GAVIN NEWSOM, GOVERNOR
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PROPOSED ACTION ON REGULATIONS

(Continued on next page)

***Time-
Dated
Material***

GENERAL PUBLIC INTEREST

RULEMAKING PETITION DECISIONS

SUMMARY OF REGULATORY ACTIONS

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

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PROPOSED ACTION ON REGULATIONS

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TITLE 2. GAMBLING CONTROL COMMISSION

AMEND CONFLICT–OF–INTEREST CODE

NOTICE IS HEREBY GIVEN that the California Gambling Control Commission, pursuant to the authority vested in it by section 87306 of the Government Code, proposes amendment to its conflict–of–interest code. A comment period has been established commencing on August 14, 2026, and closing on September 28, 2026. All inquiries should be directed to the contact listed below.

The California Gambling Control Commission proposes to amend its conflict–of–interest code to include employee positions that involve the making or participation in the making of decisions that may foreseeably have a material effect on any financial interest, as set forth in subdivision (a) of section 87302 of the Government Code. The amendment carries out the purposes of the law and no other alternative would do so and be less burdensome to affected persons.

Changes to the conflict–of–interest code include: (1) removal of positions from the conflict–of–interest code that are no longer utilized by the California Gambling Control Commission; (2) updates to designated positions in accordance with the CalHR generalist consolidation effective January 1, 2026; (3) renames a division within the California Gambling Control Commission; (4), adds two new positions that were not previously identified in the conflict–of–interest code; (5) adds "new positions" as a designated position to provide a disclosure category for any new positions that may be added which are not identified in the conflict–of–interest code; and (6) makes other technical changes to conform language in the conflict–of–interest code to standard language utilized by the Fair Political Practices Commission.

Any interested person may submit written comments relating to the proposed amendment by submitting them no later than *September 28, 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 *September 13, 2026*.

The California Gambling Control Commission has determined that the proposed amendments:

1. Impose no mandate on local agencies or school districts.
2. Impose no costs or savings on any state agency.
3. Impose no costs on any local agency or school district that are required to be reimbursed under Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code.
4. Will not result in any nondiscretionary costs or savings to local agencies.
5. Will not result in any costs or savings in federal funding to the state.
6. Will not have any potential cost impact on private persons, businesses or small businesses.

All inquiries concerning this proposed amendment and any communication required by this notice should be directed to: Kate Patterson, Staff Counsel, lawsandregs@cgcc.ca.gov, (916) 761–0336.

TITLE 2. FAIR POLITICAL PRACTICES COMMISSION

STATEMENTS OF ECONOMIC INTERESTS FILING REQUIREMENTS

NOTICE IS HEREBY GIVEN that the Fair Political Practices Commission (the Commission), under the authority vested in it under the Political Reform Act (the Act)[1] by Section 83112 of the Government Code, proposes to adopt, amend, or repeal regulations in Title 2, Division 6 of the California Code of Regulations. The Commission will consider the proposed regulation at a public hearing on or after **September 17, 2026,** at the offices of the Fair Political Practices Commission, 1102 Q Street, Suite 3050, Sacramento, California, commencing at approximately **10:00 a.m.** Written comments should be received at the Commission offices no later than **5:00 p.m**. on **September 15, 2026**.

BACKGROUND/OVERVIEW

In 2020, the Commission adopted Regulation 18723.1 to provide guidance on how officials with mul-

[1] The Political Reform Act is contained in Government Code Sections 81000 through 91014. All statutory references are to the Government Code, unless otherwise indicated. The regulations of the Fair Political Practices Commission are contained in Sections 18104 through 18998 of Title 2 of the California Code of Regulations. All regulatory references are to Title 2, Division 6 of the California Code of Regulations, unless otherwise indicated.

tiple positions subject to reporting requirements under the Act[2] may file an Expanded Statement of Economic Interests ("Expanded Statement") disclosing all reportable interests for all jurisdictions in which they serve and listing all positions for which it is filed instead of separate Statements of Economic Interests ("SEIs") for each position. The regulation provides that "statewide elected officers" need only file an SEI for their elected office.

REGULATORY ACTION

Adopt 2 Cal. Code Regs. Section 18723.1.

Staff proposes the adoption of Regulation 18723.1 to update the guidelines on filing SEIs for officials with multiple positions. The proposed amendments include, but are not limited to, language clarifying that persons who file a SEI pursuant to Section 87200 do not need to list positions designated on an agency's Conflict of Interest Code ("Code") on their Expanded Statements when the geographical jurisdiction of the Code agency is the same or is wholly included within the jurisdiction of the Section 87200 agency, allowing "elected state officers" to only file a SEI for their state elected office, and clarifying which agencies Expanded Statements must be filed with and how. It is anticipated that the Commission will also consider whether to include amendments to allow an official with a Section 87200 position, and a Code–designated position of an agency with a geographical jurisdiction broader than the jurisdiction of the Section 87200 agency, to only file the Expanded Statement with the Commission instead of both the Commission and the Code agency.

SCOPE

The Commission may adopt the language noticed herein, or it may choose new language to implement its decisions concerning the issue identified above or any related issue.

FISCAL IMPACT STATEMENT

Fiscal Impact on Local Government. None.

Fiscal Impact on State Government. None.

Fiscal Impact on Federal Funding of State Programs. None.

AUTHORITY

Section 83112 provides that the Fair Political Practices Commission may adopt, amend, and rescind rules and regulations to carry out the purposes and provisions of the Act.

[2] Sections 83112, 82019, and 87200–87210.

REFERENCE

Section 82019 and 87200–87210, Government Code.

CONTACT

Any inquiries should be made to Joanna Gin, Fair Political Practices Commission, 1102 Q Street, Suite 3050, Sacramento, CA 95811; email: JGin@fppc.ca.gov; telephone 279–237–5904. The proposed regulatory language can be accessed at http://www.fppc.ca.gov/the–law/fppc–regulations/proposed–regulations–and–notices.html.

TITLE 2. STATE BOARD OF FOOD AND AGRICULTURE

AMEND CONFLICT–OF–INTEREST CODE

NOTICE IS HEREBY GIVEN that the ***STATE BOARD OF FOOD and AGRICULTURE***, pursuant to the authority vested in it by section 87306 of the Government Code, proposes amendment to its conflict–of–interest code. A comment period has been established commencing on August 14, 2026, and closing on September 28, 2026. All inquiries should be directed to the contact listed below.

The ***STATE BOARD OF FOOD and AGRICULTURE*** proposes to amend its conflict–of–interest code to include employee positions that involve the making or participation in the making of decisions that may foreseeably have a material effect on any financial interest, as set forth in subdivision (a) of section 87302 of the Government Code. The amendment carries out the purposes of the law and no other alternative would do so and be less burdensome to affected persons.

Changes to the conflict–of–interest code include: renaming of classifications, addition of programs subject to the code, listing of various boards and committees, and other technical changes.

Agencies please choose one option:

Information on the code amendment is available on the agency's intranet site and/or attached to this email.

Any interested person may submit written comments relating to the proposed amendment by submitting them no later than September 28, 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 September 13, 2026.

The ***STATE BOARD OF FOOD and AGRICULTURE*** has determined that the proposed amendments:

1. Impose no mandate on local agencies or school districts.

2. Impose no costs or savings on any state agency.
3. Impose no costs on any local agency or school district that are required to be reimbursed under Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code.
4. Will not result in any nondiscretionary costs or savings to local agencies.
5. Will not result in any costs or savings in federal funding to the state.
6. Will not have any potential cost impact on private persons, businesses or small businesses.

All inquiries concerning this proposed amendment and any communication required by this notice should be directed to: Mary Horst, Attorney, 916–654–1393, Mary.Horst@cdfa.ca.gov.

TITLE 5. BUREAU FOR PRIVATE POSTSECONDARY EDUCATION

CATALOG REQUIREMENTS

NOTICE IS HEREBY GIVEN that the Bureau for Private Postsecondary Education (hereafter Bureau) is proposing to take the action described in the Informative Digest below, after considering all comments, objections, and recommendations regarding the proposed action.

PUBLIC HEARING

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

WRITTEN COMMENT PERIOD

Written comments relevant to the action proposed, including those sent by mail, facsimile, or email to the addresses listed under “Contact Person” in this Notice, must be ***received*** **by the Bureau at its office no later than Monday, September 28, 2026** or must be received by the Bureau at the hearing, should one be scheduled.

AUTHORITY AND REFERENCE

Authority Cited: Sections 94803, 94877, and 94885, Education Code.

References: Sections 94837, 94885, 94897, 94900, 94900.5, and 94909, Education Code.

Pursuant to the authority vested by sections 94803, 94877, and 94885 of the Education Code (EDC), and to implement, interpret, or make specific EDC section 94837, 94885, 94897, and 94909, the Bureau is considering amending section 71810 of Article 2 of Chapter 3 of Division 7.5 of Title 5, of the California Code of Regulations (CCR)[3].

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Existing law in EDC Section 94909 and CCR Section 71810 requires private postsecondary schools in California to provide a clear, accurate, and current school catalog to prospective students before enrollment, and specify what institutions must disclose, at a minimum, in their catalog. This includes essential information such as the institutional and program information, tuition and fees, refund policies, student services, records maintenance policies, and more. These requirements are designed to promote transparency, protect students from misleading information, and help them make informed decisions about their education. An institution’s catalog must be updated annually, with supplements or inserts to an institution’s catalog permitted prior to an institution’s annually updated catalog, so long as those supplements or inserts reflect when the change was made.

Catalog requirements found in Section 71810 have remained largely unchanged since the Bureau’s formation, despite significant shifts in the private postsecondary education landscape since that time. As a result, many of the current disclosure requirements are outdated, unclear, or not as useful to students as they otherwise could be. Some information currently required to be disclosed in an institution’s catalog is either not useful, potentially inaccurate due to annual updates, or unclear within the regulation. Additionally, certain requirements lack specificity, leading to inconsistent implementation and more confusion. For example, international students and those with limited English proficiency may not receive adequate or accessible information under existing regulatory standards. Vague location–specific disclosures, lack of transparency around internships or externships, and missing details about business hours are other areas where existing catalog requirement disclosures are lacking or outdated. Revisiting existing regulations so that catalog disclosures remain clear, relevant, and aligned with the Bureau’s mission will protect students and promote informed decision–making.

[1] All references to the CCR are to Title 5.

The proposed regulations provide for additional specificity where necessary to ensure students at Bureau–approved institutions have access to needed records and services. The proposed regulations reorganize and restructure certain requirements for additional clarity and alignment with other standards, such as those used by accrediting agencies. Finally, the proposed regulations provide for the continued utility of all required disclosure items in an institution's catalog, ensuring they are a valuable resource for students and the public.

The Bureau has drafted the following proposal that would address the problems stated above by:

Amending section 71810(a) of the CCR to:

- Remove the allowance of annual updates to an institution's catalog via inserts or supplements in existing regulatory text.
- Re–letter existing subsection (a) into three subsections: (a), (a)(1), and (a)(2).
- Allow changes to be made directly to a catalog between annual updates, and specify that any changes made directly to a catalog shall be clearly published on the page where the change is made, and dated at the time the change is made.
- Require new programs, services, procedures, or policies in the catalog to be published as "new."
- Require supplements or inserts reflecting changes to an institution's catalog to refer to the location in the catalog where the change applies and contain the school's name, location, and publication date.
- Specify that if policies, procedures, resources, or services vary due to multiple locations, an institution must specify which location they pertain to.

Amending section 71810(b) of the CCR to:

- Add 71810(b)(3)(A) to require an institution that admits international students to disclose information concerning the Principal Designated School Official (PDSO).
- Remove superfluous examples from the regulatory text in 71810(b)(4) and (5).
- Re–letter existing 71810(b)(4) and add (b)(4)(C) to separately list the requirements of the subsection.
- Re–letter existing 71810(b)(5) and add (b)(5)(A) to separately list the requirements of the subsection.
- Add that an institution must include its policies and hours of availability for library and other learning resources in 71810(b)(10).
- Add that an institution must specify the distance education learning management system used by the institution, if it offers distance education in 71810(b)(11).
- Add that an institution must include its policies, procedures, and hours of availability for student services in 71810(b)(12).
- Remove the text of existing housing disclosures from catalog requirements found at 71810(b)(13)(A)–(B). Repeal 71810(b)(13)(C).
- Replace the text found at (b)(13)(A)–(B) with requirements to disclose the institution's business hours for the period covered by the catalog, including administrative hours where records are available pursuant to section 71930, whether records are stored digitally, and the institution's hours when it offers instruction.
- Specify in (b)(15) that an institution must disclose policies on the retention of student records in its catalog, which must comply with section 71930, including whether records are digital or at an alternate location.
- Add (b)(15)(A) to require an institution to disclose procedures for student access to their records.
- Add (b)(16) to require certain disclosures about required internships or externships, including their distance from the institution or branch location.
- Add (b)(17) to require that an institution disclose the location and distance from the institution of any requirements for licensure that occur at a location other than the institution.
- Update the references cited to reflect accurate Education Code references.

Anticipated Benefits of the Proposal

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

Institutions, students, and the general public will benefit from the proposed regulations, which aim to ensure usefulness and clarity in the disclosures that are included in an institution's annually updated catalog. School catalogs serve as an annual disclosure tool, providing information to students, the public, and other stakeholders about educational programs, financial aid, academic standards, school policies, and more.

Students attending Bureau–approved institutions benefit from the proposed regulations because the regulations further specify certain disclosures that must be provided, protecting students' rights and access to the resources and services available at the institution. More specific and inclusive requirements, such as disclosures for international students or those with limited English proficiency, help promote an environment where students have equal access to critical information and resources applicable to them. Requiring schools to disclose business hours, procedures for student access to available services, required internships, externships, or other requirements for licensure benefits students by providing them with resources to get the support they need, such as with academic advising, financial aid, or filing a complaint.

Institutions benefit from the proposed regulations, which consider existing requirements for their usefulness, relevance, and clarity, and subsequently amend, add, or remove certain disclosures. The proposed regulations ensure that the information required to be in the catalog is relevant to an institution and will help inform prospective students. Institutions benefit from having clear, effective catalog requirements that they must provide to students, instead of unclear or outdated requirements. Institutions also benefit from updated language that allows updates directly to an institution's catalog between annual updates, so long as those changes are clearly published and dated.

Prospective students, their parents, educators, and other members of the public interested in private postsecondary educational institutions will benefit from effective disclosure in institutional catalogs. If someone has an inquiry about a certain institution or its programs, they will be able to refer to a catalog that provides the most important information for them. Clear and effective disclosures in an institution's catalog can, in turn, help guide clear and effective research when selecting a private postsecondary educational institution to attend, promoting informed decision–making and upholding consumer protection.

This regulatory proposal does not affect the health of California residents, worker safety, or the state's environment.

Evaluation of Consistency and Compatibility with Existing State Regulations

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

INCORPORATION BY REFERENCE

The proposed regulation does not incorporate any forms by reference.

DISCLOSURES REGARDING THIS PROPOSED ACTION

Mandate Imposed on Local Agencies or School Districts: None.

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 proposed regulations do not result in a fiscal impact to the state. The Bureau does not anticipate additional workload or costs resulting from the proposed regulations.

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

Nondiscretionary Costs/Savings to Local Agencies: None.

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

Mandate Imposed on Local Agencies or School Districts: None.

Significant Effect on Housing Costs (and, if applicable, including any estimated costs of compliance or potential benefits of a building standard): None.

BUSINESS IMPACT ESTIMATES

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

This initial determination is based on the fact that the proposed regulations affect an annually issued catalog, and updating this catalog regularly is already part of an institution's existing normal business practices. As a result, the regulations do not result in additional workload or costs to businesses operating in the state.

Cost Impact on Representative Private Person or Business

The Bureau 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 ASSESSMENT/ANALYSIS

Impact on Jobs/Businesses

The Bureau has determined that this regulatory proposal will not have a significant on the creation of new businesses or the elimination of existing businesses within the state, or the expansion of businesses currently doing business within the state because the proposed text pertains to requirements for school catalogs, which are already updated annually. It will not create or eliminate jobs within the State of California because the regulations affect an annually issued catalog, which all institutions are already required to maintain. This proposal would not have any of the above–referenced impacts as explained in the "Business Impact Estimates" section of this notice.

Benefits of Regulation:

The Bureau has determined this regulatory proposal will benefit the welfare of California residents, including individuals attending or considering attending a private postsecondary educational institution, by specifying information to be included in the catalog.

Institutions, students, and the general public will benefit from the proposed regulations, which aim to ensure usefulness and clarity in the disclosures that are included in an institution's annually updated catalog, as described in the "Anticipated Benefits of the Proposal" section of this notice.

Business Reporting Requirements

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

Effect on Small Business

The Bureau has determined that the proposed regulations may affect small businesses, including private postsecondary educational institutions, but will not result in additional workload or costs. All businesses (institutions) owned by licensees of the Bureau are required to maintain and issue an annually updated school catalog pursuant to current law.

CONSIDERATION OF ALTERNATIVES

In accordance with Government Code section 11346.5, subdivision (a)(13), the Bureau 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 Bureau in writing relevant to the above determinations at P.O. Box 980818, West Sacramento, CA 95798–0818 during the written comment period, or at the hearing if one is scheduled or requested.

AVAILABILITY OF STATEMENT OF REASONS AND RULEMAKING FILE

The Bureau 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, and any document incorporated by reference, and of the initial statement of reasons, and all of the information upon which the proposal is based, may be obtained upon request from the Bureau for Private Postsecondary Education, P.O. Box 980818, West Sacramento, CA 95798–0818.

AVAILABILITY OF CHANGED OR MODIFIED TEXT

After considering all timely and relevant comments, the Bureau, 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: Parker Strohmeyer
Address: Bureau for Private Postsecondary Education
P.O. Box 980818, West Sacramento, CA 95798–0818
Telephone Number: (279) 666–5844
Email Address: Parker.Strohmeyer@dca.ca.gov

The backup contact person is:

Name: Manila Vongmany

Address: Bureau for Private Postsecondary Education
P.O. Box 980818, West Sacramento, CA 95798–0818
Telephone Number: (279) 345–9636
Email Address: Manila.Vongmany@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 Bureau's website at https://bppe.ca.gov/lawsregs/index.shtml.

TITLE 5. BUREAU FOR PRIVATE POSTSECONDARY EDUCATION

USE OF THE TERM "UNIVERSITY"

NOTICE IS HEREBY GIVEN that the Bureau for Private Postsecondary Education (hereafter "Bureau") is proposing to take the action described in the Informative Digest below, after considering all comments, objections, and recommendations regarding the proposed action.

PUBLIC HEARING

The Bureau has not scheduled a public hearing on this proposed action. However, the Bureau 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 "Contact Person" in this notice.

WRITTEN COMMENT PERIOD

Written comments relevant to the action proposed, including those sent by mail, facsimile, or email to the addresses listed under "Contact Person" in this Notice, must be ***received*** **by the Bureau at its office no later than Monday September 28, 2026** or must be received by the Bureau at the hearing, should one be scheduled.

AUTHORITY AND REFERENCE

Pursuant to the authority vested by sections 94803 and 94877 of the Education Code (EDC), and to implement, interpret, or make specific EDC sections 94897 and 94932, the Bureau is considering amending section 74150 of Article 3 of Chapter 4 of Division 7.5 of Title 5 of the California Code of Regulations (CCR)[4].

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Existing regulations at Section 74150 define a "university" as an institution of higher education that confers a master's or a doctor's degree upon the completion of programs of graduate or professional study and that may also confer a bachelor's degree upon the completion of programs of undergraduate study. CCR 74150 also specifies that, unless previously approved by the Bureau, no institution shall use the word "university" in its name or in connection with a description of itself or its educational programs unless the institution meets this definition, or the institution uses other words in conjunction with "university" to prevent the word from being deceptive or misleading in any manner.

This regulatory proposal will address two problematic areas in the regulation. First, the Bureau proposes to remove the phrase, "Unless previously approved by the Bureau" found in Section 74150(b). This proposed change aims to prevent situations where an institution may use the term "university," even if it does not meet the requirements to do so. There are also risks for consumers who may believe an institution confers graduate–level degrees when, in fact, it does not.

Second, the Bureau is proposing to remove a standard in regulation that allows the use of the term "university" in conjunction with other words to prevent the word from being deceptive or misleading in any manner. The Bureau proposes to clarify the regulations and implement a uniform standard to use the term "University." The Bureau proposes that, to be allowed to use the term "university," an institution must meet two criteria. A "university" must be accredited by an accrediting agency recognized by the U.S. Department of Education, and it must confer graduate degrees. Ultimately, the Bureau proposes a clear, objective standard to use the term "university" that provides a greater level of consumer protection than the existing regulation.

The proposed regulations also add new language to section 74150 to provide clear requirements in Bureau regulations for an institution to change its name should it no longer meet the requirements to use the term "University." Current regulations are unclear because there is no specified process to follow when an institution no longer constitutes a "university." There

[1] Unless otherwise stated, all references to the CCR are to Title 5.

are also existing institutions that use the term "university" as allowed under current regulations. The proposed regulatory action grandfathers existing institutions that are already using the term "University." These institutions are not required to change their name as a result of the Bureau's proposed changes. However, if an institution changes its name in the future, it must meet the requirements for using the term.

Summary of Proposed Changes to Section 74150:

- Set a clear standard in subdivision (a) that a "university" means an institution of higher education that is accredited by an accrediting agency recognized by the United States Department of Education that confers a graduate degree (rather than master's/doctor's) upon the completion of programs of graduate or professional study, and that may also confer an undergraduate degree (rather than bachelor's) upon the completion of programs of undergraduate study.
- In subdivision (b), remove the phrase "Unless previously approved by the Bureau."
- Add specifying language to (b), preventing the use of the term "university" in either full or abbreviated form, or in combination with any series of letters, numbers, or words unless it meets the requirements of a university.
- Remove language in (b)(2) that allows the use of other words in conjunction with "university" to prevent the use of "university" from being deceptive or misleading in any manner.
- Add a new subdivision (c), with paragraphs (1) and (2) that specify the application that an institution must submit, requirements for submission, and the time to submit that application, if it no longer meets the requirements of a "university."
- Clearly state in paragraph (c)(3) that failure to comply with the requirements of the section will be considered a violation and subject to action by the Bureau.
- Add 74150(d) to allow existing institutions already using the term "university" within the bounds of the current regulations to continue using the term.
- Requires an institution to comply with the new regulation if it submits an application to change its name on or after January 1, 2027.

Anticipated Benefits of Proposal

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

The primary benefit of the proposed regulation is enhanced consumer protection for California students. The amendments establish clear, objective criteria for the use of the term "university," that an institution must be accredited by an accrediting agency recognized by the U.S. Department of Education and confer graduate degrees, unless otherwise specified under the proposed provisions. By clarifying the requirements for using the term, the regulation reduces the likelihood that students will be misled into believing that an institution offers graduate–level education or otherwise holds a level of academic recognition that it does not possess. This will improve the accuracy of institutional representations and support informed decision–making by students.

The proposed regulations benefit institutions by addressing a gap in Section 74150, which permits continued use of the term "university" once it obtains Bureau approval, even if the institution no longer meets the definitional requirements. By establishing a mechanism requiring institutions to have accreditation and confer graduate degrees, and by specifying steps to be taken if those requirements are no longer met, the regulation ensures that an institution using the term "university" is reflective of the institution's status rather than solely because of its historical approval. This promotes accurate use of the term "university," and prevents the Bureau's approval of an institution from undermining consumer protection. Institutions further benefit from clear standards that will allow the Bureau to administer and enforce the regulation more efficiently and consistently. Removing subjective language from subdivision (b) benefits institutions by reducing ambiguity, promoting consistent enforcement of the term, and decreasing the likelihood of disputes regarding whether the term is being used misleadingly.

Finally, the term "university" carries widely understood academic significance. Aligning regulatory requirements with public expectations reinforces confidence in institutions regulated by the Bureau. The proposed amendments will benefit the public by strengthening public trust in California's private postsecondary sector by ensuring that institutional representations as a "university" accurately reflect the academic authority and accreditation status.

This regulatory proposal does not affect the health of California residents, worker safety, or the state's environment.

Evaluation of Consistency and Compatibility with Existing State Regulations

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

INCORPORATION BY REFERENCE

The proposed regulation does not incorporate any forms by reference.

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 Bureau does not have a total fiscal impact estimate because the number of institutions that may be required to submit a change of name application if they no longer meet the requirements to use the term "university" is unknown. While the total fiscal impact cannot be estimated, the Bureau would incur workload costs of $250 per application and receive $250 in application fees per instance when an institution is required to submit a change of name application because it no longer meets the criteria to use the term "university."

Nondiscretionary Costs/Savings to Local Agencies: None.

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

Mandate Imposed on Local Agencies or School Districts: None.

Significant Effect on Housing Costs (and, if applicable, including any estimated costs of compliance or potential benefits of a building standard) None.

BUSINESS IMPACT ESTIMATES

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

This initial determination is based on the following fact that institutions using the term "University" under the existing regulation are not required to change names because language in subdivision 74150(d) grandfathers existing institutions that use the term. However, the exact number of institutions that may be required to submit a change of name application if they no longer meet the requirements to use the term "university" in the future is unknown.

If an institution submits an application to change its name in the future and no longer meets the requirements to use the term "university," the impact on the institution to comply with the regulation by submitting a change of name application is estimated to be $250, per instance.

If an existing institution had enforcement action taken against it that required the institution to change its name, that outcome would be a result of that enforcement action, not the proposed regulation.

Cost Impact on Representative Private Person or Business (Must be consistent with Business Impact Estimate and Form 399)

The Bureau 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 ASSESSMENT/ANALYSIS

Impact on Jobs/Businesses

The Bureau has determined that this regulatory proposal will not have a significant impact on the following the creation or elimination of jobs within the state, the creation of new businesses or the elimination of existing businesses within the state, or the expansion of businesses currently doing business within the state.

This proposal would not have any of the above–referenced impacts as explained in the "Business Impact Estimates" section of this notice.

Benefits of Regulation:

The Bureau has determined that this regulatory proposal will benefit the welfare of California residents by enhancing consumer protection from further specifying the requirements to use the term "university" and clarifying the steps to follow if an institution no longer meets the requirements to use the term, as described in the "Anticipated Benefits of Proposal" section of this Notice.

This regulatory proposal does not affect the health of California residents, worker safety, or the state's environment.

Business Reporting Requirements

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

Effect on Small Business

The Bureau has determined that the proposed regulations may affect small businesses, including private postsecondary educational institutions, but the total effect is unknown. The proposed language in subdivision 74150(d) grandfathers existing institutions that use the term, including small businesses. If an institution submits an application to change its name in the future and no longer meets the requirements to use the term "university," the impact on an institution that is a small business to comply with the regulation by submitting a change of name application is estimated to be $250, per instance.

CONSIDERATION OF ALTERNATIVES

In accordance with Government Code section 11346.5, subdivision (a)(13), the Bureau 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 Bureau in writing relevant to the above determinations at P.O. Box 980818, West Sacramento, CA 95798–0818 during the written comment period, or at the hearing if one is scheduled or requested.

AVAILABILITY OF STATEMENT OF REASONS AND RULEMAKING FILE

The Bureau 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, and any document incorporated by reference, and of the initial statement of reasons, and all of the information upon which the proposal is based, may be obtained upon request from the Bureau for Private Postsecondary Education, P.O. Box 980818, West Sacramento, CA 95798–0818.

AVAILABILITY OF CHANGED OR MODIFIED TEXT

After considering all timely and relevant comments, the Bureau, 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: Parker Strohmeyer
Address: Bureau for Private Postsecondary Education
P.O. Box 980818, West Sacramento, CA 95798–0818
Telephone Number: (279) 666–5844
Email Address: Parker.Strohmeyer@dca.ca.gov

The backup contact person is:

Name: Manila Vongmany
Address: Bureau for Private Postsecondary Education
P.O. Box 980818, West Sacramento, CA 95798–0818
Telephone Number: (279) 345–9636
Email Address: Manila.Vongmany@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 Bureau's website at https://bppe.ca.gov/lawsregs/index.shtml.

TITLE 5. COMMISSION ON TEACHER CREDENTIALING

ASSIGNMENT MONITORING SANCTIONS

The Commission on Teacher Credentialing (Commission) proposes to take the regulatory action described below after considering all comments, objections, and recommendations regarding the proposed action. A copy of the proposed regulations is included with the added text underlined and the deleted text lined out.

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

WRITTEN COMMENT PERIOD

Any interested person, or his or her authorized representative, may submit written comments relevant to the proposed action by fax, through the mail, or by email. The written comment period closes on September 28, 2026. Comments must be received by that time or may be submitted at the public hearing, should one be requested. Interested parties may fax their response to (916) 327–3165; write to the Commission on Teacher Credentialing, Attention: Christina Villanueva, 651 Bannon Street, Suite 601, Sacramento, CA 95811; by phone at (916) 327–2967 or submit an email to Regulations@ctc.ca.gov. Alternatively contact Ann Harris at (916) 323–5145 or by email at Regulations@ctc.ca.gov.

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

AUTHORITY

Education Code sections 44225(q) and 44258.9 authorize the Commission to adopt the proposed regulations and amendments.

REFERENCE

Education Code sections 33126, 35035, and 44830.

INFORMATION DIGEST/POLICY STATEMENT OVERVIEW

Summary of Existing Laws and Effect of the Proposed Action

Education Code § 44258.9 requires the Commission, in coordination with the California Department of Education (CDE), to annually facilitate the process of evaluating educator assignments for appropriateness as established in law, a process commonly called "assignment monitoring" via the California Statewide Assignment Accountability System (CalSAAS). This section defines the data sharing agreement between the Commission on Teacher Credentialing and the California Department of Education (CDE) and specifies how the resulting data may be utilized and reported. While there are many factors that may influence the overall appropriateness of an educator's assignment, assignment monitoring focuses on the legality of an assignment, that is whether the educator placed in a certificated assignment is legally authorized for the subject, student population, setting and services required of the position.

CalSAAS is a partially automated system which compares educator assignment data reported by Local Educational Agencies (LEAs) to CDE via the California Pupil Achievement Data System (CALPADS) with the educator credential data held by the Commission. Through CalSAAS, Monitoring Authorities review the certificated educator assignments for the LEAs within their purview to determine the legality of the reported assignments. Results of the annual monitoring process identify "misassignments," or placement of employees in teaching or services positions for which they do not hold the appropriate Commission issued certification or are not otherwise legally authorized by statute or regulations. Results of annual monitoring are published in a series of data dashboards on the Commission's website providing the public with data on misassignments, assignment flexibilities, and educator preparation levels statewide.

In 2024, the California State Auditor was directed by the Joint Legislative Audit Committee to conduct an audit of Highlands Community Charter and Technical Schools (Highlands) and Twin Rivers Unified School District. The Commission's Assignment Monitoring Program was contacted by the Auditor to support its efforts and serve as a subject matter expert. In June of 2025, the Auditor released their findings in the 2024–106 Highlands Community Charter and Technical Schools report. Their investigation identified breaches of law by Highlands, including a high percentage of misassigned educators serving in Highland's classrooms.

The State Auditor's findings included recommendations that are intended to effect change in State policy and/or practice to address the issues identified. The report included policy recommendations for State agencies that oversee education activities, including the Commission. Recommendation 38 directed the Commission to: *"...ensure that LEAs, including charter schools, resolve teacher misassignments as state law requires, by December 2025, CTC should initiate promulgation of regulations defining the standards for LEAs that consistently misassign educators and what sanctions CTC may impose on those agencies*." The Commission has authority to act upon the State Auditor's recommendation via Education Code 44258.9(j), which provides that, "*The commission may promulgate regulations that define standards for a local educational agency, including a charter school, that con-*

sistently misassigns educators and what sanctions, if any, to impose on that local educational agency."

At the December 2025 Commission Meeting, in item 3A: Certificated Education Assignment Monitoring Sanctions, Commission staff presented a broad outline of a plan to satisfy the Auditor's recommendation. The Commission approved the proposal to impose sanctions on LEAs that consistently misassign educators in the form of mandatory training. The proposed training focuses on how to appropriately assign educators and how to use various correction methods to maintain compliance. The latter is especially important during a time of teacher shortages, when fully prepared educators are not always available. Staff were directed to work with educational partners to identify appropriate non–punitive thresholds and draft regulations that clarify the sanctions program, contingent upon funding.

At the April 2026 Commission meeting, in item 5B: Assignment Monitoring Sanction Program Decision Points, Commission staff proposed details of the program, including utilizing a targeted approach to trainings, determining sanctions based on the proportions of uncorrected misassignments to all assignments, and identifying the individuals who would be subject to mandatory training. Most facets of this plan were approved; however, the Commission also directed staff to continue to conduct outreach efforts with education partners to refine the threshold percentages for intervention and the level of involvement of school board members.

At the June 2026 Commission Meeting, in item 3A: Assignment Monitoring Sanctions: System of Identification, Support, and Improvement (including 3A Insert), Commission staff presented the finalized details of the proposed sanctions program, structured around training, public noticing, improvement plans, and governing board involvement:

1. Establish a tier for schools with less than 10% of uncorrected misassignments to total assignments. At this tier, training modules are *available* for those interested.
2. Establish a tier for schools having between 10% and 25% of uncorrected misassignments to total assignments. At this tier the focus is supportive. The commission will notify those legally responsible and *suggest* completion of the appropriate training module(s). The school will be required to report their sanctioned status as an informational item to their governing board.
3. Establish a higher tier for schools having 25% or more of uncorrected misassignments to total assignments. The commission will notify those legally responsible, and at this tier the training is *mandatory* for the school site administrator and district superintendent. The school must present a plan for improvement to their governing board as an action item.

To support public transparency, misassignment data for schools falling into any of the three tiers described above will be reported publicly on the Commission's data dashboards.

At its June 2026 meeting, the Commission approved the proposed system and directed staff to move forward with the rulemaking process with the Office of Administrative Law.

Anticipated Benefits of the Proposed Regulations

The proposed intervention plan is non–punitive, focusing on providing guidance to all public schools via tiered support and differentiated training based on the school type, and is mindful of current trends in the teacher workforce. The Commission's "System of Identification, Support and Improvement" aligns with California's Statewide System of Support (SSOS) in education. This is a framework that elevates support and assistance, deemphasizes punitive measures to help LEAs meet their needs, and fosters continuous improvement in student performance and outcomes. By emphasizing support using interactive training interventions, LEAs will have necessary information to reach the level of competency required to support positive outcomes for students.

Misassignments occur for a variety of reasons, one of which is lack of educator assignment knowledge. There are countless laws that govern assignments, in various settings, subjects, and for different types of populations. Beyond those laws, there are sections of Education Code that provide caveats and carve outs. Therefore, to avoid misassignments, those who are responsible for assigning educators must be knowledgeable of these provisions. Staff find that a great deal of misassignments occur not due to willful incompliance but rather due to a misunderstanding of assignment guidelines. The proposed training program will help to address this root cause.

The training will cover the many facets of appropriately assigning educators and include in–depth content on how to assign educators in every setting, student population, and subject–matter. It will also integrate correction options into each content area and offer instruction on how to guide educators into the profession prior to their enrollment in a program. This will have a direct impact on retaining educators and ensuring students are receiving quality instruction. Training will be targeted at providing a complete picture of assignments and cover every aspect of legally assigning educators. This model will allow Commission staff to develop training in a segmented way so that information related to settings, subject matter, and population types can be packaged in their own modules. It will provide assignment monitoring personnel in sanctioned LEAs with customized training pertinent to the type of LEA in which they work and other specifics of their monitoring outcomes. Finally, the sanctions allow access to the training on an optional basis for those who want the knowledge, not just those who are mandated to complete the training. The entire field will have access to the information, to support a unified understanding of what is required to legally authorize educators and what is available to correct misassignments.

Additionally, the governing board reporting requirement will help ensure that the local level is informed of the educator assignments in their schools. Well–informed governing board members will be better equipped to execute their legal responsibility and make sound decisions. Schools that fall in the top tier, will be required to develop an improvement plan in partnership with the entity that serves as their monitoring authority (MA), enhancing cooperation between LEAs and their MA. Similarly, reporting of sanctioned schools via the Commission's data dashboards will foster statewide awareness of misassignments and areas of teacher shortage.

Determination of Inconsistency/Incompatibility with Existing State Regulations

The Commission has determined that the proposed regulatory language is inconsistent or incompatible with the following existing regulations sections 80339, 80339.1, 80339.2, 80339.3, 80339.4, 80339.5, and 80339.6 as they reflect outdated statutory references and processes. Education Code Section 44258.9 provides that the data resulting from assignment monitoring shall be executed *"...in a manner consistent with the statewide system of support and the school accountability system."* Therefore, the Commission determined that the outdated regulations should be repealed and the Commission proposed, in a separate rulemaking package, that a regulatory Article and regulatory sections be added to Title 5 of the California Code of Regulations. The proposed regulatory language within Article 6 reflects this supportive intervention approach, and provides clarity related to the Commission's current statutory authority.

DISCLOSURES REGARDING THE PROPOSED ACTIONS/FISCAL IMPACT

The Commission has made the following initial determinations.

Mandate on local agencies or school districts:

None.

Fiscal Impact

Costs to any local agency or school district which must be reimbursed in accordance with Government Code sections 17500 through 17630:

None.

Cost or savings to any state agency:

None.

Other non–discretionary costs or savings imposed upon 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 Commission is not aware of any Statewide adverse economic impact that directly affects businesses, including the ability of California businesses to compete with businesses in other states.

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.

STATEMENT OF THE RESULTS OF THE ECONOMIC IMPACT ASSESSMENT

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

The Commission concludes that it is unlikely that the proposal will (1) create or eliminate any jobs, (2) create any new businesses, or (3) eliminate any existing businesses or result in the expansion of businesses currently doing business within the state. The proposed amendments to Title 5 of the California Code of Regulations elevate support and assistance and deemphasizes punitive measures.

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

The proposed regulations are expected to continue to benefit the health and welfare of California residents by providing training to understand assignment guidelines. As misassignments often occur due to a lack of educator assignment knowledge and guidelines, the proposed training program will help to improve understanding and application of assignment requirements. The training may help reduce misassignments, support appropriately credentialed instruction, and improve educational services for students. The proposed regulations are not expected to have a direct effect on worker safety or the state's environment.

Small Business Determination

The proposed regulations will not affect small businesses. The sanctions establish procedures for LEAs, not small businesses.

CONSIDERATION OF ALTERNATIVES

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

The Commission invites interested persons to present statements or arguments with respect to alternatives to the proposed regulations during the written comment period.

CONTACT PERSONS

Inquiries concerning the proposed rulemaking action may be directed to:

Christina Villanueva
Commission on Teacher Credentialing
651 Bannon Street, Suite 601,
Sacramento, CA 95811
(916) 327–2967
Email: Regulations@ctc.ca.gov

The backup for these inquiries is:

Ann Harris
Commission on Teacher Credentialing
651 Bannon Street, Suite 601
Sacramento, CA 95811
(916) 323–5145
Email: Regulations@ctc.ca.gov

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

The Commission will make the entire rulemaking file available for inspection and copying throughout the rulemaking process at the Commission office at the above address. As of the date this notice is published in the Notice of Register, the rulemaking file consists of the Notice of Proposed Action, the proposed text of regulations, the Initial Statement of Reasons, Agenda items from Commission Meetings, and the Economic and Fiscal Impact Statement STD. 399. Please direct requests to inspect or copy the rulemaking file to the contact person listed above, Christina Villanueva.

AVAILABILITY OF CHANGED OR MODIFIED TEXT

After considering all timely and relevant comments received, the Commission may adopt the proposed regulations substantially as described in this notice. If the Commission 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 adopting the regulations as revised. Please direct requests for copies of any modified regulations to the contact person(s) listed above. If substantive modifications are made, the Commission will accept written comments on the modified regulations for the duration of the period of public availability.

AVAILABILITY OF FINAL STATEMENT OF REASONS

Upon its completion, the Commission will make copies of the Final Statement of Reasons available. Please direct requests for copies to the contact person(s) listed above.

AVAILABILITY OF DOCUMENTS ON THE INTERNET

Copies of the Notice of Proposed Action, the Initial Statement of Reasons, the text of the regulations with modifications highlighted, as well as the Final Statement of Reasons, when completed, and modified text and notices thereof, if any, may be accessed via the Commission's website at https://www.ctc.ca.gov/commission/notices/rulemaking/.

TITLE 15. CORRECTIONAL TRAINING AND REHABILITATION AUTHORITY

2026 MAINTENANCE PROPOSAL

Notice is hereby given that the California Correctional Training and Rehabilitation Authority (CALCTRA) and the California Training and Rehabilitation Board (CTRB) propose to amend Title 15, Division 8 regulations. This notice of proposed rulemaking (Notice) begins the rulemaking process to make the regulations permanent after considering all comments, objections, contentions, and recommendations regarding the regulation.

PUBLIC PROCEEDINGS

CALCTRA is conducting a 45–day written public comment period where any interested person may present statements or arguments (hereinafter referred to as 'comments') relevant to the action described in the Informative Digest portion of this Notice.

Please direct any inquiries or questions regarding this action or for copies of the proposed text of the regulations, the initial statement of reasons, the modified text of the regulations, if any, or other information in which the rulemaking is based to the following:

Primary Contact

Kelly Mortenson, Regulations Manager
California Correctional Training and
Rehabilitation Authority
560 East Natoma Street, Folsom, CA 95630
regulations@calctra.ca.gov

Secondary Contact

Christine Pesce, Executive Assistant
California Correctional Training and
Rehabilitation Authority
560 East Natoma Street, Folsom, CA 95630
regulations@calctra.ca.gov

PUBLIC COMMENT PERIOD

Written comments related to this regulatory proposal, regardless of the method of transmittal, must be received by CALCTRA by **5:00 p.m. on October 1, 2026,** which is designated as the close of the 45–day comment period. Comments received after this date will not be considered timely. To submit comments regarding the proposed regulation, any interested person may use one of the following methods:

Mail/Hand Deliver

Regulations Manager
CALCTRA/Office of Legal Counsel
560 East Natoma Street
Folsom, CA 95630

Email

regulations@calctra.ca.gov

Due to technological limitations, emails larger than 15 megabytes (MB) may be rejected and will not be delivered and received by CALCTRA. Emails larger than 15 MB should be submitted in separate emails or another form of delivery should be used.

CALCTRA requests, but does not require, that reports or articles in excess of 25 pages submitted with comments include a summary of the report or article. This summary should include a concise overview of the report or article, describe the reason for submitting the report or article and describe the relevance of the report or article to the proposed regulation. Please note that under the California Public Records Act (Gov. Code Section 6250, *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.

PUBLIC HEARING

At this time, no public hearing has been scheduled regarding this proposed regulatory action. Any interested person may request a public hearing by contacting the Regulations Manager at regulations@calctra.ca.gov. Requests for public hearings must be made no later than **September 16, 2026**.

ASSISTIVE SERVICES

For individuals with disabilities, CALCTRA will provide assistive services which include an interpreter, documents made available in an alternate format, or another disability–related reasonable accommodation. To request assistive services, please contact the Reasonable Accommodation Coordinator at reasonableaccommodation@CALCTRA.ca.gov as soon as possible, but no later than 10 business days before a scheduled hearing.

AUTHORITY & REFERENCE

Penal Code Section 2801 authorizes CALCTRA to develop and operate industrial, agricultural, and service enterprises employing incarcerated individuals in institutions under the jurisdiction of the California Department of Corrections and Rehabilitation (CDCR). It also authorizes CALCTRA to create and maintain working conditions within the enterprises as much like those which prevail in private industry as possible, to ensure incarcerated workers have the opportunity to work productively, earn funds, and acquire or improve effective work habits and occupational skills.

Penal Code Section 2808 authorizes the CTRB, in the exercise of its duties, all of the powers of and to do all of the things that the board of directors of a private corporation would do, except as limited by Article I, Chapter 6, Title I of the Penal Code, and authorizes the CTRB to contract to employ a Director to serve as the administrative officer of the authority.

Penal Code Section 2809 authorizes CALCTRA to apply disciplinary and dismissal procedures to civilian employees.

CONSIDERATION OF ALTERNATIVES

CALCTRA must determine that no reasonable alternative it considered or that have otherwise been identified and brought to the attention of CALCTRA would be more effective in carrying out the purpose for which this action is proposed, would be as effective and less burdensome to affected private persons than the action proposed, or would be more cost–effective to affected private persons and equally effective in implementing the statutory policy or other provision of law. Interested parties are invited to present statements or arguments with respect to any alternatives to the changes proposed during the written comment period.

CALCTRA has made an initial determination that no reasonable alternatives to the regulation have been identified or brought to the attention of CALCTRA that would lessen any adverse impact on private persons.

DISCLOSURES

Fiscal Impact

Cost or savings to any state agency: None.

Cost to any local agency or school district: None.

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

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

Statement of Results of the Economic Impact Assessment

CALCTRA has determined that this regulatory proposal will not affect the following because businesses are not affected by the internal management of CALCTRA and the employment of incarcerated workers within CDCR institutions and CALCTRA operations:

- Creation or elimination of jobs within California.
- Creation of new businesses or the elimination of existing businesses within California.
- Expansion of businesses currently doing business within California.

Regulatory Impact on the Health and Welfare of California Residents, Worker Safety, and the State's Environment

The proposed regulations are expected to benefit the health and welfare of California residents by assisting in reducing recidivism and therefore increasing public safety. The proposed regulations are expected to affect worker safety by clarifying the incarcerated worker health and safety complaint process in proposed Title 15, Section 8008. The proposed regulation will not directly affect the State's Environment.

Housing Costs

CALCTRA has determined that the proposed action will not have a significant effect of housing costs.

Significant Statewide Adverse Economic Impact on Business

CALCTRA has initially determined that the proposed action will not have a significant statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states because they are not affected by the internal management of CALCTRA.

Mandated by Federal Law or Regulation

The proposed regulations are not federally mandated.

Local Mandate

CALCTRA has determined that this regulatory action would not impose a mandate on local agencies or school districts, nor are there any costs for which reimbursement is required by part 7 (commencing with Section 17500) of division 4 of the Government Code.

Cost Impacts on Representative Person or Business

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

Effect on Small Business

CALCTRA has initially determined that the proposed action will not have an effect on small businesses because they are not affected by the internal management of CALCTRA.

Mandated Use of Specific Technologies, Equipment, Actions or Procedures

The proposed regulatory action does not mandate the use of specific technologies, equipment, actions, or procedures.

Other Statutory Requirements

Not Applicable.

AVAILABILITY

Rulemaking Record

CALCTRA will have the rulemaking record available for inspection and photocopying throughout the rulemaking process. The Proposed Text, Initial Statement of Reasons, *and all information upon which this proposal is based* have been placed in the rulemaking record, which is available to the public upon request directed to the CALCTRA contact person referenced above or by visiting the CALCTRA regulations webpage. Following its preparation, the Final Statement of Reasons may be obtained by contacting the

CALCTRA contact person referenced above or by visiting the CALCTRA regulations webpage.

Changes to Proposed Regulation Text:

After considering all timely and relevant comments received, the CTRB may approve the proposed regulations as described in this Notice. If CALCTRA makes modifications which are sufficiently related to the originally proposed text, it will make the modified text available to the public for at least 15 days before the CTRB reviews and approves the regulations as revised. CALCTRA will accept written comments on the modified regulations for 15 days after the date on which they are made available. Requests for copies of any modified regulation text should be directed to the contact person indicated above or can be viewed by visiting the CALCTRA regulations webpage.

INFORMATIVE DIGEST

SUMMARY

California Correctional Training and Rehabilitation Authority (CALCTRA) and the Correctional Training Rehabilitation Board (CTRB) propose to amend multiple sections of the California Code of Regulations (CCR), Title 15, Division 8 in an effort to ensure the regulations comply with California and federal law, do not conflict with other California regulations, and reflect current CALCTRA practice. This proposal amends definitions, repeals unnecessary provisions related to the recruitment of incarcerated individuals into CALCTRA work/training programs, repeals the requirement for incarcerated individuals to work on a high school diploma or equivalent while participating in CALCTRA programs, aligns CALCTRA health and safety regulations with the Labor Code and Title 8 California Occupational Safety and Health (Cal/OSHA) regulations, and updates two documents incorporated by reference.

AUTHORITY AND REFERENCE

Penal Code Section 2801 authorizes CALCTRA to develop and operate industrial, agricultural, and service enterprises employing incarcerated individuals in institutions under the jurisdiction of the California Department of Corrections and Rehabilitation (CDCR). It also authorizes CALCTRA to create and maintain working conditions within the enterprises as much like those which prevail in private industry as possible, to ensure incarcerated workers have the opportunity to work productively, earn funds, and acquire or improve effective work habits and occupational skills.

Penal Code Section 2808 authorizes the CTRB, in the exercise of its duties, all of the powers of and to do all of the things that the board of directors of a private corporation would do, except as limited by Article I, Chapter 6, Title I of the Penal Code, and authorizes the CTRB to contract to employ a Director to serve as the administrative officer of the authority.

Penal Code Section 2809 authorizes CALCTRA to apply disciplinary and dismissal procedures to civilian employees.

POLICY STATEMENT OVERVIEW

CALCTRA is a self–supporting, customer–focused business that provides productive work assignments for approximately 7,000 incarcerated individuals within CDCR institutions. CALCTRA manages over 100 manufacturing, service, and consumable operations throughout the state. The goods and services produced by CALCTRA are sold predominately to state departments as well as other governmental entities. The goal of CALCTRA is to provide work opportunities to incarcerated individuals and provide job skills training with the potential for earning industry–accredited certifications.

This regulatory proposal is considered, by CALCTRA, a maintenance package in which CALCTRA reviews its existing regulations to ensure it complies with California and federal law, does not conflict with the existing CCR, and reflects current CALCTRA practice. This review found that Title15, Division 8 regulations contained definitions of terms that are not used in the applicable regulations or definitions that are outdated. CALCTRA determined that the regulatory requirement for incarcerated individual's to meet minimum intake requirements related to their releases date is outdated since there is no longer waitlists for incarcerated individual's to enroll in CALCTRA programs. Health and safety regulation Section 8008 has not been amended since it was adopted in 2011. As a result, it was found to not fully align with Title 8 Cal/OSHA regulations that govern prison industries. This proposal rectifies these issues.

Benefits

Increase the number of incarcerated individuals participating in CALCTRA work programs which will ultimately:

- Improve recidivism rates.
- Improve the current and future quality of life for incarcerated individuals.
- Improve the safety and welfare of the California public.
- Increase incarcerated worker on–the–job safety.

EVALUATION OF INCONSISTENCY OR INCOMPATIBILITY WITH EXISTING STATE AND FEDERAL REGULATIONS

CALCTRA evaluated whether the proposed regulations are inconsistent or incompatible with existing state regulations. This evaluation included a review of CDCR and CALCTRA laws, as well as those statutes and regulations related to this subject. CALCTRA has determined that no other state regulation addresses the same subject matter, and there are no existing state or federal regulations with which the proposed regulations conflict or with which they are incompatible.

DOCUMENTS INCORPORATED BY REFERENCE

- HSU–F001 Report of Health and Safety Hazard (Rev. 08/22/25).
- IEP–F002/F003 Worker Application and Intake (Rev. 01/26/26).
- SOMS–F001 Incarcerated Worker Job Change (Rev. 10/20/25).

MANDATED BY FEDERAL LAW OR REGULATIONS

Not Applicable.

TITLE 16. ACUPUNCTURE BOARD

HAND HYGIENE REQUIREMENTS

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

PUBLIC HEARING

The Board has not scheduled a public hearing on this proposed action. However, the Board will hold a hearing if it receives a written request for a public hearing from any interested person, or 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 "Contact Person" in this notice.

WRITTEN COMMENT PERIOD

Written comments relevant to the action proposed, including those sent by mail, facsimile, or email to the addresses listed under "Contact Person" in this Notice, must be ***received*** **by the Board at its office no later than Monday September 28, 2026** or must be received by the Board at the hearing, should one be scheduled.

AUTHORITY AND REFERENCE

Pursuant to the authority vested by section 4933 of the Business and Professions Code (BPC), and to implement, interpret, or make specific BPC section 4955 the Board is considering amending section 1399.451 of Articles 5 of Division 13.7 of Title 16 of the California Code of Regulations (CCR).

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

The Board regulates the practice of acupuncture in California and is the sole issuer of acupuncture licenses in the state. The Board regulates over thirteen thousand licensed acupuncturists. The Board establishes and maintains standards of conduct within the acupuncture profession, primarily through its authority to license and enforce minimum standards for the protection of the public. (Acupuncture Licensure Act (Chapter 12 (commencing with section 11.5) of Division 2 of the Business and Professions Code (BPC)) (Act).) BPC section 4928.2 states that protection of the public shall be the highest priority for the Board in exercising its licensing, regulatory, and disciplinary functions. The Board is authorized to establish necessary regulations for the enforcement of the Act and the laws subject to its jurisdiction. (BPC § 4933.)

Existing law authorizes the Board to discipline an acupuncturist if they knowingly fail, without good reason, to follow infection control guidelines, especially those meant to prevent the spread of blood–borne diseases like HIV (human immunodeficiency virus) or hepatitis. The Board is expected to align its standards with public health and workplace safety regulations and to keep licensees informed about current best practices.

The U.S. Centers for Disease Control and Prevention (CDC) has issued updated handwashing guidelines to reduce healthcare–associated infections that support the use of alcohol–based hand sanitizer over traditional hand washing when hands are not visibly soiled. The Board's current handwashing requirements as part of its Standards of Practice regulation is outdated and inconsistent with CDC's current handwashing guidelines. In addition, the Board's current handwashing requirements do not allow an acupuncturist to use alcohol–based hand sanitizer.

The Board's following proposal amends the handwashing requirements and would do the following:

1. Delete the brush scrubbing and warm water requirement.
2. Updates the method of handwashing to align with CDC guidelines.
3. Provides the option to use an alcohol–based hand rub as an alternative to soap and water.
4. Specifies alcohol concentration be at least 60% when using an alcohol–based hand rub.
5. Requires the alcohol–based hand rub be used according to the manufacturer's instructions.

Anticipated Benefits of Proposal

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

The anticipated benefits of this action include improved public health and safety by reducing the risk of spreading infectious diseases. Aligning hand hygiene protocols with CDC guidelines helps protect both patients and practitioners. The proposal modernizes outdated standards by eliminating practices such as brush scrubbing and the requirement to use warm water, ensuring that handwashing procedures reflect the most up–to–date, evidence–based recommendations.

Additionally, the regulation increases flexibility and supports practitioner compliance by allowing the use of alcohol–based hand rubs as an alternative to soap and water. It also provides clearer guidance by specifying that any alcohol–based hand rub must contain at least 60% alcohol and be used according to the manufacturer's instructions.

These updates promote consistency, effectiveness, and safety in infection control practices, ultimately contributing to a safer healthcare environment for the public.

Evaluation of Consistency and Compatibility with Existing State Regulations

During the process of developing this regulatory proposal, the Board has conducted a search of any similar regulations on these topics and has concluded that 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 regulations do not result in a fiscal impact to the state. The Board does not anticipate additional workload or costs resulting from the proposed regulations. Any workload and costs of implementation are a result of current law.

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

Nondiscretionary Costs/Savings to Local Agencies: None.

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

Mandate Imposed on Local Agencies or School Districts: None.

Significant Effect on Housing Costs (and, if applicable, including any estimated costs of compliance or potential benefits of a building standard): None.

BUSINESS IMPACT ESTIMATES

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

This initial determination is based on the following facts/evidence/documents or testimony:

The proposal sets updated handwashing requirements that align with the federal standards set by CDC. These proposed amendments will only affect individual licensed acupuncturists in how they reduce the spread of diseases and conditions and protect their patients.

Additionally, businesses are anticipated to maintain compliance without incurring additional workload or costs.

Cost Impact on Representative Private Person or Business

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

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 as explained in the "Business Impact Estimates" section of this notice.

Benefits of Regulation:

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

The updated treatment procedures which implement handwashing procedures that meet CDC guidelines are designed to reduce the transmission of germs that can spread illness. By ensuring acupuncturists follow evidence–based handwashing procedures, the regulation helps protect both acupuncturists and the patients they serve, thereby enhancing consumer protection.

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

Business Reporting Requirements

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

Effect on Small Business

The Board has determined that the proposed regulations may affect small businesses, including businesses owned by a licensee. 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.

Additionally, small businesses are anticipated to maintain compliance without incurring additional workload or costs.

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 1625 North Market Boulevard, Suite N–219, Sacramento, CA 95834 during the written comment period, or at the hearing if one is scheduled or requested.

AVAILABILITY OF STATEMENT OF REASONS AND RULEMAKING FILE

The Board has compiled a record for this regulatory action, which includes the Initial Statement of Reasons (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, and any document incorporated by reference, and of the initial statement of reasons, and all of the information upon which the proposal is based, may be obtained upon request from the Board, at 1625 North Market Boulevard, Suite N–219, Sacramento, CA 95834.

AVAILABILITY OF CHANGED OR MODIFIED TEXT

After considering all timely and relevant comments, the Board, upon its own motion or at the request of any interested party, may thereafter adopt the proposals substantially as described below or may modify such proposals if such modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified proposal, with the modifications clearly indicated, will be available for review and written comment for 15 days prior to its adoption from the 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: Kristine Brothers, Policy Coordinator
Address: Acupuncture Board
1625 North Market Boulevard, Suite N–219,
Sacramento, CA 95834.
Telephone Number: 916–515–5200
Fax Number: 916–928–2204
Email Address: AcuPolicy@dca.ca.gov

The backup contact person is:

Name: Marisa Ochoa, Licensing and Administrative Supervisor
Address: Acupuncture Board
1625 North Market Boulevard, Suite N–219, Sacramento, CA 95834.
Telephone Number: 916–515–5200
Fax Number: 916–928–2204
Email Address: AcuPolicy@dca.ca.gov

AVAILABILITY OF DOCUMENTS ON THE INTERNET

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

TITLE 16. CEMETERY AND FUNERAL BUREAU

LICENSURE AND REGULATION OF REDUCTION FACILITIES

NOTICE IS HEREBY GIVEN that the Cemetery and Funeral Bureau (Bureau) is proposing to take the action described in the Informative Digest below, after considering all comments, objections, and recommendations regarding the proposed action. Written comments, including those sent by mail, facsimile, or email to the addresses listed under Contact Person in this Notice, must be received by the Bureau at its office no later than Monday, September 28, 2026.

PUBLIC HEARING

The Bureau has not scheduled a public hearing on this proposed action. However, the Bureau 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 "Contact Person" in this notice.

WRITTEN COMMENT PERIOD

Written comments relevant to the action proposed, including those sent by mail, facsimile, or email to the addresses listed under "Contact Person" in this Notice, must be ***received*** **by the Bureau at its office no later than Monday, September 28, 2026**, or must be received by the Bureau at the hearing, should one be scheduled.

AUTHORITY AND REFERENCE

Pursuant to the authority vested by section(s) 7606, 7610.1, 7639.08, 7712.5, and 7730.12 of the Business and Professions Code (BPC), and to implement, interpret, or make specific BPC section(s) 7639.06, 7639.08, 7712.9, 7730.10, and 7730.11, the Bureau is considering amending section(s) 2302, 2310, 2311, 2326.1 and adopting 2326.06, 2329.2, 2333.1, and 2339.2 of title 16, Division 23 of the California Code of Regulations (CCR).

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

The Cemetery and Funeral Bureau (Bureau) licenses, regulates, and investigates complaints against 14 different license categories in California, totaling approximately 11,315 licensees. These licensing categories include funeral establishments, funeral directors, embalmers, apprentice embalmers, cemetery brokers, cemetery broker branch, cemetery broker additional, cemetery salespersons, cremated remains disposers, crematories, crematory managers, hydrolysis facilities, cemetery managers, and private, nonreligious cemeteries. It is the Bureau's duty to enforce and administer the Cemetery and Funeral Act (Chapter 12 (commencing with section 7600) of Division 3 of BPC) (Act). (BPC section 7602, subdivision (a)(2).) The Bureau is authorized to establish necessary rules and regulations for the enforcement of the Act and the laws subject to its jurisdiction. (BPC section 7606.)

Assembly Bill 351 (AB 351) (Garcia, Chapter 399, Statutes of 2022) was approved by the Governor on September 18, 2022 and will become effective January 1, 2027. This bill requires the Bureau to license and regulate reduction facilities and enact applicable requirements along with standards for applicants of these reduction facilities.

Reduction is a process by which human remains are transformed into soil and mixed together with natural materials and air and is periodically turned which eventually results in the body's reduction into soil material. In this bill, large tanks, containers, or similar 'vessels' hold the remains together with straw, wood chips, or other natural materials until the process is complete. Then, removed from the reduction chamber. Like cremation, the bone fragments are processed by mechanical means to a consistency appropriate for disposition

In accordance with the amended sections of 2302 of division 23 of title 16 of the California Code of Regulations, the purpose of this proposal is to implement, interpret and make specific Health and Safety Code (HSC) sections 7010.3(b), 7051 and 7051.5 and BPC sections 7606, 7610.1, 7730.12, and 7714 et seq., which define operation and standards for reduction facilities.

The Bureau proposes to:

- Amend CCR section 2302 by adding subsection 2302(c) to include clarity on what is "processing" for reduction facilities.
- Amend CCR section 2302 by adding subsection 2302(d) to define what is considered "residue" after the reduction process has occurred.
- Amend CCR subsection 2310(d) by adding the "or reduction" into the verbiage to align and be consistent with current regulation.
- Amend CCR subsection 2310(e) by establishing an annual regulatory charge of $1,000 and an additional fee for quarterly charge of $8.50 for each reduction made in the preceding quarter.
- Amend CCR subsection 2310(f) to add subdivision (f) to require reduction facilities to submit annual maintenance records of chambers to the Bureau along with an annual renewal application.
- Amend subsection 2311(d) to add the initial filing fee of $1,000 to accompany the submission of the original application for a reduction facility.
- Add CCR subdivision 2326.06(a) to add an application for a reduction facility license must be made on "Application for Reduction Facility License" form 23–RF (New 01/27). This regulation will incorporate the requirements and documents that accompanies the application for the reduction facility.
- Add subdivision 2326.06(b) by having a signed and verified statement by the individual, chief executive officer and one of the directors of the corporation if the applicant is a corporation.
- Add subdivision 2326.06(c) so the Bureau can request the plans and specifications of the proposed reduction facility and building layout. These plans will show reduction chambers, storage for unreduced human remains and the Bureau may investigate proposed reduction facility to ensure all specifications are met.
- Add subdivision 2326.1(d) to specify the supervision of the operation of the reduction facility. This allows the licensed reduction facility to be operated under the supervision of a crematory manager which is certified by the Bureau. The subdivision allows an applicant to designate additional crematory managers who can succeed the crematory manager in the event the crematory manager is unable to perform his or her duties as required. To certify a crematory manager, the Bureau will require a written statement from the reduction chamber manufacturer demonstrating that the crematory manager has received the proper training for the operation of the reduction chamber and the proposed activities of the licensed reduction facility. At present, the manufacturer is the only entity who could provide this training to a manager.
- Add CCR section 2329.2, Abandonment of Application of Reduction Facility License. If the applicant fails to provide documents requested by the Bureau will result CFB deeming the applicant abandoned hereby, having the applicant submit a new application with its accompanied fees and documentation.
- Add CCR section 2333.1, Reduction Facility Sanitation. The Bureau proposes to add this section to help provide a clear standard of safety and cleanliness for reduction facilities when the public is on facility grounds.
- Add CCR section 2339.2(a), Form and Content of Reduction Contracts. The Bureau proposes to add to the existing "Form and Content of Reduction Contracts" to included reduction contracts to this section of 2339.

Anticipated Benefits of Proposal

The Bureau has determined that this regulatory proposal will have the following benefits to the health and welfare of California residents, worker safety, and the state's environment:

Reduction is a process by which human remains are transformed into soil and mixed with natural materials and air which is turned periodically resulting in the body's reduction into soil material. This proposal would establish language that would clarify the regulation for applicants. Provide greater clarity and transparency for Bureau quarterly and regulatory fees. Set maintenance standards for reduction chambers (vessels) while outlining operational standards for facilities to safeguard public health and safety. With added sections to promote clear contractual agreements between individual(s) and the custody of reduced remains.

This regulatory proposal does not affect the health and welfare of California residents, worker safety, or the state's environment.

Evaluation of Consistency and Compatibility with Existing State Regulations

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

INCORPORATION BY REFERENCE

Application for Reduction Facility License, form 23–RF (01/27).

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 CFB estimates nine applicants will apply for licensure within the first year of implementation and one annually thereafter, which would result in workload costs ranging from approximately $9,000 to 18,000 per year and up to $136,000 over a ten–year period.

Additionally, The CFB estimates revenues ranging from $9,000 to 18,000 per year and up to $135,000 over a ten–year period.

The CFB will also incur one–time costs of approximately $2,000 to create an application form and post it on its website.

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

Nondiscretionary Costs/Savings to Local Agencies: None.

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

Mandate Imposed on Local Agencies or School Districts: None.

Significant Effect on Housing Costs (and, if applicable, including any estimated costs of compliance or potential benefits of a building standard): None.

BUSINESS IMPACT ESTIMATES

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

The proposed regulations would impact businesses in California who want to operate reduction facilities. The CFB estimates nine applicants will apply for licensure within the first year of implementation and one annually thereafter.

These applicants will be required to submit the initial application to CFB and pay an initial license fee of $1,000. Licensees will be required to renew each year and pay annual license renewal fees of $1,000.

Additionally, businesses will need to purchase and install reduction equipment. While the cost of the reduction chamber (with installation) may vary by vendor, the CFB estimates (one–time) costs ranging from $15,000 to $50,000.

Cost Impact on Representative Private Person or Business

The CFB estimates nine applicants will initially apply for the reduction licensure in the first year of implementation and one applicant annually thereafter. These applicants will be required to submit an initial application to the Bureau and pay the initial license fee of $1,000 and an annual renewal fee of $1,000.

The total economic impact is estimated to be up to approximately $9,000 to $18,000 per year and up to $135,000 over a ten–year period.

Additionally, businesses will need to purchase and install reduction equipment. While the cost of the reduction chamber (with installation) may vary by vendor, the CFB estimates (one–time) costs ranging from $15,000 to $50,000.

RESULTS OF ECONOMIC IMPACT ASSESSMENT/ANALYSIS

Impact on Jobs/Businesses

The Bureau has determined that this regulatory proposal will not have a significant impact on the following:

1) The creation or elimination of jobs within the state, because this proposed regulation applies to the cemetery industry, specifically licensed reduction facilities. If any jobs are impacted, the types of jobs that may be impacted are those held by persons licensed by CFB to provide cemetery and funeral–related service.
2) It will not eliminate existing however will create new businesses within the State of California because the proposed regulations would allow an applicant to file an application for a reduction facility license in California. The proposed regulation does not negatively impact the existing cemetery or funeral industry.
3) The expansion of businesses currently doing business within the state because this regulation applies to the cemetery industry in California. CFB projects nine (9) applicants would apply for licensure the first year.

Benefits of Regulation

The Bureau has determined that this regulatory proposal will have the following benefits to the health and welfare of California residents, worker safety, and state's environment:

As stated in the **Anticipated benefits of proposal**, reduction provides consumers an alternative method of disposition of human remains to traditional burial, cremation, and hydrolysis. This proposal would establish clear language for the applicant. In addition, provide clarity and transparency for Bureau quarterly and regulatory charges while setting maintenance and operational standards to safeguard public health.

Business Reporting Requirements

The regulatory action requires businesses to file a report with the Bureau. The Bureau has determined that it is necessary for the health, safety, or welfare of the people of the State that the regulation apply to businesses.

Licensees operating a reduction facility shall be required to annually submit proof of the chamber maintenance records and the California Department of Public Health evaluation to demonstrate that the chamber continues to operate as originally approved. In addition, each reduction facility shall report to the Bureau any change in the designated certified crematory manager.

This proposal will benefit the public who will receive more accurate information, licensees who will understand what information is required without needing to contact Bureau staff and ensures that only reduction facilities that continue to meet regulatory standards operate lawfully in this state.

Effect on Small Business

The Bureau has determined that the proposed regulations may affect small businesses opting to provide reduction services.

Applicants will be required to submit an initial application to the Bureau and pay the initial license fee of $1,000 and an annual renewal fee of $1,000.

Additionally, businesses will need to purchase and install reduction equipment. While the cost of the reduction chamber (with installation) may vary by vendor, the CFB estimates (one–time) costs ranging from $15,000 to $50,000.

CONSIDERATION OF ALTERNATIVES

In accordance with Government Code section 11346.5, subdivision (a)(13), the Bureau 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 Bureau in writing relevant to the above determinations at 1625 North Market Blvd, Sacramento, California 95834 during the written comment period, or at the hearing if one is scheduled or requested.

AVAILABILITY OF STATEMENT OF REASONS AND RULEMAKING FILE

The Bureau 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, and any document incorporated by reference, and of the initial statement of reasons, and all of the information upon which the proposal is based, may be obtained upon request from the Cemetery and Funeral Bureau at 1624 North Market Blvd, Sacramento CA, 95834.

AVAILABILITY OF CHANGED OR MODIFIED TEXT

After considering all timely and relevant comments, the Bureau, 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: Almer Generoso
Address: Cemetery and Funeral Bureau
1625 North Market Boulevard, Suite S–208
Telephone Number: (916) 574–7876
Fax Number: (916) 928–7988
Email Address: Almer.generoso@dca.ca.gov

The backup contact person is:

Name: Melissa Orias
Address: Cemetery and Funeral Bureau
1625 North Market Boulevard, Suite S–208
Telephone Number: (916) 574–8203
Fax Number: (916) 928–7988
Email Address: Melissa.orias@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 Bureau website at https://cfb.ca.gov/laws_regs/proposed_regs.shtml.

TITLE 16. DENTAL HYGIENE BOARD

MOBILE DENTAL HYGIENE CLINICS;
ISSUANCE OF APPROVAL AND
REGISTERED DENTAL HYGIENIST IN
ALTERNATIVE PRACTICE, PHYSICAL
FACILITY REGISTRATION

NOTICE IS HEREBY GIVEN that the Dental Hygiene Board of California (Board) is proposing to take the rulemaking action described below under the heading Informative Digest/Policy Statement Overview. Any person interested may present statements or arguments relevant to the action proposed in writing. Written comments, including those sent by mail, facsimile, or email to the addresses listed under Contact Person in this Notice, must be received by the Board at its office on **Monday, September 28, 2026.**

The Board has not scheduled a public hearing on this proposed action. The Board will, however, 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.

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

AUTHORITY AND REFERENCE

Pursuant to the authority vested by Business and Professions Code (BPC) sections 1905, 1906, 1908, 1918, 1925, 1926, 1926.01, 1926.05, 1926.1, 1926.2, 1926.3, 1926.4, and 1944, and to implement, interpret or make specific BPC sections 125.6, 137, 138, 142, 680, 1922, 1925, 1926, 1926.1, 1926.2, 1926.3, 1926.4, 1955, and 1962, the Board is considering changes to Division 11 of Title 16 of the California Code of Regulations (CCR) as follows:

INFORMATIVE DIGEST/POLICY
STATEMENT OVERVIEW

The Dental Hygiene Board of California (Board) is charged with oversight of registered dental hygienists, registered dental hygienists in alternative practice (RDHAPs), and registered dental hygienists in extended functions. The Board carries out its regulatory authority through enforcement of statutory provisions of the Dental Practice Act, BPC sections 1900 through 1967.4, and Title 16 of the CCR. The Board's core functions are issuing licenses to qualified applicants, investigating consumer complaints filed against licensees, disciplining licensees for sustained violations of the BPC and Title 16 of the CCR, regulating and approving dental hygiene educational programs, and monitoring licensees placed on disciplinary probation by the Board.

Senate Bill 1202 (Leno, Chapter 331, Statutes of 2012) (SB 1202) added BPC sections 1926.1 and 1926.2 to the Code, authorizing RDHAPs to operate mobile dental hygiene clinics (MDHCs). Additionally, SB 1202 added BPC sections 1926.3, and 1926.4, requiring RDHAPs to register their place or places of practice (physical facilities) with the executive officer and to receive permission from the Board, subject to a biennial renewal fee, to have an additional place of practice.

On January 1, 2025, California Code of Regulations (CCR), Title 16, sections 1116 and 1116.5 went into effect for the registration MDHCs and physical facilities by RDHAPs. Subsequently, the Board was apprised by stakeholders about confusion regarding the requirements for registration of physical facilities as a stand–alone practice versus registration of physical facilities to maintain portable equipment, as well as for requirements applicable to registration of an MDHC.

This proposal amends sections 1116 and 1116.5 by: (1) correcting a definition which conflicts with statutory authority; (2) clarifying the definition of a physical facility to include the statutory authority as to where an RDHAP may open a practice to provide dental hygiene care to patients; (3) clarifying the requirements applicable to registration of physical facilities as a stand–alone practice versus registration of physical facilities to maintain portable equipment; (4) clarifying requirements applicable to when emergency oxygen units are required for RDHAP practice; (5) updating statutory references due to amendments within the text; and (6) updating the associated forms incorporated by reference to align form language to text amendments, as well as correcting a regulatory reference error.

Anticipated Benefits of the Proposed Regulation:

The proposed amendments to section 1116 and 1116.5 will enhance clarity by: (1) providing a correct definition which aligns with statutory authority; (2) providing direction to an RDHAP as to where they may open a physical facility to provide patient dental hygiene care; (3) correcting inconsistent language to provide the requirements for registration of physical facilities as a stand–alone practice versus registration of physical facilities to maintain portable equipment; (4) clarifying when RDHAPs are required to possess emergency oxygen units during dental hygiene practice; (5) providing correct statutory references due to amendments within the text; and (6) providing RDHAPs with updated forms which align with regulatory text and providing a correct a regulatory reference.

Additionally, the proposal will promote public safety by ensuring RDHAPs are in possession of necessary lifesaving equipment when providing dental hygiene services to their patients.

Determination of Inconsistency and Incompatibility with Existing State Regulations:

During the process of amending this regulation, the Board has conducted a search of any similar regulations on this topic and has concluded the proposed regulatory action is not inconsistent or incompatible with existing state regulations.

Documents Incorporated by Reference:

- "Application for Registration of a Mobile Dental Hygiene Clinic (MDHC)" [form DHBC MDHC–01 (Amended 11/2025).]
- Registered Dental Hygienists in Alternative Practice: Registration of Physical Facilities" [form DHBC HAPR–01 (Amended 11/2025).]

DISCLOSURES REGARDING PROPOSED ACTION

The DHBC has made the following initial determinations:

Fiscal Impact on Public Agencies Including Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State: The regulations result in one–time workload costs of approximately $2,000 to update and post two forms on the Board's website. The Board does not anticipate additional ongoing workload costs related to registration or compliance.

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

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

Local Mandate**:** None.

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

Business Impact

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

Amendments to this regulation will not have an economic impact on businesses. This initial determination is based on the following facts:

The amendments do not change any requirements for the RDHAP to run or maintain an MDHC or physical facility. The amendments only clarify the Board's original intention of the regulatory requirements of owning a physical facility.

Any workload related to reporting requirements related to this proposal are anticipated to be incurred within normal business operations and not anticipated to result in additional costs.

Cost Impacts on a Representative Private Person or Businesses:

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

Amendments to this regulation will not have an economic impact on a private person or business. This initial determination is based on the following facts:

The amendments do not change any requirements for the RDHAP to run or maintain a physical facility. The amendments only clarify the Board's original intention of the regulatory requirements of owning a physical facility.

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

Business Reporting Requirement:

The current regulation requires businesses to file a report with the Board. The amendments do not change any requirements for the RDHAP to run or maintain an MDHC or physical facility. The amendments only clarify the Board's original intention of the regulatory requirements of owning an MDHC or physical facility.

Any workload related to reporting requirements related to this proposal are anticipated to be incurred within normal business operations and not anticipated to result in additional costs.

Results of the Economic Impact Analysis/ Assessment:

Impact on Jobs/Businesses: The Board has determined this regulatory action will not create or eliminate jobs within the State of California because the amended language in the regulation only clarifies the current requirements for MDHCs and physical facilities, as specified.

The Board determined this regulatory action will not create new businesses or eliminate existing businesses and will not affect the expansion of businesses currently doing business within the State of California because the amended language in the regulation only clarifies the current requirements of MDHCs and physical facilities, as specified.

Benefits of the Proposed Action: This regulatory proposal will positively impact worker safety as the amended language in the regulation clarifies and ensures MDHCs and physical facilities adhere to all laws, regulations, and standards applicable to MDHCs and physical facilities, including worker safety (OSHA).

This regulatory proposal will positively impact the health and welfare of California residents as the proposed language in the regulation clarifies and ensures MDHCs and physical facilities to adhere to all laws, regulations, and standards applicable to an MDHC and physical facilities, including patient safety (HIPAA, HSC, CDC).

This regulatory proposal will not affect the state's environment because this proposed regulation does not involve environmental issues.

Additionally, this regulatory proposal will increase access to care to the public in HCAI dental health professional shortage areas, as well as those patients unable to access traditional dental care due to disabilities.

Effect on Small Business: The Board determined this regulatory action may have an impact on small businesses, including businesses owned or employing licensees, will not impact the ability of these small business to compete in this state because the amended language in the regulation does not change any requirements for the RDHAP to run or maintain an MDHC or physical facility. The amendments only clarify the Board's original intention of the regulatory requirements of owning an MDHC or a physical facility.

Any workload related to reporting requirements related to this proposal are anticipated to be incurred within normal business operations and not anticipated to result in additional costs

CONSIDERATION OF ALTERNATIVES

In accordance with Government Code section 11346.5(a)(13), the Board 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 or would be as effective and less burdensome to affected private persons than the proposed regulatory action described in this Notice or would be more cost–effective to the affected private persons and equally effective in implementing the statutory policy or other provision of the law.

Interested persons are invited to present statements or arguments in writing relevant to the above determinations during the written comment period.

CONTACT PERSONS

Inquiries or comments concerning the proposed regulatory action may be directed to the following designated agency contact persons:

Dental Hygiene Board of California
Attention: Adina A. Pineschi–Petty DDS
2005 Evergreen St, Suite 1350
Sacramento, CA 95815
Phone: 916–576–5002
Email: adina.petty@dca.ca.gov

Backup Contact Person:

Attention: Anthony Lum
2005 Evergreen St, Suite 1350
Sacramento, CA 95815
Phone: 916–576–5004
Email: anthony.lum@dca.ca.gov

Please direct requests for copies of the proposed text of the regulations, the initial statement of reasons, or other information upon which the rulemaking is based to Dr. Pineschi–Petty at the above address. In her absence, please contact the designated back–up contact person.

AVAILABILITY OF STATEMENT OF REASONS, TEXT OF PROPOSED REGULATIONS, 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.

AVAILABILITY OF CHANGED OR MODIFIED TEXT

After considering all timely and relevant comments received, the Board may adopt the amendments as originally proposed, or with non–substantial or grammatical modifications. The Board may also adopt the proposed regulatory language with other modifications if the text as modified is sufficiently related to the originally proposed text that was noticed to the public. In the event that such modifications are made, the full regulatory text, with the modifications clearly indicated, will be made available to the public for review and or written comment at least 15 days before it is adopted. The public may request a copy of the modified regulatory text by contacting Dr. Pineschi–Petty at the address above.

AVAILABILITY OF FINAL STATEMENT OF REASONS

All the information upon which the proposed regulations are based is contained in the rulemaking file which is available for public inspection by contacting Dr. Pineschi–Petty at the address above.

You may obtain a copy of the Final Statement of Reasons once it has been prepared, by making a written request to Dr. Pineschi–Petty at the address above or by accessing the website listed below.

TEXT OF THE PROPOSAL

Copies of the exact language of the proposed regulations, and any document incorporated by reference, and of the ISOR, and all of the information on which the proposal is based, may be obtained upon request from the Board at 2005 Evergreen Street, Suite 1350, Sacramento, California 95815, or by accessing the Board's website at https://www.dhbc.ca.gov/lawsregs/index.shtml.

AVAILABILITY OF DOCUMENTS ON THE INTERNET

Copies of the Notice of Proposed Action, the ISOR, and the text of the regulations can be accessed through the Board's website at https://www.dhbc.ca.gov/lawsregs/index.shtml.

TITLE 16. RESPIRATORY CARE BOARD

BASIC RESPIRATORY TASKS AND SERVICES

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

PUBLIC HEARING

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

WRITTEN COMMENT PERIOD

Written comments relevant to the action proposed, including those sent by mail, facsimile, or email to the addresses listed under "Contact Person" in this Notice, must be ***received*** **by the Board at its office no later than Monday, September 28, 2026** or must be received by the Board at the hearing, should one be scheduled.

AUTHORITY AND REFERENCE

Authority cited: Sections 3722 and 3765, Business and Professions Code.

Reference: Section 3765, Business and Professions Code.

Pursuant to the authority vested by sections 3722 and 3765 of the Business and Professions Code (BPC), and to implement, interpret, or make specific section 3765, the Board is considering amending section 1399.365 of title 16 of the California Code of Regulations (CCR), which was originally adopted pursuant to the Board's authority under BPC section 3702.5.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Existing law provides that licensed vocational nurses (LVNs) do not possess independent authority to perform respiratory care services except as expressly authorized by statute and regulations adopted by the Board. BPC section 3765, subdivisions (i) and (j), authorize LVNs who meet specified statutory requirements to perform respiratory care tasks and services identified by the Board in home health and home and community–based settings.

The Board initially adopted an amendment to CCR, title 16, section 1399.365 as an emergency regulation to clarify the applicability of the Board's Basic Respiratory Tasks and Services regulation to LVNs working in the exempt settings described in BPC section 3765, subdivisions (i) and (j). The emergency regulation ensured continuity of care while the Board proceeded through the regular rulemaking process.

This proposed regulatory action makes that emergency amendment permanent without substantive change. The regulation clarifies that CCR section 1399.365 does not apply to LVNs performing respiratory care services identified by the Board while working in the exempt settings specified in BPC section 3765, subdivisions (i) and (j).

The proposed regulation implements existing statutory authority and does not expand LVN scope of practice beyond what the Legislature authorized. Instead, it provides regulatory clarity and consistency regarding the applicability of the Board's regulations, supports lawful practice, and promotes continuity of care in home and community–based settings.

No forms are incorporated by reference as part of this regulatory proposal.

Anticipated Benefits of Proposal

The Board has determined that this regulatory proposal will benefit the health and welfare of California residents by promoting clarity and consistency regarding the regulatory framework governing respiratory care services in home and community–based settings.

By permanently clarifying the applicability of CCR section 1399.365, the regulation reduces confusion among licensees, employers, patients, and other stakeholders and supports consistent application of existing law. This clarity promotes patient safety, continuity of care, and effective enforcement of the Respiratory Care Practice Act.

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

Evaluation of Consistency and Compatibility with Existing State Regulations

The Board has reviewed existing state regulations and has determined that the proposed regulation is consistent and compatible with existing regulations governing respiratory care services and the scope of practice of LVNs. The regulation aligns with statutory exemptions established in BPC section 3765 and complements existing regulations without conflict.

No other matters are prescribed by statute for inclusion in this section.

INCORPORATION BY REFERENCE

No forms, documents, or other materials are incorporated by reference as part of this regulatory proposal.

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 regulations do not result in a fiscal impact to the state. This proposal makes permanent an existing regulatory amendment and implements statutory authority in BPC section 3765 by clarifying the applicability of the Board's regulations to LVNs performing respiratory care services in specified settings.

The Board does not anticipate any additional workload or costs resulting from the proposed regulation. Any workload associated with implementation and enforcement of this regulation is attributable to existing law.

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

Nondiscretionary Costs/Savings to Local Agencies

None.

Cost to any Local Agency or School District for which Government Code Sections 17500–17630 Require Reimbursement

None.

Mandate Imposed on Local Agencies or School Districts

None.

Significant Effect on Housing Costs

None.

BUSINESS IMPACT ESTIMATES

Business Impact

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

The regulation makes permanent an existing emergency amendment and does not impose new licensing requirements, operational mandates, or compliance obligations. The regulations clarify the applicability of CCR section 1399.365 and do not create new requirements or costs for licensees, facilities, or employers.

Cost Impact on Representative Private Person or Business

The Board is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action. The action maintains existing practice and provides clarification to prevent disruption in care.

RESULTS OF ECONOMIC IMPACT ASSESSMENT/ANALYSIS

Impact on Jobs/Businesses

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

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 as explained in the Business Impact Estimates section of this notice.

Benefits of Regulation:

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

This regulatory proposal promotes patient safety and consumer protection by providing clear and consistent regulatory guidance regarding the applicability of the Board's regulations to LVNs performing respiratory care services in home health and home and community–based settings pursuant to BPC section 3765. By clarifying the regulatory framework and preventing misapplication of existing regulations, the proposal reduces uncertainty, supports lawful practice, and promotes continuity of care.

This regulatory proposal 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 regulation will not have a significant adverse economic impact on small businesses. This determination is because the regulation makes permanent an existing regulatory clarification and does not impose new licensing requirements, operational mandates, or compliance obligations.

While small businesses owned by licensees of the Board may be affected by the regulation, the Board does not maintain data relating to the number or percentage of licensees who own small businesses. Therefore, the number or percentage of small businesses that may be impacted cannot be predicted.

CONSIDERATION OF ALTERNATIVES

In accordance with Government Code section 11346.5, subdivision (a)(13), the Board has determined that no reasonable alternative to the proposed regulation 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, or would be more cost–effective while equally effective in implementing the statutory policy.

Any interested person may submit comments to the Board in writing relevant to the above determinations at 3750 Rosin Court, Suite 100, Sacramento, CA 95834, during the written comment period, or at the hearing if one is scheduled or requested.

AVAILABILITY OF STATEMENT OF REASONS AND RULEMAKING FILE

The Initial Statement of Reasons, proposed regulatory text, and all information upon which the proposal is based are available upon request from the Board.

TEXT OF PROPOSAL

Copies of the exact language of the proposed regulations, the Initial Statement of Reasons, and all information upon which the proposal is based may be obtained upon request from the Board at 3750 Rosin Court, Suite 100, Sacramento, CA 95834, or by contacting the persons listed below.

AVAILABILITY OF CHANGED OR MODIFIED TEXT

After considering all timely and relevant comments, the Board may adopt the proposed regulations substantially as described or may modify the proposals if the modifications are sufficiently related to the original text. Except for technical or grammatical changes, the full text of any modified proposal, with the modifications clearly indicated, will be available for public review and written comment for at least 15 days prior to adoption. The modified text will be made available from the persons designated in this Notice as the Contact Persons and will be provided to those persons who submit written comments or oral testimony related to this proposal or who have requested notification of any changes.

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: Kathryn Pitt
Address: Respiratory Care Board
3750 Rosin Court, Suite 100
Sacramento, CA 95834
Telephone Number: (916) 999–2190
Fax Number: (916) 273–7311
Email Address: rcbinfo@dca.ca.gov

The backup contact person is:

Name: Christine Molina
Address: Respiratory Care Board
3750 Rosin Court, Suite 100
Sacramento, CA 95834
Telephone Number: (916) 999–2190
Fax Number: (916) 273–7311
Email Address: rcbinfo@dca.ca.gov

AVAILABILITY OF DOCUMENTS ON THE INTERNET

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

TITLE 16. RESPIRATORY CARE BOARD

HOME AND COMMUNITY–BASED RESPIRATORY TASKS AND SERVICES

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

PUBLIC HEARING

The Board has not scheduled a public hearing on this proposed action. However, the Board will hold a hearing if it receives a written request for a public hearing from any interested person, or 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 "Contact Person" in this notice.

WRITTEN COMMENT PERIOD

Written comments relevant to the action proposed, including those sent by mail, facsimile, or email to the addresses listed under "Contact Person" in this Notice, must be ***received*** **by the Board at its office no later than Monday, September 28, 2026** or must be received by the Board at the hearing, should one be scheduled.

AUTHORITY AND REFERENCE

Authority cited: Sections 3722 and 3765, Business and Professions Code. Reference: Section 3765, Business and Professions Code.

Pursuant to the authority vested by section(s) 3722 and 3765 of the Business and Professions Code, and to implement, interpret, or make specific BPC section(s) 3765, the Board is considering adding section(s) 1399.361 of title 16 of the California Code of Regulations (CCR).

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Existing law provides that licensed vocational nurses (LVNs) do not possess independent authority to perform respiratory care services, except as expressly authorized by statute and regulations adopted by the Board. Existing law further authorizes the Board to identify specific respiratory care tasks and services that may be performed by LVNs in limited circumstances and settings. Business and Professions Code (BPC) section 3765, subdivisions (i) and (j), authorize LVNs who meet specified statutory requirements to perform respiratory care tasks and services identified by the Board in home health and home and community–based settings.

This regulatory proposal will implement and operationalize the statutory authority in BPC section 3765 by identifying, in regulation, the specific respiratory care tasks and services that LVNs may perform in the settings authorized by statute. The proposed regulation establishes task–level parameters by expressly identifying authorized respiratory care tasks and services and delineating activities that are not authorized, thereby providing clarity and consistency regarding the lawful scope of LVN practice in the settings specified in section 3765 subdivisions (i) and (j).

The proposed regulation does not expand the statutory authority granted by the Legislature or impose new compliance obligations beyond those established by statute. Instead, it provides the regulatory specificity necessary for licensees, employers, and other stakeholders to understand and apply the requirements of BPC section 3765 in a consistent and lawful manner, promoting patient safety and reducing the risk of unauthorized practice.

No forms are incorporated by reference as part of this regulatory proposal.

Anticipated Benefits of Proposal

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

This regulatory proposal promotes patient safety and consumer protection by clearly identifying the respiratory care tasks and services that LVNs may perform in home health and home and community–based settings pursuant to BPC section 3765. By expressly distinguishing authorized tasks from those that are not authorized, the regulation reduces uncertainty, supports appropriate delegation of respiratory care services, and minimizes the risk of unauthorized practice.

The regulatory proposal also enhances regulatory clarity and consistency by providing a uniform statewide framework for the lawful performance of respiratory care tasks by LVNs in the settings identified in statute. This clarity supports compliance with existing law, facilitates consistent application and enforcement, and promotes continuity of care for patients receiving respiratory services in home and community–based settings.

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

Evaluation of Consistency and Compatibility with Existing State Regulations

During the process of developing this regulatory proposal, the Board conducted a review of existing state regulations related to respiratory care services and the scope of practice of licensed vocational nurses. The Board has concluded that the proposed regulation is neither inconsistent nor incompatible with existing state regulations.

The proposed regulation is consistent with the Respiratory Care Practice Act and with existing regulations governing respiratory care services by clearly identifying the respiratory care tasks and services that LVNs may perform pursuant to BPC section 3765. The regulation complements, and does not conflict with, existing regulations that define basic respiratory tasks and services or the scope of practice of licensed respiratory care practitioners.

No other matters are prescribed by statute for inclusion in this section.

INCORPORATION BY REFERENCE

No forms, documents, or other materials are incorporated by reference as part of this regulatory proposal.

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 does not anticipate any additional workload or costs resulting from the proposed regulations. Any additional workload or costs would be a result of current law.

The Board of Vocational Nursing and Psychiatric Technicians (BVNPT) indicates the regulations could cause an increase in the number of complaints received, which would result in additional workload and costs. However, the BVNPT does not have a fiscal estimate at this time.

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

Nondiscretionary Costs/Savings to Local Agencies

None.

Cost to any Local Agency or School District for which Government Code Sections 17500–17630 Require Reimbursement

None.

Mandate Imposed on Local Agencies or School Districts

None.

Significant Effect on Housing Costs

None.

BUSINESS IMPACT ESTIMATES

Business Impact

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

This initial determination is based on the fact that the proposed regulation operationalizes existing statutory authority in BPC section 3765 by identifying the respiratory care tasks and services that LVNs may perform in specified settings. The regulation does not impose new licensing requirements, operational mandates, or compliance obligations, and instead provides clarity regarding activities already authorized by statute.

Businesses are anticipated to maintain compliance with the proposed regulations within normal business operations and without incurring additional workload or costs.

Cost Impact on Representative Private Person or Business

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

Individuals and businesses are anticipated to maintain compliance with the proposed regulations within normal business operations and without incurring additional workload or costs.

RESULTS OF ECONOMIC IMPACT ASSESSMENT/ANALYSIS

Impact on Jobs/Businesses

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

1) The creation or elimination of jobs within the state because this proposal does not impose new licensing requirements, operational mandates, or compliance obligations, and instead provides clarity regarding activities authorized by statute.
2) The creation of new businesses or the elimination of existing businesses within the state because this proposal does not impose new licensing requirements, operational mandates, or compliance obligations, and instead provides clarity regarding activities authorized by statute.
3) The expansion of businesses currently doing business within the state because this proposal does not impose new licensing requirements, operational mandates, or compliance obligations, and instead provides clarity regarding activities authorized by statute.

Benefits of Regulation

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

This regulatory proposal promotes patient safety and consumer protection by clearly identifying the respiratory care tasks and services that LVNs may perform in home health and home and community–based settings pursuant to BPC section 3765. By distinguishing authorized tasks from those that are not authorized, the regulation reduces uncertainty, supports lawful practice, and minimizes the risk of unauthorized respiratory care services.

This regulatory proposal 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 impact small businesses, including small businesses owned by licensees of the Board. However, small businesses are anticipated to maintain compliance with the proposed regulations within normal business operations and without incurring additional workload or costs.

CONSIDERATION OF ALTERNATIVES

In accordance with Government Code section 11346.5, subdivision (a)(13), the Board must determine that no reasonable alternative to the proposed regulation 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, or would be more cost–effective to affected private persons and equally effective in implementing the statutory policy.

Any interested person may submit comments to the Board in writing relevant to the above determinations at 3750 Rosin Court, Suite 100, Sacramento, CA 95834, during the written comment period, or at the hearing if one is scheduled or requested.

AVAILABILITY OF STATEMENT OF REASONS AND RULEMAKING FILE

The Board has compiled a record for this regulatory action, which includes the Initial Statement of Reasons (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, and any document incorporated by reference, and of the ISOR, and all of the information upon which the proposal is based, may be obtained upon request from the Board at 3750 Rosin Court, Suite 100, Sacramento, CA 95834.

AVAILABILITY OF CHANGED OR MODIFIED TEXT

After considering all timely and relevant comments, the Board upon its own motion or at the request of any interested party, may thereafter adopt the proposals substantially as described below or may modify such proposals if such modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified proposal, with the modifications clearly indicated, will be available for review and written comment for 15 days prior to its adoption from the 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: Kathryn Pitt
Address: Respiratory Care Board
3750 Rosin Court, Suite 100
Sacramento, CA 95834
Telephone Number: (916) 999–2190
Fax Number: (916) 273–7311
Email Address: rcbinfo@dca.ca.gov

The backup contact person is:

Name: Christine Molina
Address: Respiratory Care Board
3750 Rosin Court, Suite 100
Sacramento, CA 95834
Telephone Number: (916) 999–2190
Fax Number: (916) 273–7311
Email Address: rcbinfo@dca.ca.gov

AVAILABILITY OF DOCUMENTS ON THE INTERNET

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

GENERAL PUBLIC INTEREST

DEPARTMENT OF FISH AND WILDLIFE

HABITAT RESTORATION AND ENHANCEMENT ACT CONSISTENCY DETERMINATION NUMBER 1653–2026–186–001–R2

Project: Memorial Park Magenta Drain Project

Location: Nevada County

Applicant: Bjorn Jones, City of Grass Valley

Background

Project Location: The Memorial Park Magenta Drain Project (Project) is located near South Fork Wolf Creek, in Memorial Park, Nevada County, at 498 Central Avenue, Grass Valley, CA, centering on latitude 39.21395, longitude –121.055502, and affecting the Magenta Drain. The Magenta Drain supports common terrestrial and aquatic wildlife species, and populations of northwestern pond turtle (*Actinemys marmorata*).

Project Description: The City of Grass Valley, as represented by Bjorn Jones (Applicant), proposes to enhance or restore habitat within Magenta Drain to provide a net conservation benefit for aquatic and terrestrial species such as northwestern pond turtle. The Project will transform a formerly contaminated, overgrown, and fenced–off historical gold mine drain into a restored riparian habitat with public access. The project includes recontouring streambanks, removing invasive species, re–vegetating with native species, and adding a gravel trail.

The Project's key restoration actions include creation of improved natural channel to create hydrologic connectivity and diversify aquatic habitats; installation of boulders to increase habitat heterogeneity; removal of invasive vegetation to plant native regionally appropriate riparian trees, shrubs, and understory species; use of bioengineered bank protection to replace an existing vertical retaining wall; and implementation of a long–term and proactive invasive species control strategy to ensure ecological recovery and resilience.

Project Size: The total area of ground disturbance associated with the Project is approximately 0.73 acres. The proposed Project complies with the State Water Resources Control Board General 401 Water Quality Certification Order for Small Habitat Restoration Projects and the associated categorical exemption from the California Environmental Quality Act (Cal. Code Regs., title 14, § 15333).

Project Associated Discharge: Discharge of materials into Waters of the State, as defined by Water Code section 13050 subdivision (e), resulting from the Project include those associated with the following: (1) native and invasive vegetation, (2) coarse bed material, (3) erosion control material, and (4) varying sizes of rock and cobble.

Project Timeframes: Start date: September 2026
Completion date: March 2027
Work window: September 16–March 15

Water Quality Certification Background: Because the Project's primary purpose is habitat restoration intended to improve the quality of waters in California, the Central Valley Regional Water Quality Control Board (Regional Water Board) issued a Notice of Applicability (NOA) for Coverage under the State Water Resources Control Board General 401 Water Quality Certification Order for Small Habitat Restoration Projects SB12006GN (General Order) (Waste Discharge Identification (WDID) Number 5A29CR00148) for the Project. The NOA describes the Project and requires the Applicant to comply with terms of the General Order.

Receiving Water: Wolf Creek — South Fork
Filled or Excavated Area: Permanent area impacted: 0.100 acres
Temporary area impacted: 0.625 acres
Length temporarily impacted: 409 linear feet
Length permanently impacted: 501 linear feet
Dredge Volume: None
Project Location: Latitude 39.21395 and Longitude –121.055502

Regional Water Board staff determined that the Project may proceed under the Order. Additionally, Regional Water Board staff determined that the Project, as described in the Notice of Intent (NOI) complies with the California Environmental Quality Act (Pub. Resources Code, § 21000 et seq.).

On July 14, 2026, the Director of the California Department of Fish and Wildlife (CDFW) received a notice from the Applicant requesting a determination pursuant to Fish and Game Code Section 1653 that the NOA, NOI, and related species protection measures are consistent with the Habitat Restoration and Enhancement Act (HREA) with respect to the Project.

Pursuant to Fish and Game Code section 1653 subdivision (c), CDFW filed an initial notice with the Office of Administrative Law on July 14, 2026, for publishing in the General Public Interest section of the California Regulatory Notice Register (Cal. Reg. Notice File Number Z–2026–0714–02) on July 24, 2026. Upon approval, CDFW will file a final notice pursuant to Fish and Game Code section 1653 subdivision (f).

DETERMINATION

CDFW has determined that the Project NOA, NOI, and related species protection measures are consistent with HREA and meet the conditions set forth in Fish and Game Code section 1653 for authorizing the Project.

Specifically, CDFW finds that: (1) The Project purpose is voluntary habitat restoration and the Project is not required as mitigation; (2) the Project is not part of a regulatory permit for a non–habitat restoration or enhancement construction activity, a regulatory settlement, a regulatory enforcement action, or a court order; and (3) the Project meets the eligibility requirements of the General Order for Small Habitat Restoration Projects.

AVOIDANCE AND MINIMIZATION MEASURES

The avoidance and minimization measures for the Project, as required by Fish and Game Code section 1653, subdivision (b)(4), were included in an attachment to the NOI, which contains the following categories: (1) Construction–period Water Quality Protection and Erosion and Sedimentation Control Measures; (2) Post–Construction and Sediment Control and Water Quality Protection Requirements; (3) General Program Conditions for Vegetation Management; and (4) General Measures to Avoid Impacts on Biological Resources. The specific avoidance and minimization requirements are found in an attachment to the NOI.

MONITORING AND REPORTING

As required by Fish and Game Code section 1653, subdivision (g), the Applicant included a copy of the monitoring and reporting plan. The Applicant's Monitoring and Reporting Plan provides a timeline for restoration, performance standards, and monitoring parameters and protocols. Specific requirements of the plan are found in an attachment to the NOI.

NOTICE OF COMPLETION

Coverage under the General Order for Small Habitat Restoration Projects requires the Applicant to submit a Notice of Completion (NOC) no later than 30 days after the project has been completed. A complete NOC includes, at a minimum:

- photographs with a descriptive title;
- date the photograph was taken;
- name of the photographic site;
- WDID number indicated above;
- success criteria for the Project.

The NOC shall demonstrate that the Applicant has carried out the Project in accordance with the Project description as provided in the Applicant's NOI. The Applicant shall include the project name and WDID number with all future inquiries and document submittals. Pursuant to Fish and Game Code section 1653, subdivision (g), the Applicant shall submit the monitoring plan, monitoring report, and notice of completion to CDFW as required by the General Order. All documents shall be submitted electronically to: zachary.kearns@wildlife.ca.gov, cc: R2CESA@wildlife.ca.gov.

PROJECT AUTHORIZATION

Pursuant to Fish and Game Code section 1654, CDFW's approval of a habitat restoration or enhancement project pursuant to section 1652 or 1653 shall be in lieu of any other permit, agreement, license, or other approval issued by the department, including, but not limited to, those issued pursuant to Chapter 6 (commencing with section 1600) and Chapter 10 (commencing with section 1900) of this Division and Chapter 1.5 (commencing with section 2050) of Division 3. Additionally, the Applicant must adhere to all measures contained in the approved NOA and comply with other conditions described in the NOI.

If there are any substantive changes to the Project or if the Regional Water Board amends or replaces the NOA, the Applicant shall be required to obtain a new consistency determination from CDFW. (See generally Fish & Game Code, § 1654, subdivision (c).)

DEPARTMENT OF FISH AND WILDLIFE

HABITAT RESTORATION AND ENHANCEMENT ACT CONSISTENCY DETERMINATION NUMBER 1653–2026–187–001–R1

Project: East Branch East Weaver Creek Migration Barrier Removal Project

Location: Trinity Counties

Applicant: Patrick Flynn (Trinity County)

Background

Project Location: The East Branch East Weaver Creek Migration Barrier Removal Project (Project) is located approximately 1.4 miles northbound on East Weaver Creek Rd, in Weaverville, CA, Assessor Parcel Numbers (APN) 010–500–036–000, 010–500–032–000, 010–500–030–000, 010–500–038–000, 010–500–005–000, 010–500–027–000, and 010–500–003–000, and affects East Weaver Creek, a tributary to the Trinity River. Latitude 40.770348996796 and Longitude –122.9189598984.

Project Description: Trinity County (Applicant) in partnership with Northwest California Resource Conservation District (RCD), proposes to enhance or restore habitat within Weaver Creek to provide a net conservation benefit for native salmonids. The Project includes the removal of an existing eight–foot by 60–foot elliptical corrugated metal pipe culvert and will replace it with a 16–foot by eight–foot by 66–foot aluminum box culvert with headwalls, wingwalls, a natural streambed, and channel boulder clusters that will facilitate fish passage in East Weaver Creek.

The existing culvert is a fish migration barrier and in 2002 it was ranked as the 7th highest priority fish passage site in Trinity County. Coho Salmon (*Oncorhynchus kisutch*), Chinook Salmon (*Oncorhynchus tshawytscha*) and steelhead trout (*Oncorhynchus mykiss*) have been observed throughout the Weaver Creek watershed and spawning salmonids and redds have been documented just below the culvert. The new structure will allow for fish passage beyond the culvert.

The culvert will be embedded with two feet of engineered streambed material and five grade–control structures will be installed to facilitate fish migration. Corrugated aluminum footing plates will be placed onto the bedrock at the site, and the downstream end of the structure will be shifted slightly south. A temporary Bailey bridge, traffic control measures, and utility support and relocation will maintain roadway access during construction.

Approximately 150 feet of the channel will need to be dewatered to facilitate construction. Once the site has been dewatered, the existing culvert and concrete apron will be excavation and removed, and the new structure will be installed. Then the streambed materials will be placed and graded to the design specification, the roadway will be resurfaced, and any disturbed areas will be stabilized and restoration. Approximately 500 cubic yards of material will be excavated, and the excess spoils will be hauled to an approved disposal location.

The Project will be implemented in accordance with all information provided in the application package, including the unabridged project description, the dewatering plan, and the water management plan.

Project Size: The total area of ground disturbance associated with the Project is approximately 0.01 acre and 350 linear feet. The proposed Project complies with the General 401 Certification for Small Habitat Restoration Projects and associated categorical exemption from the California Environmental Quality Act (Cal. Code Regs., title 14, § 15333).

Project Associated Discharge: Discharge of materials into Waters of the State, as defined by Water Code section 13050 subdivision (e), resulting from the Project includes those associated with the following: (1) engineered streambed material, (2) rip rap/grade control structures, (3) boulders, and (4) sediment.

Project Timeframes: Start date: July 2026
Completion date: September 2026
Work window: July 1–October 15

Water Quality Certification Background: Because the Project's primary purpose is habitat restoration intended to improve the quality of waters in California and improve fish passage to spawning and rearing habitat, the North Coast Regional Water Quality Control Board (Regional Water Board) issued a Notice of Applicability (NOA) for Coverage under the State Water Resources Control Board General 401 Water Quality Certification Order for Small Habitat Restoration Projects SB12006GN (Order) (Waste Discharge Identification (WDID) Number 1A26043WNTR for the Project. The NOA describes the Project and requires the Applicant to comply with terms of the Order. Additionally, the Applicant has provided a supplemental document that sets forth measures to avoid and minimize impacts to native species.

Receiving Water: Weaver Creek, tributary to the Trinity River.
Filled or Excavated Area: Temporary area impacted: 0 acres maximum
Permanent area impacted: 0.01 acre
Length temporarily impacted: 0 linear feet
Length permanently impacted: 350 linear feet

Discharge Volume: 63 cubic yards of engineered streambed material, 35 cubic yards of rock slope protection, 22 cubic yards of boulders for construction of the five rock ribbons, and a negligible amount of native sediment will be discharged into waters of the state.

Regional Water Board staff determined that the Project may proceed under the Order. Additionally, Regional Water Board staff determined that the Project, as described in the Notice of Intent (NOI) complies with the California Environmental Quality Act (Pub. Resources Code, § 21000 et seq.).

On July 13, 2026, the Director of the California Department of Fish and Wildlife (CDFW) received a notice from the Applicant requesting a determination pursuant to Fish and Game Code section 1653 that the NOA, NOI, and related species protection measures are consistent with the Habitat Restoration and Enhancement Act (HREA) with respect to the Project.

Pursuant to Fish and Game Code section 1653 subdivision (c), CDFW filed an initial notice with the Office of Administrative Law on July 13, 2026, for publishing in the General Public Interest section of the California Regulatory Notice Register (Cal. Reg. Notice File Number Z–2026–0713–01) on July 24, 2026. Upon approval, CDFW will file a final notice pursuant to Fish and Game Code section 1653 subdivision (f).

DETERMINATION

CDFW has determined that the NOA, NOI, and related species protection measures are consistent with HREA and the Project and meets the conditions set forth in Fish and Game Code section 1653 for authorizing the Project.

Specifically, CDFW finds that: (1) The Project purpose is voluntary habitat restoration and the Project is not required as mitigation; (2) the Project is not part of a regulatory permit for a non–habitat restoration or enhancement construction activity, a regulatory settlement, a regulatory enforcement action, or a court order; and (3) the Project meets the eligibility requirements of the State Water Resources Control Board's Order for Clean Water Act Section 401 General Water Quality Certification for Small Habitat Restoration Projects.

AVOIDANCE AND MINIMIZATION MEASURES

The avoidance and minimization measures for Project, as required by Fish and Game Code section 1653, subdivision (b)(4), were included in an attachment to the NOI. The specific avoidance and minimization requirements are found in an attachment to the NOI, titled '*Protection Measures*' beginning on page 1.

MONITORING AND REPORTING

As required by Fish and Game Code section 1653, subdivision (g), the Applicant included a copy of the monitoring and reporting plan. The Applicant's Monitoring and Reporting Plan provides a timeline for restoration, performance standards, and monitoring parameters and protocols. Specific requirements of the plan are found in an attachment to the NOI, titled '*Summary of Adopted Best Management Practices*' beginning on page 7.

NOTICE OF COMPLETION

Coverage under the State Water Resources Control Board General 401 Water Quality Certification Order for Small Habitat Restoration Projects requires the Applicant to submit a Notice of Completion (NOC) no later than 30 days after the project has been completed. A complete NOC includes at a minimum:

- photographs with a descriptive title;
- date the photograph was taken;
- name of the photographic site;
- WDID number indicated above;
- success criteria for the Project.

The NOC shall demonstrate that the Applicant has carried out the Project in accordance with the Project description as provided in the Applicant's NOI. Applicant shall include the project name, WDID number with all future inquiries and document submittals. Pursuant to Fish and Game Code section 1653, subdivision (g), the Applicant shall submit the monitoring plan, monitoring report, and notice of completion to CDFW as required by the General Order. Applicant shall submit documents electronically to: Stacey.Alexander@wildlife.ca.gov.

PROJECT AUTHORIZATION

Pursuant to Fish and Game Code section 1654, CDFW's approval of a habitat restoration or enhancement project pursuant to section 1652 or 1653 shall be in lieu of any other permit, agreement, license, or other approval issued by the department, including, but not limited to, those issued pursuant to Chapter 6 (commencing with section 1600) and Chapter 10 (commencing with section 1900) of this Division and Chapter 1.5 (commencing with section 2050) of Division 3. Additionally, Applicant must adhere to all measures contained in the approved NOA and comply with other conditions described in the NOI.

If there are any substantive changes to the Project or if the Water Board amends or replaces the NOA, the Applicant shall be required to obtain a new consistency determination from CDFW. (See generally Fish & Game Code, § 1654, subdivision (c).)

DEPARTMENT OF FISH AND WILDLIFE

FISH AND GAME CODE SECTION 1653 CONSISTENCY DETERMINATION REQUEST FOR PORTOLA REDWOODS FISH PASSAGE AND HABITAT ENHANCEMENT PROJECT– PHASE 1 (TRACKING NUMBER: 1653–2026–191–001–R1) SAN MATEO COUNTY

California Department of Fish and Wildlife (CDFW) received a Request to Approve on 7/28/2026, that the San Mateo Resource Conservation District (District) proposes to carry out a habitat restoration or enhancement project pursuant to Fish and Game Code section 1653. The proposed project involves removing fish passage barriers and placing large wood to restore fish passage and enhance habitat. The proposed project will be carried out on Evans Creek and Peters Creek, located in Portola Redwoods State Park, San Mateo County, California.

On 5/1/2026, the San Francisco Bay 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 Portola Redwoods Fish Passage and Habitat Enhancement Project Phase 1. 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 2CW465035) for coverage under the General 401 Order on 7/27/2026.

The District 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 District 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 District will have the opportunity to submit under Fish and Game Code section 1652.

DEPARTMENT OF FISH AND WILDLIFE

FISH AND GAME CODE SECTION 1653
CONSISTENCY DETERMINATION
REQUEST FOR LABBE MEADOW
RESTORATION PROJECT
(TRACKING NUMBER:
1653–2026–192–001–R2)
PLUMAS COUNTY

California Department of Fish and Wildlife (CDFW) received a Request to Approve on 7/30/2026, that MTN Consulting and Restoration LLC proposes to carry out a habitat restoration or enhancement project pursuant to Fish and Game Code section 1653. The proposed project involves constructing a series of open water ponds in order to improve meadow hydrologic function and increase meadow habitat complexity. The proposed project will be carried out within a historic ditch feature, located at Labbe Ranch, Quincy, Plumas County, California.

On 6/30/2026, the Central Valley 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 Labbe Meadow Restoration Project. The Regional Water Board determined that the Project, as described in the NOI, was categorically exempt from California Environmental Quality Act (CEQA) review (section 15333 — Small Habitat Restoration Projects) and met the eligibility requirements for coverage under the General 401 Order. The Regional Water Board issued a Notice of Applicability (WDID Number 5A32CR00265) for coverage under the General 401 Order on 7/30/2026.

MTN Consulting and Restoration LLC 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, MTN Consulting and Restoration LLC 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, MTN Consulting and Restoration LLC will have the opportunity to submit under Fish and Game Code section 1652.

RULEMAKING PETITION DECISIONS

HIGHWAY PATROL

JUNE 30, 2026

FILE NUMBER: 60.018227.A19719.062 2026 06037

MR. GRAHAM WILLIAM GALLAHER
1603 TWILIGHT RIDGE DR.
AUSTIN, TX 78746

SUBJECT: PETITION FOR RULEMAKING (GC SECTION 11340)

Dear Mr. Gallaher,

This Letter is in response to your, "Petition for Rulemaking Pursuant to California Government Code § 11340.6 Re: Enforcement of 13 CCR § 811(f), as Written, or Formal Rulemaking to Amend It" (Petition) dated June 5, 2026, and received by the California Highway Patrol (CHP or Department) [June 5, 2026].

The Petition was submitted pursuant to Section 11340.6 of the California Government Code (Govt. Code), which states, in relevant part:

> … any interested person may petition a state agency requesting the adoption, amendment, or repeal of a regulation as provided in Article 5 (commencing with Section 11346). This petition shall state the following clearly and concisely:

(a) The substance or nature of the regulation, amendment, or repeal requested.

(b) The reason for the request.

(c) Reference to the authority of the state agency to take the action requested.

The Petition specifically requests that the Department take one of two actions:

(1) Enforce § 811(f) as written, by issuing formal guidance confirming that "uninterrupted" means continuous photon emission, that pulse–width modulated ("PWM") LED driver circuits do not satisfy this standard, and that warning lamps certified as "steady–burning" must be driven by continuous direct current; or

(2) Initiate formal rulemaking to amend § 811(f). If the Department believes the definition should

be updated to accommodate PWM–driven LED technology, it must do so through the public notice–and–comment process required by the Administrative Procedure Act, with explicit acknowledgment that the existing definition does not cover such technology and that a policy change is being proposed.

After thorough review and careful consideration, the Department is denying the request, in whole as set forth below:

The Petition claims that the current definitions and requirements enumerated by Title 13 of the California Code of Regulations, Section 810, et seq., categorically prohibit the use of LED lights utilizing Pulse–Width Modulation ("PWM") as "steady burning lamps." The Department respectfully disagrees.

Title 13, Section 811 defines flashing lamps and steady burning lamps utilizing practical visual thresholds. "Flashing lamp" is defined as "a lamp in which the emitted light in a particular direction alternates between on and off either electrically by controlling the current or mechanically by a revolving, oscillating, or other mechanism, or by other means such that the light output in a given direction is *discernibly and regularly interrupted* or intermittent at the required periodic rate." By contrast, a "steady burning lamp" is defined as "a lamp in which the emitted light in any direction is uninterrupted." These definitions, when taken together, support the Department's interpretation that a steady burning lamp is one which is not discernibly interrupted. Accordingly, a lamp that emits light which is not discernibly interrupted would satisfy the definition of steady burning in Section 811(f).

The Department's interpretation of its own regulations is consistent with the Federal Motor Vehicle Safety Standards, which also interpret the meaning of "steady burning" based on a practical visual threshold. In Interpretation Letter ID: 1982–1.11, the National Highway Traffic Safety Administration (NHTSA) explained that "by 'steady burning,' the standard means a light that is *essentially* unvarying in intensity." The Department sees no reason to abandon the practical visual threshold consistent with the Federal Motor Vehicle Safety Standards.

The Department is committed to providing the highest level of Safety, Service, and Security, and has sought to achieve a balance between the essential duty of first responders to preserve life and the need to protect the public. I appreciate the opportunity to assist you with this matter.

The Department will make a copy of your petition and this denial available to the Office of Administrative Law and any interested party. Please contact our Commercial Vehicle Section with any questions regarding this letter or requests to obtain a copy of the petition, at (916) 843–3400.

Sincerely,

/s/

E. J. JONES, Assistant Chief
Enforcement and Planning Division
Enclosure
cc: Office of Administrative Law

DEPARTMENT OF CORRECTIONS AND REHABILITATION

RULEMAKTING PETITION DECISION RE ERIC D. MILLS

Petitioner

Eric D. Mills.

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 (CDCR or the Department), P.O. Box 94283, 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, Division 3, Chapter 1, Administrative Determinants.

Summary of Petition and Department Decision: Section 3375.2(a)(6)

Petitioner's Request: Amend Title 15, California Code of Regulations (CCR), section 3375.2(a)(6) to permit eligible classified Level II incarcerated persons, with Life Without the Possibility of Parole (LWOP) sentences, with equal opportunity for housing at the Non–Designated Program Facility (NDPF), which do not have a lethal electrified fence in order to access rehabilitative programs to assist with their successful community reintegration. Additionally, the petitioner requests housing at the closest proximity to an incarcerated person's underage child(ren) or family member(s). The petitioner references Penal Code (PC) sections 5068(c)(1) through (c)(2)(A), PC section 2933.7(h), PC section 1170 (a)(1)(2), PC section 5000(b), PC section 5000.5, 2021 Assembly Bill (AB) 291, 2023 AB 1226, 2025 Senate Bill (SB) 551, CCR section 2267 and CCR sections 2840–2859.

Reason for Request: Petitioner states these considerations provide incarcerated persons with LWOP sentences the incentive to rehabilitate themselves in hopes of earning their freedom based upon their rehabilitative efforts through their time spent while incarcerated. The petitioner asserts this will bring alignment with the 2025 SB 551 which added PC section 5000.5(a), as well as with CDCR and "Board of Parole Hearing Rulemaking action: BPH RN 25–01" for the sentence recommendation assessment process regarding eligible incarcerated persons with LWOP sentences.

Department's Response: The Department *denies* the petition to amend CCR, Title 15, Division 3, Chapter 1, section 3375.2(a)(6).

CDCR is committed to housing incarcerated persons in the least restrictive environment while supporting rehabilitation, maintaining institutional security, and ensuring public safety.

CDCR currently houses male, Level II incarcerated persons at 24 of their 31 institutions throughout the state of California. Of those 24 institutions, only five do not have a lethal electrified fence security perimeter. There are 19 institutions available for LWOP incarcerated persons, allowing them to participate in programs within close proximity to their families from the northern border of California to the southern border. Available Institutions include Avenal State Prison, California Correctional Institution, California Health Care Facility, California Institution for Men, California Men's Colony, California Medical Facility, California State Prison Corcoran, California State Prison Los Angeles, California State Prison Sacramento, California State Prison Solano, High Desert State Prison, Ironwood State Prison, Mule Creek State Prison, North Kern State Prison, Pelican Bay State Prison, Pleasant Valley State Prison, Richard J. Donavan Correctional Facility, Substance Abuse Treatment Facility, and Valley State Prison.

CDCR provides various in–prison rehabilitative programs at every institution. While some specific programs may vary, all institutions provide multiple activity groups, educational programs, career technical education programs, treatment programs, pre–release programs and grant self–help programs.

The intent of the administrative determinants policy is to permit the placement of LWOP incarcerated persons in Level II facilities, consistent with subsection 3375.1(a)(2). The February 20, 2017, amendment was supported by research cited within the 2011 Expert Panel study that LWOP incarcerated persons are less likely to engage in violent behavior than incarcerated persons sentenced to lengthy determinate prison terms. Therefore, the change was implemented to help ensure Level III housing availability for incarcerated persons who pose greater risks to the safety and security of the public, staff, and incarcerated persons, relative to positively programming LWOP incarcerated persons. Changes to the subsection also added a requirement for LWOP incarcerated persons housed within general population facilities with security Levels of II, III, or IV to be housed in facilities with lethal electrified fences, to prevent incarcerated person escapes and to ensure the safety of the public.

The language contained in subsection 3375.2(a)(6) of the CCR, Title 15, Division 3, is in compliance with the Administrative Procedure Act, as this language was officially approved and certified by the Office of Administrative Law. This regulatory language has gone through the regulatory process for adoption and is in compliance with Government Code 11340 et seq. Through noticing the public as part of the rulemaking process, the public was given an opportunity to review and comment on the proposed regulations prior to their adoption and final certification.

DEPARTMENT OF FINANCIAL PROTECTION AND INNOVATION

RULEMAKING PETITION DECISION RE KEITH PAUL BISHOP

Petitioner

Keith Paul Bishop.

Department Contact Person

Please direct any inquiries regarding this action to Diana Pha, Regulations Coordinator, Department of Financial Protection and Innovation, 651 Bannon Street, Suite 300, Sacramento, CA 95811; Telephone: (279) 236–5285; Email: regulations@dfpi.ca.gov.

Availability of Petition

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

Authority

Financial Code sections 334 and 3215.

Provisions of California Code of Regulations Affected:

Title 10; Chapter 3; Subchapter 1; Article 5; Sections 250.60 and 250.61 and Title 10; Chapter 3; Subchapter 5; Article 1; Sections 1212, 1215, 1217, 1220, and 1222.

Summary of Petition and Department Decision: Section 250.60 and 250.61

Petitioner's Requests:

1. Amend Section 1200 et seq. to use uniform hierarchical terms throughout.
2. Amend Section 1200(b) to replace the indefinite article "a" with the demonstrative adjective "that."
3. Asks whether section 1200(b)(2) eliminates the conditional clause in the statute or clarifies its meaning.

4. Amend section 1210(c)(2) to provide a document is "filed" with the Commissioner when it has been filed with NMLS.
5. Amend section 1210(a) and (b) to clarify the terminology as it relates to "filings."
6. Amend section 1211 to include an exception for names.
7. Amend section 1212(a)(1) to apply only to persons that regularly transact business for profit in California.
8. Amend section 1212(a)(4) to replace the term "good standing certificate" with "certificate of status."
9. Amend section 1212(a)(5) to define the terms "parent companies" and "subsidiaries."
10. Amend section 1212(a)(6)(A) to require an audited balance sheet as of the end of the two most recently completed fiscal year and statements of income and cash flows for each of the two years preceding the date of the most recent audited balance sheet.
11. Amend section 1212(a)(6)(B) to clarify what "current fiscal year means."
12. Amend section 1212 to indicate whether the Commissioner intends to require individuals to comply with California Code of Regulations, title 10, section 250.60 and 260.61.5.
13. Amend section 1215(b)(3) to clarify what criminal records must be included in the application for individuals who are not Residents of the United States.
14. Amend section 1220(d) to apply only to licensees that regularly transact business in California for profit under a fictitious business name.
15. Amend section 1220(e) to clarify whether a change of building number or suite number constitutes a change in "street address."
16. Amend section 1222(b) to clarify what "quarterly basis" refers to.
17. Amend section 1250, paragraph 1 of the Covered Exchange Certification to clarify how an applicant/licensee must identify the likelihood that the digital financial asset would be deemed a security by federal or California regulators.

Reasons for Requests:

1. Because uniform hierarchical terms should be used throughout.
2. Because the use of the indefinite article "a" creates ambiguity because it could be applied to any person and not just the person referred to in the introductory clause of Section 1200(b).
3. Because section 1200(b)(2) eliminates the conditional clause "if no individual is deemed to control a person solely on account of being a director, officer, or employee of such person." Since the proposed regulation otherwise mirrors Financial Code section 3102(c)(2)(B), the omission of this clause makes paragraph (c)(2) of the paragraph of the proposed regulations ambiguous.
4. Because section 1210(a) designates the NMLS to receive filings "on behalf of the Commissioner" and an applicant does not control the timing of transmission by NMLS.
5. Section 1210(a) refers to "filings, bonds, notices, related filings, supporting documents, renewals, authorizations, assessments, and fees." It is unclear whether the Commissioner has designated NMLS to receive the items listed in section 1210(b). Also, section 1210(b) fails to specify what filing must be related and the use of "filings" in 1210(a) and the longer listing of items in section 1210(b) obfuscates the meaning of "filings" by implying that the listed items are not "filings."
6. If applied literally, section 1211 would prohibit filings that include foreign language or neonymic names.
7. Pursuant to Business and Professions Code section 17910, the California Fictitious Business Name law only applies to persons that regularly transact business for profit in California.
8. The California Secretary of State uses the term "certificate of status" pursuant to Government Code section 12183(b). The California General Corporation Law does not use the term "good standing certificate." In addition, other state agencies, such as the Employment Development Department, Franchise Tax Board, and Department of Tax and Fee Administration, issue certificates that are commonly referred to as "good standing certificates." The proposed regulation is therefore ambiguous.
9. Because the terms "parent companies" and subsidiaries" are not defined and may have more than one meaning, the terms will not be readily understood by persons "directly affected." For example, Corporations Code sections 175 and 189 provide two different definitions of "parent" and "subsidiary."
10. Because the phrase "two–year period preceding the submission of the application" is ambiguous.
11. Because it is unclear what period is required by the reference to "current fiscal year." It is impossible to provide financial statements for a fiscal year that has not been completed.
12. If the Commissioner does intend to require individuals to comply with California Code of Regulations, title 10, section 250.60 and 260.61.5, then

the Commissioner must adopt the requirement as a regulation in accordance with the Administrative Procedure Act.

13. Because the terms "felonies," "misdemeanors," and "violations" (i) can be reasonably and logically interpreted on their face to have more than one meaning; and (ii) are not generally familiar to those "directly affected" by the regulation, and those terms are defined neither in the regulation nor in the governing statute. The California Penal Code defines crimes and public offenses to include (i) Felonies; (ii) Misdemeanors; and (iii) Infractions. Pen. Code § 16. Federal sentencing law also categorizes offenses as felonies, misdemeanors, and infractions. 18 U.S.C. § 3559(a). However, other jurisdictions, particularly foreign jurisdictions, may use different terminology. Jurisdictions in which residents reside may not use these terms or define them in different ways. The proposed regulation's use of "including" also fails to meet the "clarity" standard because it is unclear whether "includes" is used as term of limitation or enlargement.
14. Because it applies to a licensee that "plans to operate under a new fictitious business name" and Business and Professions Code section 17910(a) applies only to for profit business in California. In addition, the Fictitious Business Name law requires filing not later than 40 days from the time a person commences to regularly transact for profit business in California. Bus. & Prof. Code § 17910(a).
15. Because it is ambiguous whether a change of building number or suite number constitutes a change in "street address."
16. Because it is unclear whether "quarterly basis" refers to a calendar or fiscal quarter.
17. Because the requirement to certify that the applicant/licensee has "identified likelihood that the digital financial asset would be deemed a security by federal or California regulator s" is ambiguous.

Department's Responses:

1. Grant.
2. Deny.
3. Deny.
4. Deny.
5. Deny.
6. Deny.
7. Deny. However, the Department will propose a rule to amend California Code of Regulations, title 10, section 1212, subdivision (a)(1)(A) to exempt entities not subject to Business and Professions Code sections 17900 through 17930.
8. Deny.
9. Grant.
10. Grant.
11. Grant.
12. Grant.
13. Deny.
14. Deny.
15. Deny.
16. Grant.
17. Deny.

Department's Reasons:

1. Using uniform hierarchical terms throughout the regulations provides consistency and clarity.
2. The regulation is unambiguous and consistent with statute. The text of the regulation is sufficiently clear for parties to understand that "a person" is the person referred to in the introductory clause of 1200(b). Further, the definition of "control" in California Code of Regulations, title 10, section 1200, subdivision (b) is similar to the definition of "control" under the Digital Financial Asset Law per Financial Code section 3102, the Banking Law per Financial Code section 1250, and the Money Transmission Act per Financial Code section 2003 (which refers to Financial Code section 1250). These statutes do not use the demonstrative adjective "that." Accordingly, the Department denies this requested amendment.
3. The regulation is unambiguous and consistent with statute. Further, the request asks a question and not for an amendment or repeal. Accordingly, petitioner did not "clearly and concisely" state "the substance or nature of the regulation, amendment, or repeal requested" per Government Code section 11340.6, subdivision (a).
4. Since the documents referenced in California Code of Regulations, title 10, section 1210, subdivision (a) are filed with NMLS "on behalf of the Commissioner," the rule is unambiguous that the documents are treated as received by the Commissioner when received by NMLS. Additionally, section 1210, subdivision (b), provides that all documents required to be filed with the Commissioner must be filed with and transmitted to NMLS. Therefore, it is unambiguous that a document is "filed" with the Commissioner when it has been filed through NMLS.
5. California Code of Regulations, title 10, section 1210, subdivision (b) lists out all documents required to be filed with the Commissioner and provides these records "shall be filed electronically with and transmitted to NMLS." Therefore, the rule is unambiguous as to whether the Commissioner has designated NMLS to receive the items.

6. California Code of Regulations, title 10, section 1211 provides that any document not in the English language be accompanied by an English translation. Section 1211 does not prohibit filings that include foreign language or neonymic names.
7. Some entities are not subject to the Fictitious Business Name Filing requirements, therefore will amend California Code of Regulations, title 10, section 1212, subdivision (a)(1)(A) to exempt entities not subject to Business and Professions Code sections 17900 through 17930. However, all applicants are still required to submit all fictitious business names it plans to use or has used in the past on Form MU1.
8. While the California Secretary of State uses the term "certificate of status," Financial Code section 3203 requires the "certificate of good standing" in the state in which the entity was formed. Other states may have different names for this type of certificate. The term "good standing certificate" captures not only the certificate of status provided by the State of California, but other certificates of good standing issued by other jurisdictions as well.
9. Amending California Code of Regulations, title 10, section 1212, subdivision (a)(5) to further clarify the terms "parent companies" and "subsidiaries" will provide further clarity to applicants.
10. Amending California Code of Regulations, title 10, section 1212, subdivision (a)(6)(A) regarding the applicable period will provide further clarity to applicants.
11. Amending California Code of Regulations, title 10, section 1212, subdivision (a)(6)(B) regarding the applicable period will provide further clarity to applicants.
12. Because these are commercial and/or professional licenses, they constitute a "state or local benefit" as defined in 8 U.S.C. § 1621(c).
13. The use of "including" after criminal records is a way to define the criminal records this regulation is seeking. The term "felonies, misdemeanors, and violations" sufficiently describes the criminal records sought by California Code of Regulations, title 10, section 1215, subdivision (b)(3).
14. Business and Professions Code section 17911 provides that the chapter does not apply to certain entities. A licensee's exemption from the laws governing the filing of a fictitious business name set forth in Business and Professions Code sections 17900 through 17930 satisfies their compliance obligations as it relates to the laws governing the filing of a fictitious business name.
15. California Code of Regulations, title 10, section 1220, subdivision (e) is unambiguous. A street address uniquely identifies the physical location and includes any unit or suite number, if applicable.
16. Amending California Code of Regulations, title 10, section 1222, subdivision (b) regarding the applicable period will provide further clarity to applicants.
17. The requirement to certify that the applicant/licensee has "[i]dentified the likelihood that the digital financial asset would be deemed a security by federal or California regulators" is provided in statute by Financial Code section 3505, subdivision (a)(1)(A).

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.

Office of Health Care Affordability

File # 2026−0722−01

Data Submission Enforcement

This deemed emergency rulemaking pursuant to Health and Safety Code section 127501.2 by the Office Of Health Care Affordability establishes a process for authorizing extensions for the annual deadline to report Total Health Care Expenditure data files, a system of administrative penalties for failing to timely submit the data files, and an appeal process for contesting an administrative penalty via a formal administrative hearing.

Title 22
Adopt: 97451, 97459
Amend: 97449
Filed 08/03/2026
Effective 08/03/2026
Agency Contact: Johnny Colón (916) 326–3607

California Alternative Energy and Advanced Transportation Financing Authority
File # 2026–0724–02
Commercial Energy Efficiency Financing Program

This emergency rulemaking action by the California Alternative Energy and Advanced Transportation Financing Authority ("Authority" or "CAEATFA") readopts amendments to GoGreen Business Energy Financing Program regulations. Specifically, the amendments concern Multifamily Property projects and include revising the definition of "Multifamily Property" to encompass properties with multiple buildings, extending the final funding deadline to 12 months for Multifamily Property projects, allowing Finance Provider Entities to take a security interest in real property, excluding Multifamily Property projects from cost maximums for non–lighting measures qualifying via the Eligible Energy Measures List, and streamlining the calculation for loss reserve contributions. Moreover, this action a deemed emergency pursuant to Public Resources Code ("PRC") section 26009.

Title 04
Amend: 10092.1, 10092.2, 10092.5, 10092.7, 10092.8, 10092.9
Filed 07/31/2026
Effective 08/03/2026
Agency Contact:
Jonathan Verhoef (916) 809–4637

Division of Workers' Compensation
File # 2026–0618–02
Medical Treatment Utilization Schedule (MTUS)

This file and print action pursuant to Labor Code section 5307.27, by the Division of Workers' Compensation within the Department of Industrial Relations, makes evidence–based updates to Medical Treatment Utilization Schedules. This action is exempt from the Administrative Procedure Act pursuant to Labor Code section 5307.27.

Title 08
Amend: 9792.23.7, 9792.23.10
Filed 07/30/2026
Effective 08/01/2026
Agency Contact: Daniel Biedler (510) 286–0563

Department of Motor Vehicles
File # 2026–0629–02
Autonomous Vehicles

This section 100 action pursuant to California Code of Regulations, title 1, section 100, by the Department of Motor Vehicles seeks to amend the autonomous vehicles regulations to correct typographical errors and references to forms.

Title 13
Amend: 227.02, 227.16, 227.20, 227.28, 227.30, 227.42, 227.54, 227.70, 228.04, 228.08, 228.34, 228.36, 228.38, 228.40
Filed 08/04/2026
Agency Contact: Randi Calkins (916) 282–7294

Department of Toxic Substances Control
File # 2026–0624–01
Section 100: Amending Permitting Sections — Part I

This Department of Toxic Substances Control Section 100 action corrects multiple structure and grammar errors across multiple regulations.

Title 22
Amend: 66264.1061, 66264.1084, 66264.1089, 66270.11, 66270.40, 66270.42, 66271.14
Filed 08/04/2026
Agency Contact: Grant Hisao (916) 906–5037

San Francisco Bay Conservation and Development Commission
File # 2026–0710–02
Agency Permitting and Planning

This Section 100 action filed by the San Francisco Bay Conservation and Development Commission pursuant to California Code of Regulations, title 1, section 100, corrects typographical errors, subsection numbering and lettering, and an incorrect cross–reference in regulations pertaining to agency permitting and planning.

Title 14
Amend: 10125, 10305, 10306, 10307, 10310, 10601, 10602, 11710, 11711, 11721, 11732, 11737, Appendix G
Filed 08/04/2026
Agency Contact:
Marc Zeppetello (415) 352–3655

Board of Forestry and Fire Protection
File # 2026–0703–03
Timeline Amendments for Less Than 3–Acre Conversion Exemptions

This rulemaking action by the Board of Forestry and Fire Protection ("Board") amends Timber Operations conducted pursuant to section 1104.1(a) of title 14 of the California Code of Regulations. Specifically, the amendments would require surface fuels resulting from Timber Operations to be chipped, piled and buried, or removed from the site within one year from the date of acceptance by the Director of the Department of Forestry and Fire Protection ("CalFire"), as opposed to within 45 days from the start of operations as currently required.

Title 14
Amend: 1104.1
Filed 08/05/2026
Effective 01/01/2027
Agency Contact:
Jane Van Susteren (916) 619–9795

California School Finance Authority

File # 2026–0625–02

Charter School Facility Grant Program

In this regular rulemaking action, the California School Finance Authority amends its Charter School Facility Grant Program regulations regarding conflicts of interest.

Title 04
Amend: 10170.2, 10170.5, 10170.6, 10170.14
Filed 08/05/2026
Effective 08/05/2026
Agency Contact: Ryan Storey (213) 620–6360

Office of Spill Prevention and Response

File # 2026–0629–03

Oil Transfer Operations and Inspection Program

In this rulemaking action the Office of Spill Prevention and Response (OSPR) amends the requirement for OSPR to conduct a system safety inspection of vessels engaged in transfer operations in California's marine waters.

Title 14
Amend: 845.2
Filed 08/04/2026
Effective 10/01/2026
Agency Contact:
Christine Kluge (916) 327–0910

State Lands Commission

File # 2026–0623–01

Article 4.5: Marine Invasive Species Control Fund Fee

In this rulemaking action, the State Lands Commission increases vessel voyage fees and makes other updates to the Marine Invasive Species Control Fund Fee regulations.

Title 02
Amend: 2270, 2271
Filed 07/29/2026
Effective 08/01/2026
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.