



# California Regulatory Notice Register

REGISTER 2025, NUMBER 31-Z

PUBLISHED WEEKLY BY THE OFFICE OF ADMINISTRATIVE LAW

AUGUST 1, 2025

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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.

CALIFORNIA REGULATORY NOTICE REGISTER is published weekly by the Office of Administrative Law, 300 Capitol Mall, Suite 1250, Sacramento, CA 95814-4339. The Register is printed by Barclays, a subsidiary of West, a Thomson Reuters Business, and is offered by subscription for \$409.00 (annual price). To order or make changes to current subscriptions, please call (800) 328-4880. The Register can also be accessed at <https://oal.ca.gov>.

**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:** Pajaro Valley Water Management Agency  
 Ava Community Energy Authority  
 Santa Cruz County Fire Agencies Insurance Group

A written comment period has been established commencing on August 1, 2025, and closing on September 15, 2025. Written comments should be directed to the Fair Political Practices Commission, Attention: Andrea Spiller Hernandez, 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 September 15, 2025. 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 Andrea Spiller Hernandez, Fair Political Practices Commission, 1102 Q Street, Suite 3050, Sacramento, California 95811, or email [aspiller-hernandez@fppc.ca.gov](mailto:aspiller-hernandez@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 Andrea Spiller Hernandez, Fair Political Practices Commission, 1102 Q Street, Suite 3050, Sacramento, California 95811, or email [aspiller-hernandez@fppc.ca.gov](mailto:aspiller-hernandez@fppc.ca.gov).

**TITLE 4. GAMBLING  
CONTROL COMMISSION**

ADVERTISING

CGCC-GCA-2025-02-R

**NOTICE IS HEREBY GIVEN** that the California Gambling Control Commission (Commission) is proposing to take the action described in the Informative Digest after consideration of all relevant public comments, objections, and recommendations received concerning the proposed action. Comments, objections, and recommendations may be submitted as follows:

WRITTEN COMMENT PERIOD

Any interested person, or his or her authorized representative, may submit written comments relevant to the proposed regulatory action to the Commission at any time during the 45-day public comment period, which closes on **September 15, 2025**. Written comments relevant to the proposed regulatory action may be sent by mail, facsimile, or email, directed to one of the individuals designated in this notice as a contact person. To be eligible for the Commission's consideration, all written comments must be **received at its office no later than September 15, 2025. Comments sent to persons and/or addresses other than those specified under Contact Persons, or received after the date and time specified above, will be included in the record of this proposed regulatory action, but will not be summarized or responded to regardless of the manner of transmission.**

PUBLIC HEARING

The Commission has not scheduled a public hearing on this matter. Any interested person, or his or her authorized representative, may request a hearing pursuant to Government Code section 11346.8. A request for a hearing should be directed to the person(s) listed

under *Contact Persons* no later than 15 days prior to the close of the written comment period.

ADOPTION OF PROPOSED ACTION

After the close of the public comment period, the Commission, upon its own motion or at the instance of any interested party, may thereafter formally 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 will be available for 15 days prior to its adoption from the person designated in this Notice as contact person and will be mailed to those persons who submit oral or written 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 Sections 19811, 19824, 19826, 19840, 19841, 19856, 19857, 19859, 19920, 19930, 19931 and 19984 of the Business and Professions Code; and to implement, interpret or make specific Sections 17500, 17508, 19801, 19841, 19920, 19943.5 and 19984 of the Business and Professions Code, Section 330 of the Penal Code, and Sections 4369.2 and 4369.4 of the Welfare and Institutions Code; the Commission is proposing to adopt the following changes to Chapters 1 and 7 of Division 18 of Title 4 of the California Code of Regulations (CCR):

INFORMATIVE DIGEST AND  
POLICY STATEMENT

*Introduction*

The Commission is proposing regulations that would implement the Commission's mandate under the Gambling Control Act (Act)<sup>1</sup> to ensure the integrity of gambling in California with respect to advertising activities. Specifically, these regulations would implement Business and Professions (B&P) Code section 19841, subdivision (f), which requires the Commission to provide for the disapproval of deceptive advertising by licensed gambling establishments (also known as "cardrooms"), as determined by the Department of Justice, Bureau of Gambling Control (Bureau).<sup>2</sup> Notably, the statute specifies that an advertise-

<sup>1</sup> Business and Professions Code, Division 8, Chapter 4, section 19800 et seq.

<sup>2</sup> In the Act, "department" refers to the Department of Justice. While the Act assigns certain powers and authority to the department, in actual practice the responsibility for fulfilling the obligations imposed upon the department has been delegated by the Attorney General to the Bureau of Gambling Control, pursuant to Business and Professions Code section 19810.

ment is presumptively deceptive if it appeals to children or adolescents, or offers gambling as a means of becoming wealthy.

To date, the Commission has found numerous examples of existing and prior advertisements that do not contain a required responsible gambling message and/or information and referral services for problem gamblers, pursuant to Title 4, CCR, Section 12461. Further, the existing regulations do not specify how the information must be presented, which has resulted in some advertisements delivering the information in an unclear and inconspicuous manner. This has the result of nullifying the regulatory requirement by making it difficult, if not impossible, for the public to review and understand the required information.

Additionally, the Commission is aware that, as a current industry practice, many gambling establishments provide charitable support to local youth and community functions, such as youth sports teams, toy drives, and holiday tree lighting ceremonies. This includes placing a cardroom’s name and/or logo on the children’s uniforms, team banners, event programs and pamphlets, etc. While these sponsorships are well-intended and benefit local communities, regulations containing criteria for the Bureau to consider are needed to ensure these sponsorships are done in a manner that does not make gambling appeal to impressionable youth.

Further, some advertisements reviewed by the Commission contain untrue or misleading statements using the terms “Nevada” or “Vegas” in reference to the types of games or gaming activities offered at a cardroom. Other advertisements include a name different from the actual Bureau-approved game or portray prohibited games such as “21,” which has historically been known by a variety of other names, including “Blackjack.”<sup>3</sup> These types of statements within advertisements can mislead the public into thinking that a cardroom offers banking or percentage card games (banked games),<sup>4</sup> which are exclusively limited to being operated by federally recognized Indian tribes on

<sup>3</sup> The California Constitution and Penal Code section 330 prohibit the play of specifically enumerated games, among them “any game of . . . twenty-one . . . .” Twenty-one is, and historically has been, known by a variety of names. At the time that twenty-one was added to the list of games prohibited by Penal Code section 330, a number of variations of twenty-one had been recognized. (*Scarne, Scarne’s New Complete Guide to Gambling (Simon & Schuster (1974), p. 350, hereafter “Scarne.”*) Additionally, the game of “blackjack” has been referred to interchangeably with the game of “twenty-one” for decades in general parlance, in other jurisdictions, numerous California and federal judicial decisions, and under the federal Indian Gaming Regulatory Act.

<sup>4</sup> See Business and Professions Code section 19805(c) and Penal Code section 330.11 for additional information.

Indian lands in California,<sup>5</sup> and for casinos of the type operating in Nevada and New Jersey.

Currently, there is no regulatory framework established to provide for the disapproval of an advertisement that is determined by the Bureau to be deceptive to the public. Additionally, the Bureau has no specific criteria or procedures to utilize in making consistent determinations for purposes of enforcement, which this regulatory proposal seeks to establish. Furthermore, current regulations (Section 12461) lack specific guidance and requirements for owner category licensees in creating and disseminating advertisements.

*Existing Laws*

**Title 15, United States Code, Section 55**, defines “false advertisement” to mean advertising which is materially misleading, taking into account not only representations made or suggested by a statement, word, design, device, sound, or any combination thereof, but also the extent to which the advertisement fails to reveal material facts relating to consequences from using the item featured in the advertisement.

**California Constitution, Article IV, Section 19, subdivision (e)**, prohibits the operation of casinos of the type (offering banking or percentage games) currently operating in Nevada and New Jersey.

**B&P Code section 17500** makes it a crime to engage in false or deceptive advertising about the nature of a product or service.

**B&P Code section 17508** makes it “unlawful for any person doing business in California and advertising to consumers in California to make any false or misleading advertising claim, including claims that: (1) purport to be based on factual, objective, or clinical evidence, (2) compare the product’s effectiveness or safety to that of other brands or products, or (3) purport to be based on any fact.”

**B&P Code section 19801**, in part, provides the following findings and declarations of the Legislature:

- **Subdivision (a).** State law prohibits commercially operated lotteries, banked or percentage games, and gambling machines, and strictly regulates parimutuel wagering on horse racing. To the extent that state law categorically prohibits certain forms of gambling and prohibits gambling devices, nothing herein shall be construed, in any manner, to reflect a legislative intent to relax those prohibitions.
- **Subdivision (c).** Gambling can become addictive and is not an activity to be promoted or legitimized as entertainment for children and families.
- **Subdivision (d).** Unregulated gambling enterprises are inimical to the public health, safety, welfare, and good order. Accordingly, no person

<sup>5</sup> Pursuant to Class III Tribal-state gaming compacts and Secretarial Procedures, in accordance with federal law.

in this state has a right to operate a gambling enterprise except as may be expressly permitted by the laws of this state and by the ordinances of local governmental bodies.

- **Subdivision (f).** It is not the purpose of the Act to expand opportunities for gambling, or to create any right to operate a gambling enterprise in this state or to have a financial interest in any gambling enterprise. Rather, it is the purpose of the Act to regulate businesses that offer otherwise lawful forms of gambling games.
- **Subdivision (g).** Public trust that permissible gambling will not endanger public health, safety, or welfare requires that comprehensive measures be enacted to ensure that gambling is free from criminal and corruptive elements, that it is conducted honestly and competitively, and that it is conducted in suitable locations.
- **Subdivision (h).** Public trust and confidence can only be maintained by strict and comprehensive regulation of all persons, locations, practices, associations, and activities related to the operation of lawful gambling establishments and the manufacture and distribution of permissible gambling equipment.

**B&P Code section 19805, subdivision (c),** specifies that a “banking game” or “banked game” does not include a controlled game if the published rules of the game feature a player–dealer position and provide that this position must be continuously and systematically rotated amongst each of the participants during the play of the game, ensure that the player–dealer is able to win or lose only a fixed and limited wager during the play of the game, and preclude the house, another entity, a player, or an observer from maintaining or operating as a bank during the course of the game. The section is not intended to mandate acceptance of the deal by every player if the Bureau finds that the rules of the game render the maintenance of or operation of a bank impossible by other means. Further, this section specifies that cardrooms are prohibited from occupying the player–dealer position.

**B&P Code section 19811, subdivision (b),** charges the Commission with jurisdiction, including jurisdiction over operation and concentration, and supervision over gambling establishments in this state and over all persons or things having to do with the operations of gambling establishments.

**B&P Code section 19824,** provides the Commission shall have all powers necessary and proper to enable it fully and effectually to carry out the policies and purposes of the Act, including, without limitation, the power to do the following:

- **Subdivision (b).** For any cause deemed reasonable by the Commission, deny any application for

a license, permit, or approval provided for in the Act or regulations adopted pursuant to the Act, limit, condition, or restrict any license, permit, or approval, or impose any fine upon any person licensed or approved. The Commission may condition, restrict, discipline, or take action against the license of an individual owner endorsed on the license certificate of the gambling enterprise whether or not the Commission takes action against the license of the gambling enterprise.

- **Subdivision (d).** Take actions deemed to be reasonable to ensure that no ineligible, unqualified, disqualified, or unsuitable persons are associated with controlled gambling activities.
- **Subdivision (g).** Institute a civil action in any superior court against any person subject to the Act to restrain a violation thereof. An action brought against a person pursuant to this section does not preclude a criminal action or administrative proceeding against that person by the Attorney General or any district attorney or city attorney.

**B&P Code section 19826** provides, in part, the Department shall perform all investigatory functions required by the Act and shall have the following responsibilities:

- **Subdivision (b).** To monitor the conduct of all licensees and other persons having a material involvement, directly or indirectly, with a gambling operation or its holding company, for the purpose of ensuring that licenses are not issued or held by ineligible, unqualified, disqualified, or unsuitable persons, or persons whose operations are conducted in a manner that is inimical to the public health, safety, or welfare.
- **Subdivision (c).** To investigate suspected violations of the Act or laws of this state relating to gambling, including any activity prohibited by Chapter 9 (commencing with Section 319) or Chapter 10 (commencing with Section 330) of Title 9 of Part 1 of the Penal Code.
- **Subdivision (d).** To investigate complaints that are lodged against licensees, or other persons associated with a gambling operation, by members of the public.
- **Subdivision (e).** To initiate, where appropriate, disciplinary actions as provided in the Act. In connection with any disciplinary action, the department may seek restriction, limitation, suspension, or revocation of any license or approval, or the imposition of any fine upon any person licensed or approved.
- **Subdivision (g).** Approve the play of any controlled game, including placing restrictions and limitations on how a controlled game may be played. The Department shall make available

to the public the rules of play and the collection rates of each gaming activity approved for play at each gambling establishment on the Attorney General’s Website.

**B&P Code section 19840** provides the Commission may adopt regulations for the administration and enforcement of the Act.

**B&P Code section 19841** requires the Commission to adopt various regulations, including the following:

- **Subdivision (f)** regulations to provide for the disapproval of advertising by licensed gambling establishments that is determined by the Bureau to be deceptive to the public. Advertisements that appeal to children or adolescents or that offer gambling as a means of becoming wealthy are presumptively deceptive. Additionally, this statute requires that the proposed advertising regulations be “consistent with” the advertising regulations adopted by the California Horse Racing Board (CHRB) and the Lottery Commission (Lottery).
- **Subdivision (o)** regulations that restrict, limit, or otherwise regulate any activity that is related to the conduct of controlled gambling.

**B&P Code section 19856:**

- **Subdivision (a).** The Commission may issue a state license to any person it determines to be qualified, taking into consideration the need to protect the health, safety, and general welfare of California residents, as well as the state’s declared policy on gambling. The applicant bears the burden of proving their qualifications for licensure.
- **Subdivision (b).** In submitting a license application, the applicant is requesting an evaluation of their general character, integrity, and capability to engage in, participate in, or be associated with controlled gambling.
- **Subdivision (c).** When evaluating any license application, the Commission is required to assess whether granting the license would be contrary to public health, safety, or welfare, and whether doing so would compromise public confidence that the associated gambling operations are free from criminal or dishonest influences and are conducted with integrity.

**B&P Code section 19857** establishes that a gambling license may not be issued unless the Commission is fully satisfied, based on all submitted information and documentation, that the applicant is all of the following:

- **Subdivision (a).** A person of good character, honesty, and integrity.
- **Subdivision (b).** A person whose prior activities, criminal record, if any, reputation, habits, and associations do not pose a threat to the public inter-

est of this state, or to the effective regulation and control of controlled gambling, or create or enhance the dangers of unsuitable, unfair, or illegal practices, methods, and activities in the conduct of controlled gambling.

- **Subdivision (c).** A person that is in all otherwise qualified for licensure in accordance with the provisions of the Act.

**B&P Code section 19859, subdivision (a),** requires the Commission to deny a license to any applicant who is disqualified for, among other reasons, failure of the applicant to clearly establish eligibility and qualification in accordance with the Act.

**B&P Code section 19920** states that it is the policy of the State of California to require that all cardrooms in this state be operated in a manner suitable to protect the public health, safety, and general welfare of the residents of the state. Responsibility for the employment and maintenance of suitable methods of operation rests with the owner licensee, and willful or persistent use or toleration of methods of operation deemed unsuitable by the Commission or by local government shall constitute grounds for license revocation or other disciplinary action.

**B&P Code section 19930,** in part, requires the Bureau to make appropriate investigations for determining violations of the Act or any regulations adopted thereunder. If, pursuant to any investigation, the Bureau determines that a license should be suspended or revoked, the Bureau shall file an accusation with the Commission in accordance with Chapter 5 of Part 1 of Division 3 of Title 2 of the Government Code. In addition to any action that the Commission may take against a license, the Commission may also require the payment of fines or penalties.

**B&P Code section 19931** authorizes the Bureau to issue emergency orders against an owner category licensee that the Bureau deems reasonably necessary for the immediate preservation of the public peace, health, safety, or general welfare. The emergency order must clearly state the reasons for its issuance, including a detailed explanation of the facts that justify the emergency action.

**B&P Code section 19941** prohibits individuals under 21 from gambling, wagering, collecting winnings, loitering in gambling areas, presenting false identification, or being employed in a gambling establishment (with limited exceptions). An underage individual who violates any of these prohibitions is guilty of a misdemeanor. Further, a licensee or employee in a gambling establishment who knowingly violates specified prohibitions or knowingly permits such violations is guilty of a misdemeanor. Licensees who rely in good faith on valid government-issued ID are protected from liability under this statute.

**B&P Code section 19943.5** provides that if a gambling enterprise conducts play of a controlled game that has been approved by the Bureau pursuant to Section 19826, and the controlled game is subsequently found to be unlawful, so long as the game was played in the manner approved, the approval by the Bureau shall be an absolute defense to any criminal, administrative, or civil action that may be brought, provided that the game is played during the time for which it was approved by the Bureau and the gambling enterprise ceases play upon notice that the game has been found unlawful. In any enforcement action, the gambling enterprise shall have the burden of proving the department approved the controlled game and that the game was played in the manner approved.

**B&P Code section 19984**, notwithstanding any other law, permits a licensed gambling enterprise to enter a contract with a Third-Party Provider of Proposition Player Services (TPPPS) to provide proposition player services at a gambling establishment, subject to the following conditions (in part):

- **Subdivision (a).** Any agreement or arrangement between a gambling enterprise and a TPPPS must receive prior approval from the Department. Further, the gambling enterprise or the house is prohibited from holding any direct or indirect financial interest in the funds wagered, lost, or won in connection with such services.
- **Subdivision (b).** The Commission must establish reasonable criteria for, and require the licensure and registration of any person or entity providing proposition player services under this section, including owners, supervisors, and players. The Commission is authorized to impose any licensing requirements, disclosures, approvals, conditions, or limitations it deems necessary to maintain the integrity of controlled gambling in this state.

**Penal Code section 330** prohibits gambling establishments from offering certain types of games including any banking or percentage games. Specifically, this provision provides that every person who deals, plays, or carries on, opens, or causes to be opened, or who conducts, either as owner or employee, whether for hire or not, any game of faro, monte, roulette, lansquenet, rouge et noire, rondo, tan, fan-tan, seven-and-a-half, twenty-one, hokey-pokey, or any banking or percentage game played with cards, dice, or any device, for money, checks, credit, or other representative of value, and every person who plays or bets at or against any of those prohibited games, is guilty of a misdemeanor, and shall be punishable by a fine not less than one hundred dollars (\$100) nor more than one thousand dollars (\$1,000), or by imprisonment in the county jail not exceeding six months, or by both the fine and imprisonment

**Penal Code section 330.11** provides that a “banking game” or “banked game” does not include a controlled game if the published rules of the game feature a player-dealer position and provide that this position must be continuously and systematically rotated amongst each of the participants during the play of the game, ensure that the player-dealer is able to win or lose only a fixed and limited wager during the play of the game, and preclude the house, another entity, a player, or an observer from maintaining or operating as a bank during the course of the game. The section is not intended to mandate acceptance of the deal by every player if the Bureau finds that the rules of the game render the maintenance of or operation of a bank impossible by other means. Further, this section specifies that cardrooms are prohibited from occupying the player-dealer position.

**Welfare and Institutions Code section 4369.2** mandates the State Department of Public Health, Office of Problem Gambling, develop a gambling disorder prevention program including crisis management via a toll-free referral service, public awareness campaigns, and research programs on gambling disorders. Further, the provision requires the development of specialized training for healthcare professionals and educators, law enforcement, nonprofit organizations, and gambling industry personnel in identifying and referring individuals at risk for gambling disorders and obtaining knowledge of referral and treatment services.

**Welfare and Institutions Code section 4369.4** requires the Commission in its role as a state agency that regulates gambling, to coordinate with the Department of Public Health’s Office of Problem Gambling to ensure that the Commission’s programs take into account, as much as practicable, gambling disorders.

*Existing Regulations:*

**Title 4, CCR, Section 12006** contains requirements and procedures for notices and other written communications made pursuant to this section and specifies that the service thereof is effective upon mailing or transmission.

**Title 4, CCR, Section 12461** requires the posting problem gambling information and referral services on websites and advertisements operated by or on behalf of any cardroom business licensee or TPPPS business licensee. Additionally, this section contains exceptions for digital materials and promotional items with size and space limitations.

**Title 4, CCR, Section 12550**, in part, provides that the purpose of this chapter (Chapter 10) is to establish disciplinary procedures and guidelines applicable to the holder of any license, registration, permit, finding of suitability, or approval issued by the Commission. Additionally, this section specifies that nothing in this chapter precludes the Bureau, in its discretion, from issuing warning notices, notices to cure, advisory let-

ters regarding violations or possible violations of law, or from withdrawing such upon further investigation.

**Title 11, CCR, Section 2072, subsection (e)** requires that each licensed gambling establishment submit a biannual report to the Bureau which includes, among other things, copies or transcripts of all advertisements within the prior six months used to promote a gaming activity offered at a gambling establishment.

**Regulations of the California Horse Racing Board and the Lottery Commission**

B&P Code section 19841(f) requires that the Commission’s advertising regulations be “consistent with” (not identical to) the advertising regulations adopted by CHRB and the Lottery. While the Lottery has not adopted any advertising regulations, CHRB has several regulations related to advertising. However, many of CHRB’s advertising regulations are inapplicable to advertising a controlled game or gaming activity, such as the requirements prohibiting the use of symbols or markings on uniforms and prohibiting the use of a stable name registration for advertising purposes (Title 4, CCR, Div. 4, Art. 12).

*California Horse Racing Board*

The proposed regulations are consistent with those regulations adopted by the California Horse Racing Board (CHRB) that are also relevant to advertising a controlled game or gaming activity, specifically in the following areas:

- **Underage Gambling.** Both CHRB and the Commission prohibit and discourage gambling by persons under 21. For example, CHRB regulations in Title 4, CCR, Division 4, Section 2066(d), require that all advertisements “contain a statement that persons under 21 are not allowed access to the minisatellite wagering site.” Similarly, the proposed language in Section 12097(c)(2) provides that advertisements must include a “statement that participants must be 21 or older to gamble.”
- **Problem Gambling.** The Commission’s proposed regulations are consistent with the regulations adopted by the CHRB in that they both require advertisements to contain contact information for problem gambling support. CHRB regulations in Title 4, CCR, Division 4, Sections 2066(d), 2071(h), and 2072(h), require that all advertisements must “contain contact information for a recognized problem–gambling support organization.” Similarly, the proposed language in Section 12097(c)(3) requires that all advertisements include a responsible gambling message and a reference to one of the referral services

for problem gamblers approved by the Office of Problem Gambling.<sup>6</sup>

*Lottery Commission*

Presently, there are no regulations by the Lottery that relate to the Commission’s proposed regulations that provide for the disapproval of deceptive advertising. Most of the Lottery’s advertising requirements are located within statute and not regulation. For example, Government Code section 8880.24 requires the Lottery to comply with both the letter and spirit of the laws governing false and misleading advertising, including B&P Code section 17500 et seq.

Notably, California Lottery Regulations section 7.5.7 requires retailers to post “Play Responsibly” signage and other related point–of–sale materials at play centers, including maintaining and making available to players, responsible gaming awareness brochures and related publications supplied by the Lottery. This requirement is similar in nature to the Commission’s existing and proposed regulations in Sections 12097 and 12461.

*Commission’s Proposed Advertising Regulations*

While B&P Code section 19841(f) provides that the Commission’s regulations “shall be consistent with the advertising regulations adopted by the California Horse Racing Board and the Lottery Commission,” it would be inappropriate for the Commission to adopt identical requirements that do not account for the unique environment of California’s controlled gaming industry. As such, the Commission’s advertising regulations have been appropriately developed to meet the consistency standard in statute while maintaining alignment and compatibility with the directives of the Act.

*Effect of Regulatory Action*

The proposed action implements the Commission’s mandate in B&P Code section 19841(f) by establishing a regulatory framework for the disapproval of advertising by licensed gambling establishments that has been determined by the Bureau to be deceptive to the public. Specifically, this proposal provides updates and additional specificity to existing problem gambling information requirements<sup>7</sup>, and adds new definitions, requirements, and specified criteria for the Bureau’s consideration in determining the disapproval of deceptive advertising by or for any owner category licensee<sup>8</sup>. The proposed action also establish-

<sup>6</sup> Under the California Department of Public Health, the Office of Problem Gambling provides health education and training services to aid in the identification of problem gambling behaviors and provides prevention and treatment resources to mitigate the effects of problem gambling.

<sup>7</sup> Located in Title 4, CCR, Section 12461

<sup>8</sup> “Owner category licensee” means a cardroom owner type license or TPPPS owner type license. (Title 4, CCR, Section 12002, subsection (aj))

es standards and guidance for owner category licensees concerning the content (including safe harbors and prohibited statements), dissemination, and control of gambling-related advertisements. Additionally, the regulations establish procedures for the Bureau to notify an owner category licensee of its disapproval and for owner category licensees to rebut the Bureau’s determination of a deceptive advertisement. The regulations also refer to existing disciplinary actions that may be exercised because of an owner category licensee’s failure to correct a deceptive advertisement.

*Anticipated Benefits of the Regulation*

The proposed action will have the benefit of fulfilling the Commission’s statutory mandate in B&P Code section 19841(f), safeguarding the health, safety, and general welfare of the public from deceptive advertising practices, maintaining the integrity of the cardroom industry and enhancing public trust in controlled gaming. By updating and providing additional specificity to the existing problem gambling information requirements, the proposed regulations will enhance awareness and prevention of problem gambling. They will also better inform those affected by gambling disorders about the available, no-cost, confidential resources for getting help. Additionally, the proposed action is anticipated to dissuade and reduce deceptive cardroom advertising that inappropriately targets or appeals to persons under the age of 21, entices participation in gambling as a means of becoming wealthy, makes false or misleading claims, or refers to games prohibited by Penal Code section 330. Lastly, the regulations address deceptive cardroom advertisements that depict, illustrate, portray, or refer to banking and percentage card games—the style of gaming that is exclusively limited to being operated by federally recognized Indian tribes on Indian lands in California and by casinos of the type operating in Nevada and New Jersey. The proposed requirements are anticipated to reduce these types of misleading cardroom advertising practices, which will in turn, improve public trust and protection in the controlled gaming industry.

SPECIFIC PROPOSAL

This proposed action will make changes within Title 4, CCR, Division 18 as follows:

*Chapter 1. General Provisions.*

*Article 1. Definitions and General Procedures.*

**Amend Section 12002. General Definitions.**

This section provides general definitions for this division. Non-substantive changes have been applied throughout to renumber the existing definitions accordingly.

**Subsection (b)** adds the definition of “advertise” or “advertising” to mean the publication, dissemina-

tion, or causing the publication or dissemination of an “advertisement.” This definition provides for use of the verb forms of “advertisement” throughout the regulations.

**Subsection (c)** adds the definition of “advertisement,” as used throughout the proposed regulations. The definition includes the following components of what constitutes an advertisement:

- *“Any written or verbal statement, illustration, or depiction...”* This language targets a broad range of instances in which a gambling activity is portrayed through written or spoken words, images, or graphics.
- *“...that is disseminated to the public...”* This language provides that the requirements do not apply to advertisements under development or in draft form, which have not yet been released to the public.
- *“...which is calculated to induce participation in a controlled game or gaming activity at one or more gambling establishments...”* This language adds further specificity to the definition to target only advertising intended to solicit, encourage, or promote participation in controlled gambling.
- *“..., including, without limitation, any written, printed, graphic, or other material, billboard, sign, or other outdoor display, periodical literature, publication, or in a radio or television broadcast, social media business page, or in any other media.”* This language specifies the various forms of media by which an advertisement may be disseminated or displayed to the public.
- **Paragraph (1)** specifies what does not fall under the definition of an advertisement. Specifically, the advertising requirements do not apply to the following:
  - **Subparagraph (A):** *“The solicitation of activities, events, or services that do not relate to the conduct of or participation in a controlled game or gaming activity and may otherwise be provided on the licensed premises including, but not limited to, restaurant dining, concerts, trade shows, business conferences, and non-gambling related promotions and contests.”* For the purposes of this provision, the term “licensed premises” has the same meaning as “gambling establishment” pursuant to the definition provided in B&P Code section 19805, subdivision (o). These terms are used to describe one or more rooms where any controlled gambling or activity directly related thereto occurs (as specified). The express language provides that advertisements used to solicit non-gambling related activities at a gam-

bling establishment (e.g. restaurant dining, concerts, trade shows, etc.) are not subject to the same regulatory restrictions and requirements as those that fall under the definition of an advertisement.

- **Subparagraph (B):** *“Use of the name, nickname, alias, or any other name by which the gambling establishment is commonly known, including its logo or trademark, exclusive of any other content.”* This language provides that the sole display or use of a gambling establishment’s name(s), logo, or trademark is not considered an advertisement, as defined for the purpose of the regulations. This exemption allows a cardroom to use its name and logo exclusive of any other content, such as when sponsoring youth events or sports leagues.
- **Subparagraph (C):** *“Any editorial or other reading material, such as a news release, in any periodical, publication, or newspaper for the publication of which no money or valuable consideration is paid or promised, directly or indirectly, by any owner category licensee, and which is not written by or at the direction of the owner category licensee.”* This language broadly exempts reading materials about a gambling establishment written independently and without direction or compensation from an owner category licensee (e.g., news articles, business listings, information identifying charitable contributions, etc.).
- **Subparagraph (D):** *“The distribution of informational material that is not targeted at persons under 21 years of age for purposes of recognizing a donation, gift, or charitable contribution. The information provided may include the name, logo, and trademark of a gambling establishment and may be provided in informational material including, but not limited to, a program pamphlet or informational handout for an event, a posting on a charitable organization’s website, etc.”* This provision exempts materials that may recognize a gambling establishment for its donation, gift, or charitable contribution when the material does not target persons under 21 years of age.
- **Subparagraph (E):** *“Any job postings for employment opportunities.”* This provision clarifies that job postings for employment would not be subject to the requirements for advertisements. Notably, individuals between the ages of 18 and 21 are legally al-

lowed to work within a gambling establishment under specified conditions.

- **Subparagraph (F):** *“Any notices or postings otherwise required by the Act, this Division, or Title 11, Division 3 of the California Code of Regulations, such as posted game rules.”* This provision clarifies that the advertising regulations do not apply to existing notice and posting requirements within the Act and other Commission and Bureau regulations to prevent conflicts with other requirements.
- **Paragraph (2)** clarifies that anything meeting the definition of an advertisement that is included with or attached to the items exempted under paragraph (c)(1) above, must comply with the requirements for advertisements in Article 5.

*Article 5: Advertising*

**Adopt Section 12095. General Requirements.**

Section 12095 provides new general advertising requirements and responsibilities for all owner category licensees.

**Subsection (a)** applies the requirements within this article to all owner category licensees and specifies that the requirements are mandatory.

**Subsection (b)** specifies that any act, omission, or failure to comply with this article by an advertising agent, representative, contractor, or any other person retained by the owner category licensee, will be deemed an act, omission, or failure of the owner category licensee. This provision is consistent with the Commission’s authority and holds the owner category licensee responsible for advertising done through a contracted third-party providing advertising and marketing services.

**Subsection (c)** clarifies that it is not the intention of these regulations to imply or create a private cause of action based on any actions of the Bureau or Commission regarding a licensee’s creation of and/or failure to timely correct an advertisement that is determined by the Bureau to be deceptive to the public. This provision is intended to protect owner category licensees from being litigated by competitors due to any violations of this article.

**Adopt Section 12096. Specific TPPPS Business Requirements.**

Section 12096 provides new specific advertising requirements and responsibilities for all TPPPS business licensees.

**Subsection (a)** contains requirements exclusive to a TPPPS business licensee, as discussed below:

- **Paragraph (1)** specifies a TPPPS business licensee will not create, purchase, place, or disseminate any advertisement for a cardroom business licensee unless the advertising costs and scope of services to be performed by the TPPPS are in-

cluded in the TPPPS contract.<sup>9</sup> This requirement is consistent with current regulations, which require that all financial arrangements between the cardroom business licensee and TPPPS business licensee, including advertising, must be disclosed in the TPPPS contract. This provision is not intended to conflict with the requirements of B&P Code 19984(a).<sup>10</sup>

- **Paragraph (2)** requires the TPPPS business licensee to provide the cardroom business licensee with copies or transcripts of all advertisements used to promote a gaming activity that the TPPPS business licensee has, or has caused to be, created, purchased, placed, or disseminated for the cardroom business licensee. Further, the phrase “or has caused to be” makes the requirement applicable to advertising conducted through the services of a third-party advertising company. This provision is consistent with existing Bureau regulations in Title 11, CCR, Section 2072, subdivision (e), which requires each licensed gambling establishment to submit a biannual report to the Bureau that includes copies or transcripts of all advertisements used to promote a gaming activity in the prior six months.

**Adopt Section 12097. Advertising Content and Dissemination.**

This section establishes content and dissemination requirements for gambling advertisements. This section also provides specified criteria for the Bureau to cite in justifying its determination to disapprove an advertisement that is deceptive to the public consistent with the requirements and authority provided by the Act, including but not limited to B&P Code section 19841(f).

**Subsection (a)** provides general criteria applicable to presenting the required information in a clear and conspicuous manner in all advertisements and ensures that the required information is legible and readable or audible and intelligible.

**Subsection (b)** specifies that the information required by paragraph (c)(2) of this section (a statement that participants must be 21 or older to gamble) and Section 12461(b)(1) (a responsible gambling message)

<sup>9</sup> Title 4, CCR, Section 12002(ar) specifies that the term, “TPPPS contract” means a written contract, the terms of which have been reviewed and approved by the Bureau, between a cardroom business licensee and a TPPPS business licensee acting as an independent contractor for the provision of third-party proposition player services in the gambling establishment.

<sup>10</sup> Business and Professions Code section 19984(a). Any agreement, contract, or arrangement between a gambling enterprise and a third-party provider of proposition player services shall be approved in advance by the department, and in no event shall a gambling enterprise or the house have any interest, whether direct or indirect, in funds wagered, lost, or won.

must be presented in the same language as all the languages used in the advertisement.

**Subsection (c)** sets forth the following specific content requirements for all advertisements:

- **Paragraph (1)** requires that all advertisements include the name, nickname, alias, or any other name by which the gambling establishment is commonly known.
- **Paragraph (2)** requires that advertisements include a statement that participants must be 21 or older to gamble, which aligns with the existing requirements of B&P Code section 19941.
- **Paragraph (3)** requires advertisements include the information located in Section 12461(b)(1) and (3), which provides advertisements must contain a responsible gambling message and reference one of the information and referral services approved by the Office of Problem Gambling (or its successor).
- **Paragraph (4)** provides three approved ways to reference games within an advertisement. The game(s) advertised must be referred to in accordance with one of the three clauses discussed below.
  - **Subparagraphs (A) and (B)** contain requirements for referencing a Bureau-approved game or group of games within advertisements. These provisions require that when an advertisement references a game, either the name of the Bureau-approved game or group of games or the Bureau-approved alternative name for the game or group of games must be included. Subparagraph (B) allows for the potential use of alternative game names in the future, pending a policy and approval process that needs to be established by the Bureau before alternative game names could be allowed.
  - **Subparagraph (C)** contains requirements that are triggered when an advertisement identifies a game or group of games by a name other than a Bureau-approved name required by subparagraphs (A) and (B). In these instances, the advertisement must state one of the following safe harbors:

**Clause 1. “California game” or “California games”.** The term “California game” is defined by Commission regulation<sup>11</sup> and means a controlled game that features a player-dealer position, as described in Penal Code section 330.11. Cardrooms are statutorily prohibited from offering house-banked games, such as those offered at Class III Tribal gaming casinos and casinos

<sup>11</sup> Title 4, CCR, Section 12002(h)

operating in Nevada and New Jersey. Instead, cardrooms are limited to offering controlled games, such as poker, and California games.

**Clause 2.** “*This cardroom does not offer banked games*”. The difference between the term “banked game” and a systematically rotating player–dealer game is specified in B&P Code section 19805(c) and Penal Code section 330.11. Cardrooms are statutorily prohibited from operating banked games.

**Clause 3.** *Any other safe harbor statement(s) published by the Bureau at its discretion.* B&P Code section 19841(f) charges the Bureau with determining deceptive advertisements. This provision will provide cardrooms additional options for advertising the name of a game or group of games, should the Bureau decide to publish any safe harbor statements in the future.

- **Paragraph (5)** provides cardrooms with two options for referencing gaming activities within an advertisement in alignment with the requirements of the Act and Bureau regulations. Bureau regulation provides that a “gaming activity” is any activity or event including, but not limited to jackpots, bonuses, promotions, tournaments, drawing tickets, etc., which is appended to or relies upon a controlled game or games.<sup>12</sup> B&P Code section 19826(g) requires the Bureau to make the rules of play and the collection rates of each Bureau–approved game and gaming activity available to the public on the Attorney General’s website. Additionally, existing Bureau regulation deems it to be an unsuitable method of operation for a cardroom to fail to place in a conspicuous location, or make readily available to patrons, a printed list of the rules of play for each gaming activity offered at the cardroom.<sup>13</sup> The gaming activity advertised must be referred to in accordance with one of the two subparagraphs discussed below:
  - **Subparagraph (A)** requires the use of the Bureau–approved gaming activity name. The approved gaming activity name can be used by the public to obtain the approved gaming activity rules from the Bureau’s website or the gambling establishment.
  - **Subparagraph (B)** provides that any gaming activity name may be used if the Bureau–approved identification number is provided with it. The identification number can be used by the public to obtain the approved gaming activity rules from the Bureau’s website or the gambling establishment.

**Subsection (d)** contains specific exemptions for certain types of advertisements that are currently located in Section 12461(c)(1) and (2), which are proposed to be relocated and amended as follows:

- **Paragraph (1)** contains express language that provides the requirements of paragraphs (c)(2) through (5) do not apply to any small tangible items upon which the information would be impracticable to print, display, or present, including, but not limited to: apparel, hats, pens, key chains, dishware, drinking glasses, coffee mugs, etc.
- **Paragraph (2)** provides the requirements of paragraphs (2) and (3) of subsection (c) do not apply to any digital material where the inclusion would be impracticable due to limited characters or spaces if the advertisement includes a link to a website that complies with Section 12461(b).

**Subsection (e)** states that an advertisement must not be deceptive to the public and establishes criteria the Bureau must consider in determining whether an advertisement is deceptive, while still maintaining the Bureau’s discretion to make its determination. This subsection also provides owner category licensees a set of guidelines to utilize in the creation of an advertisement.

- **Paragraph (1)** provides that in determining whether an advertisement is deceptive, the Bureau must consider if the advertisement depicts gambling as a means to become wealthy or resolve a financial burden. This requirement is consistent with B&P Code section 19841, subdivision (f), which states that an advertisement that offers gambling as a means to become wealthy is presumptively deceptive.
- **Paragraph (2)** provides that in determining whether an advertisement is deceptive, the Bureau must consider if the advertisement specifically targets or appeals to children or adolescents or encourages persons under 21 years of age to engage in controlled gambling. Additionally, the following subparagraphs go on to provide specific examples of advertisements that target or appeal to children or adolescents or encourage underage gambling. Specifically:
  - **Subparagraph (A)** provides if the advertisement uses depictions, images, appearances, or voice–over services of anyone less than 21 years of age.<sup>14</sup>
  - **Subparagraph (B)** provides if the advertisement uses objects such as toys, inflatables, movie characters, cartoon characters, or any

<sup>12</sup> Title 11, CCR, Section 2010(f)

<sup>13</sup> Title 11, CCR, Section 2070(f)

<sup>14</sup> This provision was adapted from the Distilled Spirits Council of the United States — 2023 Code of Responsible Practices for Beverage Alcohol Advertising and Marketing. <https://www.distilledspirits.org/code-of-responsible-practices/>.

other display, depiction, or image designed in a manner to appeal to minors or anyone under 21 years of age.<sup>15</sup>

- **Subparagraph (C)** provides if the advertisement is disseminated on the premises of any day care center, youth center, preschool, or kindergarten through 12<sup>th</sup> grade school or related function thereof, or at any function that is being primarily held for persons under 21 years old. Notably, related exemptions are specified under the definition of an “advertisement” in Section 12002(c)(1).
- **Paragraph (3)** provides that in determining whether an advertisement is deceptive, the Bureau must consider if the advertisement uses the terms “Nevada” or “Vegas” to describe any of the games, group of games, or gaming activities offered at the cardroom. Additionally, this paragraph exempts the use of these terms in an advertisement if the terms are used to draw a distinction between the term and the games or gaming activities offered at the cardroom. The criteria of this paragraph align with existing law and provide a distinction between the games offered at cardrooms versus class III tribal gaming casinos and casinos of the type in Nevada and New Jersey.
- **Paragraph (4)**, in alignment with B&P Code section 17508, provides that in determining whether an advertisement is deceptive, the Bureau must consider if the advertisement makes any false or misleading claims. This provision maintains the Bureau’s discretion over the disapproval of deceptive advertisements and avoids creating any implication of civil liabilities resulting from a violation of the statute.
- **Paragraph (5)** provides that in determining whether an advertisement is deceptive, the Bureau must consider if the advertisement depicts, illustrates, portrays, or references a game, group of games, or gaming activity that is not currently approved by the Bureau for the cardroom advertised. This provision is consistent with existing Penal Code prohibitions on banking and percentage games, the Bureau’s authority for approving games and gaming activities for each cardroom, and the Bureau’s discretion for determining whether an advertisement is deceptive. Additionally, this provision is consistent with an existing safe harbor in B&P Code section 19943.5, which protects licensees from any administrative ac-

tions concerning the advertising of a controlled game that was approved by the Bureau at the time of the advertisement, but is subsequently found to be unlawful.

***Adopt Section 12098. Age Confirmation in Advertising.***

This section establishes minimum age notification and affirmation requirements for advertising involving direct communication or dialogue and for placing potential customers on a mailing list. This section is consistent with the requirements of B&P Code sections 19801, 19841(f), 19941.

**Subsection (a)** requires the owner category licensee to use age affirmation, self-attestation, or other reasonable means to establish a good-faith belief that the recipient is 21 years of age or older prior to any advertising involving direct communication or dialogue directed at a particular individual. The provision also specifies that direct communication or dialogue may occur through any form of communication initiated by or for the owner category licensee and provides a non-exclusive list of examples of different forms of communication (in-person, telephone, physical mail, or electronic). Further, language is included to exempt digital advertising that utilizes age filtering for advertising to persons 21 years of age or older from the requirement.

**Subsection (b)** exempts age verification if the owner category licensee can verify it has already had the intended recipient verify they are at least 21 years of age via a method of age verification or self-attestation and the communication is sent only to the intended recipient. This allows for continued contact with individuals who have already been verified to meet the age requirement.

**Subsection (c)** requires that before any individual is allowed to join a mailing list, subscribe to content, or otherwise agree to receive direct communications from an owner category licensee, the licensee must either verify that the person is 21 years of age or older through age affirmation or self-attestation, or must provide a notice making it clear that recipients must be at least 21 years old.

***Adopt Section 12099. Disapproval of Advertising.***

This section establishes procedures for the Bureau’s disapproval of deceptive advertisements and provides a process for owner category licensees to rebut the Bureau’s disapproval. Additionally, this section references potential disciplinary and enforcement actions due to a violation. This section does not expand nor diminish the Commission or Bureau’s existing authority and is consistent with the Commission’s existing disciplinary procedures, timelines, and requirements for addressing other violations.

**Subsection (a)** provides the Bureau may issue a notice of disapproval to the owner category licens-

<sup>15</sup> This provision was adapted from the United States Federal Trade Commission v R.J. Reynolds Tobacco, Docket Number 9285, 1997. <https://www.ftc.gov/sites/default/files/documents/cases/1997/05/d9285cmp.pdf>

ee, pursuant to Section 12006, if it determines an advertisement does not comply with this article (Article 5). Notably, Section 12006 contains requirements and procedures for issuing notices, orders and communications, and specifies that the notice is effective upon mailing or transmission. This subsection establishes a formal notification and warning process with clearly defined timelines. The information required to be included in the notice of disapproval also provides the owner category licensee with a corrective action plan that contains clear and specific guidance on what must be corrected.

This section requires that at minimum, the following information must be included in the notice of disapproval:

- **Paragraph (1)** — a legal citation of the violation (pursuant to the requirements of this article);
- **Paragraph (2)** — a description of each non-compliant part of the advertisement that does not comply with this article;
- **Paragraph (3)** — a deadline that provides at least 30 calendar days from the date of service (as specified in Section 12006) to comply with the notice of disapproval; and,
- **Paragraph (4)** — an explanation of the owner category licensee’s right to submit written support to rebut the notice of disapproval, consistent with subsection (b).

**Subsection (b)** provides procedures, timelines, and requirements related to rebutting the Bureau’s notice of disapproval.

- **Paragraph (1)** authorizes the owner category licensee to submit written support to rebut the Bureau’s notice of disapproval within 14 calendar days following the Bureau’s issuance of the notice of disapproval specified in subsection (a). This provision provides owner category licensees the opportunity to confer with the Bureau, request changes to the notice of disapproval, and to provide additional information for the Bureau’s reconsideration.
- **Paragraph (2)** provides that if the Bureau receives the owner category licensee’s written support in accordance with the requirements of paragraph (1), the notice of disapproval will be stayed until the Bureau issues its final determination, as indicated in subsection (c).

**Subsection (c)** requires that within 30 calendar days of receiving the owner category licensee’s written support in accordance with paragraph (b), the Bureau must consider the information provided and respond to the owner category licensee with the Bureau’s final determination, pursuant to the requirements of Section 12006.

Additionally, this provision specifies that the Bureau’s final determination must include a response consistent with one of the following:

- **Paragraph (1).** The Bureau’s final determination to uphold or amend the notice of disapproval in subsection (a). Additionally, if responding in accordance with this paragraph, the Bureau must provide the owner category licensee with an updated deadline of at least 30 calendar days to comply with the Bureau’s final determination; or,
- **Paragraph (2).** The Bureau’s final determination to vacate the notice of disapproval, in which no corrective action is required by the licensee.

**Subsection (d)** addresses noncompliance by providing owner category licensees a general and informative reference to the Bureau’s discipline and enforcement authority without creating a duplicative process. This section provides that the Bureau may take additional disciplinary action it deems appropriate if either a notice of disapproval or a final determination is issued in compliance with the requirements of this section and the owner category licensee fails to correct the noncompliant advertisement by the deadline specified by the Bureau.

**Subsection (e)** specifies the following must be included in the Bureau’s report to the Commission for consideration during an owner category licensee’s initial or renewal license application and may be considered a factor in determining suitability for licensure:

- Any failure to comply with a notice of disapproval;
- Any failure to comply with the Bureau’s final determination;
- Instances of repeated violations of this article; and,
- Any subsequent actions by the owner category licensee and/or Bureau.

The provision further specifies that the above items may be considered a factor in determining the suitability for licensure of an applicant.

**Subsection (f)** provides a clarifying reference to the Bureau’s existing authority for conducting investigations and filing disciplinary actions under Chapter 10 of this division and/or under B&P Code sections 19930 and 19931.

*Chapter 7. Conditions of Operation for Gambling Establishments.*

*Article 9. Program for Responsible Gambling.*

**Amend Section 12461. Posting Referral Information.**

This section contains requirements for posting problem gambling information and referral services on websites and advertisements operated by or on behalf of any cardroom business licensee or TPPPS business licensee. Additionally, this section contains ex-

ceptions for digital materials and promotional items with size and space limitations.

**Subsection (b)** requires a responsible gambling message and a hyperlink to the Office of Problem Gambling to be displayed on websites operated by or on behalf of any owner category licensee.

In this subsection, “on behalf of” is being replaced with “under the control of.” Further, this section is being amended to add social media landing pages to the types of advertising media required to contain problem gambling information. Additional amendments require the information to be displayed in a clear and conspicuous manner and presented in all languages used in the advertisement, as specified in subsections (a) and (b) of Section 12097.

Further, the information required by this subsection has been divided into three paragraphs. Additional information and referral services that are currently available for problem gamblers have been added to new paragraph (3), which provide the public with more direct and readily accessible ways to get immediate help with a gambling addiction problem, rather than having to navigate to the Office of Problem Gambling website to search for the same information.

**Subsection (c)** contains advertising content requirements for disclosing the problem gambling information and referral services provided in this section, which applies to advertisements distributed by television, radio, outdoor display, flyer, mail, or provided digitally. Paragraphs (1) and (2) of this section contain exemptions to those disclosure requirements for digital materials with limited characters or space and small tangible promotional items. This section is being repealed due to the amendments proposed to subsection (b) and the more specific and extensive advertising content requirements being added in Section 12097. The requirements and exemptions that were previously in this section have been modified, clarified, and expanded upon.

**CONSISTENCY OR COMPATIBILITY WITH EXISTING STATE REGULATIONS**

The Commission has evaluated this regulatory action and determined that the proposed regulations are neither inconsistent nor incompatible with any other existing state regulations.

**COMPARABLE FEDERAL LAW**

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

**FISCAL AND ECONOMIC IMPACT ESTIMATES**

**FISCAL IMPACT ON PUBLIC AGENCIES INCLUDING COSTS OR SAVINGS TO STATE AGENCIES OR COSTS/SAVINGS IN FEDERAL FUNDING TO THE STATE:**

The Commission estimates that the proposed action will not have a significant fiscal impact on the Commission outside of its normal course of business.

The Bureau estimates the regulations will result in a total initial and ongoing workload increase of 2,132 hours annually (1,144 hours to enforcement staff + 988 hours to compliance staff). While this increase in workload is estimated to amount to an annual initial and ongoing cost of \$109,192.00, the Bureau anticipates utilizing existing resources/personnel to absorb the increase and does not foresee the need for additional staffing. Notably, the Bureau’s legal team anticipates unquantifiable but potentially minor increases in workload to review disapproval notices. The Bureau anticipates utilizing existing resources/personnel to absorb the workload increase. Additionally, the Division of Civil Law (Licensing Section) and the Public Rights Division (Native American & Tribal Affairs Section) may be impacted by litigation arising out of the proposed regulations, if enacted as currently drafted.

There are no costs or savings in Federal funding to the State.

**NON-DISCRETIONARY COST OR SAVINGS IMPOSED UPON LOCAL AGENCIES:**

None.

**Mandate Imposed On Any Local Agency Or School District For Which Part 7 (Commencing With Section 17500) Of Division 4 Of The Government Code Requires Reimbursement:**

None.

**Cost To Any Local Agency Or School District For Which Part 7 (Commencing With Section 17500) Of Division 4 Of The Government Code Requires Reimbursement:**

None.

**EFFECT ON HOUSING COSTS:**

None.

**IMPACT ON BUSINESS:**

The Commission has determined that the proposed regulatory action will not have a significant statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states. This determination is based on the following facts or evidence/documents/testimony:

The proposed action only applies to advertising in which the cardroom industry voluntarily engages. Further, the proposed action does not require owner

category licensees to participate in cardroom advertising, nor does it preclude cardroom advertising in general. The regulations provide advertising standards in alignment with existing statutory and regulatory requirements and criteria that the Bureau must consider in determining whether an advertisement is deceptive to the public. The regulations will provide a layer of guidance and accountability for owner category licensees in the responsible development and dissemination of advertisements calculated to induce participation in controlled gambling and provide a process for the disapproval of advertisements determined by the Bureau to be deceptive to the public. Further, the regulations provide additional clarity and specificity to existing requirements for including problem gambling information and referral services on advertisements, websites, and social media platforms, to ensure this information is presented in a clear and conspicuous manner. Because the California cardroom industry does not cross state lines, the proposed action is not anticipated to affect the ability of cardrooms to compete with businesses in other states.

#### *Small Versus Typical Business Determination*

For purposes of estimating the costs to implement the regulations to typical businesses and small businesses, the Commission utilized the federal Small Business Administration (SBA) category for casinos. As those categories are defined, a three-year average annual gross revenue of no more than \$34 million was used as the threshold for identifying small cardroom businesses, as specified in the North American Industry Classification System (NAICS) Code section 713210 and referenced by the SBA in Section 121.201 of Title 13, Part 121 of the Electronic Code of Federal Regulations. This revenue threshold was used in conjunction with the Commission's three-year average annual gross revenue data to determine the regulation's impact on small and typical cardroom businesses.

In reviewing the results of the survey, the estimated direct costs to cardrooms that would result from implementing the regulations are primarily associated with the cardroom business licensee's review and revision of existing and new advertisements to ensure compliance, including cardroom websites and social media business pages and posts. Additionally, there are estimated direct costs associated with review and updates to patron mailing list procedures and materials associated with age affirmation, self-attestation or other reasonable means to verify or substantiate a good-faith belief that the intended recipient is 21 years of age or older. Further, estimated direct costs have been reported regarding the process for rebutting a Bureau's notice of disapproval for advertisements determined by the Bureau to be deceptive to the public.

**TPPPS Businesses** — The Commission estimates the regulation will have no significant cost impact to TPPPS businesses (0% share in total costs to the industry). Meaning, cardroom businesses are expected to share 100% of the total industry costs. As previously mentioned, no survey responses were received from TPPPS businesses, which is likely due to the negligible impact the regulations could have on a TPPPS business. Most TPPPS businesses have very little to no involvement in cardroom advertising other than making payments to the cardroom to share in the reasonable costs of cardroom advertising, which must be specified in the TPPPS contract and is subject to the Bureau's approval. The proposed regulation only provides additional clarity and specificity to existing requirements and practices.

**Cardroom Businesses** — According to the Commission's latest three-year average annual gross revenue data used to calculate the 2025 annual fee amounts for each cardroom business licensee, there are a total of 80 cardroom business licensees with an active license status statewide. However, as of March 13, 2025, only 55 of those cardrooms are operational and have the potential to be impacted by the proposed regulation. The remaining 25 cardrooms with an active license are currently not operational and thus, are not expected to be impacted by the regulation because there is no benefit or reason for them to disseminate gambling advertisements. While it is possible for some of the non-operational cardrooms to re-open in the future, this occurs seldomly and requires a process involving inspections and compliance checks, making it difficult to quantify. As such, we estimate any potential additional future cost impacts that would result from an increase in the number of operational cardrooms on an annual basis to be negligible.

The initial and ongoing costs to cardrooms are based on the actual adjusted costs reported by the 17 cardrooms that participated in the survey, broken down by those that are small businesses versus typical businesses. This came to a total annual initial cost of \$3,787,942.70 and a total annual ongoing cost of \$1,168,802.70 for all cardrooms that participated in the survey. The survey results were extrapolated to apply to the remaining 37 cardrooms that did not participate in the survey. This provided a total annual initial cost estimate of \$6,260,692.70 and a total annual ongoing cost estimate of \$2,280,175.20 for all cardrooms that did not participate in the survey.

**Total Statewide Costs** — Cardrooms are estimated to share 100% of the total industry costs to comply with the regulations. As such, the Commission estimates the regulations will result in a total annual statewide dollar cost to cardrooms of:

- \$10,048,635.40 in the first year (\$3,787,942.70 in total reported costs + \$6,260,692.70 in total costs based on the average costs reported); and,
- \$3,448,977.90 in each subsequent year (\$1,168,802.70 in reported costs + \$2,280,175.20 based on the average costs reported).

**Cost per Small Business (Cardroom)** — The estimated average annual cost per small cardroom business is:

- \$117,750.00 in the first year (initial).
- \$52,922.50 in each subsequent year (ongoing).

**Cost per Typical Business (Cardroom)** — The estimated average annual cost per typical cardroom business is:

- \$474,988.54 in the first year (initial).
- \$106,746.54 in each subsequent year (ongoing).

#### **SMALL BUSINESS IMPACT**

The Commission has concluded that the proposed regulation will impact small cardroom businesses. As noted above, the Commission anticipates the regulation would result in an average annual cost per small cardroom business of \$117,750.00 in the first year, and \$52,922.50 in each subsequent year. Further, the Commission has concluded that the proposed regulation will not impact small TPPPS businesses. Please see the “Impact on Business” section above for additional details.

#### **COST IMPACTS ON REPRESENTATIVE PRIVATE PERSON OR BUSINESS**

The Commission anticipates the regulation would result in an average annual cost per typical cardroom business of \$474,988.54 in the first year, and \$106,746.54 in each subsequent year. The proposed regulation will have no cost impact on typical TPPPS businesses. The Commission is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action. Please see the “Impact on Business” section above for additional details.

#### **IMPACT ON JOBS/NEW BUSINESSES:**

The Commission has determined that this regulatory proposal will not have a significant impact on the creation of new jobs or businesses, the elimination of jobs or existing businesses, or the expansion of businesses in California.

The basis for this determination is that advertising is an act that is voluntarily engaged in by the cardroom industry and this proposed action does not require nor preclude the industry from advertising. Rather, the proposed action provides additional specificity to existing regulatory and statutory requirements for gambling advertisements, consistent with the Commission’s general authority under the Act and its mandate in B&P Code section 19841(f). Further, the proposed

action establishes standards and safe harbors for the cardroom industry to follow concerning advertising content and dissemination, provides criteria the Bureau must consider while maintaining the Bureau’s discretion and authority for determining whether an advertisement is deceptive, and provides an administrative disapproval and rebuttal process for advertisements that have been determined by the Bureau to be deceptive to the public. The regulations have been written to reduce false and misleading claims made in deceptive cardroom advertisements and do not encroach on the industry’s constitutionally protected forms of commercial speech.

#### **BENEFITS OF THE REGULATION TO THE HEALTH AND WELFARE OF CALIFORNIA RESIDENTS:**

It has been determined that the proposed action will protect the health, safety, and general welfare of California residents by dissuading and reducing the dissemination of gambling advertisements that are determined by the Bureau to be deceptive to the public. This includes advertisements that inappropriately appeal to persons under the age of 21, entice gambling as a means of becoming wealthy, make false or misleading claims, or refer to games prohibited by Penal Code section 330. Additionally, the proposed action provides updates to existing advertising disclosure requirements concerning the posting of information and referral services for problem gamblers, as approved by the Office of Problem Gambling.

#### **BENEFITS OF THE REGULATION TO WORKER SAFETY:**

It has been determined that the proposed action will not affect worker safety because it does not pertain to working conditions or worker safety issues.

#### **BENEFITS OF THE REGULATION TO STATE’S ENVIRONMENT:**

It has been determined that the proposed action will not affect the State’s environment because it has nothing to do with environmental issues.

#### **CONSIDERATION OF ALTERNATIVES**

The Commission must determine that no reasonable alternative considered by the Commission or that has otherwise been identified and brought to the attention of the Commission 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 proposed action; or,
- More cost-effective to affected private persons and equally effective in implementing the statutory policy or other provision of law.

INITIAL STATEMENT OF REASONS,  
INFORMATION AND TEXT OF PROPOSAL

The Commission has prepared an Initial Statement of Reasons and the exact language for the proposed action and has available all the information upon which the proposal is based. Copies of the language and of the Initial Statement of Reasons, and all the information upon which the proposal is based, may be obtained upon request from the Commission at 2399 Gateway Oaks Drive, Suite 220, Sacramento, CA 95833–4231.

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

All the information upon which the proposed action is based is contained in the Rulemaking File that will be available for public inspection and copying at the Commission’s office throughout the rulemaking process. Arrangements for inspection and/or copying may be made by contacting the primary contact 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 one of the contact persons named below or by accessing the Commission’s Website listed below.

CONTACT PERSONS

All comments and inquiries concerning the substance of the proposed action should be directed to the following *primary* contact person:

Alex Hunter, Legislative and Regulatory  
Specialist  
Legislative and Regulatory Affairs Division  
California Gambling Control Commission  
2399 Gateway Oaks Drive, Suite 220, Sacramento,  
CA 95833–4231  
Telephone: (916) 263–1301  
Fax: (916) 263–0499  
Email: [ahunter@cgcc.ca.gov](mailto:ahunter@cgcc.ca.gov)

Requests for a copy of the Initial Statement of Reasons, proposed text of the regulation, modified text of the regulation, if any, or other technical information

upon which the proposed action is based should be directed to the following *backup* contact person:

Joshua Rosenstein, Legislative and Regulatory  
Specialist  
Legislative and Regulatory Affairs Division  
California Gambling Control Commission  
2399 Gateway Oaks Drive, Suite 220, Sacramento,  
CA 95833–4231  
Telephone: (916) 274–5823  
Fax: (916) 263–0499  
Email: [jrosenstein@cgcc.ca.gov](mailto:jrosenstein@cgcc.ca.gov)

WEBSITE ACCESS

Materials regarding this proposed action are also available on the Commission’s Website at [www.cgcc.ca.gov](http://www.cgcc.ca.gov).

**TITLE 5. COMMISSION ON  
TEACHER CREDENTIALING**

REQUIREMENTS AND AUTHORIZATION  
FOR THE ADAPTED PHYSICAL  
EDUCATION ADDED AUTHORIZATION

The Commission on Teacher Credentialing (Commission) proposes to take the regulatory action described below after considering all comments, objections, and recommendations regarding the proposed action. A copy of the proposed regulations is included with the new proposed text shown in underline.

The Commission has not scheduled a public hearing on this proposed action. However, the Commission 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 comment period.

SUMMARY OF THE EFFECT OF THE  
PROPOSED ACTION

The proposed action would amend the California Code of Regulations, Title 5, §80046.1.

In the mid 2000’s work began on revising the Adapted Physical Education Specialist Credential to be an “added authorization” as it was believed that special education teachers should be eligible to earn added authorizations including one in Adapted Physical Education (APE). Faculty members with experience offering Commission–approved APE Specialist programs collaborated in the development of 13 Adapted Physical Education Added Authorization (APEAA) program standards and in 2011 the Adapted Physical Education Specialist Credential (APESC) was revised

to become the Adapted Physical Education Added Authorization.

Since 2011 the title of Adapted Physical Education Added Authorization has become a concern amongst programs. The Commission has received numerous requests to change the authorization back to a specialist credential in order to better reflect the scope of preparation required and services delivered by APE teachers. A large number of individuals in the field argue that the title of Specialist Credential better represents the academic preparation and educational experiences APE candidates have before they can teach in public schools. When compared to other Added Authorization programs (e.g., Autism Spectrum Disorders, Deaf-Blind, Emotional Disturbance, etc.), the Adapted Physical Education Added Authorization requires greater preparation and has a broader authorization than the other added authorizations.

Revising the title of the APEAA back to the APE specialist credential will better reflect the specialized training required for APE teachers to serve an array of students with disabilities. It will also result in better alignment with federal policies and allow programs to seek additional Proposed Amendments to Title 5 of the California Code of Regulations Pertaining to Requirements and Authorization for the Adapted Physical Education Added Authorization funding opportunities and feasibly help to increase the number of APE teachers credentialed in California. These proposed regulations do not propose to change any of the requirements, including the requirement for individuals to earn a base credential as a prerequisite to earning this specialist credential.

#### WRITTEN COMMENT PERIOD

Any interested person, or his or her authorized representative, may submit written comments by fax, through the mail, or by email relevant to the proposed action. The written comment period closes on September 15, 2025. Comments must be received by that time or may be submitted at the public hearing, should one be requested. Interested parties may write to the Commission on Teacher Credentialing, attn. Lynette Roby, 1900 Capitol Avenue, Sacramento, California 95811; or submit an email to [Lynette.robby@ctc.ca.gov](mailto:Lynette.robby@ctc.ca.gov) or [WHatrick@ctc.ca.gov](mailto:WHatrick@ctc.ca.gov).

Any written comments received by the closing of the public comment period will be reproduced by the Commission's staff for each member of the Commission as a courtesy to the person submitting the comments and will be included in the written agenda prepared for and presented to the full Commission at the hearing.

#### AUTHORITY AND REFERENCE

The Commission's authority to establish program standards is established in subsection (b)(1)(C) and (d) of Education Code section 44225. Specifically, section (b)(2) of Education Code 44225 states that "The commission may establish standards and requirements for preliminary and professional credentials of each type."

#### INFORMATION DIGEST/POLICY STATEMENT OVERVIEW

##### *Summary of Existing Laws and Regulations*

Education Code §Sections 44225, 44265, 56363(b)(5) and 56100(f), established the authority for the Commission to initially enact 5, CCR, §80046.1. In 2011 the titles of several specialist credentials were revised to be "added authorizations" as it was believed that special education teachers should be eligible to earn added authorizations including one in Adapted Physical Education. As a result, APESC was revised to become the APEAA.

##### *Objectives and Anticipated Benefits of the Proposed Regulations*

Revising the title of the APEAA back to the APESC will better reflect the specialized training required for APE teachers to serve an array of students with disabilities. It will also result in better alignment with federal policies and allow programs to seek additional funding opportunities and feasibly help to increase the number of APE teachers credentialed in California. These proposed regulations do not propose to change any of the requirements, including the requirement for individuals to earn a base credential as a prerequisite to earning this specialist credential.

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

The Commission has determined that the proposed regulation amendments are not inconsistent or incompatible with existing regulations. After conducting a review for any regulations that would relate to or affect this area, the Commission has concluded that these are the only regulations that concern Adapted Physical Education Added Authorization.

#### DISCLOSURES REGARDING THE PROPOSED ACTIONS/FISCAL IMPACT

The Commission has made the following initial determinations.

#### LOCAL MANDATE

These proposed regulations will not impose a mandate on local agencies or school districts that must be reimbursed in accordance with Part 7 (commenc-

ing with section 17500) of the Government Code. Local education agencies may choose to sponsor educator preparation programs utilizing the proposed regulations; however, no mandate exists requiring local agencies or school districts to have educator preparation programs and, therefore, no reimbursement in accordance with Part 7 (commencing with section 17500) of the government code is required.

#### FISCAL IMPACT

*Costs to any local agency or school districts requiring reimbursement pursuant to Government Code section 17500 et seq.*

These proposed regulations will not impose a cost to local agencies or school districts requiring reimbursement in accordance with Part 7 (commencing with section 17500) of the Government Code as sponsoring an educator preparation program which is aligned to the proposed regulations and is not required by law.

The Adapted Physical Education Added Authorization is currently a part of the Initial Program Review category of cost recovery fees for which there is a \$1,000 flat fee assessed for professional preparation programs that lead to the authorization. Updating the term to a Specialist Credential will require the newly titled Adapted Physical Education Specialist Credential to be moved to the cost recovery fee category of *specialist* credential programs. This category assesses a \$1500 flat fee for professional preparation programs that lead to specialist credentials. This fee change is due to the amount of work required to complete an initial review of a program that includes the breadth and depth of academic preparation such as the APE Specialist Credential.

*Cost or savings to any state agency*

None. This will not create a cost or savings to any state agency. Adapted Physical Education regulations apply to currently approved educator preparation institutions or to institutions seeking approval to offer a teacher preparation program.

*Other non-discretionary costs or savings imposed upon local agencies*

None. Sponsoring an educator preparation program is not required by law.

*Cost or savings in federal funding to the state*

None. Sponsoring an educator preparation program which is aligned to the proposed regulations is not required by law and would not impact federal funding to the state.

#### HOUSING COSTS

No effect on housing costs. These regulations only pertain to currently approved educator preparation programs, to institutions seeking approval to offer a

teacher preparation program, and to institutions expanding their business into education preparation in California.

#### SIGNIFICANT STATEWIDE ADVERSE ECONOMIC IMPACT DIRECTLY AFFECTING BUSINESSES, INCLUDING THE ABILITY OF CALIFORNIA BUSINESSES TO COMPETE WITH BUSINESSES IN OTHER STATES

The Commission has concluded there is no significant adverse impact on business.

#### STATEMENT OF THE RESULTS OF THE ECONOMIC IMPACT ASSESSMENT

In accordance with Government Code section 11346.3(b), the Commission has made the following assessments regarding the proposed regulations:

##### *Creation or Elimination of Jobs within California*

These amendments will not create or eliminate jobs in California. The proposed amendments pertain to the change of title of the APEAA to APESC.

##### *Creation of New Businesses or Elimination of Existing Business within California*

These amendments will not create or eliminate existing businesses in California. The proposed amendments pertain to the change of title of the APEAA to APESC.

##### *Expansion of Businesses Currently Doing Business within the California*

These amendments will not cause the expansion or elimination of existing businesses in California.

The proposed amendments pertain to the change of title of the APEAA to APESC.

##### *Benefits of the Regulations*

The Commission anticipates that the proposed amendments will continue to benefit the health and welfare of California residents by providing clarity and consistency for educator preparation programs and their constituents when identifying APE teachers who have the specialized training required to serve an array of students with disabilities.

The Commission does not anticipate that these regulations will result in a direct benefit to worker safety or the state's environment.

#### COST IMPACTS ON A REPRESENTATIVE PRIVATE PERSON OR BUSINESS

The Commission 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

This proposal does not require a report to be made.

## EFFECT ON SMALL BUSINESS

The proposed regulations will not affect small business. The proposed regulations apply only to educational institutions electing to offer or offering Commission-approved and accredited educator preparation programs. Educational institutions are California State Universities, Universities of California, private four-year colleges and universities, or local education agencies, none of which meet the definition for small business as defined in government code 11342.610. The vast majority of Commission approved program sponsors are nonprofit educational institutions. Very few institutions of higher education approved by the Commission at this time are for-profit businesses. Because offering an educator preparation program is voluntary, any institution must evaluate whether they have sufficient resources to offer a high-quality preparation program in accordance with the state adopted standards, state statute, and regulations..

## ALTERNATIVES STATEMENT

The Commission 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 provision of law. The Commission invites interested persons to present statements or arguments with respect to alternatives to the proposed regulations during the written comment period or at the public hearing.

## CONTACT PERSON/FURTHER INFORMATION

General or substantive inquiries concerning the proposed action may be directed to Lynette Roby by telephone at 916-324-3668, or by email to [Lynette.robby@ctc.ca.gov](mailto:Lynette.robby@ctc.ca.gov) or to William Hatrick, (916) 323-6512 or [WHatrick@ctc.ca.gov](mailto:WHatrick@ctc.ca.gov). Additionally, inquiries may be made by mail at Commission on Teacher Credentialing: Attn: Regulations, 651 Bannon St., Suite 600 Sacramento, CA 95811,. General question inquiries may also be directed to the addresses mentioned above. Upon request, a copy of the express terms of the proposed action and a copy of the Initial Statement of Reasons will be made available. This information is also available on the Commission's web-

site at <http://www.ctc.ca.gov/notices/rulemaking.html>. In addition, all the information on which this proposal is based is available for inspection and copying.

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

The entire rulemaking file is available for inspection and copying throughout the rulemaking process at the Commission office at the above address. As of the date this notice is published in the Notice of Register, the rulemaking file consists of the Notice of Proposed Rulemaking, the proposed text of regulations, the Initial Statement of Reasons, and an economic impact assessment/analysis contained in the Initial Statement of Reasons. Copies may be obtained by contacting Lynette Roby at the addresses or telephone number provided above.

## MODIFICATION OF PROPOSED ACTION

If the Commission proposes to modify the actions hereby proposed, the modifications (other than non-substantial or solely grammatical modifications) will be made available for public comment for at least 15 days before they are adopted.

## AVAILABILITY OF FINAL STATEMENT OF REASONS

The Final Statement of Reasons is submitted to the Office of Administrative Law as part of the final rulemaking package, following the conclusion of the public hearing. Upon its completion, copies of the Final Statement of Reasons may be obtained by contacting Lynette Roby at [Lynette.robby@ctc.ca.gov](mailto:Lynette.robby@ctc.ca.gov) or [chickey@ctc.ca.gov](mailto:chickey@ctc.ca.gov).

## AVAILABILITY OF DOCUMENTS ON THE INTERNET

Copies of the Notice of Proposed Rulemaking, the Initial Statement of Reasons, and the text of the regulations can be accessed through the Commission's website at <http://www.ctc.ca.gov/notices/rulemaking.html>.

**TITLE 5. CRADLE TO CAREER DATA SYSTEM**

CONFLICT-OF-INTEREST CODE OF THE CRADLE TO CAREER DATA SYSTEM

NOTICE IS HEREBY GIVEN that the Cradle to Career Data System, 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 August 1, 2025 and closing on September 16, 2025. All inquiries should be directed to the contact listed below.

The Cradle-to-Career Data System 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:

- (1) Changing the disclosure category for members of the Community Engagement Advisory Board to more accurately reflect the role of those board members;
- (2) Changes to the disclosure category for consultants and new positions;
- (3) Adding Information Officer (all levels) to the list of designated positions to reflect that new position with the agency; and,
- (4) Other technical changes.

**Agencies please choose one option:**

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

Any interested person may submit written comments relating to the proposed amendment by submitting them no later than September 16, 2025, whichever comes later. At this time, no public hearing is scheduled. A person may request a hearing no later than August 29, 2025.

The Cradle to Career Data System 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: Arti Wasu at (916) 323–2324 or [arti.wasu@c2c.ca.gov](mailto:arti.wasu@c2c.ca.gov).

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

AMEND COMMISSION REGULATION 1006 — EXTENSION OF TIME LIMIT FOR COURSE COMPLETION

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

**Public Comments Due by September 15, 2025.**

Notice is also given that any interested person, or authorized representative, may submit written comment(s) relevant to the proposed regulatory action by fax at (916) 404–5619, by email to [Brad NewMyer, brad.newmyer@post.ca.gov](mailto:Brad.NewMyer@post.ca.gov) or by letter to:

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

AUTHORITY AND REFERENCE

This proposal is made pursuant to the authority vested by Penal Code (PC) section 13503 (authority of POST), PC § 13506 (POST authority to adopt regulations). This proposal is intended to interpret, implement, and make specific PC § 13503(e), which authorizes POST to develop and implement programs to increase the effectiveness of law enforcement, including programs involving training and education courses.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Penal Code § 13510 requires that POST develop guidelines and a course of instruction and training for law enforcement officers who are employed as peace

officers, or who are not yet employed as peace officers but are enrolled in a training academy for law enforcement officers. POST is responsible for the certification of these courses and implementing requirements for both the certification and presentation of these courses.

Currently, Commission Regulation 1006 permits a department to request from POST an extension of time to complete a course. However, by POST's definition, a department is a law enforcement entity or independent communications agency who has been accepted to participate in POST programs. Many POST-certified course presenters are not departments but rather private presenters and colleges. By limiting the ability of a college or private presenter to request an extension of time to complete a course, it impacts those students not with a department or those attending the course certified to those colleges and private presenters by requiring they be considered as failing the course and then completing the course in its entirety at a later date. The need for an extension is oftentimes outside of the control of the student and can be for such reasons as injury or military deployment. The proposed change would allow all individuals attending a POST-certified course to be provided with the opportunity for an extension of time to complete the portions of the training they missed and would best serve the agencies who may be looking to hire these individuals.

*Anticipated Benefits of the Proposed Amendments*

The benefits anticipated by the proposed amendments to the regulation will provide course presenters, on behalf of all attendees in any course, including department personnel, college students and/or non-affiliated personnel in POST courses, the ability to request a reasonable extension of time limit for course completion, which will increase the efficiency of the state of California in delivering services to stakeholders. Thus, the law enforcement standards are maintained and effective in preserving peace, protection of public health, safety, and welfare of California. The proposed amendments will have no impact on worker safety or the state's environment.

*Evaluation of Inconsistency/Incompatibility with Existing State Regulations*

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

**FORMS/DOCUMENTS  
INCORPORATED BY REFERENCE**

There are no forms or documents incorporated by reference in this proposed action.

**DISCLOSURES REGARDING THE  
PROPOSED ACTION**

*POST has made the following initial determinations:*

Mandate on local agencies or school districts: None.

Cost or savings to any state agency: None.

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

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

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

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

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

Significant effect on housing costs: None.

Small Business Determination: POST has determined that the proposed regulations will not affect small businesses because the regulation amendment only applies to students currently attending a POST-required course and the proposed regulatory amendments will only have a direct effect on law enforcement agencies who hire individuals attending a POST-required course. Additionally, the Commission's main function to select and maintain training standards for law enforcement has no effect financially on small businesses.

**RESULTS OF ECONOMIC IMPACT  
ANALYSIS/ASSESSMENT**

POST concludes that it is (1) unlikely the proposal will create nor eliminate jobs in the state of California, (2) unlikely that the proposal will create new businesses nor eliminate any existing businesses, and (3) unlikely that the proposed regulations will result in the expansion of businesses currently doing business within the state.

Benefits of the Proposed Action: As stated above under the Informative Digest/Policy Statement Over-

view, the benefits of the regulation will increase the efficiency of the state of California in delivering services to stakeholders by providing course presenters, on behalf of all attendees in any course, including department personnel, college students and/or non-affiliated personnel in POST courses, the ability to request a reasonable extension of time limit for course completion. Additionally, the proposed regulatory changes will increase the ability for agencies to hire individuals granted an extension sooner than if the individual had to start the course from the beginning. Thus, the law enforcement standards are maintained and effective in preserving peace, protection of public health, safety, and welfare in California. There would be no impact that would affect worker safety or the state's environment.

### CONSIDERATION OF ALTERNATIVES

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

### CONTACT PERSONS

Questions regarding this proposed regulatory action may be directed to Brad NewMyer, Commission on POST, 860 Stillwater Road, Suite 100, West Sacramento, CA 95605–1630, at (916) 227–3893. General questions regarding the regulatory process may be directed to Ashley Anderson at (916) 970–4635.

### TEXT OF PROPOSAL

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

### ADOPTION OF PROPOSED REGULATIONS/ AVAILABILITY OF CHANGED OR MODIFIED TEXT

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

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

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

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

### **TITLE 13 AND 17. AIR RESOURCES BOARD**

### AMENDMENTS TO THE ADVANCED CLEAN FLEETS AND LOW CARBON FUEL STANDARD REGULATIONS

The California Air Resources Board (CARB or Board) will conduct a public hearing at the date and time noted below to consider proposed amendments to the Advanced Clean Fleets (ACF) regulation and the Low Carbon Fuel Standard (LCFS).

Date: September 25, 2025

Time: 9:00 a.m.

In-Person Location:

California Air Resources Board

Byron Sher Auditorium  
1001 I Street, Sacramento, California 95814

Remote Option:

Zoom

This public meeting may continue at 9:00 a.m., on September 26, 2025. The public agenda will be posted ten days before the September 25, 2025, Board Hearing. Please consult the public agenda for other details, including the day on which this item will be considered and how the public can participate via Zoom if they choose to be remote.

#### WRITTEN COMMENT PERIOD AND SUBMITTAL OF COMMENTS

In accordance with the Administrative Procedure Act, interested members of the public may present comments orally or in writing during the hearing and may provide comments by postal mail or by electronic submittal before the hearing. The public comment period for this regulatory action will begin on August 1, 2025. Written comments not submitted during the hearing must be submitted on or after August 1, 2025, and received **no later than** September 15, 2025. Comments submitted outside that comment period are considered untimely. CARB may, but is not required to, respond to untimely comments, including those raising significant environmental issues. The Board also encourages members of the public to bring to the attention of staff in advance of the hearing any suggestions for modification of the proposed regulatory action. Comments submitted in advance of the hearing must be addressed to one of the following:

Postal mail: Clerks' Office, California Air  
Resources Board  
1001 I Street, Sacramento, California 95814  
*Electronic submittal:* [https://ww2.arb.ca.gov/  
lispub/comm/bclist.php](https://ww2.arb.ca.gov/lispub/comm/bclist.php)

Please note that under the California Public Records Act (Government Code section 7920.000 et seq.), your written and oral comments, attachments, and associated contact information (e.g., your address, phone, email, etc.) become part of the public record and can be released to the public upon request.

Additionally, the Board requests but does not require that persons who submit written comments to the Board reference the title of the proposal in their comments to facilitate review.

#### AUTHORITY AND REFERENCE

The ACF regulatory amendments are proposed under the authority granted in California Health and Safety Code, sections 38505, 38510, 38560, 38566,

39010, 39500, 39600, 39601, 39602.5, 39650, 39658, 39659, 39666, 39667, 43013, 43018, 43100, 43101, 43102 and 43104, and section 28500 of the California Vehicle Code. This action is proposed to implement, interpret, and make specific sections 38501, 38505, 38510, 38560, 38566, 38580, 39000, 39003, 39010, 39500, 39600, 39601, 39602.5, 39650, 39658, 39659, 39666, 39667, 39674, 39675, 42400, 42400.1, 42400.2, 42402.2, 42410, 43000, 43000.5, 43013, 43016, 43018, 43023, 43100, 43101, 43102, 43104, 43105, 43106, 43153, 43154, 43211, 43212, and 43214 of the Health and Safety Code; and section 28500 of the California Vehicle Code. Changes to the LCFS are proposed under the authority granted in California Health and Safety Code, sections 38510, 38530, 38560, 38560.5, 38571, 38580, 39600, 39601, 41510, 41511, and 43018; 42 U.S.C. section 7545; and *Western Oil and Gas Ass'n v. Orange County Air Pollution Control District*, 14 Cal.3d 411, 121 Cal.Rptr. 249 (1975). Reference: Sections 38501, 38510, 39515, 39516, 38571, 38580, 39000, 39001, 39002, 39003, 39515, 39516, 41510, 41511, and 43000, of the Health and Safety Code; section 25000.5, Public Resources Code; and *Western Oil and Gas Ass'n v. Orange County Air Pollution Control District*, 14 Cal.3d 411, 121 Cal.Rptr. 249 (1975).

#### INFORMATIVE DIGEST OF PROPOSED ACTION AND POLICY STATEMENT OVERVIEW (GOV. CODE, § 11346.5, SUBDIVISION (A)(3))

##### **Sections Affected:**

The Board proposes to copy the relevant text set forth in California Code of Regulations (Cal. Code Regs.), title 13, section 2015 for Zero-Emission Vehicles (ZEV) Fleet Milestones Option into Cal. Code Regs., title 13, section 2013; amend the Cal. Code Regs., title 13, sections 2013, 2013.1, 2013.2, 2013.3, and 2013.4; move parts of 2013 into newly adopted sections 2013.5, 2013.6, and 2013.7; repeal Cal. Code Regs., title 13, sections 2014 and 2015; and amend Cal. Code Regs., title 17, section 95486.3.

##### **Background and Effect of the Proposed Regulatory Action:**

In October 2023, CARB adopted the ACF Regulation as another key step in CARB's decades-long history of setting increasingly stringent emission standards for mobile sources to address significant air quality and climate concerns. The ACF regulation complements CARB's adopted Advanced Clean Trucks regulation and will help ensure that harmful emissions from California's truck and bus fleets are reduced to the greatest extent feasible through the introduction of zero-emission technologies into fleets that are well situated to embrace those technologies.

Achieving California’s long-term air quality, climate, and public health goals will require zero-emission technologies everywhere feasible and near-zero-emission powered by clean, low-carbon renewable fuels everywhere else. Promoting the development and use of zero-emission trucks will contribute to the goals set by the Governor’s Executive Order N–79–20 and the Sustainable Freight Action Plan and will help achieve emission reductions as outlined in the State Implementation Plan, Senate Bill (SB) 350 (de León, Stats. 2015, chapter 547), Assembly Bill (AB) 32 (Nuñez, Stats. 2006, chapter 488), SB 32 (Pavley, Stats. 2016, chapter 249), and AB 1279 (Muratsuchi, Stats. 2022, chapter 337). This effort is part of a broader strategy to increase clean, affordable transportation options such as zero-emission technologies, innovative methods to improve freight activity, and efficiency of transportation systems in California.

Subsequent to the approval of the ACF Regulation, the Legislature enacted AB 1594 (Garcia, E., Stats. 2023, chapter 585), which directs CARB to amend the ACF regulation to provide additional flexibility to most public agency utilities. Specifically, the bill requires CARB to authorize most public agency utilities to purchase replacements for traditional utility-specialized vehicles that are at the end of life when needed to maintain reliable service and respond to major foreseeable events, including severe weather, wildfires, natural disasters, and physical attacks on utility infrastructure, as specified. The bill defines “a public agency utility” to include a local publicly owned electric utility, as defined in section 224.3 of the Public Utilities Code, a community water system, as defined in section 116275 of the Health and Safety Code, a water district, as defined in section 20200 of the Water Code, and a wastewater treatment provider, as defined in section 116773.2 of the Health and Safety Code. AB 1594 also directs CARB to amend the ACF Regulation’s Daily Usage Exemption to allow a public agency utility to submit a comprehensive usage report for the same vehicle class and configuration of vehicles in their fleet when applying for a Daily Usage Exemption. AB 1594 also requires CARB to define a “traditional utility-specialized vehicle” and to consult with public agency utilities to determine what criteria can be used to determine the end-of-life for traditional utility-specialized vehicles without regard to the model year of the vehicle being replaced. These statutory directives only affect fleets that are subject to the State and Local Government Agency elements of the ACF regulation.

On January 13, 2025, CARB withdrew its request for a waiver and authorization for the addition of the ACF regulation to California’s emissions control program. The Trump administration had previously evidenced its opposition to California’s authority to es-

tablish greenhouse gas and zero emission standards for new motor vehicles,<sup>1</sup> and has also stated its continued opposition to that authority.<sup>2</sup> Accordingly, in light of U.S. EPA’s lack of final action on CARB’s request for waiver and authorization before the incoming administration assumed its official duties on January 20, 2025, and given the incoming administration’s past and continued hostility to CARB’s emissions control program, CARB determined that withdrawing its request was appropriate.

The proposed amendments would repeal parts of the ACF regulation, in title 13 of the Cal. Code Regs, that would apply to federal or private fleets: specifically the Drayage requirements in chapter 1, article 3.2, section 2014, and the High Priority and Federal Fleet requirements in chapter 1, article 3.2, section 2015.

The State and Local Government Agency (SLG) Fleet Requirements portion of the ACF Regulation would remain, subject to proposed amendments described herein. SLG fleets must still comply with the ZEV Purchase Schedule, which requires most governmental fleets to purchase at least 50% of their annual on-road medium- and heavy-duty vehicles as ZEVs beginning January 1, 2024, unless they utilize flexibility within the regulation. This compliance schedule requires vehicles to have a minimum age before becoming eligible for some of the exemptions. Alternatively, SLG fleets can elect to permanently opt-into the ZEV Milestones Option (Cal. Code Regs., title 13, § 2013.6). The ZEV Milestones Option allows fleets to phase ZEVs into their fleets on a gradual schedule that provides fleets considerable flexibility to decide which vehicles to purchase as ZEVs or as internal combustion engine (ICE) vehicles provided the fleet meets specified ZEV percentages at key dates. This compli-

<sup>1</sup> On September 27, 2019, the U.S. Environmental Protection Agency (U.S. EPA), in conjunction with the National Highway Traffic Safety Agency (NHTSA), published “The Safer Affordable Fuel-Efficient (SAFE) Vehicles Rule Part One: One National Program” (SAFE 1), 84 Fed. Reg. 51310 (Sept. 27, 2019) in which it withdrew a portion of the waiver it had previously granted for California’s Advanced Clean Cars (ACC) program—specifically, for California’s zero emission vehicle (ZEV) mandate and the greenhouse gas (GHG) emission standards within California’s ACC program. In April 2022, U.S. EPA reconsidered its SAFE 1 action and rescinded its 2019 withdrawal of California’s waiver. 87 Fed. Reg. 14332 (March 14, 2022).

<sup>2</sup> Donald J. Trump, *Twitter* (Sep. 18, 2019 11:19:24 AM EST) (“The Trump Administration is revoking California’s Federal Waiver on emissions...”); Davenport, Coral, *A ‘Chilling Message’: Trump Critics See a Deeper Agenda in California Feud*, N.Y. TIMES (Oct. 3, 2019); Baertlein, Lisa & Shepardson, David, *California withdraws clean truck EPA waiver request ahead of Trump inauguration*, REUTERS (January 15, 2023); U.S. EPA Admin. Lee Zeldin, 00:06:21–00:06:43 (23 sec) *Statement at White House* (Feb. 13, 2025) (“Congress will have the opportunity through the Congressional Review Act to make that waiver go away.”); U.S. EPA, *Trump EPA to Transmit California Waivers to Congress in Accordance with Statutory Reporting Requirements*, February 14, 2025.

ance option allows for exemptions to be considered at any vehicle age.

Staff also are proposing to modify the derating factors for light-and-medium-duty hydrogen refueling infrastructure (LMD-HRI) crediting within the Low Carbon Fuel Standard (LCFS) regulation. Hydrogen refueling stations approved for hydrogen refueling infrastructure (HRI) crediting receive credits for their unused refueling capacity, in addition to credits generated for dispensing fuel to fuel cell electric vehicles (FCEV). Staff proposes to reduce the derating factor, such that LMD-HRI stations may receive HRI credits for the full nameplate capacity (up to 1,200 kilograms per day) for public stations, and 50% of the nameplate capacity for private stations. This change will provide stronger crediting support for hydrogen stations and more adequately supports development of stations that can accommodate the refueling demand of larger medium-duty hydrogen FCEV. The change will not increase the total HRI credits generated by the HRI program in aggregate, due to an existing cap on program-wide HRI crediting.

In addition, CARB may also consider other minor clarifying changes to the sections affected, or other sections within the scope of this Notice, during this rulemaking process.

**OBJECTIVES AND BENEFITS OF THE PROPOSED REGULATORY ACTION**

Pursuant to the directives of AB 1594, the proposed amendments to the ACF regulation provide additional flexibilities for public agency utilities to purchase replacements for traditional utility-specialized vehicles that are at the end of life when needed to maintain reliable service and respond to major foreseeable events. AB 1594 also directs CARB to amend the ACF regulation’s Daily Usage Exemption to allow a public agency utility to submit a comprehensive usage report for the same vehicle class and configuration of vehicles in their fleet when applying for a Daily Usage Exemption, and additionally requires CARB to define a “traditional utility-specialized vehicle” and to consult with public agency utilities to determine what criteria can be used to determine the end-of-life for traditional utility-specialized vehicles without regard to the model year of the vehicle being replaced.

The proposed action would also repeal the portions of the ACF regulation that would otherwise apply to private or federal fleets. Repealing those elements subsequent to CARB’s withdrawal of its waiver and authorization request provides greater certainty to entities that they are not required to demonstrate compliance with those requirements. The proposed repeal will allow CARB to refocus its efforts to achieve emission reductions in this sector in light of U.S. EPA’s

lack of final action and the current administration’s past and continued hostility to CARB’s emissions control program, and allow CARB to consider approaches that would better ensure its ability to retain elements of the ACF regulation and accordingly better preserve its emissions benefits.

Staff is also proposing additional clarifying amendments and requirements for fleets to include electric power takeoff (ePTO), which produces no criteria pollutant, precursor pollutant, or greenhouse gas exhaust emissions while the vehicle operates auxiliary equipment or accessories when they bid for replacement traditional utility-specialized vehicles under the early access provisions of AB 1594. The proposed LCFS amendments are intended to provide stronger LCFS crediting support for hydrogen stations and more adequately supports development of stations that can accommodate the refueling demand of larger medium-duty hydrogen fuel cell electric vehicles. The proposed amendments attempt to strike a balance between providing public agency utilities with the flexibility they request while continuing to make incremental progress towards reducing tailpipe emissions with the cleanest transportation technologies available.

**COMPARABLE FEDERAL REGULATIONS**

There is no federal regulation comparable to the ACF regulation, and there is no federal regulation comparable to these ACF amendments or requirements of AB 1594. There is no federal regulation comparable to the LCFS regulation.

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

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

**DISCLOSURE REGARDING THE PROPOSED REGULATION**

**Fiscal Impact/Local Mandate Determination Regarding the Proposed Action (Gov. Code, § 11346.5, subdivisions (a)(5)&(6)):**

The determinations of the Board’s Executive Officer concerning the costs or savings incurred by public agencies and private persons and businesses in reasonable compliance with the proposed regulatory action are presented below.

Under Government Code sections 11346.5, subdivision (a)(5) and 11346.5, subdivision (a)(6), the Executive Officer has determined that the proposed regu-

latory action would not create costs or savings to any State agency, would not create costs or savings in federal funding to the State, would create costs or mandates to any local agency or school district, whether or not reimbursable by the State under Government Code, title 2, division 4, part 7 (commencing with section 17500), and would create other nondiscretionary cost or savings to local agencies.

*Cost to any Local Agency or School District Requiring Reimbursement under Gov. Code section 17500 et seq.:*

Pursuant to Government Code sections 11346.5, subdivision (a)(5) and 11346.5, subdivision (a)(6) this regulatory action will result in a mandate that would create costs and cost-savings to local agencies, including special districts. However, these costs are not reimbursable by the State pursuant to Section 6 of Article XIII B of the California Constitution or Government Code, title 2, division 4, part 7 (commencing with section 17500), because this action neither compels local agencies to provide new governmental functions or to increase the actual level or quality of services that they already provide the public.<sup>3</sup> For the foregoing reasons, any costs incurred by local agencies to comply with this regulatory action are not reimbursable.<sup>4</sup>

*Cost or Savings for State Agencies*

State government agencies are not impacted by these proposed amendments.

*Other Non-Discretionary Costs or Savings on Local Agencies*

The proposed amendments would cost local governments \$31 million and save them \$14 million over the regulatory analysis period to 2029. The majority of these increased costs are associated with allowing a faster vehicle turnover which is a discretionary choice by public agency utilities.

*Cost or Savings in Federal Funding to the State*

The proposed regulation is not expected to impose any costs nor savings in federal funding to the State.

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

The Executive Officer has also made the initial determination that the proposed regulatory action will not have a significant effect on housing costs.

<sup>3</sup> County of Los Angeles v. State of California, (1987) 43 Cal.3d. 46, 57–58; San Diego Unified School Dist. v. Commission on State Mandates (2004) 33 Cal.4th 859, 877.

<sup>4</sup> County of Los Angeles v. State of California, 43 Cal.3d. 46, 57–58.

**Significant Statewide Adverse Economic Impact Directly Affecting Business, Including Ability to Compete (Gov. Code, §§ 11346.3, subdivision (a), 11346.5, subdivision (a)(7), 11346.5, subdivision (a)(8)):**

The Executive Officer 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.

RESULTS OF THE ECONOMIC IMPACT ANALYSIS/ASSESSMENT (GOV. CODE, § 11346.5, SUBDIVISION (A)(10))

**Non-Major Regulation: Statement of the Results of the Economic Impact Assessment (EIA):**

*The Creation or Elimination of Jobs Within the State of California*

The proposed amendments change the criteria for approving exemptions for traditional utility-specialized vehicles used in public agency utility fleets, and do not directly create or eliminate jobs. The proposed amendments allow public agency utilities to receive exemptions from the ZEV purchase requirements earlier than under the baseline, which would result in higher direct costs at the public agency utility’s discretion associated with purchasing an ICE vehicle earlier. These direct costs on public agency utilities will need to be covered by available funding sources, such as incentives, or revenue increases, such that the level of services and hence jobs are not affected. Changes in spending across the economy are expected to indirectly lead to corresponding increases and decreases in jobs for industries seeing changes in traditional utility-specialized vehicle sales. To the extent public agency utility fleet costs are recouped through user rates, this may shift consumer and business spending patterns, affecting jobs in those impacted industries.

*The Creation of New Business or the Elimination of Existing Businesses Within the State of California*

The proposed amendments apply to public agency utility fleets and will not directly create or eliminate businesses in California. Indirect changes in spending patterns in the economy will increase or decrease sales in different industries. There is the potential for industries to have increased sales and business creation, while industries realizing decreased sales could have businesses eliminated.

*The Expansion of Businesses Currently Doing Business Within the State of California*

The proposed amendments apply to public utility fleets and will not directly expand businesses in

California. As discussed above, indirect changes in spending patterns in the economy will increase sales in specific industries. Businesses in industries with increased sales may have an opportunity for expansion. *The benefits of the regulation to the health and welfare of California residents, worker safety, and the state's environment*

The proposed amendments are expected to benefit the health and welfare of California's residents and the state's environment by reducing exhaust emissions from traditional utility-specialized vehicles to the maximum extent feasible while meeting the requirements of AB 1594.

*Effect on Jobs/Businesses*

The Executive Officer has determined that the proposed regulatory action would not have a significant effect on the creation or elimination of jobs within the State of California, the creation of new businesses or elimination of existing businesses within the State of California, or the expansion of businesses currently doing business within the State of California. A detailed assessment of the economic impacts of the proposed regulatory action can be found in the Economic Impact Analysis in the Initial Statement of Reasons (ISOR).

*Benefits of the Proposed Regulation*

The proposed regulatory action will have minor emission reductions compared to the existing regulation after accounting for the section 100 changes already made to implement some of the changes required by AB 1594 and will have minor health benefits while providing additional flexibilities in targeted areas for Public Agency Utilities.

A summary of these benefits is provided. Please refer to "Objectives and Benefits," under the Informative Digest of Proposed Action and Policy Statement Overview, pursuant to Government Code section 11346.5, subdivision (a)(3), discussion.

**Business Report (Gov. Code, §§ 11346.5, subdivision (a)(11); 11346.3, subdivision (d)):**

In accordance with Government Code sections 11346.5, subdivisions (a)(11) and 11346.3, subdivision (d), the Executive Officer 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.

**Cost Impacts on Representative Private Persons or Businesses (Gov. Code, § 11346.5, subdivision (a)(9)):**

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

**Effect on Small Business (Cal. Code Regs., title 1, § 4, subdivisions (a) and (b)):**

The Executive Officer has also determined under California Code of Regulations, title 1, section 4, that the proposed regulatory action would not directly affect small businesses because these are minor changes to the ACF and LCFS regulations.

CONSIDERATION OF ALTERNATIVES  
(GOV. CODE, § 11346.5,  
SUBDIVISION (A)(13))

Before taking final action on the proposed regulatory action, the Board must determine that no reasonable alternative considered by the Board, 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, 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. As explained in the Evaluation of Regulatory Alternatives chapter of the ISOR, the proposed regulations are the most effective and least burdensome means of implementing the requirements of AB 1594.

STATE IMPLEMENTATION  
PLAN REVISION

If adopted, CARB plans to submit the proposed regulatory action to the United States Environmental Protection Agency (U.S. EPA) for approval as a revision to the California State Implementation Plan (SIP) required by the federal Clean Air Act (CAA). The adopted regulatory action would be submitted as a SIP revision because it amends regulations intended to reduce emissions of air pollutants in order to attain and maintain the National Ambient Air Quality Standards promulgated by the U.S. EPA pursuant to the CAA.

ENVIRONMENTAL ANALYSIS

CARB, as the lead agency for the proposed amendments, has concluded that this action is exempt from CEQA, as described in Pub. Resources Code § 21080(b)(4), and it is also exempt as described in CEQA Guidelines §§ 15061(b)(3), 15301, 15307, 15308, and 15311. Even if this action did not qualify for the CEQA exemptions discussed above, the proposed action does not present any of the circumstances requiring further environmental review because there are no changes that involve new significant environmental effects, or a substantial increase in severity of previously identified significant effects, or any other circumstanc-

es requiring further environmental review beyond the Final ACF EA certified in April 2023 and the Final LCFS EIA certified in November 2024. A detailed explanation of the basis for reaching this conclusion is included in Chapter VII of the ISOR.

#### SPECIAL ACCOMMODATION REQUEST

Consistent with California Government Code section 7296.2, special accommodation or language needs may be provided for any of the following:

- An interpreter to be available at the hearing;
- Documents made available in an alternate format or another language; and,
- A disability–related reasonable accommodation.

To request these special accommodations or language needs, please contact the Clerks’ Office at [cotb@arb.ca.gov](mailto:cotb@arb.ca.gov) or (916) 322–5594 as soon as possible, but no later than ten business days before the scheduled Board hearing. TTY/TDD/Speech to Speech users may dial 711 for the California Relay Service.

Consecuente con la sección 7296.2 del Código de Gobierno de California, una acomodación especial o necesidades lingüísticas pueden ser suministradas para cualquiera de los siguientes:

- Un intérprete que esté disponible en la audiencia;
- Documentos disponibles en un formato alterno u otro idioma; y,
- Una acomodación razonable relacionados con una incapacidad.

Para solicitar estas comodidades especiales o necesidades de otro idioma, por favor llame a la oficina del Consejo al [cotb@arb.ca.gov](mailto:cotb@arb.ca.gov) o (916) 322–5594 lo más pronto posible, pero no menos de 10 días de trabajo antes del día programado para la audiencia del Consejo. TTY/TDD/Personas que necesiten este servicio pueden marcar el 711 para el Servicio de Retransmisión de Mensajes de California.

#### AGENCY CONTACT PERSONS

Inquiries concerning the substance of the proposed regulatory action may be directed to the agency representative Paul Arneja, Manager, In–Use Control Measures Section, at (279) 208–7342 or (designated back up contact) Molly Munz, Air Pollution Specialist, at (279) 208–7179.

#### AVAILABILITY OF DOCUMENTS

CARB staff has prepared a Staff Report: Initial Statement of Reasons (ISOR) for the proposed regulatory action, which includes a summary of the economic and environmental impacts of the proposal. The report is entitled: “Public Hearing to Consider the Proposed Amendments to Advanced Clean Fleets and

Low Carbon Fuel Standard Regulation, Staff Report: Initial Statement of Reasons.”

Copies of the ISOR and the full text of the proposed regulatory language, in underline and strikeout format to allow for comparison with the existing regulations, may be accessed on CARB’s website listed below, on July 29, 2025. Please contact Roberta Ruch, Regulations Coordinator, at [Regulations@arb.ca.gov](mailto:Regulations@arb.ca.gov), if you need physical copies of the documents. Pursuant to Government Code section 11346.5, subdivision (b), upon request to the aforementioned Regulations Coordinator, physical copies would be obtained from the Public Information Office, California Air Resources Board, 1001 I Street, Visitors and Environmental Services Center, First Floor, Sacramento, California, 95814.

Further, the agency representative to whom nonsubstantive inquiries concerning the proposed administrative action may be directed to [Regulations@arb.ca.gov](mailto:Regulations@arb.ca.gov). The Board staff 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.

#### HEARING PROCEDURES

The public hearing will be conducted in accordance with the California Administrative Procedure Act, Government Code, title 2, division 3, part 1, chapter 3.5 (commencing with section 11340).

Following the public hearing, the Board may take action to approve for adoption the regulatory language as originally proposed, or with non–substantial or grammatical modifications. The Board may also approve for adoption of the proposed regulatory language with other modifications if the text as modified is sufficiently related to the originally proposed text that the public was adequately placed on notice and that the regulatory language as modified could result from the proposed regulatory action. If this occurs, the full regulatory text, with the modifications clearly indicated, will be made available to the public, for written comment, at least 15 days before final adoption.

The public may request a copy of the modified regulatory text from CARB’s Public Information Office, Air Resources Board, 1001 I Street, Visitors and Environmental Services Center, First Floor, Sacramento, California, 95814.

#### FINAL STATEMENT OF REASONS AVAILABILITY

Upon its completion, the Final Statement of Reasons (FSOR) will be available, and copies may be requested

from the agency contact persons in this Notice or may be accessed on CARB's website listed below.

#### INTERNET ACCESS

This Notice, the ISOR, and all subsequent regulatory documents, including the FSOR, when completed, are available on CARB's website for this rulemaking at <https://ww2.arb.ca.gov/rulemaking/2025/acfab1594>

### TITLE 14. DEPARTMENT OF CONSERVATION

#### FRAMEWORK FOR IMPLEMENTING THE RESTRICTIONS AND REQUIREMENTS WITHIN A HEALTH PROTECTION ZONE

**NOTICE IS HEREBY GIVEN** that the California Department of Conservation (Department) proposes to adopt the regulations described below after considering all comments, objections, and recommendations regarding the proposed action.

#### WRITTEN COMMENT PERIOD AND PUBLIC COMMENT HEARING

Any person, or his or her authorized representative, may submit written statements, arguments, or comments related to the proposed regulatory action to the Department.

Comments may be submitted by email to:

[CalGEMRegulations@conservation.ca.gov](mailto:CalGEMRegulations@conservation.ca.gov)

Or by mail to:

Department of Conservation  
715 P Street, MS 1907  
Sacramento, CA 95814  
Attn: SB 1137 First Implementation Regulations

**The written comment period closes at 11:59 p.m. on September 18, 2025.** The Department will only consider comments received by the Department by that time.

#### PUBLIC HEARING

The Department will hold a public hearing on September 17, 2025, from 9 a.m. to 12 p.m..

Attendees may participate via Zoom online meeting platform or telephone conferencing. Register for the public hearing on zoom by clicking [https://us06web.zoom.us/webinar/register/WN\\_JJaTjfPLRvnrWaryi45c9g](https://us06web.zoom.us/webinar/register/WN_JJaTjfPLRvnrWaryi45c9g).

Or join by telephone:

English — 877-336-1831 Code 148676

Español — 888-455-1820 Código 7315269

For those who wish to attend the hearing in person, including those who require reasonable accommodation, seating will be available in rooms 2-302A and 2-302B on the 2<sup>nd</sup> floor of the Natural Resources Headquarters Building at 715 P Street, Sacramento, CA 95814.

Participants will be given instructions on how to provide oral comments once they have accessed the hearing. The hearing will proceed on the date noted above until all testimony is submitted or until 12 p.m., whichever is later. At the hearing, any person may present oral or written statements or arguments relevant to the proposed rulemaking action described in the Informative Digest, the proposed regulatory text, or any rulemaking procedures.

#### ACCESSIBILITY

If you have a disability and require a reasonable accommodation to fully participate in this event, please contact Sarah Rubin, Outreach and Engagement Coordinator as soon as possible to discuss your accessibility needs. Email: [Sarah.Rubin@conservation.ca.gov](mailto:Sarah.Rubin@conservation.ca.gov) | PH: (916) 214-5731

[English]

Translation and interpretation services may be provided upon request. To ensure availability of these services, please make your request no later than 10 working days prior to the event by contacting Sarah Rubin, Outreach and Engagement Coordinator. Email: [Sarah.Rubin@conservation.ca.gov](mailto:Sarah.Rubin@conservation.ca.gov) | PH: (916) 214-5731

[Spanish]

Se podrán proporcionar servicios de traducción e interpretación a petición previa. Para poder garantizar la disponibilidad de estos servicios, asegúrese de realizar su solicitud a más tardar diez días hábiles antes de la reunión comunicándose con Sarah Rubin, Coordinadora de Alcance y Participación.

Correo electrónico: [Sarah.Rubin@conservation.ca.gov](mailto:Sarah.Rubin@conservation.ca.gov) | Telephone: (916) 214-5731

#### AUTHORITY AND REFERENCE

Pursuant to the authority vested by California Public Resources Code (PRC) sections 3013, 3106, and 3270, and to implement, interpret, or make specific sections 3011, 3106, 3203, 3270, 3280, 3281, 3281.5, 3284, and 3285 of the PRC, the Department proposes to add sections 1765 through 1765.10 within the California Code of Regulations, title 14, division 2, chapter 4, subchapter 2, article 2.5.

INFORMATIVE DIGEST/  
POLICY STATEMENT**Existing Law**

The California Geologic Energy Management Division (Division), within the Department of Conservation, regulates the drilling, operation, maintenance, and plugging and abandonment of onshore and offshore oil and gas wells, and the operation, maintenance, and removal or abandonment of facilities attendant to oil and gas production throughout California. The Division carries out this regulatory mission under a legislative mandate to encourage the wise development of oil and gas resources, while preventing damage to life, health, property, and natural resources, including underground and surface waters suitable for domestic or irrigation purposes. (PRC, § 3106.) The Division's duties include the protection of public health and safety and environmental quality, including reduction and mitigation of greenhouse gas emissions associated with the development of hydrocarbon resources. (PRC, § 3011.) Written notice to and approval from the Division is required before any oil or gas well may be drilled, redrilled, deepened, plugged and abandoned, or subjected to any operations permanently altering the casing of the well. (PRC, § 3203.) The process for providing that notice to the Division is referred to as a "notice of intention." The Division is charged with adopting and implementing regulations prescribing minimum maintenance standards for equipment attendant to oil and gas production or "production facilities." (PRC, §§ 3010, 3270.)

In furtherance of these legislative mandates, the Division oversees and enforces compliance with numerous existing statutory and regulatory requirements regarding oil and gas operations in California. These include: requirements regarding the protection of underground and surface water, requirements for testing and monitoring to ensure the integrity of the well casing, requirements for cement used to secure the well casing inside the bore hole, requirements for the cement and equipment used to seal off the well from other hydrocarbon resources and groundwater resources, requirements for routinized reporting of information about production and injection volumes, and minimum maintenance requirements for oil and gas production facilities. Compliance with and enforcement of these requirements provides a first line of protection from potential damage caused by oil and gas production.

On September 16, 2022, Governor Gavin Newsom signed into law Senate Bill 1137 (Gonzalez, Chapter 365, Statutes of 2022) (SB 1137). SB 1137 complements and expands upon this existing regulatory framework for protecting the environment and public health by creating health protection zones within a 3,200-foot

area around "sensitive receptors," as defined in the bill. (PRC, § 3280.) SB 1137 sets forth a variety of new requirements related to health protection zones and to wells and production facilities based on their location relative to a health protection zone. The Division is no longer authorized to approve a notice of intention for any well with a wellhead (i.e., a surface location) situated within a health protection zone, unless a specific exception applies. (PRC, §§ 3281, 3281.5.) Further, when performing work authorized by an approved notice of intention on a well located within a health protection zone, operators are required to offer sampling and testing of water wells and surface water to nearby property owners and tenants, and to provide related notices and information to certain state agencies. (PRC, § 3284.) Construction and operation of new production facilities within a health protection zone is also prohibited unless a specific exception applies. (PRC, § 3280, subdivision (b).) Additionally, all operators of oil and gas wells in California are required to provide the Division with an annual submission that describes the proximity of their wells and production facilities to sensitive receptors. (PRC, § 3285.) Additional restrictions and requirements under SB 1137 become effective in 2026 or 2030 and are outside the scope of this rulemaking action. (PRC, § 3282, 3283.)

Shortly after SB 1137 was signed into law in 2022, the Division promulgated emergency regulations implementing core provisions of the legislation. In February 2023, a referendum advanced by opponents of SB 1137 qualified for the November 2024 ballot, staying the effect of both the SB 1137 legislation and the Division's emergency implementing regulations. However, the referendum proponents withdrew the measure in June 2024, and SB 1137 immediately resumed effect.

The Division's emergency regulations, which include California Code of Regulations, title 14 (CCR), sections 1765 to 1765.10, also immediately resumed effect, and per PRC section 3288, remain in effect until July 1, 2026.

**Objectives and Benefits of the Proposed Regulations**

The proposed regulations are intended to permanently replace the emergency regulations. The proposed regulations provide a framework for implementing the restrictions and requirements that apply within a health protection zone as outlined in SB 1137. These proposed regulations provide additional specificity on the statutory definitions for "sensitive receptor" and "health protection zone." They provide a mechanism for measuring distances and additional requirements for operator-submitted notices of intention. The regulations also provide for operator notification to sample and test surface and groundwater before drilling, and outline required notices for new production facilities. They provide guidance for the submission of sensitive receptor inventories and maps, and what must be

submitted to demonstrate that a well or facility is not within a health protection zone.

This rulemaking does not cover all of SB 1137's provisions, but rather focuses on PRC sections 3280, 3281, 3281.5, 3284, and 3285. In summary, PRC section 3280 provides definitions, including the meaning of "sensitive receptor"; PRC section 3281 prohibits approval of notices of intention within a health protection zone except in limited circumstances; PRC section 3281.5 covers development for nonfossil fuel production and injection and related uses; PRC section 3284 requires, if requested by a property owner or tenant, the operator to conduct water sampling and testing prior to and after drilling operations within a health protection zone; and for wellheads and production facilities within a health protection zone, PRC section 3285 requires the submission of a sensitive receptor inventory and map. For other wellheads and production facilities, section 3285 requires a statement as to whether they are within a health protection zone.

These proposed regulations implement statutory provisions and have significant overlap with the Division's 2023 emergency regulations, but incorporate lessons learned since the implementation of SB 1137. These regulations focus on protecting sensitive receptors from harm by prohibiting well permits, and construction and operation of new production facilities, within health protection zones except where a statutory exception applies.

In general, this rulemaking action will facilitate implementation of the restriction and requirements that apply in a health protection zone under SB 1137 and will thereby further the Division's statutory mandates under PRC sections 3011, 3013, 3106, 3203, 3270, 3281, 3281.5, 3284 and 3285 to prevent damage to life, health, property, and natural resources, and to protect public health, public safety, and environmental quality, including the mitigation and reduction of greenhouse emissions associated with oil and gas development.

#### CONSISTENCY WITH COMPARABLE FEDERAL STATUTE AND REGULATION

The proposed regulations are an administrative framework for implementing specific and express requirements of SB 1137 and certain related statutes. The proposed regulations are not inconsistent or incompatible with federal statutes and regulations.

#### CONSISTENCY WITH EXISTING STATE REGULATIONS

The proposed regulations are an administrative framework for implementing specific and express requirements of SB 1137 and certain related statutes. No other state agency has existing regulations implement-

ing SB 1137. The proposed regulations are intended to dovetail with existing requirements implemented by other state agencies charged with regulatory functions related to natural resources, the environment, and public health, such as the State Water Resources Control Board and the regional water quality control boards. The proposed regulations are not inconsistent or incompatible with existing state regulations.

#### PLAIN ENGLISH REQUIREMENT

The Department prepared the proposed regulations pursuant to the standard of clarity provided in Government Code section 11349, subdivision (c), and the plain English requirements of Government Code sections 11342.580 and 11346.2, subdivision (a)(1). The proposed regulations are written in a manner to be easily understood by the persons that will use them.

#### LOCAL MANDATE

The Department has determined that the proposed action does not impose a mandate on local agencies or school districts.

#### COSTS TO LOCAL AGENCIES

This proposed action does not impose costs on any local agency or school district for which reimbursement would be required pursuant to Part 7 (commencing with section 17500) of Division 4 of the Government Code. This proposal does not impose other non-discretionary costs or savings on local agencies.

#### COST OR SAVINGS IN FEDERAL FUNDING

This proposal does not result in any costs or savings in federal funding to the state.

#### COST OR SAVINGS TO STATE AGENCIES

Implementation of the requirements of the proposed regulations would require the Division to incur additional staff hours for oversight of operator compliance. During the one-year implementation period, the Division will incur a total estimated expense of \$426,686 for additional requirements for a Notice of Intention, \$97,791 for required notice for new production facilities, and \$152,911 for determination that a location is not within a health protection zone. In subsequent years, the Division will incur the same annual recurring expense of \$677,388 from staff hours for the monitoring of the same requirements. With recent increases in staff associated with the current workload, the Division is confident that these additional costs can be absorbed within existing resources.

**EFFECT ON HOUSING COSTS**

The Department has determined that the proposed regulation will have no significant effect on housing costs.

**IMPACT ON SMALL BUSINESS**

The Department has determined that the proposed regulations will most likely not affect small businesses. Oil and gas production operations generally are not among the types of business activities categorized as a “small business” under the statutory definition applicable to this rulemaking determination. (See Gov. Code, § 11342.610; Cal. Code Regs., title 1, § 4.) That said, the proposed regulations will result in direct costs for oil and gas operators, which is discussed in the Economic Impact Analysis for this rulemaking action.

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

As discussed in the Economic Impact Analysis, with compliance with the statutory requirements of SB 1137 as the baseline, the proposed regulations will result in the following additional direct costs to representative private persons or businesses:

- The proposed regulations specify additional information oil and gas operators must submit with a notice of intention to demonstrate compliance with statutory requirements.
- The proposed regulations establish requirement for oil and gas operators to provide notice of new production facilities to demonstrate compliance with statutory requirements.
- The proposed regulations specify information oil and gas operators must submit to demonstrate whether a location is within a health protection zone.

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

Based on its Economic Impact Analysis for this rulemaking action, the Department determined:

- The proposed regulations will not affect the creation or elimination of jobs within the State of California.
- The proposed regulations will not affect the creation of new businesses or the elimination of existing businesses within the State of California.
- The proposed regulations will not affect the expansion of businesses within California.

- As stated earlier, the implementation of the restriction and requirements that apply in a health protection zone will protect public health, safety, and environmental quality. Therefore, the proposed regulations will benefit the health and welfare of California residents, worker safety, and the state’s environment.

**NO SIGNIFICANT STATEWIDE ADVERSE ECONOMIC IMPACT**

As discussed in the Economic Impact Analysis, the Department has determined that the proposed regulations will not have a significant statewide adverse economic impact directly affecting business, including the ability of businesses within California to compete with businesses in other states.

**BUSINESS REPORTING REQUIREMENT**

These regulations will implement the requirements under PRC sections 3281, 3284, and 3285 for the submission of information to the Department by businesses that own or operate oil and gas wells and production facilities. The Department finds that it is necessary for the health, safety, or welfare of the people of this state that the submission of information required by these regulations applies to the affected businesses.

**CONSIDERATION OF ALTERNATIVES**

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 the attention of the Department that would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provision of law. The Department invites interested persons to present statements or arguments with respect to alternatives to the proposed regulations during the written comment period or at any hearing scheduled to take statements or arguments that are relevant to the proposed action.

**CONTACT PERSONS**

Inquiries concerning the proposed administrative action may be directed to:

Department of Conservation  
715 P Street, MS 1907  
Sacramento CA 95814  
Attn: SB 1137 First Implementation Regulations

AVAILABILITY OF DOCUMENTS  
ON THE INTERNET

Christine Hansen  
Regulations Manager  
[Christine.Hansen@conservation.ca.gov](mailto:Christine.Hansen@conservation.ca.gov)  
Phone: 916-208-4190

Katherine Litzky  
Assistant Director of the Office of Legislative &  
Regulatory Affairs  
[Katherine.Litzky@conservation.ca.gov](mailto:Katherine.Litzky@conservation.ca.gov)  
Phone: 916-201-1084

The Department has made available the express terms of the regulations, the Initial Statement of Reasons, and all the information upon which the proposal is based (the rulemaking record). Copies of these documents are available on the Department website at: <https://www.conservation.ca.gov/index/Pages/rulemaking.aspx> and via email from the contact persons listed above.

AVAILABILITY OF CHANGED OR  
MODIFIED TEXT

The Department will consider all timely and relevant comments received during the written comment period and at the public hearings above. Thereafter, the Department may adopt the proposed regulations in substantially the same form as described in this Notice.

If the Department makes any modifications to the text of the proposed regulations that are substantial, but sufficiently related to the original proposed text as described in this Notice, the Department will make the modified text (with changes clearly indicated) available to the public for at least 15 days before adopting the proposed regulations as modified. The Department will accept written comments regarding modified regulations for 15 days after the date upon which they are made available to the public. Please send requests for copies of any modified regulations via email or mail to the persons identified as contact persons in this notice.

AVAILABILITY OF THE FINAL  
STATEMENT OF REASONS

Upon its completion, copies of the Final Statement of Reasons may be obtained by sending an inquiry to one of the contact persons listed above. The Final Statement of Reasons will also be available on the Department website at: <https://www.conservation.ca.gov/index/Pages/rulemaking.aspx>.

Copies of this Notice of Proposed Action, the Initial Statement of Reasons, and the text of the regulations in underline and strikeout can be accessed through the Department's website at: <https://www.conservation.ca.gov/index/Pages/rulemaking.aspx>. If you have any questions regarding the process of this proposed action, please contact the Department of Conservation by email at: [CalGEMRegulations@conservation.ca.gov](mailto:CalGEMRegulations@conservation.ca.gov).

**TITLE 14. FISH AND  
GAME COMMISSION**

**NOTICE IS HEREBY GIVEN** that the Fish and Game Commission (Commission), pursuant to the authority vested by Sections **200, 205, 265, 270, and 275** of the Fish and Game Code and to implement, interpret or make specific Sections **110, 200, 205, and 265** of said Code, proposes to **amend** Sections 5.75 and 27.85, Title 14, California Code of Regulations, relating to **recreational striped bass harvest size limits**.

INFORMATIVE DIGEST/POLICY  
STATEMENT OVERVIEW

Currently, any striped bass 18 inches or greater may be harvested within anadromous and marine waters north of Point Conception with a daily bag limit of two fish. The proposed regulation change would impose a slot limit within these waters whereby only striped bass from 18 to 30 inches total length would be available for harvest in the sport fishery, with no proposed change to the bag limit or season.

Striped bass are native to the East and Gulf Coasts of North America, and were introduced to San Francisco Bay in 1879. A commercial fishery was established in the San Francisco Bay area by the late 1880s but closed in 1935. Prior to 1956, fishing regulations generally included a 12-inch minimum length limit (MLL) and a five fish daily bag limit. From 1956-1981 the MLL increased to 16 inches with a daily bag limit reduction to three fish. In response to declines in legal-size striped bass in the 1970's and at the request of anglers, the California legislature established a Striped Bass Management program in 1981, which included stocking striped bass in California rivers using private and state-run hatcheries. In the same year, striped bass regulations were further restricted to an 18-inch MLL and a daily bag limit of two fish, which remain in effect today. The Striped Bass Management Plan was ended in 2004 due to increases in the striped bass population and concern over the impact of striped bass predation on native fish species. In

2020, the Fish and Game Commission committed to sustain striped bass populations in support of a recreational fishery.

The Nor-Cal Guides and Sportsmen’s Association (NCGASA) submitted a regulation change proposal to the Fish and Game Commission on August 1, 2022 (Tracking number [TN] 2022–12). The proposal was to change the MLL from 18 inches to 20 inches and impose a maximum size of 30 inches. The stated goals were:

- To protect the species by increasing the minimum length to allow more fish to mature and successfully spawn prior to harvest and,
- To protect the larger fish that tend to be the best spawners and are becoming increasingly rare in the fishery.

The Department developed a report, California Department of Fish and Wildlife Evaluation of Nor-Cal Guides and Sportsmen’s Association (NCGASA) Proposed 20–30 Inch Harvest Slot Limit (HSL) for Striped Bass. On September 12, 2024, the Department provided the Wildlife Resources Committee with a presentation of the report’s findings. The Department supported an 18–30–inch HSL because it would benefit anglers by creating a trophy fishery and increasing total catch.

The Department is proposing changes to the following regulations in Title 14, CCR:

- Amend Section 5.85 Striped Bass, subsection (c).
  - Add the maximum harvest size limit of 30 inches.
  - Add reference to the section defining anadromous waters.
  - Amend text to replace references to “minimum size limit” with “harvest size limit”.
- Add Section 5.85 Striped Bass, subsection (d)(2).
  - Add section that specifies that in non anadromous waters not mentioned in 5.75(d)(1), a minimum size of 18 inches total length and a harvest bag limit of 2 applies.
- Amend Section 27.85 Striped Bass, subsection (c).
  - Add the maximum harvest size limit of 30 inches.

Amend text to replace references to “minimum size limit” with “harvest size limit”.

#### BENEFITS OF THE REGULATIONS

As stated in Fish and Game Code Section 1700, Conservation of Aquatic Resources, it is the policy of this state to encourage the conservation, maintenance, and utilization of the living resources of the ocean and other waters under the jurisdiction and influence of the

state for the benefit of all the citizens of the state and to promote the development of local fisheries and distant water fisheries based in California in harmony with international law, respecting fishing and the conservation of the living resources of the ocean and other waters under the jurisdiction and influence of the state. The objectives of this policy include, but are not limited to, the maintenance of sufficient populations of all species of aquatic organisms to ensure their continued existence, and the maintenance of a sufficient resource to support a reasonable sport use. Adoption of scientifically based harvest size limits, and bag and possession limits provide for the maintenance of sufficient sport fish populations to ensure their continued existence.

The benefits of the proposed regulations are consistent with the sustainable management of California’s sport fisheries, general health and welfare of California residents, and promotion of businesses that rely on sport fishing throughout California.

#### CONSISTENCY AND COMPATIBILITY WITH EXISTING REGULATIONS

Article IV, Section 20 of the State Constitution specifies that the Legislature may delegate to the Commission such powers related to the protection and propagation of fish and game as the Legislature sees fit. The Legislature has delegated authority to the Commission to promulgate recreational fishing regulations (Fish and Game Code sections 200 and 205). Commission staff has searched the California Code of Regulations and has found no other state regulations that address the recreational take of striped bass. The Commission has reviewed its own regulations and finds that the proposed regulations are consistent with other recreational fishing regulations in Title 14, CCR, and therefore finds that the proposed regulations are neither inconsistent nor incompatible with existing state regulation.

#### PUBLIC PARTICIPATION

##### Comments Submitted by Mail or Email

It is requested, but not required, that written comments be submitted on or before **5:00 p.m. on September 25, 2025** at the address given below, or by email to [FGC@fgc.ca.gov](mailto:FGC@fgc.ca.gov). Written comments mailed, or emailed to the Commission office, must be received before **12:00 noon on October 3, 2025**. If you would like copies of any modifications to this proposal, please include your name and mailing address. Mailed comments should be addressed to Fish and Game Commission, P.O. Box 944209, Sacramento, CA 94244–2090.

**Meetings**

**NOTICE IS GIVEN** that any person interested may present statements, orally or in writing, relevant to this action at a hearing to be held in the **California Natural Resources Building, Second Floor, 715 P Street, Sacramento, California**, which will commence at **8:00 a.m. on August 13, 2025**, and may continue at **8:00 a.m., on August 14, 2025**. The Commission will make a reasonable effort to allow for remote public participation through the Zoom video-conference platform. Instructions for participation in the webinar/teleconference hearing will be posted at [www.fgc.ca.gov](http://www.fgc.ca.gov) in advance of the meeting or may be obtained by calling 916–653–4899. Please refer to the Commission meeting agenda, which will be available at least 10 days prior to the meeting, for the most current information.

**NOTICE IS ALSO GIVEN** that any person interested may present statements, orally or in writing, relevant to this action at a hearing to be held in the **East End Complex Auditorium, 1500 Capitol Avenue, Sacramento, California**, which will commence at **8:00 a.m. on October 8, 2025** and may continue at **8:00 a.m., on October 9, 2025**. The Commission will make a reasonable effort to allow for remote public participation through the Zoom video-conference platform. Instructions for participation in the webinar/teleconference hearing will be posted at [www.fgc.ca.gov](http://www.fgc.ca.gov) in advance of the meeting or may be obtained by calling 916–653–4899. Please refer to the Commission meeting agenda, which will be available at least 10 days prior to the meeting, for the most current information.

**AVAILABILITY OF DOCUMENTS**

Copies of the Notice of Proposed Action, the Initial Statement of Reasons, and the text of the regulation in underline and strikeout format can be accessed through the Commission website at [www.fgc.ca.gov](http://www.fgc.ca.gov). The regulations as well as all related documents upon which the proposal is based (rulemaking file), are on file and available for public review from the agency representative, Melissa Miller–Henson, Executive Director, Fish and Game Commission, 715 P Street, Box 944209, Sacramento, California 94244–2090, phone (916) 653–4899. Please direct requests for the above–mentioned documents and inquiries concerning the regulatory process to Melissa Miller–Henson or **David Haug** at [FGC@fgc.ca.gov](mailto:FGC@fgc.ca.gov) or at the preceding address or phone number. **Erin Ferguson, Senior Environmental Scientist, Fisheries Branch, Department of Fish and Wildlife, stripedbass@wildlife.ca.gov**, has been designated to respond to questions on the substance of the proposed regulations.

**AVAILABILITY OF MODIFIED TEXT**

If the regulations adopted by the Commission differ from but are sufficiently related to the action proposed, they will be available to the public for at least 15 days prior to the date of adoption. Circumstances beyond the control of the Commission (e.g., timing of Federal regulation adoption, timing of resource data collection, timelines do not allow, etc.) or changes made to be responsive to public recommendation and comments during the regulatory process may preclude full compliance with the 15–day comment period, and the Commission will exercise its powers under Section 265 of the Fish and Game Code. Regulations adopted pursuant to this section are not subject to the time periods for adoption, amendment or repeal of regulations prescribed in sections 11343.4, 11346.4, 11346.8 and 11347.1 of the Government Code. Any person interested may obtain a copy of said regulations prior to the date of adoption by contacting the agency representative named herein.

If the regulatory proposal is adopted, the final statement of reasons may be obtained from the address above when it has been received from the agency program staff.

**IMPACT OF REGULATORY ACTION/  
RESULTS OF THE ECONOMIC  
IMPACT ASSESSMENT**

The potential for significant statewide adverse economic impacts that might result from the proposed regulatory action has been assessed, and the following initial determinations relative to the required statutory categories have been made:

- (a) Significant Statewide Adverse Economic Impact Directly Affecting Business, Including the Ability of California Businesses to Compete with Businesses in Other States:

The Commission does not anticipate any statewide adverse economic impacts that would directly affect businesses within the state or would affect their ability to compete with businesses in other states. The proposed changes provide clarification of existing regulations regarding the size limits for taking striped bass that are necessary for the continued preservation of the resource without changing fishing opportunities via changes to take limits and thus, the prevention of adverse economic impacts.

- (b) Impact on the Creation or Elimination of Jobs Within the State, the Creation of New Businesses or the Elimination of Existing Businesses, or the Expansion of Businesses in California; Benefits of the Regulation to the Health and Welfare of California Residents, Worker Safety, and the State’s Environment:

The Commission is not aware of any impacts from the proposed action that would affect the creation or elimination of jobs, creation or elimination of existing businesses, the expansion of businesses doing business within California, or any benefits to the health and welfare of California residents or to worker safety. The proposed action is not anticipated to change the level of fishing activity enough to affect the demand for goods and services related to striped bass sport-fishing enough to impact the demand for labor, nor induce the creation of new businesses, nor eliminate or induce the expansion of businesses in California. The adoption of scientifically based harvest size limits and bag and possession limits provide for the maintenance of sufficient sport fish populations to ensure their continued existence. The Commission believes Californians will benefit generally from stable populations of striped bass in California’s waters and the associated recreational outdoor opportunities and responsible management of environmental resources.

(c) **Cost Impacts on a Representative Private Person or Business:**

The Commission is not aware of any private sector cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action. The proposed changes do not change any fees or create new penalties to be fined and are not anticipated to change the level of fishing activity enough to affect the demand for goods and services related to the recreational sport fishing industry.

(d) **Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State:**

The Commission does not anticipate any costs or savings to state agencies as a result of the proposed regulations, nor does it anticipate costs or savings in Federal Funding to the State.

(e) **Nondiscretionary Costs/Savings to Local Agencies:**

None.

(f) **Programs Mandated on Local Agencies or School Districts:**

None.

(g) **Costs Imposed on any Local Agency or School District that is Required to be Reimbursed Under Part 7 (commencing with Section 17500) of Division 4, Government Code:**

None.

(h) **Effect on Housing Costs:**

None.

**EFFECT ON SMALL BUSINESS**

It has been determined that the adoption of these regulations may affect small business. The Commis-

sion has drafted the regulations in Plain English pursuant to Government Code Sections 11342.580 and 11346.2(a)(1).

**CONSIDERATION OF ALTERNATIVES**

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

**TITLE 14. FISH AND GAME COMMISSION**

**TAKE OF MORRO MANZANITA DURING CANDIDACY**

**NOTICE IS HEREBY GIVEN** that the Fish and Game Commission (Commission), pursuant to the authority vested by Section 2084 of the Fish and Game Code, interpret or make specific Section 2084 Fish and Game Code, proposes to add Section 749.14, Title 14, California Code of Regulations (CCR), relating to take of Morro manzanita during candidacy under the California Endangered Species Act (CESA).

**INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW**

Unless otherwise specified, all section references in this document are to Title 14, CCR.

On April 16, 2025, the Commission determined that listing Morro manzanita under CESA may be warranted pursuant to Section 2074.2, Fish and Game Code. Morro manzanita became a candidate species under CESA, effective upon publication of the notice of findings on May 16, 2025.

It was brought to the Commission’s attention that a project that has completed environmental review in San Luis Obispo County was compromised with the candidacy of Morro manzanita. The County of San Luis Obispo proposes to replace the South Bay Boulevard Bridge (Number 49C–0351) (“Project”) which spans Los Osos Creek so that it meets current seismic design standards and maintains safe, reliable service of a critical access corridor for the Los Osos and Morro Bay communities.

The proposed regulation adds Section 749.14 to Title 14, CCR aims to create a take allowance pursuant

to Section 2084, Fish and Game Code, allowing take of Morro manzanita during the CESA candidacy process for the described Project. The proposed addition of Section 749.14 represents the cumulation of the Department internal discussions with the County Public Works Department staff.

#### BENEFIT OF THE REGULATIONS

The creation of the Morro manzanita mitigation site will be a benefit to recovery by increasing the total area occupied by Morro manzanita within its range by 0.48 acre. The restoration and mitigation areas will be managed under the Habitat Mitigation and Monitoring Plan (HMMP) finalized in collaboration with the Service. Further, the County will be developing and documenting improved techniques for removal, storage, and reinstallation of Morro manzanita individuals. More knowledge about Morro manzanita preservation and propagation will be a valuable tool to offset future impacts to Morro manzanita throughout its range and support its recovery

#### CONSISTENCY AND COMPATIBILITY WITH EXISTING REGULATIONS

The proposed regulations are neither inconsistent nor incompatible with existing state regulations. Section 20, Article IV, of the state Constitution specifies that the Legislature may delegate to the Commission such powers relating to the protection and propagation of fish and wildlife as the Legislature sees fit. The Legislature has delegated to the Commission the power to adopt regulations governing the candidacy of species under CESA (California Fish and Game Code sections 2080 *et seq.*). No other state agency has the authority to adopt regulations governing exemption from the take prohibition of candidate species under CESA. The Commission has reviewed its own regulations and finds that the proposed regulations are neither inconsistent nor incompatible with existing state regulations. The Commission has searched the CCR for any regulations regarding the adoption of regulations for the exemption from the take prohibition from CESA; therefore, the Commission has concluded that the proposed regulations are neither inconsistent nor incompatible with existing state regulations.

#### PUBLIC PARTICIPATION

##### **Comments Submitted by Mail or Email**

It is requested, but not required, that written comments be submitted on or before **September 25, 2025** at the address given below, or by email to [FGC@fgc.ca.gov](mailto:FGC@fgc.ca.gov). Written comments mailed, or emailed to the Commission office, must be received

on **October 3, 2025**. If you would like copies of any modifications to this proposal, please include your name and mailing address. Mailed comments should be addressed to Fish and Game Commission, P.O. Box 944209, Sacramento, CA 94244–2090.

##### **Meetings**

**NOTICE IS GIVEN** that any person interested may present statements, orally or in writing, relevant to this action at a webinar/teleconference hearing originating in the California Natural Resources Building, second floor, 715, P Street, Sacramento, California, which will commence on **Wednesday, August 13, 2025**, and may continue on **Thursday, August 14, 2025**. This meeting will also include the opportunity to participate via webinar/teleconference. Instructions for participation in the webinar/teleconference hearing will be posted at [www.fgc.ca.gov](http://www.fgc.ca.gov) in advance of the meeting or may be obtained by calling 916–653–4899. Please refer to the Commission meeting agenda, which will be available at least 10 days prior to the meeting, for the most current information.

**NOTICE IS ALSO GIVEN** that any person interested may present statements, orally or in writing, relevant to this action at a hearing to be held at the East End Complex Auditorium, 1500 Capitol Avenue, in Sacramento, California, which will commence on **Wednesday, October 8, 2025**, and may continue at on **Thursday, October 9, 2025**. This meeting will also include the opportunity to participate via webinar/teleconference. Instructions for participation in the webinar/teleconference hearing will be posted at [www.fgc.ca.gov](http://www.fgc.ca.gov) in advance of the meeting or may be obtained by calling 916–653–4899. Please refer to the Commission meeting agenda, which will be available at least 10 days prior to the meeting, for the most current information.

#### AVAILABILITY OF DOCUMENTS

Copies of the Notice of Proposed Action, the Initial Statement of Reasons, and the text of the regulation in underline and strikeout format can be accessed through the Commission website at [www.fgc.ca.gov](http://www.fgc.ca.gov). The regulations as well as all related documents upon which the proposal is based (rulemaking file), are on file and available for public review from the agency representative, Melissa Miller–Henson, Executive Director, Fish and Game Commission, 715 P Street, Box 944209, Sacramento, California 94244–2090, phone (916) 653–4899. Please direct requests for the above–mentioned documents and inquiries concerning the regulatory process to Melissa Miller–Henson or Jenn Bacon at [FGC@fgc.ca.gov](mailto:FGC@fgc.ca.gov) or at the preceding address or phone number. **Kristi Lazar, Native Plant Coordinator, Department of Fish and Wildlife, has been designated to respond to questions on the sub-**

stance of the proposed regulations. Ms. Lazar can be reached at [NativePlants@wildlife.ca.gov](mailto:NativePlants@wildlife.ca.gov).

AVAILABILITY OF MODIFIED TEXT

If the regulations adopted by the Commission differ from but are sufficiently related to the action proposed, they will be available to the public for at least 15 days prior to the date of adoption. Any person interested may obtain a copy of said regulations prior to the date of adoption by contacting the agency representative named herein.

If the regulatory proposal is adopted, the final statement of reasons may be obtained from the address above when it has been received from the agency program staff.

IMPACT OF REGULATORY ACTION/  
RESULTS OF THE ECONOMIC  
IMPACT ASSESSMENT

The potential for significant statewide adverse economic impacts that might result from the proposed regulatory action has been assessed, and the following initial determinations relative to the required statutory categories have been made:

- (a) Significant Statewide Adverse Economic Impact Directly Affecting Business, Including the Ability of California Businesses to Compete with Businesses in Other States

The Commission does not anticipate any adverse economic impacts to businesses that would affect their ability to compete with businesses from other states as a result of these regulations to allow for the discretionary take of Morro manzanita. The proposed regulations impose no costs that would create an adverse economic impact.

- (b) Impact on the Creation or Elimination of Jobs Within the State, the Creation of New Businesses or the Elimination of Existing Businesses, or the Expansion of Businesses in California; Benefits of the Regulation to the Health and Welfare of California Residents, Worker Safety, and the State's Environment

The Commission does not anticipate any impacts from the proposed regulation that would affect the creation or elimination of jobs within the state, the creation or elimination of businesses within the state, or the expansion of businesses within the state as a result of these regulations to allow for the discretionary take of Morro manzanita.

The proposed regulation will benefit the health and welfare of California residents and the state's environment. Allowing the take of Morro manzanita during the candidacy period and during implementation of the South Bay Boulevard Bridge Replacement Project

will enable the project to move forward without delay. The regulations are not expected to affect worker safety.

- (c) Cost Impacts on a Representative Private Person or Business

The Commission is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action. There are no anticipated costs or reporting requirements imposed by the allowance for discretionary take that would affect a private person or business.

- (d) Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State

The Commission does not anticipate any costs or savings to state agencies or any costs or savings in Federal Funding to the State as a result of these regulations to allow for the discretionary take of Morro manzanita. There are no anticipated changes in enforcement activities for the Department or other state agencies that would increase costs, nor are there any fees that would increase revenue.

Failure to adopt, however, would force San Luis Obispo County to pursue taking Morro manzanita via the Incidental Take Permit (ITP) process. The approximately \$47,000 for the California Department of Fish and Wildlife (CDFW) ITP Application fee with Complexity Fee would cover most of the Department's costs for processing the permit application; however, this would still leave the Department with a deficit of approximately \$12,359.68 that would need to be absorbed in the existing budget.

- (e) Nondiscretionary Costs/Savings to Local Agencies

While the Commission does not anticipate any non-discretionary costs or savings to local agencies as a result of the proposed regulations, failure to adopt them could force the County to pursue taking Morro manzanita via the Incidental Take Permit (ITP) process, which is more costly and time consuming than the discretionary take approach proposed by these regulations. The ITP process would add costs of approximately \$5.342 million to the County's project and would delay the \$30 million infrastructure project to improve the seismic safety of the Morro Bay and Los Osos transportation corridor.

Additionally, County staff indicate that failing to adhere to the project's current timeline due to a delay would cost the project \$27 million in programmed Federal funding, as well as increase the costs of the project by approximately \$5.45 million. Combined total cost impact to the County from failing to adopt these regulations would be approximately \$10.792 million.

(f) Programs Mandated on Local Agencies or School Districts

None.

(g) Costs Imposed on any Local Agency or School District that is Required to be Reimbursed Under Part 7 (commencing with Section 17500) of Division 4, Government Code

None.

(h) Effect on Housing Costs

None.

#### EFFECT ON SMALL BUSINESS

It has been determined that the adoption of these regulations may affect small business. The Commission has drafted the regulations in Plain English pursuant to Government Code Sections 11342.580 and 11346.2(a)(1).

#### CONSIDERATION OF ALTERNATIVES

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

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

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

NOTICE IS HEREBY GIVEN that the *Sacramento–San Joaquin Delta Conservancy*, 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 August 1, 2025 and closing on September 15, 2025. All inquiries should be directed to the contact listed below.

The *Sacramento–San Joaquin Delta Conservancy* 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: The Sacramento–San Joaquin Delta Conservancy’s (Conservancy) Conflict of Interest Code, Appendix A and B. Appendix A, Designated Positions was updated, Designees and Senior Environmental Scientist (Supervisory) were added to the list, the classification Environmental Program Manager II in parentheses next to the Deputy Executive Officer position was removed because the classification was changed in 2022 and no longer needs to be identified, and the Staff Services Analyst position was removed. Conservancy does not have positions in this classification. Also made other technical changes.

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

Any interested person may submit written comments relating to the proposed amendment by submitting them no later than September 15, 2025, or at the conclusion of the public hearing, if requested, whichever comes later. At this time, no public hearing is scheduled. A person may request a hearing no later than September 1, 2025.

The *Sacramento–San Joaquin Delta Conservancy* 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: Brenda Lusk, Administration Manager, 916–634–3398, [Brenda.Lusk@deltaconservancy.ca.gov](mailto:Brenda.Lusk@deltaconservancy.ca.gov)

**GENERAL PUBLIC INTEREST**

**DEPARTMENT OF  
FISH AND WILDLIFE**

CONSISTENCY DETERMINATION  
REQUEST FOR MOFFETT CREEK  
RESTORATION PROJECT (TRACKING  
NUMBER: 1653–2025–168–001–R1)  
SISKIYOU COUNTY

California Department of Fish and Wildlife (CDFW) received a Request to Approve on July 21, 2025, that Frank Brinar proposes to carry out a habitat restoration or enhancement project pursuant to Fish and Game Code section 1653. The proposed project involves constructing approximately 30 beaver dam analogs. The proposed project will be carried out on Moffett Creek, located near the town of Gazelle, Siskiyou County, California.

On May 27, 2025, the North Coast Regional Water Quality Control Board (Regional Water Board) received a Notice of Intent (NOI) to comply with the terms of, and obtain coverage under, the General 401 Water Quality Certification Order for Small Habitat Restoration Projects (General 401 Order) for the Moffett Creek Restoration Project. The Regional Water Board determined that the Project, as described in the NOI, was categorically exempt from California Environmental Quality Act (CEQA) review (section 15333 — Small Habitat Restoration Projects) and met the eligibility requirements for coverage under the General 401 Order. The Regional Water Board issued a Notice of Applicability (WDID Number 1A25065WNSI) for coverage under the General 401 Order on 6/2/2025.

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

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

**RULEMAKING  
PETITIONS DECISION**

**DEPARTMENT OF  
CORRECTIONS AND  
REHABILITATION**

NOTICE OF DECISION ON  
RECONSIDERATION OF PETITION TO  
AMEND REGULATIONS PURSUANT TO  
GOVERNMENT CODE 11340.6, 11340.7

**Petitioner**

Ms. Diane Artea, [dianeartea@gmail.com](mailto:dianeartea@gmail.com), re; Angel Orona, #BZ3481.

**Department Contact Person**

Please direct any inquiries regarding this action to Ying Sun, Associate Director, Regulation and Policy Management Branch, Department of Corrections and Rehabilitation, P.O. Box 942883, Sacramento, CA 94283–0001.

**Availability of Petition**

The petition to amend regulations is available upon request directed to the Department’s contact person.

**Authority**

Penal Code Sections: 5054 and 5058.

**Provisions of California Code of Regulations Affected:**

Title 15, Crime Prevention and Corrections.  
Division 3, Adult Institutions, Programs and Parole.

**Summary of Reconsideration of Petition and Department Decision:**

*Subsection 3375*

**Petitioner’s Reconsideration Request:** Modification of the California Department of Corrections and Rehabilitation’s (CDCR) Classification Scoring System.

**Reason for Reconsideration Request:** On May 29, 2025, the petitioner requested the CDCR Classification Scoring System be modified such that there is: “Case–by–case scoring of returning individuals based on behavior, time since last term, support systems, and programming interest; Exclusion of automatic point penalties for new CDCR numbers if the prior term was served without serious violations; Pilot criteria for returning offenders to qualify for immediate Level 2 or 1 placement upon review.” On June 12, 2025, CDCR responded to the petitioner. The petition was denied, noting that several of the points mentioned in the request are consistent with the current CDCR policy with respect to classification of incarcerated indi-

viduals. On June 17, 2025, petitioner submitted a response to the CDCR response, informing CDCR that she disagreed with CDCR’s denial of her petition, and opined that the CDCR classification system, “...discourages [an incarcerated person’s] growth, program participation, and long-term transformation...”, and again requested that CDCR reconsider its position/reopen the discussion.

**Department’s Reconsideration Response:** Ms. Artea’s request is again denied. Within her June 17, 2025, response to CDCR, she asserts that if, “...someone returns after years outside, without new violations, and with clear signs of change or community support, they deserve a fair, case-by-case review—not automatic high-point scoring.” Note that if an individual is returned to CDCR after having committed an offense after having been released on parole, there has in fact been a new violation. Moreover, whether or not an individual that has created harm in the community of sufficient level to warrant return to CDCR has what Ms. Artea refers to as, “...community support...”, perhaps speaks to the absence, ineffectiveness, or lack of efficacy of that asserted support—individuals that adopt a pro-social method of thinking and behavior upon release from CDCR are not returned to CDCR without just cause/ adjudication by a competent court of the new crime that was committed. Note as well that much like the courts, CDCR applies the classification scoring system fairly and on an individual, case by case basis—just as Ms. Artea requests to be done.

As was previously articulated to Ms. Artea, CDCR’s mission is to protect the public by safely and securely supervising adult and juvenile people, to promote effective rehabilitation and treatment, and to successfully reintegrate incarcerated people into the community. As part of that mission, upon reception into CDCR, each incarcerated individual undergoes a process of classification designed to help ensure that each person’s rehabilitative needs are met and optimized for success and a high standard of care is maintained with respect to the safety of the public, staff, and other individuals housed within CDCR.

Per Title 15, Section 3375 (a): “The classification process shall be uniformly applied, commencing upon reception of a person committed to the custody of the Secretary and shall continue throughout the time the individual remains under the Secretary’s jurisdiction. Each incarcerated person shall be individually classified in accordance with this article.” See also Title 15, Section 3375.5, whereby various case factors and items such as favorable behavior since last review or unfavorable behavior since last review are given due consideration. Note as well that CDCR offers many rehabilitative and educational opportunities at all institutional levels and all efforts are directed toward helping to ensure that each individual is correctly classi-

fied, safely housed, and the time taken to complete the classification process is kept to the minimum amount of time required to accurately process each case. Since the existing policy is consistent with Ms. Artea’s request, a pilot program would not be necessary.

The intent of CDCR’s classification system policy is to establish and maintain a process which promotes safety within the prison, attempts to meet each individual’s criminogenic and rehabilitative needs, helps to maintain meaningful family and community connections, and helps to prepare each individual for successful reintegration and release back to the community.

**SUMMARY OF  
REGULATORY ACTIONS**

**REGULATIONS FILED WITH THE  
SECRETARY OF STATE**

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

California Pollution Control Financing Authority  
File # 2025–0603–04

California Pollution Control Financing Authority Fee  
Schedule

This action makes permanent regulations that reduce and eliminate certain fees related to the Small Business Assistance Fund.

Title 04  
Amend: 8034, 8035  
Filed 07/16/2025  
Effective 07/16/2025  
Agency Contact: Morgan Matz (916) 654–6061

Department of Industrial Relations  
File # 2025–0605–01

Orders Regulating Minimum Wages, Certain Occupations and Industries

This action amends wage orders regarding the general minimum wage, minimum wage for fast food employees, and minimum wage for health care facility employees. This action is exempt from the Administrative Procedure Act pursuant to Labor Code section 1182.13(d).

Title 08  
 Adopt: 11000.1, 11000.2  
 Amend: 11000  
 Filed 07/17/2025  
 Effective 07/17/2025  
 Agency Contact:  
 Robert Villalovos (916) 205–9145

Department of Industrial Relations  
 File # 2025–0605–02

Orders Regulating Certain Occupations and Industries (Orders 4, 5, 7)

This action amends Wage Orders 4–2001 (wages, hours and working conditions in the professional, technical, clerical, mechanical, and similar occupations), 5–2001 (wages, hours and working conditions in the public housekeeping industry), and 7–2001 (wages, hours and working conditions in the mercantile industry), including making statutorily mandated conforming changes relating to minimum wage and permissible meals and lodging credits.

Title 08  
 Amend: 11040, 11050, 11070  
 Filed 07/17/2025  
 Effective 07/17/2025  
 Agency Contact:  
 Robert Villalovos (916) 205–9145

California Department of Tax and Fee Administration  
 File # 2025–0603–02

Sales to Common Carriers

This action without regulatory effect by the California Department of Fee and Tax Administration (“Department”) amends section 1621 and 1621 appendix of title 18 of the California Code of Regulations (“CCR”). Specifically, this action amends the ending date for which the sale of fuel and petroleum products are exempt from sales tax in response to amendments to Registration and Taxation Code (“RTC”) section 6385 made by Assembly Bill 543 (Stats. 2023, c. 442) (“AB 543”), and amends existing references to the Board of Equalization (“BOE”) to now reflect the Department, consistent with Government Code (“GC”) sections 15570.22 and 15570.24.

Title 18  
 Amend: 1621  
 Filed 07/16/2025  
 Agency Contact: Kim DeArte (916) 309–5227

Department of Social Services  
 File # 2025–0609–01  
 Resident’s Rights in Privately Operated Residential Care Facilities for the Elderly

This action adds the right of residents in privately operated residential care facilities to “request, refuse, or discontinue service” to align with the addition of this right per S.B. 1406 (Stats. 2024, chapter 340).

Title 22  
 Amend: 87468.2  
 Filed 07/22/2025  
 Agency Contact: Everardo Vaca (916) 657–2363

California Department of Tax and Fee Administration  
 File # 2025–0603–05

ETUS and Prepaid MTS Regulations

In this regular rulemaking, the California Department of Tax and Fee Administration is adopting, amending, and repealing regulations pertaining to the Emergency Telephone Users Surcharge Act (ETUS) (Revenue and Taxation Code section 41001 et seq.) and the Local Prepaid Mobile Telephony Services (ETUs) Collection Act (Revenue and Taxation Code section 42100 et seq.).

Title 18  
 Adopt: 2435, 2436, 2437, 2438, 2439, 2440, 2441, 2442, 2443, 2444, 2445, 2446  
 Amend: 2460, 2461, 2462  
 Repeal: 2401, 2403, 2405, 2406, 2413, 2421, 2422, 2425, 2431, 2432, 2433  
 Filed 07/16/2025  
 Effective 10/01/2025  
 Agency Contact: Kim DeArte (916) 309–5227

Department of Food and Agriculture  
 File # 2025–0616–03  
 Fruit and Vegetable Standardization — Standard Containers (Citrus)

This regular rulemaking action by the California Department of Food and Agriculture amends specifications regarding the dimensions and packing requirements applicable to standard shipping containers for citrus fruits. It adds to the existing collection of standard containers designated in regulation a new standard container. This new standard container is called container 60. Container 60 will be used only for containing oranges packed via the volume–fill method.

Title 03

Amend: 1380.19, 1430.10, 1430.12, 1430.14,  
1430.45

Filed 07/22/2025

Effective 07/22/2025

Agency Contact: Sarah Cardoni (916) 597–6894

Fish and Game Commission

File # 2025–0613–01

Central Valley Sport Fishing

This action by the Fish and Game Commission sets Chinook salmon bag and possession limits, size limits, open seasons, and season lengths in 2025 for the American, Feather, Mokelumne, and Sacramento rivers in the Central Valley.

Title 14

Amend: 7.40(b)(4), 7.40(b)(43), 7.40(b)(66),  
7.40(b)(80)

Filed 07/16/2025

Effective 07/16/2025

Agency Contact: David Haug (916) 902–9286

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

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