

AMENDED IN ASSEMBLY JUNE 30, 2025

AMENDED IN SENATE MAY 14, 2025

**SENATE BILL**

**No. 861**

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**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

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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, and to add and repeal Section 1616.5 of, 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. ~~The bill would also authorize the board to appoint a person exempt from civil service as an executive officer, and would repeal this provision on January 1, 2029.~~

(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 Pathologist~~ *Pathologists* and ~~Audiologist~~ *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.*

~~(11)~~

(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.

~~(12)~~

(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.”

~~(13)~~

(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.

~~(14)~~

(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.

~~(15)~~

(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.

~~(16)~~

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

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

(commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code) taken by the entity relative to persons, businesses, or facilities subject to licensure or regulation by the entity. The information may not include personal information, including home telephone number, date of birth, or social security number. Each entity shall disclose a licensee's address of record. However, each entity shall allow a licensee to provide a post office box number or other alternate address, instead of the licensee's home address, as the address of record. This section shall not preclude an entity from also requiring a licensee, who has provided a post office box number or other alternative mailing address as the licensee's address of record, to provide a physical business address or residence address only for the entity's internal administrative use and not for disclosure as the licensee's address of record or disclosure on the internet.

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

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

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

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

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

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

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

(6) The Contractors State License Board shall disclose information on its licensees and registrants in accordance with



Chapter 9 (commencing with Section 7000) of Division 3. In addition to information related to licenses as specified in subdivision (a), the board shall also disclose information provided to the board by the Labor Commissioner pursuant to Section 98.9 of the Labor Code.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

3 144. (a) Notwithstanding any other law, an agency designated  
4 in subdivision (b) shall require an applicant to furnish to the agency  
5 a full set of fingerprints for purposes of conducting criminal history  
6 record checks. Any agency designated in subdivision (b) may  
7 obtain and receive, at its discretion, criminal history information  
8 from the Department of Justice and the United States Federal  
9 Bureau of Investigation.

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

- 11 (1) California Board of Accountancy.
- 12 (2) State Athletic Commission.
- 13 (3) Board of Behavioral Sciences.
- 14 (4) Court Reporters Board of California.
- 15 (5) Dental Board of California.
- 16 (6) California State Board of Pharmacy.
- 17 (7) Board of Registered Nursing.
- 18 (8) California Veterinary Medical Board.
- 19 (9) Board of Vocational Nursing and Psychiatric Technicians  
20 of the State of California.
- 21 (10) Respiratory Care Board of California.
- 22 (11) Physical Therapy Board of California.
- 23 (12) Physician Assistant Board.
- 24 (13) Speech-Language Pathology and Audiology and Hearing  
25 Aid Dispensers Board.
- 26 (14) Medical Board of California.
- 27 (15) California State Board of Optometry.
- 28 (16) Acupuncture Board.
- 29 (17) Cemetery and Funeral Bureau.
- 30 (18) Bureau of Security and Investigative Services.
- 31 (19) Division of Investigation.
- 32 (20) Board of Psychology.
- 33 (21) California Board of Occupational Therapy.
- 34 (22) Structural Pest Control Board.
- 35 (23) Contractors State License Board.
- 36 (24) California Board of Naturopathic Medicine.
- 37 (25) Professional Fiduciaries Bureau.
- 38 (26) Board for Professional Engineers, Land Surveyors, and  
39 Geologists.
- 40 (27) Podiatric Medical Board of California.

1 (28) Osteopathic Medical Board of California.

2 (29) California Architects Board, beginning January 1, 2021.

3 (30) Landscape Architects Technical Committee, beginning  
4 January 1, 2022.

5 (31) Bureau of Household Goods and Services with respect to  
6 household movers as described in Chapter 3.1 (commencing with  
7 Section 19225) of Division 8.

8 (32) State Board of Chiropractic Examiners.

9 (c) For purposes of paragraph (26) of subdivision (b), the term  
10 “applicant” shall be limited to an initial applicant who has never  
11 been registered or licensed by the board or to an applicant for a  
12 new licensure or registration category.

13 SEC. 3. Section 1602 of the Business and Professions Code is  
14 amended to read:

15 1602. All of the members of the board, except the public  
16 members, shall have been actively and lawfully engaged in the  
17 practice of dentistry in the State of California, for at least five years  
18 next preceding the date of their appointment. The registered dental  
19 assistant members shall have been a registered dental assistant, in  
20 the State of California for at least five years next preceding the  
21 date of their appointment. The public members shall not be  
22 licensees of the board or of any other board under this division or  
23 of any board referred to in Sections 1000 and 3600. No more than  
24 one member of the board shall be a member of the faculty of any  
25 dental college or dental department of any medical college in the  
26 State of California. None of the members, including the public  
27 members, shall have any financial interest in any such college.

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

30 1603. (a) Except for the initial appointments, members of the  
31 board shall be appointed for a term of four years, and each member  
32 shall hold office until the appointment and qualification of the  
33 member’s successor or until one year shall have elapsed since the  
34 expiration of the term for which the member was appointed,  
35 whichever first occurs.

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

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

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

(e) Of the initial appointments, one of the dentist members and one of the public members appointed by the Governor shall serve for a term of one year. Two of the dentist members appointed by the Governor shall each serve for a term of two years. One of the public members and two of the dentist members appointed by the Governor shall each serve a term of three years. The registered dental assistant members and the remaining three dentist members appointed by the Governor shall each serve for a term of four years. The public members appointed by the Senate Committee on Rules and the Speaker of the Assembly shall each serve for a term of four years.

~~SEC. 5. Section 1616.5 is added to the Business and Professions Code, to read:~~

~~1616.5. (a) The board, by and with the approval of the director, may appoint a person exempt from civil service who shall be designated as an executive officer and who shall exercise the powers and perform the duties delegated by the board and vested in the executive officer by this chapter.~~

~~(b) This section shall remain in effect only until January 1, 2029, and as of that date is repealed.~~

~~SEC. 6:~~

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

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

(b) Whenever the terms “Dental Hygiene Committee of California” or “committee” are used in this article, they mean the Dental Hygiene Board of California.

(c) Whenever the term “Dental Hygiene Committee of California” is used in any other law, it means the Dental Hygiene Board of California.

(d) This section shall remain in effect only until January 1, 2028, and as of that date is repealed. Notwithstanding any other law, the

1 repeal of this section renders the dental hygiene board subject to  
2 review by the appropriate policy committees of the Legislature.

3 ~~SEC. 7.~~

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

6 1903. (a) (1) The dental hygiene board shall consist of nine  
7 members as follows:

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

9 (i) Two members shall be public members.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

~~SEC. 8.~~

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

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

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

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

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

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

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

32 (6) Determine and enforce the continuing education  
33 requirements specified in Section 1936.1.

34 (7) Deny, suspend, or revoke a license under this article, or  
35 otherwise enforce the provisions of this article. Any such  
36 proceedings shall be conducted in accordance with Chapter 5  
37 (commencing with Section 11500) of Part 1 of Division 3 of Title  
38 2 of the Government Code, and the dental hygiene board shall  
39 have all of the powers granted therein.

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

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

~~SEC. 9.~~

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

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

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

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

(c) It shall constitute unprofessional conduct if the registered dental hygienist in alternative practice's physical facility or equipment is found to be noncompliant with any requirements necessary for licensure and a registered dental hygienist in alternative practice may be placed on probation with terms, issued a citation and fine, or have the owned physical facility registration withdrawn if compliance is not demonstrated within reasonable timelines, as established by the dental hygiene board.



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

~~SEC. 10.~~

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

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

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

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

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

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

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

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

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

(8) The fee for issuance of a duplicate license to replace one that is lost or destroyed, or in the event of a name change, shall

1 not exceed twenty-five dollars (\$25) or one-half of the renewal  
2 fee, whichever is greater.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

26 ~~SEC. 11.~~

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

29 2125. (a) For purposes of this article, the following definitions  
30 apply:

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

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

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

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

38 (c) (1) This program extends the physician component of the  
39 Licensed Physicians and Dentists from Mexico Pilot Program, as  
40 established in former Section 853, which authorized up to 30

1 licensed physicians specializing in family practice, internal  
2 medicine, pediatrics, and obstetrics and gynecology from Mexico  
3 to practice medicine in California for a period not to exceed three  
4 years.

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

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

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

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

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

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

32 (B) (i) Satisfactorily completed an orientation program approved  
33 by the board in connection with the Licensed Physicians and  
34 Dentists from Mexico Pilot Program, as established in former  
35 Section 853, and that includes medical protocol, community clinic  
36 history and operations, medical administration, hospital operations  
37 and protocol, medical ethics, the California medical delivery  
38 system, health maintenance organizations and managed care  
39 practices, medication documentation and reconciliation, the  
40 electronic medical records system utilized by federally qualified

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

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

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

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

33 (4) The federally qualified health centers employing physicians  
34 from Mexico shall continue the peer review protocols and  
35 procedures as required by the federal government. The federally  
36 qualified health centers shall work with a California medical school  
37 approved by the board pursuant to Section 2084 or a residency  
38 program approved by the Accreditation Council for Graduate  
39 Medical Education to conduct 10 secondary reviews of randomly  
40 selected patient encounters with each licensee per six-month period,

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

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

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

36 (7) A licensee shall practice only in the nonprofit community  
37 health center that offered the licensee employment and the  
38 corresponding hospital. This three-year physician's and surgeon's  
39 license shall be deemed to be a license in good standing pursuant  
40 to the provisions of this chapter for the purpose of participation

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

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

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

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

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

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

36 (g) (1) (A) Between January 1, 2025, and January 1, 2029, the  
37 board shall coordinate with the representatives described in  
38 subparagraph (C) of paragraph (2) of subdivision (e) to ensure that  
39 no more than 155 program participants have a current and active  
40 license at the same time.

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

4 (C) During the time period described in subparagraph (A), an  
5 applicant shall submit an application to the board between October  
6 1, 2025, and December 31, 2025, except that the board may accept  
7 up to 15 applications after December 31, 2025, and before January  
8 1, 2028.

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

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

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

22 (3) (A) Between January 1, 2033, and January 1, 2037, the  
23 board shall coordinate with the representatives described in  
24 subparagraph (C) of paragraph (2) of subdivision (e) to ensure that  
25 no more than 225 program participants have a current and active  
26 license at the same time.

27 (B) During the time period described in subparagraph (A), no  
28 more than 40 of the 225 licenses may be issued to physicians whose  
29 primary area of practice is psychiatry.

30 (C) During the time period described in subparagraph (A), an  
31 applicant shall submit an application to the board between October  
32 1, 2033, and December 31, 2033, except that the board may accept  
33 up to 22 applications after December 31, 2033, and before January  
34 1, 2036.

35 (4) (A) Between January 1, 2037, and January 1, 2041, the  
36 board shall coordinate with the representatives described in  
37 subparagraph (C) of paragraph (2) of subdivision (e) to ensure that  
38 no more than 255 program participants have a current and active  
39 license at the same time.



1 (B) During the time period described in subparagraph (A), no  
2 more than 40 of the 255 licenses may be issued to physicians whose  
3 primary area of practice is psychiatry.

4 (C) During the time period described in subparagraph (A), an  
5 applicant shall submit an application to the board between October  
6 1, 2037, and December 31, 2037, except that the board may accept  
7 up to 25 applications after December 31, 2037, and before January  
8 1, 2040.

9 (5) (A) Between January 1, 2041, and January 1, 2045, the  
10 board shall coordinate with the representatives described in  
11 subparagraph (C) of paragraph (2) of subdivision (e) to ensure that  
12 no more than 275 program participants have a current and active  
13 license at the same time.

14 (B) During the time period described in subparagraph (A), no  
15 more than 40 of the 275 licenses may be issued to physicians whose  
16 primary area of practice is psychiatry.

17 (C) During the time period described in subparagraph (A), an  
18 applicant shall submit an application to the board between October  
19 1, 2041, and December 31, 2041, except that the board may accept  
20 up to 27 applications after December 31, 2041, and before January  
21 1, 2044.

22 (6) A physician's eligibility pursuant to this subdivision is  
23 subject to the physician complying with all of the requirements  
24 set forth in this section.

25 (h) All applicable employment benefits, salary, and policies  
26 provided by nonprofit community health centers to their current  
27 employees shall be provided to medical practitioners from Mexico  
28 participating in this program. This shall include nonprofit  
29 community health centers providing malpractice insurance  
30 coverage.

31 (i) Each program applicant shall be responsible for working  
32 with the governments of Mexico and the United States in order to  
33 obtain the necessary three-year visa required for program  
34 participation.

35 ~~SEC. 12.~~

36 *SEC. 11.* Section 2532.2 of the Business and Professions Code  
37 is amended to read:

38 2532.2. Except as required by Section 2532.25, to be eligible  
39 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. 13.~~

5 *SEC. 12.* Section 2532.3 of the Business and Professions Code  
6 is amended to read:

7 2532.3. (a) Upon approval of an application filed pursuant to  
8 Section 2532.1, and upon the payment of the fee prescribed by  
9 subdivision (i) of Section 2534.2, the board may issue a temporary  
10 license for a period of six months from the date of issuance to a  
11 speech-language pathologist or audiologist who holds an  
12 unrestricted license from another state or territory of the United  
13 States or who holds equivalent qualifications as determined by the  
14 board and has made application to the board for a license in this  
15 state.

16 (b) A temporary license shall terminate upon notice thereof by  
17 certified mail, return receipt requested, if it is issued by mistake  
18 or if the application for permanent licensure is denied.

19 (c) Upon written application, the board may reissue a temporary  
20 license to any person who has applied for a regular renewable  
21 license pursuant to Section 2532.1, and who, in the judgment of  
22 the board, has been excusably delayed in completing their  
23 application or the minimum requirements for a regular license.  
24 The board may not reissue a temporary license more than twice  
25 to any one person.

26 ~~SEC. 14.~~

27 *SEC. 13.* Section 2532.4 of the Business and Professions Code  
28 is amended to read:

29 2532.4. (a) The board may direct applicants to be examined  
30 for knowledge in whatever theoretical or applied fields in  
31 speech-language pathology or audiology it deems appropriate. It  
32 may examine the applicant with regard to their professional skills  
33 and their judgment in the utilization of speech-language pathology  
34 or audiology techniques and methods.

35 (b) The examination may be written or oral or both. The  
36 examination shall be given at least once a year at the time and  
37 place and under such supervision as the board may determine. The  
38 board shall determine what shall constitute a passing grade.

39 (c) The board shall keep an accurate recording of any oral  
40 examination and keep the recordings as well as any written

1 examination as part of its records for at least two years following  
2 the date of examination.

3 ~~SEC. 15.~~

4 *SEC. 14.* Section 2532.6 of the Business and Professions Code  
5 is amended to read:

6 2532.6. (a) The Legislature recognizes that the education and  
7 experience requirements of this chapter constitute only minimal  
8 requirements to assure the public of professional competence. The  
9 Legislature encourages all professionals licensed and registered  
10 by the board under this chapter to regularly engage in continuing  
11 professional development and learning that is related and relevant  
12 to the professions of speech-language pathology and audiology.

13 (b) The board shall not renew any license or registration pursuant  
14 to this chapter unless the applicant certifies to the board that they  
15 have completed in the preceding two years not less than the  
16 minimum number of continuing professional development hours  
17 established by the board pursuant to subdivision (c) for the  
18 professional practice authorized by their license or registration.

19 (c) (1) The board shall prescribe the forms utilized for and the  
20 number of hours of required continuing professional development  
21 for persons licensed or registered under this chapter.

22 (2) The board shall have the right to audit the records of any  
23 applicant to verify the completion of the continuing professional  
24 development requirements.

25 (3) Applicants shall maintain records of completion of required  
26 continuing professional development coursework for a minimum  
27 of two years and shall make these records available to the board  
28 for auditing purposes upon request.

29 (d) The board shall establish exceptions from the continuing  
30 professional development requirements of this section for good  
31 cause as defined by the board.

32 (e) (1) The continuing professional development services shall  
33 be obtained from accredited institutions of higher learning,  
34 organizations approved as continuing education providers by either  
35 the American ~~Speech-Language-Hearing~~  
36 *Speech-Language-Hearing* Association or the American Academy  
37 of Audiology, the California Medical Association's Institute for  
38 Medical Quality Continuing Medical Education Program, or other  
39 entities or organizations approved as continuing professional  
40 development providers by the board, in its discretion.

1 (2) No hours shall be credited for any course enrolled in by a  
2 licensee that has not first been approved and certified by the board,  
3 if the board has sufficient funding and staff resources to implement  
4 the approval and certification process.

5 (3) The continuing professional development services offered  
6 by these entities may, but are not required to, utilize pretesting and  
7 posttesting or other evaluation techniques to measure and  
8 demonstrate improved professional learning and competency.

9 (4) An accredited institution of higher learning, an organization  
10 approved as continuing education providers by either the American  
11 ~~Speech-Language Hearing~~ *Speech-Language-Hearing* Association  
12 or the American Academy of Audiology, and the California  
13 Medical Association's Institute for Medical Quality Continuing  
14 Education Program shall be exempt from any application or  
15 registration fees that the board may charge for continuing education  
16 providers.

17 (5) Unless a course offered by entities listed in paragraph (4)  
18 meets the requirements established by the board, the course may  
19 not be credited towards the continuing professional development  
20 requirements for license renewal.

21 (6) The licensee shall be responsible for obtaining the required  
22 course completion documents for courses offered by entities  
23 specified in paragraph (1).

24 (f) The board, by regulation, shall fund the administration of  
25 this section through professional development services provider  
26 and licensing fees to be deposited in the Speech-Language  
27 Pathology and Audiology and Hearing Aid Dispensers Fund. The  
28 fees related to the administration of this section shall be sufficient  
29 to meet, but shall not exceed, the costs of administering the  
30 corresponding provisions of this section.

31 (g) The continuing professional development requirements  
32 adopted by the board shall comply with any guidelines for  
33 mandatory continuing education established by the Department of  
34 Consumer Affairs.

35 ~~SEC. 16.~~

36 *SEC. 15.* Section 2532.7 of the Business and Professions Code  
37 is amended to read:

38 2532.7. (a) Upon approval of an application filed pursuant to  
39 Section 2532.1, and upon payment of the fee prescribed by Section  
40 2534.2, the board may issue a required professional experience

1 (RPE) temporary license for a period to be determined by the board  
2 to an applicant who is obtaining the required professional  
3 experience specified in subdivision (c) of Section 2532.2 or  
4 paragraph (2) of subdivision (b) of Section 2532.25.

5 (b) Effective July 1, 2003, no person shall obtain the required  
6 professional experience for licensure in either an exempt or  
7 nonexempt setting, as defined in Section 2530.5, unless they are  
8 licensed in accordance with this section or ~~is~~ *are* completing the  
9 final clinical externship of a board-approved audiology doctoral  
10 training program in accordance with paragraph (2) of subdivision  
11 (b) of Section 2532.25 in another state.

12 (c) A person who obtains an RPE temporary license outside the  
13 State of California shall not be required to hold a temporary license  
14 issued pursuant to subdivision (a) if the person is completing the  
15 final clinical externship of an audiology doctoral training program  
16 in accordance with paragraph (2) of subdivision (b) of Section  
17 2532.25.

18 (d) Any experience obtained in violation of this act shall not be  
19 approved by the board.

20 (e) An RPE temporary license shall terminate upon notice  
21 thereof by certified mail, return receipt requested, if it is issued by  
22 mistake or if the application for permanent licensure is denied.

23 (f) Upon written application, the board may reissue an RPE  
24 temporary license for a period to be determined by the board to  
25 an applicant who is obtaining the required professional experience  
26 specified in subdivision (c) of Section 2532.2 or paragraph (2) of  
27 subdivision (b) of Section 2532.25.

28 ~~SEC. 17.~~

29 *SEC. 16.* Section 2536 of the Business and Professions Code  
30 is amended to read:

31 2536. A speech-language pathology corporation or an audiology  
32 corporation is a corporation which is authorized to render  
33 professional services, as defined in Section 13401 of the  
34 Corporations Code, so long as that corporation and its shareholders,  
35 officers, directors, and employees rendering professional services  
36 who are speech-language pathologists or audiologists are in  
37 compliance with the Moscone-Knox Professional Corporation Act,  
38 this article, and all other statutes and regulations now or hereafter  
39 enacted or adopted pertaining to the corporation and the conduct  
40 of its affairs.

1 With respect to a speech-language pathology corporation or an  
2 audiology corporation, the governmental agency referred to in the  
3 Moscone-Knox Professional Corporation Act is the  
4 Speech-Language Pathology and Audiology and Hearing Aid  
5 Dispensers Board.

6 ~~SEC. 18.~~

7 *SEC. 17.* Section 6501 of the Business and Professions Code  
8 is amended to read:

9 6501. As used in this chapter, the following terms have the  
10 following meanings:

11 (a) “Act” means this chapter.

12 (b) “Bureau” means the Professional Fiduciaries Bureau within  
13 the Department of Consumer Affairs, established pursuant to  
14 Section 6510.

15 (c) “Client” means an individual who is served by a professional  
16 fiduciary.

17 (d) “Department” means the Department of Consumer Affairs.

18 (e) “Licensee” means a person who is licensed under this chapter  
19 as a professional fiduciary.

20 (f) (1) “Professional fiduciary” means either of the following:

21 (A) A person who acts as a guardian or conservator of the  
22 person, the estate, or the person and estate, for two or more  
23 individuals at the same time who are not related to the professional  
24 fiduciary or to each other.

25 (B) A personal representative of a decedent’s estate, as defined  
26 in Section 58 of the Probate Code, for two or more individuals at  
27 the same time who are not related to the professional fiduciary or  
28 to each other.

29 (2) “Professional fiduciary” also means a person who acts as a  
30 trustee, agent under a durable power of attorney for health care,  
31 or agent under a durable power of attorney for finances, for four  
32 or more individuals, at the same time.

33 In counting individuals under this paragraph to determine  
34 whether a person is a professional fiduciary:

35 (A) Individuals who are related to the fiduciary shall not be  
36 counted.

37 (B) All individuals who are related to each other shall be counted  
38 as one individual.

1 (C) All trustors who are related to each other shall be counted  
2 as one individual, and neither the number of trusts nor the number  
3 of beneficiaries of those trusts shall be counted.

4 (D) “Professional fiduciary” also includes a person acting as a  
5 professional fiduciary practice administrator, appointed pursuant  
6 to Section 2469 or 9765 of the Probate Code.

7 (3) For purposes of this subdivision, “related” means related by  
8 blood, adoption, marriage, or registered domestic partnership.

9 (4) “Professional fiduciary” does not include any of the  
10 following:

11 (A) A trust company, as defined in Section 83 of the Probate  
12 Code.

13 (B) An FDIC-insured institution, or its holding companies,  
14 subsidiaries, or affiliates. For the purposes of this subparagraph,  
15 “affiliate” means an entity that shares an ownership interest with,  
16 or that is under the common control of, the FDIC-insured  
17 institution.

18 (C) A public agency, including the public guardian, public  
19 conservator, or other agency of the State of California or of a  
20 county of California or a regional center for persons with  
21 developmental disabilities, as defined in Section 4620 of the  
22 Welfare and Institutions Code.

23 (D) A nonprofit corporation or charitable trust that is described  
24 in Section 501(c)(3) of the Internal Revenue Code and that satisfies  
25 all of the following requirements:

26 (i) Is an organization described in Section 509(a)(1), Section  
27 509(a)(2), or Section 509(a)(3) of the Internal Revenue Code.

28 (ii) Has been in existence for at least five years.

29 (iii) Has total institutional funds as described in subdivision (e)  
30 of Section 18502 of the Probate Code according to its most recent  
31 audited financial statement with a value of at least two million  
32 dollars (\$2,000,000) net of encumbrances.

33 (iv) Is acting as a trustee, incidental to the purposes for which  
34 it was organized, of a trust that meets at least one of the following  
35 conditions:

36 (I) It is a trust from which annual distributions are limited to  
37 income, a sum certain, or a fixed percentage of the net fair market  
38 value of the trust assets as described in Section 664(d) of the  
39 Internal Revenue Code governing charitable remainder trusts.



1 (II) It is a trust from which annual distributions are limited to  
2 a guaranteed annuity or a fixed percentage of the fair market value  
3 of the property as described in Section 2055(e)(2)(B) or Section  
4 2522(c)(2)(B) of the Internal Revenue Code.

5 (III) It is a trust from which annual distributions are limited to  
6 income, including a pooled income fund from which annual  
7 distributions are limited to income as described in Section 642(c)(5)  
8 of the Internal Revenue Code governing pooled income funds.

9 (IV) It is a trust as to which the value of the charitable interest  
10 was presently ascertainable upon creation of the trust and  
11 deductible for federal gift, estate, or income tax purposes under  
12 the Internal Revenue Code as in effect prior to enactment of the  
13 federal Tax Reform Act of 1969 (Public Law 91-172).

14 (E) A person employed by, or acting as an agent on behalf of,  
15 an entity or agency described in subparagraph (A), (B), (C), or (D)  
16 who is acting within the course and scope of that employment or  
17 agency, and a public officer of an agency described in subparagraph  
18 (C) acting in the course and scope of official duties.

19 (F) A person whose sole activity as a professional fiduciary is  
20 as a broker-dealer, broker-dealer agent, investment adviser, or  
21 investment adviser representative registered and regulated under  
22 the Corporate Securities Law of 1968 (Division 1 (commencing  
23 with Section 25000) of Title 4 of the Corporations Code), the  
24 Investment Advisers Act of 1940 (15 U.S.C. Sec. 80b-1 et seq.),  
25 or the Securities Exchange Act of 1934 (15 U.S.C. Sec. 78a et  
26 seq.), or involves serving as a trustee to a company regulated by  
27 the Securities and Exchange Commission under the Investment  
28 Company Act of 1940 (15 U.S.C. Sec. 80a-1 et seq.).

29 (g) “Committee” means the Professional Fiduciaries Advisory  
30 Committee, as established pursuant to Section 6511.

31 ~~SEC. 19.~~

32 *SEC. 18.* Section 6584 of the Business and Professions Code  
33 is amended to read:

34 6584. A license issued under this chapter may be suspended,  
35 revoked, denied, or other disciplinary action may be imposed for  
36 one or more of the following causes:

37 (a) Conviction of any felony or any misdemeanor, if the  
38 misdemeanor is substantially related to the functions and duties  
39 of a professional fiduciary. The record of conviction, or a certified  
40 copy thereof, is conclusive evidence of the conviction.

1 (b) Failure to notify the bureau of a conviction as required by  
2 paragraph (11) of subdivision (a) of Section 6561.

3 (c) Fraud or misrepresentation in obtaining a license.

4 (d) Fraud, dishonesty, corruption, willful violation of duty, gross  
5 negligence or incompetence in practice, or unprofessional conduct  
6 in, or related to, the practice of a professional fiduciary. For  
7 purposes of this section, unprofessional conduct includes, but is  
8 not limited to, acts contrary to professional standards concerning  
9 any provision of law substantially related to the duties of a  
10 professional fiduciary.

11 (e) Failure to comply with, or to pay a monetary sanction  
12 imposed by, a court for failure to provide timely reports. The record  
13 of the court order, or a certified copy thereof, is conclusive  
14 evidence that the sanction was imposed.

15 (f) Failure to pay a civil penalty relating to the licensee's  
16 professional fiduciary duties.

17 (g) The revocation of, suspension of, or other disciplinary action  
18 against, any other professional license by the State of California  
19 or by another state. A certified copy of the revocation, suspension,  
20 or disciplinary action is conclusive evidence of that action.

21 (h) Violation of this chapter or of the applicable provisions of  
22 Division 4 (commencing with Section 1400), Division 4.5  
23 (commencing with Section 4000), Division 4.7 (commencing with  
24 Section 4600), or Division 5 (commencing with Section 5000) of  
25 the Probate Code or of any of the statutes, rules, or regulations  
26 pertaining to duties or functions of a professional fiduciary.

27 ~~SEC. 20.~~

28 *SEC. 19.* Section 7076.5 of the Business and Professions Code  
29 is amended to read:

30 7076.5. (a) A contractor may inactivate their license by  
31 submitting a form prescribed by the registrar accompanied by the  
32 current active license certificate. When the current license  
33 certificate has been lost, the licensee shall pay the fee prescribed  
34 by law to replace the license certificate. Upon receipt of an  
35 acceptable application to inactivate, the registrar shall issue an  
36 inactive license certificate to the contractor. The holder of an  
37 inactive license shall not be entitled to practice as a contractor until  
38 their license is reactivated.

1 (b) Any licensed contractor who is not engaged in work or  
2 activities which require a contractor's license may apply for an  
3 inactive license.

4 (c) Inactive licenses shall be valid for a period of four years  
5 from their due date.

6 (d) During the period that an existing license is inactive, no  
7 bonding requirement pursuant to Section 7071.6, 7071.8, or 7071.9,  
8 qualifier requirement pursuant to Section 7068, or workers'  
9 compensation requirements pursuant to Section 7125 shall apply.  
10 An applicant for ~~license~~ *licensure* having met the qualifications  
11 for issuance may request that the license be issued inactive unless  
12 the applicant is subject to the provisions of Section 7071.8.

13 (e) The board shall not refund any of the renewal fee which a  
14 licensee may have paid prior to the inactivation of their license.

15 (f) An inactive license shall be renewed on each established  
16 renewal date by submitting the renewal application and paying the  
17 inactive renewal fee.

18 (g) An inactive license may be reactivated by submitting an  
19 application acceptable to the registrar, by paying the full renewal  
20 fee for an active license and by fulfilling all other requirements of  
21 this chapter. No examination shall be required to reactivate an  
22 inactive license.

23 (h) The inactive status of a license shall not bar any disciplinary  
24 action by the board against a licensee for any of the causes stated  
25 in this chapter.

26 ~~SEC. 21.~~

27 *SEC. 20.* Section 7137 of the Business and Professions Code  
28 is amended to read:

29 7137. (a) The board may set fees by regulation. These fees  
30 shall be set according to the following schedule:

31 (1) Application fees shall be set as follows:

32 (A) The application fee for an original license in a single  
33 classification shall be four hundred fifty dollars (\$450) and may  
34 be increased to not more than five hundred sixty-three dollars  
35 (\$563).

36 (B) The application fee for each additional classification applied  
37 for in connection with an original license shall be one hundred  
38 fifty dollars (\$150) and may be increased to not more than one  
39 hundred eighty-eight dollars (\$188).

1 (C) The application fee for each additional classification  
2 pursuant to Section 7059 shall be two hundred thirty dollars (\$230)  
3 and may be increased to not more than two hundred eighty-eight  
4 dollars (\$288).

5 (D) The application fee to replace a responsible managing  
6 officer, responsible managing manager, responsible managing  
7 member, or responsible managing employee pursuant to Section  
8 7068.2 shall be two hundred thirty dollars (\$230) and may be  
9 increased to not more than two hundred eighty-eight dollars (\$288).

10 (E) The application fee to add personnel, other than a qualifying  
11 individual, to an existing license shall be one hundred twenty-five  
12 dollars (\$125) and may be increased to not more than one hundred  
13 fifty-seven dollars (\$157).

14 (F) The application fee for an asbestos certification shall be one  
15 hundred twenty-five dollars (\$125) and may be increased to not  
16 more than one hundred fifty-seven dollars (\$157).

17 (G) The application fee for a hazardous substance removal or  
18 remedial action certification shall be one hundred twenty-five  
19 dollars (\$125) and may be increased to not more than one hundred  
20 fifty-seven dollars (\$157).

21 (2) The fee to take an examination conducted or administered  
22 by a public or private organization pursuant to Section 7065 shall  
23 be no greater than the actual cost of the administration of the  
24 examination and shall be paid directly to the organization by the  
25 applicant.

26 (3) Initial license and registration fees shall be set as follows:

27 (A) The initial license fee for an active or inactive license for  
28 an individual owner shall be two hundred dollars (\$200) and may  
29 be increased to not more than two hundred fifty dollars (\$250).

30 (B) The initial license fee for an active or inactive license for a  
31 partnership, corporation, limited liability company, or joint venture  
32 shall be three hundred fifty dollars (\$350) and may be increased  
33 to not more than four hundred thirty-eight dollars (\$438).

34 (C) The registration fee for a home improvement salesperson  
35 shall be two hundred dollars (\$200) and may be increased to not  
36 more than two hundred fifty dollars (\$250).

37 (D) (i) The board shall grant a 50-percent reduction in the fees  
38 prescribed by this paragraph to an applicant who is a veteran of  
39 the United States Armed Forces, including the National Guard or  
40 Reserve components, and was not dishonorably discharged.

1 (ii) To demonstrate discharge grade at the time of the board's  
2 request for the initial license or registration fee, the applicant shall  
3 provide the board a copy of a current and valid driver's license or  
4 identification card issued by this state or another state with the  
5 word "Veteran" printed on its face or a copy of their DD214 long  
6 form.

7 (4) License and registration renewal fees shall be set as follows:

8 (A) The renewal fee for an active license for an individual owner  
9 shall be four hundred fifty dollars (\$450) and may be increased to  
10 not more than five hundred sixty-three dollars (\$563).

11 (B) The renewal fee for an inactive license for an individual  
12 owner shall be three hundred dollars (\$300) and may be increased  
13 to not more than three hundred seventy-five dollars (\$375).

14 (C) The renewal fee for an active license for a partnership,  
15 corporation, limited liability company, or joint venture shall be  
16 seven hundred dollars (\$700) and may be increased to not more  
17 than eight hundred seventy-five dollars (\$875).

18 (D) The renewal fee for an inactive license for a partnership,  
19 corporation, limited liability company, or joint venture shall be  
20 five hundred dollars (\$500) and may be increased to not more than  
21 six hundred twenty-five dollars (\$625).

22 (E) The renewal fee for a home improvement salesperson  
23 registration shall be two hundred dollars (\$200) and may be  
24 increased to not more than two hundred fifty dollars (\$250).

25 (5) The delinquency fee is an amount equal to 50 percent of the  
26 renewal fee, if the license is renewed after its expiration.

27 (6) Miscellaneous fees shall be set as follows:

28 (A) In addition to any other fees charged to C-10 contractors,  
29 the board shall charge a fee of twenty dollars (\$20), to be assessed  
30 with the renewal fee for an active license, which shall be used by  
31 the board to enforce provisions of the Labor Code related to  
32 electrician certification.

33 (B) The board shall require a licensee that is subject to a public  
34 complaint requiring a professional or expert investigation or  
35 inspection and report pursuant to Section 7019 to pay those  
36 reasonable fees that are necessary to cover the costs of that  
37 investigation or inspection and report, in accordance with the  
38 following provisions:

39 (i) Fees shall be fixed in an amount not more than the board's  
40 cost of contracting for the investigation or inspection and report,

1 except that the minimum fee shall be one hundred dollars (\$100)  
2 for each investigation or inspection and report and may be  
3 increased to not more than one thousand dollars (\$1,000) for each  
4 investigation or inspection and report.

5 (ii) The fee shall only be assessed for an investigation or  
6 inspection and report that resulted in issuance of a letter of  
7 admonishment or a citation pursuant to Sections 7099 and 7099.9  
8 that has become a final order of the registrar.

9 (iii) A license shall not be renewed without payment of the  
10 renewal fee and all fees for the investigation or inspection and  
11 report pursuant to this subparagraph.

12 (C) The service fee to deposit with the registrar lawful money  
13 or cashier's check pursuant to paragraph (1) of subdivision (a) of  
14 Section 995.710 of the Code of Civil Procedure for purposes of  
15 compliance with any provision of Article 5 (commencing with  
16 Section 7065) shall be one hundred dollars (\$100), which shall be  
17 used by the board only to process each deposit filed with the  
18 registrar, to cover the reasonable costs to the registrar for holding  
19 money or cashier's checks in trust in interest bearing deposit or  
20 share accounts, and to offset the costs of processing payment of  
21 lawful claims against a deposit in a civil action.

22 (D) The fee for the processing and issuance of a duplicate copy  
23 of any certificate of licensure or other form evidencing licensure  
24 or renewal of licensure pursuant to Section 122 shall be twenty-five  
25 dollars (\$25).

26 (E) The fee to change the business name of a license as it is  
27 recorded under this chapter shall be one hundred dollars (\$100)  
28 and may be increased to not more than one hundred twenty-five  
29 dollars (\$125).

30 (F) The service charge for a dishonored check authorized by  
31 Section 6157 of the Government Code shall be twenty-five dollars  
32 (\$25) for each check.

33 (b) The board shall, by regulation, establish criteria for the  
34 approval of expedited processing of applications. Approved  
35 expedited processing of applications for licensure or registration,  
36 as required by other provisions of law, shall not be subject to this  
37 subdivision.

38 ~~SEC. 22.~~

39 *SEC. 21.* Section 7152 of the Business and Professions Code  
40 is amended to read:

1     7152. (a) “Home improvement salesperson” is a person who  
2 is registered under this chapter and engaged in the business of  
3 soliciting, selling, negotiating, or executing contracts for home  
4 improvements, for the sale, ~~installation~~ *installation*, or furnishing  
5 of home improvement goods or services, or of swimming pools,  
6 spas, or hot tubs on behalf of a home improvement contractor  
7 licensed under this chapter.

8     (b) A home improvement salesperson shall register with the  
9 board in order to engage in the business of, or act in the capacity  
10 of, a home improvement salesperson.

11     (c) Subject to the provisions of Section 7154, a home  
12 improvement salesperson may be employed by one, or more than  
13 one, home improvement contractor. However, prior to engaging  
14 in any activity described in subdivision (a) of this section, a home  
15 improvement salesperson shall identify to the owner or tenant the  
16 business name and license number of the contractor they are  
17 representing for the purposes of that transaction. Failure to do so  
18 is a cause of disciplinary action within the meaning of Section  
19 7155.

20     (d) The following shall not be required to be registered as home  
21 improvement salespersons:

22     (1) An officer of record of a corporation licensed pursuant to  
23 this chapter, or a manager, member, or officer of record of a limited  
24 liability company licensed pursuant to this chapter.

25     (2) A general partner listed on the license record of a partnership  
26 licensed pursuant to this chapter.

27     (3) A qualifying person, as defined in Section 7025.

28     (4) A salesperson whose sales are all made pursuant to  
29 negotiations between the parties if the negotiations are initiated  
30 by the prospective buyer at or with a general merchandise retail  
31 establishment that operates from a fixed location where goods or  
32 services are offered for sale.

33     (5) A person who contacts the prospective buyer for the  
34 exclusive purpose of scheduling appointments for a registered  
35 home improvement salesperson.

36     (6) A bona fide service repairperson who is in the employ of a  
37 licensed contractor and whose repair or service call is limited to  
38 the service, repair, or emergency repair initially requested by the  
39 buyer of the service.

(e) The exemption to registration provided under paragraphs (1), (2), and (3) of subdivision (d) shall apply only to those individuals who, at the time of the sales transaction, are listed as personnel of record for the licensee responsible for soliciting, negotiating, or contracting for a service or improvement that is subject to regulation under this article.

~~SEC. 23.~~

SEC. 22. Section 7524 of the Business and Professions Code is amended to read:

7524. (a) Every agreement to provide a service regulated by this chapter, including, but not limited to, contract agreements and investigative agreements, shall be in writing. An initial client service agreement shall contain, but not be limited to, the following:

(1) The licensed private investigator's name, business address, business telephone number, and license number.

(2) A disclosure that private investigators are licensed and regulated by the Bureau of Security and Investigative Services within the Department of Consumer Affairs.

(3) Approximate start and completion dates of the work to be provided.

(4) A description of the scope of the investigation or services to be provided. An agreement shall indicate whether or not a written report is to be provided to the client and the agreed upon method of delivery of that written report, as applicable.

(5) All labor, services, and materials to be provided for the scope of work conducted by the private investigator.

(6) An explanation of the fees agreed upon by the parties, including a breakdown of how the fees are assessed by the licensee.

(7) Any other matters agreed upon by the parties.

(b) Any amendment, addendum, or other modification to an initial client service agreement shall be in writing and is subject to the requirements of this section. An amendment, addendum, or other modification shall include a description of the changes to the scope of work, start and completion dates, method of delivery, fees to be charged, and other matters agreed upon in the initial client service agreement, as applicable.

(c) (1) The initial client service agreement and any amendment, addendum, or other modification to the agreement shall be legible and clearly indicate any other document incorporated into it.



1 (2) Before any work commences, the client shall receive a signed  
2 copy of the written initial client service agreement and any  
3 amendment, addendum, or other modification to the agreement  
4 that was agreed to before commencement of the work.

5 (3) Services detailed under the scope of work shall not be  
6 performed and charges shall not accrue before written authorization  
7 to proceed is obtained from the client.

8 (d) Upon completion of the investigation, any written report,  
9 as agreed upon by all parties and indicated in the agreement, shall  
10 be provided to the client within 30 days from the completion date  
11 and in accordance with the agreed upon delivery method.

12 (e) The licensee shall maintain a legible copy of the signed  
13 agreement and investigative findings, including any written report,  
14 for a minimum of two years. These records shall be made available  
15 for inspection by the bureau upon demand. Making these records  
16 available for inspection by the bureau shall not violate, waive, or  
17 extinguish the lawyer-client privilege under Article 3 (commencing  
18 with Section 950) of Chapter 4 of Division 8 of the Evidence Code,  
19 the attorney work product doctrine as restated in Chapter 4  
20 (commencing with Section 2018.010) of Title 4 of Part 4 of the  
21 Code of Civil Procedure, the duty to maintain the confidence and  
22 preserve the secrets of an attorney's client under subdivision (e)  
23 of Section 6068, or the protections of any other rule or law related  
24 to attorney work product or the attorney-client privilege.

25 (f) This section shall become operative on July 1, 2025.

26 ~~SEC. 24.~~

27 *SEC. 23.* Section 8027 of the Business and Professions Code  
28 is amended to read:

29 8027. (a) As used in this section, "school" means a court  
30 reporter training program or an institution that provides a course  
31 of instruction approved by the board and the Bureau for Private  
32 Postsecondary Education, is a public school in this state, or is  
33 accredited by the Western Association of Schools and Colleges.

34 (b) A court reporting school shall be primarily organized to train  
35 students for the practice of shorthand reporting, as defined in  
36 Sections 8016 and 8017. Its educational program shall be on the  
37 postsecondary or collegiate level. It shall be legally organized and  
38 authorized to conduct its program under all applicable laws of the  
39 state, and shall conform to and offer all components of the  
40 minimum prescribed course of study established by the board. Its

1 records shall be kept and shall be maintained in a manner to render  
2 them safe from theft, fire, or other loss. The records shall indicate  
3 positive daily and clock-hour attendance of each student for all  
4 classes, apprenticeship and graduation reports, high school  
5 transcripts or the equivalent or self-certification of high school  
6 graduation or the equivalent, transcripts of other education, and  
7 student progress to date, including all progress and counseling  
8 reports.

9 (c) Any school intending to offer a program in court reporting  
10 shall notify the board within 30 days of the date on which it  
11 provides notice to, or seeks approval from, the State Department  
12 of Education, the Bureau for Private Postsecondary Education, the  
13 Office of the Chancellor of the California Community Colleges,  
14 or the Western Association of Schools and Colleges, whichever  
15 is applicable. The board shall review the proposed curriculum and  
16 provide the school tentative approval, or notice of denial, within  
17 60 days of receipt of the notice. The school shall apply for  
18 provisional recognition pursuant to subdivision (d) within no more  
19 than one year from the date it begins offering court reporting  
20 classes.

21 (d) The board may grant provisional recognition to a new court  
22 reporting school upon satisfactory evidence that it has met all of  
23 the provisions of subdivision (b) and this subdivision. Recognition  
24 may be granted by the board to a provisionally recognized school  
25 after it has been in continuous operation for a period of no less  
26 than three consecutive years from the date provisional recognition  
27 was granted, during which period the school shall provide  
28 satisfactory evidence that at least one person has successfully  
29 completed the entire course of study established by the board and  
30 complied with the provisions of Section 8020, and has been issued  
31 a certificate to practice shorthand reporting as defined in Sections  
32 8016 and 8017. The board may, for good cause shown, extend the  
33 three-year provisional recognition period for not more than one  
34 year. Failure to meet the provisions and terms of this section shall  
35 require the board to deny recognition. Once granted, recognition  
36 may be withdrawn by the board for failure to comply with all  
37 applicable laws and regulations.

38 (e) Application for recognition of a court reporting school shall  
39 be made upon a form prescribed by the board and shall be  
40 accompanied by all evidence, statements, or documents requested.

1 Each branch, extension center, or off-campus facility requires  
2 separate application.

3 (f) All recognized and provisionally recognized court reporting  
4 schools shall notify the board of any change in school name,  
5 address, telephone number, responsible court reporting program  
6 manager, owner of private schools, and the effective date thereof,  
7 within 30 days of the change. All of these notifications shall be  
8 made in writing.

9 (g) A school shall notify the board in writing immediately of  
10 the discontinuance or pending discontinuance of its court reporting  
11 program or any of the program's components. Within two years  
12 of the date this notice is sent to the board, the school shall  
13 discontinue its court reporting program in its entirety. The board  
14 may, for good cause shown, grant not more than two one-year  
15 extensions of this period to a school. If a student is to be enrolled  
16 after this notice is sent to the board, a school shall disclose to the  
17 student the fact of the discontinuance or pending discontinuance  
18 of its court reporting program or any of its program components.

19 (h) The board shall maintain a roster of currently recognized  
20 and provisionally recognized court reporting schools, including,  
21 but not limited to, the name, address, telephone number, and the  
22 name of the responsible court reporting program manager of each  
23 school.

24 (i) The board shall maintain statistics that display the number  
25 and passing percentage of all first-time examinees, including, but  
26 not limited to, those qualified by each recognized or provisionally  
27 recognized school and those first-time examinees qualified by  
28 other methods as defined in Section 8020.

29 (j) Inspections and investigations shall be conducted by the  
30 board as necessary to carry out this section, including, but not  
31 limited to, unannounced site visits.

32 (k) All recognized and provisionally recognized schools shall  
33 print in their school or course catalog the name, address, and  
34 telephone number of the board. At a minimum, the information  
35 shall be in 8-point bold type and include the following statement:  
36

37 "IN ORDER FOR A PERSON TO QUALIFY FROM A  
38 SCHOOL TO TAKE THE STATE LICENSING EXAMINATION,  
39 THE PERSON SHALL COMPLETE A PROGRAM AT A  
40 RECOGNIZED SCHOOL. FOR INFORMATION CONCERNING

1 THE MINIMUM REQUIREMENTS THAT A COURT  
2 REPORTING PROGRAM MUST MEET IN ORDER TO BE  
3 RECOGNIZED, CONTACT: THE COURT REPORTERS  
4 BOARD OF CALIFORNIA; (ADDRESS); (TELEPHONE  
5 NUMBER).”  
6

7 (l) Each court reporting school shall file with the board, not  
8 later than June 30 of each year, a current school catalog that shows  
9 all course offerings and staff, and for private schools, the owner,  
10 except that where there have been no changes to the catalog within  
11 the previous year, no catalog need be sent. In addition, each school  
12 shall also file with the board a statement certifying whether the  
13 school is in compliance with all statutes and the rules and  
14 regulations of the board, signed by the responsible court reporting  
15 program manager.

16 (m) A school offering court reporting shall not make any written  
17 or verbal claims of employment opportunities or potential earnings  
18 unless those claims are based on verified data and reflect current  
19 employment conditions.

20 (n) If a school offers a course of instruction that exceeds the  
21 board’s minimum requirements, the school shall disclose orally  
22 and in writing the board’s minimum requirements and how the  
23 course of instruction differs from those criteria. The school shall  
24 make this disclosure before a prospective student executes an  
25 agreement obligating that person to pay any money to the school  
26 for the course of instruction. The school shall also make this  
27 disclosure to all students enrolled on January 1, 2002.

28 (o) Private and public schools shall provide each prospective  
29 student with all of the following and have the prospective student  
30 sign a document that shall become part of that individual’s  
31 permanent record, acknowledging receipt of each item:

32 (1) A student consumer information brochure published by the  
33 board.

34 (2) A list of the school’s graduation requirements, including the  
35 number of tests, the pass point of each test, the speed of each test,  
36 and the type of test, such as jury charge or literary.

37 (3) A list of requirements to qualify for the state-certified  
38 shorthand reporter licensing examination, including the number  
39 of tests, the pass point of each test, the speed of each test, and the

1 type of test, such as jury charge or literary, if different than those  
2 requirements listed in paragraph (2).

3 (4) A copy of the school's board-approved benchmarks for  
4 satisfactory progress as identified in subdivision (u).

5 (5) A report showing the number of students from the school  
6 who qualified for each of the certified shorthand reporter licensing  
7 examinations within the preceding two years, the number of those  
8 students that passed each examination, the time, as of the date of  
9 qualification, that each student was enrolled in court reporting  
10 school, and the placement rate for all students that passed each  
11 examination.

12 (6) On and after January 1, 2005, the school shall also provide  
13 to prospective students the number of hours each currently enrolled  
14 student who has qualified to take the next licensing test, exclusive  
15 of transfer students, has attended court reporting classes.

16 (p) All enrolled students shall have the information in  
17 subdivisions (n) and (o) on file no later than June 30, 2005.

18 (q) Public schools shall provide the information in subdivisions  
19 (n) and (o) to each new student the first day they attend theory or  
20 machine speed class, if it was not provided previously.

21 (r) Each enrolled student shall be provided written notification  
22 of any change in qualification or graduation requirements that is  
23 being implemented due to the requirements of any one of the  
24 school's oversight agencies. This notice shall be provided to each  
25 affected student at least 30 days before the effective date of the  
26 change and shall state the new requirement and the name, address,  
27 and telephone number of the agency that is requiring it of the  
28 school. Each student shall initial and date a document  
29 acknowledging receipt of that information and that document, or  
30 a copy thereof, shall be made part of the student's permanent file.

31 (s) Schools shall make available a comprehensive final  
32 examination in each academic subject to any student desiring to  
33 challenge an academic class in order to obtain credit towards  
34 certification for the state licensing examination. The points required  
35 to pass a challenge examination shall not be higher than the  
36 minimum points required of other students completing the  
37 academic class.

38 (t) An individual serving as a teacher, instructor, or reader shall  
39 meet the qualifications specified by regulation for their position.

1 (u) Each school shall provide a substitute teacher or instructor  
2 for any class for which the teacher or instructor is absent for two  
3 consecutive days or more.

4 (v) The board has the authority to approve or disapprove  
5 benchmarks for satisfactory progress which each school shall  
6 develop for its court reporting program. Schools shall use only  
7 board-approved benchmarks to comply with the provisions of  
8 paragraph (4) of subdivision (o) and subdivision (u).

9 (w) Each school shall counsel each student a minimum of one  
10 time within each 12-month period to identify the level of attendance  
11 and progress, and the prognosis for completing the requirements  
12 to become eligible to sit for the state licensing examination. If the  
13 student has not progressed in accordance with the board-approved  
14 benchmarks for that school, the student shall be counseled a  
15 minimum of one additional time within that same 12-month period.

16 (x) The school shall provide to the board, for each student  
17 qualifying through the school as eligible to sit for the state licensing  
18 examination, the number of hours the student attended court  
19 reporting classes, both academic and machine speed classes,  
20 including theory.

21 (y) The pass rate of first-time examination takers for each school  
22 offering court reporting shall meet or exceed the average pass rate  
23 of all first-time test takers for a majority of examinations given  
24 for the preceding three years. Failure to do so shall require the  
25 board to conduct a review of the program. In addition, the board  
26 may place the school on probation and may withdraw recognition  
27 if the school continues to place below the above-described standard  
28 on the two examinations that follow the three-year period.

29 (z) A school shall not require more than one 10-minute  
30 qualifying examination, as defined in the regulations of the board,  
31 for a student to be eligible to sit for the state certification  
32 examination.

33 (aa) A school shall provide the board the actual number of hours  
34 of attendance for each applicant the school qualifies for the state  
35 licensing examination.

36 (ab) The board shall, by December 1, 2001, do the following  
37 by regulation as necessary:

38 (1) Establish the format that shall be used by schools to report  
39 tracking of all attendance hours and actual timeframes for  
40 completed coursework.

1 (2) Require schools to provide a minimum of 10 hours of live  
2 dictation class each school week for every full-time student.

3 (3) Require schools to provide students with the opportunity to  
4 read back from their stenographic notes a minimum of one time  
5 each day to their instructor.

6 (4) Require schools to provide students with the opportunity to  
7 practice with a school-approved speed-building audio recording,  
8 or other assigned material, a minimum of one hour per day after  
9 school hours as a homework assignment and provide the notes  
10 from this audio recording to their instructor the following day for  
11 review.

12 (5) Develop standardization of policies on the use and  
13 administration of qualifier examinations by schools.

14 (6) Define qualifier examination as follows: the qualifier  
15 examination shall consist of 4-voice testimony of 10-minute  
16 duration at 200 words per minute, graded at 95 percent accuracy,  
17 and in accordance with the guidelines followed by the board.  
18 Schools shall be required to date and number each qualifier and  
19 announce the date and number to the students at the time of  
20 administering the qualifier. All qualifiers shall indicate the actual  
21 dictation time of the test and the school shall catalog and maintain  
22 the qualifier for a period of not less than three years for the purpose  
23 of inspection by the board.

24 (7) Require schools to develop a program to provide students  
25 with the opportunity to interact with professional court reporters  
26 to provide skill support, mentoring, or counseling that they can  
27 document at least quarterly.

28 (8) Define qualifications and educational requirements required  
29 of instructors and readers that read test material and qualifiers.

30 (ac) The board shall adopt regulations to implement the  
31 requirements of this section not later than September 1, 2002.

32 (ad) The board may recover costs for any additional expenses  
33 incurred under the enactment amending this section in the 2001–02  
34 Regular Session of the Legislature pursuant to its fee authority in  
35 Section 8031.

36 *SEC. 24. Section 8764.5 of the Business and Professions Code*  
37 *is amended to read:*

38 8764.5. Statements shall appear on the map as follows:  
39  
40

Surveyor's Statement

1  
2 This map correctly represents a survey made by me or under my direction  
3 in conformance with the requirements of the Professional Land Surveyors'  
4 Act

5  
6 at the request of \_\_\_\_\_  
7 Name of Person Authorizing Survey  
8 in \_\_\_\_\_, 20\_\_.

9  
10 (Signed and sealed) \_\_\_\_\_ (Date) \_\_\_\_\_  
11 L.S. (or R.C.E.) No. \_\_\_\_\_  
12

13 County Surveyor's Statement

14  
15 This map has been examined in accordance with Section 8766 of the  
16 Professional Land Surveyors' Act this \_\_\_\_ day of \_\_\_\_, 20\_\_.

17  
18 (Signed and sealed) \_\_\_\_\_  
19 County Surveyor  
20 L.S. (or R.C.E.) No. \_\_\_\_\_  
21

22 Recorder's Statement

23  
24 Filed this \_\_\_\_ day of \_\_\_\_, 20\_\_, at \_\_\_\_m. in Book \_\_\_\_ of \_\_\_\_ at page  
25 \_\_\_\_, at the request of \_\_\_\_.

26  
27 (Signed) \_\_\_\_\_  
28 County Recorder  
29  
30

31 No other statements may appear on the face of the map except  
32 those required or authorized by this article.

33 SEC. 25. Section 9889.1 of the Business and Professions Code  
34 is amended to read:

35 9889.1. Any license issued pursuant to Article 6.5 (commencing  
36 with Section 9888.5) may be suspended or revoked by the director.  
37 The director may refuse to issue a license to any applicant for the  
38 reasons set forth in Section 9889.2. The proceedings under this  
39 article shall be conducted in accordance with Chapter 5  
40 (commencing with Section 11500) of Part 1 of Division 3 of Title



1 2 of the Government Code, and the director shall have all the  
2 powers granted therein.

3 SEC. 26. Section 9889.2 of the Business and Professions Code  
4 is amended to read:

5 9889.2. The director may deny a license if the applicant or any  
6 partner, officer, or director thereof:

7 (a) Fails to meet the qualifications established by the bureau  
8 pursuant to Article 6.5 (commencing with Section 9888.5) for the  
9 issuance of the license applied for.

10 (b) Was previously the holder of a license issued under this  
11 chapter which license has been revoked and never reissued or  
12 which license was suspended and the terms of the suspension have  
13 not been fulfilled.

14 (c) Has committed any act which, if committed by any licensee,  
15 would be grounds for the suspension or revocation of a license  
16 issued pursuant to this chapter.

17 (d) Has committed any act involving dishonesty, fraud, or deceit  
18 whereby another is injured or whereby the applicant has benefited.

19 (e) Has acted in the capacity of a licensed person or firm under  
20 this chapter without having a license therefor.

21 (f) Has entered a plea of guilty or nolo contendere to, or been  
22 found guilty of, or been convicted of a crime substantially related  
23 to the qualifications, functions and duties of the license holder in  
24 question, and the time for appeal has elapsed or the judgment of  
25 conviction has been affirmed on appeal, irrespective of an order  
26 granting probation following such conviction, suspending the  
27 imposition of sentence, or of a subsequent order under the  
28 provisions of Section 1203.4 of the Penal Code allowing such  
29 person to withdraw their plea of guilty and to enter a plea of not  
30 guilty, or setting aside the plea or verdict of guilty, or dismissing  
31 the accusation or information.

32 SEC. 27. Section 9889.9 of the Business and Professions Code  
33 is amended to read:

34 9889.9. When any license has been revoked or suspended  
35 following a hearing under the provisions of this article, any  
36 additional license issued under Article 6.5 (commencing with  
37 Section 9888.5) in the name of the licensee may be likewise  
38 revoked or suspended by the director.

39 SEC. 28. Section 12107 of the Business and Professions Code  
40 is amended to read:

1     12107. The secretary shall establish tolerances and  
2 specifications and other technical requirements for commercial  
3 weighing and measuring. In doing so, the secretary shall adopt,  
4 by reference, the latest standards as recommended by the National  
5 Council on Weights and Measures and published in the National  
6 Institute of Standards and Technology Handbook 44  
7 “Specifications, Tolerances, and—~~other~~ *Other* Technical  
8 Requirements for Weighing and Measuring Devices,” except as  
9 specifically modified, amended, or rejected by regulation adopted  
10 by the secretary.

11     The secretary may, by regulation, establish tolerances and  
12 specifications for commercial weighing and measuring devices  
13 not included in Handbook 44.

14     Any regulation shall be adopted, amended, or repealed in  
15 conformity with Chapter 3.5 (commencing with Section 11340)  
16 of Part 1 of Division 3 of Title 2 of the Government Code.

17     It shall be unlawful for any person to violate any of the rules,  
18 regulations, tolerances, specifications, or standards established  
19 under this section.

20     SEC. 29. Section 12211 of the Business and Professions Code  
21 is amended to read:

22     12211. Each sealer shall, from time to time, weigh or measure  
23 packages, containers, or amounts of commodities sold, or in the  
24 process of delivery, in order to determine whether they contain  
25 the quantity or amount represented and whether they are being  
26 sold in accordance with law.

27     The secretary shall adopt necessary regulations governing the  
28 procedures to be followed by sealers in connection with the  
29 weighing or measuring of amounts of commodities in individual  
30 packages, containers, or lots of packages or containers, including  
31 the procedures for sampling a lot, and for determining whether  
32 any package, container, or a lot of packages or containers complies  
33 with this section.

34     In adopting those regulations, the secretary shall adopt by  
35 reference the package checking procedures recommended by the  
36 National Council on Weights and Measures and published in the  
37 current edition of the National Institute of Standards and  
38 Technology Handbook 133, “Checking the Net Contents of  
39 Packaged Goods,” and any subsequent amendments thereto, except

1 insofar as those requirements are specifically modified, amended,  
2 or rejected by a regulation adopted by the secretary.

3 Any lot, package, or container of any commodity that conforms  
4 to this section shall be deemed to be in conformity with this  
5 division relating to stated net weights or measures.

6 Whenever a lot, package, or container of any commodity is found  
7 to contain, through the procedures authorized in this section, a less  
8 amount than that represented, the sealer shall order, in writing,  
9 that lot, package, or container of commodity off sale and require  
10 that an accurate statement of quantity be placed on each package  
11 or container before it may be released for sale by the sealer in  
12 writing. The sealer may seize as evidence any package or container  
13 that is found to contain a less amount than that represented.

14 SEC. 30. Section 12500.8 of the Business and Professions  
15 Code is amended to read:

16 12500.8. The secretary may enter into an agreement with the  
17 National Type Evaluation Program, a certification program of the  
18 National Council on Weights and Measures, and other weights  
19 and measures jurisdictions, to accept the certifications of each  
20 other for prototype examination purposes.

21 SEC. 31. Section 12609 of the Business and Professions Code  
22 is amended to read:

23 12609. The secretary shall adopt necessary regulations to carry  
24 out the purpose of this division and for the testing of packages to  
25 verify the net quantity statements. In adopting these regulations,  
26 the secretary shall adopt by reference the packaging and labeling  
27 requirements recommended by the National Council on Weights  
28 and Measures and published in the current edition of the National  
29 Institute of Standards and Technology Handbook 130, Uniform  
30 Packaging and Labeling Regulations, except insofar as those  
31 requirements are specifically modified, amended, or rejected by  
32 regulation by the secretary. The regulations shall include  
33 exemptions from full compliance with this chapter for good and  
34 sufficient reasons. Any exemptions affecting consumer  
35 commodities shall be in conformance with exemptions permitted  
36 by federal regulations. Any regulation, or amendment thereof,  
37 shall be adopted by the secretary in conformity with Chapter 3.5  
38 (commencing with Section 11340) of Part 1 of Division 3 of Title  
39 2 of the Government Code.

1 SEC. 32. Section 13404.5 of the Business and Professions  
2 Code is amended to read:

3 13404.5. The secretary shall establish the method of sale of  
4 motor vehicle fuels and lubricants sold at retail to the public. In  
5 doing so, the secretary shall adopt, by reference, the latest method  
6 of sale for motor vehicle fuels and lubricants adopted by the  
7 National Council on Weights and Measures and published in the  
8 National Institute of Standards and Technology Handbook 130  
9 “Uniform Laws and Regulations in the Areas of Legal Metrology  
10 and Engine Fuel Quality,” except as specifically provided by the  
11 Legislature or modified, amended, or rejected by regulations  
12 adopted by the secretary. In the absence of national standards, the  
13 secretary may adopt interim standards of method of sale until the  
14 time when the standards are adopted by the National Council on  
15 Weights and Measures and published by the National Institute of  
16 Standards and Technology.

17 SEC. 33. Section 13711 of the Business and Professions Code  
18 is amended to read:

19 13711. (a) An engine coolant or antifreeze is mislabeled if  
20 any of the following occurs:

21 (1) The container does not bear a label on which is printed the  
22 brand name, principal ingredient, intended application of the  
23 coolant or antifreeze, name and place of business of the  
24 manufacturer, packer, seller, or distributor, and an accurate  
25 statement of the quantity of the contents in terms of liquid measure.

26 (2) The container does not bear a chart on the label showing  
27 appropriate amounts of engine coolant or antifreeze and water in  
28 terms of liquid measure to be used to provide protection from  
29 freezing at temperatures to at least 30 degrees below zero  
30 Fahrenheit.

31 (3) The container does not bear a statement on the label showing  
32 the boiling point of a 50 percent by volume mixture of engine  
33 coolant or antifreeze and water in degrees Fahrenheit.

34 (4) The container is one quart or less and does not bear a label  
35 on which is printed the words “engine coolant” or “antifreeze” in  
36 letters at least  $\frac{1}{8}$  inch high on the principal display panel. The  
37 container is greater than one quart and does not bear a label on  
38 which is printed the words “engine coolant” or “antifreeze” in  
39 letters at least  $\frac{1}{4}$  inch high on the principal display panel.

1 (5) The principal ingredient is propylene glycol or glycerin and  
2 the container does not bear a statement on the label not to use an  
3 ethylene glycol hydrometer concentration tester for propylene  
4 glycol or glycerin coolants.

5 (6) The container and carton do not bear a lot or batch number  
6 on the label identifying the container lot and date of packaging.

7 (b) A prediluted engine coolant or prediluted antifreeze is  
8 mislabeled if 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 statement on the label showing  
15 the protection from freezing in degrees Fahrenheit.

16 (3) The container does not bear a statement on the label showing  
17 the boiling point in degrees Fahrenheit.

18 (4) The container is one quart or less and does not bear a label  
19 on which is printed the words “prediluted engine coolant” or  
20 “prediluted antifreeze” in letters at least  $\frac{1}{8}$  inch high on the  
21 principal display panel. The container is greater than one quart  
22 and does not bear a label on which is printed the words “prediluted  
23 engine coolant” or “prediluted antifreeze” in letters at least  $\frac{1}{4}$  inch  
24 high on the principal display panel.

25 (5) The container is one quart or less and does not bear a label  
26 on which is printed the words “DO NOT ADD WATER” in letters  
27 at least  $\frac{1}{8}$  inch high. The container is greater than one quart and  
28 does not bear a label on which is printed the words “DO NOT  
29 ADD WATER” in letters at least  $\frac{1}{4}$  inch high.

30 (6) The principal ingredient is propylene glycol or glycerin and  
31 the container does not bear a statement on the label not to use an  
32 ethylene glycol hydrometer concentration tester for propylene  
33 glycol or glycerin coolants.

34 (7) The container and carton do not bear a lot or batch number  
35 on the label identifying the container lot and date of packaging.

36 (c) “Transmission fluid” is mislabeled if any of the following  
37 occurs:

38 (1) The container does not bear a label on which is printed the  
39 brand name, the name and place of business of the manufacturer,

1 packer, seller, or distributor, the words “Transmission Fluid,” and  
2 the duty type classification.

3 (2) The container does not bear a label on which is printed an  
4 accurate statement of the quantity of the contents in terms of liquid  
5 measure.

6 (3) The labeling on the container is false or misleading.

7 (4) The container and carton do not bear information that  
8 identifies the container lot or batch.

9 (d) Brake fluid is mislabeled if any of the following occurs:

10 (1) The container does not bear a label that conforms to the  
11 requirements of the National Highway Traffic Safety  
12 Administration, United States Department of Transportation, and  
13 upon which is printed the brand name.

14 (2) The container does not bear an accurate statement on the  
15 label of the quantity of the contents in terms of liquid measure.

16 (3) The labeling on the container is false or misleading.

17 (e) The secretary shall establish the method of sale of diesel  
18 exhaust fluid sold at retail to the public. In doing so, the secretary  
19 shall adopt, by reference, the latest method of sale for diesel  
20 exhaust fluid adopted by the National Council on Weights and  
21 Measures and published in the National Institute of Standards and  
22 Technology Handbook 130 “Uniform Laws and Regulations in  
23 the Areas of Legal Metrology and ~~Engine~~ Fuel Quality,” except  
24 as specifically modified, amended, or rejected by regulation  
25 adopted by the secretary.

26 (f) If a container or lot of containers of any commodity subject  
27 to this chapter is found to contain a commodity not in conformity  
28 with this chapter, the sealer may take one or more samples  
29 reasonably necessary for enforcement purposes and may, in writing,  
30 order the containers off sale. Any lot or container ordered off sale  
31 pursuant to this section shall be subject to a disposal order by the  
32 enforcing officer and shall not be sold, offered for sale, or  
33 transported, except in accordance with that disposal order. Any  
34 action pursuant to this section shall not affect any rights of a retailer  
35 under a warranty of merchantability or warranty of fitness.

36 SEC. 34. Section 19094 of the Business and Professions Code  
37 is amended to read:

38 19094. (a) For the purposes of this section, the following  
39 definitions shall apply:

1 (1) “Component” means the separate constituent parts of  
2 upholstered furniture sold in California, as identified in Technical  
3 Bulletin 117-2013, specifically cover fabrics, barrier materials,  
4 resilient filling materials, and decking materials.

5 (2) “Covered products” means any flexible polyurethane foam  
6 or upholstered or reupholstered furniture sold in California that is  
7 required to meet the test requirements set forth in Technical  
8 Bulletin 117-2013, entitled “Requirements, Test Procedure and  
9 Apparatus for Testing the Smolder Resistance of Materials Used  
10 in Upholstered Furniture.”

11 (3) “Flame-retardant chemical” means any chemical or chemical  
12 compound for which a functional use is to resist or inhibit the  
13 spread of fire. Flame-retardant chemicals include, but are not  
14 limited to, halogenated, phosphorous-based, nitrogen-based, and  
15 nanoscale flame retardants, flame-retardant chemicals listed as  
16 “designated chemicals” pursuant to Section 105440 of the Health  
17 and Safety Code, and any chemical or chemical compound for  
18 which “flame retardant” appears on the substance Safety Data  
19 Sheet (SDS) pursuant to Section 1910.1200(g) of Title 29 of the  
20 Code of Federal Regulations.

21 (4) “Chemical” means either of the following:

22 (A) An organic or inorganic substance of a particular molecular  
23 identity, including any combination of those substances occurring,  
24 in whole or in part, as a result of a chemical reaction or occurring  
25 in nature, and any element, ion, or uncombined radical, and any  
26 degradate, metabolite, or reaction product of a substance with a  
27 particular molecular identity.

28 (B) A chemical ingredient, which means a substance comprising  
29 one or more substances described in subparagraph (A).

30 (5) “Molecular identity” means the substance’s properties listed  
31 below:

32 (A) Agglomeration state.

33 (B) Bulk density.

34 (C) Chemical composition, including surface coating.

35 (D) Crystal structure.

36 (E) Dispersibility.

37 (F) Molecular structure.

38 (G) Particle density.

39 (H) Particle size, size distribution, and surface area.

40 (I) Physical form and shape, at room temperature and pressure.

1 (J) Physicochemical properties.

2 (K) Porosity.

3 (L) Solubility in water and biologically relevant fluids.

4 (M) Surface charge.

5 (N) Surface reactivity.

6 (6) “Added flame-retardant chemicals” means flame-retardant  
7 chemicals that are present in any covered product or component  
8 thereof at levels above 1,000 parts per million.

9 (7) “Department” means the Department of Toxic Substances  
10 Control.

11 (8) “Consumer Price Index” means the Consumer Price Index  
12 for All Urban Consumers published by the Bureau of Labor  
13 Statistics.

14 (b) (1) A manufacturer of covered products shall indicate  
15 whether or not the product contains added flame-retardant  
16 chemicals by including the following “flame-retardant chemical  
17 statement” on the label described in Section 1374.3 of Title 4 of  
18 the California Code of Regulations for covered products:

19  
20 “The upholstery materials in this product:

21 \_\_\_\_\_contain added flame-retardant chemicals

22 \_\_\_\_\_contain NO added flame-retardant chemicals

23 The State of California has updated the flammability standard  
24 and determined that the fire safety requirements for this product  
25 can be met without adding flame-retardant chemicals. The state  
26 has identified many flame-retardant chemicals as being known to,  
27 or strongly suspected of, adversely impacting human health or  
28 development.”

29  
30 A manufacturer of covered products shall indicate the absence  
31 or presence of added flame-retardant chemicals by placing an “X”  
32 in one of the appropriate blanks.

33 (2) This statement shall be included in the label described in  
34 Section 1374.3 of Title 4 of the California Code of Regulations in  
35 accordance with the bureau’s regulations for that label. The  
36 statement need not be in all capital letters, and shall follow the  
37 statement required by Section 1374.3 of Title 4 of the California  
38 Code of Regulations.

39 (c) (1) The bureau shall ensure compliance with the labeling  
40 requirements in this section.



1 (2) (A) The bureau shall provide the Department of Toxic  
2 Substances Control with a selection of samples from covered  
3 products marked “contain NO added flame-retardant chemicals”  
4 for testing for the presence of added flame-retardant chemicals.  
5 The samples shall be from the components identified in paragraph  
6 (1) of subdivision (a). The bureau shall select samples based on  
7 consultation with the department, taking into account a range of  
8 manufacturers and types of covered products. The bureau and the  
9 department shall consult on the tests to be conducted by the  
10 department. The department shall provide the results of any  
11 completed test to the bureau. The bureau shall reimburse the  
12 department for the cost of testing for the presence of added  
13 flame-retardant chemicals in covered products marked “contain  
14 NO added flame-retardant chemicals”. *chemicals.*”

15 (B) No later than August 1 of each fiscal year, the bureau shall  
16 assess available resources and determine the number of tests to be  
17 conducted in the corresponding fiscal year, pursuant to this  
18 subparagraph.

19 (3) (A) If the department’s testing shows that a covered product  
20 labeled as “contain NO added flame-retardant chemicals” is  
21 mislabeled because it contains added flame-retardant chemicals,  
22 the bureau may assess fines for violations against manufacturers  
23 of the covered product and component manufacturers to be held  
24 jointly and severally liable for the violation.

25 (B) A fine for a violation of this subparagraph relating to  
26 mislabeling shall be assessed in accordance with the factors  
27 described in subdivision (d) and the following schedule:

28 (i) The fine for the first violation shall be not less than one  
29 thousand dollars (\$1,000) but not more than two thousand five  
30 hundred dollars (\$2,500).

31 (ii) The fine for the second violation shall be not less than two  
32 thousand five hundred dollars (\$2,500) but not more than five  
33 thousand dollars (\$5,000).

34 (iii) The fine for the third violation shall be not less than five  
35 thousand dollars (\$5,000) but not more than seven thousand five  
36 hundred dollars (\$7,500).

37 (iv) The fine for any subsequent violation shall be not less than  
38 seven thousand five hundred dollars (\$7,500) but not more than  
39 ten thousand dollars (\$10,000).

1 (C) The fines in paragraph (B) shall replace any other fines in  
2 this article for a violation of the testing requirements of this section.  
3 This clause does not alter or amend any other penalty otherwise  
4 imposed by this article.

5 (D) If the department's testing shows that a covered product  
6 labeled as "contain NO added flame-retardant chemicals" is  
7 mislabeled because it contains added flame-retardant chemicals,  
8 in addition to a fine or any other request, the bureau may request  
9 that the label required by subdivision (b) for covered products that  
10 belong to the same stock keeping unit (SKU) currently produced  
11 by the manufacturer be corrected to reflect that flame-retardant  
12 chemicals are added to the covered product.

13 (E) If the department's testing shows that a covered product  
14 labeled as "contain NO added flame-retardant chemicals" is  
15 mislabeled because it contains added flame-retardant chemicals,  
16 in addition to a fine or any other request, the bureau may request  
17 additional testing of more products belonging to the same stock  
18 keeping unit (SKU) at the manufacturer's expense to verify the  
19 accuracy of the label required by subdivision (b) for covered  
20 products if the manufacturer wishes to retain the "contain NO  
21 added flame-retardant chemicals" designation on the label required  
22 by subdivision (b).

23 (d) (1) The bureau shall make information about any citation  
24 issued pursuant to this section available to the public on its internet  
25 website.

26 (2) In determining the amount of the fine for violations of this  
27 section, the bureau shall consider the following factors:

28 (A) The nature and severity of the violation.

29 (B) The good or bad faith of the cited person.

30 (C) The history of previous violations.

31 (D) Evidence that the violation was willful.

32 (E) The extent to which the cited person or entity has cooperated  
33 with the bureau.

34 (3) (A) The bureau shall adjust all minimum and maximum  
35 fines imposed by this section for inflation every five years.

36 (B) The adjustment shall be equivalent to the percentage, if any,  
37 that the Consumer Price Index at the time of adjustment exceeds  
38 the Consumer Price Index at the time this section goes into effect.  
39 Any increase determined under this paragraph shall be rounded as  
40 follows:

1 (i) In multiples of ten dollars (\$10) in the case of penalties less  
2 than or equal to one hundred dollars (\$100).

3 (ii) In multiples of one hundred dollars (\$100) in the case of  
4 penalties greater than one hundred dollars (\$100) but less than or  
5 equal to one thousand dollars (\$1,000).

6 (iii) In multiples of one thousand dollars (\$1,000) in the case  
7 of penalties greater than one thousand dollars (\$1,000).

8 (4) It shall be the duty of the bureau to receive complaints from  
9 consumers concerning covered products sold in California.

10 (e) The bureau may adopt regulations pursuant to the  
11 Administrative Procedure Act (Chapter 3.5 (commencing with  
12 Section 11340) of Part 1 of Division 3 of Title 2 of the Government  
13 Code) to carry out this section.

14 SEC. 35. Section 26051.5 of the Business and Professions  
15 Code is amended to read:

16 26051.5. (a) An applicant for a state license issued pursuant  
17 to this division to conduct commercial cannabis activity, as defined  
18 in Section 26001, shall do all of the following:

19 (1) Except as provided in subparagraph (G), require that each  
20 owner, as defined in paragraphs (1) to (3), inclusive, of subdivision  
21 (aq) of Section 26001, electronically submit to the Department of  
22 Justice fingerprint images and related information required by the  
23 Department of Justice for the purpose of obtaining information as  
24 to the existence and content of a record of state or federal  
25 convictions and state and federal arrests, and also information as  
26 to the existence and content of a record of state or federal  
27 convictions and arrests for which the Department of Justice  
28 establishes that the person is free on bail or on their own  
29 recognizance pending trial or appeal.

30 (A) Notwithstanding any other law, the department may obtain  
31 criminal history information from the Department of Justice and  
32 the Federal Bureau of Investigation for an applicant or its owners,  
33 as defined in paragraphs (1) to (3), inclusive, of subdivision (aq)  
34 of Section 26001, for any state license, as described in Section  
35 26050, under this division pursuant to subdivision (u) of Section  
36 11105 of the Penal Code.

37 (B) When received, the Department of Justice shall transmit  
38 fingerprint images and related information received pursuant to  
39 this section to the Federal Bureau of Investigation for the purpose  
40 of obtaining a federal criminal history records check. The

1 Department of Justice shall review the information returned from  
2 the Federal Bureau of Investigation and compile and disseminate  
3 a response to the licensing authority.

4 (C) The Department of Justice shall provide a response to the  
5 licensing authority pursuant to paragraph (1) of subdivision (p) of  
6 Section 11105 of the Penal Code.

7 (D) The department shall request from the Department of Justice  
8 subsequent notification service, as provided pursuant to Section  
9 11105.2 of the Penal Code, for applicants.

10 (E) The Department of Justice shall charge the applicant a fee  
11 sufficient to cover the reasonable cost of processing the requests  
12 described in this paragraph.

13 (F) Notwithstanding any other law, a licensing authority may  
14 request and receive from a local or state agency certified records  
15 of all arrests and convictions, certified records regarding probation,  
16 and any and all other related documentation needed to complete  
17 an applicant or licensee investigation. A local or state agency may  
18 provide those records to a licensing authority upon request.

19 (G) If an owner has previously submitted fingerprint images  
20 and related information required by the Department of Justice  
21 pursuant to this paragraph in connection with a valid state license  
22 issued by a licensing authority, all of the following apply:

23 (i) The owner shall not be required to submit additional  
24 fingerprint images and related information pursuant to this  
25 paragraph in connection with a subsequent application for a state  
26 license.

27 (ii) The department shall not consider the owner's criminal  
28 history information obtained from the fingerprint images and  
29 related information that were previously submitted pursuant to this  
30 paragraph when considering whether to issue a subsequent state  
31 license.

32 (iii) An owner shall not be required to resubmit owner-related  
33 information previously provided to the department.

34 (2) Provide evidence of the legal right to occupy and use the  
35 proposed location and provide a statement from the landowner of  
36 real property or that landowner's agent where the commercial  
37 cannabis activity will occur, as proof to demonstrate the landowner  
38 has acknowledged and consented to permit commercial cannabis  
39 activities to be conducted on the property by the tenant applicant.

1 (3) Provide evidence that the proposed location is in compliance  
2 with subdivision (b) of Section 26054.

3 (4) Provide a statement, signed by the applicant under penalty  
4 of perjury, that the information provided is complete, true, and  
5 accurate.

6 (5) (A) (i) For an applicant with 20 or more employees, or an  
7 applicant with 10 or more employees that submits an application  
8 on or after July 1, 2024, provide a notarized statement that the  
9 applicant will enter into, or demonstrate that it has already entered  
10 into, and will abide by the terms of a labor peace agreement. On  
11 and after July 1, 2024, the department shall not renew a license  
12 for a licensee with 10 or more employees unless the licensee  
13 provides a statement that the licensee has already entered into and  
14 will abide by the terms of a labor peace agreement.

15 (ii) For an applicant with 10 or more employees but less than  
16 20 employees that has not yet entered into a labor peace agreement,  
17 provide a notarized statement as a part of its application indicating  
18 that the applicant will enter into and abide by the terms of a labor  
19 peace agreement within 60 days of employing its 20th employee,  
20 or on or before July 1, 2024, whichever is earlier.

21 (iii) For an applicant with less than 10 employees that has not  
22 yet entered into a labor peace agreement, provide a notarized  
23 statement as a part of its application indicating that the applicant  
24 will enter into and abide by the terms of a labor peace agreement  
25 within 60 days of employing its 10th employee, or on or before  
26 July 1, 2024, whichever is later.

27 (iv) Nothing in this paragraph shall be construed to limit the  
28 authority of the department to revoke or suspend a license for a  
29 violation of this paragraph.

30 (B) Compliance with the terms of an applicable labor peace  
31 agreement is a condition of licensure. A licensee seeking renewal  
32 of any license shall attest to the department that it remains in  
33 compliance with the terms of any applicable labor peace agreement.

34 (C) Any labor organization, or any current or former employee  
35 of the relevant licensee, may report to the department that a licensee  
36 has failed to provide a truthful attestation of compliance with  
37 subparagraph (B).

38 (i) The reporting party shall provide documentation, in a form  
39 and manner required by the department, to substantiate their  
40 allegation before the department considers it. The department shall

1 collaborate with such agencies as it deems relevant to evaluate the  
2 report.

3 (ii) If the department substantiates the validity of a report made  
4 pursuant to this subparagraph, the department may suspend, revoke,  
5 place on probation with terms and conditions, or otherwise  
6 discipline the license and fine the licensee.

7 (D) (i) Any labor organization, or any current or former  
8 employee of the relevant licensee, may file a complaint with the  
9 Agricultural Labor Relations Board that an organization with which  
10 a licensee has entered into a labor peace agreement is not a bona  
11 fide labor organization.

12 (ii) The Agricultural Labor Relations Board shall consider all  
13 relevant evidence provided or obtained in rendering a decision on  
14 whether the entity is a bona fide labor organization and issue a  
15 report with its findings no later than 90 days from receiving the  
16 complaint.

17 (iii) If the Agricultural Labor Relations Board determines that  
18 the entity is not a bona fide labor organization, the labor peace  
19 agreement shall be null and void. The department shall promptly  
20 notify all licensees that have signed labor peace agreements with  
21 the entity that the entity was found not to be a bona fide labor  
22 organization and offer those licensees a reasonable time period,  
23 not to exceed 180 days, to enter into a labor peace agreement with  
24 a bona fide labor organization. Failure to enter into a labor peace  
25 agreement with a bona fide labor organization after that reasonable  
26 time period shall be a violation of this section.

27 (E) For the purposes of this paragraph, all of the following shall  
28 apply:

29 (i) "Employee" does not include a supervisor.

30 (ii) "Labor organization" means any organization of any kind,  
31 or any agency or employee representation committee or plan, in  
32 which employees participate and which exists, in whole or in part,  
33 for the purpose of dealing with employers concerning grievances,  
34 labor disputes, wages, rates of pay, hours of employment, or  
35 conditions of work for employees.

36 (iii) "Supervisor" means an individual having authority, in the  
37 interest of the applicant, to hire, transfer, suspend, lay off, recall,  
38 promote, discharge, assign, reward, or discipline other employees,  
39 or responsibility to direct them or to adjust their grievances, or  
40 effectively to recommend such action, if, in connection with the

1 foregoing, the exercise of that authority is not of a merely routine  
2 or clerical nature, but requires the use of independent judgment.

3 (6) Provide the applicant's valid seller's permit number issued  
4 pursuant to Part 1 (commencing with Section 6001) of Division 2  
5 of the Revenue and Taxation Code or indicate that the applicant  
6 is currently applying for a seller's permit.

7 (7) Provide any other information required by the department.

8 (8) For an applicant seeking a cultivation license, provide a  
9 statement declaring the applicant is an "agricultural employer," as  
10 defined in the Alatorre-Zenovich-Dunlap-Berman Agricultural  
11 Labor Relations Act of 1975 (Part 3.5 (commencing with Section  
12 1140) of Division 2 of the Labor Code), to the extent not prohibited  
13 by law.

14 (9) Pay all applicable fees required for licensure by the  
15 department.

16 (10) Provide proof of a bond to cover the costs of destruction  
17 of cannabis or cannabis products if necessitated by a violation of  
18 licensing requirements.

19 (11) (A) Provide a statement, upon initial application and  
20 application for renewal, that the applicant employs, or will employ  
21 within one year of receiving or renewing a license, one supervisor  
22 and one employee who have successfully completed a Division of  
23 Occupational Safety and Health 30-hour general industry outreach  
24 course offered by a training provider that is authorized by an OSHA  
25 Training Institute Education Center to provide the course. This  
26 paragraph shall not be construed to alter or amend existing  
27 requirements for employers to provide occupational safety and  
28 health training to employees.

29 (B) An applicant with only one employee shall not be subject  
30 to subparagraph (A).

31 (C) For purposes of this paragraph "employee" has the same  
32 meaning as provided in clause (i) of subparagraph (E) of paragraph  
33 (5) and "supervisor" has the same meaning as provided in clause  
34 (iii) of subparagraph (E) of paragraph (5).

35 (b) An applicant shall also include in the application a detailed  
36 description of the applicant's operating procedures for all of the  
37 following, as required by the department:

38 (1) Cultivation.

39 (2) Extraction and infusion methods.

40 (3) The transportation process.

1 (4) Inventory procedures.

2 (5) Quality control procedures.

3 (6) Security protocols.

4 (7) For applicants seeking licensure to cultivate, the source or  
5 sources of water the applicant will use for cultivation, as provided  
6 in subdivisions (a) to (c), inclusive, of Section 26060.1. For  
7 purposes of this paragraph, “cultivation” as used in Section 26060.1  
8 shall have the same meaning as defined in Section 26001. The  
9 department shall consult with the State Water Resources Control  
10 Board and the Department of Fish and Wildlife in the  
11 implementation of this paragraph.

12 (c) The applicant shall also provide a complete detailed diagram  
13 of the proposed premises wherein the license privileges will be  
14 exercised, with sufficient particularity to enable ready  
15 determination of the bounds of the premises, showing all  
16 boundaries, dimensions, entrances and exits, interior partitions,  
17 walls, rooms, and common or shared entryways, and include a  
18 brief statement or description of the principal activity to be  
19 conducted therein, and, for licenses permitting cultivation,  
20 measurements of the planned canopy, including aggregate square  
21 footage and individual square footage of separate cultivation areas,  
22 if any, roads, water crossings, points of diversion, water storage,  
23 and all other facilities and infrastructure related to the cultivation.

24 (d) Provide a complete list of every person with a financial  
25 interest in the person applying for the license as required by the  
26 department. For purposes of this subdivision, “persons with a  
27 financial interest” does not include persons whose only interest in  
28 a licensee is an interest in a diversified mutual fund, blind trust,  
29 or similar instrument.

30 SEC. 36. Section 26067 of the Business and Professions Code  
31 is amended to read:

32 26067. (a) The department shall establish a track and trace  
33 program for reporting the movement of cannabis and cannabis  
34 products throughout the distribution chain that utilizes a unique  
35 identifier and is capable of providing information that captures, at  
36 a minimum, all of the following:

37 (1) The licensee from which the product originates and the  
38 licensee receiving the product.

39 (2) The transaction date.



1 (3) The unique identifier or identifiers for the cannabis or  
2 cannabis product.

3 (4) The date of retail sale to a customer and whether the sale is  
4 conducted on the retail premises or by delivery.

5 (5) Information relating to cannabis and cannabis products  
6 leaving the licensed premises in a delivery vehicle as determined  
7 by regulations adopted pursuant to subdivision (d) of Section  
8 26068.

9 (b) (1) The department, in consultation with the California  
10 Department of Tax and Fee Administration, shall create an  
11 electronic system containing the electronic shipping manifests to  
12 facilitate the administration of the track and trace program, which  
13 shall include, but not be limited to, the following information:

14 (A) The variety and quantity or weight of cannabis or cannabis  
15 products shipped.

16 (B) The estimated times of departure and arrival.

17 (C) The variety and quantity or weight of cannabis or cannabis  
18 products received.

19 (D) The actual time of departure and arrival.

20 (E) A categorization and the unique identifier of the cannabis  
21 or cannabis product.

22 (F) The license number issued by the department for all licensees  
23 involved in the shipping process, including, but not limited to,  
24 cultivators, manufacturers, distributors, and retailers.

25 (2) The electronic system shall be designed to flag irregularities  
26 for the department to investigate.

27 (3) The department and state and local agencies may, at any  
28 time, inspect shipments and request documentation for current  
29 inventory.

30 (4) The California Department of Tax and Fee Administration  
31 shall have read access to the electronic system for the purpose of  
32 taxation and regulation of cannabis and cannabis products.

33 (5) Information received and contained in records kept by the  
34 department for the purposes of administering this chapter are  
35 confidential and shall not be disclosed pursuant to the California  
36 Public Records Act (Division 10 (commencing with Section  
37 7920.000) of Title 1 of the Government Code), except as necessary  
38 for authorized employees of the State of California or any city,  
39 county, or city and county to perform official duties pursuant to  
40 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. 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 qualifications as provided in this code, except that the governing board or a county office of education may contract with or employ an individual who holds a license issued by the Speech-Language Pathology and Audiology and Hearing Aid Dispensers Board and has earned a master's degree in communication disorders to provide speech and language services if that individual meets the requirements of Section 44332.6 before employment or execution of the contract.

SEC. 38. Section 94834 of the Education Code is amended to read:

94834. "Distance education" means transmission of instruction to students at a location separate from the faculty.

SEC. 39. Section 94866 of the Education Code is amended to read:

94866. "Teach-out" means the arrangements an institution makes for its students to complete their educational programs when the institution or an educational program ceases to operate.

SEC. 40. Section 94880.1 of the Education Code is repealed.

SEC. 41. Section 94897 of the Education Code is amended to read:

94897. An institution shall not do any of the following:

(a) Use, or allow the use of, any reproduction or facsimile of the Great Seal of the State of California on a diploma.

(b) Promise or guarantee employment, or otherwise overstate the availability of jobs upon graduation.

(c) Advertise concerning job availability, degree of skill, or length of time required to learn a trade or skill unless the information is accurate and not misleading.

(d) Advertise, or indicate in promotional material, without including the fact that the educational programs are delivered by means of distance education if the educational programs are so delivered.

1 (e) Advertise, or indicate in promotional material, that the  
2 institution is accredited, unless the institution has been accredited  
3 by an accrediting agency.

4 (f) Solicit students for enrollment by causing an advertisement  
5 to be published in “help wanted” columns in a magazine,  
6 newspaper, or publication, or use “blind” advertising that fails to  
7 identify the institution.

8 (g) Offer to compensate a student to act as an agent of the  
9 institution with regard to the solicitation, referral, or recruitment  
10 of any person for enrollment in the institution, except that an  
11 institution may award a token gift to a student for referring an  
12 individual, provided that the gift is not in the form of money, no  
13 more than one gift is provided annually to a student, and the gift’s  
14 cost is not more than one hundred dollars (\$100).

15 (h) Pay any consideration to a person to induce that person to  
16 sign an enrollment agreement for an educational program.

17 (i) Use a name in any manner improperly implying any of the  
18 following:

19 (1) The institution is affiliated with any government agency,  
20 public or private corporation, agency, or association if it is not, in  
21 fact, thus affiliated.

22 (2) The institution is a public institution.

23 (3) The institution grants degrees, if the institution does not  
24 grant degrees.

25 (j) In any manner make an untrue or misleading change in, or  
26 untrue or misleading statement related to: a test score, grade or  
27 record of grades, attendance record, record indicating student  
28 completion, placement, employment, salaries, or financial  
29 information; a financial report filed with the bureau; information  
30 or records relating to the student’s eligibility for student financial  
31 aid at the institution; or any other record or document required by  
32 this chapter or by the bureau.

33 (k) Willfully falsify, destroy, or conceal any document of record  
34 while that document of record is required to be maintained by this  
35 chapter.

36 (l) Use the terms “approval,” “approved,” “approval to operate,”  
37 or “approved to operate” without stating clearly and conspicuously  
38 that approval to operate means compliance with state standards as  
39 set forth in this chapter. An institution may not state or imply either  
40 of the following:

1 (1) The institution or its educational programs are endorsed or  
2 recommended by the state or by the bureau.

3 (2) The approval to operate indicates that the institution exceeds  
4 minimum state standards as set forth in this chapter.

5 (m) Direct any individual to do any of the following:

6 (1) Perform an act that violates this chapter.

7 (2) Refrain from reporting unlawful conduct to the bureau or  
8 another government agency.

9 (3) Engage in any unfair act to persuade a student not to  
10 complain to the bureau or another government agency.

11 (n) Compensate an employee involved in recruitment,  
12 enrollment, admissions, student attendance, or sales of educational  
13 materials to students on the basis of a commission, commission  
14 draw, bonus, quota, or other similar method related to the  
15 recruitment, enrollment, admissions, student attendance, or sales  
16 of educational materials to students, except as provided in  
17 paragraph (1) or (2):

18 (1) If the educational program is scheduled to be completed in  
19 90 days or less, the institution shall pay compensation related to  
20 a particular student only if that student completes the educational  
21 program.

22 (2) For institutions participating in the federal student financial  
23 aid programs, this subdivision shall not prevent the payment of  
24 compensation to those involved in recruitment, admissions, or the  
25 award of financial aid if those payments are in conformity with  
26 federal regulations governing an institution's participation in the  
27 federal student financial aid programs.

28 (o) Require a prospective student to provide personal contact  
29 information in order to obtain, from the institution's internet  
30 website, educational program information that is required to be  
31 contained in the school catalog or any information required  
32 pursuant to the consumer information requirements of Title IV of  
33 the federal Higher Education Act of 1965, and any amendments  
34 thereto.

35 (p) Offer an associate, baccalaureate, master's, or doctoral  
36 degree without disclosing to prospective students before enrollment  
37 whether the institution or the degree program is unaccredited and  
38 any known limitation of the degree, including, but not limited to,  
39 all of the following:

1 (1) Whether a graduate of the degree program will be eligible  
2 to sit for the applicable licensure exam in California and other  
3 states.

4 (2) A statement that reads: “A degree program that is  
5 unaccredited or a degree from an unaccredited institution is not  
6 recognized for some employment positions, including, but not  
7 limited to, positions with the State of California.”

8 (3) That a student enrolled in an unaccredited institution is not  
9 eligible for federal financial aid programs.

10 (q) In any manner commit fraud against, or make a material  
11 untrue or misleading statement to, a student or prospective student  
12 under the institution’s authority or the pretense or appearance of  
13 the institution’s authority.

14 (r) Charge or collect any payment for institutional charges that  
15 are not authorized by an executed enrollment agreement.

16 (s) Violate Section 1788.93 of the Civil Code.

17 (t) Require a prospective, current, or former student or employee  
18 to sign a nondisclosure agreement pertaining to their relationship  
19 to, or experience with, the institution, except that an institution  
20 may use a nondisclosure agreement to protect the institution’s  
21 intellectual property and trade secrets. Any nondisclosure  
22 agreement in violation of this section is void and not enforceable  
23 at law or in equity.

24 (u) Fail to maintain policies related to compliance with this  
25 chapter or adhere to the institution’s stated policies.

26 SEC. 42. Section 94900 of the Education Code is amended to  
27 read:

28 94900. (a) An institution shall maintain records of the name,  
29 address, e-mail address, and telephone number of each student  
30 who is enrolled in an educational program in that institution.

31 (b) An institution shall maintain, for each student granted a  
32 degree or certificate by that institution, complete and accurate  
33 permanent records of all of the following:

34 (1) The degree or certificate granted and the date on which that  
35 degree or certificate was granted.

36 (2) The courses and units on which the certificate or degree was  
37 based.

38 (3) The grades earned by the student in each of those courses.

39 SEC. 43. Section 94902 of the Education Code is amended to  
40 read:

1 94902. (a) A student shall enroll solely by means of executing  
2 an enrollment agreement. The enrollment agreement shall be signed  
3 by the student and by an authorized employee of the institution.

4 (b) An enrollment agreement is not enforceable unless all of  
5 the following requirements are met:

6 (1) The student has received the institution's current catalog  
7 and School Performance Fact Sheet prior to signing the enrollment  
8 agreement.

9 (2) At the time of the execution of the enrollment agreement,  
10 the institution held a valid approval to operate.

11 (3) Prior to the execution of the enrollment agreement, the  
12 student and the institution have signed and dated the information  
13 required to be disclosed in the School Performance Fact Sheet  
14 pursuant to subdivisions (a) to (d), inclusive, of Section 94910.  
15 Each of these items in the School Performance Fact Sheet shall  
16 include a line for the student to initial and shall be initialed and  
17 dated by the student.

18 (c) A student shall receive a copy of the signed enrollment  
19 agreement, in writing or electronically, regardless of whether total  
20 charges are paid by the student.

21 SEC. 44. Section 94909 of the Education Code is amended to  
22 read:

23 94909. (a) Except as provided in subdivision (d), before  
24 enrollment, an institution shall provide a prospective student, either  
25 in writing or electronically, with a current school catalog  
26 containing, at a minimum, all of the following:

27 (1) The name, address, telephone number, and, if applicable,  
28 internet website address of the institution.

29 (2) Except as specified in Article 2 (commencing with Section  
30 94802), a statement that the institution is a private institution and  
31 that it is approved to operate by the bureau.

32 (3) The following statements:

33 (A) "Any questions a student may have regarding this catalog  
34 that have not been satisfactorily answered by the institution may  
35 be directed to the Bureau for Private Postsecondary Education at  
36 (address), Sacramento, CA (ZIP Code), (internet website address),  
37 (telephone and fax numbers)."

38 (B) "As a prospective student, you are encouraged to review  
39 this catalog before signing an enrollment agreement. You are also

1 encouraged to review the School Performance Fact Sheet, which  
2 must be provided to you before signing an enrollment agreement.”

3 (C) “A student or any member of the public may file a complaint  
4 about this institution with the Bureau for Private Postsecondary  
5 Education by calling (toll-free telephone number) or by completing  
6 a complaint form, which can be obtained on the bureau’s internet  
7 website (internet website address).”

8 (D) “The Office of Student Assistance and Relief is available  
9 to support prospective students, current students, or past students  
10 of private postsecondary educational institutions in making  
11 informed decisions, understanding their rights, and navigating  
12 available services and relief options. The office may be reached  
13 by calling (toll-free telephone number) or by visiting (internet  
14 website address).”

15 (4) The address or addresses where class sessions will be held.

16 (5) A description of the programs offered and a description of  
17 the instruction provided in each of the courses offered by the  
18 institution, the requirements for completion of each program,  
19 including required courses, any final tests or examinations, any  
20 required internships or externships, and the total number of credit  
21 hours, clock hours, or other increments required for completion.

22 (6) If the educational program is designed to lead to positions  
23 in a profession, occupation, trade, or career field requiring licensure  
24 in this state, a notice to that effect and a list of the requirements  
25 for eligibility for licensure.

26 (7) Information regarding the faculty and their qualifications.

27 (8) A detailed description of institutional policies in the  
28 following areas:

29 (A) Admissions policies, including the institution’s policies  
30 regarding the acceptance of credits earned at other institutions or  
31 through challenge examinations and achievement tests, and a list  
32 describing any transfer or articulation agreements between the  
33 institution and any other college or university that provides for the  
34 transfer of credits earned in the program of instruction. If the  
35 institution has not entered into an articulation or transfer agreement  
36 with any other college or university, the institution shall disclose  
37 that fact.

38 (B) Cancellation, withdrawal, and refund policies, including an  
39 explanation that the student has the right to cancel the enrollment  
40 agreement and obtain a refund of charges paid through attendance

1 at the first class session, or the seventh day after enrollment,  
2 whichever is later. The text shall also include a description of the  
3 procedures that a student is required to follow to cancel the  
4 enrollment agreement or withdraw from the institution and obtain  
5 a refund consistent with the requirements of Article 13  
6 (commencing with Section 94919).

7 (C) Probation and dismissal policies.

8 (D) Attendance policies.

9 (E) Leave-of-absence policies.

10 (9) The schedule of total charges for a period of attendance and  
11 an estimated schedule of total charges for the entire educational  
12 program.

13 (10) A statement reporting whether the institution participates  
14 in federal and state financial aid programs, and if so, all consumer  
15 information that is required to be disclosed to the student pursuant  
16 to the applicable federal and state financial aid programs.

17 (11) A statement specifying that, if a student obtains a loan to  
18 pay for an educational program, the student will have the  
19 responsibility to repay the full amount of the loan plus interest,  
20 less the amount of any refund, and that, if the student has received  
21 federal student financial aid funds, the student is entitled to a refund  
22 of the moneys not paid from federal student financial aid program  
23 funds.

24 (12) A statement specifying whether the institution has a pending  
25 petition in bankruptcy, is operating as a debtor in possession, has  
26 filed a petition within the preceding five years, or has had a petition  
27 in bankruptcy filed against it within the preceding five years that  
28 resulted in reorganization under Chapter 11 of the United States  
29 Bankruptcy Code (11 U.S.C. Sec. 1101 et seq.).

30 (13) If the institution provides placement services, a description  
31 of the nature and extent of the placement services.

32 (14) A description of the student's rights and responsibilities  
33 with respect to the Student Tuition Recovery Fund. This statement  
34 shall specify that it is a state requirement that a student who pays  
35 the student's tuition is required to pay a state-imposed assessment  
36 for the Student Tuition Recovery Fund. This statement shall also  
37 describe the purpose and operation of the Student Tuition Recovery  
38 Fund and the requirements for filing a claim against the Student  
39 Tuition Recovery Fund.

40 (15) The following statement:



1  
2 “NOTICE CONCERNING TRANSFERABILITY OF  
3 CREDITS AND CREDENTIALS EARNED AT OUR  
4 INSTITUTION

5 The transferability of credits you earn at (name of institution)  
6 is at the complete discretion of an institution to which you  
7 may seek to transfer. Acceptance of the (degree, diploma, or  
8 certificate) you earn in (name of educational program) is also  
9 at the complete discretion of the institution to which you may  
10 seek to transfer. If the (credits or degree, diploma, or  
11 certificate) that you earn at this institution are not accepted at  
12 the institution to which you seek to transfer, you may be  
13 required to repeat some or all of your coursework at that  
14 institution. For this reason you should make certain that your  
15 attendance at this institution will meet your educational goals.  
16 This may include contacting an institution to which you may  
17 seek to transfer after attending (name of institution) to  
18 determine if your (credits or degree, diploma, or certificate)  
19 will transfer.”  
20

21 (16) A statement specifying whether the institution, or any of  
22 its degree programs, are accredited by an accrediting agency  
23 recognized by the United States Department of Education. If the  
24 institution is unaccredited and offers an associate, baccalaureate,  
25 master’s, or doctoral degree, or is accredited and offers an  
26 unaccredited program for an associate, baccalaureate, master’s, or  
27 doctoral degree, the statement shall disclose the known limitations  
28 of the degree program, including, but not limited to, all of the  
29 following:

30 (A) Whether a graduate of the degree program will be eligible  
31 to sit for the applicable licensure exam in California and other  
32 states or become certified or registered as required for the  
33 applicable profession, occupation, trade, or career field in  
34 California.

35 (B) A degree program that is unaccredited or a degree from an  
36 unaccredited institution is not recognized for some employment  
37 positions, including, but not limited to, positions with the State of  
38 California.

39 (C) That a student enrolled in an unaccredited institution is not  
40 eligible for federal financial aid programs.

(b) If the institution has a general student brochure, the institution shall provide that brochure to the prospective student before enrollment. In addition, if the institution has a program-specific student brochure for the program in which the prospective student seeks to enroll, the institution shall provide the program-specific student brochure to the prospective student before enrollment.

(c) An institution shall provide the school catalog to any person upon request. In addition, if the institution has student brochures, the institution shall disclose the requested brochures to any interested person upon request.

(d) An accredited institution is not required to provide a School Performance Fact Sheet to a prospective student who is not a California resident, not residing in California at the time of the student's enrollment, and enrolling in an accredited distance learning degree program offered by the institution, if the institution complies with all federal laws, the applicable laws of the state where the student is located, and other appropriate laws, including, but not limited to, consumer protection and student disclosure requirements.

SEC. 45. Section 94910 of the Education Code is amended to read:

94910. Except as provided in subdivision (d) of Section 94909 and Section 94910.5, prior to enrollment, an institution shall provide a prospective student with a current School Performance Fact Sheet containing, at a minimum, the following information, as it relates to the educational program:

(a) Completion rates, as calculated pursuant to Article 16 (commencing with Section 94928).

(b) Placement rates for each educational program, as calculated pursuant to Article 16 (commencing with Section 94928), if the educational program is designed to lead to, or the institution makes any express or implied claim related to preparing students for, a recognized career, occupation, vocation, job, or job title.

(c) License examination passage rates for programs leading to employment for which passage of a state licensing examination is required, as calculated pursuant to Article 16 (commencing with Section 94928).

(d) Salary or wage information, as calculated pursuant to Article 16 (commencing with Section 94928).

1 (e) If a program is too new to provide data for any of the  
2 categories listed in this subdivision, the institution shall state on  
3 its fact sheet: "This program is new. Therefore, the number of  
4 students who graduate, the number of students who are placed, or  
5 the starting salary you can earn after finishing the educational  
6 program are unknown at this time. Information regarding general  
7 salary and placement statistics may be available from government  
8 sources or from the institution, but is not equivalent to actual  
9 performance data."

10 (f) All of the following:

11 (1) A description of the manner in which the figures described  
12 in subdivisions (a) to (d), inclusive, are calculated or a statement  
13 informing the reader of where they may obtain a description of  
14 the manner in which the figures described in subdivisions (a) to  
15 (d), inclusive, are calculated.

16 (2) A statement informing the reader of where they may obtain  
17 from the institution a list of the employment positions determined  
18 to be within the field for which a student received education and  
19 training for the calculation of job placement rates as required by  
20 subdivision (b).

21 (3) A statement informing the reader of where they may obtain  
22 from the institution a list of the objective sources of information  
23 used to substantiate the salary disclosure as required by subdivision  
24 (d).

25 (g) The following statements:

26 (1) "This fact sheet is filed with the Bureau for Private  
27 Postsecondary Education. Regardless of any information you may  
28 have relating to completion rates, placement rates, starting salaries,  
29 or license exam passage rates, this fact sheet contains the  
30 information as calculated pursuant to state law."

31 (2) "Any questions a student may have regarding this fact sheet  
32 that have not been satisfactorily answered by the institution may  
33 be directed to the Bureau for Private Postsecondary Education at  
34 (address), Sacramento, CA (ZIP Code), (internet website),  
35 (telephone and fax numbers)."

36 (h) If the institution participates in federal financial aid  
37 programs, the most recent three-year cohort default rate reported  
38 by the United States Department of Education for the institution  
39 and the percentage of enrolled students receiving federal student  
40 loans.

(i) Data and information disclosed pursuant to subdivisions (a) to (d), inclusive, is not required to include students who satisfy the qualifications specified in subdivision (d) of Section 94909, but an institution shall disclose whether the data, information, or both provided in its fact sheet excludes students pursuant to this subdivision. An institution shall not actively use data specific to the fact sheet in its recruitment materials or other recruitment efforts of students who are not California residents and do not reside in California at the time of their enrollment.

SEC. 46. Section 94929.9 of the Education Code is repealed.

SEC. 47. Section 94949 of the Education Code is repealed.

SEC. 48. Section 14132.55 of the Welfare and Institutions Code is amended to read:

14132.55. For the purposes of reimbursement under the Medi-Cal program, a speech pathologist or audiologist shall be licensed by the Speech-Language Pathology and Audiology and Hearing Aid Dispensers Board or similarly licensed by a comparable agency in the state in which they practice. Licensed speech-language pathologists or licensed audiologists are authorized to utilize and shall be reimbursed for the services of those personnel in the process of completing requirements under the provisions of subdivision (c) of Section 2532.2 of the Business and Professions Code.