



# California Regulatory Notice Register

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

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**PROPOSED ACTION ON  
REGULATIONS**

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**TITLE 2. FAIR POLITICAL  
PRACTICES COMMISSION**

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

**CONFLICT-OF-INTEREST CODES**

**AMENDMENT**

**MULTI-COUNTY:** California Mental Health Services Authority  
Superior California Economic Development District

A written comment period has been established commencing on August 12, 2016, and closing on September 26, 2016. 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 or 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.

The Executive Director of the Commission, upon her or its own motion or at the request of any interested person, will approve, or revise and approve, or return the

proposed code(s) to the agency for revision and re-submission within 60 days without further notice.

Any interested person may present statements, arguments or comments, in writing to the Executive Director of the Commission, relative to review of the proposed conflict-of-interest code(s). Any written comments must be received no later than September 26, 2016. 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.

**TITLE 2. FAIR POLITICAL  
PRACTICES COMMISSION**

NOTICE IS HEREBY GIVEN that the Fair Political Practices Commission (the Commission), under the authority vested in it by the Political Reform Act (the Act)<sup>1</sup> by Section 83112 of the Government Code proposes to adopt, amend, or repeal regulations in Title 2, Division 6 of the California Code of Regulations. The Commission will consider the proposed regulation at a public hearing on or after **September 15, 2016**, at the offices of the Fair Political Practices Commission, 428 J Street, Suite 800, Sacramento, California, commencing at approximately **10:00 a.m.** Written comments should be received at the Commission offices no later than **5:00 p.m. on September 13, 2016.**

BACKGROUND/OVERVIEW

The Act provides that once campaign funds become “surplus” campaign funds, they can be used only for very specific purposes set forth in Section 89519(b). Section 89519, which defines when campaign funds become surplus campaign funds, was amended in 2014 (AB 800) to change these dates. As amended, Section 89519 provides that campaign funds of elected officials who leave office and candidates that have been defeated in an election become surplus campaign funds on the later of the 90th day after leaving office, or the 90th day following the end of the postelection reporting period following defeat. The proposed amendment conforms the dates in Regulation 18951(a) to the dates in Section 89519(a).

Also, the proposed amendment lengthens the time after a candidate’s death before campaign funds become surplus funds. (Regulation 18951(a)(3).)<sup>2</sup> Currently,

<sup>1</sup> The Political Reform Act is contained in Government Code sections 81000 through 91014. All further statutory references are to the Government Code. The regulations of the Fair Political Practices Commission are contained in sections 18110 through 18997 of Title 2 of the California Code of Regulations (hereafter Regulation).

<sup>2</sup> In interpreting and implementing the Act’s surplus fund provisions, the Commission has included this provision which does not appear in the statute.

when a candidate dies while in office or while running for office, the candidate’s campaign funds become surplus on the earlier of June 30 or December 31 following the candidate’s death. The proposed amendment provides that these funds become surplus on the 90th day after the end of the postelection reporting period following the candidate’s death.

REGULATORY ACTION

Amend 2 Cal. Code Regs. Section 18951

SCOPE

The Commission may adopt the language noticed herein, or it may choose new language to implement its decisions concerning the issues identified above or any related issues. The Commission may delete provisions, adopt the language noticed herein, or choose new language to implement its policy regarding implementation.

FISCAL IMPACT STATEMENT

Fiscal Impact on Local Government. This regulation will have no fiscal impact on any local entity or program.

Fiscal Impact on State Government. This regulation will have no fiscal impact on any state entity or program.

Fiscal Impact on Federal Funding of State Programs. This regulation will have no fiscal impact on the federal funding of any state program or entity.

AUTHORITY

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

REFERENCE

The purpose of this regulation is to implement, interpret, and make specific Government Code Section 89519.

CONTACT

Any inquiries should be made to Valentina Joyce, Fair Political Practices Commission, 428 J Street, Suite 620, Sacramento, CA 95814; telephone (916) 322-5660 or 1-866-ASK-FPPC. Proposed regulatory

language can be accessed at <http://www.fppc.ca.gov/the-law/fppc-regulations/proposed-regulations-and-notice.html>.

ulations will implement, interpret, and make specific the provisions of Government Code sections 18675, 19889, 19889.2, and 19889.3.

**TITLE 2. STATE PERSONNEL BOARD**

**DATE:** August 12, 2016  
**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 regulatory changes described below. The Board will consider any and all comments, objections, or recommendations that may be submitted regarding this proposed action.

**PUBLIC HEARING**

A public hearing regarding the proposed regulatory action will be held on September 29, 2016, 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](mailto:jeanne.wolfe@spb.ca.gov)

The written comment period closes on September 26, 2016, 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/POLICY STATEMENT OVERVIEW**

The Board proposes the amendment of sections 52.4, 548.49, and 548.136 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, 18701, and 19889.2. The proposed reg-

**INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW**

**INFORMATIVE DIGEST**

**A. Summary of Existing Laws and Regulations Related to the Proposed Action**

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, & 18216.) Regulations concerning Board hearing procedures related to disciplinary and merit matters are not exempt from the APA. (Gov. Code, § 18215, subd. (a)(2).) Nonetheless, the following portions of the APA do not apply to this regulatory action (Gov. Code § 18215, subd. (b)(1) through (8)):

- (1) Government Code section 11346.2, subdivisions (a)(1) and (b)(4) and (5) [technical terms; alternatives; and evidence or documents];
- (2) Government Code section 11346.3 [economic impact on business enterprises and individuals];
- (3) Government Code section 11346.4, subdivision (a)(3) [mail to small business enterprises];
- (4) Government Code section 11346.5, subdivision (a)(3)(8), (5), & (7) through (12) [comparable federal law; mandate on local agencies or school districts; adverse impact on businesses; cost impact on representative private person or business; results and finding of economic impact assessment; and effect on housing costs];
- (5) Government Code section 11346.9, subdivision (a)(2), (4), & (5) [mandate on local agencies or school districts; alternatives; rejection of alternatives];

- (6) Government Code section 11347.3, subdivision (b)(6) and (7) [data, factual information, and empirical studies or reports];
- (7) Government Code section 11349, subdivisions (a), (e), and (f) [specified definitions]; and
- (8) Government Code section 11349.1, subdivision (a)(1), (5), and (6) [standards of OAL review].

**B. Policy Statement Overview**

This proposed regulatory action will improve the organization of the Board’s regulations by grouping appeals from Career Executive Assignment (CEA) terminations and examinations with other civil service appeals. This proposed change will thus make it easier to find the rules related to CEA appeals. This proposed regulatory action also updates the Board’s appeal-related regulations to include appeals from online examinations. The proposed changes will make CEA appeals consistent with other civil service appeals, thereby simplifying appeal procedures and eliminating subjective standards. The proposed amendments will also ensure that the Board’s regulations are up to date with current discrimination and prohibited acts laws and any future changes to those laws. Other changes include renumbering regulations and non-substantive style changes needed for consistency and clarity.

**C. Evaluation of Consistency and Compatibility with Existing State Regulations**

In reviewing other state regulations, the Board found that the instant regulatory proposal is consistent and compatible with existing state regulations.

**ANY OTHER MATTERS PRESCRIBED BY STATUTE**

None.

**DETERMINATION OF COSTS OR SAVINGS**

The Board has made the following initial determinations:

- Cost to any local agency or school district that must be reimbursed in accordance with Government Code sections 17500 through 17630: None.
- Cost or savings to any State agency: Given that this proposed regulatory action amends, clarifies, and updates the Board’s existing regulations without creating additional duties on state agencies, the Board expects that any costs or savings to State agencies will be minimal, if any.
- Other nondiscretionary cost or savings imposed on local agencies: None.

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

**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](mailto: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:

Lori Gillihan  
 Chief, Policy and Compliance Review  
 State Personnel Board  
 801 Capitol Mall, MS 53  
 Sacramento, CA 95814  
 Phone: (916) 651-0924  
 Email: [lori.gillihan@spb.ca.gov](mailto:lori.gillihan@spb.ca.gov)

Please direct requests for copies of the proposed text of the regulations, the initial statement of reasons, or other information upon which the rulemaking is based to 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](http://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 only 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](http://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 12, 2016. 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 8, 2016.

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](mailto:Sara.Khalid@cdfa.ca.gov). The written comment period closes at 5:00 p.m. on September 26, 2016. 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](mailto: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 that 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 that 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. Almost 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 that 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 of ACP hosts.

The Department has 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 that 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 emergency rulemaking action expanded the quarantine area for ACP in Fresno County by approximately 92 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 is under regulation is now approximately 53,769 square miles.

DISCLOSURES REGARDING THE PROPOSED ACTION

*The Department has made the following initial determinations:*

Mandate on local agencies or school districts: None.

Cost or savings to any state agency: None.

Cost to any local agency or school district which must be reimbursed in accordance with Government Code Sections 17500 through 17630: None 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 zero citrus production nurseries in the affected area that will be impacted. There are three retail nurseries in the affected area. There are eight citrus growers in the 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 packing-house 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 packinghouses located within this quarantine area.

Based on the preceding 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 Laura Petro 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](http://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

Harold Coburn, Regulations 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

#### NOTICE OF PROPOSAL TO AMEND RULE 1688. USE OF RIDING CROP

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

#### PROPOSED REGULATORY ACTION

The proposed amendment of Board Rule 1688, Use of Riding Crop, would modify subsection 1688(b)(6) to prohibit the jockey from using the riding crop more than four times in succession during the last 16th of a mile in a thoroughbred race without giving the horse a chance to respond before using the riding crop again.

#### PUBLIC HEARING

The Board will hold a public hearing starting at **9:30 a.m., Thursday, October 20, 2016**, or as soon after that as business before the Board will permit, at the **Santa Anita Park Race Track, 285 West Huntington Drive, Arcadia, 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 September 26, 2016**. The Board must receive all comments at that time; however, written comments may still be submitted at the public hearing. Submit comments to:

#### AUTHORITY AND REFERENCE

Authority cited: Sections 19420, 19440, and 19562, Business and Professions Code. Reference: Sections 19440, 19481, and 19562, Business and Professions Code.

Business and Professions Code sections 19420, 19440, and 19562 authorize the Board to amend the proposed regulation, which would implement, interpret or make specific sections 19440, 19481, and 19562, Business and Professions Code.

#### INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Business and Professions Code section 19420 provides that jurisdiction and supervision over meetings in California where horse races with wagering on their results are held or conducted, and over all persons or things having to do with the operation of such meetings, is vested in the California Horse Racing Board. 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. Responsibilities of the Board shall include, but are not limited to, 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 states the Board may prescribe rules, regulations, and conditions, consistent with the provisions of this chapter, under which all horse races with wagering on their results shall be conducted in this state.

Rule 1688 seeks to curtail and prevent excessive use of the riding crop. Under the current subsection 1688(b)(6) jockeys are prohibited from using the riding crop more than three times in succession during a race without giving the horse a chance to respond. The regulation is viewed as largely successful; however, some in the industry believe subsection 1688(b)(6) does not allow thoroughbred jockeys to put forth their best efforts during the final moments of a race. The Jockey's Guild proposed an amendment to Rule 1688 that would change the number of times a jockey may use the riding crop during the last 16th of a mile in a thoroughbred race. The proposed amendment to Rule 1688 will

change subsection 1688(b)(6) to prohibit the jockey from using the riding crop more than four times in succession during the last 16th of a mile in a thoroughbred race without giving it a chance to respond before using the riding crop again. This would mean that during the majority of the race, the jockey would be prohibited from using the riding crop more than three times in succession without giving the horse a chance to respond, but in the final 16th of a mile, the jockey would be prohibited from using the riding crop more than four times in succession without giving the horse time to respond.

A 16th of a mile is one half of a furlong, or 110 yards. With an average stride of between 20 and 23.5 feet, a thoroughbred horse can travel a distance of one 16th of a mile in approximately nine to ten seconds. Currently, subsection 1688(b)(6) provides that the jockey may not use the riding crop more than three times in succession without giving the horse time to respond. This means that during the last 16th of a mile in a thoroughbred race, the jockey may use the riding crop approximately three times, or a maximum of nine strikes. The proposed amendment would allow an additional strike each time the riding crop is used during the last 16th of a mile in a thoroughbred race, which means the jockey may strike the horse up to 12 times. The last 16th of a mile in a thoroughbred race is when a jockey may need to encourage the horse. Thoroughbred races start fast and end slow; the last quarter of the race is the slowest. During the final few seconds of a race, the proposed amendment will allow the jockey whose mount is within placing distance of the finish line to encourage the horse to put forth a little extra effort. However, it should be reiterated that if the horse is clearly out of the race, or has obtained its maximum placing, subsection 1688(b)(4) prohibits the use of the riding crop. The jockey who strikes the horse under such circumstances may be called before the stewards.

Board Rule 1685, Equipment Requirement, provides a description of the riding crops allowed for use in flat racing (Thoroughbred and quarter horse racing). The regulation states riding crops shall be unaltered from the original manufacturer; shall have shaft and flap; shall weigh no more than 8 ounces and shall not be more than 30 inches in length. The riding crop is a tool that is used to encourage race horses. Advocates of the proposed amendment to Rule 1688 state the ability to use the riding crop four times in succession during the last 16th of a mile in a thoroughbred race may, in some instances, be the difference between a winning or non-winning ride. Jockeys are required to give their full effort in a race. Board Rule 1682, Requirements for Horse, Trainer and Jockey, states: "Jockeys going to the post in any race shall race their mount to win, shall give their best effort in the race to their mount and the public, and shall ride their mount out until the finish line is

passed." The proposed amendment to Rule 1688 gives the jockey the ability to use the riding crop four times in succession during the last 16th of a mile in a thoroughbred race, thus allowing for race riding that will not leave the wagering public feeling as if the jockey did not give his or her best effort.

The riding crop is also a tool for maintaining control of the horse. The riding crop is used in certain instances for safety because it provides a measure of control over the horse in critical situations; however, excessive or inappropriate use of the riding crop presents a horse welfare issue. Rule 1688 currently addresses unwarranted use of the riding crop. Under the rule, jockeys are forbidden to strike a horse on the head or flank and cannot use the riding crop during the post parade or after a race, except to control the horse. Also, striking the horse is penalized if it causes welts or breaks in the skin, and cannot be used when a horse is "clearly out of the race or has obtained its maximum pacing." The rule defines correct use of the riding crop as showing the horse the riding crop before using it, using the riding crop in rhythm with the horse's stride and using the riding crop as an aid to keep a horse running straight. If the stewards believe a jockey is acting improperly with the riding crop, they have the ability to call the jockey in and impose a fine or suspension. This includes any use of the riding crop during the last 16th of a mile in a race if the horse is clearly out of the race or has obtained its maximum pacing.

Subsection 1688(b)(6) requires the jockey to give the horse time to respond before using the riding crop again. Giving the horse time to respond allows the jockey time to gauge the effect of the initial use of the riding crop, and to decide if it will be used again. There are certain outward signs a jockey can look for to determine if a horse is responding to the riding crop, such as the relative position of the horse to other horses in the race over time, whether or not the horse increases or decreases speed when the riding crop is used, and whether the horse moves laterally away from or towards the side where the riding crop was used. The requirement that the horse be given time to respond causes the jockey to pause before using the riding crop again, and helps to remind the jockey to be careful and judicious in how the crop is used.

#### POLICY STATEMENT OVERVIEW OF ANTICIPATED BENEFITS OF PROPOSAL

The proposed amendment of Board Rule 1688, Use of Riding Crop, would modify subsection 1688(b)(6) to prohibit the jockey from using the riding crop more than four times in succession during the last 16th of a mile in a thoroughbred race without giving the horse a chance to respond before using the riding crop again. The

CHRB considers animal welfare and good sportsmanship fundamental for the success of horse racing. The proposed amendment of Rule 1688 provides direction on the appropriate use of the riding crop so that it will be used for safety, correction, or to encourage the horse without causing pain, while allowing the jockey to put forth his or her best effort in the final moments of the race. If the safety practices of riders improve, the public will see horse racing as a sport that cares, which may result in an increase of attraction to the sport. An increase of attraction to the sport could result in an increase in wagering which will have a positive economic impact on the industry.

Consistency with existing state regulations: During the process of developing these regulations and amendments, the CHRB conducted a search of any similar regulations on this topic and concluded that these regulations are 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 1688 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 of Rule 1688 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 is a benefit to California

because it allows the jockey whose mount is within placing distance of the finish line to put forth his or her best effort while promoting the protection of jockey and horse health and safety. The CHRB considers animal welfare and good sportsmanship fundamental for the success of horse racing. The proposed amendment of Rule 1688 provides direction on the appropriate use of the riding crop during the last 16th of a mile in a thoroughbred race, so the riding crop will be used for safety, correction, or to encourage the horse without causing pain. Allowing the jockey to put forth his or her best effort and promoting safety practices of riders, will demonstrate to the wagering public that the jockey can give his or her best effort, and to the public in general that horse racing is a sport that cares about the welfare of the horse, which may result in an increase of attraction to the sport. An increase of attraction to the sport 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 1688 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 has determined that no reasonable alternative it considered or that has otherwise been identified and brought to its attention would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed 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 directed to:

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

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

Andrea Ogden, Manager, Policy and Regulations  
 Telephone: (916) 263-6033  
 E-mail: andreao@chr.ca.gov

AVAILABILITY OF FINAL 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 and all available information on which this proposal is based. Copies may be obtained by contacting Leeland Turner, 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 Leeland Turner 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 made available after the Board has adopted the proposed regulation in its current or modified form, should be sent to the attention of Leeland Turner 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. STATE ATHLETIC COMMISSION

NOTICE IS HEREBY GIVEN that the California State Athletic Commission (hereinafter "commission") 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 a hearing to be held:

**September 26, 2016 — 10:00 a.m.**  
 Department of Consumer Affairs  
 Hearing Room  
 2005 Evergreen Street  
 Sacramento, CA 95815

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 commission at its office not later than 5:00 p.m. **September 26, 2016** or must be received by the commission at the hearing. The commission, 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 18611 of the Business and Professions Code, and to implement, interpret or make specific Sections 18640 and 18711 of said Code, the commission is considering changes to Division 2 of Title 4 of the California Code of Regulations as follows:

INFORMATIVE DIGEST

A. Informative Digest

**Adopt subdivision (c)-(g) of Section 280.** Per Business and Professions Code (BPC) Section 18711, on or after January 1, 2008, all professional athletes licensed under this chapter are required by the commission to complete medical examinations, to be determined by the commission through regulations, as a condition of initial licensure and license renewal.

These proposed amendments provide that the medical examinations detect physical conditions that could place an athlete or contestant at risk for serious injury or

permanent or temporary impairment of any bodily function. These tests or examinations include, but are not limited to, a Neurological Examination, a Magnetic Resonance Imaging (MRI), a Electrocardiogram (EKG), a Physical Examination, an Eye Examination, and blood tests for Human Immunodeficiency Virus (HIV) Antibody, Hepatitis B Surface Antigen, Hepatitis C Virus and Tuberculosis.

**Adopt subdivision (h) of Section 280.** The specific purpose of Section 280 (h) is to establish the necessary and specific regulations and establish a neurological assessment fee and carry out the Legislative intent of BPC 18711. This regulatory proposal establishes a flat neurological assessment fee of \$250 paid by promoters on a per–event basis.

**B. Policy Statement Overview/Anticipated Benefits of Proposal**

Existing law at Section 18611 of the Business and Professions Code authorizes the commission to adopt, amend, or repeal, in accordance with the Administrative Procedure Act, rules and regulations as may be necessary to enable it to carry out the laws relating to boxing and the martial arts.

BPC Section 18711 (a)(1)(B) requires “*On and after January 1, 2008, all professional athletes licensed under this chapter shall be required by the commission to complete a medical examination process, which shall include the completion of specific medical examinations, **to be determined by the commission through regulations**, as a condition of initial licensure and license renewal. This medical examination process may include examinations required under current law and any additional medical examinations determined to be medically necessary. In adopting the medical examination process, the commission shall consider the health and safety of contestants, the medical necessity of any examinations required, and the financial aspects of requiring those medical examinations.*” The proposed changes will carry out the intent of 18711 (a)(1)(B), by establishing necessary regulations concerning medical examinations required for licensure.

In addition, BPC 18711 (a) requires “*as a condition of licensure and as a part of the application process, the examination by a licensed physician and surgeon who specializes in neurology and neurosurgery of each applicant for a license as a professional athlete or contestant licensed under this chapter or, if for the renewal of a license, this examination every year, in addition to any other medical examinations.*”

Furthermore, BPC 18711 (c) states “*The cost of the examinations required by this section shall be paid from assessments on any one or more of the following: promoters of professional matches, managers, and professional athletes or other contestants licensed under this*

*chapter. The rate and manner of assessment shall be set by the commission, and may cover all costs associated with the requirements of this section. This assessment shall be imposed on all contests approved by the commission under this chapter. As of July 1, 1994, all monies received by the commission pursuant to this section shall be deposited in and credited to the State Athletic Commission Neurological Examination Account which is hereby created in the General Fund. The administrative costs associated with managing and distributing the State Athletic Commission Neurological Examination Account shall be limited to no more than 20 percent of the prior year’s contributions.*” The proposed regulations will clarify the intent of BPC Section 18711 (c), by establishing a Neurological Assessment (\$250 per sanctioned event) which will be imposed on licensed promoters.

Benefits of this regulatory proposal will allow the Commission to further fulfill its primary mandate of public protection. The Legislature established the neurological account to pay for neurological examinations that might detect physical conditions that could place athletes at risk for serious or permanent injury. This regulatory proposal will provide the most up–to–date and thorough neurological care for combatant sports athletes licensed in our state.

**C. Consistency and Compatibility with Existing State Regulations**

The Commission has conducted an evaluation for any other regulations on this area and has concluded that these are the only regulations concerning Neurological Assessments. Therefore, the proposed regulations are neither inconsistent nor incompatible with any other existing state regulations.

**D. Document Incorporated by Reference: None.**

**FISCAL IMPACT ESTIMATES**

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

Significant, statewide adverse economic impact directly affecting businesses and small business: The Commission has made an initial determination that the proposed action *will not* directly affect businesses statewide, including small business, and the ability of California businesses to compete with businesses in other states.

Cost Impact on Representative Private Person or Business:

Currently, a large majority of licensed promoters already cover the costs of the neurological examinations for professional athletes participating in their sanctioned event (an average of 16–30 athletes compete at each event). This cost is an average of \$100 per athlete, per year. The proposed regulations will impose a \$250 flat fee per sanctioned event, and the Neurological Examination Account will cover the costs for the neurological examinations required as a condition of licensure. It is anticipated that this may be a cost savings to those promoters that already cover the costs associated with the neurological examinations. Otherwise, there will be a cost savings of approximately \$100 per year to individual applicants or licensees.

EFFECT ON HOUSING COSTS

None.

EFFECT ON SMALL BUSINESS

The Commission has initially determined that this regulatory proposal would not affect small business. Because this proposal only charges the source of payment for athlete neurological exams, nothing changes with respect to the amount of exams performed or the amount received by small business for conducting athlete neurological exams.

RESULTS OF THE ECONOMIC IMPACT ANALYSIS

The commission concludes that this proposal will affect the State of California business environment as follows:

- Unlikely to eliminate any jobs
- Unlikely to create jobs
- Unlikely to create new businesses
- Unlikely to eliminate any existing businesses
- Unlikely to expand current business

Benefits of the Proposed Action: This regulation package would provide the necessary regulations to properly administer the Neurological Examination Account in accordance with the law. The Neurological Examination Account will pay for neurological examinations that are required as a condition for licensure, which could represent a considerable cost savings to athletes and/or promoters.

CONSIDERATION OF ALTERNATIVES

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

INITIAL STATEMENT OF REASONS AND INFORMATION

The commission 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 and of 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 California State Athletic Commission at 2005 Evergreen Street, Suite 2010, Sacramento, California 95815.

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

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

You may obtain a copy of the final statement of reasons once it has been prepared, by making a written request to the contact person 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: Sophia Cornejo  
 Address: 2005 Evergreen Street, Suite 2010  
 Sacramento, CA 95815  
 Telephone No.: (916) 263–2195  
 Fax No.: (916) 263–2197  
 E-Mail Address: Sophia.Cornejo@dca.ca.gov

The backup contact person is:

INFORMATIVE DIGEST

Name: Heather Jackson  
 Address: 2005 Evergreen Street, Suite 2010  
 Sacramento, CA 95815  
 Telephone  
 No.: (916) 263-2195  
 Fax No.: (916) 263-2197  
 E-Mail  
 Address: heather.jackson@dca.ca.gov

Website Access: Materials regarding this proposal can be found at <http://www.dca.ca.gov/csac>.

#### TITLE 4. STATE ATHLETIC COMMISSION

NOTICE IS HEREBY GIVEN that the California State Athletic Commission (hereinafter “commission”) 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 a hearing to be held:

**September 26, 2016 — 10:00 a.m.**  
 Department of Consumer Affairs  
 Donner Lake Room — 2nd Floor  
 2005 Evergreen Street  
 Sacramento, CA 95815

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 commission at its office not later than 5:00 p.m., **September 26, 2016**, or must be received by the commission at the hearing. The commission, 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 Section 18611 of the Business and Professions Code, and to implement, interpret or make specific Section 18640 of said Code, the commission is considering changes to Division 2 of Title 4 of the California Code of Regulations as follows:

##### A. Informative Digest

Amend Section 232. The Commission was initially established because of the increasing number of boxer injuries/deaths occurring in the ring; and the involvement of unethical persons, management and promoters in the sport. Prior to the Commission’s establishment, no government agency existed to provide oversight of managers, promoters, or event officiating; or to protect the health and ensure the safety of the participants. Today, the Commission oversees the licensing, prohibited substance testing, and event regulation throughout the state with a seven-member Commission. This rulemaking package mainly addresses that Athletes are not provided a minimum purse for fighting. This has allowed some promoters to exploit athletes by paying them \$1.00 instead of an industry minimum. This regulation would set a minimum purse amount of one hundred dollars (\$100) per round.

##### B. Policy Statement Overview/Anticipated Benefits of Proposal

Existing law (Section 18611 of the Business and Professions Code) authorizes the commission to adopt, amend, or repeal, in accordance with the Administrative Procedure Act, rules and regulations as may be necessary to enable it to carry out the laws relating to boxing and the martial arts. By amending section 232, the commission will be in compliance with the law.

The benefits of the proposed regulatory package will allow the Commission to carry out its mission of protecting athletes. It will also prevent Promoters from exploiting athletes by receiving only \$1.00 for a purse.

##### C. Consistency and Compatibility with Existing State Regulations

The commission has conducted an evaluation for any other regulations on this area and has concluded that these are the only regulations concerning minimum payment to contestants. Therefore, the proposed regulations are neither inconsistent nor incompatible with any other existing state regulations.

##### D. Document Incorporated by Reference: None.

#### FISCAL IMPACT ESTIMATES

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

Significant, statewide adverse economic impact directly affecting businesses and individuals: Although the proposed action *will* directly affect businesses statewide, including small businesses, the Commission concludes that the adverse economic impact, including the ability of California businesses to compete with businesses in other states, *will not* be significant.

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 unnecessarily incur in reasonable compliance with the proposed action.

EFFECT ON HOUSING COSTS

None.

EFFECT ON SMALL BUSINESS

The Commission has initially determined that this regulatory proposal may affect small business; however, the Commission does not anticipate that it will be a significant impact.

RESULTS OF THE ECONOMIC IMPACT ANALYSIS

The Commission concludes that this proposal will affect the State of California business environment as follows:

- Unlikely to eliminate any jobs, including promoters
- Unlikely to create jobs, including promoters
- Unlikely to create new businesses
- Unlikely to eliminate any existing businesses
- Unlikely to expand current business

**Benefits of the Proposed Action:** This rulemaking package mainly addresses that athletes are not provided a minimum purse for fighting. This has allowed some promoters to exploit athletes by paying them \$1.00 instead of an industry minimum. This regulation would set a minimum purse amount of one hundred dollars (\$100) per round.

CONSIDERATION OF ALTERNATIVES

The Commission must determine that no reasonable alternative it considered or that has otherwise been identified and brought to its attention would be more ef-

fective 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 private persons and equally effective in implementing the statutory policy or other provision of law.

INITIAL STATEMENT OF REASONS AND INFORMATION

The Commission 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 and of 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 California State Athletic Commission at 2005 Evergreen Street, Suite 2010, Sacramento, California 95815.

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

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

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

CONTACT PERSON

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

Name: Heather Jackson  
 Address: 2005 Evergreen Street, Suite 2010  
 Sacramento, CA 95815  
 Telephone No.: (916) 263-2195  
 Fax No.: (916) 263-2197  
 E-Mail Address: heather.jackson@dca.ca.gov

The backup contact person is:

Name: Sophia Cornejo  
Address: 2005 Evergreen Street, Suite 2010  
Sacramento, CA 95815  
Telephone  
No.: (916) 263-2195  
Fax No.: (916) 263-2197  
E-Mail  
Address: Sophia.Cornejo@dca.ca.gov

Website Access: Materials regarding this proposal can be found at <http://www.dca.ca.gov/csac>.

**TITLE 16. BOARD FOR  
PROFESSIONAL ENGINEERS, LAND  
SURVEYORS AND GEOLOGISTS**

NOTICE IS HEREBY GIVEN that the Board for Professional Engineers, Land Surveyors, and Geologists (Board) is proposing to take the action described in the Informative Digest. The Board does not intend to hold a hearing on this matter. If an interested party wishes that a hearing be held, he or she must make the request in writing to the Board no later than 15 days prior to the close of the written comment period. The Board, upon its own motion or at the instance of any interested party, may thereafter adopt the proposals substantially related to the original text.

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 Board at its office not later than 5:00 p.m. on September 27, 2016.

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 the 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 Citations: Pursuant to the authority vested by sections 8710 and 8741(a) of the Business and Professions Code, and to implement, interpret, or make specific sections 8742(a)(2) and 8742(a)(3) of said Code, the Board is considering changes to Division 5 of Title 16 of the California Code of Regulations (CCR) as follows:

**INFORMATIVE DIGEST**

It is the intent of the Board to ensure that its laws are clear, concise, efficient, and necessary. Business and Professions Code section 8710(a) authorizes the Board to make and enforce rules and regulations that are reasonably necessary to carry out its provisions. Business

and Professions Code section 8741 establishes the Board's ability to prescribe by regulation reasonable educational or experience requirements necessary to qualify for the professional land surveyor examination. To that extent, the Board is proposing a regulatory amendment that will clarify what is meant by "responsible field training," "responsible office training," and "broad based progressive experience" to increase compliance and make petitions for additional documentation and discussion pertaining to mandated work experience requirements less burdensome.

**AMEND SECTION 425 OF TITLE 16 OF THE  
CALIFORNIA CODE OF REGULATIONS**

The proposed regulations would amend Title 16 CCR Section 425. The intent of Title 16 CCR Section 425(c) and (d) is to provide a list of activities performed by a land surveyor that qualifies as "responsible field training" and "responsible office training" to provide guidance to applicants and their references. Applicants and their references are using this as a checklist of duties performed instead of listing examples of the qualifying duties performed by the applicant. This causes a delay in the processing of an applicant's application.

Title 16 CCR Section 425(f) provides that an application for licensure as a land surveyor who holds a license as a civil engineer and submits sufficient documentation of a minimum of two years of "actual broad based experience in land surveying" is exempt from the application requirements as provided in sections (b), (c), and (d) of this section. The term "broad based experience" is clarified in Title 16 CCR Section 425(f), which causes confusion and frustration among applicants when informed they do not qualify for licensure as a land surveyor.

**POLICY STATEMENT  
OVERVIEW/ANTICIPATED BENEFITS  
OF PROPOSAL**

The purpose and benefit of this proposed regulatory action is to more clearly define what is meant by "responsible field training" and "responsible office training" and to add specific language further defining "broad based progressive experience as a land surveyor" to improve the quality of this regulation and increase compliance while making the application process less burdensome to the applicants applying for licensure as a professional land surveyor. These amendments will help to maintain the Board's mission to safeguard the life, health, property, and welfare of the public.

**CONSISTENCY AND COMPATIBILITY WITH  
EXISTING STATE REGULATIONS**

After conducting a review for any regulations that would relate to or affect this area, the Board has evaluated this proposed regulatory action and it is neither inconsistent nor 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:

This proposed regulatory action does not result in any significant expenditure to public or state agencies.

Nondiscretionary Costs/Savings to Local Agencies:

This proposed regulatory action does not result in nondiscretionary costs or savings to local agencies.

Local Mandate:

This proposed regulatory action does not impose a mandate on local agencies or school districts.

Cost to Any Local Agency or School District for Which Government Code Sections 17500–17630 Require Reimbursement:

None.

Business Impact:

The Board has made an initial determination that this proposed regulatory action would have no significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states. The proposed amendments provide clarification to applicants filing for licensure as a professional land surveyor.

Cost Impact on Representative Private Person or Business:

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

Effect on Housing Costs:

None.

**EFFECT ON SMALL BUSINESS**

The Board has determined that the proposed regulations would not affect small businesses. The proposed amendments provide clarification to applicants filing for licensure as a professional land surveyor.

**RESULTS OF ECONOMIC IMPACT  
ASSESSMENT/ANALYSIS**

Impact on Jobs/Businesses:

The Board has determined that this regulatory proposal will not have a significant 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:

As stated under the Policy Statement Overview/Anticipated Benefits of Proposal above, the benefits of the proposed regulation are clarification of the qualifying activities for land surveyor applicants, which leads to less confusion and frustration in the application process and ultimately more qualified individuals applying for the license.

**CONSIDERATION OF ALTERNATIVES**

The Board must determine that no reasonable alternative it considered to the regulation or that has otherwise been identified and brought to its attention would either 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.

**INITIAL STATEMENT OF REASONS  
AND INFORMATION**

The Board has prepared an initial statement of 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 and of the initial statement of reasons, and all of the information upon which the proposal is based, may be obtained upon request from the Board at 2535 Capitol Oaks Drive, Suite 300, Sacramento, California 95833.

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

All the information upon which the proposed regulations are based is contained in the rulemaking file which is available for public inspection by contacting the per-

son 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: Kara Williams
Address: 2535 Capitol Oaks Drive, Suite 300 Sacramento, CA 95833
Telephone No.: (916) 263-5438
Fax No.: (916) 263-2246
E-Mail Address: Kara.Williams@dca.ca.gov

The backup contact person is:

Name: Billie Baldo
Address: 2535 Capitol Oaks Drive, Suite 300 Sacramento, CA 95833
Telephone No.: (916) 263-2277
Fax No.: (916) 263-2221
E-Mail Address: Billie.Baldo@dca.ca.gov

WEBSITE ACCESS

Materials regarding this proposal can be found at www.bpelsg.ca.gov.

TITLE 16. BOARD OF PHARMACY

NOTICE IS HEREBY GIVEN that the Board of Pharmacy (Board) is proposing to take the action described in the Informative Digest. Any person interested may present statements or arguments relevant to the action proposed in writing. 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 Board at its office not later than 5:00 p.m. on September 26, 2016.

The Board does not intend to conduct a Regulation Hearing on the matter, unless requested. Any interested person may submit a written request for a public hearing no later than 15 days prior to the close of the written comment period.

The Board, 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 4001.1 and 4005 of the Business and Professions Code, and to implement, interpret or make specific sections 490, 4022.5, 4036, 4038, 4053, 4112, 4115, 4161, 4200.5, 4202, 4207, 4300, 4301, 4301.5, 4311, and 4400 of the Business and Professions Code and sections 11105(b)(10) and 11105(e) of the Penal Code, the Board of Pharmacy is proposing to amend section 1702 of Article 1 of Division 17 of Title 16 of the California Code of Regulations and add and adopt sections 1702.1, 1702.2, and 1702.5 in Article 1 of Division 17 of Title 16 of the California Code of Regulations as follows:

INFORMATIVE DIGEST

A. Informative Digest

The Board of Pharmacy (Board) proposes to amend section 1702 of Article 1 of Division 17 of Title 16 of the California Code of Regulations and add and adopt sections 1702.1, 1702.2, and 1702.5 in Article 1 of Division 17 of Title 16 of the California Code of Regulations for the purpose of amending the Board's regulations to update the renewal requirements for pharmacists, pharmacy technicians, designated representatives, nonresident wholesalers and nonresident pharmacies pertaining to the fingerprinting requirement and reporting of convictions and disciplinary action as specified below.

B. Policy Statement Overview

Existing regulation at section 1702 defines the fingerprinting and conviction disclosure requirements for a pharmacist applicant for renewal. This regulation took effect in 2010. It specifies the mandatory submission of fingerprints to the Department of Justice (DOJ) for state and federal level criminal offender record information search and the ability of the board to bring disciplinary action against a licensee that fails to comply with the fingerprinting requirement.

The proposed regulations would make changes to the existing pharmacist renewal requirements as well as place similar renewal requirements for pharmacy technicians and designative representatives. In addition, this proposal would specify the disclosure of disciplinary action as a condition of renewal for nonresident wholesalers and nonresident pharmacies.

Amend Section 1702 Pharmacist Renewal Requirements

The proposed regulatory change at section 1702 would require a pharmacist applicant for renewal, as a condition of renewal, to disclose on the renewal form any disciplinary action taken against any license issued to the applicant. This proposal would remove reference to the implementation date of the fingerprinting requirement found in this section. The proposed regulation would also clarify the requirements for the disclosure of criminal conviction information. Specifically, that it pertains to convictions that have occurred since the licensee last renewed. The proposal would also increase the threshold for traffic infractions that require disclosure on the renewal form.

Add Sections 1702.1 and 1702.2 Pharmacy Technician and Designated Representative Renewal Requirements

The proposed regulation at section 1702.1 would define the requirements for a pharmacy technician applicant for renewal and the proposed regulation at section 1702.2 would define the requirements for a designated representative applicant for renewal.

Business and Professions Code section 144 requires an applicant to furnish to specified agencies, including the California State Board of Pharmacy (Board), a full set of fingerprints for the purpose of conducting criminal history record checks. Additionally, this section allows the Board to obtain and receive criminal history information from the Department of Justice (DOJ) and the United States Federal Bureau of Investigation (FBI).

The fingerprinting of applicants allows the Board a mechanism to enhance public protection by conducting a more thorough screening of applicants for possible licensure. Pharmacy technicians and designated representatives licensed prior to January 1, 2001 were not routinely required to submit fingerprints to the Board for purposes of securing a background check by the United States Federal Bureau of Investigation (FBI). This proposed regulation would require all Board licensees for whom an electronic record of his or her fingerprints does not exist in the DOJ's criminal offender record identification database to successfully complete a state and federal level criminal offender record information search conducted through the DOJ. Requiring all pharmacy technicians and designated representatives licensed prior to January 1, 2001, to submit fingerprints for processing during their next renewal will ensure that the Board receives timely notification of any arrest(s) or conviction(s) from the DOJ in the future.

Specifically these proposed regulations would:

- Require all pharmacy technician and designated representative applicants for renewal on or after the effective date of this regulation who have not previously submitted fingerprints to the FBI or for whom an electronic record of the submission of the fingerprints does not exist with DOJ, to complete a state and federal level criminal offender record information search conducted through the DOJ before his or her license renewal date. The purpose of this provision is to ensure the Board receives criminal background and subsequent conviction information on pharmacy technicians and designated representatives in order to protect the public from unprofessional practitioners and fully implement the Board's mandate to enforce the unprofessional conduct statutes of Board licensing law.
- Requires licensees to retain for at least three years either a receipt showing that he or she has electronically transmitted his or her fingerprint images to DOJ, or for those licensees who did not use an electronic fingerprinting system, a receipt evidencing that the licensee's or registrant's fingerprints were taken. The purpose of this provision is to permit the licensee to demonstrate compliance with the fingerprinting requirement in the event that fingerprint submissions are not processed correctly by DOJ.
- Provides that a revoked license may not be reinstated until the applicant has submitted fingerprints for a criminal records search conducted through DOJ. This provision is in addition to any other conditions of reinstatement as determined by the Board. The purpose of this provision is to make certain that all licensees, irrespective of licensure status, meets the fingerprinting requirements set forth in this regulation before resuming practice with the public.
- Require pharmacy technician and designated representative applicants for renewal to pay the actual cost of compliance with the fingerprinting requirement.
- Exempts from the requirements of this proposed regulation pharmacy technicians and designated representatives actively serving in the United States military. The purpose of this provision is to allow those licensees not in active practice to only meet the requirement before returning to active practice with the public.

- Require pharmacy technicians and designated representatives, as a condition of renewal, to disclose on the renewal form any arrest or conviction information, as specified, since the licensee’s last renewal.
- Require pharmacy technicians and designated representatives, as a condition of renewal, to disclose on the renewal form any disciplinary action against any license issued to the applicant by a government agency. The proposal defines “disciplinary action” for the purposes of this section. As a requirement for initial licensure, applicants are required to disclose any disciplinary action taken against a license held by the applicant. This information is valuable when making a licensing decision; however, it only provides information at the time of licensure. There are no regulations currently that require disclosure of new disciplinary action taken since a license has been issued or since a license was last renewed. The proposed regulations would allow the board a mechanism to identify such discipline.
- Specifies that failure to comply will result in the application for renewal being considered incomplete and the license shall not be renewed until the licensee demonstrates compliance with all requirements. The purpose of this provision is to give the Board the ability to enforce the fingerprinting and disclosure requirements by declaring any incomplete application ineligible for renewal.

Add Section 1702.5 Nonresident Wholesaler and Nonresident Pharmacy Renewal Requirements

The proposed regulation would require a nonresident wholesaler or nonresident pharmacy applicants for renewal, as a condition of renewal, to disclose on the renewal form any disciplinary action taken by any government agency since the last renewal of the license. The proposed regulation gives the Board the ability to enforce the disclosure requirements by declaring any incomplete application ineligible for renewal.

As part of the requirements for initial licensure as a nonresident pharmacy or nonresident wholesaler, an applicant must hold a current license in the resident state. Prior to issuance of a California license, such applicants provide the Board with license verification from the resident state that provides our board with confirmation of the current standing with the other state board as well as notification if the license has been disciplined. This information is very valuable when making a licensing decision; however, it only provides information at the time of licensure. There are no regulations currently that require disclosure of new disciplinary action taken since a license has been issued or

since a license was last renewed. The proposed regulations would allow the Board a mechanism to identify such discipline.

Anticipated Benefits of Proposal

Business and Professions Code section 4001.1 states that the “protection of the public shall be the highest priority for the board in exercising its licensing, regulatory, and disciplinary functions. Whenever the protection of the public is inconsistent with other interests sought to be promoted, the protection of the public shall be paramount.” The purpose of the proposed regulatory changes is to ensure that the Board upholds its mandate to protect the public in accordance with this section. In order to protect the public from incompetent, unethical and unprofessional practitioners, it is necessary for the Board to be informed of past and current criminal convictions and disciplinary action that are substantially related to the qualifications, functions, or duties of their professional service for which they are licensed. The unprofessional conduct statutes of Board licensing law as defined in Business and Professions Code sections 4301 and 4311 allow the Board to deny a license or suspend or revoke a license for unprofessional conduct, including the conviction of a crime substantially related to the qualifications, functions or duties of a licensee. In order to fully implement the unprofessional conduct statutes that require the Board to discipline a license that has been convicted of a crime substantially related to the qualifications, functions, or duties of their profession, the Board must receive notice of and all information related to those criminal convictions and discipline.

C. Consistency and Compatibility with Existing State Regulations

During the process of developing these regulations and amendments, the Board of Pharmacy has 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.

FISCAL IMPACT ESTIMATES

Fiscal Impact on Public Agencies Including Costs/Savings to State Agencies or Costs/Savings in Federal Funding to the State: The Board estimates a cost of about \$10,000 annually beginning in FY 2016/17.

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 Board has made an initial determination that the proposed regulatory action would not have a significant

statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states.

AND

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

There would be no costs to businesses to comply with this regulation. Any costs associated with this proposed regulation would only affect pharmacy technicians and designated representatives for whom an electronic record of his or her fingerprints does not exist in the DOJ criminal offender record identification database and those licensees that do not comply with the proposed regulation.

Cost Impact on Representative Private Person or Business:

The current processing fees associated with Live Scan fingerprinting are \$32.00 for DOJ and \$17.00 for FBI, with some Live Scan agencies charging additional fees for “rolling” fingerprints and/or administrative processing. Applicants are responsible to pay all fees associated with the fingerprint process. The board estimates that there are approximately 12,792 licensees that have not submitted electronic fingerprints through the DOJ and will require Live Scan to be completed consisting of 12,519 pharmacy technicians and 273 designated representatives. These licensees will be required to complete a state and federal level criminal offender record information search through DOJ in order to have an electronic record in the DOJ database.

Effect on Housing Costs: None.

EFFECT ON SMALL BUSINESS

The Board has determined that the proposed regulations would not affect small businesses. This proposed regulation would only affect individuals for whom an electronic record of his or her fingerprints does not exist in the DOJ criminal offender record identification database and those licensees that do not comply with the proposed regulation.

There are approximately 1380 vendors statewide who provide fingerprinting services. There should be no initial or ongoing cost impact upon the vendors because they are already equipped to provide the service and the fingerprinting requirement will be staggered and extended over the licensees’ renewal periods.

RESULTS OF ECONOMIC IMPACT ASSESSMENT/ANALYSIS

Impact on Jobs/New Businesses:

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

Benefits of Regulation:

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

Business and Professions Code section 4001.1 states that the “protection of the public shall be the highest priority for the board in exercising its licensing, regulatory, and disciplinary functions. Whenever the protection of the public is inconsistent with other interests sought to be promoted, the protection of the public shall be paramount.” The purpose of the proposed regulatory changes is to ensure that the Board upholds its mandate to protect the public in accordance with this section. In order to protect the public from incompetent, unethical and unprofessional practitioners, it is necessary for the Board to be informed of past and current criminal convictions and disciplinary action that are substantially related to the qualifications, functions, or duties of their professional service for which they are licensed. The unprofessional conduct statutes of Board licensing law as defined in Business and Professions Code sections 4301 and 4311 allow the Board to deny a license or suspend or revoke a license for unprofessional conduct, including the conviction of a crime substantially related to the qualifications, functions or duties of a licensee. In order to fully implement the unprofessional conduct statutes that require the Board to discipline a license that has been convicted of a crime substantially related to the qualifications, functions, or duties of their profession, the Board must receive notice of and all information related to those criminal convictions and discipline.

CONSIDERATION OF ALTERNATIVES

The Board of Pharmacy 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, 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 in writing relevant to the above determinations at the address listed for the Contact Person.

**INITIAL STATEMENT OF REASONS  
AND INFORMATION**

The Board of Pharmacy 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, and any document incorporated by reference, and of the initial statement of reasons, and all of the information upon which the proposal is based, may be obtained upon request from the Board of Pharmacy at 1625 N. Market Blvd., N219, Sacramento, California 95834, or from the Board of Pharmacy's website <http://www.pharmacy.ca.gov>.

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

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

You may obtain a copy of the final statement of reasons once it has been prepared, by making a written request to the contact person 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: Katrina Trinchera  
Address: 1625 N. Market Blvd., N219  
Sacramento, CA 95834  
Telephone  
No.: (916) 574-7946  
Fax No.: (916) 574-8617  
E-Mail  
Address: Katrina.Trinchera@dca.ca.gov

The backup contact person is:

Name: Anne Sodergren  
Address: 1625 N. Market Blvd., N219  
Sacramento, CA 95834

Telephone  
No.: (916) 574-7910  
Fax No.: (916) 574-8617  
E-Mail  
Address: Anne.Sodergren@dca.ca.gov

Website Access: Materials regarding this proposal can be found at the Board of Pharmacy's website: [www.pharmacy.ca.gov](http://www.pharmacy.ca.gov).

**TITLE 16. CALIFORNIA ARCHITECTS  
BOARD**

**LANDSCAPE ARCHITECTS TECHNICAL  
COMMITTEE**

NOTICE IS HEREBY GIVEN that the California Architects Board (Board) 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 a hearing to be held at:

**California Architects Board  
Landscape Architects Technical Committee  
2420 Del Paso Road, Suite 105  
Sacramento, California 95834  
Tuesday, September 27, 2016  
10:00 a.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 Board at its office no later than 5:00 p.m. on **September 27, 2016** or must be received by the Board at the hearing. The Board, upon its own motion or at the instance of any interested party, may thereafter adopt the proposal 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 the contact person and will be mailed to those persons who submit written or oral testimony related to this proposal or who have requested notification of any changes to the proposal.

Authority and Reference: As a result of legislative reorganization, the Landscape Architects Technical Committee (LATC), established on January 1, 1998, replaced the former Board of Landscape Architects and was placed under the purview of the Board. Pursuant to the authority vested by section 5630 of the Business and

Professions Code (BPC) and to implement, interpret, or make specific section 5650 of the BPC, the Board is considering changes to Division 26 of Title 16 of the California Code of Regulations (CCR) as follows:

INFORMATIVE DIGEST

A. Informative Digest

**Amend Title 16 CCR Section 2615 — Form of Examinations**

BPC section 5650 requires candidates for licensure to have a combination of six years' education and training in landscape architecture to qualify for the licensing examination. BPC section 5651 requires candidates to pass a written examination as a means of ascertaining their professional qualifications to practice, prior to receiving a license.

BPC section 5651 allows the Board to waive the written examination for candidates currently licensed in a United States jurisdiction, Canadian province, or Puerto Rico who have passed a written examination equivalent to that which is required in California at the time of application, have submitted proof of job experience equivalent to that required of Californian applicants at the time of application, and have passed the California Supplemental Examination (CSE) if, at the time of application, it is required of California applicants.

CCR section 2615(c)(1) allows candidates licensed in a United States jurisdiction, Canadian province, or Puerto Rico by having passed a written examination equivalent in scope and subject matter required in California as determined by the Board, to be eligible for licensure upon passing the CSE.

This proposal would amend CCR section 2615(c)(1) by adding the provision that candidates applying for California licensure based on licensure in another jurisdiction must submit verifiable documentation that they possess both education and experience equivalent to that required of California applicants or, if they do not meet the education requirement, that they hold a current license in good standing in another jurisdiction where they have been actively engaged in the profession for at least 10 of the last 15 years.

B. Policy Statement Overview/Anticipated Benefits of Proposal

This proposed regulation expands opportunities to become licensed in California while still protecting the health, safety, and welfare of California consumers because it allows candidates who are licensed and have extensive experience practicing in another jurisdiction but do not meet the education requirements of California candidates to obtain California licensure.

C. Consistency and Compatibility with Existing State Regulations

After conducting a review for any regulations that would relate to or affect this area, the Board has evaluated this regulatory proposal and it is neither inconsistent nor incompatible with existing state regulations.

FISCAL IMPACT ESTIMATES

Fiscal Impact on Public Agencies Including Costs or Savings to State Agencies or Cost/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 Board 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.

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

Cost Impact on Representative Private Person or Business:

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

Effect on Housing Costs: None.

EFFECT ON SMALL BUSINESS

The Board has determined that the proposed regulation would not affect small businesses as it only affects landscape architect applicants.

RESULTS OF ECONOMIC IMPACT ASSESSMENT/ANALYSIS

Impact on Jobs/Businesses:

The Board has determined that this regulatory proposal will not have any impact on the 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 benefit of the regulation is that it will continue to protect the health, safety, and welfare of California consumers by expanding opportunities for licensure in Cal-

ifornia to applicants currently licensed in other jurisdictions with extensive experience in landscape architecture but who do not meet the educational requirement of California's laws and regulations.

#### CONSIDERATION OF ALTERNATIVES

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

Any interested person may 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 Board 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, and any document incorporated by reference, and of the initial statement of reasons, and all of the information upon which the proposal is based, may be obtained at the hearing or prior to the hearing upon request from the California Architects Board, Landscape Architects Technical Committee at 2420 Del Paso Road, Suite 105, Sacramento, California 95834 or by telephoning the contact person listed below.

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

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

You may obtain a copy of the final statement of reasons once it has been prepared, by making a written request to the contact person 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: Kourtney Nation  
Address: 2420 Del Paso Road, Suite 105  
Sacramento, CA 95834

Telephone  
No.: (916) 575-7237  
Fax No.: (916) 575-7285  
E-Mail  
Address: kourtney.nation@dca.ca.gov

The backup contact person is:

Name: Trish Rodriguez  
Address: 2420 Del Paso Road, Suite 105  
Sacramento, CA 95834

Telephone  
No.: (916) 575-7231  
Fax No.: (916) 575-7285  
E-Mail  
Address: trish.rodriguez@dca.ca.gov

Website Access: Materials regarding this proposal can be found at [www.latc.ca.gov](http://www.latc.ca.gov).

#### TITLE 16. DENTAL BOARD OF CALIFORNIA

**NOTICE IS HEREBY GIVEN** that the Dental Board of California (Board) 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 a hearing to be held at:

**Department of Consumer Affairs  
2005 Evergreen Street, 1st Floor Hearing Room  
Sacramento, California 95815  
Monday, September 26, 2016  
10:00 a.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 Board at its office not later than 5:00 p.m. on Monday, September 26, 2016 or must be received by the Board at the hearing. The Board, 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 Section 1614 of the Business and Professions Code, to implement, interpret or make specific Sections 1670.2 of the Business and Professions Code the Board is considering changes to Division 10 of Title 16 of the California Code of Regulations as follows:

#### INFORMATIVE DIGEST/ POLICY STATEMENT OVERVIEW

The Board currently regulates approximately 102,000 licensees, consisting of approximately 45,600 dentists (DDS), approximately 54,700 registered dental assistants (RDA), and 1,700 registered dental assistants in extended functions (RDAEF). In addition, the Board has the responsibility for setting the duties and functions of approximately 50,000 unlicensed dental assistants. The Board's highest priority is the protection of the public when exercising its licensing, regulatory, and disciplinary functions. The primary methods by which the Board achieves this goal are: issuing licenses to eligible applicants; investigating complaints against licensees and disciplining licensees for violations of the Dental Practice Act (Act); monitoring licensees whose licenses have been placed on probation; and managing the Diversion Program for licensees whose practice may be impaired due to abuse of dangerous drugs or alcohol.

The Board routinely receives complaints against licensees from consumers or the profession, and reports of settlements, insurers, etc. pursuant to Business and Professions Code (Code) Sections 801, 802, 803, and 805. The Board investigates all complaints and reports. If grounds exist, the Board may pursue disciplinary action against the licensee by filing an accusation through the Office of the Attorney General.

It has been the practice of the Board that an accusation was considered filed on the same day it is signed by the Board's Executive Officer. Upon receipt of the accusation with the appropriate signature and the date it was signed, staff would then post the accusation online which showed the date the document was considered filed by the Board and signed by the individual actually filing the document. Board staff then served the accusation on the respondent and relevant parties. The date the accusation was served was usually the same day it was filed.

While working through the Board's administrative discipline process, the Attorney General's Office ad-

vised that it would be beneficial to establish definitions for the terms "filing" and "discovery" in regulation.

The statute of limitations in Code Section 1670.2, which requires that accusations "shall be filed within three years after the board discovers the act or omission alleged as the ground for disciplinary action. . . ." The Board has not defined the terms "discovery" or "filing" as the Medical Board of California has done.

California Code of Regulations, Title 16, Section 1356.2(a)(1) defines the word "discovers" under the Medical Board's statute of limitations set forth in Code Section 2230.5 to be "the date the board received the complaint or report describing the act or omission."

California Code of Regulations, Title 16, Section 1356.5 defines the word "filed" under the Medical Board's statute of limitations set forth in Code section 2230.5 as "an accusation or petition to revoke probation shall be deemed 'filed' on the date it is signed by the Executive Director or other person described in section 1356."

It was advised by the Attorney General's Office that the Board consider promulgating a regulation to define the terms "discovery" and "filing" as found in Code Section 1670.2, as done by the Medical Board of California.

Since no regulations exist to implement this under Business and Professions Code, the Board must establish regulations to implement, interpret, and make specific Section 1670.2 to define the term "discovers" and to clarify when accusations are considered filed by the Board. This would provide a clearer understanding for both prosecutors, who have the duty to file accusations timely, and for respondents.

Pursuant to Business and Professions Code (BPC) Section 1614, the Board is authorized to adopt, amend, or repeal such rules and regulations as may be reasonably necessary to enable the Board to carry into effect the provisions of the Dental Practice Act.

The main purpose of this proposal is to adopt California Code of Regulations, Title 16, Sections 1001.1 and 1001.2 in order to define the term "discovers" to comply with statute of limitations and to clarify when accusations are considered filed by the Board.

#### ANTICIPATED BENEFITS

The implementation of this rulemaking will aid the Board's ability to provide direction regarding internal enforcement procedures by defining the terms "discovers" and "filing". These would also clarify when accusations are considered filed by the Board. This rulemaking would provide a clearer understanding for all parties involved regarding a timely filing of an accusation against a licensee and ensure that the filing and discov-

ery dates are not open for discussion, but can be explicitly interpreted.

### CONSISTENCY AND COMPATIBILITY WITH EXISTING STATE REGULATIONS

During the process of developing these regulations, the Board has conducted a search of any similar regulations on this topic and has concluded that all these regulations are neither inconsistent nor 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 Board has made the initial determination that the proposed regulation would not have a significant, statewide adverse economic impact directly affecting business, including the inability of California businesses to compete with businesses in other states, because the regulations pertain to the Board's internal enforcement procedures.

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

Cost Impact on Representative Private Person or Business:

The 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.

Effect on Housing Costs: None.

### EFFECT ON SMALL BUSINESS

The Board has determined that the proposed regulations would not affect small businesses, because the proposed regulation pertains to the Board's internal business processes as it pertains to disciplinary action against licensees.

### RESULTS OF ECONOMIC IMPACT ASSESSMENT/ANALYSIS

#### Impact on Jobs/Businesses

The Board has determined that this regulatory proposal will not have any impact on the creation of jobs or new businesses or the elimination of jobs or existing businesses or the expansion of businesses in the State of California. This determination was made because the proposed changes are not sufficient to create or eliminate jobs or businesses.

#### Benefits of Regulation

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

- The proposed regulations would benefit dental patients because of the improved disciplinary procedures and ultimately provide protection for consumers; and would provide improved disciplinary proceedings and procedures for licensees.
- This regulatory proposal does not affect worker safety because the regulations pertain to the Board's business processes as it pertains to disciplinary action against licensees and this proposal is not relative to worker safety.
- This regulatory proposal does not affect the state's environment because the regulations pertain to the Board's business processes as it pertains to disciplinary action against licensees and this proposal is not relevant to the State's environment.

### CONSIDERATION OF ALTERNATIVES

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

Any interested person may 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 Board 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, and any document incorporated by reference, and of the initial statement of reasons, and all of the information upon which the proposal is based, may be obtained at the hearing or prior to the hearing upon request from the Board at 2005 Evergreen Street, Suite 1550, Sacramento, California 95815 or by accessing the Board's website at <http://www.dbc.ca.gov/lawsregs/index.shtml>.

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

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

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

**CONTACT PERSON**

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

Name: Lusine M Sarkisyan,  
Legislative & Regulatory  
Analyst  
Dental Board of California  
Address: 2005 Evergreen Street, Suite 1550  
Sacramento, CA 95815  
Telephone  
No.: (916) 263-2027  
Fax No.: (916) 263-2140  
E-Mail  
Address: Lusine.Sarkisyan@dca.ca.gov

The backup contact person is:

Name: Sarah Wallace,  
Assistant Executive Officer  
Dental Board of California  
Address: 2005 Evergreen Street, Suite 1550  
Sacramento, CA 95815  
Telephone  
No.: (916) 263-2187  
Fax No.: (916) 263-2140  
E-Mail  
Address: Sarah.Wallace@dca.ca.gov

Website Access: Materials regarding this proposal can be found at Board's Web Site at: <http://www.dbc.ca.gov/lawsregs/index.shtml>.

**TITLE 19. OFFICE OF EMERGENCY SERVICES**

The California Governor's Office of Emergency Services (Cal OES) proposes to complete the certification process for the emergency regulations approved on June 20, 2016, OAL No. 2016-0609-01, after considering all comments, objections, and recommendations regarding the proposed action.

**PUBLIC HEARING**

Cal OES has not scheduled a public hearing on this proposed action. However, Cal OES will hold a hearing if Cal OES receives a written request for a public hearing from any interested person, or his or her authorized representative, 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 comments relevant to the proposed regulatory action to Cal OES. Comments may also be submitted by e-mail to [HMBR.Regis@CalOES.ca.gov](mailto:HMBR.Regis@CalOES.ca.gov). The written comment period closes at 5:00 p.m. on September 26, 2016. Cal OES will consider only comments received at the Cal OES Headquarters by that time. Submit comments to:

Mark Ghilarducci, Director  
c/o Jennifer Plescia, Senior Counsel  
Governor's Office of Emergency Services  
3650 Schriever Avenue  
Mather, CA 95655

**AUTHORITY AND REFERENCE**

Government Code Section 8574.32(a)(1), 8574.32(b)(1), 8574.44(c) authorizes Cal OES to adopt these regulations. The proposed regulations implement, interpret, and make specific sections 8574.30(f), (h), 8574.32(a)(1), 8574.32(b)(4)(B), 8574.32(b)(1)-(5), 8574.32(c), 8574.32(f), 8574.40, 8574.44(e)(1)-(e)(7), 8574.44(g)(1)-(3), and 8574.44(h) Government Code.

**INFORMATIVE DIGEST**

The purpose of the Regional Railroad Accident Preparedness and Immediate Response Regulations is to

establish a schedule of fees to be paid for the 25 most hazardous material commodities that are transported by rail in California. The fees collected by the railroad will be utilized to build, develop, and enhance emergency response capabilities in the event of a hazardous material incident involving a railroad in California. The objective of this rulemaking is to address the gaps in California's ability to respond to, and mitigate the effects of, an incident involving a hazardous material commodity transported by rail in California, thereby reducing the exposure of the owners of such hazardous material commodities.

Protection of the health and safety of Californians and the environment is of the utmost importance. Given the volume and volatility of the hazardous material commodities transported by rail through California, there is an ever-present danger of the consequences that will emerge from a devastating incident involving the transport by rail of hazardous material commodities.

Creating and enhancing a robust statewide hazardous material spill response capability will directly benefit the owners of the commodities being transported, in that the destruction following an incident involving such a hazardous material commodity being transported by rail will be substantially reduced. Expenditures from the revenue generated from this rulemaking will directly address California's existing gaps in its ability to effectively respond to and recover from an incident involving a hazardous material commodity transported by rail in California. California's first responders will be better equipped and trained to effectively respond to a release of a hazardous material commodity transported by rail in California, thereby mitigating the effects of such an incident. This mitigation will reduce the exposure of the owners of hazardous material commodities being transported by rail in that it will save lives, property, and the environment.

Anticipated Benefits of the Proposed Regulations:

The objective of the regulations is to mitigate a release of hazardous material transported by rail in California by collecting fees from hazardous material commodity owners in order to build, develop, and enhance emergency response capabilities in the event of a hazardous material incident involving a railroad in California. Expenditures from the revenue generated from this rulemaking will address California's existing gaps in its ability to effectively respond to and recover from an incident involving a hazardous material commodity transported by rail in California. California's first responders will be better equipped and trained to effectively respond to a release of a hazardous material commodity transported by rail in California, thereby mitigating the effects of such an incident by saving lives, property, and the environment.

Determination of Inconsistency/Incompatibility with Existing State Regulations:

The Regional Railroad Accident Preparedness and Immediate Response Program and Fund, to which this proposed rulemaking relates, were created through legislation in 2015. There are no existing regulations pertaining to this matter. Cal OES conducted a review for any regulations that would relate to or affect this area. This proposed rulemaking is not inconsistent or incompatible with any existing state regulations. Similarly, there are no federal regulations or statutes related to this matter. Cal OES concluded that these are the only regulations that concern fees imposed on the 25 most hazardous material commodities transported by rail in California and collected to mitigate the effects of an incident by saving lives, property, and the environment.

DISCLOSURES REGARDING THE PROPOSED ACTION

Cal OES has made the following initial determinations:

Mandate on local agencies and school districts: None.

Cost or savings to any state agency: The proposed regulations will result in additional costs to Cal OES and the Board of Equalization for administration of the Regional Railroad Accident Preparedness and Immediate Response Fund. However, Cal OES received appropriated funds, in the form of a loan, to cover the initial costs of this program. Once this loan has been reimbursed pursuant to Government Code section 8574.44, it is anticipated that a portion of the revenue generated from the funds created by this rulemaking will cover the administrative costs incurred by Cal OES and the Board of Equalization in administering this program. The proposed rulemaking will not result in costs to any local agency or school district that are required to be reimbursed under Part 7 (commencing with Section 17500) of Division 4, other nondiscretionary cost or savings imposed on local agencies, and the cost or savings in federal funding to the state.

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

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

Cost impacts on a representative private person or businesses: The fee established pursuant to the enabling regulations is \$45. The fee is to be imposed on the owners of the 25 most hazardous material commodities transported by rail in California as established in the regulations. The enabling statute authorizes the railroad to collect an amount not to exceed 5 percent of the fee collected to offset the administrative cost to collect the fee. Accordingly, \$47.25 is the maximum amount an

owner may incur per railcar that transports a hazardous material commodity by rail in California.

Significant, statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states: Although the regulations will impact businesses, specifically railroads and owners of the hazardous material commodities identified on the list set forth in the regulations, Cal OES concludes that the economic impact will not be significant.

BNSF Railway Company and Union Pacific Railroad Company assert in pending litigation that the hazmat fee would discourage interstate commerce in hazardous materials that are vital to the Nation’s industrial and agricultural economy. (BNSF Railway Company and Union Pacific Railroad Company v. California State Board of Equalization et al, Case 3:16-cv-04311, Complaint for Declaratory and Injunction Relief, ¶3.) It is further asserted by BNSF Railway Company and Union Pacific Railroad Company that it is anticipated that some shippers “will determine that certain shipments are simply uneconomical, or will engage in less commerce in hazardous material in California, thus using less of [BNSF Railway and Union Pacific Railroad Company’s] transportation services. (Id. at ¶46.) However, to date, no judicial determination has been rendered regarding these assertions.

The California Taxpayers Association, et al. (collectively “Petitioners”), Case No. 34–2016–80002357, brought a facial challenge to the constitutionality of certain portions of the enabling statute (SB84). Through the facial challenge, “[p]etitioners argued that the public will be harmed because hazmat owners will switch to using trucks rather than rail to transport their product in order to avoid the fee. According to Petitioners, railroads are statistically safer than trucks, and switching to trucks to transport hazardous materials will thus increase the risks to public safety.” (California Taxpayers Association v. California Governor’s Office of Emergency Services, et al., Sacramento County Superior Court Case No. 34–2016–80002357, Order Denying Preliminary Injunction, Pg. 13.) The Court concluded that Petitioners “fail[ed] to demonstrate that hazmat owners will actually switch to using trucks in order to avoid the fee. Instead, they proffer[ed] declarations from several hazardous materials owners who state[d] that they ‘will *consider* switching to truck to avoid the new charge. [citations omitted.]’ ” (Id.) The Court further concluded “[t]hat some owners may *consider* switching to truck in order to avoid the fee does not demonstrate that they will actually do so once the fee goes into effect, much less that not granting a preliminary injunction will lead to increase to public safety.” (Id.)

Based on the foregoing, Cal OES concludes that although there will be an economic impact it will not be significant so to adversely impact businesses directly, including the ability of California businesses to compete with businesses in other states.

Significant effect on housing costs: None.

Determination of Effect on Small Business: The regulations will not affect small business because the railroads and owners of hazardous material commodities, who transport those commodities by rail in California, do not fall within the definition of small business set forth in Government Code section 11342.610.

Results of the Economic Impact Analysis/Assessment, Including Benefits:

There is no indication that the regulations will: (1) create or eliminate jobs within the state; (2) create new or eliminate existing businesses within the state; and, (3) expand businesses currently doing business within the state. Finally, the benefits of the regulations to the health and welfare of California residents, worker safety, and the state’s environment are incidental but important relative to the direct benefit to the owners as set forth in the enabling statute. The incidental benefits include enabling Cal OES to address the above-discussed gaps to build out a comprehensive and reliable hazardous material capability that can effectively respond to the cascading impacts of an incident or derailment resulting in a catastrophic release of hazardous materials in order to mitigate damages, respond to and contain any catastrophic release of hazardous materials.

#### CONSIDERATION OF ALTERNATIVES TO THE REGULATIONS

In accordance with Government Code section 11346.5, subdivision (a)(13), Cal OES must determine that no reasonable alternative it considered 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 person and equally effective in implementing the statutory policy or other provision of law.

Cal OES has determined there are no reasonable alternatives to the regulations as the enabling statute required Cal OES to promulgate regulations in order to establish a schedule of fees. Additionally, Government Code section 11346.2(b)(4)(C) does not require an agency to artificially construct alternatives or describe unreasonable alternatives.

However, Cal OES invites interested persons to provide comments, alternatives, or arguments by way of

written comment, or at a public hearing if requested, with respect to the proposed regulations during the comment period.

#### CONTACT PERSONS

Inquiries concerning the proposed administrative action may be directed to:

Jennifer L. Plescia, Senior Counsel  
Governor's Office of Emergency Services  
3650 Schriever Avenue  
Mather, CA 95655  
Telephone: (916) 845-8815

The backup contact person for these inquiries is:

Emily Holland, Policy Analyst  
Office of Executive Programs & Policy Analysis  
Governor's Office of Emergency Services  
3650 Schriever Avenue  
Mather, CA 95655  
Telephone: (916) 845-8828

Please direct requests for copies of the proposed text of the regulations, the initial statement of reasons, the modified text of the regulations, if any, or other information upon which the rulemaking is based to Ms. Plescia at the above address or at [HMBR.Regis@CalOES.ca.gov](mailto:HMBR.Regis@CalOES.ca.gov).

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

Cal OES will have the entire rulemaking file available for inspection and copying throughout the rulemaking process at its office at the above address. As of the date this notice is published in the Notice Register, the rulemaking file consists of the emergency rulemaking packet, including comments received during the emergency rulemaking period, this notice, the proposed regulatory text, and the initial statement of reasons. Copies may be obtained by contacting Ms. Plescia at the address, email, or phone number listed above.

#### AVAILABILITY OF CHANGED OR MODIFIED TEXT

After all timely and relevant comments are received by Cal OES, Cal OES may adopt the proposed regulations substantially as described in this notice. If Cal OES makes modifications which are sufficiently related to the originally proposed text, it will make the modified text (with changes clearly indicated) available to

the public for at least 15 days before Cal OES adopted the regulations as revised.

Please send requests for copies of any modified regulations to the attention of Ms. Plescia at the address or email indicated above. Cal OES will accept written comments on the modified regulations for 15 days after the date on which they are made available.

#### AVAILABILITY OF THE FINAL STATEMENT OF REASONS

Upon its completion, copies of the Final Statement of Reasons may be obtained by contacting Ms. Plescia at the above address or email.

#### AVAILABILITY OF DOCUMENTS ON THE INTERNET

Copies of the Emergency Rulemaking File, Notice of the Proposed Action, the Initial Statement of Reasons, and the text of the regulations in underline and strikethrough can be accessed at [www.caloes.ca.gov](http://www.caloes.ca.gov).

#### **TITLE 22/MPP. DEPARTMENT OF SOCIAL SERVICES**

ORD #0116-01

ITEM # 1: Foster Care Services: Cultural Competency

The CDSS hereby gives notice of the proposed regulatory action(s) described below. Any person interested may present statements or arguments orally or in writing relevant to the proposed regulations at a public hearing to be held September 28, 2016, as follows:

Office Building # 9  
744 P Street Room 204  
Sacramento, California

The public hearing will convene at 10:00 a.m. and will remain open only as long as attendees are presenting testimony. The purpose of the hearing is to receive public testimony, not to engage in debate or discussion. The Department will adjourn the hearing immediately following the completion of testimony presentations. The above-referenced facility is accessible to persons with disabilities. If you are in need of a language interpreter at the hearing (including sign language), please notify the Department at least two weeks prior to the hearing.

Statements or arguments relating to the proposals may also be submitted in writing, e-mail, or by facsimile to the address/number listed below. All comments must be received by 5:00 p.m. on September 28, 2016.

Following the public hearing CDSS may thereafter adopt the proposals substantially as described below or

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

Copies of the express terms of the proposed regulations and the Initial Statement of Reasons are available from the office listed below. This notice, the Initial Statement of Reasons and the text of the proposed regulations are available on the internet at <http://www.dss.cahwnet.gov/ord>. Additionally, all the information which the Department considered as the basis for these proposed regulations (i.e., rulemaking file) is available for public reading/perusal at the address listed below.

Following the public hearing, copies of the Final Statement of Reasons will be available from the office listed below:

#### CONTACT

Office of Regulations Development  
 California Department of Social Services  
 744 P Street, MS 8-4-192  
 Sacramento, California 95814  
 TELEPHONE: (916) 657-2586  
 FACSIMILE: (916) 654-3286  
 E-MAIL: [ora@dss.ca.gov](mailto:ora@dss.ca.gov)

#### CHAPTERS

Title 22, Division 6, Chapters 4, 5, 7, 8.8, 9 and 9.5

#### INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Existing law in the California Community Care Facilities Act requires CDSS to license and regulate community care facilities, including those that care for foster children. In addition, Welfare and Institutions (W&I) Code section 16001.9 affords 27 personal rights to minors and nonminors in foster care.

Currently, statute and regulations require foster parents to complete 12 hours of initial preplacement training and eight hours of annual training. These proposed regulations establish an additional training topic to be covered during the initial and annual training pursuant to Assembly Bill (AB) 1856, Chapter 639, Statutes of 2012. These regulations will require training or instruc-

tion on cultural competency and sensitivity relating to, and best practices for, providing adequate care to lesbian, gay, bisexual and transgender (LGBT) youth.

The W&I Code section 16001.9 now accords foster children the right to have a caregiver that has received instruction in cultural competency with regards to LGBT youth and best practices in caring for this population. As this is now a personal right accorded to all foster children, all foster caregivers must receive instruction in this area. Additionally, Senate Bill (SB) 528, Chapter 338, Statutes of 2013 added another personal right for all foster children, which is to have access to age appropriate, medically accurate information regarding reproductive health at 12 years of age or older, as specified. Lastly, SB 731, Chapter 805, Statutes of 2015 added the personal right of being placed in out-of-home care according to a child's gender identity regardless of the sex or gender listed on the court or child welfare documents. The SB 731 requires the department to adopt regulations consistent with this provision.

Proposed regulations have been developed to incorporate the provisions of AB 1856, SB 528 and SB 731 by amending the training, personal rights and bedroom sharing sections of Group Home, Foster Family Home, Certified Family Home, Transitional Housing Placement Program and Small Family Home regulations.

Proposed regulations allow foster youth of the opposite sex, but the same gender identity, to share a bedroom and require that in any bedroom sharing arrangement a licensee document that the arrangement ensures the health, safety and compatibility of the children. Furthermore, a revision of each facility category's personal rights section was completed to update and provide a consistent application of personal rights in each child's residential facility.

During the process of developing these regulations and amendments, CDSS has 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.

#### BENEFITS ANTICIPATED FROM REGULATORY ACTION

The benefits of the regulatory action to the health and welfare of California residents, worker safety and the state's environment are as follows: by requiring all caregivers to receive instruction in cultural competency and best practices in providing care to LGBT youth, caregivers will be better prepared to meet the unique needs of this population that research suggests make up as much as 30% of all foster children. Additionally, research suggests that one in four foster children become pregnant before the age of 17; therefore, affording the

personal right of access to medically accurate information regarding reproductive health and the prevention of unplanned pregnancy and STIs and the treatment of STIs will ensure this population has access to necessary resources. Lastly, affording the right to be placed according to a child’s gender identity will allow a child to live in an environment where they feel safe and comfortable.

COST ESTIMATE

1. Costs or Savings to State Agencies: None.
2. Costs to Local Agencies or School Districts Which Must Be Reimbursed in Accordance With Government Code Sections 17500–17630: None.
3. Nondiscretionary Costs or Savings to Local Agencies: None.
4. Federal Funding to State Agencies: None.

LOCAL MANDATE STATEMENT

These regulations do impose a mandate upon local agencies, but not on school districts. There are no “state–mandated local costs” in these regulations which require state reimbursement under Section 17500 et seq. of the Government Code (GC) because any costs associated with the implementation of these regulations are costs mandated by the federal government within the meaning of Section 17513 of the GC.

STATEMENT OF SIGNIFICANT ADVERSE ECONOMIC IMPACT ON BUSINESS

The CDSS has made an initial determination that the proposed action will not have a significant, statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states. This determination was made based on the fact that businesses that currently offer training to Group Home Administrators or Caregivers need only add another training topic. This addition need not be significant as the statute does not require a specific amount of time spent on this training topic. The cost of adding instruction in cultural competency and sensitivity as it relates to best practices for LGBT youth should be absorbable.

STATEMENT OF POTENTIAL COST IMPACT ON PRIVATE PERSONS OR BUSINESSES

The CDSS is not aware of any cost impacts that a representative private person or business would necessari-

ly incur in reasonable compliance with the proposed action.

SMALL BUSINESS IMPACT STATEMENT

The CDSS has determined that there is no impact on small businesses as a result of filing these regulations because these regulations are only applicable to state and county agencies.

STATEMENT OF RESULTS OF ECONOMIC IMPACT ASSESSMENT

The adoption of the proposed amendments will neither create nor eliminate jobs in the State of California nor result in the elimination of existing businesses or create or expand businesses in the State of California.

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

These proposed regulations aim to conform with: AB 1856 (Chapter 639, Statutes of 2012)

- Requires caregivers, as specified, to receive instruction on LGBT cultural competency and best practices
  - Adds to the Foster Child’s Bill of Rights the right to have a caregiver that has received instruction in cultural competency and best practice for providing care to LGBT youth
- SB 528 (Chapter 338, Statutes of 2013)
- Adds to the Foster Child’s Bill of Rights the right to have access to age–appropriate, medically accurate information about reproductive health care, the prevention of unplanned pregnancy and the prevention and treatment of sexually transmitted infections (STIs) at 12 years of age or older
- SB 731 (Chapter 805, Statutes of 2015)
- Adds to the Foster Child’s Bill of Rights the right to be placed in out–of–home care according to their gender identity, regardless of the gender or sex listed on their court or child welfare records
  - Requires the department to adopt regulations consistent with this right

Specifically, the proposed regulations do the following: Add definitions of relevant terms, add a training element to existing training for all caregivers, clarify that all rights found in W&I Code section 16001.9 shall be afforded to all children in a facility, clarify that clothing must be provided and also in accordance with protected rights and allow bedroom sharing based on gender identity. The additional training element will be included in existing training programs for caregivers that are provided by vendors, foster family agencies and community colleges. Therefore, the Department has determined

that this regulatory proposal will not have an impact on the creation or elimination of jobs in the State of California.

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

These proposed regulations aim to conform with:  
AB 1856 (Chapter 639, Statutes of 2012)

- Requires caregivers, as specified, to receive instruction on LGBT cultural competency and best practices
- Adds to the Foster Child’s Bill of Rights the right to have a caregiver that has received instruction in cultural competency and best practice for providing care to LGBT youth

SB 528 (Chapter 338, Statutes of 2013)

- Adds to the Foster Child’s Bill of Rights the right to have access to age–appropriate, medically accurate information about reproductive health care, the prevention of unplanned pregnancy and the prevention and treatment of STIs at 12 years of age or older

SB 731 (Chapter 805, Statutes of 2015)

- Adds to the Foster Child’s Bill of Rights the right to be placed in out–of–home care according to their gender identity, regardless of the gender or sex listed on their court or child welfare records
- Requires the department to adopt regulations consistent with this right

Specifically, the proposed regulations do the following: Add definitions of relevant terms, add a training element to existing training for all caregivers, clarify that all rights found in W&I Code section 16001.9 shall be afforded to all children in a facility, clarify that clothing must be provided and also in accordance with protected rights and allow bedroom sharing based on gender identity. The additional training element will be included in existing training programs for caregivers that are provided by vendors, foster family agencies and community colleges. Therefore, the Department has determined that this regulatory proposal will not have an impact on the creation of new businesses or elimination of existing businesses in the State of California.

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

These proposed regulations aim to conform with:  
AB 1856 (Chapter 639, Statutes of 2012)

- Requires caregivers, as specified, to receive instruction on LGBT cultural competency and best practices
- Adds to the Foster Child’s Bill of Rights the right to have a caregiver that has received instruction in cultural competency and best practice for providing care to LGBT youth

SB 528 (Chapter 338, Statutes of 2013)

- Adds to the Foster Child’s Bill of Rights the right to have access to age–appropriate, medically accurate information about reproductive health care, the prevention of unplanned pregnancy and the prevention and treatment of STIs at 12 years of age or older

SB 731 (Chapter 805, Statutes of 2015)

- Adds to the Foster Child’s Bill of Rights the right to be placed in out–of–home care according to their gender identity, regardless of the gender or sex listed on their court or child welfare records
- Requires the department to adopt regulations consistent with this right

Specifically, the proposed regulations do the following: Add definitions of relevant terms, add a training element to existing training for all caregivers, clarify that all rights found in W&I Code section 16001.9 shall be afforded to all children in a facility, clarify that clothing must be provided and also in accordance with protected rights and allow bedroom sharing based on gender identity. The additional training element will be included in existing training programs for caregivers that are provided by vendors, foster family agencies and community colleges. Therefore, the Department has determined that this regulatory proposal will not have an impact on the expansion of businesses currently doing business in the State of California.

**Benefits of the Regulations to the Health and Welfare of California Residents, Worker Safety and the State’s Environment**

The benefits of the regulatory action to the health and welfare of California residents, worker safety and the state’s environment are as follows: by requiring all caregivers to receive instruction in cultural competency and best practices in providing care to LGBT youth, caregivers will be better prepared to meet the unique needs of this population that research suggests make up as much as 30% of all foster children. Additionally, research suggests that one in four foster children become pregnant before the age of 17; therefore, affording the personal right of access to medically accurate information regarding reproductive health and the prevention of unplanned pregnancy and STIs and the treatment of STIs will ensure this population has access to necessary resources. Lastly, affording the right to be placed according to a child’s gender identity will allow a child to live in an environment where they feel safe and comfortable.

**STATEMENT OF EFFECT ON HOUSING COSTS**

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

**STATEMENT OF ALTERNATIVES CONSIDERED**

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

**AUTHORITY AND REFERENCE CITATIONS**

The CDSS adopts these regulations under the authority granted in H&S Code sections 1502.8 and 1530 and W&I Code section 16001.9 is being referenced.

**CDSS REPRESENTATIVE REGARDING THE  
RULEMAKING PROCESS OF THE  
PROPOSED REGULATION**

Contact Person:  
Oliver Chu  
(916) 657-2586

Backup:  
Kenneth Jennings  
(916) 657-2586

**GENERAL PUBLIC INTEREST**

**CALIFORNIA GAMBLING  
CONTROL COMMISSION**

**NOTICE OF RESCHEDULED PUBLIC  
HEARING CONCERNING**

**PLAYING BOOKS FOR THIRD-PARTY  
PROVIDERS OF PROPOSITION PLAYER  
SERVICES AND GAMBLING BUSINESSES**

CGCC-GCA-2016-01-R

**NOTICE IS HEREBY GIVEN** that the California Gambling Control Commission (Commission) has rescheduled the public hearing previously set for September 21, 2016, in the Notice of Proposed Action duly published in the *California Regulatory Notice Register* (Z-2016-0525-02, Register 2016, No. 24-Z,

06/10/2016). Any interested person, or his or her authorized representative, may present statements or arguments orally or in writing relevant to the proposed regulatory action at the rescheduled public hearing to be held **on October 5, 2016 at 10:00 a.m.**, in the Commission's Hearing Room located at 2399 Gateway Oaks Drive, Suite 100, Sacramento, CA 95833.

**PUBLIC COMMENT PERIOD**

The written comment period for this proposed regulatory action has not been extended. Written comments relevant to the proposed action, including those sent by mail, facsimile, or e-mail, were to have been submitted to the Commission by July 25, 2016. Additional written comments may be received by the Commission at the above-referenced hearing.

**CONTACT PERSON**

All comments and inquiries concerning the substance of the proposed action or rescheduling of the hearing should be directed to the following contact person:

Tina M. Littleton, Manager  
Regulatory Actions Unit  
California Gambling Control Commission  
2399 Gateway Oaks Drive, Suite 220  
Sacramento, CA 95833-4231  
E-mail: [tlittleton@cgcc.ca.gov](mailto:tlittleton@cgcc.ca.gov)  
Telephone: (916) 263-0700  
Fax: (916) 263-0499

**DEPARTMENT OF FISH AND  
WILDLIFE**

**FISH AND GAME CODE SECTION 1653  
CONSISTENCY DETERMINATION  
REQUEST FOR**

Stemple Creek Channel Adjustment for Bank  
Stabilization

(Tracking Number: 1653-2016-002-001-R3)  
Marin County

California Department of Fish and Wildlife (CDFW) received a Request to Approve on July 28, 2016, that the Marin Resource Conservation District (District) proposes to carry out a habitat restoration or enhancement project pursuant to Fish and Game Code section 1653. The proposed project involves the removal of dumped-rock (approximately 100cy) causing bank erosion. The removal of the rock will restore and enhance the flows in Stemple Creek and enhance bank stability while reducing sedimentation. The proposed project will be car-

ried out on Stemple Creek, located at 1695 Fallon Road and Carmody Road, Petaluma, Marin, California.

On June 6, 2016, the North Regional Water Quality Control Board (Regional Water Board) received a Notice of Intent (NOI) to comply with the terms of, and obtain coverage under, the General 401 Water Quality Certification Order for Small Habitat Restoration Projects (General 401 Order) for the Stemple Creek Project. The Regional Water Board determined that the Project, as described in the NOI, was categorically exempt from California Environmental Quality Act (CEQA) review (section 15333 — Small Habitat Restoration Projects) and met the eligibility requirements for coverage under the General 401 Order. The Regional Water Board issued a Notice of Applicability (WDID No.1B16645WNSO; ECM PIN No.CW-825284) for coverage under the General 401 Order on July 22, 2016.

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

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

**DEPARTMENT OF HEALTH CARE SERVICES**

**IMPLEMENTATION OF THE IN-HOME SUPPORTIVE SERVICES (IHSS) OVERTIME AND TRAVEL TIME HOURS**

This notice is to provide information of public interest with respect to the proposed State Plan Amendment (SPA) 16-026 for the In-Home Supportive Services (IHSS) implementation of overtime to IHSS providers under the Welfare and Institutions Code (W&I) sections 12300.1, 12300.41 and 12301.1.

The Department of Health Care Services is preparing SPA 16-026 to amend the current State Plan language to include IHSS providers to be paid overtime within certain monthly limits as well as be paid for their travel time between recipients within weekly limits.

The proposed SPA is subject to approval by the Federal Centers for Medicare & Medicaid Services (CMS).

If you have any questions regarding the proposed SPA, please contact Tyra Taylor, Chief, In-Home Supportive Services Unit, Department of Health Care Services, Long-Term Care Division, MS 4502, P.O. Box 997437, Sacramento, CA 95899-7437 or email to Tyra.Taylor@dhcs.ca.gov.

**FISH AND GAME COMMISSION**

NOTICE IS HEREBY GIVEN that, pursuant to the provisions of Fish and Game Code Section 2078, the California Fish and Game Commission (Commission), has scheduled a hearing on potential listing of Livermore tarplant (*Deinandra bacigalupii*) as an endangered species at its August 24-25, 2016, meeting to be heard August 25 at 8:00 a.m., or as soon thereafter as the matter may be heard. The hearing is to be held at Lake Natoma Inn Hotel & Conference Center, 702 Gold Lake Drive, Folsom, California.

The full agenda, once published, and the video archive of previous meetings where actions were taken on the Livermore tarplant are available online at <http://www.fgc.ca.gov/meetings/>.

Pursuant to the provisions of Fish and Game Code, sections 2075 and 2075.5, the Commission will consider the petition and all other information in the record before the Commission to determine whether listing Livermore tarplant as an endangered species is warranted.

The petition, the Department evaluation report, and other information in the record before the Commission are posted on the Commission website at <http://www.fgc.ca.gov/regulations/2014/index.aspx#It>.

**FISH AND GAME COMMISSION**

NOTICE IS HEREBY GIVEN that, pursuant to the provisions of Section 2073.3 of the Fish and Game Code, on July 19, 2016, the California Fish and Game Commission (Commission) received a petition from Dave Imper, to list Lassics lupine (*Lupinus constancei*) as endangered under the California Endangered Species Act.

Lassics lupine is endemic to two of the Lassics peaks of the Six Rivers National Forest in Humboldt and Trinity counties in California: Mount Lassic (also called Signal Peak) and Red Lassic. This plant has adapted to the incredibly harsh environment found on these mountains. One of a suite of unique plants that can survive on serpentine soils (highly mineralized soils toxic to most plants, and derived from oceanic crust emplaced on continental crust), this lupine is found at elevations between 5,000 and 6,000 feet on gravel barrens with very sparse vegetation.

Pursuant to Section 2073 of the Fish and Game Code, on July 29, 2016, the Commission transmitted the petition to the California Department of Fish and Wildlife

(Department) for review pursuant to Section 2073.5 of said code. It is anticipated that the Department's evaluation and recommendation relating to the petition will be received by the Commission at its December 7-8, 2016, meeting in San Diego.

Interested parties may contact Mr. Richard Macedo, Habitat Conservation Planning Branch Chief, California Department of Fish and Wildlife, 1700 Ninth Street, 2nd Floor, Sacramento, CA 95811, or telephone (916) 653-3861, for information on the petition or to submit information to the Department relating to the petitioned species.

**FISH AND GAME COMMISSION**

NOTICE IS HEREBY GIVEN that, pursuant to the provisions of Fish and Game Code Section 2078, the California Fish and Game Commission (Commission), at its June 22- 23, 2016, meeting in Bakersfield, California, continued the hearing on potential listing of northern spotted owl (*Strix occidentalis caurina*) as a threatened or endangered species. In so doing, the Commission added the item to its August 24-25, 2016, meeting agenda to be heard August 25 at 8:00 a.m., or as soon thereafter as the matter may be heard. The hearing is to be held at the Lake Natoma Inn Hotel & Conference Center, 702 Gold Lake Drive, Folsom, California.

The full agenda, once published, and the video archive of previous meetings where actions were taken on the northern spotted owl are available online at <http://www.fdc.ca.gov/meetings/>.

Pursuant to the provisions of Fish and Game Code sections 2075 and 2075.5, the Commission will consider the petition and all other information in the record before the Commission to determine whether listing the northern spotted owl as a threatened or endangered species is warranted.

The petition, the Department evaluation report, and other information in the record before the Commission are posted on the Commission website at <http://www.fgc.ca.gov/regulations/2012/index.aspx#nso>.

**FISH AND GAME COMMISSION**

NOTICE IS HEREBY GIVEN that, pursuant to the provisions of Fish and Game Code Section 2078, the California Fish and Game Commission (Commission), has scheduled a hearing on potential listing of Townsend's big-eared bat (*Corynorhinus townsendii*) as a threatened or endangered species at its August 24-25, 2016, meeting to be heard August 25 at 8:00 a.m., or as soon thereafter as the matter may be heard. The hearing is to be held at Lake Natoma Inn Hotel &

Conference Center, 702 Gold Lake Drive, Folsom, California.

The full agenda, once published, and the video archive of previous meetings where actions were taken on the Livermore tarplant are available online at <http://www.fgc.ca.gov/meetings/>.

Pursuant to the provisions of Fish and Game Code sections 2075 and 2075.5, the Commission will consider the petition and all other information in the record before the Commission to determine whether listing Townsend's big-eared bat as a threatened or endangered species is warranted.

The petition, the Department evaluation report, and other information in the record before the Commission are posted on the Commission website at <http://www.fgc.ca.gov/regulations/2012/index.aspx#tbeb>.

**PROPOSITION 65**

**OFFICE OF ENVIRONMENTAL  
HEALTH HAZARD ASSESSMENT**

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

**NOTICE OF AVAILABILITY OF HAZARD  
IDENTIFICATION MATERIALS TO SUPPORT  
RECONSIDERATION OF LISTING:  
CHLOROFORM**

**AND  
ANNOUNCEMENT OF A MEETING OF THE  
DEVELOPMENTAL AND REPRODUCTIVE  
TOXICANT IDENTIFICATION COMMITTEE**

The Office of Environmental Health Hazard Assessment (OEHHA) announces the availability for public review of a hazard identification document to support the reconsideration of chloroform as a chemical listed under Proposition 65 as known to cause reproductive toxicity. The chemical was added to the Proposition 65 list in 2009 on the basis of reproductive toxicity via the Labor Code mechanism<sup>1</sup>. OEHHA is bringing chloroform to the DARTIC because the federal regulations that affect the basis for the listing of chloroform as causing reproductive toxicity via the Labor Code mechanism have changed<sup>2</sup>. Specifically, in March 2012, the federal Occupational Safety and Health Administration

<sup>1</sup> Health and Safety Code section 25249.8(a)

<sup>2</sup> Chloroform was placed on the Proposition 65 list as a chemical known to cause cancer October 1, 1987. Listing of chloroform for the cancer endpoint is not affected by the 2012 changes to the federal regulations, and is not under reconsideration.

(OSHA) amended the regulations contained in CFR<sup>3</sup> Title 29, section 1910.1200. These changes have affected the use of this section as a definitive source for identifying chemicals as known to cause reproductive toxicity by the Labor Code mechanism.

This notice marks the beginning of a 45-day public comment period on OEHHA's hazard identification document. The public comment period will close on **Monday, September 26, 2016**. Copies of the document are available from OEHHA's web site at [www.oehha.ca.gov](http://www.oehha.ca.gov). The document may also be requested from OEHHA's Proposition 65 Implementation Office by calling (916) 445-6900.

The Developmental and Reproductive Toxicant Identification Committee (DARTIC) will consider whether chloroform should remain listed under Proposition 65 as known to cause reproductive toxicity. The DARTIC will consider this chemical at its meeting on **Thursday, October 27, 2016**. The meeting will be held in the Coastal Hearing Room at the CalEPA Headquarters building, 1001 I Street, Sacramento, California. The meeting will begin at 10:00 a.m. and will last until all business is conducted or until 5:00 p.m. The agenda for the meeting will be provided in a future public notice published in advance of the meeting. OEHHA will send comments received on the hazard identification document for chloroform to DARTIC members prior to the meeting.

OEHHA, a department of the California Environmental Protection Agency, is the lead agency for the implementation of Proposition 65<sup>4</sup>. The DARTIC advises and assists OEHHA in compiling the list of chemicals known to the State to cause reproductive toxicity, as required by Proposition 65. The DARTIC serves as the state's qualified experts for determining whether a chemical has been clearly shown through scientifically valid testing according to generally accepted principles to cause reproductive toxicity.

**OEHHA must receive comments and any supporting documentation on the hazard identification document by 5:00 p.m. on Monday, September 26, 2016.** We encourage you to submit comments in electronic form, rather than in paper form. Comments transmitted by e-mail should be addressed to [P65Public.comments@oehha.ca.gov](mailto:P65Public.comments@oehha.ca.gov). Please include "2016 Chloroform Reconsideration" in the subject line. Comments submitted in paper form may be mailed, faxed, or delivered in person to the addresses below:

<sup>3</sup> CFR refers to the Code of Federal Regulations

<sup>4</sup> The Safe Drinking Water and Toxic Enforcement Act of 1986, codified at Health and Safety Code section 25249.12 et seq.

Mailing Address: Michelle Ramirez  
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

**DECISION NOT TO PROCEED**

**DEPARTMENT OF FISH AND WILDLIFE**

Pursuant to Government Code Section 11347, the Department of Fish and Wildlife decided not to proceed with the adoption of Section 681, Title 14, California Code of Regulations, regarding the take, possession or destruction of bird nests or eggs (Notice File No. Z-2015-0803-01), published in the California Regulatory Notice Register on August 14, 2015 (Notice Register 2015, Volume No. 33-Z, page 1356). The Department may initiate, at a later date and with notice as required by law, a new proposal to adopt regulations pertaining to the same or similar subject matter. The Department will also publish this Notice of Decision Not to Proceed on its website. Any interested person with questions regarding this rulemaking should contact Mark Stopher at (530) 225-2275.

**DEPARTMENT OF MOTOR VEHICLES**

Title 13, Division 1, Article 6.0  
Section 423.00 — Fee Adjustment

Pursuant to Government Code section 11347, the Department of Motor Vehicles (department) hereby gives notice that it has decided not to proceed with the rulemaking action published in California Regulatory Notice Register on May 6, 2016 (Register 2016, No. 19-Z, pp. 739) under OAL File Number Z2016-0420-02.

This notice will also be posted on the department's Internet website at <http://www.dmv.ca.gov/portal/dmv/dmv/home/regulatoryactions>.

For questions or information regarding this notice, please contact Randi Calkins at (916) 657-8898 or by email at [Randi.Calkins@dmv.ca.gov](mailto:Randi.Calkins@dmv.ca.gov).

**SUSPENSION OF  
ACTION REGARDING  
UNDERGROUND REGULATIONS**

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

**OFFICE OF EMERGENCY SERVICES**

On December 18, 2015, the Office of Administrative Law (OAL) received a petition challenging an email issued by the Governor’s Office of Emergency Services as an alleged underground regulation. The email dated December 15, 2015, was directed to Haz Mat Outreach Instructors and concerned a Certification and Card Fee for the California Hazardous Substances Incident Response Training and Education Program.

On July 25, 2016, the Governor’s Office of Emergency Services certified to the OAL that the Administrative Bulletin had been rescinded; therefore, pursuant to Title 1, section 280 of the California Code of Regulations, OAL must suspend all action on this petition.

July 25, 2016

Director Debra M. Cornez  
Office of Administrative Law  
300 Capitol Mall, Suite 1250  
Sacramento, CA 95814

Subject: CTU2015–1218–01 Section 280 Certification

Dear Ms. Cornez:

This letter is in response to the petition filed by David Ofwono alleging that the Governor’s Office of Emergency Services (Cal OES) has issued, used, enforced, or attempted to enforce an underground regulation (CTU2015–1218–01). The specific alleged underground regulation is:

A Certification and Card Fee for the California Hazardous Substances Incident Response Training and Education Program as reflected on the second page of the [email attached to the petition] provided to Haz Mat Outreach Instructors by Cal OES.

Cal OES has reviewed the petition, the document in question, and the additional documentation accompanying the petition. To date, Cal OES has not issued, used, enforced, or attempted to enforce the document described as “A Certification and Card Fee for the California Hazardous Substances Incident Response Training and Education Program” as a basis for setting prices

by CSTI. Additionally, Cal OES will not issue, use, enforce, or attempt to enforce the fees identified in this document.

I make this certification in accordance with Section 280 of Title 1 of the California Code of Regulations. Also in accordance with Section 280 of Title 1 of the California Code of Regulations, a copy of this certification has been sent to Mr. Ofwono.

Should the Office of Administrative Law have any questions, please contact Jill Talley, Chief Counsel, at (916) 845–8543 or [Jill.Talley@caloes.ca.gov](mailto:Jill.Talley@caloes.ca.gov).

Sincerely,

\_\_\_\_\_  
/s/  
NANCY WARD  
Chief Deputy Director

Enclosures

cc: David Ofwono, petitioner  
Elizabeth Heidig, Office of Administrative Law.

**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# 2016–0614–01  
BOARD OF EQUALIZATION  
Wholesale Cost of Tobacco Products

This rulemaking by the State Board of Equalization adopts section 4076 in Title 18 of the California Code of Regulations to further define the wholesale cost of “Other Than Tobacco Products” (OTP) and clarify how the wholesale cost of OTP should be calculated.

Title 18  
ADOPT: 4076  
Filed 07/27/2016  
Effective 10/01/2016  
Agency Contact: Richard Bennion (916) 445–2130

File# 2016–0615–02  
BOARD OF EQUALIZATION  
Miscellaneous Service Enterprises

This action by the Board of Equalization makes changes without regulatory effect to section 1506, sub-

division (g), in title 18 of the California Code of regulations by replacing the reference to the “Hearing Aid Dispensers Examining Committee” with “Speech–Language Pathology and Audiology and Hearing Aid Dispensers Board” consistent with Statutes 2009, chapter 309 (AB 1535).

Title 18  
 AMEND: 1506  
 Filed 07/27/2016  
 Agency Contact: Richard Bennion (916) 445–2130

File# 2016–0707–02  
**BOARD OF PSYCHOLOGY**  
 Uniform Standards/Disciplinary Guidelines

The Board of Psychology (Board) is amending section 1397.12 (and renumber the section to 1395.2) of title 16 of the California Code of Regulations and incorporating by reference the Board’s Disciplinary Guidelines and Uniform Standards Related to Substance Abusing Licensees (4/15).

Title 16  
 AMEND: 1397.12 (renumbered to section 1395.2)  
 Filed 08/03/2016  
 Effective 01/01/2017  
 Agency Contact: Jason Glasspiegel (916) 574–7137

File# 2016–0615–04  
**BUREAU OF AUTOMOTIVE REPAIR**  
 Disciplinary Guidelines

This action (1) updates disciplinary guidelines; (2) allows the Board to proceed with discipline against a license even if the license is redesignated to another status as a result of a new licensing structure; and (3) makes changes without regulatory effect.

Title 16  
 ADOPT: 3395.5 AMEND: 3340.1, 3340.10, 3340.28, 3395.4  
 Filed 07/28/2016  
 Effective 07/28/2016  
 Agency Contact: Nina Tantraphol (916) 403–8534

File# 2016–0621–03  
**COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING**  
 Section 100 Changes Without Regulatory Effect

In this action submitted pursuant to section 100, title 1 of the California Code of Regulations, the Commission on Peace Officer Standards and Training updated the revision date on incorporated forms, clarify acronyms, update authority and reference citations, and revise cross–references.

Title 11  
 AMEND: 1003, 1055, 1081, 1950, 1959  
 Filed 08/02/2016  
 Effective 08/02/2016  
 Agency Contact: Patti Kaida (916) 227–3925

File# 2016–0714–02  
**COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING**  
 Training and Testing Specifications

This resubmittal action amends training specifications for Peace Officer Basic Courses with respect to interaction with persons with mental illness, intellectual disability, substance abuse disorders, and other related practices. (See OAL File No. 2016–0524–04S).

Title 11  
 AMEND: 1005, 1007, 1008  
 Filed 07/28/2016  
 Effective 08/01/2016  
 Agency Contact: Cheryl Smith (916) 227–0544

File# 2016–0722–02  
**DEPARTMENT OF CONSERVATION**  
 Underground Gas Storage Facility

This is the first readoption of emergency rulemaking action no. 2016–0126–03E by the Department of Conservation (DOC), which implements new protective standards for all underground storage projects in California. This amendment to section 1724.9 of title 14 of the California Code of Regulations (CCR) was initiated by DOC in response to the emergency proclamation issued by Governor Brown on January 6, 2016.

Title 14  
 AMEND: 1724.9  
 Filed 08/01/2016  
 Effective 08/01/2016  
 Agency Contact: Tim Shular (916) 323–5432

File# 2016–0722–01  
**DEPARTMENT OF FISH AND WILDLIFE**  
 Emergency Closure of Commercial Dungeness and Rock Crab Fishing

This is the second readopt of an emergency regulatory action by the Department of Fish and Wildlife regarding the closure of certain areas of the commercial rock crab fishery. This emergency action includes modification of the emergency text to allow partial openings of the affected rock crab fishery. Closures shall remain in effect until the Director of the Office of Environmental Health Hazard Assessment, in consultation with the Director of the California Department of Public Health, determines that domoic acid levels in these crabs no longer pose a significant risk to public health.

Title 14  
ADOPT: 131  
Filed 08/01/2016  
Effective 08/02/2016  
Agency Contact: Craig Martz (916) 653-4674

File# 2016-0727-02  
DEPARTMENT OF FOOD AND AGRICULTURE  
Asian Citrus Psyllid Interior Quarantine

This emergency rulemaking by the Department of Food and Agriculture (the "Department") both expands the quarantine area for the Asian Citrus Psyllid ("ACP") *Diaphorina citri* in the Fresno area of Fresno County and creates the quarantine area for ACP in the Parlier area of Fresno County. The quarantine areas are expanded by approximately 15 square miles in response to the identification of two adult ACPs in the Fresno area and one adult ACP in the Parlier area on June 16, 2016. This emergency action provides authority for the State to perform quarantine activities against ACP within these additional areas.

Title 3  
AMEND: 3435(b)  
Filed 08/01/2016  
Effective 08/01/2016  
Agency Contact: Sara Khalid (916) 403-6625

File# 2016-0727-03  
DEPARTMENT OF FOOD AND AGRICULTURE  
Asian Citrus Psyllid Interior Quarantine

This emergency rulemaking by the Department of Food and Agriculture (the "Department") expands the quarantine area for the Asian Citrus Psyllid ("ACP") *Diaphorina citri* in the Fresno and Selma areas of Fresno County. The Fresno and Selma quarantine areas are expanded by approximately 36 square miles in response to the identification of one adult ACP on June 30, 2016. This emergency action provides authority for the State to perform quarantine activities against ACP within this additional area.

Title 3  
AMEND: 3435(b)  
Filed 08/01/2016  
Effective 08/01/2016  
Agency Contact: Sara Khalid (916) 403-6625

File# 2016-0727-04  
DEPARTMENT OF FOOD AND AGRICULTURE  
Asian Citrus Psyllid Interior Quarantine

This emergency rulemaking by the Department of Food and Agriculture expands the quarantine area for the Asian Citrus Psyllid ("ACP") *Diaphorina citri* in the Tracy and Manteca areas of San Joaquin County. The

Tracy and Manteca quarantine areas are expanded by approximately 53 square miles in response to the identification of one adult ACP on June 30, 2016. This emergency action provides authority for the State to perform quarantine activities against ACP within this additional area.

Title 3  
AMEND: 3435(b)  
Filed 08/02/2016  
Effective 08/02/2016  
Agency Contact: Sara Khalid (916) 403-6625

File# 2016-0801-01  
DEPARTMENT OF FOOD AND AGRICULTURE  
Asian Citrus Psyllid Interior Quarantine

This emergency rulemaking by the Department of Food and Agriculture establishes the quarantine for the Asian Citrus Psyllid ("ACP") *Diaphorina citri* of approximately 112 square miles in the Livingston area of Merced County, expanding into the Merced area of Merced County and the Stanislaus and Merced counties quarantine area. This emergency action provides authority for the State to perform quarantine activities against ACP within this additional area.

Title 3  
AMEND: 3435(b)  
Filed 08/03/2016  
Effective 08/03/2016  
Agency Contact: Sara Khalid (916) 403-6625

File# 2016-0707-01  
DEPARTMENT OF HEALTH CARE SERVICES  
Drug Medi-Cal Rates (2013-2014)

The Department of Health Care Services submitted this timely certificate of compliance action to make permanent the amendments made to title 22, California Code of Regulations, section 51516.1 in OAL file no. 2016-0322-04E. The amendments to section 51516.1 update Medi-Cal reimbursement rates for Drug Medi-Cal substance abuse disorder services for Fiscal Year 2013-2014, include a monthly limit to the allowable amount counseling services unless additional time is deemed medically necessary, and make nonsubstantive changes.

Title 22  
AMEND: 51516.1  
Filed 08/01/2016  
Effective 08/01/2016  
Agency Contact: Kenneisha Moore (916) 440-7755

File# 2016-0617-05  
DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT  
Community Development Block Grant (CDBG)

The Department of Housing and Community Development (Department) adopted sections 7062.5 and 7065.5 and amended section 7065 of title 25 of the California Code of Regulations. This action allows the Department to administer grants to communities under the Community Development Block Grant (CDBG) program, pursuant to state and federal law, to respond to emergencies in the state for applicants and projects or activities that are otherwise eligible for CDBG funding that is administered on an annual basis.

The purpose of the action is to make technical corrections where needed; to add necessary language authorizing the Department to administer supplemental funding awards from Congress or the U.S. Department of Housing and Urban Development (HUD); to streamline the awarding of funds received under a special allocation of disaster or emergency supplemental funding award; to allow for a special Notice of Funding Availability (NOFA) from Department CDBG funds in response to one or more disasters in the state; and amend section 7065 to make it easier for grantees with existing state CDBG contracts to amend those contracts and provide assistance to disaster-impacted communities.

Title 25  
 ADOPT: 7062.5, 7065.5 AMEND: 7065  
 Filed 07/28/2016  
 Effective 07/28/2016  
 Agency Contact: Patrick Talbott (916) 263-2297

File# 2016-0628-06  
 DEPARTMENT OF HUMAN RESOURCES  
 Pay Parity Hearings

This action by the Department of Human Resources (CalHR) adopts section 599.860 to establish pay parity hearing procedures to address excluded employee or employee representative requests for salary range adjustments under Government Code section 19826. The action was submitted to OAL for filing with the Secretary of State and printing in the California Code of Regulations. This action is exempt from OAL review and approval, and is effective upon filing with the Secretary of State, pursuant to Government Code section 3539.5.

Title 2  
 ADOPT: 599.860  
 Filed 07/29/2016  
 Effective 07/29/2016  
 Agency Contact: Jodi LeFebre (916) 324-1037

File# 2016-0621-01  
 DEPARTMENT OF SOCIAL SERVICES  
 AB 74 CalWORKS Regulations Changes

This rulemaking action makes permanent the emergency regulations which adopted a new regulation and

amended a number of existing state welfare-to-work regulations concerning Family Stabilization to conform to Assembly Bill 74, Chapter 21, Statutes of 2013. The amended regulations also add expanded subsidized employment as a permitted welfare-to-work activity distinct from other forms of subsidized employment and establish a more comprehensive appraisal and early engagement process for welfare-to-work participation in which recipients can participate in any necessary welfare-to-work activity that is consistent with their assessments.

Title MPP  
 ADOPT: 42-749 AMEND: 41-440, 42-711, 42-716, 44-207  
 Filed 08/01/2016  
 Effective 08/01/2016  
 Agency Contact: Ying Sun (916) 651-8267

File# 2016-0615-03  
 DIVISION OF WORKERS' COMPENSATION  
 Workers' Compensation — Medical Treatment Utilization Schedule

This rulemaking action by the Division of Workers' Compensation amends sections 9792.23 and 9792.24.2 and adopts section 9792.24.4 in title 8 of the California Code of Regulations to update the Chronic Pain Medical Treatment Guidelines and adopt Opioid Treatment Guidelines, which are incorporated by reference into the Medical Treatment Utilization Schedule.

Title 8  
 ADOPT: 9792.24.4 AMEND: 9792.23, 9792.24.2  
 Filed 07/28/2016  
 Effective 07/28/2016  
 Agency Contact: John Cortes (510) 286-7100

File# 2016-0621-04  
 EDUCATION AUDIT APPEALS PANEL  
 Audits of K-12 LEAs — FY 2016-17

This action updates the K-12 LEA Audit Guide for Fiscal Year 2015-16 as the K-12 LEA Audit Guide for Fiscal Year 2016-17 with amendments to Section R Educator Effectiveness, Section W Unduplicated Local Control Funding Formula Pupil Counts, and Section Z immunizations.

Title 5  
 AMEND: 19810  
 Filed 08/03/2016  
 Effective 08/03/2016  
 Agency Contact:  
 Timothy E. Morgan (916) 445-7745

File# 2016-0621-05  
 EDUCATION AUDIT APPEALS PANEL  
 Supplement to Audits of K-12 LEAs- FY 2015-16

The Education Audit Appeals Panel (EAAP) submitted this timely certificate of compliance action to make permanent the supplement to the 2015–16 Guide for Annual Audits of K–12 Local Education Agencies and State Compliance Reporting (Audit Guide), incorporated by reference in title 5, California Code of Regulations, section 19810, which was amended in OAL file no. 2016–0224–02E. The emergency, supplemental amendments to the Audit Guide generally addressed new legislation and included new audit steps for teacher effectiveness, subject to specific requirements of LEAs; the exclusion of any transitional kindergarten pupil who had their fifth birthday after December 2nd from average daily attendance or enrollment or unduplicated pupil counts, until such pupil attains his or her fifth birthday; the exclusion of independent study and special education pupils from audit testing for compliance with vaccine requirements; and technical amendments.

Title 5  
 AMEND: 19810  
 Filed 07/27/2016  
 Effective 07/27/2016  
 Agency Contact:  
 Timothy E. Morgan (916) 445–7745

File# 2016–0614–04  
 FISH AND GAME COMMISSION  
 Mammal Hunting 2016–2017

This regulatory action by the Fish and Game Commission sets the number of license tags available for several game mammals in hunting zones throughout the state and makes other regulatory changes applicable to the 2016–2017 hunting season. The other changes include modifying season dates, hunt periods, and hunt areas, deleting the provisions that prohibit the use of treeing switches and GPS–equipped dog collars, defining the term “softnose or expanding projectile,” and making non–substantive changes to improve clarity and consistency. New section 708.18 establishes a procedure for issuing refunds for unused fundraising tags.

Title 14  
 ADOPT: 708.18 AMEND: 265, 353, 360, 361, 362, 363, 364, 364.1  
 Filed 07/27/2016  
 Effective 07/27/2016  
 Agency Contact: Jon Snellstrom (916) 653–4899

File# 2016–0726–10  
 FISH AND GAME COMMISSION  
 Recreational Dungeness and Rock Crab Fisheries

This is the second readopt of prior emergency regulatory actions (OAL file nos. 2015–1105–01E and

2016–0421–02EE) by the Fish and Game Commission to prohibit recreational take and possession of Dungeness and all rock crab from certain designated ocean waters, including bays and estuaries. This action includes modifications to the prior emergency text to reflect that certain ocean waters have been changed for recreational fishing based on the recommendations of the Director of the Office of Environmental Health Hazard Assessment (OEHHA), in consultation with the Director of the California Department of Public Health (CDPH). Designation of the other fisheries shall remain in effect until the Director of OEHHA, in consultation with the Director of CDPH, determines that domoic acid levels in these crabs no longer pose a significant risk to public health. The Department of Fish and Wildlife shall maintain a list of closed ocean waters of the state and update that list on Wednesday of each week by 1:00 pm. It shall be the responsibility of any person prior to taking Dungeness crab or rock crab to call the Department’s hotline or visit the Department’s website to obtain the current status of any ocean water ((831) 649–2883 or [www.wildlife.ca.gov/Fishing/Ocean/Health-Advisories](http://www.wildlife.ca.gov/Fishing/Ocean/Health-Advisories)).

Title 14  
 AMEND: 29.85  
 Filed 08/03/2016  
 Effective 08/03/2016  
 Agency Contact: Sheri Tiemann (916) 654–9872

File# 2016–0726–07  
 FRANCHISE TAX BOARD  
 Conflict–of–Interest Code

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

Title 18  
 AMEND: 17000.30  
 Filed 08/02/2016  
 Effective 09/02/2016  
 Agency Contact: Christy Keith (916) 845–6080

File# 2016–0620–01  
 OCCUPATIONAL SAFETY AND HEALTH  
 APPEALS BOARD  
 OSHAB Rules of Practice and Procedure

This rulemaking action by the Occupational Safety and Health Appeals Board (Board) amends the Board’s rules in title 8 of the California Code of Regulations to implement its new electronic document management, case management, and court calendaring software system. The amendments also clarify and offer greater uniformity in Board proceedings, ultimately making Board adjudication more streamlined, modern, and effective.

**Title 8**

ADOPT: 346, 346.1, 346.2, 350.3, 350.4, 355.1, 355.2, 355.3, 355.4, 355.5, 372.8, 372.9, 376.8  
 AMEND: 347, 348, 352, 354, 356, 356.1, 356.2, 359, 359.1, 361.3, 364.2, 371, 371.1, 371.2, 372.6, 376.1, 376.4, 376.7, 378, 380, 383, 391.1, 392, 392.4, 392.5 REPEAL: 355

Filed 08/02/2016

Effective 10/01/2016

Agency Contact: Autumn Gonzalez (916) 274-5751

File# 2016-0616-06

**OFFICE OF ENVIRONMENTAL HEALTH HAZARD ASSESSMENT**

Prop. 65 Bisphenol A Maximum Allowable Dose Level (MADL) (dermal exposure from solid materials)

This action by the Office of Environmental Health Hazard Assessment makes changes without regulatory effect section 28505, subdivision (b), in title 27 of the California Code of Regulations by adding the word "materials" to the entry for maximum allowable dose level for Bisphenol A.

**Title 27**

AMEND: 25805

Filed 07/27/2016

Agency Contact:

Esther Barajas-Ochoa (916) 322-2068

File# 2016-0701-01

**OFFICE OF ENVIRONMENTAL HEALTH HAZARD ASSESSMENT**

Chemicals Known to the State to Cause Cancer or Reproductive Toxicity

The Office of Environmental Health Hazard Assessment (OEHHA) submitted this file and print action to add the chemical Sedaxane to the list of chemicals known to the State to cause cancer in title 27, California Code of Regulations, section 27001(b).

**Title 27**

AMEND: 27001

Filed 07/28/2016

Effective 07/28/2016

Agency Contact: Michelle Ramirez (916) 327-3015

File# 2016-0617-01

**VETERINARY MEDICAL BOARD**

Veterinary Assistant Controlled Substance Permit Program

This rulemaking by the Veterinary Medical Board amends and adopts sections in Title 16 of the California Code of Regulations to establish a process for veterinary assistants to apply for a Veterinary Assistant Controlled Substances Permit (VACSP) in order to be grant-

ed authority to obtain and administer controlled substances under the direct or indirect supervision of a licensed veterinarian. This action implements BCP 4836.1-4836.4, [STATS. 2013 Chapter 515, section 26(SB 304)].

**Title 16**

ADOPT: 2071.1, 2087, 2087.1, 2087.2, 2087.3

AMEND: 2034, 2035, 2036.5

Filed 08/01/2016

Effective 08/01/2016

Agency Contact: Nina Galang (916) 515-5238

**CCR CHANGES FILED  
 WITH THE SECRETARY OF STATE  
 WITHIN March 2, 2016 TO  
 August 3, 2016**

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**

07/29/16 ADOPT: 599.860

07/13/16 AMEND: 1859.2, 1859.102 REPEAL: 1866, 1866.1, 1866.2, 1866.3, 1866.4, 1866.4.1, 1866.4.2, 1866.4.3, 1866.4.4, 1866.4.6, 1866.4.7, 1866.5, 1866.5.1, 1866.5.2, 1866.5.3, 1866.5.4, 1866.5.5, 1866.5.6, 1866.5.7, 1866.5.8, 1866.5.9, 1866.7, 1866.8, 1866.9, 1866.9.1, 1866.10, 1866.12, 1866.13, 1866.14

07/11/16 AMEND: 59560

06/27/16 AMEND: 1897

06/23/16 ADOPT: 17010, 17011, 17012, 17013, 17014, 17030, 17031, 17032, 17033, 17034, 17035, 17036, 17037, 17038, 17039, 17040, 17041, 17042, 17043, 17044, 17045, 17046, 17047 REPEAL: 17010, 17030, 17111, 17112, 17113, 17120, 17121, 17122, 17130, 17140, 17141, 17142, 17150, 17151, 17152, 17153, 17160, 17200, 17201, 17210, 17220, 17300, 17400, 17402, 17403, 17404, 17405, 17406, 17408, 17412, 17414, 17416, 17418, 17420, 17422, 17424, 17426, 17430, 17432, 17434, 17435, 17436, 17440, 17442, 17444, 17446, 17448, 17450, 17452, 17454, 17458, 17460, 17461, 17463, 17464,

17466, 17468, 17470, 17471, 17473,  
 17475, 17477, 17478, 17481, 17482,  
 17483, 17485, 17486, 17488, 17490,  
 17491, 17493, 17495, 17498, 17500,  
 17502, 17504, 17508, 17510, 17512,  
 17514, 17515, 17516, 17518, 17519,  
 17520, 17521, 17525, 17527, 17528,  
 17530, 17532, 17534, 17538, 17542,  
 17544, 17546, 17548, 17550, 17551,  
 17552, 17553, 17554, 17555, 17556,  
 17557, 17558, 17559, 17560, 17561,  
 17562, 17563, 17564, 17565, 17566,  
 17567, 17570, 17571, 17572, 17575,  
 17576, 17580, 17581, 17582, 17588,  
 17590, 17592

05/25/16 AMEND: 604  
 05/23/16 AMEND: 23000  
 05/19/16 ADOPT: 18750 REPEAL: 18750,  
 18750.1, 18750.2, 18752  
 04/21/16 AMEND: 599.744  
 04/12/16 AMEND: 18239  
 04/12/16 AMEND: 18616  
 03/22/16 AMEND: 18215.3, 18247.5, 18404,  
 18405, 18422, 18425, 18427.1, 18450.4,  
 18531.5, 18531.62 REPEAL: 18402.5  
 03/22/16 AMEND: 18406, 18530.4, 18530.45,  
 18992

**Title 3**

08/03/16 AMEND: 3435(b)  
 08/02/16 AMEND: 3435(b)  
 08/01/16 AMEND: 3435(b)  
 08/01/16 AMEND: 3435(b)  
 07/25/16 AMEND: 3024.5  
 07/25/16 AMEND: 3435(b)  
 07/25/16 AMEND: 3435(b)  
 07/25/16 AMEND: 3435(b)  
 07/21/16 AMEND: 3435(b)  
 07/20/16 AMEND: 3435(b)  
 07/07/16 AMEND: 3435(b)  
 07/05/16 AMEND: 3435(b)  
 07/05/16 AMEND: 3435(b)  
 06/30/16 ADOPT: 450, 450.1, 450.2, 450.3, 450.4,  
 451, 452  
 06/30/16 AMEND: 3435(b)  
 06/30/16 AMEND: 3435(b)  
 06/28/16 AMEND: 3435(b)  
 06/22/16 AMEND: 3435(b)  
 06/22/16 AMEND: 3435(b)  
 06/20/16 AMEND: 3591.12  
 06/16/16 AMEND: 3435(b)  
 06/13/16 AMEND: 3435(b)  
 06/13/16 AMEND: 3435(b)  
 06/08/16 AMEND: 850

06/06/16 ADOPT: 1358.7  
 06/02/16 AMEND: 3439(b)  
 06/02/16 AMEND: 3435(b)  
 06/01/16 AMEND: 3435(b)  
 05/25/16 AMEND: 3435(b)  
 05/23/16 AMEND: 3435(b)  
 05/18/16 AMEND: 3435  
 05/17/16 AMEND: 3906  
 05/12/16 AMEND: 3435(b)  
 05/12/16 AMEND: 3435(b)  
 05/11/16 AMEND: 3435(b)  
 05/11/16 AMEND: 3435(b)  
 05/10/16 AMEND: 3435(b)  
 05/09/16 ADOPT: 3591.27  
 04/25/16 AMEND: 3435(b)  
 04/07/16 ADOPT: 450, 450.1, 450.2, 450.3, 450.4,  
 451, 452  
 04/05/16 AMEND: 3589  
 03/29/16 AMEND: 3435(b)  
 03/21/16 AMEND: 3435  
 03/10/16 AMEND: 3435(b)  
 03/09/16 AMEND: 3435(b)  
 03/08/16 AMEND: 3435(b)

**Title 4**

07/25/16 AMEND: 1581, 1843  
 07/19/16 AMEND: 5170  
 07/19/16 ADOPT: 1866.1 AMEND: 1844  
 07/05/16 AMEND: 1689.1  
 06/29/16 AMEND: 8034, 8035  
 06/15/16 ADOPT: 299 AMEND: 297, 300  
 06/14/16 AMEND: 5000, 5033, 5052, 5144, 5205,  
 5220, 5221, 5230  
 04/27/16 AMEND: 10170.2, 10170.3, 10170.4,  
 10170.5, 10170.6, 10170.7, 10170.8,  
 10170.9, 10170.10, 10170.11, 10170.12  
 04/25/16 ADOPT: 1866.1 AMEND: 1844  
 04/21/16 ADOPT: 610  
 04/13/16 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  
 04/12/16 AMEND: 1489  
 03/28/16 AMEND: 10176(d), 10181  
 03/23/16 ADOPT: 12465 AMEND: 12460, 12461,  
 12462, 12463, 12464, 12466  
 03/10/16 ADOPT: 5258, 5271, 5273 AMEND:  
 5033, 5052, 5100, 5102 (renumbered to  
 5101), 5103 (renumbered to 5102), 5104  
 (renumbered to 5103), 5105 (renumbered  
 to 5104), 5106 (renumbered to 5105),  
 5107 (renumbered to 5106), 5132, 5170,  
 5190, 5191, 5192, 5200, 5205, 5210,

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	5230, 5232, 5250, 5255, 5260, 5267 REPEAL: 5101	06/06/16	AMEND: 811, 812, 823, 836.2, 862, 865, 865.4, 865.5
03/08/16	AMEND: 1658	05/31/16	ADOPT: 7006.5 AMEND: 7019.1, 7020, 7024, 7029.9, 7054, 7055, 7060, 7062, 7062.3, 7122, 7143, 7157, 7164, 7164.4, 7194, 7198 REPEAL: 7004.3, 7019.2, 7022, 7029.3
<b>Title 5</b>			
08/03/16	AMEND: 19810	05/12/16	AMEND: 7140, 7142, 7142.5, 7143.5, 7164.6, 7196, 7211, 7290, 7353.6
07/27/16	AMEND: 19810	04/21/16	REPEAL: 1700, 1701, 1702, 1703, 1704, 1705, 1706, 1707, 1708, 1709, 1710, 1711, 1712, 1713, 1714, 1715, 1716, 1717, 1718, 1719, 1720, 1721, 1722, 1723, 1724, 1725, 1726, 1727, 1728, 1729, 1730, 1731, 1739, 1740, 1741, 1742, 1743, 1744, 1745, 1746, 1747, 1748, 1749, 1750, 1751, 1752, 1753, 1754, 1755, 1765, 1766, 1767, 1768, 1769, 1770, 1771, 1772, 1773, 1774, 1775, 1776, 1777, 1778, 1779, 1790, 1791, 1792, 1793, 1794, 1795, 1796, 1797, 1798, 1799
07/20/16	AMEND: 30950, 30951, 30951.1, 30952, 30953, 30954, 30955, 30956, 30957, 30958, 30959		
07/14/16	ADOPT: 74117 AMEND: 74110, 74112		
07/05/16	REPEAL: 6100, 6101, 6102, 6103, 6104, 6105, 6110, 6111, 6112, 6113, 6115, 6116, 6120, 6125, 6126		
06/15/16	REPEAL: 3820, 3822, 3823, 3824, 3831, 3840, 3860, 3870		
05/31/16	REPEAL: 9517.1, 9531, 9532, 9535		
05/31/16	ADOPT: 11533, 11534 AMEND: 11530, 11531		
05/31/16	ADOPT: 11524, 11525 AMEND: 11520, 11521, 11522		
05/18/16	ADOPT: 851.5, 853.6, 853.8, 860 AMEND: 850, 851, 853, 853.5, 853.7, 855, 857, 858, 859, 861, 862, 862.5, 863, 864		
04/25/16	AMEND: 41906.5, 41906.6		
03/28/16	ADOPT: 1700		
03/22/16	ADOPT: 9526		
03/21/16	AMEND: 80057.5, 80089.2		
03/03/16	AMEND: 19810		
<b>Title 8</b>			
08/02/16	ADOPT: 346, 346.1, 346.2, 350.3, 350.4, 355.1, 355.2, 355.3, 355.4, 355.5, 372.8, 372.9, 376.8 AMEND: 347, 348, 352, 354, 356, 356.1, 356.2, 359, 359.1, 361.3, 364.2, 371, 371.1, 371.2, 372.6, 376.1, 376.4, 376.7, 378, 380, 383, 391.1, 392, 392.4, 392.5 REPEAL: 355		
07/28/16	ADOPT: 9792.24.4 AMEND: 9792.23, 9792.24.2		
06/28/16	AMEND: 5148(c)		
05/18/16	AMEND: 362, 364, 364.1	06/14/16	ADOPT: 6540, 6542, 6544, 6546, 6548, 6550, 6552
04/12/16	AMEND: 3207, 3212	06/07/16	ADOPT: 8100, 8110, 8120, 8130, 8140, 8150
03/23/16	AMEND: 9789.12.2, 9789.12.6, 9789.12.8, 9789.12.13, 9789.13.1, 9789.15.4, 9789.16.1, 9789.16.2, 9789.17.1, 9789.19	06/06/16	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
03/14/16	AMEND: 9789.21, 9789.25	05/31/16	AMEND: 2500, 2501, 2503, 2504, 2505, 2507.1, 2507.2, 2508 REPEAL: 2502
03/14/16	AMEND: 333, 336	05/26/16	ADOPT: 6858
03/07/16	AMEND: 4307		
03/07/16	AMEND: 4412		
03/04/16	AMEND: 9785.4.1		
<b>Title 9</b>			
06/27/16	ADOPT: 4600, 4601, 4602		

**CALIFORNIA REGULATORY NOTICE REGISTER 2016, VOLUME NO. 33-Z**

05/23/16 ADOPT: 6700, 6702, 6704, 6706, 6708,  
6710, 6712, 6714, 6716, 6718  
05/11/16 ADOPT: 5508, 5509, 5510, 5511, 5512,  
5513, 5514, 5515, 5516  
05/10/16 AMEND: 2318.6, 2353.1, 2354  
05/10/16 AMEND: 2353.1  
03/22/16 AMEND: 2544, 2544.1, 2544.2, 2544.3,  
2544.4, 2544.5, 2544.6  
03/08/16 ADOPT: 2240.15, 2240.16, 2240.6,  
2240.7 AMEND: 2240, 2240.1, 2240.2,  
2240.3, 2240.4, 2240.5

**Title 11**

08/02/16 AMEND: 1003, 1055, 1081, 1950, 1959  
07/28/16 AMEND: 1005, 1007, 1008  
07/08/16 AMEND: 310, 312, 999.1  
06/22/16 AMEND: 1004, 1011  
06/09/16 AMEND: 1005, 1007, 1008, 1009, 1010,  
1011, 1054, 1058, 1070, 1081, 1082,  
1084, 1960  
06/01/16 AMEND: 51.22  
04/28/16 ADOPT: 2080, 2081, 2082, 2083, 2084,  
2085, 2086, 2087, 2088, 2089, 2090,  
2091, 2092, 2093, 2094, 2095, 2096,  
2097, 2098, 2099, 2100, 2101, 2102,  
2103, 2104, 2105, 2106, 2107, 2108,  
2109, 2130, 2131, 2132  
04/25/16 ADOPT: 50.24  
04/06/16 ADOPT: 28.5  
04/06/16 ADOPT: 28.6  
03/23/16 ADOPT: 4250, 4251, 4251.5, 4252,  
4253, 4254, 4255, 4256, 4257, 4258,  
4559  
03/10/16 AMEND: 20

**Title 12**

06/17/16 ADOPT: 509  
05/23/16 ADOPT: 462

**Title 13**

07/25/16 AMEND: 1202.1, 1202.2, 1232  
07/25/16 AMEND: 1900, 1956.8, 1968.2, 1968.5,  
1971.1, 1971.5, 2485, 95302, 95662  
07/07/16 AMEND: 15.01  
06/23/16 ADOPT: 15.08 AMEND: 15.07  
06/23/16 AMEND: 268.10  
05/09/16 AMEND: 156.00, 156.01  
04/06/16 ADOPT: 150.10

**Title 14**

08/03/16 AMEND: 29.85  
08/01/16 ADOPT: 131  
08/01/16 AMEND: 1724.9  
07/27/16 ADOPT: 708.18 AMEND: 265, 353, 360,  
361, 362, 363, 364, 364.1  
07/27/16 ADOPT: 708.18 AMEND: 265, 353, 360,  
361, 362, 363, 364, 364.1  
07/25/16 AMEND: 13055

07/18/16 AMEND: 1038  
07/07/16 AMEND: 1120 REPEAL: 1121  
06/30/16 AMEND: 190, 195  
06/30/16 AMEND: 18660.23, 18660.24,  
18660.25, 18660.33, 18660.34  
06/23/16 AMEND: 502, 507  
06/16/16 AMEND: 120.7  
06/15/16 ADOPT: 8.01  
06/09/16 AMEND: 7.50  
05/25/16 AMEND: 1670  
05/11/16 AMEND: 17852  
05/02/16 AMEND: 29.85  
04/28/16 ADOPT: 131  
04/27/16 AMEND: 27.80  
04/26/16 AMEND: 29.45  
04/26/16 AMEND: 28.20  
04/20/16 ADOPT: 1760.1, 1779.1  
04/06/16 AMEND: 1038  
03/29/16 AMEND: 27.80  
03/28/16 ADOPT: 8.01  
03/07/16 ADOPT: 749.8

**Title 15**

07/13/16 AMEND: 8000, 8001, 8100, 8901  
06/29/16 AMEND: 3000, 3054, 3054.1, 3054.2,  
3054.3, 3054.4, 3054.5  
06/21/16 ADOPT: 3359.8  
06/02/16 AMEND: 3000, 3084.7, 3312, 3313,  
3314, 3315, 3316, 3317, 3317.1, 3317.2,  
3320, 3322, 3326, 3340, 3341.3, 3376,  
3378.6  
05/24/16 ADOPT: 3317.1, 3317.2 AMEND: 3310,  
3315, 3317  
05/11/16 AMEND: 3000, 3213  
05/10/16 AMEND: 3173.2  
04/28/16 AMEND: 3000  
03/30/16 AMEND: 8004.2  
03/30/16 REPEAL: 3999.16  
03/29/16 AMEND: 3315, 3375.2  
03/29/16 AMEND: 3000, 3078.1, 3078.2, 3078.3,  
3078.4  
03/10/16 ADOPT: 3000, 3268.2 REPEAL:  
3999.17

**Title 16**

08/03/16 AMEND: 1397.12 (renumbered to  
section 1395.2)  
08/01/16 ADOPT: 2071.1, 2087, 2087.1, 2087.2,  
2087.3 AMEND: 2034, 2035, 2036.5  
07/28/16 ADOPT: 3395.5 AMEND: 3340.1,  
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07/19/16 AMEND: 1355.35  
07/12/16 AMEND: 36.1  
07/12/16 ADOPT: 1399.469.3  
06/22/16 AMEND: 438  
06/16/16 AMEND: 109

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 06/07/16 ADOPT: 1101, 1121, 1122, 1124, 1126,  
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 06/07/16 ADOPT: 1104, 1104.1, 1104.2  
 05/26/16 ADOPT: 1815.5  
 05/13/16 AMEND: 910  
 05/10/16 AMEND: 2403  
 05/04/16 AMEND: 4170  
 05/03/16 ADOPT: 2326.2, 2326.3 AMEND: 2326,  
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 04/28/16 AMEND: 1417  
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 04/20/16 AMEND: 1715, 1784  
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 04/08/16 ADOPT: 1746.1  
 04/04/16 AMEND: 974  
 03/22/16 AMEND: 1970.4  
 03/21/16 AMEND: 1380.5  
 03/07/16 AMEND: 1001  
 03/03/16 ADOPT: 1463.5, 1485.5

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 07/01/16 AMEND: 6540  
 07/01/16 AMEND: 6508  
 05/25/16 AMEND: 1050  
 05/24/16 AMEND: 2500, 2502, 2505  
 04/25/16 AMEND: 100800  
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 03/08/16 AMEND: 60201

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08/02/16 AMEND: 17000.30  
 07/27/16 ADOPT: 4076  
 07/27/16 AMEND: 1506  
 06/28/16 AMEND: 1698, 4901  
 06/21/16 AMEND: 1432  
 04/22/16 AMEND: 1668  
 04/20/16 AMEND: 5600, 5601, 5603  
 03/28/16 AMEND: 2401, 2413, 2422  
 03/17/16 AMEND: 3500

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 renumbered to 2657, 2731 renumbered to  
 2658, 2732 amended and renumbered to  
 2659, 2733 amended and renumbered to  
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06/30/16 AMEND: 1601, 1602, 1604, 1605.1,  
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 04/12/16 AMEND: 1240, 3201, 3202, 3203, 3204,  
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07/26/16 ADOPT: 1475, 1476, 1478, 1479, 1480,  
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 06/09/16 ADOPT: 69600.1, 69600.2, 69600.3,  
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 06/08/16 AMEND: 7000  
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 03/29/16 AMEND: 51516.1  
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07/28/16 ADOPT: 7062.5, 7065.5 AMEND: 7065  
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07/28/16 AMEND: 27001  
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 06/27/16 AMEND: 27001  
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 04/18/16 AMEND: 25603.3  
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03/28/16 AMEND: 1010

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 06/13/16 ADOPT: 30-754 AMEND: 30-701  
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