GAVIN NEWSOM, GOVERNOR

OFFICE OF ADMINISTRATIVE LAW

California Regulatory Notice Register

REGISTER 2026, NUMBER 31–Z   PUBLISHED WEEKLY BY THE OFFICE OF ADMINISTRATIVE LAW   JULY 31, 2026

PROPOSED ACTION ON REGULATIONS

(Continued on next page)

***Time-
Dated
Material***

(Continued on next page)

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

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

TITLE 2. OFFICE OF ADMINISTRATIVE LAW

AMEND CONFLICT–OF–INTEREST CODE

NOTICE IS HEREBY GIVEN that the **Office of Administrative Law** 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 July 31, 2026, and closing on September 14, 2026. All inquiries should be directed to the contact listed below.

The **Office of Administrative Law** 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.

The Conflict–of–Interest Code of the Office of Administrative Law designate positions in Disclosure Category 1 that are required to file statements of economic interests and provides additional information regarding Disclosure Categories 1 and 2. The proposed amendments add Attorney V as a designated position in Disclosure Category 1, replaces Associate Governmental Program Analyst with Analyst II and Staff Services Manager II with Supervisor II, and makes technical revisions to conform the code to the Fair Political Practices Commission's standard format and language.

Authority: Government Code section 87306.

Reference: Government Code sections 87300–87302, 87306.

The proposed amendment, explanation of the reasons, and all the information upon which the proposal is based, can be obtained from the agency's contact and is available on the agency's intranet site.

Any interested person may submit written comments relating to the proposed amendment by submitting them no later than September 14, 2026, 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 August 30, 2026.

The **Office of Administrative Law** 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.

The Office of Administrative Law must determine that no alternative considered by the agency 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.

All inquiries concerning this proposed amendment and any communication required by this notice should be directed to:

Rhea Moyer

AGPA

Telephone: (916) 323–1196

Email: Rhea Moyer

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 Air Resources Board
California Gambling Control Commission
California Office of the Inspector General

A written comment period has been established commencing on July 31, 2026, and closing on September 14, 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 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 14, 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 codes 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.

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@fppc.ca.gov.

TITLE 3. DEPARTMENT OF FOOD AND AGRICULTURE

HYDRILLA ERADICATION AREA

The California Department of Food and Agriculture (Department) proposes to amend Title 3, California Code of Regulations (CCR) Section 3962. Hydrilla Eradication Area to include the entire State of California.

PUBLIC HEARING

A public hearing is not scheduled. However, 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 Department no later than 15 days prior to the close of the written comment period.

WRITTEN COMMENT PERIOD

Any interested person or his or her authorized representative may submit written comments relevant to the proposed regulations to the Department. Comments may be submitted by USPS, FAX or email. The written comment period closes September 14, 2026. The Department will consider only comments received at the Department offices by that date or postmarked no later than September 14, 2026. Submit comments to:

Erin Lovig, Senior Environmental Scientist
Supervisor
California Department of Food and Agriculture
Plant Health and Pest Prevention Services
1220 N Street
Sacramento, CA 95814
(916) 403–6650
Permits@cdfa.ca.gov

Questions regarding the substance of the proposed regulation should be directed to Erin Lovig. In her absence, you may contact Rachel Avila at (916) 698–2947 or rachel.avila@cdfa.ca.gov.

Unless there are substantial changes to the proposed regulations prior to adoption, the Department of Food and Agriculture may adopt the proposal as set forth in this notice without further notice to the public. Following the public hearing, if one is requested, or following the written comment period if none is requested, the Department, at its own motion, or at the instance of any interested person, may adopt the proposal substantially as set forth without further notice.

AUTHORITY

The Department proposes to amend Section 3854 pursuant to the authority vested by Sections 407 and 5322 of the Food and Agricultural Code (FAC).

REFERENCE

The Department proposes this action to implement, interpret and make specific authority vested by Sections 5322, 5761, and 6048 of the FAC.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

This amendment will provide authority for the State to perform specific detection, control, and eradication activities against hydrilla in California. This will allow targeted actions for eradication of hydrilla and reduce the chance of natural and artificial dispersal and the subsequent spread of the pest in California. Any eradication actions taken by the Department will be in cooperation with the U.S. Department of Agriculture (USDA) and the affected county agricultural commissioners.

EXISTING LAWS AND REGULATIONS

Existing law, FAC Section 407, provides that the Secretary may adopt such regulations as are reasonably necessary to carry out the provisions of this code which the Secretary is directed or authorized to administer or enforce.

Existing law, FAC Section 5322, provides that the Secretary may establish, maintain, and enforce quarantine, eradication, and such other regulations as are in their opinion necessary to circumscribe and exterminate or prevent the spread of any pest that is described in FAC Section 5321.

Existing law, FAC Section 5761, provides that the Secretary may proclaim any portion of the state to be an eradication area with respect to the pest, prescribe the boundaries of such area, and name the pest and the hosts of the pest which are known to exist within the area, together with the means or methods which are to be used in the eradication or control of such pest.

Existing law, FAC Section 6048, states that the plant hydrilla (*Hydrilla verticillata*) is a noxious aquatic weed not native to the State of California. The Legislature hereby declares that the further introduction and spread of this serious aquatic weed pest would be detrimental to the state, causing irreparable damage to the agricultural industry and recreational use of streams, lakes, and waterways and further that the eradication of this aquatic weed pest is essential to the preservation of the environment. It is unlawful to produce, propagate, harvest, possess, sell, or distribute hydrilla as such or incidental to the sale of fish, aquatic plants, or other hosts or possible carriers of hydrilla. The director may adopt quarantine or other regulations which prohibit the importation of hydrilla. Any violation of the regulations or of this section is an infraction punishable by a fine of not more than seventy–five dollars ($75) for the first offense and is a misdemeanor for a second or subsequent offense within three years of a prior conviction of a violation of this section or of the regulations. These penalty provisions do not preclude civil action as provided in Article 2 (commencing with Section 5021) of Chapter 1. It further states that the director shall conduct an ongoing survey and detection program for hydrilla. Whenever and wherever hydrilla is discovered, the director shall immediately investigate the feasibility of eradication. If eradication is feasible, the director shall perform the eradication in cooperation with federal, city, county, and other state agencies taking those steps and actions the director deems necessary.

ANTICIPATED BENEFITS OF THE PROPOSED AMENDMENT

The amendment of this regulation provides the necessary regulatory authority for the prevention of movement of a serious plant pest which is a mandated statutory goal.

This amendment is necessary to prevent the future spread of hydrilla to un–infested areas of the State. The regulation benefits the environment, and the overall California economy by preventing the spread of hydrilla.

There are economic benefits to the State's general fund from these regulations. Hydrilla also interferes with boating and fishing and increases the risk of drowning. Heavy infestations decrease fishing stocks and impact on boating, reducing recreational opportunities and the economies they support. When it is well–established, hydrilla will clog irrigation canals and municipal water systems, resulting in flooding or control and removal costs. It can drastically affect agriculture and recreational activities (boating, swimming, and fishing) and even endanger people and property through flooding. Clogged waterways also affect agriculture that depends on the movement of water for crops.

By adding have a statewide eradication are we will reduce the chances of future incursions and help maintain the economic baseline.

There is no existing, comparable federal regulations or statute.

There are no known specific benefits to worker safety.

There are specific benefits to the health of California residents.

EVALUATION OF INCONSISTENCY/ INCOMPATIBILITY WITH EXISTING STATE REGULATIONS

As required by Government Code Section 11346.5(a)(3)(D), the Department has conducted an evaluation of Section 3962 and has determined that they are not inconsistent or incompatible with existing state regulations. After conducting a review for any regulations that would relate to or affect this area, the Department has concluded that these are the only regulations that concern hydrilla eradication areas in California.

CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

Prior to conducting any action authorized by this regulation, the Department shall comply with the California Environmental Quality Act of 1970 (Public Resources Code Section 21000 et seq. as amended) and the State CEQA Guidelines (Title 14 California Code of Regulations Section 15000 et seq.).

DISCLOSURES REGARDING THE PROPOSED ACTION

The Department has made the following initial determinations:

Mandate on local agencies or school districts: None.

Cost to any local agency or school district requiring reimbursement pursuant to 17500 et seq.: None.

Cost or savings to any state agency: None.

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

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

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

Significant, statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states: The cost impacts are expected to be none and minimal/non–consequential. The Department makes the initial determination that the proposed action will not have a significant, statewide adverse economic impact.

Significant effect on housing costs: None.

Small business determination: The proposed action will not affect small business because compliance activities are currently being performed by existing staff throughout quarantine areas within the State without any impact on small business.

RESULTS OF THE ECONOMIC IMPACT ANALYSIS/ASSESSMENT

The amendment is designed to prevent or minimize the spread of hydrilla by amending Section 3962. The Department has made an assessment that the amendment to this regulation would: (1) not create or eliminate jobs within California, (2) not create new business or eliminate existing businesses within California,(3) not affect the expansion of businesses currently doing business within California, (4) is expected to benefit the health and welfare of California residents, (5) is expected to benefit the state's environment, and is (6) not expected to benefit workers' safety.

Health and welfare: The proposed action will benefit the health and welfare of California residents by making it more likely that hydrilla would be detected before an infestation can happen, and, if there is an infestation, the Department can react quickly and effectively. Speed of response is key to eradicating an incipient pest infestation. Programmatic delays potentially can lead to pest quarantines, as well as increased production costs and potential job loss.

The state's environment: The proposed action will benefit the state's environment by increasing the chance that hydrilla would be detected and treated before an infestation happens. If the Department neglects to regulate this pest hydrilla could spread into the local environment via the surrounding non–agricultural ecosystems. This could adversely impact private and commercial landscape plantings, local, regional, state and national parks, other recreational sites, open habitats, and wild lands.

CONSIDERATION OF ALTERNATIVES

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

The Department invites interested persons to present alternatives during the written comment period.

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

The Department has prepared an initial statement of reasons for the proposed action, and has made available all the information upon which its proposal is based and the express terms of the proposed action. The Department has posted the information regarding this proposed regulatory action on its Internet website (www.cdfa.ca.gov/plant/Regulations.html). A copy of the initial statement of reasons and the proposed regulations in underline and strikeout form may be obtained upon request. The location of the information on which the proposal is based may also be obtained upon request. In addition, the final statement of reasons will be available upon request. Requests should be directed to the contact named herein.

AVAILABILITY OF CHANGED OR MODIFIED TEXT

After the comment period and considering all timely and relevant comments received, the Department may adopt the proposed regulations substantially as described in this notice. If the Department makes modifications which are sufficiently related to the originally proposed text, it will make the modified text (with the changes clearly indicated) available to the public for at least 15 days before the Department adopts the regulations as revised. Any person interested may obtain a copy of said regulations prior to the date of adoption by contacting the agency officer named herein. The Department will accept written comments on the modified regulations for 15 days after the date on which they are made available.

AVAILABILITY OF THE FINAL STATEMENT OF REASONS

Upon its completion, copies of the Final Statement of Reasons may be obtained by contacting the agency officer named herein.

TITLE 4. ALTERNATIVE ENERGY AND ADVANCED TRANSPORTATION FINANCING AUTHORITY

GOGREEN HOME REGULATIONS

The California Alternative Energy and Advanced Transportation Financing Authority (the "Authority" or "CAEATFA"), organized and operating pursuant to Division 16 (commencing with section 26000) of the California Public Resources Code (the "Act")—pursuant to the authority vested in it by the Public Resources Code Section 26009 to promulgate regulations and Public Resources Code Section 26011 to provide financial assistance to a participating party, and acting pursuant to the Memorandum of Agreement ("MOA") between the Authority and the California Public Utilities Commission ("CPUC") which sets forth the policies and procedures for establishment of a series of ratepayer–funded pilot programs as authorized and described in the initial CPUC–approved Decision 13–09–044, Decision Implementing 2013–14 Energy Efficiency Financing Pilot Programs issued September 19, 2013 and modified through Decision 15–06–008, Decision 15–12–002, Decision 17–03–026,Decision 21.08.006 and Decision 23–08–026—proposes to amend the GoGreen Home Energy Financing Program (known publicly as the "GoGreen Home Program" and referred to as the "Program" in this document) regulations described below after considering all comments, objections, and recommendations regarding the proposed action.

PUBLIC HEARING

The Authority has not scheduled a public hearing on this proposed action. However, the Authority will hold a hearing if it receives a written request for a public hearing from any interested person, or his or her authorized representative, no later than 15 days 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 "Agency Contact Person" in this notice.

WRITTEN COMMENT PERIOD

Any interested person or their authorized representatives may submit written comments relevant to the regulations to the Authority. All comments must be submitted in writing to cheef@treasurer.ca.gov and **must be received by September 14, 2026**, or must be received by the Authority at the hearing, should one be scheduled, in order for them to be considered by the Authority.

In the event that substantial changes are made to the regulations during the written comment period, the Authority will also accept additional written comments limited to any changed or modified regulations for fifteen (15) calendar days after the date on which such regulations, as changed or modified, are made available to the public pursuant to Title 1, Division 1, Chapter 1, Article 2, Section 44 of the California Code of Regulations. Such additional written comments should be addressed to cheef@treasurer.ca.gov.

AUTHORITY AND REFERENCE

Authority: *Public Resources Code Section 26006 and 26009.* Section 26006 and 26009 of the Public Resources Code authorizes the Authority to adopt necessary regulations relating to its authority established by the Act, and Public Resources Code 26011 establishes the authority to provide financial assistance to a participating party.

Reference: *Public Resources Code Sections 26002, 26002.5, 26003(a)(3)(A), 26003(a)(6), 26003(a)(7)(A), 26003(a)(8)(A), 26011 and 26040.* On September 19, 2013, the CPUC approved Decision 13–09–044, and requested the Authority act as the master administrator of the California Hub for Energy Efficiency Financing ("CHEEF"), funded by ratepayer funds collected by the four investor owned utilities — Pacific Gas and Electric Company, San Diego Gas & Electric Company, Southern California Edison Company, and Southern California Gas Company (collectively the "IOUs"). The Authority's purpose is to advance the State's goals of reducing the levels of greenhouse gas emissions, increasing the deployment of sustainable and renewable energy sources, implementing measures that increase the efficiency of the use of energy, creating high quality employment opportunities, and lessening the State's dependence on fossil fuels. The Authority's statute enables it to provide financial assistance to various participating parties that carry out eligible projects. In July 2014, the Authority received initial Legislative budget authority to administer the CHEEF functions, and subsequently entered into a Memorandum of Agreement with the CPUC and a receivables contract with the IOUs to implement the CHEEF.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Existing law establishes the California Alternative Energy and Advanced Transportation Financing Authority and authorizes the Authority to provide "financial assistance" to "participating parties" for the implementation of "projects" as those terms are defined in Public Resources Code Section 26003. A Memorandum of Agreement between the Authority and the CPUC sets forth the policies and procedures for establishment of a series of ratepayer–funded pilot programs as authorized and described in the CPUC–approved Decisions.

Decision 13.09.044 established the California Hub for Energy Efficient Financing ("CHEEF") to be administered by the Authority. The Authority was authorized to develop and implement a number of energy efficiency financing programs. These programs were intended to attract a greater amount of private capital to the energy efficiency retrofit market by reducing risk to finance companies; broadening the availability of financing to individuals and businesses who might not have been able to access it otherwise; and addressing the upfront cost barrier to energy efficiency retrofit projects.

GoGreen Home launched in 2016 as a pilot program and, throughout early development and implementation, the Authority advocated to the CPUC for specific changes to Decisions regarding the CHEEF programs to broaden their relevance to the private market and streamline operations for participants. These efforts were necessary, from the Authority's perspective, to facilitate more energy efficiency projects and allow the Program to assist more customers. In March 2017, the CPUC issued Decision 17–03–026, which granted the Authority some additional flexibility to amend GoGreen Home from previous CPUC guidance. Leveraging this flexibility, the Authority implemented amendments through an emergency rulemaking process that began in 2017 and ended with a Certificate of Compliance in September 2018. In April 2020, the CPUC issued Resolution E–5072, which approved GoGreen Home's transition from a pilot program to a full program and provided funding for the Authority to facilitate scaling, including streamlining operations for Lenders, making planned technology improvements, and continuing with education and outreach efforts. CPUC Decision 21.08.006 in 2021 supported further expansion by authorizing GoGreen Home to utilize non–IOU ratepayer sources of funding for credit enhancements in order to set up more consistent project eligibility across utility jurisdictions. CAEATFA then implemented amendments through an emergency rulemaking process that began in 2021 and ended with a Certificate of Compliance in September 2022.

In August 2023, CPUC Decision 23–08–026 enabled CAEATFA to expand its program technologies and begin using its current funding source, IOU energy efficiency ratepayer funds, to credit enhance those technologies. This marked a significant expansion of the Program to encompass a broader range of clean energy measures in addition to energy efficiency measures. This expansion was in line with State goals, and supports Californians seeking to more fully decarbonize or electrify as well as improve the efficiency of their homes. Accordingly, CAEATFA added several new clean energy eligible measures: a bundled "solar photovoltaic + battery storage" measure, "smart electric vehicle chargers", and "battery storage expansion". Further, the maximum amount of financing for an Eligible Project was raised from $50,000 to $75,000 for projects that include the solar photovoltaic + battery storage bundled measure.

In October 2025, CAEATFA adopted new emergency regulations to clarify the inclusion of homes affected by natural disasters for the financing of energy efficiency measures. The emergency regulations also specified a maximum timeline from the completion of an energy efficiency project to submittal to the GoGreen Home Program for program eligibility. This was added to facilitate program operations and accurate tracking of program activity. These emergency regulations were then readopted once in April 2026 and then a second time in June 2026 in order to prepare for the Certificate of Compliance.

The proposed regulations associated with this Notice seek to make permanent the emergency modifications through the Certificate of Compliance regular rulemaking process.

Anticipated Benefits of the Proposed Action:

The benefits of this regulatory action will be to owners and renters of residential properties affected by natural disasters as well as Participating Lenders and the hundreds of enrolled Contractors who complete the upgrades. The clarification of the ability to utilize IOU Public Purpose Funding for homes that have been adversely affected by natural disasters is intended to reduce complexity and increase Program access to more Californians. This furthers the State's goals of reducing energy consumption and greenhouse gases. The addition of the maximum timeline from project completion to submittal to the GoGreen Home program facilitates processing and operation time for the program to ensure timely responses and support for contractors and lenders.

Evaluation of Inconsistency/Incompatibility with Existing State Regulations:

Government Code Section 11346.5(a)(3)(D) requires that the notice of proposed rulemaking include, "[an] evaluation of whether the proposed regulation is inconsistent or incompatible with existing state regulations." The Authority's Staff reviewed the California Code of Regulations and found no existing regulations with which there might be inconsistency or incompatibility. Therefore, the Authority believes that the proposed regulation is neither inconsistent nor incompatible with existing state regulations.

DISCLOSURES REGARDING THE PROPOSED ACTION

The Executive Director of the Authority has made the following determinations regarding the effect of the regulations:

Mandate on local agencies or school districts: None.

Cost or savings to any state agency: None.

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

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

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

Significant effect on housing costs: None.

Significant, statewide adverse economic impact directly affecting businesses including the ability of California businesses to compete with businesses in other states: The Authority has made the determination 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. Participation in the program is voluntary, and, in fact, the Authority finds that the proposed regulation may have a positive effect on the businesses of participating GoGreen Home Contractors and California–based Lenders.

Effect on Small Business: The Authority has made the determination that the proposed regulations will not have an adverse impact on small businesses in California. Participation is voluntary and designed to offer access to attractive financing for energy efficiency measures. The Authority believes that any effect on small businesses would be positive, particularly for Contractor businesses installing energy upgrades.

Cost Impacts on Representative Private Person or Business: The Authority is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

RESULTS OF ECONOMIC IMPACT ANALYSIS

The Authority finds that the regulations will have a positive effect on the state's economy and environment generally because of the anticipated increased economic activity, energy conservation and reduction of greenhouse gas emissions due to investments in energy upgrades. Studies have cited the need for lower cost financing as a main impediment to increasing the number of energy upgrades; therefore, the Authority finds there would be increased economic activity for certain businesses who manufacture energy measures and for the contractors who conduct energy retrofits, as well as for the California–based Lenders who process and provide the loans. Additionally, participants that make energy upgrades are likely to experience energy savings and may be able to apply those savings toward other economically beneficial activities.

Creation or Elimination of California Jobs:

The Authority finds that the regulations may have a positive impact on the creation of jobs within California, such as the manufacturers of energy efficiency and clean energy generation measures benefitting from increased demand, and Contractor companies who perform installations. The Authority has not estimated the number of direct and indirect green jobs that may be created as a result of this Program as participation is voluntary.

Creation or Elimination of Existing Businesses within the State of California:

As the regulations provide a credit enhancement to finance companies offering credit to California residents, the elimination of businesses is improbable. The regulations are unlikely to significantly affect the creation of new businesses within the State of California.

Expansion or Elimination of Existing Businesses Within the State of California:

The Authority finds there could be increased economic activity for certain businesses of Project Developers and Contractors who conduct energy related projects, thus potentially expanding existing businesses.

Benefits of the Regulations to The Health and Welfare of California Residents, Worker Safety, and The State's Environment:

The goal of the Program is to increase access to financing for California residents to invest in energy efficiency and clean energy generation upgrades, thus reducing greenhouse gas emissions and helping meet California's ambitious environmental goals. The Program does not directly affect worker safety.

SUMMARY OF PROPOSED CHANGES AND ADDITIONS

Section 10091.5. Loan Eligibility and Minimum Underwriting Criteria.

This section defines what is not considered an eligible loan for the program and what exceptions may apply.

This section is being updated to clarify the inclusion of homes that must be rebuilt because of a natural disaster as eligible properties for a GoGreen Loan. This is an exception to the general rule that newly constructed homes are not eligible for the program.

10091.9. Loan Enrollment.

This section outlines the processes by which an eligible GoGreen Home project is submitted to the program for Loan enrollment qualification.

The change to this section is the addition of a 180–calendar day maximum timeline from when a project is completed to when it must be submitted to the GoGreen Home program for enrollment.

CONSIDERATION OF ALTERNATIVES

In accordance with Government Code Section 11346.5(a)(13), the Authority must determine that no reasonable alternative considered by the agency or that has otherwise been identified and brought to the attention of the agency 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 Authority invites interested persons to present statements with respect to alternatives to the regulations during the written comment period.

AGENCY CONTACT PERSON

Written comments shall be submitted or directed to: cheef@treasurer.ca.gov.

Inquiries and any questions regarding the substance of the regulations shall be submitted or directed to:

Davey Ly
Program Specialist
CAEATFA
915 Capitol Mall
Sacramento, California 95814
Telephone: 916–653–3032
Email: davey.ly@treasurer.ca.gov

or (backup contact)

Aaron Lingenfelter
Analyst
CAEATFA
915 Capitol Mall
Sacramento, California 95814
Telephone: 916–653–2509
Email: ALingenfelter@sto.ca.gov

AVAILABILITY OF INITIAL STATEMENT OF REASONS AND TEXT OF THE PROPOSED REGULATIONS

The Authority has established a rulemaking file for this regulatory action, which contains those items required by law. The file is available for inspection at the Authority's office at 915 Capitol Mall, 3rd Floor, Sacramento, California 95814, during normal business working hours. As of the date this Notice is published in the Notice Register, the rulemaking file consists of this Notice, the Initial Statement of Reasons, the proposed text of the regulations, the Economic Impact Statement, and the Technical, Theoretical, and/or Empirical Studies, Reports, or Documents. Copies of these items are available upon request from the Agency Contact Person designated in this Notice or at the Authority's website located at https://www.treasurer.ca.gov/caeatfa/cheef/reel/regulations/.

AVAILABILITY OF CHANGED OR MODIFIED TEXT

After the public hearing and at the end of the written comment period, the Authority may adopt the regulations substantially as described in this Notice, without further notice. If the Authority makes modifications that are sufficiently related to the originally proposed text, it will make the modified text (with the changes clearly indicated) available to the public for at least fifteen (15) calendar days before the Authority adopts the proposed regulations, as modified. Inquiries about and request for copies of any changed or modified regulations should be addressed to the Agency Contact Person identified in this Notice. The Authority will accept written comments on the modified regulations for fifteen (15) calendar days after the date on which they are made available.

AVAILABILITY OF FINAL STATEMENT OF REASONS

Upon completion, a copy of the Final Statement of Reasons may be requested from the Agency Contact Person designated in this Notice or at the Authority's website located at https://www.treasurer.ca.gov/caeatfa/cheef/reel/regulations/.

AVAILABILITY OF MATERIALS ON THE INTERNET

Materials prepared for this rulemaking, including this Notice, the Initial Statement of Reasons, the text of the proposed regulations, the Economic Impact Analysis, and Technical, Theoretical, and/or Empirical Studies, Reports, or Documents may be accessed on the Authority's website located at https://www.treasurer.ca.gov/caeatfa/cheef/reel/regulations/.

TITLE 7. BOARD OF PILOT COMMISSIONERS FOR THE BAYS OF SAN FRANCISCO, SAN PABLO, AND SUISUN

PILOT TRAINEE TRAINING PROGRAM

NOTICE IS HEREBY GIVEN that the Board of Pilot Commissioners for the Bays of San Francisco, San Pablo, and Suisun (Board) proposes to adopt the regulations described hereunder, after considering all comments, objections, and recommendations regarding the proposed action received during the public comment period, which closes on **September 14, 2026.**

The Board proposes to amend and adopt the following sections of the California Code of Regulations, Title 7, Harbors and Navigation, Division 2, State Board of Pilot Commissioners for the Bays of San Francisco, San Pablo and Suisun:

- Amend: § 214. Pilot Trainee Training Program.

PUBLIC HEARING

The Board has not scheduled a public hearing on this proposed action. The Board will hold a public hearing if it receives a written request for a public hearing from any interested person, or his or her authorized representative, not later than 15 days before the close of the written comment period.

WRITTEN COMMENT PERIOD

Any interested person, or their authorized representative, may submit written comments relevant to the proposed regulatory action to the Board. The written comment period closes **September 14, 2026.** The Board will consider only comments received at the Board office by that time.

Submit comments to:

Allen Garfinkle, Executive Director
Board of Pilot Commissioners for the Bays of San Francisco, San Pablo, and Suisun
660 Davis Street
San Francisco, California 94111

Comments may also be submitted via email to bopc@bopc.ca.gov.

AUTHORITY AND REFERENCE

Authority: Harbors and Navigation Code (HNC) § 1154 authorizes the Board to adopt these proposed regulations. The proposed regulations implement, interpret, and make specific HNC §§ 1101(e), 1114.5, 1171.5, 1175, 1177, 1178 and 1196.5

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Existing Law and Effect of Proposed Amendments

The existing language in Title 7, Section 214 subsection (f) established a one (1) year period during which the Board may dismiss a pilot trainee without cause. However, the one (1) year period has proven insufficient to allow the Board to adequately evaluate a pilot trainee's capabilities within the training program. Pilot training is a complex and demanding process, and, in many cases, the Board requires more than twelve (12) months to fully assess whether a trainee has demonstrated the skills, judgment, and competencies necessary to serve as a licensed pilot.

Additionally, the existing regulation does not account for periods during which a pilot trainee is suspended, on medical leave, or on other approved absence from the training program. As currently written, such periods of absence would be counted toward the one (1) year evaluation period, effectively reducing the time available to the Board to evaluate a trainee's capabilities.

Finally, the Board has identified gendered pronouns in the existing regulations that will be replaced with gender–neutral language. This change is non–substantive and technical in nature and has no regulatory effect.

Anticipated Benefits of the Proposed Regulations

The proposed amendments to Title 7, Section 214 provide benefits to the Board, to pilot trainees and to the people of California:

- **Benefit to the Board:** Extending the dismissal evaluation period from one (1) year to eighteen (18) months ensures that the Board has sufficient time to assess whether a pilot trainee has the necessary skills, judgment, and competencies to serve as a licensed pilot, as the current one–year period has proven insufficient to allow the Board to adequately evaluate a pilot trainee's capabilities.
- **Benefit to Pilot Trainees:** The tolling provision benefits pilot trainees by ensuring that time spent away from the training program due to suspension, medical leave, or other approved absence does not unfairly reduce the period available for the Board to evaluate a trainee's capabilities.
- **Public Benefits:** These amendments promote fairness, transparency, and consistency in the administration of the Board's pilot trainee training program, which ultimately serves the public interest by ensuring that qualified pilots are licensed to operate within the waterways under the Board's jurisdiction.

Determination of Inconsistency/Incompatibility with Existing State Regulations

The Board has determined that the proposed regulations are not inconsistent or incompatible with existing state regulations or statutes. After conducting a review for any state regulations that would relate to or affect the sections proposed to be added and amended, the Board has concluded that these are the only state regulations related to the pilot trainee training program under the jurisdiction of the Board.

DISCLOSURES AND DECLARATIONS REGARDING THE PROPOSED ACTION

The Board has made the following determinations:

1. Mandate on local agencies and school districts: None. The Board has determined that the proposed regulations do not constitute a mandate on school districts or other local agencies. The proposed regulations address the internal administration of the Board's pilot trainee training program.
2. Cost or savings to any state agency: None. The Board has determined that the proposed regulations would not result in significant costs or savings.
3. Cost to any local agency or school district requiring reimbursement pursuant to Gov Code section 17500 et seq: None. The proposed regulations do not place a mandate on local agencies or school districts, and there would be no costs incurred by these entities.
4. Other nondiscretionary cost or savings imposed on local agencies: None. There are no requirements imposed on local agencies, and therefore,

there are no other nondiscretionary costs or savings.

5. Cost or savings in federal funding to the state: None. These regulations do not relate to any federal program.
6. Significant, statewide adverse economic impact directly affecting business including the ability of California businesses to compete with businesses in other states: None. The proposed regulations do not have a statewide adverse economic impact on California businesses.
7. Cost impacts on a representative private person or business: None. The Board is not aware of any cost impacts that a representative private person or business would necessarily incur as a result of the proposed regulations.
8. Results of the economic impact assessment/analysis: These regulations are not anticipated to have any direct, indirect or induced effect on California businesses. Specifically:

- The action will not have any effect on the creation or elimination of jobs within the state.
- The action will not affect the creation of new businesses or the elimination of existing businesses within the state.
- The action will not affect the expansion of businesses currently doing business within the state.
- The action will have no effect on worker safety and the state's environment.

Benefits of the Proposed Action: The proposed amendments benefit both the Board and pilot trainees by extending the dismissal evaluation period to eighteen (18) months, establishing a tolling provision for approved absences, and promoting fairness and consistency in the administration of the Training Program, ultimately serving the public interest by ensuring that only qualified pilots are licensed to operate within the waterways under the Board's jurisdiction.

9. Significant effect on housing costs: None. The proposed regulations do not relate directly or indirectly to housing costs.
10. Small business determination: The Board has determined that the proposed regulations do not affect small businesses. The proposed regulations address the internal administration of the Board's pilot trainee training program.

CONSIDERATION OF ALTERNATIVES

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

The Board invites interested persons to present statements or arguments with respect to alternatives to the proposed regulations at the scheduled hearing, if one is held, or during the written comment period.

CONTACT PERSON

Inquiries concerning the proposed administrative action may be directed to:

Name: Allen Garfinkle
Email: bopc@bopc.ca.gov
Phone: (415) 397–2253

The backup contact person for these inquiries is:

Name: Matthew Millspaugh
Email: bopc@bopc.ca.gov
Phone: (415) 397–2253

Please direct requests for copies of the proposed text (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 Board at the above address.

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

The Board has established a rulemaking file for this regulatory action, which contains those items required by law. The rulemaking file is available for inspection and copying throughout the rulemaking process at the Board's offices located at the 660 Davis Street, San Francisco, California, 94111. Please contact Allen Garfinkle at the above phone number or email address to arrange a date and time to inspect the files. The rulemaking file is available for inspection or copying during normal business hours (9:00 a.m. to 5:00 p.m.). As of the date this Notice is published in the Notice Register, the rulemaking file consists of this Notice, the Initial Statement of Reasons, and the proposed text of the regulations. Copies of these items are available upon request from the Board Contact Person designated in this Notice.

AVAILABILITY OF CHANGED OR MODIFIED TEXT

After the close of the 45–day public comment period, the Board may adopt the proposed regulations.

As a result of public comments, either oral or written, that are received by the Board regarding this proposal, the Board may determine that changes to the proposed regulations are appropriate.

If the Board makes modifications that are sufficiently related to the originally proposed text, it will make the modified text (with the changes clearly indicated) available to the public for at least 15 days before the Board adopts the regulations as revised. The Board will provide notification of any such modifications to all persons whose comments were received during the public comment period, all persons whose comments (written or oral) were received at the public hearing (if one is held), and all persons who requested notice of such modifications. Otherwise, please send requests for copies of any modified regulations to the attention of Allen Garfinkle at the above email address. The Board will accept written comments on the modified regulations for 15 days after the date on which the modified regulations are made available.

AVAILABILITY OF FINAL STATEMENT OF REASONS

The Board is required to prepare a Final Statement of Reasons. Once the Board has prepared a Final Statement of Reasons, a copy will be made available to anyone who requests a copy. Requests for copies should be addressed to the Board Contact Person identified in this Notice.

AVAILABILITY OF DOCUMENTS ON THE INTERNET

The Board maintains an Internet website for the electronic publication and distribution of written material. Copies of the Notice of Proposed Rulemaking, the Initial Statement of reasons, and the text of the regulations in underline and strikeout can be accessed through the Board's website at www.bopc.ca.gov.

TITLE 11. COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING

PEACE OFFICER CERTIFICATES

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 close of the public comment period.

PUBLIC COMMENTS DUE BY SEPTEMBER 14, 2026

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 Stacy Townsend at stacy.townsend@post.ca.gov, or by letter to:

Commission on POST
Attention: Stacy Townsend
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), and 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

On September 30, 2021, Governor Newsom signed Senate Bill (SB) 2 (2021). SB 2 made significant changes to existing Government and Penal Codes, respectively. These changes provide for additional peace officer hiring eligibility requirements. SB 2 also grants POST the authority to certify all peace officers in California, and subsequently take action against those certifications, should POST determine serious misconduct occurred. While the peace officer eligibility hiring requirements went into effect on January 1, 2022, the remaining changes to Government and Penal Codes went into effect on January 1, 2023.

This rulemaking action will provide further clarification and specificity regarding the peace officer certificates awarded by POST and the requirements for applying and obtaining such certificates.

Currently, among other things, Commission Regulation 1202 establishes the requirements for Proof of Eligibility (POE), POST Basic Certificates, and higher–level POST Professional Certificates for peace officers. Commission Regulation 1202 creates a progression system in which peace officers must obtain a POE when appointed if they do not already possess a POST Basic Certificate; then they must earn a POST Basic Certificate within the required statutory timeline while maintaining eligibility and avoiding disqualifying misconduct. After obtaining a POST Basic Certificate, Commission Regulation 1202 provides for the option of peace officers applying for, and being awarded, higher–level professional certificates based on education, training, and experience.

The amendments proposed in this rulemaking action will add clarity and specificity regarding the requirements of peace officers obtaining a POE, a POST Basic Certificate, and POST Professional Certificates. The proposed regulations will describe in more detail the requirements for obtaining each of the certificates POST awards.

Anticipated Benefits of the Proposed Amendments:

The benefits anticipated by the proposed amendments to the regulation will provide clarity related to the requirements for qualifying and obtaining a POE, POST Basic Certificate, and POST Professional Certificates. This 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 for 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.

DOCUMENT(S)/FORM(S) INCORPORATED BY REFERENCE

There are no documents/forms 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 regulations affect individual peace officers seeking to obtain a POE, POST Basic Certificate, and POST Professional Certificates. 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 or eliminate jobs in the state of California, (2) unlikely that the proposal will create or eliminate any 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 Overview, the benefits of the regulation will add clarity related to the requirements for qualifying and obtaining a POE, POST Basic Certificate, and POST Professional Certificates. 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 Stacy Townsend, Commission on POST, 860 Stillwater Road, Suite 100, West Sacramento, CA 95605–1630, at (916) 970–4644. General questions regarding the regulatory process may be directed to Alondra Castellanos Gutierrez at (916) 266–2331.

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 www.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 11. COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING

PEACE OFFICER READING AND WRITING ABILITY ASSESSMENT

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 close of the public comment period.

PUBLIC COMMENTS DUE BY SEPTEMBER 14, 2026

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 Melani Singley at melani.singley@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), and PC § 13506 (POST authority to adopt regulations). This proposal is intended to interpret, implement, and make specific PC § 13503(f) and (i), which authorizes POST to investigate and determine the fitness of any person to serve as a peace officer within the POST program and to do any and all things necessary or convenient to enable it fully and adequately to perform its duties and to exercise the power granted to it.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

This rulemaking action is to update the reference to the POST Entry–Level Law Enforcement Test Battery (PELLETB) Test Use and Security Agreement

(Agreement). POST is in the process of transitioning from a paper–and–pencil exam to an online platform, resulting in the need to update the Agreement. Additionally, updates include an acknowledgement that the candidate signs to ensure they understand and comply with testing integrity. Further it incorporates a report form to assist agencies with documenting and notifying POST of any test compromises.

This rulemaking action clarifies and makes specific updated test security requirements for using the PELLETB to meet the reading and writing ability requirement of this regulation.

Currently, Commission Regulation 1951 addresses the Agreement, but it has not been updated since 2015.

The regulation proposed in this rulemaking action will ensure that agencies that choose to use the PELLETB understand the test security requirements to ensure that the test remains confidential and secure during their handling of the exam which, in turn, helps to maintain a fair and equitable examination experience for all candidates.

Anticipated Benefits of the Proposed Amendments:

The benefits anticipated by the proposed amendments to the regulation will ensure test materials remain secure which, in turn, will provide for a fair and impartial test and an efficient and effective testing experience. 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 entry–level testing in the state.

DOCUMENT(S)/FORM(S) INCORPORATED BY REFERENCE

POST Entry–Level Law Enforcement Test Battery (PELLETB) Test Use and Security Agreement (9/2026).

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 regulations only affect law enforcement agencies who choose to use this no cost examination to assess their candidate's reading and writing ability. 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 or eliminate jobs in the state of California, (2) unlikely that the proposal will create new businesses or eliminate 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 Overview, the benefits of the regulation will clarify the requirements necessary to ensure a fair and impartial test that is delivered in an efficient and effective manner, while continuing to maintain the integrity of the examination. 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 Melani Singley, Commission on POST, 860 Stillwater Road, Suite 100, West Sacramento, CA 95605–1630, at (916) 227–4258. General questions regarding the regulatory process may be directed to Alondra Castellanos Gutierrez at (916) 266–2331.

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 www.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 11. COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING

REQUIREMENTS FOR BASIC COURSE CERTIFICATION

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 close of the public comment period.

PUBLIC COMMENTS DUE BY SEPTEMBER 14, 2026

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 Mario Moreno at mario.moreno@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), and PC § 13506 (POST authority to adopt regulations). This proposal is intended to interpret, implement, and make specific PC § 13510(a)(2), which authorizes to adopt, and may from time to time amend rules establishing minimum standards for training.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

PC § 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, there is no requirement that Recruit Training Officers (RTOs) be assigned to supervise students attending the POST–certified Module III and Module II basic courses. The Basic Training Bureau has received feedback from Module I basic course presenters regarding students' lack of exposure to RTOs, which are required in a Module I basic course. The Module I presenters noted that students tend to struggle in adjusting to the structure and supervision of the RTO role, which puts them at a disadvantage compared to students who had exposure to RTOs in prior modules.

Additionally, RTOs must be knowledgeable in general law enforcement and patrol–related topics such as patrol procedures, domestic violence, and vehicle pullovers. The current regulatory language used to outline requirements for RTOs broadly states, "shall have sworn, full–time law enforcement experience," which, based on interpretation, may include select correctional officers, Alcoholic Beverage Control agents, and other officers that are referred to as "sworn" and having "full–time law enforcement experience." However, many of these individuals may lack practical experience in general law enforcement duties, such as investigating crimes, patrolling designated areas, responding to various law enforcement requests, and carrying out enforcement actions for a wide range of law violations.

Anticipated Benefits of the Proposed Amendments:

The benefits anticipated by the proposed amendments to the regulation will enhance consistency, establish a standardized approach to supervising students across all formats of the Regular Basic Course, and ensure that all students receive proper guidance and support throughout each module (III, II, and I). Modifying regulatory requirements to improve the selection of RTOs will increase the state of California's efficiency 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.

DOCUMENT(S)/FORM(S) INCORPORATED BY REFERENCE

There are no documents/forms 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 regulations only affect state agencies that are adopting, amending or repealing regulations. 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 or eliminate jobs in the state of California,

(2) unlikely that the proposal will create businesses or eliminate 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 Overview, the benefits of the regulation will increase the efficiency of the state of California in delivering services to stakeholders by enhancing consistency, establishing a standardized approach to supervising students across all formats of the Regular Basic Course, and ensuring that all students receive proper guidance and support throughout each basic course module (III, II, and I). Modifying regulatory requirements to improve selection of RTOs will increase the state of California's efficiency in delivering services to stakeholders. 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 Mario Moreno, Commission on POST, 860 Stillwater Road, Suite 100, West Sacramento, CA 95605–1630, at (916) 227–4895. General questions regarding the regulatory process may be directed to Alondra Castellanos Gutierrez at (916) 266–2331.

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 www.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 11. COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING

TRAINING AND TESTING SPECIFICATIONS FOR PEACE OFFICER BASIC COURSES — LEARNING DOMAIN 32 — LIFETIME FITNESS

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 close of the public comment period.

PUBLIC COMMENTS DUE BY SEPTEMBER 14, 2026

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 John Johnson at John.Johnson@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), and 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

POST Basic Training Bureau staff requested approval by the Commission to conduct a pilot for Learning Domain 32 — Lifetime Fitness for the Module III and Module II basic courses. The Commission approved the pilot, which included the addition of 5 hours to the Module III basic course and the addition of 16 hours to Module II basic course.

After completing an 18–month pilot program, the Commission approved the adoption of Learning Domain 32 — Lifetime Fitness into the Module III and Module II basic course curriculum.

Currently, there are regulations setting forth the minimum standards for training of peace officers, reserve officers, and requalification requirements, as laid out in the document **Training and Testing Specifications for Peace Officer Basic Courses,** incorporated by reference into the California Code of Regulations, Title 11, sections 1005, 1007, 1008, and 1059, dated October 1, 2025. The documents contain minimum content and hourly requirements, training modules, and domain descriptions of various aspects of policing, minimum hours, etc.

This proposed rulemaking will expand Learning domain 32 — Lifetime Fitness to the list of domain requirements in the Module III and Module II courses. The effect of the regulation will be to ensure that peace officers maintain health and sustainable fitness habits throughout their careers.

The incorporated by reference document will be revised from October 1, 2025, to April 1, 2027.

Anticipated Benefits of the Proposed Amendments:

The benefits anticipated by the proposed amendments to the regulation will ensure students attending a Module III and Module II basic course have an understanding of overall health and fitness and the role it plays in a law enforcement career and will be better prepared to enter a Module I basic course, 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

Training and Testing Specifications for Peace Officer Basic Courses — Learning Domain 32 — Lifetime Fitness April 1, 2027.

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 person 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 affect small businesses because the regulations concern peace officers' standards and training, including lifetime health and fitness standards for peace officers.

Significant effect on housing costs: None.

Small Business Determination: POST has determined that the proposed regulations will not affect small businesses because the regulations only affect state agencies that are adopting, amending or repealing regulations. 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 or eliminate jobs in the state of California, (2) unlikely that the proposal will create or eliminate any 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 Overview, the benefits of the regulation will increase the efficiency of the state of California in delivering services to stakeholders by ensuring students attending a Module III and Module II basic course have an understanding of overall health and fitness and the role it plays in a law enforcement career and will be better prepared to enter a Module I basic course. 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 John Johnson, Commission on POST, 860 Stillwater Road, Suite 100, West Sacramento, CA 95605–1630, at (916) 894–9521. General questions regarding the regulatory process may be directed to Alondra Castellanos Gutierrez at (916) 266–2331.

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 www.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 11. DEPARTMENT OF JUSTICE

FIREARM INDUSTRY STANDARD OF CONDUCT

The Department of Justice (Department) proposes to amend section 4022 of title 11, division 5, chapter 2, concerning requirements for California firearms dealers and the firearm industry standard of conduct.

PUBLIC HEARING

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

WRITTEN COMMENT PERIOD

Any interested person or their authorized representative may submit written comments relevant to the proposed regulatory action. The written comment period closes on **September 15, 2026**, at **5:00 p.m.** Only written comments received by that time will be considered. Please submit written comments to:

L. Baladjay–Fretland
Department of Justice
P.O. Box 160487
Sacramento, CA 95816
(916) 210–2621
bofregulations@doj.ca.gov

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

AUTHORITY AND REFERENCE

Authority cited: Sections 26720, Penal Code; and Section 3273.51, Civil Code.

Reference: Sections 16585, 26805, 26810, 26815, 26820, 26825, 26830, 26835, 26840, 26845, 26850, 26855, 26860, 26865, 26870, 26875, 26885, 26890, 26900, 26905, 26910, 27500, 27505, 27510, 27515, 27520, 27525, 27530, 27535, 27540, 27545, 27550, 27555, 28050, 28055, 28060, 28065, 28100, 28160, 28165, 28170, 28175, 28180, 28205, 28210, 28215, 28220 and 31700, Penal Code; Section 3273.51, Civil Code; and Title 47, Parts 478.124, 478.124a and 478.125, Code of Federal Regulations.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Summary of Existing Laws and Regulations:

Existing law requires the Department to inspect firearm dealers at least every three years to ensure compliance with any applicable state law (Pen. Code, § 26720), including firearms transfer requirements[1], firearms dealer records and record retention requirements[2] and firearm dealership facility requirements[3]. The dealer shall ensure that the Department field representative has access to all firearm transaction records, firearm inventory, security features, and the business premises for inspection. (Cal. Code Regs., title 11, § 4022.) Dealers must also provide all dealer licenses and permits[4], locate firearms that are in the waiting period according to the dealer's records or records of the Department, clarify unclear or conflicting entries contained in the firearms transaction records, and identify the type and location of security measures and devices used at the business. (*Ibid.*)

Existing law establishes a firearm industry standard of conduct, which requires a firearm industry member, as defined in Civil Code section 3273.50, subdivision (f), to establish, implement, and enforce reasonable controls, as defined, and to take reasonable precautions to ensure that the member does not sell, distribute, or provide a firearm–related product, as defined, to a downstream distributor or retailer of firearm–related products who fails to establish, implement, and enforce reasonable controls. (Civ. Code, § 3273.51, subdivisions (a) and (b).) For these purposes, existing law defines firearm accessory and firearm manufacturing machine. (Civ. Code, § 3273.50, subdivisions (c) and (g).)

Assembly Bill 1263 (Chapter 636, Statutes of 2025) amended Civil Code section 3273.51 to prohibit a person from knowingly or willfully causing another person to engage in the unlawful manufacture of firearms or knowingly or willfully aiding, abetting, prompting, or facilitating the unlawful manufacture of firearms, including the manufacture of assault weapons or .50 BMG rifles or the manufacture of any firearm using a three–dimensional printer or computer numerical control (CNC) milling machine.

Prior to completing the sale or delivery in California or to a California resident of a firearm accessory

[1] See Penal Code sections 16585, 26805, 26815, 26825, 26830, 26840 through 26870, 27500 through 27520, 27530 through 27545, 27555, and 28050 through 28065.

[2] See Penal Code sections 16585, 26850, 26900 through 26910, 27525, 27550, 27555, 28060, 28100, 28160 through 28180, 28205 through 28220, and 31700.

[3] See Penal Code sections 26810, 26820, 26835, 26875, 26885, and 26890.

[4] See Penal Code section 26700.

or a firearm manufacturing machine, as described in Civil Code section 3273.50, or of a firearm barrel unattached to a firearm, a firearm industry member shall:

- Provide a prospective purchaser with a clear and conspicuous notice of the information provided in Civil Code section 3273.51, subdivision (e)(2); and,
- Receive an acknowledgment from the prospective purchaser attesting that the prospective purchaser received and understands the notice provided according to Civil Code section 3273.51, subdivision (e)(2).

Existing law makes it a crime for a person to manufacture or cause to be manufactured specified firearms. (Pen. Code, § 30600.) A person, other than a state–licensed firearms manufacturer, is prohibited from using a CNC milling machine or three–dimensional printer to manufacture a firearm. (Pen. Code, § 29185.)

Civil action can be taken against a person who knowingly distributes, or causes to be distributed, any digital firearm manufacturing code to any person, except as specified. (Civ. Code, § 3273.61.) For these purposes, existing law defines "digital firearm manufacturing code" to mean any digital instructions in the form of computer–aided design files or other code or instructions that may be used to program a CNC milling machine, a three–dimensional printer, or a similar machine to manufacture or produce a firearm, including a completed frame or receiver or a firearm precursor part. (Civ. Code, § 3273.60, subdivision (a).) Assembly Bill 1263 updated and expanded the definition of "digital firearm manufacturing code." The Attorney General, county counsel, or city attorney may bring an action against a person and seek a civil penalty, as specified, for each violation, as well as injunctive relief. (Civ. Code, § 3273.61, subdivision (c)(2).)

Effect of the Proposed Rulemaking:

California Code of Regulations, Title 11, section 4022, governs firearm dealer inspections. The proposed regulation amends the existing regulation to include the inspection of the notice required by Civil Code section 3273.51. The regulations identify an optional form (BOF 146) for dealers to provide to a prospective purchaser. This form serves as a notice to the prospective purchaser of the information in Civil Code section 3273.51, subdivision (e)(2). The regulation further outlines the following requirements for the notice:

- the notice must be signed by the prospective purchaser to indicate their acknowledgment that they received and understand the notice.
- the notice must include the date of the sale or delivery of the firearm accessory, firearm manufacturing machine, or firearm barrel unattached to a firearm.
- the firearm dealer must retain the notice for three years and provide a copy to the purchaser.
- the form may be maintained in electronic format.

Anticipated Benefits of the Proposed Regulations:

Requiring dealers to maintain the notice required by Civil Code section 3273.51 enables the Department to ensure compliance with this law. The regulation also gives the dealer an option to provide a form that is created by the Department to prospective purchasers. The form acts as a notice and informs prospective buyers of potential violations regarding manufacturing firearms. This will also minimize confusion about what is expected for both dealers and purchasers to comply with the newly enacted law.

Comparable Federal Regulations:

Federal regulations require records pertaining to firearms transactions to be retained on the licensed premises in the manner prescribed by this subpart and for the length of time prescribed by 27 CFR § 478.129. Furthermore, Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) officers may, for the purposes and under the conditions prescribed in 27 CFR § 478.23, enter the premises of any licensed importer, licensed manufacturer, licensed dealer, or licensed collector for the purpose of examining or inspecting any record or document required by or obtained under this part. Section 923(g) of Title 18 U.S.C. Chapter 44 (the Act) requires licensed importers, licensed manufacturers, licensed dealers, and licensed collectors to make such records available for examination or inspection during business hours or, in the case of licensed collectors, hours of operation, as provided in 27 CFR § 478.23. Each licensed importer, licensed manufacturer, licensed dealer, and licensed collector shall maintain such records of importation, production, shipment, receipt, sale, or other disposition, whether temporary or permanent, of firearms and such records of the disposition of ammunition as the regulations contained in this part prescribe. Section 922(m) of the Act makes it unlawful for any licensed importer, licensed manufacturer, licensed dealer, or licensed collector to knowingly make any false entry in, to fail to make appropriate entry in, or to fail to properly maintain any such record. (27 CFR § 478.121).

Determination of Inconsistency/Incompatibility with Existing State Regulations:

The Department has determined that these proposed regulations are not inconsistent or incompatible with existing State regulations. After conducting a review of any regulations that would relate to or affect this area, the Department has concluded that these are the only regulations that concern the notice and acknowledgment required by Civil Code section 3273.51.

Forms Incorporated by Reference:

None.

Other Statutory Requirements:

None.

DISCLOSURES REGARDING
THE PROPOSED ACTION

The Department's Initial Determinations:

Mandate on local agencies or school districts: None.

Cost or savings to any state agency: One–time costs to create the form are minor, and absorbable within existing resources.

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

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

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

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

Significant effect on housing costs: None.

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

Results of the Economic Impact Assessment (EIA):

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

The Department also concludes that:

(1) The proposal would benefit the health and welfare of California residents by minimizing the illegal manufacturing of firearms and providing notice to the public regarding information on illegal manufacturing of firearms as defined in Civil Code section 3273.51, subdivision (e)(2). The proposal minimizes confusion and provides clear guidance to both dealers and prospective purchasers, which benefits the health and welfare of California residents.

(2) The proposal would not benefit worker safety because it does not regulate worker safety standards.

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

Business report requirement: None.

Small business determination: The Department has determined that the proposed action affects small businesses. However, there is no economic impact on these small businesses.

CONSIDERATION OF ALTERNATIVES

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

The Department has determined that the proposed regulations are the most effective way to ensure dealers comply with the notice requirements imposed by Civil Code section 3273.51. The regulations require the notice and acknowledgment to be in writing and available for Department inspection. The Department has created a notice available for optional use, which reduces any burden to dealers. There are no costs associated with the proposed regulations.

CONTACT PERSONS

Inquiries concerning the proposed administrative action may be directed to:

L. Baladjay–Fretland
Department of Justice
P.O. Box 160487
Sacramento, CA 95816
(916) 210–2621
bofregulations@doj.ca.gov

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

J. Walker
Department of Justice
P.O. Box 160487
Sacramento, CA 95816
(916) 210–2366
bofregulations@doj.ca.gov

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

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

AVAILABILITY OF CHANGED OR MODIFIED TEXT

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

AVAILABILITY OF THE FINAL STATEMENT OF REASONS

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

AVAILABILITY OF DOCUMENTS ON THE INTERNET

Copies of the Notice of Proposed Rulemaking, the express terms, the Initial Statement of Reasons, and any information upon which the proposed rulemaking is based are available on the Department's website at https://oag.ca.gov/firearms/regs.

TITLE 11. DEPARTMENT OF JUSTICE

FIREARM SAFETY DEVICE PROGRAM

The Department of Justice (Department) proposes to amend Sections 4082, 4102, and 4108 and adopt Section 4110 of Title 11, division 5, chapter 6 of the California Code of Regulation (CCR) concerning firearm safety device (FSD or device) standards and the Roster of Approved Firearm Safety Devices.

PUBLIC HEARING

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

WRITTEN COMMENT PERIOD

Any interested person or their authorized representative may submit written comments relevant to the proposed regulatory action. The written comment period closes on **September 15, 2026** at **5:00 p.m.** Only written comments received by that time will be considered. Please submit written comments to:

L. Baladjay–Fretland
Department of Justice
P.O. Box 160487
Sacramento, CA 95816
(916) 210–2621
bofregulations@doj.ca.gov

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

AUTHORITY AND REFERENCE

Authority cited: Sections 23635, 23650, 23655 and 23658, Penal Code.

Reference: Sections 23650, 23655 and 23658, Penal Code.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Summary of Existing Laws and Regulations:

With limited exceptions, any firearm sold or transferred in this state by a licensed firearms dealer, including a private transfer through a dealer, and any firearm manufactured in this state, shall include or be accompanied by a firearm safety device that is listed on the Department's Roster of Approved Firearm Safety Devices (Roster) and that is identified as appropriate for that firearm by reference to either the manufacturer and model of the firearm, or to the physical characteristics of the firearm that match those listed on the roster for use with the device. (Pen. Code, §§ 23630, 23635.) A FSD is a device, other than a gun safe, that locks and is designed to prevent children and unauthorized users from firing a firearm. The device may be installed on a firearm, be incorporated into the design of the firearm, or prevent access to the firearm. (Pen. Code, § 16540; Cal. Code Regs., title 11, § 4082, subdivision (*l*)).

Subdivision (c) of Penal Code 23635 provides that the sale or transfer of a firearm shall be exempt from subdivision (a) if all of the following apply: (1) the purchaser or transferred purchases an approved FSD no more than 30 days prior to the day the purchaser or transferee takes possession of the firearm; (2) the purchaser or transferee presents the approved FSD to the firearms dealer when picking up the firearm; (3) the purchaser or transferee presents an original receipt to the firearms dealer, which shows the date of purchase, the name, and the model number of the FSD; (4) the firearms dealer verifies that the requirements in (1) to (3), inclusive, have been satisfied; and (5) the firearms dealer maintains a copy of the receipt along with the dealer's record of sales of firearms.

In addition to requiring FSDs at the point of sale, Penal Code section 25145 generally requires a person who possesses a firearm in a residence to ensure the firearm is securely stored using an FSD listed on the Department's Roster, or a secure gun safe, whenever the firearm is not being carried or readily controlled by a lawful authorized user. Penal Code sections 25100, 25105, and 25135 apply similar requirements to prevent minors and prohibited people from gaining unauthorized access to firearms.

The Department certifies laboratories to verify compliance with FSD standards. (Pen. Code, § 23655.) Subdivision (c) of Penal Code section 23655 requires a Certified FSD Laboratory to, at the manufacturer's or dealer's expense, test a device and submit a copy of the final test report to the Department, along with, for those devices that have passed, one prototype of the device, which the Department must retain for at least as long as the device remains listed on the Roster. After reviewing the test report and FSD, the Department determines whether the device will be placed on the Roster and may be sold in this state. (Pen. Code, § 23655; Cal. Code Regs., title 11, § 4108.)

Commencing on January 1, 2026, the Department may approve a FSD not tested by a certified laboratory and list that device on the Roster if a model of the device made by the same manufacturer is already listed on the Roster and the unlisted device differs from the listed device only in features that do not alter the material or functioning of any of the components of the device. (Pen. Code, § 23658.)

Subdivision (d) of Penal Code section 23658 authorizes the Department, at its discretion and at any time, to require a manufacturer to provide to the Department a prototype of any device model for which listing on the Roster is sought for a device that has not been tested by a Certified FSD Laboratory and, if the device is listed pursuant to subdivision (a), the Department must retain the prototype for at least as long as the device is listed on the Roster.

Subdivision (d)(1) of Penal Code section 23655 requires the Department to compile, publish, and maintain a Roster listing all the devices that have been tested by a Certified FSD Laboratory, have been determined to meet the Department's standards for devices, and may be sold in the state. Pursuant to subdivision (f)(2) of Penal Code section 23655, the Department may not add a device to the Roster after January 1, 2026, unless the name of the manufacturer, the model number, and the model name, as they appear (or would appear) on the Roster, are engraved or otherwise permanently affixed to the device.

Effect of the Proposed Rulemaking:

Definition of "Permanently Affixed"

The proposed regulations adopt Section 4082, subdivision (z), to define the term "permanently affixed," as used in Penal Code section 23655, subdivision (f)(2). "Permanently affixed" means the name of the manufacturer, the model number, and the model name are stamped, etched, molded, casted, silkscreened, indelibly printed, or otherwise marked in a way that cannot be removed or erased on a permanently attached part of the device or on a nameplate of metal, plastic, or other material fastened to the equipment by welding, riveting, or a permanent adhesive. The name of the manufacturer, the model number, and the model name permanently affixed to the device must be designed to last the expected lifetime of the equipment in the environments in which the equipment is reasonably expected to be operated and must not be readily detachable.

The proposed regulations also edit Section 4108 to clarify a process for manufacturers who fail to satisfy the requirements of Penal Code section 23655, subdivision (f)(2), to correct that deficiency without having to go through the testing process again.

Annual Listing Renewal Certification

The proposed regulations adopt Section 4011 to require FSD manufacturers to request to renew the listing of their FSD model on the Roster no later than the first business day of each calendar year. Manufacturers must describe any modifications to the FSD, if any have been made since the FSD was listed. If the Department does not receive the annual listing renewal certification by February 28 of the calendar year, the Department will remove the device from the Roster and may destroy any prototypes of the device in the Department's possession.

Other Proposed Amendments

The proposed regulations edit Section 4082, subdivision (j), to better align the definition of "DOJ–approved FSD" with Penal Code sections 23655 and 23658.

The proposed regulations edit Section 4102 to align with the requirements of Penal Code section 23635, subdivision (c), and to account for situations where a lock box is no longer listed on the Roster only because it was removed from the Roster for failure to timely request renewal pursuant to Section 4110.

Anticipated Benefits of the Proposed Regulations:

Explaining how a manufacturer meets the requirement of Penal Code section 23655 to engrave or otherwise permanently affix the manufacturer's name, the model name, and the model number to the device will help the Department identify devices more efficiently and will make it easier for consumers and firearm dealers to identify devices that have been approved by the Department and listed on the Roster.

The annual listing renewal certification will enable the Department to remove FSDs from the Roster, ensuring that the Roster reflects models currently on the market and provides accurate information to the public.

Explaining when a firearm may be sold or transferred by a licensed firearm dealer, including a private transfer through a dealer, without being accompanied by an FSD that is listed on the Roster will make it easier and more efficient for licensed firearm dealers to sell or transfer firearms (and for consumers to purchase or transfer firearms through a dealer) in the state while also ensuring that the purchaser or transferee possesses an FSD that meets the requirements of Penal Code section 23650 and is appropriate for the firearm.

Comparable Federal Regulations:

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

Determination of Inconsistency/Incompatibility with Existing State Regulations:

The Department has determined that these proposed regulations are not inconsistent or incompatible with existing State regulations. After conducting a review of any regulations that would relate to or affect this area, the Department has concluded that these are the only regulations that concern the Department's FSD program and Roster.

Forms Incorporated by Reference:

None.

Other Statutory Requirements:

None.

DISCLOSURES REGARDING
THE PROPOSED ACTION

The Department's Initial Determinations:

Mandate on local agencies or school districts: None.

Cost or savings to any state agency: The Department will incur costs to review the annual listing renewal certifications. However, the Department expects that manufacturers will not renew the listing if their FSD is no longer on the market. This will enable the Department to remove the FSD from the Roster and destroy any prototype. The Department pays the Department of General Services (DGS) a storage fee for every prototype stored. DGS charges a storage fee of $6.48 per cubic foot with each device averaging 16 cubic feet. The Department's annual storage cost is approximately $104 per device ($6.48 x 16 = $103.68). The Department expects its costs will be offset by the savings of no longer paying DGS to store prototypes.

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

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

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

Cost impacts on representative person or business: The cost to an entity that manufactures, causes to be manufactured, or imports a device listed on the Roster to complete the annual listing renewal certification is minimal. The total cost to the entity depends on the number of devices the entity has listed on the Roster and how long the entity chooses to keep a device listed on the Roster.

Significant effect on housing costs: None.

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

Results of the Economic Impact Assessment (EIA):

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

The Department also concludes that:

(1) The proposal would benefit the health and welfare of California residents by ensuring FSDs meet the Department's certification standards and that the public has access to a Roster listing all FSDs that meet those standards. Once the annual listing renewal certification is established, the Department expects that manufacturers will not renew the listing if their FSD is no longer on the market. This will enable the Department to remove the FSD from the Roster, ensuring that the Roster reflects models currently on the market and provides accurate information to the public.

(2) The proposal would not benefit worker safety because it does not regulate worker safety standards.

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

Business report requirement: None.

Small Business Determination: The Department has determined that this proposed action does not affect small businesses because FSD manufacturers are not small businesses.

CONSIDERATION OF ALTERNATIVES

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

Explaining how an FSD Manufacturer meets the requirement of Penal Code section 23655, subdivision (f)(2), to engrave or otherwise permanently affix the manufacturer's name, the model name, and the model number to the device will make it easier for FSD Manufacturers to comply with the requirement, will help the Department identify devices more efficiently, and will make it easier for consumers and firearm dealers to identify devices that have been approved by the Department and listed on the Roster.

Establishing the annual listing renewal certification will enable the Department to remove the FSD from the Roster, ensuring that the Roster reflects models currently on the market and provides accurate information to the public. Requiring manufacturers to describe any modifications to the FSD, if any have been made since the FSD was listed, will enable the Department to determine if the FSD continues to meet the Department's standards.

Explaining when a firearm may be sold or transferred by a licensed firearms dealer, including a private transfer through a dealer, without being accompanied by an FSD that is listed on the Roster will make it easier for licensed firearms dealers to ensure they comply with Penal Code sections 23635, will make it easier and more efficient for licensed firearms dealers to sell or transfer firearms (and for consumers to purchase or transfer firearms through a dealer) in the state, and will help ensure that the purchaser or transferee possesses an FSD that meets the requirements of Penal Code section 23650 and is appropriate for the firearm.

CONTACT PERSONS

Inquiries concerning the proposed administrative action may be directed to:

L. Baladjay–Fretland
Department of Justice
P.O. Box 160487
Sacramento, CA 95816
(916) 210–2621
bofregulations@doj.ca.gov

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

J. Walker
Department of Justice
P.O. Box 160487
Sacramento, CA 95816
(916) 210–2366
bofregulations@doj.ca.gov

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

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

AVAILABILITY OF CHANGED OR MODIFIED TEXT

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

AVAILABILITY OF THE FINAL STATEMENT OF REASONS

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

AVAILABILITY OF DOCUMENTS ON THE INTERNET

Copies of the Notice of Proposed Rulemaking, the express terms, the Initial Statement of Reasons, and any information upon which the proposed rulemaking is based are available on the Department's website at https://oag.ca.gov/firearms/regs.

TITLE 13. AIR RESOURCES BOARD

REFORMULATED GASOLINE REGULATIONS

The California Air Resources Board (CARB or Board) will conduct a public hearing at the date and time noted below to consider approving for adoption the Proposed Amendments to the California Reformulated Gasoline Regulations and other conforming changes (Proposed Amendments).

Date: September 24, 2026
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 25, 2026. Please consult the public agenda, which will be posted ten days before the September 24, 2026, Board Meeting, for important 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 July 31, 2026. Written comments not submitted during the hearing must be submitted on or after July 31, 2026, and received **no later than Monday September 14, 2026.** 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://carb.commentinput.com/?id=4sTAbd8UM

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

This regulatory action is proposed under the authority granted in California Health and Safety Code, sections 39600, 39601, 43013, 43013.1, 43018 and 43101. This action is proposed to implement, interpret, and make specific sections, 39000, 39001, 39002, 39003, 39010, 39048, 39500, 39515, 39516, 41511, 43000, 43013, 43013.1, 43016, 43018 and 43101, Health and Safety 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:

Proposed amendments to California Code of Regulations, Title 13, Division 3, Chapter 5, Article 1, Subarticle 1, Sections 2253.4 and 2257. Proposed amendments to California Code of Regulations, Title 13, Division 3, Chapter 5, Article 1, Subarticle 2, Sections 2260, 2261, 2262, 2262.3, 2262.4, 2262.5, 2262.6, 2262.9, 2264, 2265, 2265.1, 2266.5, 2270, 2271, and 2272. Proposed amendment to California Code of Regulations, Title 13, Division 3, Chapter 5, Article 2, Section 2282.

Proposed repeal of California Code of Regulations, Title 13, Division 3, Chapter 5, Article 1, Subarticle 1, Sections 2250, 2251.5 and 2252. Proposed repeal of California Code of Regulations, Title 13, Division 3, Chapter 5, Article 1, Subarticle 2, 2265.5, 2266, 2269, and 2273.

Background and Effect of the Proposed Regulatory Action:

Background

The California Air Resources Board (CARB) is responsible for adopting and enforcing motor vehicle fuel specifications, standards, and regulations to protect public health and the environment, to achieve toxic air contaminant emissions and greenhouse gas (GHG) emissions reductions, and to accomplish the attainment of the State and National Ambient Air Quality Standards (NAAQS) at the earliest practicable date. Under this authority, CARB administers and implements fuel regulations and standards, including the California Reformulated Gasoline Regulations[1] (CaRFG regulations) that establish specifications for California gasoline properties and ensures California gasoline reduces smog–forming pollutants by controlling fuel properties with phased implementation to achieve and continue emission reductions from vehicles. Meeting air quality requirements is needed to protect public health and, as to federal requirements, may be important for avoiding potential sanctions including loss of federal highway funding.

CaRFG has a long history of implementation in California starting with Phase 1 in 1992, which removed lead, lowered Reid Vapor Pressure (RVP), and included additives in gasoline. Over the last three decades, successive phases of CaRFG have further tightened standards and added oxygenates to reduce emissions and help meet the NAAQS. The current CaRFG Phase 3, adopted in 2003, prohibits the use of methyl tert–butyl ether (MTBE) as an oxygenate after December 31, 2003. Ethanol replaced MTBE as the only oxygenate allowed in California.

On October 2, 2025, Governor Newsom signed Assembly Bill (AB) 30,[2] adding section 43013.7[3] to the Health and Safety Code. Section 43013.7 was effective upon enactment and immediately allowed blends of gasoline containing 10.5% to 15% ethanol (E15) by volume to be sold in the State for use as a transportation fuel. The statute specifies that those blends may be sold until either the California Environmental Policy Council (CEPC) completes its review of the multimedia evaluation looking at the environmental and public health impacts of E15, and CARB adopts a regulation establishing a specification for gasoline blends containing 10.5% to 15% ethanol by volume, or until CARB determines that no such regulation can meet applicable requirements. Prior to the enactment of AB 30, CARB gasoline regulations authorized the use of California Reformulated Gasoline, comprised of a maximum of 10.0% ethanol by volume and at least 90% by volume California Reformulated Gasoline Blendstock for Oxygenate Blending (CARBOB); this gasoline blend is referred to as E10.

Effect of the Proposed Amendments

By adding E15 fuel specifications and associated provisions to the CaRFG regulations, the Proposed Amendments will have the benefit of specifying regulatory requirements applicable to fuel producers and importers selling E15 in California. The E15 specifications will provide certainty to the marketplace that E15 is being produced in accordance with CaRFG specifications. It will clarify to E15 producers and importers how to produce E15 as a legal transportation fuel for sale in the State. It will give consumers the confidence that what they are buying at the retail outlet is a fuel that meets all the CaRFG requirements. The Proposed Amendments also include flexibility for the option to produce and to sell E15 to consumers. This flexibility includes retail outlets being able to add ethanol to E10 to produce E15 or blend E85 with E10 onsite to produce E15.

CARB may also consider other changes to the sections affected, as listed on page 2 of this notice, or oth-

[1] Cal. Code Regs., title 13, §§ 2250–2273.5.

[2] Assembly Bill Number 30 (2025–2026 Reg. Sess.) Ch. 247, Stats. 2025.

[3] Health & Safety. Code, § 43013.7.

er sections within the scope of this notice, during the course of this rulemaking process.

Objectives and Benefits of the Proposed Regulatory Action:

The objectives of the Proposed Amendments are to adopt a specification for CaRFG to clarify the applicable standards under which fuel suppliers may continue to voluntarily offer CaRFG containing 10.1% to 15% ethanol by volume for sale, to include flexibility for the option to sell E15, and to remove obsolete regulatory text. To align with the current CaRFG regulations ethanol percent by volume limit of 10.0%, the lower limit of ethanol percent by volume of E15 is being proposed at 10.1%. Current CaRFG E10 fuel standards will be applicable for E15, except for the oxygen content. Staff are proposing to add an upper oxygen cap limit at 6.0 percent by weight of oxygen content for E15 fuel. The Proposed Amendments also include amendments to specify that E15 may be produced by adding additional ethanol to CARBOB or CaRFG, or by blending E–85[4] with E10 to produce E15. The Proposed Amendments do not mandate that all gasoline sold in California be E15. Instead, the Proposed Amendments specify how E15 may be offered in addition to the current E10 blend. Notably, E85, which is an alternative motor vehicle fuel, will also continue to be sold in the State.

Additionally, as part of this rulemaking, staff is proposing to remove obsolete regulatory text and make associated conforming modifications where the dates of compliance or regulatory deadlines have passed, and so no longer have legal or practical effect and are no longer necessary for continued implementation of the CaRFG regulations.[5]

By adding E15 fuel specifications and associated provisions to the CaRFG regulations, the Proposed Amendments would have the benefit of clarifying regulatory requirements applicable to fuel producers and importers selling E15 in California. Other benefits of the Proposed Amendments include flexibility for retail outlets that choose to sell E15.

Comparable Federal Regulations:

In 2011, the U.S. Environmental Protection Agency (U.S. EPA) approved E15 use for vehicle model year 2001 and newer cars, light–duty trucks and medium–duty passenger vehicles.[6] The federal approval was not applicable in California as California law established a lower ethanol limit. Vehicles and engines that are not compatible with E15 due to potential for damage to internal engine components, and that are prohibited from using E15 include conventional vehicles older than model year 2001, all motorcycles, vehicles with heavy–duty engines, such as school buses and delivery trucks, off–road vehicles, such as boats and snowmobiles, and all engines in off–road equipment such as chainsaws and gasoline lawn mowers.[7] U.S. EPA also regulates the RVP limits outside of California, requiring gasoline sold at retail outlets during the summer high ozone season to meet the RVP limits or issue waivers for summertime use.[8] Under 40 C.F.R. § 1090.215, gasoline RVP may not exceed 9.0 psi (with an allowance for an additional ethanol 1–psi waiver for E10 only) during the summertime with several areas needing to meet a more stringent 7.4 psi during summertime. For retailers and wholesale purchaser–consumers, summertime is generally June 1 to September 15, for all other entities it is May 1 through September 15. Eight Midwestern states (Illinois, Iowa, Minnesota, Missouri, Nebraska, Wisconsin, Ohio, South Dakota) may use E15 year–round.[9] States that are not permitted to sell E15 year–round must obtain an U.S. EPA summertime RVP waiver. The waiver is typically limited to 20–day increments and renewed across the season as needed. U.S. EPA has been issuing nationwide E15 summertime waivers all summer every year since 2022.[10]

As mentioned, E15 use in California was authorized by AB 30 in October 2025. The current CaRFG regulations set an upper RVP limit of 7.20 pounds per square inch for CaRFG (E10) that applies to E15 within the State. This CaRFG RVP limit of 7.20 pounds per square inch is lower than the Federal RVP limit of 9.0 pounds per square inch.

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.

[4] Cal. Code Regs., title 13, § 2292.4.

[5] In alignment with the proposed removal of one such obsolete provision from the CaRFG regulations, staff is proposing a single amendment to title 13, California Code of Regulations, section 2282 (Aromatic Hydrocarbon Content of Diesel Fuel) as part of this rulemaking to remove a reference from that regulation to an obsolete term in the CaRFG regulations.

[6] 76 Fed. Reg. 4662 (Jan. 26, 2011).

[7] 76 Fed. Reg. 44406 (July 25, 2011); 40 C.F.R. Part 80; 40 C.F.R. Part 1090.

[8] 42 U.S.C. § 7545

[9] 89 Fed. Reg. 14760 (Feb. 29, 2024).

[10] U.S. EPA. Fuel Waivers. *https://www.epa.gov/gasoline–standards/fuel–waivers*

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 regulatory action would not create costs or savings to any State agency, would not create costs or savings in federal funding to the State, would not create costs or any mandate 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), or other nondiscretionary cost or savings to State or local agencies.

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.

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)):

On October 2, 2025, Governor Newsom signed AB 30, which authorized the immediate sale of E15 in California. Notably, AB 30 does not mandate the sale of E15, but rather allows retail sellers the voluntary option to sell E15. Should retail outlets choose to sell E15, equipment upgrades and related costs would be required, however these are voluntary costs not required or a result of either AB 30 or the Proposed Amendments. In the interest of transparency and providing the public additional information, Appendix B to the Staff Report: Initial Statement of Reasons (ISOR) supporting the Proposed Amendments provides a general analysis of potential cost estimates related to varying levels of E15 penetration in retail sales as authorized by AB 30.

NON–MAJOR REGULATION: STATEMENT OF THE RESULTS OF THE ECONOMIC IMPACT ASSESSMENT (EIA)

The creation or elimination of jobs within the State of California.

There is no anticipated impact on job creation or elimination due to the Proposed Amendments as AB 30 has already authorized the sale of E15.

The creation of new business or the elimination of existing businesses within the State of California.

There is no anticipated impact on business creation or elimination due to the Proposed Amendments as AB 30 has already authorized the sale of E15.

The expansion of businesses currently doing business within the State of California.

There is no anticipated impact on expansion of businesses due to the Proposed Amendments as AB 30 has already authorized the sale of E15.

The benefits of the regulation to the health and welfare of California residents, worker safety, and the state's environment.

There are no anticipated benefits of the regulation to the health and welfare of California residents, worker safety, and the State's environment due to the Proposed Amendments as AB 30 has already authorized the sale of E15.

Effect on Jobs/Businesses:

The Executive Officer has determined that the proposed regulatory action would not affect 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 any economic impact of the proposed regulatory action can be found in the Economic Impact Assessment in Chapter VIII of the ISOR.

Benefits of the Proposed Regulation:

A summary of these benefits is provided. Please refer to the "Objectives and Benefits" discussion under the Informative Digest of Proposed Action and Policy Statement Overview Pursuant to Government Code section 11346.5, subdivision (a)(3) discussion on page 4.

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 affect small businesses as the inclusion of E15 fuel specifications within the CaRFG regulation does not affect small businesses, and flexibility to sell E15 included in the Proposed Amendments are voluntary. The Proposed Amendments do not mandate that any gasoline sold in California be E15. Instead, the Proposed Amendments specify how E15 may be offered in addition to the current E10 blend.

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. Staff considered two alternatives to the Proposed Amendments as described in Chapter IX of the ISOR and determined that no alternative considered would be more effective in carrying out the purpose of which the action is proposed.

STATE IMPLEMENTATION PLAN REVISION

If adopted by CARB, CARB plans to submit the proposed regulatory action to 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 NAAQS promulgated by U.S. EPA pursuant to the CAA.

ENVIRONMENTAL ANALYSIS

CARB is the Lead Agency under the California Environmental Quality Act (CEQA) for the Proposed Amendments. CARB has determined that the Proposed Amendments are exempt from CEQA. A brief explanation of this determination is provided in Chapter VI 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 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 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 Patrick Houlihan, Manager, Fuels Specification Section at (279) 224–6690 or patrick.houlihan@arb.ca.gov or (designated back–up contact) Susie Chung, Staff Air Pollution Specialist, Fuels Specification Section, at (279) 842–9676 or susie.chung@arb.ca.gov.

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: Proposed Amendments to the California Reformulated Gasoline Regulations, 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 28, 2026. Please contact Evan Kersnar, Regulations Coordinator, at evan.kersnar@arb.ca.gov or (916) 327–6247 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 is Evan Kersnar, Regulations Coordinator, (916) 327–6247. 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 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/2026/california–reformulated–gasoline–regulations*.

TITLE 14. FISH AND GAME COMMISSION

HARPOONS AND FLYING GAFFS FOR RECREATIONAL TUNA FISHERY AND GEAR MARKING IN COMMERCIAL HARPOON SWORDFISH FISHERY

NOTICE IS HEREBY GIVEN that the California Fish and Game Commission (Commission), pursuant to the authority vested by Sections **200, 205, 219, 265, 275, 313, 1050, 7701, 7708, 7857, 7892, 8026, 8394, 8587.1** of the California Fish and Game Code and to implement, interpret or make specific Sections **110, 200, 201, 205, 255, 265, 270, 275, 313, 1050, 7857, 7892, 8026, 8394, 8394.5, 8577, and 9028** of said Code, proposes to **amend** Sections 28.38, 28.40, 28.90, 28.95, and 107, Title 14, California Code of Regulations, relating to **Harpoons and Flying Gaffs for Recreational Tuna Fishery and Gear Marking in Commercial Harpoon Swordfish Fishery.**

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

The California Fish and Game Commission (Commission) proposes to amend sections 28.38, 28.40, 28.90, 28.95, and 107, Title 14, of the California Code of Regulations (CCR) related to the Use of Harpoons and Flying Gaffs in the recreational taking of Tuna and Swordfish.

The proposed change amends sections 28.38 and 28.95 to add a method of take subsection which specifies that hand–held harpoons and flying gaffs securely attached to the vessel may be used to assist with landing tuna that have been legally taken by angling. The change in 28.90 also clarifies that spearfishing gear may not be used for marlin. An exception is added to Section 28.95 clarifying the prohibition on the use of bow and arrow fishing tackle in the take of marlin. In Section 107 the proposed change adds gear marking requirements to the commercial harpoon regulations and adds Fish and Game Code section 7701 and 7708 to the list of authorities for that section. Minor nonsubstantive changes to the other sections updating the name "broadbill" to the more commonly used "swordfish" in several sections and makes the term "finfish" consistent with the definition's spelling throughout regulation.

Benefits of the Proposed Regulations

The Commission anticipates benefits to the environment in the sustainable management of finfish resources. Other benefits of the proposed gear change are that the gear will assist the recreational fishery in the landing of large fish and reducing the loss of legally taken fish. The proposed commercial harpoon gear marking regulation will help ensure that gear limits in the commercial deep set buoy gear fishery are maintained.

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 relating to the protection and propagation of fish and game as the Legislature sees fit. The Legislature has delegated to the Commission the power to regulate sport fishing in waters of the state (Fish and Game Code sections 200, 205, 315 and 316.5). The Commission has reviewed its own regulations and finds that the proposed regulations are neither inconsistent nor incompatible with existing state regulations. The Commission searched the California Code of Regulations and finds no other state agency regulations pertaining to the use of certain fishing gear.

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 Wednesday, September 30, 2026** at the address given below, or by email to FGC@fgc.ca.gov. Written comments mailed, or emailed to the Commission office, must be received before **12:00 noon on Thursday, October 8, 2026**. 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 Agency Headquarters Building, Second Floor, 715 P Street, Sacramento,** California, which will commence at **8:00 a.m.** on **August 12, 2026** and may continue at **8:00 a.m.**, on **August 13, 2026.** The Commission will make a reasonable effort to provide the public additional opportunities to observe or provide comment in the meeting through the Zoom videoconference platform by computer, mobile device, or telephone connections. However, the Commission cannot guarantee the accessibility or functionality of the remote connection options. Should technical issues affect remote attendee access or quality, an attempt will be made to resolve them, but the meeting will continue with in–person attendees. Instructions for participation in the webinar/teleconference hearing will be posted at 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 **California Natural Resources Agency Headquarters Building, Second Floor, 715 P Street, Sacramento,** California, which will commence at **8:00 a.m.** on **October 13, 2026**, and may continue at **8:00 a.m.**, on **October 14, 2026**, **8:00 a.m.** on **October 15, 2026**, and **8:00 a.m.** on **October 16, 2026**. The Commission will make a reasonable effort to provide the public additional opportunities to observe or provide comment in the meeting through the Zoom videoconference platform by computer, mobile device, or telephone connections. However, the Commission cannot guarantee the accessibility or functionality of the remote connection options. Should technical issues affect remote attendee access or quality, an attempt will be made to resolve them, but the meeting will continue with in–person attendees. Instructions for participation in the webinar/teleconference hearing will be posted at 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. 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 or at the preceding address or phone number. **Jon Ugoretz, Program Manager, Marine Region, Department of Fish and Wildlife, AskMarine@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 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 proposed action will not have a significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states. The main cost to commercial fishing businesses permitted to use harpoons will come from the gear marking requirements, and break down to $10 per year for 5 tags ($2 per tag) and a labor time requirement of 2.5 hours for a cost of $45.45 (at $18.18/hour), for a combined cost of $55.45 per vessel annually. There are no additional costs to commercial fishing businesses to use radar reflectors or flags, as these items are already in use in other gears and can be switched between gears. If necessary, however, purchasing a radar reflector and flag would cost $50 with 1 hour of labor to install for a cost of $18.18, with a combined cost of $68.18 per vessel. The regulatory action will not impact compliance costs or recreational fishery activity.

(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 on the creation or elimination of jobs within the state, the creation of new businesses, or the elimination or expansion of existing businesses. The proposal may positively affect worker safety through the availability of safer gear and fishing methods, and it is also anticipated to generally benefit the state's environment through sustainable fishery management. The Commission anticipates generalized benefits to the health and welfare of California residents through expanded outdoor recreational opportunities and ongoing economic activity.

(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, as it imposes no added cost to the recreational fishery. The main cost to commercial fishing businesses permitted to use harpoons will come from the gear marking requirements, and break down to $10 per year for 5 tags ($2 per tag) and a labor time requirement of 2.5 hours for a cost of $45.45 (at $18.18/hour), for a combined cost of $55.45 per vessel annually. There are no additional costs to commercial fishing businesses to use radar reflectors or flags, as these items are already in use in other gears and can be switched between gears. If necessary, however, purchasing a radar reflector and flag would cost $50 with 1 hour of labor to install for a cost of $18.18, with a combined cost of $68.18 per vessel.

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

None.

(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.

(i) Business Reporting Requirements:

The proposed action does not impose a business reporting requirement.

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 16. BOARD OF PHARMACY

FEE SCHEDULES

NOTICE IS HEREBY GIVEN that the California State Board of Pharmacy (Board) proposes taking the rulemaking action described under the heading Informative Digest/Policy Statement Overview 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 that person's authorized representative no later than 15 days prior to the close of the written comment period. A hearing may be requested by making such request in writing addressed to the individuals listed under "Contact Persons" in this notice.

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 September 14, 2026**, or must be received by the Board at the hearing, should one be scheduled.

AUTHORITY AND REFERENCE

Pursuant to the authority vested by sections 4005 and 4400 of the Business and Professions Code (BPC), and to implement, interpret, or make specific BPC sections 163.5, 4005, 4032, 4044.3, 4053, 4053.1, 4110, 4112, 4119.01, 4119.11, 4120, 4127.1, 4127.15, 4127.2, 4128.2, 4129.1, 4129.2, 4129.8, 4130, 4160, 4161, 4180, 4187, 4190, 4196, 4200, 4202, 4202.5, 4203, 4208, 4210, 4304, 4400, 4401 and 4403, the Board is considering amending section 1749 of title 16 of the California Code of Regulations (CCR).

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

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

BPC section 4400 establishes the statutory ranges for various fees to be assessed by the Board. Further, this section establishes a requirement for the Board to maintain a reserve in the Board's fund equal to approximately one year's operating expenditures. CCR, title 16, section 1749 establishes the current fee schedule for the Board.

In October 2022, the Board received a fee audit report conducted by Capitol Accounting Partners, LLC. The report summarized existing fee–setting processes and offered recommendations, including regular fee adjustments to account for cost–of–living changes and other operational cost increases. The Board subsequently pursued SB 816 (2023), which updated its statutory fee structure effective January 1, 2025. Corresponding regulatory amendments to CCR section 1749 also became effective January 1, 2025.

Anticipated revenue losses related to pharmacy closures and automated drug delivery system (ADDS) licensure changes further contributed to the structural imbalance. Since January 2026, Department of Consumer Affairs (DCA) has completed its fee analysis and determined that the Board is again not recovering the full cost of services.

The Board is seeking to increase some of the fees charged and collected by the Board which will help alleviate the structural imbalance that the Board will face, due in part to the rising cost of operational expenses, while ensuring that the Board has sufficient funding to meet its consumer protection mandate and mission and to maintain the statutorily required reserve in the Board's fund.

Anticipated Benefits of Proposal

The Board's highest priority in exercising its licensing, regulatory, and disciplinary functions is protecting the public. The Board has determined that this regulatory proposal will benefit the health and welfare of California residents. worker safety, or the state's environment.

This regulatory proposal seeks to amend the Board's fee schedule in CCR title 16 section 1749 to help ensure the Board has sufficient funding to meet its consumer protection mandate and mission to protect the public's safety. The Board anticipates the proposed fee structure will balance the Board's fund and maintain appropriate fund reserves effective July 1, 2027. This will help the Board remain solvent, align fees with costs of operational services, and facilitate the effective administration of the Board while meeting the needs of the public, applicants, and licensees.

Evaluation of Consistency and Compatibility with Existing State Regulations

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

DISCLOSURES REGARDING THIS PROPOSED ACTION

FISCAL IMPACT ESTIMATES

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

The Board estimates the proposed regulations will increase revenue by approximately $6.27 million a year and up to $62.7 million over a ten–year period.

Because the Board charges the fees outlined in the proposal as "current fees" and performed workload associated with these programs and fees, no additional workload and costs are anticipated.

The Board estimates one–time information technology (IT) costs of approximately $20,000 to update the Board's website, as well as cashiering and accounting systems. Any IT costs will be absorbed within existing resources.

The regulations do not result in costs or savings in federal funding to the state.

Nondiscretionary Costs/Savings to Local Agencies: The regulations will increase government owned pharmacy initial license fees from $750 to $1,000. As a result, any local government agency opting to apply for an initial pharmacy license will be required to pay an additional $250. However, because the number of future applicants is unknown, the Board does not have a fiscal estimate at this time.

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

Mandate Imposed on Local Agencies or School Districts: None.

Significant Effect on Housing Costs: None.

BUSINESS IMPACT ESTIMATES

The proposed regulations may have an economic impact on businesses in California and out–of–state entities, specifically Board's applicants and licensees. This determination is based upon the following facts. The regulation would increase fees charged to applicants but will not have a significant statewide or national 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 or operating costs of most applicants, licensees, and businesses in this profession.

The following types of businesses would be affected:

(A) **Pharmacy** (government and non–government owned)

(B) **Wholesaler**: A licensed entity who sells for resale, or negotiates for distribution, or takes possession of, any dangerous drug or device. Additionally, dialysis patients may receive dialysis prescription drugs and dialysis medical devices from a wholesaler.

(C) **Third–Party Logistics Providers**: A licensed entity that provides or coordinates warehousing or other logistics services for dangerous drugs or devices on behalf of a manufacturer, wholesaler or dispenser but does not take ownership of the products or have responsibility to direct the sale or disposition of these items.

(D) **Nonresident Wholesaler**: A licensed entity located outside of California that acts as a wholesale merchant, broker, jobber, customs broker, reverse distributor, who sells for resale, or negotiates for distribution, or takes possession, of, any dangerous drug or device and ships them to practitioners or licensed entities in California.

(E) Nonresident Third–Party Logistics Provider: A licensed entity located outside of California that provides or coordinates warehousing or other logistics services on behalf of a manufacturer, wholesaler or dispenser and ships those products into California.

(F) Sterile Compounding Pharmacy: A specialty license issued to a pharmacy that compounds sterile drug products.

(G) Hospital Satellite Compounding Pharmacy: A licensed decentralized unit within a hospital, often located near specific units like oncology or the operating room, that prepares customized sterile medications (e.g., IVs, injections, etc.) for on–site patients.

(H) Nonresident Sterile Compounding Pharmacy: A licensed specialty license issued to a pharmacy outside of California that compounds sterile drug products and ships them to California patients and practitioners.

(I) Outsourcing Facility: A licensed facility engaged in the compounding of sterile and nonsterile drugs and that has registered as an outsourcing facility with the federal Food and Drug Administration.

(J) Nonresident Outsourcing Facility: A licensed out–of–state facility engaged in the compounding of sterile and nonsterile drugs that ships products into California and that has registered as an outsourcing facility with the federal Food and Drug Administration.

(K) Nonresident Pharmacy: A licensed pharmacy located outside of California that ships, mails or delivers, in any manner, controlled substances or prescription drugs or devices to patients in California.

The rulemaking file includes the facts, evidence, documents, testimony, and/or other evidence which supports this determination.

Cost Impact on Representative Private Person or Business

The regulation would increase Board fees as follows:

- NG Pharmacy License (initial): $750 to $2,000.
- NG Pharmacy License (renewal): $1,025 to $1,500.
- GOV Pharmacy License (initial): $750 to $1,000.
- Temporary Pharmacy License (all types): $1,600 to $2,740.
- Wholesaler/3PL License (initial): $1,000 to $1,411.
- Wholesaler/3PL License (renewal): $1,000 to $1,411.
- Temporary Wholesaler/3PL License: $715 to $1,009.
- NR Wholesaler/3PL License (initial): $1,000 to $1,411.
- NR Wholesaler/3PL License (renewal): $1,000 to $1,411.
- Temporary NR Wholesaler/3PL License: $715 to $1,009.
- Temporary Sterile/Hospital Satellite Compounding: $1,065 to $1,503.
- NR Sterile Compounding License (initial): $8,500 to $16,502.
- NR Sterile Compounding License (renewal): $8,500 to $17,040.
- Temporary NR Sterile Compounding License: $1,500 to $2,000.
- Outsourcing Facility License (renewal): $25,000 to $30,000.
- NR Outsourcing Facility License (initial): $28,500 to $42,318.
- NR Outsourcing Facility License (renewal): $28,500 to $46,353.
- NR Pharmacy License (initial): $2,427 to $3,424.
- NR Pharmacy License (renewal): $1,025 to $2,000.
- Temporary NR Pharmacy License: $2,000 to $2,469.

***NG — Non–Governmental; GOV — Governmental; 3PL — Third–Party Logistics; NR — Nonresident**

The proposed regulations are estimated to increase costs for businesses by approximately $6.27 million per year and up to $62.7 million over a ten–year period.

Please see the Initial Statement of Reasons for additional information.

RESULTS OF ECONOMIC IMPACT ASSESSMENT/ANALYSIS

Impact on Jobs/Businesses

The Board has determined that this regulatory proposal will not have any impact on the following:

1) the creation or elimination of jobs within the state,
2) the creation of new businesses or the elimination of existing businesses within the state, or,
3) the expansion of businesses currently doing business within the state.

This proposal would not have any of the above–referenced impacts because the fee increases are considered to be minor compared to the income or operating costs of most applicants, licensees, and businesses in this profession.

The regulations are estimated to result in additional costs of approximately $6.27 million per year and up to $62.7 million over a ten–year period.

The proposed regulations may affect individuals and some businesses, but the effects will be minimal and absorbable. The Board does not anticipate that the number of applications or licenses will change significantly as a result of these proposed regulations. Even though a minor financial impact will occur, it is anticipated that these regulations will not affect the creation of jobs, nor eliminate jobs within the State of California, because the cost increases for application, licensure, and renewal would be minor and absorbable relative to the average salaries of licensees or operating costs for businesses.

Benefits of Regulation:

The Board also concludes that this proposal will have the following effects:

- It will benefit the health and welfare of California residents because the proposal will help to eliminate the Board's structural imbalance and allow the Board to continue its enforcement, investigative, licensing, examination, and public outreach operations without interruption.
- This regulatory proposal does not affect worker safety or the environment because the proposed regulations are not relevant to workers' safety or the environment. This regulatory proposal focuses on an increase in fee schedules to help reduce the Board's current structural imbalance and does not affect 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

The Board has determined that the proposed regulations may affect small businesses. Although small businesses owned by licensees of the Board may be impacted the Board does not maintain data relating to the number or percentage of licensees who own a small business; therefore, the number or percentage of small businesses that may be impacted cannot be predicted.

The proposed fees are anticipated to have minimal impact on small businesses since the incremental fee increase is negligible compared to the average salaries of licensees or operating costs for 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 at the Board of Pharmacy at 2720 Gateway Oaks Drive, Suite 100, Sacramento, California 95833, during the written comment period, or at the hearing if one is scheduled or requested.

AVAILABILITY OF STATEMENT OF REASONS AND RULEMAKING FILE

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

TEXT OF PROPOSAL

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

AVAILABILITY OF CHANGED OR MODIFIED TEXT

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

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

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

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

CONTACT PERSONS

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

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

The backup contact person is:

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

AVAILABILITY OF DOCUMENTS ON THE INTERNET

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

TITLE 22. DEPARTMENT OF SOCIAL SERVICES

DISPOSING OF RESIDENT MEDICATION IN RESIDENTIAL CARE FACILITIES FOR THE ELDERLY

The California Department of Social Services (CDSS) hereby gives notice of the proposed regulatory action(s) described below. A public hearing regarding this proposal is not currently scheduled. No later than 15 days prior to the close of the public comment period, any interested person or his or her authorized representative may make a written request for a public hearing pursuant to Government Code (GC) section 11346.8, and a public hearing will be held. Requests for a public hearing should be sent to:

California Department of Social Services
Office of Regulations Development
744 P Street, MS 8–4–192
Sacramento, CA 95814
Tel: (916) 657–2586
Email: ord@dss.ca.gov

Statements or arguments relating to the proposals may be submitted in writing or email to the address/email listed above. All comments must be received by September 15, 2026.

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

Copies of the express terms of the proposed regulations and the Initial Statement of Reasons are available from the office listed above. This notice, the Initial Statement of Reasons and the text of the proposed regulations are available on the internet at Regulations in Process [https://www.cdss.ca.gov/inforesources/letters–regulations/legislation–and–regulations/regulations–home–page/regulations–in–process]. Additionally, all the information which CDSS considered as the basis for these proposed regulations (i.e., rulemaking file) is available for public reading at the address listed above. Following the public comment period, copies of the Final Statement of Reasons will be available at the above address.

CHAPTERS

California Code of Regulations (CCR) Title 22 Division 6 Chapter 8 Article 8 Section 87465(i).

CCR Title 22 Division 6 Chapter 8 Article 8 Section 87465.5 [added].

CCR Title 22 Division 6 Chapter 8 Article 8 Section 87633(i).

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

The Residential Care Facilities for the Elderly (RCFE) Act in existing law, housed in *Health and Safety Code section 1569, et seq.*, provides for the licensure and regulation of RCFEs. RCFEs are regarded by statute as a housing arrangement chosen voluntarily by people who are 60 years of age or over, or their authorized representatives, where varying levels and intensities of care and supervision, protective supervision, or personal care are provided based on the varying needs of a person pursuant to *Section 1569.2 of the Health and Safety Code.* Also pursuant to this statute, persons who are under 60 years of age with compatible needs may be allowed to be admitted or retained in a RCFE as specified in *Section 1569.316 of the Health and Safety Code.*

CDSS has existing regulations in the *CCR, Title 22, Division 6, Chapter 8, RCFE Section 87465, Incidental Medical and Dental Care Services* that specify general requirements that licensees must meet when they provide these services to residents in RCFEs. Specifically, Section 87465(i) requires that resident prescription medications which are not disposed of as described in regulation (e.g., not taken with the resident upon termination of services, not returned to the issuing pharmacy, or not disposed of according to a hospice's established procedures) must be destroyed in the facility by the facility administrator and one other adult who is not a resident. Those participating in destroying the medication must sign a record that identifies the resident who was taking the medication and includes specific information about the medication being destroyed (e.g., medication name and date of disposal). This record must be retained in the facility for at least three years.

CDSS observes that it is necessary to update the existing regulatory requirements to defer to state and federal laws that are applicable to disposal of hazardous waste, such as prescription and over–the–counter medications, and allow flexibility to accommodate any future changes to these disposal requirements. CDSS shared the draft regulations with the state Department of Toxic Substances Control (DTSC) and California Department of Public Health (CDPH). Both agencies informed CDSS that along with medication disposal in RCFEs currently being seen as "household waste," there are currently no other requirements applicable to RCFEs under their respective jurisdictions. Also, RCFEs, as assisted living facilities, are eligible for the "household hazardous waste exclusion" pursuant to Environmental Protection Agency *(EPA) regulations.* Thus, medication disposal is not within the direct regulatory purview of CDSS.

Further, a number of licensees have contracted with paid commercial disposal companies as a method of transferring unused or unwanted medication to authorized collectors on behalf of residents of their facilities, as specified by federal Drug Enforcement Administration *(DEA) rules on prescription drug disposal options*, and have done so with waivers from CDSS. The updated regulations will eliminate the need for licensees to request waivers in order to comply with the existing CDSS regulations on disposal of resident medication while also using medication disposal methods not currently addressed by the regulations.

CDSS also observes that it is necessary to update the existing regulatory requirements to more closely align with current guidance that addresses the disposal of both prescription and over–the–counter medications. There are drug take–back programs available as a method of disposing of medication outside a facility, suggested as an option for disposal of medication by regulatory agencies such as CDPH, DEA, EPA, and the federal Food and Drug Administration (FDA). These programs permit individuals and entities to dispose of unused medications through on–site collection bins and/or envelopes for mailing back unused medications. Authorized collection and take–back sites include pharmacies, hospitals, and law enforcement agencies.

Health and Safety Code section 1569.30 gives CDSS broad authority to promulgate regulations. This proposed regulation package is the first in a series of regulatory packages that will address specific aspects of providing incidental medical and dental care services to residents in RCFEs. This proposed regulation package will amend CCR, Title 22, Section 87465 so that updated requirements for disposing of resident medication can be adopted in a new standalone Section 87465.5, Disposing of Resident Medication. The updated regulations will:

1) Require that licensees dispose of both prescription and over–the–counter resident medication in accordance with applicable state and federal hazardous waste laws;
2) Add disposal through an authorized drug take–back program to the list of allowable methods for disposing of medication; and
3) Clarify that the record of medication disposal applies to prescription medications and must be

signed by the facility administrator, facility manager or designated substitute as well as one other adult who is not a resident.

4) Require that the record of prescription medication disposal also identify the issuing pharmacy, quantity disposed of, and method of disposal.

CDSS is also amending *CCR, Title 22, Section 87633, Hospice Care for Terminally Ill Residents*, to make a technical change to repeal what will become an incorrect cross–reference to Section 87465(i) and adopt an updated cross–reference to Section 87465.5, Disposing of Resident Medication.

Consistency:

CDSS conducted a review of existing and proposed regulations to identify any inconsistency or incompatibility among these regulations. The proposed amendments to existing regulations are the only regulations that provide standards for disposing of resident medication in RCFEs. With the exception of identifying the need to update the cross–reference in CCR, Title 22, Section 87633, Hospice Care for Terminally Ill Residents, CDSS found that the proposed regulations are consistent and compatible with existing regulations.

Benefits:

The proposed amendments to regulations would provide RCFE licensees with broader and future–forward options that are permissible for disposing of resident medication. They will eliminate the need for licensees to request waivers in order to comply with the existing CDSS regulations on disposal of resident medication while also using medication disposal methods not currently addressed by the regulations. They will continue to protect the health and welfare of California RCFE residents by helping prevent the potential for unintended exposure to medications that are not disposed of through methods permitted by state and federal laws that apply to disposal of hazardous waste, such as medication. The amendments promote equity in care as the requirements for disposal of resident medication are applied to all licensed RCFEs.

The amendments would also continue to benefit worker safety as they may reduce exposure risks to workers that may result from improper handling of resident medication during disposal or improper disposal of resident medication. The amendments would also support the state's environment by helping reduce the potential for unintended environmental impacts caused by medications that are not disposed of through methods permitted by state and federal laws that apply to disposal of hazardous waste, such as medication. Specifically, the risk of contamination in landfills and water systems may be reduced.

COST ESTIMATE

1. Costs or Savings to State Agencies: No Fiscal Impact.
2. Costs to Local Agencies or School Districts Which Must Be Reimbursed in Accordance With Government Code Sections 17500–17630: No Fiscal Impact.
3. Nondiscretionary Costs or Savings to Local Agencies: No Fiscal Impact.
4. Federal Funding to State Agencies: No Fiscal Impact.

LOCAL MANDATE STATEMENT

This is a Department–initiated amendment to regulations to update standards of care for residents in RCFEs in regard to incidental medical and dental care services, and specifically, disposing of resident medication. The proposed amendments to regulations apply to licensees of RCFEs and do not impose a mandate on local agencies or on school districts. Thus, there are no reimbursable state–mandated local costs in these regulations which require reimbursement under *Section 17500 et seq. of the GC*, because these regulations only make technical and clarifying changes.

STATEMENT OF SIGNIFICANT ADVERSE ECONOMIC IMPACT ON BUSINESS

CDSS has made a determination that the proposed amendments to 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. Core requirements for incidental medical and dental care services, and specifically, disposing of medication in *Section 87465, Incidental Medical and Dental Care Services* have been in effect for RCFEs in California since at least 2008, as shown by the history of these regulations in the Thomson Reuters Westlaw CCR, Title 22, RCFE. The most recent update to these regulations was made in 2023 to incorporate new requirements related to infection control.

The proposed amendments to regulations would build on the existing standards for incidental medical and dental care services by taking a broader approach to regulations on disposal of resident medication. The requirements for disposal of medication are overseen by other regulatory agencies, such as CDPH, DTSC, DEA, EPA, and FDA. Thus, medication disposal is not within the direct regulatory purview of CDSS, making it necessary to update regulations to defer to state and federal laws that are applicable to disposal of hazardous waste, such as medication, and allow flexibility to accommodate any future changes to these disposal requirements.

Under the existing regulations that address disposing of resident medication, a number of licensees have contracted with paid disposal companies a method of transferring unused or unwanted medication to authorized collectors on behalf of residents of their facilities, as specified by *DEA rules on prescription drug disposal options*, and have done so with waivers from CDSS. With the updated regulations, they will no longer need to do so. This may reduce barriers to licensees contracting with paid disposal companies. However, they will continue to have the responsibility to determine what medication disposal methods are appropriate to the needs of their facilities, consistent with state and federal hazardous waste laws applicable to medication disposal. There would be no new costs to licensees as a result of the updated regulations.

STATEMENT OF POTENTIAL COST IMPACT ON PRIVATE PERSONS OR BUSINESSES

The adoption of the proposed regulations will have minimal to no cost impact on private persons or businesses in the State of California. The justification for this statement is that the amendments may impact the duties of existing RCFE licensees, administrators, facility managers, and designated substitutes as they participate in facility operations. In the absence of an administrator, others as specified in the proposed regulations may be authorized to dispose of resident medication. This delegated authority would free the administrator to attend to less routine responsibilities in the facility by permitting designated staff to attend to the more routine responsibility of disposing of resident medication. Staffing costs could potentially be reduced as a result of this delegation. However, CDSS expects that licensees of RCFEs should already be disposing of unused resident medications in an appropriate manner, albeit a number of licensees have contracted with paid disposal companies as a method of disposing of medications and have done so with current waivers from CDSS. With the updated regulations, they will no longer need to do so. There would be no new costs for licensees as a result of the updated regulations.

SMALL BUSINESS IMPACT STATEMENT

The adoption of the proposed regulations will affect small businesses in the State of California. The justification for this statement is that the amendments are applicable to licensed RCFEs, a majority of which are licensed for 6 beds or fewer, as a subset of small businesses that operate in California. However, CDSS expects that licensees of RCFEs should already be disposing of unused resident medications in an appropriate manner, albeit a number of licensees have contracted with paid commercial disposal companies as a method of transferring unused or unwanted medications to authorized collectors on behalf of residents of their facilities, as specified by *DEA rules on prescription drug disposal options*, and have done so with current waivers from CDSS. With the updated regulations, they will no longer need to do so. There would be no other impacts to small businesses as a result of the updated regulations.

STATEMENT OF RESULTS OF ECONOMIC IMPACT ASSESSMENT

Creation or Elimination of Jobs Within the State of California

The adoption of the proposed regulations will neither create nor eliminate jobs in the State of California. The justification for this statement is that the amendments may impact the duties of existing RCFE licensees, administrators, facility managers, and designated substitutes as they participate in facility operations. In the absence of an administrator, others as specified in the proposed regulations may be authorized to dispose of resident medication. This delegated authority would free the administrator to attend to less routine responsibilities in the facility by permitting designated staff to attend to the more routine responsibility of disposing of resident medication. Staffing costs could potentially be reduced as a result of this delegation. However, CDSS expects that licensees of RCFEs should already be disposing of unused resident medications in an appropriate manner, albeit a number of licensees have contracted with paid commercial disposal companies as a method of transferring unused or unwanted medications to authorized collectors on behalf of residents of their facilities, as specified by *DEA rules on prescription drug disposal options*, and have done so with current waivers from CDSS. With the updated regulations, they will no longer need to do so. This would not result in the creation of jobs in industries related to medication disposal.

Creation of New or Elimination of Existing Businesses or Expansion of Businesses Within the State of California

The adoption of the proposed regulations will not result in the creation of new businesses or the elimination of existing businesses in the State of California. The justification for this statement is that the amendments are applicable to licensed RCFEs as a subset of businesses that operate in California. However, CDSS expects that RCFE licensees should already be disposing of unused resident medications in an appropriate manner, albeit a number of licensees have contracted with paid commercial disposal companies as a method of transferring unused or unwanted medication to authorized collectors on behalf of residents of their facilities, as specified by *DEA rules on prescription drug disposal options*, and have done so with current waivers from CDSS. With the updated regulations, they will no longer need to do so. This would not result in the creation of new or expanded businesses related to medication disposal.

Benefits of the Regulations

The benefits of the regulatory action to the health and welfare of California RCFE residents, worker safety, and the state's environment are as follows:

- Providing RCFE licensees with broader and future–forward options that are permissible for disposing of resident medication. This will eliminate the need for licensees to request waivers in order to comply with the existing CDSS regulations on disposal of resident medication while also using medication disposal methods not currently addressed by the regulations.
- Continuing to protect the health and welfare of California RCFE residents by helping prevent the potential for unintended exposure to medications that are not disposed of through methods permitted by state and federal laws that apply to disposal of hazardous waste, such as medication. Promoting equity in care as the requirements for disposal of resident medication are applied to all licensed RCFEs.
- Continuing to reduce exposure risks to workers that may result from improper handling of resident medication during disposal or improper disposal of resident medication
- Supporting the state's environment by helping reduce the potential for unintended environmental impacts caused by medications that are not disposed of through methods permitted by state and federal laws that apply to disposal of hazardous waste, such as medication. Specifically, the risk of contamination in landfills and water systems may be reduced.

STATEMENT OF EFFECT ON HOUSING COSTS

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

STATEMENT OF ALTERNATIVES CONSIDERED

In developing the proposed amendments to regulations, CDSS has not considered other administrative means of addressing incidental medical and dental care services, and specifically, disposing of resident medication in RCFEs since there are no feasible alternatives other than the one proposed. Without the proposed amendments to regulations, it would be impossible to implement their requirements, which reflect current standards for incidental medical and dental care and specifically, disposing of resident medication in RCFEs, without incurring underground regulation. These regulations will take a broader approach to regulations on disposal of resident medication. The requirements for disposal of medication are overseen by other regulatory agencies, such as CDPH, DTSC, DEA, EPA, and FDA. Thus, medication disposal is not within the direct regulatory purview of CDSS, making it necessary to update regulations to defer to state and federal laws that are applicable to disposal of hazardous waste, such as medication, and allow flexibility to accommodate any future changes to these disposal requirements.

CDSS has determined that there is no reasonable alternative nor has there been one identified and brought to the attention of CDSS that would be more effective in carrying out the purpose for which the regulations are proposed or would be as effective as and less burdensome to affected private persons than the proposed action, or would be more cost–effective to affected private persons and equally effective in implementing the statutory policy or other provision of law.

CDSS needs to use its broad authority to promulgate regulations granted by *HSC section 1569.30* to ensure regulations that address care in RCFEs reflect current standards of care as put forth by subject matter experts.

AUTHORITY AND REFERENCE CITATIONS

Authority — Section 1569.30, Health and Safety Code. Reference — Section 1569.618, Health and Safety Code; 22 CCR Section 87405

CDSS REPRESENTATIVE REGARDING THE RULEMAKING PROCESS OF THE PROPOSED REGULATION

Contact Person: R. Lee McNish (916) 657–2586.

Backup: Oliver Chu (916) 657–2586.

GENERAL PUBLIC INTEREST

DEPARTMENT OF FISH AND WILDLIFE

FISH AND GAME CODE SECTION 1653 CONSISTENCY DETERMINATION REQUEST FOR UPPER ASURAY VALLEY RESTORATION (TRACKING NUMBER: 1653–2026–190–001–R1) SISKIYOU COUNTY

California Department of Fish and Wildlife (CDFW) received a Request to Approve on 7/17/2026, that the Scott Valley Indian Community proposes to carry out a habitat restoration or enhancement project pursuant to Fish and Game Code section 1653. The proposed project involves constructing up to 100 beaver dam analogs to increase sediment storage, reduce downstream sediment transport, improve riparian shading, enhance habitat complexity, and increase groundwater recharge. The proposed project will be carried out on Moffett Creek, located 16 miles from the city of Fort Jones, Siskiyou County, California.

On 6/16/2026, 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 Upper Asuray Valley Restoration. 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 1A26087WNSI) for coverage under the General 401 Order on 6/30/2026.

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

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

RULEMAKING PETITION DECISION

DEPARTMENT OF CORRECTIONS AND REHABILITATION

NOTICE OF DECISION ON REQUEST FOR RECONSIDERATION OF PETITION TO AMEND REGULATIONS PURSUANT TO GOVERNMENT CODE SECTION 11340.7

Petitioner:

Stephen Menchaca, #J26976.

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.

Petition:

Petition to Repeal and Amend California Code of Regulations, Title 15, Article 4, Section 3140, Funds Enclosed in Mail, was submitted to RPMB March 25, 2026.

Original Decision:

Denied on April 2, 2026.

Request for Reconsideration:

Received on June 22, 2026.

Summary of Request for Reconsideration of Petition and Department Decision:

The California Department of Corrections and Rehabilitation (CDCR or the Department) has reviewed the Request for Reconsideration of the decision denying the above–referenced petition. After thorough consideration of all arguments presented, the Department finds no basis to alter its original decision. The request for reconsideration is denied, and the April 2, 2026 decision denying the petition is upheld in full.

The regulation at issue, California Code of Regulations, Title 15, section 3140 (as amended effective November 21, 2024), establishes uniform procedures for the receipt, processing, and deposit of negotiable instruments into incarcerated persons' trust accounts. Subsection (b) provides special procedures for certain government benefit checks (SSI, VA Benefits, and welfare), requiring eligibility verification coordination with the issuing agencies. Subsection (d) imposes a standard 30–day clearing period from the date of deposit, during which funds must clear the drawee bank before release for spending.

Response to Arguments Raised in the Request for Reconsideration:

The Department addresses the principal contentions in the request for reconsideration.

Petitioner's Request: Mr. Menchaca asserts that the proposed amendments are narrowly tailored to VA benefits only and that the original decision's rationale referencing coordination with SSA and welfare agencies is non–responsive.

Department's Response: The Department's response was responsive to the petition and the Department will not reconsider its decision. While the petition focuses on VA benefits, the regulatory structure in section 3140(b) applies a consistent framework to all specially designated government benefit checks (SSI, VA Benefits, and welfare). This uniformity promotes administrative efficiency, reduces errors, and ensures consistent treatment of funds subject to external eligibility restrictions. Subsection (b) states: "Generally, incarcerated persons are not eligible to receive Supplemental Security Income (SSI) checks from the Social Security Administration, Veteran Affairs Benefits, or welfare checks from the California Department of Social Services or County Welfare agencies. Depending upon their eligibility, incarcerated persons may be eligible to receive tax refund checks."

VA benefits, though not subject to the same blanket ineligibility as SSI or welfare under federal law, are nevertheless subject to mandatory reductions under 38 USCS 5313 and 38 CFR 3.665 after 61 days of felony incarceration (to the 10% rate or one–half thereof). They are also subject to overpayment recovery, apportionment to dependents, and adjustments based on incarceration status. The VA correspondence provided in the request (Attachment 1, September 8, 2025 and December 12, 2025 letters) explicitly references incarceration information received from CDCR institutions (including RJ Donovan Correctional Facility) and the California Incarcerated Records and Information Search (CIIRS). The procedures in 3140(b)(1)–(2) — appointment of a facility representative to assist agencies and notification to the representative for eligibility determination — directly facilitate accurate and timely responses to such agency inquiries and proper handling of checks upon receipt. Singling out VA benefits for different treatment would undermine this clear system without advancing any federal interest.

Petitioner's Request: Mr. Menchaca contends that VA does not require confirmation of an incarcerated person's status before continuing benefits and instead relies on the veteran to notify VA upon release (citing the VA letters).

Department's Response: The Department acknowledges that VA's primary mechanism is veteran self–reporting, but this does not render CDCR's procedures unnecessary or improper. The VA letters themselves demonstrate reliance on institutional data: they cite evidence from CDCR sources and CIIRS searches regarding the petitioner's incarceration dates (October 31, 2024, and earlier periods). Institutions routinely provide or are queried for such information. The 3140(b) representative serves as the designated point of contact to assist agencies when verification is sought or when checks arrive, ensuring the correct eligibility determination is applied before deposit. This protects both the veteran (accurate crediting) and the Department (avoiding liability for erroneous deposits or accounting discrepancies). Non–immediate deposit upon mail receipt is not a denial of benefits; it is practical processing. The petitioner retains full ability to communicate directly with VA regarding status, appeals, or resumption of benefits.

Petitioner's Request: Mr. Menchaca notes that Congress has authorized (reduced) benefits for incarcerated veterans under 38 USCS 5313, in contrast to the stricter ineligibility for SSI and welfare.

Department's Response: This does not eliminate the Department's legitimate interests. Even "eligible" VA benefits at the reduced rate require accurate verification to ensure the proper amount is credited, to facilitate any apportionment claims by dependents, and to support VA's overpayment recovery processes. Improper or premature crediting could expose the Department to liability, complicate trust account reconciliation, or interfere with federal recovery efforts. The procedures in 3140(b) and (d) provide a structured, uniform mechanism to address these risks for all special benefit checks. The concern about inadvertently crediting ineligible funds is not limited to SSI/welfare; it encompasses ensuring correct application of federal reductions and avoiding errors that could harm veterans or create administrative burdens.

Petitioner's Request: Mr. Menchaca argues that neither Congress nor VA requires state prisons to verify eligibility or check amounts, and that the Supremacy Clause (as interpreted in *Hencely v. Fluor Corporation*, 146 S. Ct. 1086 (2026)) compels the state regulation to yield because VA benefits involve a "uniquely federal interest."

Department's Response: The Department agrees there is no federal statute mandating that CDCR perform eligibility verification. However, there is likewise no federal prohibition. CDCR's authority to regulate the receipt and deposit of funds into incarcerated person trust accounts derives from state law, including Penal Code sections 5054, 5058, and 2601 et seq. regarding incarcerated person's property and trust accounts.

Hencely does not support invalidating the regulation. In that case, the Court emphasized that preemption in areas of "uniquely federal interest" requires a significant conflict between state law and identifiable federal policy or specific objectives of federal legislation. There is no such conflict here.

Federal law (38 USCS 5120, 5313) governs the amount, issuance, and delivery of VA benefits to the designated payee/address. Once a check physically arrives via U.S. Mail at a state correctional institution, traditional state authority over prison mail processing, trust account management, and coordination with external agencies applies. The regulation does not prevent VA from issuing or delivering benefits, nor does it disturb the federal objective of compensating disabled veterans. It ensures that when benefits arrive, they are credited accurately and securely after reasonable verification and clearing. The "uniquely federal interest" in veterans' compensation does not strip the state of its essential penological and administrative functions.

Petitioner's Request: Mr. Menchaca describes VA's due process for overpayments (60–day notice, continued payments during review, options for lump–sum repayment or temporary suspension) and claims that benefit checks are to be honored at face value when presented at deposit. The petitioner also claims that non–deposit of checks under 3140(b) eliminates the "first vital step" (providing notification to the Veteran that an over–payment has occurred) and denies due process. The petitioner further states that administration of the regulation has resulted in non–deposit of all VA funds since July 2025, with benefits retroactive to November 1, 2024, unpaid.

Department's Response: VA's due process protocols are internal to VA and concerns proposed adjustments or recoveries by VA. CDCR's mail and trust account procedures do not interfere with VA's ability to issue checks, provide notice, or continue payments during review periods. If a check arrives and is processed under section 3140, it is verified for eligibility coordination and cleared before deposit — protecting the accuracy of the credit. Any specific delays or non–deposits in the petitioner's case appear to be operational or fact–specific matters (potentially involving when checks were issued/sent or prior account status) rather than an inherent flaw in the regulation. The regulation provides a mechanism for proper handling; it does not bar benefits. The petitioner may and should continue to communicate directly with VA regarding any outstanding issues, appeals, or requests for resumption/adjustment. Individual grievances regarding application do not warrant repeal of a generally applicable, valid regulation.

Petitioner's Request: Mr. Menchaca interprets 38 USCS 5120 ("Payment of benefits; delivery") as requiring that benefits be delivered to the veteran and made available for the veteran's discretionary use, without state administrative obstacles.

Department's Response: Section 5120 addresses VA's payment and delivery obligations. Delivery to the address designated by the beneficiary (here, the correctional facility) satisfies that requirement. Federal law does not mandate or guarantee instantaneous deposit or access upon physical receipt of a paper check at a prison mailroom. Once delivered to the institution, state regulations governing mail, contraband screening, eligibility coordination for special funds, and trust account management govern further processing. These are reasonable, administrative steps that do not disturb the federal purpose of timely issuance by VA.

Petitioner's Request: Mr. Menchaca argues that 31 USCS 3332 (particularly subsections (e), (f)(2), (h), and (j)(3)) applies to mailed checks (as a concession for incarcerated persons), requires acceptance at face value, and that non–deposit conflicts with congressional intent that Treasury checks be honored so the United States meets its obligations.

Department's Response: Section 3332 primarily establishes requirements and mechanisms for electronic funds transfers (EFT) for federal payments, with waivers and exceptions (including for certain paper–check recipients). Subsection (h) provides that proper crediting to a designated account or authorized payment agent constitutes full acquittance to the United States. This supports the finality of payment once properly credited. It does not, however, prohibit an institution from applying reasonable verification, eligibility coordination, and bank–clearance procedures before crediting a sub–account within its trust system. The regulation does not refuse to honor valid VA checks; it processes them through established, uniform channels designed to ensure accuracy and security. There is no conflict with the statute's purpose of ensuring the United States fulfills its payment obligations.

Petitioner's Request: Mr. Menchaca contends that the 30–day clearing period in subsection (d) — requiring funds to clear the drawee bank before release for spending — conflicts with the purpose of paying benefits to disabled veterans, especially when combined with (b) procedures. The petitioner further argues that because trust account funds earn interest deposited in the California State Treasury (per CCR 3099), which CDCR uses for administrative expenses, the clearing period effectively withholds disability funds to generate state revenue, contrary to congressional intent.

Department's Response: Subsection (d) serves independent, legitimate purposes distinct from the eligibility verification in (b): it allows time for the negotiable instrument to clear banking channels, protects against dishonored checks, stop–payment orders, fraud, or insufficient funds, and ensures the funds are actually available before being made spendable. This is standard prudent financial practice applied uniformly to all negotiable instruments deposited into trust accounts. The eligibility coordination in (b) determines whether the check may be accepted for deposit at all; the clearing period in (d) governs when the deposited funds become available for the incarcerated person's use. Both can and do operate together without rendering monthly receipt impossible when processing is conducted promptly.

CCR 3099 (Trust Account Interest) is a provision governing the collective investment of incarcerated person trust funds. Any interest earned supports the administration of the trust account system or related incarcerated person welfare purposes; it is not a "revenue scheme" designed to withhold veterans' benefits. There is no evidence that the clearing period is applied discriminatorily or punitively against VA checks. The combined effect of (b) and (d) reflects reasonable administrative steps, not an obstacle to federal policy. Waiving the clearing period exclusively for VA benefits is neither necessary nor sensible, as it would create inconsistent standards and potential vulnerabilities in financial controls.

Petitioner's Request: Mr. Menchaca concludes that the combination of 3140(b) and (d) makes it impossible for an incarcerated veteran in California to receive benefits in the same month for which they were issued, contrary to the federal policy in 38 USCS 5120.

Department's Response: As explained above, 5120 addresses VA's issuance and delivery obligations. The regulation does not prevent the VA from issuing checks on its normal schedule. Any interval between issuance, mail delivery, eligibility coordination, deposit, clearing, and availability for spending is the product of standard, reasonable administrative steps applicable to all special benefit instruments. With efficient execution of the (b) procedures (prompt notification to the representative and agency response), combined with the standard clearing timeline, benefits can and do become available on a monthly basis. Isolated delays in individual cases are operational matters that can be addressed through training, process improvements, or case–specific handling — not grounds for repealing or amending a valid, applicable regulation.

For the reasons stated above, the Department finds that the original decision correctly determined that section 3140 is authorized by Penal Code section 5058, necessary for the safe and orderly administration of incarcerated person trust accounts and coordination with external benefit agencies, clear in its application, and fully consistent with federal law governing VA benefits. There is no conflict with 38 USCS 5120 or 5313, 31 USCS 3332, or any other federal statute. The *Hencely* decision does not compel a different result. The procedures protect veterans and the Department without frustrating the federal interest in compensating service–disabled veterans.

The request for reconsideration is denied and the April 2, 2026 decision stands. As such, the Department will continue to administer section 3140 as currently written.

DECISION NOT TO PROCEED

COMMISSION ON TEACHER CREDENTIALING

CONCERNING CHILD DEVELOPMENT PERMIT

Pursuant to Government Code section 11347, the Commission on Teacher Credentialing has decided not to proceed with rulemaking action for title 5, division 8, starting with section 80105, Pertaining to Child Development Permit published on March 20, 2026, in the California Regulatory Notice Register 2026, Number 12–Z (OAL file number Z2026–0310–01), and therefore, withdraws this proposed action for further consideration.

The Commission on Teacher Credentialing will initiate at a later date, with notice as required by law, a new proposal to adopt regulations pertaining to the same or similar subject matter. The Commission on Teacher Credentialing will also publish this Notice of Decision Not to Proceed on its website at https://www.ctc.ca.gov/commission/notices/rulemaking/.

SUSPENSION OF ACTION REGARDING UNDERGROUND REGULATION

EMERGENCY MEDICAL SERVICES AUTHORITY

CONCERNING DOCUMENT TITLED
"LEVELS OF EXCLUSIVITY FOR SCOPE OF OPERATIONS OF 'EMERGENCY AMBULANCE SERVICES'"

(Pursuant to Title 1, section 280, of the California Code of Regulations)

On April 28, 2026, the Office of Administrative Law (OAL) received a petition challenging as an underground regulation a document titled "Levels of Exclusivity for Scope of Operations of 'Emergency Ambulance Services.'" The petition indicates that the California Emergency Medical Services Authority included this document with email correspondence to Orange County Emergency Medical Services on January 14, 2026.

On July 17, 2026, the California Emergency Medical Services Authority certified to OAL that it will not issue, use, enforce, or attempt to enforce the challenged rule. Therefore, pursuant to title 1, section 280 of the California Code of Regulations, OAL must suspend all action on this petition.

SUMMARY OF REGULATORY ACTIONS

REGULATIONS FILED WITH THE SECRETARY OF STATE

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

Department of Toxic Substances Control
File # 2026–0708–02
Addition to the List of Covered Electronic Devices

In this emergency rulemaking action, the Department of Toxic Substances Control adds items to its list of Covered Electronic Devices.

Title 22
Amend: 66260.10, 66260.201, Appendix X
Filed 07/20/2026
Effective 07/20/2026
Agency Contact: Seth Williams (916) 963–6671

Contractors State License Board
File # 2026–0610–01
Class C36 Plumbing Contractor

In this section 100 action pursuant to California Code of Regulations (CCR), title 1, section 100, the Contractors State License Board updates CCR, title 16, section 832.36 to correct a typographical error.

Title 16
Amend: 832.36
Filed 07/16/2026
Agency Contact: Tracy Brazil (916) 255–4633

Department of Housing and Community Development
File # 2026–0603–02
Employee Housing, Mobilehome and Special Occupancy Parks

This Department of Housing and Community Development rulemaking action amends regulations governing employee housing, mobilehome parks, and Special Occupancy Parks to enable electronic submission of documents, revises reporting and canceling responsibilities of a local enforcement agency, amend construction permitting standards, adopts nuisance standards and swimming pool plan review standards, among other things.

Title 25
Adopt: 621.5, 1123, 1609, 2123, 2609.5
Amend: 610, 621, 631, 633, 760, 1002, 1004, 1005,1006.5, 1010, 1012, 1013, 1018, 1020.6, 1032, 1038, 1042, 1102, 1185, 1317, 1426, 1514, 2002, 2004, 2004.5, 2005, 2006.5, 2010, 2012, 2013, 2018, 2020.6, 2032, 2038, 2042, 2102, 2185, 2317, 2426, 2514.
Repeal: 762
Filed 07/15/2026
Effective 07/15/2026
Agency Contact: Jenna Kline (916) 841–5286

State Water Resources Control Board
File # 2026–0609–04
Update Colorado River Basin Regional Water Quality Control Board Basin Plan

In this action under Government Code section 11353, the State Water Resources Control Board amends the basin plan for the Colorado River Basin Region by incorporating new Tribal Beneficial Use definitions, updates to mercury water quality objectives, updated information on the Salton Sea, and adding hydrologic subareas to the respective hydrologic subunits or planning areas.

Title 23
Amend: 3960
Filed 07/15/2026
Effective 07/15/2026
Agency Contact:
Emma McCorkle (760) 340–4521

Emergency Medical Services Authority

File # 2026–0610–02

Update of Chapter 6 — Critical and Specialty Care Programs

This regular rulemaking action by the Emergency Medical Services Authority ("EMSA") updates regulations concerning the development, implementation, designation, and evaluation of critical and specialty care program regulation, including trauma care systems, ST–elevation myocardial infarction ("STEMI") critical care systems, stroke critical care systems, and emergency medical services for children ("EMSC") programs, so that prehospital specialty care in California remains current with existing standard of care.

Title 22
Adopt: 100135.01; 100135.02; 100135.03; 100135.04; 100135.05; 100136.01; 100136.02; 100136.03; 100136.04; 100136.05; 100136.06; 100136.07; 100136.08; 100136.09; 100136.10; 100136.11; 100136.12; 100136.13; 100136.14; 100136.15; 100136.16; 100137.01; 100138.01; 100138.02; 100138.03; 100138.04; 100138.05; 100138.06; 100138.07; 100138.08; 100138.09; 100138.10; 100138.11; 100138.12; 100139.01; 100139.02; 100139.03; 100139.04; 100140.01; 100141.01; 100141.02; 100141.03; 100142.01; 100143.01; 100143.02; 100143.03; 100144.01; 100145.01; 100145.02; 100145.03; 100145.04; 100145.05; 100145.06; 100145.07; 100145.08; 100145.09; 100145.10; 100145.11; 100145.12; 100145.13; 100145.14; 100145.15; 100146.01; 100146.02; 100146.03; 100146.04; 100147.01; 100147.02; 100148.01; 100148.02; 100149.01; 100150.01; 100150.02; 100150.03; 100150.04; 100150.05; 100150.06; 100150.07; 100150.08; 100150.09; 100150.10; 100150.11; 100150.12; 100150.13; 100150.14; 100151.01; 100151.02; 100151.03; 100151.04; 100152.01; 100153.01; 100153.02; 100153.03; 100153.04; 100154.01; 100154.02; 100154.03; 100155.01; 100156.01; 100156.02; 100156.03; 100156.04; 100156.05; 100156.06; 100156.07; 100156.08; 100156.09; 100156.10; 100156.11; 100156.12; 100157.01; 100157.02; 100157.03; 100157.04; 100158.01; 100159.01; 100160.01; 100160.02; 100160.03; 100160.04; 100160.05; 100161.01; 100161.02; 100161.03

Repeal: 100135.01; 100135.02; 100135.03; 100135.04; 100135.05; 100135.06; 100135.07; 100135.08; 100135.09; 100135.10; 100135.11; 100135.12; 100135.13; 100135.14; 100135.15; 100135.16; 100135.17; 100136.01; 100136.02; 100136.03; 100136.04; 100136.05; 100136.06; 100137.01; 100137.02; 100137.03; 100137.04; 100137.05; 100137.06; 100138; 100139; 100146.01; 100146.02; 100146.03; 100146.04; 100146.05; 100146.06; 100146.07; 100146.08; 100146.09; 100146.10; 100146.11; 100146.12; 100146.13; 100146.14; 100146.15; 100146.16; 100146.17; 100146.18; 100146.19; 100146.20; 100147.01; 100147.02; 100148; 100149.01; 100149.02; 100150.01; 100150.02; 100156.01; 100156.02; 100156.03; 100156.04; 100156.05; 100156.06; 100156.07; 100156.08; 100156.09; 100156.10; 100156.11; 100156.12; 100156.13; 100156.14; 100156.15; 100156.16; 100156.17; 100156.18; 100156.19; 100156.20; 100157.01; 100157.02; 100158; 100159.01; 100159.02; 100159.03; 100159.04; 100159.05; 100160.01; 100160.02; 100161.01; 100161.02; 100161.03; 100161.04; 100161.05; 100161.06; 100161.07; 100161.08; 100161.09; 100161.10; 100161.11; 100161.12; 100161.13; 100161.14; 100161.15; 100161.16; 100162.01; 100162.02; 100163.01; 100163.02; 100163.03; 100163.04; 100163.05; 100164.01; 100164.02
Filed 07/20/2026
Effective 10/01/2026
Agency Contact:
Ashley Williams (916) 591–3266

State Lands Commission
File # 2026–0608–01
Article 4.9 MISA Enforcement and Hearing Process Amendments

In this rulemaking action, the State Lands Commission is amending regulations governing the administrative enforcement process for violations of the Marine Invasive Species Act (MISA) (Pub. Resources Code § 71200 et seq.), including procedures for assessing civil penalties allowed by Public Resources Code section 71216.

Title 02
Amend: 2299.01, 2299.02, 2299.03, 2299.04, 2299.05, 2299.06, 2299.07, 2299.08, 2299.09
Filed 07/20/2026
Effective 10/01/2026
Agency Contact:
Nina Tantraphol (916) 574–0452

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.