

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, Valladares, 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, 9889.1, 9889.2, 9889.9, 12107, 12211, 12500.8, 12609, 13404.5, 13711, ~~and 19094~~ *19094*, *26051.5*, and 26067 of, and to add and repeal Section 1616.5 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 and Audiologist 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~~ *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 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) 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) 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.*

~~(13)~~

(14) 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.

(14)

(15) 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.

(15)

(16) 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  
14 (commencing with Section 11340) of Part 1 of Division 3 of Title  
15 2 of the Government Code) taken by the entity relative to persons,  
16 businesses, or facilities subject to licensure or regulation by the  
17 entity. The information may not include personal information,  
18 including home telephone number, date of birth, or social security  
19 number. Each entity shall disclose a licensee's address of record.  
20 However, each entity shall allow a licensee to provide a post office  
21 box number or other alternate address, instead of the licensee's  
22 home address, as the address of record. This section shall not  
23 preclude an entity from also requiring a licensee, who has provided  
24 a post office box number or other alternative mailing address as  
25 the licensee's address of record, to provide a physical business  
26 address or residence address only for the entity's internal  
27 administrative use and not for disclosure as the licensee's address  
28 of record or disclosure on the internet.

29 (b) In providing information on the internet, each entity specified  
30 in subdivisions (c) and (d) shall comply with the Department of  
31 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.



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

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

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

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

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

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

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

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

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

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

25 144. (a) Notwithstanding any other law, an agency designated  
26 in subdivision (b) shall require an applicant to furnish to the agency  
27 a full set of fingerprints for purposes of conducting criminal history  
28 record checks. Any agency designated in subdivision (b) may  
29 obtain and receive, at its discretion, criminal history information  
30 from the Department of Justice and the United States Federal  
31 Bureau of Investigation.

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

33 (1) California Board of Accountancy.

34 (2) State Athletic Commission.

35 (3) Board of Behavioral Sciences.

36 (4) Court Reporters Board of California.

37 (5) Dental Board of California.

38 (6) California State Board of Pharmacy.

39 (7) Board of Registered Nursing.

40 (8) California Veterinary Medical Board.

- 1 (9) Board of Vocational Nursing and Psychiatric Technicians
- 2 of the State of California.
- 3 (10) Respiratory Care Board of California.
- 4 (11) Physical Therapy Board of California.
- 5 (12) Physician Assistant Board.
- 6 (13) Speech-Language Pathology and Audiology and Hearing
- 7 Aid Dispensers Board.
- 8 (14) Medical Board of California.
- 9 (15) California State Board of Optometry.
- 10 (16) Acupuncture Board.
- 11 (17) Cemetery and Funeral Bureau.
- 12 (18) Bureau of Security and Investigative Services.
- 13 (19) Division of Investigation.
- 14 (20) Board of Psychology.
- 15 (21) California Board of Occupational Therapy.
- 16 (22) Structural Pest Control Board.
- 17 (23) Contractors State License Board.
- 18 (24) California Board of Naturopathic Medicine.
- 19 (25) Professional Fiduciaries Bureau.
- 20 (26) Board for Professional Engineers, Land Surveyors, and
- 21 Geologists.
- 22 (27) Podiatric Medical Board of California.
- 23 (28) Osteopathic Medical Board of California.
- 24 (29) California Architects Board, beginning January 1, 2021.
- 25 (30) Landscape Architects Technical Committee, beginning
- 26 January 1, 2022.
- 27 (31) Bureau of Household Goods and Services with respect to
- 28 household movers as described in Chapter 3.1 (commencing with
- 29 Section 19225) of Division 8.
- 30 (32) State Board of Chiropractic Examiners.
- 31 (c) For purposes of paragraph (26) of subdivision (b), the term
- 32 “applicant” shall be limited to an initial applicant who has never
- 33 been registered or licensed by the board or to an applicant for a
- 34 new licensure or registration category.
- 35 SEC. 3. Section 1602 of the Business and Professions Code is
- 36 amended to read:
- 37 1602. All of the members of the board, except the public
- 38 members, shall have been actively and lawfully engaged in the
- 39 practice of dentistry in the State of California, for at least five years
- 40 next preceding the date of their appointment. The registered dental

1 assistant members shall have been a registered dental assistant, in  
2 the State of California for at least five years next preceding the  
3 date of their appointment. The public members shall not be  
4 licensees of the board or of any other board under this division or  
5 of any board referred to in Sections 1000 and 3600. No more than  
6 one member of the board shall be a member of the faculty of any  
7 dental college or dental department of any medical college in the  
8 State of California. None of the members, including the public  
9 members, shall have any financial interest in any such college.

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

12 1603. (a) Except for the initial appointments, members of the  
13 board shall be appointed for a term of four years, and each member  
14 shall hold office until the appointment and qualification of the  
15 member's successor or until one year shall have elapsed since the  
16 expiration of the term for which the member was appointed,  
17 whichever first occurs.

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

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

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

27 (e) Of the initial appointments, one of the dentist members and  
28 one of the public members appointed by the Governor shall serve  
29 for a term of one year. Two of the dentist members appointed by  
30 the Governor shall each serve for a term of two years. One of the  
31 public members and two of the dentist members appointed by the  
32 Governor shall each serve a term of three years. The registered  
33 dental assistant members and the remaining three dentist members  
34 appointed by the Governor shall each serve for a term of four years.  
35 The public members appointed by the Senate Committee on Rules  
36 and the Speaker of the Assembly shall each serve for a term of  
37 four years.

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

1 1616.5. (a) The board, by and with the approval of the director,  
2 may appoint a person exempt from civil service who shall be  
3 designated as an executive officer and who shall exercise the  
4 powers and perform the duties delegated by the board and vested  
5 in the executive officer by this chapter.

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

8 SEC. 6. Section 1901 of the Business and Professions Code is  
9 amended to read:

10 1901. (a) There is hereby created in the Department of  
11 Consumer Affairs a Dental Hygiene Board of California in which  
12 the administration of this article is vested.

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

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

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

23 SEC. 7. Section 1903 of the Business and Professions Code is  
24 amended to read:

25 1903. (a) (1) The dental hygiene board shall consist of nine  
26 members as follows:

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

28 (i) Two members shall be public members.

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

31 (iii) Four members shall be registered dental hygienists who  
32 hold current licenses in California. Of the registered dental  
33 hygienist members, one shall be licensed either in alternative  
34 practice or in extended functions, one shall be a dental hygiene  
35 educator, and two shall be registered dental hygienists. No public  
36 member shall have been licensed under this chapter within five  
37 years of the date of their appointment or have any current financial  
38 interest in a dental-related business.

39 (B) One public member appointed by the Senate Committee on  
40 Rules.

1 (C) One public member appointed by the Speaker of the  
2 Assembly.

3 (2) The first appointment by the Senate Committee on Rules or  
4 the Speaker of the Assembly pursuant to this subdivision shall be  
5 made upon the expiration of the term of a public member that is  
6 scheduled to occur, or otherwise occurs, on or after January 1,  
7 2019.

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

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

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

15 (C) A clinic owned or operated by a public hospital or health  
16 system.

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

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

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

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

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

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

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

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

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

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

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

15 *SEC. 8. Section 1905 of the Business and Professions Code is*  
16 *amended to read:*

17 1905. (a) The dental hygiene board shall perform the following  
18 functions:

19 (1) Evaluate all registered dental hygienist, registered dental  
20 hygienist in alternative practice, and registered dental hygienist in  
21 extended functions educational programs that apply for approval  
22 and grant or deny approval of those applications in accordance  
23 with regulations adopted by the dental hygiene board. Any such  
24 educational programs approved by the dental board on or before  
25 June 30, 2009, shall be deemed approved by the dental hygiene  
26 board. Any dental hygiene program accredited by the Commission  
27 on Dental Accreditation may be approved.

28 (2) Withdraw or revoke its prior approval of a registered dental  
29 hygienist, registered dental hygienist in alternative practice, or  
30 registered dental hygienist in extended functions educational  
31 program in accordance with regulations adopted by the dental  
32 hygiene board. The dental hygiene board may withdraw or revoke  
33 a dental hygiene program approval if the Commission on Dental  
34 Accreditation has indicated an intent to withdraw approval or has  
35 withdrawn approval.

36 (3) Review and evaluate all registered dental hygienist,  
37 registered dental hygienist in alternative practice, and registered  
38 dental hygienist in extended functions applications for licensure  
39 to ascertain whether the applicant meets the appropriate licensing  
40 requirements specified by statute and regulations, maintain

1 application records, cashier application fees, issue and renew  
2 licenses, and perform any other tasks that are incidental to the  
3 application and licensure processes.

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

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

10 (6) Determine and enforce the continuing education  
11 requirements specified in Section 1936.1.

12 (7) Deny, suspend, or revoke a license under this article, or  
13 otherwise enforce the provisions of this article. Any such  
14 proceedings shall be conducted in accordance with Chapter 5  
15 (commencing with Section 11500) of Part 1 of Division 3 of Title  
16 2 of the Government Code, and the dental hygiene board shall  
17 have all of the powers granted therein.

18 ~~(8) Make recommendations to the dental board regarding dental~~  
19 ~~hygiene scope of practice issues.~~

20 ~~(9)~~

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

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

29 *SEC. 9. Section 1926.3 of the Business and Professions Code*  
30 *is amended to read:*

31 1926.3. (a) Every person who is now or hereafter licensed as  
32 a registered dental hygienist in alternative practice in this state  
33 shall register with the executive officer, on forms prescribed by  
34 the dental hygiene ~~board~~, *board within 30 calendar days*, the  
35 physical facility of ~~the~~ registered dental hygienist in alternative  
36 practice or, if the registered dental hygienist in alternative practice  
37 has more than one physical facility pursuant to Section 1926.4, all  
38 of the physical facilities. If the registered dental hygienist in  
39 alternative practice does not have a physical facility, the registered  
40 dental hygienist in alternative practice shall notify the executive

1 officer. ~~A person licensed by the dental hygiene board shall register~~  
2 ~~with the executive officer within 30 days after the date of the~~  
3 ~~issuance of the person's license as a registered dental hygienist in~~  
4 ~~alternative practice.~~

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

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

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

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

31 *SEC. 10. Section 1944 of the Business and Professions Code*  
32 *is amended to read:*

33 1944. (a) The dental hygiene board shall establish by resolution  
34 the amount of the fees that relate to the licensing of a registered  
35 dental hygienist, a registered dental hygienist in alternative practice,  
36 and a registered dental hygienist in extended functions. The fees  
37 established by dental hygiene board resolution in effect on June  
38 30, 2009, as they relate to the licensure of registered dental  
39 hygienists, registered dental hygienists in alternative practice, and  
40 registered dental hygienists in extended functions, shall remain in



1 effect until modified by the dental hygiene board. The fees are  
2 subject to the following limitations:

3 (1) ~~The application fee for an original license and the fee for~~  
4 ~~issuance of an original license shall not exceed two hundred fifty~~  
5 ~~dollars (\$250).~~ *shall not exceed one hundred dollars (\$100).*

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

8 ~~(2)~~  
9 (3) The fee for examination for licensure as a registered dental  
10 hygienist shall not exceed the actual cost of the examination.

11 ~~(3)~~  
12 (4) The fee for examination for licensure as a registered dental  
13 hygienist in extended functions shall not exceed the actual cost of  
14 the examination.

15 ~~(4)~~  
16 (5) The fee for examination for licensure as a registered dental  
17 hygienist in alternative practice shall not exceed the actual cost of  
18 administering the examination.

19 ~~(5)~~  
20 (6) The biennial renewal fee shall not exceed five hundred  
21 dollars (\$500).

22 ~~(6)~~  
23 (7) The delinquency fee shall not exceed one-half of the renewal  
24 fee. Any delinquent license may be restored only upon payment  
25 of all fees, including the delinquency fee, and compliance with all  
26 other applicable requirements of this article.

27 ~~(7)~~  
28 (8) The fee for issuance of a duplicate license to replace one  
29 that is lost or destroyed, or in the event of a name change, shall  
30 not exceed twenty-five dollars (\$25) or one-half of the renewal  
31 fee, whichever is greater.

32 ~~(8)~~  
33 (9) The fee for certification of licensure shall not exceed one-half  
34 of the renewal fee.

35 ~~(9)~~  
36 (10) The fee for each curriculum review and feasibility study  
37 review for educational programs for dental hygienists who are not  
38 accredited by a dental hygiene board-approved agency shall not  
39 exceed two thousand one hundred dollars (\$2,100).

40 ~~(10)~~

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

4 ~~(11)~~

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

7 ~~(12)~~

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

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

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

18 ~~(13)~~

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

26 ~~(14)~~

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

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

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

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

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

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

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

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

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

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

16 (k) The initial application and biennial special permit fee is an  
17 amount equal to the biennial renewal fee specified in paragraph  
18 ~~(6)~~ (7) of subdivision (a).

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

21 ~~SEC. 8.~~

22 *SEC. 11.* Section 2125 of the Business and Professions Code  
23 is amended to read:

24 2125. (a) For purposes of this article, the following definitions  
25 apply:

26 (1) “Board” means the Medical Board of California.

27 (2) “Program” means the Licensed Physicians from Mexico  
28 Program.

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

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

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

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

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

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

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

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

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

28 (B) (i) Satisfactorily completed an orientation program approved  
29 by the board in connection with the Licensed Physicians and  
30 Dentists from Mexico Pilot Program, as established in former  
31 Section 853, and that includes medical protocol, community clinic  
32 history and operations, medical administration, hospital operations  
33 and protocol, medical ethics, the California medical delivery  
34 system, health maintenance organizations and managed care  
35 practices, medication documentation and reconciliation, the  
36 electronic medical records system utilized by federally qualified  
37 health centers, and standards for medical record documentation to  
38 support medical decisionmaking and quality care. This orientation  
39 program may be changed by a committee of at least five chief  
40 medical officers at federally qualified health centers employing

1 program licensees to ensure that the orientation program contains  
2 the requisite subject matter and meets appropriate California law  
3 and medical standards where applicable.

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

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

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

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

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

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

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

32 (7) A licensee shall practice only in the nonprofit community  
33 health center that offered the licensee employment and the  
34 corresponding hospital. This three-year physician's and surgeon's  
35 license shall be deemed to be a license in good standing pursuant  
36 to the provisions of this chapter for the purpose of participation  
37 and reimbursement in all federal, state, and local health programs.  
38 These programs shall include the Medicare Program, the  
39 fee-for-service and managed care delivery systems of the Medi-Cal  
40 program, and private insurance. A physician from Mexico shall

1 not be denied credentials by a health plan because the physician  
2 is a participant in this state program and did not receive their  
3 medical education and training in the United States. The  
4 nonrenewable three-year physician's and surgeon's license issued  
5 pursuant to this program shall be referred to as a Physician's and  
6 Surgeon's from Mexico License and shall not include any  
7 additional notations beyond the current numerical identifiers that  
8 the board applies.

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

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

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

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

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

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

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

1 (C) During the time period described in subparagraph (A), an  
2 applicant shall submit an application to the board between October  
3 1, 2025, and December 31, 2025, except that the board may accept  
4 up to 15 applications after December 31, 2025, and before January  
5 1, 2028.

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

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

14 (C) During the time period described in subparagraph (A), an  
15 applicant shall submit an application to the board between October  
16 1, 2029, and December 31, 2029, except that the board may accept  
17 up to 19 applications after December 31, 2029, and before January  
18 1, 2032.

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

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

27 (C) During the time period described in subparagraph (A), an  
28 applicant shall submit an application to the board between October  
29 1, 2033, and December 31, 2033, except that the board may accept  
30 up to 22 applications after December 31, 2033, and before January  
31 1, 2036.

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

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



1 (C) During the time period described in subparagraph (A), an  
2 applicant shall submit an application to the board between October  
3 1, 2037, and December 31, 2037, except that the board may accept  
4 up to 25 applications after December 31, 2037, and before January  
5 1, 2040.

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

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

14 (C) During the time period described in subparagraph (A), an  
15 applicant shall submit an application to the board between October  
16 1, 2041, and December 31, 2041, except that the board may accept  
17 up to 27 applications after December 31, 2041, and before January  
18 1, 2044.

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

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

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

32 ~~SEC. 9.~~

33 *SEC. 12.* Section 2532.2 of the Business and Professions Code  
34 is amended to read:

35 2532.2. Except as required by Section 2532.25, to be eligible  
36 for licensure by the board as a speech-language pathologist or  
37 audiologist, the applicant shall possess all of the following  
38 qualifications:

1 (a) Possess at least a master's degree in speech-language  
2 pathology or audiology from an educational institution approved  
3 by the board or qualifications deemed equivalent by the board.

4 (b) (1) Submit evidence of the satisfactory completion of  
5 supervised clinical practice with individuals representative of a  
6 wide spectrum of ages and communication disorders. The board  
7 shall establish by regulation the required number of clock hours,  
8 not to exceed 375 clock hours, of supervised clinical practice  
9 necessary for the applicant.

10 (2) The clinical practice shall be under the direction of an  
11 educational institution approved by the board.

12 (c) Submit evidence of no less than 36 weeks of satisfactorily  
13 completed supervised professional full-time experience or 72 weeks  
14 of professional part-time experience obtained under the supervision  
15 of a licensed speech-language pathologist or audiologist or a  
16 speech-language pathologist or audiologist having qualifications  
17 deemed equivalent by the board. This experience shall be evaluated  
18 and approved by the board. The required professional experience  
19 shall follow completion of the requirements listed in subdivisions  
20 (a) and (b). Full time is defined as at least 36 weeks in a calendar  
21 year and a minimum of 30 hours per week. Part time is defined as  
22 a minimum of 72 weeks and a minimum of 15 hours per week.

23 (d) (1) Pass an examination or examinations approved by the  
24 board. The board shall determine the subject matter and scope of  
25 the examinations and may waive the examination upon evidence  
26 that the applicant has successfully completed an examination  
27 approved by the board. Written examinations may be supplemented  
28 by oral examinations as the board shall determine. An applicant  
29 who fails their examination may be reexamined at a subsequent  
30 examination upon payment of the reexamination fee required by  
31 this chapter.

32 (2) A speech-language pathologist or audiologist who holds a  
33 license from another state or territory of the United States or who  
34 holds equivalent qualifications as determined by the board and  
35 who has completed no less than one year of full-time continuous  
36 employment as a speech-language pathologist or audiologist within  
37 the past three years is exempt from the supervised professional  
38 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. 10.~~

5 *SEC. 13.* 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. 11.~~

27 *SEC. 14.* 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. 12.~~

4 *SEC. 15.* 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 Association or the  
36 American Academy of Audiology, the California Medical  
37 Association's Institute for Medical Quality Continuing Medical  
38 Education Program, or other entities or organizations approved as  
39 continuing professional development providers by the board, in  
40 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 Association or the American Academy  
12 of Audiology, and the California Medical Association's Institute  
13 for Medical Quality Continuing Education Program shall be exempt  
14 from any application or registration fees that the board may charge  
15 for continuing education providers.

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

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

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

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

34 ~~SEC. 13.~~

35 *SEC. 16.* Section 2532.7 of the Business and Professions Code  
36 is amended to read:

37 2532.7. (a) Upon approval of an application filed pursuant to  
38 Section 2532.1, and upon payment of the fee prescribed by Section  
39 2534.2, the board may issue a required professional experience  
40 (RPE) temporary license for a period to be determined by the board

1 to an applicant who is obtaining the required professional  
2 experience specified in subdivision (c) of Section 2532.2 or  
3 paragraph (2) of subdivision (b) of Section 2532.25.

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

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

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

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

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

27 ~~SEC. 14.~~

28 *SEC. 17.* Section 2536 of the Business and Professions Code  
29 is amended to read:

30 2536. A speech-language pathology corporation or an audiology  
31 corporation is a corporation which is authorized to render  
32 professional services, as defined in Section 13401 of the  
33 Corporations Code, so long as that corporation and its shareholders,  
34 officers, directors, and employees rendering professional services  
35 who are speech-language pathologists or audiologists are in  
36 compliance with the Moscone-Knox Professional Corporation Act,  
37 this article, and all other statutes and regulations now or hereafter  
38 enacted or adopted pertaining to the corporation and the conduct  
39 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. Section 6501 of the Business and Professions Code*  
7 *is amended to read:*

8 6501. As used in this chapter, the following terms have the  
9 following meanings:

10 (a) “Act” means this chapter.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

6 (4) “Professional fiduciary” does not include any of the  
7 following:

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

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

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

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

23 (i) Is an organization described in Section 509(a)(1), Section  
24 509(a)(2), or Section 509(a)(3) of the Internal Revenue Code.

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

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

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

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

37 (II) It is a trust from which annual distributions are limited to  
38 a guaranteed annuity or a fixed percentage of the fair market value  
39 of the property as described in Section 2055(e)(2)(B) or Section  
40 2522(c)(2)(B) of the Internal Revenue Code.



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

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

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

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

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

~~SEC. 15.~~

*SEC. 19.* Section 6584 of the Business and Professions Code is amended to read:

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

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

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

(c) Fraud or misrepresentation in obtaining a license.

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

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

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

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

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

~~SEC. 16.~~

*SEC. 20.* Section 7076.5 of the Business and Professions Code is amended to read:

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

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

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

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

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

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

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

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

~~SEC. 17.~~

*SEC. 21.* Section 7137 of the Business and Professions Code is amended to read:

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

(1) Application fees shall be set as follows:

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

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

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

(D) The application fee to replace a responsible managing officer, responsible managing manager, responsible managing

1 member, or responsible managing employee pursuant to Section  
2 7068.2 shall be two hundred thirty dollars (\$230) and may be  
3 increased to not more than two hundred eighty-eight dollars (\$288).

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

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

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

15 (2) The fee to take an examination conducted or administered  
16 by a public or private organization pursuant to Section 7065 shall  
17 be no greater than the actual cost of the administration of the  
18 examination and shall be paid directly to the organization by the  
19 applicant.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

27 (B) The board shall require a licensee that is subject to a public  
28 complaint requiring a professional or expert investigation or  
29 inspection and report pursuant to Section 7019 to pay those  
30 reasonable fees that are necessary to cover the costs of that  
31 investigation or inspection and report, in accordance with the  
32 following provisions:

33 (i) Fees shall be fixed in an amount not more than the board's  
34 cost of contracting for the investigation or inspection and report,  
35 except that the minimum fee shall be one hundred dollars (\$100)  
36 for each investigation or inspection and report and may be  
37 increased to not more than one thousand dollars (\$1,000) for each  
38 investigation or inspection and report.

39 (ii) The fee shall only be assessed for an investigation or  
40 inspection and report that resulted in issuance of a letter of

1 admonishment or a citation pursuant to Sections 7099 and 7099.9  
2 that has become a final order of the registrar.

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

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

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

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

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

27 (b) The board shall, by regulation, establish criteria for the  
28 approval of expedited processing of applications. Approved  
29 expedited processing of applications for licensure or registration,  
30 as required by other provisions of law, shall not be subject to this  
31 subdivision.

32 ~~SEC. 18:~~

33 *SEC. 22.* Section 7152 of the Business and Professions Code  
34 is amended to read:

35 7152. (a) "Home improvement salesperson" is a person who  
36 is registered under this chapter and engaged in the business of  
37 soliciting, selling, negotiating, or executing contracts for home  
38 improvements, for the sale, installation or furnishing of home  
39 improvement goods or services, or of swimming pools, spas, or

1 hot tubs on behalf of a home improvement contractor licensed  
2 under this chapter.

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

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

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

17 (1) An officer of record of a corporation licensed pursuant to  
18 this chapter, or a manager, member, or officer of record of a limited  
19 liability company licensed pursuant to this chapter.

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

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

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

28 (5) A person who contacts the prospective buyer for the  
29 exclusive purpose of scheduling appointments for a registered  
30 home improvement salesperson.

31 (6) A bona fide service repairperson who is in the employ of a  
32 licensed contractor and whose repair or service call is limited to  
33 the service, repair, or emergency repair initially requested by the  
34 buyer of the service.

35 (e) The exemption to registration provided under paragraphs  
36 (1), (2), and (3) of subdivision (d) shall apply only to those  
37 individuals who, at the time of the sales transaction, are listed as  
38 personnel of record for the licensee responsible for soliciting,  
39 negotiating, or contracting for a service or improvement that is  
40 subject to regulation under this article.

1     ~~SEC. 19.~~

2     *SEC. 23.* Section 7524 of the Business and Professions Code  
3 is amended to read:

4     7524. (a) Every agreement to provide a service regulated by  
5 this chapter, including, but not limited to, contract agreements and  
6 investigative agreements, shall be in writing. An initial client  
7 service agreement shall contain, but not be limited to, the  
8 following:

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

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

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

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

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

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

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

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

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

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



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

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

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

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

22 ~~SEC. 20.~~

23 *SEC. 24.* Section 8027 of the Business and Professions Code  
24 is amended to read:

25 8027. (a) As used in this section, "school" means a court  
26 reporter training program or an institution that provides a course  
27 of instruction approved by the board and the Bureau for Private  
28 Postsecondary Education, is a public school in this state, or is  
29 accredited by the Western Association of Schools and Colleges.

30 (b) A court reporting school shall be primarily organized to train  
31 students for the practice of shorthand reporting, as defined in  
32 Sections 8016 and 8017. Its educational program shall be on the  
33 postsecondary or collegiate level. It shall be legally organized and  
34 authorized to conduct its program under all applicable laws of the  
35 state, and shall conform to and offer all components of the  
36 minimum prescribed course of study established by the board. Its  
37 records shall be kept and shall be maintained in a manner to render  
38 them safe from theft, fire, or other loss. The records shall indicate  
39 positive daily and clock-hour attendance of each student for all  
40 classes, apprenticeship and graduation reports, high school

1 transcripts or the equivalent or self-certification of high school  
2 graduation or the equivalent, transcripts of other education, and  
3 student progress to date, including all progress and counseling  
4 reports.

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

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

34 (e) Application for recognition of a court reporting school shall  
35 be made upon a form prescribed by the board and shall be  
36 accompanied by all evidence, statements, or documents requested.  
37 Each branch, extension center, or off-campus facility requires  
38 separate application.

39 (f) All recognized and provisionally recognized court reporting  
40 schools shall notify the board of any change in school name,

1 address, telephone number, responsible court reporting program  
2 manager, owner of private schools, and the effective date thereof,  
3 within 30 days of the change. All of these notifications shall be  
4 made in writing.

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

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

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

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

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

32  
33 "IN ORDER FOR A PERSON TO QUALIFY FROM A  
34 SCHOOL TO TAKE THE STATE LICENSING EXAMINATION,  
35 THE PERSON SHALL COMPLETE A PROGRAM AT A  
36 RECOGNIZED SCHOOL. FOR INFORMATION CONCERNING  
37 THE MINIMUM REQUIREMENTS THAT A COURT  
38 REPORTING PROGRAM MUST MEET IN ORDER TO BE  
39 RECOGNIZED, CONTACT: THE COURT REPORTERS

1 BOARD OF CALIFORNIA; (ADDRESS); (TELEPHONE  
2 NUMBER).”

3

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

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

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

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

29 (1) A student consumer information brochure published by the  
30 board.

31 (2) A list of the school's graduation requirements, including the  
32 number of tests, the pass point of each test, the speed of each test,  
33 and the type of test, such as jury charge or literary.

34 (3) A list of requirements to qualify for the state-certified  
35 shorthand reporter licensing examination, including the number  
36 of tests, the pass point of each test, the speed of each test, and the  
37 type of test, such as jury charge or literary, if different than those  
38 requirements listed in paragraph (2).

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

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

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

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

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

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

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

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

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

39 (v) The board has the authority to approve or disapprove  
40 benchmarks for satisfactory progress which each school shall

1 develop for its court reporting program. Schools shall use only  
2 board-approved benchmarks to comply with the provisions of  
3 paragraph (4) of subdivision (o) and subdivision (u).

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

11 (x) The school shall provide to the board, for each student  
12 qualifying through the school as eligible to sit for the state licensing  
13 examination, the number of hours the student attended court  
14 reporting classes, both academic and machine speed classes,  
15 including theory.

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

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

28 (aa) A school shall provide the board the actual number of hours  
29 of attendance for each applicant the school qualifies for the state  
30 licensing examination.

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

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

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

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

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

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

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

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

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

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

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

31 ~~SEC. 24.~~

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

34 9889.1. Any license issued pursuant to Article 6.5 (commencing  
35 with Section 9888.5) may be suspended or revoked by the director.  
36 The director may refuse to issue a license to any applicant for the  
37 reasons set forth in Section 9889.2. The proceedings under this  
38 article shall be conducted in accordance with Chapter 5  
39 (commencing with Section 11500) of Part 1 of Division 3 of Title

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

3 ~~SEC. 22.~~

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

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

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

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

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

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

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

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

33 ~~SEC. 23.~~

34 *SEC. 27.* Section 9889.9 of the Business and Professions Code  
35 is amended to read:

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



~~SEC. 24.~~

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

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

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

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

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

~~SEC. 25.~~

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

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

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

In adopting those regulations, the secretary shall adopt by reference the package checking procedures recommended by the National Council on Weights and Measures and published in the

1 current edition of the National Institute of Standards and  
2 Technology Handbook 133, “Checking the Net Contents of  
3 Packaged Goods,” and any subsequent amendments thereto, except  
4 insofar as those requirements are specifically modified, amended,  
5 or rejected by a regulation adopted by the secretary.

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

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

17 ~~SEC. 26.~~

18 *SEC. 30.* Section 12500.8 of the Business and Professions  
19 Code is amended to read:

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

25 ~~SEC. 27.~~

26 *SEC. 31.* Section 12609 of the Business and Professions Code  
27 is amended to read:

28 12609. The secretary shall adopt necessary regulations to carry  
29 out the purpose of this division and for the testing of packages to  
30 verify the net quantity statements. In adopting these regulations,  
31 the secretary shall adopt by reference the packaging and labeling  
32 requirements recommended by the National Council on Weights  
33 and Measures and published in the current edition of the National  
34 Institute of Standards and Technology Handbook 130, Uniform  
35 Packaging and Labeling Regulations, except insofar as those  
36 requirements are specifically modified, amended, or rejected by  
37 regulation by the secretary. The regulations shall include  
38 exemptions from full compliance with this chapter for good and  
39 sufficient reasons. Any exemptions affecting consumer  
40 commodities shall be in conformance with exemptions permitted

1 by federal regulations. Any regulation, or amendment thereof,  
2 shall be adopted by the secretary in conformity with Chapter 3.5  
3 (commencing with Section 11340) of Part 1 of Division 3 of Title  
4 2 of the Government Code.

5 ~~SEC. 28.~~

6 *SEC. 32.* Section 13404.5 of the Business and Professions  
7 Code is amended to read:

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

22 ~~SEC. 29.~~

23 *SEC. 33.* Section 13711 of the Business and Professions Code  
24 is amended to read:

25 13711. (a) An engine coolant or antifreeze is mislabeled if  
26 any of the following occurs:

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

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

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

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

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

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

(b) A prediluted engine coolant or prediluted antifreeze is mislabeled if any of the following occurs:

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

(2) The container does not bear a statement on the label showing the protection from freezing in degrees Fahrenheit.

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

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

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

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

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

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

(1) The container does not bear a label on which is printed the brand name, the name and place of business of the manufacturer, packer, seller, or distributor, the words “Transmission Fluid,” and the duty type classification.

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

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

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

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

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

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

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

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

(f) If a container or lot of containers of any commodity subject to this chapter is found to contain a commodity not in conformity with this chapter, the sealer may take one or more samples reasonably necessary for enforcement purposes and may, in writing, order the containers off sale. Any lot or container ordered off sale pursuant to this section shall be subject to a disposal order by the enforcing officer and shall not be sold, offered for sale, or transported, except in accordance with that disposal order. Any

1 action pursuant to this section shall not affect any rights of a retailer  
2 under a warranty of merchantability or warranty of fitness.

3 ~~SEC. 30.~~

4 *SEC. 34.* Section 19094 of the Business and Professions Code  
5 is amended to read:

6 19094. (a) For the purposes of this section, the following  
7 definitions shall apply:

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

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

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

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

29 (A) An organic or inorganic substance of a particular molecular  
30 identity, including any combination of those substances occurring,  
31 in whole or in part, as a result of a chemical reaction or occurring  
32 in nature, and any element, ion, or uncombined radical, and any  
33 degradate, metabolite, or reaction product of a substance with a  
34 particular molecular identity.

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

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

39 (A) Agglomeration state.

40 (B) Bulk density.

- (C) Chemical composition, including surface coating.
- (D) Crystal structure.
- (E) Dispersibility.
- (F) Molecular structure.
- (G) Particle density.
- (H) Particle size, size distribution, and surface area.
- (I) Physical form and shape, at room temperature and pressure.
- (J) Physicochemical properties.
- (K) Porosity.
- (L) Solubility in water and biologically relevant fluids.
- (M) Surface charge.
- (N) Surface reactivity.

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

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

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

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

“The upholstery materials in this product:

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

14 (D) If the department's testing shows that a covered product  
15 labeled as "contain NO added flame-retardant chemicals" is  
16 mislabeled because it contains added flame-retardant chemicals,  
17 in addition to a fine or any other request, the bureau may request  
18 that the label required by subdivision (b) for covered products that  
19 belong to the same stock keeping unit (SKU) currently produced  
20 by the manufacturer be corrected to reflect that flame-retardant  
21 chemicals are added to the covered product.

22 (E) If the department's testing shows that a covered product  
23 labeled as "contain NO added flame-retardant chemicals" is  
24 mislabeled because it contains added flame-retardant chemicals,  
25 in addition to a fine or any other request, the bureau may request  
26 additional testing of more products belonging to the same stock  
27 keeping unit (SKU) at the manufacturer's expense to verify the  
28 accuracy of the label required by subdivision (b) for covered  
29 products if the manufacturer wishes to retain the "contain NO  
30 added flame-retardant chemicals" designation on the label required  
31 by subdivision (b).

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

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

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

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

39 (C) The history of previous violations.

40 (D) Evidence that the violation was willful.

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

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

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

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

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

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

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

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

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

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

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

(A) Notwithstanding any other law, the department may obtain criminal history information from the Department of Justice and

1 the Federal Bureau of Investigation for an applicant or its owners,  
2 as defined in paragraphs (1) to (3), inclusive, of subdivision ~~(ap)~~  
3 *(aq)* of Section 26001, for any state license, as described in Section  
4 26050, under this division pursuant to subdivision (u) of Section  
5 11105 of the Penal Code.

6 (B) When received, the Department of Justice shall transmit  
7 fingerprint images and related information received pursuant to  
8 this section to the Federal Bureau of Investigation for the purpose  
9 of obtaining a federal criminal history records check. The  
10 Department of Justice shall review the information returned from  
11 the Federal Bureau of Investigation and compile and disseminate  
12 a response to the licensing authority.

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

16 (D) The department shall request from the Department of Justice  
17 subsequent notification service, as provided pursuant to Section  
18 11105.2 of the Penal Code, for applicants.

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

22 (F) Notwithstanding any other law, a licensing authority may  
23 request and receive from a local or state agency certified records  
24 of all arrests and convictions, certified records regarding probation,  
25 and any and all other related documentation needed to complete  
26 an applicant or licensee investigation. A local or state agency may  
27 provide those records to a licensing authority upon request.

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

32 (i) The owner shall not be required to submit additional  
33 fingerprint images and related information pursuant to this  
34 paragraph in connection with a subsequent application for a state  
35 license.

36 (ii) The department shall not consider the owner's criminal  
37 history information obtained from the fingerprint images and  
38 related information that were previously submitted pursuant to this  
39 paragraph when considering whether to issue a subsequent state  
40 license.

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

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

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

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

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

23 (ii) For an applicant with 10 or more employees but less than  
24 20 employees that has not yet entered into a labor peace agreement,  
25 provide a notarized statement as a part of its application indicating  
26 that the applicant will enter into and abide by the terms of a labor  
27 peace agreement within 60 days of employing its 20th employee,  
28 or on or before July 1, 2024, whichever is earlier.

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

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

38 (B) Compliance with the terms of an applicable labor peace  
39 agreement is a condition of licensure. A licensee seeking renewal

1 of any license shall attest to the department that it remains in  
2 compliance with the terms of any applicable labor peace agreement.

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

7 (i) The reporting party shall provide documentation, in a form  
8 and manner required by the department, to substantiate their  
9 allegation before the department considers it. The department shall  
10 collaborate with such agencies as it deems relevant to evaluate the  
11 report.

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

16 (D) (i) Any labor organization, or any current or former  
17 employee of the relevant licensee, may file a complaint with the  
18 Agricultural Labor Relations Board that an organization with which  
19 a licensee has entered into a labor peace agreement is not a bona  
20 fide labor organization.

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

26 (iii) If the Agricultural Labor Relations Board determines that  
27 the entity is not a bona fide labor organization, the labor peace  
28 agreement shall be null and void. The department shall promptly  
29 notify all licensees that have signed labor peace agreements with  
30 the entity that the entity was found not to be a bona fide labor  
31 organization and offer those licensees a reasonable time period,  
32 not to exceed 180 days, to enter into a labor peace agreement with  
33 a bona fide labor organization. Failure to enter into a labor peace  
34 agreement with a bona fide labor organization after that reasonable  
35 time period shall be a violation of this section.

36 (E) For the purposes of this paragraph, all of the following shall  
37 apply:

38 (i) “Employee” does not include a supervisor.

39 (ii) “Labor organization” means any organization of any kind,  
40 or any agency or employee representation committee or plan, in

1 which employees participate and which exists, in whole or in part,  
2 for the purpose of dealing with employers concerning grievances,  
3 labor disputes, wages, rates of pay, hours of employment, or  
4 conditions of work for employees.

5 (iii) “Supervisor” means an individual having authority, in the  
6 interest of the applicant, to hire, transfer, suspend, lay off, recall,  
7 promote, discharge, assign, reward, or discipline other employees,  
8 or responsibility to direct them or to adjust their grievances, or  
9 effectively to recommend such action, if, in connection with the  
10 foregoing, the exercise of that authority is not of a merely routine  
11 or clerical nature, but requires the use of independent judgment.

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

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

17 (8) For an applicant seeking a cultivation license, provide a  
18 statement declaring the applicant is an “agricultural employer,” as  
19 defined in the Alatorre-Zenovich-Dunlap-Berman Agricultural  
20 Labor Relations Act of 1975 (Part 3.5 (commencing with Section  
21 1140) of Division 2 of the Labor Code), to the extent not prohibited  
22 by law.

23 (9) Pay all applicable fees required for licensure by the  
24 department.

25 (10) Provide proof of a bond to cover the costs of destruction  
26 of cannabis or cannabis products if necessitated by a violation of  
27 licensing requirements.

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

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

1 (C) For purposes of this paragraph “employee” has the same  
2 meaning as provided in ~~subparagraph (B)~~ *clause (i) of*  
3 *subparagraph (E)* of paragraph (5) and “supervisor” has the same  
4 meaning as provided in *clause (iii) of subparagraph (C) (E)* of  
5 paragraph (5).

6 (b) An applicant shall also include in the application a detailed  
7 description of the applicant’s operating procedures for all of the  
8 following, as required by the department:

9 (1) Cultivation.

10 (2) Extraction and infusion methods.

11 (3) The transportation process.

12 (4) Inventory procedures.

13 (5) Quality control procedures.

14 (6) Security protocols.

15 (7) For applicants seeking licensure to cultivate, the source or  
16 sources of water the applicant will use for cultivation, as provided  
17 in subdivisions (a) to (c), inclusive, of Section 26060.1. For  
18 purposes of this paragraph, “cultivation” as used in Section 26060.1  
19 shall have the same meaning as defined in Section 26001. The  
20 department shall consult with the State Water Resources Control  
21 Board and the Department of Fish and Wildlife in the  
22 implementation of this paragraph.

23 (c) The applicant shall also provide a complete detailed diagram  
24 of the proposed premises wherein the license privileges will be  
25 exercised, with sufficient particularity to enable ready  
26 determination of the bounds of the premises, showing all  
27 boundaries, dimensions, entrances and exits, interior partitions,  
28 walls, rooms, and common or shared entryways, and include a  
29 brief statement or description of the principal activity to be  
30 conducted therein, and, for licenses permitting cultivation,  
31 measurements of the planned canopy, including aggregate square  
32 footage and individual square footage of separate cultivation areas,  
33 if any, roads, water crossings, points of diversion, water storage,  
34 and all other facilities and infrastructure related to the cultivation.

35 (d) Provide a complete list of every person with a financial  
36 interest in the person applying for the license as required by the  
37 department. For purposes of this subdivision, “persons with a  
38 financial interest” does not include persons whose only interest in  
39 a licensee is an interest in a diversified mutual fund, blind trust,  
40 or similar instrument.

1     *SEC. 36. Section 26067 of the Business and Professions Code*  
2     *is amended to read:*

3     26067. (a) The department shall establish a track and trace  
4     program for reporting the movement of cannabis and cannabis  
5     products throughout the distribution chain that utilizes a unique  
6     identifier and is capable of providing information that captures, at  
7     a minimum, all of the following:

8         (1) The licensee from which the product originates and the  
9         licensee receiving the product.

10        (2) The transaction date.

11        (3) The unique identifier or identifiers for the cannabis or  
12        cannabis product.

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

15        (5) Information relating to cannabis and cannabis products  
16        leaving the licensed premises in a delivery vehicle as determined  
17        by regulations adopted pursuant to subdivision (d) of Section  
18        26068.

19     (b) (1) The department, in consultation with the California  
20     Department of Tax and Fee Administration, shall create an  
21     electronic ~~database~~ *system* containing the electronic shipping  
22     manifests to facilitate the administration of the track and trace  
23     program, which shall include, but not be limited to, the following  
24     information:

25        (A) The variety and quantity or weight of cannabis or cannabis  
26        products shipped.

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

28        (C) The variety and quantity or weight of cannabis or cannabis  
29        products received.

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

31        (E) A categorization and the unique identifier of the cannabis  
32        or cannabis product.

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

36     (2) The ~~database~~ *electronic system* shall be designed to flag  
37     irregularities for the department to investigate.

38     (3) The department and state and local agencies may, at any  
39     time, inspect shipments and request documentation for current  
40     inventory.



1 (4) The California Department of Tax and Fee Administration  
2 shall have read access to the electronic-~~database~~ *system* for the  
3 purpose of taxation and regulation of cannabis and cannabis  
4 products.

5 (5) Information received and contained in records kept by the  
6 department for the purposes of administering this chapter are  
7 confidential and shall not be disclosed pursuant to the California  
8 Public Records Act (Division 10 (commencing with Section  
9 ~~7920.000~~ 7920.000) of Title 1 of the Government Code), except  
10 as necessary for authorized employees of the State of California  
11 or any city, county, or city and county to perform official duties  
12 pursuant to this division or a local ordinance.

13 (6) Upon the request of a state or local law enforcement agency,  
14 the department shall allow access to or provide information  
15 contained within the-~~database~~ *electronic system* to assist law  
16 enforcement in their duties and responsibilities pursuant to this  
17 division.

18 ~~SEC. 31.~~

19 *SEC. 37.* Section 44831 of the Education Code is amended to  
20 read:

21 44831. The governing board of a school district shall employ  
22 persons in public school service requiring certification  
23 qualifications as provided in this code, except that the governing  
24 board or a county office of education may contract with or employ  
25 an individual who holds a license issued by the Speech-Language  
26 Pathology and Audiology and Hearing Aid Dispensers Board and  
27 has earned a master's degree in communication disorders to provide  
28 speech and language services if that individual meets the  
29 requirements of Section 44332.6 before employment or execution  
30 of the contract.

31 ~~SEC. 32.~~

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

34 94834. "Distance education" means transmission of instruction  
35 to students at a location separate from the faculty.

36 ~~SEC. 33.~~

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

1 94866. “Teach-out” means the arrangements an institution  
2 makes for its students to complete their educational programs when  
3 the institution or an educational program ceases to operate.

4 ~~SEC. 34.~~

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

6 ~~SEC. 35.~~

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

9 94897. An institution shall not do any of the following:

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

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

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

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

21 (e) Advertise, or indicate in promotional material, that the  
22 institution is accredited, unless the institution has been accredited  
23 by an accrediting agency.

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

28 (g) Offer to compensate a student to act as an agent of the  
29 institution with regard to the solicitation, referral, or recruitment  
30 of any person for enrollment in the institution, except that an  
31 institution may award a token gift to a student for referring an  
32 individual, provided that the gift is not in the form of money, no  
33 more than one gift is provided annually to a student, and the gift’s  
34 cost is not more than one hundred dollars (\$100).

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

37 (i) Use a name in any manner improperly implying any of the  
38 following:

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

4 (2) The institution is a public institution.

5 (3) The institution grants degrees, if the institution does not  
6 grant degrees.

7 (j) In any manner make an untrue or misleading change in, or  
8 untrue or misleading statement related to: a test score, grade or  
9 record of grades, attendance record, record indicating student  
10 completion, placement, employment, salaries, or financial  
11 information; a financial report filed with the bureau; information  
12 or records relating to the student's eligibility for student financial  
13 aid at the institution; or any other record or document required by  
14 this chapter or by the bureau.

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

18 (l) Use the terms "approval," "approved," "approval to operate,"  
19 or "approved to operate" without stating clearly and conspicuously  
20 that approval to operate means compliance with state standards as  
21 set forth in this chapter. An institution may not state or imply either  
22 of the following:

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

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

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

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

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

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

33 (n) Compensate an employee involved in recruitment,  
34 enrollment, admissions, student attendance, or sales of educational  
35 materials to students on the basis of a commission, commission  
36 draw, bonus, quota, or other similar method related to the  
37 recruitment, enrollment, admissions, student attendance, or sales  
38 of educational materials to students, except as provided in  
39 paragraph (1) or (2):

1 (1) If the educational program is scheduled to be completed in  
2 90 days or less, the institution shall pay compensation related to  
3 a particular student only if that student completes the educational  
4 program.

5 (2) For institutions participating in the federal student financial  
6 aid programs, this subdivision shall not prevent the payment of  
7 compensation to those involved in recruitment, admissions, or the  
8 award of financial aid if those payments are in conformity with  
9 federal regulations governing an institution's participation in the  
10 federal student financial aid programs.

11 (o) Require a prospective student to provide personal contact  
12 information in order to obtain, from the institution's internet  
13 website, educational program information that is required to be  
14 contained in the school catalog or any information required  
15 pursuant to the consumer information requirements of Title IV of  
16 the federal Higher Education Act of 1965, and any amendments  
17 thereto.

18 (p) Offer an associate, baccalaureate, master's, or doctoral  
19 degree without disclosing to prospective students before enrollment  
20 whether the institution or the degree program is unaccredited and  
21 any known limitation of the degree, including, but not limited to,  
22 all of the following:

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

26 (2) A statement that reads: "A degree program that is  
27 unaccredited or a degree from an unaccredited institution is not  
28 recognized for some employment positions, including, but not  
29 limited to, positions with the State of California."

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

32 (q) In any manner commit fraud against, or make a material  
33 untrue or misleading statement to, a student or prospective student  
34 under the institution's authority or the pretense or appearance of  
35 the institution's authority.

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

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

39 (t) Require a prospective, current, or former student or employee  
40 to sign a nondisclosure agreement pertaining to their relationship

1 to, or experience with, the institution, except that an institution  
2 may use a nondisclosure agreement to protect the institution's  
3 intellectual property and trade secrets. Any nondisclosure  
4 agreement in violation of this section is void and not enforceable  
5 at law or in equity.

6 (u) Fail to maintain policies related to compliance with this  
7 chapter or adhere to the institution's stated policies.

8 ~~SEC. 36.~~

9 *SEC. 42.* Section 94900 of the Education Code is amended to  
10 read:

11 94900. (a) An institution shall maintain records of the name,  
12 address, e-mail address, and telephone number of each student  
13 who is enrolled in an educational program in that institution.

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

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

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

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

22 ~~SEC. 37.~~

23 *SEC. 43.* Section 94902 of the Education Code is amended to  
24 read:

25 94902. (a) A student shall enroll solely by means of executing  
26 an enrollment agreement. The enrollment agreement shall be signed  
27 by the student and by an authorized employee of the institution.

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

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

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

35 (3) Prior to the execution of the enrollment agreement, the  
36 student and the institution have signed and dated the information  
37 required to be disclosed in the School Performance Fact Sheet  
38 pursuant to subdivisions (a) to (d), inclusive, of Section 94910.  
39 Each of these items in the School Performance Fact Sheet shall

1 include a line for the student to initial and shall be initialed and  
2 dated by the student.

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

6 ~~SEC. 38.~~

7 *SEC. 44.* Section 94909 of the Education Code is amended to  
8 read:

9 94909. (a) Except as provided in subdivision (d), before  
10 enrollment, an institution shall provide a prospective student, either  
11 in writing or electronically, with a current school catalog  
12 containing, at a minimum, all of the following:

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

15 (2) Except as specified in Article 2 (commencing with Section  
16 94802), a statement that the institution is a private institution and  
17 that it is approved to operate by the bureau.

18 (3) The following statements:

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

24 (B) "As a prospective student, you are encouraged to review  
25 this catalog before signing an enrollment agreement. You are also  
26 encouraged to review the School Performance Fact Sheet, which  
27 must be provided to you before signing an enrollment agreement."

28 (C) "A student or any member of the public may file a complaint  
29 about this institution with the Bureau for Private Postsecondary  
30 Education by calling (toll-free telephone number) or by completing  
31 a complaint form, which can be obtained on the bureau's internet  
32 website (internet website address)."

33 (D) "The Office of Student Assistance and Relief is available  
34 to support prospective students, current students, or past students  
35 of private postsecondary educational institutions in making  
36 informed decisions, understanding their rights, and navigating  
37 available services and relief options. The office may be reached  
38 by calling (toll-free telephone number) or by visiting (internet  
39 website address)."

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

1 (5) A description of the programs offered and a description of  
2 the instruction provided in each of the courses offered by the  
3 institution, the requirements for completion of each program,  
4 including required courses, any final tests or examinations, any  
5 required internships or externships, and the total number of credit  
6 hours, clock hours, or other increments required for completion.

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

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

12 (8) A detailed description of institutional policies in the  
13 following areas:

14 (A) Admissions policies, including the institution's policies  
15 regarding the acceptance of credits earned at other institutions or  
16 through challenge examinations and achievement tests, and a list  
17 describing any transfer or articulation agreements between the  
18 institution and any other college or university that provides for the  
19 transfer of credits earned in the program of instruction. If the  
20 institution has not entered into an articulation or transfer agreement  
21 with any other college or university, the institution shall disclose  
22 that fact.

23 (B) Cancellation, withdrawal, and refund policies, including an  
24 explanation that the student has the right to cancel the enrollment  
25 agreement and obtain a refund of charges paid through attendance  
26 at the first class session, or the seventh day after enrollment,  
27 whichever is later. The text shall also include a description of the  
28 procedures that a student is required to follow to cancel the  
29 enrollment agreement or withdraw from the institution and obtain  
30 a refund consistent with the requirements of Article 13  
31 (commencing with Section 94919).

32 (C) Probation and dismissal policies.

33 (D) Attendance policies.

34 (E) Leave-of-absence policies.

35 (9) The schedule of total charges for a period of attendance and  
36 an estimated schedule of total charges for the entire educational  
37 program.

38 (10) A statement reporting whether the institution participates  
39 in federal and state financial aid programs, and if so, all consumer

1 information that is required to be disclosed to the student pursuant  
2 to the applicable federal and state financial aid programs.

3 (11) A statement specifying that, if a student obtains a loan to  
4 pay for an educational program, the student will have the  
5 responsibility to repay the full amount of the loan plus interest,  
6 less the amount of any refund, and that, if the student has received  
7 federal student financial aid funds, the student is entitled to a refund  
8 of the moneys not paid from federal student financial aid program  
9 funds.

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

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

18 (14) A description of the student's rights and responsibilities  
19 with respect to the Student Tuition Recovery Fund. This statement  
20 shall specify that it is a state requirement that a student who pays  
21 the student's tuition is required to pay a state-imposed assessment  
22 for the Student Tuition Recovery Fund. This statement shall also  
23 describe the purpose and operation of the Student Tuition Recovery  
24 Fund and the requirements for filing a claim against the Student  
25 Tuition Recovery Fund.

26 (15) The following statement:

27  
28 "NOTICE CONCERNING TRANSFERABILITY OF  
29 CREDITS AND CREDENTIALS EARNED AT OUR  
30 INSTITUTION

31 The transferability of credits you earn at (name of institution)  
32 is at the complete discretion of an institution to which you  
33 may seek to transfer. Acceptance of the (degree, diploma, or  
34 certificate) you earn in (name of educational program) is also  
35 at the complete discretion of the institution to which you may  
36 seek to transfer. If the (credits or degree, diploma, or  
37 certificate) that you earn at this institution are not accepted at  
38 the institution to which you seek to transfer, you may be  
39 required to repeat some or all of your coursework at that  
40 institution. For this reason you should make certain that your



1 attendance at this institution will meet your educational goals.  
2 This may include contacting an institution to which you may  
3 seek to transfer after attending (name of institution) to  
4 determine if your (credits or degree, diploma, or certificate)  
5 will transfer.”  
6

7 (16) A statement specifying whether the institution, or any of  
8 its degree programs, are accredited by an accrediting agency  
9 recognized by the United States Department of Education. If the  
10 institution is unaccredited and offers an associate, baccalaureate,  
11 master’s, or doctoral degree, or is accredited and offers an  
12 unaccredited program for an associate, baccalaureate, master’s, or  
13 doctoral degree, the statement shall disclose the known limitations  
14 of the degree program, including, but not limited to, all of the  
15 following:

16 (A) Whether a graduate of the degree program will be eligible  
17 to sit for the applicable licensure exam in California and other  
18 states or become certified or registered as required for the  
19 applicable profession, occupation, trade, or career field in  
20 California.

21 (B) A degree program that is unaccredited or a degree from an  
22 unaccredited institution is not recognized for some employment  
23 positions, including, but not limited to, positions with the State of  
24 California.

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

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

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

38 (d) An accredited institution is not required to provide a School  
39 Performance Fact Sheet to a prospective student who is not a  
40 California resident, not residing in California at the time of the

1 student's enrollment, and enrolling in an accredited distance  
2 learning degree program offered by the institution, if the institution  
3 complies with all federal laws, the applicable laws of the state  
4 where the student is located, and other appropriate laws, including,  
5 but not limited to, consumer protection and student disclosure  
6 requirements.

7 ~~SEC. 39.~~

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

10 94910. Except as provided in subdivision (d) of Section 94909  
11 and Section 94910.5, prior to enrollment, an institution shall  
12 provide a prospective student with a current School Performance  
13 Fact Sheet containing, at a minimum, the following information,  
14 as it relates to the educational program:

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

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

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

26 (d) Salary or wage information, as calculated pursuant to Article  
27 16 (commencing with Section 94928).

28 (e) If a program is too new to provide data for any of the  
29 categories listed in this subdivision, the institution shall state on  
30 its fact sheet: "This program is new. Therefore, the number of  
31 students who graduate, the number of students who are placed, or  
32 the starting salary you can earn after finishing the educational  
33 program are unknown at this time. Information regarding general  
34 salary and placement statistics may be available from government  
35 sources or from the institution, but is not equivalent to actual  
36 performance data."

37 (f) All of the following:

38 (1) A description of the manner in which the figures described  
39 in subdivisions (a) to (d), inclusive, are calculated or a statement  
40 informing the reader of where they may obtain a description of

1 the manner in which the figures described in subdivisions (a) to  
2 (d), inclusive, are calculated.

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

8 (3) A statement informing the reader of where they may obtain  
9 from the institution a list of the objective sources of information  
10 used to substantiate the salary disclosure as required by subdivision  
11 (d).

12 (g) The following statements:

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

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

23 (h) If the institution participates in federal financial aid  
24 programs, the most recent three-year cohort default rate reported  
25 by the United States Department of Education for the institution  
26 and the percentage of enrolled students receiving federal student  
27 loans.

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

37 ~~SEC. 40.~~

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

39 ~~SEC. 41.~~

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

1     ~~SEC. 42.~~

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

4     14132.55. For the purposes of reimbursement under the  
5 Medi-Cal program, a speech pathologist or audiologist shall be  
6 licensed by the Speech-Language Pathology and Audiology and  
7 Hearing Aid Dispensers Board or similarly licensed by a  
8 comparable agency in the state in which they practice. Licensed  
9 speech-language pathologists or licensed audiologists are  
10 authorized to utilize and shall be reimbursed for the services of  
11 those personnel in the process of completing requirements under  
12 the provisions of subdivision (c) of Section 2532.2 of the Business  
13 and Professions Code.

O