of Regulations, section 25305(b)(1).

A complete, updated Proposition 65 chemical list is available on the OEHHA website.

**OFFICE OF ENVIRONMENTAL
HEALTH HAZARD ASSESSMENT**

SAFE DRINKING WATER AND
TOXIC ENFORCEMENT ACT OF 1986
(PROPOSITION 65)

NOTICE TO INTERESTED PARTIES

CHEMICAL LISTED EFFECTIVE
JANUARY 3, 2025

AS KNOWN TO THE STATE OF
CALIFORNIA TO CAUSE CANCER:
VINYL ACETATE

Effective January 3, 2025, the Office of Environmental Health Hazard Assessment (OEHHA) is adding vinyl acetate to the list of chemicals known to the State of California to cause cancer under the Safe Drinking Water and Toxic Enforcement Act of 1986, sections 25249.5 et seq. of the Health and Safety Code, otherwise known as Proposition 65.

At a public meeting on December 19, 2024, the Carcinogen Identification Committee (CIC) in its official capacity as the “state’s qualified experts” determined that vinyl acetate was clearly shown, through scientifically valid testing according to generally accepted principles, to cause cancer. Regulations for the listing of chemicals by the CIC are set out in Title 27, California Code of Regulations, section 25305(a)(1).

A complete, updated Proposition 65 chemical list is available on the OEHHA website.

**AVAILABILITY OF INDEX OF
PRECEDENTIAL DECISIONS**

**DEPARTMENT OF RESOURCES,
RECYCLING AND RECOVERY**

NOTICE IS HEREBY GIVEN that Department of Resources Recycling and Recovery (CalRecycle), pursuant to subdivision (c) of section 11425.60 of the Government Code, maintains an index of precedential de-

isions, which is made available to the public by email subscription. The index and the text of the precedent decisions are continuously available to the public at: <https://calrecycle.ca.gov/precedentdecisions/>. For additional information, contact:

Kristine Beckley,
Assistant Chief Counsel
Department of Resources, Recycling and
Recovery
1001 I Street, 24th floor
Sacramento, CA 95834
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Email: kristine.beckley@calrecycle.ca.gov

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 # 2024–1213–03
Restricted Animals: Golden Mussel

This emergency rulemaking action by the California Fish and Game Commission amends the existing importation, transportation, and possession of live restricted animals list by adding golden mussels (*Limnoperna fortunei*) thereto. This addition is in response to the recent discovery of this non–native species presence in California waterways.

Title 14
Amend: 671
Filed 12/19/2024
Effective 12/19/2024
Agency Contact:
Sherrie Fonbuena (916) 902–9284

California Student Aid Commission
File # 2024–1213–01
Middle Class Scholarship (MCS) Program

In this deemed emergency readopt rulemaking of OAL Matter Number 2024–0913–04EE pursuant to Education Code section 70023, subdivisions (c) and (g), the California Student Aid Commission is adopt-

ing regulations implementing, interpreting, and making specific the Middle Class Scholarship Program (Ed. Code § 70020 et seq.).

Title 05
Adopt: 30800, 30801, 30802, 30803
Filed 12/19/2024
Effective 12/19/2024
Agency Contact:
Synequeen Alasa–as (916) 464–6411

Education Audit Appeals Panel
File # 2024–1213–02
Audits of K–12 Local Education Agencies — FY
2024–25

This emergency rulemaking action by the Education Audit Appeals Panel readopts amendments to the annual “Guide for Annual Audits of K–12 Local Education Agencies and State Compliance Reporting” for the 2024–25 fiscal year.

Title 05
Amend: 19810
Filed 12/23/2024
Effective 12/23/2024
Agency Contact:
Timothy E. Morgan (916) 445–7745

Department of Industrial Relations
File # 2024–1122–08
Civil Penalties for Cal/OSHA Citations

This file and print action by the Department of Industrial Relations amends maximum and minimum civil penalties in accordance with statutory adjustments based upon the annual percentage increase in the applicable Consumer Price Index for All Urban Consumers. The adjustments increase (1) the maximum civil penalties for regulatory, general, and repeat violations, and (2) the minimum and maximum civil penalties for willful violations. These regulations are exempt from the Administrative Procedure Act pursuant to Labor Code sections 6427(b), 6429(a)(2), and 6431(b).

Title 08
Amend: 336
Filed 12/19/2024
Effective 01/01/2025
Agency Contact:
Ramesses S. Surban (442) 247–6081

Department of Toxic Substances Control
File # 2024–1127–03
Hazardous Waste Management

This action without regulatory effect amends existing regulations to revise an incorrect cross–reference and correct a syntax error in existing regulation.

Title 22
 Amend: 66270.27
 Filed 12/19/2024
 Agency Contact:
 Gabby Nepomuceno (916) 251–8328

Fish and Game Commission
 File # 2024–1106–03
 Permits for Special Use of Department Lands

This action by the Fish and Game Commission makes changes without regulatory effect by amending permit fees for Permit Applications for Special Use of Department Lands and corresponding forms pursuant to Fish and Game Code section 713 and section 699 of title 14 of the California Code of Regulations.

Title 14
 Amend: 702
 Filed 12/19/2024
 Effective 01/01/2025
 Agency Contact:
 Sherrie Fonbuena (916) 902–9284

Board of Pharmacy
 File # 2024–1106–01
 Fee Schedule

In these changes without regulatory effect, the Board of Pharmacy amends its regulations to update the fee schedule, pursuant to Senate Bill 816 (Stats. 2023, chapter 723). The amendments change the schedule for application and renewal fees for individuals and businesses either seeking licensure or already licensed by the Board.

Title 16
 Amend: 1749
 Filed 12/19/2024
 Agency Contact: Anne Sodergren (916) 518–3110

Department of Motor Vehicles
 File # 2024–1108–02
 Vision Screenings

In this regular rulemaking, the Department of Motor Vehicles (“DMV”) is adopting regulations outlining DMV’s vision screening standard for individuals applying for or renewing a driver’s license.

Title 13
 Adopt: 20.03
 Filed 12/24/2024
 Effective 04/01/2025
 Agency Contact: Randi Calkins (916) 282–7294

Fish and Game Commission
 File # 2024–1107–01
 Recreational Federal Groundfish 2025–2026 and
 Fillet Requirements

This action amends state recreational fishing and filleting regulations including repeal of minimum size limits for cabezon, greenlings of the genus *Hexagrammos*, and California scorpionfish; modification of fillet requirements for these groundfish; clarifying rules governing possession of groundfish aboard vessels when traveling through areas that are closed or have differential limits; and minor edits.

Title 14
 Amend: 27.20, 27.40, 27.45, 27.50, 27.65, 28.27, 28.28, 28.29, 28.54, 28.65
 Filed 12/24/2024
 Effective 01/01/2025
 Agency Contact:
 Sherrie Fonbuena (916) 902–9284

State Teachers Retirement System
 File # 2024–1114–01
 Updates to Penalties and Interest Regulations

The rulemaking action amends and adopts sections in title 5 of the California Code of Regulations regarding penalties and interest imposed for late and unacceptable reporting by employers. Specifically, the amendments specify additional scenarios under which employers may avoid being subject to penalties and interest and provide clarification that interest will be charged on outstanding invoices for balances not paid in full within 30 days of the invoice date.

Title 05
 Adopt: 27010
 Amend: 27003, 27004, 27007, 27008
 Filed 12/18/2024
 Effective 04/01/2024
 Agency Contact: Sal Sanchez (916) 414–1984

Board of Pharmacy
 File # 2024–1113–05
 Designation of Pharmacist–in–Charge

This action requires a Pharmacist–In–Charge to complete the Board of Pharmacy provided Pharmacist–In–Charge Overview and Responsibility training course and attestation prior to board approval.

Title 16
 Amend: 1709.1
 Filed 12/23/2024
 Effective 04/01/2025
 Agency Contact: Lori Martinez (916) 244–6648

Department of Food and Agriculture
File # 2024–1112–01
Melon Fruit Fly Eradication Area

In this rulemaking action the California Department of Food and Agriculture updates the host list for Melon Fruit Fly.

Title 03
Amend: 3591.15
Filed 12/19/2024
Effective 04/01/2025
Agency Contact: Rachel Avila (916) 698–2947

Department of Motor Vehicles
File # 2024–1106–02
Commercial Driver Licenses: Medical Certificates

This rulemaking action by the Department of Motor Vehicles (“Department”) amends an existing regulation that concerns the requisite medical examination form and the medical certificate that must be completed and submitted to the Department in connection with the issuance of Class A, B, or Commercial Class C driver licenses (collectively “Commercial Driver License(s)”) and Ambulance Driver Certificates. Specifically, the Department is amending Section 28.19 of Title 13 of the California Code of Regulations (“CCR”) to make clear that: (1) On or after June 23, 2025, all medical certificates — Medical Examiner’s Certificate, Form MCSA–5876 — will be submitted through the Federal Motor Carrier Safety Administration (“FMCSA”) electronic submission process; and (2) Persons who do not meet the physical qualifica-

tion standards established in Part 383 of Title 49 of the Code of Federal Regulations (“CFR”) can still use the FMCSA–approved medical examination form — Medical Examination Report Form, Form MCSA–5875 — when applying for an intrastate–restricted Commercial Driver License or an Ambulance Driver Certificate.

Title 13
Amend: 28.19
Filed 12/20/2024
Effective 01/01/2025
Agency Contact: Randi Calkins (916) 282–7294

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

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