



Gavin Newsom, Governor

Meeting of the Board for Professional Engineers, Land Surveyors, and Geologists

Board for Professional Engineers,
Land Surveyors, and Geologists

Thursday, September 18, 2025,
beginning at 9:00 a.m., and continuing
Friday, September 19, 2025, if necessary



Department of Consumer Affairs
1625 North Market Boulevard
Hearing Room South #102
Sacramento, CA 95834

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MEETING OF THE BOARD FOR PROFESSIONAL ENGINEERS, LAND SURVEYORS, AND GEOLOGISTS

BOARD MEETING

SEPTEMBER 18-19, 2025

Department of Consumer Affairs
1625 North Market Boulevard, Hearing Room, #102
Sacramento, CA 95834

BOARD MEMBERS

President Guillermo Martinez; Vice-President Frank Ruffino; Fel Amistad; Alireza Asgari; Rossana D'Antonio; Desirea Haggard; Tom Hallinan; Michael Hartley; Betsy Mathieson; Wilfredo Sanchez; Fermin Villegas; Cliff Waldeck; and Christina Wong

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IV.	Hearing on the Petition for Reinstatement of Revoked License of Dmitriy Lashkevich NOTE: This hearing will be held on Thursday, September 18, 2025, beginning at 9:00 a.m., or as soon thereafter as the matter may be heard. The Board will meet in Closed Session immediately following the Hearing on the Petition for Reinstatement of Revoked License to decide that matter, pursuant to Government Code Section 11126(c)(3).	11
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I. Roll Call to Establish a Quorum

II. Pledge of Allegiance

III. Public Comment for Items Not on the Agenda

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VI. Administration

A. Fiscal Year 2024/25 Budget Report

GUIDE TO READING THE REVENUE REPORT AND EXPENDITURE REPORT

Revenues

Fee increase effective January 1, 2021 has had a positive impact on revenues. Total revenue up \$1,276,880 (25%) over prior period.

Current Year Projections

Identifies the revenue amount that BPELSG projects for FY 21-22.

Revenue Category	PRIOR YEAR FY 2020-21 FM 4	CURRENT YEAR FY 2021-22 FM 4	CURRENT YEAR Projections
Delinquent Fees	\$38,696	↑ \$51,464	\$150,076
Other Regulatory Fees	\$32,130	↑ \$39,578	\$102,138
Other Regulatory Licenses & Permits	\$297,960	↑ \$645,747	\$1,743,588
Other Revenue	\$20,822	↓ \$10,486	\$51,328
Renewal Fees	\$3,415,953	↑ \$4,335,166	\$10,269,519
Total	\$3,805,560	↑ \$5,082,440	\$12,316,649

Revenue Category

Provides the name of the line item where our revenues occur.

Arrows

These indicate a change in the current year over prior year. Up/green arrows indicate an increase and down/red arrows indicate a decrease over the prior period.

Current Year

Revenue collected up to FM 4 in October of 2021.

Prior Year

Revenue collected up to FM 4 in October of 2020.

Department of Consumer Affairs Expenditure Projection Report

Fiscal Month: 4

Fiscal Year: 2021 - 2022

Run Date: 12/09/2021

Fiscal Month

Identifies the expenditures up to October 2021

Fiscal Year

Identifies the current year

Run Date

Identifies the date this report was pulled from QBIRT

CY 21-22

YTD + Encumbrance

Provides a FM 4 total of YTD Actual and Encumbrance.

Governor's Budget

Publication that the Governor presents which identifies the current year authorized expenditures.

PERSONAL SERVICES

Notes	Fiscal Code	PY 20-21 FM 4 YTD + Encumbrance	CY 21-22 FM 4 YTD + Encumbrance	Governor's Budget	Percent of Governor's Budget Spent	Projections to Year End
1	5100 PERMANENT POSITIONS	\$955,435	\$1,077,755	\$3,425,000	31%	\$3,389,367
	5100 TEMPORARY POSITIONS	\$35,155	\$45,403	\$232,000	20%	\$130,000
	5105-5108 PER DIEM, OVERTIME, & LUMP SUM	\$600	\$38,876	\$36,000	108%	\$48,476
	5150 STAFF BENEFITS	\$559,421	\$618,030	\$1,703,000	36%	\$1,812,693
	PERSONAL SERVICES	\$1,550,611	\$1,780,065	\$5,396,000	33%	\$5,380,536

OPERATING EXPENSES & EQUIPMENT

2	5301 GENERAL EXPENSE	\$23,898	\$22,392	\$32,000	70%	\$71,871
3	5302 PRINTING	\$24,766	\$69,808	\$26,000	268%	\$33,966
	5304 COMMUNICATIONS	\$4,452	\$3,384	\$15,000	23%	\$20,777

Object Description

Provides the name of the line item where our expenditures occur.

PY 20-21 YTD + Encumbrance

Provides a FM 4 total of YTD Actual and Encumbrance.

Percent of Governor's Budget spent

Identifies the percentage spent at CY 21-22 FM 4 according to the Governor's Budget.

Projections to Year End

Identifies the expenditure amount that BPELSG projects for FY 21-22.

	OPERATING EXPENSES & EQUIPMENT	\$3,239,095	\$2,474,539	\$6,831,000	36%	\$5,308,996
	OVERALL TOTALS	\$4,789,706	\$4,254,604	\$12,227,000	35%	\$10,689,532

*Does not include additional Architecture Revolving Fund Expenses TBD

SURPLUS/(DEFICIT): 13%

Surplus/(Deficit)

Identifies if we have higher revenue and lower expenses (Surplus) or higher expenses and lower revenue (Deficit). This percentage is calculated using (Governor's Budget-Projections to Year End)/ Governor's Budget.

FINANCIAL REPORT

FISCAL YEAR 2024-25 FISCAL MONTH 13 FINANCIAL STATEMENT

Revenues

Total revenue is up \$691,766 (6%) over Prior Year 2022-23. Current Fiscal Year 2024-25 is a low volume year for renewals therefore we are comparing it to Prior Year 2022-23 due to it also being a low volume year for renewals.

Revenue Category	PRIOR YEAR FY 2022-23 FM 13	PRIOR YEAR FY 2023-24 FM 13	CURRENT YEAR FY 2024-25 FM 13	CURRENT YEAR FY 2024-25 PROJECTION
Delinquent Fees	\$167,918	\$113,041	\$79,628	\$141,610
Other Regulatory Fees	\$81,838	\$ 77,530	\$103,800	\$79,487
Other Regulatory Licenses & Permits	\$1,926,977	\$2,240,970	\$2,196,651	\$1,895,668
Other Revenue	\$112,327	\$201,029	\$343,485	\$14,324
Renewal Fees	\$9,044,804	\$10,024,260	\$9,301,611	\$9,302,981
Total	\$11,333,408	\$12,656,830	\$12,025,174	\$11,434,070

Total Reimbursements as of FM13 totaled \$169,858 including \$1,750 in Reimbursement-Private Sectors, \$70,952 in Fingerprint Reports, \$85,711 in Us Cost Recovery, and \$11,445 in US DOI Administrative. Fingerprint Report expenses are included in the General Expense category.

Department of Consumer Affairs
Expenditure Projection Report
Fiscal Month: 13

Fiscal Year: 2024 - 2025

Run Date: 8/25/2025

PERSONAL SERVICES

Notes	Fiscal Code	PY 23-24 FM13 YTD + Encumbrance	CY 24-25 FM13 YTD + Encumbrance	Governor's Budget	Percent of Governor's Budget Spent	Projections to Year End
1	5100 PERMANENT POSITIONS	\$3,498,880	\$3,680,969	\$3,779,000	97%	\$3,680,969
	5100 TEMPORARY POSITIONS	\$1,191	\$29,136	\$232,000	13%	\$29,136
	5105-5108 PER DIEM, OVERTIME, & LUMP SUM	\$185,473	\$13,900	\$37,000	38%	\$13,900
	5150 STAFF BENEFITS	\$2,094,348	\$2,054,565	\$1,951,000	105%	\$2,054,565
	PERSONAL SERVICES	\$5,779,892	\$5,778,571	\$5,999,000	96%	\$5,778,571

OPERATING EXPENSES & EQUIPMENT

2	5301 GENERAL EXPENSE	\$73,084	\$93,933	\$118,000	80%	\$93,933
	5302 PRINTING	\$165,638	\$64,303	\$46,000	140%	\$64,303
	5304 COMMUNICATIONS	\$21,800	\$6,358	\$35,000	18%	\$6,358
	5306 POSTAGE	\$34,449	\$26,160	\$58,000	45%	\$26,160
	5308 INSURANCE	\$86	\$0	\$0	0%	\$0
	53202-204 IN STATE TRAVEL	\$40,497	\$44,188	\$90,000	49%	\$44,188
	53206-208 OUT OF STATE TRAVEL	\$3,671	\$1,697	\$0	0%	\$1,697
	5322 TRAINING	\$0	\$2,000	\$15,000	13%	\$2,000
3	5324 FACILITIES*	\$476,779	\$484,533	\$377,000	129%	\$484,533
4	53402-53403 C/P SERVICES (INTERNAL)	\$649,972	\$701,514	\$1,404,000	50%	\$701,514
5	53404-53405 C/P SERVICES (EXTERNAL)	\$2,240,074	\$2,275,836	\$3,249,000	70%	\$2,275,836
6	5342 DEPARTMENT PRORATA	\$1,777,394	\$1,859,941	\$2,076,000	90%	\$1,859,941
7	5342 DEPARTMENTAL SERVICES	\$26,209	\$30,688	\$25,000	123%	\$30,688
	5344 CONSOLIDATED DATA CENTERS	\$27,040	\$25,014	\$22,000	114%	\$25,014
	5346 INFORMATION TECHNOLOGY	\$244,447	\$254,521	\$94,000	271%	\$254,521
	5362-5368 EQUIPMENT	\$31,364	\$25,391	\$0	0%	\$25,391
	5390 OTHER ITEMS OF EXPENSE	\$0	\$0	\$3,000	0%	\$0
	54 SPECIAL ITEMS OF EXPENSE	\$1,638	\$3,511	\$0	0%	\$3,511
	OPERATING EXPENSES & EQUIPMENT	\$5,814,142	\$5,899,587	\$7,612,000	78%	\$5,899,587
	TOTALS	\$11,594,034	\$11,678,158	\$13,611,000	86%	\$11,678,158
8	4840-4850 REIMBURSEMENTS					\$169,858
	OVERALL TOTALS & REIMBURSEMENTS	19				\$11,508,300

SURPLUS/(DEFICIT): 17%

0770 - Professional Engineer's, Land Surveyor's and Geologist's Fund

Analysis of Fund Condition

Prepared 8/25/2025

(Dollars in Thousands)

PY 23-24 Actuals & CY 24-25 FM 13

	Actual 2023-24	CY 2024-25	BY 2025-26	BY+1 2026-27
BEGINNING BALANCE	\$ 2,481	\$ 3,267	\$ 2,750	\$ 793
Prior Year Adjustment	\$ 269	\$ -	\$ -	\$ -
Adjusted Beginning Balance	\$ 2,750	\$ 3,267	\$ 2,750	\$ 793
REVENUES, TRANSFERS AND OTHER ADJUSTMENTS				
Revenues:				
4121200 Delinquent fees	\$ 114	\$ 142	\$ 139	\$ 142
4127400 Renewal fees	\$ 10,028	\$ 9,303	\$ 10,080	\$ 9,303
4129200 Other regulatory fees	\$ 78	\$ 79	\$ 79	\$ 79
4129400 Other regulatory licenses and permits	\$ 2,289	\$ 1,896	\$ 1,907	\$ 1,896
4163000 Income from surplus money investments	\$ 264	\$ 193	\$ 193	\$ 193
4171400 Escheat of unclaimed checks and warrants	\$ 10	\$ 14	\$ 12	\$ 14
4172500 Miscellaneous revenues	\$ 0	\$ 0	\$ 0	\$ 0
Totals, Revenues	\$ 12,783	\$ 11,627	\$ 12,410	\$ 11,627
Operating Transfers to General Fund per EO E 21/22 - 276 Revised (AB 84)	\$ -	\$ -	\$ -	\$ -
Totals, Transfers and Other Adjustments	\$ 12,783	\$ 11,627	\$ 12,410	\$ 11,627
Totals, Revenues, Transfers and Other Adjustments	\$ 15,533	\$ 14,894	\$ 15,160	\$ 12,420
EXPENDITURES				
Disbursements:				
1111 Department of Consumer Affairs (State Operations)	\$ 11,475	\$ 11,508	\$ 13,423	\$ 13,826
9892 Supplemental Pension Payments (State Operations)	\$ 209	\$ 157	\$ 157	\$ 0
9900 Statewide General Administrative Expenditures (Pro Rata) (State Operations)	\$ 582	\$ 479	\$ 787	\$ 787
Less funding provided by General Fund (State Operations)	\$ -	\$ -	\$ -	\$ -
Total Disbursements	\$ 12,266	\$ 12,206	\$ 14,367	\$ 14,613
FUND BALANCE				
Reserve for economic uncertainties	\$ 3,267	\$ 2,750	\$ 793	\$ -2,193
Months in Reserve	3.2	2.3	0.7	-1.8

NOTES:

- A. ASSUMES WORKLOAD AND REVENUE PROJECTIONS ARE REALIZED IN CY AND BY.
B. ASSUMES APPROPRIATION GROWTH OF 3% PER YEAR BEGINNING IN BY+1.

Expenditure Report Notes

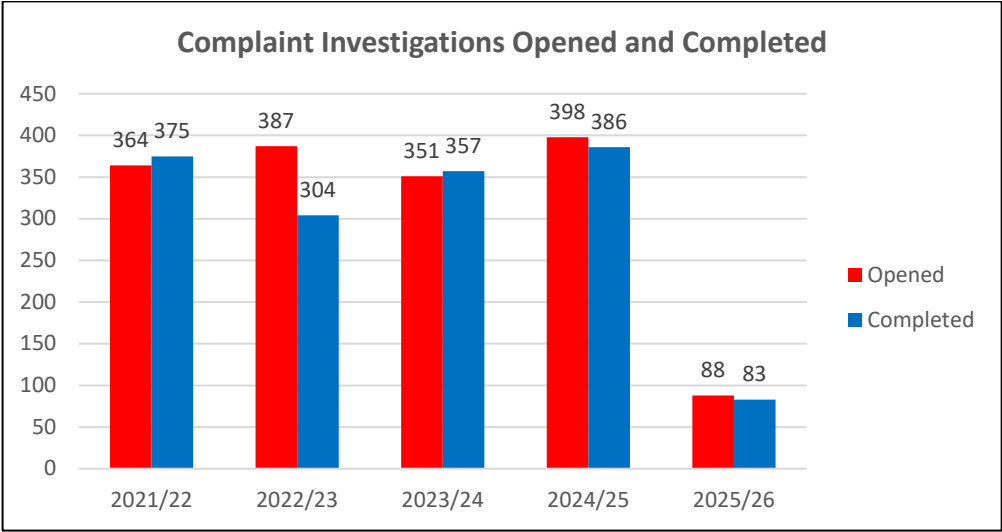
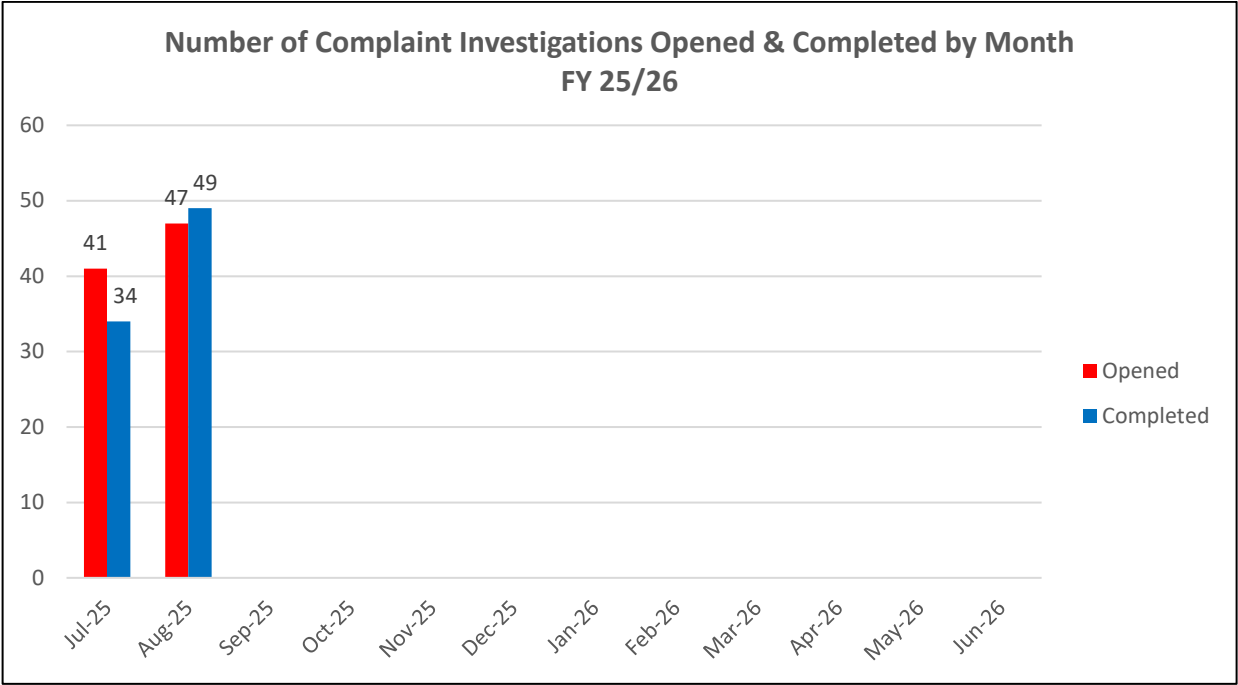
- 1 Salary & Wages (Staff)** - The projected expenditures for salaries and wages is due to the Board being almost fully staffed, and includes merit salary adjustments and the bargaining unit agreements effective July 1, 2024.
- 2 General Expenses** - Includes Membership and Subscription Fees, Freight and Drayage, Office Equipment - Maintenance, Office Supplies, and DOJ and FBI fees for background checks which are reimbursed. Scheduled background check reimbursements through FM 13 are at \$70,952
- 3 Facilities Operations** - Includes facilities maintenance, facilities operations, janitorial Services, rent and leases, exam rental sites, and security.
- 4 C&P Services Interdepartmental** - Includes all contract services with other state agencies for examination services (Dept. of Conservation). This line item also now includes enforcement expenses for the Attorney General and the Office of Administrative Hearings.
- 5 C&P Services External** - Includes all external contracts (examination development, expert consultant agreements, business modernization contracts, credit card processing, evidence and witness fees, and court reporter services).
- 6 DCA Pro Rata** - Includes distributed costs of programmatic and administrative services from DCA.
- 7 Departmental Services (Interagency Services)** - Includes pay-per-services billed through the Department of General Services.
- 8 Reimbursements** - Includes Reimbursements-Private Sectors (contracted with Guam to provide California Civil Seismic Principles Exams on the same dates the exam is administered in California by the Guam Registration Board at the rate of \$175 per examination that are administered to applicants), Fingerprint Reports, Cost Recovery, and US DOI Civil Case.

VII. Enforcement

A. Enforcement Statistical Reports

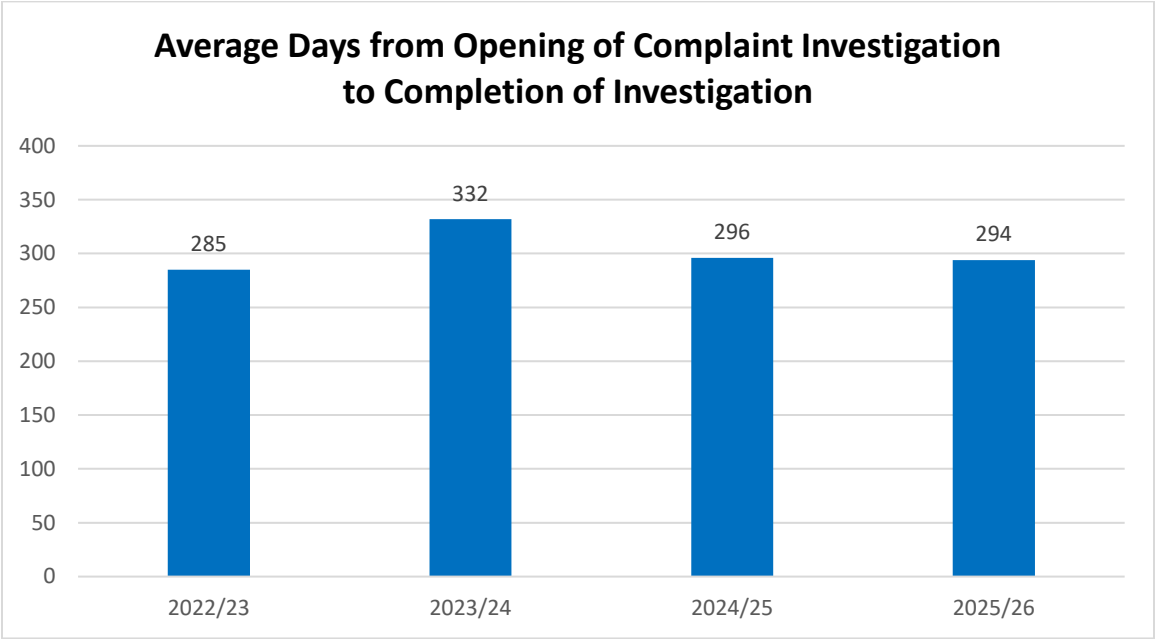
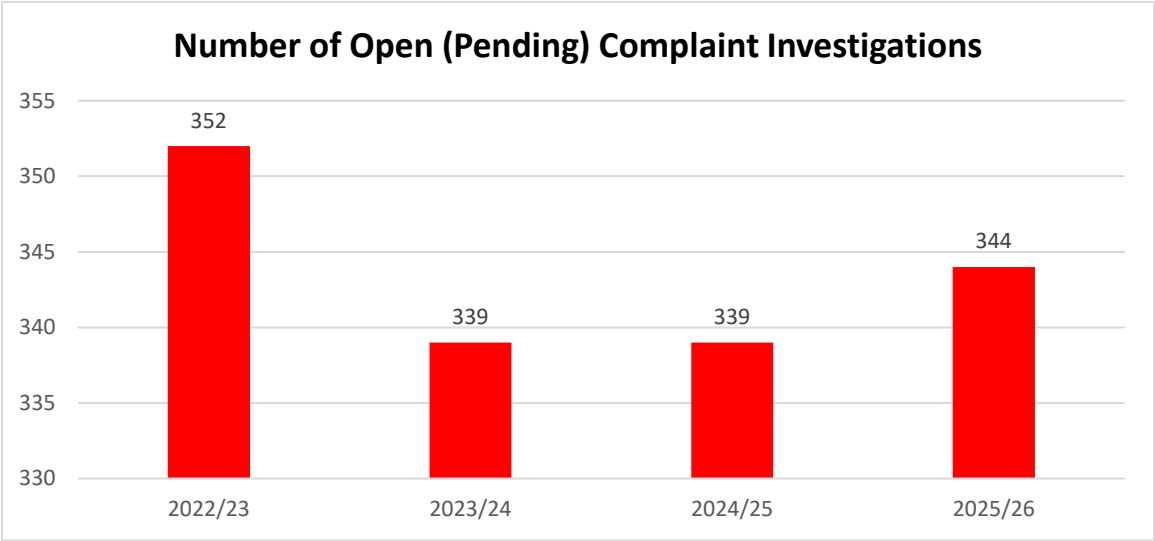
1. Fiscal Year 2025/26 Update

Complaint Investigation Phase



NOTE: FY25/26 statistics are through August 31, 2025

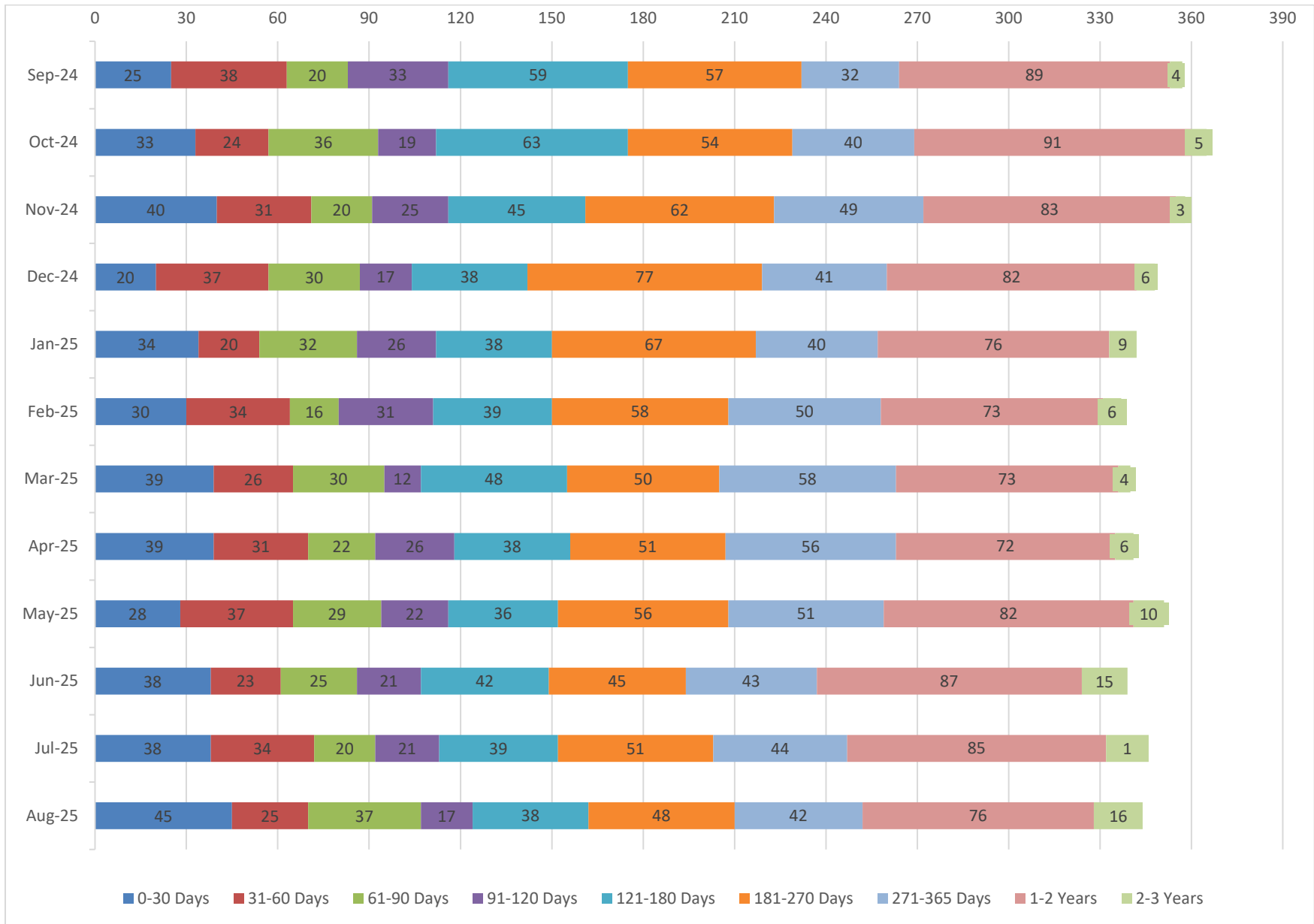
Complaint Investigation Phase



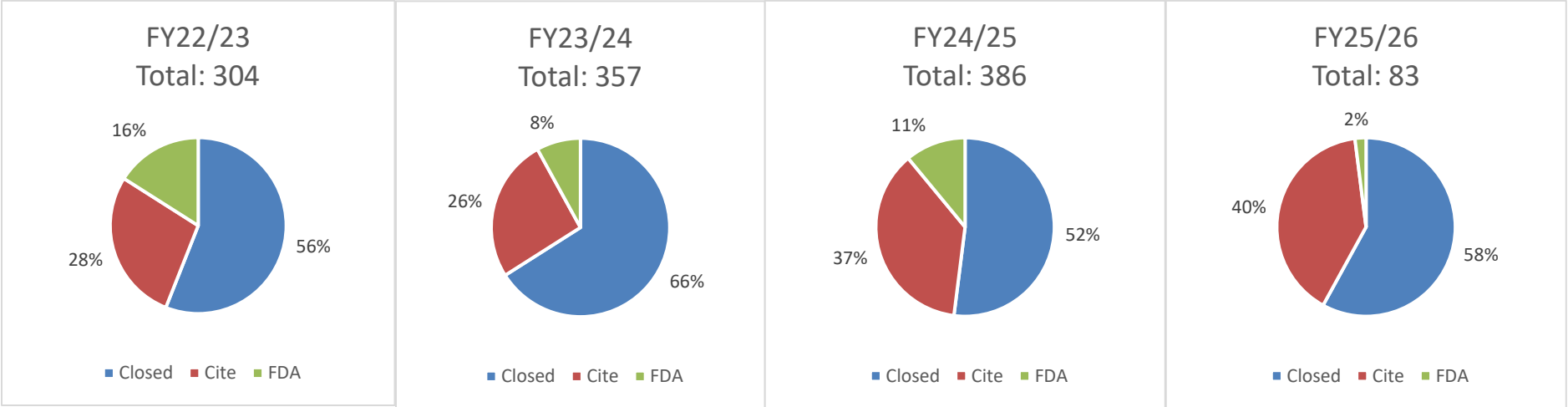
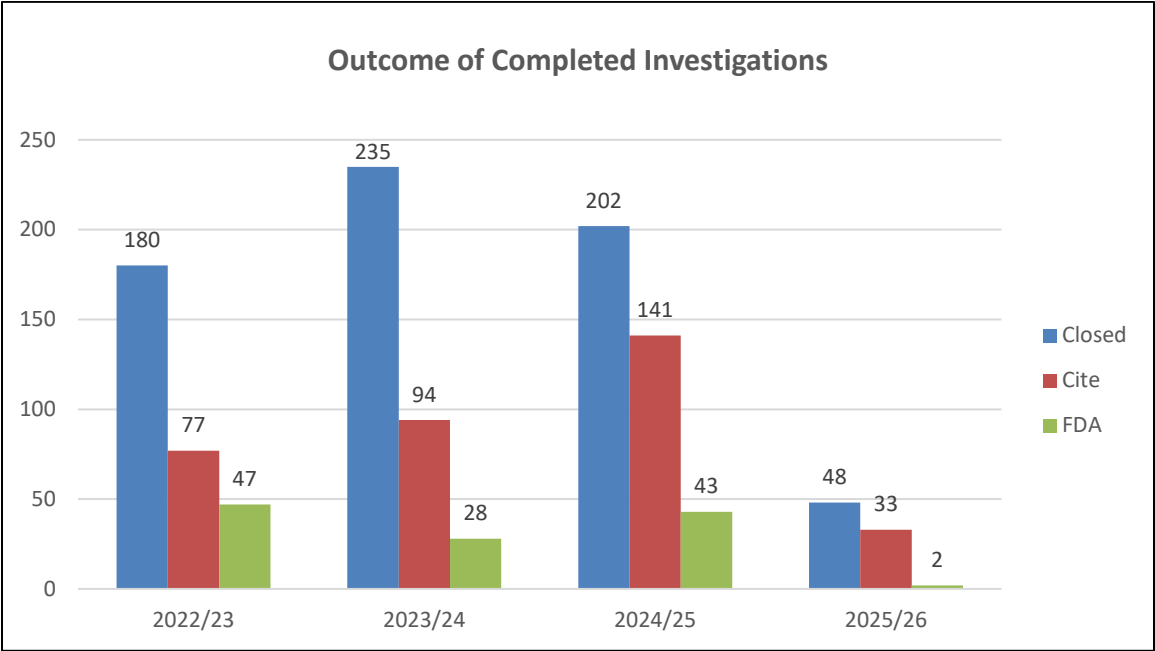
NOTE: FY25/26 statistics are through August 31, 2025

Complaint Investigation Phase

Aging of Open (Pending) Complaint Investigation Cases – 12-Month Cycle

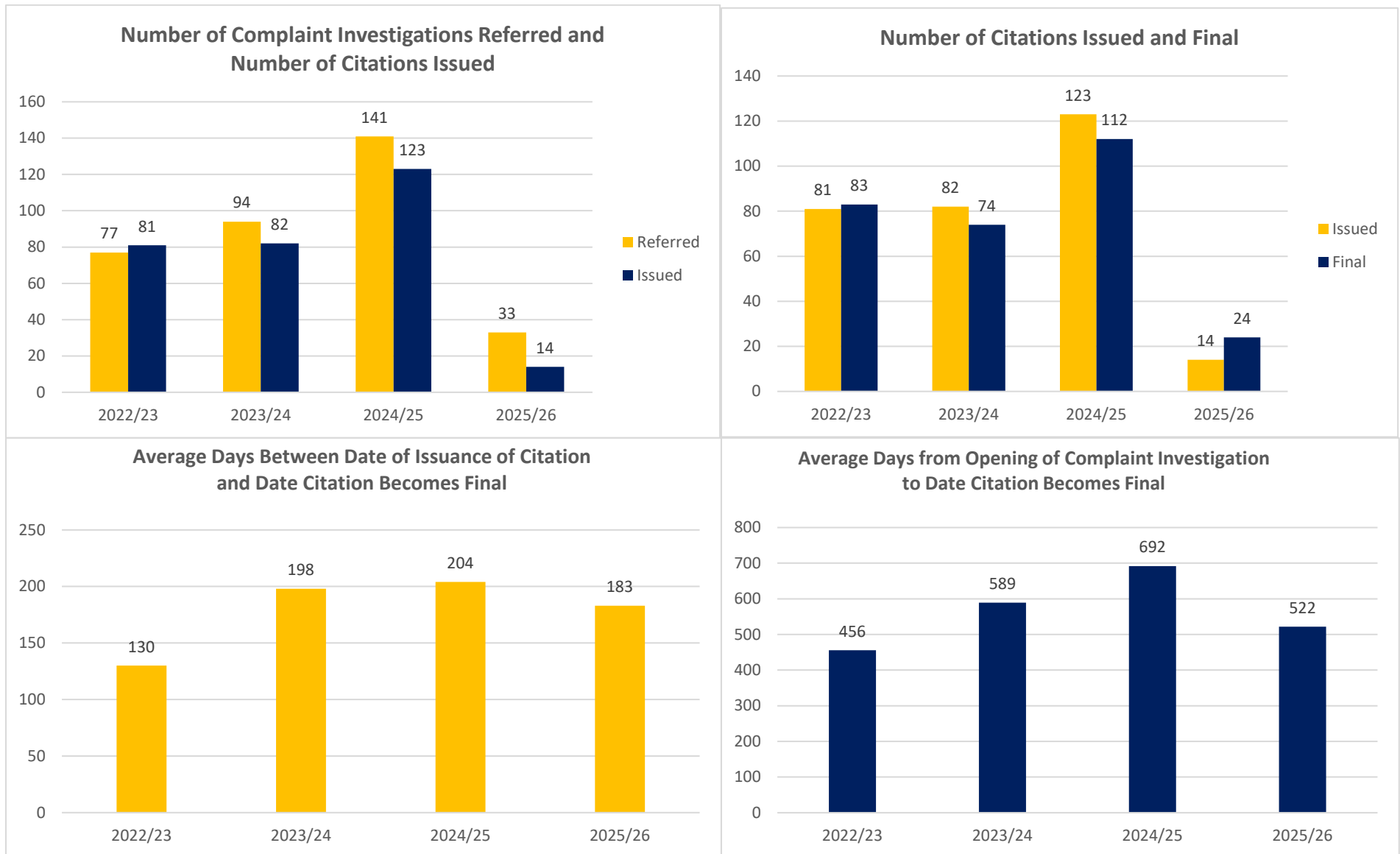


Complaint Investigation Phase



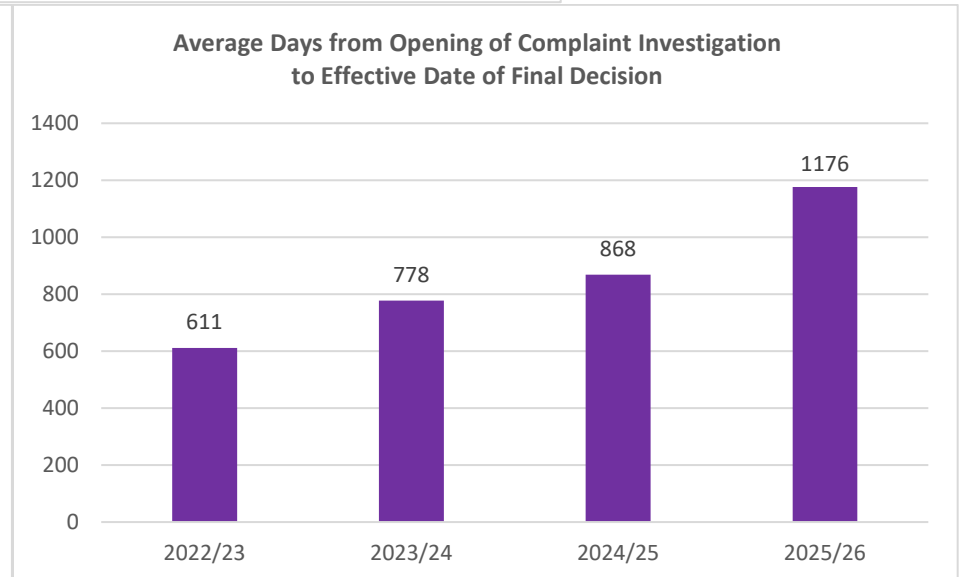
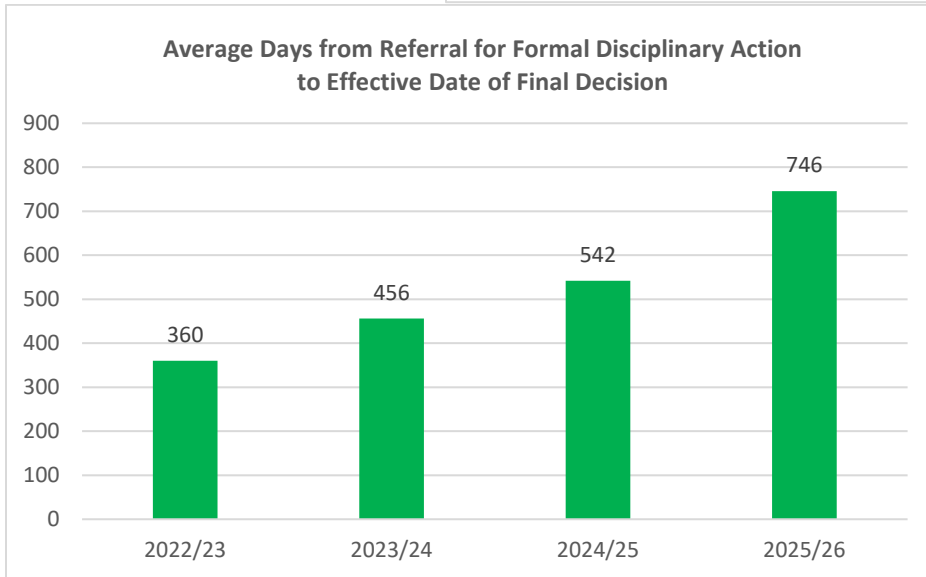
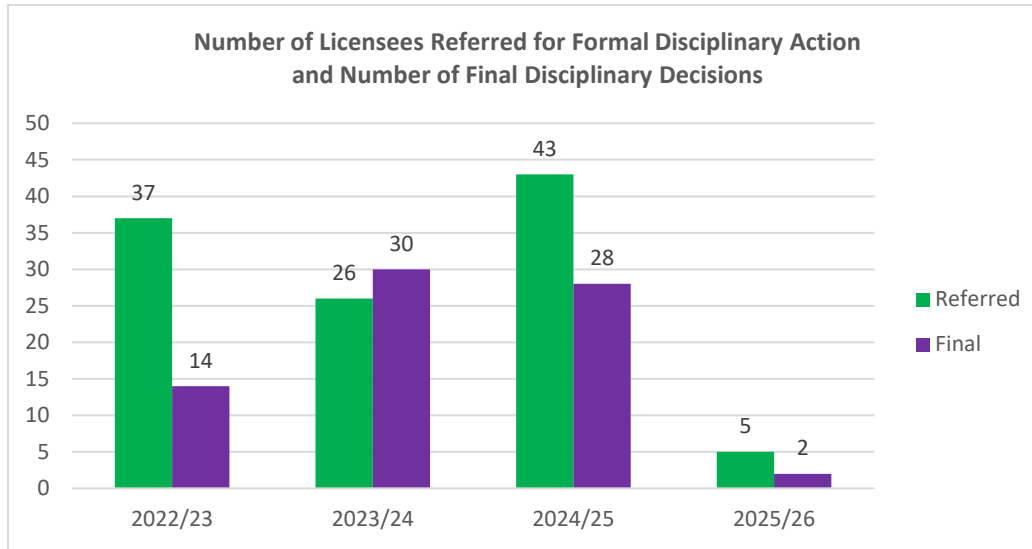
NOTE: FY25/26 statistics are through August 31, 2025
Closed = Closed with No Action Taken, includes No Violation/Insufficient Evidence; Compliance Obtained; Warning Letter; Other Reason for Closing Without Action (e.g., subject deceased); Resolved After Initial Notification; Referred to District Attorney with Request to File Criminal Charges; and Mediated.
Cite = Referred for Issuance of Citation
FDA = Referred for Formal Disciplinary Action

Citations (Informal Enforcement Actions)



NOTE: FY25/26 statistics are through August 31, 2025

Formal Disciplinary Actions Against Licensees



NOTE: FY25/26 statistics are through August 31, 2025

VIII. Exams/Licensing

A. Examination/Licensing Updates

IX. Legislation

- A. 2025 Legislative Calendar
- B. Discussion of Legislation for 2025 (**Possible Action**)
 - 1. Assembly Bill (AB) 667 – Professions and vocations: license examinations; interpreters
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 - 3. AB 742 – Department of Consumer Affairs: licensing: applicants who are descendants of slaves
 - 4. AB 1341 – Contractors: discipline: building law violations
 - 5. Senate Bill (SB) 470 – Bagley-Keene Open Meeting Act: teleconferencing
 - 6. SB 518 – Descendants of enslaved persons; reparations
 - 7. SB 641 – Department of Consumer Affairs and Department of Real Estate: states of emergency: waivers and exemptions
 - 8. SB 861 – Consumer affairs

JANUARY							DEADLINES	
S	M	T	W	TH	F	S	Jan. 1	Statutes take effect (Art. IV, Sec. 8(c)).
			1	2	3	4	Jan. 6	Legislature Reconvenes (J.R. 51(a)(1)).
5	6	7	8	9	10	11	Jan. 10	Budget must be submitted by Governor (Art. IV, Sec. 12(a)).
12	13	14	15	16	17	18	Jan. 20	Martin Luther King, Jr. Day.
19	20	21	22	23	24	25	Jan. 24	Last day to submit bill requests to the Office of Legislative Counsel.
26	27	28	29	30	31			
FEBRUARY								
S	M	T	W	TH	F	S	Feb. 17	Presidents' Day.
						1	Feb. 21	Last day for bills to be introduced (J.R. 61(a)(1), (J.R. 54(a)).
2	3	4	5	6	7	8		
9	10	11	12	13	14	15		
16	17	18	19	20	21	22		
23	24	25	26	27	28			
MARCH								
S	M	T	W	TH	F	S	Mar. 31	Cesar Chavez Day
						1		
2	3	4	5	6	7	8		
9	10	11	12	13	14	15		
16	17	18	19	20	21	22		
23	24	25	26	27	28	29		
30	31							
APRIL								
S	M	T	W	TH	F	S	Apr. 10	Spring Recess begins upon adjournment of this day's session (J.R. 51(a)(2)).
		1	2	3	4	5	Apr. 21	Legislature reconvenes from Spring Recess (J.R. 51(a)(2)).
6	7	8	9	10	11	12		
13	14	15	16	17	18	19		
20	21	22	23	24	25	26		
27	28	29	30					
MAY								
S	M	T	W	TH	F	S	May 2	Last day for policy committees to hear and report to fiscal committees fiscal bills introduced in their house (J.R. 61(a)(2)).
				1	2	3	May 9	Last day for policy committees to hear and report to the Floor nonfiscal bills introduced in their house (J.R. 61(a)(3)).
4	5	6	7	8	9	10	May 16	Last day for policy committees to meet prior to June 9 (J.R. 61(a)(4)).
11	12	13	14	15	16	17	May 23	Last day for fiscal committees to hear and report to the Floor bills introduced in their house (J.R. 61(a)(5)). Last day for fiscal committees to meet prior to June 9 (J.R. 61 (a)(6)).
18	19	20	21	22	23	24	May 26	Memorial Day.
25	26	27	28	29	30	31		

*Holiday schedule subject to Senate Rules committee approval.

JUNE						
S	M	T	W	TH	F	S
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30					

June 2 - 6 Floor Session Only. No committees, other than conference or Rules committees, may meet for any purpose (J.R. 61(a)(7)).

June 6 Last day for each house to pass bills introduced in that house (J.R. 61(a)(8)).

June 9 Committee meetings may resume (J.R. 61(a)(9)).

June 15 **Budget Bill** must be **passed by midnight** (Art. IV, Sec. 12(c)(3)).

JULY						
S	M	T	W	TH	F	S
		1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30	31		

July 4 Independence Day.

July 18 Last day for **policy committees** to meet and report bills (J.R. 61(a)(10)). **Summer Recess** begins upon adjournment of session provided Budget Bill has been passed (J.R. 51(a)(3)).

AUGUST						
S	M	T	W	TH	F	S
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30
31						

Aug. 18 Legislature reconvenes from **Summer Recess** (J.R. 51(a)(3)).

Aug. 29 Last day for **fiscal committees** to meet and report bills to the Floor. (J.R. 61(a)(11)).

SEPTEMBER						
S	M	T	W	TH	F	S
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30				

Sept. 1 Labor Day.

Sept. 2-12 Floor Session Only. No committees, other than conference or Rules committees, may meet for any purpose (J.R. 61(a)(12)).

Sept. 5 Last day to **amend** on the Floor (J.R. 61(a)(13)).

Sept. 12 Last day for **each house to pass bills** (J.R. 61(a)(14)). **Interim Study Recess** begins at end of this day’s session (J.R. 51(a)(4)).

*Holiday schedule subject to Senate Rules committee approval.

IMPORTANT DATES OCCURRING DURING INTERIM STUDY RECESS

2025

Oct. 12

Last day for Governor to sign or veto bills passed by the Legislature on or before Sept. 12 and in the Governor’s possession after Sept. 12 (Art. IV, Sec.10(b)(1)).

2026

Jan. 1

Statutes take effect (Art. IV, Sec. 8(c)).

Jan. 5

Legislature reconvenes (J.R. 51(a)(4)).

AB 667 (Solache-D)
Professions and vocations: license examinations; interpreters

Status/History: 8/29/2025 – Amended and passed by Appropriations Committee.

Location: 9/08/2025 – Active Bill – on Senate Floor

Introduced: 2/14/2025

Amended: 4/01/2025; 4/08/2025; 4/09/2025; 7/08/2025; 8/18/2025; 8/29/2025

Board Position: 7/24/2025 – Watch

Board Staff Analysis: 9/08/2025

Bill Summary: Existing law establishes the Department of Consumer Affairs, which is composed of various boards that license and regulate various professions. Existing law provides for the certification and regulation of nurse assistants and home health aides by the State Department of Public Health. This bill would, beginning July 1, 2026, require the State Department of Public Health and boards under the jurisdiction of the Department of Consumer Affairs to permit an applicant who cannot read, speak, or write in English to use an interpreter, at no cost to the applicant, to interpret the English verbal and oral portions of the license or certification examination, as applicable, if the applicant meets all other requirements for licensure.

This bill would require an interpreter to satisfy specified requirements, including not having the license for which the applicant is taking the examination. The bill would also require those boards and the State Department of Public Health to post on their internet websites that an applicant may use an interpreter if they cannot read, speak, or write in English and if they meet all other requirements for licensure or certification.

This bill would require those boards and the State Department of Public Health to include in their licensure or certification applications a section that asks the applicant to identify their preferred language and, beginning July 1, 2027, to conduct an annual review of the language preferences of applicants. The bill would require the State Department of Public Health and those boards, beginning July 1, 2029, and until January 1, 2033, to annually report to specified committees of the Legislature on language preference data.

5/20/2025 Update: The language of this bill was revised shortly after the Board's last board meeting after the Business and Professions Committee 4/04/2025 analysis. These revisions exempted state-administered examinations which were contracted out to third parties for administration. However, the bill was subsequently referred to the Committee on Health where a 4/09/2025 amendment removed the exemption for contracted administration of state exams.

7/14/2025 Update: Subsequent to the Board's most recent Oppose position on 5/29/2025, the Author canceled the BP&ED Committee hearing which began several rounds of discussions before resulting in the 7/08/2025 amendments. These latest amendments re-introduced a requirement for boards/bureaus who contract administration of state examinations.

9/08/2025 Update: Subsequent to the Board's review and position of Watch from the July 24, 2025 board meeting, this bill passed Senate Appropriations Committee with amendments and is now on the Senate Floor. The last amendments removed requirements which would have allowed applicants to request an interpreter for all exams while maintaining requirements for non-medical

arts DCA Boards/Bureaus to include questions during the application process asking applicants to identify their preferred written, spoken, and signed languages.

Affected Laws: An act to amend Section 41 of the Business and Professions Code and to add Section 1337.25 to the Health and Safety Code.

Staff Comment: After submitting the Oppose Unless Amended letter to the Author and B&P Committee, staff learned of the amendments based on that committee's analysis. The amendment to exempt state exams which are contracted out for administration essentially eliminated the Board's primary concerns. However, once the bill left Assembly B&P Committee, proceeding to Committee on Health, a subsequent amendment removed the contracted exemption. This now forces the Board to consider the fiscal and operational impacts this would have on the application and examination processes.

Prometric reports that there are 25 CBT centers located in California with a total of 444 workstations (average of approximately 18 workstations per center). However, the Board allows Prometric to administer its state exams at any of their North America locations. Based on the requirements set forth in this bill for the interpreter and taking into account all the costs and logistics associated with allowing an interpreter to be present for a given Board exam (meaning a necessity to close down the entire CBT center for all other candidates during the duration of the interpreted exam), Prometric estimates that costs could exceed \$500 an hour to meet the requirements of this bill. Since the Board will be required to absorb the costs associated with providing an interpreter, this means that the cost could range anywhere between \$1,500 - \$5,000 per exam, per interpreter request.

Staff cannot fully estimate the fiscal impact because they do not have any idea how often a request for an interpreter would occur. Regardless, DCA is estimating a one-time IT-related cost of \$358,000 to implement these requirements, including adding these questions to all application processes, which means that even if the Board does not receive a request for an interpreter, the Board will still experience an additional fiscal impact on its budget should this proposal become law.

There is no clear understanding or observable benefit to the Board's stakeholders and operations when the Board has no record of ever receiving requests in the past for interpreter services.

7/14/2025 Updated Staff Comment: The 7/08/2025 amendments also clarified that this requirement is mandatory only if "*...the use of an interpreter is permitted by the terms of the contract for the administration of the examination.*" An evaluation of the Board's exam administration contract does not include any provision or term which allows for the use of an interpreter. Therefore, the Board would be exempt from this requirement. However, the Board would still be subject to updating applications to provide questions and to annually report to Legislature on language preference collected.

9/08/2025 Updated Staff Comment: If enacted as currently amended, the Board will need to commence asking these questions by January 1, 2027 during the application process and will need to annually report on the responses beginning January 1, 2028.

Staff Recommendation: Staff recommends the Board take a Watch position on AB 667 as amended August 29, 2025.

SENATE COMMITTEE ON APPROPRIATIONS

Senator Anna Caballero, Chair
2025 - 2026 Regular Session

AB 667 (Solache) - Professions and vocations: license examinations: interpreters

Version: August 18, 2025

Urgency: No

Hearing Date: August 29, 2025

Policy Vote: B., P. & E.D. 8 - 1

Mandate: No

Consultant: Janelle Miyashiro

Bill Summary: AB 667 requires, beginning January 1, 2027, the non-healing arts boards under the Department of Consumer Affairs (DCA) to allow an applicant to use an interpreter when taking the written and oral portions of a license examination if the applicant cannot read, speak, or write in English. AB 667 also requires, beginning, January 1, 2029, each board to annually report on language preference data it collects, as specified.

******* ANALYSIS ADDENDUM – SUSPENSE FILE *******

**The following information is revised to reflect amendments
adopted by the committee on August 29, 2025**

Fiscal Impact:

- Unknown fiscal impact to all non-healing arts boards under DCA to determine and report on whether there is a substantial number of non-English-speaking applicants who require the services of an interpreter. Actual costs to each board may depend on, among other things, the extent this workload may be absorbed within existing administrative activities.
- The Office of Information Services within the DCA reports costs of approximately \$358,000 to update application questions and develop a new report, which is not anticipated to be absorbable within existing resources.

Committee Amendments:

- Replace the definition of “interpreter” for purposes of the bill to mean a person who is fluent in English and in the necessary second language and who can accurately speak, read, and readily interpret the necessary second language, or a person who can accurately sign and read sign language.
- Define “substantial number of non-English-speaking applicants” to mean applicants who either do not speak English or who are unable to effectively communicate in English because it is not their native language, and who comprise 5 percent or more of the total number of applicants.
- Strike requirements for boards to permit an applicant to use an interpreter.
- Require, by July 1, 2027, each board to determine whether there is a substantial number of non-English-speaking applicants who require the services of an interpreter, and report the determinations to the Legislature by January 1, 2028.
- Make other technical and conforming changes.

-- END --

AMENDED IN SENATE AUGUST 29, 2025

AMENDED IN SENATE AUGUST 18, 2025

AMENDED IN SENATE JULY 8, 2025

AMENDED IN ASSEMBLY APRIL 9, 2025

AMENDED IN ASSEMBLY APRIL 1, 2025

CALIFORNIA LEGISLATURE—2025–26 REGULAR SESSION

ASSEMBLY BILL

No. 667

Introduced by Assembly Member Solache

February 14, 2025

An act to add Section 41 to the Business and Professions Code, relating to professions and vocations.

LEGISLATIVE COUNSEL'S DIGEST

AB 667, as amended, Solache. Professions and vocations: license examinations: interpreters.

Existing law establishes the Department of Consumer Affairs, which is composed of various boards that license and regulate various professions.

~~This bill would, beginning January 1, 2027, require certain boards under the jurisdiction of the Department of Consumer Affairs to permit an applicant who cannot read, speak, or write in English to use an interpreter to interpret the English written and oral portions of the license examination if specified requirements are satisfied.~~

~~This bill would require an interpreter to satisfy specified requirements, including not having the license for which the applicant is taking the examination, and would prohibit the assistance of an interpreter under~~

certain circumstances, including when English language proficiency is required for the license. The bill would also require those boards to post on their internet websites that an applicant may use an interpreter if they cannot read, speak, or write in English, the examination is not offered in their preferred language, and they meet all other requirements for licensure.

This bill would require various boards under the jurisdiction of the Department of Consumer Affairs, by July 1, 2026, to include an additional section in a license application to identify their preferred written, spoken, and signed languages. The bill would require each board, beginning on July 1, 2027, to conduct an annual review of applicants' language preferences, and, on July 1, 2027, to also determine whether there is a substantial number of non-English-speaking applicants, as defined, who require the services of an interpreter. The bill would require each board to report the determinations to the Legislature by January 1, 2028, and, beginning January 1, 2029, to annually report to specified legislative committees on the language preference data collected from license applications.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 41 is added to the Business and
2 Professions Code, to read:
3 41. (a) For purposes of this section:
4 (1) "Board" means any board under the jurisdiction of the
5 Department of Consumer Affairs, as specified in Section 101, with
6 the exception of boards within Division 2 (commencing with
7 Section 500).
8 (2) "Interpreter" means ~~an individual who satisfies all of the~~
9 ~~following conditions:~~ *a person who is fluent in English and in the*
10 *necessary second language and who can accurately speak, read,*
11 *and readily interpret the necessary second language, or a person*
12 *who can accurately sign and read sign language.*
13 ~~(A) Is fluent in English and in the applicant's preferred language.~~
14 ~~(B) Has not acted as an interpreter for the examination within~~
15 ~~the year preceding the examination date.~~
16 ~~(C) Is not licensed and has not been issued the license for which~~
17 ~~the applicant is taking the examination.~~

1 ~~(D) Is not a current or former student in an educational program~~
2 ~~for the license for which the applicant is taking the examination.~~

3 ~~(E) Is not a current or former student in an apprenticeship or~~
4 ~~training program for the license for which the applicant is taking~~
5 ~~the examination.~~

6 ~~(F) Is not a current or former owner or employee of a school~~
7 ~~for the license for which the applicant is taking the examination.~~

8 ~~(b) Notwithstanding any other law, beginning January 1, 2027,~~
9 ~~each board shall do all of the following:~~

10 ~~(1) Permit an applicant to use an interpreter, if the applicant~~
11 ~~cannot read, speak, or write in English, to interpret the English~~
12 ~~written and oral portions of a state-administered or contracted~~
13 ~~license examination to their preferred language, provided the~~
14 ~~applicant meets all other requirements for licensure and the use of~~
15 ~~an interpreter is permitted by the terms of the contract for~~
16 ~~administration of the examination.~~

17 ~~(A) An interpreter shall not assist the applicant with any~~
18 ~~examination for a license for which English language proficiency~~
19 ~~is required by law or regulation.~~

20 ~~(B) An interpreter shall not assist the applicant if an examination~~
21 ~~is offered in the applicant's preferred language.~~

22 ~~(C) The board shall not charge an applicant a fee, penalty, or~~
23 ~~surcharge for the applicant's use of an interpreter.~~

24 ~~(2) Post on the board's internet website that an applicant may~~
25 ~~use an interpreter to interpret a license examination if the applicant~~
26 ~~cannot read, speak, or write in English and the examination is not~~
27 ~~offered in their preferred language, provided the applicant meets~~
28 ~~all other competency requirements for licensure. This notice shall~~
29 ~~be posted in English, Spanish, Farsi, Hindi, Chinese, Cantonese,~~
30 ~~Mandarin, Korean, Vietnamese, Tagalog, and Arabic.~~

31 ~~(3) Include an additional section in a license application that~~
32 ~~asks an applicant to identify their preferred written, spoken, and~~
33 ~~signed languages.~~

34 ~~(3) "Substantial number of non-English-speaking applicants"~~
35 ~~means applicants who either do not speak English or who are~~
36 ~~unable to effectively communicate in English because it is not their~~
37 ~~native language, and who comprise 5 percent or more of the total~~
38 ~~number of applicants.~~

1 (b) *By July 1, 2026, each board shall include an additional*
 2 *section in a license application that asks an applicant to identify*
 3 *their preferred written, spoken, and signed languages.*

4 (c) Beginning July 1, 2027, each board shall conduct an annual
 5 review of applicants' language preferences that are collected from
 6 license applications.

7 (d) (1) *By July 1, 2027, each board shall determine whether*
 8 *there is a substantial number of non-English-speaking applicants*
 9 *who require the services of an interpreter. Each board shall report*
 10 *the determinations to the Legislature by January 1, 2028.*

11 (2) *The report shall be submitted in compliance with Section*
 12 *9795 of the Government Code.*

13 (3) *Pursuant to Section 10231.5 of the Government Code, this*
 14 *subdivision shall become inoperative on January 1, 2030.*

15 ~~(d)~~

16 (e) (1) Beginning January 1, 2029, each board shall annually
 17 report to the Senate Business, Professions, and Economic
 18 Development and the Assembly Business and Professions
 19 Committees on language preference data collected from license
 20 applications.

21 (2) The report shall be submitted in compliance with Section
 22 9795 of the Government Code.

23 (3) Pursuant to Section 10231.5 of the Government Code, this
 24 subdivision shall become inoperative on January 1, 2033.

AB 671 (Wicks-D and Co-Authors)
Accelerated restaurant building plan approval

Status/History: 9/08/2025 – Amended and passed by Senate Committees on Business, Professions, and Economic Development and Appropriations.

Location: 9/02/2025 – Passed Senate and referred back to Assembly for concurrence.

Introduced: 2/14/2025

Amended: 3/24/2025; 4/24/2025; 5/21/2025; 5/22/2025; 7/02/2025; 7/09/2025; 7/15/2025; 7/16/2025; 8/25/2025

Board Position: 7/24/2025 - Watch

Board Staff Analysis: 9/08/2025

Bill Summary: Existing law, the California Building Standards Law, establishes the California Building Standards Commission within the Department of General Services. Existing law requires the commission to approve and adopt building standards and to codify those standards in the California Building Standards Code. Existing law authorizes local governments to enact ordinances or regulations that make building standards amendments to the California Building Standards Code, as specified.

This bill would establish a streamlined approval process for a local permit for a tenant improvement, as defined, relating to a restaurant. In this regard, the bill would require a local building department or permitting department, upon the request and at the expense of the permit applicant, to allow a qualified professional certifier, defined as a licensed architect or engineer who meets certain requirements, to certify that the plans and specifications of the tenant improvement comply with applicable building, health, and safety codes, as specified. By expanding the scope of a crime, this bill would impose a state-mandated local program. The bill would make qualified professional certifiers subject to certain additional penalties for false statements or willful noncompliance with these provisions, and would make qualified professional certifiers liable for any damages arising from negligent plan review.

Affected Laws: An act to add Sections 66345-66345.4 to Government Code.

Staff Comment: This bill would create a requirement for local public permitting agencies to streamline the building permit process for restaurants to allow for self-certification of building plans prepared by an engineer or architect.

Upon inquiry from the Assembly Business and Professions Committee, staff communicated that it was unclear exactly who was responsible for determining which engineers (or architects) were deemed as a “Qualified professional certifier” or how the Board would be notified that an individual engineer made any false statements during the submission of a certificate related to this process.

7/14/2025 Staff Comment: Senate BP&ED Committee Staff analysis from 7/14/2025 identified that the proposal recognizes that should a licensed professional engineer, serving as a “qualified professional certifier”, make false or misleading statements in a certification, that engineer could be subject to “grounds for disciplinary action” by the Board. However, the proposal did not include any means for the Board to be made aware of such an action or violation nor how the Board would handle the allegations. The analysis suggested language to be added to the PE Act under Section

6775 for this purpose. Board staff is currently working with Committee staff on the best way to address this in the Act, as necessary.

9/08/2025 Staff Comment: Latest amendments add paragraph (g) under Section 6775 clarifying that any professional engineer, while serving as a qualified professional certifier, could be subject to discipline by the Board for any false statements made in a certification submission related to this local government process. While not necessary since violations related to these actions by a profession engineer could already be subject to investigation and discipline by the Board under current language, Senate committees wished to clearly state this in the Business and Professions Code.

Staff Recommendation:

Staff recommends the Board take a Watch position on AB 671 as amended August 25, 2025.

AMENDED IN SENATE AUGUST 25, 2025

AMENDED IN SENATE JULY 16, 2025

AMENDED IN SENATE JULY 9, 2025

AMENDED IN SENATE JULY 2, 2025

AMENDED IN ASSEMBLY MAY 22, 2025

AMENDED IN ASSEMBLY APRIL 24, 2025

AMENDED IN ASSEMBLY MARCH 24, 2025

CALIFORNIA LEGISLATURE—2025–26 REGULAR SESSION

ASSEMBLY BILL

No. 671

Introduced by Assembly Members Wicks and Gabriel
(Coauthors: Assembly Members Mark González, Haney,
Blanca Rubio, and Ward)
(Coauthor: Senator Grayson)

February 14, 2025

An act to amend Section 6775 of, and to add Section ~~5587~~ 5586.5 to, the Business and Professions Code, to add Chapter 14 (commencing with Section 66345) to Division 1 of Title 7 of the Government Code, and to amend Section 114380 of the Health and Safety Code, relating to restaurants.

LEGISLATIVE COUNSEL'S DIGEST

AB 671, as amended, Wicks. Accelerated restaurant building plan approval: California Retail Food Code: tenant improvements.

Existing law, the California Building Standards Law, establishes the California Building Standards Commission within the Department of

General Services. Existing law requires the commission to approve and adopt building standards and to codify those standards in the California Building Standards Code. Existing law authorizes local governments to enact ordinances or regulations that make building standards amendments to the California Building Standards Code, as specified.

This bill would establish a streamlined approval process for a local permit for a tenant improvement, as defined, relating to a restaurant. In this regard, the bill would require a local building department, upon the request and at the expense of the permit applicant, to allow a qualified professional certifier, defined as a licensed architect or engineer who meets certain requirements, to certify that the plans and specifications of the tenant improvement comply with all applicable building, health, and safety codes, as specified. The bill would require a qualified professional certifier, or the applicant, as applicable, to prepare certain affidavits related to the tenant improvement under penalty of perjury. The bill would require the local building department to approve or deny the permit application within 20 business days of receiving a complete application and would deem the plan approved for permitting purposes if the local building department does not approve or deny the application within that timeframe. The bill would also authorize the applicant to resubmit corrected plans addressing the deficiencies identified in the *initial denial, would limit the local building department's review of each subsequent resubmission to the deficiencies identified in the initial denial*, and would require the local building department to approve or deny each subsequent resubmission within 10 business days of receipt. The bill would require each local building department to conduct audits of tenant improvements submitted for certification, as specified. The bill would authorize a city or county to adopt additional qualifications or requirements for qualified professional certifiers, including penalties or reasonable administrative fines for certain actions. The bill would make qualified professional certifiers liable for any damages arising from negligent plan review. The bill would also require the applicant to indemnify the local agency from any property damage or personal injury arising from construction permitted under the above-described provisions.

Existing law establishes the California Architects Board and the Board for Professional Engineers, Land Surveyors, and Geologists to administer the licensure and regulation of architects and engineers, respectively. Existing law specifies grounds for disciplinary action by the boards.

This bill would deem making a false statement in a certification described above to be grounds for disciplinary action against a licensee who serves as a qualified professional certifier.

Existing law, the Government Claims Act, establishes the liability and immunity of a public entity for its acts or omissions that cause harm to persons. Where a public entity is under a mandatory duty imposed by an enactment that is designed to protect against the risk of a particular kind of injury, the act makes the public entity liable for an injury of that kind proximately caused by its failure to discharge the duty unless the public entity establishes that it exercised reasonable diligence to discharge the duty.

This bill, notwithstanding the above-described liability of a public entity for failure to discharge certain mandatory duties, would provide that a public entity or public employee is not liable for an injury caused by their discretionary or ministerial acts or omissions relating to the issuance or denial of a permit pursuant to the bill's provisions.

Existing law, the California Retail Food Code, establishes uniform health and sanitation standards for retail food facilities for regulation by the State Department of Public Health, and requires local enforcement agencies to enforce those provisions. The California Retail Food Code requires a person proposing to build or remodel a food facility to submit complete, easily readable plans drawn to scale, and specifications to the enforcement agency for review, and to receive plan approval before starting any new construction or remodeling of a facility for use as a retail food facility. The California Retail Food Code requires the plans to be approved or rejected within 20 working days after receipt by the enforcement agency and, unless the plans are approved or rejected within 20 working days, deems those plans approved. A violation of the California Retail Food Code is generally a misdemeanor.

This bill would require that a tenant improvement plan for a restaurant be deemed approved for permitting purposes if the enforcement agency does not approve or deny the application within 20 business days of receiving a complete plan. The bill would also authorize the applicant to resubmit a corrected plan addressing the deficiencies identified in the *initial denial*, *would limit the enforcement agency's review of each subsequent resubmission to the deficiencies identified in the initial denial*, and would require the enforcement agency to approve or deny each subsequent resubmission within 10 business days.

Existing law, the California Environmental Quality Act (CEQA), requires a lead agency, as defined, to prepare, or cause to be prepared,

and certify the completion of, an environmental impact report on a project that it proposes to carry out or approve that may have a significant effect on the environment or to adopt a negative declaration if it finds that the project will not have that effect. CEQA does not apply to the approval of ministerial projects.

To the extent that the streamlined, ministerial review processes established by the bill would apply to final, discretionary approval of a tenant improvement, the bill would exempt those projects from CEQA.

This bill would also make related findings and declarations.

The bill would include findings that changes proposed by this bill address a matter of statewide concern rather than a municipal affair and, therefore, apply to all cities, including charter cities.

By adding to the duties of local officials with respect to the review and approval of tenant improvements for restaurants, and by expanding the scope of various crimes related to these provisions, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for specified reasons.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 ~~SECTION 1. Section 5587 is added to the Business and~~
2 ~~Professions Code, to read:~~
3 ~~5587.—~~
4 SECTION 1. Section 5586.5 is added to the Business and
5 Professions Code, to read:
6 5586.5. The fact that the holder of a license who serves as a
7 qualified professional certifier, as defined in Section 66345.1 of
8 the Government Code, makes any false statement in a certification
9 submission pursuant to Chapter 14 (commencing with Section
10 66345) of Division 1 of Title 7 of the Government Code constitutes
11 grounds for disciplinary action.
12 SEC. 2. Section 6775 of the Business and Professions Code is
13 amended to read:

1 6775. The board may, upon its own initiative or upon the
 2 receipt of a complaint, investigate the actions of any professional
 3 engineer licensed under this chapter and make findings thereon.

4 By a majority vote, the board may publicly reprove, suspend for
 5 a period not to exceed two years, or revoke the certificate of any
 6 professional engineer licensed under this chapter on any of the
 7 following grounds:

8 (a) Any conviction of a crime substantially related to the
 9 qualifications, functions, and duties of a licensed professional
 10 engineer, in which case the certified record of conviction shall be
 11 conclusive evidence thereof.

12 (b) Any deceit, misrepresentation, or fraud in their practice.

13 (c) Any negligence or incompetence in their practice.

14 (d) A breach or violation of a contract to provide professional
 15 engineering services.

16 (e) Any fraud, deceit, or misrepresentation in obtaining their
 17 certificate as a professional engineer.

18 (f) Aiding or abetting any person in the violation of any
 19 provision of this chapter or any regulation adopted by the board
 20 pursuant to this chapter.

21 (g) For a licensee who serves as a qualified professional certifier,
 22 as defined in Section 66345.1 of the Government Code, making
 23 any false statement in a certification submission pursuant to
 24 Chapter 14 (commencing with Section 66345) of Division 1 of
 25 Title 7 of the Government Code.

26 (h) A violation in the course of the practice of professional
 27 engineering of a rule or regulation of unprofessional conduct
 28 adopted by the board.

29 (i) A violation of any provision of this chapter or any other law
 30 relating to or involving the practice of professional engineering.

31 SEC. 3. Chapter 14 (commencing with Section 66345) is added
 32 to Division 1 of Title 7 of the Government Code, to read:

33
 34 CHAPTER 14. ACCELERATED RESTAURANT BUILDING PLAN
 35 APPROVAL
 36

37 66345. The Legislature finds and declares all of the following:

38 (a) Small, independent restaurants are essential to California's
 39 identity as a world-renowned culinary destination and reflect the

1 state's diversity, agricultural abundance, and tradition of culinary
2 innovation.

3 (b) Family-owned restaurants serve as cultural anchors in their
4 communities, preserving and sharing diverse food traditions across
5 generations while creating spaces for community gathering and
6 celebration.

7 (c) The restaurant industry is one of California's largest small
8 business employers, providing critical first jobs, career
9 advancement opportunities, and pathways to business ownership
10 for immigrant entrepreneurs and historically underserved
11 communities.

12 (d) California's restaurant sector is a vital component of the
13 state's tourism industry, with food tourism generating substantial
14 economic activity in communities throughout the state.

15 (e) Local restaurants play a crucial role in supporting
16 California's agricultural sector by sourcing ingredients from local
17 farms and food producers, contributing to the state's farm-to-table
18 movement and sustainable food systems.

19 (f) Delays in municipal building plan review processes can
20 create significant economic hardship for small business owners.

21 (g) Qualified licensed architects and engineers can supplement
22 municipal plan review capacity while maintaining public safety
23 standards.

24 (h) An expedited review process for food service establishments
25 will promote economic development while ensuring compliance
26 with all applicable health and safety requirements.

27 66345.1. For purposes of this chapter, all of the following
28 definitions apply:

29 (a) "Qualified professional certifier" means an architect licensed
30 pursuant to Chapter 3 (commencing with Section 5500) of Division
31 3 of the Business and Professions Code, or a professional engineer
32 licensed pursuant to Chapter 7 (commencing with Section 6700)
33 of Division 3 of the Business and Professions Code, who meets
34 both of the following conditions:

35 (1) Has at least five years of experience in commercial building
36 design or plan review.

37 (2) Maintains professional liability insurance in an amount not
38 less than two million dollars (\$2,000,000) per occurrence.

39 (b) "Restaurant" means a retail food establishment that prepares,
40 serves, and vends food directly to the consumer and is not a fast

1 food restaurant, as that term is defined in Section 1474 of the Labor
2 Code.

3 (c) "Tenant improvement" means a change to the interior of an
4 existing building.

5 66345.2. (a) (1) A local building department shall allow, upon
6 request from an applicant for a permit for a tenant improvement
7 relating to a restaurant, a qualified professional certifier to certify,
8 at the applicant's expense, compliance with all applicable building,
9 health, and safety codes, including, but not limited to, building
10 standards approved by the California Building Standards
11 Commission and local building standards, for the tenant
12 improvement.

13 (2) A tenant improvement relating to a restaurant certified
14 pursuant to this chapter shall comply with all applicable building,
15 health, and safety codes, including, but not limited to, building
16 standards approved by the California Building Standards
17 Commission and local building standards, in effect at the time the
18 application for a permit is submitted.

19 (b) (1) (A) A qualified professional certifier shall prepare an
20 affidavit, under penalty of perjury, attesting that the tenant
21 improvement plans and specifications comply with all applicable
22 building, health, and safety codes, including, but not limited to,
23 building standards approved by the California Building Standards
24 Commission and local building standards.

25 (B) A qualified professional certifier or the applicant shall
26 prepare an affidavit, under penalty of perjury, attesting that the
27 restaurant for which the tenant improvement is constructed meets
28 the requirements of subdivision (b) of Section 66345.1.

29 (2) The local building department shall approve or deny the
30 application within 20 business days of receiving a complete
31 application, including the affidavits specified in paragraph (1).

32 (3) If the local building department does not approve or deny
33 the application within 20 business days of receiving a complete
34 application, including the affidavits specified in paragraph (1), a
35 certified plan shall be deemed approved for permitting purposes,
36 provided that all fees and required documents have been submitted.

37 (4) If a complete application is denied within the
38 20-business-day period described in paragraph (2), the applicant
39 may resubmit corrected plans addressing the deficiencies identified
40 in the *initial* denial. *The local building department's review of*

1 *each subsequent resubmission shall be limited to correcting the*
2 *deficiencies identified in the initial denial.* The local building
3 department shall approve or deny each subsequent resubmission
4 within 10 business days of receipt.

5 (c) (1) Each local building department shall conduct a random
6 audit of no less than 20 percent of all tenant improvements
7 submitted per week for certification under this chapter.

8 (2) Audits shall be initiated within five business days following
9 permit issuance and shall include a review of the submitted plans
10 for compliance with all applicable building, health, and safety
11 codes, including, but not limited to, building standards approved
12 by the California Building Standards Commission and local
13 building standards.

14 (3) If an audit reveals material noncompliance, the local building
15 department shall provide a plan check correction notice within 10
16 business days of the audit's initiation.

17 (d) (1) Certification under this chapter does not exempt a tenant
18 improvement from other mandatory construction inspections,
19 including, but not limited to, fire, health, and structural inspections
20 conducted during or after construction.

21 (2) This chapter does not limit the authority of the local health
22 department under the California Retail Food Code (Part 7
23 commencing with Section 113700) of Division 104 of the Health
24 and Safety Code).

25 (3) This chapter shall not apply to tenant improvements subject
26 to plan review requirements under the California Retail Food Code
27 (Article 1 (commencing with Section 114380) of Chapter 13 of
28 Part 7 of Division 104 of the Health and Safety Code).

29 (e) Any false statement in a certification submission made under
30 this chapter shall be grounds for disciplinary action by the
31 California Architects Board, pursuant to Section ~~5587~~ 5586.5 of
32 the Business and Professions Code, or the Board for Professional
33 Engineers, Land Surveyors, and Geologists, pursuant to Section
34 6775 of the Business and Professions Code, as applicable.

35 (f) A city or county may adopt, by ordinance, additional
36 qualifications or requirements for a qualified professional certifier,
37 including, but not limited to, any of the following:

38 (1) A requirement to register with the city or county prior to
39 certifying plans pursuant to this chapter.

1 (2) Training requirements that must be completed prior to
2 certifying plans pursuant to this chapter.

3 (3) Payment of fees not to exceed the reasonable cost of
4 implementing this chapter.

5 (4) Penalties that may include decertification as a qualified
6 professional certifier in that jurisdiction or reasonable
7 administrative fines for either of the following:

8 (A) Willful noncompliance with the requirements of this chapter.

9 (B) Two or more instances in which the qualified professional
10 certifier attested to certifying noncompliant plans pursuant to this
11 chapter.

12 66345.3. This chapter does not prohibit a local building
13 department from charging permit fees for applications utilizing a
14 qualified professional certifier.

15 66345.4. (a) Qualified professional certifiers shall be liable
16 for any damages arising from negligent plan review pursuant to
17 this chapter.

18 (b) The applicant shall indemnify the local agency from any
19 property damage or personal injury arising from construction
20 permitted pursuant to this chapter.

21 (c) Notwithstanding Section 815.6, a public entity or public
22 employee is not liable for an injury caused by their discretionary
23 or ministerial acts or omissions relating to the issuance or denial
24 of any permit pursuant to this chapter.

25 SEC. 4. Section 114380 of the Health and Safety Code is
26 amended to read:

27 114380. (a) A person proposing to build or remodel a food
28 facility shall submit complete, easily readable plans drawn to scale,
29 and specifications to the enforcement agency for review, and shall
30 receive plan approval before starting any new construction or
31 remodeling of a facility for use as a retail food facility.

32 (b) Plans and specifications may also be required by the
33 enforcement agency if the agency determines that they are
34 necessary to ensure compliance with the requirements of this part,
35 including, but not limited to, a menu change or change in the
36 facility's method of operation.

37 (c) (1) All new school food facilities or school food facilities
38 that undergo modernization or remodeling shall comply with all
39 structural requirements of this part. Upon submission of plans by
40 a public school authority, the Division of the State Architect and

1 the local enforcement agency shall review and approve all new
2 and remodeled school facilities for compliance with all applicable
3 requirements.

4 (2) Notwithstanding subdivision (a), the Office of Statewide
5 Health Planning and Development (OSHDP) shall maintain its
6 primary jurisdiction over licensed skilled nursing facilities, and
7 when new construction, modernization, or remodeling must be
8 undertaken to repair existing systems or to keep up the course of
9 normal or routine maintenance, the facility shall complete a
10 building application and plan check process as required by OSHDP.
11 Approval of the plans by OSHDP shall be deemed compliance
12 with the plan approval process required by the local county
13 enforcement agency described in this section.

14 (3) Except when a determination is made by the enforcement
15 agency that the nonconforming structural conditions pose a public
16 health hazard, existing public and private school cafeterias, limited
17 service charitable feeding operation facilities, and licensed health
18 care facilities shall be deemed to be in compliance with this part
19 pending replacement or renovation.

20 (d) Except when a determination is made by the enforcement
21 agency that the nonconforming structural conditions pose a public
22 health hazard, existing food facilities that were in compliance with
23 the law in effect on June 30, 2007, shall be deemed to be in
24 compliance with the law pending replacement or renovation. If a
25 determination is made by the enforcement agency that a structural
26 condition poses a public health hazard, the food facility shall
27 remedy the deficiency to the satisfaction of the enforcement
28 agency.

29 (e) The plans shall be approved or rejected within 20 working
30 days after receipt by the enforcement agency and the applicant
31 shall be notified of the decision. Unless the plans are approved or
32 rejected within 20 working days, they shall be deemed approved.
33 The building department shall not issue a building permit for a
34 food facility until after it has received plan approval by the
35 enforcement agency. This section does not require that plans or
36 specifications be prepared by someone other than the applicant.

37 (f) Notwithstanding subdivision (e), a tenant improvement plan
38 for a restaurant, as those terms are defined in Section 66345.1 of
39 the Government Code, shall be subject to the following procedure:

1 (1) If the enforcement agency does not approve or deny the plan
 2 within 20 business days of receiving a complete plan, the plan
 3 shall be deemed approved for permitting purposes, provided that
 4 all fees and required documents have been submitted.

5 (2) If a complete plan is denied within the 20-business-day
 6 period described in paragraph (1), the applicant may resubmit a
 7 corrected plan addressing the deficiencies identified in the *initial*
 8 denial. *The enforcement agency's review of each subsequent*
 9 *resubmission shall be limited to correcting the deficiencies*
 10 *identified in the initial denial.* The enforcement agency shall
 11 approve or deny each subsequent resubmission within 10 business
 12 days of receipt.

13 SEC. 5. The Legislature finds and declares that restaurants'
 14 role in the state's tourism and agricultural industries is a matter of
 15 statewide concern and is not a municipal affair as that term is used
 16 in Section 5 of Article XI of the California Constitution. Therefore,
 17 Section—4 3 of this act adding Chapter 14 (commencing with
 18 Section 66345) to Division 1 of Title 7 of the Government Code
 19 applies to all cities, including charter cities.

20 SEC. 6. No reimbursement is required by this act pursuant to
 21 Section 6 of Article XIII B of the California Constitution because
 22 a local agency or school district has the authority to levy service
 23 charges, fees, or assessments sufficient to pay for the program or
 24 level of service mandated by this act or because costs that may be
 25 incurred by a local agency or school district will be incurred
 26 because this act creates a new crime or infraction, eliminates a
 27 crime or infraction, or changes the penalty for a crime or infraction,
 28 within the meaning of Section 17556 of the Government Code, or
 29 changes the definition of a crime within the meaning of Section 6
 30 of Article XIII B of the California Constitution.

AB 742 (Elhawary-D and Co-Authors)
Department of Consumer Affairs; licensing: applicants who are descendants of slaves

Status/History: 8/29/2025 – Passed Senate Judicial and Appropriations committees.

Location: 9/08/2025 – Senate Floor

Introduced: 2/18/2025

Amended: 3/13/2025; 7/02/2025 (JUD)

Board Position: Watch at July 24, 2025 meeting

Board Staff Analysis: 9/08/2025

Bill Summary: Existing law establishes the Department of Consumer Affairs, which is composed of specified boards that license and regulate various professions.

This bill would require those boards to prioritize applicants seeking licensure who are descendants of American slaves once a process to certify descendants of American slaves is established. This bill would make those provisions operative when the certification process is established and would repeal those provisions 4 years from the date on which the provisions become operative or on January 1, 2032, whichever is earlier.

This bill would make these provisions operative only if SB 518 of the Regular Session is enacted establishing the Bureau for Descendants of American Slavery, and would make these provisions operative when the certification process is established pursuant to that measure. The bill would repeal these provisions 4 years from the date on which they become operative or on January 1, 2032, whichever is earlier.

Affected Laws: An act to add and repeal Section 115.7 to the Business and Professions Code.

Staff Comment: This bill would create a requirement for the Board to prioritize applicants certified by the Bureau for Descendants of American Slavery. This bill is related to SB 518, addressed separately in the Board’s meeting materials, which is proposing to add and repeal the same section of code.

This bill is related to AB 2862 (Gipson-D) from the 2023-24 Legislative Session which was scheduled to be heard in multiple committees before being withdrawn by the Author. The Board took a position of Watch at its May 9, 2024 board meeting.

Staff and board concerns during the 2023-24 session were primarily related to how both the Board and the applicant would determine and verify whether the applicant was a descendant from an enslaved person, and how the verification process would be so time and labor intensive as to diminish the intent of prioritization. Since SB 518 seeks to establish a specific Bureau to make that certification, if enacted, the establishment of that Bureau could alleviate previously expressed concerns.

5/20/2025 Updated Staff Comment: No revisions have been made to this proposed language since the Board met in April, despite the B&P Committee’s analysis suggesting that the Author(s) consider changing “prioritize” to “expedite” which aligns with terminology used in existing law.

7/14/2025 Updated Staff Comment: 7/02/2025 amendments appear to coincide with amendments to SB 518, which is slated to establish the Bureau, and addresses the previous committee analysis to change “prioritize” to “expedite applications for” in the language. The staff analyses provided

by the Senate BP&ED Committee and Judiciary Committee both delve into issues which are beyond the scope of the Board's licensing mission while simultaneously identifying that the expedited provision in this bill can only be supported if the Bureau is established through SB 518. And even then, the effort might still not result in an increased number of descendants obtaining licensure as hoped by the Author. It is also indicated that the expedited requirement would only become effective as of the date the proposed Bureau implements a process to certify persons as descendants, and has a sunset clause of four years from implementation of that certification process or January 1, 2032, whichever occurs first. An accompanying analysis for SB 518 is included elsewhere in these meeting materials.

9/08/2025 Updated Staff Comments: No amendments since last Board position.

Staff Recommendation: No action required at this time.

AMENDED IN SENATE JULY 2, 2025
AMENDED IN ASSEMBLY MARCH 13, 2025
CALIFORNIA LEGISLATURE—2025–26 REGULAR SESSION

ASSEMBLY BILL

No. 742

Introduced by Assembly Member Elhawary
(Principal coauthors: Assembly Members Bonta, Bryan, Gipson,
Jackson, McKinnor, Sharp-Collins, and Wilson)
(Principal coauthors: Senators Richardson, Smallwood-Cuevas, and
Weber Pierson)
(Coauthor: Assembly Member Lowenthal)

February 18, 2025

An act to add and repeal Section 115.7 of the Business and Professions Code, relating to professions and vocations.

LEGISLATIVE COUNSEL'S DIGEST

AB 742, as amended, Elhawary. Department of Consumer Affairs: licensing: applicants who are descendants of slaves.

Existing law establishes the Department of Consumer Affairs, which is composed of specified boards that license and regulate various professions. *Existing law requires those boards to expedite the licensure process for an applicant who holds a current license in another jurisdiction in the same profession or vocation and supplies evidence that they are married to or in a domestic partnership or other legal union with an active duty member of the Armed Forces of the United States who is assigned to a duty station in this state under official active duty military orders.*

This bill would require those boards to ~~prioritize applicants~~ *expedite applications for applicants* seeking licensure who are descendants of

American slaves once a process to certify descendants of American slaves is ~~established~~, *implemented*, as specified. ~~The bill would make those provisions operative when the certification process is established and would repeal those provisions 4 years from the date on which the provisions become operative or on January 1, 2032, whichever is earlier.~~

This bill would make these provisions operative only if SB 518 of the 2025–26 Regular Session is enacted establishing the Bureau for Descendants of American Slavery, and would make these provisions operative when the certification process is ~~established~~ *implemented* pursuant to that measure. The bill would repeal these provisions 4 years from the date on which they become operative or on January 1, 2032, whichever is earlier.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 115.7 is added to the Business and
- 2 Professions Code, to read:
- 3 115.7. (a) Notwithstanding any other law, once the process to
- 4 certify descendants of American slaves is ~~established~~ *implemented*
- 5 by the Bureau for Descendants of American Slavery pursuant to
- 6 ~~Part 15 Chapter 4~~ (commencing with Section ~~16000~~) *15210*) of
- 7 *Part 6* of Division 3 of Title 2 of the Government Code that
- 8 confirms an individual's status as a descendant of an American
- 9 slave, each board shall ~~prioritize applicants~~ *expedite applications*
- 10 *for applicants* seeking licensure who are descendants of American
- 11 slaves.
- 12 (b) This section shall become operative on the date that the
- 13 certification process for the descendants of American Slaves is
- 14 ~~established~~ *implemented* by the Bureau for Descendants of
- 15 American Slavery pursuant to ~~Part 15 Chapter 4~~ (commencing
- 16 with Section ~~16000~~) *15210*) of *Part 6* of Division 3 of Title 2 of
- 17 the Government Code.
- 18 (c) This section shall remain in effect only for four years from
- 19 the date on which this section became operative, or until January
- 20 1, 2032, whichever is earlier, and as of that date is repealed.

1 (d) This section shall become operative only if Senate Bill 518
2 of the 2025–26 Regular Session is enacted establishing the Bureau
3 for Descendants of American Slavery.

O

AB 1341 (Hoover-R)

Contractors: discipline: unlicensed architecture, engineering, or land surveying

Status/History: 7/02/2025 – Passed Senate Business, Professions, and Economic Development Committee and referred to Appropriations Committee.

Location: 8/25/2025 – Senate Appropriations suspense file

Introduced: 2/21/2025

Amended: 3/24/2025; 4/23/2025; 5/07/2025; 7/01/2025; 7/02/2025

Board Position: Support at the July 24, 2025 Board meeting

Board Staff Analysis: 9/08/2025

Bill Summary: Existing law, the Contractors' State License Law, establishes the Contractors' State License Board to license and regulate contractors. Existing law makes the willful or deliberate disregard and violation of the building laws of the state or of specified other provisions of law a cause for disciplinary action against a licensee.

This bill would specify that "building laws of the state" includes certain prohibitions on the unlicensed practice of architecture, engineering, and land surveying, and, therefore, would also make a willful or deliberate disregard and violation of those specified prohibitions a cause for disciplinary action against a licensee.

Affected Laws: An act to amend Section 7110 of the Business and Professions Code.

Staff Comment: This proposed language originated from previous requests presented by professional organizations to the Board during the 2024 Sunset Bill legislation in an effort to help the Board with its enforcement of unlicensed practice, with the original emphasis on unlicensed land surveying. Currently, if a licensed contractor is the subject of a complaint filed with the Board and found to have been practicing a discipline regulated by the Board without an appropriate license or exemption, the Board can communicate that information to the Contractors State License Board (CSLB). However, it is the CSLB's discretion on whether to pursue any disciplinary action against one of their licensees. This proposed language presumably requires the CSLB to investigate noticed violations of the Board's laws by a licensed contractor related to the practice of civil, electrical, and mechanical engineering, and land surveying.

5/20/2025 Updated Staff Comments: As requested by the Board, Staff sent a Support letter to the Author and B&P Committee. Additionally, participated in discussions with the Architect's Board and CSLB. All agreed that the proper sections in our respective Acts needed to be referenced, and those amendments were accepted.

7/15/2025 Updated Staff Comments: 7/02/2025 amendments by the Senate BP&ED committee were primarily related to reorganizing the listing of DCA-related entities under subsection (b). Contractor labor organizations have raised opposition related concerns that their members might be unfairly targeted for use of tools and technology being used in construction operations. Staff has participated in multiple discussions between Author's staff, sponsors, Committee staff, and both the CAB and CSLB board staff. Additionally, staff attended a June 30, 2025 hearing before Senate BP&ED Committee where comments were heard from proponents and opposition. The sponsors and Author continue to express that the language in this bill does not expand, lessen, or otherwise change the scope of practice currently in law for any of the subject license types. At the

time of this report, staff is aware that the Author's office and sponsors are continuing to engage with opposition to reach a consensus.

9/08/2025 Updated Staff Comments: After considering several suggested amendments from Author and opposition, Senate Appropriations Committee failed to pass and is essentially dead for the legislative year.

Staff Recommendation: No action is required by the Board at this time.

AMENDED IN ASSEMBLY MAY 7, 2025
AMENDED IN ASSEMBLY APRIL 23, 2025
AMENDED IN ASSEMBLY MARCH 24, 2025
CALIFORNIA LEGISLATURE—2025–26 REGULAR SESSION

ASSEMBLY BILL

No. 1341

Introduced by Assembly Member Hoover

February 21, 2025

An act to amend Section 7110 of the Business and Professions Code, relating to professions and vocations.

LEGISLATIVE COUNSEL’S DIGEST

AB 1341, as amended, Hoover. Contractors: discipline: building law violations.

Existing law, the ~~Contractors’~~ *Contractors* State License Law, establishes the ~~Contractors’~~ *Contractors* State License Board to license and regulate contractors. Existing law makes the willful or deliberate disregard and violation of the building laws of the state or of specified other provisions of law a cause for disciplinary action against a licensee.

This bill would specify that “building laws of the state” includes certain prohibitions related to the practice and unlicensed practice of architecture, *landscape architecture*, engineering, geology or geophysics, and land surveying, and, therefore, would also make a willful or deliberate disregard and violation of those specified prohibitions a cause for disciplinary action against a licensee.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

SECTION 1. Section 7110 of the Business and Professions Code is amended to read:

7110. (a) Willful or deliberate disregard and violation of the building laws of the state, or of any political subdivision thereof, or of any of the following references to or provisions of law, constitutes a cause for disciplinary action against a licensee:

- (1) Section 8550 or 8556.
- (2) Sections 1689.5 to 1689.15, inclusive, of the Civil Code.
- (3) The safety laws or labor laws or compensation insurance laws or Unemployment Insurance Code of the state.
- (4) The Subletting and Subcontracting Fair Practices Act (Chapter 4 (commencing with Section 4100) of Part 1 of Division 2 of the Public Contract Code).
- (5) Any provision of the Health and Safety Code or Water Code, relating to the digging, boring, or drilling of water wells.
- (6) Any provision of Article 2 (commencing with Section 4216) of Chapter 3.1 of Division 5 of Title 1 of the Government Code.
- (7) Section 374.3 of the Penal Code or any substantially similar law or ordinance that is promulgated by a local government agency as defined in Section 82041 of the Government Code.

(8) Any state or local law relating to the issuance of building permits.

(b) As used in this section, "building laws of the state" includes, without limitation, all of the following:

- (1) Section 5536, subdivision (c) of Section 5536.1, and Section 5536.4.
- (2) *Section 5640.*
- ~~(2)~~
- (3) Section 6787.
- ~~(3)~~
- (4) Section 7872.
- ~~(4)~~
- (5) Section 8792.

SB 470 (Laird-D)
Bagley-Keene Open Meeting Act: teleconferencing

Status/History: 8/20/2025 – Passed Assembly Committees on Government Organization and Appropriations

Location: 8/21/2025 – Assembly Floor

Introduced: 2/19/2025

Amended: 4/10/2025

Board Position: Support at May 29, 2025 Board meeting

Board Staff Analysis: 9/08/2025

Bill Summary: Existing law, the Bagley-Keene Open Meeting Act, requires, with specified exceptions, that all meetings of a state body be open and public and that all persons be permitted to attend any meeting of a state body. The act authorizes meetings through teleconference subject to specified requirements, including, among others, that the state body post agendas at all teleconference locations, that each teleconference location be identified in the notice and agenda of the meeting or proceeding, that each teleconference location be accessible to the public, that the agenda provide an opportunity for members of the public to address the state body directly at each teleconference location, and that at least one member of the state body be physically present at the location specified in the notice of the meeting.

The act authorizes an additional, alternative set of provisions under which a state body may hold a meeting by teleconference subject to specified requirements, including, among others, that at least one member of the state body is physically present at each teleconference location, as defined, that a majority of the members of the state body are physically present at the same teleconference location, except as specified, and that members of the state body visibly appear on camera during the open portion of a meeting that is publicly accessible via the internet or other online platform, except as specified. The act authorizes, under specified circumstances, a member of the state body to participate pursuant to these provisions from a remote location, which would not be required to be accessible to the public and which the act prohibits the notice and agenda from disclosing. The act repeals these provisions on January 1, 2026.

This bill would delete the January 1, 2026, repeal date, thereby authorizing the above-described additional, alternative set of teleconferencing provisions indefinitely.

Affected Laws: An act to amend Sections 11123.2 and 11123.5, of the Government Code.

Staff Comment: This bill will seek to remove the sunset date while maintaining the current meeting requirements. Staff believe the current requirements work well, provides for flexibility when necessary, allows more opportunity for public participation, and serves both the Board and the public better than pre-pandemic requirements.

5/20/2025 Updated Staff Comments: This proposed language was amended by Judiciary Committee to include a new sunset date of January 1, 2030.

7/15/2025 Updated Staff Comments: Proceeding through Assembly committees; no amendments.

9/08/2025 Updated Staff Comments: On Assembly floor for vote; no amendments.

Staff Recommendation: No further action is required by the Board at this time.

SB 470 (Laird-D)
Bagley-Keene Open Meeting Act: teleconferencing

Status/History: 8/20/2025 – Passed Assembly Committees on Government Organization and Appropriations

Location: 8/21/2025 – Assembly Floor

Introduced: 2/19/2025

Amended: 4/10/2025

Board Position: Support at May 29, 2025 Board meeting

Board Staff Analysis: 9/08/2025

Bill Summary: Existing law, the Bagley-Keene Open Meeting Act, requires, with specified exceptions, that all meetings of a state body be open and public and that all persons be permitted to attend any meeting of a state body. The act authorizes meetings through teleconference subject to specified requirements, including, among others, that the state body post agendas at all teleconference locations, that each teleconference location be identified in the notice and agenda of the meeting or proceeding, that each teleconference location be accessible to the public, that the agenda provide an opportunity for members of the public to address the state body directly at each teleconference location, and that at least one member of the state body be physically present at the location specified in the notice of the meeting.

The act authorizes an additional, alternative set of provisions under which a state body may hold a meeting by teleconference subject to specified requirements, including, among others, that at least one member of the state body is physically present at each teleconference location, as defined, that a majority of the members of the state body are physically present at the same teleconference location, except as specified, and that members of the state body visibly appear on camera during the open portion of a meeting that is publicly accessible via the internet or other online platform, except as specified. The act authorizes, under specified circumstances, a member of the state body to participate pursuant to these provisions from a remote location, which would not be required to be accessible to the public and which the act prohibits the notice and agenda from disclosing. The act repeals these provisions on January 1, 2026.

This bill would delete the January 1, 2026, repeal date, thereby authorizing the above-described additional, alternative set of teleconferencing provisions indefinitely.

Affected Laws: An act to amend Sections 11123.2 and 11123.5, of the Government Code.

Staff Comment: This bill will seek to remove the sunset date while maintaining the current meeting requirements. Staff believe the current requirements work well, provides for flexibility when necessary, allows more opportunity for public participation, and serves both the Board and the public better than pre-pandemic requirements.

5/20/2025 Updated Staff Comments: This proposed language was amended by Judiciary Committee to include a new sunset date of January 1, 2030.

7/15/2025 Updated Staff Comments: Proceeding through Assembly committees; no amendments.

9/08/2025 Updated Staff Comments: On Assembly floor for vote; no amendments.

Staff Recommendation: No further action is required by the Board at this time.

AMENDED IN SENATE APRIL 10, 2025

SENATE BILL

No. 470

Introduced by Senator Laird

February 19, 2025

An act to amend ~~Section 11123.2 of, and to amend and repeal Section Sections 11123.2 and 11123.5 of, the Government Code, relating to state government.~~

LEGISLATIVE COUNSEL'S DIGEST

SB 470, as amended, Laird. Bagley-Keene Open Meeting Act: teleconferencing.

Existing law, the Bagley-Keene Open Meeting Act, requires, with specified exceptions, that all meetings of a state body be open and public and all persons be permitted to attend any meeting of a state body. The act authorizes meetings through teleconference subject to specified requirements, including, among others, that the state body post agendas at all teleconference locations, that each teleconference location be identified in the notice and agenda of the meeting or proceeding, that each teleconference location be accessible to the public, that the agenda provide an opportunity for members of the public to address the state body directly at each teleconference location, and that at least one member of the state body be physically present at the location specified in the notice of the meeting.

The act authorizes an additional, alternative set of provisions under which a state body may hold a meeting by teleconference subject to specified requirements, including, among others, that at least one member of the state body is physically present at each teleconference location, as defined, that a majority of the members of the state body are physically present at the same teleconference location, except as

specified, and that members of the state body visibly appear on camera during the open portion of a meeting that is publicly accessible via the internet or other online platform, except as specified. The act authorizes, under specified circumstances, a member of the state body to participate pursuant to these provisions from a remote location, which would not be required to be accessible to the public and which the act prohibits the notice and agenda from disclosing. The act repeals these provisions on January 1, 2026.

~~This bill would delete the January 1, 2026 repeal date, thereby authorizing the above-described additional, alternative set of teleconferencing provisions indefinitely.~~ *instead repeal these provisions on January 1, 2030.*

The act authorizes a multimember state advisory body to hold an open meeting by teleconference pursuant to an alternative set of provisions that are in addition to the above-described provisions generally applicable to state bodies. These alternative provisions specify requirements, including, among others, that the multimember state advisory body designates the primary physical meeting location in the notice of the meeting where members of the public may physically attend the meeting, observe and hear the meeting, and participate, that at least one staff member of the state body to be present at the primary physical meeting location during the meeting, and that the members of the state body visibly appear on camera during the open portion of a meeting that is publicly accessible via the internet or other online platform, except as specified. ~~Existing law~~ *The act* repeals these provisions on January 1, 2026.

~~This bill would delete the January 1, 2026 repeal date, thereby authorizing the above-described alternative set of teleconferencing provisions for multimember state advisory bodies indefinitely.~~ *instead repeal these provisions on January 1, 2030.*

The act, beginning January 1, 2026, removes the above-described requirements for the alternative set of teleconferencing provisions for multimember state advisory bodies, and, instead, requires, among other things, that the multimember state advisory body designates the primary physical meeting location in the notice of the meeting where members of the public may physically attend the meeting and participate.

~~This bill would repeal those provisions.~~ *instead make these provisions operative on January 1, 2030.*

Existing constitutional provisions require that a statute that limits the right of access to the meetings of public bodies or the writings of public

officials and agencies be adopted with findings demonstrating the interest protected by the limitation and the need for protecting that interest.

This bill would make legislative findings to that effect.

Vote: majority. Appropriation: no. Fiscal committee: yes.

State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 11123.2 of the Government Code is
 2 amended to read:
 3 11123.2. (a) For purposes of this section, the following
 4 definitions apply:
 5 (1) "Teleconference" means a meeting of a state body, the
 6 members of which are at different locations, connected by
 7 electronic means, through either audio or both audio and video.
 8 (2) "Teleconference location" means a physical location that is
 9 accessible to the public and from which members of the public
 10 may participate in the meeting.
 11 (3) "Remote location" means a location from which a member
 12 of a state body participates in a meeting other than a teleconference
 13 location.
 14 (4) "Participate remotely" means participation by a member of
 15 the body in a meeting at a remote location other than a
 16 teleconference location designated in the notice of the meeting.
 17 (b) (1) In addition to the authorization to hold a meeting by
 18 teleconference pursuant to subdivision (b) of Section 11123 and
 19 Section 11123.5, a state body may hold an open or closed meeting
 20 by teleconference as described in this section, provided the meeting
 21 complies with all of this section's requirements and, except as set
 22 forth in this section, it also complies with all other applicable
 23 requirements of this article relating to the specific type of meeting.
 24 (2) This section does not limit or affect the ability of a state
 25 body to hold a teleconference meeting under another provision of
 26 this article, including Sections 11123 and 11123.5.
 27 (c) The portion of the teleconferenced meeting that is required
 28 to be open to the public shall be visible and audible to the public
 29 at each teleconference location.
 30 (d) (1) The state body shall provide a means by which the public
 31 may remotely hear audio of the meeting, remotely observe the

1 meeting, remotely address the body, or attend the meeting by
2 providing on the posted agenda a teleconference telephone number,
3 an internet website or other online platform, and a physical address
4 for each teleconference location. The telephonic or online means
5 provided to the public to access the meeting shall be equivalent to
6 the telephonic or online means provided to a member of the state
7 body participating remotely.

8 (2) The applicable teleconference telephone number, internet
9 website or other online platform, and physical address of each
10 teleconference location, as well as any other information indicating
11 how the public can access the meeting remotely and in person,
12 shall be specified in any notice required by this article.

13 (3) If the state body allows members of the public to observe
14 and address the meeting telephonically or otherwise electronically,
15 the state body shall do both of the following:

16 (A) Implement a procedure for receiving and swiftly resolving
17 requests for reasonable modification or accommodation from
18 individuals with disabilities, consistent with the federal Americans
19 with Disabilities Act of 1990 (42 U.S.C. Sec. 12101 et seq.), and
20 resolving any doubt whatsoever in favor of accessibility.

21 (B) Advertise that procedure each time notice is given of the
22 means by which members of the public may observe the meeting
23 and offer public comment.

24 (e) This section does not prohibit a state body from providing
25 members of the public with additional locations from which the
26 public may observe or address the state body by electronic means,
27 through either audio or both audio and video.

28 (f) (1) The agenda shall provide an opportunity for members
29 of the public to address the state body directly pursuant to Section
30 11125.7.

31 (2) Members of the public shall be entitled to exercise their right
32 to directly address the state body during the teleconferenced
33 meeting without being required to submit public comments before
34 the meeting or in writing.

35 (g) The state body shall post the agenda on its internet website
36 and, on the day of the meeting, at each teleconference location.

37 (h) This section does not affect the requirement prescribed by
38 this article that the state body post an agenda of a meeting in
39 accordance with the applicable notice requirements of this article,
40 including Section 11125, requiring the state body to post an agenda

1 of a meeting at least 10 days in advance of the meeting, Section
2 11125.4, applicable to special meetings, and Sections 11125.5 and
3 11125.6, applicable to emergency meetings.

4 (i) At least one member of the state body shall be physically
5 present at each teleconference location.

6 (j) (1) Except as provided in paragraph (2), a majority of the
7 members of the state body shall be physically present at the same
8 teleconference location. Additional members of the state body in
9 excess of a majority of the members may attend and participate in
10 the meeting from a remote location. A remote location is not
11 required to be accessible to the public. The notice and agenda shall
12 not disclose information regarding a remote location.

13 (2) A member attending and participating from a remote location
14 may count toward the majority required to hold a teleconference
15 if both of the following conditions are met:

16 (A) The member has a need related to a physical or mental
17 disability, as those terms are defined in Sections 12926 and
18 12926.1, that is not otherwise reasonably accommodated pursuant
19 to the federal Americans with Disability Act of 1990 (42 U.S.C.
20 Sec. 12101 et seq.).

21 (B) The member notifies the state body at the earliest
22 opportunity possible, including at the start of a meeting, of their
23 need to participate remotely, including providing a general
24 description of the circumstances relating to their need to participate
25 remotely at the given meeting.

26 (3) If a member notifies the body of the member's need to attend
27 and participate remotely pursuant to paragraph (2), the body shall
28 take action to approve the exception and shall request a general
29 description of the circumstances relating to the member's need to
30 participate remotely at the meeting, for each meeting in which the
31 member seeks to participate remotely. The body shall not require
32 the member to provide a general description that exceeds 20 words
33 or to disclose any medical diagnosis or disability, or any personal
34 medical information that is already exempt under existing law,
35 such as the Confidentiality of Medical Information Act (Part 2.6
36 (commencing with Section 56) of Division 1 of the Civil Code).

37 (4) If a member of the state body attends the meeting by
38 teleconference from a remote location, the member shall disclose
39 whether any other individuals 18 years of age or older are present

1 in the room at the remote location with the member, and the general
2 nature of the member's relationship with any such individuals.

3 (k) (1) Except as provided in paragraph (2), the members of
4 the state body shall visibly appear on camera during the open
5 portion of a meeting that is publicly accessible via the internet or
6 other online platform.

7 (2) The visual appearance of a member of the state body on
8 camera may cease only when the appearance would be
9 technologically impracticable, including, but not limited to, when
10 the member experiences a lack of reliable broadband or internet
11 connectivity that would be remedied by joining without video, or
12 when the visual display of meeting materials, information, or
13 speakers on the internet or other online platform requires the visual
14 appearance of a member of a state body on camera to cease.

15 (3) If a member of the state body does not appear on camera
16 due to challenges with internet connectivity, the member shall
17 announce the reason for their nonappearance when they turn off
18 their camera.

19 (l) All votes taken during the teleconferenced meeting shall be
20 by rollcall.

21 (m) The state body shall publicly report any action taken and
22 the vote or abstention on that action of each member present for
23 the action.

24 (n) The portion of the teleconferenced meeting that is closed to
25 the public shall not include the consideration of any agenda item
26 being heard pursuant to Section 11125.5.

27 (o) Upon discovering that a means of remote public access and
28 participation required by subdivision (d) has failed during a
29 meeting and cannot be restored, the state body shall end or adjourn
30 the meeting in accordance with Section 11128.5. In addition to
31 any other requirements that may apply, the state body shall provide
32 notice of the meeting's end or adjournment on the state body's
33 internet website and by email to any person who has requested
34 notice of meetings of the state body by email under this article. If
35 the meeting will be adjourned and reconvened on the same day,
36 further notice shall be provided by an automated message on a
37 telephone line posted on the state body's agenda, internet website,
38 or by a similar means, that will communicate when the state body
39 intends to reconvene the meeting and how a member of the public
40 may hear audio of the meeting or observe the meeting.

1

(p) *This section shall remain in effect only until January 1, 2030,*
2 *and as of that date is repealed.*

3 SEC. 2. Section 11123.5 of the Government Code, as amended
4 by Section 2 of Chapter 216 of the Statutes of 2023, is amended
5 to read:

6 11123.5. (a) For purposes of this section, the following
7 definitions apply:

8 (1) “Participate remotely” means participation in a meeting at
9 a location other than the physical location designated in the agenda
10 of the meeting.

11 (2) “Remote location” means a location other than the primary
12 physical location designated in the agenda of a meeting.

13 (3) “Teleconference” has the same meaning as in Section 11123.

14 (b) In addition to the authorization to hold a meeting by
15 teleconference pursuant to subdivision (b) of Section 11123 or
16 Section 11123.2, any state body that is an advisory board, advisory
17 commission, advisory committee, advisory subcommittee, or
18 similar multimember advisory body may hold an open meeting by
19 teleconference as described in this section, provided the meeting
20 complies with all of the section’s requirements and, except as set
21 forth in this section, it also complies with all other applicable
22 requirements of this article.

23 (c) A member of a state body as described in subdivision (b)
24 who participates in a teleconference meeting from a remote location
25 subject to this section’s requirements shall be listed in the minutes
26 of the meeting.

27 (d) The state body shall provide notice to the public at least 24
28 hours before the meeting that identifies any member who will
29 participate remotely by posting the notice on its internet website
30 and by emailing notice to any person who has requested notice of
31 meetings of the state body under this article. The location of a
32 member of a state body who will participate remotely is not
33 required to be disclosed in the public notice or email and need not
34 be accessible to the public. The notice of the meeting shall also
35 identify the primary physical meeting location designated pursuant
36 to subdivision (f).

37 (e) This section does not affect the requirement prescribed by
38 this article that the state body post an agenda of a meeting at least
39 10 days in advance of the meeting. The agenda shall include
40 information regarding the physical meeting location designated

1 pursuant to subdivision (f), but is not required to disclose
2 information regarding any remote location.

3 (f) A state body described in subdivision (b) shall designate the
4 primary physical meeting location in the notice of the meeting
5 where members of the public may physically attend the meeting,
6 observe and hear the meeting, and participate. At least one staff
7 member of the state body shall be present at the primary physical
8 meeting location during the meeting. The state body shall post the
9 agenda at the primary physical meeting location, but need not post
10 the agenda at a remote location.

11 (g) When a member of a state body described in subdivision
12 (b) participates remotely in a meeting subject to this section's
13 requirements, the state body shall provide a means by which the
14 public may remotely hear audio of the meeting or remotely observe
15 the meeting, including, if available, equal access equivalent to
16 members of the state body participating remotely. The applicable
17 teleconference phone number or internet website, or other
18 information indicating how the public can access the meeting
19 remotely, shall be in the 24-hour notice described in subdivision
20 (b) that is available to the public.

21 (h) (1) Except as provided in paragraph (2), the members of
22 the state body shall visibly appear on camera during the open
23 portion of a meeting that is publicly accessible via the internet or
24 other online platform.

25 (2) The visual appearance of a member of a state body on camera
26 may cease only when the appearance would be technologically
27 impracticable, including, but not limited to, when the member
28 experiences a lack of reliable broadband or internet connectivity
29 that would be remedied by joining without video, or when the
30 visual display of meeting materials, information, or speakers on
31 the internet or other online platform requires the visual appearance
32 of a member of a state body on camera to cease.

33 (3) If a member of the body does not appear on camera due to
34 challenges with internet connectivity, the member shall announce
35 the reason for their nonappearance when they turn off their camera.

36 (i) Upon discovering that a means of remote access required by
37 subdivision (g) has failed during a meeting, the state body
38 described in subdivision (b) shall end or adjourn the meeting in
39 accordance with Section 11128.5. In addition to any other
40 requirements that may apply, the state body shall provide notice

1 of the meeting's end or adjournment on its internet website and
 2 by email to any person who has requested notice of meetings of
 3 the state body under this article. If the meeting will be adjourned
 4 and reconvened on the same day, further notice shall be provided
 5 by an automated message on a telephone line posted on the state
 6 body's agenda, or by a similar means, that will communicate when
 7 the state body intends to reconvene the meeting and how a member
 8 of the public may hear audio of the meeting or observe the meeting.

9 (j) This section does not limit or affect the ability of a state body
 10 to hold a teleconference meeting under another provision of this
 11 article.

12 (k) *This section shall remain in effect only until January 1, 2030,*
 13 *and as of that date is repealed.*

14 ~~SEC. 3. Section 11123.5 of the Government Code, as added~~
 15 ~~by Section 3 of Chapter 216 of the Statutes of 2023, is repealed.~~

16 *SEC. 3. Section 11123.5 of the Government Code, as added*
 17 *by Section 3 of Chapter 216 of the Statutes of 2023, is amended*
 18 *to read:*

19 11123.5. (a) In addition to the authorization to hold a meeting
 20 by teleconference pursuant to subdivision (b) of Section 11123,
 21 any state body that is an advisory board, advisory commission,
 22 advisory committee, advisory subcommittee, or similar
 23 multimember advisory body may hold an open meeting by
 24 teleconference as described in this section, provided the meeting
 25 complies with all of the section's requirements and, except as set
 26 forth in this section, it also complies with all other applicable
 27 requirements of this article.

28 (b) A member of a state body as described in subdivision (a)
 29 who participates in a teleconference meeting from a remote location
 30 subject to this section's requirements shall be listed in the minutes
 31 of the meeting.

32 (c) The state body shall provide notice to the public at least 24
 33 hours before the meeting that identifies any member who will
 34 participate remotely by posting the notice on its internet website
 35 and by emailing notice to any person who has requested notice of
 36 meetings of the state body under this article. The location of a
 37 member of a state body who will participate remotely is not
 38 required to be disclosed in the public notice or email and need not
 39 be accessible to the public. The notice of the meeting shall also

1 identify the primary physical meeting location designated pursuant
2 to subdivision (e).

3 (d) This section does not affect the requirement prescribed by
4 this article that the state body post an agenda of a meeting at least
5 10 days in advance of the meeting. The agenda shall include
6 information regarding the physical meeting location designated
7 pursuant to subdivision (e), but is not required to disclose
8 information regarding any remote location.

9 (e) A state body described in subdivision (a) shall designate the
10 primary physical meeting location in the notice of the meeting
11 where members of the public may physically attend the meeting
12 and participate. A quorum of the members of the state body shall
13 be in attendance at the primary physical meeting location, and
14 members of the state body participating remotely shall not count
15 towards establishing a quorum. All decisions taken during a
16 meeting by teleconference shall be by rollcall vote. The state body
17 shall post the agenda at the primary physical meeting location, but
18 need not post the agenda at a remote location.

19 (f) When a member of a state body described in subdivision (a)
20 participates remotely in a meeting subject to this section's
21 requirements, the state body shall provide a means by which the
22 public may remotely hear audio of the meeting or remotely observe
23 the meeting, including, if available, equal access equivalent to
24 members of the state body participating remotely. The applicable
25 teleconference phone number or internet website, or other
26 information indicating how the public can access the meeting
27 remotely, shall be in the 24-hour notice described in subdivision
28 (a) that is available to the public.

29 (g) Upon discovering that a means of remote access required
30 by subdivision (f) has failed during a meeting, the state body
31 described in subdivision (a) shall end or adjourn the meeting in
32 accordance with Section 11128.5. In addition to any other
33 requirements that may apply, the state body shall provide notice
34 of the meeting's end or adjournment on its internet website and
35 by email to any person who has requested notice of meetings of
36 the state body under this article. If the meeting will be adjourned
37 and reconvened on the same day, further notice shall be provided
38 by an automated message on a telephone line posted on the state
39 body's agenda, or by a similar means, that will communicate when

1 the state body intends to reconvene the meeting and how a member
2 of the public may hear audio of the meeting or observe the meeting.

3 (h) For purposes of this section:

4 (1) "Participate remotely" means participation in a meeting at
5 a location other than the physical location designated in the agenda
6 of the meeting.

7 (2) "Remote location" means a location other than the primary
8 physical location designated in the agenda of a meeting.

9 (3) "Teleconference" has the same meaning as in Section 11123.

10 (i) This section does not limit or affect the ability of a state body
11 to hold a teleconference meeting under another provision of this
12 article.

13 (j) This section shall become operative on January 1, ~~2026~~.
14 2030.

15 SEC. 4. The Legislature finds and declares that Section 1 of
16 this act, which amends Section 11123.2 of the Government Code,
17 and Sections 2 and 3 of this act, which amend and repeal Section
18 11123.5 of the Government Code, modify the public's right of
19 access to the meetings of public bodies or the writings of public
20 officials and agencies within the meaning of Section 3 of Article
21 I of the California Constitution. Pursuant to that constitutional
22 provision, the Legislature makes the following findings to
23 demonstrate the interest protected by this limitation and the need
24 for protecting that interest:

25 (a) By continuing to ensure that agendas are not required to be
26 posted at, and that agendas and notices do not disclose information
27 regarding, the location of each public official participating in a
28 public meeting remotely, including from the member's private
29 home or hotel room, this act protects the personal, private
30 information of public officials and their families while preserving
31 the public's right to access information concerning the conduct of
32 the people's business.

33 (b) During the COVID-19 public health emergency, audio and
34 video teleconference were widely used to conduct public meetings
35 in lieu of physical location meetings, and those public meetings
36 have been productive, increased public participation by all
37 members of the public regardless of their location and ability to
38 travel to physical meeting locations, increased the pool of people
39 who are able to serve on these bodies, protected the health and
40 safety of civil servants and the public, and have reduced travel

- 1 costs incurred by members of state bodies and reduced work hours
- 2 spent traveling to and from meetings.
- 3 (c) Conducting audio and video teleconference meetings
- 4 enhances public participation and the public's right of access to
- 5 meetings of the public bodies by improving access for individuals
- 6 who often face barriers to physical attendance.

O

SB 518 (Weber Pierson-D)
Descendants of enslaved persons: reparations

Status/History: 7/03/2025 – Referred to Assembly Appropriations Committee

Location: 9/08/2025 – Passed Assembly Appropriations and on Assembly Floor

Introduced: 2/19/2025

Amended: 4/07/2025; 4/10/2025; 4/24/2025; 5/23/2025; 6/16/2025; 7/03/2025; 9/02/2025; 9/05/2025

Board Position: Watch from July 24, 2025 Board meeting

Board Staff Analysis: 9/08/2025

Bill Summary: This bill would establish the Bureau for Descendants of American Slavery within state government, under the control of the director, who would be appointed by the Governor and confirmed by the Senate. The bill would require the bureau, as part of its duties, to determine how an individual's status as a descendant would be confirmed. The bill would also require proof of an individual's descendant status to be a qualifying criterion for benefits authorized by the state for descendants. To accomplish these goals, the bill would require the bureau to be comprised of a Genealogy Division, a Property Reclamation Division, an Education and Outreach Division, and a Legal Affairs Division.

Affected Laws: An act to add and repeal Section 115.7 to the Business and Professions Code.

Staff Comment: This bill would create a new Bureau under the Department for the purposes of determining an individual's status as a descendant of an enslaved person. This bill is related to AB 742, addressed separately in the Board's meeting materials, which is proposing to add and repeal the same section of code.

5/20/2025 Updated Staff Comments: Multiple amendments to this proposal occurred while in review by Judiciary Committee which are primarily clarified under which agency the Bureau would be created (Department of Justice) and how the Bureau would perform its many operational functions, which include determining the status of a descendant of an enslaved person for the purposes of applying for a license. The most recent analysis from Appropriations tends towards concerns related to the overall cost to establish and maintain a new regulatory entity.

7/14/2025 Updated Staff Comments: Much of the amendments subsequent to the Board's last position on this bill have focused on the administrative implementation of the Bureau and how certification of descendants will be conducted and does not impact the Board's operations.

9/08/2025 Updated Staff Comments: Amendments to this bill have focused on mandates for the to-be-formed Bureau. Enactment of this bill is dependent upon passage of SB 437 (budget trailer bill).

Staff Recommendation:

Staff recommends the Board take a Watch position on SB 518 as amended September 5, 2025.

AMENDED IN ASSEMBLY SEPTEMBER 5, 2025

AMENDED IN ASSEMBLY SEPTEMBER 2, 2025

AMENDED IN ASSEMBLY JULY 3, 2025

AMENDED IN ASSEMBLY JUNE 16, 2025

AMENDED IN SENATE MAY 23, 2025

AMENDED IN SENATE APRIL 24, 2025

AMENDED IN SENATE APRIL 10, 2025

AMENDED IN SENATE APRIL 7, 2025

SENATE BILL

No. 518

Introduced by Senator Weber Pierson

(Coauthors: Senators Richardson and Smallwood-Cuevas)

(Coauthors: Assembly Members Bonta, Bryan, Elhawary, Gipson,
Jackson, Kalra, McKinnor, Ransom, Sharp-Collins, and Wilson)

February 19, 2025

An act to add Chapter 2 (commencing with Section 12910) to Part 2.8 of Division 3 of Title 2 of the Government Code, relating to state government, and making an appropriation therefor: *government*.

LEGISLATIVE COUNSEL'S DIGEST

SB 518, as amended, Weber Pierson. Descendants of enslaved persons: reparations.

Former law, Chapter 319 of the Statutes of 2020, until July 1, 2023, established a task force to, among other things, identify, compile, and synthesize the relevant corpus of evidentiary documentation of the institution of slavery that existed within the United States and the

colonies, as specified, and to recommend the form of compensation that should be awarded, the instrumentalities through which it should be awarded, and who should be eligible for this compensation.

Existing law, the California Fair Employment and Housing Act, establishes the Civil Rights Department and sets forth its powers and duties, including, among others, receiving, investigating, and prosecuting complaints alleging violations of civil rights, as specified.

This bill would establish the Bureau for Descendants of American Slavery within the department, under the control of the *deputy* director, who would be appointed by the Governor and confirmed by the Senate. The bill would require the bureau, ~~as part of its duties,~~ *bureau to create a Genealogy Division, as specified, and to verify an individual's status as a descendant and would require proof of an individual's descendant status to be a qualifying criterion for benefits authorized by the state for descendants. ~~To accomplish these goals, the~~ The bill would ~~also~~ require the bureau to ~~be composed of a Genealogy Division,~~ *create an Education and Outreach Division, Division* and a Legal Affairs Division. The bill would impose various requirements on the bureau relating to the collection, storage, and disclosure of personal and genetic information, as specified. The bill would authorize the bureau to receive moneys from any federal, state, or local grant and from any nongovernmental entity, ~~as specified, and would continuously appropriate any nongeneral fund moneys received for purposes of the bureau.~~ *specified.**

This bill would make implementation of its provisions contingent upon appropriation by the Legislature, as specified.

This bill would include findings and declarations relating to a gift of public funds.

Existing constitutional provisions require that a statute that limits the right of access to the meetings of public bodies or the writings of public officials and agencies be adopted with findings demonstrating the interest protected by the limitation and the need for protecting that interest.

This bill would make legislative findings to that effect.

Vote: majority. Appropriation: ~~yes~~-no. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

SECTION 1. Chapter 2 (commencing with Section 12910) is added to Part 2.8 of Division 3 of Title 2 of the Government Code, to read:

CHAPTER 2. BUREAU FOR DESCENDANTS OF AMERICAN SLAVERY

Article 1. General

12910. (a) It is the intent of the Legislature in establishing the bureau to establish an initial framework and it is the intent of the Legislature that the scope and responsibilities of the bureau may expand as necessary to fulfill its mission and address additional harms as identified.

(b) It is the intent of the Legislature that, as the bureau expands its scope in the future, it shall do both of the following:

(1) Address the lasting harms of disenfranchisement, segregation, discrimination, exclusion neglect, and violence impacting both descendants and communities harmed as described in Chapters 1 to 13, inclusive, of the California Reparations Report.

(2) Advise on reparative remedies to target the persistent consequences of this legacy, guided by Chapters 14 to 33, inclusive, of the California Reparations Report.

(c) Implementation of this chapter shall be contingent upon appropriation of sufficient funding by the Legislature in the annual Budget Act or other statute for that purpose.

12911. For purposes of this chapter:

(a) "Bureau" means the Bureau for Descendants of American Slavery.

(b) "*Deputy director*" means the Deputy Director of the Bureau for Descendants of American Slavery.

~~(b)~~
(c) "Descendants" means individuals who can establish direct lineage to a person who, prior to 1900, was subjected to American chattel slavery and meets at least one of the following criteria:

(1) Was emancipated through legal or extralegal means, including self-purchase, manumission, executive or legislative action, military service, or judicial ruling.

1 (2) Obtained freedom through gradual abolition statutes or
2 constitutional amendments.

3 (3) Was classified as a fugitive from bondage under federal or
4 state law.

5 (4) Was deemed contraband by military authorities.

6 (5) Rendered military or civic service while subject to legal
7 restrictions based on ancestry historically associated with slavery.

8 ~~(e) “Director” means the Director of the Bureau for Descendants~~
9 ~~of American Slavery.~~

10 12912. (a) The Bureau for Descendants of American Slavery
11 is hereby established within the department. The bureau shall be
12 under the direct control of a *deputy* director who shall be
13 responsible to the Director of Civil Rights.

14 (b) The *deputy* director shall be appointed by the Governor and
15 confirmed by the Senate, and shall perform all duties, exercise all
16 powers, assume and discharge all responsibilities, and carry out
17 and effect all purposes vested by law in the bureau.

18 (c) The bureau shall establish a mission statement consistent
19 with the recommendations from the former reparations task force
20 established pursuant to Chapter 319 of the Statutes of 2020.

21 12913. (a) As part of its duties, the bureau shall verify an
22 individual’s status as a descendant. Proof of an individual’s
23 ~~descendent~~ *descendant* status shall be a qualifying criterion for
24 benefits authorized by the state for descendants. ~~To accomplish~~
25 ~~these goals, the bureau shall include all of the following divisions:~~
26 *The bureau shall create a Genealogy Division.*

27 ~~(a) A Genealogy Division to do all of the following:~~

28 ~~(1) Establish a process to certify descendants of American~~
29 ~~slaves.~~

30 ~~(2) Create a method for eligible individuals to submit claims~~
31 ~~and receive compensation or restitution for those particular harms~~
32 ~~California inflicted upon the claimant or their family.~~

33 ~~(3) Establish an equitable alternative qualifying criterion for~~
34 ~~benefits for descendants authorized by the state in cases where an~~
35 ~~individual’s status as a descendant cannot be confirmed or proven.~~

36 ~~(4) Support potential reparations claimants and assist individuals~~
37 ~~in verifying genealogical lineage by applying established~~
38 ~~evidence-based methodology to aid in determining eligibility.~~

39 ~~(5) (A) For purposes of this subdivision, and notwithstanding~~
40 ~~any other law, the division shall utilize the process established~~

~~pursuant to Chapter 4.8 (commencing with Section 8308) of Division 1, as added by Senate Bill 437 of the 2025–26 Regular Session, for all matters relating to the verification of a claimant’s eligibility as a descendant.~~

(b) Following the establishment of a process for conducting or verifying genealogical research for the purpose of confirming an individual’s status as a descendant of an enslaved person as provided by Chapter 4.8 (commencing with Section 8308) of Division 1, as added by Senate Bill 437 of the 2025–26 Regular Session, the Genealogy Division shall do all of the following:

(1) Establish a process for individuals to request certification as a descendant of American slaves informed by the process created pursuant to Chapter 4.8 (commencing with Section 8308) of Division 1, as added by Senate Bill 437 of the 2025–26 Regular Session.

(2) Review and determine requests for certification as a descendant.

(3) Establish a process for individuals to appeal a determination made pursuant to paragraph (2).

~~(B) This paragraph~~

(c) Subdivision (b) shall become operative only if Senate Bill 437 of the 2025–26 Regular Session is enacted and takes effect on or before January 1, 2026.

~~(b) (1) An~~

12914. (a) The bureau shall create an Education and Outreach Division to develop and implement a public education campaign regarding all of the following:

~~(A)~~

(1) The cycle of gentrification, displacement, and exclusion.

~~(B)~~

(2) The connection between redlining and gentrification.

~~(C)~~

(3) The history of discriminatory urban planning in California.

~~(D)~~

(4) Other findings presented in the California Reparations Report.

~~(2) (A)~~

(b) To accomplish the goals of this subdivision, section, the division may collaborate with colleges and universities, community organizations, and individuals, including, but not limited to, the

1 entities included in ~~Section 15.80~~ *Item 6610-001-0001* of the
 2 Budget Act of ~~2024~~ 2025.

3 ~~(B)~~

4 ~~(c)~~ The entities ~~included in subdivision (b) of Section 15.80~~
 5 *supported with funds provided for the purpose of education and*
 6 *outreach in Item 6610-001-0001* of the Budget Act of ~~2024~~ 2025
 7 shall coordinate and implement education and outreach activities
 8 in consultation with the division. Upon the bureau's request, the
 9 entities shall regularly report to the division on these activities and
 10 provide guidance to ensure alignment with the bureau's objectives.

11 ~~(e) A~~

12 *12915. The bureau shall create a Legal Affairs Division to do*
 13 *all of the following:*

14 ~~(1)~~

15 *(a)* Provide legal advice, counsel, and services to the bureau
 16 and its officials.

17 ~~(2)~~

18 *(b)* Ensure that the bureau's programs are administered in
 19 accordance with applicable legislative authority.

20 ~~(3)~~

21 *(c)* Advise the head of the bureau on legislative, legal, and
 22 regulatory initiatives.

23 ~~(4)~~

24 *(d)* Serve as an external liaison on legal matters with other state
 25 agencies and other entities.

26 ~~(5) Conduct a review of past and current laws, as well as~~
 27 ~~proposed legislation, to determine whether those measures have~~
 28 ~~caused, are causing, or may continue to cause harm. The division~~
 29 ~~shall provide recommendations to mitigate or eliminate any harm~~
 30 ~~identified in its review.~~

31 ~~12914.~~

32 *12916. (a)* Nonpublic personal and genetic information held
 33 under the bureau's authority shall be collected, held, and disclosed
 34 only as relevant and necessary to accomplish the purposes set forth
 35 in this chapter and in a manner permitted by and consistent with
 36 federal and California data privacy laws.

37 *(b)* Before asking individuals to supply information for its
 38 system of records, the bureau shall inform each individual of all
 39 of the following:

1 (1) The authority that authorizes the solicitation of the
 2 information and whether disclosure of that information is
 3 mandatory or voluntary.

4 (2) The principal purpose or purposes for which the information
 5 is intended to be used.

6 (3) The routine uses that may be made of the information.

7 (4) The effects on the individual, if any, of not providing all or
 8 any part of the requested information.

9 (c) The bureau shall not disclose any data contained in its system
 10 of records by any means of communication to any person except
 11 as necessary to fulfill the purposes of this chapter and pursuant to
 12 either a written request by, or the written consent of, the individual
 13 to whom the record pertains. Intra-agency, interagency, or public
 14 disclosure shall not be permitted without that written authorization.

15 *12917. The Civil Rights Department may adopt, promulgate,*
 16 *amend, and rescind suitable rules and regulations to implement*
 17 *this chapter.*

18 ~~12915.~~

19 *12918.* (a) Notwithstanding any other law, the bureau may
 20 receive moneys from any federal, state, or local grant and from
 21 any nongovernmental entity, including from any private donation
 22 or grant, for the purposes of this chapter.

23 ~~(b) Notwithstanding Section 13340, any nongeneral-fund~~
 24 ~~moneys received pursuant to this section are hereby continuously~~
 25 ~~appropriated to the bureau for the purposes of this chapter without~~
 26 ~~regard to fiscal year.~~

27 ~~(e)~~

28 (b) Receipt of funds pursuant to this section shall not confer
 29 any right or authority on a donor or grantor to direct, control, or
 30 influence the division's programs, operations, or policy decisions.

31 ~~12916.~~

32 *12919.* If any clause, sentence, paragraph, provision, part, or
 33 section of this chapter, or the application thereof, for any reason,
 34 is adjudged by a court of competent jurisdiction to be invalid, that
 35 judgment shall not affect, impair, or invalidate the remainder of
 36 this chapter and the application thereof, but shall be confined in
 37 its operation to the clause, sentence, paragraph, or part thereof
 38 directly involved in the controversy in which the judgment shall
 39 have been rendered and to the circumstances involved.

1 SEC. 2. The Legislature finds and declares that the addition of
2 Chapter 2 (commencing with Section 12910) to Part 2.8 of Division
3 3 of Title 2 of the Government Code by this act serves a public
4 purpose and does not constitute a gift of public funds within the
5 meaning of Section 6 of Article XVI of the California Constitution
6 by redressing past acts of government-sponsored harm preventing
7 future acts of government-sponsored harm, and benefitting the
8 whole of the community and its general welfare.

9 SEC. 3. The Legislature finds and declares that Section 1 of
10 this act, which adds Chapter 2 (commencing with Section 12910)
11 to Part 2.8 of Division 3 of Title 2 of the Government Code,
12 imposes a limitation on the public's right of access to the meetings
13 of public bodies or the writings of public officials and agencies
14 within the meaning of Section 3 of Article I of the California
15 Constitution. Pursuant to that constitutional provision, the
16 Legislature makes the following findings to demonstrate the interest
17 protected by this limitation and the need for protecting that interest:

18 In order to protect the personal and genetic information of
19 individuals, it is necessary to limit disclosure of that information
20 to only the limited purpose for which it is collected.

SB 641 (Ashby-D)
**Department of Consumer Affairs and Department of Real Estate: states of emergency:
waivers and exemptions.**

Status/History: 8/29/2025 – Passed Assembly Business, Professions, and Economic Development Committee and Committee on Appropriations.

Location: 9/04/2025 – Assembly floor.

Introduced: 2/20/2025

Amended: 4/09/2025; 8/29/2025; 9/02/2025; 9/04/2025

Board Position: Watch at the May 29, 2025 Board meeting

Board Staff Analysis: 9/08/2025

Bill Summary: Existing law establishes in the Business, Consumer Services, and Housing Agency the Department of Real Estate to license and regulate real estate licensees, and the Department of Consumer Affairs, which is composed of various boards that license and regulate various businesses and professions..

This bill would authorize the Department of Real Estate and boards under the jurisdiction of the Department of Consumer Affairs to waive the application of certain provisions of the licensure requirements that the board or department is charged with enforcing for licensees and applicants impacted by a declared federal, state, or local emergency or whose home or business is located in a declared disaster area, including certain examination, fee, and continuing education requirements. The bill would exempt impacted licensees of boards from, among other requirements, the payment of duplicate license fees. The bill would require all applicants and licensees of the Department of Real Estate or boards under the Department of Consumer Affairs to provide the board or department with an email address. The bill would prohibit a contractor licensed pursuant to the Contractors State License Law from engaging in private debris removal unless the contractor has one of specified license qualifications or as authorized by the registrar of contractors during a declared state of emergency or for a declared disaster area. The bill would require the Real Estate Commissioner, upon the declaration of a state of emergency, to determine the nature and scope of any unlawful, unfair, or fraudulent practices, as specified, and provide specified notice to the public regarding those practices. The bill would authorize the commissioner to suspend or revoke a real estate license if the licensee makes an unsolicited offer to an owner of real property to purchase or acquire an interest in the real property for an amount less than the fair market value of the property or interest of the property if the property is located in a declared disaster area, and would also make a violation of that provision a misdemeanor. By creating a new crime, the bill would impose a state-mandated local program.

Affected Laws: An act to amend Sections 122, 136, and 10176 of, and to add Sections 108.1, 136.5, 7058.9, and 70089 to, the Business and Professions Code.

Staff Comment: During the pandemic and recent emergency disasters within California, various Executive Orders from the Governor authorized temporary waivers and exemptions related to the effect those emergencies would have on licensees. Many of these waivers and exemptions were related to temporary postponement or waiver of license renewal fees or continuing education requirements.

Among other provisions, this bill will seek to formalize procedures in statute for when these waivers and exemption will apply during times of declared emergencies. Currently, licensees of the Board who were affected by the recent Los Angeles basin fires and who are required to renew their license between January 1 and June 30, 2025 are authorized to postpone payment of the renewal fee for 12 months.

5/20/2025 Updated Staff Comments: Amendments for this proposed language focus on cleanup activities performed by a contractor appropriately licensed by CSLB and fraudulent activity by individuals licensed under the Department of Real Estate. There are no amendments which directly relate to individuals licensed by the Board.

7/15/2025 Updated Staff Comments: Passed Senate; passed Assembly BP&ED on consent without amendments.

9/08/2025 Updated Staff Comments: Passed Assembly BP&ED Committee with amendments. Amendments primarily focused on DCA Director's authority to approve/disapprove waiver implemented by a Board and clarified conditions upon which a Board may implement a fee waiver for these purposes. Amendments appear to be consistent with what was imposed by Executive Order and DCA during recent pandemic and LA Wildfires.

Staff Recommendation: Staff recommends the Board take a Watch position on SB 641 as amended September 4, 2025.

SENATE THIRD READING

SB 641 (Ashby)

As Amended September 4, 2025

2/3 vote. Urgency

SUMMARY

Authorizes licensing boards under the Department of Consumer Affairs (DCA) and the Department of Real Estate (DRE) to waive the application of specified laws for licensees and applicants who are impacted by a declared federal, state, or local emergency or whose home or business is located in a disaster area; requires licensees and applicants *of entities within the DCA* to provide an email address to their licensing agency; requires the DRE to make determinations regarding any unlawful, unfair, or fraudulent practices by individuals in the wake of a declared emergency or disaster area, including unsolicited offers for real property for an amount less than fair market value; and establishes requirements for debris removal.

Major Provisions

- 1) Declares that it is the intent of the Legislature to provide boards, bureaus, commissions, and regulatory entities within the jurisdiction of the DCA and the DRE with authority to address licensing and enforcement concerns in real time after an emergency is declared.
- 1) Authorizes the DRE or any board under the DCA to waive the application of any provision of law that the board or department is charged with enforcing for licensees and applicants *who reside in or whose primary place of business is in a location damaged by a natural disaster for which a state of emergency is proclaimed or for which an emergency or major disaster is declared, that is related to any of the following:*
 - a) *Requirements related to timing for taking examinations.*
 - b) *Extending licensure renewal deadlines.*
 - c) *Permitting license renewal without completing continuing education and postponing continuing education deadlines to a time after renewal.*
 - d) *Permitting license display requirements to include displaying a license verification printout from the boards' websites during declared emergencies.*
 - e) *Permitting license renewal without paying the renewal fee and postponing payment of the renewal fee to a time after renewal.*
 - f) *Requirements to pay delinquency fees.*
 - g) *Extending the time for applicants to complete their applications before the application is considered abandoned.*
- 2) *Requires a board to notify the director of the DCA in writing of any waiver approved by a board, and provides that the waiver shall take effect after a period of five business days after the director receives the notification from the board, unless the director disapproves the waiver within those five days.*

- 3) Limits the above waiver authority to the duration of a declared federal, state, or local emergency or disaster and up to either one year after the end of the declared emergency or disaster or a longer period of time as determined by the board, *with approval of the director of DCA*, or the DRE.
- 4) Exempts licensees who reside in or whose primary place of business is in a location damaged by a natural disaster for which a state of emergency is proclaimed, from paying a fee for a duplicate copy of their license or certificate.
- 5) Exempts a licensee *whose home or business mailing address is located in an area for which a federal, state, or local emergency or disaster area is declared, or for which an emergency or major disaster is declared*, from the penalty for failing to notify their licensing agency within 30 days of a change in their mailing address.
- 6) Requires every applicant for licensure and every licensee of a board under the DCA to provide their licensing agency with an email address.
- 7) Specifies the licenses or classifications that a contractor must have to engage in debris removal, but allows for the Contractors State License Board (CSLB) registrar to authorize additional classifications to perform debris removal, including muck out services, during a declared federal, state, or local emergency or for a declared disaster area, provided the contractor has passed an approved hazardous substance certification examination and complies with hazardous waste operations and emergency response requirements.
- 8) Requires the Commissioner of DRE to do both of the following immediately upon the declaration of a *natural disaster for which a state of emergency is proclaimed or for which an emergency or major disaster is declared*:
 - a) Expeditiously, and until one year following the end of the emergency, determine the nature and scope of any unlawful, unfair, or fraudulent practices employed by any individual or entity seeking to take advantage of property owners in the wake of the emergency.
 - b) Provide notice to the public of the nature of these practices, their rights under the law, relevant resources that may be available, and contact information for authorities to whom violations may be reported.
- 9) Authorizes the Commissioner of DRE to suspend or revoke the real estate license of a person who makes an unsolicited offer to an owner of real property, on their own behalf or on behalf of a client, to purchase or otherwise acquire any interest in the real property for an amount less than the fair market value of the property or interest in the property when that property is located in an area included in a declared federal, state, or local emergency or disaster area, for the duration of the declared emergency and for one year thereafter.
- 10) *Authorizes the Commissioner of DRE to extend the length of the above prohibition for one additional year if deemed necessary for the protection of property owners and consumers.*
- 11) Declares that in order to support licensed professionals impacted by the disasters caused by the Palisades and Eaton wildfires, it is necessary that the bill take effect immediately as an urgency measure.

COMMENTS

Waiver of Laws During an Emergency or Disaster. Pursuant to the California Emergency Services Act (EMS Act), the Governor is authorized to make, amend, and rescind orders and regulations necessary to carry out the provisions of the Act, which have the force and effect of law. The EMS Act is invoked during a formally declared state of emergency, which is defined as follows:

[The] duly proclaimed existence of conditions of disaster or of extreme peril to the safety of persons and property within the state caused by conditions such as air pollution, fire, flood, storm, epidemic, riot, drought, cyberterrorism, sudden and severe energy shortage, electromagnetic pulse attack, plant or animal infestation or disease, the Governor's warning of an earthquake or volcanic prediction, or an earthquake, or other conditions, other than conditions resulting from a labor controversy or conditions causing a "state of war emergency," which, by reason of their magnitude, are or are likely to be beyond the control of the services, personnel, equipment, and facilities of any single county, city and county, or city and require the combined forces of a mutual aid region or regions to combat, or with respect to regulated energy utilities, a sudden and severe energy shortage requires extraordinary measures beyond the authority vested in the Public Utilities Commission.

Emergencies can be declared at the federal, state, or local level depending on their scope and nature. For example, when COVID-19 was first formally recognized as a serious pandemic, the State of California declared a state emergency on March 4, 2020, followed by a federal declaration of a national emergency on March 13, 2020. Numerous cities and counties additionally declared local emergencies.

On March 30, 2020, Governor Gavin Newsom issued Executive Order N-39-20, which created a new process for the waiver of certain requirements for licensure as authorized under the EMS Act. The order authorized the Director of DCA, "to the extent necessary and only for the duration of the declared emergency," to waive professional licensing requirements and amend scopes of practice, including "the examination, education, experience, and training requirements necessary to obtain and maintain licensure, and requirements governing the practice and permissible activities for licensees." These waivers were initially limited to licensed health care professionals. Either members of the public or the boards themselves were able to submit requests for waivers to the Director of Consumer Affairs.

Through the Governor's waiver process, the Director of Consumer Affairs waived statutes limiting the number of continuing education hours that may be completed through computer-assisted instruction and limiting such instruction to those that allow participants to concurrently interact with instructors or presenters while they observe the courses. The Director additionally waived statutes requiring individuals to complete education or examination requirements as a condition of license renewal. Additionally, the Director issued waivers expanding the scopes of practice for various health professions to administer the COVID-19 vaccine. Overall, approximately 200 waivers related to professional licensing and related regulatory requirements during the COVID-19 state of emergency, many of which were amended or extended.

In addition to the authority granted to the Governor under the EMS Act, statute provides other mechanisms for waiving laws during an emergency. For example, the California State Board of Pharmacy (BOP) has its own statutory authority to "waive application of any provisions of [the Pharmacy Law] or the regulations adopted pursuant to it if, in the Board's opinion, the waiver

will aid in the protection of public health or the provision of patient care." Following the Governor's emergency declaration, the BOP established its own waiver request process through which licensees and members of the public could request a waiver of law. Between March 2020 and November 2020, the BOP granted approximately 300 site-specific waivers along with 21 broad waivers, which typically included conditions for use and recordkeeping requirements to demonstrate compliance with the conditions.

In addition to the BOP's actions during the COVID-19 pandemic, the BOP frequently uses its authority to waive provisions of law during natural disasters. For example, during devastating wildfires such as the Tubbs Fire in 2017, the Camp Fire in 2018, and the Dixie Fire in 2021, the BOP issued waivers allowing pharmacists to provide emergency refills, temporary relocation of pharmacies, and mobile pharmacy operations. Similar waivers have been granted during large earthquakes, severe storms and floods, and prolonged power outages. The Pharmacy Law only allows waivers to be granted during a declared emergency; however, the BOP is given discretion to maintain a waiver following the termination of the emergency for up to 90 days "if, in the Board's opinion, the continued waiver will aid in the protection of the public health or in the provision of patient care."

This bill would allow every board under the DCA, as well as the DRE, to institute its own waiver process similar to what was established pursuant to the Governor's executive order during the COVID-19 pandemic and similar to the authority granted to the BOP. The bill would allow licensing agencies to waive the application of any provision of law that the board or department is charged with enforcing for licensees and applicants *who reside in or whose primary place of business is in a location damaged by a natural disaster for which a state of emergency is proclaimed or for which an emergency or major disaster is declared*. Waivers authorized under the bill would be limited to laws related to the following topics:

12) Requirements related to timing for taking examinations.

Extending licensure renewal deadlines.

Permitting license renewal without completing continuing education and postponing continuing education deadlines to a time after renewal.

Permitting license display requirements to include displaying a license verification printout from the boards' websites during declared emergencies.

Permitting license renewal without paying the renewal fee and postponing payment of the renewal fee to a time after renewal.

Requirements to pay delinquency fees.

Extending the time for applicants to complete their applications before the application is considered abandoned.

For waivers approved by boards within the DCA, this bill would require the waiver to be submitted to the director of the DCA. The director would then have five days to review the proposed waiver and either approve or disapprove it. The waiver would go into effect five days following this submission unless disapproved by the director.

Waivers granted under this bill would extend through the duration of the declared emergency or disaster until either one year after the end of the declared emergency or disaster or a longer period of time as determined by the board, *with approval of the director of the DCA*, or the Department of Real Estate. Additionally, this bill would specifically exempt licensees *whose homes or workplaces are in a location damaged by* a declared emergency or disaster from laws requiring the payment of a fee to replace a previously issued license or certificate, as well as laws establishing penalties for failing to notify a licensing agency about a change in address. Under the waivers authorized by this bill, the DRE and boards within the DCA would be able to more quickly and specifically act during future emergencies, whether they are public health pandemics or natural disasters.

Predatory Real Estate Activity. During the wildfires that ravaged Southern California in 2025, reports were published describing predatory activity by real estate licensees and other individuals seeking to take advantage of disaster victims. On January 14, 2025, Governor Gavin Newsom signed Executive Order N-7-25, which included statements that the Governor had "personally heard first-hand from homeowners, faith leaders, and business property owners who, while these fires still burn, received unsolicited offers to purchase their property, which in many instances represent their life savings and family legacies, for amounts far less than fair market value prior to this emergency." The Executive Order further acknowledged that "all those impacted by these fires, and especially property owners who have lost their family home or business, or even their entire neighborhood, may be traumatized, uncertain, and especially vulnerable to exploitative practices of unscrupulous individuals who seek to profit from this disaster."

Under the authority of the EMS Act, the Governor's Executive Order provided that to prohibit unsolicited offers to an owner of real property located in the specific areas impacted by the wildfires to purchase or otherwise acquire any interest in the real property for an amount less than the fair market value of the property or interest in the property on January 6, 2025. The Executive Order additionally required the DRE to "expeditiously determine the nature and scope of any unlawful, unfair, or fraudulent practices employed by any individual or entity seeking to take advantage of property owners in the wake of this emergency, and shall provide notice to the public of the nature of these practices, their rights under the law, relevant resources that may be available, and contact information for authorities to whom violations may be reported." The Executive Order was initially made valid for three months but was subsequently extended.

This bill would codify the substance of the Governor's Executive Order and make this form of predatory activity professional misconduct for a licensee of the DRE. The bill would additionally codify the DRE's responsibility for determining the nature and scope of any unlawful, unfair, or fraudulent practices. Once codified, these orders would become standard for any future emergency, protecting California disaster victims.

Debris Removal. Pursuant to the Public Resources Code, the Department of Resources Recycling and Recovery is required to prequalify contractors to enter into contracts in communities impacted by wildfires. These contracts may be entered into before the onset of major damage in order to retain the contractor in readiness to respond to incidents as needed. Statute further provides that work performed under the contract must be limited to preparation, removal, transport, and recycling or disposal of metals, ash, debris, concrete foundations and flatwork, potentially dangerous trees, and contaminated soil on residential and public properties included in the structural debris removal function.

In the wake of the 2025 wildfires in Los Angeles, Governor Gavin Newsom signed Executive Order N-5-25, which described "the urgent need to expeditiously develop a comprehensive plan for debris removal and execute the contracts and take other actions necessary to expeditiously implement that plan." With federal assistance, debris removal teams began work to clean up household hazardous waste, including paint, ammunition, pesticides, propane tanks, and batteries in both conventional and electric vehicles. The Governor's Executive Order directed state agencies "to develop a comprehensive plan for expeditiously removing debris from impacted properties to allow the rebuilding process to commence as quickly as possible, including the prompt execution of contracts with debris removal vendors with a proven track record of successfully delivering services on a timely and cost-effective basis."

This bill would clarify which contractors are authorized to engage in debris removal in future emergencies and disasters. Notwithstanding the Public Resources Code, contractors with specified licenses or classifications would be allowed to engage in debris removal, and during a declared federal, state, or local emergency or for a declared disaster area, the CSLB would be allowed to authorize additional classifications to perform debris removal, including muck out services, based on the needs of the declared emergency or disaster. This language is intended to assist the state in establishing a clear debris removal plan during future disasters like the 2025 Southern California wildfires.

According to the Author

"Licensing practice laws establish requirements for individuals to meet in order to maintain their livelihood, most especially as they rebuild their lives and climb back up after facing tragedy like so many experienced early this year. When disaster strikes, the last thing someone should have to worry about is submitting the proper fee for a replacement license. It should be automatic that applicants and licensed professionals are provided extended timeframes to meet the many, often onerous, requirements they have to meet just to do their job. By granting the authority for licensing programs to waive certain requirements for individuals in a disaster area and during a state of emergency, SB 641 will provide a small measure of relief as they begin to move forward and successfully back into their profession. SB 641 also builds on lessons learned in other disasters to protect property owners from predatory land grabs. Neighborhoods in the wake of fires have already experienced enough and we should ensure swift action is taken to prohibit this behavior and enforce against those who engage in it. It's also critical that we have baseline measures of quality built into the standards for the companies engaging in private debris removal and cleanup – requiring proper hazardous waste removal training will ensure continued safety in these impacted areas."

Arguments in Support

The *Contractors State License Board* (CSLB) supports this bill, writing: "In the aftermath of a natural disaster, safe debris removal and disposal is critical to avoid additional health and environmental problems. SB 641 designates which licensing classifications have sufficient experience and training to assist with debris removal on a case-by-case basis during a declared federal, state, or local emergency if needed. The bill also allows CSLB to safely waive certain licensing requirements to support applicants and licensees during a state of emergency. SB 641 will enhance CSLB's ability to quickly navigate recovery needs and provide expedient assistance for applicants, licensees, and consumers."

Arguments in Opposition

There is no opposition on file.

FISCAL COMMENTS

According to the Assembly Committee on Appropriations, minor and absorbable costs to most boards and bureaus within the DCA; indeterminate workload to the DCA's Office of Information Services; no costs to the CSLB associated with the debris removal provisions; costs to the DRE of \$489,000 in fiscal year 2025-26 and \$467,000 annually thereafter in addition to one-time special fund costs of \$50,000 and additional costs based on the number of complaints received for unsolicited offers; and indeterminate cost pressures based on potential workload to the trial courts and justice system.

VOTES

SENATE FLOOR: 39-0-1

YES: Allen, Alvarado-Gil, Archuleta, Arreguín, Ashby, Becker, Blakespear, Cabaldon, Caballero, Cervantes, Choi, Cortese, Dahle, Durazo, Gonzalez, Grayson, Grove, Hurtado, Jones, Laird, Limón, McGuire, McNERney, Menjivar, Niello, Ochoa Bogh, Padilla, Pérez, Richardson, Rubio, Seyarto, Smallwood-Cuevas, Stern, Strickland, Umberg, Valladares, Wahab, Weber Pierson, Wiener

ABS, ABST OR NV: Reyes

ASM BUSINESS AND PROFESSIONS: 17-0-1

YES: Berman, Flora, Ahrens, Alanis, Bains, Caloza, Chen, Elhawary, Hadwick, Haney, Irwin, Jackson, Krell, Lowenthal, Macedo, Nguyen, Pellerin

ABS, ABST OR NV: Bauer-Kahan

ASM APPROPRIATIONS: 11-0-4

YES: Wicks, Arambula, Calderon, Caloza, Elhawary, Fong, Mark González, Ahrens, Pacheco, Pellerin, Solache

ABS, ABST OR NV: Sanchez, Dixon, Ta, Tangipa

UPDATED

VERSION: September 4, 2025

CONSULTANT: Robert Sumner / B. & P. / (916) 319-3301

FN: 0001728

AMENDED IN ASSEMBLY SEPTEMBER 4, 2025

AMENDED IN ASSEMBLY SEPTEMBER 2, 2025

AMENDED IN SENATE APRIL 9, 2025

SENATE BILL

No. 641

Introduced by Senator Ashby

**(Principal coauthors: Senators Cervantes, Cortese, Gonzalez,
Grayson, Hurtado, and Pérez)**

(Coauthors: Senators Allen, Cabaldon, Padilla, Rubio, and Wahab)

February 20, 2025

An act to amend Sections 122, 136, and 10176 of, and to add Sections 108.1, 136.5, 7058.9, and 10089 to, the Business and Professions Code, relating to professions and vocations, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

SB 641, as amended, Ashby. Department of Consumer Affairs and Department of Real Estate: states of emergency: waivers and exemptions.

Existing law establishes in the Business, Consumer Services, and Housing Agency the Department of Real Estate to license and regulate real estate licensees, and the Department of Consumer Affairs, which is composed of various boards that license and regulate various businesses and professions.

This bill would authorize the Department of Real Estate and boards under the jurisdiction of the Department of Consumer Affairs to waive the application of certain provisions of the licensure requirements that the board or department is charged with enforcing for licensees and applicants ~~impacted by a declared federal, state, or local emergency or~~

~~whose home or business is located in a declared disaster area, who reside in or whose primary place of business is in a location damaged by a natural disaster for which a state of emergency is proclaimed by the Governor, as specified, or for which an emergency or major disaster is declared by the President of the United States, including certain examination, fee, and continuing education requirements. The bill would require a board to notify the director of the Department of Consumer Affairs in writing of any waiver approved by that board, and would prohibit the waiver from taking effect for a period of 5 business days after the director receives the notification from the board. The bill would authorize the director to approve or disapprove a waiver within the 5 business days described above, and require the director to notify the board of any decision to approve or disapprove a waiver within those 5 business days. The bill would prohibit a waiver from taking effect if the director disapproves the waiver, and require a waiver that is approved by the director, or that fails to be approved or disapproved by the director within the 5 business days described above, to take effect the following day. The bill would require the Department of Consumer Affairs to, among other things, post each waiver that takes effect on its website.~~

~~The bill would exempt impacted the above-described licensees of boards from, among other requirements, the payment of duplicate license fees. The bill would require all applicants and licensees of the Department of Real Estate or boards under the Department of Consumer Affairs to provide the board or department with an email address. The bill would prohibit a contractor licensed pursuant to the Contractors State License Law from engaging in debris removal unless the contractor has one of specified license qualifications or has been authorized by the registrar of contractors during a declared state of emergency or for a declared disaster-area, area due to a natural disaster. The bill would require a licensee authorized to perform debris removal to pass an approved hazardous substance certification examination, and comply with certain occupational safety and health requirements concerning hazardous waste operations and emergency response, as specified. The bill would require the Real Estate Commissioner, immediately upon the declaration of a state of emergency, natural disaster for which a state of emergency, emergency, or major disaster is proclaimed or declared as described above, to determine the nature and scope of any unlawful, unfair, or fraudulent practices, as specified, and provide specified notice to the public regarding those practices. The bill would authorize the~~

commissioner to suspend or revoke a real estate license if the licensee ~~licensee, until one year following the declaration of a natural disaster for which a state of emergency, emergency, or major disaster is proclaimed or declared as described above,~~ makes an unsolicited offer to an owner of real property to purchase or acquire an interest in the ~~real property property, when that property is located in an area included in a declared federal, state, or local emergency or disaster;~~ for an amount less than the fair market ~~value value, as defined,~~ of the property or interest of the ~~property if the property is located in a declared disaster area,~~ and would also make a violation of that provision a misdemeanor. ~~By creating a new crime, the bill would impose a state-mandated local program. property, as specified.~~

~~The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.~~

~~This bill would provide that no reimbursement is required by this act for a specified reason.~~

This bill would declare that it is to take effect immediately as an urgency statute.

Vote: $\frac{2}{3}$. Appropriation: no. Fiscal committee: yes.

State-mandated local program: ~~yes~~no.

The people of the State of California do enact as follows:

1 SECTION 1. It is the intent of the Legislature to provide
2 boards, bureaus, commissions, and regulatory entities within the
3 jurisdiction of the Department of Consumer Affairs and the
4 Department of Real Estate with authority to address licensing and
5 enforcement concerns in real time after an emergency is declared.

6 SEC. 2. Section 108.1 is added to the Business and Professions
7 Code, to read:

8 ~~108.1. (a) For purposes of this section, "disaster area" means~~
9 ~~an area for which a federal, state, or local emergency or disaster~~
10 ~~has been declared.~~

11 ~~(b)–~~

12 108.1. (a) To aid in the protection of the public health, the
13 provision of patient care, the continuity of services, and to support
14 impacted individuals, the Department of Real Estate or any board
15 under the jurisdiction of the Department of Consumer Affairs, as
16 specified in Section 101, may waive the application of any

provision of law that the board or department is charged with enforcing for licensees and applicants ~~impacted by a declared federal, state, or local emergency or whose home or business is located in a disaster area, who reside in or whose primary place of business is in a location damaged by a natural disaster for which a state of emergency is proclaimed by the Governor pursuant to Section 8625 of the Government Code or for which an emergency or major disaster is declared by the President of the United States,~~ that is related to any of the following:

- ~~(1) Examination eligibility and timing requirements.~~
- ~~(2) Licensure renewal deadlines.~~
- ~~(3) Continuing education completion deadlines.~~
- ~~(4) License display requirements.~~
- ~~(5) Fee submission timing requirements.~~
- ~~(6) Delinquency fees.~~
- (1) Requirements related to timing for taking examinations.*
- (2) Extending licensure renewal deadlines.*
- (3) Permitting license renewal without completing continuing education and postponing continuing education deadlines to a time after renewal.*
- (4) Permitting license display requirements to include displaying a license verification printout from the boards' websites during declared emergencies.*
- (5) Permitting license renewal without paying the renewal fee and postponing payment of the renewal fee to a time after renewal.*
- (6) Requirements to pay delinquency fees.*
- (7) Extending the time for applicants to complete their applications before the application is considered abandoned.*
- (b) (1) A board shall notify the director of the Department of Consumer Affairs in writing of any waiver approved by that board, and the waiver shall not take effect for a period of five business days after the director receives the notification from the board.*
- (2) The director may approve or disapprove a waiver within five business days of receiving the notification from the board. The director shall notify the board of any decision to approve or disapprove a waiver within five business days of receiving the notification.*
- (3) If the director disapproves a waiver, it shall not take effect. If the director approves a waiver, or the director fails to approve*

1 *or disapprove a waiver within five business days of receiving the*
 2 *notification, the waiver shall take effect the following day.*

3 *(4) The Department of Consumer Affairs shall post each waiver*
 4 *that takes effect on its website and notify the appropriate legislative*
 5 *committees of each effective waiver issued by a board within the*
 6 *department.*

7 *(c) (1) The authority specified in subdivision ~~(b)~~ (a) shall*
 8 *extend through the duration of a declared federal, state, or local*
 9 *emergency or disaster ~~for licensees and applicants located in a~~*
 10 *~~disaster area~~ and for either of the following, as determined by the*
 11 *board or the Department of Real Estate ~~and Estate, if the extension~~*
 12 *will aid in the protection of the public health, the provision of*
 13 *patient care, the continuity of services, or the support of impacted*
 14 *individuals:*

15 ~~(1)~~

16 *(A) One year after the end of the declared emergency or disaster.*

17 ~~(2)~~

18 *(B) An additional period of time beyond one year after the end*
 19 *of the declared emergency or disaster, as determined by the board*
 20 *or the Department of Real Estate.*

21 *(2) A waiver extension approved by a board is subject to*
 22 *notification and approval of the director, as specified in subdivision*
 23 *(b).*

24 SEC. 3. Section 122 of the Business and Professions Code is
 25 amended to read:

26 122. (a) Except as specified in subdivision (b) or otherwise
 27 provided by law, the department and each of the boards, bureaus,
 28 committees, and commissions within the department may charge
 29 a fee for the processing and issuance of a duplicate copy of any
 30 certificate of licensure or other form evidencing licensure or
 31 renewal of licensure. The fee shall be in an amount sufficient to
 32 cover all costs incident to the issuance of the duplicate certificate
 33 or other form but shall not exceed twenty-five dollars (\$25).

34 (b) This section shall not apply to a licensee ~~impacted by a~~
 35 ~~declared federal, state, or local emergency or disaster or whose~~
 36 ~~home or business is located in an area for which a federal, state,~~
 37 ~~or local emergency or disaster has been declared. who resides in~~
 38 ~~or whose primary place of business is in a location damaged by~~
 39 ~~a natural disaster for which a state of emergency is proclaimed~~
 40 ~~by the Governor pursuant to Section 8625 of the Government Code~~

1 *or for which an emergency or major disaster is declared by the*
 2 *President of the United States.*

3 SEC. 4. Section 136 of the Business and Professions Code is
 4 amended to read:

5 136. (a) Each person holding a license, certificate, registration,
 6 permit, or other authority to engage in a profession or occupation
 7 issued by a board within the department shall notify the issuing
 8 board at its principal office of any change in the person's mailing
 9 address within 30 days after the change, unless the board has
 10 specified by regulations a shorter time period.

11 (b) (1) Except as otherwise provided by law, failure of a
 12 licensee to comply with the requirement in subdivision (a)
 13 constitutes grounds for the issuance of a citation and administrative
 14 fine, if the board has the authority to issue citations and
 15 administrative fines.

16 (e)

17 (2) This section shall not apply to a licensee whose home or
 18 business mailing address is located in ~~an area for which a federal,~~
 19 ~~state, or local emergency or disaster area is declared.~~ *a location*
 20 *damaged by a natural disaster for which a state of emergency is*
 21 *proclaimed by the Governor pursuant to Section 8625 of the*
 22 *Government Code or for which an emergency or major disaster*
 23 *is declared by the President of the United States.*

24 SEC. 5. Section 136.5 is added to the Business and Professions
 25 Code, to read:

26 136.5. Every applicant for licensure and every licensee of ~~the~~
 27 ~~Department of Real Estate or a board under the jurisdiction of the~~
 28 Department of Consumer Affairs, as specified in Section 101, shall
 29 provide ~~the Department of Real Estate or the board~~ with an email
 30 address.

31 SEC. 6. Section 7058.9 is added to the Business and Professions
 32 Code, to read:

33 7058.9. (a) Notwithstanding Section 40520 of the Public
 34 Resources Code, a contractor shall not engage in debris removal
 35 unless the contractor has one of the following licenses or
 36 classifications:

37 (1) A - General Engineering Contractor.

38 (2) B - General Building Contractor.

39 (3) C-12 Earthwork and Paving and C-21 Building
 40 Moving/Demolition.

(b) During a declared federal, state, or local emergency or for a declared disaster ~~area~~, *area due to a natural disaster*, the registrar may authorize additional classifications to perform debris removal, including muck out services, based on the needs of the declared emergency or disaster. The registrar may make the determination on a case-by-case basis and without requiring regulations.

(c) Any licensee authorized to perform debris removal pursuant to this section shall have passed an approved hazardous substance certification examination and shall comply with the hazardous waste operations and emergency response requirements pursuant to Section 5192 of Title 8 of the California Code of Regulations.

SEC. 7. Section 10089 is added to the Business and Professions Code, to read:

10089. Immediately upon the declaration of a ~~federal, state, or local emergency or disaster area~~, *natural disaster for which a state of emergency is proclaimed by the Governor pursuant to Section 8625 of the Government Code or for which an emergency or major disaster is declared by the President of the United States*, the commissioner, in consultation with other agencies and departments, as appropriate, shall do the following:

(a) Expeditiously, and until one year following the end of the emergency, determine the nature and scope of any unlawful, unfair, or fraudulent practices employed by any individual or entity seeking to take advantage of property owners in the wake of the emergency.

(b) Provide notice to the public of the nature of these practices, their rights under the law, relevant resources that may be available, and contact information for authorities to whom violations may be reported.

SEC. 8. Section 10176 of the Business and Professions Code is amended to read:

10176. The commissioner may, upon their own motion, and shall, upon the verified complaint in writing of any person, investigate the actions of any person engaged in the business or acting in the capacity of a real estate licensee within this state, and the commissioner may temporarily suspend or permanently revoke a real estate license at any time where the licensee, while a real estate licensee, in performing or attempting to perform any of the acts within the scope of this chapter has been guilty of any of the following:

1 (a) Making any substantial misrepresentation.

2 (b) Making any false promises of a character likely to influence,
3 persuade, or induce.

4 (c) A continued and flagrant course of misrepresentation or
5 making of false promises through licensees.

6 (d) Acting for more than one party in a transaction without the
7 knowledge or consent of all parties thereto.

8 (e) Commingling with their own money or property the money
9 or other property of others that is received and held by the licensee.

10 (f) Claiming, demanding, or receiving a fee, compensation, or
11 commission under any exclusive agreement authorizing a licensee
12 to perform any acts set forth in Section 10131 for compensation
13 or commission where the agreement does not contain a definite,
14 specified date of final and complete termination.

15 (g) The claiming or taking by a licensee of any secret or
16 undisclosed amount of compensation, commission, or profit or the
17 failure of a licensee to reveal to the buyer or seller contracting with
18 the licensee the full amount of the licensee's compensation,
19 commission, or profit under any agreement authorizing the licensee
20 to do any acts for which a license is required under this chapter
21 for compensation or commission prior to or coincident with the
22 signing of an agreement evidencing the meeting of the minds of
23 the contracting parties, regardless of the form of the agreement,
24 whether evidenced by documents in an escrow or by any other or
25 different procedure.

26 (h) The use by a licensee of any provision, which allows the
27 licensee an option to purchase, in an agreement with a buyer or
28 seller that authorizes the licensee to sell, buy, or exchange real
29 estate or a business opportunity for compensation or commission,
30 except when the licensee, prior to or coincident with election to
31 exercise the option to purchase, reveals in writing to the buyer or
32 seller the full amount of the licensee's profit and obtains the written
33 consent of the buyer or seller approving the amount of the profit.

34 (i) Any other conduct, whether of the same or of a different
35 character than specified in this section, which constitutes fraud or
36 dishonest dealing.

37 (j) Obtaining the signature of a prospective buyer to an
38 agreement which provides that the prospective buyer shall either
39 transact the purchasing, leasing, renting, or exchanging of a
40 business opportunity property through the broker obtaining the

signature, or pay a compensation to the broker if the property is purchased, leased, rented, or exchanged without the broker first having obtained the written authorization of the owner of the property concerned to offer the property for sale, lease, exchange, or rent.

(k) Failing to disburse funds in accordance with a commitment to make a mortgage loan that is accepted by the applicant when the real estate broker represents to the applicant that the broker is either of the following:

(1) The lender.

(2) Authorized to issue the commitment on behalf of the lender or lenders in the mortgage loan transaction.

(l) Intentionally delaying the closing of a mortgage loan for the sole purpose of increasing interest, costs, fees, or charges payable by the borrower.

(m) Violating any section, division, or article of law which provides that a violation of that section, division, or article of law by a licensed person is a violation of that person's licensing law, if it occurs within the scope of that person's duties as a licensee.

(n) (1) ~~Making~~ *Until one year following the declaration of a natural disaster for which a state of emergency is proclaimed by the Governor pursuant to Section 8625 of the Government Code or for which an emergency or major disaster is declared by the President of the United States, making an unsolicited offer to an owner of real property, on their own behalf or on behalf of a client, another, to purchase or otherwise acquire any interest in the real property property, when that property is located in an area included in a declared federal, state, or local emergency or disaster, for an amount less than the fair market value of the property or interest in the property when that property is located in an area included in a declared federal, state, or local emergency or disaster area, for the duration of the declared emergency and for one year thereafter. property, as that value was the calendar day before the emergency or disaster.*

(2) ~~Any person, including, but not limited to, an officer, director, agent, or employee of a corporation, who violates this subdivision is guilty of a misdemeanor punishable by a fine of up to ten thousand dollars (\$10,000), by imprisonment for up to six months, or both.~~

1 (2) *The commissioner may extend the applicability of this*
 2 *subdivision for one additional year, for a total of two years*
 3 *following the declaration of a federal, state, or local emergency*
 4 *or disaster, if the commissioner deems it necessary for the*
 5 *protection of property owners and consumers.*

6 (3) *For purposes of this subdivision, "fair market value" has*
 7 *the same meaning as defined in Section 1263.320 of the Code of*
 8 *Civil Procedure.*

9 ~~SEC. 9. No reimbursement is required by this act pursuant to~~
 10 ~~Section 6 of Article XIII B of the California Constitution because~~
 11 ~~the only costs that may be incurred by a local agency or school~~
 12 ~~district will be incurred because this act creates a new crime or~~
 13 ~~infraction, eliminates a crime or infraction, or changes the penalty~~
 14 ~~for a crime or infraction, within the meaning of Section 17556 of~~
 15 ~~the Government Code, or changes the definition of a crime within~~
 16 ~~the meaning of Section 6 of Article XIII B of the California~~
 17 ~~Constitution.~~

18 ~~SEC. 10.~~

19 SEC. 9. This act is an urgency statute necessary for the
 20 immediate preservation of the public peace, health, or safety within
 21 the meaning of Article IV of the California Constitution and shall
 22 go into immediate effect. The facts constituting the necessity are:

23 In order to support licensed professionals impacted by the
 24 disasters caused by the Palisades and Eaton wildfires, it is
 25 necessary that this act take effect immediately.

SB 861 (Senate Business, Professions, and Economic Development Committee)
Consumer affairs

Status/History: 7/16/2025 – Passed Assembly Business and Professions Committee and Appropriations Committee. Referred to Assembly consent calendar.

Location: 9/04/2025 – Assembly floor

Introduced: 3/13/2025

Amended: 5/14/2025; 6/30/2025; 9/04/2025

Board Position: Board took a Support position at its July 24, 2025 meeting

Board Staff Analysis: 9/08/2025

Bill Summary: This is the Senate BP&ED Committee’s Omnibus bill and as such is intended to include various non-substantive amendments to Business and Professions code for multiple boards/bureaus under Department of Consumer Affairs.

Among other unrelated amendments, this bill would amend Section 8764.5 of the Professional Land Surveyors’ Act to add a date field to the Surveyor’s Statement for a Record of Survey.

Affected Laws: An act to amend Section 8764.5 of the Business and Professions Code.

Staff Comment: This proposed language originated from industry stakeholder organizations and is intended to provide consistency between section 8764.5 and other sections in the Code and Board Rules which make it mandatory for a licensed land surveyor to include the date when signing/sealing a document for land surveying purposes.

9/08/2025 Updated Staff Comments: Amendments made subsequent to the Board’s last action are unrelated to the Board’s laws.

Staff Recommendation:

Staff recommends the Board take a Support position on SB 861 as amended September 4, 2025

AMENDED IN ASSEMBLY SEPTEMBER 4, 2025

AMENDED IN ASSEMBLY JUNE 30, 2025

AMENDED IN SENATE MAY 14, 2025

SENATE BILL

No. 861

Introduced by Committee on Business, Professions and Economic Development (Senators Ashby (Chair), Archuleta, Arreguín, Choi, Grayson, Menjivar, Niello, Smallwood-Cuevas, Strickland, Umberg, and Weber Pierson)

March 13, 2025

An act to amend Sections 27, 144, 1602, 1603, 1901, 1903, 1905, 1926.3, 1944, 2125, 2532.2, 2532.3, 2532.4, 2532.6, 2532.7, 2536, 6501, 6584, 7076.5, 7137, 7152, 7524, 8027, 8764.5, 9889.1, 9889.2, 9889.9, 12107, 12211, 12500.8, 12609, 13404.5, 13711, 19094, 26051.5, and 26067 of the Business and Professions Code, to amend Sections 44831, 94834, 94866, 94897, 94900, 94902, 94909, and 94910 of, and to repeal Sections 94880.1, 94929.9, and 94949 of, the Education Code, and to amend Section 14132.55 of the Welfare and Institutions Code, relating to consumer affairs.

LEGISLATIVE COUNSEL'S DIGEST

SB 861, as amended, Committee on Business, Professions and Economic Development. Consumer affairs.

(1) Existing law establishes in the Business, Consumer Services, and Housing Agency the Department of Consumer Affairs, which is composed of various agencies that license and regulate various businesses and professions. Existing law requires certain agencies to disclose information on the status of its licensees on the internet, as specified. In this regard, existing law specifies the licensees on which

the Cemetery and Funeral Bureau is required to disclose information, including, among others, cemetery brokers, salespersons, and managers.

This bill would also specify that the bureau is required to disclose information on licensed hydrolysis facilities and reduction facilities.

(2) Existing law requires designated agencies in the Department of Consumer Affairs to require applicants to furnish a full set of fingerprints to the agency for purposes of conducting criminal history record checks.

This bill would include the State Board of Chiropractic Examiners as one of those designated agencies.

(3) The Dental Practice Act establishes the Dental Board of California to license and regulate the practice of dentistry, and repeals the provision establishing the board on January 1, 2029. Chapter 483 of the Statutes of 2024 revised the membership of the board by, among other things, removing a requirement that the board include a registered dental hygienist, and, instead, requiring the inclusion of a 2nd member who is a registered dental assistant.

This bill would make conforming changes, including deleting obsolete references to a dental hygienist member of the board.

(4) Existing law establishes the Dental Hygiene Board of California to license and regulate dental hygienists. Chapter 858 of the Statutes of 2018 created the board out of the former Dental Hygiene Committee of California, as specified. Existing law requires the dental hygiene board to make recommendations to the Dental Board of California regarding dental hygiene scope of practice issues. Existing law also requires the Dental Hygiene Board of California to establish the amount of fees relating to the licensing of dental hygienists and imposes limitations on those fees, including prohibiting the application fee for an original license and the fee for issuance of an original license from exceeding \$250.

This bill would remove the requirement for the dental hygiene board to make recommendations to the Dental Board of California, as described above. The bill would instead prohibit an application fee from exceeding \$100 and an initial licensure fee from exceeding \$150. The bill would make technical changes to the provisions regulating dental hygienists by, among other things, correcting references to the dental hygiene board and deleting an obsolete provision affecting the expiration of terms for members of the former Dental Hygiene Committee of California.

(5) Existing law establishes the Licensed Physicians from Mexico Program under which the Medical Board of California is required to issue a 3-year physician and surgeon's license to each licensed physician from Mexico who, among other requirements, passes a board review course with a score equivalent to that registered by United States applicants when passing a board review course for the United States certification examination in each of the physician's specialty areas.

This bill would delete that requirement.

(6) The Speech-Language Pathologists and Audiologists and Hearing Aid Dispensers Licensure Act establishes the Speech-Language Pathology and Audiology and Hearing Aid Dispensers Board to license and regulate speech-language pathologists, audiologists, and hearing aid dispensers. Existing law establishes the Speech-Language Pathology and Audiology and Hearing Aid Dispensers Fund to deposit revenue received pursuant to the act and makes moneys in the fund available upon appropriation by the Legislature to carry out the purposes of the act.

This bill would make technical changes to various provisions of the act and other related provisions, including updating references to the names of the board and the fund.

(7) The Professional Fiduciaries Act establishes the Professional Fiduciaries Bureau to license and regulate professional fiduciaries, as defined. Existing law requires a licensee to file a statement with the bureau annually that contains specified information, including whether the licensee has been convicted of a crime. Existing law authorizes the suspension, revocation, denial or other disciplinary action for a failure to notify the bureau of a conviction pursuant to that requirement.

This bill would update the cross-reference to that requirement. The bill would make a nonsubstantive change to the definition of professional fiduciary.

(8) The Contractors State License Law establishes the Contractors State License Board to license and regulate contractors. Existing law exempts an inactive contractor's license from certain requirements during the period that a license is inactive, including specified bonding and qualifier requirements.

This bill would also exempt an inactive license from workers' compensation requirements.

The Contractors State License Law requires a licensee that is subject to a public complaint requiring a professional or expert investigation or inspection and report to pay fees to cover the costs of the investigation

or inspection and report if it resulted in the issuance of a letter of admonishment or a citation. Existing law requires the full amount of the assessed fee to be added to the fee for the active or inactive renewal of a licensee.

Under this bill, the licensee would be required to pay those fees only if the letter of admonishment or citation has become a final order of the registrar. The bill would delete the provision requiring the assessed fee to be added to the fee for renewal of a license.

The Contractors State License Law requires a home improvement salesperson to register with the board in order to engage in the business of, or act in the capacity of, a home improvement salesperson. Existing law creates exemptions for certain individuals who, at the time of the sales transaction, are listed as personnel of record for a licensee responsible for soliciting, negotiating, or contracting for a service or improvement that is subject to registration, as specified.

This bill would update a cross-reference to the provisions specifying those exempt individuals.

(9) The Private Investigator Act provides for the licensure and regulation of private investigators by the Director of Consumer Affairs, and requires a licensee to make signed agreements and investigative findings available for inspection by the Bureau of Security and Investigative Services.

This bill would specify that making these records available for inspection by the bureau does not violate rules or laws related to attorney work product and attorney-client privilege, as specified.

(10) Existing law establishes the Court Reporters Board of California to license and regulate shorthand reporters and requires the board to develop standardization of policies on the use and administration of qualifier examinations by schools. Existing law requires the qualifier examination to consist of 4-voice testimony of 10-minute duration at 200 words per minute graded at 97.5 percent accuracy.

This bill would instead require the qualifier examination to be graded at 95 percent accuracy.

(11) The Professional Land Surveyors' Act provides for the licensure and regulation of land surveyors by the Board for Professional Engineers, Land Surveyors, and Geologists, which is within the Department of Consumer Affairs, and provides that a violation of the act is a crime. Existing law requires a licensed surveyor or licensed civil engineer, after making a field survey in conformity with the practice of land surveying, to file a record of survey relating to land boundaries

or property lines with the county surveyor in the county in which the field survey was made, if the field survey discloses specified information. Existing law requires the record of survey to be a map and to show, among other things, certain signed form statements by the surveyor, the county surveyor, and the county recorder regarding the map's compliance with the Professional Land Surveyors' Act.

This bill would make a date field next to the signature line of the form statement for the land surveyor.

(12) The Automotive Repair Act establishes the Bureau of Automotive Repair to license and regulate automotive repair dealers, authorizes the Director of Consumer Affairs to adopt and enforce rules and regulations that are necessary to carry out the purposes of the act. Chapter 372 of the Statutes of 2021 replaced provisions that governed the licensure of lamp and brake adjusting stations and adjusters with provisions that govern the licensure of vehicle safety systems inspection, as specified.

This bill would update cross-references to those provisions of the act.

(13) Existing law provides that the Department of Food and Agriculture has general supervision of the weights and measures and weighing and measuring devices sold or used in the state. Existing law requires the Secretary of Food and Agriculture to adopt by reference certain tolerances, specifications, procedures, requirements, and standards for methods of sale that are recommended or published by the National Conference on Weights and Measures.

This bill would replace references to "National Conference on Weights and Measures" with "National Council on Weights and Measures."

(14) Existing law, the Control, Regulate and Tax Adult Use of Marijuana Act (AUMA), an initiative measure approved as Proposition 64 at the November 8, 2016, statewide general election, authorizes a person who obtains a state license under AUMA to engage in commercial adult-use cannabis activity pursuant to that license and applicable local ordinances. Existing law, the Medicinal and Adult-Use Cannabis Regulation and Safety Act (MAUCRSA), among other things, consolidates the licensure and regulation of commercial medicinal and adult-use cannabis activities and requires the Department of Cannabis Control to administer its provisions.

Existing law requires an applicant for a state license to conduct commercial cannabis activity to provide, among other things, specified information to the Department of Cannabis Control and the Department of Justice.

This bill would make nonsubstantive changes to those provisions by updating cross-references.

Existing law requires the department to establish a track and trace program for reporting the movement of cannabis and cannabis products throughout the distribution chain, as specified. Existing law requires the department, in consultation with the California Department of Tax and Fee Administration, to create an electronic database containing the electronic shipping manifests to facilitate the administration of the track and trace program, as specified.

This bill would instead refer to the electronic database as an electronic system.

(15) Existing law, the California Private Postsecondary Education Act of 2009, provides for the regulation of private postsecondary institutions by the Bureau for Private Postsecondary Education. Existing law defines “distance education” for purposes of the act to mean transmission of instruction to students at a location separate from the institution, and defines “teach-out” to mean the arrangements an institution makes for its students to complete their educational programs when the institution ceases to operate. Existing law requires an institution to maintain permanent records, for each student granted a degree or certificate.

This bill would instead define “distance education” to mean transmission of instruction to students at a location separate from the faculty. The bill would revise the definition of “teach-out” to mean the arrangements an institution makes for its students to complete their educational programs when the institution or an educational program ceases to operate. The bill would repeal a provision requiring the bureau to establish a task force no later than March 1, 2015, to review standards for educational and training programs specializing in innovative subjects and instructing students in high-demand technology fields for which there is a shortage of skilled employees. The bill would require the permanent records required to be maintained by the institution to be complete and accurate.

(16) Existing law requires a student to enroll in a private postsecondary institution by executing an enrollment agreement and makes the agreement unenforceable unless the student has received the institution’s catalog and School Performance Fact Sheet before signing the agreement. Existing law requires an institution to provide a prospective student with a School Performance Fact Sheet prior to enrollment.

This bill would require the student to receive the institution's current catalog and would require the institution to provide a prospective student with a current School Performance Fact Sheet. The bill would repeal a requirement that the bureau consider specified factors, including graduate salary and other outcome data and reporting requirements used by the United States Department of Education and specified other entities, and the reporting requirements of public postsecondary institutions to evaluate the feasibility of adopting these reporting requirements for private postsecondary institutions. The bill would repeal an obsolete reporting requirement relating to the bureau's staffing resources.

(17) This bill would make other technical changes, including eliminating gendered pronouns.

(18) *This bill would incorporate additional changes to Section 27 of the Business and Professions Code proposed by SB 775 to be operative only if this bill and SB 775 are enacted and this bill is enacted last.*

(19) *This bill would incorporate additional changes to Sections 26051.5 and 26067 of the Business and Professions Code proposed by AB 8 to be operative only if this bill and AB 8 are enacted and this bill is enacted last.*

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 27 of the Business and Professions Code
2 is amended to read:
3 27. (a) Each entity specified in subdivisions (c), (d), and (e)
4 shall provide on the internet information regarding the status of
5 every license issued by that entity in accordance with the California
6 Public Records Act (Division 10 (commencing with Section
7 7920.000) of Title 1 of the Government Code) and the Information
8 Practices Act of 1977 (Chapter 1 (commencing with Section 1798)
9 of Title 1.8 of Part 4 of Division 3 of the Civil Code). The public
10 information to be provided on the internet shall include information
11 on suspensions and revocations of licenses issued by the entity
12 and other related enforcement action, including accusations filed
13 pursuant to the Administrative Procedure Act (Chapter 3.5
14 (commencing with Section 11340) of Part 1 of Division 3 of Title
15 2 of the Government Code) taken by the entity relative to persons,

1 businesses, or facilities subject to licensure or regulation by the
2 entity. The information may not include personal information,
3 including home telephone number, date of birth, or social security
4 number. Each entity shall disclose a licensee's address of record.
5 However, each entity shall allow a licensee to provide a post office
6 box number or other alternate address, instead of the licensee's
7 home address, as the address of record. This section shall not
8 preclude an entity from also requiring a licensee, who has provided
9 a post office box number or other alternative mailing address as
10 the licensee's address of record, to provide a physical business
11 address or residence address only for the entity's internal
12 administrative use and not for disclosure as the licensee's address
13 of record or disclosure on the internet.

14 (b) In providing information on the internet, each entity specified
15 in subdivisions (c) and (d) shall comply with the Department of
16 Consumer Affairs' guidelines for access to public records.

17 (c) Each of the following entities within the Department of
18 Consumer Affairs shall comply with the requirements of this
19 section:

20 (1) The Board for Professional Engineers, Land Surveyors, and
21 Geologists shall disclose information on its registrants and
22 licensees.

23 (2) The Bureau of Automotive Repair shall disclose information
24 on its licensees, including automotive repair dealers, smog check
25 stations, smog check inspectors and repair technicians, and vehicle
26 safety systems inspection stations and technicians.

27 (3) The Bureau of Household Goods and Services shall disclose
28 information on its licensees, registrants, and permitholders.

29 (4) The Cemetery and Funeral Bureau shall disclose information
30 on its licensees, including cemetery brokers, cemetery salespersons,
31 cemetery managers, crematory managers, cemetery authorities,
32 crematories, cremated remains disposers, embalmers, funeral
33 establishments, hydrolysis facilities, reduction facilities, and funeral
34 directors.

35 (5) The Professional Fiduciaries Bureau shall disclose
36 information on its licensees.

37 (6) The Contractors State License Board shall disclose
38 information on its licensees and registrants in accordance with
39 Chapter 9 (commencing with Section 7000) of Division 3. In
40 addition to information related to licenses as specified in

1 subdivision (a), the board shall also disclose information provided
2 to the board by the Labor Commissioner pursuant to Section 98.9
3 of the Labor Code.

4 (7) The Bureau for Private Postsecondary Education shall
5 disclose information on private postsecondary institutions under
6 its jurisdiction, including disclosure of notices to comply issued
7 pursuant to Section 94935 of the Education Code.

8 (8) The California Board of Accountancy shall disclose
9 information on its licensees and registrants.

10 (9) The California Architects Board shall disclose information
11 on its licensees, including architects and landscape architects.

12 (10) The State Athletic Commission shall disclose information
13 on its licensees and registrants.

14 (11) The State Board of Barbering and Cosmetology shall
15 disclose information on its licensees.

16 (12) The Acupuncture Board shall disclose information on its
17 licensees.

18 (13) The Board of Behavioral Sciences shall disclose
19 information on its licensees and registrants.

20 (14) The Dental Board of California shall disclose information
21 on its licensees.

22 (15) The California State Board of Optometry shall disclose
23 information on its licensees and registrants.

24 (16) The Board of Psychology shall disclose information on its
25 licensees, including psychologists and registered psychological
26 associates.

27 (17) The Veterinary Medical Board shall disclose information
28 on its licensees, registrants, and permit holders.

29 (d) The State Board of Chiropractic Examiners shall disclose
30 information on its licensees.

31 (e) The Structural Pest Control Board shall disclose information
32 on its licensees, including applicators, field representatives, and
33 operators in the areas of fumigation, general pest and wood
34 destroying pests and organisms, and wood roof cleaning and
35 treatment.

36 (f) "Internet" for the purposes of this section has the meaning
37 set forth in paragraph (6) of subdivision (f) of Section 17538.

38 *SEC. 1.5. Section 27 of the Business and Professions Code is*
39 *amended to read:*

1 27. (a) Each entity specified in subdivisions (c), (d), and (e)
2 shall provide on the internet information regarding the status of
3 every license issued by that entity in accordance with the California
4 Public Records Act (Division 10 (commencing with Section
5 7920.000) of Title 1 of the Government Code) and the Information
6 Practices Act of 1977 (Chapter 1 (commencing with Section 1798)
7 of Title 1.8 of Part 4 of Division 3 of the Civil Code). The public
8 information to be provided on the internet shall include information
9 on suspensions and revocations of licenses issued by the entity
10 and other related enforcement action, including accusations filed
11 pursuant to the Administrative Procedure Act (Chapter 3.5
12 (commencing with Section 11340) of Part 1 of Division 3 of Title
13 2 of the Government Code) taken by the entity relative to persons,
14 businesses, or facilities subject to licensure or regulation by the
15 entity. The information may not include personal information,
16 including home telephone number, date of birth, or social security
17 number. Each entity shall disclose a licensee's address of record.
18 However, each entity shall allow a licensee to provide a post office
19 box number or other alternate address, instead of the licensee's
20 home address, as the address of record. This section shall not
21 preclude an entity from also requiring a licensee, who has provided
22 a post office box number or other alternative mailing address as
23 the licensee's address of record, to provide a physical business
24 address or residence address only for the entity's internal
25 administrative use and not for disclosure as the licensee's address
26 of record or disclosure on the internet.

27 (b) In providing information on the internet, each entity specified
28 in subdivisions (c) and (d) shall comply with the Department of
29 Consumer Affairs' guidelines for access to public records.

30 (c) Each of the following entities within the Department of
31 Consumer Affairs shall comply with the requirements of this
32 section:

33 (1) The Board for Professional Engineers, Land Surveyors, and
34 Geologists shall disclose information on its registrants and
35 licensees.

36 (2) The Bureau of Automotive Repair shall disclose information
37 on its licensees, including automotive repair dealers, smog check
38 stations, smog check inspectors and repair technicians, and vehicle
39 safety systems inspection stations and technicians.

1 (3) The Bureau of Household Goods and Services shall disclose
2 information on its licensees, registrants, and permitholders.

3 (4) The Cemetery and Funeral Bureau shall disclose information
4 on its licensees, including cemetery brokers, cemetery salespersons,
5 cemetery managers, crematory managers, cemetery authorities,
6 crematories, cremated remains disposers, embalmers, funeral
7 establishments, *hydrolysis facilities*, *reduction facilities*, and funeral
8 directors.

9 (5) The Professional Fiduciaries Bureau shall disclose
10 information on its licensees.

11 (6) The Contractors State License Board shall disclose
12 information on its licensees and registrants in accordance with
13 Chapter 9 (commencing with Section 7000) of Division 3. In
14 addition to information related to licenses as specified in
15 subdivision (a), the board shall also disclose information provided
16 to the board by the Labor Commissioner pursuant to Section 98.9
17 of the Labor Code.

18 (7) The Bureau for Private Postsecondary Education shall
19 disclose information on private postsecondary institutions under
20 its jurisdiction, including disclosure of notices to comply issued
21 pursuant to Section 94935 of the Education Code.

22 (8) The California Board of Accountancy shall disclose
23 information on its licensees and registrants.

24 (9) The California Architects Board shall disclose information
25 on its licensees, including architects and landscape architects.

26 (10) The State Athletic Commission shall disclose information
27 on its licensees and registrants.

28 (11) The State Board of Barbering and Cosmetology shall
29 disclose information on its licensees.

30 (12) The Acupuncture Board shall disclose information on its
31 licensees.

32 (13) The Board of Behavioral Sciences shall disclose
33 information on its licensees and registrants.

34 (14) The Dental Board of California shall disclose information
35 on its licensees.

36 (15) The California State Board of Optometry shall disclose
37 information on its licensees and registrants.

38 (16) The Board of Psychology shall disclose information on its
39 licensees, including psychologists and registered psychological

1 ~~associates~~, *associates, psychological testing technicians, research*
 2 *psychoanalysts, and student research psychoanalysts.*

3 (17) The Veterinary Medical Board shall disclose information
 4 on its licensees, registrants, and permitholders.

5 (d) The State Board of Chiropractic Examiners shall disclose
 6 information on its licensees.

7 (e) The Structural Pest Control Board shall disclose information
 8 on its licensees, including applicators, field representatives, and
 9 operators in the areas of fumigation, general pest and wood
 10 destroying pests and organisms, and wood roof cleaning and
 11 treatment.

12 (f) "Internet" for the purposes of this section has the meaning
 13 set forth in paragraph (6) of subdivision (f) of Section 17538.

14 SEC. 2. Section 144 of the Business and Professions Code is
 15 amended to read:

16 144. (a) Notwithstanding any other law, an agency designated
 17 in subdivision (b) shall require an applicant to furnish to the agency
 18 a full set of fingerprints for purposes of conducting criminal history
 19 record checks. Any agency designated in subdivision (b) may
 20 obtain and receive, at its discretion, criminal history information
 21 from the Department of Justice and the United States Federal
 22 Bureau of Investigation.

23 (b) Subdivision (a) applies to the following:

24 (1) California Board of Accountancy.

25 (2) State Athletic Commission.

26 (3) Board of Behavioral Sciences.

27 (4) Court Reporters Board of California.

28 (5) Dental Board of California.

29 (6) California State Board of Pharmacy.

30 (7) Board of Registered Nursing.

31 (8) California Veterinary Medical Board.

32 (9) Board of Vocational Nursing and Psychiatric Technicians
 33 of the State of California.

34 (10) Respiratory Care Board of California.

35 (11) Physical Therapy Board of California.

36 (12) Physician Assistant Board.

37 (13) Speech-Language Pathology and Audiology and Hearing
 38 Aid Dispensers Board.

39 (14) Medical Board of California.

40 (15) California State Board of Optometry.

- 1 (16) Acupuncture Board.
- 2 (17) Cemetery and Funeral Bureau.
- 3 (18) Bureau of Security and Investigative Services.
- 4 (19) Division of Investigation.
- 5 (20) Board of Psychology.
- 6 (21) California Board of Occupational Therapy.
- 7 (22) Structural Pest Control Board.
- 8 (23) Contractors State License Board.
- 9 (24) California Board of Naturopathic Medicine.
- 10 (25) Professional Fiduciaries Bureau.
- 11 (26) Board for Professional Engineers, Land Surveyors, and
- 12 Geologists.
- 13 (27) Podiatric Medical Board of California.
- 14 (28) Osteopathic Medical Board of California.
- 15 (29) California Architects Board, beginning January 1, 2021.
- 16 (30) Landscape Architects Technical Committee, beginning
- 17 January 1, 2022.
- 18 (31) Bureau of Household Goods and Services with respect to
- 19 household movers as described in Chapter 3.1 (commencing with
- 20 Section 19225) of Division 8.
- 21 (32) State Board of Chiropractic Examiners.
- 22 (c) For purposes of paragraph (26) of subdivision (b), the term
- 23 “applicant” shall be limited to an initial applicant who has never
- 24 been registered or licensed by the board or to an applicant for a
- 25 new licensure or registration category.
- 26 SEC. 3. Section 1602 of the Business and Professions Code is
- 27 amended to read:
- 28 1602. All of the members of the board, except the public
- 29 members, shall have been actively and lawfully engaged in the
- 30 practice of dentistry in the State of California, for at least five years
- 31 next preceding the date of their appointment. The registered dental
- 32 assistant members shall have been a registered dental assistant, in
- 33 the State of California for at least five years next preceding the
- 34 date of their appointment. The public members shall not be
- 35 licensees of the board or of any other board under this division or
- 36 of any board referred to in Sections 1000 and 3600. No more than
- 37 one member of the board shall be a member of the faculty of any
- 38 dental college or dental department of any medical college in the
- 39 State of California. None of the members, including the public
- 40 members, shall have any financial interest in any such college.

1 SEC. 4. Section 1603 of the Business and Professions Code is
2 amended to read:

3 1603. (a) Except for the initial appointments, members of the
4 board shall be appointed for a term of four years, and each member
5 shall hold office until the appointment and qualification of the
6 member's successor or until one year shall have elapsed since the
7 expiration of the term for which the member was appointed,
8 whichever first occurs.

9 (b) A vacancy occurring during a term shall be filled by
10 appointment for the unexpired term, within 30 days after it occurs.

11 (c) No person shall serve as a member of the board for more
12 than two terms.

13 (d) The Governor shall appoint three of the public members,
14 the two registered dental assistant members, and the eight licensed
15 dentist members of the board. The Senate Committee on Rules
16 and the Speaker of the Assembly shall each appoint a public
17 member.

18 (e) Of the initial appointments, one of the dentist members and
19 one of the public members appointed by the Governor shall serve
20 for a term of one year. Two of the dentist members appointed by
21 the Governor shall each serve for a term of two years. One of the
22 public members and two of the dentist members appointed by the
23 Governor shall each serve a term of three years. The registered
24 dental assistant members and the remaining three dentist members
25 appointed by the Governor shall each serve for a term of four years.
26 The public members appointed by the Senate Committee on Rules
27 and the Speaker of the Assembly shall each serve for a term of
28 four years.

29 SEC. 5. Section 1901 of the Business and Professions Code is
30 amended to read:

31 1901. (a) There is hereby created in the Department of
32 Consumer Affairs a Dental Hygiene Board of California in which
33 the administration of this article is vested.

34 (b) Whenever the terms "Dental Hygiene Committee of
35 California" or "committee" are used in this article, they mean the
36 Dental Hygiene Board of California.

37 (c) Whenever the term "Dental Hygiene Committee of
38 California" is used in any other law, it means the Dental Hygiene
39 Board of California.

1 (d) This section shall remain in effect only until January 1, 2028,
2 and as of that date is repealed. Notwithstanding any other law, the
3 repeal of this section renders the dental hygiene board subject to
4 review by the appropriate policy committees of the Legislature.

5 SEC. 6. Section 1903 of the Business and Professions Code is
6 amended to read:

7 1903. (a) (1) The dental hygiene board shall consist of nine
8 members as follows:

9 (A) Seven members appointed by the Governor as follows:

10 (i) Two members shall be public members.

11 (ii) One member shall be a practicing general or public health
12 dentist who holds a current license in California.

13 (iii) Four members shall be registered dental hygienists who
14 hold current licenses in California. Of the registered dental
15 hygienist members, one shall be licensed either in alternative
16 practice or in extended functions, one shall be a dental hygiene
17 educator, and two shall be registered dental hygienists. No public
18 member shall have been licensed under this chapter within five
19 years of the date of their appointment or have any current financial
20 interest in a dental-related business.

21 (B) One public member appointed by the Senate Committee on
22 Rules.

23 (C) One public member appointed by the Speaker of the
24 Assembly.

25 (2) The first appointment by the Senate Committee on Rules or
26 the Speaker of the Assembly pursuant to this subdivision shall be
27 made upon the expiration of the term of a public member that is
28 scheduled to occur, or otherwise occurs, on or after January 1,
29 2019.

30 (3) For purposes of this subdivision, a public health dentist is
31 a dentist whose primary employer or place of employment is in
32 any of the following:

33 (A) A primary care clinic licensed under subdivision (a) of
34 Section 1204 of the Health and Safety Code.

35 (B) A primary care clinic exempt from licensure pursuant to
36 subdivision (c) of Section 1206 of the Health and Safety Code.

37 (C) A clinic owned or operated by a public hospital or health
38 system.

1 (D) A clinic owned and operated by a hospital that maintains
2 the primary contract with a county government to fill the county's
3 role under Section 17000 of the Welfare and Institutions Code.

4 (b) (1) Except as specified in paragraph (2), members of the
5 dental hygiene board shall be appointed for a term of four years.
6 Each member shall hold office until the appointment and
7 qualification of the member's successor or until one year shall
8 have lapsed since the expiration of the term for which the member
9 was appointed, whichever comes first.

10 (2) For the term commencing on January 1, 2012, two of the
11 public members, the general or public health dentist member, and
12 two of the registered dental hygienist members, other than the
13 dental hygiene educator member or the registered dental hygienist
14 member licensed in alternative practice or in extended functions,
15 shall each serve a term of two years, expiring January 1, 2014.

16 (c) Notwithstanding any other provision of law and subject to
17 subdivision (e), the Governor may appoint to the dental hygiene
18 board a person who previously served as a member of the former
19 committee or dental hygiene board even if the person's previous
20 term expired.

21 (d) The dental hygiene board shall elect a president, a vice
22 president, and a secretary from its membership.

23 (e) No person shall serve as a member of the dental hygiene
24 board for more than two consecutive terms.

25 (f) A vacancy in the dental hygiene board shall be filled by
26 appointment to the unexpired term.

27 (g) Each member of the dental hygiene board shall receive a
28 per diem and expenses as provided in Section 103.

29 (h) Each appointing authority shall have the power to remove
30 from office at any time any member of the dental hygiene board
31 appointed by that authority pursuant to Section 106.

32 (i) The dental hygiene board, with the approval of the director,
33 may appoint a person exempt from civil service who shall be
34 designated as an executive officer and who shall exercise the
35 powers and perform the duties delegated by the dental hygiene
36 board and vested in the executive officer by this article.

37 (j) This section shall remain in effect only until January 1, 2028,
38 and as of that date is repealed.

39 SEC. 7. Section 1905 of the Business and Professions Code is
40 amended to read:

1 1905. (a) The dental hygiene board shall perform the following
2 functions:

3 (1) Evaluate all registered dental hygienist, registered dental
4 hygienist in alternative practice, and registered dental hygienist in
5 extended functions educational programs that apply for approval
6 and grant or deny approval of those applications in accordance
7 with regulations adopted by the dental hygiene board. Any such
8 educational programs approved by the dental board on or before
9 June 30, 2009, shall be deemed approved by the dental hygiene
10 board. Any dental hygiene program accredited by the Commission
11 on Dental Accreditation may be approved.

12 (2) Withdraw or revoke its prior approval of a registered dental
13 hygienist, registered dental hygienist in alternative practice, or
14 registered dental hygienist in extended functions educational
15 program in accordance with regulations adopted by the dental
16 hygiene board. The dental hygiene board may withdraw or revoke
17 a dental hygiene program approval if the Commission on Dental
18 Accreditation has indicated an intent to withdraw approval or has
19 withdrawn approval.

20 (3) Review and evaluate all registered dental hygienist,
21 registered dental hygienist in alternative practice, and registered
22 dental hygienist in extended functions applications for licensure
23 to ascertain whether the applicant meets the appropriate licensing
24 requirements specified by statute and regulations, maintain
25 application records, cashier application fees, issue and renew
26 licenses, and perform any other tasks that are incidental to the
27 application and licensure processes.

28 (4) Determine the appropriate type of license examination
29 consistent with the provisions of this article, and develop or cause
30 to be developed and administer examinations in accordance with
31 regulations adopted by the dental hygiene board.

32 (5) Determine the amount of fees assessed under this article,
33 not to exceed the actual cost.

34 (6) Determine and enforce the continuing education
35 requirements specified in Section 1936.1.

36 (7) Deny, suspend, or revoke a license under this article, or
37 otherwise enforce the provisions of this article. Any such
38 proceedings shall be conducted in accordance with Chapter 5
39 (commencing with Section 11500) of Part 1 of Division 3 of Title

1 2 of the Government Code, and the dental hygiene board shall
2 have all of the powers granted therein.

3 (8) Adopt, amend, and revoke rules and regulations to implement
4 the provisions of this article, including the amount of required
5 supervision by a registered dental hygienist, a registered dental
6 hygienist in alternative practice, or a registered dental hygienist
7 in extended functions of a registered dental assistant.

8 (b) The dental hygiene board may employ employees and
9 examiners that it deems necessary to carry out its functions and
10 responsibilities under this article.

11 SEC. 8. Section 1926.3 of the Business and Professions Code
12 is amended to read:

13 1926.3. (a) Every person who is now or hereafter licensed as
14 a registered dental hygienist in alternative practice in this state
15 shall register with the executive officer, on forms prescribed by
16 the dental hygiene board within 30 calendar days, the physical
17 facility of the registered dental hygienist in alternative practice or,
18 if the registered dental hygienist in alternative practice has more
19 than one physical facility pursuant to Section 1926.4, all of the
20 physical facilities. If the registered dental hygienist in alternative
21 practice does not have a physical facility, the registered dental
22 hygienist in alternative practice shall notify the executive officer.

23 (b) (1) A registered dental hygienist in alternative practice who
24 utilizes portable equipment to practice dental hygiene shall register
25 with the executive officer, on forms prescribed by the dental
26 hygiene board, the registered dental hygienist in alternative
27 practice's physical facility where the portable equipment is
28 maintained.

29 (2) The dental hygiene board may conduct announced and
30 unannounced reviews and inspections of a registered dental
31 hygienist in alternative practice's physical facilities and equipment
32 described in paragraph (1) to ensure continued compliance with
33 the requirements for continued approval under this article.

34 (c) It shall constitute unprofessional conduct if the registered
35 dental hygienist in alternative practice's physical facility or
36 equipment is found to be noncompliant with any requirements
37 necessary for licensure and a registered dental hygienist in
38 alternative practice may be placed on probation with terms, issued
39 a citation and fine, or have the owned physical facility registration

1 withdrawn if compliance is not demonstrated within reasonable
2 timelines, as established by the dental hygiene board.

3 (d) The dental hygiene board, by itself or through an authorized
4 representative, may issue a citation containing fines and orders of
5 abatement to the registered dental hygienist in alternative practice
6 for any violation of this section, Section 1925, Section 1926.4, or
7 any regulations adopted thereunder. Any fine collected pursuant
8 to this section shall be deposited into the State Dental Hygiene
9 Fund established pursuant to Section 1944.

10 SEC. 9. Section 1944 of the Business and Professions Code is
11 amended to read:

12 1944. (a) The dental hygiene board shall establish by resolution
13 the amount of the fees that relate to the licensing of a registered
14 dental hygienist, a registered dental hygienist in alternative practice,
15 and a registered dental hygienist in extended functions. The fees
16 established by dental hygiene board resolution in effect on June
17 30, 2009, as they relate to the licensure of registered dental
18 hygienists, registered dental hygienists in alternative practice, and
19 registered dental hygienists in extended functions, shall remain in
20 effect until modified by the dental hygiene board. The fees are
21 subject to the following limitations:

22 (1) The application fee shall not exceed one hundred dollars
23 (\$100).

24 (2) The initial licensure fee shall not exceed one hundred fifty
25 dollars (\$150).

26 (3) The fee for examination for licensure as a registered dental
27 hygienist shall not exceed the actual cost of the examination.

28 (4) The fee for examination for licensure as a registered dental
29 hygienist in extended functions shall not exceed the actual cost of
30 the examination.

31 (5) The fee for examination for licensure as a registered dental
32 hygienist in alternative practice shall not exceed the actual cost of
33 administering the examination.

34 (6) The biennial renewal fee shall not exceed five hundred
35 dollars (\$500).

36 (7) The delinquency fee shall not exceed one-half of the renewal
37 fee. Any delinquent license may be restored only upon payment
38 of all fees, including the delinquency fee, and compliance with all
39 other applicable requirements of this article.

1 (8) The fee for issuance of a duplicate license to replace one
2 that is lost or destroyed, or in the event of a name change, shall
3 not exceed twenty-five dollars (\$25) or one-half of the renewal
4 fee, whichever is greater.

5 (9) The fee for certification of licensure shall not exceed one-half
6 of the renewal fee.

7 (10) The fee for each curriculum review and feasibility study
8 review for educational programs for dental hygienists who are not
9 accredited by a dental hygiene board-approved agency shall not
10 exceed two thousand one hundred dollars (\$2,100).

11 (11) The fee for each review or approval of course requirements
12 for licensure or procedures that require additional training shall
13 not exceed seven hundred fifty dollars (\$750).

14 (12) The initial application and biennial fee for a provider of
15 continuing education shall not exceed five hundred dollars (\$500).

16 (13) The amount of fees payable in connection with permits
17 issued under Section 1962 is as follows:

18 (A) The initial permit fee is an amount equal to the renewal fee
19 for the applicant's license to practice dental hygiene in effect on
20 the last regular renewal date before the date on which the permit
21 is issued.

22 (B) If the permit will expire less than one year after its issuance,
23 then the initial permit fee is an amount equal to 50 percent of the
24 renewal fee in effect on the last regular renewal date before the
25 date on which the permit is issued.

26 (14) The fee for the dental hygiene board to conduct a site visit
27 to educational programs for a registered dental hygienist, a
28 registered dental hygienist in alternative practice, or a registered
29 dental hygienist in extended functions to ensure compliance of
30 educational program requirements shall not exceed the actual cost
31 incurred by the dental hygiene board for cost recovery of site visit
32 expenditures.

33 (15) The fee for a retired license shall not exceed one-half of
34 the current license renewal fee.

35 (b) The renewal and delinquency fees shall be fixed by the dental
36 hygiene board by resolution at not more than the current amount
37 of the renewal fee for a license to practice under this article nor
38 less than five dollars (\$5).

(c) Fees fixed by the dental hygiene board by resolution pursuant to this section shall not be subject to the approval of the Office of Administrative Law.

(d) Fees collected pursuant to this section shall be collected by the dental hygiene board and deposited into the State Dental Hygiene Fund, which is hereby created. All money in this fund, upon appropriation by the Legislature in the annual Budget Act, shall be used to implement this article.

(e) No fees or charges other than those listed in this section shall be levied by the dental hygiene board in connection with the licensure of registered dental hygienists, registered dental hygienists in alternative practice, or registered dental hygienists in extended functions.

(f) The fee for registration of an extramural dental facility shall not exceed two hundred fifty dollars (\$250).

(g) The fee for registration of a mobile dental hygiene unit shall not exceed one hundred fifty dollars (\$150).

(h) The biennial renewal fee for a mobile dental hygiene unit shall not exceed two hundred fifty dollars (\$250).

(i) The fee for an additional office permit shall not exceed two hundred fifty dollars (\$250).

(j) The biennial renewal fee for an additional office as described in Section 1926.4 shall not exceed two hundred fifty dollars (\$250).

(k) The initial application and biennial special permit fee is an amount equal to the biennial renewal fee specified in paragraph (7) of subdivision (a).

(l) The fees in this section shall not exceed an amount sufficient to cover the reasonable regulatory cost of carrying out this article.

SEC. 10. Section 2125 of the Business and Professions Code is amended to read:

2125. (a) For purposes of this article, the following definitions apply:

(1) "Board" means the Medical Board of California.

(2) "Program" means the Licensed Physicians from Mexico Program.

(b) (1) The Licensed Physicians from Mexico Program is hereby created.

(2) The board shall approve physician candidates from Mexico for program participation.

(c) (1) This program extends the physician component of the Licensed Physicians and Dentists from Mexico Pilot Program, as established in former Section 853, which authorized up to 30 licensed physicians specializing in family practice, internal medicine, pediatrics, and obstetrics and gynecology from Mexico to practice medicine in California for a period not to exceed three years.

(2) The program shall also maintain an alternate list of program participants.

(d) The board shall issue a nonrenewable three-year physician's and surgeon's license to each licensed physician from Mexico who meets the criteria set forth in this section.

(e) Each physician from Mexico, to be eligible to participate in this program, shall comply with all of the following:

(1) Be licensed, certified or recertified, and in good standing in their medical specialty in Mexico. This certification or recertification shall be performed, as appropriate, by the Consejo Mexicano de Ginecología y Obstetricia, A.C., the Consejo Mexicano de Certificación en Medicina Familiar, A.C., the Consejo Mexicano de Medicina Interna, A.C., the Consejo Mexicano de Certificación en Pediatría, A.C., or the Consejo Mexicano de Psiquiatría, A.C.

(2) Before leaving Mexico, have completed all of the following requirements:

(A) Passed an interview examination developed by the National Autonomous University of Mexico (UNAM) for each specialty area. Each family practitioner who includes obstetrics and gynecology in their practice shall not perform deliveries in California unless they have performed 50 live birth deliveries, as required by United States standards, confirmed by written documentation by the supervising department chair, hospital administrator, or hospital chief medical officer. Each obstetrician and gynecologist from Mexico shall be a fellow in good standing of the American College of Obstetricians and Gynecologists.

(B) (i) Satisfactorily completed an orientation program approved by the board in connection with the Licensed Physicians and Dentists from Mexico Pilot Program, as established in former Section 853, and that includes medical protocol, community clinic history and operations, medical administration, hospital operations and protocol, medical ethics, the California medical delivery

1 system, health maintenance organizations and managed care
2 practices, medication documentation and reconciliation, the
3 electronic medical records system utilized by federally qualified
4 health centers, and standards for medical record documentation to
5 support medical decisionmaking and quality care. This orientation
6 program may be changed by a committee of at least five chief
7 medical officers at federally qualified health centers employing
8 program licensees to ensure that the orientation program contains
9 the requisite subject matter and meets appropriate California law
10 and medical standards where applicable.

11 (ii) Satisfactorily completed the Test of English as a Foreign
12 Language by scoring a minimum of 85 percent or the Occupational
13 English Test with a minimum score of 350, and provided written
14 documentation of their completion to the board.

15 (C) Representatives from California and the UNAM in Mexico
16 that executed and implemented the provisions of the former
17 Licensed Physicians and Dentists from Mexico Pilot Program shall
18 be the points of contact involved in securing required documents,
19 recruiting and vetting candidates, assisting candidates for this
20 program in Mexico to meet all program requirements, selecting
21 appropriate federally qualified health centers throughout California,
22 ensuring compliance with program provisions, developing policy
23 and clinical workshops, monitoring productivity and increased
24 access to medical care, and assessing the necessity of policy and
25 programmatic improvements.

26 (3) Upon satisfactory completion of the requirements in
27 paragraphs (1) and (2), and after having received their
28 nonrenewable three-year physician's and surgeon's license, each
29 licensee shall be required to obtain continuing education pursuant
30 to Section 2190. Each physician shall obtain 25 continuing
31 education units per year for three years of program participation,
32 which shall be subject to random audits by the board to ensure
33 compliance. The board may issue a citation and administrative
34 fine against a licensee who fails to comply with the requirements
35 of this paragraph.

36 (4) The federally qualified health centers employing physicians
37 from Mexico shall continue the peer review protocols and
38 procedures as required by the federal government. The federally
39 qualified health centers shall work with a California medical school
40 approved by the board pursuant to Section 2084 or a residency

1 program approved by the Accreditation Council for Graduate
2 Medical Education to conduct 10 secondary reviews of randomly
3 selected patient encounters with each licensee per six-month period,
4 and the reviews shall be transmitted to the approved medical school
5 or medical institution with an approved residency program in PDF
6 format. The secondary reviews shall be undertaken every six
7 months of each year for the three years that the physicians from
8 Mexico are employed by federally qualified health centers. The
9 faculty reviewers in family medicine, pediatrics, internal medicine,
10 psychiatry, and obstetrics and gynecology from the California
11 medical school approved by the board pursuant to Section 2084
12 or the residency program approved by the Accreditation Council
13 for Graduate Medical Education shall provide feedback to the
14 federally qualified health centers of the findings of their secondary
15 reviews. The faculty and federally qualified health center chief
16 medical officers shall jointly develop no less than two quality
17 assurance (QA) seminars for all physicians from Mexico to attend
18 during the six months of secondary reviews conducted. The purpose
19 of the approved medical school or medical institution with an
20 approved residency program secondary peer reviews shall be to
21 provide feedback on compliance with medical standards, protocols,
22 and procedures required by the federal government and assessed
23 by the monthly or quarterly peer reviews conducted by federally
24 qualified health centers. The associated costs for the secondary
25 reviews and QA seminars shall be the responsibility of the federally
26 qualified health centers on a pro rata basis.

27 (5) The federally qualified health centers employing physicians
28 in the program shall be required to have medical quality assurance
29 protocols and be accredited by The Joint Commission, National
30 Committee for Quality Assurance, or Accreditation Association
31 for Ambulatory Health Care.

32 (6) Participating hospitals shall have the authority to establish
33 criteria necessary to allow individuals participating in this program
34 to be granted hospital privileges in their facilities, taking into
35 consideration the need and concerns for access to patient
36 populations served by federally qualified health centers and
37 attending doctors from Mexico, especially in rural areas that do
38 not have hospitals staffed to provide deliveries of newborns.

39 (7) A licensee shall practice only in the nonprofit community
40 health center that offered the licensee employment and the

1 corresponding hospital. This three-year physician's and surgeon's
2 license shall be deemed to be a license in good standing pursuant
3 to the provisions of this chapter for the purpose of participation
4 and reimbursement in all federal, state, and local health programs.
5 These programs shall include the Medicare Program, the
6 fee-for-service and managed care delivery systems of the Medi-Cal
7 program, and private insurance. A physician from Mexico shall
8 not be denied credentials by a health plan because the physician
9 is a participant in this state program and did not receive their
10 medical education and training in the United States. The
11 nonrenewable three-year physician's and surgeon's license issued
12 pursuant to this program shall be referred to as a Physician's and
13 Surgeon's from Mexico License and shall not include any
14 additional notations beyond the current numerical identifiers that
15 the board applies.

16 (f) (1) Notwithstanding subdivisions (a) to (d), inclusive, of
17 Section 30, the board shall issue a nonrenewable three-year
18 physician's and surgeon's license pursuant to this section to an
19 applicant who has not provided an individual taxpayer
20 identification number or social security number if the board staff
21 determines the applicant is otherwise eligible for a license only
22 under the program pursuant to this section, subject to the following
23 conditions:

24 (A) The applicant shall immediately seek both an appropriate
25 three-year visa and the accompanying social security number from
26 the United States government within 14 days of being issued a
27 medical license under this section.

28 (B) The applicant shall immediately provide to the board a social
29 security number obtained in accordance with subparagraph (A)
30 within 10 days of the federal government issuing the social security
31 card related to the issued visa.

32 (C) The applicant shall not engage in the practice of medicine
33 pursuant to this section until the board determines that the
34 conditions in subparagraphs (A) and (B) have been met.

35 (2) The board, if it determines that an applicant has met the
36 conditions in paragraph (1), shall notify the applicant that the
37 applicant may engage in the practice of medicine under the license
38 in accordance with this section.

39 (g) (1) (A) Between January 1, 2025, and January 1, 2029, the
40 board shall coordinate with the representatives described in

1 subparagraph (C) of paragraph (2) of subdivision (e) to ensure that
2 no more than 155 program participants have a current and active
3 license at the same time.

4 (B) During the time period described in subparagraph (A), no
5 more than 30 of the 155 licenses may be issued to physicians whose
6 primary area of practice is psychiatry.

7 (C) During the time period described in subparagraph (A), an
8 applicant shall submit an application to the board between October
9 1, 2025, and December 31, 2025, except that the board may accept
10 up to 15 applications after December 31, 2025, and before January
11 1, 2028.

12 (2) (A) Between January 1, 2029, and January 1, 2033, the
13 board shall coordinate with the representatives described in
14 subparagraph (C) of paragraph (2) of subdivision (e) to ensure that
15 no more than 195 program participants have a current and active
16 license at the same time.

17 (B) During the time period described in subparagraph (A), no
18 more than 40 of the 195 licenses may be issued to physicians whose
19 primary area of practice is psychiatry.

20 (C) During the time period described in subparagraph (A), an
21 applicant shall submit an application to the board between October
22 1, 2029, and December 31, 2029, except that the board may accept
23 up to 19 applications after December 31, 2029, and before January
24 1, 2032.

25 (3) (A) Between January 1, 2033, and January 1, 2037, the
26 board shall coordinate with the representatives described in
27 subparagraph (C) of paragraph (2) of subdivision (e) to ensure that
28 no more than 225 program participants have a current and active
29 license at the same time.

30 (B) During the time period described in subparagraph (A), no
31 more than 40 of the 225 licenses may be issued to physicians whose
32 primary area of practice is psychiatry.

33 (C) During the time period described in subparagraph (A), an
34 applicant shall submit an application to the board between October
35 1, 2033, and December 31, 2033, except that the board may accept
36 up to 22 applications after December 31, 2033, and before January
37 1, 2036.

38 (4) (A) Between January 1, 2037, and January 1, 2041, the
39 board shall coordinate with the representatives described in
40 subparagraph (C) of paragraph (2) of subdivision (e) to ensure that

1 no more than 255 program participants have a current and active
2 license at the same time.

3 (B) During the time period described in subparagraph (A), no
4 more than 40 of the 255 licenses may be issued to physicians whose
5 primary area of practice is psychiatry.

6 (C) During the time period described in subparagraph (A), an
7 applicant shall submit an application to the board between October
8 1, 2037, and December 31, 2037, except that the board may accept
9 up to 25 applications after December 31, 2037, and before January
10 1, 2040.

11 (5) (A) Between January 1, 2041, and January 1, 2045, the
12 board shall coordinate with the representatives described in
13 subparagraph (C) of paragraph (2) of subdivision (e) to ensure that
14 no more than 275 program participants have a current and active
15 license at the same time.

16 (B) During the time period described in subparagraph (A), no
17 more than 40 of the 275 licenses may be issued to physicians whose
18 primary area of practice is psychiatry.

19 (C) During the time period described in subparagraph (A), an
20 applicant shall submit an application to the board between October
21 1, 2041, and December 31, 2041, except that the board may accept
22 up to 27 applications after December 31, 2041, and before January
23 1, 2044.

24 (6) A physician's eligibility pursuant to this subdivision is
25 subject to the physician complying with all of the requirements
26 set forth in this section.

27 (h) All applicable employment benefits, salary, and policies
28 provided by nonprofit community health centers to their current
29 employees shall be provided to medical practitioners from Mexico
30 participating in this program. This shall include nonprofit
31 community health centers providing malpractice insurance
32 coverage.

33 (i) Each program applicant shall be responsible for working
34 with the governments of Mexico and the United States in order to
35 obtain the necessary three-year visa required for program
36 participation.

37 SEC. 11. Section 2532.2 of the Business and Professions Code
38 is amended to read:

39 2532.2. Except as required by Section 2532.25, to be eligible
40 for licensure by the board as a speech-language pathologist or

1 audiologist, the applicant shall possess all of the following
2 qualifications:

3 (a) Possess at least a master's degree in speech-language
4 pathology or audiology from an educational institution approved
5 by the board or qualifications deemed equivalent by the board.

6 (b) (1) Submit evidence of the satisfactory completion of
7 supervised clinical practice with individuals representative of a
8 wide spectrum of ages and communication disorders. The board
9 shall establish by regulation the required number of clock hours,
10 not to exceed 375 clock hours, of supervised clinical practice
11 necessary for the applicant.

12 (2) The clinical practice shall be under the direction of an
13 educational institution approved by the board.

14 (c) Submit evidence of no less than 36 weeks of satisfactorily
15 completed supervised professional full-time experience or 72 weeks
16 of professional part-time experience obtained under the supervision
17 of a licensed speech-language pathologist or audiologist or a
18 speech-language pathologist or audiologist having qualifications
19 deemed equivalent by the board. This experience shall be evaluated
20 and approved by the board. The required professional experience
21 shall follow completion of the requirements listed in subdivisions
22 (a) and (b). Full time is defined as at least 36 weeks in a calendar
23 year and a minimum of 30 hours per week. Part time is defined as
24 a minimum of 72 weeks and a minimum of 15 hours per week.

25 (d) (1) Pass an examination or examinations approved by the
26 board. The board shall determine the subject matter and scope of
27 the examinations and may waive the examination upon evidence
28 that the applicant has successfully completed an examination
29 approved by the board. Written examinations may be supplemented
30 by oral examinations as the board shall determine. An applicant
31 who fails their examination may be reexamined at a subsequent
32 examination upon payment of the reexamination fee required by
33 this chapter.

34 (2) A speech-language pathologist or audiologist who holds a
35 license from another state or territory of the United States or who
36 holds equivalent qualifications as determined by the board and
37 who has completed no less than one year of full-time continuous
38 employment as a speech-language pathologist or audiologist within
39 the past three years is exempt from the supervised professional
40 experience in subdivision (c).

1 (e) As applied to licensure as an audiologist, this section shall
2 apply to applicants who graduated from an approved educational
3 institution on or before December 31, 2007.

4 SEC. 12. Section 2532.3 of the Business and Professions Code
5 is amended to read:

6 2532.3. (a) Upon approval of an application filed pursuant to
7 Section 2532.1, and upon the payment of the fee prescribed by
8 subdivision (i) of Section 2534.2, the board may issue a temporary
9 license for a period of six months from the date of issuance to a
10 speech-language pathologist or audiologist who holds an
11 unrestricted license from another state or territory of the United
12 States or who holds equivalent qualifications as determined by the
13 board and has made application to the board for a license in this
14 state.

15 (b) A temporary license shall terminate upon notice thereof by
16 certified mail, return receipt requested, if it is issued by mistake
17 or if the application for permanent licensure is denied.

18 (c) Upon written application, the board may reissue a temporary
19 license to any person who has applied for a regular renewable
20 license pursuant to Section 2532.1, and who, in the judgment of
21 the board, has been excusably delayed in completing their
22 application or the minimum requirements for a regular license.
23 The board may not reissue a temporary license more than twice
24 to any one person.

25 SEC. 13. Section 2532.4 of the Business and Professions Code
26 is amended to read:

27 2532.4. (a) The board may direct applicants to be examined
28 for knowledge in whatever theoretical or applied fields in
29 speech-language pathology or audiology it deems appropriate. It
30 may examine the applicant with regard to their professional skills
31 and their judgment in the utilization of speech-language pathology
32 or audiology techniques and methods.

33 (b) The examination may be written or oral or both. The
34 examination shall be given at least once a year at the time and
35 place and under such supervision as the board may determine. The
36 board shall determine what shall constitute a passing grade.

37 (c) The board shall keep an accurate recording of any oral
38 examination and keep the recordings as well as any written
39 examination as part of its records for at least two years following
40 the date of examination.

1 SEC. 14. Section 2532.6 of the Business and Professions Code
2 is amended to read:

3 2532.6. (a) The Legislature recognizes that the education and
4 experience requirements of this chapter constitute only minimal
5 requirements to assure the public of professional competence. The
6 Legislature encourages all professionals licensed and registered
7 by the board under this chapter to regularly engage in continuing
8 professional development and learning that is related and relevant
9 to the professions of speech-language pathology and audiology.

10 (b) The board shall not renew any license or registration pursuant
11 to this chapter unless the applicant certifies to the board that they
12 have completed in the preceding two years not less than the
13 minimum number of continuing professional development hours
14 established by the board pursuant to subdivision (c) for the
15 professional practice authorized by their license or registration.

16 (c) (1) The board shall prescribe the forms utilized for and the
17 number of hours of required continuing professional development
18 for persons licensed or registered under this chapter.

19 (2) The board shall have the right to audit the records of any
20 applicant to verify the completion of the continuing professional
21 development requirements.

22 (3) Applicants shall maintain records of completion of required
23 continuing professional development coursework for a minimum
24 of two years and shall make these records available to the board
25 for auditing purposes upon request.

26 (d) The board shall establish exceptions from the continuing
27 professional development requirements of this section for good
28 cause as defined by the board.

29 (e) (1) The continuing professional development services shall
30 be obtained from accredited institutions of higher learning,
31 organizations approved as continuing education providers by either
32 the American Speech-Language-Hearing Association or the
33 American Academy of Audiology, the California Medical
34 Association's Institute for Medical Quality Continuing Medical
35 Education Program, or other entities or organizations approved as
36 continuing professional development providers by the board, in
37 its discretion.

38 (2) No hours shall be credited for any course enrolled in by a
39 licensee that has not first been approved and certified by the board,

1 if the board has sufficient funding and staff resources to implement
2 the approval and certification process.

3 (3) The continuing professional development services offered
4 by these entities may, but are not required to, utilize pretesting and
5 posttesting or other evaluation techniques to measure and
6 demonstrate improved professional learning and competency.

7 (4) An accredited institution of higher learning, an organization
8 approved as continuing education providers by either the American
9 Speech-Language-Hearing Association or the American Academy
10 of Audiology, and the California Medical Association's Institute
11 for Medical Quality Continuing Education Program shall be exempt
12 from any application or registration fees that the board may charge
13 for continuing education providers.

14 (5) Unless a course offered by entities listed in paragraph (4)
15 meets the requirements established by the board, the course may
16 not be credited towards the continuing professional development
17 requirements for license renewal.

18 (6) The licensee shall be responsible for obtaining the required
19 course completion documents for courses offered by entities
20 specified in paragraph (1).

21 (f) The board, by regulation, shall fund the administration of
22 this section through professional development services provider
23 and licensing fees to be deposited in the Speech-Language
24 Pathology and Audiology and Hearing Aid Dispensers Fund. The
25 fees related to the administration of this section shall be sufficient
26 to meet, but shall not exceed, the costs of administering the
27 corresponding provisions of this section.

28 (g) The continuing professional development requirements
29 adopted by the board shall comply with any guidelines for
30 mandatory continuing education established by the Department of
31 Consumer Affairs.

32 SEC. 15. Section 2532.7 of the Business and Professions Code
33 is amended to read:

34 2532.7. (a) Upon approval of an application filed pursuant to
35 Section 2532.1, and upon payment of the fee prescribed by Section
36 2534.2, the board may issue a required professional experience
37 (RPE) temporary license for a period to be determined by the board
38 to an applicant who is obtaining the required professional
39 experience specified in subdivision (c) of Section 2532.2 or
40 paragraph (2) of subdivision (b) of Section 2532.25.

1 (b) Effective July 1, 2003, no person shall obtain the required
2 professional experience for licensure in either an exempt or
3 nonexempt setting, as defined in Section 2530.5, unless they are
4 licensed in accordance with this section or are completing the final
5 clinical externship of a board-approved audiology doctoral training
6 program in accordance with paragraph (2) of subdivision (b) of
7 Section 2532.25 in another state.

8 (c) A person who obtains an RPE temporary license outside the
9 State of California shall not be required to hold a temporary license
10 issued pursuant to subdivision (a) if the person is completing the
11 final clinical externship of an audiology doctoral training program
12 in accordance with paragraph (2) of subdivision (b) of Section
13 2532.25.

14 (d) Any experience obtained in violation of this act shall not be
15 approved by the board.

16 (e) An RPE temporary license shall terminate upon notice
17 thereof by certified mail, return receipt requested, if it is issued by
18 mistake or if the application for permanent licensure is denied.

19 (f) Upon written application, the board may reissue an RPE
20 temporary license for a period to be determined by the board to
21 an applicant who is obtaining the required professional experience
22 specified in subdivision (c) of Section 2532.2 or paragraph (2) of
23 subdivision (b) of Section 2532.25.

24 SEC. 16. Section 2536 of the Business and Professions Code
25 is amended to read:

26 2536. A speech-language pathology corporation or an audiology
27 corporation is a corporation which is authorized to render
28 professional services, as defined in Section 13401 of the
29 Corporations Code, so long as that corporation and its shareholders,
30 officers, directors, and employees rendering professional services
31 who are speech-language pathologists or audiologists are in
32 compliance with the Moscone-Knox Professional Corporation Act,
33 this article, and all other statutes and regulations now or hereafter
34 enacted or adopted pertaining to the corporation and the conduct
35 of its affairs.

36 With respect to a speech-language pathology corporation or an
37 audiology corporation, the governmental agency referred to in the
38 Moscone-Knox Professional Corporation Act is the
39 Speech-Language Pathology and Audiology and Hearing Aid
40 Dispensers Board.

1 SEC. 17. Section 6501 of the Business and Professions Code
2 is amended to read:

3 6501. As used in this chapter, the following terms have the
4 following meanings:

5 (a) "Act" means this chapter.

6 (b) "Bureau" means the Professional Fiduciaries Bureau within
7 the Department of Consumer Affairs, established pursuant to
8 Section 6510.

9 (c) "Client" means an individual who is served by a professional
10 fiduciary.

11 (d) "Department" means the Department of Consumer Affairs.

12 (e) "Licensee" means a person who is licensed under this chapter
13 as a professional fiduciary.

14 (f) (1) "Professional fiduciary" means either of the following:

15 (A) A person who acts as a guardian or conservator of the
16 person, the estate, or the person and estate, for two or more
17 individuals at the same time who are not related to the professional
18 fiduciary or to each other.

19 (B) A personal representative of a decedent's estate, as defined
20 in Section 58 of the Probate Code, for two or more individuals at
21 the same time who are not related to the professional fiduciary or
22 to each other.

23 (2) "Professional fiduciary" also means a person who acts as a
24 trustee, agent under a durable power of attorney for health care,
25 or agent under a durable power of attorney for finances, for four
26 or more individuals, at the same time.

27 In counting individuals under this paragraph to determine
28 whether a person is a professional fiduciary:

29 (A) Individuals who are related to the fiduciary shall not be
30 counted.

31 (B) All individuals who are related to each other shall be counted
32 as one individual.

33 (C) All trustors who are related to each other shall be counted
34 as one individual, and neither the number of trusts nor the number
35 of beneficiaries of those trusts shall be counted.

36 (D) "Professional fiduciary" also includes a person acting as a
37 professional fiduciary practice administrator, appointed pursuant
38 to Section 2469 or 9765 of the Probate Code.

39 (3) For purposes of this subdivision, "related" means related by
40 blood, adoption, marriage, or registered domestic partnership.

1 (4) “Professional fiduciary” does not include any of the
2 following:

3 (A) A trust company, as defined in Section 83 of the Probate
4 Code.

5 (B) An FDIC-insured institution, or its holding companies,
6 subsidiaries, or affiliates. For the purposes of this subparagraph,
7 “affiliate” means an entity that shares an ownership interest with,
8 or that is under the common control of, the FDIC-insured
9 institution.

10 (C) A public agency, including the public guardian, public
11 conservator, or other agency of the State of California or of a
12 county of California or a regional center for persons with
13 developmental disabilities, as defined in Section 4620 of the
14 Welfare and Institutions Code.

15 (D) A nonprofit corporation or charitable trust that is described
16 in Section 501(c)(3) of the Internal Revenue Code and that satisfies
17 all of the following requirements:

18 (i) Is an organization described in Section 509(a)(1), Section
19 509(a)(2), or Section 509(a)(3) of the Internal Revenue Code.

20 (ii) Has been in existence for at least five years.

21 (iii) Has total institutional funds as described in subdivision (e)
22 of Section 18502 of the Probate Code according to its most recent
23 audited financial statement with a value of at least two million
24 dollars (\$2,000,000) net of encumbrances.

25 (iv) Is acting as a trustee, incidental to the purposes for which
26 it was organized, of a trust that meets at least one of the following
27 conditions:

28 (I) It is a trust from which annual distributions are limited to
29 income, a sum certain, or a fixed percentage of the net fair market
30 value of the trust assets as described in Section 664(d) of the
31 Internal Revenue Code governing charitable remainder trusts.

32 (II) It is a trust from which annual distributions are limited to
33 a guaranteed annuity or a fixed percentage of the fair market value
34 of the property as described in Section 2055(e)(2)(B) or Section
35 2522(c)(2)(B) of the Internal Revenue Code.

36 (III) It is a trust from which annual distributions are limited to
37 income, including a pooled income fund from which annual
38 distributions are limited to income as described in Section 642(c)(5)
39 of the Internal Revenue Code governing pooled income funds.

(IV) It is a trust as to which the value of the charitable interest was presently ascertainable upon creation of the trust and deductible for federal gift, estate, or income tax purposes under the Internal Revenue Code as in effect prior to enactment of the federal Tax Reform Act of 1969 (Public Law 91-172).

(E) A person employed by, or acting as an agent on behalf of, an entity or agency described in subparagraph (A), (B), (C), or (D) who is acting within the course and scope of that employment or agency, and a public officer of an agency described in subparagraph (C) acting in the course and scope of official duties.

(F) A person whose sole activity as a professional fiduciary is as a broker-dealer, broker-dealer agent, investment adviser, or investment adviser representative registered and regulated under the Corporate Securities Law of 1968 (Division 1 (commencing with Section 25000) of Title 4 of the Corporations Code), the Investment Advisers Act of 1940 (15 U.S.C. Sec. 80b-1 et seq.), or the Securities Exchange Act of 1934 (15 U.S.C. Sec. 78a et seq.), or involves serving as a trustee to a company regulated by the Securities and Exchange Commission under the Investment Company Act of 1940 (15 U.S.C. Sec. 80a-1 et seq.).

(g) "Committee" means the Professional Fiduciaries Advisory Committee, as established pursuant to Section 6511.

SEC. 18. Section 6584 of the Business and Professions Code is amended to read:

6584. A license issued under this chapter may be suspended, revoked, denied, or other disciplinary action may be imposed for one or more of the following causes:

(a) Conviction of any felony or any misdemeanor, if the misdemeanor is substantially related to the functions and duties of a professional fiduciary. The record of conviction, or a certified copy thereof, is conclusive evidence of the conviction.

(b) Failure to notify the bureau of a conviction as required by paragraph (11) of subdivision (a) of Section 6561.

(c) Fraud or misrepresentation in obtaining a license.

(d) Fraud, dishonesty, corruption, willful violation of duty, gross negligence or incompetence in practice, or unprofessional conduct in, or related to, the practice of a professional fiduciary. For purposes of this section, unprofessional conduct includes, but is not limited to, acts contrary to professional standards concerning

1 any provision of law substantially related to the duties of a
2 professional fiduciary.

3 (e) Failure to comply with, or to pay a monetary sanction
4 imposed by, a court for failure to provide timely reports. The record
5 of the court order, or a certified copy thereof, is conclusive
6 evidence that the sanction was imposed.

7 (f) Failure to pay a civil penalty relating to the licensee's
8 professional fiduciary duties.

9 (g) The revocation of, suspension of, or other disciplinary action
10 against, any other professional license by the State of California
11 or by another state. A certified copy of the revocation, suspension,
12 or disciplinary action is conclusive evidence of that action.

13 (h) Violation of this chapter or of the applicable provisions of
14 Division 4 (commencing with Section 1400), Division 4.5
15 (commencing with Section 4000), Division 4.7 (commencing with
16 Section 4600), or Division 5 (commencing with Section 5000) of
17 the Probate Code or of any of the statutes, rules, or regulations
18 pertaining to duties or functions of a professional fiduciary.

19 SEC. 19. Section 7076.5 of the Business and Professions Code
20 is amended to read:

21 7076.5. (a) A contractor may inactivate their license by
22 submitting a form prescribed by the registrar accompanied by the
23 current active license certificate. When the current license
24 certificate has been lost, the licensee shall pay the fee prescribed
25 by law to replace the license certificate. Upon receipt of an
26 acceptable application to inactivate, the registrar shall issue an
27 inactive license certificate to the contractor. The holder of an
28 inactive license shall not be entitled to practice as a contractor until
29 their license is reactivated.

30 (b) Any licensed contractor who is not engaged in work or
31 activities which require a contractor's license may apply for an
32 inactive license.

33 (c) Inactive licenses shall be valid for a period of four years
34 from their due date.

35 (d) During the period that an existing license is inactive, no
36 bonding requirement pursuant to Section 7071.6, 7071.8, or 7071.9,
37 qualifier requirement pursuant to Section 7068, or workers'
38 compensation requirements pursuant to Section 7125 shall apply.
39 An applicant for licensure having met the qualifications for

1 issuance may request that the license be issued inactive unless the
2 applicant is subject to the provisions of Section 7071.8.

3 (e) The board shall not refund any of the renewal fee which a
4 licensee may have paid prior to the inactivation of their license.

5 (f) An inactive license shall be renewed on each established
6 renewal date by submitting the renewal application and paying the
7 inactive renewal fee.

8 (g) An inactive license may be reactivated by submitting an
9 application acceptable to the registrar, by paying the full renewal
10 fee for an active license and by fulfilling all other requirements of
11 this chapter. No examination shall be required to reactivate an
12 inactive license.

13 (h) The inactive status of a license shall not bar any disciplinary
14 action by the board against a licensee for any of the causes stated
15 in this chapter.

16 SEC. 20. Section 7137 of the Business and Professions Code
17 is amended to read:

18 7137. (a) The board may set fees by regulation. These fees
19 shall be set according to the following schedule:

20 (1) Application fees shall be set as follows:

21 (A) The application fee for an original license in a single
22 classification shall be four hundred fifty dollars (\$450) and may
23 be increased to not more than five hundred sixty-three dollars
24 (\$563).

25 (B) The application fee for each additional classification applied
26 for in connection with an original license shall be one hundred
27 fifty dollars (\$150) and may be increased to not more than one
28 hundred eighty-eight dollars (\$188).

29 (C) The application fee for each additional classification
30 pursuant to Section 7059 shall be two hundred thirty dollars (\$230)
31 and may be increased to not more than two hundred eighty-eight
32 dollars (\$288).

33 (D) The application fee to replace a responsible managing
34 officer, responsible managing manager, responsible managing
35 member, or responsible managing employee pursuant to Section
36 7068.2 shall be two hundred thirty dollars (\$230) and may be
37 increased to not more than two hundred eighty-eight dollars (\$288).

38 (E) The application fee to add personnel, other than a qualifying
39 individual, to an existing license shall be one hundred twenty-five

1 dollars (\$125) and may be increased to not more than one hundred
2 fifty-seven dollars (\$157).

3 (F) The application fee for an asbestos certification shall be one
4 hundred twenty-five dollars (\$125) and may be increased to not
5 more than one hundred fifty-seven dollars (\$157).

6 (G) The application fee for a hazardous substance removal or
7 remedial action certification shall be one hundred twenty-five
8 dollars (\$125) and may be increased to not more than one hundred
9 fifty-seven dollars (\$157).

10 (2) The fee to take an examination conducted or administered
11 by a public or private organization pursuant to Section 7065 shall
12 be no greater than the actual cost of the administration of the
13 examination and shall be paid directly to the organization by the
14 applicant.

15 (3) Initial license and registration fees shall be set as follows:

16 (A) The initial license fee for an active or inactive license for
17 an individual owner shall be two hundred dollars (\$200) and may
18 be increased to not more than two hundred fifty dollars (\$250).

19 (B) The initial license fee for an active or inactive license for a
20 partnership, corporation, limited liability company, or joint venture
21 shall be three hundred fifty dollars (\$350) and may be increased
22 to not more than four hundred thirty-eight dollars (\$438).

23 (C) The registration fee for a home improvement salesperson
24 shall be two hundred dollars (\$200) and may be increased to not
25 more than two hundred fifty dollars (\$250).

26 (D) (i) The board shall grant a 50-percent reduction in the fees
27 prescribed by this paragraph to an applicant who is a veteran of
28 the United States Armed Forces, including the National Guard or
29 Reserve components, and was not dishonorably discharged.

30 (ii) To demonstrate discharge grade at the time of the board's
31 request for the initial license or registration fee, the applicant shall
32 provide the board a copy of a current and valid driver's license or
33 identification card issued by this state or another state with the
34 word "Veteran" printed on its face or a copy of their DD214 long
35 form.

36 (4) License and registration renewal fees shall be set as follows:

37 (A) The renewal fee for an active license for an individual owner
38 shall be four hundred fifty dollars (\$450) and may be increased to
39 not more than five hundred sixty-three dollars (\$563).

1 (B) The renewal fee for an inactive license for an individual
2 owner shall be three hundred dollars (\$300) and may be increased
3 to not more than three hundred seventy-five dollars (\$375).

4 (C) The renewal fee for an active license for a partnership,
5 corporation, limited liability company, or joint venture shall be
6 seven hundred dollars (\$700) and may be increased to not more
7 than eight hundred seventy-five dollars (\$875).

8 (D) The renewal fee for an inactive license for a partnership,
9 corporation, limited liability company, or joint venture shall be
10 five hundred dollars (\$500) and may be increased to not more than
11 six hundred twenty-five dollars (\$625).

12 (E) The renewal fee for a home improvement salesperson
13 registration shall be two hundred dollars (\$200) and may be
14 increased to not more than two hundred fifty dollars (\$250).

15 (5) The delinquency fee is an amount equal to 50 percent of the
16 renewal fee, if the license is renewed after its expiration.

17 (6) Miscellaneous fees shall be set as follows:

18 (A) In addition to any other fees charged to C-10 contractors,
19 the board shall charge a fee of twenty dollars (\$20), to be assessed
20 with the renewal fee for an active license, which shall be used by
21 the board to enforce provisions of the Labor Code related to
22 electrician certification.

23 (B) The board shall require a licensee that is subject to a public
24 complaint requiring a professional or expert investigation or
25 inspection and report pursuant to Section 7019 to pay those
26 reasonable fees that are necessary to cover the costs of that
27 investigation or inspection and report, in accordance with the
28 following provisions:

29 (i) Fees shall be fixed in an amount not more than the board's
30 cost of contracting for the investigation or inspection and report,
31 except that the minimum fee shall be one hundred dollars (\$100)
32 for each investigation or inspection and report and may be
33 increased to not more than one thousand dollars (\$1,000) for each
34 investigation or inspection and report.

35 (ii) The fee shall only be assessed for an investigation or
36 inspection and report that resulted in issuance of a letter of
37 admonishment or a citation pursuant to Sections 7099 and 7099.9
38 that has become a final order of the registrar.

1 (iii) A license shall not be renewed without payment of the
2 renewal fee and all fees for the investigation or inspection and
3 report pursuant to this subparagraph.

4 (C) The service fee to deposit with the registrar lawful money
5 or cashier's check pursuant to paragraph (1) of subdivision (a) of
6 Section 995.710 of the Code of Civil Procedure for purposes of
7 compliance with any provision of Article 5 (commencing with
8 Section 7065) shall be one hundred dollars (\$100), which shall be
9 used by the board only to process each deposit filed with the
10 registrar, to cover the reasonable costs to the registrar for holding
11 money or cashier's checks in trust in interest bearing deposit or
12 share accounts, and to offset the costs of processing payment of
13 lawful claims against a deposit in a civil action.

14 (D) The fee for the processing and issuance of a duplicate copy
15 of any certificate of licensure or other form evidencing licensure
16 or renewal of licensure pursuant to Section 122 shall be twenty-five
17 dollars (\$25).

18 (E) The fee to change the business name of a license as it is
19 recorded under this chapter shall be one hundred dollars (\$100)
20 and may be increased to not more than one hundred twenty-five
21 dollars (\$125).

22 (F) The service charge for a dishonored check authorized by
23 Section 6157 of the Government Code shall be twenty-five dollars
24 (\$25) for each check.

25 (b) The board shall, by regulation, establish criteria for the
26 approval of expedited processing of applications. Approved
27 expedited processing of applications for licensure or registration,
28 as required by other provisions of law, shall not be subject to this
29 subdivision.

30 SEC. 21. Section 7152 of the Business and Professions Code
31 is amended to read:

32 7152. (a) "Home improvement salesperson" is a person who
33 is registered under this chapter and engaged in the business of
34 soliciting, selling, negotiating, or executing contracts for home
35 improvements, for the sale, installation, or furnishing of home
36 improvement goods or services, or of swimming pools, spas, or
37 hot tubs on behalf of a home improvement contractor licensed
38 under this chapter.

1 (b) A home improvement salesperson shall register with the
2 board in order to engage in the business of, or act in the capacity
3 of, a home improvement salesperson.

4 (c) Subject to the provisions of Section 7154, a home
5 improvement salesperson may be employed by one, or more than
6 one, home improvement contractor. However, prior to engaging
7 in any activity described in subdivision (a) of this section, a home
8 improvement salesperson shall identify to the owner or tenant the
9 business name and license number of the contractor they are
10 representing for the purposes of that transaction. Failure to do so
11 is a cause of disciplinary action within the meaning of Section
12 7155.

13 (d) The following shall not be required to be registered as home
14 improvement salespersons:

15 (1) An officer of record of a corporation licensed pursuant to
16 this chapter, or a manager, member, or officer of record of a limited
17 liability company licensed pursuant to this chapter.

18 (2) A general partner listed on the license record of a partnership
19 licensed pursuant to this chapter.

20 (3) A qualifying person, as defined in Section 7025.

21 (4) A salesperson whose sales are all made pursuant to
22 negotiations between the parties if the negotiations are initiated
23 by the prospective buyer at or with a general merchandise retail
24 establishment that operates from a fixed location where goods or
25 services are offered for sale.

26 (5) A person who contacts the prospective buyer for the
27 exclusive purpose of scheduling appointments for a registered
28 home improvement salesperson.

29 (6) A bona fide service repairperson who is in the employ of a
30 licensed contractor and whose repair or service call is limited to
31 the service, repair, or emergency repair initially requested by the
32 buyer of the service.

33 (e) The exemption to registration provided under paragraphs
34 (1), (2), and (3) of subdivision (d) shall apply only to those
35 individuals who, at the time of the sales transaction, are listed as
36 personnel of record for the licensee responsible for soliciting,
37 negotiating, or contracting for a service or improvement that is
38 subject to regulation under this article.

39 SEC. 22. Section 7524 of the Business and Professions Code
40 is amended to read:

1 7524. (a) Every agreement to provide a service regulated by
2 this chapter, including, but not limited to, contract agreements and
3 investigative agreements, shall be in writing. An initial client
4 service agreement shall contain, but not be limited to, the
5 following:

6 (1) The licensed private investigator's name, business address,
7 business telephone number, and license number.

8 (2) A disclosure that private investigators are licensed and
9 regulated by the Bureau of Security and Investigative Services
10 within the Department of Consumer Affairs.

11 (3) Approximate start and completion dates of the work to be
12 provided.

13 (4) A description of the scope of the investigation or services
14 to be provided. An agreement shall indicate whether or not a
15 written report is to be provided to the client and the agreed upon
16 method of delivery of that written report, as applicable.

17 (5) All labor, services, and materials to be provided for the scope
18 of work conducted by the private investigator.

19 (6) An explanation of the fees agreed upon by the parties,
20 including a breakdown of how the fees are assessed by the licensee.

21 (7) Any other matters agreed upon by the parties.

22 (b) Any amendment, addendum, or other modification to an
23 initial client service agreement shall be in writing and is subject
24 to the requirements of this section. An amendment, addendum, or
25 other modification shall include a description of the changes to
26 the scope of work, start and completion dates, method of delivery,
27 fees to be charged, and other matters agreed upon in the initial
28 client service agreement, as applicable.

29 (c) (1) The initial client service agreement and any amendment,
30 addendum, or other modification to the agreement shall be legible
31 and clearly indicate any other document incorporated into it.

32 (2) Before any work commences, the client shall receive a signed
33 copy of the written initial client service agreement and any
34 amendment, addendum, or other modification to the agreement
35 that was agreed to before commencement of the work.

36 (3) Services detailed under the scope of work shall not be
37 performed and charges shall not accrue before written authorization
38 to proceed is obtained from the client.

39 (d) Upon completion of the investigation, any written report,
40 as agreed upon by all parties and indicated in the agreement, shall

1 be provided to the client within 30 days from the completion date
2 and in accordance with the agreed upon delivery method.

3 (e) The licensee shall maintain a legible copy of the signed
4 agreement and investigative findings, including any written report,
5 for a minimum of two years. These records shall be made available
6 for inspection by the bureau upon demand. Making these records
7 available for inspection by the bureau shall not violate, waive, or
8 extinguish the lawyer-client privilege under Article 3 (commencing
9 with Section 950) of Chapter 4 of Division 8 of the Evidence Code,
10 the attorney work product doctrine as restated in Chapter 4
11 (commencing with Section 2018.010) of Title 4 of Part 4 of the
12 Code of Civil Procedure, the duty to maintain the confidence and
13 preserve the secrets of an attorney's client under subdivision (e)
14 of Section 6068, or the protections of any other rule or law related
15 to attorney work product or the attorney-client privilege.

16 (f) This section shall become operative on July 1, 2025.

17 SEC. 23. Section 8027 of the Business and Professions Code
18 is amended to read:

19 8027. (a) As used in this section, "school" means a court
20 reporter training program or an institution that provides a course
21 of instruction approved by the board and the Bureau for Private
22 Postsecondary Education, is a public school in this state, or is
23 accredited by the Western Association of Schools and Colleges.

24 (b) A court reporting school shall be primarily organized to train
25 students for the practice of shorthand reporting, as defined in
26 Sections 8016 and 8017. Its educational program shall be on the
27 postsecondary or collegiate level. It shall be legally organized and
28 authorized to conduct its program under all applicable laws of the
29 state, and shall conform to and offer all components of the
30 minimum prescribed course of study established by the board. Its
31 records shall be kept and shall be maintained in a manner to render
32 them safe from theft, fire, or other loss. The records shall indicate
33 positive daily and clock-hour attendance of each student for all
34 classes, apprenticeship and graduation reports, high school
35 transcripts or the equivalent or self-certification of high school
36 graduation or the equivalent, transcripts of other education, and
37 student progress to date, including all progress and counseling
38 reports.

39 (c) Any school intending to offer a program in court reporting
40 shall notify the board within 30 days of the date on which it

1 provides notice to, or seeks approval from, the State Department
2 of Education, the Bureau for Private Postsecondary Education, the
3 Office of the Chancellor of the California Community Colleges,
4 or the Western Association of Schools and Colleges, whichever
5 is applicable. The board shall review the proposed curriculum and
6 provide the school tentative approval, or notice of denial, within
7 60 days of receipt of the notice. The school shall apply for
8 provisional recognition pursuant to subdivision (d) within no more
9 than one year from the date it begins offering court reporting
10 classes.

11 (d) The board may grant provisional recognition to a new court
12 reporting school upon satisfactory evidence that it has met all of
13 the provisions of subdivision (b) and this subdivision. Recognition
14 may be granted by the board to a provisionally recognized school
15 after it has been in continuous operation for a period of no less
16 than three consecutive years from the date provisional recognition
17 was granted, during which period the school shall provide
18 satisfactory evidence that at least one person has successfully
19 completed the entire course of study established by the board and
20 complied with the provisions of Section 8020, and has been issued
21 a certificate to practice shorthand reporting as defined in Sections
22 8016 and 8017. The board may, for good cause shown, extend the
23 three-year provisional recognition period for not more than one
24 year. Failure to meet the provisions and terms of this section shall
25 require the board to deny recognition. Once granted, recognition
26 may be withdrawn by the board for failure to comply with all
27 applicable laws and regulations.

28 (e) Application for recognition of a court reporting school shall
29 be made upon a form prescribed by the board and shall be
30 accompanied by all evidence, statements, or documents requested.
31 Each branch, extension center, or off-campus facility requires
32 separate application.

33 (f) All recognized and provisionally recognized court reporting
34 schools shall notify the board of any change in school name,
35 address, telephone number, responsible court reporting program
36 manager, owner of private schools, and the effective date thereof,
37 within 30 days of the change. All of these notifications shall be
38 made in writing.

39 (g) A school shall notify the board in writing immediately of
40 the discontinuance or pending discontinuance of its court reporting

1 program or any of the program's components. Within two years
2 of the date this notice is sent to the board, the school shall
3 discontinue its court reporting program in its entirety. The board
4 may, for good cause shown, grant not more than two one-year
5 extensions of this period to a school. If a student is to be enrolled
6 after this notice is sent to the board, a school shall disclose to the
7 student the fact of the discontinuance or pending discontinuance
8 of its court reporting program or any of its program components.

9 (h) The board shall maintain a roster of currently recognized
10 and provisionally recognized court reporting schools, including,
11 but not limited to, the name, address, telephone number, and the
12 name of the responsible court reporting program manager of each
13 school.

14 (i) The board shall maintain statistics that display the number
15 and passing percentage of all first-time examinees, including, but
16 not limited to, those qualified by each recognized or provisionally
17 recognized school and those first-time examinees qualified by
18 other methods as defined in Section 8020.

19 (j) Inspections and investigations shall be conducted by the
20 board as necessary to carry out this section, including, but not
21 limited to, unannounced site visits.

22 (k) All recognized and provisionally recognized schools shall
23 print in their school or course catalog the name, address, and
24 telephone number of the board. At a minimum, the information
25 shall be in 8-point bold type and include the following statement:

26
27 "IN ORDER FOR A PERSON TO QUALIFY FROM A
28 SCHOOL TO TAKE THE STATE LICENSING EXAMINATION,
29 THE PERSON SHALL COMPLETE A PROGRAM AT A
30 RECOGNIZED SCHOOL. FOR INFORMATION CONCERNING
31 THE MINIMUM REQUIREMENTS THAT A COURT
32 REPORTING PROGRAM MUST MEET IN ORDER TO BE
33 RECOGNIZED, CONTACT: THE COURT REPORTERS
34 BOARD OF CALIFORNIA; (ADDRESS); (TELEPHONE
35 NUMBER)."

36
37 (l) Each court reporting school shall file with the board, not
38 later than June 30 of each year, a current school catalog that shows
39 all course offerings and staff, and for private schools, the owner,
40 except that where there have been no changes to the catalog within

1 the previous year, no catalog need be sent. In addition, each school
2 shall also file with the board a statement certifying whether the
3 school is in compliance with all statutes and the rules and
4 regulations of the board, signed by the responsible court reporting
5 program manager.

6 (m) A school offering court reporting shall not make any written
7 or verbal claims of employment opportunities or potential earnings
8 unless those claims are based on verified data and reflect current
9 employment conditions.

10 (n) If a school offers a course of instruction that exceeds the
11 board's minimum requirements, the school shall disclose orally
12 and in writing the board's minimum requirements and how the
13 course of instruction differs from those criteria. The school shall
14 make this disclosure before a prospective student executes an
15 agreement obligating that person to pay any money to the school
16 for the course of instruction. The school shall also make this
17 disclosure to all students enrolled on January 1, 2002.

18 (o) Private and public schools shall provide each prospective
19 student with all of the following and have the prospective student
20 sign a document that shall become part of that individual's
21 permanent record, acknowledging receipt of each item:

22 (1) A student consumer information brochure published by the
23 board.

24 (2) A list of the school's graduation requirements, including the
25 number of tests, the pass point of each test, the speed of each test,
26 and the type of test, such as jury charge or literary.

27 (3) A list of requirements to qualify for the state-certified
28 shorthand reporter licensing examination, including the number
29 of tests, the pass point of each test, the speed of each test, and the
30 type of test, such as jury charge or literary, if different than those
31 requirements listed in paragraph (2).

32 (4) A copy of the school's board-approved benchmarks for
33 satisfactory progress as identified in subdivision (u).

34 (5) A report showing the number of students from the school
35 who qualified for each of the certified shorthand reporter licensing
36 examinations within the preceding two years, the number of those
37 students that passed each examination, the time, as of the date of
38 qualification, that each student was enrolled in court reporting
39 school, and the placement rate for all students that passed each
40 examination.

1 (6) On and after January 1, 2005, the school shall also provide
2 to prospective students the number of hours each currently enrolled
3 student who has qualified to take the next licensing test, exclusive
4 of transfer students, has attended court reporting classes.

5 (p) All enrolled students shall have the information in
6 subdivisions (n) and (o) on file no later than June 30, 2005.

7 (q) Public schools shall provide the information in subdivisions
8 (n) and (o) to each new student the first day they attend theory or
9 machine speed class, if it was not provided previously.

10 (r) Each enrolled student shall be provided written notification
11 of any change in qualification or graduation requirements that is
12 being implemented due to the requirements of any one of the
13 school's oversight agencies. This notice shall be provided to each
14 affected student at least 30 days before the effective date of the
15 change and shall state the new requirement and the name, address,
16 and telephone number of the agency that is requiring it of the
17 school. Each student shall initial and date a document
18 acknowledging receipt of that information and that document, or
19 a copy thereof, shall be made part of the student's permanent file.

20 (s) Schools shall make available a comprehensive final
21 examination in each academic subject to any student desiring to
22 challenge an academic class in order to obtain credit towards
23 certification for the state licensing examination. The points required
24 to pass a challenge examination shall not be higher than the
25 minimum points required of other students completing the
26 academic class.

27 (t) An individual serving as a teacher, instructor, or reader shall
28 meet the qualifications specified by regulation for their position.

29 (u) Each school shall provide a substitute teacher or instructor
30 for any class for which the teacher or instructor is absent for two
31 consecutive days or more.

32 (v) The board has the authority to approve or disapprove
33 benchmarks for satisfactory progress which each school shall
34 develop for its court reporting program. Schools shall use only
35 board-approved benchmarks to comply with the provisions of
36 paragraph (4) of subdivision (o) and subdivision (u).

37 (w) Each school shall counsel each student a minimum of one
38 time within each 12-month period to identify the level of attendance
39 and progress, and the prognosis for completing the requirements
40 to become eligible to sit for the state licensing examination. If the

1 student has not progressed in accordance with the board-approved
2 benchmarks for that school, the student shall be counseled a
3 minimum of one additional time within that same 12-month period.

4 (x) The school shall provide to the board, for each student
5 qualifying through the school as eligible to sit for the state licensing
6 examination, the number of hours the student attended court
7 reporting classes, both academic and machine speed classes,
8 including theory.

9 (y) The pass rate of first-time examination takers for each school
10 offering court reporting shall meet or exceed the average pass rate
11 of all first-time test takers for a majority of examinations given
12 for the preceding three years. Failure to do so shall require the
13 board to conduct a review of the program. In addition, the board
14 may place the school on probation and may withdraw recognition
15 if the school continues to place below the above-described standard
16 on the two examinations that follow the three-year period.

17 (z) A school shall not require more than one 10-minute
18 qualifying examination, as defined in the regulations of the board,
19 for a student to be eligible to sit for the state certification
20 examination.

21 (aa) A school shall provide the board the actual number of hours
22 of attendance for each applicant the school qualifies for the state
23 licensing examination.

24 (ab) The board shall, by December 1, 2001, do the following
25 by regulation as necessary:

26 (1) Establish the format that shall be used by schools to report
27 tracking of all attendance hours and actual timeframes for
28 completed coursework.

29 (2) Require schools to provide a minimum of 10 hours of live
30 dictation class each school week for every full-time student.

31 (3) Require schools to provide students with the opportunity to
32 read back from their stenographic notes a minimum of one time
33 each day to their instructor.

34 (4) Require schools to provide students with the opportunity to
35 practice with a school-approved speed-building audio recording,
36 or other assigned material, a minimum of one hour per day after
37 school hours as a homework assignment and provide the notes
38 from this audio recording to their instructor the following day for
39 review.

(5) Develop standardization of policies on the use and administration of qualifier examinations by schools.

(6) Define qualifier examination as follows: the qualifier examination shall consist of 4-voice testimony of 10-minute duration at 200 words per minute, graded at 95 percent accuracy, and in accordance with the guidelines followed by the board. Schools shall be required to date and number each qualifier and announce the date and number to the students at the time of administering the qualifier. All qualifiers shall indicate the actual dictation time of the test and the school shall catalog and maintain the qualifier for a period of not less than three years for the purpose of inspection by the board.

(7) Require schools to develop a program to provide students with the opportunity to interact with professional court reporters to provide skill support, mentoring, or counseling that they can document at least quarterly.

(8) Define qualifications and educational requirements required of instructors and readers that read test material and qualifiers.

(ac) The board shall adopt regulations to implement the requirements of this section not later than September 1, 2002.

(ad) The board may recover costs for any additional expenses incurred under the enactment amending this section in the 2001–02 Regular Session of the Legislature pursuant to its fee authority in Section 8031.

SEC. 24. Section 8764.5 of the Business and Professions Code is amended to read:

8764.5. Statements shall appear on the map as follows:

Surveyor's Statement

This map correctly represents a survey made by me or under my direction in conformance with the requirements of the Professional Land Surveyors' Act

at the request of _____

Name of Person Authorizing Survey

in _____, 20__.

(Signed and sealed) _____(Date) _____

L.S. (or R.C.E.) No. _____

County Surveyor's Statement

This map has been examined in accordance with Section 8766 of the Professional Land Surveyors' Act this ____ day of ____, 20__.

(Signed and sealed) _____

County Surveyor

L.S. (or R.C.E.) No. _____

Recorder's Statement

Filed this ____ day of ____, 20__, at ____m. in Book ____ of ____ at page ____, at the request of ____.

(Signed) _____

County Recorder

No other statements may appear on the face of the map except those required or authorized by this article.

SEC. 25. Section 9889.1 of the Business and Professions Code is amended to read:

9889.1. Any license issued pursuant to Article 6.5 (commencing with Section 9888.5) may be suspended or revoked by the director. The director may refuse to issue a license to any applicant for the reasons set forth in Section 9889.2. The proceedings under this article shall be conducted in accordance with Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code, and the director shall have all the powers granted therein.

SEC. 26. Section 9889.2 of the Business and Professions Code is amended to read:

9889.2. The director may deny a license if the applicant or any partner, officer, or director thereof:

(a) Fails to meet the qualifications established by the bureau pursuant to Article 6.5 (commencing with Section 9888.5) for the issuance of the license applied for.

(b) Was previously the holder of a license issued under this chapter which license has been revoked and never reissued or

1 which license was suspended and the terms of the suspension have
2 not been fulfilled.

3 (c) Has committed any act which, if committed by any licensee,
4 would be grounds for the suspension or revocation of a license
5 issued pursuant to this chapter.

6 (d) Has committed any act involving dishonesty, fraud, or deceit
7 whereby another is injured or whereby the applicant has benefited.

8 (e) Has acted in the capacity of a licensed person or firm under
9 this chapter without having a license therefor.

10 (f) Has entered a plea of guilty or nolo contendere to, or been
11 found guilty of, or been convicted of a crime substantially related
12 to the qualifications, functions and duties of the license holder in
13 question, and the time for appeal has elapsed or the judgment of
14 conviction has been affirmed on appeal, irrespective of an order
15 granting probation following such conviction, suspending the
16 imposition of sentence, or of a subsequent order under the
17 provisions of Section 1203.4 of the Penal Code allowing such
18 person to withdraw their plea of guilty and to enter a plea of not
19 guilty, or setting aside the plea or verdict of guilty, or dismissing
20 the accusation or information.

21 SEC. 27. Section 9889.9 of the Business and Professions Code
22 is amended to read:

23 9889.9. When any license has been revoked or suspended
24 following a hearing under the provisions of this article, any
25 additional license issued under Article 6.5 (commencing with
26 Section 9888.5) in the name of the licensee may be likewise
27 revoked or suspended by the director.

28 SEC. 28. Section 12107 of the Business and Professions Code
29 is amended to read:

30 12107. The secretary shall establish tolerances and
31 specifications and other technical requirements for commercial
32 weighing and measuring. In doing so, the secretary shall adopt,
33 by reference, the latest standards as recommended by the National
34 Council on Weights and Measures and published in the National
35 Institute of Standards and Technology Handbook 44
36 "Specifications, Tolerances, and Other Technical Requirements
37 for Weighing and Measuring Devices," except as specifically
38 modified, amended, or rejected by regulation adopted by the
39 secretary.

1 The secretary may, by regulation, establish tolerances and
2 specifications for commercial weighing and measuring devices
3 not included in Handbook 44.

4 Any regulation shall be adopted, amended, or repealed in
5 conformity with Chapter 3.5 (commencing with Section 11340)
6 of Part 1 of Division 3 of Title 2 of the Government Code.

7 It shall be unlawful for any person to violate any of the rules,
8 regulations, tolerances, specifications, or standards established
9 under this section.

10 SEC. 29. Section 12211 of the Business and Professions Code
11 is amended to read:

12 12211. Each sealer shall, from time to time, weigh or measure
13 packages, containers, or amounts of commodities sold, or in the
14 process of delivery, in order to determine whether they contain
15 the quantity or amount represented and whether they are being
16 sold in accordance with law.

17 The secretary shall adopt necessary regulations governing the
18 procedures to be followed by sealers in connection with the
19 weighing or measuring of amounts of commodities in individual
20 packages, containers, or lots of packages or containers, including
21 the procedures for sampling a lot, and for determining whether
22 any package, container, or a lot of packages or containers complies
23 with this section.

24 In adopting those regulations, the secretary shall adopt by
25 reference the package checking procedures recommended by the
26 National Council on Weights and Measures and published in the
27 current edition of the National Institute of Standards and
28 Technology Handbook 133, "Checking the Net Contents of
29 Packaged Goods," and any subsequent amendments thereto, except
30 insofar as those requirements are specifically modified, amended,
31 or rejected by a regulation adopted by the secretary.

32 Any lot, package, or container of any commodity that conforms
33 to this section shall be deemed to be in conformity with this
34 division relating to stated net weights or measures.

35 Whenever a lot, package, or container of any commodity is found
36 to contain, through the procedures authorized in this section, a less
37 amount than that represented, the sealer shall order, in writing,
38 that lot, package, or container of commodity off sale and require
39 that an accurate statement of quantity be placed on each package
40 or container before it may be released for sale by the sealer in

1 writing. The sealer may seize as evidence any package or container
2 that is found to contain a less amount than that represented.

3 SEC. 30. Section 12500.8 of the Business and Professions
4 Code is amended to read:

5 12500.8. The secretary may enter into an agreement with the
6 National Type Evaluation Program, a certification program of the
7 National Council on Weights and Measures, and other weights
8 and measures jurisdictions, to accept the certifications of each
9 other for prototype examination purposes.

10 SEC. 31. Section 12609 of the Business and Professions Code
11 is amended to read:

12 12609. The secretary shall adopt necessary regulations to carry
13 out the purpose of this division and for the testing of packages to
14 verify the net quantity statements. In adopting these regulations,
15 the secretary shall adopt by reference the packaging and labeling
16 requirements recommended by the National Council on Weights
17 and Measures and published in the current edition of the National
18 Institute of Standards and Technology Handbook 130, Uniform
19 Packaging and Labeling Regulations, except insofar as those
20 requirements are specifically modified, amended, or rejected by
21 regulation by the secretary. The regulations shall include
22 exemptions from full compliance with this chapter for good and
23 sufficient reasons. Any exemptions affecting consumer
24 commodities shall be in conformance with exemptions permitted
25 by federal regulations. Any regulation, or amendment thereof,
26 shall be adopted by the secretary in conformity with Chapter 3.5
27 (commencing with Section 11340) of Part 1 of Division 3 of Title
28 2 of the Government Code.

29 SEC. 32. Section 13404.5 of the Business and Professions
30 Code is amended to read:

31 13404.5. The secretary shall establish the method of sale of
32 motor vehicle fuels and lubricants sold at retail to the public. In
33 doing so, the secretary shall adopt, by reference, the latest method
34 of sale for motor vehicle fuels and lubricants adopted by the
35 National Council on Weights and Measures and published in the
36 National Institute of Standards and Technology Handbook 130
37 "Uniform Laws and Regulations in the Areas of Legal Metrology
38 and Fuel Quality," except as specifically provided by the
39 Legislature or modified, amended, or rejected by regulations
40 adopted by the secretary. In the absence of national standards, the

1 secretary may adopt interim standards of method of sale until the
2 time when the standards are adopted by the National Council on
3 Weights and Measures and published by the National Institute of
4 Standards and Technology.

5 SEC. 33. Section 13711 of the Business and Professions Code
6 is amended to read:

7 13711. (a) An engine coolant or antifreeze is mislabeled if
8 any of the following occurs:

9 (1) The container does not bear a label on which is printed the
10 brand name, principal ingredient, intended application of the
11 coolant or antifreeze, name and place of business of the
12 manufacturer, packer, seller, or distributor, and an accurate
13 statement of the quantity of the contents in terms of liquid measure.

14 (2) The container does not bear a chart on the label showing
15 appropriate amounts of engine coolant or antifreeze and water in
16 terms of liquid measure to be used to provide protection from
17 freezing at temperatures to at least 30 degrees below zero
18 Fahrenheit.

19 (3) The container does not bear a statement on the label showing
20 the boiling point of a 50 percent by volume mixture of engine
21 coolant or antifreeze and water in degrees Fahrenheit.

22 (4) The container is one quart or less and does not bear a label
23 on which is printed the words "engine coolant" or "antifreeze" in
24 letters at least $\frac{1}{8}$ inch high on the principal display panel. The
25 container is greater than one quart and does not bear a label on
26 which is printed the words "engine coolant" or "antifreeze" in
27 letters at least $\frac{1}{4}$ inch high on the principal display panel.

28 (5) The principal ingredient is propylene glycol or glycerin and
29 the container does not bear a statement on the label not to use an
30 ethylene glycol hydrometer concentration tester for propylene
31 glycol or glycerin coolants.

32 (6) The container and carton do not bear a lot or batch number
33 on the label identifying the container lot and date of packaging.

34 (b) A prediluted engine coolant or prediluted antifreeze is
35 mislabeled if any of the following occurs:

36 (1) The container does not bear a label on which is printed the
37 brand name, principal ingredient, intended application of the
38 coolant or antifreeze, name and place of business of the
39 manufacturer, packer, seller, or distributor, and an accurate
40 statement of the quantity of the contents in terms of liquid measure.

1 (2) The container does not bear a statement on the label showing
2 the protection from freezing in degrees Fahrenheit.

3 (3) The container does not bear a statement on the label showing
4 the boiling point in degrees Fahrenheit.

5 (4) The container is one quart or less and does not bear a label
6 on which is printed the words "prediluted engine coolant" or
7 "prediluted antifreeze" in letters at least $\frac{1}{8}$ inch high on the
8 principal display panel. The container is greater than one quart
9 and does not bear a label on which is printed the words "prediluted
10 engine coolant" or "prediluted antifreeze" in letters at least $\frac{1}{4}$ inch
11 high on the principal display panel.

12 (5) The container is one quart or less and does not bear a label
13 on which is printed the words "DO NOT ADD WATER" in letters
14 at least $\frac{1}{8}$ inch high. The container is greater than one quart and
15 does not bear a label on which is printed the words "DO NOT
16 ADD WATER" in letters at least $\frac{1}{4}$ inch high.

17 (6) The principal ingredient is propylene glycol or glycerin and
18 the container does not bear a statement on the label not to use an
19 ethylene glycol hydrometer concentration tester for propylene
20 glycol or glycerin coolants.

21 (7) The container and carton do not bear a lot or batch number
22 on the label identifying the container lot and date of packaging.

23 (c) "Transmission fluid" is mislabeled if any of the following
24 occurs:

25 (1) The container does not bear a label on which is printed the
26 brand name, the name and place of business of the manufacturer,
27 packer, seller, or distributor, the words "Transmission Fluid," and
28 the duty type classification.

29 (2) The container does not bear a label on which is printed an
30 accurate statement of the quantity of the contents in terms of liquid
31 measure.

32 (3) The labeling on the container is false or misleading.

33 (4) The container and carton do not bear information that
34 identifies the container lot or batch.

35 (d) Brake fluid is mislabeled if any of the following occurs:

36 (1) The container does not bear a label that conforms to the
37 requirements of the National Highway Traffic Safety
38 Administration, United States Department of Transportation, and
39 upon which is printed the brand name.

1 (2) The container does not bear an accurate statement on the
2 label of the quantity of the contents in terms of liquid measure.

3 (3) The labeling on the container is false or misleading.

4 (e) The secretary shall establish the method of sale of diesel
5 exhaust fluid sold at retail to the public. In doing so, the secretary
6 shall adopt, by reference, the latest method of sale for diesel
7 exhaust fluid adopted by the National Council on Weights and
8 Measures and published in the National Institute of Standards and
9 Technology Handbook 130 "Uniform Laws and Regulations in
10 the Areas of Legal Metrology and Fuel Quality," except as
11 specifically modified, amended, or rejected by regulation adopted
12 by the secretary.

13 (f) If a container or lot of containers of any commodity subject
14 to this chapter is found to contain a commodity not in conformity
15 with this chapter, the sealer may take one or more samples
16 reasonably necessary for enforcement purposes and may, in writing,
17 order the containers off sale. Any lot or container ordered off sale
18 pursuant to this section shall be subject to a disposal order by the
19 enforcing officer and shall not be sold, offered for sale, or
20 transported, except in accordance with that disposal order. Any
21 action pursuant to this section shall not affect any rights of a retailer
22 under a warranty of merchantability or warranty of fitness.

23 SEC. 34. Section 19094 of the Business and Professions Code
24 is amended to read:

25 19094. (a) For the purposes of this section, the following
26 definitions shall apply:

27 (1) "Component" means the separate constituent parts of
28 upholstered furniture sold in California, as identified in Technical
29 Bulletin 117-2013, specifically cover fabrics, barrier materials,
30 resilient filling materials, and decking materials.

31 (2) "Covered products" means any flexible polyurethane foam
32 or upholstered or reupholstered furniture sold in California that is
33 required to meet the test requirements set forth in Technical
34 Bulletin 117-2013, entitled "Requirements, Test Procedure and
35 Apparatus for Testing the Smolder Resistance of Materials Used
36 in Upholstered Furniture."

37 (3) "Flame-retardant chemical" means any chemical or chemical
38 compound for which a functional use is to resist or inhibit the
39 spread of fire. Flame-retardant chemicals include, but are not
40 limited to, halogenated, phosphorous-based, nitrogen-based, and

1 nanoscale flame retardants, flame-retardant chemicals listed as
2 “designated chemicals” pursuant to Section 105440 of the Health
3 and Safety Code, and any chemical or chemical compound for
4 which “flame retardant” appears on the substance Safety Data
5 Sheet (SDS) pursuant to Section 1910.1200(g) of Title 29 of the
6 Code of Federal Regulations.

7 (4) “Chemical” means either of the following:

8 (A) An organic or inorganic substance of a particular molecular
9 identity, including any combination of those substances occurring,
10 in whole or in part, as a result of a chemical reaction or occurring
11 in nature, and any element, ion, or uncombined radical, and any
12 degradate, metabolite, or reaction product of a substance with a
13 particular molecular identity.

14 (B) A chemical ingredient, which means a substance comprising
15 one or more substances described in subparagraph (A).

16 (5) “Molecular identity” means the substance’s properties listed
17 below:

18 (A) Agglomeration state.

19 (B) Bulk density.

20 (C) Chemical composition, including surface coating.

21 (D) Crystal structure.

22 (E) Dispersibility.

23 (F) Molecular structure.

24 (G) Particle density.

25 (H) Particle size, size distribution, and surface area.

26 (I) Physical form and shape, at room temperature and pressure.

27 (J) Physicochemical properties.

28 (K) Porosity.

29 (L) Solubility in water and biologically relevant fluids.

30 (M) Surface charge.

31 (N) Surface reactivity.

32 (6) “Added flame-retardant chemicals” means flame-retardant
33 chemicals that are present in any covered product or component
34 thereof at levels above 1,000 parts per million.

35 (7) “Department” means the Department of Toxic Substances
36 Control.

37 (8) “Consumer Price Index” means the Consumer Price Index
38 for All Urban Consumers published by the Bureau of Labor
39 Statistics.

(b) (1) A manufacturer of covered products shall indicate whether or not the product contains added flame-retardant chemicals by including the following “flame-retardant chemical statement” on the label described in Section 1374.3 of Title 4 of the California Code of Regulations for covered products:

“The upholstery materials in this product:

_____contain added flame-retardant chemicals

_____contain NO added flame-retardant chemicals

The State of California has updated the flammability standard and determined that the fire safety requirements for this product can be met without adding flame-retardant chemicals. The state has identified many flame-retardant chemicals as being known to, or strongly suspected of, adversely impacting human health or development.”

A manufacturer of covered products shall indicate the absence or presence of added flame-retardant chemicals by placing an “X” in one of the appropriate blanks.

(2) This statement shall be included in the label described in Section 1374.3 of Title 4 of the California Code of Regulations in accordance with the bureau’s regulations for that label. The statement need not be in all capital letters, and shall follow the statement required by Section 1374.3 of Title 4 of the California Code of Regulations.

(c) (1) The bureau shall ensure compliance with the labeling requirements in this section.

(2) (A) The bureau shall provide the Department of Toxic Substances Control with a selection of samples from covered products marked “contain NO added flame-retardant chemicals” for testing for the presence of added flame-retardant chemicals. The samples shall be from the components identified in paragraph (1) of subdivision (a). The bureau shall select samples based on consultation with the department, taking into account a range of manufacturers and types of covered products. The bureau and the department shall consult on the tests to be conducted by the department. The department shall provide the results of any completed test to the bureau. The bureau shall reimburse the department for the cost of testing for the presence of added

1 flame-retardant chemicals in covered products marked “contain
2 NO added flame-retardant chemicals.”

3 (B) No later than August 1 of each fiscal year, the bureau shall
4 assess available resources and determine the number of tests to be
5 conducted in the corresponding fiscal year, pursuant to this
6 subparagraph.

7 (3) (A) If the department’s testing shows that a covered product
8 labeled as “contain NO added flame-retardant chemicals” is
9 mislabeled because it contains added flame-retardant chemicals,
10 the bureau may assess fines for violations against manufacturers
11 of the covered product and component manufacturers to be held
12 jointly and severally liable for the violation.

13 (B) A fine for a violation of this subparagraph relating to
14 mislabeling shall be assessed in accordance with the factors
15 described in subdivision (d) and the following schedule:

16 (i) The fine for the first violation shall be not less than one
17 thousand dollars (\$1,000) but not more than two thousand five
18 hundred dollars (\$2,500).

19 (ii) The fine for the second violation shall be not less than two
20 thousand five hundred dollars (\$2,500) but not more than five
21 thousand dollars (\$5,000).

22 (iii) The fine for the third violation shall be not less than five
23 thousand dollars (\$5,000) but not more than seven thousand five
24 hundred dollars (\$7,500).

25 (iv) The fine for any subsequent violation shall be not less than
26 seven thousand five hundred dollars (\$7,500) but not more than
27 ten thousand dollars (\$10,000).

28 (C) The fines in paragraph (B) shall replace any other fines in
29 this article for a violation of the testing requirements of this section.
30 This clause does not alter or amend any other penalty otherwise
31 imposed by this article.

32 (D) If the department’s testing shows that a covered product
33 labeled as “contain NO added flame-retardant chemicals” is
34 mislabeled because it contains added flame-retardant chemicals,
35 in addition to a fine or any other request, the bureau may request
36 that the label required by subdivision (b) for covered products that
37 belong to the same stock keeping unit (SKU) currently produced
38 by the manufacturer be corrected to reflect that flame-retardant
39 chemicals are added to the covered product.

(E) If the department's testing shows that a covered product labeled as "contain NO added flame-retardant chemicals" is mislabeled because it contains added flame-retardant chemicals, in addition to a fine or any other request, the bureau may request additional testing of more products belonging to the same stock keeping unit (SKU) at the manufacturer's expense to verify the accuracy of the label required by subdivision (b) for covered products if the manufacturer wishes to retain the "contain NO added flame-retardant chemicals" designation on the label required by subdivision (b).

(d) (1) The bureau shall make information about any citation issued pursuant to this section available to the public on its internet website.

(2) In determining the amount of the fine for violations of this section, the bureau shall consider the following factors:

(A) The nature and severity of the violation.

(B) The good or bad faith of the cited person.

(C) The history of previous violations.

(D) Evidence that the violation was willful.

(E) The extent to which the cited person or entity has cooperated with the bureau.

(3) (A) The bureau shall adjust all minimum and maximum fines imposed by this section for inflation every five years.

(B) The adjustment shall be equivalent to the percentage, if any, that the Consumer Price Index at the time of adjustment exceeds the Consumer Price Index at the time this section goes into effect. Any increase determined under this paragraph shall be rounded as follows:

(i) In multiples of ten dollars (\$10) in the case of penalties less than or equal to one hundred dollars (\$100).

(ii) In multiples of one hundred dollars (\$100) in the case of penalties greater than one hundred dollars (\$100) but less than or equal to one thousand dollars (\$1,000).

(iii) In multiples of one thousand dollars (\$1,000) in the case of penalties greater than one thousand dollars (\$1,000).

(4) It shall be the duty of the bureau to receive complaints from consumers concerning covered products sold in California.

(e) The bureau may adopt regulations pursuant to the Administrative Procedure Act (Chapter 3.5 (commencing with

1 Section 11340) of Part 1 of Division 3 of Title 2 of the Government
2 Code) to carry out this section.

3 SEC. 35. Section 26051.5 of the Business and Professions
4 Code is amended to read:

5 26051.5. (a) An applicant for a state license issued pursuant
6 to this division to conduct commercial cannabis activity, as defined
7 in Section 26001, shall do all of the following:

8 (1) Except as provided in subparagraph (G), require that each
9 owner, as defined in paragraphs (1) to (3), inclusive, of subdivision
10 (aq) of Section 26001, electronically submit to the Department of
11 Justice fingerprint images and related information required by the
12 Department of Justice for the purpose of obtaining information as
13 to the existence and content of a record of state or federal
14 convictions and state and federal arrests, and also information as
15 to the existence and content of a record of state or federal
16 convictions and arrests for which the Department of Justice
17 establishes that the person is free on bail or on their own
18 recognizance pending trial or appeal.

19 (A) Notwithstanding any other law, the department may obtain
20 criminal history information from the Department of Justice and
21 the Federal Bureau of Investigation for an applicant or its owners,
22 as defined in paragraphs (1) to (3), inclusive, of subdivision (aq)
23 of Section 26001, for any state license, as described in Section
24 26050, under this division pursuant to subdivision (u) of Section
25 11105 of the Penal Code.

26 (B) When received, the Department of Justice shall transmit
27 fingerprint images and related information received pursuant to
28 this section to the Federal Bureau of Investigation for the purpose
29 of obtaining a federal criminal history records check. The
30 Department of Justice shall review the information returned from
31 the Federal Bureau of Investigation and compile and disseminate
32 a response to the licensing authority.

33 (C) The Department of Justice shall provide a response to the
34 licensing authority pursuant to paragraph (1) of subdivision (p) of
35 Section 11105 of the Penal Code.

36 (D) The department shall request from the Department of Justice
37 subsequent notification service, as provided pursuant to Section
38 11105.2 of the Penal Code, for applicants.

1 (E) The Department of Justice shall charge the applicant a fee
2 sufficient to cover the reasonable cost of processing the requests
3 described in this paragraph.

4 (F) Notwithstanding any other law, a licensing authority may
5 request and receive from a local or state agency certified records
6 of all arrests and convictions, certified records regarding probation,
7 and any and all other related documentation needed to complete
8 an applicant or licensee investigation. A local or state agency may
9 provide those records to a licensing authority upon request.

10 (G) If an owner has previously submitted fingerprint images
11 and related information required by the Department of Justice
12 pursuant to this paragraph in connection with a valid state license
13 issued by a licensing authority, all of the following apply:

14 (i) The owner shall not be required to submit additional
15 fingerprint images and related information pursuant to this
16 paragraph in connection with a subsequent application for a state
17 license.

18 (ii) The department shall not consider the owner's criminal
19 history information obtained from the fingerprint images and
20 related information that were previously submitted pursuant to this
21 paragraph when considering whether to issue a subsequent state
22 license.

23 (iii) An owner shall not be required to resubmit owner-related
24 information previously provided to the department.

25 (2) Provide evidence of the legal right to occupy and use the
26 proposed location and provide a statement from the landowner of
27 real property or that landowner's agent where the commercial
28 cannabis activity will occur, as proof to demonstrate the landowner
29 has acknowledged and consented to permit commercial cannabis
30 activities to be conducted on the property by the tenant applicant.

31 (3) Provide evidence that the proposed location is in compliance
32 with subdivision (b) of Section 26054.

33 (4) Provide a statement, signed by the applicant under penalty
34 of perjury, that the information provided is complete, true, and
35 accurate.

36 (5) (A) (i) For an applicant with 20 or more employees, or an
37 applicant with 10 or more employees that submits an application
38 on or after July 1, 2024, provide a notarized statement that the
39 applicant will enter into, or demonstrate that it has already entered
40 into, and will abide by the terms of a labor peace agreement. On

1 and after July 1, 2024, the department shall not renew a license
2 for a licensee with 10 or more employees unless the licensee
3 provides a statement that the licensee has already entered into and
4 will abide by the terms of a labor peace agreement.

5 (ii) For an applicant with 10 or more employees but less than
6 20 employees that has not yet entered into a labor peace agreement,
7 provide a notarized statement as a part of its application indicating
8 that the applicant will enter into and abide by the terms of a labor
9 peace agreement within 60 days of employing its 20th employee,
10 or on or before July 1, 2024, whichever is earlier.

11 (iii) For an applicant with less than 10 employees that has not
12 yet entered into a labor peace agreement, provide a notarized
13 statement as a part of its application indicating that the applicant
14 will enter into and abide by the terms of a labor peace agreement
15 within 60 days of employing its 10th employee, or on or before
16 July 1, 2024, whichever is later.

17 (iv) Nothing in this paragraph shall be construed to limit the
18 authority of the department to revoke or suspend a license for a
19 violation of this paragraph.

20 (B) Compliance with the terms of an applicable labor peace
21 agreement is a condition of licensure. A licensee seeking renewal
22 of any license shall attest to the department that it remains in
23 compliance with the terms of any applicable labor peace agreement.

24 (C) Any labor organization, or any current or former employee
25 of the relevant licensee, may report to the department that a licensee
26 has failed to provide a truthful attestation of compliance with
27 subparagraph (B).

28 (i) The reporting party shall provide documentation, in a form
29 and manner required by the department, to substantiate their
30 allegation before the department considers it. The department shall
31 collaborate with such agencies as it deems relevant to evaluate the
32 report.

33 (ii) If the department substantiates the validity of a report made
34 pursuant to this subparagraph, the department may suspend, revoke,
35 place on probation with terms and conditions, or otherwise
36 discipline the license and fine the licensee.

37 (D) (i) Any labor organization, or any current or former
38 employee of the relevant licensee, may file a complaint with the
39 Agricultural Labor Relations Board that an organization with which

1 a licensee has entered into a labor peace agreement is not a bona
2 fide labor organization.

3 (ii) The Agricultural Labor Relations Board shall consider all
4 relevant evidence provided or obtained in rendering a decision on
5 whether the entity is a bona fide labor organization and issue a
6 report with its findings no later than 90 days from receiving the
7 complaint.

8 (iii) If the Agricultural Labor Relations Board determines that
9 the entity is not a bona fide labor organization, the labor peace
10 agreement shall be null and void. The department shall promptly
11 notify all licensees that have signed labor peace agreements with
12 the entity that the entity was found not to be a bona fide labor
13 organization and offer those licensees a reasonable time period,
14 not to exceed 180 days, to enter into a labor peace agreement with
15 a bona fide labor organization. Failure to enter into a labor peace
16 agreement with a bona fide labor organization after that reasonable
17 time period shall be a violation of this section.

18 (E) For the purposes of this paragraph, all of the following shall
19 apply:

20 (i) "Employee" does not include a supervisor.

21 (ii) "Labor organization" means any organization of any kind,
22 or any agency or employee representation committee or plan, in
23 which employees participate and which exists, in whole or in part,
24 for the purpose of dealing with employers concerning grievances,
25 labor disputes, wages, rates of pay, hours of employment, or
26 conditions of work for employees.

27 (iii) "Supervisor" means an individual having authority, in the
28 interest of the applicant, to hire, transfer, suspend, lay off, recall,
29 promote, discharge, assign, reward, or discipline other employees,
30 or responsibility to direct them or to adjust their grievances, or
31 effectively to recommend such action, if, in connection with the
32 foregoing, the exercise of that authority is not of a merely routine
33 or clerical nature, but requires the use of independent judgment.

34 (6) Provide the applicant's valid seller's permit number issued
35 pursuant to Part 1 (commencing with Section 6001) of Division 2
36 of the Revenue and Taxation Code or indicate that the applicant
37 is currently applying for a seller's permit.

38 (7) Provide any other information required by the department.

39 (8) For an applicant seeking a cultivation license, provide a
40 statement declaring the applicant is an "agricultural employer," as

1 defined in the Alatorre-Zenovich-Dunlap-Berman Agricultural
2 Labor Relations Act of 1975 (Part 3.5 (commencing with Section
3 1140) of Division 2 of the Labor Code), to the extent not prohibited
4 by law.

5 (9) Pay all applicable fees required for licensure by the
6 department.

7 (10) Provide proof of a bond to cover the costs of destruction
8 of cannabis or cannabis products if necessitated by a violation of
9 licensing requirements.

10 (11) (A) Provide a statement, upon initial application and
11 application for renewal, that the applicant employs, or will employ
12 within one year of receiving or renewing a license, one supervisor
13 and one employee who have successfully completed a Division of
14 Occupational Safety and Health 30-hour general industry outreach
15 course offered by a training provider that is authorized by an OSHA
16 Training Institute Education Center to provide the course. This
17 paragraph shall not be construed to alter or amend existing
18 requirements for employers to provide occupational safety and
19 health training to employees.

20 (B) An applicant with only one employee shall not be subject
21 to subparagraph (A).

22 (C) For purposes of this paragraph “employee” has the same
23 meaning as provided in clause (i) of subparagraph (E) of paragraph
24 (5) and “supervisor” has the same meaning as provided in clause
25 (iii) of subparagraph (E) of paragraph (5).

26 (b) An applicant shall also include in the application a detailed
27 description of the applicant’s operating procedures for all of the
28 following, as required by the department:

29 (1) Cultivation.

30 (2) Extraction and infusion methods.

31 (3) The transportation process.

32 (4) Inventory procedures.

33 (5) Quality control procedures.

34 (6) Security protocols.

35 (7) For applicants seeking licensure to cultivate, the source or
36 sources of water the applicant will use for cultivation, as provided
37 in subdivisions (a) to (c), inclusive, of Section 26060.1. For
38 purposes of this paragraph, “cultivation” as used in Section 26060.1
39 shall have the same meaning as defined in Section 26001. The
40 department shall consult with the State Water Resources Control

Board and the Department of Fish and Wildlife in the implementation of this paragraph.

(c) The applicant shall also provide a complete detailed diagram of the proposed premises wherein the license privileges will be exercised, with sufficient particularity to enable ready determination of the bounds of the premises, showing all boundaries, dimensions, entrances and exits, interior partitions, walls, rooms, and common or shared entryways, and include a brief statement or description of the principal activity to be conducted therein, and, for licenses permitting cultivation, measurements of the planned canopy, including aggregate square footage and individual square footage of separate cultivation areas, if any, roads, water crossings, points of diversion, water storage, and all other facilities and infrastructure related to the cultivation.

(d) Provide a complete list of every person with a financial interest in the person applying for the license as required by the department. For purposes of this subdivision, “persons with a financial interest” does not include persons whose only interest in a licensee is an interest in a diversified mutual fund, blind trust, or similar instrument.

SEC. 35.5. Section 26051.5 of the Business and Professions Code is amended to read:

26051.5. (a) An applicant for a state license issued pursuant to this division to conduct commercial cannabis activity, as defined in Section 26001, shall do all of the following:

(1) Except as provided in subparagraph (G), require that each owner, as defined in paragraphs (1) to (3), inclusive, of subdivision ~~(ap)~~ (aq) of Section 26001, electronically submit to the Department of Justice fingerprint images and related information required by the Department of Justice for the purpose of obtaining information as to the existence and content of a record of state or federal convictions and state and federal arrests, and also information as to the existence and content of a record of state or federal convictions and arrests for which the Department of Justice establishes that the person is free on bail or on their own recognizance pending trial or appeal.

(A) Notwithstanding any other law, the department may obtain criminal history information from the Department of Justice and the Federal Bureau of Investigation for an applicant or its owners, as defined in paragraphs (1) to (3), inclusive, of subdivision ~~(ap)~~

1 (aq) of Section 26001, for any state license, as described in Section
2 26050, under this division pursuant to subdivision (u) of Section
3 11105 of the Penal Code.

4 (B) When received, the Department of Justice shall transmit
5 fingerprint images and related information received pursuant to
6 this section to the Federal Bureau of Investigation for the purpose
7 of obtaining a federal criminal history records check. The
8 Department of Justice shall review the information returned from
9 the Federal Bureau of Investigation and compile and disseminate
10 a response to the licensing authority.

11 (C) The Department of Justice shall provide a response to the
12 licensing authority pursuant to paragraph (1) of subdivision (p) of
13 Section 11105 of the Penal Code.

14 (D) The department shall request from the Department of Justice
15 subsequent notification service, as provided pursuant to Section
16 11105.2 of the Penal Code, for applicants.

17 (E) The Department of Justice shall charge the applicant a fee
18 sufficient to cover the reasonable cost of processing the requests
19 described in this paragraph.

20 (F) Notwithstanding any other law, a licensing authority may
21 request and receive from a local or state agency certified records
22 of all arrests and convictions, certified records regarding probation,
23 and any and all other related documentation needed to complete
24 an applicant or licensee investigation. A local or state agency may
25 provide those records to a licensing authority upon request.

26 (G) If an owner has previously submitted fingerprint images
27 and related information required by the Department of Justice
28 pursuant to this paragraph in connection with a valid state license
29 issued by a licensing authority, all of the following apply:

30 (i) The owner shall not be required to submit additional
31 fingerprint images and related information pursuant to this
32 paragraph in connection with a subsequent application for a state
33 license.

34 (ii) The department shall not consider the owner's criminal
35 history information obtained from the fingerprint images and
36 related information that were previously submitted pursuant to this
37 paragraph when considering whether to issue a subsequent state
38 license.

39 (iii) An owner shall not be required to resubmit owner-related
40 information previously provided to the department.

1 (2) Provide evidence of the legal right to occupy and use the
2 proposed location and provide a statement from the landowner of
3 real property or that landowner's agent where the commercial
4 cannabis activity will occur, as proof to demonstrate the landowner
5 has acknowledged and consented to permit commercial cannabis
6 activities to be conducted on the property by the tenant applicant.

7 (3) Provide evidence that the proposed location is in compliance
8 with subdivision (b) of Section 26054.

9 (4) Provide a statement, signed by the applicant under penalty
10 of perjury, that the information provided is complete, true, and
11 accurate.

12 (5) (A) (i) For an applicant with 20 or more employees, or an
13 applicant with 10 or more employees that submits an application
14 on or after July 1, 2024, provide a notarized statement that the
15 applicant will enter into, or demonstrate that it has already entered
16 into, and will abide by the terms of a labor peace agreement. On
17 and after July 1, 2024, the department shall not renew a license
18 for a licensee with 10 or more employees unless the licensee
19 provides a statement that the licensee has already entered into and
20 will abide by the terms of a labor peace agreement.

21 (ii) For an applicant with 10 or more employees but less than
22 20 employees that has not yet entered into a labor peace agreement,
23 provide a notarized statement as a part of its application indicating
24 that the applicant will enter into and abide by the terms of a labor
25 peace agreement within 60 days of employing its 20th employee,
26 or on or before July 1, 2024, whichever is earlier.

27 (iii) For an applicant with less than 10 employees that has not
28 yet entered into a labor peace agreement, provide a notarized
29 statement as a part of its application indicating that the applicant
30 will enter into and abide by the terms of a labor peace agreement
31 within 60 days of employing its 10th employee, or on or before
32 July 1, 2024, whichever is later.

33 (iv) Nothing in this paragraph shall be construed to limit the
34 authority of the department to revoke or suspend a license for a
35 violation of this paragraph.

36 (B) Compliance with the terms of an applicable labor peace
37 agreement is a condition of licensure. A licensee seeking renewal
38 of any license shall attest to the department that it remains in
39 compliance with the terms of any applicable labor peace agreement.

1 (C) Any labor organization, or any current or former employee
2 of the relevant licensee, may report to the department that a licensee
3 has failed to provide a truthful attestation of compliance with
4 subparagraph (B).

5 (i) The reporting party shall provide documentation, in a form
6 and manner required by the department, to substantiate their
7 allegation before the department considers it. The department shall
8 collaborate with such agencies as it deems relevant to evaluate the
9 report.

10 (ii) If the department substantiates the validity of a report made
11 pursuant to this subparagraph, the department may suspend, revoke,
12 place on probation with terms and conditions, or otherwise
13 discipline the license and fine the licensee.

14 (D) (i) Any labor organization, or any current or former
15 employee of the relevant licensee, may file a complaint with the
16 Agricultural Labor Relations Board that an organization with which
17 a licensee has entered into a labor peace agreement is not a bona
18 fide labor organization.

19 (ii) The Agricultural Labor Relations Board shall consider all
20 relevant evidence provided or obtained in rendering a decision on
21 whether the entity is a bona fide labor organization and issue a
22 report with its findings no later than 90 days from receiving the
23 complaint.

24 (iii) If the Agricultural Labor Relations Board determines that
25 the entity is not a bona fide labor organization, the labor peace
26 agreement shall be null and void. The department shall promptly
27 notify all licensees that have signed labor peace agreements with
28 the entity that the entity was found not to be a bona fide labor
29 organization and offer those licensees a reasonable time period,
30 not to exceed 180 days, to enter into a labor peace agreement with
31 a bona fide labor organization. Failure to enter into a labor peace
32 agreement with a bona fide labor organization after that reasonable
33 time period shall be a violation of this section.

34 (E) For the purposes of this paragraph, all of the following shall
35 apply:

36 (i) "Employee" does not include a supervisor.

37 (ii) "Labor organization" means any organization of any kind,
38 or any agency or employee representation committee or plan, in
39 which employees participate and which exists, in whole or in part,
40 for the purpose of dealing with employers concerning grievances,

1 labor disputes, wages, rates of pay, hours of employment, or
2 conditions of work for employees.

3 (iii) “Supervisor” means an individual having authority, in the
4 interest of the applicant, to hire, transfer, suspend, lay off, recall,
5 promote, discharge, assign, reward, or discipline other employees,
6 or responsibility to direct them or to adjust their grievances, or
7 effectively to recommend such action, if, in connection with the
8 foregoing, the exercise of that authority is not of a merely routine
9 or clerical nature, but requires the use of independent judgment.

10 (6) Provide the applicant’s valid seller’s permit number issued
11 pursuant to Part 1 (commencing with Section 6001) of Division 2
12 of the Revenue and Taxation Code or indicate that the applicant
13 is currently applying for a seller’s permit.

14 (7) Provide any other information required by the department.

15 (8) For an applicant seeking a cultivation license, provide a
16 statement declaring the applicant is an “agricultural employer,” as
17 defined in the Alatorre-Zenovich-Dunlap-Berman Agricultural
18 Labor Relations Act of 1975 (Part 3.5 (commencing with Section
19 1140) of Division 2 of the Labor Code), to the extent not prohibited
20 by law.

21 (9) Pay all applicable fees required for licensure by the
22 department.

23 (10) Provide proof of a bond to cover the costs of destruction
24 of cannabis or cannabis products if necessitated by a violation of
25 ~~licensing requirements~~; *this division. The costs of destruction*
26 *include, but are not limited to, all administrative, investigatory,*
27 *and enforcement costs incurred by the department.*

28 (11) (A) Provide a statement, upon initial application and
29 application for renewal, that the applicant employs, or will employ
30 within one year of receiving or renewing a license, one supervisor
31 and one employee who have successfully completed a Division of
32 Occupational Safety and Health 30-hour general industry outreach
33 course offered by a training provider that is authorized by an OSHA
34 Training Institute Education Center to provide the course. This
35 paragraph shall not be construed to alter or amend existing
36 requirements for employers to provide occupational safety and
37 health training to employees.

38 (B) An applicant with only one employee shall not be subject
39 to subparagraph (A).

1 (C) For purposes of this paragraph “employee” has the same
2 meaning as provided in ~~subparagraph (B)~~ *clause (i) of*
3 *subparagraph (E)* of paragraph (5) and “supervisor” has the same
4 meaning as provided in ~~subparagraph (C)~~ *clause (iii) of*
5 *subparagraph (E)* of paragraph (5).

6 (b) An applicant shall also include in the application a detailed
7 description of the applicant’s operating procedures for all of the
8 following, as required by the department:

9 (1) Cultivation.

10 (2) Extraction and infusion methods.

11 (3) The transportation process.

12 (4) Inventory procedures.

13 (5) Quality control procedures.

14 (6) Security protocols.

15 (7) For applicants seeking licensure to cultivate, the source or
16 sources of water the applicant will use for cultivation, as provided
17 in subdivisions (a) to (c), inclusive, of Section 26060.1. For
18 purposes of this paragraph, “cultivation” as used in Section 26060.1
19 shall have the same meaning as defined in Section 26001. The
20 department shall consult with the State Water Resources Control
21 Board and the Department of Fish and Wildlife in the
22 implementation of this paragraph.

23 (c) The applicant shall also provide a complete detailed diagram
24 of the proposed premises wherein the license privileges will be
25 exercised, with sufficient particularity to enable ready
26 determination of the bounds of the premises, showing all
27 boundaries, dimensions, entrances and exits, interior partitions,
28 walls, rooms, and common or shared entryways, and include a
29 brief statement or description of the principal activity to be
30 conducted therein, and, for licenses permitting cultivation,
31 measurements of the planned canopy, including aggregate square
32 footage and individual square footage of separate cultivation areas,
33 if any, roads, water crossings, points of diversion, water storage,
34 and all other facilities and infrastructure related to the cultivation.

35 (d) Provide a complete list of every person with a financial
36 interest in the person applying for the license as required by the
37 department. For purposes of this subdivision, “persons with a
38 financial interest” does not include persons whose only interest in
39 a licensee is an interest in a diversified mutual fund, blind trust,
40 or similar instrument.

1 SEC. 36. Section 26067 of the Business and Professions Code
2 is amended to read:

3 26067. (a) The department shall establish a track and trace
4 program for reporting the movement of cannabis and cannabis
5 products throughout the distribution chain that utilizes a unique
6 identifier and is capable of providing information that captures, at
7 a minimum, all of the following:

8 (1) The licensee from which the product originates and the
9 licensee receiving the product.

10 (2) The transaction date.

11 (3) The unique identifier or identifiers for the cannabis or
12 cannabis product.

13 (4) The date of retail sale to a customer and whether the sale is
14 conducted on the retail premises or by delivery.

15 (5) Information relating to cannabis and cannabis products
16 leaving the licensed premises in a delivery vehicle as determined
17 by regulations adopted pursuant to subdivision (d) of Section
18 26068.

19 (b) (1) The department, in consultation with the California
20 Department of Tax and Fee Administration, shall create an
21 electronic system containing the electronic shipping manifests to
22 facilitate the administration of the track and trace program, which
23 shall include, but not be limited to, the following information:

24 (A) The variety and quantity or weight of cannabis or cannabis
25 products shipped.

26 (B) The estimated times of departure and arrival.

27 (C) The variety and quantity or weight of cannabis or cannabis
28 products received.

29 (D) The actual time of departure and arrival.

30 (E) A categorization and the unique identifier of the cannabis
31 or cannabis product.

32 (F) The license number issued by the department for all licensees
33 involved in the shipping process, including, but not limited to,
34 cultivators, manufacturers, distributors, and retailers.

35 (2) The electronic system shall be designed to flag irregularities
36 for the department to investigate.

37 (3) The department and state and local agencies may, at any
38 time, inspect shipments and request documentation for current
39 inventory.

(4) The California Department of Tax and Fee Administration shall have read access to the electronic system for the purpose of taxation and regulation of cannabis and cannabis products.

(5) Information received and contained in records kept by the department for the purposes of administering this chapter are confidential and shall not be disclosed pursuant to the California Public Records Act (Division 10 (commencing with Section 7920.000) of Title 1 of the Government Code), except as necessary for authorized employees of the State of California or any city, county, or city and county to perform official duties pursuant to this division or a local ordinance.

(6) Upon the request of a state or local law enforcement agency, the department shall allow access to or provide information contained within the electronic system to assist law enforcement in their duties and responsibilities pursuant to this division.

SEC. 36.5. Section 26067 of the Business and Professions Code is amended to read:

26067. (a) The department shall establish a track and trace program for reporting the movement of ~~cannabis~~ *cannabis*, *industrial hemp*, and cannabis products throughout the distribution chain that utilizes a unique identifier and is capable of providing information that captures, at a minimum, all of the following:

(1) The licensee *or industrial hemp cultivator* from which the *cannabis, industrial hemp, or cannabis* product originates and the licensee receiving the *cannabis, industrial hemp, or cannabis* product.

(2) The transaction date.

(3) The unique identifier or identifiers for the ~~cannabis~~ *cannabis*, *industrial hemp*, or cannabis product.

(4) The date of retail sale to a customer and whether the sale is conducted on the retail premises or by delivery.

(5) Information relating to ~~cannabis and cannabis~~ *cannabis, industrial hemp, or cannabis* products leaving the licensed premises in a delivery vehicle as determined by regulations adopted pursuant to subdivision (d) of Section 26068.

(6) *The destruction of any cannabis, industrial hemp, or cannabis product.*

(b) (1) The department, in consultation with the California Department of Tax and Fee Administration, shall create an electronic ~~database~~ *system* containing the electronic shipping

manifests to facilitate the administration of the track and trace program, which shall include, but not be limited to, the following information:

(A) The variety and quantity or weight of ~~cannabis~~ *cannabis*, *industrial hemp*, or cannabis products shipped.

(B) The estimated times of departure and arrival.

(C) The variety and quantity or weight of ~~cannabis~~ *cannabis*, *industrial hemp*, or cannabis products received.

(D) The actual time of departure and arrival.

(E) A categorization and the unique identifier of the ~~cannabis~~ *cannabis*, *industrial hemp*, or cannabis product.

(F) The license number issued by the department for all licensees involved in the shipping process, including, but not limited to, *cannabis* cultivators, manufacturers, distributors, and retailers.

(2) The ~~database~~ *electronic system* shall be designed to flag irregularities for the department to investigate.

(3) The department and state and local agencies may, at any time, inspect shipments and request documentation for current inventory.

(4) The California Department of Tax and Fee Administration shall have read access to the electronic ~~database~~ *system* for the purpose of taxation and regulation of cannabis and cannabis products.

(5) Information received and contained in records kept by the department for the purposes of administering this chapter are confidential and shall not be disclosed pursuant to the California Public Records Act (Division 10 (commencing with Section 7920.000 7920.000) of Title 1 of the Government Code), except as necessary for authorized employees of the State of California or any city, county, or city and county to perform official duties pursuant to this division or a local ordinance.

(6) Upon the request of a state or local law enforcement agency, the department shall allow access to or provide information contained within the ~~database~~ *electronic system* to assist law enforcement in their duties and responsibilities pursuant to this division.

SEC. 37. Section 44831 of the Education Code is amended to read:

44831. The governing board of a school district shall employ persons in public school service requiring certification

1 qualifications as provided in this code, except that the governing
2 board or a county office of education may contract with or employ
3 an individual who holds a license issued by the Speech-Language
4 Pathology and Audiology and Hearing Aid Dispensers Board and
5 has earned a master's degree in communication disorders to provide
6 speech and language services if that individual meets the
7 requirements of Section 44332.6 before employment or execution
8 of the contract.

9 SEC. 38. Section 94834 of the Education Code is amended to
10 read:

11 94834. "Distance education" means transmission of instruction
12 to students at a location separate from the faculty.

13 SEC. 39. Section 94866 of the Education Code is amended to
14 read:

15 94866. "Teach-out" means the arrangements an institution
16 makes for its students to complete their educational programs when
17 the institution or an educational program ceases to operate.

18 SEC. 40. Section 94880.1 of the Education Code is repealed.

19 SEC. 41. Section 94897 of the Education Code is amended to
20 read:

21 94897. An institution shall not do any of the following:

22 (a) Use, or allow the use of, any reproduction or facsimile of
23 the Great Seal of the State of California on a diploma.

24 (b) Promise or guarantee employment, or otherwise overstate
25 the availability of jobs upon graduation.

26 (c) Advertise concerning job availability, degree of skill, or
27 length of time required to learn a trade or skill unless the
28 information is accurate and not misleading.

29 (d) Advertise, or indicate in promotional material, without
30 including the fact that the educational programs are delivered by
31 means of distance education if the educational programs are so
32 delivered.

33 (e) Advertise, or indicate in promotional material, that the
34 institution is accredited, unless the institution has been accredited
35 by an accrediting agency.

36 (f) Solicit students for enrollment by causing an advertisement
37 to be published in "help wanted" columns in a magazine,
38 newspaper, or publication, or use "blind" advertising that fails to
39 identify the institution.

1 (g) Offer to compensate a student to act as an agent of the
2 institution with regard to the solicitation, referral, or recruitment
3 of any person for enrollment in the institution, except that an
4 institution may award a token gift to a student for referring an
5 individual, provided that the gift is not in the form of money, no
6 more than one gift is provided annually to a student, and the gift's
7 cost is not more than one hundred dollars (\$100).

8 (h) Pay any consideration to a person to induce that person to
9 sign an enrollment agreement for an educational program.

10 (i) Use a name in any manner improperly implying any of the
11 following:

12 (1) The institution is affiliated with any government agency,
13 public or private corporation, agency, or association if it is not, in
14 fact, thus affiliated.

15 (2) The institution is a public institution.

16 (3) The institution grants degrees, if the institution does not
17 grant degrees.

18 (j) In any manner make an untrue or misleading change in, or
19 untrue or misleading statement related to: a test score, grade or
20 record of grades, attendance record, record indicating student
21 completion, placement, employment, salaries, or financial
22 information; a financial report filed with the bureau; information
23 or records relating to the student's eligibility for student financial
24 aid at the institution; or any other record or document required by
25 this chapter or by the bureau.

26 (k) Willfully falsify, destroy, or conceal any document of record
27 while that document of record is required to be maintained by this
28 chapter.

29 (l) Use the terms "approval," "approved," "approval to operate,"
30 or "approved to operate" without stating clearly and conspicuously
31 that approval to operate means compliance with state standards as
32 set forth in this chapter. An institution may not state or imply either
33 of the following:

34 (1) The institution or its educational programs are endorsed or
35 recommended by the state or by the bureau.

36 (2) The approval to operate indicates that the institution exceeds
37 minimum state standards as set forth in this chapter.

38 (m) Direct any individual to do any of the following:

39 (1) Perform an act that violates this chapter.

1 (2) Refrain from reporting unlawful conduct to the bureau or
2 another government agency.

3 (3) Engage in any unfair act to persuade a student not to
4 complain to the bureau or another government agency.

5 (n) Compensate an employee involved in recruitment,
6 enrollment, admissions, student attendance, or sales of educational
7 materials to students on the basis of a commission, commission
8 draw, bonus, quota, or other similar method related to the
9 recruitment, enrollment, admissions, student attendance, or sales
10 of educational materials to students, except as provided in
11 paragraph (1) or (2):

12 (1) If the educational program is scheduled to be completed in
13 90 days or less, the institution shall pay compensation related to
14 a particular student only if that student completes the educational
15 program.

16 (2) For institutions participating in the federal student financial
17 aid programs, this subdivision shall not prevent the payment of
18 compensation to those involved in recruitment, admissions, or the
19 award of financial aid if those payments are in conformity with
20 federal regulations governing an institution's participation in the
21 federal student financial aid programs.

22 (o) Require a prospective student to provide personal contact
23 information in order to obtain, from the institution's internet
24 website, educational program information that is required to be
25 contained in the school catalog or any information required
26 pursuant to the consumer information requirements of Title IV of
27 the federal Higher Education Act of 1965, and any amendments
28 thereto.

29 (p) Offer an associate, baccalaureate, master's, or doctoral
30 degree without disclosing to prospective students before enrollment
31 whether the institution or the degree program is unaccredited and
32 any known limitation of the degree, including, but not limited to,
33 all of the following:

34 (1) Whether a graduate of the degree program will be eligible
35 to sit for the applicable licensure exam in California and other
36 states.

37 (2) A statement that reads: "A degree program that is
38 unaccredited or a degree from an unaccredited institution is not
39 recognized for some employment positions, including, but not
40 limited to, positions with the State of California."

1 (3) That a student enrolled in an unaccredited institution is not
2 eligible for federal financial aid programs.

3 (q) In any manner commit fraud against, or make a material
4 untrue or misleading statement to, a student or prospective student
5 under the institution's authority or the pretense or appearance of
6 the institution's authority.

7 (r) Charge or collect any payment for institutional charges that
8 are not authorized by an executed enrollment agreement.

9 (s) Violate Section 1788.93 of the Civil Code.

10 (t) Require a prospective, current, or former student or employee
11 to sign a nondisclosure agreement pertaining to their relationship
12 to, or experience with, the institution, except that an institution
13 may use a nondisclosure agreement to protect the institution's
14 intellectual property and trade secrets. Any nondisclosure
15 agreement in violation of this section is void and not enforceable
16 at law or in equity.

17 (u) Fail to maintain policies related to compliance with this
18 chapter or adhere to the institution's stated policies.

19 SEC. 42. Section 94900 of the Education Code is amended to
20 read:

21 94900. (a) An institution shall maintain records of the name,
22 address, e-mail address, and telephone number of each student
23 who is enrolled in an educational program in that institution.

24 (b) An institution shall maintain, for each student granted a
25 degree or certificate by that institution, complete and accurate
26 permanent records of all of the following:

27 (1) The degree or certificate granted and the date on which that
28 degree or certificate was granted.

29 (2) The courses and units on which the certificate or degree was
30 based.

31 (3) The grades earned by the student in each of those courses.

32 SEC. 43. Section 94902 of the Education Code is amended to
33 read:

34 94902. (a) A student shall enroll solely by means of executing
35 an enrollment agreement. The enrollment agreement shall be signed
36 by the student and by an authorized employee of the institution.

37 (b) An enrollment agreement is not enforceable unless all of
38 the following requirements are met:

1 (1) The student has received the institution's current catalog
2 and School Performance Fact Sheet prior to signing the enrollment
3 agreement.

4 (2) At the time of the execution of the enrollment agreement,
5 the institution held a valid approval to operate.

6 (3) Prior to the execution of the enrollment agreement, the
7 student and the institution have signed and dated the information
8 required to be disclosed in the School Performance Fact Sheet
9 pursuant to subdivisions (a) to (d), inclusive, of Section 94910.
10 Each of these items in the School Performance Fact Sheet shall
11 include a line for the student to initial and shall be initialed and
12 dated by the student.

13 (c) A student shall receive a copy of the signed enrollment
14 agreement, in writing or electronically, regardless of whether total
15 charges are paid by the student.

16 SEC. 44. Section 94909 of the Education Code is amended to
17 read:

18 94909. (a) Except as provided in subdivision (d), before
19 enrollment, an institution shall provide a prospective student, either
20 in writing or electronically, with a current school catalog
21 containing, at a minimum, all of the following:

22 (1) The name, address, telephone number, and, if applicable,
23 internet website address of the institution.

24 (2) Except as specified in Article 2 (commencing with Section
25 94802), a statement that the institution is a private institution and
26 that it is approved to operate by the bureau.

27 (3) The following statements:

28 (A) "Any questions a student may have regarding this catalog
29 that have not been satisfactorily answered by the institution may
30 be directed to the Bureau for Private Postsecondary Education at
31 (address), Sacramento, CA (ZIP Code), (internet website address),
32 (telephone and fax numbers)."

33 (B) "As a prospective student, you are encouraged to review
34 this catalog before signing an enrollment agreement. You are also
35 encouraged to review the School Performance Fact Sheet, which
36 must be provided to you before signing an enrollment agreement."

37 (C) "A student or any member of the public may file a complaint
38 about this institution with the Bureau for Private Postsecondary
39 Education by calling (toll-free telephone number) or by completing

1 a complaint form, which can be obtained on the bureau's internet
2 website (internet website address)."

3 (D) "The Office of Student Assistance and Relief is available
4 to support prospective students, current students, or past students
5 of private postsecondary educational institutions in making
6 informed decisions, understanding their rights, and navigating
7 available services and relief options. The office may be reached
8 by calling (toll-free telephone number) or by visiting (internet
9 website address)."

10 (4) The address or addresses where class sessions will be held.

11 (5) A description of the programs offered and a description of
12 the instruction provided in each of the courses offered by the
13 institution, the requirements for completion of each program,
14 including required courses, any final tests or examinations, any
15 required internships or externships, and the total number of credit
16 hours, clock hours, or other increments required for completion.

17 (6) If the educational program is designed to lead to positions
18 in a profession, occupation, trade, or career field requiring licensure
19 in this state, a notice to that effect and a list of the requirements
20 for eligibility for licensure.

21 (7) Information regarding the faculty and their qualifications.

22 (8) A detailed description of institutional policies in the
23 following areas:

24 (A) Admissions policies, including the institution's policies
25 regarding the acceptance of credits earned at other institutions or
26 through challenge examinations and achievement tests, and a list
27 describing any transfer or articulation agreements between the
28 institution and any other college or university that provides for the
29 transfer of credits earned in the program of instruction. If the
30 institution has not entered into an articulation or transfer agreement
31 with any other college or university, the institution shall disclose
32 that fact.

33 (B) Cancellation, withdrawal, and refund policies, including an
34 explanation that the student has the right to cancel the enrollment
35 agreement and obtain a refund of charges paid through attendance
36 at the first class session, or the seventh day after enrollment,
37 whichever is later. The text shall also include a description of the
38 procedures that a student is required to follow to cancel the
39 enrollment agreement or withdraw from the institution and obtain

1 a refund consistent with the requirements of Article 13
2 (commencing with Section 94919).

3 (C) Probation and dismissal policies.

4 (D) Attendance policies.

5 (E) Leave-of-absence policies.

6 (9) The schedule of total charges for a period of attendance and
7 an estimated schedule of total charges for the entire educational
8 program.

9 (10) A statement reporting whether the institution participates
10 in federal and state financial aid programs, and if so, all consumer
11 information that is required to be disclosed to the student pursuant
12 to the applicable federal and state financial aid programs.

13 (11) A statement specifying that, if a student obtains a loan to
14 pay for an educational program, the student will have the
15 responsibility to repay the full amount of the loan plus interest,
16 less the amount of any refund, and that, if the student has received
17 federal student financial aid funds, the student is entitled to a refund
18 of the moneys not paid from federal student financial aid program
19 funds.

20 (12) A statement specifying whether the institution has a pending
21 petition in bankruptcy, is operating as a debtor in possession, has
22 filed a petition within the preceding five years, or has had a petition
23 in bankruptcy filed against it within the preceding five years that
24 resulted in reorganization under Chapter 11 of the United States
25 Bankruptcy Code (11 U.S.C. Sec. 1101 et seq.).

26 (13) If the institution provides placement services, a description
27 of the nature and extent of the placement services.

28 (14) A description of the student's rights and responsibilities
29 with respect to the Student Tuition Recovery Fund. This statement
30 shall specify that it is a state requirement that a student who pays
31 the student's tuition is required to pay a state-imposed assessment
32 for the Student Tuition Recovery Fund. This statement shall also
33 describe the purpose and operation of the Student Tuition Recovery
34 Fund and the requirements for filing a claim against the Student
35 Tuition Recovery Fund.

36 (15) The following statement:

37
38 "NOTICE CONCERNING TRANSFERABILITY OF
39 CREDITS AND CREDENTIALS EARNED AT OUR
40 INSTITUTION

1 The transferability of credits you earn at (name of institution)
 2 is at the complete discretion of an institution to which you
 3 may seek to transfer. Acceptance of the (degree, diploma, or
 4 certificate) you earn in (name of educational program) is also
 5 at the complete discretion of the institution to which you may
 6 seek to transfer. If the (credits or degree, diploma, or
 7 certificate) that you earn at this institution are not accepted at
 8 the institution to which you seek to transfer, you may be
 9 required to repeat some or all of your coursework at that
 10 institution. For this reason you should make certain that your
 11 attendance at this institution will meet your educational goals.
 12 This may include contacting an institution to which you may
 13 seek to transfer after attending (name of institution) to
 14 determine if your (credits or degree, diploma, or certificate)
 15 will transfer.”

16
 17 (16) A statement specifying whether the institution, or any of
 18 its degree programs, are accredited by an accrediting agency
 19 recognized by the United States Department of Education. If the
 20 institution is unaccredited and offers an associate, baccalaureate,
 21 master’s, or doctoral degree, or is accredited and offers an
 22 unaccredited program for an associate, baccalaureate, master’s, or
 23 doctoral degree, the statement shall disclose the known limitations
 24 of the degree program, including, but not limited to, all of the
 25 following:

26 (A) Whether a graduate of the degree program will be eligible
 27 to sit for the applicable licensure exam in California and other
 28 states or become certified or registered as required for the
 29 applicable profession, occupation, trade, or career field in
 30 California.

31 (B) A degree program that is unaccredited or a degree from an
 32 unaccredited institution is not recognized for some employment
 33 positions, including, but not limited to, positions with the State of
 34 California.

35 (C) That a student enrolled in an unaccredited institution is not
 36 eligible for federal financial aid programs.

37 (b) If the institution has a general student brochure, the
 38 institution shall provide that brochure to the prospective student
 39 before enrollment. In addition, if the institution has a
 40 program-specific student brochure for the program in which the

1 prospective student seeks to enroll, the institution shall provide
2 the program-specific student brochure to the prospective student
3 before enrollment.

4 (c) An institution shall provide the school catalog to any person
5 upon request. In addition, if the institution has student brochures,
6 the institution shall disclose the requested brochures to any
7 interested person upon request.

8 (d) An accredited institution is not required to provide a School
9 Performance Fact Sheet to a prospective student who is not a
10 California resident, not residing in California at the time of the
11 student's enrollment, and enrolling in an accredited distance
12 learning degree program offered by the institution, if the institution
13 complies with all federal laws, the applicable laws of the state
14 where the student is located, and other appropriate laws, including,
15 but not limited to, consumer protection and student disclosure
16 requirements.

17 SEC. 45. Section 94910 of the Education Code is amended to
18 read:

19 94910. Except as provided in subdivision (d) of Section 94909
20 and Section 94910.5, prior to enrollment, an institution shall
21 provide a prospective student with a current School Performance
22 Fact Sheet containing, at a minimum, the following information,
23 as it relates to the educational program:

24 (a) Completion rates, as calculated pursuant to Article 16
25 (commencing with Section 94928).

26 (b) Placement rates for each educational program, as calculated
27 pursuant to Article 16 (commencing with Section 94928), if the
28 educational program is designed to lead to, or the institution makes
29 any express or implied claim related to preparing students for, a
30 recognized career, occupation, vocation, job, or job title.

31 (c) License examination passage rates for programs leading to
32 employment for which passage of a state licensing examination is
33 required, as calculated pursuant to Article 16 (commencing with
34 Section 94928).

35 (d) Salary or wage information, as calculated pursuant to Article
36 16 (commencing with Section 94928).

37 (e) If a program is too new to provide data for any of the
38 categories listed in this subdivision, the institution shall state on
39 its fact sheet: "This program is new. Therefore, the number of
40 students who graduate, the number of students who are placed, or

1 the starting salary you can earn after finishing the educational
2 program are unknown at this time. Information regarding general
3 salary and placement statistics may be available from government
4 sources or from the institution, but is not equivalent to actual
5 performance data.”

6 (f) All of the following:

7 (1) A description of the manner in which the figures described
8 in subdivisions (a) to (d), inclusive, are calculated or a statement
9 informing the reader of where they may obtain a description of
10 the manner in which the figures described in subdivisions (a) to
11 (d), inclusive, are calculated.

12 (2) A statement informing the reader of where they may obtain
13 from the institution a list of the employment positions determined
14 to be within the field for which a student received education and
15 training for the calculation of job placement rates as required by
16 subdivision (b).

17 (3) A statement informing the reader of where they may obtain
18 from the institution a list of the objective sources of information
19 used to substantiate the salary disclosure as required by subdivision
20 (d).

21 (g) The following statements:

22 (1) “This fact sheet is filed with the Bureau for Private
23 Postsecondary Education. Regardless of any information you may
24 have relating to completion rates, placement rates, starting salaries,
25 or license exam passage rates, this fact sheet contains the
26 information as calculated pursuant to state law.”

27 (2) “Any questions a student may have regarding this fact sheet
28 that have not been satisfactorily answered by the institution may
29 be directed to the Bureau for Private Postsecondary Education at
30 (address), Sacramento, CA (ZIP Code), (internet website),
31 (telephone and fax numbers).”

32 (h) If the institution participates in federal financial aid
33 programs, the most recent three-year cohort default rate reported
34 by the United States Department of Education for the institution
35 and the percentage of enrolled students receiving federal student
36 loans.

37 (i) Data and information disclosed pursuant to subdivisions (a)
38 to (d), inclusive, is not required to include students who satisfy
39 the qualifications specified in subdivision (d) of Section 94909,
40 but an institution shall disclose whether the data, information, or

1 both provided in its fact sheet excludes students pursuant to this
 2 subdivision. An institution shall not actively use data specific to
 3 the fact sheet in its recruitment materials or other recruitment
 4 efforts of students who are not California residents and do not
 5 reside in California at the time of their enrollment.

6 SEC. 46. Section 94929.9 of the Education Code is repealed.

7 SEC. 47. Section 94949 of the Education Code is repealed.

8 SEC. 48. Section 14132.55 of the Welfare and Institutions
 9 Code is amended to read:

10 14132.55. For the purposes of reimbursement under the
 11 Medi-Cal program, a speech pathologist or audiologist shall be
 12 licensed by the Speech-Language Pathology and Audiology and
 13 Hearing Aid Dispensers Board or similarly licensed by a
 14 comparable agency in the state in which they practice. Licensed
 15 speech-language pathologists or licensed audiologists are
 16 authorized to utilize and shall be reimbursed for the services of
 17 those personnel in the process of completing requirements under
 18 the provisions of subdivision (c) of Section 2532.2 of the Business
 19 and Professions Code.

20 *SEC. 49. Section 1.5 of this bill incorporates amendments to*
 21 *Section 27 of the Business and Professions Code proposed by both*
 22 *this bill and Senate Bill 775. That section of this bill shall only*
 23 *become operative if (1) both bills are enacted and become effective*
 24 *on or before January 1, 2026, (2) each bill amends Section 27 of*
 25 *the Business and Professions Code, and (3) this bill is enacted*
 26 *after Senate Bill 775, in which case Section 1 of this bill shall not*
 27 *become operative.*

28 *SEC. 50. Section 35.5 of this bill incorporates amendments to*
 29 *Section 26051.5 of the Business and Professions Code proposed*
 30 *by both this bill and Assembly Bill 8. That section of this bill shall*
 31 *only become operative if (1) both bills are enacted and become*
 32 *effective on or before January 1, 2026, (2) each bill amends Section*
 33 *26051.5 of the Business and Professions Code, and (3) this bill is*
 34 *enacted after Assembly Bill 8, in which case Section 35 of this bill*
 35 *shall not become operative.*

36 *SEC. 51. Section 36.5 of this bill incorporates amendments to*
 37 *Section 26067 of the Business and Professions Code proposed by*
 38 *both this bill and Assembly Bill 8. That section of this bill shall*
 39 *only become operative if (1) both bills are enacted and become*
 40 *effective on or before January 1, 2026, (2) each bill amends Section*

1 26067 of the Business and Professions Code, and (3) this bill is
2 enacted after Assembly Bill 8, in which case Section 36 of this bill
3 shall not become operative.

O

X. Executive Officer's Report

- A. Rulemaking Status Report
- B. Personnel
- C. Association of State Boards of Geology (ASBOG)
 - 1. Update on ASBOG Annual Fall Meeting, October 13-18, 2025 (**Possible Action**)
- D. National Council of Examiners for Engineering and Surveying (NCEES)
 - 1. Report from Annual Meeting, August 19-22, 2025 (**Possible Action**)
- E. 2026 Board Meeting Schedule (**Possible Action**)

Rulemaking Status Report

1. Fees (16 CCR sections 407 and 3005)

- Board's Fee regulatory package was submitted to Agency for approval on September 3, 2025.
- Director approved the Board's Fee regulatory package on September 2, 2025
- Budget office approved the Board's Fee regulatory package on July 14, 2025.
- Staff working with DCA Legal and Budgets to finalize proposal for Notice in July 2025.
- Board directed staff to pursue rulemaking proposal on August 22, 2024.

2. Experience requirements—Professional Land Surveyors (Renumbering Paragraphs - Section 100) (16 CCR sections 425)

- Board staff will work on the pre-notice documents.
- Board directed staff to pursue rulemaking proposal on December 19, 2024.

3. Applications, References, Computation of Qualifying Experience, and Schedule of Examinations (16 CCR sections 420, 427.10, 427.30, 3021, 3022.2, 3023, and 3032)

- Staff working with Legal to prepare language for Board review.
- Staff working on final text for submittal to DCA Legal in September 2022.
- Staff working with DCA Legal to finalize proposal for notice (April 2022).
- Submitted for initial (pre-notice) review by DCA Legal on December 6, 2021.
- Board directed staff to pursue rulemaking proposal on November 8, 2021.

4. Definitions of Negligence and Incompetence and Responsible Charge Criteria for Professional Geologists and Professional Geophysicists (16 CCR sections 3003 and 3003.1)

- Board staff will work on the pre-notice documents.
- Board directed staff to pursue rulemaking proposal on September 6, 2018.

Note: Documents related to any rulemaking file listed as noticed for public comment can be obtained from the Board's website at: http://www.bpelsq.ca.gov/about_us/rulemaking.shtml.

2026 Tentative Board Meeting Calendar

JANUARY							FEBRUARY							MARCH						
S	M	T	W	Th	F	S	S	M	T	W	Th	F	S	S	M	T	W	Th	F	S
				1	2	3	1	2	3	4	5	6	7	1	2	3	4	5	6	7
4	5	6	7	8	9	10	8	9	10	11	12	13	14	8	9	10	11	12	13	14
11	12	13	14	15	16	17	15	16	17	18	19	20	21	15	16	17	18	19	20	21
18	19	20	21	22	23	24	22	23	24	25	26	27	28	22	23	24	25	26	27	28
25	26	27	28	29	30	31								29	30	31				

APRIL							MAY							JUNE						
S	M	T	W	Th	F	S	S	M	T	W	Th	F	S	S	M	T	W	Th	F	S
			1	2	3	4						1	2		1	2	3	4	5	6
5	6	7	8	9	10	11	3	4	5	6	7	8	9	7	8	9	10	11	12	13
12	13	14	15	16	17	18	10	11	12	13	14	15	16	14	15	16	17	18	19	20
19	20	21	22	23	24	25	17	18	19	20	21	22	23	21	22	23	24	25	26	27
26	27	28	29	30	1	2	24	25	26	27	28	29	30	28	29	30				
							31													

JULY							AUGUST							SEPTEMBER						
S	M	T	W	Th	F	S	S	M	T	W	Th	F	S	S	M	T	W	Th	F	S
			1	2	3	4							1			1	2	3	4	5
5	6	7	8	9	10	11	2	3	4	5	6	7	8	6	7	8	9	10	11	12
12	13	14	15	16	17	18	9	10	11	12	13	14	15	13	14	15	16	17	18	19
19	20	21	22	23	24	25	16	17	18	19	20	21	22	20	21	22	23	24	25	26
26	27	28	29	30	31		23	24	25	26	27	28	29	27	28	29	30			
							30	31												

OCTOBER							NOVEMBER							DECEMBER						
S	M	T	W	Th	F	S	S	M	T	W	Th	F	S	S	M	T	W	Th	F	S
				1	2	3	1	2	3	4	5	6	7			1	2	3	4	5
4	5	6	7	8	9	10	8	9	10	11	12	13	14	6	7	8	9	10	11	12
11	12	13	14	15	16	17	15	16	17	18	19	20	21	13	14	15	16	17	18	19
18	19	20	21	22	23	24	22	23	24	25	26	27	28	20	21	22	23	24	25	26
25	26	27	28	29	30	31	29	30						27	28	29	30	31		

STATE HOLIDAYS		NCEES AND ASBOG EVENTS	
1/1 New Year's Day	9/7 Labor Day	4/30-5/2	NCEES WZ Meeting - Bend, OR
1/19 MLK Jr. Day	11/11 Veteran's Day	8/18-8/21	NCEES Annual Meeting - Henderson, NV
2/16 President's Day	11/26-27 Thanksgiving	10/21	ASBOG Annual Meeting - Philadelphia, PA
3/31 Cesar Chavez Day	12/25 Christmas		
5/25 Memorial Day			
7/4 Independence Day			

* **NOTE:** Dates in **yellow** are proposed Board meeting dates.

XI. President's Report/Board Member Activities

XII. Approval of Meeting Minutes (Possible Action)

A. Approval of July 24, 2025, Board Meeting Minutes

DRAFT

**MINUTES OF THE BOARD FOR PROFESSIONAL ENGINEERS, LAND
SURVEYORS, AND GEOLOGISTS**

Department of Consumer Affairs
1625 North Market Boulevard, Hearing Room, #102
Sacramento, CA 95834

Thursday, July 24, 2025

Board Members Present:	President Guillermo Martinez; Vice-President Frank Ruffino; Fel Amistad; Alireza Asgari; Rossana D'Antonio; Desirea Haggard; Tom Hallinan; Michael Hartley; Betsy Mathieson; Fermin Villegas; and Christina Wong
Board Members Absent:	Wilfredo Sanchez and Cliff Waldeck

I. Roll Call to Establish a Quorum

President Martinez called the meeting to order at 9:02 a.m. and a quorum was established.

II. Pledge of Allegiance

Vice-President Ruffino led everyone in the recitation of the Pledge of Allegiance.

III. Public Comment for Items Not on the Agenda

During Public Comment, Rob McMillan, representing CLSA, thanked the Board for allowing the public to attend remotely.

William Estepa, representing ACEC, introduced himself and announced that he is replacing Bob DeWitt, who has retired, as the organization's representative.

IV. Administration

A. Fiscal Year 2024/25 Budget Report

Dawn Hall, Administrative Services Manager, presented the financial report for Fiscal Year 2024/25. She reported that revenue was over \$10.9m. Revenues through Fiscal Month 11 are at \$11.6m and have exceeded our full year projection. Increases over projections are mostly in initial application and examination fees. She anticipates meeting our full year renewal revenue projections. The fund condition statement was not updated to reflect the actual revenue. Increases in the revenue over projections will have a positive impact on the fund balance and months in reserve.

Expenses have been updated to reflect increases in Attorney General and Office of Administrative Hearing costs. Increases in expenses were reflected on the fund condition statement and had a small impact on the months in reserve calculation.

As for the fund condition, the total expenditure projection to year end is \$12,311,510. The months in reserve decreased from 1.7 (last board meeting) to 1.6 in Fiscal Month 11. The fund condition has also been updated to reflect the Fiscal Year 2025/26 expense projection downward according to the budget that was signed June 27, 2025. Staff is currently working on updating the full year revenue and expenses for Fiscal Year 2025/26 and expects to report the full year actual results for prior year Fiscal Year 2024/25 in September or November.

Board member Asgari asked how many people pay their fees with credit cards. Ms. Hall explained that all Connect transactions are via credit card, and debit cards are not accepted. The Board does not pass on credit card fees to users.

V. Enforcement

A. Enforcement Statistical Reports

1. Fiscal Year 2024/25 Update

Brook Grabowski, Enforcement Program Manager, presented the latest Enforcement statistics and reviewed the accompanying graphs for the new Board members.

VI. Exams/Licensing

A. Examination/Licensing Updates

Mr. Moore provided data from the first three computer-based administrations of the new NCEES PE-Structural exam which has had some controversy due to the change in format. Pass rates for candidates who choose the California Board tend to exceed the national average through these three administrations, as expected. Some of the areas that are a little bit more problematic in terms of the issues with computer-based testing (CBT) is the depth portion. Candidates used to be able to bring reference books when the exams were administered in paper and pencil format, but that practice has been discontinued with the move to CBT. This change added complexity for both NCEES and candidates. The provided reference materials did not align with candidate expectations. This represents an initial setback; while the impact was on a relatively small scale, a single percentage point in decline can be impactful. Any administration that results in a passing rate under 20% over multiple exam administrations tends to signify a considerable issue, regardless of population volume, and consequently generated concerns.

During public comment, Carl Josephson, representing SEAOC, noted that despite whether candidates perform well on the exam, they still were requiring more time. The breadth sections of the exam are offered much more frequently and can be taken at any time, while the depth sections of the exam are only offered in April and October due to lower populations and the need for NCEES to build a sufficient item bank. NCEES staff has met with Pearson Vue, and its psychometricians determined that the original exam time was not sufficient,

even for high-performing candidates. As a result, they have extended the exam by an additional hour.

Michael Parolini, representing SEAOC, indicated there are approximately 7,300 structural licenses in California. Licensees with numbers in the 3000s are either retired or no longer with us. 70 licenses issued per year is low. The concern is not just the number of Structural engineers that come in but the number of students choosing STEM in education is dropping. He expressed the importance for young people to get into STEM.

Mr. Moore provided an update on the Connect application review backlog process for civil engineer applications. Licensing staff and Senior Registrars teamed up to tackle the backlog. Since October 2024, more applications are being approved in technical review than are being received on a monthly basis. He commends their progress, noting a significant improvement in turnaround times after previous struggles.

Mr. Moore shared licensing statistics, highlighting a significant increase in Practice Act licenses issued this past Fiscal Year, a trend he is very pleased to see. He also reviewed current licensing trends, noting that some individuals maintain active licenses despite being retired from their occupation while others will let them lapse until they become cancelled. The most substantial growth in active Practice Act licenses has been among electrical engineers. Regarding the overall volume of licenses issued annually, civil engineers consistently represent the largest population, while geophysicists remain the smallest group.

As for the Title Act licenses, there is a similar trend. They are climbing and the numbers of licenses issued are very high in comparison to where they once were with substantial growth in fire protection, and control systems, with a slight increase for chemical engineering.

Board member Wong suggested using these data in the strategic planning process.

William Estepa, representing ACEC, inquired at what point will the Board consider the increasing negative numbers of Professional Land Surveyor licensees a concern? Mr. Moore clarified that any decrease in numbers is a concern for the Board, though the level of concern varies. He explained that while licensing numbers are lower than the previous decade, they are still positive. He also noted that the Board's licensing volume directly reflects the number of applications submitted, therefore, drops in licenses issued generally indicate fewer applications received by the Board.

VII. Legislation

A. 2025 Legislative Calendar

Mr. Moore reviewed the legislative calendar and noted that they are currently on summer recess and will return August 18, 2025.

B. Discussion of Legislation for 2025 (**Possible Action**)

1. **Assembly Bill (AB) 667** – Professions and vocations: license examinations; interpreters

MOTION:	Vice-President Ruffino and Ms. Mathieson moved to take a Watch position on AB 667 as amended July 8, 2025.
VOTE:	11-0, Motion Carried

Member Name	Yes	No	Abstain	Absent	Recusal
President Martinez	X				
Vice-President Ruffino	X				
Fel Amistad	X				
Alireza Asgari	X				
Rossana D'Antonio	X				
Desirea Haggard	X				
Tom Hallinan	X				
Michael Hartley	X				
Betsy Mathieson	X				
Wilfredo Sanchez				X	
Fermin Villegas	X				
Cliff Waldeck				X	
Christina Wong	X				

2. **AB 671** – Accelerated restaurant building plan approval

MOTION:	Vice-President Ruffino and Ms. Wong moved to take a Watch position on AB 671 as amended July 9, 2025.
VOTE:	11-0, Motion Carried

Member Name	Yes	No	Abstain	Absent	Recusal
President Martinez	X				
Vice-President Ruffino	X				
Fel Amistad	X				
Alireza Asgari	X				
Rossana D'Antonio	X				
Desirea Haggard	X				
Tom Hallinan	X				
Michael Hartley	X				
Betsy Mathieson	X				
Wilfredo Sanchez				X	
Fermin Villegas	X				
Cliff Waldeck				X	

Christina Wong	X				
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3. **AB 742** – Department of Consumer Affairs: licensing: applicants who are descendants of slaves

MOTION:	Ms. Wong and Dr. Amistad moved to take a Watch position on AB 742 as amended July 2, 2025.
VOTE:	11-0, Motion Carried

Member Name	Yes	No	Abstain	Absent	Recusal
President Martinez	X				
Vice-President Ruffino	X				
Fel Amistad	X				
Alireza Asgari	X				
Rossana D'Antonio	X				
Desirea Haggard	X				
Tom Hallinan	X				
Michael Hartley	X				
Betsy Mathieson	X				
Wilfredo Sanchez				X	
Fermin Villegas	X				
Cliff Waldeck				X	
Christina Wong	X				

4. **AB 1341** – California Public Records Act: record withholding
During public comment, Rob McMillan thanked the Board for their support on this Bill.

MOTION:	Dr. Amistad and Ms. D'Antonio moved to take a Support position on AB 1341 as amended July 2, 2025
VOTE:	11-0, Motion Carried

Member Name	Yes	No	Abstain	Absent	Recusal
President Martinez	X				
Vice-President Ruffino	X				
Fel Amistad	X				
Alireza Asgari	X				
Rossana D'Antonio	X				
Desirea Haggard	X				
Tom Hallinan	X				
Michael Hartley	X				
Betsy Mathieson	X				
Wilfredo Sanchez				X	
Fermin Villegas	X				
Cliff Waldeck				X	

Christina Wong	X				
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5. **Senate Bill (SB) 470** – Bagley-Keene Open Meeting Act: teleconferencing
No further action is required by the Board at this time.

6. **SB 518** – Descendants of enslaved persons; reparations

MOTION:	Dr. Amistad and Ms. Wong moved to take a Watch position on SB 518 as amended July 3, 2025.
VOTE:	11-0, Motion Carried

Member Name	Yes	No	Abstain	Absent	Recusal
President Martinez	X				
Vice-President Ruffino	X				
Fel Amistad	X				
Alireza Asgari	X				
Rossana D'Antonio	X				
Desirea Haggard	X				
Tom Hallinan	X				
Michael Hartley	X				
Betsy Mathieson	X				
Wilfredo Sanchez				X	
Fermin Villegas	X				
Cliff Waldeck				X	
Christina Wong	X				

7. **SB 641** – Department of Consumer Affairs and Department of Real Estate:
states of emergency: waivers and exemptions
No further action is required by the Board at this time.

8. **SB 861** – Consumer affairs

MOTION:	Vice-President Ruffino and Mr. Hartley moved to take a Support position on SB 861 as amended June 30, 2025
VOTE:	11-0, Motion Carried

Member Name	Yes	No	Abstain	Absent	Recusal
President Martinez	X				
Vice-President Ruffino	X				
Fel Amistad	X				
Alireza Asgari	X				
Rossana D'Antonio	X				
Desirea Haggard	X				
Tom Hallinan	X				
Michael Hartley	X				
Betsy Mathieson	X				

Wilfredo Sanchez				X	
Fermin Villegas	X				
Cliff Waldeck				X	
Christina Wong	X				

VIII. Executive Officer's Report

A. Rulemaking Status Report

Mr. Moore reported that the Budget office approved the Board's fee regulatory package on July 14, 2025 which will now proceed to DCA Executive leadership before going to Agency review.

B. Personnel

Mr. Moore announced that the Senior Registrar Engineer position remains vacant. Applications are currently being accepted, and staff are looking forward to reviewing qualified candidates.

C. Association of State Boards of Geology (ASBOG)

The out of state travel request has been submitted to attend the ASBOG Annual Meeting and Council of Examiners (COE) meeting in Salt Lake City, UT in October 2025.

D. National Council of Examiners for Engineering and Surveying (NCEES)

1. Annual Meeting, August 19-22, 2025 (**Possible Action**)

Mr. Moore presented the action items and conference reports for the August 19-22, 2025, NCEES Annual Meeting. He introduced Aaron Blaisdell, Western Zone Vice-President, who is also a Board member with the Washington state board. He reviewed NCEES's governing body, the vision and mission, and the organizational structure of NCEES.

Mr. Moore asked Board members and staff if any received an invite from NCEES to participate on various NCEES committees. Rossana D'Antonio, Bylaws Committee; Christina Wong, Finance Committee; Frank Ruffino, Leadership Development Committee; Emeritus Member Carl Josephson, Structural Task Force; Ric Moore, UPLG Committee; Emeritus Member Dr. Qureshi, MBA Committee; and Tiffany Criswell, Chair of the Enforcement Committee.

During public comment, Carl Josephson announced that he will be attending the NCEES Annual Meeting as he will be the recipient of the President's award. He was on the structural work group, and they assembled a comprehensive report which included, whether the definition of significant structures be included in model rules and model law, and secondly is whether conditioning and inspections should be included in the definition of engineering. After quite a bit of work, they presented a memo to the Board, and they decided to add significant structures in model rules. It will be presented to a task force where they will make a formal decision and formally

present the recommendation. The second was the definition of engineering, much of it did not need to be included in the definition but the assessment of structures should. He appreciates his emeritus membership as it allows him to participate at the national level.

Mr. McMillan expressed his appreciation for NCEES and congratulated Mr. Josephson on his upcoming award.

Mr. Moore asked if there is anything the Board wished to discuss from the packet of motions in the NCEES Action Items document. There were none.

The case for adding an MBA to the NCEES board of directors

Mr. Moore reported that this topic has come up in discussion with NCEES. Many professional organizations, similar to NCEES or other professions, include a representative of the member board executives or administrators on their board of directors. The topic of adding a Member Board Administrator (MBA) to the NCEES Board of Directors surfaced during discussions at the Central/Western Zone joint interim meeting in Albuquerque, New Mexico. During the last Western Zone breakout session, a motion was made and failed due to it being a split vote. Mr. Moore decided to write an article for the Licensure Exchange, an NCEES publication. He consulted with other boards because the other board administrators have expressed their positions on this topic. He consulted with the MBA committee chair about submitting an article, which they had been actively seeking. He submitted the article to NCEES, where it underwent minor revisions. The article will not be released until just before the Annual Meeting. He learned from several other board administrators that at least one board is prepared to formally introduce this article on the floor, with others ready to second the motion. He is not advocating for California to be the one to make the motion, as sometimes California's motions are dismissed. He simply wanted to brief the Board on this development from the zone meeting, as he anticipates another board might initiate action, though he is unsure of the specific motion. President Martinez expressed his support and feels that someone in the MBA role should be at the board level with NCEES.

During Public comment, Mr. McMillan said he supports the board's efforts on this motion.

MOTION:	Ms. Mathieson and Ms. Haggard moved to provide guidance to our two representatives to advocate and encourage any other state that wants to make the motion to do so. Should no other state initiate the vote, our representatives should do so.
VOTE:	11-0, Motion Carried

Member Name	Yes	No	Abstain	Absent	Recusal
President Martinez	X				

Vice-President Ruffino	X				
Fel Amistad	X				
Alireza Asgari	X				
Rossana D'Antonio	X				
Desirea Haggard	X				
Tom Hallinan	X				
Michael Hartley	X				
Betsy Mathieson	X				
Wilfredo Sanchez				X	
Fermin Villegas	X				
Cliff Waldeck				X	
Christina Wong	X				

E. Update on Outreach Efforts

Mr. Moore reviewed the outreach efforts. Ms. Mathieson pointed out that some of the existing outreach efforts are to encourage more people to go into professions that the Board regulates and give students guidance for courses they should be taking to better prepare for them to apply for licensure.

Mr. McMillan thanked Board staff for their involvement in all professional associations.

IX. President's Report/Board Member Activities

President Martinez attended the NCEES State of the Council Meeting and the quarterly DCA Leadership Meeting; Ms. Wong also attended the DCA Leadership Meeting; Vice-President Ruffino welcomed Desirea Haggard and Tom Hallinan to the Board and congratulated Christina Wong on her reappointment to the Board. He added that he serves on the NCEES Leadership Development Committee and provided a brief overview of this committee.

Desirea Haggard introduced herself. She is the Vice-President of Sustainability and Environmental at UNACEM, a construction materials company focusing on cement, concrete, and mining aggregate. She has 20 years of experience in cement with a focus on environmental, permitting and compliance. She is excited to be on the Board and hopes to have an opportunity to be involved with NCEES and the various committees and expressed her willingness to help where needed.

Tom Hallinan introduced himself and for the last 30 years has been a local government city and special district attorney. Over the last year he transitioned and works part time as a city attorney and a prosecutor in Stanislaus County. He also mentioned that he has a background in legislation.

X. Approval of Meeting Minutes (Possible Action)

A. Approval of May 29, 2025, Board Meeting Minutes

MOTION:	Ms. Wong and Dr. Amistad moved to approve the minutes as amended.
VOTE:	9-2, Motion Carried

Member Name	Yes	No	Abstain	Absent	Recusal
President Martinez	X				
Vice-President Ruffino	X				
Fel Amistad	X				
Alireza Asgari	X				
Rossana D'Antonio	X				
Desirea Haggard	X				
Tom Hallinan			X		
Michael Hartley			X		
Betsy Mathieson	X				
Wilfredo Sanchez				X	
Fermin Villegas	X				
Cliff Waldeck				X	
Christina Wong	X				

XI. Closed Session – The Board met in Closed Session to discuss, as needed:

- A. Deliberate on a Decision(s) to be Reached in a Proceeding(s) Required to be Conducted Pursuant to Chapter 5 (commencing with Section 11500), as Authorized by Government Code Section 11126(c)(3).
- B. Confer with, or Receive Advice from, Its Legal Counsel Regarding Pending Litigation Pursuant to Government Code Section 11126(e)(1) and (2)(A), on the following matters:
 1. Crownholm et al. v. Moore, et al. No. 24-276, cert. pending (filed Sep. 9, 2024), Supreme Court of the United States, Crownholm, et al. v. Moore, et al. (No. 23-15138) (9th Cir. April 16, 2024)
 2. Shahrokh Esmaily-Radvar vs. Board for Professional Engineers, Land Surveyors, and Geologists, Los Angeles County Superior Court, Case No. 25STCP02175
 3. James MacGregor Renfrew, Jr. vs. Board for Professional Engineers, Land Surveyors, and Geologists, Los Angeles County Superior Court, Case No. 25STCP02233

XII. Adjourn

The meeting adjourned at 3:22 p.m.

PUBLIC PRESENT

Aaron Blaisdell, NCEES
William Estepa, ACEC
Carl Josephson, SEAOC
Rob McMillan, CLSA
Hyock Lee

XIII. Adjourn
