



California Regulatory Notice Register

REGISTER 2015, NO. 26-Z

PUBLISHED WEEKLY BY THE OFFICE OF ADMINISTRATIVE LAW

JUNE 26, 2015

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Multi-County: Midpeninsula Regional Open Space District

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Retiree Health Benefit Program Joint Powers Agency

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TITLE 2. STATE PERSONNEL BOARD

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

CALIFORNIA REGULATORY NOTICE REGISTER (USPS 002–931), (ISSN 1041-2654) is published weekly by the Office of Administrative Law, 300 Capitol Mall, Suite 1250, Sacramento, CA 95814-4339. The Register is printed by Barclays, a subsidiary of West, a Thomson Reuters Business, and is offered by subscription for \$205.00 (annual price). To order or make changes to current subscriptions, please call (800) 888-3600. “Periodicals Postage Paid in Saint Paul, MN.” **POSTMASTER:** Send address changes to the: CALIFORNIA REGULATORY NOTICE REGISTER, Barclays, a subsidiary of West, a Thomson Reuters Business, P.O. Box 2006, San Francisco, CA 94126. The Register can also be accessed at <http://www.oal.ca.gov>.

PROPOSED ACTION ON REGULATIONS

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TITLE 2. FAIR POLITICAL PRACTICES COMMISSION

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

CONFLICT-OF-INTEREST CODES

ADOPTION

MULTI-COUNTY: Alpha Fund

AMENDMENT

STATE AGENCY: California Exposition and State Fair

MULTI-COUNTY: Midpeninsula Regional Open Space District
Napa County Resource Conservation District
Retiree Health Benefit Program
Joint Powers Agency

A written comment period has been established commencing on June 26, 2015, and closing on **August 10, 2015**. Written comments should be directed to the Fair Political Practices Commission, Attention Ivy Branaman, 428 J Street, Suite 620, Sacramento, California 95814.

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

The Executive Director of the Commission will review the above-referenced conflict-of-interest

code(s), proposed pursuant to Government Code Section 87300, which designate, pursuant to Government Code Section 87302, employees who must disclose certain investments, interests in real property and income.

Any interested person may present statements, arguments or comments, in writing to the Executive Director of the Commission, relative to review of the proposed conflict-of-interest code(s). Any written comments must be received no later than **August 10, 2015**. If a public hearing is to be held, oral comments may be presented to the Commission at the hearing.

COST TO LOCAL AGENCIES

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

EFFECT ON HOUSING COSTS AND BUSINESSES

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

AUTHORITY

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

REFERENCE

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

CONTACT

Any inquiries concerning the proposed conflict-of-interest code(s) should be made to Ivy Branaman, Fair Political Practices Commission, 428 J Street, Suite 620, Sacramento, California 95814, telephone (916) 322-5660.

AVAILABILITY OF PROPOSED
CONFLICT-OF-INTEREST CODES

Copies of the proposed conflict-of-interest codes may be obtained from the Commission offices or the respective agency. Requests for copies from the Commission should be made to Ivy Branaman, Fair Political Practices Commission, 428 J Street, Suite 620, Sacramento, California 95814, telephone (916) 322-5660.

Jeanne R. Wolfe
Senior Attorney
State Personnel Board
801 Capitol Mall, MS 53
Sacramento, CA 95814
Fax: (916) 653-1280
Email: jeanne.wolfe@spb.ca.gov

The written comment period closes on August 3, 2015, at 5:00 p.m. Only written comments received by that time shall be reviewed and considered by the Board before it adopts, amends, or repeals a regulation.

TITLE 2. STATE PERSONNEL BOARD

DATE: June 26, 2015
TO: ALL INTERESTED PARTIES
/s/ SUZANNE M. AMBROSE
FROM: Suzanne M. Ambrose
Executive Officer
SUBJECT: NOTICE OF PROPOSED
REGULATIONS

Notice is hereby given that the State Personnel Board (Board) proposes to adopt the following regulations: (1) definitions of a Career Executive Assignment (CEA) (Cal. Code Regs., tit. 2, § 5.1) and retired annuitant (Cal. Code Regs., tit. 2, § 5.2); (2) a streamlined and effective process for abolishing classifications that have been vacant for twenty-four months or longer (Cal. Code Regs., tit. 2, § 75); (3) general standards for appointments and the Classification Plan (Cal. Code Regs., tit. 2, § 248); (4) a general standard for CEA appointments (Cal. Code of Regs., tit. 2, § 548.2); and (5) procedures for the creation or revision of CEA positions (Cal. Code Regs., tit. 2, § 548.5). The Board also proposes to repeal section 548.77.

PUBLIC HEARING

A public hearing regarding the proposed regulatory action will be held on July 22 2015, from 10:00 a.m. to 12:00 p.m. in Room 150 at 801 Capitol Mall, Sacramento, California.

WRITTEN COMMENT PERIOD

Any interested party, or his or her duly authorized representative, may submit written comments relevant to the proposed regulatory action to the contact person listed below.

AUTHORITY AND REFERENCE

The Board proposes this regulatory action pursuant to the authority vested in it by the California Constitution, article 7, section 3, and Government Code sections 18502, 18660, and 18701. The proposed regulations will implement, interpret, and make specific the provisions of Government Code sections 18523, 18547, 18800, 18802, 19051, 19144, 19889, 21223, and 21224.

**INFORMATIVE DIGEST/POLICY STATEMENT
OVERVIEW**

The Board is a constitutional body responsible for enforcing California's civil service statutes. (Cal. Const., art. VII, § 3.) In addition, the Board, by majority vote of all its members, prescribes probationary periods and classifications, adopts other rules authorized by statute, and reviews disciplinary actions imposed against state employees. (*Ibid.*) The Board also establishes rules implementing and enforcing the merit principle in the state civil service system. (Gov. Code, § 18660; see Cal. Const., art. VII, § 1, subd. (b).) Consistent with the merit principle, the Board promulgates rules to govern classifications, examinations, probationary periods, disciplinary actions, CEAs, and other matters related to its authority under Article VII of the California Constitution. (Gov. Code, §§ 18502, subd. (b) & 19889.)

Regulations adopted by the Board are exempt from the Administrative Procedure Act (APA), except as expressly specified. (Gov. Code, §§ 18211, 18215, & 18216.) The Board's regulations concerning selection, examinations, and classification may be adopted by the Board without public notice or comment; however, regulations related to selection and examinations shall be reasonably available to all interested parties. (Gov. Code, § 18213.) The rulemaking procedures set forth in Government Code section 18214 apply to the adoption of Board regulations concerning other matters.

In this instance, the subject matter of the proposed regulations relates to selection and classifications.

These regulations are exempt from the APA process; however, the Board finds that a public comment period would be appropriate for this regulatory package.

**DISCLOSURES REGARDING THE
PROPOSED ACTION**

The Board has made the following initial determinations:

- Mandate on local agencies and school districts: None.
- Cost or savings to any State agency: None or minimal.
- Cost to any local agency or school district that must be reimbursed in accordance with Government Code sections 17500 through 17630: None.
- Other nondiscretionary cost or savings imposed on local agencies: None.
- Cost or savings in federal funding to the State: None.
- Significant, statewide adverse economic impact directly affecting businesses including the ability of California businesses to compete with businesses in other states: None.
- Cost impacts on a 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.
- Adoption of these regulations will not:
 1. Create or eliminate jobs within California.
 2. Create new businesses or eliminate existing businesses within California.
 3. Affect the expansion of businesses currently doing business within California.
- Significant effect on housing costs: None.

SMALL BUSINESS DETERMINATION

The proposed regulations concern civil service selection and classifications. Accordingly, it has been determined that the adoption of the proposed regulations would not affect small businesses in any way.

CONSIDERATION OF ALTERNATIVES

The Board has initially determined that no reasonable alternatives it has considered or that have been otherwise identified and brought to the attention of the Board would be more effective in carrying out the purposes for which the instant action is proposed or would be as ef-

fective and less burdensome to affected private persons than the proposed action.

CONTACT PERSONS

Inquiries concerning the proposed regulatory action, including questions regarding procedure, comments, or the substance of the proposal, may be directed to:

Jeanne R. Wolfe
Senior Attorney
State Personnel Board
801 Capitol Mall, MS 53
Sacramento, CA 95814
Phone: (916) 651-0924
Fax: (916) 653-1280
Email: jeanne.wolfe@spb.ca.gov

In the event the contact person is unavailable, inquiries regarding the proposed action may be directed to the following backup contact person:

Luisa Doi
Staff Services Manager
State Personnel Board
801 Capitol Mall, MS 53
Sacramento, CA 95814
Phone: (916) 651-0924
Fax: (916) 653-1280
Email: luisa.doi@spb.ca.gov

Please direct requests for copies of the proposed text of the regulations, the initial statement of reasons, the modified text of the regulations, or other information upon which the rulemaking is based to Senior Attorney Wolfe at the above address.

AVAILABILITY OF RULEMAKING FILE

The Board is maintaining a rulemaking file for the proposed regulatory action, which as of the date of this notice contains the following:

1. A copy of the text of the regulations for which the adoption is proposed in ~~strikeout~~ and underline;
2. A copy of this notice and statement of reasons for the proposed adoption; and
3. Any factual information upon which the proposed rulemaking is based.

If written comments, data or other factual information, studies or reports are received, they will be added to the rulemaking file. The file is available for public inspection during normal working hours at the State Personnel Board, 801 Capitol Mall, Sacramento, CA 95814, Fax: (916) 653-1280. Items 1 through 3 are also available on the Board's Website at www.spb.ca.gov under "What's New?" Copies may be obtained by con-

tacting the person via the address, email, or phone number listed above.

**AVAILABILITY OF CHANGED OR
MODIFIED TEXT**

After considering all timely and relevant comments received, the Board may adopt the proposed regulations substantially as described in this notice. If the Board makes modifications that are sufficiently related to the originally proposed text, it will make the modified text (with the changes clearly indicated) available to the public for at least 15 days before the Board adopts the regulations as revised. Please send requests for copies of any modified regulations to the attention of the person at the address indicated above. The Board will accept written comments on those portions of the regulations that are modified for 15 days after the date on which the modified regulations are made available to the public.

**AVAILABILITY OF THE FINAL STATEMENT
OF REASONS**

It is anticipated that the proposed regulations will be filed with the Office of Administrative Law and shall include a Final Statement of Reasons. Copies of the Final Statement of Reasons may be obtained from the contact person when it becomes available.

**AVAILABILITY OF DOCUMENTS ON
THE INTERNET**

Copies of the Notice of Proposed Action, the Initial Statement of Reasons, and the text of the regulations in underline and strikethrough can be accessed on the Board's Website at www.spb.ca.gov under "What's New?"

TITLE 2. STATE PERSONNEL BOARD

TO: ALL INTERESTED PARTIES
/s/ SUZANNE M. AMBROSE

FROM: Suzanne M. Ambrose
Executive Officer

**SUBJECT: NOTICE OF PROPOSED
REGULATIONS**

Notice is hereby given that the State Personnel Board (Board) proposes to adopt sections 11, 12, 12.1, 155, 156, 157, 158, and 159, and amend section 547.52 of Title 2, Chapter 1, of the California Code of Regulations (CCR), which all relate to Limited Examination and Appointment Program (LEAP) referral lists and appointments.

PUBLIC HEARING

A public hearing regarding the proposed regulatory action will be held on July 22, 2015, from 10:00 a.m. to 12:00 p.m., in Room 150 at 801 Capitol Mall, Sacramento, California.

WRITTEN COMMENT PERIOD

Any interested party, or his or her duly authorized representative, may submit written comments relevant to the proposed regulatory action to the contact person listed below.

Jeanne R. Wolfe
Senior Attorney
State Personnel Board
801 Capitol Mall, MS 53
Sacramento, CA 95814
Fax: (916) 653-1280
Email: jeanne.wolfe@spb.ca.gov

The written comment period closes on August 3, 2015, at 5:00 p.m. Only written comments received by that time shall be reviewed and considered by the Board before it adopts, amends, or repeals a regulation.

AUTHORITY AND REFERENCE

The Board proposes the adoption of sections 11, 12, 12.1, 155, 156, 157, 158, and 159, and the amendment of section 547.2 of Title 2, Chapter 1 of the CCR pursuant to the authority vested in it by the California Constitution, article 7, section 3, and Government Code sections 18502, 18660, 18701, 19240, and 19241. The proposed regulations will implement, interpret, and make specific the provisions of Government Code sections 18573, 18661, 19050, 19170, and 19240 through 19244.

**INFORMATIVE DIGEST/POLICY STATEMENT
OVERVIEW**

The Board is a constitutional body responsible for enforcing California's civil service statutes. (Cal. Const., art. VII, § 3.) In addition, the Board, by majority vote of all its members, prescribes probationary periods and classifications, adopts other rules authorized by statute, and reviews disciplinary actions imposed against state employees. (*Ibid.*) The Board also establishes rules implementing and enforcing the merit principle in the state civil service system. (Gov. Code, § 18660; see Cal. Const., art. VII, § 1, subd. (b).) Consistent with the merit principle, the Board promulgates rules to govern classifications, examinations, probationary periods, disciplinary actions, and other matters related to its authority

under Article VII of the California Constitution. (Gov. Code, § 18502, subd. (b).)

Regulations adopted by the Board are exempt from the Administrative Procedure Act (APA), except as expressly specified. (Gov. Code, §§ 18211, 18215, and 18216.) The Board's regulations concerning selection, examinations, and classifications may be adopted by the Board without public notice or comment; however, regulations related to selection and examinations shall be reasonably available to all interested parties. (Gov. Code, § 18213.) The rulemaking procedures set forth in Government Code section 18214 apply to the adoption of Board regulations concerning other matters.

In this instance, the subject matter of the proposed regulations relates to the selection process, including the selection of candidates who are on LEAP-referral lists and employment lists generated from examinations. These regulations are exempt from the APA process; however, given that these regulations are entirely new, the Board finds that a public comment period would be appropriate for this regulatory package.

DISCLOSURES REGARDING THE PROPOSED ACTION

The Board has made the following initial determinations:

- Mandate on local agencies and school districts: None.
- Cost or savings to any State agency: None or minimal.
- Cost to any local agency or school district that must be reimbursed in accordance with Government Code sections 17500 through 17630: None.
- Other nondiscretionary cost of savings imposed on local agencies: None.
- Cost or savings in federal funding to the State: None.
- Significant, statewide adverse economic impact directly affecting businesses including the ability of California businesses to compete with businesses in other states: None.
- Cost impacts on a 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.
- Adoption of these regulations will not:
 1. Create or eliminate jobs within California.

2. Create new businesses or eliminate existing businesses within California.
 3. Affect the expansion of businesses currently doing business within California.
- Significant effect on housing costs: None.

SMALL BUSINESS DETERMINATION

It has been determined that the adoption of the proposed regulations would not affect small businesses in any way.

CONSIDERATION OF ALTERNATIVES

The Board has initially determined that no reasonable alternatives it has considered or that have been otherwise identified and brought to the attention of the Board would be more effective in carrying out the purposes for which the instant action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

CONTACT PERSONS

Inquiries concerning the proposed regulatory action, including questions regarding procedure, comments, or the substance of the proposal, may be directed to:

Jeanne R. Wolfe
 Senior Attorney
 State Personnel Board
 801 Capitol Mall, MS 53
 Sacramento, CA 95814
 Phone: (916) 651-0924
 Fax: (916) 653-1280
 Email: jeanne.wolfe@spb.ca.gov

In the event the contact person is unavailable, inquiries regarding the proposed action may be directed to the following backup contact person:

Kathey Norton
 Staff Services Manager I
 State Personnel Board
 801 Capitol Mall, MS 53
 Sacramento, CA 95814
 Phone: (916) 651-0924
 Fax: (916) 653-1280
 Email: kathey.norton@spb.ca.gov

Please direct requests for copies of the proposed text of the regulations, the initial statement of reasons, the modified text of the regulations, or other information upon which the rulemaking is based to Senior Attorney Wolfe at the above address.

AVAILABILITY OF RULEMAKING FILE

The Board is maintaining a rulemaking file for the proposed regulatory action, which as of the date of this notice contains the following:

1. A copy of the text of the regulations for which the adoption is proposed in ~~strikeout~~ and underline;
2. A copy of this notice and statement of reasons for the proposed adoption; and
3. Any factual information upon which the proposed rulemaking is based.

If written comments, data or other factual information, studies or reports are received, they will be added to the rulemaking file. The file is available for public inspection during normal working hours at the State Personnel Board, 801 Capitol Mall, Sacramento, CA 95814, Fax: (916) 653-1280. Items 1 through 3 are also available on the Board's Website at www.spb.ca.gov under "What's New?" Copies may be obtained by contacting the person via the address, email, or phone number listed above.

AVAILABILITY OF CHANGED OR MODIFIED TEXT

After considering all timely and relevant comments received, the Board may adopt the proposed regulations substantially as described in this notice. If the Board makes modifications that are sufficiently related to the originally proposed text, it will make the modified text (with the changes clearly indicated) available to the public for at least 15 days before the Board adopts the regulations as revised. Please send requests for copies of any modified regulations to the attention of the person at the address indicated above. The Board will accept written comments on the modified regulations for 15 days after the date on which they are made available to the public.

AVAILABILITY OF THE FINAL STATEMENT OF REASONS

It is anticipated that the proposed regulations will be filed with the Office of Administrative Law and shall include a Final Statement of Reasons. Copies of the Final Statement of Reasons may be obtained from the contact person when it becomes available.

AVAILABILITY OF DOCUMENTS ON THE INTERNET

Copies of the Notice of Proposed Action, the Initial Statement of Reasons, and the text of the regulations in underline and ~~strikeout~~ can be accessed on the Board's Website at www.spb.ca.gov under "What's New?"

TITLE 3. DEPARTMENT OF FOOD AND AGRICULTURE

The Department of Food and Agriculture (Department) amended subsection 3435(b) of the regulations in Title 3 of the California Code of Regulations pertaining to Asian Citrus Psyllid (ACP) Interior Quarantine as an emergency action which was effective on May 8, 2015. The Department proposes to continue the regulation as amended and to complete the amendment process by submission of a Certificate of Compliance no later than November 4, 2015.

This notice is being provided to be in compliance with Government Code Section 11346.4.

PUBLIC HEARING

A public hearing is not scheduled. A public hearing will be held if any interested person, or his or her duly authorized representative, submits a written request for a public hearing to the Department no later than 15 days prior to the close of the written comment period.

WRITTEN COMMENT PERIOD

Any interested person or his or her authorized representative may submit written comments relevant to the proposed amendment to the Department. Comments may be submitted by mail, facsimile (FAX) at 916.654.1018 or by email to Sara.Khalid@cdfa.ca.gov. The written comment period closes at 5:00 p.m. on August 10, 2015. The Department will consider only comments received at the Department offices by that time. Submit comments to:

Sara Khalid
Department of Food and Agriculture
Plant Health and Pest Prevention Services
1220 N Street
Sacramento, CA 95814
Sara.Khalid@cdfa.ca.gov
916.654.1017
916.654.1018 (FAX)

Following the public hearing if one is requested, or following the written comment period if no public hearing is requested, the Department, at its own motion, or

at the instance of any interested person, may adopt the proposal substantially as set forth without further notice.

INFORMATIVE DIGEST/POLICY STATEMENT
OVERVIEW

Existing law provides that the Secretary is obligated to investigate the existence of any pest that is not generally distributed within this state and determine the probability of its spread and the feasibility of its control or eradication (Food and Agricultural Code (FAC) Section 5321).

Existing law also provides that the Secretary may establish, maintain and enforce quarantine, eradication and other such regulations as she deems necessary to protect the agricultural industry from the introduction and spread of pests (FAC Sections 401, 403, 407 and 5322).

Anticipated Benefits from This Regulatory Action

Existing law, FAC Section 403, provides that the department shall prevent the introduction and spread of injurious insect or animal pests, plant diseases, and noxious weeds.

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

Existing law, FAC Section 5321, provides that the Secretary is obligated to investigate the existence of any pest that is not generally distributed within this State and determine the probability of its spread, and the feasibility of its control or eradication.

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

The existing law obligates the Secretary to investigate and determine the feasibility of controlling or eradicating pests of limited distribution but establishes discretion with regard to the establishment and maintenance of regulations to achieve this goal. This amendment provides the necessary regulatory authority to prevent the artificial spread of a serious insect pest which is a mandated statutory goal.

The amendment of this regulation benefits the citrus industries (nurseries, fruit growers, wholesalers, retailers, exporters) and the environment by having a quarantine program to prevent the artificial spread of ACP over long distances. Most all of the commercial citrus fruit and nursery stock production is located outside this proposed quarantine boundary area.

The national and international consumers of California citrus benefit by having high-quality fruit available at lower cost. It is assumed that any increases in production costs will ultimately be passed on to the consumer.

The amendment of this regulation benefits homeowners who grow citrus for consumption and host material which is planted as ornamentals in various rural and urban landscapes.

FAC Section 401.5 states, “the department shall seek to protect the general welfare and economy of the state and seek to maintain the economic well-being of agriculturally dependent rural communities in this state.” The amendment of this regulation is preventing the artificial spread of ACP to uninfested areas of the State.

Huanglongbing (HLB) is generally distributed in Florida due to ACP being generally distributed there. The University of Florida Institute of Food and Agricultural Sciences Extension calculated and compared the impact of having and not having HLB present in Florida and concluded HLB had a total impact of \$3.64 billion and eliminated seven percent of the total Florida workforce. The overall California economy benefits by the amendment of this regulation which is intended to prevent ACP from becoming generally distributed in California and resulting in a similar effect on our economy as to what happened in Florida. This is now critical as HLB has been introduced into California.

There is no existing, comparable federal regulation or statute regulating the intrastate movement.

The Department considered any other possible related regulations in this area, and we find that these are the only regulations dealing in this subject area, and the only State agency which can implement plant quarantines. As required by Government Code Section 11346.5(a)(3)(D), the Department has conducted an evaluation of this regulation and has determined that it is not inconsistent or incompatible with existing state regulations.

AMENDED TEXT

This regular rulemaking action expanded the quarantine area for ACP in Kern County by approximately 63 square miles. The effect of the amendment of this regulation is to provide authority for the State to perform quarantine activities against ACP within this additional area. The total area which would be under regulation is now approximately 51,612 square miles.

DISCLOSURES REGARDING THE
PROPOSED ACTION

The Department has made the following initial determinations:

Mandate on local agencies and school districts: None.

Cost or savings to any state agency: None.

Cost to any local agency or school district which must be reimbursed in accordance with Government Code Sections 17500 through 17630: None and no nondiscretionary costs or savings to local agencies or school districts.

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

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

Cost impacts on a representative private person or business: Most businesses will not be affected. There are no citrus production nurseries in the affected area that will be impacted. There is one retail nursery in the affected area. There are no citrus growers in the proposed area. There is no additional cost to growers who take their fruit to a packinghouse inside the current quarantine area. Growers choosing a packinghouse outside the quarantine area have three options: 1. Conduct pre-harvest treatments with an approved pesticide while fruit is still on the trees; 2. Field-clean the fruit to remove leaves and stems during harvest; 3. Send the fruit to a packinghouse within the quarantine area to be cleaned. Pre-harvest treatments cost growers approximately \$60 per acre, and the fruit is required to be covered with a tarp while in transit. Tarps range in price from \$2,500–\$3,000 apiece. Field-cleaning the fruit will cost the grower approximately \$150–\$320 per acre depending on the citrus variety. Field-cleaned fruit does not require a tarp for transport and can be moved within or from the quarantined area. Cleaning at a packinghouse within the quarantine area will cost the grower approximately \$300–\$400 per acre, and the fruit must remain within the quarantine area, although the loads do not need to be covered with a tarp. There are zero citrus packing houses located within this quarantine area.

Based on the preceding above information, it was determined that due to the amendment of Section 3435(b), the agency is not aware of any cost impact on a representative business or private person. For the vast majority of businesses within the regulated area, no additional costs will be incurred.

Small Business Determination

The Department has determined that the proposed regulations may affect small business.

Significant effect on housing costs: None.

Results of the Economic Impact Analysis

Amendment of these regulations will not:

- (1) Create or eliminate jobs within California;
- (2) Create new businesses or eliminate existing businesses within California; or

- (3) Affect the expansion of businesses currently doing business within California.

The Department is not aware of any specific benefits the amendment of this regulation will have on worker safety or the health of California residents. The Department believes the amendment of this regulation benefits the welfare of California residents by protecting the economic health of the entire citrus industry. In 2010 the estimated value was \$2.1 billion for citrus fruit and \$28.5 million for citrus nursery stock without all the upstream buyers and downstream retailers included (*Reference: John Gilstrap of California Citrus Nursery Board for citrus nursery stock value and USDA–National Agricultural Statistics Service 2010 data for citrus fruit*). This is a needed source of revenue for the State's economic health and this amendment will help protect this source of revenue.

ALTERNATIVES CONSIDERED

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

AUTHORITY

The Department proposes to amend Section 3435(b) pursuant to the authority vested by Sections 407, 5301, 5302 and 5322 of the FAC.

REFERENCE

The Department proposes this action to implement, interpret and make specific Sections 5301, 5302 and 5322 of the FAC.

CONTACT

The agency officer to whom written comments and inquiries about the initial statement of reasons, proposed actions, location of the rulemaking files, and request for a public hearing may be directed is: Sara Khalid, Department of Food and Agriculture, Plant Health and Pest Prevention Services, 1220 N Street, Room 210, Sacramento, California 95814, (916) 654–1017, FAX (916) 654–1018, E-mail: Sara.Khalid@cdfa.ca.gov. In her absence, you may contact Stephen

Brown at (916) 654-1017. Questions regarding the substance of the proposed regulation should be directed to Sara Khalid.

INTERNET ACCESS

The Department has posted the information regarding this proposed regulatory action on its Internet website (www.cdfa.ca.gov/plant/Regulations.html).

AVAILABILITY OF STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATIONS

The Department has prepared an initial statement of reasons for the proposed actions, has available all the information upon which its proposal is based, and has available the express terms of the proposed action. A copy of the initial statement of reasons and the proposed regulations in underline and strikeout form may be obtained upon request. The location of the information on which the proposal is based may also be obtained upon request. In addition, when completed, the final statement of reasons will be available upon request. Requests should be directed to the contact named herein.

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

TITLE 4. CALIFORNIA HORSE RACING BOARD

NOTICE OF PROPOSAL TO AMEND
RULE 1845, AUTHORIZED BLEEDER
MEDICATION

The California Horse Racing Board (Board/CHRB) proposes to amend the regulation described below after considering all comments, objections or recommendations regarding the proposed action.

PROPOSED REGULATORY ACTION

The Board proposes to amend Board Rule 1845, Authorized Bleeder Medication, to enact the Racing Medication and Testing Consortium (RMTC) recommendations for third-party administration of furosemide. In 2011 the RMTC formed a race-day medication task force, which concluded that to preserve race-day furo-

semide and eliminate concerns regarding the efficacy of furosemide to control exercise-induced pulmonary hemorrhage (EIPH), a national uniform medication policy must include third-party administration of furosemide only. In 2013 the Racing Commissioners International (RCI) incorporated the RMTC recommendations in a Model Rule. The RCI Model Rule requires that furosemide be the only medication authorized for administration on race day, and limits furosemide administration to no less than four hours prior to post time for the race in which the horse is entered. Furosemide may only be administered by third-party veterinarians or veterinary technicians who are prohibited from working as private veterinarians or technicians on the racetrack or with participating licensees. The proposed amendment to Rule 1845 will bring the Board's rules in line with the national movement to address the issue of race-day medication. The Board proposes to modify the text of Rule 1845 to provide that the only authorized medication for the control of EIPH shall be furosemide. The proposed amendment provides the steps required to register a horse on the authorized bleeder medication list. Once registered, the proposed amendment states when, how and in what dosage furosemide shall be administered to the horse. The amendment to Rule 1845 requires that furosemide may only be administered by a veterinarian designated by the Official Veterinarian, or a California registered veterinary technician under the direct supervision of the veterinarian designated by the Official Veterinarian. In an emergency, the Official Veterinarian may designate himself or herself to administer furosemide. The details of the emergency shall immediately be reported to the stewards. Prior to the administration of furosemide, either the veterinarian designated by the Official Veterinarian, or the Official Veterinarian or Racing Veterinarian, must consult with the trainer, owner or the veterinarian designated by the owner or trainer, regarding the condition of the horse, and the veterinarian designated by the Official Veterinarian, or the Official Veterinarian or the Racing Veterinarian, must examine the horse sufficient to establish a veterinarian-client-patient relationship within the meaning of California Code of Regulations (CCR), Title 16, section 2032.1. The proposed amendment to Rule 1845 provides that the owner, trainer, or a designated licensed employee of the trainer, shall be present to observe the furosemide administration; what actions to take in the event of an adverse reaction or other emergency related to the administration of furosemide; and that the syringe used to administer furosemide shall be retained by the Board until all testing of the horse is completed. The amendment to Rule 1845 sets the specific gravity of the post-race urine sample, and states that quantitation of furosemide in serum or plasma shall be performed if the urine sample is not available, or the specific gravity of

the urine sample is below a specified level. The proposed amendment to Rule 1845 requires that the owner(s) of a registered horse shall pay all costs associated with the administration of furosemide; consent to the procedures in the regulation; and agree that the pre-race examination conducted under the direction of the Official Veterinarian shall constitute a veterinary-client-patient relationship within the meaning of the CCR, Title 16, section 2032.1. In addition, the proposed amendment to Rule 1845 modifies CHRB form 194 (New 08/04) Authorized Bleeder Medication Request by changing the title of the form to: "Authorized Bleeder Medication and Medical History Request." A new section has been added to Form 194 to allow the veterinarian designated by the horse owner(s) or trainer to provide the medical history relevant to the administration of authorized bleeder medication for the horse listed on the form.

PUBLIC HEARING

The Board will hold a public hearing starting at **9:30 a.m. Thursday, August 20, 2015**, or as soon after that as business before the Board will permit, at the **Del Mar Simulcast Facility, 2260 Jimmy Durante Boulevard, Del Mar, California**. At the hearing, any person may present statements or arguments orally or in writing about the proposed action described in the informative digest. It is requested, but not required, that persons making oral comments at the hearing submit a written copy of their testimony.

WRITTEN COMMENT PERIOD

Any interested persons or their authorized representative, may submit written comments about the proposed regulatory action to the Board. The written comment period closes at **5:00 p.m. on August 10, 2015**. The Board must receive all comments at that time; however, written comments may still be submitted at the public hearing. Submit comments to:

Harold Coburn, Regulation Analyst
California Horse Racing Board
1010 Hurley Way, Suite 300
Sacramento, CA 95825
Telephone (916) 263-6026
Fax: (916) 263-6022
E-Mail: haroldc@chr.ca.gov

AUTHORITY AND REFERENCE

Authority cited: Sections 19440 and 19562, Business and Professions Code.

Reference: Sections 19580 and 19582, Business and Professions Code.

Business and Professions Code sections 19940 and 19562 authorize the Board to adopt the proposed regulation, which would implement, interpret or make specific sections 19580 and 19581, Business and Professions Code.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Business and Professions Code section 19440 states the Board has all powers necessary and proper to enable it to carry out fully and effectually the purposes of this chapter. Responsibilities of the Board include adopting rules and regulations for the protection of the public and the control of horse racing and pari-mutuel wagering. Business and Professions Code section 19562 provides that the Board may prescribe rules, regulations, and conditions under which all horse races with wagering on their results shall be conducted in California. Business and Professions Code section 19580 requires the Board to adopt regulations to establish policies, guidelines, and penalties relating to equine medication to preserve and enhance the integrity of horse racing in California. Business and Professions Code section 19582 states violations of Section 19581, as determined by the Board, are punishable as set forth in regulations adopted by the Board. The Board may classify violations of section 19581 based on each class of prohibited drug substances, prior violations within the previous three years, and prior violations within the violator's lifetime. The Board may provide for the suspension of a license for not more than three years, except as provided in subdivision (b), or a monetary penalty of not more than one hundred thousand dollars, or both, and disqualification from purses, for a violation of Section 19581. The actual amount of the monetary penalty imposed pursuant to this paragraph shall be determined only after due consideration has been given to all the facts, circumstances, acts, and intent of the licensee, and shall not be solely based on the trainer-insurer rule, as established in Sections 1843 and 1887 of Title 4 of the CCR. The punishment for second and subsequent violations of section 19581 shall be greater than the punishment for a first violation of section 19581 with respect to each class of prohibited drug substances, unless the administrative law judge, in findings of fact and conclusions of law filed with the Board, concludes that a deviation from this general rule is justified. A third violation of section 19581 during the lifetime of the licensee, determined by the Board to be at a class I or class II level, may result in the permanent revocation of the person's license. The administrative law judge shall, after consideration of the circumstances surrounding a

violation specified in paragraph (1), file a decision with the Board that includes findings of fact and conclusions of law. Any person whose license is suspended or revoked pursuant to this section shall not be entitled to receive any material benefit or remuneration in any capacity or from any business activity permitted or allowed by the license during any period of its suspension or revocation. The penalties provided by this section are in addition to any other civil, criminal, and administrative penalties or sanctions provided by law, and do not supplant, but are cumulative to, other penalties or sanctions.

Furosemide is a diuretic administered to horses to treat EIPH, which is a condition wherein pulmonary bleeding occurs when capillaries in horses' lungs burst due to the exertion of severe exercise, or from racing. EIPH and the associated side effects cause poor racing performance. EIPH cumulatively damages lungs, and as damage accumulates the incidence and severity of bleeding increases. Untreated EIPH places both horse and rider at risk of injury. In 2011 a committee of the RMTC studying the administration of furosemide and adjunct bleeder medications presented its recommendations to the RMTC board, which resulted in the development of a Model Rule for RCI consideration. In 2013 the RCI incorporated the RMTC recommendations in a Model Rule, which requires that furosemide be the only medication authorized for administration on race day, and limits furosemide administration to no less than four hours prior to post time for the race in which the horse is entered. The RCI Model Rule also requires that furosemide administration be performed only by third-party veterinarians or veterinary technicians who are prohibited from working as private veterinarians or technicians at the racetrack or with participating licensees. As of January 2014, thirteen states had adopted regulations requiring third-party administration of furosemide: Colorado, Delaware, Indiana, Kentucky, Maine, Maryland, Massachusetts, Minnesota, New Jersey, New York, North Dakota, Virginia and West Virginia. The proposed amendment to Rule 1845, Authorized Bleeder Medication, will bring the Board's regulations in line with the RMTC/RCI recommendations regarding the third-party administration of furosemide.

The proposed amendment to Rule 1845 will modify the opening paragraph of the regulation to state that furosemide shall be the only authorized bleeder medication for the control of EIPH. EIPH occurs in horses, and is characterized by bleeding into the lungs or out the nose during exercise. It is believed horses experience EIPH because during exercise they have unusually high blood pressure in the vessels that lead from the heart to the lungs and this high pressure causes the walls of the vessels to break and release blood into the airways. The blood can impair breathing and lead to exercise intoler-

ance. Some bleeding occurs in most horses that engage in strenuous exercise, but it becomes a problem when there is enough blood to prevent the horse from performing. Furosemide is a diuretic that has been shown to be effective in reducing EIPH. Theoretically, if horses are given furosemide, the drug draws water away from the lungs and keeps the blood pressure from getting too high, preventing the lesions in the vessels and the blood from getting into the lungs. In 2011, the RMTC, the National Thoroughbred Racing Association, and the American Association of Equine Practitioners formed industry working groups to develop model rule recommendations, including recommendations governing the regulatory administration of furosemide. The consensus reached by the RMTC committee became the basis for an RCI Model Rule which allows only furosemide for the control of EIPH on race day. Under the RMTC recommendations, and the RCI Model Rule, adjunct bleeder medications are eliminated. The proposed amendment to Rule 1845 will bring California in line with the RCI Model Rule by designating furosemide as the only authorized bleeder medication for the control of EIPH. The opening paragraph of Rule 1845 has also been modified to state that furosemide shall only be administered by a single intravenous injection, in a dosage of not less than 150 milligrams and not more than 500 milligrams, on the grounds of the racetrack where the horse will race, and no later than four hours prior to race time. These provisions are not new to the regulation, but were moved to the opening paragraph from the previous subsection 1845(e); they are also consistent with the RCI Model Rule.

The amended subsections 1845(a) through (a)(2) state how a horse is registered on the authorized bleeder medication list. Subsection (a)(1) provides that the trainer and a veterinarian designated by the owner must determine furosemide is medically necessary to control EIPH and is not otherwise contraindicated for the horse. Subsection 1845(a) currently provides that either the trainer or a veterinarian may determine if it is in the horses "best interest" to run on bleeder medication. The proposed amendment provides a higher standard by requiring that the trainer and a veterinarian designated by the owner must determine furosemide is medically necessary to control EIPH and is not otherwise contraindicated for the horse. This is necessary, because in addition to the control of EIPH, furosemide is also associated with improved performance. Under the current rule, a trainer's determination that running on furosemide is in the best interest of a horse may not be based on medical necessity. The proposed amendment requires that the trainer and the veterinarian designated by the owner must be in agreement that furosemide is a medical necessity to control EIPH, and is not otherwise contraindicated for the horse. This will mean that the

horse has actually been observed bleeding, and/or that an endoscopic examination has been performed. It will further require that the trainer and the veterinarian designated by the owner determine furosemide will not be harmful to the horse, and its benefits outweigh any risk. These provisions are necessary to prevent a horse from being placed on the bleeder medication list without a medical determination that it is actually exhibiting EIPH.

Currently, under Rule 1845, CHRB form 194, Authorized Bleeder Medication Request (New 08/04) (CHRB 194), which is incorporated by reference in Rule 1845, is used to notify the Official Veterinarian of the trainer's or veterinarian's decision to place the horse on the bleeder medication list. Subsection (a)(2) has been amended to provide that prior to entry for a race, the Official Veterinarian must approve the CHRB form 194. The requirement for the Official Veterinarian's approval will mean that he or she must agree with the medical determination made by the trainer of the horse and the veterinarian designated by the owner before the horse may be placed on the bleeder list. The title of the CHRB form 194 has been changed to read "Authorized Bleeder Medication and Medical History Request." This has been done to reflect the requirement that the horse's medical history, relevant to the administration of authorized bleeder medication, must be provided. This is in accordance with section 2032.1 of Title 16, of the CCR dealing with Veterinarian-Client-Patient Relationships. This regulation requires veterinarians who perform any act requiring a license upon any animal to prepare a legible, written record concerning the animal which shall contain a history or pertinent information as it pertains to each animal.

The existing subsections 1845(b) and 1845(c) have been renumbered as 1845(g)(1) and (g)(2). This was necessary for purposes of consistency and clarity.

The existing subsection 1845(d) has been renumbered as subsections 1845(b) through (b)(2). Subsections 1845(b) and (b)(1) state that once registered, any horse that shall be administered furosemide shall arrive on the grounds of the racetrack where it shall race no later than five hours prior to post time. A horse registered on the authorized bleeder medication list must arrive on the grounds of the racetrack five hours prior to post time, as Rule 1845 requires that furosemide be administered no later than four hours prior to the race in which the horse is entered. Subsection 1845(b)(2) states the horse shall be assigned to a pre-race security stall. The horse shall remain in the security stall until it is taken to the receiving barn or the paddock to be saddled or harnessed for the race. While in the security stall, the horse shall be under the constant care, custody and view of the trainer or a licensed person assigned by the trainer. The trainer shall be responsible for the condition of the horse

while it remains in the security stall. The Official Veterinarian may allow the horse to leave the stall to engage in track warm-up heats prior to a race. These provisions are not new, as they exist in the current Rule 1845(d). Pre-race security stalls are a component of the pre-race security measures that help to minimize or eliminate the administration of illegal drugs to racehorses. In practice, one or more of a trainer's assigned stalls are designated with "In-Today" stall signs. The signs identify a horse entered on the day's race card. Board Rule 1887, Trainer to Insure condition of Horse, provides that the trainer is the absolute insurer of and responsible for the condition of the horses entered in a race. Subsection 1845(b)(2) reiterates this concept by requiring that the horse in the pre-race security stall must be under the care, custody and constant view of the trainer, or of a licensed person assigned by the trainer. These measures are necessary to ensure the integrity of horse racing and the protection of the public. Racehorses are athletes, and must consistently train to be at their competitive peak. Trainers formulate specific training schedules that ensure each horse will perform at its best on race day. Under-training may lead to cramps, strains and injuries during the race. Subsection 1845(b)(2) provides the trainer with the ability to engage his or her horse in on-track warm-ups prior to a race with the permission of the Official Veterinarian.

Before the veterinarian designated by the Official Veterinarian may administer furosemide to the horse, a veterinary-client-patient relationship must be established within the meaning of CCR, Title 16, section 2032.1. A new subsection 1845(c)(1) provides that such a relationship may be established if the owner, trainer or the veterinarian designated by the owner or trainer has consulted with the veterinarian designated by the Official Veterinarian regarding the condition of the horse. The veterinarian designated by the Official Veterinarian must also examine the horse. Alternatively, under a new subsection 1845(c)(2), the trainer, owner or veterinarian designated by the owner or trainer may consult with the Official Veterinarian or Racing Veterinarian, and the veterinarian designated by the Official Veterinarian examines the horse. Under subsection 1845(c)(2) the consulting Official Veterinarian or Racing Veterinarian must also directly supervise the veterinarian designated by the Official Veterinarian or registered veterinary technician who administers the furosemide. The direct supervision is necessary because the veterinarian designated by the Official Veterinarian would not have consulted with the owner, the trainer or the veterinarian designated by the owner or trainer. The provisions of subsections 1845(c)(1) through (c)(2), which are meant to establish a veterinary-client-patient relationship, were developed in conjunction with the California Veterinary Medical Board (CVMB) in response to the

CVMB's concerns that third-party administration of furosemide would violate the veterinary-client-patient relationship.

New subsections 1845(d) through (d)(3) describe how the administration of furosemide shall occur. Subsection (d)(1) states that only a veterinarian designated by the Official Veterinarian, or a California registered veterinary technician under the direct supervision of the veterinarian designated by the Official Veterinarian may administer furosemide. The Official Veterinarian may designate himself or herself in an emergency, the details of which shall be immediately reported to the stewards. Subsection (d)(1)(A) provides that the veterinarian designated by the Official Veterinarian or California registered veterinary technician who administers furosemide shall not have a current business relationship with participating licensees within 30 days of the date he or she is designated to administer furosemide, or have had a veterinarian-client-patient relationship within 30 days of the date he or she is designated to administer furosemide. These provisions are necessary to meet the goals of "third-party" administration of furosemide, which are to get private veterinarians out of the stall on race day, and to ensure that only veterinarians (or California registered veterinary technicians) under the control of the Board administer furosemide. To make certain the veterinarians designated by the Official Veterinarian and/or the California registered veterinary technicians do not have an interest in the business of licensees, they are prohibited from having worked as private veterinarians or technicians on the racetrack, or with participating licensees, within 30 days of the date they are designated to administer furosemide. Some necessary flexibility is provided in that the Official Veterinarian may administer furosemide in an emergency. The Official Veterinarian is a licensee of the Board and is employed by the racing association. This means he or she does not have a business relationship with participating licensees. In addition, Board Rule 1560, Duties of the Official Veterinarian, currently allows the Official Veterinarian, in an emergency, to directly treat or prescribe for any horse registered to race at any recognized meeting. Rule 1560 also requires that the stewards be immediately informed if the Official Veterinarian directly treats or prescribes for any horse. Limiting the administration of furosemide to the veterinarian designated by the Official Veterinarian, the California registered veterinary technician, or in an emergency the Official Veterinarian, is necessary to assure competitors and the wagering public alike that the only drug or medication horses will receive on race day is furosemide, and the only veterinarian/technician treating the horse is a third-party veterinarian/technician. Subsection 1845(d)(1)(B) provides that the person who administers furosemide shall, not later than two

hours prior to post time of the race for which the horse is entered, notify the Official Veterinarian of the treatment of the horse by using CHRB Form-36 (New 08/04) Bleeder Treatment Report, which is incorporated by reference. These provisions have been moved from the current subsection 1845(e) to the new 1845(d)(1)(B). A new subsection (d)(2) requires that the owner, trainer or a designated licensed employee of the trainer shall be present and observe the furosemide administration. This provision is necessary so that there will be no question that the furosemide was properly administered by the veterinarian designated by the Official Veterinarian or the California registered veterinary technician. This is also in keeping with subsection 1845(b)(2) which states that the horse shall be under the constant care, custody and view of the trainer or a licensed person assigned by the trainer. The trainer shall be responsible for the condition of the horse while it remains in the security stall. Subsection 1845(d)(3) provides that the horse authorized to be administered furosemide shall receive 250 mg of furosemide intravenously unless an alternative dose between 150 mg and 500 mg has been determined after consultation between the trainer, owner, or veterinarian designated by the owner or trainer and the veterinarian designated by the Official Veterinarian. The current Rule 1845 allows for furosemide administration between 150 mg and 500 mg. The proposed amendment to Rule 1845 sets a standard furosemide dose of 250 mg. This is a nationally recognized default dose. However, not every horse will require a standard dose of furosemide. Therefore, to provide the parties with the flexibility to act in the best interest of the horse, subsection 1845(d)(3) allows for the administration of between 150 mg and 500 mg. The range of 150 mg to 500 mg is consistent with the RCI Model Rule recommendations for administration of furosemide.

A new subsection 1845(e) requires that in the event of an adverse reaction or other emergency related to the administration of furosemide, the veterinarian or California registered veterinary technician who administered the furosemide shall attend the horse until the arrival of the veterinarian designated by the trainer or owner. This provision is necessary to ensure the horse is in the care of a veterinarian or medical technician at all times, and will allow the veterinarian designated by the owner or trainer to confer with the party who administered furosemide regarding the horse's reaction to the furosemide administration.

The current subsection 1845(e) provides that a representative of the Board may request that the veterinarian administering the bleeder medication surrender the syringe used in the administration of furosemide for possible testing. A new subsection 1845(f) requires that the syringe used to administer furosemide shall be provided to, and retained by the Board until all testing of the horse

is completed. This is necessary to ensure that each syringe used to administer furosemide is in the custody of the Board and available for testing, as needed. If there is a positive test finding, the Board may order, or the owner or trainer may request that the syringe be analyzed for prohibited substances. This is in keeping with Board Rule 1859.25, Split Sample Testing, which provides the owner or trainer the opportunity to request, and pay a fee to have the split sample of the Board's official test sample tested by an independent Board-approved laboratory if the Board's official test sample is found to contain a prohibited drug substance.

The current subsections 1845(b) and (c) have been renumbered for purposes of clarity and consistency and appear in the amended text as subsections 1845(g) through (g)(2). These subsections give the required specific gravity of post-race urine samples, which shall not be below 1.010. (Specific gravity is a measurement of how concentrated the urine is; the density of the fluid.) They also provide that if the urine sample is not available, or if it is determined to be below 1.010, quantitation of furosemide in serum or plasma shall be performed. Concentrations may not exceed 100 nanograms of furosemide per milliliter of serum or plasma. These levels are the same as those in the current 1845 text. These levels are also consistent with the requirements of the RCI Model Rule recommendations.

Subsection 1845(f) of the current Rule 1845 has been renumbered as subsection 1845(h) of the amended text. The subsection remains essentially unchanged from the current version of Rule 1845. Any changes that have been made to subsection 1845(h) are for the purposes of clarity and consistency. Subsection 1845(h) states how a horse may be removed from the official authorized bleeder medication list, and the periods of time the horse must remain off the list before it can be re-registered on the list.

Subsection 1845(g) of the current Rule 1845 has been renumbered for purposes of clarity and consistency as subsection 1845(i) of the revised text. The subsection provides the period of time a horse will be ineligible to race if the official veterinarian observes it bleeding externally from one or both nostrils during or after a race or workout, and determines such bleeding is a direct result of EIPH. These periods of time remain unchanged; however, an exemption to these periods of ineligibility for horses voluntarily administered authorized bleeder medication without an external bleeding incident has been stricken. Under the proposed amendment it must be determined that furosemide is medically necessary for the horse; this would preclude the "voluntary" administration of the medication without a bleeding incident.

A new subsection 1845(j)(1) provides that the owner of the horse shall pay all costs associated with the ad-

ministration of furosemide. This is consistent with current practice. Owners currently pay all veterinary medical costs associated with the care and upkeep of their horses.

A new subsection 1845(j)(2) provides that the owner shall consent to the procedures in Rule 1845, and shall agree that the pre-race examination conducted by the Official Veterinarian constitutes a veterinary-client-patient relationship within the meaning of Title 16, section 2032.1, of the CCR. Although Rule 1846, Racing Soundness Examination, provides that the horse may be examined as late as two hours before post time, most racing soundness examinations occur in early morning, well before the first post time. (The first post time in a thoroughbred race meeting is typically between 12:30 p.m. and 1:30 p.m.) The examinations are conducted by the Official Veterinarian or the Racing Veterinarian. This provision will ensure a veterinary-client-patient relationship has been established should an emergency require that the Official Veterinarian designate himself or herself to administer furosemide.

FORMS INCORPORATED BY REFERENCE

The forms Bleeder Treatment Report CHR-36 (New 08/04) and Authorized Bleeder Medication and Medical Records Request CHR-194 (Rev. 06/15), are incorporated by reference into Rule 1845, as it would be cumbersome, unduly expensive or otherwise impractical to publish the documents in the CCR.

POLICY STATEMENT OVERVIEW OF ANTICIPATED BENEFITS OF PROPOSAL

The proposed amendment to Board Rule 1845 will enact the RMT/RCI recommendations for third-party administration of furosemide. The Board proposes to modify the text of Rule 1845 to provide that the only authorized medication for the control of EIPH shall be furosemide. The proposed amendment provides the steps required to register a horse on the authorized bleeder medication list. Once registered, the proposed amendment states when, how and in what dosage furosemide shall be administered to the horse. The amendment to Rule 1845 requires that furosemide may only be administered by a veterinarian designated by the Official Veterinarian, or a California registered veterinary technician under the direct supervision of the veterinarian designated by the Official Veterinarian. In an emergency, the Official Veterinarian may designate himself or herself to administer furosemide. The details of the emergency shall immediately be reported to the stewards. Prior to the administration of furosemide, either the veterinarian designated by the Official Veterinarian, or the Official Veterinarian or Racing Veterinarian,

must consult with the trainer, owner or the veterinarian designated by the owner or trainer, regarding the condition of the horse, and the veterinarian designated by the Official Veterinarian, or the Official Veterinarian or the Racing Veterinarian, must examine the horse sufficient to establish a veterinary–client–patient relationship within the meaning of CCR, Title 16, section 2032.1. The proposed amendment to Rule 1845 provides that the owner, trainer, or a designated licensed employee of the trainer, shall be present to observe the furosemide administration; what actions to take in the event of an adverse reaction or other emergency related to the administration of furosemide; and that the syringe used to administer furosemide shall be retained by the Board until all testing of the horse is completed. The amendment to Rule 1845 sets the specific gravity of the post–race urine sample, and states that quantitation of furosemide in serum or plasma shall be performed if the urine sample is not available, or the specific gravity of the urine sample is below a specified level. The proposed amendment to Rule 1845 requires that the owner(s) of a registered horse shall pay all costs associated with the administration of furosemide; consent to the procedures in the regulation; and agree that the pre–race examination conducted under the direction of the Official Veterinarian shall constitute a veterinary–client–patient relationship within the meaning of CCR, Title 16, section 2032.1. In addition, the proposed amendment to Rule 1845 modifies CHRB form 194 (New 08/04) Authorized Bleeder Medication Request by changing the title of the form to: “Authorized Bleeder Medication and Medical History Request.” A new section has been added to Form 194 to allow the veterinarian designated by the horse owner(s) or trainer to provide the medical history relevant to the administration of authorized bleeder medication for the horse listed on the form.

These measures are necessary to ensure the integrity of horse racing and the protection of the public. The proposed amendment to Rule 1845 will have the benefit of assuring competitors and horse racing fans alike that the only medication horses will receive on race day is furosemide, and the only veterinarian treating the horse in the hours prior to a race is the veterinarian designated by the Official Veterinarian or the California registered veterinary technician under the direction of the veterinarian designated by the Official Veterinarian. The proposed amendment will have the benefit of promoting fairness and helping to protect the health and safety of horse and rider. The proposed amendment will not have an impact with regards to protecting the environment, the promotion of social equity, or transparency in business and government.

Consistency with Existing State Regulations: During the process of developing the proposed amendment, the

Board has conducted an evaluation for any other possible related regulations and has determined that Rule 1845 is the only regulation dealing with this subject area (authorized bleeder medication for race horses). Therefore the proposed regulation is neither inconsistent nor incompatible with existing state regulations.

DISCLOSURE REGARDING THE PROPOSED ACTION

Mandate on local agencies and school districts: none.

Cost or savings to any state agency: none.

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

Other non–discretionary costs or savings imposed upon local agencies: none.

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

The Board has made an initial determination that the proposed amendment to Rule 1845 will not have a significant statewide adverse economic impact directly affecting business including the ability of California businesses to compete with businesses in other states.

The following studies/relevant data were relied upon in making the above determination: none.

Cost impact on representative private persons or businesses: 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.

Significant effect on housing costs: none.

RESULT OF ECONOMIC IMPACT ANALYSIS

The adoption of the proposed amendment to Rule 1845 will not (1) create or eliminate jobs within California; (2) create new businesses or eliminate existing businesses within California; or (3) affect the expansion of businesses currently doing business within California. The amendment to Rule 1845 promotes the integrity of horse racing and the protection of the public. The proposed amendment to Rule 1845 will have the benefit of assuring competitors and horse racing fans alike that the only medication horses will receive on race day is furosemide, and the only veterinarian treating the horse in the hours prior to a race is the veterinarian designated by the Official Veterinarian or the California registered veterinary technician under the direction of the veterinarian designated by the Official Veterinarian. The proposed amendment will have the benefit of helping to protect the health and safety of horse and rider.

Effect on small businesses: none. The proposal to amend Rule 1845 does not affect small businesses because horse racing is not a small business under Government Code section 11342.610.

CONSIDERATION OF ALTERNATIVES

In accordance with Government Code section 11346.5, subdivision (a)(13), the Board must determine that no reasonable alternative considered by the Board, or that has otherwise been identified and brought to the attention of the Board, would be more effective in carrying out the purpose for which the action is proposed, or would be as effective and less burdensome on 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 Board invites interested persons to present statements or arguments with respect to alternatives to the proposed regulation at the scheduled hearing or during the written comment period.

CONTACT PERSON

Inquiries concerning the substance of the proposed action and requests for copies of the proposed text of the regulation, the initial statement of reasons, the modified text of the regulation, if any, and other information upon which the rulemaking is based should be addressed to:

Harold Coburn, Regulation Analyst
California Horse Racing Board
1010 Hurley Way, Suite 300
Sacramento, CA 95825
Telephone (916) 263-6026
Fax: (916) 263-6022
E-Mail: haroldc@chrb.ca.gov

If the person named above is not available, interested parties may contact:

Andrea Ogden,
Policy, Regulations and Legislation
Telephone: (916) 263-6033

**AVAILABILITY OF INITIAL STATEMENT
OF REASONS AND TEXT OF
PROPOSED REGULATION**

The Board will have the entire rulemaking file available for inspection and copying throughout the rulemaking process at its offices at the above address. As of the date this notice is published in the Notice Register, the rulemaking file consists of this notice, the proposed text of the regulation, and the initial statement of reasons. Copies may be obtained by contacting Harold Coburn, or the alternative contact person at the address, phone number or e-mail address listed above.

AVAILABILITY OF MODIFIED TEXT

After holding a hearing and considering all timely and relevant comments received, the Board may adopt the proposed regulation substantially as described in this notice. If modifications are made which are sufficiently related to the originally proposed text, the modified text, with changes clearly marked, shall be made available to the public for at least 15 days prior to the date on which the Board adopts the regulation. Requests for copies of any modified regulations should be sent to the attention of Harold Coburn at the address stated above. The Board will accept written comments on the modified regulation for 15 days after the date on which it is made available.

**AVAILABILITY OF FINAL STATEMENT
OF REASONS**

Requests for copies of the final statement of reasons, which will be available after the Board has adopted the proposed regulation in its current or modified form, should be sent to the attention of Harold Coburn at the address stated above.

BOARD WEB ACCESS

The Board will have the entire rulemaking file available for inspection throughout the rulemaking process at its web site. The rulemaking file consists of the notice, the proposed text of the regulation and the initial statement of reasons. The Board's web site address is: www.chrb.ca.gov.

**TITLE 4. CALIFORNIA HORSE
RACING BOARD**

**NOTICE OF PROPOSAL TO AMEND
RULE 1843.2, CLASSIFICATION OF DRUG
SUBSTANCES**

The California Horse Racing Board (Board/CHRB) proposes to amend the regulation described below after considering all comments, objections or recommendations regarding the proposed action.

PROPOSED REGULATORY ACTION

The Board proposes to amend Rule 1843.2, Classification of Drug Substances. The proposed amendment will revise the form California Horse Racing Board (CHRB) Penalty Category Listing by Classification (Revised 04/15), which is incorporated by reference in

Rule 1843.2. The revisions to the form will add cobalt as a Class 3 or Class 4 substance, depending on the level of the substance determined to be in the official test sample. Other revisions to the CHRB Penalty Category Listing by Classification will bring the form in line with the Association of Racing Commissioners International (ARCI) Uniform Classification Guidelines for Foreign Substances, and include spelling corrections, reclassification of drug substances, and the addition of drug substances.

PUBLIC HEARING

The Board will hold a public hearing starting at **9:30 a.m., Thursday, August 20, 2015**, or as soon after that as business before the Board will permit, at the **Del Mar Surfside Race Place, 2260 Jimmy Durante Boulevard, Del Mar, California**. At the hearing, any person may present statements or arguments orally or in writing about the proposed action described in the informative digest. It is requested, but not required, that persons making oral comments at the hearing submit a written copy of their testimony.

WRITTEN COMMENT PERIOD

Any interested persons, or their authorized representative, may submit written comments about the proposed regulatory action to the Board. The written comment period closes at **5:00 p.m., on August 10, 2015**. The Board must receive all comments at that time; however, written comments may still be submitted at the public hearing. Submit comments to:

Harold Coburn, Regulation Analyst
 California Horse Racing Board
 1010 Hurley Way, Suite 300
 Sacramento, CA 95825
 Telephone (916) 263-6026
 Fax: (916) 263-6042
 E-Mail: haroldc@chr.ca.gov

AUTHORITY AND REFERENCE

Authority cited: Sections 19580, 19581 and 19582, Business and Professions Code. Reference: Section 19580, 19581 and 19582, Business and Professions Code.

Business and Professions Code sections 19580, 19581 and 19582 authorize the Board to adopt the proposed regulation, which would implement, interpret or make specific sections 19580, 19581 and 19582, Business and Professions Code.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Business and Professions Code section 19580 provides that the Board shall adopt regulations to establish policies, guidelines, and penalties relating to equine medication to preserve and enhance the integrity of horse racing in California. Business and Professions Code section 19581 states no substance of any kind shall be administered by any means to a horse after it has been entered to race in a horse race, unless the Board has, by regulation, specifically authorized the use of the substance and the quantity and the composition thereof. Business and Professions Code section 19582 states violations of section 19581, as determined by the Board, are punishable as set forth in regulations adopted by the Board. The Board may classify violations of section 19581 based on each class of prohibited drug substances, prior violations within the previous three years, and prior violations within the violator's lifetime.

The Board proposes to amend Rule 1843.2 to add cobalt to the CHRB form Penalty Categories Listing by Classification (Revised 04/15), which is incorporated by reference in Rule 1843.2. The proposed amendment will also update the CHRB Penalty Categories Listing by Classification to bring it in line with the ARCI Uniform Classification Guidelines for Foreign Substances. The revisions to the CHRB Penalty Categories Listing by Classification include spelling corrections, reclassification of drug substances, and the addition of drug substances. The CHRB Penalty Categories Listing by Classification lists medications and drug substances whose presence in an official test sample, or whose presence in excess of the authorized level, will result in a violation of the Board's rules. The form also lists drug classification and penalty class for each substance. When adjudicating a hearing for a violation of Business and Professions Code section 19581, the Board, the board of stewards, the hearing officer, or the administrative law judge must consider the classification of the substance as listed in the CHRB Penalty Categories Listing by Classification.

Cobalt is a naturally occurring trace element which may normally be present in horses at very low levels as a result of the ingestion of feedstuffs that contain it in trace amounts. Cobalt is also present in the structure of vitamin B12. Cobalt can be administered to horses as a powder, feed supplement or injection. Although naturally occurring in horses, excessive amounts of the substance in the system can lead to severe side effects, which include damaging the thyroid and cardiovascular system, nerve problems and blood thickening. High doses of cobalt-containing products may be used to increase erythropoiesis, the process which produces red blood cells. When more red blood cells are generated

there is a greater ability to carry oxygen through the body and allow peak performance levels to be maintained for longer periods of time. This may make cobalt attractive to some in the horseracing industry who would misuse it to gain an edge in competition.

Cobalt became a concern for United States racing officials in 2013 when its presence was detected in a large number of samples taken at a New Jersey racetrack. The substance has also been of concern to horse racing officials in Australia and other international horse racing jurisdictions. In 2014 the CHRB announced it would commence monitoring cobalt levels in horses competing at California racetracks and in certain necropsy specimens. In the fall of 2014 the Board endorsed a proposal to amend its rules to regulate the use of cobalt.

The proposed amendment to Rule 1843.2 would add cobalt to the CHRB Penalty Categories Listing by Classification as a Class 3 drug at a level of 50 nanograms per milliliter, or more, in blood. Class 3 drugs are substances that may or may not have generally accepted medical use in the racing horse, but the pharmacology of which suggests less potential to affect performance than drugs in Class 2. In addition, cobalt has been added to the CHRB Penalty Categories Listing by Classification as a Class 4 drug at a level of 25 nanograms per milliliter, or more, in blood. Class 4 drugs are substances that include therapeutic medications that would be expected to have less potential to affect performance than those in Class 3. The two-tiered system for listing cobalt in the CHRB Penalty Categories Listing by Classification recognizes the scenario of a trainer negligently feeding a high-cobalt-containing mineral supplement and exceeding 25 parts per billion (ppb). Exceeding 50 ppb would require an intentional administration of cobalt. The CHRB has similar graduated penalty schemes for TCO₂, flunixin, and phenylbutazone. The cobalt thresholds under Rule 1843.2 have been established in blood because a threshold in urine has not been established in the United States (US). Urine is problematic for establishing thresholds in the US because almost all US racehorses receive furosemide (Lasix), which impacts cobalt and other drug concentrations by diluting the urine. Blood thresholds are more reliable, and it is an easier matrix to sample and test for a substance like cobalt. It is necessary to add cobalt to the CHRB Penalty Categories Listing by Classification to provide guidance to the board of stewards, the hearing officer, or the administrative law judge when adjudicating a hearing for a violation of Business and Professions Code section 19581. The CHRB Penalty Categories Listing by Classification provides both the drug class and the penalty class for listed medications and drug substances. The penalty classifications are used under Board Rule 1843.3, Penalties for Medication Violations, to determine penalties for violations due to the presence of a

drug substance in an official test sample. The addition of cobalt to the CHRB Penalty Categories Listing by Classification will also provide clarity for licensees. Interested parties will understand that cobalt's presence in an official test sample (at specified levels) will constitute a medication violation, and the penalty classifications for cobalt will provide the possible penalties.

Other modifications to the CHRB Penalty Categories Listing by Classification are necessary to bring the form in line with the ARCI Uniform Classification Guidelines for Foreign Substances. The modifications include: changing Ractopamine from Class 3/Penalty B to Class 2/Penalty A; Zilpaterol from Class 3/Penalty A to Class 2/Penalty A; Deracoxib (Deremaxx) from Class 3/Penalty C to Class 3/Penalty B; and Ambroxol from Class 4/Penalty B to Class 4/Penalty C. Spelling corrections include: Dehydrochloromethyltestosterone; Amiodarone; and 2-Aminoheptane. Additions to the CHRB Penalty Categories Listing by Classification include: Benzonatate; Almotriptan; Acenocoumarol; Pergolide; and Methylhexanamine (Geranamine). The changes to the CHRB Penalty Categories Listing by Classification will provide clarity and consistency for interested parties, as the form will align with the ARCI Uniform Classification Guidelines for Foreign Substances. The ARCI guidelines have been adopted by the majority of racing states, so horsemen, especially those from out-of-state, will find the same prohibitions regarding medications and drug substances apply in California as in New York, Florida or Texas.

Evaluation of Consistency and Compatibility with Existing State Regulations: During the process of developing the proposed amendment, the Board has conducted an evaluation for any related regulations and has determined that Rule 1843.2 is the only regulation dealing with classification of drug substances with regards to horse racing in California. Therefore the proposed regulation is neither inconsistent nor incompatible with existing state regulations.

DISCLOSURE REGARDING THE PROPOSED ACTION

Mandate on local agencies and school districts: none.
 Cost or savings to any state agency: none.

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

Other non-discretionary costs or savings imposed upon local agencies: none.

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

The Board has made an initial determination that the proposed amendment to Rule 1843.2 will not have a significant statewide adverse economic impact directly

affecting business including the ability of California businesses to compete with businesses in other states.

The following studies/relevant data were relied upon in making the above determination: none.

Cost impact on representative private persons or businesses: 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.

Significant effect on housing costs: none.

RESULT OF ECONOMIC IMPACT ANALYSIS

The adoption of the proposed amendment to Rule 1843.2 will not (1) create or eliminate jobs within California; (2) create new businesses or eliminate existing businesses within California; or (3) affect the expansion of businesses currently doing business within California. The proposed amendment to Rule 1843.2 promotes the health and safety of race horses, which is jeopardized if they work out or race under the influence of unauthorized drug substances or medications, or have excessive levels of authorized medications in their systems. Keeping race horses healthy protects the economic interest of owners and ensures that there is an adequate horse inventory. Ensuring that horses entered to race are sound and are not under the influence of unauthorized drug substances or medications, or excessive levels of authorized medications, also promotes jockey safety. If horses entered to race are not running with unauthorized drug substances or medications in their systems, the public will see horse racing as a sport that cares about the health and safety of both horse and rider, which may result in an increase in the public's positive perception of the sport. A more favorable public response to horse racing could result in an increase in wagering which will have a positive economic impact on the industry.

Effect on small businesses: none. The proposal to amend Rule 1843.2 does not affect small businesses because horse racing is not a small business under Government Code section 11342.610.

CONSIDERATION OF ALTERNATIVES

In accordance with Government Code Section 11346.5, subdivision (a)(13), the Board must determine that no reasonable alternative considered by the Board, or that has otherwise been identified and brought to the attention of the Board, would be more effective in carrying out the purpose for which the action is proposed, or would be as effective and less burdensome on affected private persons than the proposed action, or would be more cost-effective to affected private per-

sons and equally effective in implementing the statutory policy or other provision of law.

The Board invites interested persons to present statements or arguments with respect to alternatives to the proposed regulation at the scheduled hearing or during the written comment period.

CONTACT PERSON

Inquiries concerning the substance of the proposed action and requests for copies of the proposed text of the regulation, the initial statement of reasons, the modified text of the regulation, if any, and other information upon which the rulemaking is based should be directed to:

Harold Coburn, Regulation Analyst
California Horse Racing Board
1010 Hurley Way, Suite 300
Sacramento, CA 95825
Telephone: (916) 263-6026
E-mail: haroldc@chrh.ca.gov

If the person named above is not available, interested parties may contact:

Andrea Ogden, Policy, Regulations Manager
Telephone: (916) 263-6033

AVAILABILITY OF INITIAL STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATION

The Board will have the entire rulemaking file available for inspection and copying throughout the rulemaking process at its offices at the above address. As of the date this notice is published in the Notice Register, the rulemaking file consists of this notice, the proposed text of the regulation, and the initial statement of reasons. Copies may be obtained by contacting Harold Coburn, or the alternative contact person at the address, phone number or e-mail address listed above.

AVAILABILITY OF MODIFIED TEXT

After holding a hearing and considering all timely and relevant comments received, the Board may adopt the proposed regulation substantially as described in this notice. If modifications are made which are sufficiently related to the originally proposed text, the modified text, with changes clearly marked, shall be made available to the public for at least 15 days prior to the date on which the Board adopts the regulations. Requests for copies of any modified regulation should be sent to the attention of Harold Coburn at the address stated above. The Board will accept written comments on the modified regulation for 15 days after the date on which it is made available.

AVAILABILITY OF STATEMENT OF REASONS

Requests for copies of the final statement of reasons, which will be made available after the Board has adopted the proposed regulation in its current or modified form, should be sent to the attention of Harold Coburn at the address stated above.

BOARD WEB ACCESS

The Board will have the entire rulemaking file available for inspection throughout the rulemaking process at its website. The rulemaking file consists of the notice, the proposed text of the regulation and the initial statement of reasons. The Board's website address is: www.chrb.ca.gov.

TITLE 4. CALIFORNIA HORSE RACING BOARD

NOTICE OF PROPOSAL TO AMEND RULE 1887, TRAINER TO INSURE CONDITION OF HORSE

The California Horse Racing Board (Board/CHRB) proposes to amend the regulation described below after considering all comments, objections or recommendations regarding the proposed action.

PROPOSED REGULATORY ACTION

The proposed amendment to Board Rule 1887, Trainer to Insure Condition of Horse, will modify subsection (a) to state that the owner and trainer of a "ship-in" horse are equally responsible for the condition of the horse entered in a race. The proposed amendment also adds a new subsection (b) to define ship-in horse. In addition, the proposed amendment modifies subsection (c) by providing that the owner of a ship-in horse will not be held responsible for a positive test result if the Board fails to notify the owner within the specified timeframe, unless it is shown by the preponderance of the evidence that the owner of the ship-in horse administered, caused the administration, or had knowledge of the administration of the prohibited drug substance.

PUBLIC HEARING

The Board will hold a public hearing starting at **9:30 a.m., Thursday, August 20, 2015**, or as soon thereafter as business before the Board will permit, at the **Del Mar Race Track, 2260 Jimmy Durante Boulevard, Del Mar, California**. At the hearing, any person may pres-

ent statements or arguments orally or in writing relevant to the proposed action described in the informative digest. It is requested, but not required, that persons making oral comments at the hearing submit a written copy of their testimony.

WRITTEN COMMENT PERIOD

Any interested persons, or their authorized representative, may submit written comments about the proposed regulatory action to the Board. The written comment period closes at **5:00 p.m. on August 10, 2015**. The Board must receive all comments at that time; however, written comments may still be submitted at the public hearing. Submit comments to:

Nicole Lopes-Gravelly, Regulation Analyst
California Horse Racing Board
1010 Hurley Way, Suite 300
Sacramento, CA 95825
Telephone: (916) 263-6397
Fax: (916) 263-6042
E-mail: nlgravely@chrb.ca.gov

AUTHORITY AND REFERENCE

Authority cited: Sections 19440, 19580 and 19581, Business and Professions Code. Reference: Sections 19440, 19577, 19580 and 19581, Business and Professions Code.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Business and Professions Code section 19440 provides that the Board shall have all powers necessary and proper to enable it to carry out fully and effectually the purposes of this chapter. Business and Professions Code section 19577 requires that any blood or urine test sample required by the Board to be taken from a horse that is entered in any race shall be divided or taken in duplicate, if there is sufficient sample available after the initial test sample has been taken. Business and Professions Code section 19580 states that the Board shall adopt regulations to establish policies, guidelines, and penalties relating to equine medication in order to preserve and enhance the integrity of horse racing in California. Business and Professions Code section 19581 states that no substance of any kind shall be administered by any means to a horse after it has been entered to race in a horse race, unless the Board has, by regulation, specifically authorized the use of the substance. Rule 1887, Trainer to Insure Condition of Horse, provides that the trainer is the absolute insurer of and is responsible for the condition of the horse entered

in a race. If a positive test showing the presence of any prohibited drug substance as defined in Rule 1843.1, Prohibited Drug Substances, the trainer of the horse may be fined, his/her license suspended or revoked, or be ruled off. In addition, the owner of the horse, foreman in charge of the horse, groom, and any other person shown to have had the care or attendance of the horse, may be fined, his/her license suspended, revoked, or be ruled off. If the Board or its agents fail to notify a trainer of a potential positive test within 21 days from the date the sample was taken, the trainer shall not be deemed responsible.

The Board is proposing to amend Rule 1887 to provide that the owner of a ship-in horse is the joint absolute insurer of and is equally responsible for the condition of the horse entered to race. Currently, Rule 1887 holds only the CHRB licensed trainer responsible for the condition of the horse, as the absolute insurer of the horse entered to race. This has become an issue because a horse can be trained at a private training facility or farm, under the care or direction of its CHRB licensed owner, by a non-CHRB licensed trainer. If the owner wishes to enter the horse to race, it must be shipped to a facility under the jurisdiction of the Board, and placed under the care of a CHRB licensed trainer who may have little or no knowledge of the horse's condition. If the shipped-in horse tests positive for a prohibited substance, the CHRB licensed owner of the horse is not held accountable, nor can the Board hold the non-CHRB licensed trainer accountable. Only the CHRB licensed trainer, who may not have known that any prohibited substances were administered to the horse, is held responsible. As the Board has no jurisdiction over the non-CHRB licensed trainer, it has determined that the CHRB licensed owner of the ship-in horse shall be considered the joint absolute insurer of and equally responsible for the condition of the horse entered to race. The proposed amendment to Rule 1887 also provides a definition of a ship-in horse as a horse that has not been in the care of a Board licensed trainer for seven consecutive calendar days prior to the day of the race for which it is entered.

Rule 1887 provides that the trainer is the absolute insurer of and is responsible for the condition of the horse entered in a race, and holds the trainer responsible if the horse subsequently tests positive for a prohibited drug substance, regardless of the acts of third parties. This creates the potential for a Board licensed trainer to be held accountable for the actions of a non-CHRB licensed trainer, and the owner of a ship-in horse. If the owner of a horse being trained by a non-CHRB licensed trainer wishes to enter the horse to race, he or she must place the horse under the care of a CHRB licensed trainer. The CHRB licensed trainer may have had little or no involvement with the prior care and training of the

ship-in horse, but under Rule 1887 he or she assumes responsibility as the absolute insurer of the condition of the horse entered to race. If the ship-in horse subsequently has a positive test showing the presence of a prohibited drug substance, the CHRB licensed trainer who assumed control of the ship-in horse may be fined, his/her license suspended or revoked, or be ruled off. Though Rule 1887 states the owner of the horse, and any other person shown to have had the care or attendance of the horse, may be held responsible, the trainer is typically deemed responsible as the absolute insurer. Occasionally an owner will admit he or she had prior custody of the horse, in which case the CHRB will file a complaint against the owner. When there is no such admission, it can be difficult for the Board to take action. In addition, the Board has no jurisdiction over the non-CHRB licensed trainer who had previous care of the horse. The proposed amendment to Rule 1887, subsection (a) will close that loophole by stating that the owner of a ship-in horse is the joint-absolute insurer of and equally responsible for the condition of the horse entered in a race. The Board has determined that holding the owner of a ship-in horse equally responsible is necessary, as it has no jurisdiction over the non-CHRB licensed trainer. Racing associations oversee the arrival and entry of horses that are shipped-in to race. If a post-race test sample taken from a shipped-in horse tests positive for a prohibited drug substance, the CHRB will consult with the racing association to confirm the arrival and entry information for the shipped-in horse and will be able to take action against the appropriate parties.

For purposes of clarity, the proposed amendment to Rule 1887 adds subsection (b) to provide the definition of a ship-in horse as a horse that has not been in the care of a Board licensed trainer for seven consecutive calendar days prior to the day of the race for which it is entered.

The proposed amendment to Rule 1887 modifies subsection (c) to create consistency in the rule by stating that the owner of a ship-in horse will not be held responsible for a positive test result if the Board fails to notify the owner of a ship-in horse within the specified timeframe, unless it is shown by the preponderance of the evidence the owner of the ship-in horse administered, caused or had knowledge of the administration of the drug; this same caveat currently applies to trainers.

POLICY STATEMENT OVERVIEW OF ANTICIPATED BENEFITS OF PROPOSAL

The proposed amendment to Rule 1887 will promote fairness and helps to protect the health and safety of horse and rider by holding the trainer and owner equally accountable for the condition of the horse entered in a

race. This will increase the public's confidence in California horse racing, which may result in increased wagering. An increase in wagering will have a positive economic impact on the industry by increasing handle, which in turn may increase purses and commissions.

CONSISTENCY EVALUATION

During the process of developing this regulation and amendment, the CHRB conducted a search of any similar regulations on this topic and has concluded that these regulations are neither inconsistent nor incompatible with existing state regulations.

DISCLOSURE REGARDING THE PROPOSED ACTION/RESULTS OF THE ECONOMIC IMPACT ANALYSIS

Mandate on local agencies and school districts: none.

Cost or savings to any state agency: none.

Cost to any local agency or school district that must be reimbursed in accordance with Government Code Sections 17500 through 17630: none.

Other non-discretionary cost or savings imposed upon local agencies: none.

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

The Board has made an initial determination that the proposed amendment to Rule 1887 will not have a significant statewide adverse economic impact directly affecting business including the ability of California businesses to compete with businesses in other states.

The following studies/relevant data were relied upon in making the above determination: none.

Cost impact on representative private persons or businesses: 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.

Significant effect on housing costs: none.

RESULTS OF ECONOMIC IMPACT ASSESSMENT

The adoption of the proposed amendment to Rule 1887 will not (1) create or eliminate jobs within California; (2) create new businesses or eliminate existing businesses within California; or (3) affect the expansion of businesses currently doing business within California. The proposed amendment to Rule 1887 is a benefit to the health and welfare of California residents by promoting fairness and helping to protect the health and safety of horse and rider by holding the trainer and owner of a ship-in horse equally accountable for the condi-

tion of a horse entered in a race that subsequently tests positive for a prohibited drug substance.

Effect on small businesses: none. The proposal to amend Rule 1887 does not affect small businesses because horse racing associations in California are not classified as small businesses under Government Code Section 11342.610.

CONSIDERATION OF ALTERNATIVES

In accordance with Government Code Section 11346.5, subdivision (a)(13), the Board must determine that no reasonable alternative considered by the Board, or that has otherwise been identified and brought to the attention of the Board, would be more effective in carrying out the purpose for which the action is proposed, or would be as effective and less burdensome on 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 Board invites interested persons to present statements or arguments with respect to alternatives to the proposed regulation at the scheduled hearing or during the written comment period.

CONTACT PERSONS

Inquiries concerning the substance of the proposed action and requests for copies of the proposed text of the regulation, the initial statement of reasons, the modified text of the regulation, if any, and other information upon which the rulemaking is based should be directed to:

Nicole Lopes-Gravelly, Regulation Analyst
California Horse Racing Board
1010 Hurley Way, Suite 300
Sacramento, CA 95825
Telephone: (916) 263-6397
Fax: (916) 263-6042
E-mail: nlgravelly@chr.ca.gov

If the person named above is not available, interested parties may contact:

Andrea Ogden, Manager
Policy and Regulations
Telephone: (916) 263-6033

AVAILABILITY OF INITIAL STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATION

The Board will have the entire rulemaking file available for inspection and copying throughout the rulemaking process at its offices at the above address. As of

the date this notice is published in the Notice Register, the rulemaking file consists of this notice, the proposed text of the regulation, and the initial statement of reasons. Copies of these documents, or any of the information upon which the proposed rulemaking is based, may be obtained by contacting Nicole Lopes–Gravelly, or the alternative contact person at the address, phone number or e–mail address listed above.

AVAILABILITY OF MODIFIED TEXT

After holding a hearing and considering all timely and relevant comments received, the Board may adopt the proposed regulation substantially as described in this notice. If modifications are made which are sufficiently related to the originally proposed text, the modified text, with changes clearly marked, shall be made available to the public for at least 15 days prior to the date on which the Board adopts the regulations. Requests for copies of any modified regulations should be sent to the attention of Nicole Lopes–Gravelly at the address stated above. The Board will accept written comments on the modified regulation for 15 days after the date on which it is made available.

AVAILABILITY OF FINAL STATEMENT OF REASONS

Requests for copies of the final statement of reasons, which will be available after the Board has adopted the proposed regulation in its current or modified form, should be sent to the attention of Nicole Lopes–Gravelly at the address stated above.

BOARD WEB ACCESS

The Board will have the entire rulemaking file available for inspection throughout the rulemaking process at its website. The rulemaking file consists of the notice, the proposed text of the regulations and the initial statement of reasons. The Board’s website address is: www.chrb.ca.gov.

TITLE 14. FISH AND GAME COMMISSION

NOTICE IS HEREBY GIVEN that the Fish and Game Commission (Commission), pursuant to the authority vested by Sections 7078, 7701, 7708, 8026, 8425 and 8429.5 of the Fish and Game Code and to implement, interpret or make specific Sections 7701, 7708, 8026, 8425, 8429.5, 8429.7, 12159 and 12160 of said Code, proposes to amend Section 149 and Appen-

dix A, Title 14, California Code of Regulations, relating to market squid logbooks.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

The Market Squid Fishery Management Plan (MSFMP) was developed under the provisions set forth by the Marine Life Management Act (MLMA) and sets goals and objectives to govern the conservation, sustainable use, and restoration of the market squid resource. Section 149, Title 14, California Code of Regulations (CCR), governs commercial market squid fishing activities off California, pursuant to the MSFMP.

Current regulations prescribe the use of logbooks for the collection of fishing data. Market Squid Vessel Logbook (DFG 149a) and Market Squid Light/Brail Boat Logbook (DFG 149b) are proposed to be updated to bring these forms into compliance with the standards set by the Department of Fish and Wildlife’s (Department) Forms Management Coordinator, improve instructions that explain how the logs are to be filled out, and improve the quality of data that are received by the Department. Updated instructions will accompany the forms. The forms and instructions will be inserted as part of CCR, Title 14, Appendix A, and the old forms (DFG 149a (9/01) and DFG 149b (10/05)) will be deleted.

The follow changes are proposed:

- Subsection 149(e) is proposed to be amended to refer to the revised forms entitled with an updated version number “Market Squid Vessel Logbook — DFW 149a (Rev. 05/01/15)”, and “Market Squid Light/Brail Boat Logbook — DFW 149b (Rev. 05/01/15).”
- Additional changes are also proposed to improve the organization, clarity and consistency of the regulations.

BENEFITS OF THE REGULATIONS

The proposed regulatory action will benefit fishermen, processors, the State’s economy, and the environment by maintaining a healthy and sustainable market squid fishery.

CONSISTENCY WITH STATE REGULATIONS

The proposed regulations are neither inconsistent nor incompatible with existing State regulations. Commission staff has searched the California Code of Regulations and statutes and has found no other State regulations related to the take of market squid and no other State agency with authority to promulgate commercial squid fishing regulations.

NOTICE IS ALSO GIVEN that any person interested may present statements, orally or in writing, relevant to this action at a hearing to be held in the Embassy Suites — LAX North, 9801 Airport Blvd., Los Angeles, California, on Wednesday, October 7, 2015 at 8:00 a.m., or as soon thereafter as the matter may be heard. It is requested, but not required, that written comments be submitted on or before September 24, 2015 at the address given below, or by email to FGC@fgc.ca.gov. **Written comments mailed or emailed to the Commission office must be received before 12:00 noon on October 2, 2015.** All comments must be received no later than October 7, 2015, at the hearing in Los Angeles, California. If you would like copies of any modifications to this proposal, please include your name and mailing address.

The regulations as proposed in strikeout–underline format, as well as an initial statement of reasons, including environmental considerations and all information upon which the proposal is based (rulemaking file), are on file and available for public review from the agency representative, Sonke Mastrup, Executive Director, Fish and Game Commission, 1416 Ninth Street, Box 944209, Sacramento, California 94244–2090, phone (916) 653–4899. Please direct requests for the above mentioned documents and inquiries concerning the regulatory process to Sonke Mastrup or Sherrie Fonbuena at the preceding address or phone number. **Laura Ryley, Environmental Scientist, Marine Region, Department of Fish and Wildlife, (831) 649–7142 or Laura.Ryley@wildlife.ca.gov, has been designated to respond to questions on the substance of the proposed regulations.** Copies of the Initial Statement of Reasons, including the regulatory language, may be obtained from the address above. Notice of the proposed action shall be posted on the Fish and Game Commission website at <http://www.fgc.ca.gov>.

AVAILABILITY OF MODIFIED TEXT

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

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

IMPACT OF REGULATORY ACTION/RESULTS OF THE ECONOMIC IMPACT ANALYSIS

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

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

The proposed action will not have a significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states. The proposed regulations continue to allow all actively permitted market squid vessels (vessel, light, and brail) to participate in a directed fishery for market squid during the commercial market squid season until the season closes. The proposed regulations update the logbooks currently in use by commercial squid fishermen. These changes are not expected to increase the time spent to complete the log.

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

The Commission does not anticipate any impacts on the creation or elimination of jobs, the creation of new businesses or the elimination of existing businesses, or the expansion of businesses in California.

The Commission does not anticipate any benefits to the health and welfare of California residents or worker safety.

The Commission anticipates benefits to the environment in the sustainable management of a healthy squid resource.

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

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

- (d) Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State: None.

- (e) Nondiscretionary Costs/Savings to Local Agencies: None.
- (f) Programs Mandated on Local Agencies or School Districts: None.
- (g) Costs Imposed on any Local Agency or School District that are Required to be Reimbursed Under Part 7 (commencing with Section 17500) of Division 4, Government Code: None.
- (h) Effect on Housing Costs: None.

Purpose: To receive comments about this action.

PUBLIC COMMENT PERIOD

The public comment period will close **August 19, 2015, at 5:00 p.m.** Any person may submit public comments in writing (by mail, by fax, or by e-mail) regarding the proposed changes. To be considered by the Department, comments must be submitted to the CDCR, Regulation and Policy Management Branch, P.O. Box 942883, Sacramento, CA 94283-0001; by fax at (916) 324-6075; or by e-mail at RPMB@cdcr.ca.gov before the close of the comment period.

EFFECT ON SMALL BUSINESS

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

CONTACT PERSON

Please direct any inquiries regarding this action to:

**Timothy M. Lockwood, Chief
Regulation and Policy Management Branch
Department of Corrections and Rehabilitation
P.O. Box 942883
Sacramento, CA 94283-0001
Telephone (916) 445-2269**

In the event the contact person is unavailable, inquiries should be directed to the following back-up person:

**Josh Jugum
Regulation and Policy Management Branch
Telephone (916) 445-2228**

Questions regarding the substance of the proposed regulatory action should be directed to:

**David Ramirez
Office of Correctional Education
Telephone (916) 324-8783**

CONSIDERATION OF ALTERNATIVES

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

TITLE 15. DEPARTMENT OF CORRECTIONS AND REHABILITATION

NOTICE IS HEREBY GIVEN that the Secretary of the California Department of Corrections and Rehabilitation (CDCR or the Department), pursuant to the authority granted by Government Code Section 12838.5 and Penal Code (PC) Section 5055, and the rulemaking authority granted by PC Section 5058, in order to implement, interpret and make specific PC Section 5054, proposes to amend Section 3124 of the California Code of Regulations, Title 15, concerning the content of institution law libraries.

AUTHORITY AND REFERENCE

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

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

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

PUBLIC HEARING

Date and Time: **August 19, 2015 —
10:00 a.m. to 11:00 a.m.**
Place: Kern/Colorado Room
1515 S Street, North Building
Sacramento, CA 95811

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

**INFORMATIVE DIGEST/POLICY STATEMENT
OVERVIEW**

This action will:

- Amend the list of specific legal materials required to be available to inmates in print and/or electronically in CDCR institution law libraries. These legal materials will remain compliant with existing court decisions regarding law library contents. Inmate access to law libraries and their use of law library materials are unchanged by these proposed amendments.

**DOCUMENTS INCORPORATED
BY REFERENCE**

None.

**SPECIFIC BENEFITS ANTICIPATED BY THE
PROPOSED REGULATIONS**

The Department anticipates that these regulations will help to benefit inmates and the Department by providing a more expansive collection of legal materials in law libraries through use of the Electronic Law Library Delivery System. This will ensure consistency throughout all of the institutional law libraries, and may help to reduce costs associated with making legal materials available because the new vendor provides a larger share of legal material electronically, potentially reducing the cost of purchasing hard copy titles.

**EVALUATION OF
CONSISTENCY/COMPATIBILITY WITH
EXISTING LAWS/REGULATIONS**

The Department has reviewed existing regulations pertaining to the content of institution law libraries and has determined that these proposed regulations are not inconsistent or incompatible with existing state laws and regulations.

LOCAL MANDATES

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

FISCAL IMPACT STATEMENT

- Cost to any local agency or school district that is required to be reimbursed: *None*
- Cost or savings to any state agency: *None*
- Other nondiscretionary cost or savings imposed on local agencies: *None*
- Cost or savings in federal funding to the state: *None*

EFFECT ON HOUSING COSTS

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

**COST IMPACTS ON REPRESENTATIVE
PRIVATE PERSONS OR BUSINESSES**

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

**SIGNIFICANT STATEWIDE ADVERSE
ECONOMIC IMPACT ON BUSINESS**

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

EFFECT ON SMALL BUSINESSES

The Department has determined that the proposed regulations may not affect small businesses. It is determined that this action has no significant adverse economic impact on small business because they are not affected by the internal management of state prisons.

**RESULTS OF THE ECONOMIC
IMPACT ASSESSMENT**

The Department has determined that the proposed regulation will have no effect on the creation of new, or the elimination of existing, jobs or businesses within California, or affect the expansion of businesses currently doing business in California. The Department has determined that the proposed regulations will have no effect on worker safety, the state’s environment, or the health and welfare of California residents because they relate strictly to the internal management of CDCR institutions.

CONSIDERATION OF ALTERNATIVES

The Department must determine that no reasonable alternative considered by the Department or that has otherwise been identified and brought to the attention of the Department would be more effective in carrying out the purpose for which the action is proposed, would be as effective and less burdensome to affected private persons, or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provisions of law, than the proposed regulatory action. Interested persons are invited to present statements or arguments with respect to any alternatives to the changes proposed at the scheduled hearing or during the written comment period.

AVAILABILITY OF PROPOSED TEXT AND INITIAL STATEMENT OF REASONS

The Department will make available the text and the Initial Statement of Reasons (ISOR) of the proposed regulations. The rulemaking file for this regulatory action, which contains those items and all information on which the proposal is based, is available to the public upon request directed to the Department's contact person. The proposed text, ISOR, and Notice of Proposed Action will also be made available on the Department's website: <http://www.cdcr.ca.gov>.

AVAILABILITY OF THE FINAL STATEMENT OF REASONS

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

AVAILABILITY OF CHANGES TO PROPOSED TEXT

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

TITLE 16. CEMETERY AND FUNERAL BUREAU

NOTICE IS HEREBY GIVEN that the Cemetery and Funeral Bureau (hereinafter "Bureau") is proposing to take the action described in the Informative Digest. Any person interested may present statements or arguments orally or in writing relevant to the action proposed at the hearing to be held at:

Cemetery and Funeral Bureau
 1625 North Market Boulevard
 1st Floor Hearing Room
 Sacramento, CA 95834
 Wednesday, August 12, 2015
 1:30–2:30 p.m.

Written comments, including those sent by mail, facsimile, or e-mail to the addresses listed under Contact Person in this Notice, must be received by the Bureau at its office not later than 5:00 p.m. on Monday, August 10, 2015, or must be received by the Bureau at the hearing.

The Bureau, upon its own motion or at the instance 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 will be available for 15 days prior to its adoption from the person designated in this Notice as contact person and will be mailed to those persons who submit 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 sections 125.9, 148, 9630, 9631, 9650.4, and 9658 of the Business and Professions Code (BPC), and to implement, interpret or make specific sections 125.9 and 148 of said code, the Bureau is considering changes to Division 23 of Title 16 of the California Code of Regulations as follows:

INFORMATIVE DIGEST

A. Informative Digest

As of February 1, 2015, the Bureau licenses and regulates approximately 5,702 cemeteries, cemetery managers, cemetery brokers, cemetery salespersons, crematories, crematory managers, and cremated remains disposers in the State of California, collectively. The death care industry transacts business with consumers at a time when they are emotionally vulnerable which is why the Bureau makes consumer protection its highest priority. The Bureau achieves its goal of consumer protection through the following primary methods: is-

suing and renewing licenses; overseeing funeral and cemetery trust funds; investigating complaints; conducting inspections; and disciplining licensees for violations of its laws and regulations.

Pursuant to BPC section 9630 the Bureau is authorized to adopt and enforce reasonably necessary rules and regulations relating to the Cemetery Act. The proposed regulatory changes will amend and enhance the Bureau's cite and fine function through modernization, clarification, consistency, and relevance of the regulations, which will strengthen the Bureau's ability to achieve its public protection mandate.

B. Policy Statement Overview/Anticipated Benefits of Proposal

The regulations enforced by the Bureau exist for the protection of California consumers and to inform Bureau licensees of their rights and responsibilities within the scope of practice. Currently the regulations include tables of specific violations that have an associated fine range. A licensee can be cited for any of the violations listed in these tables and issued a citation that may contain an assessment of an administrative fine, an order of abatement fixing a period of time for abatement of the violation, or both an administrative fine and an order of abatement. In addition, the regulations list citation factors the Bureau considers, how to request an extension of time to abate a violation, and the process for contesting a violation.

The proposed regulatory amendments will remove the tables of violations and associated fine ranges which will allow the Bureau to enforce all statutes and regulations under its jurisdiction equally and assess administrative fines, as appropriate, with greater flexibility and more consistency. Consistent with current Department of Consumer Affairs (Department) practice as found in BPC section 125.9, the Bureau is increasing the maximum fine for an administrative fine from \$2,500 to a maximum of \$5,000 for each inspection or each investigation made with respect to the violation. In addition, the minimum and maximum fine for unlicensed activity is being increased to deter unlicensed practice. The Bureau updated information on appeal of citations and expanded information on informal office conferences to clarify licensee rights when contesting a citation.

The benefit of these changes will be to allow the Bureau to be responsive to concerns raised by stakeholders while still ensuring consumer protection against both licensed and unlicensed practice in the cemetery industry. This will ensure that licensees who have violated laws and/or regulations will be effectively and efficiently disciplined following the Bureau's progressive discipline process. In addition, these changes will more closely align the cemetery regulations to the funeral

regulations enforced by the Bureau, providing clear and consistent direction to the industry.

C. Consistency and Compatibility with Existing State Regulations

After conducting a review for any regulations that would relate to or affect this area, the Bureau has evaluated this regulatory proposal and it is not inconsistent or incompatible with existing state regulations.

FISCAL IMPACT ESTIMATES

Fiscal Impact on Public Agencies Including Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State: None.

Nondiscretionary Costs/Savings to Local Agencies: None.

Local Mandate: None.

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

Business Impact:

The Bureau has made an 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.

AND

The following studies/relevant data were relied upon in making the above determination:

As of February 1, 2015, the Bureau licenses and regulates approximately 5,702 cemeteries, cemetery managers, cemetery brokers, cemetery salespersons, crematories, crematory managers, and cremated remains disposers in the State of California, collectively. There will be no significant impact to the licensees, as long as the licensees remain in compliance with statutes and regulations enforced by the Bureau. The proposed amendments will modernize, clarify, and streamline existing regulations, better align cemetery and funeral regulations, and bring the maximum fine assessed for violations current with Department statutory authority, while still ensuring consumer protection against both violations by licensees and unlicensed practice.

The Department of Consumer Affairs' Annual Report for the Cemetery and Funeral Bureau from fiscal year 2011–12, 2012–13, and 2013–14 show that the Bureau issued citations to an average of two percent of its total cemetery licensees.

A licensee that is found to be in non-compliance with statutes and regulations enforced by the Bureau may be impacted through the assessment of a citation with an

administrative fine which may range from a minimum of \$100 to a maximum of \$5,000 for each inspection or each investigation made with respect to the violation. If all licensees remain in compliance with statutes and regulations there is no business impact.

The Bureau has authority under Section 2387 of Article 7.5 of Title 16 of the California Code of Regulations to issue citations containing orders of abatement and assess administrative fines for unlicensed activity in the State of California. Currently, the fine for unlicensed activity may range from a minimum of \$250 to a maximum of \$2,500. The proposed regulatory changes would increase the minimum fine to \$1,001 and increase the maximum fine to \$5,000. During the last three fiscal years (2011–12, 2012–13, and 2013–14) the Bureau issued four citations for unlicensed activity. Of the citations issued, one citation had no fine assessed, one citation was assessed a fine of \$500, and two citations were assessed at the maximum of \$2,500.

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.

Effect on Housing Costs: None.

EFFECT ON SMALL BUSINESS

The Bureau has determined that the proposed regulations would affect small businesses. The regulatory proposal affects small businesses only if they are found to be in violation of any statutes or regulations enforced by the Bureau, which may result in the Bureau assessing an administrative fine of no more than \$5,000 for each inspection or each investigation made with respect to the violation.

RESULTS OF ECONOMIC IMPACT ASSESSMENT/ANALYSIS

Impact on Jobs/Businesses:

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

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 the State’s environment:

The proposed amendments will make clear the responsibility of licensed cemeteries, cemetery managers, cemetery brokers, cemetery salespersons, crematories, crematory managers, and cremated remains disposers in the State of California, and spell out the penalties for non-compliance with the laws and regulations and any unlicensed activity. These regulations exist for the protection of California consumers and to inform Bureau licensees of their rights and responsibilities within the scope of practice. The proposed regulatory action will, as described above, benefit the general welfare of California residents by allowing the Bureau the flexibility to enforce all regulations under the Cemetery Act equally.

CONSIDERATION OF ALTERNATIVES

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 present statements or arguments orally or in writing relevant to the above determinations at the above-mentioned hearing.

INITIAL STATEMENT OF REASONS AND INFORMATION

The Bureau has prepared an initial statement of the reasons for the proposed action and has available all the information upon which the proposal is based.

TEXT OF PROPOSAL

Copies of the exact language of the proposed regulations, any document incorporated by reference, the initial statement of reasons, and all of the information upon which the proposal is based, may be obtained at the hearing or prior to the hearing upon request from the Cemetery and Funeral Bureau at 1625 North Market Boulevard, Suite S-208, Sacramento, California 95834.

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

All the information upon with the proposed regulations are based is contained in the rulemaking file which

is available for public inspection by contacting the person named below.

You may obtain a copy of the final statement of reasons once it has been prepared, by making a written request to the contact person named below or by accessing the Website listed below.

CONTACT PERSON

Inquiries or comments concerning the proposed rule-making action may be addressed to:

Name: Cheryl Jenkins
Address: 1625 North Market Boulevard,
Suite S-208
Sacramento, CA 95834
Telephone No.: (916) 574-8203
Fax No.: (916) 928-7988
E-mail Address: Cheryl.Jenkins@dca.ca.gov

The back-up contact person is:

Name: Linda Kassis
Address: 1625 North Market Boulevard,
Suite S-208
Sacramento, CA 95834
Telephone No.: (916) 574-7878
Fax No.: (916) 928-7988
E-mail Address: Linda.Kassis@dca.ca.gov

Website Access: Materials regarding this proposal can be found at www.cfb.ca.gov.

TITLE 17. CALIFORNIA INSTITUTE FOR REGENERATIVE MEDICINE

**Division 4 — California Institute For Regenerative Medicine
Chapter 5, Section 100503**

**Deadline for Submission of Written Comment:
August 10, 2015 — 5:00 p.m.**

Public Hearing Date: None Scheduled

**Subject Matter of Proposed Amendments:
Grant Administration Policy for Clinical Stage Projects**

SUBMITTAL OF COMMENTS

Any interested party may present comments in writing about the proposed amendments to the agency contact person named in this notice. Written comments must be received no later than 5:00 p.m. on August 10,

2015. Comments regarding this proposed action may also be transmitted via e-mail to GAPComments@cirm.ca.gov or by facsimile transmission to (415) 396-9141.

PUBLIC HEARING

At this time, no public hearing has been scheduled concerning the proposed regulations. If any interested person or the person's representative requests a public hearing, he or she must do so in writing no later than July 27, 2015.

Sections Affected: The proposed regulatory action adds Section 100503 to Chapter 5 of Title 17 of the California Code of Regulations, and the document incorporated by reference into section 100503.

Authority: Article XXXV of the California Constitution and Health and Safety Code Section 125290.40, subdivision (j).

Reference: Sections 125290.30, 125290.35, 125290.40, 125290.45, 125290.50, 125290.60, 125290.70, and 125292.10, Health and Safety Code.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

The California Institute for Regenerative Medicine ("Institute" or "CIRM") was established in 2005 after the passage in 2004 of Proposition 71 (the "Act"), the California Stem Cell Research and Cures Initiative. The statewide ballot measure established a new state agency to make grants and provide loans for stem cell research, research facilities and other vital research opportunities. The Independent Citizens' Oversight Committee ("ICOC") is the 29-member governing board for the Institute. The ICOC members are public officials, appointed on the basis of their experience earned in California's leading public universities, non-profit academic and research institutions, patient advocacy groups and the biotechnology industry. The Act charges the ICOC with developing standards and criteria to make grant awards and to develop standards and criteria for proper oversight of awards. (§ 125290.50.) To that end, CIRM adopted the CIRM Grants Administration Policy for Clinical Stage Projects ("GAP").

Proposed section 100503 incorporates by reference the GAP and indicates that recipients of grants for clinical stage projects will be subject to this particular GAP. This section indicates that amendments to the policy will be applied to current active grants at the next budget period after the effective date of any amendments.

This grants administration policy incorporated by reference by section 100503 serves as the terms and conditions for Clinical Stage Projects funded by the California Institute for Regenerative Medicine (CIRM)

pursuant to the following Program Announcements: PA 15–01, PA 15–02, and PA 15–03. In addition, it provides guidance to applicants and Awardees regarding their responsibilities. Principal investigators, program directors, and organizational officials with grants management responsibilities are urged to read this document carefully and to refer to relevant sections for answers to questions that arise concerning the administration of CIRM awards. Applicants and Awardees may be required to document compliance with any and all provisions set forth in this policy.

This policy applies to all CIRM applicants and Awardees who apply for and receive CIRM funding through PA 15–01, PA 15–02, or PA 15–03. By accepting CIRM funding, Awardees agree to comply with the provisions set forth in this policy.

This policy may be amended or revised periodically. Any new or amended regulations adopted by the Independent Citizens’ Oversight Committee (ICOC), the governing board of CIRM, will be applied to currently active awards under PA 15–01, PA 15–02, and PA 15–03 on the start date of the next Operational Milestone, except as provided in the relevant CIRM Intellectual Property Regulations. CIRM will notify principal investigators, program directors and organizational officials with active CIRM awards of amendments to, or revisions of, this policy as they are released. Amendments or revisions will be posted on the CIRM website (<http://www.cirm.ca.gov>).

CIRM’s right to enforce this policy shall survive the end of the term of the Project Period, and should CIRM no longer exist, that right may be exercised by the State of California.

As with prior CIRM grants administration policies, this GAP will describe the grant application and review process, which details the application submission, budget review and application review processes, criteria for the review of applications, appeals of scientific review, the process for approval for funding and delineate certain policies regarding access to public records and use of personal information.

The GAP also addresses the elements of the pre-award process, which governs the pre-funding administrative review, conditions of liability, public policy requirements (such as rules governing use of human stem cell lines, for example), documents and certifications required during the “just-in-time” period prior to award execution, and the elements of the award notice.

PIs and institutions will also find terms governing award acceptance and rules governing election to treat an award as a loan.

Finally, consistent with CIRM policies addressing prior grants, the GAP details the rules governing the payment and use of CIRM funds, identifying and de-

scribing allowable costs and activities that may be funded with CIRM funds, allowable and unallowable facilities costs, prior approval requirements, accounting and documentation requirements (which are subject to access and audit requirements by CIRM or its agents), consequences for misuse of CIRM funds, the reporting requirements necessary to monitor progress, and finally rules regarding termination and consequences for failure of compliance.

ANTICIPATED BENEFITS OF THE PROPOSED REGULATION

To the extent the regulation facilitates use of the funds and encourages development of intellectual property and return to the state as required by law, and to the extent California institutions apply for and receive research funds, such requirements are indirectly attributable to increased economic activity spurred by the investment research funds in the state and resultant positive business and employment development. Also, to the extent the regulation makes it possible for the expenditure of research funds in the state, and to the extent that research results in medical treatments and cures for chronic disease and injury, the regulation indirectly benefits the health and welfare of California residents who will benefit from such treatments and cures.

CONSISTENCY AND COMPATIBILITY WITH EXISTING STATE REGULATIONS

CIRM has conducted an evaluation for any other regulations on this area and has concluded that this is the only regulation concerning administration of CIRM-funded awards for late-stage research projects. Therefore, the proposed regulation is neither inconsistent nor incompatible with any other existing state regulations.

INCORPORATED BY REFERENCE DOCUMENTS

California Institute for Regenerative Medicine Grants Administration Policy (GAP) for Clinical Stage Projects, Sections “II” through and including “VI” in their entirety; as to Section “I”, only part “I.B.”, (“Abbreviations”), “I.C.”, (“Defined Terms”), “I.D” (“Types of Support”) and “I.E.” (“Roles and Responsibilities”), Rev. 2015.

DISCLOSURES REGARDING THE PROPOSED AMENDMENTS

CIRM has made the following initial determinations:

**MANDATE ON LOCAL AGENCIES AND
SCHOOL DISTRICTS**

None.

EFFECT ON SMALL BUSINESS

CIRM has determined that the proposed amendment will have no impact on small businesses. The regulation implements conditions on awarding and administering grants for stem cell research. This research is conducted almost exclusively by large public and private nonprofit institutions. As such, the amendments to the regulation are not expected to adversely impact small business as defined in Government Code Section 11342.610.

**IMPACT ON LOCAL AGENCIES OR
SCHOOL DISTRICTS**

CIRM has determined that the proposed amendments do not impose a mandate on local agencies or school districts, nor do they require reimbursement by the state pursuant to Part 7 (commencing with Section 17500) of Division 4 of the Government Code because the amendments do not constitute a “new program or higher level of service of an existing program” within the meaning of Section 6 of Article XIII of the California Constitution. CIRM has also determined that no nondiscretionary costs or savings to local agencies or school districts will result from the proposed amendments.

COSTS OR SAVINGS TO STATE AGENCIES

CIRM has determined that no savings or increased costs to any agency will result from the proposed amendments.

**EFFECT ON FEDERAL FUNDING TO
THE STATE**

CIRM has determined that no costs or savings in federal funding to the state will result from the proposed amendments.

EFFECT ON HOUSING COSTS

CIRM has determined that the proposed amendments will have no effect on housing costs.

**SIGNIFICANT STATEWIDE ADVERSE
ECONOMIC IMPACT DIRECTLY
AFFECTING BUSINESSES**

CIRM has made an initial determination that the proposed amendments 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.

**COST IMPACTS ON REPRESENTATIVE
PRIVATE PERSONS OR BUSINESSES**

CIRM has made an initial determination that the adoption of these amendments will not have a significant cost impact on representative private persons or businesses. CIRM is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed amendments.

RESULTS OF ECONOMIC IMPACT ANALYSIS

The above analysis is based on that fact that the proposed amendments do not impose new requirements on existing business operations or functions of other agencies or individuals, but implement standards for seeking and using state grant funds for scientific research. In most cases, such grants include funds to cover overhead and other indirect costs of the research, including most compliance activities. CIRM has made an initial determination that it is unlikely the proposed amendments will impact the creation or elimination of jobs, the creation of new businesses or the elimination of existing businesses, or the expansion of businesses currently doing business within the State of California, nor directly impact the health and welfare of California residents, worker safety, and the state’s environment. However, applicants and awardees of CIRM funds for clinical stage projects would have a clear understanding of their responsibilities in accepting and using state funds for stem cell research, which ultimately benefit the citizenry of California. In addition, to the extent the regulation facilitates use of the funds and encourages invention and return to the state as required by law, and to the extent California institutions apply for and receive research funds, such requirements are indirectly attributable to increased economic activity spurred by the investment research funds in the state and resultant positive business and employment development. Also, to the extent the regulation makes it possible for the expenditure of research funds in the state, and to the extent that research results in medical treatments and cures for chronic disease and injury, the regulation indirectly benefits the health and welfare of California residents who will benefit from such treatments and cures.

CONSIDERATION OF ALTERNATIVES

In accordance with Government Code Section 11346.5, subdivision (a)(13), CIRM 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 or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provision of the law than the proposal described in this Notice. CIRM invites interested persons to present statements or arguments with respect to alternatives to the proposed amendments at the hearing, if one is scheduled, or during the written comment period.

AVAILABILITY OF STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATIONS

CIRM has prepared an Initial Statement of Reasons, and has available the express terms of the proposed amendments, all of the information upon which the amendments are based, and a rulemaking file. A copy of the Initial Statement of Reasons and the proposed text of the regulation may be obtained from the agency contact person named in this notice. The information upon which CIRM relied in preparing this proposal and the rulemaking file are available for review at the address specified below.

AVAILABILITY OF CHANGED OR MODIFIED TEXT

After holding the hearing and considering all timely and relevant comments, CIRM may adopt the proposed amendments substantially as described in this notice. If CIRM makes modifications that are sufficiently related to the originally proposed text of the amendments, it will make the modified text (with the changes clearly indicated) available to the public for at least 15 days before it adopts the regulations as amended. Requests for the modified text should be addressed to the agency contact person named in this notice. CIRM will accept written comments on any changes for 15 days after the modified text is made available.

AGENCY CONTACT

Written comments about the proposed regulatory action; requests for a copy of the Initial Statements of Reasons; the proposed text of the amendments; and inquiries regarding the rulemaking file may be directed to:

Scott Tocher
Counsel to the Chairman, ICOC
California Institute for Regenerative Medicine
210 King Street
San Francisco, CA 94107
(415) 396-9100

Questions on the substance of the proposed regulatory action may be directed to:

Gabe Thompson, Grants Management Officer
California Institute for Regenerative Medicine
(415) 396-9100

The Notice of Proposed Regulatory Amendment, the Initial Statement of Reasons and any attachments, and the proposed text of the amendments and existing regulation are also available on CIRM's website, www.cirm.ca.gov.

AVAILABILITY OF FINAL STATEMENT OF REASONS

Following its preparation, a copy of the Final Statement of Reasons mandated by Government Code Section 11346.9, subdivision (a), may be obtained from the contact person named above.

TITLE 24. BUILDING STANDARDS COMMISSION

NOTICE OF PROPOSED ACTION TO BUILDING STANDARDS OF THE CALIFORNIA STATE LANDS COMMISSION REGARDING THE 2013 CALIFORNIA BUILDING CODE CALIFORNIA CODE OF REGULATIONS, TITLE 24, PART 2 CHAPTER 31F — MARINE TERMINALS (MOT)

Notice is hereby given that the California State Lands Commission (CSLC or Commission) proposes to adopt, codify, and publish changes to building standards contained in the California Code of Regulations (CCR), Title 24, Part 2. The California State Lands Commission is proposing building standards related to Chapter 31F — Marine Terminals (MOT).

PUBLIC COMMENT PERIOD

The California State Lands Commission will hold a public hearing at 9:00 a.m., on August 13, 2015, at the Port of Long Beach, Board Room, 4801 Airport Plaza

Drive, Long Beach, CA 90815. The location is wheelchair accessible. At the hearing, any person may present statements or arguments orally or in writing, relevant to the proposed regulatory action described in the Informative Digest. It is requested, but not required that persons making oral comments at the hearing submit a written copy of their testimony at the hearing.

This Notice of Proposed Action, Express Terms and Initial Statement of Reasons are also displayed on the Commission website: <http://www.slc.ca.gov>.

Written comments will be accepted by the California State Lands Commission regarding the proposed changes until 5:00 p.m. on August 13, 2015.

Please address your
comments to: Ravindra Varma
California State Lands
Commission
Marine Facilities Division
200 Oceangate, Suite 900
Long Beach, CA 90802

Written Comments may also be submitted by facsimile to the attention of Ravindra Varma to (562) 499-6317 or by e-mail to CSLC.MFDRegulations@slc.ca.gov. All written comments submitted via email shall include **"Title 24, Chapter 31 F Comments"** in the subject line of the e-mail.

POST-HEARING MODIFICATIONS TO THE TEXT OF THE REGULATIONS

Following the public comment period, CSLC may adopt the proposed amendments to the building standards substantially as proposed in this notice or with modifications that are sufficiently related to the original proposed text and notice of proposed changes. If modifications are made, the full text of the proposed modifications, clearly indicated, will be made available to the public for at least 15 days prior to the date on which the CSLC adopts, amends, or repeals the regulation(s).

CSLC will accept written comments on the modified building standards during the 15-day period, if applicable.

NOTE: To be notified of any modifications, you must submit written/oral comments or request that you be notified of any modifications.

AUTHORITY AND REFERENCE

Authority Cited: Section 8750, 8755, 8756, 8757, 8758, 8759, and 8760, Public Resources Code. Reference(s): Section 8750, 8755, and 8757, Public Resources Code, and Section 8670.28(a)(7), Government Code.

Public Resources Code (PRC) Section 8755 directs the California State Lands Commission to adopt rules, regulations and guidelines for reviewing the location, type character, performance standards, size and operation of all existing and proposed marine terminals within the State.

Public Resources Code (PRC) Section 8756 provides for periodic review of modification of regulations that the Commission has adopted, so that marine terminals within the Commission's jurisdiction always provide best achievable protection of the public health and safety, and the environment. The Commission staff inspects the marine terminals pursuant to Title 2, CCR, Section 2320, made under the authority of the Public Resources Code Section 8757.

INFORMATIVE DIGEST

This regulatory action updates Chapter 31F — Marine Terminals (MOT), of the 2013 California Code of Regulations, Title 24, Part 2, California Building Code which became effective January 1, 2014. The following Sections, Tables and Figures of the 2013 California Code of Regulations, Title 24, Part 2, Chapter 31F will be affected by the proposed regulatory action:

SECTION/TABLE FIGURE:

TITLE:

3101F.1	General.
3101F.2	Purpose.
3101F.4	Overview.
3101F.5	Risk reduction strategies.
3101F.6	Review requirements.
3101F.7	Alternatives.
3102F.1.2	Audit and inspections types.
3102F.1.3	Berthing systems.
3102F.1.4	Records.
3102F.1.5	Baseline inspection.
3102F.2	Annual inspection.
3102F.3.3.2	Subsequent audits.
3102F3.4.7	Divisional representation.
3102F.3.5.1	Above water structural inspection.
3102F.3.5.2	Underwater structural inspection.
TABLE 31F-2-3	SCOPE OF UNDERWATER INSPECTIONS [2.2]
3102F.3.5.4	Mechanical and electrical inspections.
3102F.3.7	Follow-up actions.
3102F.3.9	Action plan implementation report.
3102F.5	References.
3103F.4.1	General.
3103F.4.2	Design earthquake motion parameters.
3103F.4.2.1	Site classes.
3103F.4.2.2	Earthquake motions from USGS maps.
3103F.4.2.3	Earthquake motions from site-specific probabilistic seismic hazard analyses.
FIGURE 31F-3-1	DESIGN ACCELERATION RESPONSE SPECTRA FOR THE PORTS OF LOS

FIGURE 31F-3-2	ANGELES AND LONG BEACH, 475 YEAR RETURN PERIOD (5% Critical Damping) RESPONSE SPECTRA FOR PORT HUENEME, 475 YEAR RETURN PERIOD (5% Critical Damping)
3103F.4.2.4	Simplified evaluation of site amplification effects.
TABLE 31F-3-3	DESIGN ACCELERATION RESPONSE SPECTRA FOR THE PORTS OF LOS ANGELES AND LONG BEACH, 475 YEAR RETURN PERIOD (5% Critical Damping)
TABLE 31F-3-4	RESPONSE SPECTRA FOR PORT HUENEME 475 YEAR RETURN PERIOD (5% Critical Damping)
TABLE 31F-3-5	VALUES OF F_a
TABLE 31F-3-6	VALUES OF F_v
3103F.4.2.5	Site-specific evaluation of amplification effects.
3103F.4.2.6	Directivity effects.
3103F.4.2.7	Deterministic earthquake motions.
3103F.4.2.8	Design earthquake magnitude.
3103F.4.2.9	Design spectral acceleration for various damping values.
TABLE 31F-3-7	[3.1] VALUES OF B_s AND B_1
3103F.5.1	General.
3103F.5.2.1.2	Survival condition.
3103F.5.2.2	Wind speed corrections.
FIGURE 31F-3-3	WIND SPEED CONVERSION FACTOR [3.12]
3103F.5.2.3	Static wind loads on vessels.
3103F.5.3.1	Design current velocity.
3103F.5.3.2	Current velocity adjustment factors.
FIGURE 31F-3-4	CURRENT VELOCITY CORRECTION FACTOR (P. 23, OCIMF, 1997 [3.13])
3103F.5.3.3	Static current loads.
3103F.5.4	Wave loads.
3103F.5.5	Passing vessels.
3103F.5.7	Tsunamis.
TABLE 31F-3-8	TSUNAMI RUN-UP VALUES (ft) AND CURRENT SPEEDS (ft/sec) IN THE SAN FRANCISCO BAY AREA [AFTER 3.24]
3103F.6.1	General.
3103F.6.3	Geometric coefficient (C_g).
3103F.6.5	Configuration coefficient (C_c).
3103F.6.6	Effective mass or virtual mass coefficient (C_m).
3103F.6.7	Berthing velocity and angle.
TABLE 31F-3-9	BERTHING VELOCITY V_n (NORMAL TO BERTH) ¹
TABLE 31F-3-10	SITE CONDITIONS
TABLE 31F-3-11	BERTHING ANGLE

3103F.7.2	Wind loads.
3103F.8	Load combinations.
TABLE 31F-3-12	LRFD LOAD FACTORS FOR LOAD COMBINATIONS [3.26]
TABLE 31F-3-13	SEVICE OR ASD LOAD FACTORS FOR LOAD COMBINATIONS [3.26]
3103F.8.2	Live load (L).
3103F.9	Safety factors for mooring lines.
TABLE 31F-3-14	SAFETY FACTORS FOR ROPES*
3103F.10	Mooring hardware (N/E).
3103F.10.2	Other fittings.
TABLE 31F-3-15	ALLOWABLE WORKING LOADS
3103F.12	Symbols
3103F.13	References.
3104F.1.3	Oil spill risk classification.
TABLE 31F-4-1	MOT RISK CLASSIFICATION
3104F.1.4	Configuration classification.
FIGURE 31F-4-1	PIER AND WHARF CONFIGURATIONS
3104F.2.1	Design earthquake motions.
TABLE 31F-4-2	SEISMIC PERFORMANCE CRITERIA
3104F.2.3	Analytical procedures.
TABLE 31F-4-3	MINIMUM REQUIRED ANALYTICAL PROCEDURES
3104F.2.3.1	Nonlinear static capacity procedure (pushover).
3104F.2.3.1.1	Modeling.
3104F.2.3.1.2	Timber pile supported structures.
FIGURE 31F-4-2	SIMPLIFIED SINGLE PILE MODEL OF A TIMBER PILE SUPPORTED STRUCTURE
3104F.2.3.1.3	Soil-structure interaction (SSI).
3104F.2.3.2	Nonlinear static demand procedure.
3104F.2.3.2.1	Lateral stiffness.
3104F.2.3.2.2	Structural period.
3104F.2.3.2.3	Target displacement demand.
3104F.2.3.2.4	Damping.
3104F.2.3.2.5	Refined analyses.
FIGURE 31F-4-3	RELATION BETWEEN DUCTILITY, μ_{Δ} , AND EFFECTIVE DAMPING, ξ_{eff} [4.1]
FIGURE 31F-4-4	DESIGN DISPLACEMENT RESPONSE SPECTRA
FIGURE 31F-4-5	EFFECTIVE STIFFNESS, k_e [4.1]
3104F.2.3.3	Linear modal demand procedure.
FIGURE 3104F-4-6	STIFFNESS FOR LINEAR MODAL ANALYSIS
3104F.2.3.4	Nonlinear dynamic analysis.
3104F.2.3.5	Alternative procedures.
3104F.3	New MOTs.
3104F.4.2	Combination of orthogonal effects.
FIGURE 31F-4-7	PLAN VIEW OF WHARF SEGMENT UNDER X AND Y SEISMIC EXCITATIONS [4.3]

3104F.4.3	P-Δ Effects.
FIGURE 31F-4-8	P-Δ Effect
3104F.4.5	Shear key forces.
3104F.4.7	Batter piles.
3104F.5.2	Seismic loads.
3104F.5.3	Nonstructural critical systems assessment.
3104F.6	Symbols.
3104F.7	References.
3105F.1.5	Analysis and design of mooring components.
3105F.2	Mooring analyses.
3105F.2.1	Manual procedure.
3105F.3.4	Tsunami.
3105F.4	Berthing analysis and design.
3105F.4.3.1	Continuous fender system.
3105F.4.5	Design and selection of new fender systems.
3105F.5	Layout of new MOTs.
3105F.6	Symbols.
3105F.7	References.
3106F.1.1	Purpose.
3106F.1.3	Seismic loading.
3106F.2	Site characterization.
3106F.2.1	Site classes.
3106F.2.2	Site-specific information.
TABLE 31F-6-1	SITE CLASSES
3106F.3	Liquefaction.
3106F.3.1	Triggering assessment.
3106F.3.1.1	Simplified procedure.
3106F.3.1.2	Site specific response procedure.
3106F.3.2	Residual strength.
3106F.4	Other geotechnical hazards.
3106F.4.1	Stability of earth structures.
3106F.4.2	Simplified ground movement analysis.
3106F.4.3	Detailed ground movement analysis
3106F.5	Soil structure interaction.
3106F.5.1	Soil parameters.
3106F.5.2	Shallow foundations.
3106F.5.3	Underground structures.
3106F.6	Mitigation measures and alternatives.
3106F.7	Symbols.
3106F.8	References.
3107F.2.5.3	Plastic hinge length.
FIGURE 31F-7-4	INFLUENCE OF PILE/SOIL STIFFNESS RATIO ON PLASTIC HINGE LENGTH (after Fig.5.30 of [7.1])
TABLE 31F-7-4	SUBGRADE MODULUS K
3107F.2.5.4	Plastic rotation.
FIGURE 31F-7-5	MOMENT CURVATURE ANALYSIS
3107F.2.5.6	Component acceptance/damage criteria.
3107F.2.5.7	Shear design.

3107F.2.6.3	Plastic hinge length.
3107F.2.6.5	Component acceptance/damage criteria.
TABLE 31F-7-6	STRUCTURAL STEEL STRAIN LIMITS, ϵ_u
3107F.2.6.6	Shear design.
3107F.2.7.1	Joint shear capacity.
3107F.2.7.2	Development Length.
3107F.2.8.2	Nonordinary Batter Piles.
3107F.2.9	Concrete pile caps with concrete deck.
3107F.2.9.1	Component acceptance/damage criteria.
3107F.2.9.2	Shear capacity (strength).
3107F.2.10	Concrete detailing.
3107F.3.1	Component strength.
TABLE 31F-7-7	[after (7.9)] MODULUS OF ELASTICITY (E) FOR TYPICAL TIMBER PILES
3107F.3.3.2	Displacement capacity.
3107F.3.3.3	Component acceptance/damage criteria.
3107F.3.3.4	Shear design.
3107F.4	Retaining structures.
3107F.5.3	Capacity of mooring and berthing components.
3107F.6	Symbols.
3107F.6	References.
3108F.2.2	Fire Protection Assessment (N/E)
3108F2.3	Cargo liquid and fire hazard classifications (N/E)
TABLE 31F-8-1	CARGO LIQUID HAZARD CLASS
TABLE 31F-8-2	FIRE HAZARD CLASSIFICATIONS
3108F.3.1.1	
3108F.3.1.3	
3108F.3.2	Emergency shutdown systems.
3108F.3.3	Shore isolation valves (SIV).
3108F.4	Fire detection.
3108F.5	Fire alarms.
3108F.6	Fire suppression.
TABLE 31F-8-3	MINIMUM FIRE SUPPRESSION PROVISIONS (N/E)
3108F.6.2	Fire hydrants.
3108F.6.3	Fire water.
3108F.6.4	Foam supply (N/E).
3108F.7	Critical systems seismic assessment (N/E).
3108F.8	References.
3109F.2	Oil piping and pipeline systems.
3109F.5.1	Valves and fittings.
3109F.5.2	Valve actuators (N/E).
3109F.6	Utility and auxiliary piping systems.
3109F.7	References.
3110F.2.1	General criteria.
3110F.2.2.1	Pressure and control systems (N).
3110F.2.2.2	Electrical components (N).
3110F.2.2.3	Remote operation.
3110F.3	Oil transfer hoses (N/E).

3110F.4	Lifting equipment: winches and cranes.
3110F.4.2	Cranes (N/E).
3110F.5	Shore-to-vessel access for personnel.
3110F.6	Sumps, discharge containment and ancillary equipment.
3110F.7	Vapor control systems.
3110F.8	Equipment anchors and supports.
3110F.9	Equipment and systems maintenance (N/E).
3110F.10	Pumps (N/E).
3110F.12	References.
3111F.1	General.
3111F.2	Hazardous area designations and plans (N/E).
3111F.4	Purged or pressurized equipment in hazardous locations (N/E).
3111F.5	Electrical service.
3111F.5.1	Emergency power systems.
3111F.6	Grounding and bonding (N/E).
3111F.8	Illumination (N/E).
3111F.9.1	Communication systems (N/E).
3111F.9.2	Overfill monitoring and controls (N/E).
3111F.10	Corrosion protection.
3111F.10.1	Corrosion assessment (N/E).
3111F.10.2	Inspection, testing and records (N/E).
3111F.12	References.

Additionally, the following New Sections will be added (created):

SECTION/TABLE/FIGURE:

TITLE:

TABLE 31F-1-1

MOT OIL SPILL EXPOSURE CLASSIFICATION

3101F.8
 3101F.8.1
 3101F.8.2
 3101F.8.3
 3101F.9
 3101F.10
 3102F.3.4.9
 3102F.3.5.1.1
 3102F.3.5.1.2
 3102F.3.5.5
 3102F.3.6.5
 FIGURE 31F-4-9

Review requirements.
 Quality assurance.
 Peer review.
 Division review.
 Alternatives.
 References.
 Division representation.
 Above water structural inspection.
 Underwater structural inspection.
 Corrosion inspection.
 Corrosion assessment (N/E).

FIGURE 31F-4-10

PLAN VIEW OF WHARF SEGMENT UNDER X AND Y SEISMIC EXCITATIONS

3104F.8
 3105F.6.1
 3105F.6.2
 3105F.8
 3106F.5.4
 3106F.7.1

P-Δ Effect
 References.
 Mooring analyses.
 Design of Mooring Components.
 References.
 Lateral spreading – Free field.
 Earth pressures under static loading.

3106F.7.2	Earth pressures under seismic loading.
3106F.8.1	Axial pile capacity.
3106F.8.2	Axial springs for piles.
FIGURE 31F-6-1	AXIAL SOIL SPRINGS [6.8]
3106F.9	Soil springs for lateral pile loading.
3106F.10	Soil-pile interaction.
3106F.10.1	Inertial loading under seismic conditions.
3106F.10.2	Kinematic loading from lateral spreading.
FIGURE 31F-6-2	SLIDING LAYER MODEL [6.8]
3106F.11	Soil-structure interaction – Shallow foundations and underground structures.
3106F.11.1	Shallow foundations.
3106F.11.2	Underground structures.
3106F.12	Underwater seafloor pipelines.
3106F.13	Symbols.
3106F.14	References.
3107F.2.5.4.1	Method A.
3107F.2.5.4.2	Method B.
3107F.7	References.
3108F.3.2.1	Emergency shutdown (ESD) valves.
3108F.3.2.2	Shore isolation valves (SIVs).
3109F.8	References.
3112F.1	Purpose and applicability.
3112F.2	Risk and Hazards Analyses.
3112F.3	Specific berthing and mooring considerations.
3112F.4	Fire protection.
3112F.5	LNG pipelines.
3112F.6	Mechanical components and systems.
3112F.7	References.

SUMMARY OF EXISTING LAWS

As under Section 6111 of the Public Resources Code (PRC), the California State Lands Commission is not to adopt building standards directly. Commission staff is proposing to adopt the amendments to the 2013, California Code of Regulations, Title 24, Part 2, Chapter 31 F—Marine Terminals (MOT).

PRC Section 8755 states, in part: “. . . the commission shall adopt, rules, regulations, guidelines, and commission leasing policies for reviewing the location, type, character, performance standards, size, and operation of all existing and proposed marine terminals within the state, whether or not on lands leased from the commission, and all other marine facilities on lands under lease from the commission to minimize the possibilities of a discharge of oil. Rules, regulations, and guidelines adopted by the commission shall not conflict with regulations of the administrator or the Coast

Guard. The commission shall ensure that the rules, regulations, guidelines, and commission lease covenants provide the best achievable protection of public health and safety and the environment. . . .”

The Commission Staff has determined that the proposed amendments to the standards will effectuate these mandates.

SUMMARY OF EXISTING REGULATIONS

The 2013 California Code of Regulations, Title 24, Part 2, Chapter 31F—Marine Terminals (MOT) are the only regulations relating to the engineering analysis, design, rehabilitation, inspection, and/or maintenance of marine terminals. These regulations work in conjunction with other regulations made under the authority of the Public Resources Code, Section 8755 so that operators of marine terminals always provide the best achievable protection to the public health and safety and the environment.

Other regulations that have been made under this legislative authority and work in conjunction with Title 24, Part 2, Chapter 31F are:

Title 2, California Code of Regulations, Article 5.0 — Marine Terminal Inspection and Monitoring

Title 2, California Code of Regulations, Article 5.1 — Marine Terminal Physical Security

Title 2, California Code of Regulations, Article 5.3 — Marine Terminal Personnel Training and Certification

Title 2, California Code of Regulations, Article 5.5 — Marine Terminal Oil Pipelines

SUMMARY OF EFFECT

The proposed regulatory actions (presented as 264 Express Terms) would amend Chapter 31F to provide greater consistency and clarity for code users and include the following:

- Refinement, reorganization and relocation of provisions to improve continuity.
- Expanding the peer review provisions to clarify requirements for transparent and cooperative peer review processes, as appropriate.
- Consolidation of all structural, mechanical and electrical audit and inspection requirements in Section 3102F.
- Amending the seismic structural provisions in Sections 3103F, 3104F and 3107F to incorporate up-to-date technical standards and provide greater clarity, specificity and continuity.
- Revising the geotechnical provisions in Section 3106F to capture state-of-the-art technical practices.
- Providing technical requirements of engineering design specific to transfer of liquefied natural gas (LNG) at marine “oil” terminals since the current Chapter 31F requirements do not provide guidance for handling cryogenic materials.
- Aligning these building provisions with other California marine terminal regulations, including:
 - (1) *California Code of Regulations (CCR), Title 2, Division 3, Chapter 1, Article 5.0 — Marine Terminals Inspection and Monitoring (2 CCR 2300 et seq.)*
 - (2) *California Code of Regulations (CCR), Title 2, Division 3, Chapter 1, Article 5.3 — Marine Terminal Personnel Training and Certification (2 CCR 2540 et seq.)*
 - (3) *California Code of Regulations (CCR), Title 2, Division 3, Chapter 1, Article 5.5 — Marine Terminal Oil Pipelines (2 CCR 2560 et seq.)*

- (4) *California Code of Regulations (CCR), Title 14, Division 1, Chapter 3, Oil Spill Contingency Plans (14 CCR 815.01 through 817.02)*

Codification of non-substantive, editorial and formatting refinements.

Update references to the latest versions available.

Cost or savings to any state agency: None.

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

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

Cost or Savings in Federal funding to the State: None.

COMPARABLE FEDERAL STATUTE OR REGULATIONS

None.

POLICY STATEMENT OVERVIEW

As mandated in PRC Sections 8750 through 8760 the Commission is charged with the responsibility to protect the public health and safety and the environment in the operations of marine terminals. The Commission has determined that these proposed amendments to the existing code will meet the mandates of these PRC sections and provide a greater level of protection of the public health, safety and the environment. The proposed regulatory action adds 48 new sections and modifies 216 other sections of the Title 24, Part 2, Chapter 31F which would be anticipated to significantly benefit the prevention of oil spills and protection of the public health, safety and the environment are the following new additions and modifications:

- Allowance for new technologies (amended Section 3101F.2)
- Consideration of Risk and Hazards Analysis in the design of MOTs (new Section 3101F.5)
- Consolidated oil spill exposure classification (amended Section 3101F.6)
- Consideration of Management of Change (new Section 3101F.7)
- LNG-specific Division, seven Sections 3112F requirements (new Division 3112F)

EVALUATION OF CONSISTENCY

The proposed action is consistent and compatible with existing regulations, as they are amendments to it.

OTHER MATTERS PRESCRIBED BY STATUTE
APPLICABLE TO THE AGENCY OR TO ANY
SPECIFIC REGULATION OR CLASS
OF REGULATIONS

None.

MANDATE ON LOCAL AGENCIES OR
SCHOOL DISTRICTS

The Commission has determined that the proposed regulatory action would not impose a mandate on local agencies or school districts.

ESTIMATE OF COST OR SAVINGS

- A. Cost or Savings to any state agency: **None.**
 - B. Cost to any local agency required to be reimbursed under Part 7 (commencing with Section 17500) of Division 4: **None.**
 - C. Cost to any school district required to be reimbursed under Part 7 (commencing with Section 17500) of Division 4: **None.**
 - D. Other nondiscretionary cost or savings imposed on local agencies: **None.**
 - E. Cost or savings in federal funding to the state: **None.**
- Estimate: **None.**

INITIAL DETERMINATION OF NO
SIGNIFICANT STATEWIDE ADVERSE
ECONOMIC IMPACT ON BUSINESSES

The Commission has made an initial determination that the amendment of this regulation will not have a significant statewide adverse economic impact on businesses, including the ability of California businesses to compete with business in other states.

DECLARATION OF EVIDENCE

The majority of the proposed amendments to CCR, Title 24, Part 2, Chapter 31F — Marine Terminals (MOT), provide consistency, clarity, correct, update, streamline or make more precise the existing standards and therefore have no economic effect on the regulated community.

The existing standards require significant actions that have associated costs. Any costs generated by these proposed amendments would be a small incremental portion of the costs incurred as a result of the existing

standard and are balanced by a number of proposed amendments that provide significant cost savings benefits, while improving safety and increasing environmental protection.

FINDING OF NECESSITY FOR THE PUBLIC'S
HEALTH, SAFETY, OR WELFARE

PRC Section 8755 states, in part, that “. . . The commission shall ensure that the rules, regulations, guidelines, and commission lease covenants provide the best achievable protection of public health and safety and the environment. . . .” The Commission staff has determined these proposed amendments to the standards help provide the protection mandated and finds that as per Government Code 11346.3(d), it is necessary for the protection of public health and safety and the environment, or welfare of the people of the state that the regulations apply to businesses.

COST IMPACT ON 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. Affected persons or businesses are invited to submit comments.

ASSESSMENT OF EFFECT OF REGULATIONS
UPON JOBS AND BUSINESS EXPANSION,
ELIMINATION OR CREATION

The Commission has assessed whether or not and to what extent this proposal will affect the following:

- The creation or elimination of jobs within the State of California.
No jobs will be created or eliminated by these amendments to this code.
- The creation of new businesses or the elimination of existing businesses within the State of California.
No businesses will be created or eliminated by these amendments to this code.
- The expansion of businesses currently doing business with the State of California.
No business expansions will be affected by these amendments to this code.
- The benefits of the regulation to the health and welfare of California residents, worker safety, and the state's environment.

The proposed amendments to CCR, Title 24, Part 2, Chapter 31F are beneficial to the health and welfare of California residents, worker safety, and the State's environment because they clarify and enhance the existing regulation, which *"establishes minimum engineering, inspection and maintenance criteria for Marine Terminals in order to protect public health, safety and the environment."* Some amendments may significantly benefit the health and welfare of California residents, worker safety and the state's environment; these are described in the Statement of Reasons.

ESTIMATED COST OF COMPLIANCE OF STANDARDS THAT WOULD IMPACT HOUSING

The Commission has made an initial determination that this proposal would not have a significant effect on housing costs.

CONSIDERATION OF ALTERNATIVES

The Commission must determine that no reasonable alternative considered by the State agency or that has otherwise been identified and brought to the attention of the agency would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action, or would be more cost-effective to affected private persons and equally effective in implementing the statutory provisions of the Lempert-Keene-Seastrand Oil Spill Prevention and Response Act.

The alternatives considered by Commission staff are described in the "Initial Statement of Reasons." To date, no other alternatives have been presented to or considered by the Commission staff, regarding the proposed amendments to the 2013, California Code of Regulations, Title 24, Part 2, Chapter 31F — Marine Terminals (MOT). However, the Commission invites interested persons to present statements or arguments with respect to alternatives to the proposed regulations at the scheduled hearing or during the written comment period.

AVAILABILITY OF RULEMAKING DOCUMENTS

All of the information upon which the proposed regulations are based is contained in the rulemaking file, which is available for public review, by contacting the person named below. This Notice or Proposed Action, the Express Terms and Initial Statement of Reasons can be accessed from the California State Lands Commission website: <http://www.slc.ca.gov>.

Interested parties may also obtain a copy of the final statement of reasons, once it has been prepared, by making a written request to the contact person named below or at the California State Lands Commission website.

CSLC CONTACT PERSON FOR PROCEDURAL AND ADMINISTRATIVE QUESTIONS

General questions regarding procedural, administrative issues, and requests for copies of the express terms, the initial statement of reasons, should be addressed to:

Ravindra Varma
Planning Branch Supervisor
California State Lands Commission
Marine Facilities Division
200 Oceangate, Suite 900
Long Beach, CA 90802
562-499-6400
562-499-6317 (fax)
CSLC.MFDRegulations@slc.ca.gov

PROPOSING STATE AGENCY CONTACT PERSON FOR SUBSTANTIVE AND/OR TECHNICAL QUESTIONS ON THE PROPOSED CHANGES TO BUILDING STANDARDS

Specific questions regarding the substantive and/or technical aspects of the proposed changes to the building standards should be addressed to:

Dr. Avinash Nafday, P.E.
Lead Engineer
California State Lands Commission
Marine Facilities Division
200 Oceangate, Suite 900
Long Beach, CA 90802
562-499-6312
562-499-6317 (fax)
CSLC.MFDRegulations@slc.ca.gov

TITLE 28. DEPARTMENT OF MANAGED HEALTH CARE

DATE: June 26, 2015
ACTION: Notice of Rulemaking Action
Title 28, California Code of Regulations
SUBJECT: Health Plan Financial Reporting and Monitoring — Clean-up Amendments; Amending sections 1300.76, 1300.76.1, 1300.77.2, 1300.82.1, 1300.84.06, 1300.84.2, and 1300.84.3 in Title 28, California Code of Regulations; Control No. 2013-4290

PUBLIC PROCEEDINGS

Notice is hereby given that the Director of the Department of Managed Health Care (“Department”) proposes to amend regulations under the Knox–Keene Health Care Service Plan Act of 1975 (“Knox–Keene Act”), eliminating outdated and obsolete language in favor of revised provisions that better serve enrollees and the industry.

This rulemaking action proposes to amend sections 1300.76, 1300.76.1, 1300.77.2, 1300.82.1, 1300.84.06, 1300.84.2, and 1300.84.3, in Title 28, California Code of Regulations. Before undertaking this action, the Director of the Department (“Director”) will conduct written public proceedings, during which time any interested person, or such person’s duly authorized representative, may present statements, arguments, or contentions relevant to the action described in this notice.

PUBLIC HEARING

No public hearing is scheduled. Any interested person, or his or her duly authorized representative, may submit a written request for a public hearing pursuant to Section 11346.8(a) of the Government Code. The written request for hearing must be received by the Department’s contact person, designated below, no later than 15 days before the close of the written comment period.

WRITTEN COMMENT PERIOD

Any interested person, or his or her authorized representative, may submit written statements, arguments or contentions (hereafter referred to as comments) relating to the proposed regulatory action by the Department. Comments must be received by the Department, Office of Legal Services, **by 5 p.m. on August 10, 2015**, which is hereby designated as the close of the written comment period.

Please address all comments to the Department of Managed Health Care, Office of Legal Services, Attention: Regulations Coordinator. Comments may be transmitted by regular mail, fax, email or via the Department’s website:

Website: <http://dmhc.ca.gov/regulations/>
 Email: regulations@dmhc.ca.gov
 Mail: Department of Managed Health Care
 Office of Legal Services
 Attn: Regulations Coordinator
 980 9th Street, Suite 500
 Sacramento, CA 95814
 Fax: (916) 322–3968

Please note: If comments are sent via the website, email or fax, there is no need to send the same comments by mail delivery. All comments, including via the website, email, fax or mail, should include the author’s name and a U.S. Postal Service mailing address so the Department may provide commenters with notice of any additional proposed changes to the regulation text.

Please identify the action by using the Department’s rulemaking title and control number in any of the above inquiries: **Health Plan Financial Reporting and Monitoring — Clean-up Amendments, Control No. 2013–4290.**

CONTACTS

Inquiries concerning the proposed adoption of these regulations may be directed to:

Jennifer Willis
 Senior Counsel
 Department of Managed Health Care
 Office of Legal Services
 980 9th Street, Suite 500
 Sacramento, CA 95814
 (916) 324–9014
 (916) 322–3968 fax
Jennifer.Willis@dmhc.ca.gov

OR

Emilie Alvarez
 Regulations Coordinator
 Department of Managed Health Care
 Office of Legal Services
 980 9th Street, Suite 500
 Sacramento, CA 95814
 (916) 445–9960
 (916) 322–3968 fax
Emily.Alvarez@dmhc.ca.gov

AVAILABILITY OF DOCUMENTS

The Department has prepared and has available for public review the Initial Statement of Reasons, text of the proposed regulation and all information upon which the proposed regulation is based (“rulemaking file”). This information is available by request to the Department of Managed Health Care, Office of Legal Services, 980 9th Street, Sacramento, CA 95814, Attention: Regulations Coordinator.

The Notice of Proposed Rulemaking Action, the proposed text of the regulation, and the Initial Statement of Reasons are also available on the Department’s website at <http://www.dmhc.ca.gov/LawsRegulations.aspx#open>, under the heading “Open Pending Regulations.”

You may obtain a copy of the final statement of reasons once it has been prepared by making a written request to the Regulation Coordinator named above.

AVAILABILITY OF MODIFIED TEXT

The full text of any modified regulation, unless the modification is only non-substantial or solely grammatical in nature, will be made available to the public at least 15 days before the date the Department adopts the regulation. A request for a copy of any modified regulation(s) should be addressed to the Regulations Coordinator. The Director will accept comments via the Department's website, mail, fax or email on the modified regulation(s) for 15 days after the date on which the modified text is made available. The Director may thereafter adopt, amend or repeal the foregoing proposal substantially as set forth without further notice.

AUTHORITY AND REFERENCE

California Health and Safety Code section 1341, subdivision (a), authorizes the Department to regulate "health care service plans." Health and Safety Code Section 1345, subdivision (f)(1), defines a "health care service plan" as "any person who undertakes to arrange for the provision of health care subscribers or enrollees, or to pay for or to reimburse any part of the cost of those services in return for a prepaid or periodic charge paid by or on behalf of subscribers or enrollees."

California Health and Safety Code section 1344 authorizes the Director to adopt, amend and rescind regulations as necessary to carry out the provisions of the Knox-Keene Act ("the Act"), including rules governing applications and reports, and defining any terms, whether or not used in the Act, insofar as the definitions are not inconsistent with the provisions of the Act. Furthermore, the Director may waive any requirement of any rule or form in situations where in the Director's discretion such requirement is not necessary in the public interest or for the protection of the public, subscribers, enrollees, or persons or plans subject to the Act.

California Health and Safety Code section 1346 vests in the Director additional powers to administer and enforce the Act, including but not limited to, the power to study, investigate, research and analyze matters affecting the interests of plans, subscribers, enrollees and the public, and to promote and establish standards of ethical conduct for the administration of health care service plans.

Health and Safety Code section 1375.1 requires that every plan must have and demonstrate to the Director that it has a fiscally sound operation and adequate provision against the risk of insolvency, has assumed full financial risk on a prospective basis for covered services, and has a procedure for prompt handling of claims.

Health and Safety Code section 1376 grants the Director authority to adopt rules and regulations as appropriate in the public interest, or for the protection of

plans, subscribers, and enrollees, to provide safeguards with respect to the financial responsibility of plans, specifically including but not limited to requiring a minimum capital or net worth, limiting indebtedness, procedures for the handling of funds or assets, including segregation of funds, assets and net worth, maintaining appropriate insurance and a fidelity bond, and the maintenance of a surety bond.

Health and Safety Code section 1377 protects enrollees by imposing more stringent financial regulatory requirements on health plans that incur significant liabilities to non-contracted health care providers, including reporting requirements that require the calculation of estimated liability for reimbursements. That statute is further defined, and a calculation methodology is supplied, in title 28 of the California Code of Regulations, sections 1300.77, 1300.77.1, 1300.77.2 and 1300.77.3. It also affirms the Director's authority to require a deposit by rulemaking.

Health and Safety Code section 1382 grants the Director the authority to conduct an examination of a health care service plan's fiscal and administrative affairs as often as deemed necessary to protect the interest of subscribers or enrollees.

Health and Safety Code section 1384 grants the Director the authority to make rules and regulations specifying the form and content of the reports and financial statements required under the law, including reports required on a periodic basis of the Director's choosing, as well as special reports as the Director requires.

Health and Safety Code section 1385 requires health plans to maintain current books of account and other records as the director may by rule require for the purposes of the Act.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Existing law in section 1300.76 includes phase-in provisions for the tangible net equity requirements, and defines tangible net equity for the purpose of the section. The Department proposes to amend section 1300.76 to eliminate obsolete phase-in provisions relative to a financial reserve requirement for health plans, fully-implemented decades ago. While the phase-in provisions served a purpose at that time, they no longer have any practical value and needlessly lengthen and complicate the regulatory section and should be removed. In addition, the amendment will provide greater clarity to a definition of one of the components used to calculate the financial reserve amount required of health plans.

Existing law in section 1300.76.1 requires health plans to deposit a minimum amount of money with the Department for the protection of the health plan's en-

rollees and to assure continuation of health care services to enrollees. The Department proposes to amend section 1300.76.1 to increase the deposit requirement applicable to specialized health plans — currently at the same level since 1990 — to reflect the increased amount necessary to protect enrollees’ interests in the event a specialized plan becomes insolvent. A specialized plan is a health plan that provides health care services only in a single specialized area, like dental care or psychological services. The change will be phased-in over the course of a year to allow specialized health plans time to prepare and implement the increased requirement. Further, similar to section 1300.76, the amendment will eliminate deposit requirement phase-in language applicable to full-service health plans — which are unaffected by the deposit change — that has been obsolete for decades and needlessly lengthens and complicates the section.

Existing law in section 1300.77.2 requires health plans to calculate their estimated liability for reimbursement. One method a health plan may employ is a “lag study,” which is currently defined according to the length of the time lag between the date of service and the date a claim is submitted to the health plan for payment. The Department proposes to amend section 1300.77.2 to ensure that health plans accurately report estimates of incurred and unreported claims from health care providers for their monthly books. The methodology for a “lag study” currently set forth in the regulation has not been changed since 1983 and the regulation is being amended to clarify and reflect modern accepted practices already utilized by health plans.

Existing law in section 1300.82.1 lists certain sections of the Health and Safety Code, the violation or the reasonably-suspected violation of which constitute good cause for an additional or non-routine examination or survey. The Department proposes to amend section 1300.82.1 to specify the Department’s ability to investigate claims payment problems, such as a health plan’s failure to properly and timely pay provider claims. Beyond the regularly-scheduled, routine examinations and surveys performed by the Department, the existing section 1300.82.1 also permits the Department to conduct additional or “non-routine” examinations or surveys that are the financial responsibility of the health plan examined or surveyed. The Department may conduct non-routine examinations or surveys when the Department suspects a violation of certain enumerated sections within the Knox-Keene Act that regulate the payment of provider claims. The Department proposes to amend section 1300.82.1’s list of laws, the violation of which will support a non-routine examination or survey, to include additional relevant claims payment sections in the Knox-Keene Act. This change will lead to increased clarity regarding the De-

partment’s authority and ability to ensure compliance with applicable claims-related requirements of the Knox-Keene Act.

Existing law in section 1300.84.06 specifies forms that must be included with a health plan’s annual report. The Department proposes to amend section 1300.84.06 to clarify the documents that should be included in a health plan’s annual financial report to the Department. A reference to an obsolete and unnecessary industry form is being removed and replaced by a single annual reporting form published by the Department and incorporated by reference in this rulemaking package. This will clarify and simplify health plans’ annual reporting requirements.

Existing law in section 1300.84.2 specifies the statements, reports and schedules that must be included in a health plan’s quarterly financial report. The Department proposes to amend section 1300.84.2 to eliminate a reference to an obsolete financial reporting form and replace it with a modern form published by the Department and incorporated by reference in this rulemaking package. The change will clarify the Department’s expectations for health plan quarterly financial reporting.

Finally, existing law in section 1300.84.3 requires health plans to report to the Director increases in the amount the health plan owes to health care providers during a calendar “quarter” if the increase exceeds 10% of the amount owed to providers in the previous quarter. The Department proposes to amend section 1300.84.3 to bring consistency to the monthly reporting requirements based on various financial values that can trigger a reporting obligation by amending the lone reference to a quarterly reporting requirement, and making it a monthly obligation as well. This will ensure greater clarity and the timeliness of information delivered to the Department. Further, the amendment will also eliminate references to phase-ins that are being removed from section 1300.76 as part of this same rulemaking action.

COMPARISON TO EXISTING REGULATIONS

The Department considered any other possible related regulations and has found that these regulations are neither inconsistent nor incompatible with existing state regulations.

FORMS INCORPORATED BY REFERENCE

The “DMHC Annual Financial Reporting Form,” revised January 23, 2013, is incorporated by reference pursuant to Title 1, California Code of Regulations, section 20(c)(3) and as cited to in Title 28 California Code of Regulations section 1300.84.06 and section 1300.84.2, as amended by this rulemaking action.

PURPOSE OF THE REGULATIONS

The purpose of these regulations is to update, clarify, and simplify existing regulations.

Specifically, the purpose of the amendment to section 1300.76 is to eliminate the obsolete phase-in provisions relative to a financial reserve requirement for health plans, fully-implemented decades ago, and to amend a definition of one of the components used to calculate the financial reserve amount required of health plans to achieve greater clarity, and align the definition to industry standards and best practices.

Similar to the section 1300.76 amendment, the purpose of the amendment to section 1300.76.1 is to eliminate the obsolete phase-in provisions related to requirements fully-implemented long ago. Additionally, the purpose of the amendment to 1300.76.1 is to update and increase the amount that specialized plans must deposit, which has not been increased since 1990, so that the deposit is large enough to serve its function of safeguarding enrollee interests if the specialized health plan becomes insolvent.

The purpose of the amendment to section 1300.77.2 is to update the method by which plans will calculate estimated incurred and unreported provider claims, in order to align it with modern practices and improve report accuracy.

The purpose of the amendment to section 1300.82.1 is to update the list of violations of current law that constitute cause for the Department to investigate, and to put the Department in a better position to ensure compliance with applicable provider claims-related requirements of health plans.

The purpose of the amendment to section 1300.84.06 is to remove the reference to obsolete forms and clarify the documents that should be included in a health plan's annual financial report to the Department. This will ensure that health plans submit to the Department the correct materials with the annual report required under this section.

The purpose of the amendment to section 1300.84.2 is to remove the reference to obsolete forms and clarify the documents that should be included in a health plan's quarterly financial report. The change will clarify the Department's requirement for health plans' quarterly financial reporting and will ensure that health plans submit the correct form to the Department.

Finally, like the amendments to section 1300.76 and 1300.76.1, the purpose of the amendment to section 1300.84.3 is to remove obsolete phase-in provisions for requirements fully-enacted long ago. Additionally, the purpose of the amendment to this section is to make the reporting requirement consistent with other, monthly reporting requirements, and ensure that the Department

gets the information in the reports in a more timely fashion.

BROAD OBJECTIVES AND BENEFITS OF THE REGULATIONS

(Government Code section 11346.5(a)(3)(C))

The broad objectives of these regulations are to update, clarify, and simplify existing regulations. These regulations accomplish that objective by removing or updating provisions that require outdated forms, updating the amount of a 25-year-old deposit requirement to account for today's costs, updating outdated reporting practices, or removing provisions that allow for obsolete incremental phase-in requirements that have demanded full compliance for over 20 years. The following specific benefits are anticipated from the proposed action:

The anticipated benefit of the proposed amendment to section 1300.76, eliminating obsolete phase-in provisions relative to a financial reserve requirement for health plans, is that it will simplify and shorten the regulation. In addition, the amendment will provide greater clarity to a definition of one of the components used to calculate the financial reserve amount required of health plans.

The anticipated benefit of the proposed amendment to section 1300.76.1 is greater clarity and greater protection for enrollees. The amount of money that a specialized health plan must deposit has not been updated in 25 years, and is currently inadequate to protect enrollees' interests. Updating and increasing the required deposit amount will ensure that enrollees are adequately protected in the event that a specialized plan becomes insolvent. The proposed phase-in provision for this increased deposit for specialized health plans is anticipated to lessen the burden of compliance on specialized plans, thereby increasing compliance. Additionally, eliminating obsolete, decades-old phase-in provisions for deposits pertaining to full-service health plans will simplify and shorten the regulation.

The anticipated benefit of the proposed amendment to section 1300.77.2 is greater clarity and accuracy in health plan reporting. The proposed amendment would update the method by which health plans make certain liability calculations — which has not been updated since 1983 — in order to reflect modern accepted practices and ensure that health plan reports are accurate.

The anticipated benefit of the proposed amendment to section 1300.82.1 is greater clarity regarding the Department's authority and ability to ensure compliance with claims-related requirements of the Knox-Keene Act. The proposed amendment will add to the list of laws, the violation of which will support a non-routine examination or survey of the health plan, so as to in-

clude additional claims payment sections in the Knox–Keene Act that are relevant and applicable to claims–related issues. Improving clarity on this matter of the Department’s enforcement authority will result in greater compliance with claims–related requirements.

The anticipated benefit of the proposed amendment to section 1300.84.06 is greater clarity regarding which documents must be included with a health plan’s annual financial report to the Department. References to obsolete and unnecessary industry forms are being removed and replaced by a single annual reporting form published by the Department and incorporated by reference in this rulemaking package. This will render health plans’ annual reporting requirements more clear and simple.

The anticipated benefit of the proposed amendment to section 1300.84.2 is greater clarity regarding which statements, reports and schedules must be included in a health plan’s quarterly financial report. The Department proposes to amend section 1300.84.2 to eliminate a reference to an obsolete form and replace it with a modern form. The change will clarify the Department’s expectations for health plan quarterly financial reporting, and result in the Department’s more efficient review of the reports.

Finally, the anticipated benefit of the proposed amendment to section 1300.84.3 is greater consistency among health plans’ financial reporting obligations, as well as clarity and timeliness of information delivered to the Department. The Department proposes to amend this section’s lone reference to a quarterly reporting requirement, to make it a monthly obligation, bringing consistency to the monthly reporting requirements. This will ensure greater clarity in health plan reporting obligations and the timeliness of information delivered to the Department. Further, the amendment will also eliminate references to obsolete phase–in provisions that are being removed from section 1300.76 as part of this same rulemaking action, which will clarify the regulation.

LOCAL MANDATE

The Department has determined the regulations will not impose a mandate on local agencies or school districts, nor are there any costs requiring reimbursement by Part 7 (commencing with Section 17500) of Division 4 of the Government Code. As specified in Section 6 of AB 2179, no reimbursement is required.

FISCAL IMPACT

The Department has made the following initial determinations:

- Mandate on local agencies and school districts: None.
- Cost or Savings to any State Agency: None.
- Other non–discretionary cost or savings imposed upon local agencies: None.
- Direct or Indirect Costs or Savings in Federal Funding to the State: None.
- Effect on Housing Costs: None.
- Costs to private persons or businesses directly affected: Each affected specialized health plan will incur a cost of \$100,000 in order to satisfy the updated deposit requirement, for a total of \$4,900,000 across all 49 specialized health care service plans.
- The Department has determined the regulation does not affect small businesses. Health plans are not considered a small business under Government Code Section 11342.610(b) and (c).

RESULTS OF THE ECONOMIC IMPACT ANALYSIS

(Government Code section 11346.3(b))

Creation or elimination of jobs within California

These proposed amendments largely make technical amendments to existing regulations by clarifying definitions, updating procedures to reflect current accounting practices, eliminating obsolete phase–in provisions, updating the list of statutes (the violation of which constitutes good cause to investigate a plan), updating references to required forms, and updating a reporting requirement to make it quarterly rather than monthly (which will align with related provisions). The one amendment with a substantive economic impact is the increase in the deposit requirement under section 1300.76.1. This increase is necessary and appropriate in light of the fact that the deposit hasn’t been increased in decades, and because the new amount is necessary for the deposit to serve its function. The increase is not expected to be burdensome of affected plans because they have a year to achieve total compliance, and because the deposit funds are to be counted in the determination of the health plans’ satisfaction of the minimum tangible net equity requirements and all income from the deposits shall be considered assets of the specialized health plans. In light of the technical nature of most of these amendments, and the reasonable and appropriate nominal economic impact of the increased deposit requirement, the Department has determined that this amendment will not significantly affect the creation or elimination of jobs within the State of California.

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

These proposed amendments largely make technical amendments to existing regulations by clarifying defi-

nitions, updating procedures to reflect current accounting practices, eliminating obsolete phase-in provisions, updating the list of statutes (the violation of which constitutes good cause to investigate a plan), updating references to required forms, and updating a reporting requirement to make it quarterly rather than monthly (which will align with related provisions). The one amendment with a substantive economic impact is the increase in the deposit requirement under section 1300.76.1. This increase is necessary and appropriate in light of the fact that the deposit hasn't been increased in decades, and because the new amount is necessary for the deposit to serve its function. The increase is not expected to be burdensome of affected plans because they have a year to achieve total compliance, and because the deposit funds are to be counted in the determination of the health plans' satisfaction of the minimum tangible net equity requirements and all income from the deposits shall be considered assets of the specialized health plans. In light of the technical nature of most of these amendments, and the reasonable and appropriate nominal economic impact of the increased deposit requirement, the Department has determined that this amendment will not significantly affect the creation of new businesses or the elimination of existing businesses within the State of California.

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

These proposed amendments largely make technical amendments to existing regulations by clarifying definitions, updating procedures to reflect current accounting practices, eliminating obsolete phase-in provisions, updating the list of statutes (the violation of which constitutes good cause to investigate a plan), updating references to required forms, and updating a reporting requirement to make it quarterly rather than monthly (which will align with related provisions). The one amendment with a substantive economic impact is the increase in the deposit requirement under section 1300.76.1. This increase is necessary and appropriate in light of the fact that the deposit hasn't been increased in decades, and because the new amount is necessary for the deposit to serve its function. The increase is not expected to be burdensome of affected plans because they have a year to achieve total compliance, and because the deposit funds are to be counted in the determination of the health plans' satisfaction of the minimum tangible net equity requirements and all income from the deposits shall be considered assets of the specialized health plans. In light of the technical nature of most of these amendments, and the reasonable and appropriate nominal economic impact of the increased deposit requirement, the Department has determined that this amendment will not significantly affect the expansion or elim-

ination of businesses currently doing business within the State of California.

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

The benefits of the regulation impact public health and business transparency. In light of the technical nature of these amendments, and the reasonable and appropriate nominal economic impact of the increased deposit requirement, the Department has determined that this amendment should not have any negative impact on worker safety or the State's environment. And at the same time, these amendments benefit the health and welfare of California residents by improving the Department's ability to monitor health plans' financial stability and to ensure continuity of care in the event of a plan failure, thereby protecting enrollees and ensuring that they continue to receive the benefits to which they are entitled.

BUSINESS REPORT

These amendments to existing regulations do not add new reporting requirements but instead clarify and continue to require health plans to comply with already-existing reporting requirements. It is necessary for the health, safety, or welfare of the people of the state that the regulations apply to businesses.

DETERMINATIONS

The Department has made the following initial determinations:

The Department has determined the regulation will not impose a mandate on local agencies or school districts, nor are there any costs requiring reimbursement by Part 7 (commencing with Section 17500) of Division 4 of the Government Code. As specified in Section 6 of AB 2179, no reimbursement is required.

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

The Department has determined the regulation does not affect small businesses. Health care service plans are not considered a small business under Government Code Section 11342.610(b) and (c).

This deposit requirement will not create a significant, statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.

ALTERNATIVES CONSIDERED:

Pursuant to Government Code Section 11346.5(a)(13), the Department must determine that no

reasonable alternative that was considered by the Department or has otherwise been identified or brought to the attention of the Department would be more effective in carrying out the purpose for which the above action is proposed, would be as effective and less burdensome to affected private persons than the proposed action, or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provision of law.

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

GENERAL PUBLIC INTEREST

DEPARTMENT OF FISH AND WILDLIFE

CESA CONSISTENCY DETERMINATION REQUEST FOR

Cedar Creek Arch Culvert on
U.S. Route 101 PM 89.25
2080-2015-013-01
Mendocino County

The California Department of Fish and Wildlife (CDFW) received a notice on May 27, 2015, that the California Department of Transportation (Caltrans) proposes to rely on consultation with the National Marine Fisheries Service (Service) to carry out a project that may adversely affect a species protected by the California Endangered Species Act (CESA). The proposed project involves repairing stream crossing culverts and providing fish passage through a 763-foot long concrete arch culvert. The project includes removing the existing fish ladder, weirs, concrete apron, and installing a new fishway in the stream with grade control and steel-reinforced concrete weirs in the culvert. The proposed project will occur on U.S. Route 101 at approximately post mile (PM) 89.25 in Mendocino County, California.

The Service issued a federal biological opinion (Service Ref. No. SWR-2012-3549)(BO) and incidental take statement (ITS) to Caltrans on May 4, 2015, which considered the effects of the proposed project on the state and federally threatened coho salmon (*Oncorhynchus kisutch*), Southern Oregon-Northern California Coast evolutionary significant unit.

Pursuant to California Fish and Game Code section 2080.1, Caltrans is requesting a determination that the

BO and associated ITS are consistent with CESA for purposes of the proposed project. If CDFW determines the BO, and associated ITS, are consistent with CESA for the proposed project, Caltrans will not be required to obtain an incidental take permit under Fish and Game Code section 2081 subdivision (b) for the proposed project.

DEPARTMENT OF FISH AND WILDLIFE

PROPOSED RESEARCH ON FULLY PROTECTED SPECIES

Monitoring California Least Tern Nesting Colonies

The Department of Fish and Wildlife (Department) received a proposal on June 12, 2015, from John K. Konecny, on behalf of Konecny Biological Services, Escondido, California, requesting authorization to take California Least Terns (*Sternula antillarum browni*; tern), for scientific research purposes, consistent with the protection and recovery of the species. The tern is a Fully Protected bird, and is also listed as Endangered under the California Endangered Species Act and Endangered under the federal Endangered Species Act.

Mr. Konecny is planning to conduct research on the tern at the Naval Weapons Station, Seal Beach and Seal Beach National Wildlife Refuge colonies, in accordance with the methods approved by the Department and the U.S. Fish and Wildlife Service (under a current Recovery Permit). Other research locations and activities may be added by the Department and the Service in the future.

The following research activities are proposed: a) monitoring reproductive output and predation of terns using binoculars and spotting scopes; b) passive survey techniques such as transects, point counts, and area searches; c) active survey techniques including entering active tern nesting areas to visually survey, mark, and monitor nests and determine age class of individuals; and d) live capturing adult and nestling terns for purposes of banding and color-marking to determine movements and survivorship, and releasing at site of capture. Tern carcasses (or parts thereof) found during research and nest monitoring activities will be salvaged and donated to a public scientific institution as designated by the Department and the Service. No adverse effects on individual terns or tern populations are expected.

The Department intends to issue, under specified conditions, a Memorandum of Understanding (MOU) to authorize qualified professional wildlife researchers, with Mr. Konecny as the Principal Investigator, to carry out the proposed activities. The applicants are also re-

quired to have a valid federal recovery permit and federal bird banding lab permit for the tern, and a scientific collecting permit (SCP) to take other terrestrial species in California.

Pursuant to California Fish and Game Code (FGC) Section 3511(a)(1), the Department may authorize take of Fully Protected bird species after a 30 days' notice has been provided to affected and interested parties through publication of this notice. If the Department determines that the proposed research is consistent with the requirements of FGC Section 3511 for take of Fully Protected birds, it would issue the authorization on or after July 27, 2015, for an initial and renewable term of up to, but not to exceed four years. Contact: Nancy Frost, Nancy.Frost@wildlife.ca.gov, (858) 467-4208.

DEPARTMENT OF HEALTH CARE SERVICES

THE DEPARTMENT OF HEALTH CARE SERVICES MAY ADD NEW SERVICES AND RANDOM MOMENT TIME STUDY (RMTS) METHODOLOGY FOR THE LOCAL EDUCATIONAL AGENCY (LEA) MEDI-CAL BILLING OPTION PROGRAM

This notice is to provide information of public interest with respect to the proposed State Plan Amendment (SPA) 15-021 for the Local Educational Agency (LEA) Medi-Cal Billing Option Program, which will provide additional direct health care services to Medi-Cal eligible beneficiaries, including Medi-Cal eligible students with an Individualized Education Plan (IEP) or Individualized Family Services Plan (IFSP). SPA 15-021 provides: (1) new assessments and screenings, (2) new treatment services, (3) new practitioners, and (4) revision of payment methodology including the Random Moment Time Study (RMTS) methodology, which is a methodology to capture the allocation of direct medical services and administrative activities. The effective date for the proposed SPA 15-021 is July 1, 2015.

Under the Welfare and Institutions (W&I) Code, Section 14132.06, the LEA Medi-Cal Billing Option Program has the authority to provide LEA covered services through Local Educational Agencies (LEAs) stated in Section (f). New assessments and screenings will include the following:

- 1.) Dental Screenings, as authorized under Sections (f)(1), (3) and (6)
- 2.) Specialized Assessments, as authorized under Section (f)(7)

- 3.) Respiratory Assessments, as authorized under Section (f)(6)

New treatment services will include the following:

- 1.) Personal Care Services, as authorized under Section (f)(3)
- 2.) Orientation and Mobility Services, as authorized under Sections (f)(4) and (5)

In addition to the new services effective July 1, 2015, the following new practitioners will be allowed to provide LEA covered services that are authorized under W&I Code 14132.06:

- 1.) Licensed Physician Assistant, as authorized under Section (f)(6)
- 2.) Personal Care Assistant, as authorized under Section (f)(3)
- 3.) Registered Speech-Language Pathology Assistant, as authorized under Section (f)(9)
- 4.) Licensed Physical Therapy Assistant, as authorized under Section (f)(5)
- 5.) Licensed Occupational Therapy Assistant, as authorized under Section (f)(4)
- 6.) Dentist, Dental Hygienist (screenings only), as authorized under Section (f)(3) and (6)
- 7.) Orientation and Mobility Specialist, as authorized under Sections (f)(4) and (5)
- 8.) Registered Dietitian (assessments and education only), as authorized under Section (f)(1)
- 9.) Licensed Respiratory Therapist (assessments only), as authorized under Section (f)(6)

Additionally, the LEA Medi-Cal Billing Option Program will be using RMTS to identify the proportion of direct medical service and administrative time allowable and reimbursable under the program. This methodology will allow the LEA Medi-Cal Billing Option Program to accurately assess the time spent on medical services and administrative activities in LEAs. The time study reflects how workers' time is distributed across a range of activities; it must entail careful documentation of all activities performed by certain staff over a set period of time and is used to identify, measure, and allocate the staff time that is devoted to providing Medi-Cal reimbursable services.

The Department of Health Care Services is preparing SPA 15-021 in order to expand access of care for individuals on school sites, to provide medically necessary services, improve delivery of new services, create a methodology that will accurately capture the allocation of direct medical services and administrative activities, and increase Federal Financial Participation (FFP) for Medi-Cal covered services.

The proposed SPA is subject to approval by the federal Centers for Medicare and Medicaid Services.

PUBLIC REVIEW AND COMMENTS

Copies of the State Plan Amendment that amends California’s Medicaid State Plan may be requested, in writing, from Mr. John Mendoza, Department of Health Care Services, Safety Net Financing Division, MS 4504, P. O. Box 997436, Sacramento, CA 95899–7436.

Written comments concerning the proposal may be mailed to Mr. Mendoza at the above address and must be received on or before August 10, 2015.

DEPARTMENT OF HEALTH CARE SERVICES

FINAL RULES, CMS–2249–F, REQUIRE HOME AND COMMUNITY–BASED (HCBS) SETTING COMPLIANCE
Statewide Transition Plan Revision

The Department of Health Care Services (DHCS) has made revisions to the Statewide Transition Plan (STP) to comply with the new federal Home and Community–Based Services (HCBS) settings rules. The purpose of the Transition Plan is to ensure that individuals receiving HCBS are integrated and have access to supports in the community. Moreover, the revised Plan provides assurance that individuals receiving HCBS have the same degree of access as their counterparts who are not on Medi–Cal HCBS.

This notice is to inform the public that the revised plan is available on the DHCS website: <http://www.dhcs.ca.gov/services/ltc/Pages/HCBSStatewideTransitionPlan.aspx> beginning July 1, 2015. The State invites all interested parties to review the plan and add comments using the Public Comment Templates posted on the website mentioned above before the end of the comment period on July 30, 2015. Comments can be provided by email: STP@dhcs.ca.gov, or by mail:

ATTN: Jalal Haddad
Department of Health Care Services
Long–Term Care Division
1501 Capitol Avenue, MS 4503
P.O. Box 997437
Sacramento, CA 95899–7437

We will be holding a **stakeholder** call to discuss the comments received on the STP Tools previously posted on the same website during June and inform the stakeholders of changes made to the Plan. Please refer to the website: <http://www.dhcs.ca.gov/services/ltc/Pages/HCBSStatewideTransitionPlan.aspx> for date, time, and call–in information. We look forward to receiving your comments and suggestions.

More information about the new federal rules are available at: <http://www.medicaid.gov/Medicaid-CHIP-Program-Information/By-Topics/Long-Term-Services-and-Supports/Home-and-Community-Based-Services/Home-and-Community-Based-Services.html>.

PROPOSITION 65

OFFICE OF ENVIRONMENTAL HEALTH HAZARD ASSESSMENT

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

NOTICE OF INTENT TO LIST CMNP (PYRAZACHLOR) AND SEDAXANE

The California Environmental Protection Agency’s Office of Environmental Health Hazard Assessment (OEHHA) intends to list the chemicals *CMNP* (*pyrazachlor*) and *sedaxane* as known to the State to cause cancer under the Safe Drinking Water and Toxic Enforcement Act of 1986.¹ This action is being proposed under the authoritative bodies listing mechanism.²

¹ Commonly known as Proposition 65, the Safe Drinking Water and Toxic Enforcement Act of 1986 is codified in Health and Safety Code section 25249.5 *et seq.*

² See Health and Safety Code section 25249.8(b) and Title 27, Cal. Code of Regs., section 25306.

Chemical [CAS No.]	Endpoint	Reference	Occurrence
CMNP (pyrazachlor) [6814-58-0]	cancer	US EPA (2011a)	Pyrazachlor is not registered for use in the United States or the European Union. At one time, it was proposed for use as a growth regulator on citrus.
Sedaxane [874967-67-6]	cancer	US EPA (2011b)	A broad spectrum fungicide belonging to the class of ortho-substituted phenyl amides. Used as a seed treatment on barley, canola, oat, rye, soybean, triticale, and wheat.

Background on listing via the authoritative bodies mechanism: A chemical must be listed under the Proposition 65 regulations when two conditions are met:

- 1) An authoritative body formally identifies the chemical as causing cancer (Section 25306(d)³).
- 2) The evidence considered by the authoritative body meets the sufficiency criteria contained in the regulations (Section 25306(e)).

However, the chemical is not listed if scientifically valid data which were not considered by the authoritative body clearly establish that the sufficiency of evidence criteria were not met (Section 25306(f)).

The U.S. Environmental Protection Agency (US EPA) is one of several institutions designated as authoritative for the identification of chemicals as causing cancer (Section 25306(m)).

OEHHA is the lead agency for Proposition 65 implementation. After an authoritative body has made a determination about a chemical, OEHHA evaluates whether listing under Proposition 65 is required using the criteria contained in the regulations.

OEHHA's determination: CMNP (pyrazachlor) and sedaxane each meet the criteria for listing as known to the state to cause cancer under Proposition 65, based on findings of the US EPA (2011a; b).

Formal identification and sufficiency of evidence for CMNP (pyrazachlor): In 2011, US EPA published a report on CMNP (pyrazachlor) entitled *Cancer Assessment Document, Evaluation of the Carcinogenic Potential of CMNP (pyrazachlor)* (US EPA, 2011a). This report satisfies the formal identification and sufficiency of evidence criteria in the Proposition 65 regulations for CMNP.

US EPA concluded that CMNP is “Likely to be Carcinogenic to Humans.” OEHHA is relying on US EPA’s discussion of data and conclusions in the report that CMNP (pyrazachlor) causes cancer. Evidence de-

scribed in the report includes studies showing that CMNP increased the incidence of combined bronchiolar/alveolar carcinomas and adenomas in male mice, bronchiolar/alveolar carcinomas and combined carcinomas and adenomas in female mice, and renal tubule carcinomas and combined carcinomas and adenomas in male and female mice.

Thus, US EPA (2011a) has found that CMNP (pyrazachlor) causes increased incidence of combined malignant and benign lung tumors in male mice, malignant and combined malignant and benign lung tumors in female mice, and malignant and combined malignant and benign kidney tumors in both sexes of mice.

Formal identification and sufficiency of evidence for sedaxane: In 2011, US EPA published a report on sedaxane, entitled *Cancer Assessment Document, Evaluation of the Carcinogenic Potential of Sedaxane* (US EPA, 2011b). This report satisfies the formal identification and sufficiency of evidence criteria in the Proposition 65 regulations for sedaxane.

US EPA concluded that sedaxane is “Likely to be Carcinogenic to Humans.” OEHHA is relying on US EPA’s discussion of data and conclusions in the report that sedaxane causes cancer. Evidence described in the report includes studies showing that sedaxane increased the incidence of uterine adenocarcinomas and combined adenocarcinomas and adenomas in female rats, and combined hepatocellular carcinomas and adenomas in male mice.

Thus, the US EPA (2011b) has found that sedaxane causes increased incidences of malignant and combined malignant and benign uterine tumors in female rats, and combined malignant and benign liver tumors in male mice.

Request for comments: OEHHA is requesting comments as to whether CMNP (pyrazachlor) and sedaxane meet the criteria set forth in the Proposition 65 regulations for authoritative bodies listings. In order to be considered, **OEHHA must receive comments by 5:00 p.m. on Monday, July 27, 2015.** We encourage you to

³ All referenced sections are from Title 27 of the Cal. Code of Regulations.

submit comments in electronic form, rather than in paper form. Comments transmitted by e-mail should be addressed to P65Public.Comments@oehha.ca.gov with "NOIL — CMNP (pyrazachlor) and sedaxane" in the subject line. Comments submitted in paper form may be mailed, faxed, or delivered in person to the addresses below:

Mailing Address: Ms. Esther Barajas-Ochoa
Office of Environmental Health
Hazard Assessment
P.O. Box 4010, MS-12B
Sacramento, California
95812-4010
Fax: (916) 323-2265
Street Address: 1001 I Street
Sacramento, California 95814

Comments received during the public comment period will be posted on the OEHHHA website after the close of the comment period.

If you have any questions, please contact Esther Barajas-Ochoa at esther.barajas-ochoa@oehha.ca.gov or at (916) 445-6900.

References

US Environmental Protection Agency (US EPA, 2011a). Cancer Assessment Document, Evaluation of the Carcinogenic Potential of CMNP (pyrazachlor). Final Report. Health Effects Division, Office of Pesticide Programs. September 20, 2011.

US Environmental Protection Agency (US EPA, 2011b). Cancer Assessment Document, Evaluation of the Carcinogenic Potential of Sedaxane. Final Report. Health Effects Division, Office of Pesticide Programs. May 18, 2011.

SUMMARY OF REGULATORY ACTIONS

REGULATIONS FILED WITH 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.

File# 2015-0512-03
BOARD OF PSYCHOLOGY
Examinations

Through this regular rulemaking, the Board of Psychology (the "Board") is amending sections 1388, 1388.6, 1389, and 1392 in Title 16 in the California Code of Regulations. The Board is amending these sections in Title 16 to change the California-specific licensing exam from the California Psychology Supplemental Examination to the California Psychology Law and Ethics Examination (the "CPLEE"). Additionally, the Board is adding an accommodation for candidates for whom English is a secondary language.

Title 16
California Code of Regulations
AMEND: 1388, 1388.6, 1389, 1392
Filed 06/10/2015
Effective 07/01/2015
Agency Contact: Jonathan Burke (916) 574-7137

File# 2015-0603-02
CALIFORNIA HEALTH BENEFIT EXCHANGE
2016 Standard Benefit Design

This action re-adopts and amends the 2016 Standard Benefit Design, which standardizes the way health insurers design their health plans.

Title 10
California Code of Regulations
ADOPT: 6432
Filed 06/15/2015
Effective 06/15/2015
Agency Contact: Andrea Rosen (916) 228-8343

File# 2015-0505-02
CALIFORNIA TRANSPORTATION COMMISSION
Conflict-of-Interest code

This is a Conflict-of-Interest Code that has been approved by the Fair Political Practices Commission and is being submitted for filing with the Secretary of State and printing only.

Title 2
California Code of Regulations
AMEND: 39000, 39001, 39002
Filed 06/16/2015
Effective 07/16/2015
Agency Contact: Rosemary Mejia (916) 653-2128

File# 2015-0529-02
DEPARTMENT OF CORRECTIONS AND REHABILITATION
Use of Force

This action amends regulations regarding the use of force in institutions.

Title 15
California Code of Regulations
AMEND: 3000, 3268, 3268.1, 3268.2
Filed 06/17/2015
Effective 06/17/2015
Agency Contact: Sarah Pollock (916) 445-2308

File# 2015-0507-01
DEPARTMENT OF HEALTH CARE SERVICES
Skilled Nursing Facilities/Special Treatment Programs
This filing of changes without regulatory effect by the Department of Health Care Services amends sections in Title 22, of the California Code of Regulations to update the name of the department responsible for the administration of certain mental health services from the Department of Mental Health to the Department of Health Care Services.

Title 22
California Code of Regulations
AMEND: 72443, 72449, 72467
Filed 06/10/2015
Agency Contact: Lori Manieri (916) 650-6825

File# 2015-0512-01
DEPARTMENT OF PUBLIC HEALTH
Radiation Control Fund Fee Adjustment
In this File and Print action the California Department of Public Health (DPH) is updating applicable sections in Title 17 of the California Code of Regulations with fee adjustments made in accordance with Health and Safety Code section 100425 and the 2013-14 Budget Act, CH 20, Statutes of 2013. DPH is also making non-substantive changes to the authority and reference citations.
Pursuant to Health and Safety Code section 100425(c) the adjustment of fees is not subject to the requirements of Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code.

Title 17
California Code of Regulations
AMEND: 30104, 30110, 30118, 30126, 30145, 30145.1, 30146, 30231, 30336.8, 30408, 30409, 30456.8, 30535
Filed 06/15/2015
Effective 06/15/2015
Agency Contact: Lesya Vorobets (916) 440-7371

File# 2015-0505-01
DEPARTMENT OF SOCIAL SERVICES
Annual Reporting/Child Only (AR/CO) in the CalWORKs Program
This rulemaking action makes permanent the emergency regulations which implement Senate Bill 1041

(Chapter 47 of 2012), Assembly Bill 1094 (Chapter 554 of 2013), and Assembly Bill 85 (Chapter 24 of 2013). The regulations change the income reporting schedule for CalWORKS beneficiaries whose family units do not include an adult beneficiary. The regulations also: increase the earned-income disregard to \$225, include Veterans' Disability Compensation as unearned income to which the income disregard may be applied, and increase the Maximum Aid Payment by five percent.

Title MPP
California Code of Regulations
ADOPT: 40-039 AMEND: 22-071, 22-072, 22-305, 40-103, 40-105, 40-107, 40-119, 40-125, 40-128, 40-173, 40-181, 40-188, 40-190, 41-405, 42-209, 42-213, 42-221, 42-406, 42-407, 42-716, 42-721, 42-751, 42-769, 44-101, 44-102, 44-111, 44-113, 44-115, 44-133, 44-205, 44-207, 44-211, 44-304, 44-305, 44-313, 44-315, 44-316, 44-318, 44-325, 44-327, 44-340, 44-350, 44-352, 48-001, 80-301, 80-310, 82-612, 82-812, 82-820, 82-824, 82-832, 89-110, 89-201
Filed 06/17/2015
Effective 06/17/2015
Agency Contact: Ying Sun (916) 651-8267

File# 2015-0605-01
DEPARTMENT OF STATE HOSPITALS
Interim Involuntary Medication Hearing Procedures
The Department of State Hospitals submitted this emergency readoption action to maintain the effectiveness of amendments to title 9, California Code of Regulations, section 4210 in OAL file nos. 2014-0918-02E and 2015-0226-04EE.

Title 9
California Code of Regulations
AMEND: 4210
Filed 06/15/2015
Effective 06/29/2015
Agency Contact: Karen Gillham (916) 651-5578

**CCR CHANGES FILED
WITH THE SECRETARY OF STATE
WITHIN January 14, 2015 TO
June 17, 2015**

All regulatory actions filed by OAL during this period are listed below by California Code of Regulations titles, then by date filed with the Secretary of State, with the Manual of Policies and Procedures changes adopted by the Department of Social Services listed last. For further information on a particular file, contact the person listed in the Summary of Regulatory Actions section of the Notice Register published on the first Friday more than nine days after the date filed.

Title 2

06/16/15 AMEND: 39000, 39001, 39002
 06/02/15 AMEND: 10001, 10002, 10005, 10006, 10007, 10008, 10009, 10011, 10012, 10013, 10015, 10021, 10022, 10024, 10025, 10029, 10030, 10031, 10033, 10035, 10037, 10038, 10039, 10041, 10042, 10046, 10047, 10050, 10053, 10054, 10056, 10057, 10061, 10062, 10063, 10065
 05/27/15 ADOPT: 61100, 61101, 61102, 61103, 61104, 61105, 61106, 61107, 61108, 61109, 61120, 61121, 61122, 61130, 61131, 61132, 61140
 05/18/15 AMEND: 18703 REPEAL: 18703.2, 18703.4, 18703.5, 18707, 18707.1, 18707.2, 18707.4, 18707.5, 18707.6, 18707.7, 18707.9, 18707.10
 05/04/15 ADOPT: 1701, 1702 AMEND: 1700
 04/27/15 AMEND: 18700, 18700.1, 18700.2, 18700.3, 18701, 18701.1, 18702, 18702.1, 18702.2, 18702.3, 18702.4, 18702.5, 18703.3, 18704, 18704.1, 18704.2, 18704.3, 18704.4, 18704.5, 18704.6, 18705, 18705.1, 18705.2, 18705.3, 18705.4, 18705.5, 18706, 18706.1, 18708, 18709
 04/09/15 AMEND: 57400
 04/08/15 AMEND: 212
 04/07/15 ADOPT: 59780
 04/02/15 AMEND: 18215
 04/02/15 AMEND: 18530.4, 18530.45
 03/24/15 AMEND: 1900
 03/23/15 AMEND: 1189.10
 03/23/15 AMEND: 59740
 03/17/15 AMEND: 549
 03/04/15 AMEND: 11087, 11088, 11089, 11090, 11091, 11092, 11093, 11094, 11095, 11096, 11097 REPEAL: 11098
 02/23/15 ADOPT: 59760
 02/23/15 ADOPT: 553, 553.1, 553.2, 553.3, 553.4, 553.5, 553.6, 599.100, 599.101, 599.102, 599.120, 599.121, 599.122, 599.123, 599.124, 599.140, 599.141, 599.142, 599.143, 599.144, 599.145, 599.146, 599.160, 599.161, 599.162, 599.163, 599.164
 02/09/15 AMEND: 1859.76
 02/02/15 AMEND: 18705, 18705.3, 18705.4, 18705.5 REPEAL: 18704, 18704.1, 18704.5
 02/02/15 AMEND: 18450.11
 02/02/15 AMEND: 18740
 01/22/15 AMEND: 54300

Title 3

06/02/15 AMEND: 3591.11(a)
 05/28/15 AMEND: 3435(b)
 05/19/15 ADOPT: 3441
 05/13/15 AMEND: 3435(b)
 05/08/15 AMEND: 3435(b)
 05/06/15 AMEND: 3435(b)
 05/06/15 AMEND: 6400
 04/30/15 AMEND: 3435(b)
 04/30/15 AMEND: 3435
 04/16/15 AMEND: 6512
 04/15/15 ADOPT: 6738.1, 6738.2, 6738.3, 6738.4 AMEND: 6000, 6702, 6720, 6724, 6738, 6739, 6764, 6771, 6793, 6795 REPEAL: 6486.7, 6736
 04/09/15 AMEND: 3435(b)
 04/08/15 AMEND: 3435(b)
 04/06/15 AMEND: 3
 03/20/15 AMEND: 3435(b)
 03/17/15 AMEND: 1428.6, 1428.7, 1428.8, 1428.10, 1428.12
 03/02/15 AMEND: 3435(b)
 02/25/15 AMEND: 2
 02/18/15 AMEND: 4500
 02/12/15 AMEND: 3435(b)
 02/02/15 AMEND: 1392.8.1
 01/27/15 AMEND: 3591.13(a)
 01/26/15 AMEND: 3435(b)
 01/21/15 AMEND: 300, 301
 01/16/15 AMEND: 3435

Title 4

06/04/15 ADOPT: 1891.1
 05/19/15 ADOPT: 8130, 8131, 8132, 8133, 8134, 8135, 8136, 8137, 8138
 05/07/15 AMEND: 10325
 05/07/15 AMEND: 10315, 10322, 10325, 10327
 05/04/15 AMEND: 8035(e)-(f)
 04/27/15 AMEND: 10170.2, 10170.3, 10170.4, 10170.5, 10170.6, 10170.7, 10170.8, 10170.9, 10170.10, 10170.11
 04/21/15 AMEND: 150
 04/09/15 AMEND: 10176, 10177, 10178, 10179, 10180, 10181, 10182, 10183, 10187
 04/07/15 AMEND: 87102, 87455, 87465, 87469, 87615, 87616, 87632, 87633
 04/06/15 ADOPT: 10080, 10081, 10082, 10083, 10084, 10085, 10086, 10087
 04/06/15 AMEND: 278
 03/30/15 ADOPT: 8078.3, 8078.4, 8078.5, 8078.6, 8078.7
 03/13/15 AMEND: 5205, 5230

CALIFORNIA REGULATORY NOTICE REGISTER 2015, VOLUME NO. 26-Z

- 03/10/15 ADOPT: 10170.16, 10170.17, 10170.18, 10170.19, 10170.20, 10170.21, 10170.22, 10170.23, 10170.24
- 03/09/15 ADOPT: 10091.1, 10091.2, 10091.3, 10091.4, 10091.5, 10091.6, 10091.7, 10091.8, 10091.9, 10091.10, 10091.11, 10091.12, 10091.13, 10091.14, 10091.15
- 03/04/15 AMEND: 1866
- 03/02/15 AMEND: 1688
- 02/26/15 ADOPT: 24465-3
- 02/02/15 ADOPT: 12003, 12311, 12312, 12313, 12315, 12316 AMEND: 12002 REPEAL: 12400, 12401, 12402, 12403, 12404, 12405, 12406, 12410
- 01/30/15 AMEND: 10085
- Title 5**
- 05/21/15 AMEND: 19810
- 05/18/15 AMEND: 19810
- 03/12/15 AMEND: 19810
- 02/18/15 ADOPT: 58621 AMEND: 58601, 58612, 58620
- 01/30/15 ADOPT: 71105, 71105.5, 71410, 71471, 71775, 71775.5, 74240, 74250, 75140 AMEND: 70000, 71400, 71650, 75150
- 01/20/15 ADOPT: 80693, 80694
- Title 8**
- 04/30/15 ADOPT: 9980, 9981, 9982, 9983 AMEND: 9990, 9992, 10208.7 REPEAL: 9994
- 04/30/15 AMEND: 4345, 4351, 4352, 4354
- 04/30/15 AMEND: 1618.1(e)
- 04/20/15 ADOPT: 9792.21.1, 9792.25.1 AMEND: 9792.20, 9792.21, 9792.23, 9792.24.1, 9792.24.3, 9792.25, 9792.26
- 04/06/15 AMEND: 9701, 9702
- 04/06/15 ADOPT: 17300, 17301, 17302, 17303, 17304, 17305, 17306, 17307, 17308, 17309, 17310
- 04/03/15 AMEND: 3395
- 02/25/15 AMEND: 9789.25
- 02/12/15 AMEND: 333, 336
- 02/04/15 AMEND: 9789.10, 9789.11, 9789.20, 9789.21, 9789.22, 9789.23, 9789.25, 9789.50, 9789.60, 9789.70, 9789.110, 9789.111, 9790
- Title 9**
- 06/15/15 AMEND: 4210
- 06/01/15 ADOPT: 4530, 4530.1, 4530.2, 4530.3, 4530.4, 4530.5, 4530.6, 4530.7, 4530.8, 4530.9, 4530.10, 4530.11, 4530.12
- 05/27/15 AMEND: 7400
- 03/09/15 AMEND: 4210
- Title 10**
- 06/15/15 ADOPT: 6432
- 05/26/15 ADOPT: 2563
- 05/11/15 ADOPT: 6408, 6410, 6450, 6452, 6454, 6470, 6472, 6474, 6476, 6478, 6480, 6482, 6484, 6486, 6490, 6492, 6494, 6496, 6498, 6500, 6502, 6504, 6506, 6508, 6510, 6600, 6602, 6604, 6606, 6608, 6610, 6612, 6614, 6616, 6618, 6620, 6622
- 04/27/15 REPEAL: 3530
- 04/27/15 ADOPT: 6900, 6901, 6902, 6903, 6904, 6905, 6906, 6907, 6908
- 04/13/15 ADOPT: 5508, 5509, 5510, 5511, 5512, 5513, 5514, 5515, 5516
- 03/25/15 AMEND: 2303, 2303.1, 2303.2, 2303.3, 2303.4, 2303.5, 2303.6, 2303.7, 2303.8, 2303.9, 2303.10, 2303.11, 2303.12, 2303.13, 2303.14, 2303.16, 2303.17, 2303.18, 2303.19, 2303.20, 2303.21, 2303.22, 2303.23, 2303.24, 2303.25
- 03/18/15 ADOPT: 6432
- 03/16/15 ADOPT: 6426, 6434
- 02/19/15 ADOPT: 6432
- 02/05/15 ADOPT: 8000, 8010, 8020, 8030, 8040
- 02/05/15 ADOPT: 6428, 6430
- 02/02/15 AMEND: 3528
- 01/30/15 ADOPT: 2240.15, 2240.16, 2240.6, 2240.7 AMEND: 2240, 2240.1, 2240.4, 2240.5
- 01/20/15 AMEND: 2695.85
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- 06/02/15 AMEND: 999.5
- 05/13/15 AMEND: 51.14
- 05/13/15 AMEND: 51.17
- 05/13/15 AMEND: 51.22
- 03/09/15 ADOPT: 4250, 4251, 4252, 4253, 4254, 4255, 4256, 4257, 4258, 4259
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- 05/29/15 ADOPT: 1153 AMEND: 1150.1, 1150.2, 1151.1, 1151.2, 1151.3, 1151.4, 1151.5, 1151.5.1, 1151.6, 1151.7, 1151.8, 1151.8.1, 1151.8.2, 1151.8.3, 1151.8.4, 1151.9, 1151.9.1, 1151.10, 1151.10.1, 1152.1, 1152.2, 1152.2.1, 1152.3, 1152.3.1, 1152.4, 1152.4.1, 1152.4.2, 1152.5, 1152.6, 1152.6.1, 1152.7, 1152.7.1 REPEAL: 1152.8
- 04/09/15 AMEND: 2620, 2621, 2622, 2623, 2624, 2625, 2626, 2627, 2628, 2629
- 01/23/15 AMEND: 553.70
- 01/21/15 AMEND: 1159
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- 01/23/15 AMEND: 553.70
- 01/21/15 AMEND: 1159

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 05/28/15 AMEND: 3550.14
 05/21/15 AMEND: 708.3, 708.10, 708.11
 05/01/15 AMEND: 27.80
 04/28/15 AMEND: 28.20, 28.95
 04/27/15 AMEND: 1273.01, 1273.02, 1273.05,
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 1273.11, 1274.01, 1274.09, 1275.00,
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 04/24/15 AMEND: 7.50
 04/20/15 ADOPT: 1760.1, 1779.1
 04/06/15 AMEND: 15411
 04/01/15 AMEND: Heading of Division 7
 04/01/15 AMEND: 1.73, 27.75, 27.80
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 03/10/15 AMEND: 1.91, 27.20, 27.25, 27.30,
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 01/29/15 AMEND: 1665.1, 1665.2, 1665.3,
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 01/28/15 AMEND: 4351.1 (renumbered as 4351),
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 04/22/15 AMEND: 3001, 3042, 3043, 3084.7,
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 04/16/15 ADOPT: 3410.1 AMEND: 3173.2
 03/17/15 ADOPT: 3410.2 AMEND: 3000, 3173.2,
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 03/26/15 ADOPT: 977, 980.4 AMEND: 978, 979,
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