



# California Regulatory Notice Register

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

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**PROPOSED ACTION ON REGULATIONS**

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**TITLE 2. FAIR POLITICAL PRACTICES COMMISSION**

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

**CONFLICT-OF-INTEREST CODES**

**AMENDMENT**

STATE AGENCY: California Privacy Protection Agency

A written comment period has been established commencing on May 29, 2026, and closing on July 13, 2026. Written comments should be directed to the Fair Political Practices Commission, Attention: Maia Kocinsky-Kirkham, 1102 Q Street, Suite 3050, Sacramento, California 95811.

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

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

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

Any interested person may present statements, arguments, or comments, in writing to the Executive Director of the Commission, relative to review of the proposed conflict-of-interest code. Any written comments must be received no later than July 13, 2026. If a public hearing is to be held, oral comments may be presented to the Commission at the hearing.

**COST TO LOCAL AGENCIES**

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

**EFFECT ON HOUSING COSTS AND BUSINESSES**

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

**AUTHORITY**

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

**REFERENCE**

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

**CONTACT**

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

**TITLE 2. STATE  
ALLOCATION BOARD**

**PROPOSED AMENDMENTS TO THE  
FOLLOWING REGULATION SECTIONS**

- 1859.2, 1859.71.3, 1859.77.1, 1859.78.5, 1859.79, 1859.83, 1859.163.1, 1859.163.5, 1859.164.2, 1859.167.1 AND 1859.168.

**PROPOSED AMENDMENTS TO  
THE FOLLOWING FORMS**

- Form SAB 50–04, *Application For Funding*, (Rev. ~~12/25~~ 01/26), which is incorporated by reference and referenced in Regulation Section 1859.2.
- Form SAB 50–09, *Application for Charter School Preliminary Apportionment*, (Rev. ~~12/25~~ 01/26), which is incorporated by reference and referenced in Regulation Section 1859.2.

**PROPOSED ADOPTION OF THE  
FOLLOWING REGULATION SECTION**

- 1859.78.10.

NOTICE IS HEREBY GIVEN that the State Allocation Board (SAB) proposes to amend the above-referenced regulation sections, including six associated forms, contained in Title 2, California Code of Regulations (CCR). A public hearing is not scheduled. A public hearing will be held if any interested person, or his or her duly authorized representative, submits a written request for a public hearing to the Office of Public School Construction (OPSC) no later than 15 days prior to the close of the written comment period. Following the public hearing, if one is requested, or following the written comment period if no public hearing is requested, OPSC, at its own motion or at the instance of any interested person, may adopt the proposals substantially as set forth above without further notice.

**AUTHORITY AND  
REFERENCE CITATIONS**

The SAB is proposing to amend the above-referenced regulation sections under the authority provided by Sections 17070.35, 17075.10, 17075.11, 17075.20, 17078.64 and 17078.74 of the Education Code. The proposal interprets and make specific reference Sections 8974, 17009.5, 17017.6, 17017.7, 17021, 17047, 17050, 17051, 17070.15, 17070.51(a), 17070.59, 17070.71, 17070.77, 17071.10, 17071.25, 17071.30, 17071.33, 17071.35, 17071.40, 17071.75, 17071.76, 17072.10, 17072.12, 17072.18, 17072.30, 17072.32, 17072.33, 17073.16, 17073.25, 17074.10, 17074.15, 17074.16, 17074.30, 17075.10, 17075.11, 17075.15, 17077.30, 17077.35, 17077.40, 17077.42, 17077.45, 17078.52, 17078.53, 17078.54, 17078.56, 17078.58, 17078.72, 17078.72(k), 17078.74, 17079, 17079.10, 17250.30, 17280, 56026, 101012(a)(8), 101122, Education Code; Section 53311, Government Code; and Sections 1771.3 in effect on January 1, 2012 through June 19, 2014 and 1771.5, Labor Code.

**INFORMATIVE DIGEST/POLICY  
OVERVIEW STATEMENT**

The Leroy F. Greene School Facilities Act of 1998 established, through Senate Bill 50, Chapter 407, Statutes of 1998, the School Facility Program (SFP). The SFP provides a per-pupil grant amount to qualifying school districts for purposes of constructing school facilities and modernizing existing school facilities. The SAB adopted regulations to implement the Leroy F. Greene School Facilities Act of 1998, which were approved by the Office of Administrative Law and filed with the Secretary of State on October 8, 1999.

On November 5, 2024, a majority of California’s voters approved the Kindergarten through Grade 12 Schools and Local Community College Public Education Facilities Modernization, Repair, and Safety Bond Act of 2024 (Proposition 2). In addition to providing \$8.5 billion in bond authority for public Transitional Kindergarten through grade 12 school facilities, there are many provisions contained in Proposition 2 that require interpretation and inclusion in the existing School Facility Program (SFP) Regulations. Voter approval of Proposition 2 made provisions of Assembly Bill (AB) 247 (Muratsuchi, Chapter 81, Statutes of 2024) operative. In part, this bill added Education Code Sections 17077.35 and 17078.74 for the energy efficiency and career technical education supplemental grants, respectively.

Between February and July 2025, OPSC held six stakeholder meetings to inform the development of proposed regulations implementing these two provisions of Proposition 2. At its meeting on December 3,

2025, the SAB adopted proposed regulatory amendments, on an emergency basis, that implement additional provisions of AB 247 and Proposition 2. These two provisions are supplemental grants for Energy Efficiency and Career Technical Education (CTE).

The Energy Efficiency supplemental grant existed in the SFP in 2002, but the funds allocated for the grant were exhausted years ago. Proposition 2 amended provisions in Education Code Section 17077.35 to provide an increase of up to five percent of the state share, which covers the increased costs associated with including energy efficiency components in SFP New Construction, Modernization, and Charter School Facilities Program (CSFP) New Construction and Rehabilitation projects. There is no longer a set limit on the total amount of funding available for energy efficiency supplemental grants and the grants will be provided for qualifying applications as long as sufficient SFP New Construction or Modernization and CSFP New Construction or Rehabilitation bond authority is available.

The new CTE Supplemental Grant provides up to five percent of the state share of the Modernization base grant for qualifying Modernization projects or up to five percent of the state share of the CSFP Rehabilitation base grant for qualifying CSFP Rehabilitation projects that include CTE components at middle and high schools that meet specific criteria. The CTE supplemental grants are available for eligible Modernization and CSFP Rehabilitation projects and are separate from the Career Technical Education Facilities Program, which is its own program and has its own Proposition 2 funding (\$600 million in bond authority) under the SFP.

Attached to this Notice are the proposed regulations and two associated forms. The proposed regulations can also be reviewed on OPSC's website at: [Laws, Regulations for School Construction Projects](#). Copies of the proposed regulations and the two associated forms will be mailed to any person requesting this information by using OPSC's contact information set forth below in this Notice. The proposed regulations amend the SFP Regulations under the California Code of Regulations, Title 2, Chapter 3, Subchapter 4, Group 1, State Allocation Board, Subgroup 5.5, Regulations relating to the Leroy F. Greene School Facilities Act of 1998.

#### *Background and Problem Being Resolved*

On July 3, 2025, OPSC opened a new CSFP filing round, pursuant to Regulation Section 1859.161, using the \$600 million authorized by the passage of Proposition 2. The filing round closed on October 30, 2025 in which OPSC received 116 applications from 91 charter schools requesting \$2.78 billion in state funding. This amount is well over the \$600 million authorized in Proposition 2. The applications submitted for the

CSFP could be eligible for these two supplemental grants once the grants are approved and in effect.

The problem being resolved is implementing the new statutory authority for the SAB early on so school districts and county offices of education can plan and request the Energy Efficiency and CTE supplemental grants now for their projects. Although charter schools' applications have already been received by OPSC, with an early effective date of the regulations OPSC can include and calculate these two supplemental grants in the preliminary apportionments should the projects qualify for them. This would maintain equity and fairness in the SFP.

OPSC performed a search on whether the proposed regulatory amendments were consistent and compatible with existing State laws and regulations and did not identify any inconsistent or incompatible existing State laws or regulations. The proposed regulatory amendments are consistent with and implement provisions of statutory changes enacted with the passage of Proposition 2. Proceeding with the implementation of the proposed regulations will provide a positive impact on the state's economy, as well as the creation of an unknown number of jobs in the school construction industry. Once school districts request the release of state funds, manufacturing and construction-related industries such as architecture, engineering, trades and municipalities may expand based on the demand on these industries. School districts, county offices of education and applications for charter schools will also have the ability to take advantage of the new Proposition 2 provisions. The proposed regulations will maintain equity, consistency, and the integrity of the SFP.

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

There are benefits associated with the proposed regulations in that they implement the new statutory authority for the SAB so school districts and county offices of education can plan and request the Energy Efficiency and CTE supplemental grants now for their projects. Although charter schools' applications have already been received by OPSC, with an early effective date of the regulations OPSC can include and calculate these two supplemental grants in the preliminary apportionments should the projects qualify for them. This would maintain equity and fairness in the SFP.

Additionally, the proposed regulations may have a positive impact on the state's economy, as well as the creation of an unknown number of jobs in the school construction industry, by facilitating funding for school construction. Once school districts request the release of state funds, manufacturing and construction-related industries such as architecture, engineering, trades and municipalities may expand based on the demand on these industries.

*Summary of the Proposed Regulations*

A summary of the proposed regulations is as follows:

Existing Regulation Section 1859.2 represents a set of defined words and terms used exclusively for these regulations. The proposed amendments revise the Forms SAB 50–04 and SAB 50–09 that align with the Energy Efficiency and CTE supplemental grants in Education Code Section 17077.35 and 17078.74.

Existing Regulation Section 1859.71.3 provides supplemental new construction funding to school districts that include energy efficient components in their SFP new construction projects. The proposed amendments differentiate between approved applications received by OPSC on or before October 30, 2024 and approved applications received by OPSC on or after October 31, 2024. For those approved applications received on or before October 30, 2024, school districts have the option to continue with their approved application already received and accept a full and final apportionment or withdraw its application and resubmit the approved application to be eligible for the new supplemental grant. For those approved applications received on or after October 31, 2024, school districts, county offices of education, and charter schools can apply for the energy efficiency supplemental grant using the new points–based scoring system with new eligibility criteria. The new system determines the percentage of supplemental grant funding allowed based on the Energy Code compliance approach and points achieved using the newly developed scoring system based on California Collaborative for High Performance Schools (CA–CHPS) created by the Division of the State Architect (DSA) and CA–CHPS for OPSC. There are two different compliance approaches and the points scoring rubric is separated by the type of compliance method. There is a non–substantive change in subsection (d)(2), last line, that changes “OPCS” to “OPSC.”

Existing Regulation Section 1859.77.1 sets forth a school district’s matching share requirement for new construction grants. This section differentiates a school district’s matching share requirement based on two dates: applications received before October 31, 2024 and applications received on or after October 31, 2024. Applications received before October 31, 2024 require set matching share contributions for both state and local; applications received after October 31, 2024 will require a matching share contribution based on the methodology and calculation in Regulation Section 1859.70.5 and will be known as the Local Funding Adjustment Grant. The proposed amendments correct the Education Code section for this supplemental grant and an edit that is considered a non–substantive change.

Existing Regulation Section 1859.78.5 provides supplemental modernization funding to school dis-

tricts that include energy efficient components in their SFP modernization projects. The proposed amendments differentiate between approved applications received by OPSC on or before October 30, 2024 and approved applications received by OPSC on or after October 31, 2024. For those approved applications received on or before October 30, 2024, school districts have the option to continue with the approved application already received and accept a full and final apportionment or withdraw its application and resubmit the approved application to be eligible for the new supplemental grant. For those approved applications received on or after October 31, 2024, school districts, county offices of education, and charter schools can apply for the energy efficiency supplemental grant using the new points–based scoring system with new eligibility criteria. The new system determines the percentage of supplemental grant funding allowed based on the Energy Code compliance approach and points achieved using the newly developed scoring system based on California Collaborative for High Performance Schools (CA–CHPS) created by the DSA and CA–CHPS for OPSC. There are two different compliance approaches and the points scoring rubric is separated by the type of compliance method.

Adoption of Regulation Section 1859.78.10 sets forth qualifying criteria for approved applications received by OPSC on or after October 31, 2024, to request the CTE supplemental grant for the costs associated with enhancements of CTE components in existing middle and high schools. The criteria includes, but is not limited to, 1) at least one CTE component conforms to Education Code Section 17078.74(c); 2) the applicant certifies that CTE costs exceed available modernization funding and are necessary to maintain industry standards; and 3) the applicant is a local educational agency operating a comprehensive high school, has an active career technical advisory committee, and received a minimum plan score of 105 points from the California Department of Education on or after July 3, 2024. In addition, the CTE supplemental grant shall be the lesser of a five percent increase to the Modernization Grant or the costs for the CTE component of the qualifying modernization project. Equipment costs are eligible only if the equipment has an average useful life expectancy of at least 10 years.

Existing Regulation Section 1859.79 sets forth a district’s modernization matching share contribution for approved applications received on or before April 29, 2002 (20 percent district share/80 percent state share) and for approved applications received after April 29, 2002 and on or before October 30, 2024 (40 percent district share/60 percent state share). The section also stipulates that for approved applications received on or after October 31, 2024, a district’s modernization matching share contribution will be determined based

on Education Code Sections 17070.59 and 17074.16 and adjusted for the Local Funding Adjustment Grant using the methodology and calculation in Regulation Section 1859.70.5. The proposed amendments correct the Education Code section for the energy efficiency supplemental grant and there are several minor edits that are considered non–substantive changes.

Existing Regulation Section 1859.83 provides additional school project funding (Excessive Cost Hardship Grants) for which school districts may apply as a result of unusual circumstances that create excessive project costs. The proposed amendments allow for the inclusion of funding provided by the CTE supplemental grant to be used in the calculations to determine Excessive Cost due to Geographic Location. Funding provided by the energy efficiency supplemental grant is already included in the determination formula. There are other supplemental grants added to this section that include funding, such as the 75 Years or Older Building, Minimum Essential Facilities, and the Transitional Kindergarten supplemental grants. Further, there was a statutory authority lapse for Excessive Cost Hardship grants; however, the authority was restored with the addition of Education Code Section 17075.11, which applies retroactively to applications submitted on or after October 31, 2024. There are minor edits that are considered non–substantive changes.

Existing Regulation Section 1859.163.1 establishes construction cost funding caps for Preliminary Charter School Apportionment determinations, based upon grade level(s) of the project and urban or non–urban location. The apportionment for charter school construction costs shall be the lesser of the funding cap amount or the total of specific cost components related to the size, scope, grade levels and location of the project. The proposed amendments add subsection (8) to allow applicants to reserve funding for the energy efficiency supplemental grant as part of the Preliminary Charter School Apportionment for New Construction. In addition, amendments are made to subsections (a), (a)(9), and (a)(10) to indicate the calculation for determining the Preliminary Charter School Apportionment, the inflator factor, and the matching share through the form of lease payments include the energy efficiency reservation. Subsection (a)(8) has a minor edit that reflects the word “Section” in front of 1859.163.1(a)(1). This is considered a non–substantive change.

Existing Regulation Section 1859.163.5 provides the calculation that determines a Preliminary Charter School Rehabilitation Apportionment based on the eligible square footage included in the project and additional supplemental grants. This section also 1) clarifies the calculation of supplemental grants, and the requirements and calculations for initiating and enforcing a Labor Compliance Program as well as for

prevailing wage monitoring and enforcement; and 2) aligns CSFP rehabilitation supplemental grants with Education Code requirements, specifically Section 17078.54(d). The proposed amendments add: 1) subsections (a)(7) and (a)(8) to allow applicants to request and reserve funding for energy efficiency and CTE components as part of a Preliminary Charter School Apportionment for Rehabilitation; and 2) subsection (a)(6) to allow applicants to request and reserve funding for accessibility and fire code requirements as part of a Preliminary Charter School Apportionment for Rehabilitation upon conversion from a Preliminary Charter School Apportionment to a Final Charter School Apportionment. In addition, subsections (a)(9) and (a)(10) are renumbered because of the newly added subsections identified in this section above, and there are a few minor edits that are considered non–substantive in nature.

Existing Regulation Section 1859.164.2 sets forth criteria for the release of funds to charter school entities from preliminary charter school apportionments. “Advance” releases of funds are authorized for specified design costs and site acquisition costs. Qualified charter schools must maintain financial soundness and fund releases must occur within specified time limits. The proposed amendments make minor changes by aligning the renumbering of subsections with those in Regulation Sections 1859.163.1 and 1859.163.5.

Existing Regulation Section 1859.167.1 specifies that the amount of the Final Charter School Apportionment may not be increased for site acquisition costs exceeding those calculated under Section 1859.163.1(b), nor increased for useable acres for the project in excess of the previously approved recommended site size by the California Department of Education. The proposed amendments: 1) allow applicants to request funding for energy efficiency and CTE components for a Final Charter School Apportionment for a CSFP Rehabilitation project; and 2) provide clarification that the CSFP Rehabilitation Grant will be used in place of the Modernization Grant to calculate the funding provided by Sections 1859.78.5 and 1859.78.10, and that funding provided by Section 1859.78.10(b)(2) will be 50 percent of the OPSC–approved costs for the CTE scope of work, inclusive of equipment, included in an Approved Application for a CSFP Rehabilitation project.

Existing Regulation Section 1859.168 specifies that the Preliminary Charter School Apportionment, once it is converted to a Final Charter School Apportionment, is subject to the district matching share requirement and that the matching share requirement may be met through lease payments. The proposed amendment deletes the words “Section 1859.77.1 and” because the matching share requirement for Preliminary Charter School Apportionments remains a 50 percent

local matching share that may be paid through lease payments in lieu of the matching share.

Existing Form SAB 50–04, *Application For Funding*, (Rev. 12/25 01/26), (incorporated by reference) is submitted by school districts to apply for State funding for new construction and modernization projects. The proposed amendments incorporate the provisions of Proposition 2 outlined in this Finding of Emergency, such as the supplemental grants for energy efficiency and CTE for new construction and modernization projects. Since the revision date of 12/25, this form includes approved language from an intervening regulatory action approved by the Office of Administrative Law (OAL) [OAL File #2026–0424–01E] which changes the revision date to 01/26.

Existing Form SAB 50–09, *Application for Charter School Preliminary Apportionment*, (Rev. 12/25 01/26), (incorporated by reference) is the form for charter school entities to apply for preliminary apportionments for qualifying projects. The proposed amendments incorporate and align with the proposed amendments that are reflected in the regulatory text. Since the revision date of 12/25, this form includes approved language from an intervening regulatory action approved by the OAL [OAL File #2026–0424–01E] which changes the revision date to 01/26.

*Statutory Authority and Implementation*

Education Code Section 17070.35. (a) In addition to all other powers and duties as are granted to the board by this chapter, other statutes, or the California Constitution, the board shall do all of the following: (1) Adopt rules and regulations, pursuant to the rulemaking provisions of the Administrative Procedure Act, Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code, for the administration of this chapter.

Government Code Section 15503. Whenever the board is required to make allocations or apportionments under this part, it shall prescribe rules and regulations for the administration of, and not inconsistent with, the act making the appropriation of funds to be allocated or apportioned. The board shall require the procedure, forms, and the submission of any information it may deem necessary or appropriate. Unless otherwise provided in the appropriation act, the board may require that applications for allocations or apportionments be submitted to it for approval.

*Determination of Inconsistency or Incompatibility with Existing State Regulations*

On July 3, 2025, OPSC opened a new CSFP filing round, pursuant to Regulation Section 1859.161, using the \$600 million authorized by the passage of Proposition 2. The filing round closed on October 30, 2025 in which OPSC received 116 applications from 91 charter schools requesting \$2.78 billion in state funding.

This amount is well over the \$600 million authorized in Proposition 2. The applications submitted for the CSFP could be eligible for these two supplemental grants once the grants are approved and in effect.

Implementing the new statutory authority for the SAB early on provides school districts and county offices of education time to plan and request the Energy Efficiency and CTE supplemental grants now for their projects. Although charter schools’ applications have already been received by OPSC, with an early effective date of the regulations OPSC can include and calculate these two supplemental grants in the preliminary apportionments should the projects qualify for them. This would maintain equity and fairness in the SFP.

After conducting a review, the SAB has concluded that these are the only regulations on this subject, and therefore, the proposed regulations are neither inconsistent nor incompatible with existing State laws and regulations. The proposed regulations are within the SAB’s authority to enact regulations for the SFP under Education Code Section 17070.35 and Government Code Section 15503.

*Documents Incorporated by Reference*

- *Form SAB 50–04*, (Rev. 12/25 01/26), referenced in Regulation Section 1859.2 and is incorporated by reference.
- *Form SAB 50–09*, (Rev. 12/25 01/26), referenced in Regulation Section 1859.2 and is incorporated by reference.

**IMPACT ON LOCAL AGENCIES OR SCHOOL DISTRICTS**

The Executive Officer of the SAB has determined that the proposed regulations do not impose a mandate or a mandate requiring reimbursement by the State pursuant to Part 7 (commencing with Section 17500) of Division 4 of the Government Code. It will not require local agencies, school districts or charter schools to incur additional costs in order to comply with the proposed regulations.

**DISCLOSURES REGARDING THE PROPOSED REGULATORY ACTION**

The Executive Officer of the SAB has made the following initial determinations relative to the required statutory categories:

- The SAB has made an initial determination that there will be no significant, statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.

- The SAB 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 will be no non–discretionary costs or savings to local agencies.
- The proposed regulations create no costs to any local agency or school district requiring reimbursement pursuant to Section 17500 et seq., or beyond those required by law, except for the required district contribution toward each project as stipulated in statute.
- There will be no costs or savings in federal funding to the State.
- The proposed regulations create no costs or savings to any State agency beyond those required by law.
- The SAB has made an initial determination that there will be no impact on housing costs.

#### RESULTS OF THE ECONOMIC IMPACT ANALYSIS

##### *Impact to Businesses and Jobs in California*

The proposed regulations promote transparency because school districts and the school district community have been collaborating on the proposed regulations through a series of stakeholder meetings. The Energy Efficiency supplemental grant existed in the SFP in 2002, but the funds allocated for the grant were exhausted years ago. Proposition 2 amended provisions in Education Code Section 17077.35 to provide an increase of up to five percent of the state share, which covers the increased costs associated with including energy efficiency components in SFP New Construction, Modernization, and Charter School Facilities Program (CSFP) New Construction and Rehabilitation projects. There is no longer a set limit on the total amount of funding available for energy efficiency supplemental grants and the grants will be provided for qualifying applications as long as sufficient SFP New Construction or Modernization and CSFP New Construction or Rehabilitation bond authority is available.

The new CTE Supplemental Grant provides up to five percent of the state share of the Modernization base grant for qualifying Modernization projects or up to five percent of the state share of the CSFP Rehabilitation base grant for qualifying CSFP Rehabilitation projects that include CTE components at middle and high schools that meet specific criteria. The CTE supplemental grants are available for eligible Modernization and CSFP Rehabilitation projects.

In addition, the proposed regulations will not negatively impact the creation of jobs, the creation of new businesses, and the expansion of businesses in Califor-

nia. It is not anticipated that the proposed regulations will result in the elimination of existing businesses or jobs within California. Additionally, the proposed regulations expand the SFP while maintaining program integrity and equity amongst school district projects.

##### *Benefits to Public Health and Welfare, Worker’s Safety, and the State’s Environment*

- The proposed regulations promote transparency because school districts and the school district community have been collaborating on the proposed regulations through a series of stakeholder meetings.
- There are continued benefits to the health and welfare of California residents and worker safety. School districts, charter schools, and local educational agencies utilize construction and trades employees to work on school construction projects and although this proposed regulation does not directly impact worker’s safety, existing law provides for the availability of a skilled labor force and encourages improved health and safety of construction and trades employees through proper apprenticeship and training. Further, public health and safety is enhanced because a properly paid and trained workforce will build school construction projects that are higher quality, structurally code–compliant and safer for use by pupils, staff, and other occupants on the site.
- There is no impact to the State’s environment from the proposed regulations.

The SAB finds the proposed regulations fully consistent with the stated purposes and benefits.

#### EFFECT ON SMALL BUSINESSES

It has been determined that the proposed regulations will not have a negative impact on small businesses in the ways identified in subsections (a)(1)–(4) of Section 4, Title 1, CCR. The proposed regulations only apply to school districts, local education agencies, and charter schools for purposes of funding school facility projects. Manufacturing and construction–related industries such as architecture, engineering, trades and municipalities may expand based on the demand on these industries. This may include new [small] businesses, or the expansion of [small] businesses, which have a positive impact on the state’s economy and may also create an unknown number of jobs.

#### SUBMISSION OF COMMENTS, DOCUMENTS AND ADDITIONAL INFORMATION

Any interested person may present statements, arguments or contentions, in writing, submitted via U.S.

mail, email or fax, relevant to the proposed regulatory action. Written comments submitted via U.S. mail, email or fax must be received at OPSC no later than July 13, 2026 end of day. The express terms of the proposed regulations as well as the Initial Statement of Reasons are available to the public.

Written comments, submitted via U.S. mail, email or fax, regarding the proposed regulatory action, requests for a copy of the proposed regulatory action or the Initial Statement of Reasons, and questions concerning the substance of the proposed regulatory action should be addressed to:

Lisa Jones, Regulations Coordinator  
Mailing Address: Office of Public School  
Construction  
707 Third Street, 3<sup>rd</sup> Floor  
West Sacramento, CA 95605  
Email Address: [lisa.jones@dgs.ca.gov](mailto:lisa.jones@dgs.ca.gov)  
Fax Number: (916) 375–6721

#### AGENCY CONTACT PERSONS

General or substantive questions regarding this Notice of Proposed Regulatory Action may be directed to Ms. Lisa Jones at (279) 946–8459. If Ms. Jones is unavailable, these questions may be directed to the backup contact person, Mr. Michael Watanabe, Deputy Executive Officer, at (279) 946–8463.

#### ADOPTION OF REGULATIONS

Please note that, following the public comment period, the SAB may adopt the regulation substantially as proposed in this notice or with modifications, which are sufficiently related to the originally proposed text and notice of proposed regulatory activity. If modifications are made, the modified text with the changes clearly indicated will be made available to the public for at least 15 days prior to the date on which the SAB adopts the regulations.

The modified regulation(s) will be made available and provided to: all persons who testified at and who submitted written comments at the public hearing, all persons who submitted written comments during the public comment period, and all persons who requested notification from the agency of the availability of such changes. Requests for copies of any modified regulations should be addressed to the agency’s regulation coordinator identified above. The SAB will accept written comments on the modified regulations during the 15–day period.

#### SUBSTANTIAL CHANGES WILL REQUIRE A NEW NOTICE

If, after receiving comments, the SAB intends to adopt the regulation with modifications not sufficiently related to the original text, the modified text will not be adopted without complying anew with the notice requirements of the Administrative Procedure Act.

#### RULEMAKING FILE

Pursuant to Government Code Section 11347.3, the SAB is maintaining a rulemaking file for the proposed regulatory action. The file currently contains:

1. A copy of the text of the regulations for which the adoption is proposed in ~~strikeout~~/underline.
2. A copy of this Notice.
3. A copy of the Initial Statement of Reasons for the proposed adoption.
4. The factual information upon which the SAB is relying in proposing the adoption.

As data and other factual information, studies, reports or written comments are received they will be added to the rulemaking file. The file is available for public inspection at OPSC during normal working hours. Items 1 through 3 are also available on OPSC’s Internet Web site at: [Laws, Regulations for School Construction Projects](#) then scroll down to School Facility Program, Pending Regulatory Changes, February 25, 2026 Non–Emergency Regulations, and click on the links entitled 45–day Public Notice, Initial Statement of Reasons, Proposed Regulation Text, Forms SAB 50–01 through 50–04 and Forms SAB 50–09 and 195.

#### ALTERNATIVES

In accordance with Government Code Section 11346.5(a)(13), the SAB 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. There were no alternatives considered. The SAB is charged with ensuring that the provisions of Proposition 2 are implemented in the SFP in a timely manner.

#### AVAILABILITY OF THE FINAL STATEMENT OF REASONS

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

the agency’s regulation coordinator named in this notice or may be accessed on the website listed above.

INFORMATIVE DIGEST/POLICY  
STATEMENT OVERVIEW

**TITLE 16. OSTEOPATHIC  
MEDICAL BOARD**

RETIRED LICENSE, PETITIONS AND FEES

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

PUBLIC HEARING

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

WRITTEN COMMENT PERIOD

Written comments relevant to the action proposed, including those sent by mail, facsimile, or email to the addresses listed under “Contact Person” in this Notice, **must be received by the Board at its office no later than Monday, July 13, 2026**, or must be received by the Board at the hearing, should one be scheduled.

AUTHORITY AND REFERENCE

Pursuant to the authority vested by the Osteopathic Act (Initiative Measure, Stats. 1923, p. xciii), Section 1, and Sections 464, 820, 2018, 2064.5, 2307.5, 2451, 2452, 2456.1, and 3600–1, Business and Professions Code (BPC), and to implement, interpret or make specific sections 701, 703, 704, 822, 823, 2042, 2064.5, 2190, 2190.5, 2190.6, 2221, 2273, 2307, 2307.5, 2426, 2427, 2428, 2451, 2452, 2454.5, 2455, 2455.1, 2456, 2456.1, 2456.2, and 2456.3 of the BPC; and, Section 13143 of the Government Code, the Board is considering changes to Division 16 of Title 16 of the California Code of Regulations (CCR) sections 1630, 1636, 1646, 1647, 1648, 1656, 1658, and 1690 as described in this Notice.

The Osteopathic Medical Board of California (Board) was created by the voters of the State of California, who in 1922 passed an initiative measure to enact the Osteopathic Act (“Act” — Osteopathic Act (Initiative Measure at Stats. 1923, p. xciii), which is reprinted, as amended, at Bus. & Prof. Code, §§ 3600–1 and following). The Act vested the Board with the authority to regulate the practice of medicine by osteopathic physicians and surgeons. Per Business and Professions Code (BPC) section 3600, the law governing licentiates of the Osteopathic Medical Board of California is found in the Act and in Chapter 5 of Division 2 of the BPC (Medical Practice Act).

Per BPC section 2450.1, the Board’s highest priority is to protect consumers through its licensing, regulatory and disciplinary oversight of osteopathic physicians and surgeons and postgraduate training licensees. The Board is authorized by the Act (at Section 1 — reprinted at BPC § 3600–1) and the Medical Practice Act at BPC section 2018 to establish necessary rules and regulations for the enforcement of the Osteopathic Act and the Medical Practice Act as it applies to osteopathic physician and surgeons (“physicians”) and postgraduate training licensees in accordance with BPC section 2452. The Board currently regulates 16,272 osteopathic physicians and surgeons and 1,174 postgraduate training licensees throughout California.

This proposal would update and add new renewal and application requirements and requirements for payment of associated fees, adopt a new application process for placing a license in retired status and restoring such license to active status, adopt new requirements for filing petitions for reinstatement and modification of penalty (petitions for penalty relief) and set the associated applicable application and adjudication fees for each type of petition, repeal outdated regulatory provisions and make other non–substantive and technical clean–up changes, as specified.

*Updates to Requirements for Practice in Good Standing and Active and Inactive Status Renewals — Amend 16 CCR sections 1630, 1636, 1646, and 1647*

The Osteopathic Initiative Act provides that “the law governing licentiates of the Osteopathic Medical Board of California is found in the Osteopathic Act and in Chapter 5 of Division 2, relating to medicine.” (reprinted at BPC § 3600). BPC section 2452 provides, in part: “This chapter applies to the Osteopathic Medical Board of California so far as consistent with the Osteopathic Act.”

Board regulations related to active practice in “good standing” and renewal of licensure (in both active and inactive status) in Division 16 of Title 16 of the California Code of Regulations (hereinafter “CCR”) were

last substantively amended in 1995 and do not cover all existing requirements in law or regulations for renewal and practice in good standing. As a result of changes from statutes, regulations, and program recommendations, the Board proposes to update its current renewal requirements for both active and inactive licenses. This would include repealing the existing incorporated application forms (“License Renewal OMB.2 or OMB.2a Rev.11/94”) and replacing them with a narrative list in the CCR of renewal requirements for renewing in both active and inactive status and outlining options for mail or online completed renewal application submission, as specified.

*Adoption of Retired License Status and Restoration to Active Status Requirements — CCR section 1648*

While BPC section 464 gives the Board statutory authority to issue retired licenses, it does not specify the provisions and procedures for obtaining such licenses. Therefore, without regulations in place, there is no formal process for a licensee who is retired and no longer practicing for placing their license on a retired status and alleviating the expense of license renewal fees for a license they are no longer using.

Currently, licensees who no longer wish to practice must either utilize the inactive status pursuant to CCR section 1646 and pay the biennial inactive certificate fee of \$300 or choose not to renew in inactive status, let their license expire into delinquent status, and cancel after five years. By providing a means to obtain a retired status, licensees who are no longer practicing avoid the possible stigma in their professional community from having a licensed placed in a “delinquent” or “cancelled” status and can be relieved from the expense of fees. The Board’s proposal would address the foregoing issues by:

- (1) adopting CCR section 1648 to specify who is eligible for a retired license, how to apply for and obtain a retired license, and how a holder of a retired license may return to active status,
- (2) amending CCR section 1690 to assign a retired license fee of \$200 for the processing of a retired license status application; and,
- (3) amending CCR section 1690 to assign a fee of \$400 for processing the application to restored retired license to active status.

These proposed regulations will also incorporate by reference the following applications: (1) Application for Retired License OMB.31 (New 11/2025) and (2) Application to Restore Retired License to Active Status OMB.32 (New 11/2025).

*Petitions for Reinstatement of License or Modification of Penalty or Petitions for Reinstatement of Certificates Restricted or Revoked Due to Mental or Physical Illness (“Petitions for Penalty Relief”) — Amendments to CCR sections 1656 and 1658*

Existing regulations at CCR sections 1656 and 1658 for filing petitions for penalty relief specify that such petitions shall be filed at the Board’s Sacramento office within a specified time period (30 or 60 days, as applicable) prior to any meeting of the Board. However, the regulations do not specify the content of any petition application, the submission method, or fees required for a petition to be accepted by the Board.

This proposal would amend these sections to specify required content and the method of submission of a petition by submitting the form “Petition for Penalty Relief OMB.7 (New 11/2025) (Form OMB.7)”, which would be incorporated by reference and include the applicable nonrefundable application fee required by CCR section 1690 (discussed further below). The proposal would also establish additional requirements for petitioners to meet, including:

- (1) for petitioners for reinstatement, meeting specified fingerprinting requirements prior to submission of the Form OMB.7 to the Board.
- (2) using acceptable payment methods for submitting the specified petition application and adjudication fees to the Board for the processing and adjudication of their petition, as specified.
- (3) establishing minimum processing requirements including requiring that the processing of any Form OMB.7 would commence only after the specified application fee has been received, the payment clears the petitioner’s bank, and the funds are deposited in the Board’s account within 30 days of the check or money order being deposited.
- (4) specifying requirements for accepting and providing a petitioner with a written notice of the acceptance of a petition for the setting of an administrative hearing, including notice requirements for paying a \$20,000 fee to adjudicate the petition within 90 days of the date the Board sent the petitioner the written notice of acceptance of their petition.
- (5) specifying a process for providing the petitioner with notice of the “reasonable costs” (as defined) incurred by the Board, which would be provided within 120 days of the date of a petitioner’s hearing on their petition.
- (6) specifying a process for providing a petitioner with a possible refund of a portion of the fees to adjudicate the petition in the event of overpayment and calculated in accordance with CCR section 1690. This would include providing petition-

ers a fee payment statement within 120 days of the date of their hearing on their petition.

- (7) Specifying that if the costs incurred by the Board are less than initially required to be paid to adjudicate the petition, the Board would also provide a statement detailing the refund that will be provided and the anticipated date when the refund will be issued.
- (8) Establishing consequences for noncompliance with the petition for penalty relief requirements, as specified, including that failure to comply with specified requirements shall result in the petition being rejected as incomplete.
- (9) Specifying that written notice of any petition rejection shall be provided to the petitioner upon the Board’s determination that the petitioner has not met specified requirements.

*Fee Increases and Adoption of New Fees in CCR section 1690*

BPC sections 2455, 2456 and 2456.1 authorize the Board to set fees by regulation and sets forth the minimum and maximum fee ranges for application, biennial license, inactive, renewal, and delinquency fees for osteopathic physicians and surgeons. BPC section 464 also authorizes the Board to prescribe fees for obtaining a retired license and restoring a retired license to active status. BPC section 2307.5 also authorizes the Board to adopt regulations to establish a fee to be paid by a person seeking a license reinstatement or modification of penalty pursuant to Section 2307, not to exceed the Board’s reasonable costs to process and adjudicate a petition submitted pursuant to BPC section 2307.

The proposed regulations would include increases to fees and adoption of new fees in CCR section 1690 as follows:

*Physician and Surgeon certificate application, renewal and delinquency fees:*

- Original Certificate Application: Current \$200; Proposed \$400.
- Reciprocity Certificate Application: Current \$200; Proposed \$400.
- Biennial Inactive Certificate Renewal: Current \$300; Proposed \$399.
- Delinquent Certificate Renewal: Current \$100; Proposed \$200.
- Delinquent Inactive Certificate Renewal: Proposed \$199.50.
- Add Retired License Application: Proposed \$200.
- Add Application to Restore Retired License to Active Status: Proposed \$400.

*Physician and Surgeon Petitions for Reinstatement and Modification of Penalty fees:*

- Add Petition for Reinstatement Application: Proposed \$2,800.
- Add Petition for Modification of Penalty Application: Proposed \$1,500.
- Add Subsection (n): Fee Required to Adjudicate a Petition for Reinstatement or Modification of Penalty and Possible Fee Reduction Process: \$20,000 unless the petitioner is entitled to a decrease in fees as provided in subsection (o) of 1690, in which case the final fee would be a lesser fee calculated in accordance with subsection (o).

CCR 1690(o) would provide that:

In accordance with sections 1656 and 1658, the Board shall provide each petitioner an itemized invoice that shows the initial determination by the Board of the reasonable costs for adjudicating their petition expressed in a total dollar value number. If the total dollar value number for the Board’s reasonable costs is less than the amount set forth in subsection (n), then the final fee required to adjudicate a petition shall be reduced to that total value number and reflected in the invoice provided to the petitioner pursuant to sections 1656 or 1658, as applicable.

Finally, this proposal makes technical and non-substantive changes to text to remove obsolete regulatory language that would be confusing to all interested stakeholders.

ANTICIPATED BENEFITS OF PROPOSAL

The Board has determined that this regulatory proposal will have the following benefits to the health and welfare of California residents:

This regulatory proposal benefits the health and welfare of California residents because proposed amendments to the Board’s fee schedule will help to reduce the Board’s structural budget imbalance, recover costs, and allow the Board additional time to seek legislative changes before insolvency, which allows the Board enough time to seek authority to increase statutory fee levels to eliminate the structural imbalance. The proposed fee increases will help to reduce the structural imbalance in the short term and help the Board to recover its administrative costs to ensure the Board has funds to carry out its consumer protection mandate in the near future.

Changes to the Board’s renewal processes would strengthen oversight and provide greater assurances of the accuracy, completeness, and timeliness of applicant submissions. Additionally, the proposal provides clear and consistent requirements for renewal while making specific submission standards for the Board.

This proposal would also establish a consistent and simple process for obtaining retired license status and

would eliminate barriers for those who wish to retire and have the option of placing their license in a retired status.

Establishing processes for petitioning for reinstatement or modification of penalty will further the Board’s mission of consumer protection by preserving the Board’s time and financial resources through adding a form to apply for penalty relief to expedite processing and establishing an application fee and also a fee to adjudicate a petition for reinstatement or modification of penalty, which would be paid by individuals seeking to reinstate their license or modify or terminate their order of probation early. These processes will also help ensure that the Board can more effectively determine whether a physician may be reinstated to practice with safety to the public while ensuring the Board recovers its administrative costs for the services provided.

This regulatory proposal does not affect worker safety or the environment as it does not relate to worker safety or the state’s environment.

**EVALUATION OF CONSISTENCY AND COMPATIBILITY WITH EXISTING STATE REGULATIONS**

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

**INCORPORATION BY REFERENCE**

- (1) Repeal of Forms “License Renewal OMB.2 or OMB.2a Rev.11/94”.
- (2) Adoption of Form “Petition for Penalty Relief OMB.7 (New 11/2025)”.
- (3) Adoption of Form “Application for Retired License OMB.31 (New 11/2025)”.
- (4) Adoption of Form “Application to Restore Retired License to Active Status OMB.32 (New 11/2025)”.

**DISCLOSURES REGARDING THIS PROPOSED ACTION**

**FISCAL IMPACT ESTIMATES**

**Fiscal Impact on Public Agencies Including Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State:**

**Workload Costs:** The Board already administers the fee types currently being assessed, including the delinquent inactive certificate renewal fee and will

(only) incur workload and costs for the newly proposed fee types. The Board estimates the regulations will result in additional workload costs ranging from approximately \$147,000 to \$191,000 and up to \$1.68 million over a ten-year period.

Additionally, the Board will incur one-time information technology workload costs of \$600 to update and post three forms on the Board’s website.

**Revenues:** The Board estimates revenues of approximately \$415,000 per year and up to \$4.15 million over a ten-year period.

**Other:** The Department of Justice (DOJ) receives \$49 per fingerprint background check of which \$17 is passed onto the Federal Bureau of Investigations (FBI). The Board projects up to six fingerprint background checks will be completed per year, which results in revenues of \$192 to DOJ and \$102 to the FBI.

The DOJ and FBI workload costs are unknown, and the Board does not have a fiscal workload cost estimate at this time.

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

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

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

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

**BUSINESS IMPACT ESTIMATES**

The Board has made the initial determination that the proposed regulatory action would have no significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states. This initial determination is based on the following facts: The regulation would increase fees charged to licensees and applicants as reflected in the “Cost Impact on Representative Private Person or Business” section below.

However, the proposed regulations will not have a significant statewide adverse economic impact on businesses, including the ability to compete with other businesses in California, because the fee increases are considered to be minor compared to the income of most applicants and licensees in this profession.

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

The proposed regulations will increase existing application fees and establish new fees as follows:

- Original Certificate Application: Current \$200; Proposed \$400.
- Reciprocity Certificate Application: Current \$200; Proposed \$400.

- Biennial Inactive Certificate Renewal: Current \$300; Proposed \$399.
- Delinquent Certificate Renewal: Current \$100; Proposed \$200.
- Delinquent Inactive Certificate Renewal: Proposed \$199.50.
- Retired License Application: Proposed \$200 (new).
- Restore Retired License to Active Status: Proposed \$400 (new).
- Petition for Reinstatement Application: Proposed \$2,800 (new).
- Petition for Modification of Penalty Application: Proposed \$1,500 (new).
- Adjudicate a Petition for Reinstatement or Modification of Penalty: Proposed \$20,000 with the possibility of reductions based on actual costs (new).

The regulations are estimated to result in additional costs of approximately \$415,000 per year and up to \$4.15 million over a ten-year period.

The Board notes, any retired licensee opting to restore their license to active status may be required to completed up to 50 hours of continuing education (CE) coursework with estimated costs of \$500 to comply. The Board estimates up to two individuals may need to fulfill the CE requirement, which results in additional costs of \$1,000 per year.

It is difficult to determine the amount of CE tuition fee revenues impacting California businesses because CE coursework can be complete online through an out-of-state provider. As a result, the Board does not have an estimate of CE tuition fee revenues impacting the state at this time.

The Board further notes, \$26 of the fingerprint background check costs (\$75) will be retained by the local business vendor. The Board estimates up to six fingerprint checks will be completed per year, which results in annual revenues of approximately \$156 for these businesses.

Please see the Initial Statement of Reasons for further information.

## RESULTS OF ECONOMIC IMPACT ASSESSMENT/ANALYSIS

### Impact on Jobs/Businesses

The Board has determined that this regulatory proposal will have no significant impact on any of the following:

- Creation or elimination of jobs in the state.
- Creation or elimination of new businesses or the elimination of existing businesses in the state.
- Expansion of businesses in the state.

This proposal would not have any of the above-referenced impacts because these costs are considered minor compared to the income of most applicants and licensees and businesses in this profession.

The regulations are estimated to result in additional costs of approximately \$415,000 per year and up to \$4.15 million over a ten-year period.

### Benefits of Regulation:

The Board has determined that this regulatory proposal will benefit the health and welfare of California residents because proposed amendments to the Board's fee schedule will help to reduce the Board's structural budget imbalance, recover costs, and allow the Board additional time to seek legislative changes before insolvency, which allows the Board enough time to seek authority to increase statutory fee levels to eliminate the structural imbalance. The proposed fee increases will help to reduce the structural imbalance in the short term and help the Board to recover its administrative costs to ensure the Board has funds to carry out its consumer protection mandate in the near future.

Changes to the Board's renewal processes would strengthen oversight and provide greater assurances of the accuracy, completeness, and timeliness of applicant submissions. Additionally, the proposal provides clear and consistent requirements for renewal while making specific submission standards for the Board.

This proposal would also establish a consistent and simple process for obtaining retired license status and would eliminate barriers for those who wish to retire and have the option of placing their license in a retired status.

Establishing processes for petitioning for reinstatement or modification of penalty will further the Board's mission of consumer protection by preserving the Board's time and financial resources through adding a form to apply for penalty relief to expedite processing and establishing an application fee and also a fee to adjudicate a petition for reinstatement or modification of penalty, which would be paid by individuals seeking to reinstate their license or modify or terminate their order of probation early. These processes will also help ensure that the Board can more effectively determine whether a physician may be reinstated to practice with safety to the public while ensuring the Board recovers its administrative costs for the services provided.

This regulatory proposal does not affect worker safety or the environment as it does not relate to worker safety or the state's environment.

### Business Reporting Requirements

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

**Effect on Small Business:**

This regulation may have an economic impact on businesses, specifically, the Board’s licensees and applicants, as well as businesses providing fingerprint services, but the effects are anticipated to be minimal. The regulations are estimated to result in additional costs of approximately \$415,000 per year and up to \$4.15 million over a ten–year period.

The Board notes, any retired licensee opting to restore their license to active status may be required to complete up to 50 hours of continuing education (CE) coursework with estimated costs of \$500 to comply. The Board estimates up to two individuals may be need to fulfill the CE requirement, which results in additional costs of \$1,000 per year.

It is difficult to determine the amount of CE tuition fee revenues impacting California businesses because CE coursework can be completed online through an out–of–state provider. As a result, the Board does not have an estimate of CE tuition fee revenues impacting the state at this time.

The Board further notes, \$26 of the fingerprint background check costs (\$75) will be retained by the local business vendor. The Board estimates up to six fingerprint checks will be completed per year, which results in annual revenues of approximately \$156 for these businesses.

**CONSIDERATION OF ALTERNATIVES**

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

Any interested person may submit comments to the Board in writing relevant to the above determinations during the written comment period, or at the hearing if one is scheduled or requested, to the Board at the address listed under *Contact Persons* in this Notice, which is 1300 National Drive, Suite 150, Sacramento CA 95834.

**AVAILABILITY OF STATEMENT OF REASONS AND RULEMAKING FILE**

The Board has compiled a record for this regulatory action, which includes the Initial Statement of Reasons (ISOR), proposed regulatory text, and all the information on which this proposal is based. This mate-

rial is contained in the rulemaking file and is available for public inspection upon request to the contact persons named in this notice.

**TEXT OF PROPOSAL**

Copies of the exact language of the proposed regulations, and any document incorporated by reference, and of the initial statement of reasons, and all of the information upon which the proposal is based, may be obtained upon request from the Board, at 1300 National Drive, Suite 150, Sacramento CA 95834.

**AVAILABILITY OF CHANGED OR MODIFIED TEXT**

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

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

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

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

**CONTACT PERSONS**

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

Name: Terri Thorfinnson, Legislation and Regulatory Specialist  
Address: 1300 National Drive, Suite 150  
Sacramento, CA 95834  
Telephone: (916) 928–8390  
Fax: (916) 928–8392  
Email: [Terri.Thorfinnson@dca.ca.gov](mailto:Terri.Thorfinnson@dca.ca.gov)

The back-up contact person is:

Name: Erika Calderon, Executive Director  
Address: 1300 National Drive, Suite 150  
Sacramento, CA 95834  
Telephone: (916) 928-8390  
Fax: (916) 928-8392  
Email: [Erika.Calderon@dca.ca.gov](mailto:Erika.Calderon@dca.ca.gov)

AVAILABILITY OF DOCUMENTS  
ON THE INTERNET

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

**GENERAL PUBLIC INTEREST**

**DEPARTMENT OF  
FISH AND WILDLIFE**

CESA CONSISTENCY DETERMINATION  
REQUEST FOR RAW WATER LINE  
REPLACEMENT PROJECT — HARE CREEK  
CROSSING 2080-2026-008-01  
MENDOCINO COUNTY

The California Department of Fish and Wildlife (CDFW) received a notice on May 12, 2026 that the City of Fort Bragg proposes to rely on a consultation between federal agencies to carry out a project that may adversely affect a species protected by the California Endangered Species Act (CESA). The proposed project involves replacing approximately two-miles of the city's main raw water supply pipeline south of the water treatment plant. Proposed activities will include, but are not limited to, water diversion via the construction of two barrier dams and pumping, excavation, removal of existing pipeline, and the installation of the new pipeline. The proposed project will occur over two miles of pipeline, however the portion of this project that is the subject of this notice ranges from Forest Road 450 down through Hare Creek, Fort Bragg, Mendocino County, California.

The National Marine Fisheries Service (NMFS) issued a federal biological opinion (BO)(NMFS. Number WCRO-2025-00645) in a memorandum to the U.S. Army Corps of Engineers of Reclamation on May 19, 2025, which considered the effects of the proposed

project on state and federally endangered Central California Coast coho salmon (*Oncorhynchus kisutch*).

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

**DECISION NOT TO PROCEED**

**DEPARTMENT OF TAX AND  
FEE ADMINISTRATION**

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

RE: NOTICE OF PROPOSED RULEMAKING  
CONCERNING THE HAZARDOUS  
SUBSTANCES TAX LAW

NOTICE IS HEREBY GIVEN that pursuant to Government Code section 11347, the California Department of Tax and Fee Administration (Department) has decided not to proceed with the rulemaking action published in the California Notice Registry on October 3, 2025, Register 2025, Number 40-Z. The proposed rulemaking concerned the Hazardous Substances Tax Law (OAL Notice Z2025-0918-03).

Any interested person with questions concerning this rulemaking should contact Kim DeArte, Regulations Coordinator, by telephone at (916) 309-5227, by fax at (916) 322-2958, by email at [CDTFARegulations@cdtfa.ca.gov](mailto:CDTFARegulations@cdtfa.ca.gov), or by mail to: California Department of Tax and Fee Administration, Attention: Kim DeArte, MIC:50, 651 Bannon Street, Suite 100, Sacramento, CA 95811-0299.

The Department will also post this Notice of Decision Not to Proceed on its website at [www.cdtfa.ca.gov/taxes-and-fees/HSTL-Regs.htm](http://www.cdtfa.ca.gov/taxes-and-fees/HSTL-Regs.htm).

**RULEMAKING  
PETITION DECISION**

**DEPARTMENT OF CORRECTIONS AND  
REHABILITATION**

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

**Petitioner**

Neil Stone.

**Department Contact Person**

Please direct any inquiries regarding this action to Cynthia Baeta, Associate Director (A), 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 Petition and Department Decision:**

**Subsection 3076**

**Petitioner’s Request:** The petitioner requests to amend 3076 and 3076(b), specifically the petitioner requests “that CDCR implement a program requiring a set number of incarcerated persons (IPs) be recommended for exceptional conduct sentence recall annually from each facility at each institution.”

**Reason for Request:** Petitioner states that the reason for this request is to promote positive behavior, creation of safer prisons and provides incarcerated persons with an “incentive to engage positively with staff in their housing units and on the facility.”

**Department’s Decision:** The request is denied as moot. CDCR is working to amend the cited regulation. If you are interested in receiving the Department’s Notice of Change to Regulations for all regulatory changes, please send your request to be added to the mailing list to: Regulation and Policy Management Branch, P.O. Box 942883, Sacramento, CA 94283-0001.

**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.

Department of Fish and Wildlife

File # 2026-0408-08

Rescind Commission Groundfish Management Measures

In this certificate of compliance pursuant to Government Code section 11346.1(e), the Department of Fish and Wildlife makes permanent amendments made in emergency OAL Matter Nos. 2025-0811-05E and 2026-0206-01EE. The amendments rescind the application of the Commercial Groundfish Restriction Area (CGRA) and associated 20-fathom boundary line for commercial groundfish fisheries north of 37° 07' North latitude (Año Nuevo). The amendments also extend federal trip limits for non-nearshore groundfish stocks into state waters north of 37° 07' North latitude, while commercial retention of quillback rockfish would remain prohibited, statewide.

Title 14

Amend: 150.06, 150.16

Filed 05/20/2026

Effective 05/20/2026

Agency Contact: Mike Randall (916) 902-9109

Fish and Game Commission

File # 2026-0409-02

Recreational Take of Groundfish

This certificate of compliance pursuant to Government Code section 11346.1(e) by the California Fish and Game Commission makes permanent amendments regarding the recreational take of rockfish, cabezon, greenling, and lingcod in California as originally implemented in OAL Matter Nos. 2025-0822-02E and 2026-0213-05EE.

Title 14  
 Amend: 1.91, 27.25, 27.30, 27.35, 27.40, 28.55  
 Filed 05/19/2026  
 Effective 05/19/2026  
 Agency Contact:  
 Sherrie Fonbuena (916) 902-9284

Department of Industrial Relations  
 File # 2026-0406-01

Orders Regulating Industries and Occupations  
 (Orders 1, 2, 3, and 6)

This file and print action by the Department of Industrial Relations amends and republishes orders regulating wages, hours, and working conditions in specified industries and makes nonsubstantive changes. This action is exempt from the Administrative Procedure Act pursuant to Labor Code section 1182.13 and is submitted to the Office of Administrative Law for filing with the Secretary of State and printing in the California Code of Regulations.

Title 08  
 Amend: 11010, 11020, 11030, 11060  
 Filed 05/18/2026  
 Effective 05/18/2026  
 Agency Contact: Casey Raymond (213) 576-7730

Division of Workers' Compensation  
 File # 2026-0407-04

Medical Treatment Utilization Schedule (MTUS)

This request for filing and printing by the Division of Workers' Compensation of the Department of Industrial Relations (the Division) makes evidence-based updates to the medical treatment utilization schedule (the MTUS) pursuant to Labor Code section 5307.27.

Title 08  
 Amend: 9792.22; 9792.23.9; 9792.24.2  
 Filed 05/18/2026  
 Effective 06/01/2026  
 Agency Contact: Daniel Biedler (510) 286-0563

Board of Optometry  
 File # 2026-0407-02

Foreign Graduate Sponsorship

This section 100 action pursuant to California Code of Regulations, title 1, section 100, by the State Board of Optometry repeals a regulation regarding the sponsorship of foreign graduates to take the National Board of Examiners in Optometry examination. This regulatory change is based on statutory changes made through Assembly Bill 1708 (Chapter 564, Statutes of 2017).

Title 16  
 Repeal: 1530.1  
 Filed 05/19/2026  
 Agency Contact: Serena St. Mary (279) 895-1466

Board of Optometry

File # 2026-0408-03

NBEO Part III Exam Name

This Section 100 action filed by the California State Board of Optometry pursuant to California Code of Regulations, title 1, section 100, updates the name for a section of the licensing exam that is prepared by the National Board of Examiners in Optometry (NBEO).

Title 16  
 Amend: 1523, 1531, 1561  
 Filed 05/19/2026  
 Agency Contact: Serena St. Mary (279) 895-1466

Board of Optometry

File # 2026-0408-04

Mobile Optometric Office Requirements

This action submitted by the Board of Optometry pursuant to California Code of Regulations, title 1, section 100, amends mobile optometric office requirements to align with Business and Professions Code section 3070.2, as amended by Senate Bill 776 (Stats. 2025, chapter 788, section 28).

Title 16  
 Amend: 1584.5, 1586, 1587  
 Filed 05/20/2026  
 Agency Contact: Serena St. Mary (279) 895-1466

Board of Optometry

File # 2026-0408-05

Corporation Applications and Branch Office Licenses

In this section 100 action pursuant to California Code of Regulations, title 1, section 100, the California State Board of Optometry repeals certificate of registration and branch office requirements for optometric corporations, pursuant to the repeal of Business and Professions Code sections 3161 and 3162 in AB 2256 (Chapter 564, Stats. 2006) and the amendment of Business and Professions Code section 3077 in SB 1386 (Chapter 334, Stats. 2018.)

Title 16  
 Repeal: 1544, 1549, 1550  
 Filed 05/19/2026  
 Agency Contact: Serena St. Mary (279) 895-1466

California Department of Tax and Fee Administration

File # 2026–0413–02

Filing a Claim for Refund, Review of a Request for Relief

In this action pursuant to California Code of Regulations, title 1, section 100, the California Department of Tax and Fee Administration updates the department names, email addresses, and fax numbers in response to agency reorganization.

Title 18

Amend: 35039, 35053

Filed 05/20/2026

Agency Contact: Kim DeArte (916) 309–5227

Department of Social Services

File # 2026–0406–03

A.B. 2231, Chapter 823, Stats. 2016

In this action pursuant to California Code of Regulations, title 1, section 100, the Department of Social Services amends the Penalties and Appeals regulations pertaining to Residential Care Facilities for the Elderly (RCFEs) to incorporate amendments by Assembly Bill 2231, Chapter 823, Statutes of 2016 to Health and Safety Code section 1596.49.

Title 22, MPP

Amend: 87759, 87761, 87763

Filed 05/18/2026

Agency Contact: Tyler Penn (916) 204–0337

Department of Toxic Substances Control

File # 2026–0408–07

Manufactured Gas Plant Waste Exclusion from the Toxicity Characteristic

In this non-substantive amendment pursuant to Health and Safety Code section 25159.1, the Department of Toxic Substances Control amends the Toxicity Characteristic regulations to align with federal regulations.

Title 22

Amend: 66261.24

Filed 05/15/2026

Agency Contact: Clara Silva (916) 324–0912

Department of Pesticide Regulation

File # 2026–0402–01

Groundwater Protection List

In this rulemaking action, the Department of Pesticide Regulation updates the Groundwater Protec-

tion List and its scientific methodology for identifying which pesticides must be placed on that list.

Title 03

Adopt: 6805

Amend: 6622, 6624, 6800

Repeal: 6804

Filed 05/13/2026

Effective 07/01/2026

Agency Contact: Lauren Otani (916) 445–5781

Department of Pesticide Regulation

File # 2026–0410–03

Heat Illness and Personal Protective Equipment — Chemical — Resistant Suits

This rulemaking action by the Department of Pesticide Regulation (“Department”) clarifies chemical-resistant suit requirements and removes a duplicative and obsolete heat illness prevention requirement concerning employees wearing required chemical-resistant suits.

Title 03

Amend: 6738.1

Filed 05/20/2026

Effective 07/01/2026

Agency Contact: Lauren Otani (916) 445–5781

California Department of Tax and Fee Administration

File # 2026–0403–01

Sales of Vehicles for Interstate and Foreign Commerce

In this resubmitted regulatory action, the Department of Tax and Fee Administration addresses the sale of vehicles to non-California residents for use out-of-state. It also addresses the sale of vehicles for use exclusively out-of-state or in interstate or foreign commerce. The regulations define terms, specify the application of and exemption to taxes for the sale, storage, use, or other consumption of a vehicle, and implement the requirements the Revenue and Taxation Code tax exemptions.

Title 18

Adopt: 1620.15

Amend: 1620.1

Filed 05/14/2026

Effective 07/01/2026

Agency Contact: Kim DeArte (916) 309–5227

**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).