



STRUCTURAL PEST CONTROL BOARD BOARD MEETING

October 10, 2023

9 a.m. to conclusion of business

Department of Consumer Affairs
Hearing Room
1747 North Market Boulevard
Sacramento, CA 95834

NEW LOCATION

DCA/Hearing Room (1st floor)
1625 North Market Boulevard
Sacramento, CA 95834





MEMBERS OF THE BOARD

KYLE FINLEY, PRESIDENT

YESSSENIA ANDERSON, VICE PRESIDENT

ANKUR BINDAL

MARK PAXSON

JOHN TENGAN

JANET THRASHER

OUR VISION

The Structural Pest Control Board sets the standard as the national regulatory and environmental leader of pest management for consumer protection.

OUR MISSION

The Structural Pest Control Board's mission is to protect the general welfare of Californians and the environment by promoting outreach, education, and regulation of the structural pest management profession.

OUR VALUES

Accountability
Consumer Protection
Professionalism
Service
Transparency

STRUCTURAL PEST CONTROL BOARD

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CALIFORNIA DEPARTMENT OF
CONSUMER
AFFAIRS



PDE_23-010



NOTICE OF STRUCTURAL PEST CONTROL BOARD MEETING

October 10, 2023

9:00 a.m. – conclusion of business (COB)

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1747 North Market Boulevard
Sacramento, CA 95834

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Sacramento, CA 95834**

AGENDA

Action may be taken on any item on the agenda. The time and order of agenda items are subject to change at the discretion of the Board President and may be taken out of order. In accordance with the Bagley-Keene Open Meeting Act, all meetings of the Board are open to the public.

1. Roll Call / Establishment of Quorum

2. Flag Salute / Pledge of Allegiance

3. Public Comment for Items Not on the Agenda

The Board may not discuss or take action on any matter raised during this public comment section that is not included on this agenda, except to decide whether to place the matter on the agenda of a future meeting. (Government Code, Sections 11125, 11125.7(a).)

4. Petition for Reinstatement

Bernardo M. Garcia – FR 47991 – Branch 3, and RA 52952 – Branch 2

5. Petition for Reinstatement

Daniel Ray Smith – FR 35981 – Branch 2

Closed Session

6. Pursuant to Government Code, section 11126, subdivision (c)(3), the Board will meet in closed session for discussion and to take action on disciplinary matters, including the above petitions.

7. Pursuant to Government Code section 11126(a)(1) the Board will conduct the annual performance evaluation and consider the salary of its Executive Officer.

Open Session

8. Public Comment for Items Not on the Agenda

The Board may not discuss or take action on any matter raised during this public comment section that is not included on this agenda, except to decide whether to place the matter on the agenda of a future meeting. (Government Code, Sections 11125, 11125.7(a).)

9. Discussion and Possible Approval of the June 28-29, 2023, SPCB Meeting Minutes

10. California Department of Pesticide Regulation Update

11. Executive Officer's Report – *Sophia Azar*

a. Staffing Update

b. Budget Update

c. 2023-2028 Strategic Plan Update

Structural Pest Control Board Meeting Agenda

October 10, 2023

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12. Licensing Update – *Melissa Zanetta*
 - a. Statistical Reports
 - b. Update Regarding Out-of-State Qualified Manager Licensing Requirements
13. Enforcement Update – *Kathleen Boyle*
 - a. Statistical Reports
14. Legislative Update – *Heather Jackson*
15. Rulemaking Report – *Heather Jackson*
 - a. Review, Discussion, and Possible Approval to Begin the Rulemaking Process and to Adopt Regulations on Regulatory Proposal Regarding Fumigation & Pesticide Use Standards & Record Requirements (Amend Title 16, California Code of Regulations (CCR), section 1970)
 - b. Update Regarding Regulatory Proposals for Disciplinary Guidelines (Amend Title 16 CCR, section 1937.11) and Pesticide Application Notice Requirements (Amend Title 16 CCR, section 1970.4, and Add sections 1970.41, 1970.42, and 1970.43)
16. Outreach and Communication Update – *Heather Jackson / Kristina Jackson-Duran*
17. Discussion and Possible Action Regarding Termite Bait Stations/Termite Monitoring Devices – *Tom Ineichen*
18. Annual Election of Board President and Vice President
19. Future Agenda Items
20. Adjournment

This meeting will be Webcast, provided there are no unforeseen technical difficulties or limitations. To view the Webcast, please visit <https://thedcapage.wordpress.com/webcasts/>. Additionally, the meeting may be cancelled or changed without notice. For verification, please check the Board's website at www.pestboard.ca.gov or call 916-561-8700.

Government Code, section 11125.7, provides the opportunity for the public to address each agenda item during discussion or consideration by the Board prior to the Board taking any action on said item. Members of the public will be provided appropriate opportunities to comment on any issue before the Board, but the Board President may, at his or her discretion, apportion available time among those who wish to speak. Individuals may appear before the Board to discuss items not on the agenda; however, the Board can neither discuss nor take official action on these items at the time of the same meeting. (Government Code sections 11125, 11125.7(a).)

The meeting is accessible to the physically disabled. A person who needs disability-related accommodation or modification in order to participate in the meeting may make a request by contacting: Kristina Jackson-Duran at (916) 561-8700, email: pestboard@dca.ca.gov, or send a written request to the Structural Pest Control Board, 2005 Evergreen Street, Suite 1500, Sacramento, CA 95815. Providing your request at least five (5) business days prior to the meeting will help to ensure availability of the requested accommodations. The Board's TDD Line is: (916) 322-1700.



AGENDA ITEM 9

REVIEW OF MINUTES

Discussion and Possible Approval of the
June 28-29, 2023, SPCB Meeting Minutes



Structural Pest Control Board Meeting Minutes

June 28, 2023

Location:

The meeting was held via WebEx events

Board Members Present:

Kyle Finley, Board President
Ankur Bindal
Mark Paxson
Janet Thrasher
John Tengan

Board Members Absent:

Yessenia Anderson, Board Vice President

Board Staff Present:

Sophia Azar (Cornejo), Executive Officer
Melissa Sowers-Roberts, Disciplinary Specialist
Melissa Zanetta, Chief of Licensing & Administration
Kristina Jackson-Duran, Administrative Analyst

Departmental Staff Present:

Sabina Knight, DCA Legal Counsel

Agenda Item 1. Roll Call / Establishment of Quorum

The Structural Pest Control Board (Board) meeting was called to order by President Finley at 9:00 a.m. and Executive Officer (EO) Azar called roll.

President Finley, along with Board members Bindal, Paxson, Thrasher, and Tengan were present.

A quorum of the Board was established.

Agenda Item 2. Flag Salute / Pledge of Allegiance

President Finley led everyone in a flag salute and recitation of the Pledge of Allegiance.

Agenda Item 3. Public Comment for Items Not on the Agenda

No public comments.

Agenda Item 4. Petition for Modification/Termination of Probation **Demetrius D. Howard – FR 55408 – Branch 2 & RA 61276 – Branch 3**

An Administrative Law Judge and Deputy Attorney General appeared with the Board to hear Mr. Demetrius Howard's petition. A court reporter was not available for the meeting; however, audio/video recording of the proceedings are available on the Board's website for reference.

After much discussion, Mr. Howard was informed he would be notified by mail of the Board's decision.

Agenda Item 5. Petition for Reinstatement
Shuzhu Huang – OPR 11395 – Branches 2 & 3

An Administrative Law Judge and Deputy Attorney General appeared with the Board to hear Mr. Shuzhu Huang's petition. A court reporter was not available for the meeting; however, audio/video recording of the proceedings are available on the Board's website for reference.

After much discussion, Mr. Huang was informed he would be notified by mail of the Board's decision.

Agenda Item 6. Petition for Reinstatement
Eduardo Santillan – OPR 10743 – Branch 1

An Administrative Law Judge and Deputy Attorney General appeared with the Board to hear Mr. Eduardo Santillan's petition. A court reporter was not available for the meeting; however, audio/video recording of the proceedings are available on the Board's website for reference.

After much discussion, Mr. Santillan was informed he would be notified by mail of the Board's decision.

Agenda Item 5. Closed Session

Pursuant to Government Code section 11126(c)(3) the Board met in closed session to discuss and take action on disciplinary matters, including the above petitions.

The Board entered closed session at 12:01 p.m., and in addition to President Finley who called roll, Board members Bindal, Paxson, Thrasher, and Tengan were present.

A quorum of the Board was established.

**The Board recessed following the conclusion of Closed Session until
9:00am, Thursday, June 29, 2023.**

Structural Pest Control Board Meeting Minutes

June 29, 2023

Location:

The meeting was held via WebEx events

Board Members Present:

Kyle Finley, Board President
Yessenia Anderson, Board Vice President
Ankur Bindal
Mark Paxson
Janet Thrasher
John Tengan

Board Members Absent:

None.

Board Staff Present:

Sophia Azar (Cornejo), Executive Officer
Melissa Sowers-Roberts, Disciplinary Specialist
Melissa Zanetta, Chief of Licensing & Administration
Heather Jackson, Regulation & Legislation Specialist
Kristina Jackson-Duran, Administrative Analyst

Departmental Staff Present:

Sabina Knight, DCA Legal Counsel

Agenda Item 9. Roll Call / Establishment of Quorum

The Structural Pest Control Board (Board) meeting was called to order by President Finley at 9:00 a.m. and Executive Officer (EO) Azar called roll.

President Finley, Vice President Anderson, and Board members Paxson, Thrasher, and Tengan were present.

A quorum of the Board was established.

Agenda Item 10. Flag Salute / Pledge of Allegiance

President Finley led everyone in a flag salute and recitation of the Pledge of Allegiance.

Agenda Item 11. Public Comment for Items Not on the Agenda

Peggy Byerly from Department of Pesticide Regulation provided an update on the 2023 Structural Regulatory Training which will be held in Northern California for the new County Ag Commissioner staff who currently are or will soon be performing structural pest control inspections and investigations. Due to the overwhelming attendance nominations, coordinators are having difficulties finding a venue to accommodate the event. However, they are targeting later September, early October/November 2023.

No further public comments.

Agenda Item 12. Discussion and Possible Approval of the March 9, 2023, SPCB Meeting Minutes

Board Vice President **Anderson moved**, and Board member **Tengan seconded** the motion to approve the minutes of the March 9, 2023, Structural Pest Control Board meeting.

No Board or public comments.

Motion carried 5-0 by roll call vote.

Agenda Item 14. Discussion and Possible Action on the use of National Pest Management Association Wood Destroying Insect Inspection Form 33 in California

Board member Bindal joined the meeting.

EO Azar provided the Board background on the use of the National Pest Management Association's Wood Destroying Insect Inspection Form (NPMA-33) in California. She explained the Housing and Urban Development (HUD) requires the NPMA-33 form to be completed for all HUD or Veteran Affairs guaranteed property transactions. However, in HUD's suggested guidelines for completing the inspection, it defers to State regulatory requirements, where applicable. She stated that in California we use Form 43M-41 (Wood Destroying Pests and Organisms Report).

Board Member Thrasher expressed concerns about allowing licensees to complete the NPMA-33 form in addition to California's form. She explained the concern is the lender may dismiss California's findings and form – which does not resolve the consumer protection concern.

Board staff offered further clarification on the NPMA Wood Destroying Organism Attachment that can be used in addition to the NPMA-33 form, to report evidence of wood decay fungi.

Board **President Finley moved**, and Board member **Paxon seconded** the motion to direct EO Azar to issue formal guidance to the industry on the use of the NPMA-33 in California.

No further Board or public comment.

Motion carried 6-0 by roll call vote.

Agenda Item 15. Review, Discussion, and Possible Action on Legislation Related to the Board, the Structural Pest Control Profession, and/or DCA

Heather Jackson provided an update on legislation that either affects the board, has an impact on the pest control industry, or has department-wide impact and may affect the board or its operations.

Board President **Finley moved**, and Board member **Tengan seconded** the motion to take a support position on Senate Bill 544 (Bagley-Keene Open Meeting Act).

No further Board or public comment.

Motion carried 6-0 by roll call vote.

On behalf of the Pest Control Operators of California (PCOC), Dean Wiley expressed concerns with AB 1322 (Pesticides: second-generation anticoagulant rodenticide: diphacinone) and requested the Board to actively oppose the bill by submitting a letter of opposition.

Board Member Paxon commented that he does not have enough information on what the issues are in order to take a position on the bill. Board staff offered additional information on the bill and its possible impact, if successful.

Board Member **Thrasher moved**, and President **Finley seconded** the motion to oppose AB 1322 (Pesticides: second-generation anticoagulant rodenticide: diphacinone) in order to allow DPR to complete their evaluation and make a final determination; and direct staff to compose a letter to *submit on the Board's behalf*.

Board Member Dr. Bindal asked about data provided in the materials where it stated that 39 out of 40 mountain lions in Los Angeles County tested positive for diphacinone and requested more data regarding what exactly the product is doing to non-target wildlife populations; he also asked about available alternatives in the market to control rodents which may be safer; and finally he asked about the national statistics on the matter and how other states are responding to the issues identified in the legislation.

Dean Wiley of PCOC commented his understanding of other causes contributing to the death of the mountain lions, he gave an example of being hit by a car; and explained that the autopsy revealed trace amounts of diphacinone in the system but was not the cause of death. He further explained that while alternatives exist, second-generation anticoagulants are the best tools pest control operators have for controlling rodent populations.

Jim Stead of Neighborly Pest Management and PCOC commented the risks of removing rodenticides from use in California. He explained that second- and first- generation rodenticides have antidotes and stated that a primary concern is the remaining rodenticides do not – effectively placing the public and pets at higher risk. He emphasized that the Department of Pesticide Regulation's (DPR) reevaluation process is designed to assess concerns, include stakeholders, and make decisions based on science.

Board Member Thrasher commented that there are various channels for homeowners to purchase products privately and distribute them around their property in an unprofessional or

non-contained manner. Considering this, she stated that it would be incorrect to assume the impact to non-target wildlife originates exclusively from licensed pest control operator.

Board Members Dr. Bindal and Paxon expressed concerns with the provided information. Specifically, where it suggests a correlation between exposure to these products and sub-lethal/lethal issues, which remain ambiguous without further information or data. Both Board members emphasized the need for further information in order to make an informed decision and take a position.

Motion carried 4-2 by roll call vote.

(Ayes: Finley, Anderson, Thrasher, Tengan. NOES: Dr. Bindal, Paxon. Abstentions: None.)

EO Azar recommended the Board to take a support position on the Board's sunset bill, SB 813 (Structural Pest Control Board).

Board President **Finley moved**, and Vice President **Anderson seconded** the motion to take a support position on Senate Bill 813 (Structural Pest Control Board).

No Board or public comment.

Motion carried 6-0 by roll call vote.

Agenda Item 16. Rulemaking Report

Heather Jackson provided the following status updates on three regulation packages, one requesting Board action:

Item 16a -

The Certification and Training regulation is intended to address new federal standards related to Certification of Pesticide Applicators which are Structural Pest Control Field Representatives (FR) and Operators (OPR) – those that handle restricted use pesticides. She directed the Boards attention to the proposed language included in the materials for consideration. EO Azar recommended the Board approve the proposed text and direct staff to submit to the Department and Agency for review.

Discussion

Board Member Paxon asked if the federal standards have been reviewed against the current California laws to ensure we don't already meet the new standards. EO Azar explained many of the new standards are already a California requirement or practice. Those that are not, are addressed in the proposed regulation package, or through policy. She reported the Board's FR and OPR exams are undergoing a full evaluation by DCA's Professional Examination Services (OPES) to ensure they meet the new requirements, and if needed, address areas that fall short.

Board Member Paxon inquired about the proposal deleting categories for which continuing education (CE) can be approved. EO Azar explained that specific change restructures the existing requirements, so the language is more user friendly and readable by moving paragraph formats into a table. She explained this was at the request from the industry.

The Board's Regulatory Counsel explained the regulatory process to the Board and provided additional clarification on the effect of the requested motion.

Board Member Tengan asked for clarification on the proposed changes to the hour value system where it reduces the number of hours for laws and regulations (L&R) and integrated pest management (IPM). Ms. Jackson clarified that those changes were a result of the CE IPM Review Committee and the underlying data for the regulatory proposal includes minutes from a meeting where the Board adopted such recommendation.

President Finley tabled for future meeting in order to discuss the major changes being made to the hours and directed staff to prepare a more detailed overview of each revision and the rationale for each item.

Jim Steed of PCOC who also served on the CE IPM Review Committee commented to reiterate the Board's prior adoption of the revised hour value system that is included in the current proposal. No action taken.

Item 16b –

At the March 2023 Board meeting the Board considered updating and modernizing some of the language in its Disciplinary Guidelines (DGs). The current guidelines were provided in the meeting materials.

Discussion

EO Azar recommended the Board consider assembling a workgroup to review the current DGs and for the workgroup to provide a recommendation to the Board on potential revisions at a future meeting.

Board Members Paxon and Tengan offered to provide assistance with the review and recommendation of revisions to the Board's disciplinary guidelines.

Item 16c –

The Pesticide Application Notice regulation is progressing through the Production Phase of the Rulemaking Process. The Board's regulatory counsel reviewed the initial materials for the package and provided comment. Staff continues to work with them to revise where necessary and move the package to Agency for approval. The package is on target to file with the Office of Administrative Law in the coming months.

Agenda Item 13. Discussion and Possible Action on Separating the Branch 2 and Branch 3 Applicator Examination and Licenses

EO Azar provided the Board with history on the current examination structure and reported that staff worked with DCA's OPES to determine the feasibility of separating the Branch 2 and 3 Applicator examinations.

Heidi Lincer, Chief of OPES, presented an overview of examination development, and provided historical context and rationale for the combined applicator examination structure.

Board Member Tengan expressed concerns with the examinations being combined and asserted that each respective Branch should have an adequate amount of content to treat as individuals with regard to licensing and examinations. President Finley stated that it is in the favor of consumers that a Branch 3 licensee have knowledge of Branch 2 information and asserted that after the presentation from OPES, he is comfortable with proceeding with the current structure.

Board Member Thrasher commented it would be beneficial to separate the branches, so the examination is specific to the role of the individual.

EO Azar provided the costs associated with separating the examinations. President Finley reiterated his concerns for the potential effect on consumers and business if the examinations were to be separate.

Board member **Tengan moved** to separate the Branch 2 and Branch 3 Applicator examinations and licenses. There was no second and the motion therefore died.

Jim Steed of Neighborly Pest Control commented in support of separating the examinations. He stated that companies who are in Branch 3 will not typically have a need for an Applicator with Branch 2 knowledge.

A commenter 'S. Roy' submitted a written public comment, and it was read by the moderator. "Was the difficulty getting Applicators due to the low reimbursement or the cost of lost revenue to the companies they work for?" Kristina Jackson-Duran explained these concerns likely contributed to the difficulty in recruitment. However, she advised future workshops will have a virtual option. This should eliminate or reduce the need for travel and time commitments. She stated the reimbursement amounts are consistent with other DCA programs but can be revisited if there continues to be a concern.

Ms. Lincer stated the Applicator examination was recently updated and will be available later in the year. She suggested the Board consider allowing the new examination to roll-out and evaluate the response after some months have passed.

Agenda Item 17. Licensing Update

Melissa Zanetta provided the Board with an update on the Board's licensing statistics, the status of the Board's business modernization project, and directed the Board's attention to the materials for additional information.

President Finley inquired about the status license renewals considering the renewal printing issues. Ms. Zanetta assured the Board that despite the printing backlog, all renewals have been sent out, and processing is still on target to be completed prior to the deadline.

Board Member Thrasher expressed her gratitude for the licensing process moving to electronic format.

Agenda Item 18. Enforcement Update

EO Azar provided the Board with an update on the Board's enforcement statistics and directed the Board's attention to the materials for additional information.

President Finley inquired about the average number of days to close investigation cases. He noticed the reported number of days exceeds the target and wondered what that may be attributed to. EO Azar explained some possible causes for the Board's average case aging numbers to be higher than targeted timeframes have been identified and assured the Board she is working closely with the enforcement team to address.

Agenda Item 19. Outreach and Communication Update

Heather Jackson presented the Board with an update on the current outreach efforts, including email communications, partnerships, live events, and speaking engagements. Kristina Jackson-Duran provided an overview of the social media efforts, statistics; and provided an update on the Board's newsletter relaunch.

Vice President Anderson gave kudos to Kristina and the outreach program for their efforts in rolling out the social media campaign. She also asked if there are any limitations the Board may have as a state entity with regarding to funding for advertisements or posts putting money into social media posts. Ms. Jackson-Duran stated she can work with DCA's Public Affairs Office to determine what options are available to the Board. Legal Counsel suggested the Board consult with the Board of Barbering and Cosmetology for their social media strategy.

Agenda Item 20. Executive Officer's Report

(a) Staffing Update

EO Azar reported Greg Adams, a Board Specialist from the Los Angeles area, is retiring effective August 2, 2023, and staff is working to backfill the position as soon as possible.

(b) Budget Update

The Board was referred to the meeting materials for detailed reports. EO Azar reported the Board completed the fiscal year with a reserve of \$5.3 million, which is approximately 6 months of operating overhead cost.

Board Member Paxon expressed concerns with the report indicating a significant reduction in the reserve fund. EO Azar explained the report is a projection based on expenditures being at full appropriated levels, and stated the Board is not, and has not historically, expended at those levels. She assured the Board that she is confident the Board is in good financial standing with a healthy reserve fund and the report is not an accurate reflection of its current standing.

(c) 2023-2028 Strategic Plan Update

EO Azar reported on the status of the Board's Strategic Plan, referred to the meeting materials to review the status for each goal.

(d) Report on Status of Board Funded Research Projects

EO Azar provided the Board with a brief background on the Board's current Pest Control Research Fund and projects. President Finley requested at a future meeting, for Dr. Quinn to present her findings as it may relate to proposed legislation.

Agenda Item 21. Future Agenda Items

- Revisit regulations to enhance out-of-state qualifying manager renewal requirements and verification process
- Bait station enforcement
- Research project update from Dr. Quinn
- DCA budget office present an accurate revenue and expenditure report

Agenda Item 22. Adjournment

President Finley adjourned the meeting at 1:24 p.m.

Board President Signature

Date



AGENDA ITEM 11

EXECUTIVE OFFICER'S REPORT

- a. Staffing Update
- b. Budget Update
- c. 2023-2028 Strategic Plan Update



MEMORANDUM

DATE	October 10, 2023
TO	Members of the Structural Pest Control Board
FROM	Sophia Azar, Executive Officer Structural Pest Control Board
SUBJECT	Agenda Item #11: Executive Officer's Report

a. Staffing Update

Recruitment efforts are underway for the SPCB Specialist vacancy in Southern California (Orange County and southern LA County). We made changes to the application requirements in an effort to increase the candidate pool. An interview panel was established, and we hope to conduct interviews by the end of October. We recently promoted Alicia Vaupotic and Rachael Jordan. Alicia is our new Licensing Analyst that will be providing technical and subject matter knowledge to the Board's Licensing Unit, and she will be assisting the Licensing manager with implementation of the BizMod project. Rachael Jordan is our new Citation and Fine Analyst. We are currently working on backfilling their prior positions.

b. Budget Update

The fund condition statement (FCS) (attachment 1) is based on the 2023-24 Budget Act and assumes expenditures at full appropriation. SPCB historically has spent approximately 1 million less than appropriated every year. In 2022-23, the Board spending authority was 7.1 million; however, total expenses for the year were approximately 5.9 million.

The Board began 2023-24 with a fund balance of \$3.1 million, is projected to collect approximately \$6.6 million in revenues with projected expenditures of approximately 7.6 million (assuming the Board spends its full authority). The FCS projects ongoing expenditures with a three percent (growth factor) increase per year.

c. Strategic Plan Update

In September 2022, Governor Newsom, through an Executive Order, strengthened the State's commitment to a "California For All" by directing state agencies and departments to take additional actions to embed equity analysis and considerations

into its policies and practices, including but not limited to the strategic planning process.

Late last year, SOLID assisted in creating the SPCB's strategic plan, which will not expire until 2028. In compliance with the Governor's DEI mandate, SOLID is assisting us with conducting an abbreviated environmental scan and analysis with a DEI-focus for consideration in regard to our existing plan and objectives. SOLID hopes to present to the Board members early next year the results of the environmental scan and work with the members on incorporating DEI into our existing plan.

The Strategic Plan Status Report (attachment 2) provides a chart for each goal and the status of each related objective. Since our last Board meeting, we increased our progress in each of the five goals areas by an average of 15%. The following table reflects a quick snapshot of our progress since the last meeting:

Strategic Plan Goals	June 2023	October 2023
Goal 1: Licensing, Examinations, and Continuing Education	14%	33%
Goal 2: Enforcement	34%	39%
Goal 3: Legislation, Regulations and Policy	15%	23%
Goal 4: Outreach and Communication	16%	35%
Goal 5: Organizational Effectiveness	30%	49%

Attachment(s)

1. SPCB Fiscal Year 2022/23 Revenue and Expenditures
2. Strategic Plan Status Report

Department of Consumer Affairs

Expenditure Report

Structural Pest Control Board

Reporting Structure(s): 11113210 Support

Fiscal Month: 13

Fiscal Year: 2022 - 2023

Run Date: 08/23/2023

PERSONAL SERVICES

Fiscal Code	Line Item	Budget	Current Month	YTD	Encumbrance	YTD + Encumbrance	Balance
5100	PERMANENT POSITIONS	\$2,101,000	\$179,469	\$1,855,407	\$0	\$1,855,407	\$245,593
5100000000	Earnings - Perm Civil Svc Empl	\$2,010,000	\$165,239	\$1,734,772	\$0	\$1,734,772	\$275,228
5105000000	Earnings-Exempt/Statutory Empl	\$91,000	\$14,230	\$120,635	\$0	\$120,635	-\$29,635

Fiscal Code	Line Item	Budget	Current Month	YTD	Encumbrance	YTD + Encumbrance	Balance
5100	TEMPORARY POSITIONS	\$23,000	\$3,736	\$18,608	\$0	\$18,608	\$4,392
5100150004	Temp Help (907)	\$14,000	\$3,736	\$18,608	\$0	\$18,608	-\$4,608
5100150005	Exam Proctor (915)	\$9,000	\$0	\$0	\$0	\$0	\$9,000

Fiscal Code	Line Item	Budget	Current Month	YTD	Encumbrance	YTD + Encumbrance	Balance
5105-5108	PER DIEM, OVERTIME, & LUMP SUM	\$9,000	\$0	\$2,285	\$0	\$2,285	\$6,715
5105100001	Bd/Commission Mbrs (901, 920)	\$9,000	\$0	\$400	\$0	\$400	\$8,600
5108000001	Lump Sum payout	\$0	\$0	\$1,885	\$0	\$1,885	-\$1,885

Fiscal Code	Line Item	Budget	Current Month	YTD	Encumbrance	YTD + Encumbrance	Balance
5150	STAFF BENEFITS	\$1,097,000	\$90,894	\$1,084,916	\$0	\$1,084,916	\$12,084
5150100000	Admin Fee-PT/Seasonal/Temp Emp	\$0	\$1	\$3	\$0	\$3	-\$3
5150150000	Dental Insurance	\$13,000	\$848	\$10,922	\$0	\$10,922	\$2,078
5150210000	Disability Leave - Nonindustri	\$0	\$0	\$11,916	\$0	\$11,916	-\$11,916
5150250000	Employee Assistance PGM Fee	\$0	\$110	\$622	\$0	\$622	-\$622
5150350000	Health Insurance	\$324,000	\$14,563	\$192,469	\$0	\$192,469	\$131,531
5150400000	Life Insurance	\$0	\$30	\$307	\$0	\$307	-\$307
5150450000	Medicare Taxation	\$10,000	\$2,476	\$25,206	\$0	\$25,206	-\$15,206
5150500000	OASDI	\$123,000	\$8,102	\$79,509	\$0	\$79,509	\$43,491
5150600000	Retirement - General	\$538,000	\$45,120	\$525,051	\$0	\$525,051	\$12,949
5150700000	Unemployment Insurance	\$1,000	\$0	\$0	\$0	\$0	\$1,000
5150750000	Vision Care	\$4,000	\$124	\$1,604	\$0	\$1,604	\$2,396
5150800000	Workers' Compensation	\$17,000	\$0	\$81	\$0	\$81	\$16,919
5150800004	SCIF Allocation Cost	\$0	-\$565	\$10,807	\$0	\$10,807	-\$10,807
5150820000	Other Post-Employment Benefits	\$66,000	\$5,214	\$62,452	\$0	\$62,452	\$3,548
5150900000	Staff Benefits - Other	\$1,000	\$14,871	\$163,966	\$0	\$163,966	-\$162,966
PERSONAL SERVICES		\$3,230,000	\$274,099	\$2,961,216	\$0	\$2,961,216	\$268,784

OPERATING EXPENSES & EQUIPMENT

Fiscal Code	Line Item	Budget	Current Month	YTD	Encumbrance	YTD + Encumbrance	Balance
5301	GENERAL EXPENSE	\$181,000	\$746	\$18,471	\$4,926	\$23,398	\$157,602
5301100002	Admin OH-Other State Agencies	\$0	\$53	\$149	\$0	\$149	-\$149
5301100003	Fingerprint Reports	\$1,000	\$49	\$294	\$0	\$294	\$706
5301150000	Conferences	\$0	\$0	\$6,646	\$0	\$6,646	-\$6,646
5301200000	Dues and Memberships	\$0	\$30	\$30	\$0	\$30	-\$30
5301350000	Freight and Drayage	\$0	\$536	\$1,121	\$129	\$1,250	-\$1,250
5301400000	Goods - Other	\$180,000	\$30	\$282	\$0	\$282	\$179,718
5301660000	Office Equipment - Repairs	\$0	\$0	\$334	\$1,286	\$1,620	-\$1,620
5301700000	Office Supplies - Misc	\$0	\$48	\$8,601	\$3,511	\$12,112	-\$12,112
5301900000	Subscriptions	\$0	\$0	\$1,015	\$0	\$1,015	-\$1,015

Fiscal Code	Line Item	Budget	Current Month	YTD	Encumbrance	YTD + Encumbrance	Balance
5302	PRINTING	\$70,000	\$15,751	\$42,372	-\$3,607	\$38,765	\$31,235
5302700000	Pamphlets, Leaflets, Brochures	\$0	\$15,751	\$37,206	-\$3,607	\$33,599	-\$33,599
5302900000	Printing - Other	\$70,000	\$0	\$5,166	\$0	\$5,166	\$64,834

Fiscal Code	Line Item	Budget	Current Month	YTD	Encumbrance	YTD + Encumbrance	Balance
5304	COMMUNICATIONS	\$42,000	\$2,371	\$16,906	\$0	\$16,906	\$25,094
5304100000	Cell Phones, PDAs, Pager Svcs	\$0	\$687	\$6,966	\$0	\$6,966	-\$6,966
5304700000	Telephone Services	\$0	\$1,685	\$9,940	\$0	\$9,940	-\$9,940
5304800000	Communications - Other	\$42,000	\$0	\$0	\$0	\$0	\$42,000

Fiscal Code	Line Item	Budget	Current Month	YTD	Encumbrance	YTD + Encumbrance	Balance
5306	POSTAGE	\$62,000	\$0	\$24,958	\$0	\$24,958	\$37,042
5306100000	Postage - General	\$0	\$0	\$1,000	\$0	\$1,000	-\$1,000
5306500000	Postage - Post Office Box Rent	\$0	\$0	\$712	\$0	\$712	-\$712
5306600003	DCA Postage Allo	\$0	\$0	\$23,246	\$0	\$23,246	-\$23,246
5306700000	Postage - Other	\$62,000	\$0	\$0	\$0	\$0	\$62,000

Fiscal Code	Line Item	Budget	Current Month	YTD	Encumbrance	YTD + Encumbrance	Balance
5308	INSURANCE	\$2,000	\$0	\$4,811	\$0	\$4,811	-\$2,811
5308700000	Insurance - Vehicle	\$0	\$0	\$4,768	\$0	\$4,768	-\$4,768
5308900000	Insurance - Other	\$2,000	\$0	\$43	\$0	\$43	\$1,957

Fiscal Code	Line Item	Budget	Current Month	YTD	Encumbrance	YTD + Encumbrance	Balance
53202-204	IN STATE TRAVEL	\$103,000	\$3,817	\$21,676	\$0	\$21,676	\$81,324
5320220000	Travel-In State-Per Diem Lodgi	\$0	\$1,860	\$8,305	\$0	\$8,305	-\$8,305
5320230000	Travel-In State-Per Diem Meals	\$0	\$379	\$2,432	\$0	\$2,432	-\$2,432
5320240000	Travel-In State-Per Diem Other	\$0	\$127	\$1,029	\$0	\$1,029	-\$1,029
5320260000	Travel-In St-Trav Agcy Mgt Fee	\$0	\$0	\$229	\$0	\$229	-\$229
5320400000	Travel-In State-Commercial Air	\$103,000	\$355	\$5,469	\$0	\$5,469	\$97,531
5320440000	Travel - In State -Private Car	\$0	\$655	\$965	\$0	\$965	-\$965
5320470000	Travel - In State - Rental Car	\$0	\$440	\$3,246	\$0	\$3,246	-\$3,246

Fiscal Code	Line Item	Budget	Current Month	YTD	Encumbrance	YTD + Encumbrance	Balance
53206-208	OUT OF STATE TRAVEL	\$1,000	\$0	\$0	\$0	\$0	\$1,000
5320600000	Travel - Out of State	\$1,000	\$0	\$0	\$0	\$0	\$1,000

Fiscal Code	Line Item	Budget	Current Month	YTD	Encumbrance	YTD + Encumbrance	Balance
5322	TRAINING	\$5,000	\$0	\$3,781	\$0	\$3,781	\$1,219
5322400000	Training - Tuition & Registrat	\$5,000	\$0	\$3,781	\$0	\$3,781	\$1,219

Fiscal Code	Line Item	Budget	Current Month	YTD	Encumbrance	YTD + Encumbrance	Balance
5324	FACILITIES	\$205,000	\$17,225	\$196,803	\$0	\$196,803	\$8,197
5324000000	Facilities Operations	\$151,000	\$0	\$0	\$0	\$0	\$151,000
5324200000	Facilities Ops - Other (Svcs)	\$0	\$0	\$5,487	\$0	\$5,487	-\$5,487
5324250000	Facilities Planning -Gen Svcs	\$0	\$1,682	\$7,057	\$0	\$7,057	-\$7,057
5324350000	Rents and Leases	\$35,000	\$0	\$0	\$0	\$0	\$35,000
5324450000	Rent -Bldgs&Grounds(Non State)	\$19,000	\$15,543	\$184,259	\$0	\$184,259	-\$165,259

Fiscal Code	Line Item	Budget	Current Month	YTD	Encumbrance	YTD + Encumbrance	Balance
53402-53403	C/P SERVICES (INTERNAL)	\$902,000	\$46,074	\$240,382	\$0	\$240,382	\$661,618
5340290000	Health and Medical	\$0	\$205	\$205	\$0	\$205	-\$205
5340310000	Legal - Attorney General	\$692,000	\$23,584	\$161,833	\$0	\$161,833	\$530,167
5340320000	Office of Adminis Hearings	\$150,000	\$22,285	\$77,779	\$0	\$77,779	\$72,221
5340330000	Consult & Prof Svcs-Interdept	\$60,000	\$0	\$565	\$0	\$565	\$59,435

Fiscal Code	Line Item	Budget	Current Month	YTD	Encumbrance	YTD + Encumbrance	Balance
53404-53405	C/P SERVICES (EXTERNAL)	\$668,000	\$44,363	\$527,822	\$208,142	\$735,964	-\$67,964
5340400000	External - Other	\$1,000	\$0	\$0	\$0	\$0	\$1,000
5340420000	Administrative	\$4,000	\$0	\$200,168	\$79,832	\$280,000	-\$276,000
5340420001	Expert Examiners- Exam Process	\$75,000	\$0	\$0	\$0	\$0	\$75,000
5340420005	Credit Card Service Fee	\$0	\$150	\$600	\$51,400	\$52,000	-\$52,000
5340460000	Compliance Inspect & Investiga	\$0	\$0	\$2,400	\$0	\$2,400	-\$2,400
5340460001	CI/I-Ext Sub Matter Experts	\$0	\$800	\$3,600	\$0	\$3,600	-\$3,600
5340490000	Information Technology	\$0	\$42,599	\$312,161	\$76,910	\$389,071	-\$389,071
5340540000	Legal - Witness Fees	\$10,000	\$0	\$0	\$0	\$0	\$10,000
5340550000	Reim Exp -Nontaxable (Non Emp)	\$0	\$814	\$4,645	\$0	\$4,645	-\$4,645
5340580000	Consult & Prof Svcs Extern Oth	\$578,000	\$0	\$1,578	\$0	\$1,578	\$576,422
5340580001	Court Reporter Servs	\$0	\$0	\$2,670	\$0	\$2,670	-\$2,670

Fiscal Code	Line Item	Budget	Current Month	YTD	Encumbrance	YTD + Encumbrance	Balance
5342	DEPARTMENT PRORATA	\$1,258,000	-\$196,500	\$1,061,500	\$0	\$1,061,500	\$196,500
5342500050	Division of Investigation DOI	\$17,000	-\$1,117	\$14,883	\$0	\$14,883	\$2,117
5342500055	Consumer Client Servs Div CCSD	\$1,241,000	-\$195,383	\$1,046,617	\$0	\$1,046,617	\$194,383

Fiscal Code	Line Item	Budget	Current Month	YTD	Encumbrance	YTD + Encumbrance	Balance
5342	DEPARTMENTAL SERVICES	\$127,000	\$21,018	\$52,361	\$0	\$52,361	\$74,639
5342500001	OPES Interagency Contracts	\$0	\$19,040	\$47,504	\$0	\$47,504	-\$47,504
5342500090	Interagency Services	\$127,000	\$0	\$0	\$0	\$0	\$127,000
5342600000	Departmental Services - Other	\$0	\$1,978	\$4,857	\$0	\$4,857	-\$4,857

Fiscal Code	Line Item	Budget	Current Month	YTD	Encumbrance	YTD + Encumbrance	Balance
5344	CONSOLIDATED DATA CENTERS	\$23,000	\$270	\$33,713	\$0	\$33,713	-\$10,713
5344000000	Consolidated Data Centers	\$23,000	\$270	\$33,713	\$0	\$33,713	-\$10,713

Fiscal Code	Line Item	Budget	Current Month	YTD	Encumbrance	YTD + Encumbrance	Balance
5346	INFORMATION TECHNOLOGY	\$215,000	\$24,530	\$31,751	\$2,167	\$33,918	\$181,082
5346320000	IT Services - Hardware Maint	\$0	\$1,448	\$6,895	\$2,167	\$9,062	-\$9,062
5346340000	IT Services - Software Maint	\$0	\$23,081	\$23,659	\$0	\$23,659	-\$23,659
5346700000	IT Supplies (Paper, Toner, etc	\$0	\$0	\$1,001	\$0	\$1,001	-\$1,001
5346800000	E-Waste Recycl & Disposal Fees	\$0	\$0	\$195	\$0	\$195	-\$195
5346900000	Information Technology - Other	\$215,000	\$0	\$0	\$0	\$0	\$215,000

Fiscal Code	Line Item	Budget	Current Month	YTD	Encumbrance	YTD + Encumbrance	Balance
5362-5368	EQUIPMENT	\$0	\$2,546	\$44,935	\$19,244	\$64,179	-\$64,179
5362250000	Furniture	\$0	\$0	\$810	\$17,881	\$18,691	-\$18,691
5368025000	Computers & Computer Equipment	\$0	\$2,365	\$39,145	\$1,364	\$40,509	-\$40,509
5368115000	Office Equipment	\$0	\$0	\$0	\$0	\$0	\$0
5368930000	Software	\$0	\$181	\$4,979	-\$0	\$4,979	-\$4,979

Fiscal Code	Line Item	Budget	Current Month	YTD	Encumbrance	YTD + Encumbrance	Balance
5390	OTHER ITEMS OF EXPENSE	\$15,000	\$990	\$13,452	\$348	\$13,800	\$1,200
5390150000	Clothing and Personal Supplies	\$0	\$0	\$96	\$348	\$443	-\$443
5390800000	Gasoline	\$15,000	\$762	\$11,027	\$0	\$11,027	\$3,973
5390850000	Vehicle Maintena & Repair Svcs	\$0	\$49	\$301	\$0	\$301	-\$301
5390860000	Washing	\$0	\$22	\$145	\$0	\$145	-\$145
5390870000	Other Vehicle Operations Svcs	\$0	\$157	\$1,871	\$0	\$1,871	-\$1,871
5390890000	Other Items of Expense - Svcs	\$0	\$0	\$13	\$0	\$13	-\$13

Fiscal Code	Line Item	Budget	Current Month	YTD	Encumbrance	YTD + Encumbrance	Balance
54	SPECIAL ITEMS OF EXPENSE	\$0	\$40	\$2,166	\$0	\$2,166	-\$2,166
5490000000	Other Special Items of Expense	\$0	\$40	\$2,166	\$0	\$2,166	-\$2,166
OPERATING EXPENSES & EQUIPMENT		\$3,879,000	-\$16,761	\$2,337,859	\$231,220	\$2,569,079	\$1,309,921

OVERALL TOTALS		\$7,109,000	\$257,338	\$5,299,076	\$231,220	\$5,530,296	\$1,578,704
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22.21%

Department of Consumer Affairs

Revenue Report

Structural Pest Control Board

Reporting Structure(s): 11113210 Support

Fiscal Month: 13

Fiscal Year: 2022 - 2023

Run Date: 08/23/2023

Revenue

Fiscal Code	Line Item	Budget	Current Month	YTD
Delinquent Fees		\$0	\$30	\$6,845
4121200179	0775 Delinq Ren Applicators	\$0	\$0	\$265
4121200180	0775 Delinq Ren Operators	\$0	\$0	\$3,660
4121200181	0775 Delinq Prorated Operator	\$0	\$0	\$160
4121200182	0775 Delinq Ren Field Rep	\$0	\$30	\$2,760

Fiscal Code	Line Item	Budget	Current Month	YTD
Other Regulatory Fees		\$0	\$499,677	\$4,533,386
4129200218	0775 Wdo Filing Fee	\$0	\$485,596	\$4,431,690
4129200219	0775 Change Prin Office Addr	\$0	\$600	\$6,050
4129200220	0775 Change Branch Office Add	\$0	\$100	\$1,000
4129200221	0775 Change Qualifying Mgr	\$0	\$250	\$3,244
4129200222	0775 Change Reg Company Name	\$0	\$0	\$350
4129200223	0775 Duplicate Cert	\$0	\$96	\$1,696
4129200224	0775 Penalty Assessment	\$0	\$0	\$12,307
4129200225	0775 Change Reg Co Officers	\$0	\$75	\$1,025
4129200226	0775 Change Bond And Ins	\$0	\$425	\$5,275
4129200227	0775 Continuing Ed Course Appr	\$0	\$400	\$8,550
4129200228	0775 Continuing Ed Provider	\$0	\$50	\$600
4129200231	0775 Cite And Fine	\$0	\$12,085	\$58,559
4129200273	Ftb Cite Fine Collection	\$0	\$0	\$3,040

Fiscal Code	Line Item	Budget	Current Month	YTD
Other Regulatory License and Permits		\$0	\$61,719	\$664,729
4129400480	0775 Initial Applictr Str Pest	\$0	\$1,010	\$14,050
4129400481	0775 Initial Operator Str Pst	\$0	\$2,400	\$27,480
4129400482	0775 Exam Operator	\$0	\$3,445	\$46,475
4129400483	0775 Exam Field Rep Struct Pst	\$0	\$27,400	\$306,150
4129400484	0775 Exam Applicator	\$0	\$17,270	\$179,245
4129400485	0775 Exam Cont Ed Br Oper	\$0	\$0	\$65
4129400488	0775 Company Registration	\$0	\$3,480	\$34,440
4129400489	0775 Initial Field Rep Str Pst	\$0	\$6,480	\$66,660
4129400490	0775 Reg Branch Off Str Pst	\$0	\$60	\$2,640
4129400522	Refunded Reimbursements	\$0	\$0	-\$75
4129400523	Over/Short Fees	\$0	\$144	\$1,109
4129400524	Suspended Revenue	\$0	\$30	\$990
4129400525	Prior Year Revenue Adjustment	\$0	\$0	-\$14,500

Fiscal Code	Line Item	Budget	Current Month	YTD
Other Revenue		\$0	\$27,800	\$90,535
4140000000	Document Sales	\$0	\$0	\$579
4143500006	Misc Serv To Public General	\$0	\$40	\$632
4163000000	Investment Income - Surplus Money Investments	\$0	\$27,670	\$84,932
4171400000	Escheat Unclaimed Checks, Warrants, Bonds, and Coupons	\$0	\$0	\$1,103
4171400001	Canceled Warrants Revenue	\$0	\$40	\$2,814
4172500017	Dishonored Check Fee	\$0	\$50	\$475

Fiscal Code	Line Item	Budget	Current Month	YTD
Renewal Fees		\$0	\$1,525	\$232,719
4127400265	0775 Renewal Tri Applicators	\$0	\$10	\$7,900
4127400266	0775 Renewal Tri Operators	\$0	\$0	\$132,972
4127400267	0775 Renewal Proratd Field Rep	\$0	\$0	\$30
4127400268	0775 Renewal Proratd Operator	\$0	\$0	\$80
4127400269	0775 Renewal Tri Field Rep	\$0	\$30	\$89,250
4127400281	Over/Short Fees Renewals	\$0	\$0	\$197
4127400282	Refunds	\$0	\$1,485	\$2,290
Revenue		\$0	\$590,751	\$5,528,214

Reimbursements

Fiscal Code	Line Item	Budget	Current Month	YTD
Scheduled Reimbursements		\$0	\$0	\$147
4840000001	Fingerprint Reports	\$0	\$0	\$147
Unscheduled Reimbursements		\$0	\$5,004	\$86,352
4850000008	Ftb Cost Recovery	\$0	\$0	\$8,993
4850000009	Us Cost Recovery	\$0	\$5,004	\$77,359
Reimbursements		\$0	\$5,004	\$86,499

0775 - Structural Pest Control Fund Analysis of Fund Condition
(Dollars in Thousands)
2023 Budget Act

Prepared on 8.24.2023

w_2022-23 projections based on FM 13

BEGINNING BALANCE

Prior Year Adjustment
Adjusted Beginning Balance

PY 2022-23	CY 2023-24	BY 2024-25	BY +1 2025-26	BY +2 2026-27
\$ 3,529	\$ 3,145	\$ 2,097	\$ 810	\$ -606
\$ -	\$ -	\$ -	\$ -	\$ -
\$ 3,529	\$ 3,145	\$ 2,097	\$ 810	\$ -606

REVENUES, TRANSFERS AND OTHER ADJUSTMENTS

Revenues

4121200 - Delinquent fees
4127400 - Renewal fees
4129200 - Other regulatory fees
4129400 - Other regulatory licenses and permits
4141200 - Sales of Documents
4143500 - Miscellaneous Services to the Public
4163000 - Income from surplus money investments
4171400 - Escheat of unclaimed checks and warrants

\$ 7	\$ 6	\$ 6	\$ 6	\$ 6
\$ 233	\$ 243	\$ 243	\$ 243	\$ 243
\$ 4,533	\$ 5,621	\$ 5,621	\$ 5,621	\$ 5,621
\$ 665	\$ 666	\$ 666	\$ 666	\$ 666
\$ 1	\$ -	\$ -	\$ -	\$ -
\$ 1	\$ 1	\$ 1	\$ 1	\$ 1
\$ 85	\$ 39	\$ 12	\$ -	\$ -
\$ 3	\$ -	\$ -	\$ -	\$ -

Totals, Revenues

\$ 5,528	\$ 6,576	\$ 6,549	\$ 6,537	\$ 6,537
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Operating Transfers To General Fund 0001 (AB84)

\$ -	\$ -	\$ -	\$ -	\$ -
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Totals, Transfers and Other Adjustments

\$ -	\$ -	\$ -	\$ -	\$ -
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TOTALS, REVENUES, TRANSFERS AND OTHER ADJUSTMENTS

\$ 5,528	\$ 6,576	\$ 6,549	\$ 6,537	\$ 6,537
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TOTAL RESOURCES

\$ 9,057	\$ 9,721	\$ 8,646	\$ 7,347	\$ 5,931
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Expenditures:

1111 Department of Consumer Affairs Regulatory Boards, Bureaus,
Divisions (State Operations)
9999 Statewide Pro Rata
9892 Supplemental Pension Payments (State Operations)

\$ 5,444	\$ 7,057	\$ 7,269	\$ 7,487	\$ 7,711
\$ 367	\$ 466	\$ 466	\$ 466	\$ 466
\$ 101	\$ 101	\$ 101	\$ -	\$ -

TOTALS, EXPENDITURES AND EXPENDITURE ADJUSTMENTS

\$ 5,912	\$ 7,624	\$ 7,836	\$ 7,954	\$ 8,178
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FUND BALANCE

Reserve for economic uncertainties

\$ 3,145	\$ 2,097	\$ 810	\$ -606	\$ -2,248
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Months in Reserve

5.0	3.2	1.2	-0.9	-3.3
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NOTES:

1. Assumes workload and revenue projections are realized in BY +1 and ongoing.

0168 - Structural Pest Control Reseach Fund Analysis of Fund Condition
(Dollars in Thousands)

Prepared on 8.24.2023

2023 Budget Act

w_2022-23 projections based on FM 13

	PY 2022-23	CY 2023-24	BY 2024-25	BY +1 2025-26	BY +2 2026-27
BEGINNING BALANCE	\$ 1,117	\$ 981	\$ 1,156	\$ 1,329	\$ 1,503
Prior Year Adjustment	\$ -	\$ -	\$ -	\$ -	\$ -
Adjusted Beginning Balance	\$ 1,117	\$ 981	\$ 1,156	\$ 1,329	\$ 1,503
REVENUES, TRANSFERS AND OTHER ADJUSTMENTS					
Revenues					
4129200 - Other regulatory fees	\$ 159	\$ 156	\$ 156	\$ 156	\$ 156
4163000 - Income from surplus money investments	\$ 26	\$ 22	\$ 20	\$ 22	\$ 25
Totals, Revenues	\$ 185	\$ 178	\$ 176	\$ 178	\$ 181
TOTAL RESOURCES	\$ 1,302	\$ 1,159	\$ 1,332	\$ 1,507	\$ 1,684
Expenditures:					
1111 Department of Consumer Affairs Regulatory Boards, Bureaus, Divisions (State Operations)	\$ 321	\$ 3	\$ 3	\$ 3	\$ 3
TOTALS, EXPENDITURES AND EXPENDITURE ADJUSTMENTS	\$ 321	\$ 3	\$ 3	\$ 3	\$ 3
FUND BALANCE					
Reserve for economic uncertainties	\$ 981	\$ 1,156	\$ 1,329	\$ 1,503	\$ 1,681

NOTES:
Assumes workload and revenue projections are realized in BY +1 and ongoing.

0399 - Structural Pest Control Education and Enforcement Fund Analysis
of Fund Condition
(Dollars in Thousands)
2023 Budget Act

Prepared on 8.24.2023

w_2022-23 projections based on FM 13

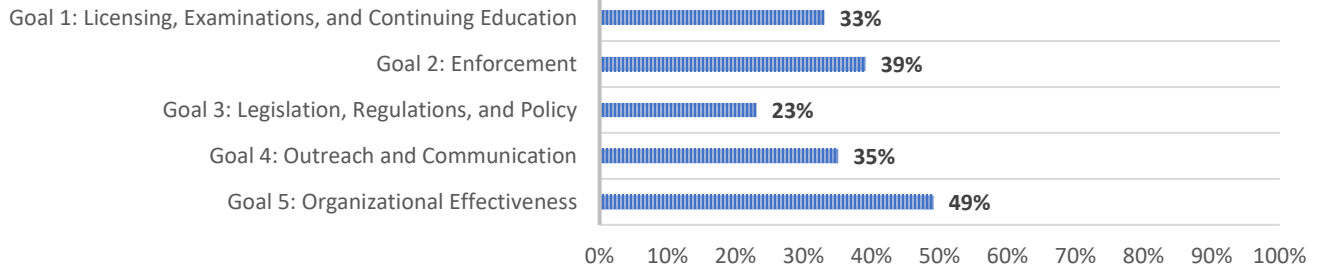
	PY 2022-23	CY 2023-24	BY 2024-25	BY +1 2025-26	BY +2 2026-27
BEGINNING BALANCE	\$ 1,437	\$ 1,546	\$ 1,677	\$ 1,801	\$ 1,919
Prior Year Adjustment	\$ -	\$ -	\$ -	\$ -	\$ -
Adjusted Beginning Balance	\$ 1,437	\$ 1,546	\$ 1,677	\$ 1,801	\$ 1,919
REVENUES, TRANSFERS AND OTHER ADJUSTMENTS					
Revenues					
4129200 - Other regulatory fees	\$ 412	\$ 437	\$ 437	\$ 437	\$ 437
4163000 - Income from surplus money investments	\$ 41	\$ 25	\$ 27	\$ 28	\$ 30
Totals, Revenues	\$ 453	\$ 462	\$ 464	\$ 465	\$ 467
TOTAL RESOURCES	\$ 1,890	\$ 2,008	\$ 2,141	\$ 2,266	\$ 2,386
Expenditures:					
1111 Department of Consumer Affairs Regulatory Boards, Bureaus, Divisions (State Operations)	\$ 314	\$ 314	\$ 323	\$ 333	\$ 343
9892 Supplemental Pension Payments (State Operations)	\$ 4	\$ 4	\$ 4	\$ -	\$ -
9900 Statewide General Administrative Expenditures (Pro Rata) (State Operations)	\$ 26	\$ 13	\$ 13	\$ 13	\$ 13
TOTALS, EXPENDITURES AND EXPENDITURE ADJUSTMENTS	\$ 344	\$ 331	\$ 340	\$ 346	\$ 356
FUND BALANCE					
Reserve for economic uncertainties	\$ 1,546	\$ 1,677	\$ 1,801	\$ 1,919	\$ 2,030
Months in Reserve	56.0	59.1	62.4	64.7	68.4

NOTES:
Assumes workload and revenue projections are realized in BY +1 and ongoing.

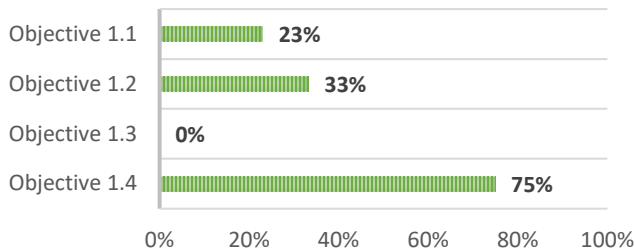
Structural Pest Control Board

Strategic Plan Progress Report (FQ1 – 2023/24)

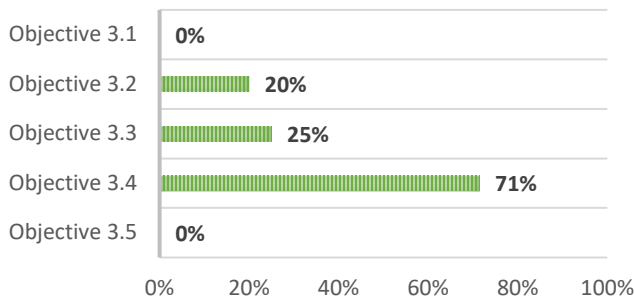
OVERALL GOALS



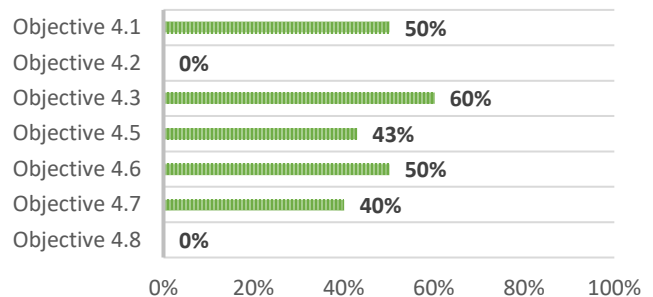
GOAL 1: LICENSING, EXAMINATIONS, AND CONTINUING EDUCATION



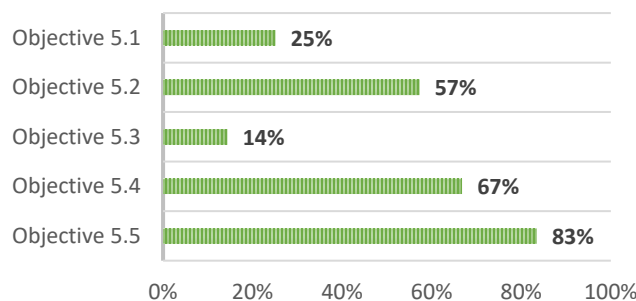
GOAL 3: LEGISLATION, REGULATIONS, & POLICY



GOAL 4: OUTREACH & COMMUNICATION



GOAL 5: ORGANIZATIONAL EFFECTIVENESS





AGENDA ITEM 12

LICENSING UPDATE

- a. Statistical Reports
- b. Update Regarding Out-of-State Qualified Manager Licensing Requirements



MEMORANDUM

DATE	October 10, 2023
TO	Members of the Structural Pest Control Board
FROM	Melissa Zanetta, Chief of Licensing and Administration Structural Pest Control Board
SUBJECT	Agenda Item #12: Licensing Update

a. Statistical Reports

The report included in the materials provides comparisons of licensing and examinations for the current fiscal year (FY 2023/2024) and the previous fiscal year (FY 2022/2023) for Fiscal Month 1 (July).

We are currently in transition from a post-card licensing survey to a digital licensing survey. This transition should greatly increase survey response rates and decrease the margin of error. I will provide an update at the next Board meeting.

b. Out-of-State Qualifying Manager Update

During the last Board meeting, the Board requested additional information regarding qualifying managers and their roles and responsibilities, specifically, those that live out of state. The Structural Pest Control Board (SPCB) works within its authority to ensure qualifying managers can successfully fulfill their role and responsibilities. Business and Professions Code Section 8610 (c) states, "Each registered company shall designate an individual or individuals who hold an operator's license to act as its qualifying manager or managers. The qualifying manager or managers must be licensed in each branch of pest control in which the company engages in business. The designated qualifying manager or managers shall supervise the daily business of the company and shall be available to supervise and assist all employees of the company, in accordance with regulations which the board may establish."

To further clarify the responsibilities of the qualifying manager(s), Business and Professions Code Section 8506.2 was amended (AB 1874/ January 1, 2017) to require the qualifying manager(s) be physically present at the principal office or branch office location for a minimum of nine days every three-consecutive calendar months, and to require that these days be documented and provided to SPCB upon request.

California Code of Regulations Section 1918 states, in part, "Supervise" as used in Business and Professions Code Sections 8506.2 and 8610 means the oversight, direction, control, and inspection of the daily business of the company and its employees, and the availability to observe, assist, and instruct company employees, as needed to secure full compliance with all laws and regulations governing structural pest control.

During the company registration process, licensing staff make every effort to ensure the qualifying manager(s) physical distance from the principal and/or branch office address does not pose a challenge to maintaining full compliance of all laws and regulations governing structural pest control. If it is determined that distance could be a potential problem, licensing staff will work with the applicant(s) to put in place a written plan holding all parties accountable. During the review of this written plan, licensing staff is also looking at the qualifying manager(s) license history to identify any past violations that could be a potential risk to their plan for company oversight. Licensing staff will then present the plan, and any identified potential risks, to the Licensing Unit manager and if approved, the company is issued. During the first year of registration, licensing staff and SPCB specialist work closely to ensure the company maintains compliance.

There are instances when SPCB receives information that a qualifying manager moves out of state and has failed to maintain oversight of a business. When this occurs, Licensing Unit staff and SPCB Specialists work closely with the company to further educate them on the roles and responsibly of a qualifying manager and to assist them in the process of replacing the qualifying manager with a licensed operator who can oversee the day-to-day business and maintain compliance of all laws and regulations. SPCB staff continue to educate and inform applicants, licensees, and the industry on the differences between "renting an operator license" and obtaining the services of a qualifying manager that fulfills the role and responsibly of maintaining full oversight by supervising the daily business and being available to observe, assist, and instruct company employees.

Attachment(s)

- Licensing and Examinations Statistics Report

Licensing/Examinations Statistics Report

	CURRENT			PREVIOUS	
	FM 1 Total	FY 23/24 Total	FM + / (-)	FM 1 Total	FY 22/23 Total
EXAMINATIONS					
Field Representatives Registered			(33)	542	5,750
Field Representatives Examined			(29)	363	4,233
Field Representatives Passed			(31)	214	2,476
Field Representatives Failed	151	151	2	149	1,757
Field Representatives Pass Rate	55%	55%	-4%	59%	58%
Operators Registered			(23)	65	668
Operators Examined			(6)	47	607
Operators Passed			2	21	307
Operators Failed	18	18	(8)	26	300
Operator Pass Rate	56%	56%	11%	45%	51%
Applicators Registered			(39)	309	3,201
Applicators Examined			(30)	243	2,472
Applicators Passed			(20)	137	1,460
Applicators Failed	96	96	(10)	106	1,012
Applicators Pass Rate	55%	55%	-1%	56%	59%
LICENSING					
Field Representative Licenses Issued	236	236	(17)	253	2,061
Operator Licenses Issued	26	26	2	24	220
Company Registrations Issued	17	17	(7)	24	274
Branch Office Registrations Issued	3	3	(1)	4	40
Change of Registered Company Officers	2	2	(1)	3	38
Change Of Qualifying Manager	5	5	(5)	10	123
Applicator Licenses Issued	135	135	(24)	159	1,460
Duplicate Licenses Issued	41	41	(58)	99	939
Upgrade Present License	28	28	2	26	336
Change of Status Processed	42	42	(25)	67	1,434
Address Change	57	57	(189)	246	1,693
Address Change (Principal Office)	1	1	(21)	22	276
Address Change (Branch Office)	1	1	(2)	3	6
Transfer of Employment Processed	178	178	(36)	214	2,392
Change of Name	0	0	(3)	3	33
Change of Registered Company Name	0	0	(1)	1	15
License Histories Prepared	0	0	(5)	5	42
Down Grade Present License	77	77	(40)	117	941
LICENSES RENEWED					
Operator	492	492	364	128	885
Field Representative	1,454	1,454	753	701	2,215
Applicator	404	404	204	200	580
Total	2,350	2,350	1,321	1,029	3,680

Licensing/Examinations Statistics Report

			FM + / (-)	PREVIOUS FM 1 Total	FY 22/23 Total
LICENSES/REGISTRATIONS IN EFFECT					
Field Representative	16,145		279		15,866
Operator	4,562		18		4,544
Company Registration	3,341		22		3,319
Branch Office	486		0		486
Licensed Applicator	7,912		146		7,766
Total	32,446		465		31,981
LICENSES/REGISTRATIONS ON PROBATION					
Companies	16		(2)		18
Licensees	96		0		96
Total	112		(2)		114
LICENSES/REGISTRATIONS CANCELLED					
Operator	2	2	1	1	18
Field Representative	24	24	1	23	184
Company Registration	19	19	4	15	196
Branch Office	5	5	4	1	27
Applicator	10	10	(3)	13	109
Total	60	60	7	53	534
LICENSES DENIED					
Licenses	0	0	(2)	2	10
Total	0	0	(2)	2	10
STAMPS SOLD					
Pesticide	6,910	6,910	(20)	6,930	79,944
Total	6,910	6,910	(20)		
FINANCIAL RESPONSIBILITY					
Bonds Processed	6	6	(5)	11	81
Insurance Processed	187	187	(18)	205	2,796
Restoration Bonds Processed	0	0	0	0	0
Suspension Orders	1	1	(19)	20	140
Cancellations Processed	15	15	(22)	37	338
Change of Bond/Insurance	12	12	(21)	33	234
WC Updates	104	104	104	0	951
WC Exemptions	152	152	152	0	842
WC Cancellations	0	0	0	0	6
WC Suspensions	0	0	0	0	0
WC Lapse	0	0	0	0	0
WC Company Change	0	0	0	0	0



AGENDA ITEM 13

ENFORCEMENT UPDATE

a. Statistical Reports

MEMORANDUM

DATE	October 10, 2023
TO	Members of the Structural Pest Control Board
FROM	Kathleen Boyle, Chief Enforcement Officer Structural Pest Control Board
SUBJECT	Agenda Item #13: Enforcement Update

The Enforcement Statistics Report included in the materials (attachment 1) provides the Board's complaint intake, investigations, transmittals to the Attorney General's office, citations issued, and investigative fines assessed for the past fiscal year (FY 2022/2023), broken down by quarter.

For Q4 (April to June 2023), there were 71 consumer complaints and 276 convictions/arrest notifications received. Consumer complaints received through Q4 in fiscal year 2022/2023 are 270 compared to 328 in fiscal year 2021/2022; however, convictions/arrest reports received went up from 697 in fiscal year 2021/2022 to 981 in fiscal year 2022/2023.

The Wood Destroying Organisms (WDO) Statistics Report (attachment 2) provides the number of WDO activities filed per month in fiscal year 2022/2023. WDO filings are down approximately 11% for fiscal year 2022/2023 compared to fiscal year 2021/2022. This decrease in WDO filings may be a result of the California housing market. According to the California Association of Realtors, August 11, 2023, news release, single-family home sales from April to June of 2023 are down 17% compared to April to June of 2022.

Attachments:

1. Enforcement Statistics Report
2. Wood Destroying Organisms (WDO) Statistics Report

Enforcement Statistics Report

	CURRENT FY 2022/23					PREVIOUS FY 2021/22
Complaints Received	52	77	70	71	270	328
Convictions/Arrest Received						697
Total Received	312	296	296	347	1251	1,025
<i>Average Days to Close/Assign</i>	<i>2</i>	<i>13</i>	<i>8</i>	<i>7</i>	<i>8</i>	<i>1.5</i>

INVESTIGATIONS						
<i>Target: 180 days</i>	Q1	Q2	Q3	Q4	YTD	Total
Volume	61	75	81	82	299	328
<i>Average Days to Close*</i>	<i>92</i>	<i>148</i>	<i>192</i>	<i>182</i>	<i>154</i>	<i>118</i>

TRANSMITTALS TO ATTORNEY GENERAL (AG)						
<i>Target: 540 days</i>	Q1	Q2	Q3	Q4	YTD	Total
AG Cases	13	8	6	8	35	29
<i>Average Days to Close</i>	<i>468</i>	<i>254</i>	<i>180</i>	<i>157</i>	<i>265</i>	<i>432</i>

CITATIONS						
	Q1	Q2	Q3	Q4	YTD	Total
Final Citations	14	25	80	46	165	188
<i>Average Days to Close</i>	<i>Will begin tracking in FY2023/24</i>					

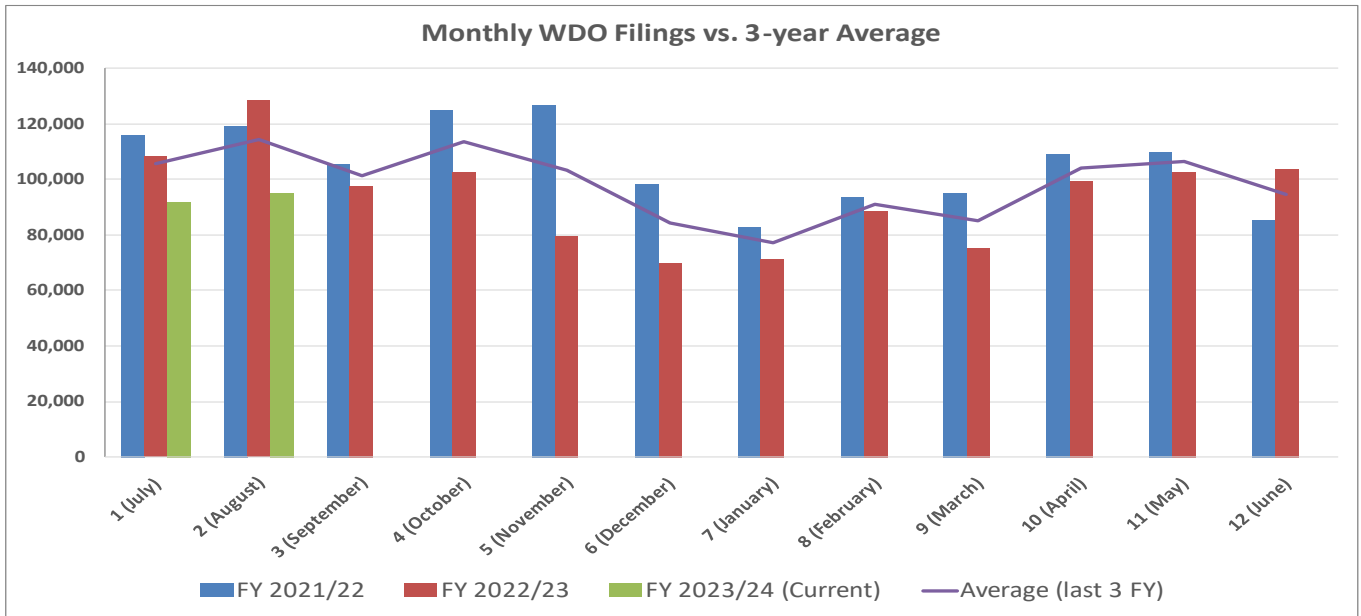
INVESTIGATIVE FINES						
	Q1	Q2	Q3	Q4	YTD	Total
Specialist Fines**	\$13,430	\$12,339	\$12,400	\$22,115	\$60,284	\$94,656
Civil Penalties**	\$5,182	\$7,125	\$0	\$0	\$12,307	\$799
County Fines**	\$17,150	\$23,825	\$26,700	\$25,404	\$93,079	\$79,635
Total Fines Processed	\$35,762	\$43,289	\$39,100	\$47,519	\$165,670	\$175,090

*corrected since last Board Mtg - Q1, Q2 & Q3 & FY 21/22 total.

**corrected since last Board Mtg - Q2 & Q3.

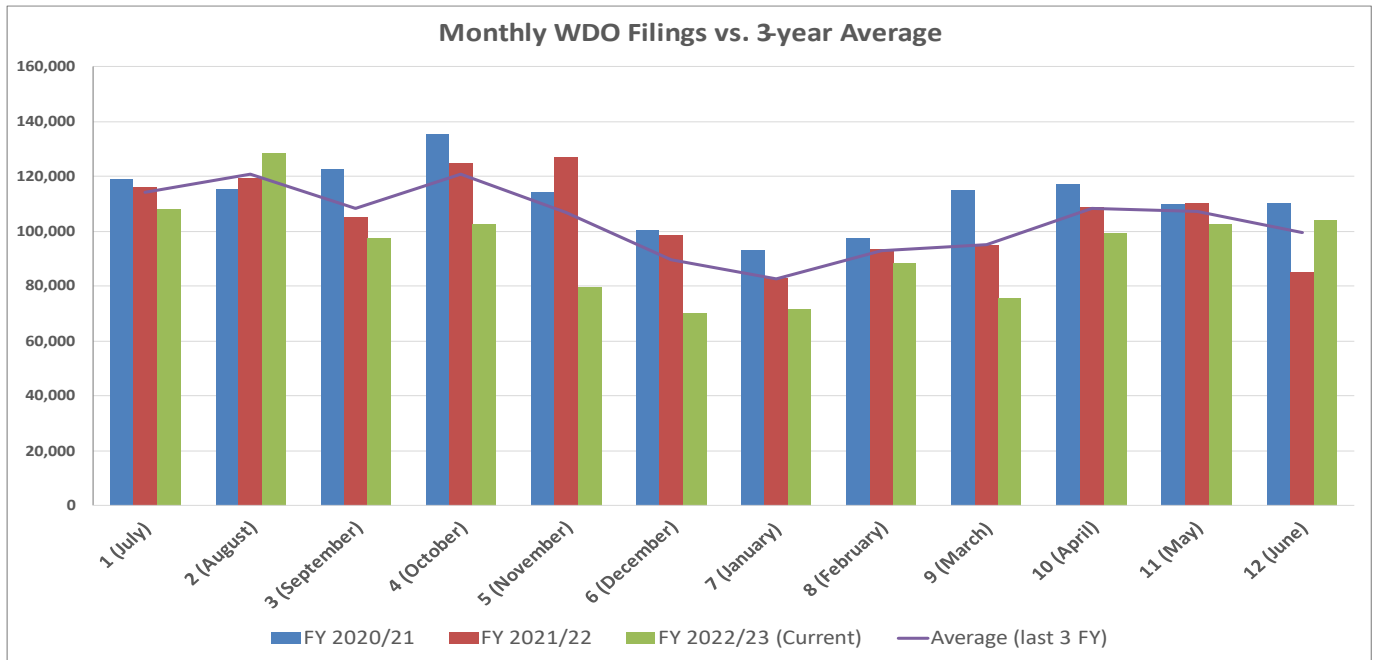
Wood Destroying Organisms (WDO) Statistics Report

	CURRENT FY 2023/24		PREVIOUS FY 2022/23
WDO ACTIVITIES FILED			
FM1 (July)	92,000	-15%	108,300
FM2 (August)	95,000	-26%	128,400
FM3 (September)	0	pending	97,600
FM4 (October)	0	pending	102,800
FM5 (November)	0	pending	79,700
FM6 (December)	0	pending	70,000
FM7 (January)	0	pending	71,600
FM8 (February)	0	pending	88,400
FM9 (March)	0	pending	75,500
FM10 (April)	0	pending	99,500
FM11 (May)	0	pending	102,800
FM12 (June)	0	pending	104,000
YTD Total	187,000	-21%	1,128,600



Wood Destroying Organisms (WDO) Statistics Report

	CURRENT FY 2022/23		PREVIOUS FY 2021/22
WDO ACTIVITIES FILED			
FM1 (July)	108,300	-7%	116,000
FM2 (August)	128,400	8%	119,400
FM3 (September)	97,600	-7%	105,300
FM4 (October)	102,800	-18%	124,700
FM5 (November)	79,700	-37%	127,000
FM6 (December)	70,000	-29%	98,500
FM7 (January)	71,600	-14%	83,000
FM8 (February)	88,400	-5%	93,500
FM9 (March)	75,500	-21%	95,000
FM10 (April)	99,500	-9%	109,000
FM11 (May)	102,800	-7%	110,000
FM12 (June)	104,000	22%	85,200
YTD Total	1,128,600	-11%	1,266,600





AGENDA ITEM 14

LEGISLATIVE UPDATE



MEMORANDUM

DATE	October 10, 2023
TO	Members of the Structural Pest Control Board
FROM	Heather Jackson, Regulation & Legislative Program Specialist Structural Pest Control Board
SUBJECT	Agenda Item #14: Legislative Update

The 2023/24 Structural Pest Control Board Legislative Analysis included in the materials provides a complete analysis of bills from the current Legislative session, grouped into three categories:

1. Structural Pest Control Board Legislation
Bills that potentially impact operations of the Board.
2. Pest Control Industry Legislation
Bills that potentially impact the practice of structural pest control.
3. Department-Wide Legislation
Bills that potentially impact the Department as a whole, including possible administrative impact to the Board.

Attachment(s)

2023/24 Structural Pest Control Board Legislative Analysis

2023/24 Legislative Analysis

<u>Bill #</u>	<u>Subject</u>	<u>Status</u>	<u>Page #</u>
Structural Pest Control Board Legislation			
SB 813	Structural Pest Control Board	Senate-Passed-Enrollment	2
AB 307	Structural Fumigation Enforcement Program	Secretary of State-Chaptered	4
Pest Control Industry Legislation			
AB 363	Pesticides: Neonicotinoids For Nonagricultural Use: Reevaluation: Control Measures	Assembly-Passed-Enrollment	6
AB 652	Dept. of Pesticide Regulation Environmental Justice Advisory Committee	Assembly-Passed-Enrollment	10
AB 1322	Pesticides: Second-generation Anticoagulant Rodenticide: Diphacinone	Assembly-Passed-Enrollment	14
Department-Wide Legislation			
SB 143	State Government	Secretary of State-Chaptered	19
SB 372	Dept. of Consumer Affairs: Licensee & Registrant Records: Name & Gender Changes	Governor-Enrolled	20
SB 544	Bagley-Keene Open Meeting Act: Teleconferencing	Senate-Passed-Enrollment	23
SB 887	Consumer Affairs	Senate-Passed-Enrollment	28
AB 883	Business licenses: United States Department of Defense SkillBridge program	Assembly-Passed-Enrollment	30
AB 996	Dept. of Consumer Affairs: Continuing Education: Conflict-of-interest Policy	Senate-In Floor Process-Inactive	32

Important Dates Occurring During Interim Recess

- **October 14, 2023** – Last day for the Governor to sign or veto bills
- **January 1, 2024** – Statutes take effect
- **January 3, 2024** – Legislature Reconvenes

2023/24 Legislative Analysis

Bill Number: SB 813
Subject: Structural Pest Control Board

Author: Roth

Sponsor: n/a

Version: 4/27/2023

Board Position: Support

Status: *Senate-Passed-Enrollment*

[Link to Full Text](#)

Overview. This bill would extend the operations of SPCB for four years until January 1, 2028.

Purpose. According to the author, "In early 2023, the Senate Business, Professions and Economic Development Committee and the Assembly Committee on Business and Professions (Committees) began their comprehensive sunset review oversight of eight regulatory entities including the Board. The Committees conducted two oversight hearings in March of this year. This bill and the accompanying sunset bills are intended to implement legislative changes as recommended by staff of the Committees and which are reflected in the Background Papers prepared by Committee staff for each agency and program reviewed this year."

Background. The SPCB was first established in 1935 within the Department of Professional and Vocational Standards to regulate and license the business of structural pest control. Currently, the SPCB is established within the Department of Consumer Affairs and also regulates inspections and repairs related to structural pest control. The SPCB's highest priority is the protection of the public through its licensing, regulatory, and disciplinary functions within the pest control industry.

Administration and Funding. As of June 30, 2022, the SPCB had approximately 24,813 active licenses, 3,566 active Principle and Branch Office Registrations, 2,987 delinquent licensees, and 2,031 current but inactive licensees. On average, SPCB receives approximately 337 complaints per year since FY 2019-20. SPCB notes 86% of cases brought for accusations have been settled rather than resulting in a hearing.

SPCB is funded through regulatory fees and license renewal fees and does not receive funds from California's General Fund (GF). The SPCB administers three funds: (1) Structural Pest Control Fund, (2) Structural Pest Control Education and Enforcement Fund, and (3) Structural Pest Control Research Fund.

The SPCB's Fiscal Year (FY) 2022-23 fund condition projects a balance of \$3,330,000, with 6 months in budget reserve. For the past four FYs, the SPCB's total program expenditures have increased by 11%. Personnel services expenditures increased by 21% and operating equipment and expenditures increased by 0.05%. SPCB attributes the personnel service increase to shifting an analyst from the education and enforcement fund to the support fund.

Fiscal Effect. According to the Senate Appropriations Committee, the 2023-24 Governor's Budget provides approximately \$7.4 million (Structural Pest Control Fund) and 30.9 positions to support the continued operation of the SPCB's licensing and enforcement activities.

Related/Prior Legislation. This bill is one of eight sunset review bills moving through the legislative process this session.

Support/Opposition. The Board has submitted a letter of support.

2023/24 Legislative Analysis

History.

09/11/23	In Senate. Ordered to engrossing and enrolling.
09/01/23	From committee: Do pass. (Ayes 16. Noes 0.) (September 1).
08/16/23	August 16 set for first hearing. Placed on suspense file.
07/11/23	From committee: Do pass and re-refer to Com. on APPR. with recommendation: To consent calendar. (Ayes 19. Noes 0.) (July 11). Re-referred to Com. on APPR.
05/25/23	In Assembly. Read first time. Held at Desk.
05/25/23	Read third time. Passed. (Ayes 40. Noes 0. Page 1306.) Ordered to the Assembly.
05/18/23	From committee: Do pass. (Ayes 7. Noes 0. Page 1185.) (May 18).
04/26/23	From committee: Do pass as amended and re-refer to Com. on APPR. (Ayes 13. Noes 0. Page 854.) (April 24).
02/17/23	Introduced. Read first time. To Com. on RLS. for assignment. To print.

2023/24 Legislative Analysis

Bill Number	Subject
AB 307	Structural Fumigation Enforcement Program
Author: Chen	Sponsor: Pest Control Operators of California
Version: 1/26/2023	Board Position: None
Status: <i>Secretary of State-Chaptered</i>	Link to Full Text

Overview. This bill would extend the sunset date for the Structural Fumigation Enforcement Program (Program) under the Department of Pesticide Regulation to January 1, 2029.

Purpose. The Pest Control Operators of California is the sponsor of this bill. According to the Author, the Program was initially established to ensure greater oversight, and proper safety procedures were being followed by the structural fumigation industry and should be extended for an additional five years.

Background. The Program was originally established in 1993 as a two-year pilot project in Los Angeles County as a way to help ensure the safety of fumigation operators. The Program sought to ensure the proper handling of chemicals and the correct use of safety equipment among other important features. The sunset date has been extended a number of times since then. In 1996, the pilot project status was removed, and the Program was expanded to also include Orange County and San Diego County. San Diego was then removed from Program participation through legislation in 2022 (AB 2452, Chen, Chapter 235, Statutes of 2022).

The Program exercises oversight of the structural fumigation industry and DPR inspects fumigation companies to ensure regulatory compliance and protect the public, industry workers and the environment. Any person who performs a structural fumigation in Los Angeles, Orange, and Santa Clara Counties must pay the county agricultural commissioner a fee of \$8 for each treatment.

Counties use this fee-generated revenue to increase monitoring of pesticide use in structural fumigations through undercover inspections and surveillance. While the DPR licenses and regulates commercial applicators, dealers, consultants, and other pesticide professionals statewide, the Program originated from an increased need to enforce local structural pest control fumigation laws in counties where most fumigations are performed by collecting fees for more inspectors and research on safer pest control methods.

"Fumigation" is the use of a substance to destroy plant and animal life within an enclosed space. Structural fumigation applies solely to the fumigation of houses or other structures, such as railroad cars, ships, docks, trucks and airplanes. It does not apply to agricultural fumigation. To fumigate a home or structure, it must be vacated and enclosed with a tent or tarps, and after a fumigant is released the home or structure must remain enclosed for a specified period of time to kill the pests. Afterwards, the home or structure must be properly ventilated before the inhabitants can return.

Structural fumigation is regulated primarily because it utilizes large quantities of toxic chemicals, particularly sulfuryl fluoride. Sulfuryl fluoride is a highly toxic pesticide fumigant used to control termites and other pests in homes and other structures. Sulfuryl fluoride is colorless, odorless and leaves no residue. If used incorrectly, it can result in fluoride poisoning and cause illness or death in humans. Los Angeles, San Diego, and Orange Counties are the top three users of structural fumigation in the state, based on the total pounds of sulfuryl fluoride they use.

2023/24 Legislative Analysis

Fiscal Effect. This bill is keyed fiscal by Legislative Counsel. According to the Assembly Committee on Appropriations, the measure will result in negligible costs to DPR, SPCB, and the Department of Consumer Affairs.

Related/Prior Legislation. n/a

Support. The Pest Control Operators of California write that “Over the years this program has proven to be successful in catching bad actors of the industry that could cause harm to the public and their employees as well as holding the companies working to comply with all state and local regulations to the current enforceable standards.”

According to Santa Clara County, “The fumigation of human dwellings with lethal gases to control termites, bed bugs, and other pests is a very serious pesticide application with a long list of regulations and safety procedures to comply with and can result in poisoning and death in humans if performed incorrectly. The structural fumigation enforcement program provides funding to perform more frequent inspections and increases compliance among pest control operators. As a result, the program greatly benefits the industry and citizens as increased compliance also results in increased protection to workers, the public, animals, and the environment.”

The Los Angeles County Board of Supervisors notes that “if AB 307 does not pass, the County would see a decline in resources available to support enforcement activities that have been in place for the past three decades. The SFEP is essential to protecting workers and the public through a cooperative program between regulators and the regulated community.” The California Agricultural Commissioners and Sealers Association adds that “These inspection services, which are performed by County Agricultural Commissioners, are essential to monitor and regulate the toxic chemicals used by companies to conduct structural fumigations.”

Opposition. n/a

History.

07/21/23	Chaptered by Secretary of State - Chapter 82, Statutes of 2023.
07/21/23	Approved by the Governor.
07/11/23	Enrolled and presented to the Governor at 3 p.m.
06/29/23	In Assembly. Ordered to Engrossing and Enrolling.
06/29/23	Read third time. Passed. Ordered to the Assembly. (Ayes 39. Noes 0.).
06/05/23	From committee: Do pass and re-refer to Com. on APPR with recommendation: To Consent Calendar. (Ayes 13. Noes 0.) (June 5). Re-referred to Com. on APPR.
03/29/23	From committee: Do pass. To Consent Calendar. (Ayes 14. Noes 0.) (March 29).
03/15/23	From committee: Do pass and re-refer to Com. on APPR. (Ayes 9. Noes 0.) (March 14). Re-referred to Com. on APPR.
01/26/23	Read first time. To print.

2023/24 Legislative Analysis

Bill Number	Subject
AB 363	Pesticides: Neonicotinoids For Nonagricultural Use: Reevaluation: Control Measures
Author: Bauer-Kahan	Sponsor(s): Natural Resources Defense Council and Environment California
Version: 7/6/2023	Board Position: None
Status: <i>Assembly-Passed-Enrollment</i>	
Link to Full Text	

Overview. This bill would:

- 1) Require, on or before July 1, 2024, DPR to issue a determination, taking into account the latest science, with respect to a reevaluation of neonicotinoids when used on outdoor ornamental plants, trees, and turf.
- 2) Require all of the following to apply to the reevaluation:
 - a) The reevaluation shall consider the impacts of neonicotinoid pesticides on pollinating insects, aquatic ecosystems, and human health; and
 - b) In performing the reevaluation, DPR shall consider the cumulative impacts of exposure, as defined, to multiple neonicotinoid pesticides
- 3) Clarify that DPR is not required to conduct a reevaluation of any use of neonicotinoid pesticides for the protection of agricultural commodities, as defined in the California Code of Regulations.
- 4) Require, on or before July 1, 2026, DPR to adopt any control measures for the use of neonicotinoid pesticides on outdoor ornamental plants, trees, and turf that are determined by DPR to be necessary, as specified, to protect all of the following:
 - a) Pollinating insects, including honeybees and native bees, taking into account all relevant routes of exposure, including exposure to contaminated pollen, nectar, soil, and water;
 - b) Aquatic ecosystems, taking into account contamination of surface or ground water; and
 - c) Human health, taking into account the cumulative exposure of people to neonicotinoid pesticides from all sources.

Purpose. According to the author, “Our pollinators are threatened. California beekeepers lost 41.9% of their colonies in 2021, one of the worst years on record. These pollinators are critical to California’s agriculture, worth \$50 billion annually. A huge body of research links adverse health impacts and the decline in pollinator populations to the use of pesticides, particularly neonicotinoids. Though we have seen steps to regulate these pesticides in our commercial fields, there has been little movement on non-agricultural uses. The European Union, Maine, New Jersey, and several other states have already banned or restricted these pesticides for non-agricultural uses. It’s time to catch up to the rest of the world in protecting bee and human health. AB 363 will ensure DPR moves forward with these long-overdue regulations for neonicotinoids to protect pollinator and human health.”

Background.

Regulation of pesticides in California. DPR’s mission is to protect human health and the environment through the regulation of pesticide sales and use, and by fostering reduced-risk pest management. Its oversight of pesticide use begins with product evaluation and registration; and continues through continuous evaluation, reevaluation, and enforcement; statewide licensing of commercial and private applicators and pest control businesses; environmental monitoring; and residue testing of fresh produce.

Pesticides are registered and licensed for sale and use with the United States Environmental Protection

2023/24 Legislative Analysis

Agency (US EPA) prior to California registration. DPR's registration evaluation is conducted in addition to US EPA's evaluation. Before a pesticide is registered, both agencies require data on a product's toxicology and environmental fate to evaluate how it behaves in the environment; its effectiveness against target pests; the hazards it poses to nontarget organisms; its effect on fish and wildlife; and its degree of risk to human health. DPR continues to evaluate pesticides after they are registered, including evaluating potential adverse effects resulting from the use of registered pesticide products and if necessary, placing products into formal reevaluation.

Reevaluation of pesticides in California. California regulations require DPR to investigate reports of possible adverse effects to people or the environment resulting from the use of pesticides. If a significant adverse impact occurred or is likely to occur, regulations require DPR to reevaluate the registration of the pesticide. When a pesticide enters the reevaluation process, DPR reviews existing data and may require registrants to provide additional data to determine the nature or the extent of the potential hazard or identify appropriate mitigation measures, if needed. DPR concludes reevaluations in a number of different ways. If the data demonstrate that use of the pesticide presents no significant adverse effects, DPR concludes the reevaluation without additional mitigation measures. If additional mitigation measures are necessary, DPR places appropriate restrictions on the use of the pesticide to mitigate the potential adverse effect. If the adverse impact cannot be mitigated, DPR cancels or suspends the registration of the pesticide product(s).

Five years later, in 2014, the Legislature adopted AB 1789 (Williams, Chapter 578, Statutes of 2014), which required DPR to issue a determination with respect to its reevaluation of neonicotinoids by July 1, 2018, and to adopt control measures necessary to protect pollinator health within two years after making the determination. In July 2018, DPR published the California Neonicotinoid Risk Determination. In February 2022, DPR published a Notice of Proposed Regulatory Action. These proposed regulations cover foliar and soil application of neonicotinoids for specified agricultural commodities and include restrictions on application methods and rates, application timing, and seasonal application rate caps, all of which are specified by crop group. The proposed regulations have an anticipated effective date of January 1, 2024.

Non-agricultural use of neonicotinoids. DPR estimates that in California, about 80-85% of neonicotinoid use and sales is for agricultural purposes and 15-20% is for non-agricultural purposes; however, the rates of application for neonicotinoids is likely to change as DPR's rulemaking comes into effect. Nonagricultural use of neonicotinoids in places such yards and gardens have the potential to contaminate places close to where people, including sensitive populations, live. The author asserts that many neonicotinoid product labels allow use rates that greatly exceed those approved for agriculture, sometimes by orders of magnitude, and consumers often fail to read product labels, applying the products in excess of even the higher labeled rates.

Gaps in the previous reevaluation. DPR's reevaluation of neonicotinoids that resulted in the 2018 determination and anticipated 2024 regulations focused on agricultural uses of neonicotinoids and risks to honeybees. DPR stated that the reevaluation included pesticide products labeled for outdoor uses that would result in substantial exposure to honeybees. Within the outdoor uses, DPR focused on gathering data on neonicotinoid pesticides used in the production of an agricultural food and feed commodity because they are known to attract pollinators, commonly used at relatively high application rates, and are potentially detrimental to pollinators. DPR stated it did not evaluate risks to indoor uses, structural uses, and non-agricultural outdoor uses such as lawns, gardens, and golf courses due to lack of pollinator exposure (i.e., not attractive to bees, no food sources for bees to feed on, lower use rates) or lack of widespread use.

Fiscal Effect. DPR estimates ongoing costs of \$353,000 annually (DPR Fund) for two positions to support the timelines that would be established by this bill. In addition, DPR estimates unknown but likely significant forgone revenues, potentially up to \$890,000 annually (DPR Fund) starting after July 1, 2026, due to the adoption of mitigation measures that could include cancelling all non-agricultural neonicotinoid uses. DPR

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notes that potential mitigation measure is unknown, but the cancellation of all non-agricultural neonicotinoid uses would have the largest fiscal impact. Other mitigation measure could result in a lower amount of foregone revenue. Staff note that the DPR Fund has a significant structural deficit.

Related/Prior Legislation. AB 1042 (Bauer-Kahan, 2023) would require the director of the DPR to adopt regulations to govern the use and disposal of seeds treated with a pesticide. This bill is pending before the Senate Agriculture Committee.

AB 2146 (Bauer-Kahan, 2022) would have prohibited, beginning January 1, 2024, a person from selling, possessing, or using a neonicotinoid pesticide, as defined, for application to outdoor ornamental plants, trees, or turf, except for use on, or for the protection of, an agricultural commodity. This bill was vetoed by Governor Gavin Newsom.

AB 567 (Bauer-Kahan, 2021) would have prohibited, on and after January 1, 2024, the use of a neonicotinoid on a seed. The bill was not heard in the Assembly Committee on Environmental Safety and Toxic Materials and the bill subsequently died on file.

SB 1282 (Leno, 2016) would have prohibited the noncommercial use of neonicotinoids and would have required labeling, as specified, of all commercially available seeds and plants treated with a neonicotinoid pesticide. This bill failed passage on the Senate floor, was granted reconsideration, but subsequently died on file.

AB 1789 (Williams, Chapter 578, Statutes of 2014) requires DPR to issue a determination with respect to its reevaluation of neonicotinoids by July 1, 2018, and to adopt control measures necessary to protect pollinator health within two years after making the determination.

Support. The sponsors of the bill argue, "While DPR acknowledges neonics" risks to pollinators and is moving to reduce their use in agriculture, it has, to date, ignored polluting lawn and garden neonic uses as well as the broader threats neonics pose to ecosystems and human health. This bill would end years of delay and require a prompt, comprehensive review of these harmful and unnecessary pesticide uses... Overwhelming scientific evidence confirms that neonics are a leading cause of pollinator declines, but the connection is also intuitive... Neonics may also be directly harming Californians... Documented widespread water contamination in California's urban areas shows that non-agricultural uses of neonics are a major source of neonic contamination.

These "lawn and garden" uses also present a high risk of exposure for children and pets who play in these areas and contaminate water supplies in high population areas... After over a decade of delay, the Department of Pesticide Regulation (DPR) last year proposed restrictions on neonic uses in agricultural settings to protect pollinators. But the agency did not address considerable neonic use in non-agricultural settings, nor did it consider broader ecosystem harm or risks to human health. Last year, Governor Newsom announced that DPR would begin an evaluation of non-agricultural neonic uses in 2023... But Californians—and disappearing bees and other wildlife—do not have another decade to wait for DPR's review..."

Opposition. A coalition of opponents argue, "DPR has undergone proactive efforts to reevaluate "certain pesticide products containing the nitroguanidine-substituted neonicotinoid active ingredients, imidacloprid, thiamethoxam, clothianidin, and dinotefuran." After finalizing that reevaluation and addressing public comments, DPR is in the process of promulgating regulations to protect pollinators where appropriate. Within that re-evaluation, "DPR did not evaluate risks to indoor uses, structural uses, and non-agricultural outdoor uses such as lawns, gardens and golf courses due to lack of pollinator exposure... or lack of widespread use." ...A comprehensive report by U.S. Department of Agriculture (USDA) and the USDA National Agricultural Statistics Service (NASS) describes a broad range of issues or "stressors" negatively affecting bees, including

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habitat loss, parasites and diseases, lack of genetic diversity, climate change, pesticides, reduced forage options and pathogens.

Data collected specific to California shows the leading stressor to honeybee colonies is overwhelmingly varroa mites. Therefore, any subsequent legislation on pollinator health should incorporate the most influential stressors... This coalition supports initiatives to promote pollinator health and believe its complexity calls for thoughtful, stakeholder engagement and continued research. The federal government and state of California have developed one of the most robust and protective systems for pesticide regulation and protection in the world. In short, we encourage the Legislature to allow that system to do this important work."

History.

09/12/23	Senate amendments concurred in. To Engrossing and Enrolling. (Ayes 53. Noes 16.).
09/01/23	From committee: Do pass. (Ayes 5. Noes 2.) (September 1).
08/14/23	In committee: Referred to APPR suspense file.
07/05/23	From committee: Amend and do pass as amended and re-refer to Com. on APPR. (Ayes 5. Noes 2.) (July 5).
05/31/23	Read third time. Passed. Ordered to the Senate. (Ayes 57. Noes 16.)
05/18/23	From committee: Do pass. (Ayes 11. Noes 4.) (May 18).
03/15/23	From committee: Do pass and re-refer to Com. on APPR. (Ayes 7. Noes 2.) (March 14). Re-referred to Com. on APPR.
02/01/23	Read first time. To print.

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<u>Bill Number</u>	<u>Subject</u>
AB 652	Dept. of Pesticide Regulation Environmental Justice Advisory Committee
Author: Lee	Sponsor: n/a
Version: 8/17/2023	Board Position: None
Status: <i>Assembly-Passed-Enrollment</i>	
Link to Full Text	

Overview. This bill would require the Department of Pesticide Regulation (DPR) to convene an Environmental Justice (EJ) Advisory Committee to provide recommendations for integrating environmental justice considerations into DPR programs, policies, decision making, and activities.

Specifically, this bill would:

- 1) Requires DPR to convene an EJAC by July 1, 2025.
- 2) Requires the EJ committee to be composed of to 15 members, as specified.
- 3) Requires DPR to appoint the EJ committee members from nominations received from environmental justice organizations and community groups through an open, public process.
- 4) Requires the EJ committee to adopt a charter establishing its governance structure, including term limits and a selection process for new advisory committee members based on an open, public nomination process.
- 5) Requires the EJ committee to provide recommendations to DPR on ways to integrate environmental justice considerations into DPR's programs, policies, decision making, and activities, and on how DPR can improve its engagement with communities with the most significant exposure to pesticides.
- 6) Authorizes a reasonable per diem allowance as specified in Section 11564.5 of the Government Code, or at a higher rate that may be established by the department, for the EJ committee members for meeting attendance.
- 7) Requires that EJ committee members and DPR's Assistant Director for Environmental Justice and Equity co-facilitate EJ committee meetings.
- 8) Requires that the EJ committee hold, at a minimum, quarterly public meetings, of which at least three per year are held in communities with high pesticide use. Requires that members of the EJ committee are provided with a remote call-in option, and that language access is available to EJ committee members and the public.
- 9) Require the EJ committee to periodically post on DPR's internet website, its recommendations for DPR.
- 10) Require DPR to periodically post, on its internet website, an update on its efforts to incorporate the recommendations of the EJ committee.

Purpose. The goal of this bill is to institute a formal, public, ongoing, accessible, and institutionalized process at DPR by which people in communities of color and low-income communities can meaningfully participate in decision making processes addressing environmental pollution that disproportionately burdens them.

Background. *Health risks due to pesticide exposure:* Pesticide exposure has been linked to the elevated incidence of human diseases such as cancers, Alzheimer's disease, Parkinson's disease, amyotrophic lateral sclerosis, asthma, bronchitis, infertility, birth defects, attention deficit hyperactivity disorder (ADHD), autism, diabetes, obesity, respiratory diseases, organ diseases, and system failures. People who are exposed to pesticides are at greater risk of developing various cancers, including non-Hodgkin lymphoma, leukemia, brain tumors, and cancers of the breast, prostate, lung, stomach, colon, liver, and bladder. Children exposed to pesticides either in utero or during other critical periods of development may have lower IQs, birth defects, and

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developmental delays, and face higher risk of autism spectrum disorder, ADHD, and cancer. Pesticides can also cause genetic and epigenetic changes by impacting various processes at cellular levels. Pesticides may be involved in endocrine disruption.

Disproportionate burden of pesticide exposure: According to a 2022 BMC Public Health article, "Many environmental pollutants are known to have disproportionate effects on Black, Indigenous, and People of Color (BIPOC), as well as on communities of low-income and wealth. The reasons for these disproportionate effects are complex and involve hundreds of years of systematic oppression kept in place through structural racism and classism in the United States... Disparities in exposures and harms from pesticides are widespread, impacting BIPOC and low-income communities in both rural and urban settings and occurring throughout the entire lifecycle of the pesticide from production to end-use... This is not simply a pesticides issue, but a broader public health and civil rights issue."

A 2015 study by California Environmental Protection Agency (CalEPA) researchers that found that environmental health hazards disproportionately burden communities of color in California, and that pesticide use was the pollution burden that showed the greatest racial, ethnic, and income disparities in the state – disproportionately imposing more of a hazard than multiple air pollutants and other toxic releases. The authors of the study found that more than 95% of all agricultural pesticide use in the state occurs in the 60% of California zip codes that have the highest proportion of residents of color. Another study found that in 2019, more than eight million pounds of pesticides linked to childhood cancers were used in the eleven California counties that had a majority Latinx population (>50%), resulting in 4.2 pounds of these pesticides used per person. This contrasts sharply with the 770,000 pounds of these same pesticides used in the 25 California counties with the fewest Latinx residents (<24%), resulting in 0.35 pounds of these pesticides used per person. Both groups of counties in that study have comparable land area and population sizes.

In addition to agricultural applications of pesticides, it is well-established that the manufacturing, storage, and waste of chemicals such as pesticides affect BIPOC and impoverished communities more than the general population. California and many Southern states average a 63% BIPOC population within one mile of a facility, compared to a 40% and 38% national and relevant state average, respectively. Additionally, low-income communities tend to have housing structures that are deteriorating due to lack of resources and investment. This issue, coupled with often crowded living conditions in public or low-income housing, often leads to the heavy use of pesticides as a short-term fix for chronic pest problems in low-income areas.

Children and disproportional exposure to pesticides: BIPOC children in California are especially at risk of being disproportionately impacted by pesticide exposure. In California, almost three out of every four children with the highest potential for exposure to pesticides at school were non-Anglo. An analysis of 15 agricultural counties in California found that children identifying as Hispanic were 46% more likely than white children to go to school within a quarter mile of locations where pesticides of human health concern were used. Hispanic children were also 91% more likely than white children to attend school where the highest number of pesticides of human health concern were used nearby. Children are generally more susceptible to the impacts of pesticides due to their physical makeup, behavior, and physiology, and exposure to very low levels of pesticides at certain developmental stages can cause adverse health effects.

All of these disproportionate exposures present a serious environmental justice issue that must be addressed.

Environmental justice: According to the United States Environmental protection Agency (US EPA), "Environmental justice is the fair treatment and meaningful involvement of all people regardless of race, color, national origin, or income, with respect to the development, implementation, and enforcement of environmental laws, regulations, and policies. This goal will be achieved when everyone enjoys... the same degree of protection from environmental and health hazards, and equal access to the decision-making process to have a

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healthy environment in which to live, learn, and work." USEPA defines meaningful involvement, as related to environmental justice, as, "People have an opportunity to participate in decisions about activities that may affect their environment and/or health; the public's contribution can influence the regulatory agency's decision; community concerns will be considered in the decision-making process; and decision makers will seek out and facilitate the involvement of those potentially affected."

Fiscal Effect. DPR estimates ongoing costs of about \$1.1 million annually (DPR Fund) and 3.5 positions to convene the EJ committee, support facilitation, prepare quarterly meetings, manage contracts, develop, and update the website, and provide technical assistance, among other things. Staff note this estimate is in line with costs for the EJ Advisory Committee (EJAC) at the California Air Resource Board (CARB). Several other state departments and offices also have bodies to support EJ engagement. Despite serving similar purposes, costs for each body vary considerably due to differing roles, requirements, sizes, structures, and activities. To the extent that major differences exist between the EJ committee as implemented at DPR and the CARB EJAC, actual costs of this bill could be different from DPR's estimate. Staff also note the DPR Fund is operating with a structural deficit and is anticipated to fall \$3.85 million short of current programmatic needs in 2024-25.

Related/Prior Legislation. AB 649 (Bennett, Chapter 492, Statutes of 2022) establishes the Office of Environmental Justice and Tribal Relations within Cal Recycle and prescribes the duties of the office, including, among others, ensuring that Cal Recycle's programs effectively address the needs of disadvantaged communities, low-income communities, California Native American tribes, and farmworkers.

AB 32 (Nunez, Chapter 488, Statutes of 2006) establishes the California Global Warming Solutions Act of 2006 and requires CARB, by July 1, 2007, to convene an environmental justice advisory committee to advise it in developing the carbon neutrality scoping plan and any other matters pertinent to implementing the provisions of the bill.

SB 89 (Escutia, Chapter 728, Statutes of 2000) requires CalEPA to establish a Working Group on Environmental Justice to assist in developing a strategy for identifying and addressing gaps in existing programs, policies, or activities that may hinder the achievement of environmental justice in the state. Requires the CalEPA secretary to convene an advisory committee to assist the working group by providing recommendations and information to, and serving as a resource for, the working group.

SB 115 (Solis, Chapter 690, Statutes of 1999) defines environmental justice and requires CalEPA to conduct its programs, policies, and activities with consideration to environmental justice and to develop a model environmental justice mission statement for boards, departments, and offices within the agency, by January 1, 2001.

Support. According to a coalition of 106 organizations in support, "There is currently no formalized, public, or consistent way for environmental justice communities to provide feedback or recommendations to DPR, despite the fact that they bear the brunt of pesticide-related health impacts. And DPR rarely addresses the concerns of environmental justice communities in their regulations and activities, often adopting industrial agriculture's recommendations instead. There is also a continuous, revolving door between DPR leadership and the chemical and agribusiness industry, with many past DPR directors and deputy-directors leaving their roles to accept jobs with industry. [...] An Environmental Justice Advisory Committee at DPR would create more transparency and accountability to environmental justice communities and require DPR to integrate environmental justice into its decision-making. The committee would be composed of members from communities experiencing high pesticide exposure, tasked with guiding and monitoring the activities of the Department. Members would be selected from environmental justice organizations, socially disadvantaged farmers and ranchers, Native American and tribal groups, and farmworker advocates. This would be an

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important first step in centering environmental justice in the Department's activities and decisions.”

Opposition. According to a coalition of 28 organizations in opposition, “We fully respect and appreciate that marginalized groups and environmental justice (EJ) concerns have not, historically, been tended to by state agencies and departments with the care and attention deserved. To remedy these historical injustices the Administration and California Environmental Protection Agency (CalEPA), and DPR specifically, have meaningfully engaged with the communities and their representatives, incorporating them into decision making processes and outreach. [...] Given the broad array of activities currently implemented, we believe the necessity for an advisory committee, as proposed in AB 652, is without merit. Beyond a formal advisory committee per AB 652 being redundant, this coalition is concerned that the establishment of a special interest advisory committee will set the precedent for future advisory committees representing various stakeholders that interact with DPR. [...] This trend would only further financially constrain DPR and lead to administrative burdens that could complicate DPR’s decision making. [...] As DPR experiences a budgetary structural imbalance and the Administration is potentially considering investment strategies, it’s inappropriate to add an additional cost burden on DPR and by extension, its rate payers. AB 652, as currently drafted, would also codify an undemocratic and closed-loop system for future appointments of EJ representatives on the advisory committee.”

History.

09/13/23	Senate amendments concurred in. To Engrossing and Enrolling. (Ayes 55. Noes 16.).
09/01/23	From committee: Do pass. (Ayes 5. Noes 2.) (September 1).
08/17/23	From committee chair, with author's amendments: Amend, and re-refer to committee. Read second time, amended, and re-referred to Com. on APPR. In committee: Hearing postponed by committee.
08/14/23	From committee chair, with author's amendments: Amend, and re-refer to committee. Read second time, amended, and re-referred to Com. on APPR.
07/05/23	From committee: Do pass and re-refer to Com. on APPR. (Ayes 4. Noes 3.) (July 5). Re-referred to Com. on APPR.
06/22/23	From committee chair, with author's amendments: Amend, and re-refer to committee. Read second time, amended, and re-referred to Com. on E.Q.
05/08/23	From committee: Do pass. (Ayes 11. Noes 4.) (May 18).
03/15/23	From committee: Do pass and re-refer to Com. on APPR. (Ayes 7. Noes 2.) (March 14). Re-referred to Com. on APPR.
02/09/23	Read first time. To print.

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Bill Number	Subject
AB 1322	Pesticides: Second-Generation Anticoagulant Rodenticide: Diphacinone
Author: Friedman	Sponsor: n/a
Version: 9/1/2023	Board Position: Oppose
Status: <i>Assembly-Passed-Enrollment</i>	
Link to Full Text	

Overview. This bill bans the use of diphacinone in wildlife habitat areas as defined and prohibits the use of diphacinone in the state until the Department of Pesticide Regulation (DPR) has completed a reevaluation and developed and adopted further restrictions with the California Department of Fish and Wildlife (CDFW), as specified. This bill makes changes to existing restrictions on the use of second-generation anticoagulant rodenticides.

Specifically, this bill would:

- 1) Prohibit, except as specified, the use of diphacinone in a wildlife habitat area, as defined.
 - a) Amends the definition of wildlife habitat area as it applies to diphacinone and the existing statutory ban on SGARs to any park or wildlife refuge managed by a state agency, regional government, quasi-government agency, or special district.
- 2) Prohibit, except as specified, the use of diphacinone in the state and designates diphacinone a restricted material until the director of DPR makes a certification that DPR has completed any pending reevaluation of diphacinone and adopted any additional specified restrictions to protect wildlife, as described below.
- 3) Requires that in order for the prohibition on the use of diphacinone to be lifted, the director of DPR must certify to the Secretary of State that DPR has:
 - a) Completed any pending reevaluation of diphacinone.
 - b) Adopted, in consultation with and the concurrence of CDFW, any additional restrictions necessary to ensure a trend of statistically significant reductions in the mean concentration values of detectable levels of diphacinone or any of its metabolites in tested tissues of a scientifically representative sample of wildlife. These restrictions may include a requirement to implement alternatives such as integrated pest management.
 - c) Made a finding, in concurrence with CDFW, that the restrictions are necessary based on the best available science, which may include reviewing data and studying samples of certain species and their populations as proxies for all potentially impacted species and populations.
 - d) Substantial evidence supporting the restrictions shall to the extent feasible include analysis regarding exposure pathways, sublethal effects, species sensitivity, and the cumulative and synergistic effects of exposure to anticoagulant rodenticides.
- 4) Amends the statutory provisions for lifting the prohibition on the use of SGARs in the state to match the provisions for diphacinone described in 3)b) and c) above.
- 5) Exempts from the diphacinone ban for the same uses exempted from the statutory SGAR ban:
 - a) By any governmental agency employee for public health activities or to protect water supply infrastructure and facilities;
 - b) By a mosquito or vector control district to protect public health;
 - c) For the eradication of nonnative invasive species inhabiting or found to be present on offshore islands;
 - d) To control or eradicate an invasive rodent population for the protection of threatened or endangered species or their habitats, as determined by CDFW;

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- e) To control an actual or potential rodent infestation associated with a public health need, as defined, as determined by a supporting declaration from the State Public Health Officer or a local public health officer; and
 - f) For research purposes related to the reevaluation of diphacinone, following a specified authorization process.
- 6) Exempts from the diphacinone ban the same locations exempted from the statutory SGAR ban:
- a) A medical waste generator;
 - b) A facility for producing drugs or medical devices; and
 - c) Agricultural activities, as defined.

Purpose. According to the author, "California needs common-sense restrictions on some of the most dangerous rat poisons to better protect our wildlife and families. There are a range of cost-effective alternatives to the most dangerous rat poisons for sale today that don't threaten some of California's most iconic wildlife like mountain lions and eagles."

Background. Rodents: Many species of rodents inhabit California, including squirrels, chipmunks, beavers, gophers, rats, and mice. Rodents native to California play an important ecological role and are a major food source for predators and scavengers, including hawks, eagles, foxes, coyotes, and bobcats. Rodents, however, are pests when they infest houses, threaten public health, and destroy property. According to the Centers for Disease Control and Prevention, rats and mice spread more than 35 diseases to humans worldwide. In North America, diseases that spread from rats and mice to humans include hantavirus and salmonellosis. Rodent infestations can also damage or destroy critical habitat, native plants and animals, crops, property, and food supplies.

Rodent control: According to the United States Environmental Protection Agency, the most important and effective steps in eliminating and preventing rodent infestations are keeping living spaces clean; preventing rodent access; and eliminating potential nesting areas (sanitation and exclusion). Other options to control rodent infestations include lethal traps, live traps, and chemical control (rodenticides). Most of the rodenticides used today in the United States are anticoagulant compounds, either first or second generation. First-generation anticoagulants include the anticoagulants that were developed as rodenticides before 1970. Second-generation anticoagulants were developed beginning in the 1970s to control rodents that were resistant to the first generation of the chemicals.

Dangers of rodenticides: According to DFW, the use of poison baits to control rodents has injured and killed hundreds or thousands of wild animals and pets throughout California. Predatory and scavenging birds and mammals that eat dead or dying rodents that have consumed these baits will also be poisoned. Large predators, such as mountain lions, can be impacted by consuming smaller predators that have preyed upon poisoned rodents. Pets will also eat dead or dying rodents and unprotected bait.

Alternatives to rodenticides. According to CDFW, DPR, and the US EPA, the most effective and safest ways to address rodent issues are through exclusion and sanitation. In addition, traps, electrocution devices, and fertility control drugs can also be employed to address rodent pests without the use of rodenticides. DPR notes that rodenticides do not eradicate rodents and may not reduce their numbers for long. If there is an area-wide population of rodents, rodents from the edges move into the available space vacated by the poisoned rodents. Inadvertently poisoning the natural predators of rodents can also be counterproductive. Opposition to the bill asserts that preventative measures are already taken as a first line of defense by pest control operators. Removing diphacinone from the toolbox of available treatments leaves alternatives that can be hard to acquire and incur higher labor costs, such as fumigation and trapping. This bill maintains the same exemptions in statute for the SGAR ban for the proposed diphacinone ban.

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Diphacinone: Diphacinone is a first-generation anticoagulant, which, like all anticoagulant pesticides, works by preventing blood clotting. Animals that eat anticoagulant rodenticides die from internal hemorrhaging within a few days. According to the National Pesticide Information Center, diphacinone is one of the rodenticides that pose the greatest secondary poisoning risks for wild mammals, dogs, and cats. Secondary poisoning can occur if an animal consumes another animal that has been poisoned by a pesticide, and the predator is weakened or dies as a result of exposure to the poisoned prey.

Integrated pest management: According to the University of California Statewide Integrated Pest Management Program, integrated pest management, or IPM, is a process used to solve pest problems while minimizing risks to people and the environment. IPM is an ecosystem-based strategy that focuses on long-term prevention of pests or their damage through a combination of techniques such as biological control, habitat manipulation, modification of cultural practices, and use of resistant varieties. Pesticides are used only after monitoring indicates they are needed, according to established guidelines, and treatments are made with the goal of removing only the target organism. Pest control materials are selected and applied in a manner that minimizes risks to human health, beneficial and nontarget organisms, and the environment.

Changing statute on SGARs too. In addition to restricting the use of diphacinone, this bill would make changes to statutory restrictions on the use of SGARs established by AB 2657 (Bloom, Chapter 475, Statutes of 2014) and AB 1788 (Bloom, Chapter 250, Statutes of 2020). First, this bill adds a possible IPM requirement not just to the requirements DPR must meet to lift the new diphacinone ban proposed in this bill, but it would also add a possible IPM requirement to the existing requirements for the statutory SGAR ban. Adding the possibility for such a requirement to SGARs as well as diphacinone could be beneficial, because after the ban of SGARs, the use of alternative rodenticides, including diphacinone, appears to have increased, and IPM seeks to avoid unnecessary use of pesticides. Further, AB 2657 prohibits the use of SGARs in wildlife habitat areas, defined as any state park, state wildlife refuge, or state conservancy. This definition would be amended through this bill to any park or wildlife refuge managed by a state or regional governmental or quasi-governmental agency or special district. The author states that this is to include parks and wildlife refuges that are not managed by the state of California, which are also wildlife habitat, and that the existing use of the word “conservancy” refers to a type of agency and therefore inappropriate. This new definition would apply to both SGARs and diphacinone. Lastly, this bill’s requirements for determining a reduction in prevalence of rodenticide in wildlife samples prior to reinstating the use of diphacinone are similarly added to the statutory prerequisite to lifting the ban on SGARs, replacing existing, more vague wording in statute.

Fiscal Effect. DPR estimates ongoing cost of \$353,000 annually (DPR Fund) for two positions to adopt necessary restrictions, regulations, and conduct tissue sample analysis. Unknown, potentially significant costs for the California Department of Food and Agriculture (CDFA) for increased workload related to enforcement activities and cooperation with DPR and county agricultural commissioners. Forgone state revenue likely in the hundreds of thousands of dollars annually (DPR Fund) due to a reduction in renewal fees, registration fees, and mill assessment collections from the added prohibition of diphacinone and diphacinone sodium salt. To the extent the Commission on State Mandates determines the provisions of this bill result in a reimbursable state mandate, unknown but potentially significant costs to reimburse local health agencies and county agricultural commissioners for conducting additional inspections into rodent investigations and enforcement related activities.

Related/Prior Legislation. AB 1298 (Bloom, Chapter 479, Statutes of 2021) corrected a drafting error in AB 1788 related to the prohibition of the use of SGARs.

AB 1788 (Bloom, Chapter 250, Statutes of 2020) prohibits the use of SGARs until the DPR director certifies, as described, a completed reevaluation of these rodenticides.

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AB 2657 (Bloom, Chapter 475, Statutes of 2014) prohibits the use of specified SGARs in wildlife habitat areas.

Support. According to supporters, “AB 1322 extends the existing moratorium on dangerous second-generation anticoagulant rodenticides to include the deadly first-generation anticoagulant diphacinone, and strengthens future restrictions on anticoagulant rodenticides to better protect wildlife, children, and pets. [...] The National Poison Data System documented over 2,300 cases of anticoagulant rodenticide poisoning of children under the age of 6 years old in the most recent year of reporting. Rodenticides pose an unreasonable risk to pets and domestic animals as well. More than 100 pets needlessly die each year due to rodenticide exposure. More protections for California families are necessary. Anticoagulant rodenticides pose an unreasonable risk to wildlife. The California Department of Pesticide Regulation has documented anticoagulant rodenticide poisonings in at least 38 different non-target species in California such as eagles, hawks, falcons, owls, bobcats, mountain lions, and even the imperiled San Joaquin kit fox, northern spotted owl, and California condor. The problem is so severe that over half of wildlife tested in California are exposed to rodenticides.”

According to a coalition of supporters, including the co-sponsors, Center for Biological Diversity and Raptors are the Solution, “Anticoagulant rodenticides pose an unreasonable risk to children and pets. The National Poison Data System documented over 2,300 cases of anticoagulant rodenticide poisoning of children under the age of 6 years old in the most recent year of reporting. Rodenticides pose an unreasonable risk to pets and domestic animals as well. More than 100 pets needlessly die each year due to rodenticide exposure. More protections for California families are necessary.”

“Anticoagulant rodenticides pose an unreasonable risk to wildlife. The California Department of Pesticide Regulation has documented anticoagulant rodenticide poisonings in at least 38 different non-target species in California such as eagles, hawks, falcons, owls, bobcats, mountain lions, and even the imperiled San Joaquin kit fox, northern spotted owl, and California condor. The problem is so severe that over half of wildlife tested in California are exposed to rodenticides. A recent national study found that 96 percent of bald eagles—our national bird—have been exposed to anticoagulant rodenticides and that 77 percent of golden eagles have been exposed.”

“There is a wide array of cost-effective alternatives available on the market today to better address rodent infestations. Sealing buildings and eliminating food and water sources are a necessary first step. Lethal rodent control strategies that involve snap traps, electric traps, fertility control, and other non-toxic methods can then be implemented to address any infestations. Several types of less toxic rodenticides are available as well. More information on effective and affordable alternatives can be found at www.SafeRodentControl.org.”

Opposition. According to the Pest Control Operators of California, “It is worth noting that the Department of Pesticide Regulation (DPR) has already initiated the re-evaluation process for diphacinone through a proposed decision. By taking proactive steps, DPR is already addressing the concerns that the bill seeks to tackle. Including duplicative requirements in the bill would only burden an already under-resourced department and create unnecessary work that could be better handled through the regular reporting channels to the Governor's office. [...] PCOC agrees with the intent of the bill in that the protection of California's wildlife and precious ecosystems is paramount, but this bill seeks to forego scientific conclusion, and legislate over the established regulatory authorities charged with performing these very investigations.”

A coalition of organizations, including Western Plant Health, Crop Life America, and the Almond Alliance, lists the following key reasons for their opposition:

- Both the US EPA and [DPR] already have a scientific process in place to evaluate pesticide use and this

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bill deviates from that important process, including specifying it is a restricted material absent the science to substantiate that categorization;

- The US EPA is already undergoing a review of first-generation anticoagulant rodenticides (FGAR), including an endangered species pilot;
- [DPR] is actively in the process of reevaluating diphacinone; and
- Responsible pest management demands a holistic approach, and this bill fails to acknowledge that approach under Integrated Pest Management.

History.

09/11/23	Senate amendments concurred in. To Engrossing and Enrolling. (Ayes 57. Noes 17.).
09/01/23	Read second time and amended. Ordered returned to second reading.
09/01/23	From committee: Amend and do pass as amended. (Ayes 5. Noes 2.) (September 1).
08/21/23	In committee: Referred to APPR suspense file.
07/11/23	From committee: Amend and do pass as amended and re-refer to Com. on APPR. (Ayes 6. Noes 3.) (July 10).
06/29/23	From committee: Amend and do pass as amended and re-refer to Com. on N.R. & W. (Ayes 4. Noes 2.) (June 28).
05/30/23	Read third time. Passed. Ordered to the Senate. (Ayes 57. Noes 12.)
05/18/23	From committee: Do pass. (Ayes 12. Noes 3.) (May 18). Joint Rule 62(a), file notice suspended.
04/24/23	From committee: Amend and do pass as amended and re-refer to Com. on APPR. (Ayes 11. Noes 2.) (April 24).
03/29/23	From committee: Do pass and re-refer to Com. on W., P., & W. (Ayes 7. Noes 0.) (March 28). Re-referred to Com. on W., P., & W.
02/16/23	Read first time. To print.

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Bill Number	Subject
SB 143	State Government
Author: Committee on Budget and Fiscal Review	Sponsor: n/a
Version: 8/28/2023	Board Position: None
Status: <i>Secretary of State-Chaptered</i>	Link to Analysis

Overview. Existing law, the Bagley-Keene Open Meeting Act, requires, with specified exceptions, that all meetings of a state body be open and public, and all persons be permitted to attend any meeting of a state body. The act authorizes meetings through teleconference under specified conditions, including, among others, that each teleconference location be accessible to the public and that at least one member of the state body be physically present at the location specified in the notice of the meeting.

Prior to July 1, 2023, existing law authorized, subject to specified notice and accessibility requirements, a state body to hold public meetings through teleconferencing and suspended certain requirements of the act, including the requirements referenced above.

This bill, until December 31, 2023, would reinstate the above-described authorization for a state body to hold public meetings through teleconferencing.

Fiscal Effect. n/a

Related/Prior Legislation. n/a

Support & Opposition. n/a

History.

09/13/23	Approved by the Governor. Chaptered by Secretary of State. Chapter 196, Statutes of 2023.
09/12/23	Enrolled and presented to the Governor at 11:30 a.m.
09/06/23	Ordered to second reading. Withdrawn from committee. Assembly Rule 96 suspended.
08/28/23	From committee with author's amendments. Read second time and amended. Re-referred to Com. on BUDGET.
03/30/23	Referred to Com. on BUDGET.
03/27/23	In Assembly. Read first time. Held at Desk.
01/18/23	Introduced. Read first time. To Com. on RLS. for assignment. To print.

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Bill Number	Subject
SB 372	Dept. of Consumer Affairs: Licensee & Registrant Records: Name & Gender Changes
Author: Menjivar	Sponsor: n/a
Version: 9/1/2023	Board Position: None
Status: <i>Governor-Enrolled</i>	Link to Full Text

Overview. This bill would require a board under the Department of Consumer Affairs (DCA) to replace references to a licensee's former name or gender on their license and on any website upon request when the licensee's name has been changed due to a court-ordered change in gender or under circumstances that resulted in participation in state's address confidentiality program.

Specifically, this bill:

- 1) Requires a board within the Department of Consumer Affairs to update references to a licensee's former name or gender on their license upon a request from a licensee who provides documentation demonstrating that their name and/or gender was legally changed under specified circumstances.
- 2) Additionally requires a board that operates an online license verification system to replace references to a licensee's former name or gender with the individual's current name or gender on the publicly viewable information displayed on the internet about the licensee and prohibits the licensee's former name or gender from being published online.
- 3) Provides that a licensee qualifies for the above actions by a board if the licensee provides government-issued documentation demonstrating that they legally changed their name either as part of a court-ordered change in gender or under circumstances that resulted in their participation in the Secretary of State's Safe at Home address confidentiality program.
- 4) Specifies the types of documents that are sufficient to demonstrate a gender change.
- 5) Prohibits a board from publishing enforcement records for an individual whose name was changed under the above circumstances but requires that the board post a statement that the individual previously was subject to enforcement action and that the public should contact the board for more information about the licensee's enforcement history.
- 6) Requires boards to ensure compliance with the PRA in implementing the above requirement, including by responding to a request within 10 days of receipt.
- 7) Requires a board to reissue a license created by the board and conferred upon the licensee upon request and prohibits a board from charging a higher fee for reissuing that document that it ordinarily charges for reissuing documents with other updated information.
- 8) Finds and declares that the bill's imposition of a limitation on the public's right of access to the meetings of public bodies or the writings of public officials and agencies is necessary in order to protect the privacy rights and safety of individuals.
- 9) Expressly provides that notwithstanding any other law, all records related to a request by a licensee or registrant for a board to update the individual's license or registration, including, but not limited to, all documentation relating to their name change, are confidential and not subject to public inspection or disclosure.

Purpose. According to the author: "The Department of Consumer Affairs (DCA) licenses professionals ranging from accountants to mental health professionals to nurses, who are all catalogued under their BreEZe online license verification system. Currently, however, transgender, and non-binary licensees who have gone through the process of legally changing their names still have their original or "dead" names listed on the DCA's online

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site. When trans or non-binary people transition or come out, they may choose a new name to affirm their identity. Research has shown that referring to someone using their chosen name can reduce depressive symptoms and even suicidal ideation for trans people. DCA's current practice can both negatively impact the mental health as well as the physical safety of all DCA licensees who are identified by their deadname online. SB 372 takes a simple and much-needed step to protect the safety and privacy of transgender and non-binary people licensed under DCA by requiring DCA to update its site to only identify its licensees by their current legal name upon request."

Background. Licensee Information Disclosure Requirements. Provisions of law generally applicable to entities under the DCA requires boards "provide on the internet information regarding the status of every license issued by that entity in accordance with the California Public Records Act ... and the Information Practices Act." The statute specifically requires that the public information include "information on suspensions and revocations of licenses issued by the entity and other related enforcement action, including accusations filed pursuant to the Administrative Procedure Act ... taken by the entity relative to persons, businesses, or facilities subject to licensure or regulation by the entity." Additional statutes provide for further requirements for individual boards within the DCA to post specified information about licensees on their websites.

Deadnaming. The term "deadnaming" refers to the act of using a transgender person's name assigned to them at birth, after they have transitioned and chosen a new name that aligns with their gender identity. Emerging research has demonstrated that the practice of deadnaming and misgendering can be detrimental to a transgender individual's mental health and physical safety by contributing to anxiety and psychological distress, triggering or exacerbating gender dysphoria, and damaging both the individual's identity affirmation and social acceptance. Studies by researchers have concluded that use of a transgender individual's chosen name reduces mental health risks such as depression, suicidal ideation, and suicidal behavior.

Recognition of a transgender person's identity on government documentation is both socially and legally significant. In 2013, then-Assemblymember Toni Atkins authored legislation that created an administrative procedure for a transgender person to amend the gender and name on their birth certificate without first obtaining a court order. In 2017, Senators Toni Atkins and Scott Wiener passed additional legislation enacting the Gender Recognition Act, which further improved the procedures that allow transgender and nonbinary individuals to change their name and gender marker to conform with their gender identity in a variety of documents, including a birth certificates and driver's licenses.

Other Name Changes. In addition to recognizing name changes resulting from a legal change in gender, this bill would also apply its requirements upon the request of licensees whose names have changed under other circumstances. Specifically, a licensee would be allowed to request that their former name be removed from their license and any website if they demonstrate that they are participating in the Secretary of State's Safe at Home address confidentiality program. Under the Safe at Home Program, eligible individuals can apply to have their address kept confidential. Instead of using their actual residential address, they are provided with a substitute address that can be used for various official purposes, such as voter registration, driver's license, and public records.

Individuals are eligible to participate in the Safe at Home program if they are victims of domestic violence, sexual assault, stalking, human trafficking, or elder or dependent adult abuse, or if they are employees or volunteers working in the reproductive health care field. While the reasons for removing any connection between these individuals' former and current names on public information are unrelated to the practice of deadnaming, the author fairly believes that there are other cogent reasons to apply the same provisions to these licensees. This bill would extend its requirements and prohibitions to those individuals who have changed their names and are participating in the Safe at Home Program.

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Fiscal Effect. According to the Assembly Appropriations Committee, the DCA anticipates minor and absorbable costs to its boards and bureaus to update procedures, processes, forms, and manuals, and to adopt regulations to comply with the requirements in this bill, and the DCA's Office of Information Services estimates total costs of \$21,000 to create and apply a global secondary status code and configure the DCA search to not display the previous names of record within the secondary status code.

Related/Prior Legislation. SB 373 (Menjivar) would prohibit the Board of Behavioral Sciences (BBS) and the Board of Psychology from disclosing the full address of record of its licensees on the internet.

AB 184 (Mathis) from 2019 would have required the BBS to withhold from the public information regarding a licensee or applicant's address of record, upon the applicant's request, if that address is a home address.

Support. A coalition letter was submitted on behalf of the numerous co-sponsors of this bill, including the California Psychological Association, California Association of Marriage and Family Therapists, California State Association of Psychiatrists, National Association of Social Workers – California Chapter, California Psychiatric Alliance, California Association for Licensed Professional Clinical Counselors, California Association of Social Rehabilitation Agencies, and the California Council of Community Behavioral Health Agencies. The letter states: "When a licensed professional legally changed their name, their original name, or deadname, appears on the DCA's Breeze online license verification system. This practice negatively impacts all licensees under the DCA who are identified by their previous name, when they prefer their legal name to be publicly shared. By limiting what is shared on the website, the safety and privacy of transitioned persons and others who have changed their licensed name under DCA is protected. Victims of domestic violence that have legally changed their name may wish for their information to be kept confidential. Individuals that have transitioned may be harassed or discriminated against when their transition is shared by listing their former name on the Breeze system."

Opposition. n/a

History.

09/11/23	Assembly amendments concurred in. (Ayes 36. Noes 4.) Ordered to engrossing and enrolling. Enrolled and presented to the Governor at 3 p.m.
09/01/23	Ordered to third reading.
09/01/23	Read third time and amended.
08/17/23	Read second time. Ordered to third reading.
08/16/23	From committee: Do pass. (Ayes 12. Noes 4.) (August 16).
06/27/23	From committee: Do pass as amended and re-refer to Com. on APPR. (Ayes 8. Noes 1.) (June 27).
06/20/23	From committee: Do pass and re-refer to Com. on JUD. (Ayes 13. Noes 0.) (June 20). Re-referred to Com. on JUD.
05/18/23	From committee: Do pass. (Ayes 5. Noes 2. Page 1168.) (May 18).
03/27/23	From committee: Do pass and re-refer to Com. on JUD. (Ayes 8. Noes 2. Page 535.) (March 27). Re-referred to Com. on JUD.
02/09/23	Introduced. Read first time. To Com. on RLS. for assignment. To print.

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Bill Number	Subject
SB 544	Bagley-Keene Open Meeting Act: teleconferencing
Author: Laird	Sponsor: n/a
Version: 8/14/2023	Board Position: Support
Status: <i>Senate-Passed-Enrollment</i>	
Link to Full Text	

Overview. This bill removes from the Bagley-Keene Open Meeting Act (Bagley-Keene or Act), indefinitely, requirements that a state body post agendas at all teleconference locations, that each teleconference location be identified in the notice and agenda of the meeting or proceeding, and that each teleconference location be accessible to the public. The state body shall provide a means by which the public may remotely hear audio of the meeting, remotely observe the meeting, or attend the meeting by providing on the posted agenda a teleconference telephone number, an internet website or other online platform, and a physical address for at least one site, including, if available, access equivalent to the access for a member of the state body participating remotely, as specified, and requires the agenda to provide an opportunity for the public to address the state body directly, as specified. The bill provides that one staff or member needs to be physically present at the physical location specified in the meeting, as opposed to existing law which requires a member to be present.

Specifically, this bill:

- 1) Requires state bodies to offer remote audio access, remote observation, and in-person attendance for teleconferenced meetings by listing teleconference numbers, online platforms, and physical addresses on the agenda, ensuring equivalent access for remote members, as specified.
- 2) Requires the applicable teleconference telephone number, internet website or other online platform, and physical address indicating how the public can access the meeting remotely and in person to be specified in any notice required by Bagley-Keene.
- 3) Deletes the requirement in Bagley-Keene that the agenda provide an opportunity for members of the public to address the state body directly at each teleconference location.
- 4) Provides that the requirement that at least one member of the state body be physically present at the location specified in the notice of the meeting may be satisfied by at least one staff of the state body.
- 5) Requires state bodies conducting teleconferenced meetings to establish and advertise a procedure for handling accessibility requests from individuals with disabilities, in compliance with the Americans with Disabilities Act of 1990.
- 6) Defines “participate remotely” to mean participation in a meeting at a location other than the physical location designated in the agenda of the meeting.
- 7) Defines “Remote location” means a location from which a member of a state body participates in a meeting other than any physical meeting location designated in the notice of the meeting. Remote locations need not be accessible to the public.
- 8) Provides that this bill does not affect the existing notice and agenda requirements and would require the state body to post an agenda on its internet website and, on the day of the meeting, at any physical meeting location designated in the notice of the meeting.
- 9) Specifies that members of the public are entitled to exercise their right to directly address the state body during the teleconference meeting without being required to submit public comments prior to the meeting or in writing.
- 10) Requires a state body, upon discovering that a means of remote participation has failed during a meeting and cannot be restored, to end or adjourn the meeting, as specified.

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- 11) Requires a member of a state body that is participating remotely to disclose whether any other individuals 18 years of age or older are present in the room at the remote location with the member, as specified.
- 12) States findings and declarations of the Legislature regarding the imposition of a limitation on the public's right of access to the meetings of public bodies or the writings of public officials.
- 13) Makes technical and confirming changes.

Purpose. According to the author, "In response to the COVID-19 pandemic and the widespread shutdown, the Governor signed an executive order to provide flexibility so state boards and commissions could continue to serve Californians remotely and safely. Although meant to be temporary, we saw significant benefits of remote meetings, such as increased participation and reduced operating costs to the state. SB 544 codifies the Governor's Executive Order allowing state boards and commissions the opportunity to continue holding virtual meetings without being required to list the private addresses of each remote member or provide public access to private locations. This bill will promote equity and public participation by removing barriers to Californians that experience challenges attending physical meetings, such as people with disabilities, caretakers, seniors, low-income individuals, and those living in rural or different areas of the state."

Background. The Bagley-Keene and the Brown Act are two laws that ensure the public can attend and participate in the meetings of state and local government bodies in California. These laws protect the public's right of access to the decision-making process of their government, subject to specific exceptions. Both permit a teleconferencing option for public meetings, subject to certain requirements for establishing a quorum, providing notice, posting agendas, and permitting members of the public to attend at any teleconferencing location.

The Bagley-Keene Act of 1967, which was passed by the Legislature, essentially stated that the public must have a seat at the table whenever a body gathers to reach a consensus. By doing this, the Legislature has provided the general public with the ability to monitor and be part of the decision-making process. The Bagley-Keene facilitates transparency of government activities and protects the rights of citizens to participate in state government deliberations. Therefore, absent a specific reason to keep the public out of meetings, the public should be allowed to monitor and participate in the decision-making process. Under Bagley-Keene a "state body" refers to state boards, state commissions, and similar multimember bodies of state government that are required to hold official meetings. The term "state body" also applies to committees, boards, and commissions who exercise authority delegated to it by a "state body," and to advisory committees or groups if they are created by formal action of a state body and have more than three members. The term may also apply to a board, commission, or agency that appears to be private or non-governmental in nature, if it receives funds provided by a "state body" and includes a member of a state body serving in their official capacity. The law does not apply to individual officials, advisory committees with no decision-making authority, or the California State Legislature.

The Act sets forth specific notice and agenda requirements. Bodies subject to the Bagley-Keene must prepare and publish, at least 10 days in advance of the meeting, an agenda of all items to be discussed or acted upon at the meeting, with the time and place of the meeting. This applies to both open-and-closed meetings scheduled for the body. The physical location of the meeting must be identified. Except as otherwise provided, State bodies shall provide an opportunity for members of the public to directly address the body on each agenda item before or during the state body's discussion or consideration of an item. State bodies must conduct their meetings openly, ensuring that members of the public can attend and participate without any restrictions based on race, gender, disability, or other discriminatory factors. The Act also requires state bodies to provide reasonable accommodations for individuals with disabilities, ensuring accessibility to meetings and materials. The public has the right to address state bodies on any agenda item before or during the meeting.

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State bodies must provide opportunities for public comment and cannot prohibit criticism of their policies, procedures, or actions. They may, however, impose reasonable time limits on public comments to maintain order and facilitate the conduct of business. The Bagley-Keene includes certain exceptions, such as closed sessions for discussing personnel issues or pending litigation, to protect the privacy and legal interests of individuals and the state. (§ 11126.)

The description of what constitutes a meeting under the Bagley-Keene is found in Cal. Gov. Code § 11122.5 (a). In essence, it is as a congregation of a majority of the members of the state body. This can even apply to informal gatherings, as well as meetings that are done via videoconference, or conducted over the telephone by conference call. Serial meetings also count towards the definition. In other words, state agency officials cannot get around the Act via a series of individual calls or meetings. Any written materials provided to a majority of the board are deemed a public record.

A meeting may take place by teleconference (either audio only or both audio and video), but the meeting must (1) comply with all the other requirements of the open meetings laws (e.g., notice requirements); (2) be audible to the public at the location specified in the notice of the open meeting; (3) have at least one member of the government body physically present at the location specified in the notice of the meeting.

Fiscal Effect. This bill is keyed fiscal by Legislative Counsel.

Related/Prior Legislation. SB 411 (Portantino) of 2023. Among other things, would authorize a legislative body of a local agency to use alternate teleconferencing provisions similar to the emergency provisions indefinitely and without regard to a state of emergency, as specified. (Assembly Local Government Committee)

SB 537 (Becker) of 2023. Would authorize an eligible legislative body, which is a board, commission, or advisory body of a multijurisdictional, cross county, local agency with appointed members that is subject to the Brown Act, to teleconference their meetings without having to make publicly accessible each teleconference location under certain conditions and limitations. (Assembly Local Government Committee)

AB 817 (Pacheco) of 2023. Among other things, would authorize a subsidiary state body to use alternative teleconferencing provisions similar to the emergency provisions indefinitely and without regard to a state of emergency, as specified. (Assembly Local Government Committee - Hearing postponed by committee)

AB 1275 (Arambula) of 2023. Would authorize the recognized statewide community college student organization and other student-run community college organizations, if specific conditions are met, to use teleconferencing for their meetings without having to post agendas at all teleconferencing locations, identify each teleconference location in the notice and agenda, and make each teleconference location accessible to the public. (Senate Committee on Governance and Finance)

SB 189 (Committee on Budget and Fiscal Review), Chapter 48, Statutes of 2022. Among other things, provided a temporary statutory extension (July 1, 2023) for state bodies in California to hold public meetings through teleconferencing, such as phone or video calls, instead of in-person gatherings, as specified.

AB 2449 (Rubio), Chapter 285, Statutes of 2022. The bill allowed, until January 1, 2026, members of a legislative body of a local agency to use teleconferencing without noticing their teleconference locations and making them publicly accessible under certain conditions. Clarify the process for members of legislative bodies to participate via teleconference in cases of emergency circumstances and refine provisions regarding compliance with applicable civil rights and nondiscrimination laws.

AB 1733 (Quirk) of 2022. This bill would have provided specified exemptions from the Bagley Keene for state bodies that conduct meetings via teleconference. Revises the requirements of the Bagley-Keene to provide the public remote access to every meeting and allow members of state bodies to participate 100 percent remotely, while removing existing provisions of the Act that require each teleconference location to be identified in the

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notice and agenda and accessible to the public. (Never heard in Assembly Committee on Governmental Organization)

AB 1795 (Fong) of 2022. This bill would have required state bodies, subject to existing exceptions, to provide all persons the ability to participate both in-person and remotely, as defined, in any meeting and to address the body remotely. (Never heard in Assembly Committee on Governmental Organization)

AB 885 (Quirk) of 2021. This bill would have required a state body that elects to conduct a meeting or proceeding by teleconference to make the portion that is required to be open to the public both audibly and visually observable. The bill would require a state body that elects to conduct a meeting or proceeding by teleconference to post an agenda at the designated primary physical meeting location in the notice of the meeting where members of the public may physically attend the meeting and participate. The bill would extend the above requirements of meetings of multimember advisory bodies that are held by teleconference to meetings of all multimember state bodies. (Never heard in Assembly Committee on Governmental Organization)

AB 361 (R. Rivas), Chapter 165, Statutes of 2021. Allowed, until January 1, 2024, local agencies to use teleconferencing without complying with specified Ralph. M Brown Act restrictions in certain state emergencies, and provides similar authorizations, until January 31, 2022, for state agencies subject to the Bagley-Keene and legislative bodies subject to the Gloria Romero Open Meetings Act of 2000.

AB 339 (Lee and Cristina Garcia) of 2021. The bill would have required, until December 31, 2023, that city councils and boards of supervisors in jurisdictions over 250,000 residents provide both in-person and teleconference options for the public to attend their meetings. Vetoed by Governor Newsom.

AB 1291 (Frazier), Chapter 63, Statutes of 2021. This bill requires a state body, when it limits time for public comment, to provide at least twice the allotted time to a member of the public who utilizes translating technology.

AB 2028 (Aguiar-Curry) of 2020. This bill requires state bodies to post all writings or materials provided to a member of the state body on the state agency's internet website the first business day after they are provided to the state agency or at least 48 hours in advance of the meeting, as specified. The bill also removes an exemption in existing law by requiring that a state body make an agenda item that had already been discussed by a committee of the state body open to public comment. Died on Senate Inactive File.

SB 53 (Wilk) of 2019-20 Legislative Session. Would have modified the definition of "state body" to clarify that standing committees, even if composed of less than three members, are a "state body" for the purposes of the Bagley-Keene. Held on Assembly Appropriations Suspense File.

AB 2958 (Quirk), Chapter 881, Statutes of 2018. Provided specified exemptions from Bagley Keene for advisory state bodies that conduct meetings via teleconference.

AB 1976 (Irwin), Chapter 451, Statutes of 2016. Created an exemption from the teleconference meeting requirements in Bagley-Keene for agricultural state bodies.

AB 2058 (Wilk) of the 2013- 2014 Legislative Session. Would have modified the definition of "state body," under Bagley-Keene, to exclude an advisory body with less than three individuals, except for certain standing committees. (Vetoed by Governor Brown)

AB 2720 (Ting), Chapter 510, Statutes of 2014. Required a state body to publicly report any action taken and the vote or abstention on that action of each member present for the action.

Support. In support of the bill, the California Commission on Aging writes that, "[i]n March 2020, the Governor issued an Executive Order, EO-N-29-20, authorizing the use of virtual meetings, thus ensuring state business continued during the COVID-19 pandemic. What started as a public safety stopgap has revealed that virtual

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meetings promote meeting attendance by the appointed members and increase public participation. SB 544 will increase transparency and promote public participation in State governments by expanding the pool of candidates interested in serving. Older adults and individuals with disabilities are no longer barred from attending meetings or participating in State government simply because they are limited from attending physically. SB 544 will also remove impediments for low-income, rural Californian residents, and caregivers who cannot or find it challenging to travel to one physical location.”

Opposition. The coalition of opposition writes that, “SB 544 would permit government officials doing consequential work on state boards and commissions to conduct public business virtually, without ever again being present at a physical location where the public and press can directly engage them. While we understand that virtual meetings and temporary measures amid emergencies may be necessary to protect health and safety, public officials serving on public bodies without ever having to convene in person results in a reduction of public access. And while we enthusiastically support increased options for remote participation for members of the public, we oppose this bill because it would forever remove the longstanding requirement that public meetings be held in public places where the public can petition their leaders and other government officials face to face.”

The opposition is seeking an amendment to require a physical quorum of members in one location, which would be open to the public, with other members of the body being able to join remotely. They point to the provisions in AB 2449 (Rubio, Ch. 285, Stats. 2022) as an example of this being done in the context of open meetings requirements for legislative bodies of local governments. This is also the requirement under Bagley-Keene as it relates to advisory boards and similar advisory bodies under Section 11123.5. They also seek several other guardrails around transparency, public participation, and a requirement that the state body provide the public with both call-in and video access.

History

09/14/23	Assembly amendments concurred in. (Ayes 30. Noes 5.) Ordered to engrossing and enrolling.
09/01/23	From committee: Do pass. (Ayes 14. Noes 0.) (September 1).
08/23/23	August 23 hearing postponed by committee.
07/18/23	From committee: Do pass as amended and re-refer to Com. on APPR. (Ayes 12. Noes 2.) (July 12).
05/15/23	Read third time. Passed. (Ayes 26. Noes 3. Page 1079.) Ordered to the Assembly.
04/26/23	From committee: Do pass as amended and re-refer to Com. on APPR. (Ayes 9. Noes 0. Page 894.) (April 25).
04/11/23	From committee: Do pass and re-refer to Com. on JUD. (Ayes 13. Noes 1. Page 656.) (April 11). Re-referred to Com. on JUD.
02/15/23	Introduced. Read first time. To Com. on RLS. for assignment. To print.

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Bill Number

SB 887

Subject

Consumer Affairs

Author & Sponsor: Committee on Business, Professions and Economic Development

Version: 4/20/2023

Board Position: None

Status: *Senate-Passed-Enrollment*

[Link to Analysis](#)

Overview. Makes various technical corrections, clarifying amendments, and non-substantive changes to provisions of law governing boards, bureaus, and programs under the Department of Consumer Affairs (DCA) as well as the Department of Real Estate (DRE).

Specifically, this bill would:

- 1) Clarifies the term of appointment for the representative from the California State University Chancellor as four years.
- 2) Replaces multiple references with gender-neutral terms.
- 3) Replaces an outdated reference to a certifying body for nurse anesthetists with the National Board of Certification and Recertification for Nurse Anesthetists, or a successor national professional organization approved by the BRN for purposes of licensure.
- 4) Adds the following for the BRN, in establishing its categories of NPs and standards of NPs, to take into account levels of advanced practice as outlined in the nurse practitioner curriculum core competencies specified in the National Organization of Nurse Practitioner Faculties' Nurse Practitioner Role Core Competencies 2022, or a successor approved by the BRN, experience, or both.
- 5) Authorizes an applicant for licensure as a psychologist to provide a transcript indicating completion of coursework, or a written certification from the department chair in addition to the registrar, for purposes of meeting licensure requirements.
- 6) Permits an out of state applicant for licensure, as a veterinarian to submit required out of state licensure information via electronic means instead of directly to the VMB.
- 7) Revises the membership of the VMB's Wellness Evaluation Committee to include at least one veterinarian, at least two public members, and at least one RVT.
- 8) Deletes the provision requiring a that veterinarian who reviews and investigates alleged violations of the veterinary practice act, be licensed, or employed by the state, as specified, and not be out of practice for more than four years.
- 9) Permits a person to rely on licensing and registration information as displayed in the BBS's website that includes the issuance and expiration dates of any license or registration issued by the BBS.
- 10) Deletes the BA's authority to establish an advisory continuing education committee.
- 11) Replaces reference to a "substandard peer review report" with a "peer reviewed report with a rating of "fail" for purposes of firm renewal for CPAs.
- 12) Deletes an outdated reference to passage of an examination for purposes of licensure as a CPA.
- 13) Makes conforming changes to the national examination required for licensure as an architect, as specified.
- 14) Extends the due date of a report due to the Legislature conducted by the BOP on automated drug delivery systems from January 1, 2024 to January 1, 2025.
- 15) Updates the required information to be included about the CFB in all contracts for goods and services offered by a licensee, as specified.
- 16) Permits consumers to submit their Consumer Recover Account application to the DRE by electronic means, as specified.

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- 17) Changes from fiscal to calendar year, the date by which the DCA must compile and submit a report to the Legislature on military and spouse licensure, as specified.
- 18) Makes numerous other technical, clarifying and conforming changes.

Purpose. This bill is the annual omnibus bill authored by the Senate Business, Professions, and Economic Development Committee, intended to consolidate a number of noncontroversial provisions related to various regulatory programs and professions governed by the Business and Professions Code. Consolidating the provisions in one bill aims to relieve the various licensing boards, bureaus, professions and other regulatory agencies from the necessity and burden of having separate measures for a number of non-controversial, primarily technical and clarifying, revisions.

Background. This bill does not impact operations of the Structural Pest Control Board.

Related/Prior Legislation. n/a

Support. The Board of Psychology supports this bill, writing: "This bill would streamline the application process to allow verification following review of a transcript that clearly indicated in the course title that the specified coursework had been completed. Additionally, the Board believes that to allow the department chair to act as an additional entity who could provide written certification would be an added convenience for applicants, in cases where the course title did not adequately indicate the coursework completed."

The Veterinary Medical Board also supports this bill, writing: "This bill would, among other things, authorize the Board to receive out-of-state license verification of license applicants through electronic means, revise the Board's Wellness Evaluation Committee composition to require at least one licensed veterinarian, at least two public members, and at least one registered veterinary technician, and delete the provision related to the criteria for a subject matter expert in citation cases. The Board supports these changes to the Practice Act in SB 887, as these amendments were requested by the Board this legislative session to improve the Practice Act."

Opposition. n/a

History.

09/12/23	Assembly amendments concurred in. (Ayes 38. Noes 0.) Ordered to engrossing and enrolling.
08/24/23	Ordered to third reading.
08/16/23	From committee: Do pass. Ordered to consent calendar. (Ayes 15. Noes 0.) (August 16).
07/11/23	From committee: Do pass and re-refer to Com. on APPR. with recommendation: To consent calendar. (Ayes 19. Noes 0.) (July 11). Re-referred to Com. on APPR.
05/11/23	Read third time. Passed. (Ayes 39. Noes 0. Page 1056.) Ordered to the Assembly.
04/24/23	From committee: Do pass and re-refer to Com. on APPR with recommendation: To consent calendar. (Ayes 13. Noes 0. Page 854.) (April 24). Re-referred to Com. on APPR.
03/14/23	Introduced. Read first time. To Com. on RLS. for assignment. To print.

2023/24 Legislative Analysis

Bill Number	Subject
AB 883	Business licenses: United States Department of Defense SkillBridge program
Author: Mathis	Sponsor: n/a
Version: 5/18/2023	Board Position: None
Status: <i>Assembly-Passed-Enrollment</i>	
Link to Full Text	

Overview. This bill would require boards under the Department of Consumer Affairs, after July 1, 2024, to expedite, and authorizes a board to assist with, the initial licensure process for an applicant who supplies satisfactory evidence they are an active-duty member of a regular component of the Armed Forces of the United States enrolled in the United States Department of Defense SkillBridge program.

Purpose. "The transition from active military duty to a civilian life is a stressful and isolating time for many service members, and as members of the legislature it is our responsibility to do all that we can to make this process as easy as possible. [This bill] will require state agencies to expedite applications of those who are enrolled in the Department of Defense's SkillBridge program, thus aligning existing state policy to expedite veteran applications and ensuring that every veteran is provided with the support, information and tools necessary to succeed."

Background. The SkillBridge program is an employment assistance program that provides work experience opportunities to service members transitioning to the civilian sector. Enrollees must be within 180 days of discharge, have had at least 180 continuous days of active service, and obtain written authorization from their unit commander. If approved, members can be granted up to 180 days of permissive duty to participate full-time in the program. The SkillBridge opportunities are offered through partner organizations that have been authorized by the DOD through an official memorandum of understanding to work with each of the applicable military branches and respective installation commanders to develop SkillBridge training programs for their personnel. To be approved by the DOD, partnering organizations must submit a detailed training plan that specifies, among other things, specific learning objectives, instructor qualifications, and descriptions of assessments.

The DOD also specifies that "SkillBridge opportunities must provide eligible Service members with a job training and career development experience to acquire employment skills, knowledge, or abilities to assist them with job opportunities in the civilian sector. The opportunities must offer a high probability of post-service employment with the provider or any other employer and offer enrollment at no cost or minimal cost to eligible Service members." The four SkillBridge opportunity types are: Apprenticeship/Pre-Apprenticeship programs, Employment Skills Training or On the Job Training, Internships, and Job Shadowing.

Fiscal Effect. Minor and absorbable costs to DCA licensing programs, as the department already expedites active-duty military member applications for licensure. Minor and absorbable costs to update forms and applications, and one-time absorbable workload to update regulations. One-time cost of approximately \$217,000 to DCA's Office of Information Services (OIS) for IT related workload, including updating online applications (BreZE, Connect, and SimpliGov), creating new modifiers, business rules, and workflow queues, and online web posting of updated paper applications to their respective program websites. OIS notes it will complete a portion of this work internally, but will require additional contract vendor resources, which is not absorbable.

Related/Prior Legislation. AB 225 (Gray, et al.) of 2021, which died pending a hearing in the Senate

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Business, Professions and Economic Development Committee, would have expanded the DCA temporary license program for spouses and registered domestic partners of active-duty military members to include active-duty members of the U.S. Armed Forces with active orders for separation within 90 days under other than dishonorable conditions.

AB 186 (Maienschein), Chapter 640, Statutes of 2014, established the DCA temporary license program for spouses and registered domestic partners of active-duty military members.

SB 1226 (Correa), Chapter 657, Statutes of 2014, established the requirement that DCA boards expedite applications from honorable discharged veterans.

Support. Supporters note that the bill aligns with existing state policy for veterans by ensuring the Department of Real Estate will expedite license applications to assist in transition to civilian life and note that “For those service members who are transitioning into fields requiring licensure, like real estate, expediting their license applications will directly and positively impact their transition and hasten their ability to earn an income and support their families. Unemployment is disproportionately high within the veteran community, but this bill will help eliminate unnecessary delays and roadblocks. They can hit the ground running. At a time when labor shortages and demographic changes challenge California’s workforce and economic outlook, the state cannot afford to lose workers to other states, especially our skilled and accomplished service men and women.”

Opposition. n/a

History.

09/12/23	In Assembly. Ordered to Engrossing and Enrolling. Read third time. Passed. Ordered to the Assembly. (Ayes 39. Noes 0.).
09/01/23	From committee: Do pass. (Ayes 7. Noes 0.) (September 1).
08/14/23	In committee: Referred to APPR suspense file.
07/11/23	From committee: Do pass and re-refer to Com. on APPR with recommendation: To Consent Calendar. (Ayes 5. Noes 0.) (July 10). Re-referred to Com. on APPR.
06/12/23	From committee: Do pass and re-refer to Com. on M. & V.A. (Ayes 12. Noes 0.) (June 12). Re-referred to Com. on M. & V.A.
05/30/23	Read third time. Passed. Ordered to the Senate. (Ayes 80. Noes 0.)
05/18/23	From committee: Amend and do pass as amended. (Ayes 15. Noes 0.) (May 18).
03/28/23	From committee: Do pass and re-refer to Com. on APPR. with recommendation: To Consent Calendar. (Ayes 18. Noes 0.) (March 28). Re-referred to Com. on APPR.
02/14/23	Read first time. To print.

2023/24 Legislative Analysis

<u>Bill Number</u>	<u>Subject</u>
AB 996	Dept. of Consumer Affairs: continuing education: conflict-of-interest policy
Author: Low	Sponsor: n/a
Version: 3/27/2023	Board Position: None
Status: <i>Senate-In Floor Process-Inactive</i>	
Link to Full Text	

Overview. Requires each board under the Department of Consumer Affairs (DCA) that approves continuing education (CE) providers or courses to have a conflict-of-interest policy that discourages the qualification of courses that promote a product or enterprise in which the provider has a financial interest and requires those conflicts to be disclosed before each course.

Specifically, this bill would:

- 1) Require any entity under the DCA that is responsible for approving CE providers or courses shall develop and maintain a conflict-of-interest policy.
- 2) Provide that each conflict-of-interest policy shall, at a minimum, discourage the qualification of any CE course if the provider of that course has an economic interest in a commercial product or enterprise directly or indirectly promoted in that course; and require conflicts to be disclosed at the beginning of each CE course.

Purpose. According to the Author/Sponsor: “While continuing education can be a valuable tool to help ensure that California’s licensed professionals continue to provide high-quality services to their patients and clients that reflect the current standards of their profession, there may be times where that education has an

Background. Numerous practice acts governing the licensing, regulation, and oversight of professionals within the jurisdiction of the DCA require licensees to continue their education and training as a condition of continuing their licensure. Statutes and regulations dictate how many hours of CE a licensee must complete over a certain number of years. While CE requirements can often be fulfilled through a wide variety of courses, some professionals must fulfill more complete more specific course content in order to renew a license.

CE providers and courses are approved to count toward professional requirements different ways depending on the practice act. For example, the Professional Fiduciaries Bureau is responsible for approving CE providers for its licensees, and the Bureau also reviews and approves specific CE courses. The Dental Board of California (DBC) is tasked with approving providers of CE for dental professionals; however, excluding mandatory courses, the DBC does not individually approve specific courses offered by approved registered providers. The California State Board of Pharmacy (BOP) is not responsible for approving CE providers or courses and relies entirely on two accreditation agencies.

Over the past several years, questions have been raised during the review of various boards under the DCA through the sunset process relating to the potential for conflicts-of-interest in CE courses. This type of conflict would typically occur when the provider or author of a CE course has a pecuniary interest in its topic. For example, a company that manufactures and sells a specific medical device would arguably have a conflict of interest if they were sponsoring a CE course that teaches health professionals about the availability and merit of that device. While perhaps there is some value to licensees learning about the device, there should be some basic awareness as to whether the content of the CE course is motivated in part by the company’s concern for profitability.

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While this bill would not expressly prohibit any particular CE course or content, it would require each entity under the DCA that plays a role in approving CE to develop and maintain a conflict-of-interest policy. A number of private accrediting associations and organizations already maintain a similar policy. Each policy would, at a minimum, be required to discourage the qualification of any CE course if the provider of that course has an economic interest in a commercial product or enterprise directly or indirectly promoted in that course. Any conflicts would also be required to be disclosed at the beginning of each course.

Fiscal Effect. Minor and absorbable costs to the impacted DCA boards and bureaus.

Related/Prior Legislation. n/a

Support. n/a

Opposition. The Board of Psychology opposes this bill, noting that “the organizations which approve continuing education providers and courses in psychology operate independently of the Board other than their regulatory specification as qualified to approve providers and offerings. As the Board does not approve the course offerings, it could not effectively monitor individual courses or offerings for any such conflict of interest. Thankfully, the primary organizations upon which we rely, including the American Psychological Association and the California Psychological Association, have established their own standards as to, among other things, conflicts of interest of continuing education speakers or providers and the required disclosure to attendees.” According to the Board, “unlike other disciplines, the continuing education courses most useful to licensees are often provided by the authors or publishers of the relevant materials. For example, when a new or revised assessment instrument or test is released to the market, the person, or persons most capable of speaking to the validity and reliability of the test, the appropriate method for administration, scoring, and interpretation, or its use with historically underrepresented groups are those who authored or developed the assessment instrument or test. Similarly, when a theorist, scientist, or researcher is one of the primary presenters in a continuing education course, they will often offer for sale a published work which further illuminates or explains the subject under discussion, offerings that the Board’s licensees have submitted help them to better understand and implement the subject of the course.”

Unlike some other healthcare disciplines, psychology does not find itself unnecessarily influenced by the types of conflicts of interest that arise when major industrial concerns, such as pharmaceutical companies or medical device makers, exert undue influence over the continuing education available to licensees.” The Board advises that “the proposed language would be difficult to implement given that it does not approve continuing education offerings. Further, it does not provide adequate guidance as to how the policy could be developed or enforced given the nature of continuing education in psychology. Licensees have expressed their concern that were all of the continuing education courses vetted based on the complete absence of any economic interest on the part of presenters or providers, the remaining course offerings might be insufficient to allow them to effectively satisfy the requirements for Continuing Professional Development, without taking courses not relevant to their practices.”

History.

08/17/23	Ordered to inactive file at the request of Senator Roth.
06/19/23	From committee: Do pass and re-refer to Com. on APPR. (Ayes 11. Noes 0.) (June 19). Re-referred to Com. on APPR.
05/25/23	Read third time. Passed. Ordered to the Senate. (Ayes 78. Noes 0.)
05/17/23	From committee: Do pass. (Ayes 16. Noes 0.) (May 17).
04/26/23	From committee: Do pass and re-refer to Com. on APPR. (Ayes 16. Noes 0.) (April 25). Re-referred to Com. on APPR.
02/15/23	Read first time. To print.

Senate Bill No. 813

Passed the Senate May 25, 2023

Secretary of the Senate

Passed the Assembly September 11, 2023

Chief Clerk of the Assembly

This bill was received by the Governor this _____ day
of _____, 2023, at _____ o'clock ____M.

Private Secretary of the Governor

CHAPTER _____

An act to amend Sections 8520 and 8528 of the Business and Professions Code, relating to structural pest control.

LEGISLATIVE COUNSEL'S DIGEST

SB 813, Roth. Structural Pest Control Board.

Existing law establishes the Structural Pest Control Board within the Department of Consumer Affairs, requires the board to license and regulate structural pest control operators, as specified, and authorizes the board to appoint a registrar to be the executive officer and secretary of the board. Existing law repeals those provisions on January 1, 2024, at which time the board is subject to review by the appropriate policy committees of the Legislature. Existing law makes a violation of provisions regulating structural pest control operators a misdemeanor.

This bill would extend the operation of the board and the authority to appoint a registrar to January 1, 2028. Because this bill would expand the application of an existing crime by extending the above-described misdemeanor, this bill would create a state-mandated local program.

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

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

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

SECTION 1. Section 8520 of the Business and Professions Code is amended to read:

8520. (a) There is in the Department of Consumer Affairs a Structural Pest Control Board, which consists of seven members.

(b) Subject to the jurisdiction conferred upon the director by Division 1 (commencing with Section 100), the board is vested with the power to and shall administer the provisions of this chapter.

(c) It is the intent of the Legislature that consumer protection is the primary mission of the board.

(d) This section shall remain in effect only until January 1, 2028, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2028, deletes or extends that date. Notwithstanding any other law, the repeal of this section renders the board subject to review by the appropriate policy committees of the Legislature.

SEC. 2. Section 8528 of the Business and Professions Code is amended to read:

8528. (a) With the approval of the director, the board shall appoint a registrar, fix the registrar's compensation, and prescribe the registrar's duties.

(b) The registrar is the executive officer and secretary of the board.

(c) This section shall remain in effect only until January 1, 2028, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2028, deletes or extends that date.

SEC. 3. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.

Assembly Bill No. 307

CHAPTER 82

An act to amend Section 8698.6 of the Business and Professions Code, relating to structural fumigation.

[Approved by Governor July 21, 2023. Filed with Secretary of State July 21, 2023.]

LEGISLATIVE COUNSEL'S DIGEST

AB 307, Chen. Structural fumigation enforcement program.

Existing law, until January 1, 2024, establishes a structural fumigation enforcement program that requires the Director of the Department of Pesticide Regulation to provide oversight for the program. Existing law requires any company performing a structural fumigation in the Counties of Los Angeles, Orange, or Santa Clara to pay the county agricultural commissioner a specified fee for each fumigation conducted at a specific location. Existing law authorizes the agricultural commissioners of those counties to perform increased structural fumigation, inspection, and enforcement activities to be funded by the required fee. Existing law requires these funds to be paid to the county and used for the sole purpose of funding enforcement and training activities directly related to the structural fumigation program.

This bill would extend the operation of these provisions to January 1, 2029.

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

SECTION 1. Section 8698.6 of the Business and Professions Code is amended to read:

8698.6. This chapter shall remain in effect only until January 1, 2029, and as of that date is repealed.

Assembly Bill No. 363

Passed the Assembly September 12, 2023

Chief Clerk of the Assembly

Passed the Senate September 11, 2023

Secretary of the Senate

This bill was received by the Governor this _____ day
of _____, 2023, at _____ o'clock ____M.

Private Secretary of the Governor

CHAPTER _____

An act to amend Section 12838 of the Food and Agricultural Code, relating to pesticides.

LEGISLATIVE COUNSEL'S DIGEST

AB 363, Bauer-Kahan. Pesticides: neonicotinoids for nonagricultural use: reevaluation: control measures.

Existing law, added by the Governor's Reorganization Plan No. 1 of 1991, creates the Department of Pesticide Regulation, which is administered by the Director of Pesticide Regulation. Existing law requires the director to endeavor to eliminate from use a pesticide that endangers the agricultural or nonagricultural environment. Existing law requires pesticides to be registered by the department, and requires that a pesticide be thoroughly evaluated prior to registration. Existing law provides for the continued evaluation of registered pesticides. Existing law requires the department, by July 1, 2018, to issue a determination with respect to its reevaluation of neonicotinoids and to adopt any control measures necessary to protect pollinator health within 2 years after making that determination. Existing law provides that every person who violates a provision of any of certain laws relating to pesticides, or a regulation issued pursuant to any of those laws, is guilty of a misdemeanor and shall be punished by specified fines or by imprisonment of not more than 6 months, or both.

This bill, beginning January 1, 2025, would prohibit a person from selling, possessing, or using a pesticide containing one or more neonicotinoid pesticides, as defined, for any nonagricultural use on nonproduction outdoor ornamental plants, trees, or turf, except as provided. The bill would require the department to evaluate, taking into account relevant routes of exposure, the potential impacts of those neonicotinoid pesticide uses on pollinating insects, aquatic organisms, and human health. The bill would require the department, among other things, to issue a determination on those impacts on or before July 1, 2027, and adopt necessary control measures for the use of neonicotinoid pesticides on or before July 1, 2029.

Because the adoption of control measures for the use of neonicotinoid pesticides would require regulations, and a violation of those regulations and the above-described prohibition of the sale, possession, and use of neonicotinoid pesticides would be a crime, this bill would impose a state-mandated local program.

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

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

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

SECTION 1. Section 12838 of the Food and Agricultural Code is amended to read:

12838. (a) On or before July 1, 2018, the department shall issue a determination with respect to its reevaluation of neonicotinoids.

(b) (1) Within two years after making the determination specified in subdivision (a), the department shall adopt any control measures necessary to protect pollinator health.

(2) If the department is unable to adopt the necessary control measures within two years as required in paragraph (1), the department shall submit a report to the appropriate committees of the Legislature setting forth the reasons the requirement of paragraph (1) has not been met.

(3) The department shall update the report submitted to the appropriate committees of the Legislature pursuant to paragraph (2) every year until the department adopts the necessary control measures specified in paragraph (1).

(c) (1) For purposes of this subdivision, the following definitions apply:

(A) “Cumulative impacts of exposure” means the collective impact of exposure to two or more neonicotinoid pesticides.

(B) “Neonicotinoid pesticide” means a pesticide containing acetamiprid, clothianidin, dinotefuran, imidacloprid, thiamethoxam, or any other chemical designated by the department as belonging to the neonicotinoid class of chemicals.

(2) Beginning January 1, 2025, a person shall not sell, possess, or use a pesticide containing one or more neonicotinoid pesticides for any use that is excluded from the definition of “agricultural use” in Section 11408 on nonproduction outdoor ornamental plants, trees, or turf, with the exception of use and possession by state certified applicators and sale by state licensed pest control dealers.

(3) The department shall evaluate, at a minimum, the potential impacts of the neonicotinoid pesticide uses described in paragraph (2) on pollinating insects, aquatic organisms, and human health, taking into account relevant routes of exposure, as follows:

(A) On or before January 1, 2024, the department shall issue a draft human health risk assessment of imidacloprid.

(B) On or before July 1, 2024, the department shall initiate a reevaluation of neonicotinoid pesticides relative to pollinating insects, aquatic organisms, and human health, taking into account relevant routes of exposure.

(C) On or before January 1, 2025, the department shall issue a final human health risk assessment for imidacloprid.

(D) On or before January 1, 2025, the department shall issue draft human health risk assessments for the neonicotinoid chemicals described in subparagraph (B) of paragraph (1) other than imidacloprid.

(E) On or before July 1, 2025, the department shall issue an evaluation of the impact of neonicotinoid pesticides on aquatic organisms.

(F) On or before January 1, 2026, the department shall issue final human health risk assessments for the neonicotinoid chemicals described in subparagraph (B) of paragraph (1) other than imidacloprid.

(G) On or before July 1, 2027, the department shall issue a determination with respect to the reevaluation of neonicotinoid pesticides on their impacts to pollinating insects, aquatic organisms, and human health.

(4) On or before July 1, 2029, the department shall adopt any necessary control measures for the use of neonicotinoid pesticides that are determined by the department to be necessary, based on the evaluations described in paragraph (3).

(5) If the department is unable to meet any deadline required in paragraph (3) or (4), the department shall submit a report to the

appropriate committees of the Legislature setting forth the reasons the deadline or deadlines have not been met.

(6) In performing the evaluations described in paragraph (3), the department shall consider the cumulative impacts of exposure to multiple neonicotinoid pesticides unless the department can demonstrate with substantial evidence that one or more neonicotinoid pesticides do not share a common mechanism of toxicity and do not present risk of cumulative harm.

(7) The department is not required to conduct a reevaluation of any use of neonicotinoid pesticides for the protection of agricultural commodities, as defined in Section 6000 of Title 3 of the California Code of Regulations.

SEC. 2. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.

AMENDED IN SENATE SEPTEMBER 8, 2023

AMENDED IN SENATE AUGUST 17, 2023

AMENDED IN SENATE AUGUST 14, 2023

AMENDED IN SENATE JUNE 22, 2023

AMENDED IN ASSEMBLY MARCH 6, 2023

CALIFORNIA LEGISLATURE—2023–24 REGULAR SESSION

ASSEMBLY BILL

No. 652

Introduced by Assembly Member Lee
(Coauthors: Assembly Members Bennett, Kalra, Pellerin, Connolly,
McKinnor, and Zbur)
(Coauthors: Senators Durazo, Gonzalez, and Laird)

February 9, 2023

An act to add Section 11519 to the Food and Agricultural Code, relating to the Department of Pesticide Regulation.

LEGISLATIVE COUNSEL'S DIGEST

AB 652, as amended, Lee. Department of Pesticide Regulation Environmental Justice Advisory Committee.

Existing law, added by the Governor's Reorganization Plan No. 1 of 1991, creates the Department of Pesticide Regulation and authorizes the Director of Pesticide Regulation, among other things, to adopt regulations for the issuance and renewal of licenses and certificates for pest control operations. Existing law requires the director, on or after January 1, 2025, to adopt regulations for the issuance and renewal of licenses and certificates for pest control operations for a 3-year period.

This bill would require the department, by ~~July 1, 2025~~, *January 1, 2026*, to establish and convene a Department of Pesticide Regulation Environmental Justice Advisory Committee, as provided, that would provide *prioritized* recommendations to the department on ways to integrate environmental justice considerations into department programs, policies, decisionmaking, and activities, and on how the department can improve its engagement with communities with the most significant exposure to pesticides. The bill would require the advisory committee to hold, at a minimum, ~~quarterly~~ *2 public meetings annually* and to ~~periodically post post, as needed, its recommendations~~ on the department's internet website ~~its recommendations~~. The bill would also require the department to ~~periodically post post, as needed,~~ on its internet website an update on its efforts to incorporate the advisory committee's recommendations.

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 11519 is added to the Food and
2 Agricultural Code, to read:
3 11519. (a) The department shall convene a Department of
4 Pesticide Regulation Environmental Justice Advisory Committee
5 by ~~July 1, 2025~~. *January 1, 2026*.
6 (b) (1) The advisory committee shall be composed of up to ~~15~~
7 *11* members, and shall include all of the following:
8 (A) At least ~~three~~ *two* environmental justice leaders who
9 represent rural ~~and urban~~ communities with the most significant
10 exposure to pesticides.
11 (B) *At least one environmental justice leader who represents*
12 *urban communities with the most significant exposure to pesticides.*
13 ~~(B)~~
14 (C) At least ~~three~~ *representatives* *one representative* of Native
15 American, tribal, or indigenous groups.
16 ~~(C)~~
17 (D) At least ~~two farmworker advocates~~. *one farmworker*
18 *advocate.*
19 ~~(D)~~
20 (E) Up to ~~two people~~ *one person* with expertise in issues
21 affecting socially disadvantaged farmers or ranchers.

1 ~~(E)~~

2 ~~(F) Up to two agroecologists or biologists~~ *one agroecologist or*
3 *biologist with an environmental justice background.*

4 *(2) The goal of the composition of the advisory committee*
5 ~~members shall membership is to reflect the geographic diversity~~
6 *of California and represent communities in the central coast, central*
7 *valley, and southern and northern California.*

8 ~~(c) The department~~ *Director of Pesticide Regulation shall*
9 *appoint the advisory committee members from nominations*
10 *received from environmental justice organizations and community*
11 ~~groups organizations, community groups, or other organizations~~
12 *or entities implementing program work that seeks to achieve*
13 *environmental justice as defined in Section 65040.12 of the*
14 *Government Code through an open, public process. The*

15 ~~(d) The advisory committee~~ *committee, in consultation with the*
16 *department, shall adopt a charter that establishes includes, but is*
17 *not limited to, the governance structure of the advisory committee,*
18 ~~including, but not limited to, term limits and a selection~~ *term limits,*
19 *an application process for new advisory committee members based*
20 ~~on an open, public nomination process. members, and the process~~
21 *for identifying prioritized recommendations.*

22 ~~(d)~~

23 *(e) (1) The advisory committee shall provide prioritized*
24 *recommendations to the department on ways to integrate*
25 *environmental justice considerations into department programs,*
26 *policies, decisionmaking, and activities, and on how the department*
27 *can improve its engagement with communities with the most*
28 *significant exposure to pesticides.*

29 *(2) The advisory committee shall develop prioritized*
30 *recommendations within the department's authority as specified*
31 *in statute. The prioritized recommendations shall be done through*
32 *a public process and take public feedback into consideration.*

33 ~~(e)~~

34 *(f) (1) The members of the advisory committee may receive a*
35 *reasonable per diem allowance as specified in Section 11564.5 of*
36 *the Government Code, or at a higher rate that may be established*
37 *by the department, for each day's attendance at a noticed meeting*
38 *of the advisory committee.*

(2) The members of the advisory committee may be reimbursed for actual and necessary travel expenses incurred in connection with their official duties.

~~(f)~~

(g) The advisory committee members and the department's Assistant Director for Environmental Justice and Equity department shall cofacilitate advisory committee meetings. The advisory committee shall hold, at a minimum, ~~quarterly two~~ public meetings, ~~meetings annually~~, of which at least ~~three one~~ per year shall be held in ~~communities a~~ community with high pesticide use. Members of the advisory committee shall be provided with a remote call-in option. Language access shall be available to advisory committee members and the public.

~~(g)~~

~~(h)~~ The advisory committee shall periodically post, *committee's recommendations for the department shall be posted, as needed*, on the department's internet website, ~~its recommendations for the department website.~~

~~(h)~~

(i) The department shall periodically post, *as needed*, on its internet website, an update on its efforts to incorporate the recommendations of the advisory committee.

~~(i)~~

(j) For purposes of this section, the following definitions apply:

(1) "Advisory committee" means the Department of Pesticide Regulation Environmental Justice Advisory Committee established pursuant to this section.

(2) "Department" means the Department of Pesticide Regulation.

(3) "Socially disadvantaged farmer or rancher" has the same meaning as defined in Section 512.

Assembly Bill No. 1322

Passed the Assembly September 11, 2023

Chief Clerk of the Assembly

Passed the Senate September 7, 2023

Secretary of the Senate

This bill was received by the Governor this _____ day
of _____, 2023, at _____ o'clock ____M.

Private Secretary of the Governor

CHAPTER _____

An act to amend Section 12978.7 of the Food and Agricultural Code, relating to pesticides.

LEGISLATIVE COUNSEL'S DIGEST

AB 1322, Friedman. Pesticides: second-generation anticoagulant rodenticide: diphacinone.

Existing law regulates the use of pesticides and authorizes the Director of Pesticide Regulation to adopt regulations to govern the possession, sale, or use of any pesticide, as prescribed. Existing law prohibits the use of second-generation anticoagulant rodenticides, as defined, in wildlife habitat areas. Existing law additionally prohibits the use of second-generation anticoagulant rodenticides in the state until the director certifies to the Secretary of State that, among other things, the Department of Pesticide Regulation, in consultation with the Department of Fish and Wildlife, has adopted any additional restrictions necessary to ensure that continued use of second-generation anticoagulant rodenticides is not reasonably expected to result in significant adverse effects to nontarget wildlife, as provided. Existing law exempts the use of second-generation anticoagulant rodenticides from these prohibitions under certain circumstances. Existing law requires the director, and each county agricultural commissioner under the direction and supervision of the director, to enforce the provisions regulating the use of pesticides. A violation of these provisions is a misdemeanor.

This bill would also prohibit the use of diphacinone in a wildlife habitat area and in the state and would generally apply the above provisions and other related requirements to diphacinone. The bill would change the above-described condition required for the director to make the certification to the Secretary of State to instead provide that the Department of Pesticide Regulation, in consultation with, and with the concurrence of, the Department of Fish and Wildlife, has adopted any additional restrictions that are necessary to ensure a trend of statistically significant reductions in the mean concentration values of detectable levels of second-generation anticoagulant rodenticides or any of their metabolites in tested

tissues of a scientifically representative sample of wildlife. The bill would authorize these restrictions to include a requirement to implement alternatives, such as integrated pest management, before the use of second-generation anticoagulant rodenticides. The bill would also set forth similar conditions for the director to make the certification with respect to diphacinone, as provided.

By imposing additional duties on county agricultural commissioners, and expanding the definition of a crime, this bill would impose a state-mandated local program.

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

This bill would provide that with regard to certain mandates no reimbursement is required by this act for a specified reason.

With regard to any other mandates, this bill would provide that, if the Commission on State Mandates determines that the bill contains costs so mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

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

SECTION 1. (a) The Legislature finds and declares all of the following:

(1) Wildlife, including birds of prey, mountain lions, bobcats, fishers, foxes, coyotes, and endangered species such as the northern spotted owl, pacific fisher, and San Joaquin kit fox, are an irreplaceable part of California's natural ecosystems. As predators of small mammals, they play an important role in regulating and controlling the population of rodents throughout the state to improve public health and welfare.

(2) Millions of people annually visit California for the purposes of viewing and photographing wildlife, and these visits contribute millions of dollars to California's economy.

(3) Urban areas are increasingly being used by predatory mammals and birds of prey and the public enjoys seeing them and values these animals and the ecosystem services they provide.

(4) The ecosystem services provided by native wildlife predators are a public trust, just like clean air and water. We, as California

residents, are obligated to conserve these wildlife populations for future generations of Californians.

(5) Consistent with this obligation, and as set forth in Executive Order No. N-82-20, it is the policy of the state to conserve at least 30 percent of California's land and coastal waters by 2030 in a manner that protects and restores biodiversity, enables enduring conservation measures on a broad range of landscapes, builds climate resilience, reduces risk from extreme climate events, and contributes to the state's efforts to combat climate change.

(6) Protection and restoration of biodiversity consistent with Executive Order No. N-82-20 requires implementation of science-based measures to limit the use of anticoagulant rodenticides, which cause direct mortality and chronic long-term health impacts for natural predators, nontarget organisms, and endangered species.

(7) Second-generation anticoagulant rodenticides (SGARs) are particularly dangerous to nontarget wildlife as SGARs are higher potency than prior generations and a single dose has a half-life of more than 100 days in a rodent's liver. Due to SGARs' high toxicity and concern for their impact on nontarget wildlife, the Legislature enacted the California Ecosystems Protection Act of 2020 (Assembly Bill 1788) to restrict the use of SGARs until further study is conducted. Since the implementation of Assembly Bill 1788 in January 2021, the California Department of Fish and Wildlife has continued to document the presence of SGARs in nontarget wildlife and more data and analysis is required to determine whether additional restrictions are necessary to protect wildlife and ecosystems.

(8) Diphacinone is a first-generation anticoagulant rodenticide (FGAR) that is commonly used and sold throughout the state and is the most frequently detected FGAR in nontarget wildlife. In a 16-year study of urban bobcats in Los Angeles, diphacinone was detected in approximately 30 percent of the blood samples tested and 40 percent of the liver samples tested. Exposure to diphacinone results in both lethal and sublethal effects on nontarget wildlife, including causing severe skin diseases and decreasing the immune system's response.

(9) Mountain lions in southern California are facing what scientists call an "extinction vortex" caused by lack of habitat connectivity, vehicle strikes, and rodenticide poisoning. National

Park Service researchers have documented the presence of SGARs or FGARs in 39 out of 40 mountain lions tested in the Santa Monica Mountains. Rodenticide poisoning is so pervasive that in September 2022, the four unborn kittens of a pregnant mountain lion named P-54 tested positive for SGARs and FGARs, including diphacinone. Another female mountain lion, P-65, died in 2022 of severe mange, and five anticoagulant rodenticide compounds were found in her liver, including SGARs and diphacinone. Research demonstrates a strong correlation between severe mange and the level of exposure to anticoagulant rodenticides.

(10) Rodenticides can be counterproductive to rodent control by poisoning, harming, and killing natural predators that help regulate rodent populations throughout California.

(b) It is the intent of the Legislature in enacting this act to ensure that the use of anticoagulant rodenticides that are harmful to aquatic, terrestrial, and avian wildlife species be appropriately restricted in order to protect and restore the state's biodiversity.

(c) This act shall be known, and may be cited, as the California Ecosystems Protection Act of 2023.

SEC. 2. Section 12978.7 of the Food and Agricultural Code is amended to read:

12978.7. (a) For purposes of this section, the following terms have the following meanings:

(1) "Diphacinone" means any pesticide product containing diphacinone.

(2) "Integrated pest management" means an ecosystem-based strategy that focuses on long-term prevention of pests or their damage through a combination of techniques, such as biological control, habitat manipulation, modification of cultural practices, and use of resistant varieties. Pesticides are used only after monitoring indicates pesticides are needed according to established guidelines, and treatments are made with the goal of removing only the target organism. Pest control materials are selected and applied in a manner that minimizes risks to human health, beneficial and nontarget organisms, and the environment.

(3) "Second-generation anticoagulant rodenticide" means any pesticide product containing any of the following active ingredients:

(A) Brodifacoum.

(B) Bromadiolone.

(C) Difenacoum.

(D) Difethialone.

(4) “Wildlife habitat area” means any park or wildlife refuge managed by a state agency, regional government, or quasi-government agency, or by a special district.

(b) Except as provided in subdivision (f), and notwithstanding subdivision (c), the use of any second-generation anticoagulant rodenticide or diphacinone is prohibited in a wildlife habitat area.

(c) Except as provided in subdivision (f) or (g), the use of any second-generation anticoagulant rodenticide is prohibited in this state until the director makes the certification described in subdivision (h).

(d) Except as provided in subdivision (f) or (g), the use of diphacinone is prohibited in this state and diphacinone shall be considered a restricted material pursuant to Section 14004.5 until the director makes the certification described in subdivision (i).

(e) State agencies are directed to encourage federal agencies to comply with subdivisions (b) to (d), inclusive.

(f) This section does not apply to any of the following:

(1) The use of second-generation anticoagulant rodenticides or diphacinone by any governmental agency employee who complies with Section 106925 of the Health and Safety Code, who uses second-generation anticoagulant rodenticides or diphacinone for public health activities.

(2) The use of second-generation anticoagulant rodenticides or diphacinone otherwise prohibited by this section when used by any governmental agency employee for the purposes of protecting water supply infrastructure and facilities in a manner that is consistent with all otherwise applicable federal and state laws and regulations.

(3) The use of second-generation anticoagulant rodenticides or diphacinone by a mosquito or vector control district formed under Chapter 1 (commencing with Section 2000) of Division 3 or Chapter 8 (commencing with Section 2800) of Division 3 of the Health and Safety Code to protect the public health.

(4) The use of any second-generation anticoagulant rodenticides or diphacinone for the eradication of nonnative invasive species inhabiting or found to be present on offshore islands in a manner that is consistent with all otherwise applicable federal and state laws and regulations.

(5) The use of any second-generation anticoagulant rodenticide or diphacinone that the Department of Fish and Wildlife determines is required to control or eradicate an invasive rodent population for the protection of threatened or endangered species or their habitats.

(6) The use of any second-generation anticoagulant rodenticide or diphacinone to control an actual or potential rodent infestation associated with a public health need, as determined by a supporting declaration from the State Public Health Officer or a local public health officer. For purposes of this section, a public health need is an urgent, nonroutine situation posing a significant risk to human health in which it is documented that other rodent control alternatives, including nonchemical alternatives, are inadequate to control the rodent infestation.

(7) The use of any second-generation anticoagulant rodenticide or diphacinone for research purposes related to the reevaluation described in paragraph (1) of subdivision (h) or paragraph (1) of subdivision (i). Before using a second-generation anticoagulant rodenticide or diphacinone in the manner described in this paragraph, a written authorization for research shall be obtained from the director. The director may specify the conditions in the authorization for research under which the research shall be conducted. The director may terminate, amend, or refuse to issue an authorization for research if the director determines any of the following:

(A) The research may involve a hazard to the environment.

(B) The research may be used for purposes unrelated to pesticide data development.

(C) A violation of the authorization for research, prior authorization for research, or Division 6 (commencing with Section 11401) or this division, or a regulation adopted pursuant to either or both of those divisions, has occurred in connection with the research.

(g) (1) This section does not apply to the use of second-generation anticoagulant rodenticides or diphacinone in either of the following locations:

(A) A medical waste generator, as defined in Section 117705 of the Health and Safety Code.

(B) A facility registered annually and subject to inspection under Section 510 of the Federal Food, Drug, and Cosmetic Act (21

U.S.C. Sec. 360 et seq.) and compliant with the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. Sec. 136 et seq.).

(2) This section does not apply to the use of second-generation anticoagulant rodenticides or diphacinone for agricultural activities, as defined in Section 564.

(3) For purposes of paragraph (2), “agricultural activities” include activities conducted in any of the following locations:

(A) A warehouse used to store foods for human or animal consumption.

(B) An agricultural food production site, including, but not limited to, a slaughterhouse or cannery.

(C) A factory, brewery, or winery.

(D) An agricultural production site housing water storage and conveyance facilities.

(E) An agricultural production site housing rights-of-way and other transportation infrastructure.

(h) After the director determines that both of the following conditions have occurred, the director shall certify to the Secretary of State that determination:

(1) The department has completed the reevaluation of second-generation anticoagulant rodenticides, as commenced by the department on March 12, 2019, pursuant to California Notice 2019-03 “(Notice of Final Decision to Begin Reevaluation of Second-Generation Anticoagulant Rodenticides).”

(2) Consistent with the requirements of this division and regulations adopted pursuant to this division, the department, in consultation with, and with the concurrence of, the Department of Fish and Wildlife, has adopted any additional restrictions that are necessary to ensure a trend of statistically significant reductions in the mean concentration values of detectable levels of second-generation anticoagulant rodenticides or any of their metabolites in tested tissues of a scientifically representative sample of wildlife. These restrictions may include a requirement to implement alternatives, such as integrated pest management, before the use of second-generation anticoagulant rodenticides. The department, in concurrence with the Department of Fish and Wildlife, shall make a finding that the restrictions are necessary based upon the best available science, which may include reviewing data and studying samples of certain species and their populations as proxies for all potentially impacted species and populations.

(i) After the director determines that both of the following conditions have occurred, the director shall certify to the Secretary of State that determination:

(1) The department has completed any pending reevaluation of diphacinone.

(2) Consistent with the requirements of this division and regulations adopted pursuant to this division, the department, in consultation with, and with the concurrence of, the Department of Fish and Wildlife, has adopted any additional restrictions that are necessary to ensure a trend of statistically significant reductions in the mean concentration values of detectable levels of diphacinone or any of its metabolites in tested tissues of a scientifically representative sample of wildlife. These restrictions may include a requirement to implement alternatives, such as integrated pest management, before the use of diphacinone. The department, in concurrence with the Department of Fish and Wildlife, shall make a finding that the restrictions are necessary based upon the best available science, which may include reviewing data and studying samples of certain species and their populations as proxies for all potentially impacted species and populations. Substantial evidence supporting the restrictions, including any requirement to implement alternatives, shall, to the extent feasible, include, but not be limited to, analysis regarding exposure pathways, sublethal effects, species sensitivity, and the cumulative and synergistic effects of exposure to anticoagulant rodenticides, including lethal and sublethal effects on wildlife, including rare, sensitive, special status, threatened, or endangered species.

SEC. 3. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution for certain costs that may be incurred by a local agency or school district because, in that regard, this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.

However, if the Commission on State Mandates determines that this act contains other costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made

pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code.

UNFINISHED BUSINESS

Bill No: SB 143
Author: Committee on Budget and Fiscal Review
Amended: 8/28/23
Vote: 21 - Urgency

PRIOR VOTES NOT RELEVANT

ASSEMBLY FLOOR: 74-0, 9/8/23 - See last page for vote

SUBJECT: State government

SOURCE: Author

DIGEST: This bill, a general government budget trailer bill, contains the necessary changes to implement provisions adopted as part of the Budget Act of 2023.

Assembly Amendments delete the Senate version of the bill and instead add the current language.

ANALYSIS: This bill makes the following statutory changes:

- 1) *Portability of Professional Licenses for Servicemembers*. Conforms state statutes with recent federal law enabling the portability of professional licenses for servicemembers and spouses if certain requirements are met, as specified.
- 2) *Physician Post-Graduate Training License*. Provides an extension to March 31, 2024, for physician post-graduate training licenses expiring between June 1, 2023, and December 1, 2023. Clarifies that medical school graduates must obtain a post-graduate training license 180 days after beginning a training program. Extends the amount of time from 90 days to 180 days for applicants who have completed 12 months of approved postgraduate training in another state or Canada to obtain a physician and surgeon's license.

- 3) *Goat Herders*. Extends the sunset date, from January 1, 2024, to July 1, 2026, for labor provisions that are applicable to both sheepherders and goat herders. States that the Labor Commissioner shall now issue a report on employment of sheepherders and goat herders in California, including minimum wage and overtime on or before January 1, 2026, instead of on or before January 1, 2024.
- 4) *Women in Construction Priority Unit Clarification*. Clarifies that pre-apprenticeship programs are eligible for resources provided by this unit.
- 5) *State Allocation Board Appointments*. Provides the President Pro Tempore of the Senate appointment authority for Senators to the State Allocation Board.
- 6) *Bagley-Keene Open Meeting Act*. Authorizes state entities to hold public meetings, subject to specified notice and accessibility requirements, through teleconferencing and making public meetings accessible telephonically or otherwise electronically to the public, as specified. This bill sunsets these provisions on December 31, 2023.
- 7) *CalFIRE Public Works*. Provides technical cleanup to address a drafting error in SB 122 (Committee on Budget and Fiscal Review, Chapter 51, Statutes of 2023) that conflicts with existing California Department of Human Resources (CalHR) authority.
- 8) *Microbusinesses*. Extends the gross income exclusion for the California Microbusiness COVID-19 Relief Program grants through the 2024 tax year consistent with the repeal date of the program.
- 9) *Budget Bill Listing*. Updates the list of statutes making up the Budget Act for each fiscal year as referenced in the Government Code.
- 10) *Hazardous Waste Generation and Handling Fee*. Creates an exception for the recently established hazardous waste generation and handling fee (\$49.23 per ton of hazardous waste) for a generator site meeting specified criteria, such as (a) the project will provide at least 2,000 new housing units, (b) the generator of the hazardous waste acquired ownership of the property subject to cleanup prior to July 1, 2022, and (c) cleanup activity commenced activity, as described, began prior to July 1, 2022. The bill sets an alternative fee rate of \$5.72 per ton of hazardous waste generated for projects subject to this exception.
- 11) *Hunter's Point*. Exempts the Candlestick Point-Hunters Point Shipyard phase 2 from the limitation of time for establishing loans, advances, and indebtedness, the time for applying for tax increment, the number of tax dollars, and other

matters from provisions of the Redevelopment Property Tax Trust Fund established for that agency and Community Redevelopment Law, which imposed specified limitation on redevelopment plans. Requires any changes to establish or change time limits for the Candlestick Point-Hunters Point Shipyard Phase 2 project agreement be approved by the oversight board, and is subject to department approval.

- 12) *Loan Repayment Assistance Program*. Clarifies that providing loan repayment assistance through the program administered by the Access to Justice Commission must be for attorneys doing qualified work, as defined, in order to be a permissible use of the Equal Access Fund.
- 13) *Dream for All*. Directs the California Housing Finance Agency to do both of the following with respect to the Dream for All shared appreciation loan program for first-time homebuyers: (a) make specified program adjustments designed to better target recipients who would otherwise be shut out of homeownership; and (b) develop and report to the Legislature about options for financing an expansion of the available loan pool.
- 14) *Forced Sterilization*. Sets the final payments for the Forced or Involuntary Sterilization Program defined in Chapter 1.6 of the Health and Safety Code at \$20,000, and extends the program end by six months to allow for all pending appeals to be processed.

FISCAL EFFECT: Appropriation: Yes Fiscal Com.: Yes Local: Yes

According to the Senate Budget and Fiscal Review Committee, this bill appropriates \$1 million from the Labor and Workforce Development Fund to develop a report on the conditions of sheep and goat herders, including wage violations, minimum wage and overtime, compliance with labor standards, and demographic information, as specified.

SUPPORT: (Verified 8/31/23)

None received

OPPOSITION: (Verified 8/31/23)

None received

ASSEMBLY FLOOR: 74-0, 9/8/23

AYES: Addis, Aguiar-Curry, Alanis, Alvarez, Arambula, Bains, Bauer-Kahan, Bennett, Berman, Boerner, Bonta, Bryan, Calderon, Juan Carrillo, Wendy

Carrillo, Cervantes, Chen, Connolly, Megan Dahle, Davies, Dixon, Flora, Mike Fong, Vince Fong, Friedman, Gabriel, Gallagher, Garcia, Gipson, Haney, Hart, Holden, Hoover, Irwin, Jackson, Jones-Sawyer, Kalra, Lackey, Lee, Low, Lowenthal, Maienschein, McCarty, McKinnor, Muratsuchi, Stephanie Nguyen, Pacheco, Papan, Pellerin, Petrie-Norris, Quirk-Silva, Ramos, Rendon, Reyes, Luz Rivas, Rodriguez, Blanca Rubio, Sanchez, Santiago, Schiavo, Soria, Ta, Ting, Valencia, Villapudua, Waldron, Wallis, Ward, Weber, Wicks, Wilson, Wood, Zbur, Robert Rivas

NO VOTE RECORDED: Essayli, Grayson, Mathis, Ortega, Jim Patterson, Joe Patterson

Prepared by: Diego Lopez / B. & F.R. / (916) 651-4103
9/8/23 15:35:03

**** END ****

Senate Bill No. 372

Passed the Senate September 6, 2023

Secretary of the Senate

Passed the Assembly September 5, 2023

Chief Clerk of the Assembly

This bill was received by the Governor this _____ day
of _____, 2023, at _____ o'clock ____M.

Private Secretary of the Governor

CHAPTER _____

An act to add Section 27.5 to the Business and Professions Code, relating to professions and vocations.

LEGISLATIVE COUNSEL'S DIGEST

SB 372, Menjivar. Department of Consumer Affairs: licensee and registrant records: name and gender changes.

Existing law establishes in the Business, Consumer Services, and Housing Agency the Department of Consumer Affairs. Existing law establishes various boards within the department for the licensure, regulation, and discipline of various professions and vocations. Existing law defines “board” for purposes of the Business and Professions Code to include bureau, commission, committee, department, division, examining committee, program, and agency, unless otherwise expressly provided.

This bill would require a board within the Department of Consumer Affairs to update a licensee’s or registrant’s license or registration by replacing references to the former name or gender on the license or registration, as specified, if the board receives documentation, as described, from the licensee or registrant demonstrating that the licensee or registrant’s legal name or gender has been changed. If the board operates an online license verification system, the bill would require the board to replace references to the licensee’s or registrant’s former name or gender with the individual’s current name or gender, as applicable, on the publicly viewable information displayed on the internet. The bill would prohibit a board from publishing the licensee’s or registrant’s former name or gender online. Instead, the bill would require the board to post an online statement directing the public to contact the board for more information. For specified licensees or registrants, the board would be prohibited from posting enforcement records online, but would be required to post an online statement stating that the individual was previously subject to an enforcement action and directing the public to contact the board, as prescribed.

This bill would provide that all records related to a request to update an individual’s license or registration under these provisions

are confidential and not subject to public inspection or disclosure. The bill would require the board, if requested by a licensee or registrant, to reissue any license created by the board and conferred upon the licensee or registrant. The bill would prohibit a board from charging a higher fee for reissuing a license with an updated legal name or gender than the fee it charges for reissuing a license with other updated information.

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

This bill would make legislative findings to that effect.

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

SECTION 1. Section 27.5 is added to the Business and Professions Code, to read:

27.5. (a) (1) Notwithstanding any other law, if a board within the Department of Consumer Affairs receives government-issued documentation, as described in subdivision (b), from a licensee or registrant demonstrating that the licensee's or registrant's legal name or gender has been changed, the board, upon request by the licensee or registrant, shall update the individual's license or registration by replacing references to the former name or gender on the license or registration, as applicable, with references to the current name or gender.

(2) (A) If the board operates an online license verification system, upon request by a licensee or registrant whose name or gender was updated pursuant to paragraph (1), the board shall replace references to the licensee's or registrant's former name or gender with the individual's current name or gender, as applicable, on the publicly viewable information displayed on the internet about the licensee or registrant. The licensee's or registrant's former name or gender, as applicable, shall not be published online.

(B) Notwithstanding any other law, for licensees or registrants subject to subparagraph (A) who were previously subject to an enforcement action referencing the individual's former name or gender, as applicable, the board shall not post enforcement records online, but shall instead post online a statement stating that the

individual previously was subject to enforcement action and directing the public to contact the board for more information about the licensee's or registrant's prior enforcement action. The board shall ensure compliance with the California Public Records Act (Division 10 (commencing with Section 7920.000) of Title 1 of the Government Code) in implementing this section, including, but not limited to, responding to a request for records within 10 days from receipt of the request, as specified in Section 7922.535 of the Government Code.

(C) If a public search of the online license verification system is performed using a licensee's or registrant's former name that was replaced pursuant to subparagraph (A), the board shall post an online statement directing the public to contact the board for more information about the licensee or registrant.

(3) If requested by the licensee or registrant, the board shall reissue the license created by the board and conferred upon the licensee or registrant by the board. A board shall not charge a higher fee for reissuing a document with an updated legal name or gender than the fee it regularly charges for reissuing a document with other updated information.

(b) (1) The documentation identified in either of the following is required to demonstrate a legal name change of a licensee or registrant:

(A) A certified court order issued pursuant to a proceeding authorized by subdivision (b) of Section 1277 of the Code of Civil Procedure and a copy of the certificate issued under the Secretary of State's Safe at Home program authorized by Chapter 3.1 (commencing with Section 6205) of Division 7 of Title 1 of the Government Code reflecting the licensee's or registrant's updated name.

(B) A certified court order issued pursuant to a proceeding authorized by Section 1277.5 of the Code of Civil Procedure or Article 7 (commencing with Section 103425) of Chapter 11 of Part 1 of Division 102 of the Health and Safety Code reflecting the licensee's or registrant's updated name.

(2) Any of the following documents are sufficient to demonstrate a gender change of a licensee or registrant:

(A) State-issued driver's license or identification card.

(B) Birth certificate.

(C) Passport.

(D) Social security card.

(E) Court order indicating a gender change from a court of this state, another state, the District of Columbia, any territory of the United States, or any foreign court.

(c) Notwithstanding any other law, all records related to a request by a licensee or registrant for a board to update the individual's license or registration pursuant to this section, including, but not limited to, all documentation described in subdivision (b), are confidential and not subject to public inspection or disclosure.

SEC. 2. The Legislature finds and declares that Section 1 of this act, which adds Section 27.5 to the Business and Professions Code, imposes a limitation on the public's right of access to the meetings of public bodies or the writings of public officials and agencies within the meaning of Section 3 of Article I of the California Constitution. Pursuant to that constitutional provision, the Legislature makes the following findings to demonstrate the interest protected by this limitation and the need for protecting that interest:

In order to protect the privacy rights and safety of individuals, it is necessary that this act limit the public's right of access to that information.

AMENDED IN ASSEMBLY SEPTEMBER 8, 2023

AMENDED IN ASSEMBLY AUGUST 14, 2023

AMENDED IN SENATE APRIL 27, 2023

AMENDED IN SENATE MARCH 20, 2023

SENATE BILL

No. 544

Introduced by Senator Laird

February 15, 2023

An act to amend Section 11124 of, to amend, repeal, and add Section 11123 of 11123.5 of, and to add and repeal Section 11123.2 of, the Government Code, relating to state government.

LEGISLATIVE COUNSEL'S DIGEST

SB 544, as amended, Laird. Bagley-Keene Open Meeting Act: teleconferencing.

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

~~Existing law, until July 1, 2023, authorized, subject to specified notice and accessibility requirements, a state body to hold public meetings~~

~~through teleconferencing and suspended certain requirements of the act, including the above-described teleconference requirements.~~

This bill would enact an additional, alternative set of provisions under which a state body may hold a meeting by teleconference. The bill would require at least one member of the state body to be physically present at each teleconference location, defined for these purposes as a physical location that is accessible to the public and from which members of the public may participate in the meeting. The bill would, under specified circumstances, authorize a member of the state body to participate from a remote location, which would not be required to be accessible to the public and which the bill would prohibit the notice and agenda from disclosing. Specifically, the bill would authorize a member's remote participation if the other members who are physically present at the same teleconference location constitute a majority of the state body. The bill would also authorize a member's remote participation if the member has a need related to a disability and notifies the state body, as specified. Under the bill, that member would be counted toward the majority of members required to be physically present at the same teleconference location. The bill would require a member who participates from a remote location to disclose whether any other individuals 18 years of age or older are present in the room at the remote location with the member and the general nature of the member's relationship with those individuals.

This bill would require the members of the state body to visibly appear on camera during the open portion of a meeting that is publicly accessible via the internet or other online platform unless the appearance would be technologically impracticable, as specified. The bill would require a member who does not appear on camera due to challenges with internet connectivity to announce the reason for their nonappearance when they turn off their camera.

~~This bill would remove the teleconference requirements that a state body post agendas at all teleconference locations, that each teleconference location be identified in the notice and agenda of the meeting or proceeding, and that each teleconference location be accessible to the public. The bill would require a~~ *also require the* state body to provide a means by which the public may remotely hear audio of the meeting, remotely observe the meeting, *remotely address the body*, or attend the meeting by providing on the posted agenda a teleconference telephone number, an internet website or other online platform, and a physical address for ~~at least one site, including, if~~

~~available, access each teleconference location. The bill would require the telephonic or online means provided to the public to access the meeting to be equivalent to the access for telephonic or online means provided to a member of the state body participating remotely. The bill would require any notice required by the act to specify the applicable teleconference telephone number, internet website or other online platform, and physical address of each teleconference location, as well as any other information indicating how the public can access the meeting remotely and in person. If the state body allows members of the public to observe and address the meeting telephonically or otherwise electronically, the bill would require the state body to implement and advertise, as prescribed, a procedure for receiving and swiftly resolving requests for reasonable modification or accommodation from individuals with disabilities, as specified. The bill would revise existing law to no longer require that impose requirements consistent with the above-described existing law provisions, including a requirement that the agenda provide an opportunity for members of the public have the opportunity to address the state body directly at each teleconference location, but would continue to require that the agenda provide an opportunity for members of the public to address the state body directly. The bill would require a member or staff to be physically present at the location specified in the notice of the meeting. The bill would require a majority of the members of the state body to be physically present at the same location for at least $\frac{1}{2}$ of the meetings of that state body directly, as specified. The bill would entitle members of the public to exercise their right to directly address the state body during the teleconferenced meeting without being required to submit public comments before the meeting or in writing.~~

This bill would provide that it does not affect prescribed existing notice and agenda requirements and would require the state body to post an agenda on its internet website and, on the day of the meeting, at any physical meeting each teleconference location designated in the notice of the meeting. ~~The bill would prohibit the notice and agenda from disclosing information regarding any remote location from which a member is participating and define “remote location” for this purpose. The bill would provide that members of the public shall be entitled to exercise their right to directly address the state body during the teleconferenced meeting without being required to submit public comments prior to the meeting or in writing.~~

This bill would require ~~a~~ *the* state body, upon discovering that a means of remote participation required by the bill has failed during ~~a~~ *the* meeting and cannot be restored, to end or adjourn the meeting in accordance with prescribed adjournment and notice provisions, including information about reconvening.

~~This bill would require a state body that holds a meeting through teleconferencing pursuant to the bill and allows members of the public to observe and address the meeting telephonically or otherwise electronically to implement and advertise, as prescribed, a procedure for receiving and swiftly resolving requests for reasonable modification or accommodation from individuals with disabilities, consistent with the federal Americans with Disabilities Act of 1990.~~

~~This bill would require a member of a state body who attends a meeting by teleconference from a remote location to disclose whether any other individuals 18 years of age or older are present in the room at the remote location with the member and the general nature of the member's relationship with any such individuals.~~

Existing law authorizes a multimember state advisory body to hold an open meeting by teleconference pursuant to an alternative set of provisions that are in addition to the above-described provisions generally applicable to state bodies. Under those alternative provisions, a quorum of the members of the state advisory body must be in attendance at the primary physical meeting location, as specified, and all decisions taken during the meeting must be by rollcall vote.

This bill would remove the rollcall vote requirement and the requirement for a quorum in attendance at the primary physical meeting location. The bill, instead, would require at least one staff member of the state body to be present at the primary physical meeting location. The bill would require the members of the state body to visibly appear on camera during the open portion of a meeting that is publicly accessible via the internet or other online platform unless the appearance would be technologically impracticable, as specified. The bill would require a member who does not appear on camera due to challenges with internet connectivity to announce the reason for their nonappearance when they turn off their camera.

This bill would repeal its the above-described provisions on January 1, 2026.

Existing law prohibits requiring a person, as a condition of attendance at a meeting of a state body, to register their name, to provide other information, to complete a questionnaire, or otherwise to fulfill any

condition precedent to their attendance. Existing law requires an attendance list, register, questionnaire, or other similar document posted at or near the entrance to the room where the meeting is to be held, or circulated to persons present during the meeting, to state clearly that the signing, registering, or completion of the document is voluntary, and that all persons may attend the meeting regardless of whether a person signs, registers, or completes the document.

This bill would exempt from those provisions an internet website or other online platform that may require the submission of information to log into a teleconferenced meeting. The bill would permit a person to submit a pseudonym or other anonymous information when using the internet website or other online platform to attend the meeting.

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

This bill would make legislative findings to that effect.

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

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

1 SECTION 1. Section 11123.2 is added to the Government Code,
2 to read:

3 11123.2. (a) For purposes of this section, the following
4 definitions apply:

5 (1) "Teleconference" means a meeting of a state body, the
6 members of which are at different locations, connected by
7 electronic means, through either audio or both audio and video.

8 (2) "Teleconference location" means a physical location that
9 is accessible to the public and from which members of the public
10 may participate in the meeting.

11 (3) "Remote location" means a location from which a member
12 of a state body participates in a meeting other than a
13 teleconference location.

14 (4) "Participate remotely" means participation by a member
15 of the body in a meeting at a remote location other than a
16 teleconference location designated in the notice of the meeting.

1 (b) (1) In addition to the authorization to hold a meeting by
2 teleconference pursuant to subdivision (b) of Section 11123 and
3 Section 11123.5, a state body may hold an open or closed meeting
4 by teleconference as described in this section, provided the meeting
5 complies with all of this section's requirements and, except as set
6 forth in this section, it also complies with all other applicable
7 requirements of this article relating to the specific type of meeting.

8 (2) This section does not limit or affect the ability of a state
9 body to hold a teleconference meeting under another provision of
10 this article, including Sections 11123 and 11123.5.

11 (c) The portion of the teleconferenced meeting that is required
12 to be open to the public shall be visible and audible to the public
13 at each teleconference location.

14 (d) (1) The state body shall provide a means by which the public
15 may remotely hear audio of the meeting, remotely observe the
16 meeting, remotely address the body, or attend the meeting by
17 providing on the posted agenda a teleconference telephone number;
18 an internet website or other online platform, and a physical address
19 for each teleconference location. The telephonic or online means
20 provided to the public to access the meeting shall be equivalent
21 to the telephonic or online means provided to a member of the
22 state body participating remotely.

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

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

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

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

39 (e) This section does not prohibit a state body from providing
40 members of the public with additional locations from which the

1 *public may observe or address the state body by electronic means,*
2 *through either audio or both audio and video.*

3 *(f) (1) The agenda shall provide an opportunity for members*
4 *of the public to address the state body directly pursuant to Section*
5 *11125.7.*

6 *(2) Members of the public shall be entitled to exercise their*
7 *right to directly address the state body during the teleconferenced*
8 *meeting without being required to submit public comments before*
9 *the meeting or in writing.*

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

12 *(h) This section does not affect the requirement prescribed by*
13 *this article that the state body post an agenda of a meeting in*
14 *accordance with the applicable notice requirements of this article,*
15 *including Section 11125, requiring the state body to post an agenda*
16 *of a meeting at least 10 days in advance of the meeting, Section*
17 *11125.4, applicable to special meetings, and Sections 11125.5 and*
18 *11125.6, applicable to emergency meetings.*

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

21 *(j) (1) Except as provided in paragraph (2), a majority of the*
22 *members of the state body shall be physically present at the same*
23 *teleconference location. Additional members of the state body in*
24 *excess of a majority of the members may attend and participate*
25 *in the meeting from a remote location. A remote location is not*
26 *required to be accessible to the public. The notice and agenda*
27 *shall not disclose information regarding a remote location.*

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

31 *(A) The member has a need related to a physical or mental*
32 *disability, as those terms are defined in Sections 12926 and*
33 *12926.1, that is not otherwise reasonably accommodated pursuant*
34 *to the federal Americans with Disability Act of 1990 (42 U.S.C.*
35 *Sec. 12101 et seq.).*

36 *(B) The member notifies the state body at the earliest opportunity*
37 *possible, including at the start of a meeting, of their need to*
38 *participate remotely, including providing a general description of*
39 *the circumstances relating to their need to participate remotely at*
40 *the given meeting.*

1 (3) *If a member notifies the body of the member's need to attend*
2 *and participate remotely pursuant to paragraph (2), the body shall*
3 *take action to approve the exception and shall request a general*
4 *description of the circumstances relating to the member's need to*
5 *participate remotely at the meeting, for each meeting in which the*
6 *member seeks to participate remotely. The body shall not require*
7 *the member to provide a general description that exceeds 20 words*
8 *or to disclose any medical diagnosis or disability, or any personal*
9 *medical information that is already exempt under existing law,*
10 *such as the Confidentiality of Medical Information Act (Part 2.6*
11 *(commencing with Section 56) of Division 1 of the Civil Code).*

12 (4) *If a member of the state body attends the meeting by*
13 *teleconference from a remote location, the member shall disclose*
14 *whether any other individuals 18 years of age or older are present*
15 *in the room at the remote location with the member, and the*
16 *general nature of the member's relationship with any such*
17 *individuals.*

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

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

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

34 (l) *All votes taken during the teleconferenced meeting shall be*
35 *by rollcall.*

36 (m) *The state body shall publicly report any action taken and*
37 *the vote or abstention on that action of each member present for*
38 *the action.*

1 (n) *The portion of the teleconferenced meeting that is closed to*
2 *the public shall not include the consideration of any agenda item*
3 *being heard pursuant to Section 11125.5.*

4 (o) *Upon discovering that a means of remote public access and*
5 *participation required by subdivision (d) has failed during a*
6 *meeting and cannot be restored, the state body shall end or adjourn*
7 *the meeting in accordance with Section 11128.5. In addition to*
8 *any other requirements that may apply, the state body shall provide*
9 *notice of the meeting's end or adjournment on the state body's*
10 *internet website and by email to any person who has requested*
11 *notice of meetings of the state body by email under this article. If*
12 *the meeting will be adjourned and reconvened on the same day,*
13 *further notice shall be provided by an automated message on a*
14 *telephone line posted on the state body's agenda, internet website,*
15 *or by a similar means, that will communicate when the state body*
16 *intends to reconvene the meeting and how a member of the public*
17 *may hear audio of the meeting or observe the meeting.*

18 (p) *This section shall remain in effect only until January 1, 2026,*
19 *and as of that date is repealed.*

20 SEC. 2. *Section 11123.5 of the Government Code is amended*
21 *to read:*

22 11123.5. (a) ~~In~~ *For purposes of this section, the following*
23 *definitions apply:*

24 (1) *"Participate remotely" means participation in a meeting at*
25 *a location other than the physical location designated in the agenda*
26 *of the meeting.*

27 (2) *"Remote location" means a location other than the primary*
28 *physical location designated in the agenda of a meeting.*

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

30 (b) *In addition to the authorization to hold a meeting by*
31 *teleconference pursuant to subdivision (b) of Section ~~11123~~, 11123*
32 *or Section 11123.2, any state body that is an advisory board,*
33 *advisory commission, advisory committee, advisory subcommittee,*
34 *or similar multimember advisory body may hold an open meeting*
35 *by teleconference as described in this section, provided the meeting*
36 *complies with all of the section's requirements and, except as set*
37 *forth in this section, it also complies with all other applicable*
38 *requirements of this article.*

39 ~~(b)~~

1 (c) A member of a state body as described in subdivision-(a)
2 (b) who participates in a teleconference meeting from a remote
3 location subject to this section's requirements shall be listed in the
4 minutes of the meeting.

5 (e)

6 (d) The state body shall provide notice to the public at least 24
7 hours before the meeting that identifies any member who will
8 participate remotely by posting the notice on its ~~Internet Web site~~
9 *internet website* and by emailing notice to any person who has
10 requested notice of meetings of the state body under this article.
11 The location of a member of a state body who will participate
12 remotely is not required to be disclosed in the public notice or
13 email and need not be accessible to the public. The notice of the
14 meeting shall also identify the primary physical meeting location
15 designated pursuant to subdivision-(e); (f).

16 (d)

17 (e) This section does not affect the requirement prescribed by
18 this article that the state body post an agenda of a meeting at least
19 10 days in advance of the meeting. The agenda shall include
20 information regarding the physical meeting location designated
21 pursuant to subdivision-(e); (f), but is not required to disclose
22 information regarding any remote location.

23 (e)

24 (f) A state body described in subdivision-(a) (b) shall designate
25 the primary physical meeting location in the notice of the meeting
26 where members of the public may physically attend the ~~meeting~~
27 *meeting, observe and hear the meeting*, and participate. ~~A quorum~~
28 ~~of the members of the state body shall be in attendance at the~~
29 ~~primary physical meeting location, and members of the state body~~
30 ~~participating remotely shall not count towards establishing a~~
31 ~~quorum. All decisions taken during a meeting by teleconference~~
32 ~~shall be by rollcall vote. At least one staff member of the state body~~
33 ~~shall be present at the primary physical meeting location during~~
34 ~~the meeting.~~ The state body shall post the agenda at the primary
35 physical meeting location, but need not post the agenda at a remote
36 location.

37 (f)

38 (g) When a member of a state body described in subdivision-(a)
39 (b) participates remotely in a meeting subject to this section's
40 requirements, the state body shall provide a means by which the

public may remotely hear audio of the meeting or remotely observe the meeting, including, if available, equal access equivalent to members of the state body participating remotely. The applicable teleconference phone number or ~~Internet Web site~~, *internet website*, or other information indicating how the public can access the meeting remotely, shall be in the 24-hour notice described in subdivision-~~(a)~~ *(b)* that is available to the public.

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

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

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

~~(g)~~
(i) Upon discovering that a means of remote access required by subdivision-~~(f)~~ *(g)* has failed during a meeting, the state body described in subdivision-~~(a)~~ *(b)* shall end or adjourn the meeting in accordance with Section 11128.5. In addition to any other requirements that may apply, the state body shall provide notice of the meeting's end or adjournment on its ~~Internet Web site~~ *internet website* and by email to any person who has requested notice of meetings of the state body under this article. If the meeting will be adjourned and reconvened on the same day, further notice shall be provided by an automated message on a telephone line posted on the state body's agenda, or by a similar means, that will communicate when the state body intends to reconvene the meeting and how a member of the public may hear audio of the meeting or observe the meeting.

~~(h) For purposes of this section:~~

1 ~~(1) “Participate remotely” means participation in a meeting at~~
2 ~~a location other than the physical location designated in the agenda~~
3 ~~of the meeting.~~

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

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

7 ~~(i)~~

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

11 ~~(k) This section shall remain in effect only until January 1, 2026,~~
12 ~~and as of that date is repealed.~~

13 ~~SEC. 3. Section 11123.5 is added to the Government Code, to~~
14 ~~read:~~

15 ~~11123.5. (a) In addition to the authorization to hold a meeting~~
16 ~~by teleconference pursuant to subdivision (b) of Section 11123,~~
17 ~~any state body that is an advisory board, advisory commission,~~
18 ~~advisory committee, advisory subcommittee, or similar~~
19 ~~multimember advisory body may hold an open meeting by~~
20 ~~teleconference as described in this section, provided the meeting~~
21 ~~complies with all of the section’s requirements and, except as set~~
22 ~~forth in this section, it also complies with all other applicable~~
23 ~~requirements of this article.~~

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

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

38 ~~(d) This section does not affect the requirement prescribed by~~
39 ~~this article that the state body post an agenda of a meeting at least~~
40 ~~10 days in advance of the meeting. The agenda shall include~~

1 *information regarding the physical meeting location designated*
2 *pursuant to subdivision (e), but is not required to disclose*
3 *information regarding any remote location.*

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

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

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

37 *(h) For purposes of this section:*

38 *(1) "Participate remotely" means participation in a meeting at*
39 *a location other than the physical location designated in the agenda*
40 *of the meeting.*

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

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

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

7 (j) This section shall become operative on January 1, 2026.

8 SEC. 4. Section 11124 of the Government Code is amended to
9 read:

10 11124. (a) No person shall be required, as a condition to
11 attendance at a meeting of a state body, to register ~~his or her~~ *their*
12 name, to provide other information, to complete a questionnaire,
13 or otherwise to fulfill any condition precedent to ~~his or her~~ *their*
14 attendance.

15 ~~—H~~

16 (b) If an attendance list, register, questionnaire, or other similar
17 document is posted at or near the entrance to the room where the
18 meeting is to be held, or is circulated to persons present during the
19 meeting, it shall state clearly that the signing, registering, or
20 completion of the document is voluntary, and that all persons may
21 attend the meeting regardless of whether a person signs, registers,
22 or completes the document.

23 (c) This section does not apply to an internet website or other
24 online platform that may require the submission of information to
25 log into a teleconferenced meeting, provided, however, that a
26 person required to submit such information shall be permitted to
27 submit a pseudonym or other anonymous information when using
28 the internet website or other online platform to attend the meeting.

29 SEC. 5. The Legislature finds and declares that Sections 1, 2,
30 3, and 4 of this act, which add and repeal Section 11123.2 of,
31 amend, repeal, and add Section 11123.5 of, and amend Section
32 11124 of, the Government Code, impose a limitation on the public’s
33 right of access to the meetings of public bodies or the writings of
34 public officials and agencies within the meaning of Section 3 of
35 Article I of the California Constitution. Pursuant to that
36 constitutional provision, the Legislature makes the following
37 findings to demonstrate the interest protected by this limitation
38 and the need for protecting that interest:

39 (a) By removing the requirement for agendas to be placed at
40 the location of each public official participating in a public meeting

1 *remotely, including from the member's private home or hotel room,*
2 *this act protects the personal, private information of public officials*
3 *and their families while preserving the public's right to access*
4 *information concerning the conduct of the people's business.*

5 *(b) During the COVID-19 public health emergency, audio and*
6 *video teleconference were widely used to conduct public meetings*
7 *in lieu of physical location meetings, and those public meetings*
8 *have been productive, increased public participation by all*
9 *members of the public regardless of their location and ability to*
10 *travel to physical meeting locations, increased the pool of people*
11 *who are able to serve on these bodies, protected the health and*
12 *safety of civil servants and the public, and have reduced travel*
13 *costs incurred by members of state bodies and reduced work hours*
14 *spent traveling to and from meetings.*

15 *(c) Conducting audio and video teleconference meetings*
16 *enhances public participation and the public's right of access to*
17 *meetings of the public bodies by improving access for individuals*
18 *who often face barriers to physical attendance.*

19 ~~SECTION 1. Section 11123 of the Government Code is~~
20 ~~amended to read:~~

21 ~~11123. (a) All meetings of a state body shall be open and~~
22 ~~public and all persons shall be permitted to attend any meeting of~~
23 ~~a state body except as otherwise provided in this article.~~

24 ~~(b) (1) This article does not prohibit a state body from holding~~
25 ~~an open or closed meeting by teleconference for the benefit of the~~
26 ~~public and state body. The meeting or proceeding held by~~
27 ~~teleconference shall otherwise comply with all applicable~~
28 ~~requirements or laws relating to a specific type of meeting or~~
29 ~~proceeding, including the following:~~

30 ~~(A) The teleconferencing meeting shall comply with all~~
31 ~~requirements of this article applicable to other meetings.~~

32 ~~(B) The portion of the teleconferenced meeting that is required~~
33 ~~to be open to the public shall be audible to the public at the location~~
34 ~~specified in the notice of the meeting.~~

35 ~~(C) If the state body elects to conduct a meeting or proceeding~~
36 ~~by teleconference, it shall conduct teleconference meetings in a~~
37 ~~manner that protects the rights of any party or member of the public~~
38 ~~appearing before the state body. The state body shall provide a~~
39 ~~means by which the public may remotely hear audio of the meeting,~~
40 ~~remotely observe the meeting, or attend the meeting by providing~~

1 on the posted agenda a teleconference telephone number, an
2 internet website or other online platform, and a physical address
3 for at least one site, including, if available, access equivalent to
4 the access for a member of the state body participating remotely.
5 The applicable teleconference telephone number, internet website
6 or other online platform, and physical address indicating how the
7 public can access the meeting remotely and in person shall be
8 specified in any notice required by this article.

9 (D) The agenda shall provide an opportunity for members of
10 the public to address the state body directly pursuant to Section
11 11125.7.

12 (E) All votes taken during a teleconferenced meeting shall be
13 by rollcall.

14 (F) The portion of the teleconferenced meeting that is closed to
15 the public may not include the consideration of any agenda item
16 being heard pursuant to Section 11125.5.

17 (G) At least one member or staff of the state body shall be
18 physically present at the location specified in the notice of the
19 meeting.

20 (H) A majority of the members of the state body shall be present
21 at the same physical location for at least one-half of the meetings
22 of the state body each year.

23 (I) This section does not affect the requirement prescribed by
24 this article that the state body post an agenda of a meeting in
25 accordance with the applicable notice requirements of this article,
26 including Section 11125, requiring the state body to post an agenda
27 of a meeting at least 10 days in advance of the meeting, Section
28 11125.4, applicable to special meetings, and Sections 11125.5 and
29 11125.6, applicable to emergency meetings. The state body shall
30 post the agenda on its internet website and, on the day of the
31 meeting, at any physical meeting location designated in the notice
32 of the meeting. The notice and agenda shall not disclose
33 information regarding any remote location from which a member
34 is participating.

35 (J) Members of the public shall be entitled to exercise their right
36 to directly address the state body during the teleconferenced
37 meeting without being required to submit public comments prior
38 to the meeting or in writing.

39 (K) Upon discovering that a means of remote participation
40 required by this section has failed during a meeting and cannot be

1 ~~restored, the state body shall end or adjourn the meeting in~~
2 ~~accordance with Section 11128.5. In addition to any other~~
3 ~~requirements that may apply, the state body shall provide notice~~
4 ~~of the meeting's end or adjournment on the state body's internet~~
5 ~~website and by email to any person who has requested notice of~~
6 ~~meetings of the state body by email under this article. If the~~
7 ~~meeting will be adjourned and reconvened on the same day, further~~
8 ~~notice shall be provided by an automated message on a telephone~~
9 ~~line posted on the state body's agenda, internet website, or by a~~
10 ~~similar means, that will communicate when the state body intends~~
11 ~~to reconvene the meeting and how a member of the public may~~
12 ~~hear audio of the meeting or observe the meeting.~~

13 ~~(2) For the purposes of this subdivision, both of the following~~
14 ~~definitions shall apply:~~

15 ~~(A) "Teleconference" means a meeting of a state body, the~~
16 ~~members of which are at different locations, connected by~~
17 ~~electronic means, through either audio or both audio and video.~~
18 ~~This section does not prohibit a state body from providing members~~
19 ~~of the public with additional locations in which the public may~~
20 ~~observe or address the state body by electronic means, through~~
21 ~~either audio or both audio and video.~~

22 ~~(B) "Remote location" means a location from which a member~~
23 ~~of a state body participates in a meeting other than any physical~~
24 ~~meeting location designated in the notice of the meeting. Remote~~
25 ~~locations need not be accessible to the public.~~

26 ~~(c) If a state body holds a meeting through teleconferencing~~
27 ~~pursuant to this section and allows members of the public to~~
28 ~~observe and address the meeting telephonically or otherwise~~
29 ~~electronically, the state body shall also do both of the following:~~

30 ~~(1) Implement a procedure for receiving and swiftly resolving~~
31 ~~requests for reasonable modification or accommodation from~~
32 ~~individuals with disabilities, consistent with the federal Americans~~
33 ~~with Disabilities Act of 1990 (42 U.S.C. Sec. 12101 et seq.), and~~
34 ~~resolving any doubt whatsoever in favor of accessibility.~~

35 ~~(2) Advertise that procedure each time notice is given of the~~
36 ~~means by which members of the public may observe the meeting~~
37 ~~and offer public comment.~~

38 ~~(d) The state body shall publicly report any action taken and~~
39 ~~the vote or abstention on that action of each member present for~~
40 ~~the action.~~

~~(e) If a member of a state body attends a meeting by teleconference from a remote location, the member shall disclose whether any other individuals 18 years of age or older are present in the room at the remote location with the member, and the general nature of the member's relationship with any such individuals.~~

~~(f) For purposes of this section, "participate remotely" means participation in a meeting at a location other than the physical location designated in the agenda of the meeting.~~

~~(g) This section shall remain in effect only until January 1, 2026, and as of that date is repealed.~~

SEC. 2. Section 11123 is added to the Government Code, to read:

~~11123. (a) All meetings of a state body shall be open and public and all persons shall be permitted to attend any meeting of a state body except as otherwise provided in this article.~~

~~(b) (1) This article does not prohibit a state body from holding an open or closed meeting by teleconference for the benefit of the public and state body. The meeting or proceeding held by teleconference shall otherwise comply with all applicable requirements or laws relating to a specific type of meeting or proceeding, including the following:~~

~~(A) The teleconferencing meeting shall comply with all requirements of this article applicable to other meetings.~~

~~(B) The portion of the teleconferenced meeting that is required to be open to the public shall be audible to the public at the location specified in the notice of the meeting.~~

~~(C) If the state body elects to conduct a meeting or proceeding by teleconference, it shall post agendas at all teleconference locations and conduct teleconference meetings in a manner that protects the rights of any party or member of the public appearing before the state body. Each teleconference location shall be identified in the notice and agenda of the meeting or proceeding, and each teleconference location shall be accessible to the public. The agenda shall provide an opportunity for members of the public to address the state body directly pursuant to Section 11125.7 at each teleconference location.~~

~~(D) All votes taken during a teleconferenced meeting shall be by rollcall.~~

1 ~~(E) The portion of the teleconferenced meeting that is closed~~
2 ~~to the public may not include the consideration of any agenda item~~
3 ~~being heard pursuant to Section 11125.5.~~

4 ~~(F) At least one member of the state body shall be physically~~
5 ~~present at the location specified in the notice of the meeting.~~

6 ~~(2) For the purposes of this subdivision, “teleconference” means~~
7 ~~a meeting of a state body, the members of which are at different~~
8 ~~locations, connected by electronic means, through either audio or~~
9 ~~both audio and video. This section does not prohibit a state body~~
10 ~~from providing members of the public with additional locations~~
11 ~~in which the public may observe or address the state body by~~
12 ~~electronic means, through either audio or both audio and video.~~

13 ~~(c) The state body shall publicly report any action taken and the~~
14 ~~vote or abstention on that action of each member present for the~~
15 ~~action.~~

16 ~~(d) This section shall become operative on January 1, 2026.~~

17 ~~SEC. 3. The Legislature finds and declares that Section 1 of~~
18 ~~this act, which amends Section 11123 of the Government Code,~~
19 ~~imposes a limitation on the public’s right of access to the meetings~~
20 ~~of public bodies or the writings of public officials and agencies~~
21 ~~within the meaning of Section 3 of Article I of the California~~
22 ~~Constitution. Pursuant to that constitutional provision, the~~
23 ~~Legislature makes the following findings to demonstrate the interest~~
24 ~~protected by this limitation and the need for protecting that interest:~~

25 ~~(a) By removing the requirement for agendas to be placed at~~
26 ~~the location of each public official participating in a public meeting~~
27 ~~remotely, including from the member’s private home or hotel~~
28 ~~room, this act protects the personal, private information of public~~
29 ~~officials and their families while preserving the public’s right to~~
30 ~~access information concerning the conduct of the people’s business.~~

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

- 1 ~~(e) Conducting audio and video teleconference meetings~~
- 2 ~~enhances public participation and the public's right of access to~~
- 3 ~~meetings of the public bodies by improving access for individuals~~
- 4 ~~that often face barriers to physical attendance.~~

UNFINISHED BUSINESS

Bill No: SB 887
Author: Committee on Business, Professions and Economic Development
Amended: 9/8/23
Vote: 21

SENATE BUS., PROF. & ECON. DEV. COMMITTEE: 13-0, 4/24/23
AYES: Roth, Nguyen, Alvarado-Gil, Archuleta, Ashby, Becker, Dodd, Eggman,
Glazer, Niello, Smallwood-Cuevas, Wahab, Wilk

SENATE APPROPRIATIONS COMMITTEE: Senate Rule 28.8

SENATE FLOOR: 39-0, 5/11/23 (Consent)
AYES: Allen, Alvarado-Gil, Archuleta, Ashby, Atkins, Becker, Blakespear,
Bradford, Caballero, Cortese, Dahle, Dodd, Durazo, Eggman, Glazer, Gonzalez,
Hurtado, Jones, Laird, Limón, McGuire, Menjivar, Min, Newman, Nguyen,
Niello, Ochoa Bogh, Padilla, Portantino, Roth, Rubio, Seyarto, Skinner,
Smallwood-Cuevas, Stern, Umberg, Wahab, Wiener, Wilk
NO VOTE RECORDED: Grove

ASSEMBLY FLOOR: 80-0, 9/11/23 - See last page for vote

SUBJECT: Consumer affairs

SOURCE: Author

DIGEST: This bill makes numerous technical and clarifying provisions related to programs within the Department of Consumer Affairs (DCA), makes a technical change related to the Department of Real Estate (DRE), and updates a cross reference under the Secondhand Dealers Act related to pawnbrokers.

Assembly Amendments resolve chaptering conflicts.

ANALYSIS:

Existing law:

- 1) Provides for the licensing and regulation of various professions and businesses by the 26 boards, eight bureaus, two committees, two programs, and one commission within DCA under various licensing acts within the Business and Professions Code (BPC).
- 2) Establishes the Board of Behavioral Sciences (BBS) to administer the Marriage and Family Therapy Practice Act, the Licensed Educational Psychologist Practice Act, the Licensed Clinical Social Worker Practice Act, and the Licensed Professional Clinical Counselor Practice Act. (BPC §§ 4980 *et seq.*)
- 3) Establishes the Board of Psychology (BOP) to license and regulate psychologists, psychologist assistants, and registered psychologists. (BPC §§ 2900 *et seq.*)
- 4) Establishes the Board of Registered Nursing (BRN) to provide for the licensure and regulation of the practice of nursing. (BPC §§ 2700 *et seq.*)
- 5) Establishes the Veterinary Medical Board (VMB) for licensing and regulating veterinarians, registered veterinary technicians (RVTs), veterinary assistant substance controlled permit (VACSP) holders, and veterinary premises. (BPC §§ 4800 *et seq.*)
- 6) Defines a “secondhand dealer” to mean and include any person, copartnership, firm, or corporation whose business includes buying, selling, trading, taking in pawn, accepting for sale on consignment, accepting for auctioning or auctioning secondhand property but does not include a coin dealer or a participant at gun shows, as specified. (BPC § 21626)
- 7) Requires an applicant for a hydrolysis facility license to prove compliance with all applicable laws, rules, regulations, ordinances, and orders and the Bureau will not issue a hydrolysis facility license until the Bureau is satisfied that the public interest, human health, and environmental quality will be served by the applicant. (BPC § 7639.06(a))
- 8) Establishes the California Architects Board (CAB) within the DCA to license and regulate professional architects. (BPC §§ 5500 *et seq.*)

This bill:

- 1) Clarifies the term of appointment for the representative from the California State University Chancellor as four years.
- 2) Replaces an outdated reference to a certifying body for nurse anesthetists with the National Board of Certification and Recertification for Nurse Anesthetists, or a successor national professional organization approved by the BRN for purposes of licensure.
- 3) Adds the following for the BRN, in establishing its categories of NPs and standards of NPs, to take into account levels of advanced practice as outlined in the nurse practitioner curriculum core competencies specified in the *National Organization of Nurse Practitioner Faculties' Nurse Practitioner Role Core Competencies 2022*, or a successor approved by the BRN, experience, or both.
- 4) Authorizes an applicant for licensure as a psychologist to provide a transcript indicating completion of coursework, or a written certification from the department chair in addition to the registrar, for purposes of meeting licensure requirements.
- 5) Permits an out of state applicant for licensure, as a veterinarian to submit required out of state licensure information via electronic means instead of directly to the VMB, and revises the membership of the VMB's Wellness Evaluation Committee to include at least one veterinarian, at least two public members, and at least one RVT.
- 6) Deletes the provision requiring a that veterinarian who reviews and investigates alleged violations of the veterinary practice act, be licensed or employed by the state, as specified, and not be out of practice for more than four years.
- 7) Permits a person to rely on licensing and registration information as displayed in the BBS's website that includes the issuance and expiration dates of any license or registration issued by the BBS.
- 8) Deletes the BA's authority to establish an advisory continuing education committee.
- 9) Replaces reference to a "substandard peer review report" with a "peer reviewed report with a rating of "fail" for purposes of firm renewal for CPAs.

- 10) Deletes an outdated reference to passage of an examination for purposes of licensure as a CPA.
- 11) Makes conforming changes to the national examination required for licensure as an architect, as specified.
- 12) Extends the due date of a report due to the Legislature conducted by the BOP on automated drug delivery systems from January 1, 2024, to January 1, 2025.
- 13) Updates the required information to be included about the CFB in all contracts for goods and services offered by a licensee, as specified.
- 14) Permits consumers to submit their Consumer Recover Account application to the DRE by electronic means, as specified.
- 15) Changes from fiscal to calendar year, the date by which the DCA must compile and submit a report to the Legislature on military and spouse licensure, as specified.
- 16) Makes numerous other technical, clarifying and conforming changes.

Background

Board of Behavioral Sciences. All four of the BBS's licensee and registrant categories provide some form of mental health services to a variety of clients in different settings. Each of the licensed profession groups under BBS must meet specified licensing requirements and practice in certain settings. This bill clarifies that a person may utilize the BBS's license look-up on the BBS website to verify licensure and serve as a primary source documentation. In addition, this bill clarifies who can supervise LMFT trainees to specify that LEPs can.

Board of Psychology. The BOP is one of several regulatory entities under the umbrella of the DCA. The BOP's mission is to "protect consumers of psychological services by licensing psychologists, regulating the practice of psychology, and supporting the evolution of the profession." This bill allows verification of coursework in suicide risk assessment and intervention and aging and long-term care by review of the transcript or written certification by a department chair to help streamline the application process.

Board of Registered Nursing. The BRN's recent sunset bill, AB 2684 (Berman, Chapter 413, Statutes of 2022) codified the Nursing Education and Workforce Advisory Committee into law and set appointment term limits for specific members. However, that bill neglected to provide the term for the representative of the California State University Office of the Chancellor. This bill specifies that

the term is four years. The NP core competencies incorporated by reference into regulations have been updated, and this bill updates who establishes those competencies to include the National Organization of Nurse Practitioner Faculties released new core competencies in 2022. Additionally, this bill updates statute to provide the appropriate reference to the national certifying organization for nurse anesthetists as the old certifying body is no longer applicable.

Veterinary Medical Board. Current law, BPC Section 4846, requires an applicant for a veterinarian license to disclose each state, Canadian province, or U.S territory in which the applicant currently holds or has ever held a license to practice veterinary medicine. License verification, must be directly submitted to the VMB. The VMB requested to clarify that the verification can be done electronically, this bill clarifies that permission. The VMB is authorized to establish a wellness advisory committee. This bill updates the membership on that committee to include only two veterinarians, and at least one RVT.

Board of Accountancy. Current law, BPC Section 5076, references a peer review term of “substandard” that is inconsistent with national standards, this bill will replace the term substandard with “fail” for purposes of accounting firms that have not met certain professional standards to align with national standards. Additionally, this bill deletes outdated references to an advisory committee that is no longer active, a fee that is no longer charged, and education requirements that ended in 2016.

Bureau for Private Postsecondary Education. The BPPE has oversight of private postsecondary educational institutions operating with a physical presence in California. This bill makes a number of technical changes to the California Private Postsecondary Education Act.

Pawnbrokers and Secondhand Dealers. Secondhand dealers includes those whose business includes buying, selling, trading, taking in pawn, accepting for sale on consignment, accepting for auctioning or auctioning secondhand property. This bill simply updates a provision of the BPC to include a cross reference with existing law pertaining to holding periods.

Department of Real Estate. The DRE administers the Consumer Recovery Account (CRA), a fund that provides limited compensation to consumers defrauded by real estate licensees unable to pay judgments. Current law requires consumers either submit CRA applications in person or send to the DRE via certified mail. This bill authorizes a consumer to submit the application electronically.

Cemetery and Funeral Bureau. The Bureau regulates more than 13,000 licensees in 13 different licensing categories. This bill updates the required information to reflect all of the licensing facilities regulated by the Bureau.

California Architecture Board. The CAB evaluates a candidate's architectural education, experience, and examination results to assess their knowledge, skills, and ability to perform the services required of a competent California architect. In order to obtain a license in California as an architect, a person is required to take and pass the national Architect Registration Examination (ARE), which is administered by the National Council of Architecture Registration Boards (NCARB). The NCARB recently updated its scoring provisions and timeframe pertaining to how long the scores count when a person passes a section. The CAB had conformed its regulations to the national examination timeframes; however given the changes implemented by the NCARB, those regulations will be outdated and affect potential licensees. This bill updates statute to provide that California will follow the national policy for exam score validity.

FISCAL EFFECT: Appropriation: No Fiscal Com.: Yes Local: Yes

According to the Assembly Committee on Appropriations, the DCA anticipates minor and absorbable to negligible costs to the affected boards and bureaus, and the DRE anticipates minor, one-time costs, likely between \$30,000 and \$50,000, to update its application, publications and brochures, website, and consumer bulletins, and possible minor staffing costs for additional printing and for creating a secure process to accept electronic filings. DRE also indicates possible cost savings, likely minor, to either the department's legal or administration divisions as a result of efficiencies from not having to accept paper applications in person.

SUPPORT: (Verified 9/8/23)

Board of Registered Nursing
California Board of Accountancy
California Board of Psychology
California State Board of Pharmacy
Speech-language Pathology and Audiology and Hearing Aid Dispensers Board
Veterinary Medical Board

OPPOSITION: (Verified 9/8/23)

None received

ARGUMENTS IN SUPPORT: The Board of Psychology writes in support, “This bill would streamline the application process to allow verification following review of a transcript that clearly indicated in the course title that the specified coursework had been completed.”

According to the Board of Pharmacy, the Board is required to submit a report on the regulation of automated drug delivery devices to the Legislature on or before January 1, 2024, as part of its sunset evaluation process; however, the Board’s sunset review was moved to 2025. The proposed change will update the due date for the report to January 1, 2025.

The California Board of Accountancy, Board of Registered Nursing, and Veterinary Medical Board of California note that the changes in this bill will strengthen and clarify statutory provisions and enhance practice acts.

The Speech-Language Pathology and Audiology and Hearing Aid Dispensers Board will replace the gendered pronouns “he” or “she” from the Board’s Practice Act which parallels with other efforts throughout the state to make sure that the language used in laws recognizes and represents all persons.

ASSEMBLY FLOOR: 80-0, 9/11/23

AYES: Addis, Aguiar-Curry, Alanis, Alvarez, Arambula, Bains, Bauer-Kahan, Bennett, Berman, Boerner, Bonta, Bryan, Calderon, Juan Carrillo, Wendy Carrillo, Cervantes, Chen, Connolly, Megan Dahle, Davies, Dixon, Essayli, Flora, Mike Fong, Vince Fong, Friedman, Gabriel, Gallagher, Garcia, Gipson, Grayson, Haney, Hart, Holden, Hoover, Irwin, Jackson, Jones-Sawyer, Kalra, Lackey, Lee, Low, Lowenthal, Maienschein, Mathis, McCarty, McKinnor, Muratsuchi, Stephanie Nguyen, Ortega, Pacheco, Papan, Jim Patterson, Joe Patterson, Pellerin, Petrie-Norris, Quirk-Silva, Ramos, Rendon, Reyes, Luz Rivas, Rodriguez, Blanca Rubio, Sanchez, Santiago, Schiavo, Soria, Ta, Ting, Valencia, Villapudua, Waldron, Wallis, Ward, Weber, Wicks, Wilson, Wood, Zbur, Robert Rivas

Prepared by: Elissa Silva / B., P. & E.D. /
9/11/23 19:47:00

**** END ****

Assembly Bill No. 883

Passed the Assembly May 30, 2023

Chief Clerk of the Assembly

Passed the Senate September 12, 2023

Secretary of the Senate

This bill was received by the Governor this _____ day
of _____, 2023, at _____ o'clock ____M.

Private Secretary of the Governor

CHAPTER _____

An act to amend Section 115.4 of the Business and Professions Code, relating to business licenses.

LEGISLATIVE COUNSEL'S DIGEST

AB 883, Mathis. Business licenses: United States Department of Defense SkillBridge program.

Existing law establishes the Department of Consumer Affairs under the direction of the Director of Consumer Affairs and sets forth its powers and duties relating to the administration of the various boards under its jurisdiction that license and regulate various professions and vocations.

Existing law requires a board to expedite, and authorizes a board to assist, in the initial licensure process for an applicant who supplies satisfactory evidence to the board that the applicant has served as an active duty member of the Armed Forces of the United States and was honorably discharged. Existing law authorizes a board to adopt regulations necessary to administer those provisions.

This bill would additionally require, on and after July 1, 2024, a board to expedite, and authorize a board to assist, in the initial licensure process for an applicant who supplies satisfactory evidence to the board that the applicant is an active duty member of a regular component of the Armed Forces of the United States enrolled in the United States Department of Defense SkillBridge program, as specified, and would provide that regulations to administer those provisions be adopted in accordance with the rulemaking provisions of the Administrative Procedure Act.

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

SECTION 1. Section 115.4 of the Business and Professions Code is amended to read:

115.4. (a) Notwithstanding any other law, on and after July 1, 2016, a board within the department shall expedite, and may assist, the initial licensure process for an applicant who supplies satisfactory evidence to the board that the applicant has served as

an active duty member of the Armed Forces of the United States and was honorably discharged.

(b) Notwithstanding any other law, on and after July 1, 2024, a board within the department shall expedite, and may assist, the initial licensure process for an applicant who supplies satisfactory evidence to the board that the applicant is an active duty member of a regular component of the Armed Forces of the United States enrolled in the United States Department of Defense SkillBridge program as authorized under Section 1143(e) of Title 10 of the United States Code.

(c) A board may adopt regulations necessary to administer this section in accordance with the provisions of Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code.

AMENDED IN ASSEMBLY MARCH 27, 2023

CALIFORNIA LEGISLATURE—2023–24 REGULAR SESSION

ASSEMBLY BILL

No. 996

Introduced by Assembly Member Low

February 15, 2023

An act to add Section 36 to the Business and Professions Code, relating to professions and vocations.

LEGISLATIVE COUNSEL’S DIGEST

AB 996, as amended, Low. Department of Consumer Affairs: continuing education: conflict-of-interest policy.

Existing law provides for the licensure and regulation of professions and vocations by entities within the Department of Consumer Affairs. Under existing law, several of these entities may require licensees to satisfy continuing education course requirements, including, among others, licensed physicians and surgeons licensed by the Medical Board of California and certified public accountants and public accountants licensed by the California Board of Accountancy.

This bill would require those entities to develop and maintain a conflict-of-interest policy that, at minimum, discourages the qualification of any continuing education course if the provider of that course has an economic interest in a commercial product or enterprise directly or indirectly promoted in that ~~course~~. *course and requires conflicts to be disclosed at the beginning of each continuing education course.*

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 36 is added to the Business and
2 Professions Code, to read:

3 36. (a) Any entity listed in Section 101 that is responsible for
4 approving continuing education providers or courses shall develop
5 and maintain a conflict-of-interest policy in accordance with
6 subdivision (b).

7 (b) The conflict-of-interest policy required by this section shall,
8 at a minimum, ~~discourage~~ *do both of the following*:

9 (1) *Discourage* the qualification of any continuing education
10 course if the provider of that course has an economic interest in a
11 commercial product or enterprise directly or indirectly promoted
12 in that course.

13 (2) *Require conflicts to be disclosed at the beginning of each*
14 *continuing education course.*



AGENDA ITEM 15

RULEMAKING UPDATE

- a. Review, Discussion, and Possible Approval to Begin the Rulemaking Process and to Adopt Regulations on Regulatory Proposal Regarding Fumigation & Pesticide Use Standards & Record Requirements (Amend Title 16, California Code of Regulations (CCR), section 1970)
- b. Update Regarding Regulatory Proposals for Disciplinary Guidelines (Amend Title 16 CCR, section 1937.11) and Pesticide Application Notice Requirements (Amend Title 16 CCR, section 1970.4, and Add sections 1970.41, 1970.42, and 1970.43)

MEMORANDUM

DATE	October 10, 2023
TO	Members of the Structural Pest Control Board
FROM	Heather Jackson, Regulation & Legislative Program Specialist Structural Pest Control Board
SUBJECT	Agenda Item #15: Rulemaking Report a. Review, Discussion, and Possible Approval to Begin the Rulemaking Process and to Adopt Regulations on Regulatory Proposal Regarding Fumigation & Pesticide Use Standards & Record Requirements (Amend Title 16, of the California Code of Regulations sections 1970)

Background

Previously referred to as the “Certification and Training” regulation, the purpose of this regulation proposal is to bring the Board’s regulations into compliance with new U.S. EPA standards required by Code of Federal Regulations, Title 40, Part 171 – Certification of Pesticide Applicators.

Board staff recently re-evaluated each revision in the previous proposal and designated each as one of three categories: EPA Compliance Requirement, Continuing Education Integrated Pest Management (CE IPM) Committee Recommendation, or General (inclusive of accompanying revisions and updates to terminology/operations).

The analysis revealed 3 of the approximately 30 proposed revisions were essential for compliance with the U.S. EPA standards. The remaining were related to CE IPM Committee recommendations, which will be addressed in future regulatory efforts.

In light of this, Board staff is revising the regulatory proposal to only amend where necessary, which is in 16 CCR section 1970 – Standards and Record Requirements (under Article 4. Fumigation and Pesticide Use) and rename the regulation package as “Fumigation & Pesticide Use Standards & Record Requirements” to better reflect the proposal.

Issues Identified and Proposed Regulatory Changes

Currently, 16 CCR section 1970 describes the reporting requirements and mode for which licensees must report several requirements. While the list is encompassed by a complimentary form at the end of the section, the format is known to be confusing, and difficult to understand.

This proposal makes clarifying revisions to the language on information necessary when reporting all structural pest control applications.

The proposed amendments to 16 CCR sections include:

- 1970** Incorporate by reference a new Standard Structural Fumigation Log (43M-38, Rev. 6/2023) to replace the description outlined in 16 CCR 1970(a).
- 1970(a)** Delete - The proposed form (43M-38) provides all reporting requirements.
- 1970(b)** Modify the description of reporting requirements for all other structural pest control applications, including the additional information necessary when a restricted use pesticide is used as required by federal regulations (40 CFR 171.303(b)(7)(vi)). The additional reporting requirements include (1) time of application, (2) the pesticide product name and U.S. EPA or CA registration number, and (3) the license number of the Applicator or non-certified commercial applicator who applied pesticides, and identity and license number of the Field Representative, Operator, or certified commercial applicator who applied or supervised the application(s) of restricted materials.
- Form 43M-38** Non-substantive changes for clarity and reformatted to enhance the readability and use of each section.

Recommendation

The Executive Officer recommends the Board make a motion to approve the proposed regulatory text and changes to Section 1970 as provided in the materials and direct staff to submit all approved text to the Director of the Department of Consumer Affairs and the Business, Consumer Services, and Housing Agency for review. If no adverse comments are received, authorize the Executive Officer to take all steps necessary to initiate the rulemaking process, make any technical or non-substantive changes to the package, and set the matter for hearing if requested. If no adverse comments are received during the 45-day comment period and no hearing is requested, authorize the Executive Officer to take all steps necessary to complete the rulemaking and adopt the proposed regulations at Section 1970 as noticed.

Attachments

1. Proposed Regulatory Language and Incorporated Form
2. Complementary Form comparison
3. Regulation Proposal Matrix

PROPOSED TEXT

California Code of Regulations Title 16. Professional and Vocational Regulations Division 19. Structural Pest Control Board

Proposed amendments to the regulatory language are shown in single underline for new text and ~~single strikethrough~~ for deleted text.

§ 1970. Standards and Record Requirements.

For the purpose of maintaining proper standards of safety and the establishment of responsibility in handling the dangerous gases used in fumigation and the pesticides used in other pest control operations, a registered company shall compile and retain for a period of at least three years, a Standard Fumigation Log (Form number 43M-47, Rev. 6/2023), hereby incorporated by reference, ~~log~~ for each fumigation job and a report, as defined in subsection (a), for each structural pest control application ~~pesticide control operation~~ in which a pesticide is used by the registered company or the registered company's employee. If the fumigation is to be performed by a fumigation subcontractor, the subcontractor shall complete the fumigation log and forward a copy of the log to the primary contractor within ten business days.

~~(a) The log (See Form 43M-47 (Rev. 5/07) at the end of this section) for each fumigation job shall contain the following information:~~

~~Name, address and company registration certificate number of prime contractor.~~

~~Name, address and company registration certificate number of subcontractor, if any.~~

~~Address of property.~~

~~Date of fumigation.~~

~~Name and address of owner or his or her agent.~~

~~Date and hour fire department was notified pursuant to Business and Professions Code section 8505.5.~~

~~Date and hour county agricultural commissioner was notified and method of notification, where required.~~

~~Property description including type of structure as to details of roofing, walls, and the presence of construction elements, conduits, drains, air ducts, or vacuum systems that could allow the passage of fumigant from the structure to be fumigated to any adjacent or adjoining structure(s), thereby connecting them, and method(s) used to prevent passage of the fumigant.~~

~~Cubic feet fumigated.~~

~~Target pest(s).~~

~~Kind of fumigant(s) used.~~

~~United States Environmental Protection Agency registration number(s) of fumigant(s).~~
~~Name of warning agent and amount used.~~
~~Type of sealing method used.~~
~~Weather conditions as to temperature and wind.~~
~~Date and hour fumigant introduced.~~
~~Cylinder number of each fumigant used.~~
~~Weight of each fumigant cylinder before introduction of gas.~~
~~Pounds of fumigant used from each cylinder.~~
~~Total pounds of fumigant used.~~
~~List of any extraordinary safety precautions taken.~~
~~Name, signature and license number of operator or field representative releasing fumigant.~~
~~First name and surname of crew when fumigant was released, when aeration commenced and when the property was released for occupancy.~~
~~Indication of whether or not safety equipment was available at the fumigation site at the time the fumigant was introduced, when ventilation commenced and when the property was released for occupancy.~~
~~Date and hour aeration commenced.~~
~~Conditions of tarp and seal.~~
~~Name, signature and license number of operator or field representative commencing ventilation.~~
~~Type of device(s) used to test for re-entry.~~
~~Date and hour ready for occupancy.~~
~~Name, signature and license number of operator or field representative releasing property for occupancy.~~
~~Method used to calculate amount of fumigant used.~~
~~Factors used in calculation of fumigant.~~
~~Special notes or comments pertinent to fumigation.~~

(ba) The report for each structural pest control operation-application, other than fumigation, in which a pesticide is used shall contain the following information:

1. Date and time of application-treatment.
2. Name of owner or his or her their agent.
3. Address of property.
4. Description of area(s) treated.
5. Target pest(s).
6. Pesticide product name, including U.S. Environmental Protection Agency or CA registration number on the pesticide label and amount used.
7. Identity and license number of Applicator(s) person or persons who applied the pesticide(s) or the identity and license number of the Field Representative

or Operator who applied or supervised the application of restricted material(s) by Applicator(s).

OR

8. Identity and license number of the noncertified commercial applicator(s) who applied pesticide(s) or the identity and license number of the certified commercial applicator who applied or supervised the application(s) of restricted material(s) by the noncertified applicator.

(c) The term “fraudulent act” as used in Section 8642 includes but is not limited to the falsification of any records pertaining to fumigation jobs or other pest control operations in which a pesticide other than a fumigant is used.

Note: Authority cited: Section 8525, Business and Professions Code. Reference: Sections 8505.5, 8505.7, 8505.13, 8505.15, 8505.16, 8516, 8642, 8646 and 8652, Business and Professions Code.

STANDARD STRUCTURAL FUMIGATION LOG

ADDRESS OF PROPERTY		CITY	DATE OF FUMIGATION	
PRIME CONTRACTOR NAME AND ADDRESS		SUBCONTRACTOR NAME AND ADDRESS (if applicable)		
CO. REG. #		CO. REG. #		
OWNER/AGENT NAME AND ADDRESS		FIRE DEPT. NOTIFIED (DATE) (HOUR)		
PROPERTY DESCRIPTION		C.A.C. NOTIFIED (METHOD)(DATE)(HOUR)		
NOTES / COMMENTS				
SECTION 1 – FUMIGANT RELEASED				
TARGET PEST		WARNING AGENT	CUBIC FEET	OUNCES USED
FUMIGANT / E.P.A. REGISTRATION NO.		SEALING METHOD		DATE/TIME GAS INTRODUCED
		CYLINDER SERIAL NO.	WT. BEFORE INTRO.	POUNDS APPLIED
WIND M.P.H. AIR TEMP		CYLINDER SERIAL NO.	WT. BEFORE INTRO.	POUNDS APPLIED
		CYLINDER SERIAL NO.	WT. BEFORE INTRO.	POUNDS APPLIED
EXTRAORDINARY PRECAUTIONS			TOTAL POUNDS	
[] FUMIGUIDE B [] FUMIGUIDE Y [] VIKANE CALCULATOR [] FUMICALC CALCULATOR [] OTHER _____				
DOSAGE FACTOR		UNDER SEAL		
TARP CONDITION		TEMPERATURE		
SEAL CONDITION		HOURS EXPOSURE		
WIND (MPH)		MONITOR JOB (YES / NO)		
VOLUME				
CREW MEMBER(S) FULL NAME(S):				
WAS REQUIRED SAFETY EQUIP. PROVIDED?		LICENSEE RELEASING FUMIGANT		LICENSE NO.
YES () NO ()		SIGNATURE		
SECTION 2 – VENTILATION COMMENCED				
AERATION COMMENCED:		TARP / SEAL CONDITION		
DATE TIME				
CREW MEMBER(S) FULL NAME(S):				
WAS REQUIRED SAFETY EQUIP. PROVIDED?		LICENSEE COMMENCING VENTILATION		LICENSE NO.
YES () NO ()		SIGNATURE		
SECTION 3 – RELEASED FOR OCCUPANCY				
TESTING DEVICE USED:		PROPERTY CERTIFIED SAFE FOR RE-ENTRY:		
		DATE TIME		
CREW MEMBER(S) FULL NAME(S):				
WAS REQUIRED SAFETY EQUIP. PROVIDED?		LICENSEE RELEASING PROPERTY FOR OCCUPANCY		LICENSE NO.
YES () NO ()		SIGNATURE		

STANDARD STRUCTURAL FUMIGATION LOG

ADDRESS OF PROPERTY		CITY		DATE OF FUMIGATION	
		PRIME CONTRACTOR NAME AND ADDRESS			
		CO. REG. #.		CO. REG. #	
OWNER	PRIME CONTRACTOR NAME AND ADDRESS		SUBCONTRACTOR NAME AND ADDRESS (if applicable)		
	CO. REG. #.		CO. REG. #		
PROPERTY DESCRIPTION			DATE / TIME / METHOD / (DATE) / (TIME) / (METHOD) / (DATE) / (TIME)		
NOTES OR COMMENTS					
NOTES / COMMENTS					
SECTION 1		TARGET PEST		WARNING AGENT	
FUMIGANT RELEASED				CUBIC FEET	
				OUNCES USED	
FUMIGANT / E.P.A. REGISTRATION NO.		SEALING METHOD		DATE/TIME GAS INTRODUCED	
		CYLINDER SERIAL NO.		WT. BEFORE INTRO.	
				POUNDS APPLIED	
WIND M.P.H.		AIR TEMP		CYLINDER SERIAL NO.	
				WT. BEFORE INTRO.	
				POUNDS APPLIED	
				CYLINDER SERIAL NO.	
				WT. BEFORE INTRO.	
				POUNDS APPLIED	
EXTRAORDINARY PRECAUTIONS				TOTAL POUNDS	
[] FUMIGUIDE B [] FUMIGUIDE Y [] VIKANE CALCULATOR [] FUMICALC CALCULATOR [] OTHER _____					
DOSAGE FACTOR				UNDER SEAL	
TARP CONDITION				TEMPERATURE	
SEAL CONDITION				HOURS EXPOSURE	
WIND (MPH)				MONITOR JOB (YES / NO)	
VOLUME					
CREW MEMBERS NAMES					
CREW MEMBER(S) FULL NAME(S):					
WAS REQUIRED SAFETY EQUIP. PROVIDED?					
LICENSEE RELEASING FUMIGANT					
LICENSE NO.					
YES () NO ()					
SIGNATURE					
SECTION 2		AERATION COMMENCED:		TARP / SEAL CONDITION	
VENTILATION COMMENCED		DATE		TIME	
CREW MEMBERS NAMES					
CREW MEMBER(S) FULL NAME(S):					
WAS REQUIRED SAFETY EQUIP. PROVIDED?					
LICENSEE COMMENCING VENTILATION					
LICENSE NO.					
YES () NO ()					
SIGNATURE					
SECTION 3		TESTING DEVICE USED		PROPERTY CERTIFIED SAFE FOR RE-ENTRY	
RELEASED FOR OCCUPANCY		DATE		TIME	
CREW MEMBERS NAMES					
CREW MEMBER(S) FULL NAME(S):					
WAS REQUIRED SAFETY EQUIP. PROVIDED?					
LICENSEE RELEASING PROPERTY FOR OCCUPANCY					
LICENSE NO.					
YES () NO ()					
SIGNATURE					

Regulation Proposal Matrix

1970. Fumigation Pesticide Use Standards Record Requirements

Current Language	Proposed Language Clean	Purpose
For the purpose of maintaining proper standards of safety and the establishment of responsibility in handling the dangerous gases used in fumigation and the pesticides used in other pest control operations, a registered company shall compile and retain for a period of at least three years, a log for each fumigation job and for each pesticide control operation in which a pesticide is used by the registered company or the registered company's employee. If the fumigation is to be performed by a fumigation subcontractor, the subcontractor shall complete the fumigation log and forward a copy of the log to the primary contractor within ten business days.	For the purpose of maintaining proper standards of safety and the establishment of responsibility in handling the dangerous gases used in fumigation and the pesticides used in other pest control operations, a registered company shall compile and retain for a period of at least three years, a Standard Fumigation Log (Form number 43M-47, Rev. 6/2023), hereby incorporated by reference, for each fumigation job and a report for each structural pest control application in which a pesticide is used by the registered company or the registered company's employee. If the fumigation is to be performed by a fumigation subcontractor, the subcontractor shall complete the fumigation log and forward a copy of the log to the primary contractor within ten business days.	1. Incorporate new Standard Fumigation Log 2. Revises language to clarify that a report must be completed for each structural pest control application.
(a) The log (See Form 43M-47 (Rev. 5/07) at the end of this section) for each fumigation job shall contain the following information: Name, address and company registration certificate number of prime contractor. Name, address and company registration certificate number of subcontractor, if any. Address of property. Date of fumigation. Name and address of owner or his or her agent. Date and hour fire department was notified pursuant to Business and Professions Code section 8505.5. Date and hour county agricultural commissioner was notified and method of notification, where required. Property description including type of structure as to details of roofing, walls, and the presence of construction elements, conduits, drains, air ducts, or vacuum systems that could allow the passage of fumigant from the structure to be fumigated to any adjacent or adjoining structure(s), thereby connecting them, and method(s) used to prevent passage of the fumigant. Cubic feet fumigated. Target pest(s). Kind of fumigant(s) used. United States Environmental Protection Agency registration number(s) of fumigant(s). Name of warning agent and amount used. Type of sealing method used. Weather conditions as to temperature and wind. Date and hour fumigant introduced. Cylinder number of each fumigant used. Weight of each fumigant cylinder before introduction of gas. Pounds of fumigant used from each cylinder. Total pounds of fumigant used. List of any extraordinary safety precautions taken. Name, signature and license number of operator or field representative releasing fumigant. First name and surname of crew when fumigant was released, when aeration commenced and when the property was released for occupancy. Indication of whether or not safety equipment was available at the fumigation site at the time the fumigant was introduced, when ventilation commenced and when the property was released for occupancy. Date and hour aeration commenced. Conditions of tarp and seal. Name, signature and license number of operator or field representative commencing ventilation. Type of device(s) used to test for re-entry. Date and hour ready for occupancy. Name, signature and license number of operator or field representative releasing property for occupancy. Method used to calculate amount of fumigant used. Factors used in calculation of fumigant. Special notes or comments pertinent to fumigation.	n/a	3. Removes the description of the "log" required in 1970, which is being replaced by the new Fumigation Log.
(b) The report for each pest control operation, other than fumigation, in which a pesticide is used shall contain the following information: Date of treatment. Name of owner or his or her agent. Address of property. Description of area treated. Target pest(s). Pesticide and amount used. Identity of person or persons who applied the pesticide.	(a) The report for each structural pest control application, other than fumigation, in which a pesticide is used shall contain the following information: 1. Date and time of application 2. Name of owner or their agent. 3. Address of property. 4. Description of area(s) treated. 5. Target pest(s). 6. Pesticide product name, including U.S. Environmental Protection Agency or CA registration number on the pesticide label and amount used. 7. Identity and license number of Applicator(s) who applied pesticide(s) or the identity and license number of the Field Representative or Operator who applied or supervised the application of restricted material(s) by Applicator(s). OR 8. Identity and license number of the noncertified commercial applicator(s) who applied pesticide(s) or the identity and license number of the certified commercial applicator who applied or supervised the application(s) of restricted material(s) by the noncertified applicator.	4. Adds "time" of application to the reporting requirements which is existing industry standard 5. Removes the requirement of reporting the "size of application" since this is often estimated and is encompassed by the general description. 6. Adds language to gather information about the pesticide. This is to easily identify whether the pesticide applied is restricted use, requires supervision. 7. Adds language necessary to ensure that a non-certified applicator (SPBC Applicators) was supervised by a commercial applicator (SPCB FR/OPR) during an application. 8. Adds clarifying language; add the word "structural," replaces instances of the term "operation" with "application" which is more widely used and understood in the industry, replaces gendered language with neutral terms, and where appropriate makes instances of the terms area, pest, and pesticide plural. 9. Renumbers the subsection and adds numbering to the list of reporting requirements.



MEMORANDUM

DATE	October 10, 2023
TO	Members of the Structural Pest Control Board
FROM	Heather Jackson, Regulation & Legislative Program Specialist Structural Pest Control Board
SUBJECT	Agenda Item #15: Rulemaking Report b. Update Regarding Regulatory Proposals for Disciplinary Guidelines (Amend Title 16 CCR, section 1937.11) and Pesticide Application Notice Requirements (Amend Title 16 CCR, section 1970.4, and Add sections 1970.41, 1970.42, and 1970.43)

The following provides an update on the Board's pending regulatory efforts that require no action. Please refer to the attached SPCB Rulemaking Update for detailed summaries and progress trackers.

Disciplinary Guidelines ([Amend Title 16 of the California Code of Regulations section 1937.11](#))

This regulatory effort aims to update the Disciplinary Guidelines (DGs) incorporated into 16 CCR § 1937.11 (last revised 2016), to update/modernize language, and add optional terms (Psychotherapy, Biological fluids testing). Board staff is in the process of reviewing the current DGs to provide the review committee with a recommended proposal. We expect to have a proposal for the Board's review at the first meeting of 2024.

Pesticide Application Notice ([Amend Title 16 of the California Code of Regulations sections 1970.4, 1970.41, 1970.42, and 1970.43](#))

This package is pending Agency review and approval. Once approval is obtained, the package can be filed with the Office of Administrative Law. We anticipate this to happen in the coming weeks.

Attachment(s):

SPCB Rulemaking Update

Rulemaking Update

October 10, 2023

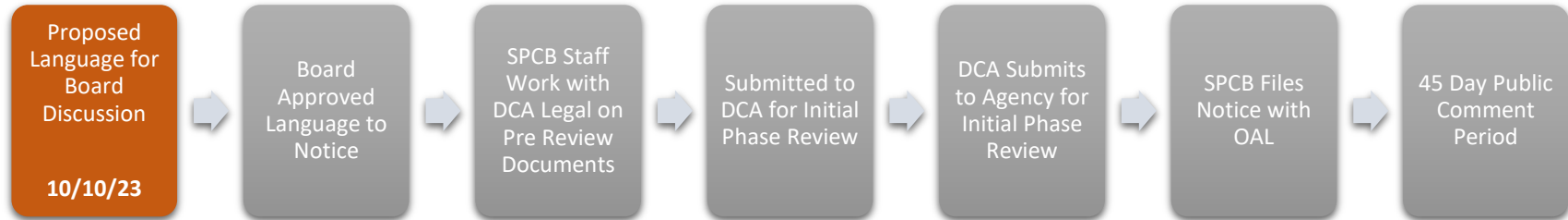
Fumigation & Pesticide Use Standards & Record Requirements

California Code of Regulations Title and Sections Affected: 16 CCR 1970

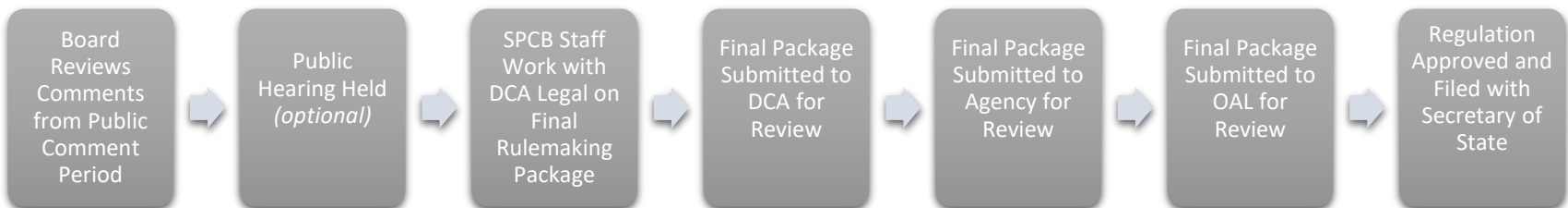
Statute(s) Being Implemented: Business and Professions Code Sections 8505.5, 8505.7, 8505.13, 8508.15, 8505.16, 8516, 8542, 8646, 8652, and Federal Register EPA 40 CFR Part 171

Summary: This package revisions necessary to comply with new U.S. EPA standards required by Code of Federal Regulations, Title 40, Part 171 – Certification of Pesticide Applicators. The memo included in the materials (15a) for this item provides further background and explanation of changes along with the Executive Officer’s recommendation. Board staff will present proposed language for Board consideration at the meeting.

Initial Phase:



Final Phase:



Orange: Current Status

Blue: Completed

Gray: Remaining Steps

Rulemaking Update

October 10, 2023

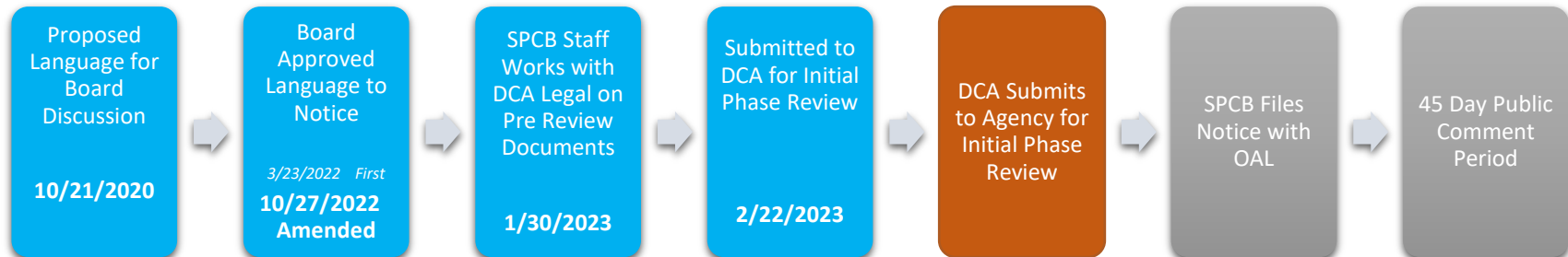
Pesticide Application Notice

California Code of Regulations Title and Sections Affected: 16 CCR 1970.4, 1970.41, 1970.42, and 1970.43

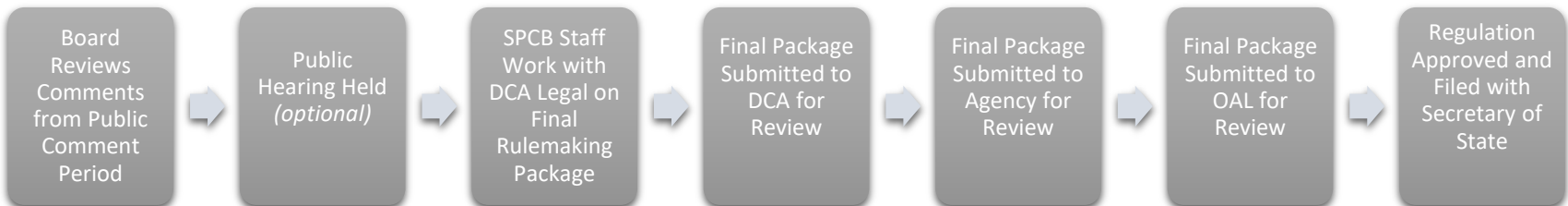
Statute(s) Being Implemented: Business and Professions Code Sections 8525, 8538

Summary: This regulatory proposal clarifies and/or updates instances of unclear and/or outdated terminology, provides post-application pesticide notice guidelines or several possible application scenarios, and requires registered companies to provide, within 24 hours, specified information about pesticide use to any person who requests such information. Additionally, this proposal adds a requirement that any death or serious injury be reported to the County Agricultural Commissioner in the County where the application took place. This requirement is added because the County Agricultural Commissioner's frequently conduct street level enforcement in coordination with the Structural Pest Control Board. Lastly, Form 43M-48, the Occupants Fumigation Notice and Pesticide Disclosure (OFN), has been redesigned to address the problem of the current version being outdated and containing irrelevant information. Additionally, the proposal is to remove the image of the OFN from regulation and incorporate the form by reference. The new OFN is being updated to more closely mirror the language described in Business and Professions Code (BPC) section 8538(a)(1-3).

Initial Phase:



Final Phase:



Orange: Current Status

Blue: Completed

Gray: Remaining Steps



AGENDA ITEM 16
OUTREACH &
COMMUNICATIONS UPDATE

MEMORANDUM

DATE	October 10, 2023
TO	Members of the Structural Pest Control Board
FROM	Heather Jackson, Regulation & Legislative Program Specialist Structural Pest Control Board
SUBJECT	Agenda Item #16: Outreach and Communications Update

Email Communications

The Email Notification List (ListServ) continues to serve as a tool for Board staff to deliver large-scale e-mail communications to licensees and stakeholders. Interested parties can autonomously subscribe/unsubscribe for this tool on the [Email Notification List](#) page of the Board's website.

Since the last Board meeting in June, the Board's general ListServ email has 18 new subscribers, bringing us to 712 subscribers in total. Staff continues to highlight this feature by advertising through email, social media posts, during speaking engagements, and interactions with consumers and licensees.

Social Media

The Social Media Account and Content Statistics Report (attachment 1) prepared by Board staff utilizes information collected directly from Meta reporting system insights and include details for each post, including the image, its topic, target audience, reach, performance, and engagements.

Below are a few highlighted posts since the last board meeting:

- Links to the recording of the June Board Meeting
- Recruitment for the Operator Branch 2 & 3 workshop
- Vacancy notice for the vacant Specialists position
- DEI survey in alignment with Governor Newsom's Executive Order (N-16-22)
- NBC Bay Area media report featuring Board Specialists, Jeff Marang

Quarterly Newsletter

Newsletter Committee held multiple meetings to narrow down and finalize content and details for the January 2024 launch. Staff have submitted rough drafts for review and will be collaborating with DCA – Publications, Design, and Editing Unit for their assistance in designing the newsletter. Staff are on track for a successful January 2024 launch.

- October elected Board President will have space within the January 2024 newsletter to write a message to the industry.

Partnerships

Board staff worked with DCA's Communication Office to respond to a media request from NBCUniversal (KNTV). Enforcement Specialist, Jeff Marang, was selected to represent the Board in an interview with Chris Chmura regarding information consumers should know about hiring a pest control company. The interview aired on August 28, 2023, and can be viewed online: <https://www.nbcbayarea.com/investigations/consumer/what-to-know-about-hiring-a-pest-control-company/3305780/>

Board staff continues to maintain a partnership with the Department of Real Estate's (DRE) Communications & Publications Office. Once formal guidance has been provided to the industry on the use of NPMA-33 forms in California, we hope to leverage this relationship to get the information out to the real estate industry.

Live Events/Speaking Engagements

- *Placer County Senior Resource Fair (Roseville, CA) – August 10, 2023*
The Board had a booth set up along with 65 other organizations providing useful information to approximately 500 community members. Our outreach efforts helped educate and empower consumers to make informed decisions.
- *UCR Fumigation School (Pomona, CA) – October 11-12, 2023*
Hosted by the University of California, Riverside – Division of Agriculture and Natural Resources. This two-day program offers technical information and hands-on demonstration on how to properly prepare a structure for fumigation for professional licensees only. The Board's Chief of Enforcement will present "California Regulatory Updates" and Board Specialist, Tom Ineichen, will present on "Common Inspection Problems" to attendees.
- *Structural Regulatory Training (Berkeley, CA) – November 7-9, 2023*
Presented by the Department of Pesticide Regulation and Structural Pest Control Board and. This annual training is provided to hundreds of County Agricultural Commissioner Inspectors and Biologists.

Attachment(s)

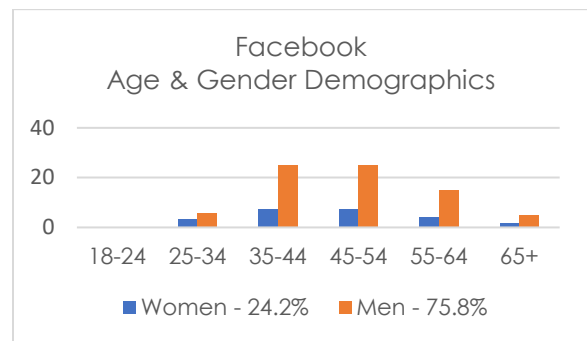
1. Social Media Account and Content Statistics

Structural Pest Control Board Social Media Account Statistics

Definitions	
Reach	The number of accounts that saw post at least once.
Impressions	Number of times users saw the Tweet on Twitter.
Engagements	Total number of times a user has interacted with a Tweet. This includes all clicks anywhere on the Tweet (including hashtags, links, avatar, username, and Tweet expansions), retweets, replies, follows, and likes.

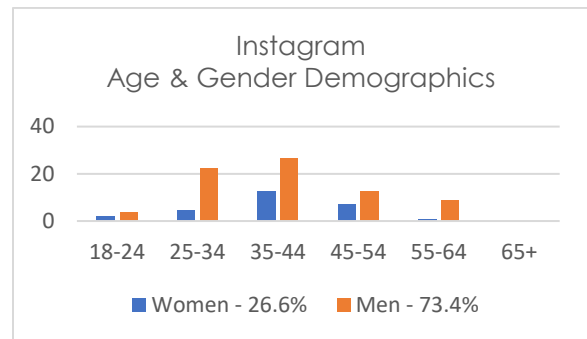
Facebook Statistics Cumulative: 1/26/23 – 8/31/23	
Page Likes	89
Page Follows	145
Page Reach	319
Page Visits	1,409

[Link to SPCB Facebook Page](#)



Instagram Statistics Cumulative: 1/26/23 – 8/31/23	
Page Follows	134
Page Reach	209
Page Visits	389

[Link to SPCB Instagram Page](#)





Twitter Statistics Cumulative: 1/26/23 – 8/31/23	
Total Followers	80
Impressions	1,027
Profile Visits	Data no longer available

[Link to SPCB Twitter Page](#)


*Twitter demographics are not available


Structural Pest Control Board – Content Performance

Date Posted	Post Topic		Target Audience						
8/30/2023	Outreach		Consumers						
			<p>Message: Check out SPCB's Enforcement Specialist, Jeff Marang, speaking with NBC Bay Area's Chris Chmura's team about what consumers should know about hiring a pest control company!</p> <p>NCB Bay Area - What to Know About Hiring a Pest Control Company</p> <p>#pestcontrol #nbc #bayarea #pestmanagement #pestboardca</p>						
Performance									
	Reach	Likes	Reactions	Comments	Shares	Link Clicks or Other Clicks	Impressions	Engagements	Retweets
Facebook	71		1	0	1	5	75	8	
Instagram									
Twitter		0		0		2	72	2	0


Date Posted	Post Topic		Target Audience						
8/22/2023	Outreach		Licensees & Stakeholders						
<div><div><div>WE WANT TO HEAR FROM YOU</div><div></div></div><div>Message: Get involved in the Structural Pest Control Board's strategic planning process and help shape the future of consumer protection. For more information, visit: https://www.research.net/r/SPCBmini23</div></div>									
Performance									
	Reach	Likes	Reactions	Comments	Shares	Link Clicks or Other Clicks	Impressions	Engagements	Retweets
Facebook	26		0	0	0	1	29	1	
Instagram	39	1		0	0	0	60	1	
Twitter		0		0		0	19	0	0


Structural Pest Control Board – Content Performance

Date Posted	Post Topic		Target Audience						
7/25/2023	Outreach		Military Consumers						
			<p>Message: For Military Consumer Protection Month, learn how to be an empowered and informed consumer. Access DCA resources in English and 6 other languages: Informed Consumer Info</p>						
Performance									
	Reach	Likes	Reactions	Comments	Shares	Link Clicks or Other Clicks	Impressions	Engagements	Retweets
Facebook	25		0	0	0	0	32	0	
Instagram	67	5		0	0	1	102	6	
Twitter		0		0		0	0	0	0


Date Posted	Post Topic		Target Audience						
7/14/2023	Outreach		Licensees						
			<p>Message: Calling all #pestcontrolprofessionals - we want you to join our team! The Board is #hiring a Specialist to service the Orange/Los Angeles County area!</p> <p>If you have a valid SPCB license and 3 years of experience in structural pest control, construction (carpentry), or entomological inspection work, then you likely qualify!</p> <p>Check out the Job Posting for more info. SPCB Specialist Vacancy</p> <p>We can't wait to meet you!</p>						
Performance									
	Reach	Likes	Reactions	Comments	Shares	Link Clicks or Other Clicks	Impressions	Engagements	Retweets
Facebook	59		0	0	0	4	66	5	
Instagram	116	5		2	0	0	164	7	
Twitter		0		0		0	40	1	0


Structural Pest Control Board – Content Performance

Date Posted	Post Topic		Target Audience						
7/14/2023	Outreach		Consumers & Licensees						
			<p>Message: If you work outside, take breaks to cool down. Your employer must provide you with water, rest, and shade.</p> <p>Check in on a friend, neighbor, or co-worker and have someone do the same for you.</p> <p>For more tips on how to prepare for extreme heat, visit Listos California</p> <p>#ListosCalifornia #pestboardca</p>						
Performance									
	Reach	Likes	Reactions	Comments	Shares	Link Clicks or Other Clicks	Impressions	Engagements	Retweets
Facebook	28		2	0	0	1	34	2	
Instagram	56	5		0	0	0	85	5	
Twitter		0		0		0	31	0	0


Date Posted	Post Topic		Target Audience						
7/11/2023	Outreach		Military Consumers						
			<p>Message: July is Military Consumer Protections Month! Remember to check the license of the professional or business you are working with by using the Department of Consumer Affairs' license search tool.</p> <p>Visit https://search.dca.ca.gov/</p>						
Performance									
	Reach	Likes	Reactions	Comments	Shares	Link Clicks or Other Clicks	Impressions	Engagements	Retweets
Facebook	30		0	0	0	1	35	1	
Instagram	48	2		0	0	0	75	2	
Twitter		1		0		0	22	1	0


Structural Pest Control Board – Content Performance

Date Posted		Post Topic				Target Audience			
7/5/2023		Exam Development				Licensees			
					<p>Message: The SPCB and the Office of Professional Examination Services are recruiting licensed Operators in Branch 2 & 3 to assist in the continued development of the Operator licensing examinations. If you are interested in obtaining more information or participating, please email: SPCBworkshops@dca.ca.gov or scan the QR code on the bottom right corner of this flyer. We look forward working with you!</p> <p>#pestboardca #spcb</p>				
Performance									
	Reach	Likes	Reactions	Comments	Shares	Link Clicks or Other Clicks	Impressions	Engagements	Retweets
Facebook	57		3	0	0	1	65	6	
Instagram	92	10		0	1	0	104	10	
Twitter		0		0		0	34	1	0

Date Posted		Post Topic				Target Audience			
7/4/2023		Office Closure – Holiday				Consumers & Licensees			
					<p>Message: In observance of Independence Day, our office is closed. We will resume normal business hours on Wednesday, July 5, 2023.</p> <p>#IndependeneDay #pestboardca</p>				
Performance									
	Reach	Likes	Reactions	Comments	Shares	Link Clicks or Other Clicks	Impressions	Engagements	Retweets
Facebook	46		3	0	0	1	46	5	
Instagram	56	7		0	0	0	68	56	
Twitter		0		0		0	29	1	0

Structural Pest Control Board – Content Performance

Date Posted	Post Topic		Target Audience						
6/20/2023	Notice – Board Meeting		Consumers & Licensees						
			<p>Message: The Structural Pest Control Board (SPCB) will hold a public meeting via WebEx Events. To view the agenda and participate and the day of the meeting, please visit the link below.</p> <p>SPCB Board Meeting</p>						
Performance									
	Reach	Likes	Reactions	Comments	Shares	Link Clicks or Other Clicks	Impressions	Engagements	Retweets
Facebook	64		1	1	1	4	87	9	
Instagram	62	2		0	1	0	77	2	
Twitter		0		0		1	36	2	0

Date Posted	Post Topic		Target Audience						
6/9/2023	Renewals		Licensees						
			<p>Message: DCA's printing provider has confirmed print services have been fully restored. If you do not receive your renewal slip in the mail by 6/12/2023, please email the Board requesting a copy of the renewal slip.</p> <p>Email: Pestboard@dca.ca.gov #pestboardca #renewals</p>						
Performance									
	Reach	Likes	Reactions	Comments	Shares	Link Clicks or Other Clicks	Impressions	Engagements	Retweets
Facebook	64		1	0	0	2	72	5	
Instagram	71	3		0	0	0	95	4	
Twitter		0		0		0	34	0	0



AGENDA ITEM 17
DISCUSSION AND POSSIBLE ACTION
REGARDING TERMITE BAIT STATIONS/
TERMITE MONITORING DEVICES



MEMORANDUM

DATE	October 10, 2023
TO	Members of the Structural Pest Control Board
FROM	Tom Ineichen, SPCB Specialist Structural Pest Control Board
SUBJECT	Agenda Item #17: Discussion and Possible Action Regarding Termite Bait Stations/Termite Monitoring Devices

Background

The Structural Pest Control Board (SPCB) receives several inquiries from the pest control industry (industry) and pesticide manufacturers/dealers (dealers) on how the current SPCB laws and regulations affect termite monitoring and bait stations and the ability to recommend both as a preventative measure. The inquiries seek specific information on how the current laws and regulations affect the use of monitoring stations and "Continuous Bait Use," due to new developments in these products, and the need for clarification. There appears to be an increased interest in using monitors and continuous bait for control and preventative measures for subterranean and Formosan Termites, as they are labeled for such use. Research information also indicates "California has been slow to implement termite baiting."

Current laws and regulations that affect these issues:

California Code of Regulations Title 16, Sections:

1991. Report Requirements Under Section 8516(b)10. (a) Recommendations for corrective measures for the conditions found shall be made as required by paragraph 10 of subdivision (b) of Section 8516 of the code and shall also conform with the provisions of Title 24 of the California Code of Regulations and any other applicable local building code, and shall accomplish the following:... **(9)** For the extermination of subterranean termite infestations, treat an infested area under the structure when subterranean termite tubes are found connected to the ground or when active infestations are found in the ground. Subterranean termite tubes shall be removed where accessible, except where a licensee is using an above ground termite bait station that requires the use of the termite tubes to be effective. Where a licensee is using an above ground termite bait station that requires the use of termite tubes to be effective, subterranean termite tubes can remain in place for the duration of the licensee's use of

the termite bait stations. At the conclusion of the treatment, the subterranean termite tubes shall be removed.

1993.2. Termite Bait Station.

- (a) For the purposes of this section, "termite bait station" shall include:
 - (1) an "above-ground bait station," which shall mean any device containing pesticide bait used for the eradication of termites that is attached to the structure, or
 - (2) an "in-ground bait station," which shall mean any device containing pesticide bait used for the eradication of termites that is placed in the ground.
- (b) Prior to the installation of a termite bait station, a full or limited inspection of the structure shall be made.
- (c) Use of a termite bait station shall be considered a control service agreement as defined by section 8516 of the code.

1993.4. Termite Monitoring Device.

- (a) A "termite monitoring device" is defined as a device that:
 - (1) Solely provides an indication of the possible presence or absence of termites.
 - (2) Does not provide for positive identification of an infestation.
 - (3) Does not eliminate the need for an inspection conducted by a Branch 3 Operator or Field Representative prior to any treatment or work being performed.
 - (4) Does not contain any pesticides.
 - (5) Does not provide any control measures.
- (b) Installation of any termite monitoring device must be performed by a registered Branch 3 company.
- (c) Prior to installation of any termite monitoring device(s), the following disclosure language shall be provided in writing to the property owner or the property owner's designated agent:

"Termite monitoring devices are intended to solely provide an indication of the possible presence or absence of termites in the areas where such devices are installed. Termite monitoring devices do not replace the requirement for a termite inspection to be performed by a licensed termite inspector prior to the commencement of any treatment or work being performed. If the termite monitoring device indicates the possible presence of termites, you should consider having an inspection performed. You have the right to choose any registered company licensed to perform these services."

Analysis

The current SPCB laws and regulations relating to the recommendations and use of termite monitoring and bait stations as a method of control or prevention have not kept pace with industry practices and technologies and do not align with current monitoring and bait station labels and the consumer's need and protection. The following are potential conflicts or concerns for proper enforcement:

1. Proper recommendations:

- Current regulations (1991(a)(9)) only allow to “treat an infested area under the structure” when termite infestations are found connected to the ground, other than “where a licensee is using an above ground termite bait station that requires the use of the termite tubes to be effective.”
- The use of an above ground station only addresses the removal of the tubes to use the bait station, and then remove the tubes at the conclusion of the treatment. No indication of what a “treatment” means to control an infestation.
- Termite bait stations are mostly being used around the exterior of the structure two or more feet from the perimeter of the structure and does not guarantee control in the structure or address the ability to certify the property.
- No regulations address the methods or use of baits or monitors as a preventative treatment and what is required.

2. Monitoring Devices:

- Can monitoring stations be installed without first performing an inspection of the structure and issuing a report, and how much should be inspected.
- Who can inspect (licensee or not) and what is required to report to the consumer.
- Does a recommendation need to be made and a report issued with a contract. What if the structure has infestation?
- Does the installation of a monitoring system constitute work performed and when is it completed (initially or after monitors are removed). If it is work, is a notice of work completion required. How does one communicate or ensure the work done and absence or presence of infestation and when to issue a report.

3. Bait Stations:

- Can bait stations be used preventatively, and what should be recommended? What is required in the report/contract and what about possible infestation in the structure?
- If performing a limited inspection of the structure before recommending or installing a baiting system, how can a Control Service Agreement (CSA) address all true conditions of the structure. What about damage and failing to control existing infestations.
- When is a baiting system installation considered “work completed,” and what can the consumer rely on as the timing for their length of guarantee or control.
- When installing a baiting system to control an existing infestation in the structure, is a local treatment also needed for the structure infestation? When can the property be certified and what is required to ensure “extermination.”

Recommendation

The EO recommends a Technical Advisory Committee be established to research the issue, solicit stakeholder input (questions, comments, concerns), and deliver a recommendation to the Board at a future meeting on how to best resolve.