



STATE CAPITOL
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CHIEF ADMINISTRATIVE OFFICER
 LIA LOPEZ

**Assembly
 California Legislature
 Committee on Rules**

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 TING, PHILIP Y.
 WALDRON, MARIE

ARAMBULA, JOAQUIN (D-ALT)
 DIXON, DIANE (R-ALT)

Tuesday, August 27, 2024
 Upon Call of the Chair
 State Capitol, Room 126
 (Please note time change)

CONSENT AGENDA

BILL REFERRALS

1. Bill Referrals [Page 2](#)

RESOLUTIONS

2. HR-129 (Bauer-Kahan) The East Bay Regional Park District'S 90th Anniversary. (refer/hear) [Page 4](#)

REQUESTS TO WAIVE JOINT RULE 61(B)(16)

3. SB 954 (Menjivar) Sexual health [Page 7](#)
4. SB 1223 (Becker) Consumer privacy: sensitive personal information: neural data [Page 18](#)
5. SB 1272 (Laird) California Environmental Quality Act: program environmental impact report: clean energy infrastructure projects [Page 49](#)
6. SB 1413 (Niello) Nursing: students in out-of-state nursing programs [Page 54](#)
7. SB 1526 (Committee on Business, Professions and Economic Development) Consumer affairs [Page 60](#)



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Memo

To: Rules Committee Members
From: Michael Erke, Bill Referral Consultant
Date: 8/27/2024
Re: Consent Bill Referrals

Attached is a list of referral recommendations.

REFERRAL OF BILLS TO COMMITTEE

08/27/2024

Pursuant to the Assembly Rules, the following bills were referred to committee:

Assembly Bill No.

Committee:

HR 129

RLS.

House Resolution

No. 129

Introduced by Assembly Member Bauer-Kahan

August 26, 2024

House Resolution No. 129—Relative to the East Bay Regional Park District’s 90th anniversary.

1 WHEREAS, The East Bay Regional Park District has reached
2 a significant milestone, marking 90 years of public service as the
3 largest regional park district in the nation; and
4 WHEREAS, The East Bay Regional Park District has grown to
5 encompass 73 regional parks, spanning 126,000 acres of parklands,
6 55 miles of shoreline, and over 1,300 miles of trails in the Counties
7 of Alameda and Contra Costa, offering diverse recreational
8 opportunities such as hiking, biking, swimming, horseback riding,
9 boating, fishing, picnicking, camping, and discovering nature; and
10 WHEREAS, The East Bay Regional Park District’s commitment
11 to environmental conservation and the provision of positive
12 experiences in nature has been a cornerstone of its history and
13 mission; and
14 WHEREAS, The visionary efforts of civic leaders in the late
15 1920s, who, faced with the sudden availability of watershed land
16 in the East Bay Hills, came together to preserve the land forever,
17 balancing environmental conservation with public benefit; and
18 WHEREAS, The collaboration with renowned landscape
19 architect Frederick Law Olmsted Jr. and National Park Service’s
20 Chief Naturalist Ansel Hall, resulting in the 1930 Olmsted-Hall
21 Report, laid the foundation for the East Bay Regional Park District,
22 bringing national credibility to the cause; and

1 WHEREAS, During the challenging times of the Depression,
2 civic leaders demonstrated unwavering dedication by placing a
3 measure on the ballot in 1934 to establish the East Bay Regional
4 Park District and tax themselves for land preservation, with a
5 resounding 71 percent approval on November 6, 1934; and

6 WHEREAS, On June 4, 1936, the East Bay Regional Park
7 District made its first land acquisitions from the East Bay
8 Municipal Utility District, establishing the inaugural parks, Upper
9 Wildcat Canyon (Tilden) Temescal, and Roundtop (Sibley); and

10 WHEREAS, For nine decades, the East Bay Regional Park
11 District has remained steadfast in its commitment to preserving
12 and protecting open space, providing safe and welcoming parks
13 for recreation, and enhancing the quality of life for the community;
14 now, therefore, be it

15 *Resolved by the Assembly of the State of California*, That the
16 Assembly hereby celebrates and commends the East Bay Regional
17 Park District on its 90th anniversary, recognizing its significant
18 contributions to environmental conservation, recreation, and
19 community well-being; and be it further

20 *Resolved*, That the Assembly extends its sincere gratitude to the
21 East Bay Regional Park District for its dedication to preserving
22 natural beauty, fostering outdoor enjoyment, and creating a lasting
23 legacy for generations to come; and be it further

24 *Resolved*, That the Assembly encourages all East Bay
25 communities to join in the celebration of the East Bay Regional
26 Park District's 90 years of milestones and history, participating in
27 the various events and programs throughout the year; and be it
28 further

29 *Resolved*, That the Chief Clerk of the Assembly transmit copies
30 of this resolution to the East Bay Regional Park District as a gesture
31 of our appreciation for its enduring commitment to public service
32 and environmental stewardship and to the author for appropriate
33 distribution.

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Date of Hearing: August 27, 2024

ASSEMBLY COMMITTEE ON RULES
Blanca Pacheco, Chair
HR 129 (Bauer-Kahan) – As Introduced August 26, 2024

SUBJECT: The East Bay Regional Park District’s 90th anniversary.

SUMMARY: Celebrates and commends the East Bay Regional Park District on its 90th anniversary, recognizing its significant contributions to environmental conservation, recreation, and community well-being. Specifically, **this resolution** makes the following legislative findings:

- 1) The East Bay Regional Park District has reached a significant milestone, marking 90 years of public service as the largest regional park district in the nation.
- 2) The East Bay Regional Park District has grown to encompass 73 regional parks, spanning 126,000 acres of parklands, 55 miles of shoreline, and over 1,300 miles of trails in the Counties of Alameda and Contra Costa, offering diverse recreational opportunities such as hiking, biking, swimming, horseback riding, boating, fishing, picnicking, camping, and discovering nature.
- 3) The visionary efforts of civic leaders in the late 1920s, who, faced with the sudden availability of watershed land in the East Bay Hills, came together to preserve the land forever, balancing environmental conservation with public benefit.
- 4) The collaboration with renowned landscape architect Frederick Law Olmsted Jr. and National Park Service’s Chief Naturalist Ansel Hall, resulting in the 1930 Olmsted-Hall Report, laid the foundation for the East Bay Regional Park District, bringing national credibility to the cause.
- 5) The East Bay Regional Park District’s commitment to environmental conservation and the provision of positive experiences in nature has been a cornerstone of its history and mission.
- 6) For nine decades, the East Bay Regional Park District has remained steadfast in its commitment to preserving and protecting open space, providing safe and welcoming parks for recreation, and enhancing the quality of life for the community.

FISCAL EFFECT: This resolution is keyed non-fiscal by Legislative Counsel.

REGISTERED SUPPORT / OPPOSITION:

Support

None on file

Opposition

None on file

Analysis Prepared by: Michael Erke / RLS. / (916) 319-2800



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DIANE B. DIXON (R-ALT.)

August 27, 2024

Assembly Rules Committee
1021 O Street, Suite 6250
Sacramento, CA 95814

Dear Members of the Committee on Rules:

I write to request that we approve a Joint Rule 61(b)(16) waiver for the following bills so that they may be amended on the Assembly Floor:

SB 954 (Menjivar)
SB 1223 (Becker)
SB 1272 (Laird)
SB 1413 (Niello)
SB 1526 (Committee on Business, Professions & Economic Development)

Sincerely,

BLANCA PACHECO
Assemblywoman, 64th District

PROPOSED AMENDMENTS

RN 24 21613 03
08/26/24 04:35 PM
NONSUBSTANTIVE

PROPOSED AMENDMENTS TO SENATE BILL NO. 954
AMENDED IN ASSEMBLY AUGUST 22, 2024
AMENDED IN ASSEMBLY AUGUST 19, 2024
AMENDED IN ASSEMBLY JUNE 3, 2024
AMENDED IN SENATE MAY 16, 2024

SENATE BILL

No. 954



Introduced by Senator Menjivar
(Coauthors: Senators Rubio and Wiener)

January 22, 2024

An act to add Sections 35292.7 and 51932.5 to, and to add Article 16 (commencing with Section 49595) to Chapter 9 of Part 27 of Division 4 of Title 2 of, the Education Code, and to add Chapter ~~7.7~~ 7.8 (commencing with Section ~~111823~~) 111824) to Part 5 of Division 104 of the Health and Safety Code, relating to sexual health.

Amendment 1
Amendment 2

LEGISLATIVE COUNSEL'S DIGEST

SB 954, as amended, Menjivar. Sexual health.

(1) Existing law, the California Healthy Youth Act, requires school districts, defined to include county boards of education, county superintendents of schools, the California School for the Deaf, the California School for the Blind, and charter schools, to ensure that all pupils in grades 7 to 12, inclusive, receive comprehensive sexual health education and human immunodeficiency virus (HIV) prevention education, as specified.

The bill would require the State Department of Education to monitor compliance with the requirements of the California Healthy Youth Act

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PROPOSED AMENDMENTS

**RN 24 21613 03
08/26/24 04:35 PM
NONSUBSTANTIVE**

SB 954

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as part of its annual compliance monitoring of state and federal programs.

This bill would, on or before the start of the 2025–26 school year, require each public school, including schools operated by a school district or county office of education, charter schools, and state special schools, to make internal and external condoms available to all pupils in grades 9 to 12, inclusive, free of charge, as provided. The bill would require these public schools to, at the beginning of each school year, inform pupils through existing school communication channels that free condoms are available and where the condoms can be obtained on school grounds. The bill would require a public school to post at least one notice regarding these requirements, as specified. The bill would require this notice to include certain information, including, among other information, information about how to use condoms properly. The bill would require each public school serving any of grades 7 to 12, inclusive, to allow condoms to be made available during the course of, or in connection with, educational or public health programs and initiatives, as provided. The bill would authorize a state agency, the State Department of Education, or a public school to accept gifts, grants, and donations from any source for the support of a public school carrying out these provisions, including, but not limited to, the acceptance of condoms from a manufacturer or wholesaler. The bill would, in order to comply with these provisions, encourage public schools to explore partnerships, including, but not limited to, partnerships with local health departments, as defined, community health centers, nonprofit organizations, and the State Department of Public Health. The bill would require the governing board or body of a public school to designate one employee at each schoolsite to implement these provisions. By imposing additional duties on public schools, the bill would impose a state-mandated local program. The bill would make the implementation of these provisions contingent upon an appropriation.

The bill would additionally prohibit a public school, as defined, maintaining any combination of classrooms from grades 7 to 12, inclusive, a school district, the State Department of Education, or a county office of education from prohibiting certain school-based health centers, as defined, from making internal and external condoms available and easily accessible to pupils at the school-based health center site.

(2) Existing law authorizes, to the extent that the activities are an allowable use of funds from the AIDS Drug Assistance Program Rebate

Fund, the State Department of Public Health to spend up to \$23,000,000 to implement specified programs and grants related to the treatment and prevention of HIV and AIDS, including by allocating \$5,000,000 in the 2024–25 fiscal year to distribute funding to a community-based organization to make internal and external condoms available pursuant to the above-described provisions in paragraph (1) if this bill is enacted.

This bill would require, if the State Department of Public Health or any other state agency distributes funding, including the above-described \$5,000,000 allocation, to a community-based organization to make internal and external condoms available pursuant to the above-described provisions in paragraph (1), the selected community-based organization to, among other things, act as a fiscal agent of the state agency, or partner with relevant state agencies, to procure condoms at a discount, as provided.

(3) Under existing law, the Sherman Food, Drug, and Cosmetic Law, the State Department of Public Health generally regulates the packaging, labeling, advertising, and sale of food, drugs, devices, and cosmetics, in accordance with the Federal Food, Drug, and Cosmetic Act. A violation of those provisions is generally a crime. Existing law sets forth various other provisions relating to the furnishing and health care coverage of certain types of contraception.

This bill would, with certain exceptions, prohibit a retail establishment, as defined, from refusing to furnish nonprescription contraception to a person solely on the basis of age by means of any conduct, including, but not limited to, requiring the customer to present identification for purposes of demonstrating their age. Under the bill, a violation of that prohibition would be exempt from the above-described criminal penalty.

(4) 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, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

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

PROPOSED AMENDMENTS

SB 954

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**RN 24 21613 03
08/26/24 04:35 PM
NONSUBSTANTIVE**

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

Page 3 1 SECTION 1. (a) The Legislature finds and declares all of the
2 following:

Page 4 1 (1) The federal Centers for Disease Control and Prevention
2 (CDC) estimates that one in five people in the United States have
3 a sexually transmitted infection (STI). More than 325,000
4 Californians were infected with syphilis, chlamydia, or gonorrhea
5 in 2019.

6 (2) California youth, and in particular youth of color, are
7 disproportionately impacted by the STI crisis. Statewide data
8 indicate over one-half of all STIs in the state are experienced
9 among California youth 15 to 24 years of age, inclusive. Young
10 people in this age group make up more than 5 out of every 10
11 chlamydia cases in California, and more than 87 percent are youth
12 of color.

13 (3) Most STIs go undetected and can lead to serious,
14 life-threatening health problems later in life, including permanent
15 tissue damage, blindness, infertility, and cancer related to human
16 papillomavirus (HPV) infections. STIs also increase both the
17 transmission and acquisition of human immunodeficiency virus
18 (HIV). Approximately \$1,000,000,000 is spent annually in
19 California on health costs associated with STIs.

20 (4) Condoms are an effective tool to reduce STI transmission,
21 but condom use among sexually active teens has declined over the
22 last decade. The CDC’s Youth Risk Behavior Surveillance System
23 (YRBSS) shows that in 2019, an average of 20 percent of
24 California high school pupils were sexually active and 47 percent
25 of those pupils did not use condoms during their last sexual
26 intercourse.

27 (5) Teens face multiple barriers to accessing condoms that deter
28 them from seeking and securing the resources they need to protect
29 themselves against STIs and unintended pregnancy. Through
30 Essential Access Health’s TeenSource Condom Access Project,
31 young people reported that cost is the biggest obstacle to obtaining
32 condoms. When cost barriers remain, youth with low incomes are
33 often left without the option to regularly use condoms to help
34 protect their health and prevent an unintended pregnancy from
35 occurring.

PROPOSED AMENDMENTS

Page 4 36 (6) Teens have also long reported experiencing difficulties while
37 attempting to purchase condoms at some pharmacies and retailers,
38 including being judged, shamed, or harassed, or being asked to
39 show an identification card despite the fact that there are no age
40 requirements for condom purchases.

Page 5 1 (7) Condom availability programs in schools began in the early
2 1990s, and are a key and cost-effective strategy for helping to
3 prevent HIV, STIs, and pregnancy among teens. According to the
4 CDC, only 7.2 percent of high schools and 2.3 percent of middle
5 schools made condoms available to pupils in 2014. Studies
6 conducted by the CDC also found that condom access programs
7 in schools did not increase sexual activity among teens and can
8 increase condom use among sexually active pupils and pupils at
9 high risk.

10 (8) In 2020, Vermont became the first state in the country to
11 require public secondary schools to make free condoms readily
12 available to pupils. The Society for Adolescent Health and
13 Medicine strongly supports access to free condoms in schools in
14 easily accessible locations, such as school-based health centers
15 and clinics, nurses’ offices, and bathrooms.

16 (9) California has an interest in promoting and expanding
17 equitable access to tools and resources that empower youth to
18 make healthier choices and reduce the spread of STIs.

19 (b) Therefore, it is the intent of the Legislature to improve public
20 health outcomes and reduce STI rates among California youth by
21 making condoms more accessible for young people.

22 SEC. 2. Section 35292.7 is added to the Education Code, to
23 read:

24 35292.7. (a) In order to prevent and reduce unintended
25 pregnancies and sexually transmitted infections, on or before the
26 start of the 2025–26 school year, each public school shall make
27 internal and external condoms available to all pupils in grades 9
28 to 12, inclusive, free of charge. Each public school shall make
29 condoms available by placing condoms in a minimum of two
30 locations on school grounds where the condoms are easily
31 accessible to pupils during school hours without requiring
32 assistance or permission from school staff.

33 (b) A public school described in subdivision (a) shall, at the
34 beginning of each school year, inform pupils through existing

PROPOSED AMENDMENTS

**RN 24 21613 03
08/26/24 04:35 PM
NONSUBSTANTIVE**

SB 954

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Page 5 35 school communication channels that free condoms are available
36 and where the condoms can be obtained on school grounds.
37 (c) (1) A public school, as described in subdivision (a), shall
38 post at least one notice regarding the requirements of this section
39 and shall prominently and conspicuously display the notice on the
40 school campus in appropriate areas that are accessible to, and
Page 6 1 commonly frequented by, pupils. This notice shall include all of
2 the following:
3 (A) The contact information, including an email address and
4 telephone number, for a designated individual responsible for
5 maintaining the requisite supply of condoms.
6 (B) Information that abstinence from sexual activity and
7 injection drug use is the only certain way to prevent human
8 immunodeficiency virus (HIV) and other sexually transmitted
9 infections and that abstinence from sexual intercourse is the only
10 certain way to prevent unintended pregnancy.
11 (C) Information directing pupils where they can find information
12 about how to use condoms properly.
13 (D) Information on how to access local resources and pupils'
14 legal rights to access local resources for sexual and reproductive
15 health care such as testing and medical care for HIV and other
16 sexually transmitted infections and pregnancy prevention and care,
17 as well as local resources for assistance with sexual assault and
18 intimate partner violence.
19 (2) A public school shall, upon request, provide the notice
20 described in paragraph (1) in an accessible format to ensure all
21 pupils, including, but not limited to, those with visual disabilities,
22 are able to access the notice.
23 (d) Each public school serving any of grades 7 to 12, inclusive,
24 shall allow condoms to be made available during the course of, or
25 in connection with, educational or public health programs and
26 initiatives, including, but not limited to, from any of the following:
27 (1) Community organizations or other entities providing
28 instruction for purposes of the California Healthy Youth Act
29 (Chapter 5.6 (commencing with Section 51930) of Part 28 of
30 Division 4).
31 (2) Pupil peer health programs, clubs, or groups.
32 (3) Pupil health fairs conducted on campus.
33 (4) School-based health center staff.

PROPOSED AMENDMENTS

Page 6 34 (e) (1) A state agency, the department, or a public school may
35 accept gifts, grants, and donations from any source for the support
36 of a public school carrying out the provisions of this section,
37 including, but not limited to, the acceptance of condoms from a
38 manufacturer or wholesaler.

Page 7 39 (2) In order to comply with the provisions of this section, public
40 schools are encouraged to explore partnerships, including, but not
1 limited to, partnerships with local health departments, community
2 health centers, nonprofit organizations, and the State Department
3 of Public Health.

4 (f) The governing board or body of a public school shall
5 designate one employee at each schoolsite to implement this
6 section.

7 (g) If the State Department of Public Health or any other state
8 agency distributes funding to a community-based organization to
9 make internal and external condoms available pursuant to this
10 section, including, but not limited to, pursuant to paragraph (8) of
11 subdivision (a) of Section 83 of Chapter 40 of the Statutes of 2024,
12 the selected community-based organization shall have experience
13 administering state-funded programs and distributing condoms
14 statewide to reduce the risk of sexually transmitted infections and
15 immunodeficiency virus (HIV) transmission among youth. As a
16 condition of receiving that funding, the selected community-based
17 organization shall do all of the following:

18 (1) Act as a fiscal agent of the state agency from which it
19 receives funds, or partner with relevant state agencies, to procure
20 condoms at a discount. The community-based organization may
21 also utilize established statewide contracts to procure condoms at
22 a discount.

23 (2) Engage stakeholders, including the Office of AIDS and the
24 department, in developing the condom distribution framework.

25 (3) Use no more than 15 percent of the funds for administrative
26 costs.

27 (h) For purposes of this section, the following terms have the
28 following meanings:

29 (1) “Local health department” has the same meaning as defined
30 in Section 101185 of the Health and Safety Code.

32 (2) “Public school” includes a school operated by a school
33 district, a school operated by a county office of education, a charter
34 school, and a state special school.

PROPOSED AMENDMENTS

**RN 24 21613 03
08/26/24 04:35 PM
NONSUBSTANTIVE**

SB 954

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Page 7 35 (i) The implementation of this section is contingent upon an
36 appropriation for its purposes in the annual Budget Act or another
37 statute.

38 SEC. 3. Article 16 (commencing with Section 49595) is added
39 to Chapter 9 of Part 27 of Division 4 of Title 2 of the Education
40 Code, to read:

Page 8

1
+ Article 16. Miscellaneous Provisions
+

3 49595. (a) A public school maintaining any combination of
4 classrooms from grades 7 to 12, inclusive, a school district, the
5 department, or a county office of education shall not prohibit a
6 school-based health center that serves a public school serving any
7 of grades 7 to 12, inclusive, from making internal and external
8 condoms available and easily accessible to pupils at the
9 school-based health center site.

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

11 (1) "Public school" includes a school operated by a school
12 district, a school operated by a county office of education, and a
13 charter school.

14 (2) (A) "School-based health center" means a center or program,
15 located at or near a public school, that provides age-appropriate
16 health care services at the program site or through referrals.

17 (B) A school-based health center includes a center or program
18 described in subparagraph (A) that may conduct routine physical,
19 mental health, and oral health assessments, and provide referrals
20 for any services not offered onsite.

21 (C) A school-based health center includes a center or program
22 described in subparagraph (A) that may serve two or more
23 nonadjacent schools or local educational agencies.

24 SEC. 4. Section 51932.5 is added to the Education Code, to
25 read:

26 51932.5. The department shall monitor compliance with the
27 requirements of this chapter as part of its annual compliance
28 monitoring of state and federal programs.

29 ~~SEC. 5. Chapter 7.7 (commencing with Section 111823) is~~
30 ~~added to Part 5 of Division 104 of the Health and Safety Code, to~~
31 ~~read:~~

Amendment 3

PROPOSED AMENDMENTS

Page 8 32 ~~CHAPTER 7.7. NONPRESCRIPTION CONTRACEPTION~~

33

35 ~~111823. (a) A retail establishment shall not refuse to furnish~~
36 ~~nonprescription contraception to a person solely on the basis of~~
37 ~~age by means of any conduct, including, but not limited to,~~
38 ~~requiring the customer to present identification for purposes of~~
39 ~~demonstrating their age.~~

Page 9 1 ~~(b) Section 111825 does not apply to a violation of subdivision~~

2 ~~(a).~~

3 ~~(c) Subdivision (a) does not apply to the refusal to furnish~~
4 ~~nonprescription contraception on the basis of age if, under other~~
5 ~~provisions of federal or state law, the contraception is subject to~~
6 ~~restrictions on the basis of age.~~

7 ~~(d) For purposes of this section, "retail establishment" means~~
8 ~~any vendor that, in the regular course of business, furnishes~~
9 ~~nonprescription contraception at retail directly to the public,~~
10 ~~including, but not limited to, a pharmacy, grocery store, or other~~
11 ~~retail store.~~

+ *SEC. 5. Chapter 7.8 (commencing with Section 111824) is*
+ *added to Part 5 of Division 104 of the Health and Safety Code, to*
+ *read:*

+

+ *CHAPTER 7.8. NONPRESCRIPTION CONTRACEPTION*

+

+ *111824. (a) A retail establishment shall not refuse to furnish*
+ *nonprescription contraception to a person solely on the basis of*
+ *age by means of any conduct, including, but not limited to,*
+ *requiring the customer to present identification for purposes of*
+ *demonstrating their age.*

+ *(b) Section 111825 does not apply to a violation of subdivision*
+ *(a).*

+ *(c) Subdivision (a) does not apply to the refusal to furnish*
+ *nonprescription contraception on the basis of age if, under other*
+ *provisions of federal or state law, the contraception is subject to*
+ *restrictions on the basis of age.*

+ *(d) For purposes of this section, "retail establishment" means*
+ *any vendor that, in the regular course of business, furnishes*
+ *nonprescription contraception at retail directly to the public,*
+ *including, but not limited to, a pharmacy, grocery store, or other*
+ *retail store.*

PROPOSED AMENDMENTS

SB 954

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**RN 24 21613 03
08/26/24 04:35 PM
NONSUBSTANTIVE**

Page 9 12 SEC. 6. If the Commission on State Mandates determines that
13 this act contains costs mandated by the state, reimbursement to
14 local agencies and school districts for those costs shall be made
15 pursuant to Part 7 (commencing with Section 17500) of Division
16 4 of Title 2 of the Government Code.

PROPOSED AMENDMENTS

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PROPOSED AMENDMENTS

RN 24 21550 06
08/26/24 02:50 PM
NONSUBSTANTIVE

PROPOSED AMENDMENTS TO SENATE BILL NO. 1223
AMENDED IN ASSEMBLY AUGUST 22, 2024
AMENDED IN ASSEMBLY JUNE 26, 2024
AMENDED IN SENATE MARCH 18, 2024

SENATE BILL

No. 1223

Introduced by Senator Becker

February 15, 2024



An act to amend Section 1798.140 of the Civil Code, relating to privacy.

LEGISLATIVE COUNSEL'S DIGEST

SB 1223, as amended, Becker. Consumer privacy: sensitive personal information: neural data.

The California Consumer Privacy Act of 2018 (CCPA) grants to a consumer various rights with respect to personal information, as defined, that is collected by a business, as defined, including the right to direct a business that collects sensitive personal information about the consumer to limit its use of the consumer's sensitive personal information to that use which is necessary to perform the services or provide the goods reasonably expected by an average consumer who requests those goods or services, to perform certain other services, and as authorized by certain regulations. The CCPA defines "sensitive personal information" to mean, among other things, the processing of biometric information, as defined, for the purpose of uniquely identifying a consumer. The California Privacy Rights Act of 2020, approved by the voters as Proposition 24 at the November 3, 2020, statewide general election, amended, added to, and reenacted the CCPA.

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PROPOSED AMENDMENTS

**RN 24 21550 06
08/26/24 02:50 PM
NONSUBSTANTIVE**

SB 1223

— 2 —

This bill would define “sensitive personal information,” for purposes of the CCPA, to additionally include a consumer’s neural data, and would define “neural data” to mean information that is generated by measuring the activity of a consumer’s central or peripheral nervous system, and that is not inferred from nonneural information.

The California Privacy Rights Act of 2020 authorizes the Legislature to amend the act to further the purposes and intent of the act by a majority vote of both houses of the Legislature, as specified.

This bill would declare that its provisions further the purposes and intent of the California Privacy Rights Act of 2020.

This bill would incorporate additional changes to Section 1798.140 of the Civil Code proposed by AB 1008 to be operative only if this bill and AB 1008 are enacted and this bill is enacted last.

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

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

Page 2

1 ~~SECTION 1. Section 1798.140 of the Civil Code, as amended~~
2 ~~by Chapter 121 of the Statutes of 2024, is amended to read:~~
+ SECTION 1. Section 1798.140 of the Civil Code, as amended
+ by Section 5 of Chapter 121 of the Statutes of 2024, is amended
+ to read:
3 1798.140. Definitions
4 For purposes of this title:
5 (a) “Advertising and marketing” means a communication by a
6 business or a person acting on the business’ behalf in any medium
7 intended to induce a consumer to obtain goods, services, or
8 employment.
9 (b) “Aggregate consumer information” means information that
10 relates to a group or category of consumers, from which individual
11 consumer identities have been removed, that is not linked or
12 reasonably linkable to any consumer or household, including via
13 a device. “Aggregate consumer information” does not mean one
14 or more individual consumer records that have been deidentified.
15 (c) “Biometric information” means an individual’s physiological,
16 biological, or behavioral characteristics, including information
17 pertaining to an individual’s deoxyribonucleic acid (DNA), that
18 is used or is intended to be used singly or in combination with each
19 other or with other identifying data, to establish individual identity.

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Page 2 20 Biometric information includes, but is not limited to, imagery of
21 the iris, retina, fingerprint, face, hand, palm, vein patterns, and
22 voice recordings, from which an identifier template, such as a
23 faceprint, a minutiae template, or a voiceprint, can be extracted,
24 and keystroke patterns or rhythms, gait patterns or rhythms, and
25 sleep, health, or exercise data that contain identifying information.

Page 3 26 (d) “Business” means:
1 (1) A sole proprietorship, partnership, limited liability company,
2 corporation, association, or other legal entity that is organized or
3 operated for the profit or financial benefit of its shareholders or
4 other owners, that collects consumers’ personal information, or
5 on the behalf of which such information is collected and that alone,
6 or jointly with others, determines the purposes and means of the
7 processing of consumers’ personal information, that does business
8 in the State of California, and that satisfies one or more of the
9 following thresholds:

10 (A) As of January 1 of the calendar year, had annual gross
11 revenues in excess of twenty-five million dollars (\$25,000,000)
12 in the preceding calendar year, as adjusted pursuant to subdivision
13 (d) of Section 1798.199.95.

14 (B) Alone or in combination, annually buys, sells, or shares the
15 personal information of 100,000 or more consumers or households.

16 (C) Derives 50 percent or more of its annual revenues from
17 selling or sharing consumers’ personal information.

18 (2) Any entity that controls or is controlled by a business, as
19 defined in paragraph (1), and that shares common branding with
20 the business and with whom the business shares consumers’
21 personal information. “Control” or “controlled” means ownership
22 of, or the power to vote, more than 50 percent of the outstanding
23 shares of any class of voting security of a business; control in any
24 manner over the election of a majority of the directors, or of
25 individuals exercising similar functions; or the power to exercise
26 a controlling influence over the management of a company.
27 “Common branding” means a shared name, servicemark, or
28 trademark that the average consumer would understand that two
29 or more entities are commonly owned.

30 (3) A joint venture or partnership composed of businesses in
31 which each business has at least a 40 percent interest. For purposes
32 of this title, the joint venture or partnership and each business that
33 composes the joint venture or partnership shall separately be

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Page 3 34 considered a single business, except that personal information in
35 the possession of each business and disclosed to the joint venture
36 or partnership shall not be shared with the other business.

37 (4) A person that does business in California, that is not covered
38 by paragraph (1), (2), or (3), and that voluntarily certifies to the
39 California Privacy Protection Agency that it is in compliance with,
40 and agrees to be bound by, this title.

Page 4 1 (e) “Business purpose” means the use of personal information
2 for the business’ operational purposes, or other notified purposes,
3 or for the service provider or contractor’s operational purposes,
4 as defined by regulations adopted pursuant to paragraph (10) of
5 subdivision (a) of Section 1798.185, provided that the use of
6 personal information shall be reasonably necessary and
7 proportionate to achieve the purpose for which the personal
8 information was collected or processed or for another purpose that
9 is compatible with the context in which the personal information
10 was collected. Business purposes are:

11 (1) Auditing related to counting ad impressions to unique
12 visitors, verifying positioning and quality of ad impressions, and
13 auditing compliance with this specification and other standards.

14 (2) Helping to ensure security and integrity to the extent the use
15 of the consumer’s personal information is reasonably necessary
16 and proportionate for these purposes.

17 (3) Debugging to identify and repair errors that impair existing
18 intended functionality.

19 (4) Short-term, transient use, including, but not limited to,
20 nonpersonalized advertising shown as part of a consumer’s current
21 interaction with the business, provided that the consumer’s personal
22 information is not disclosed to another third party and is not used
23 to build a profile about the consumer or otherwise alter the
24 consumer’s experience outside the current interaction with the
25 business.

26 (5) Performing services on behalf of the business, including
27 maintaining or servicing accounts, providing customer service,
28 processing or fulfilling orders and transactions, verifying customer
29 information, processing payments, providing financing, providing
30 analytic services, providing storage, or providing similar services
31 on behalf of the business.

32 (6) Providing advertising and marketing services, except for
33 cross-context behavioral advertising, to the consumer provided

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Page 4 34 that, for the purpose of advertising and marketing, a service
35 provider or contractor shall not combine the personal information
36 of opted-out consumers that the service provider or contractor
37 receives from, or on behalf of, the business with personal
38 information that the service provider or contractor receives from,
39 or on behalf of, another person or persons or collects from its own
40 interaction with consumers.

Page 5 1 (7) Undertaking internal research for technological development
2 and demonstration.

3 (8) Undertaking activities to verify or maintain the quality or
4 safety of a service or device that is owned, manufactured,
5 manufactured for, or controlled by the business, and to improve,
6 upgrade, or enhance the service or device that is owned,
7 manufactured, manufactured for, or controlled by the business.

8 (f) “Collects,” “collected,” or “collection” means buying,
9 renting, gathering, obtaining, receiving, or accessing any personal
10 information pertaining to a consumer by any means. This includes
11 receiving information from the consumer, either actively or
12 passively, or by observing the consumer’s behavior.

13 (g) “Commercial purposes” means to advance a person’s
14 commercial or economic interests, such as by inducing another
15 person to buy, rent, lease, join, subscribe to, provide, or exchange
16 products, goods, property, information, or services, or enabling or
17 effecting, directly or indirectly, a commercial transaction.

18 (h) “Consent” means any freely given, specific, informed, and
19 unambiguous indication of the consumer’s wishes by which the
20 consumer, or the consumer’s legal guardian, a person who has
21 power of attorney, or a person acting as a conservator for the
22 consumer, including by a statement or by a clear affirmative action,
23 signifies agreement to the processing of personal information
24 relating to the consumer for a narrowly defined particular purpose.
25 Acceptance of a general or broad terms of use, or similar document,
26 that contains descriptions of personal information processing along
27 with other, unrelated information, does not constitute consent.
28 Hovering over, muting, pausing, or closing a given piece of content
29 does not constitute consent. Likewise, agreement obtained through
30 use of dark patterns does not constitute consent.

31 (i) “Consumer” means a natural person who is a California
32 resident, as defined in Section 17014 of Title 18 of the California

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Page 5 33 Code of Regulations, as that section read on September 1, 2017,
34 however identified, including by any unique identifier.
35 (j) (1) “Contractor” means a person to whom the business makes
36 available a consumer’s personal information for a business purpose,
37 pursuant to a written contract with the business, provided that the
38 contract:
39 (A) Prohibits the contractor from:
40 (i) Selling or sharing the personal information.
Page 6 1 (ii) Retaining, using, or disclosing the personal information for
2 any purpose other than for the business purposes specified in the
3 contract, including retaining, using, or disclosing the personal
4 information for a commercial purpose other than the business
5 purposes specified in the contract, or as otherwise permitted by
6 this title.
7 (iii) Retaining, using, or disclosing the information outside of
8 the direct business relationship between the contractor and the
9 business.
10 (iv) Combining the personal information that the contractor
11 receives pursuant to a written contract with the business with
12 personal information that it receives from or on behalf of another
13 person or persons, or collects from its own interaction with the
14 consumer, provided that the contractor may combine personal
15 information to perform any business purpose as defined in
16 regulations adopted pursuant to paragraph (9) of subdivision (a)
17 of Section 1798.185, except as provided for in paragraph (6) of
18 subdivision (e) and in regulations adopted by the California Privacy
19 Protection Agency.
20 (B) Includes a certification made by the contractor that the
21 contractor understands the restrictions in subparagraph (A) and
22 will comply with them.
23 (C) Permits, subject to agreement with the contractor, the
24 business to monitor the contractor’s compliance with the contract
25 through measures, including, but not limited to, ongoing manual
26 reviews and automated scans and regular assessments, audits, or
27 other technical and operational testing at least once every 12
28 months.
29 (2) If a contractor engages any other person to assist it in
30 processing personal information for a business purpose on behalf
31 of the business, or if any other person engaged by the contractor
32 engages another person to assist in processing personal information

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Page 6 33 for that business purpose, it shall notify the business of that
34 engagement, and the engagement shall be pursuant to a written
35 contract binding the other person to observe all the requirements
36 set forth in paragraph (1).

37 (k) “Cross-context behavioral advertising” means the targeting
38 of advertising to a consumer based on the consumer’s personal
39 information obtained from the consumer’s activity across
40 businesses, distinctly branded internet websites, applications, or
Page 7 1 services, other than the business, distinctly branded internet
2 website, application, or service with which the consumer
3 intentionally interacts.

4 (l) “Dark pattern” means a user interface designed or
5 manipulated with the substantial effect of subverting or impairing
6 user autonomy, decisionmaking, or choice, as further defined by
7 regulation.

8 (m) “Deidentified” means information that cannot reasonably
9 be used to infer information about, or otherwise be linked to, a
10 particular consumer provided that the business that possesses the
11 information:

12 (1) Takes reasonable measures to ensure that the information
13 cannot be associated with a consumer or household.

14 (2) Publicly commits to maintain and use the information in
15 deidentified form and not to attempt to reidentify the information,
16 except that the business may attempt to reidentify the information
17 solely for the purpose of determining whether its deidentification
18 processes satisfy the requirements of this subdivision.

19 (3) Contractually obligates any recipients of the information to
20 comply with all provisions of this subdivision.

21 (n) “Designated methods for submitting requests” means a
22 mailing address, email address, internet web page, internet web
23 portal, toll-free telephone number, or other applicable contact
24 information, whereby consumers may submit a request or direction
25 under this title, and any new, consumer-friendly means of
26 contacting a business, as approved by the Attorney General
27 pursuant to Section 1798.185.

28 (o) “Device” means any physical object that is capable of
29 connecting to the internet, directly or indirectly, or to another
30 device.

31 (p) “Homepage” means the introductory page of an internet
32 website and any internet web page where personal information is

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Page 7 33 collected. In the case of an online service, such as a mobile
34 application, homepage means the application’s platform page or
35 download page, a link within the application, such as from the
36 application configuration, “About,” “Information,” or settings
37 page, and any other location that allows consumers to review the
38 notices required by this title, including, but not limited to, before
39 downloading the application.

Page 8 1 (q) “Household” means a group, however identified, of
2 consumers who cohabit with one another at the same residential
3 address and share use of common devices or services.

4 (r) “Infer” or “inference” means the derivation of information,
5 data, assumptions, or conclusions from facts, evidence, or another
6 source of information or data.

7 (s) “Intentionally interacts” means when the consumer intends
8 to interact with a person, or disclose personal information to a
9 person, via one or more deliberate interactions, including visiting
10 the person’s internet website or purchasing a good or service from
11 the person. Hovering over, muting, pausing, or closing a given
12 piece of content does not constitute a consumer’s intent to interact
13 with a person.

14 (t) “Nonpersonalized advertising” means advertising and
15 marketing that is based solely on a consumer’s personal
16 information derived from the consumer’s current interaction with
17 the business with the exception of the consumer’s precise
18 geolocation.

19 (u) “Person” means an individual, proprietorship, firm,
20 partnership, joint venture, syndicate, business trust, company,
21 corporation, limited liability company, association, committee,
22 and any other organization or group of persons acting in concert.

23 (v) (1) “Personal information” means information that identifies,
24 relates to, describes, is reasonably capable of being associated
25 with, or could reasonably be linked, directly or indirectly, with a
26 particular consumer or household. Personal information includes,
27 but is not limited to, the following if it identifies, relates to,
28 describes, is reasonably capable of being associated with, or could
29 be reasonably linked, directly or indirectly, with a particular
30 consumer or household:

31 (A) Identifiers such as a real name, alias, postal address, unique
32 personal identifier, online identifier, Internet Protocol address,

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Page 8 33 email address, account name, social security number, driver’s
 34 license number, passport number, or other similar identifiers.
 35 (B) Any personal information described in subdivision (e) of
 36 Section 1798.80.
 37 (C) Characteristics of protected classifications under California
 38 or federal law.

Page 9 1 (D) Commercial information, including records of personal
 2 property, products or services purchased, obtained, or considered,
 3 or other purchasing or consuming histories or tendencies.

4 (E) Biometric information.

5 (F) Internet or other electronic network activity information,
 6 including, but not limited to, browsing history, search history, and
 7 information regarding a consumer’s interaction with an internet
 8 website application, or advertisement.

9 (G) Geolocation data.

10 (H) Audio, electronic, visual, thermal, olfactory, or similar
 11 information.

12 (I) Professional or employment-related information.

13 (J) Education information, defined as information that is not
 14 publicly available personally identifiable information as defined
 15 in the Family Educational Rights and Privacy Act (20 U.S.C. Sec.
 16 1232g; 34 C.F.R. Part 99).

17 (K) Inferences drawn from any of the information identified in
 18 this subdivision to create a profile about a consumer reflecting the
 19 consumer’s preferences, characteristics, psychological trends,
 20 predispositions, behavior, attitudes, intelligence, abilities, and
 21 aptitudes.

22 (L) Sensitive personal information.

23 (2) “Personal information” does not include publicly available
 24 information or lawfully obtained, truthful information that is a
 25 matter of public concern. For purposes of this paragraph, “publicly
 26 available” means: information that is lawfully made available from
 27 federal, state, or local government records, or information that a
 28 business has a reasonable basis to believe is lawfully made
 29 available to the general public by the consumer or from widely
 30 distributed media; or information made available by a person to
 31 whom the consumer has disclosed the information if the consumer
 32 has not restricted the information to a specific audience. “Publicly
 33 available” does not mean biometric information collected by a
 34 business about a consumer without the consumer’s knowledge.

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Page 9 35 (3) “Personal information” does not include consumer
36 information that is deidentified or aggregate consumer information.
37 (w) “Precise geolocation” means any data that is derived from
38 a device and that is used or intended to be used to locate a
39 consumer within a geographic area that is equal to or less than the
Page 10 1 area of a circle with a radius of 1,850 feet, except as prescribed
2 by regulations.
3 (x) “Probabilistic identifier” means the identification of a
4 consumer or a consumer’s device to a degree of certainty of more
5 probable than not based on any categories of personal information
6 included in, or similar to, the categories enumerated in the
7 definition of personal information.
8 (y) “Processing” means any operation or set of operations that
9 are performed on personal information or on sets of personal
10 information, whether or not by automated means.
11 (z) “Profiling” means any form of automated processing of
12 personal information, as further defined by regulations pursuant
13 to paragraph (15) of subdivision (a) of Section 1798.185, to
14 evaluate certain personal aspects relating to a natural person and
15 in particular to analyze or predict aspects concerning that natural
16 person’s performance at work, economic situation, health, personal
17 preferences, interests, reliability, behavior, location, or movements.
18 (aa) “Pseudonymize” or “Pseudonymization” means the
19 processing of personal information in a manner that renders the
20 personal information no longer attributable to a specific consumer
21 without the use of additional information, provided that the
22 additional information is kept separately and is subject to technical
23 and organizational measures to ensure that the personal information
24 is not attributed to an identified or identifiable consumer.
25 (ab) “Research” means scientific analysis, systematic study,
26 and observation, including basic research or applied research that
27 is designed to develop or contribute to public or scientific
28 knowledge and that adheres or otherwise conforms to all other
29 applicable ethics and privacy laws, including, but not limited to,
30 studies conducted in the public interest in the area of public health.
31 Research with personal information that may have been collected
32 from a consumer in the course of the consumer’s interactions with
33 a business’ service or device for other purposes shall be:
34 (1) Compatible with the business purpose for which the personal
35 information was collected.

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Page 10 36 (2) Subsequently pseudonymized and deidentified, or
37 deidentified and in the aggregate, such that the information cannot
38 reasonably identify, relate to, describe, be capable of being
39 associated with, or be linked, directly or indirectly, to a particular
40 consumer, by a business.

Page 11 1 (3) Made subject to technical safeguards that prohibit
2 reidentification of the consumer to whom the information may
3 pertain, other than as needed to support the research.

4 (4) Subject to business processes that specifically prohibit
5 reidentification of the information, other than as needed to support
6 the research.

7 (5) Made subject to business processes to prevent inadvertent
8 release of deidentified information.

9 (6) Protected from any reidentification attempts.

10 (7) Used solely for research purposes that are compatible with
11 the context in which the personal information was collected.

12 (8) Subjected by the business conducting the research to
13 additional security controls that limit access to the research data
14 to only those individuals as are necessary to carry out the research
15 purpose.

16 (ac) “Security and integrity” means the ability of:

17 (1) Networks or information systems to detect security incidents
18 that compromise the availability, authenticity, integrity, and
19 confidentiality of stored or transmitted personal information.

20 (2) Businesses to detect security incidents, resist malicious,
21 deceptive, fraudulent, or illegal actions and to help prosecute those
22 responsible for those actions.

23 (3) Businesses to ensure the physical safety of natural persons.

24 (ad) (1) “Sell,” “selling,” “sale,” or “sold,” means selling,
25 renting, releasing, disclosing, disseminating, making available,
26 transferring, or otherwise communicating orally, in writing, or by
27 electronic or other means, a consumer’s personal information by
28 the business to a third party for monetary or other valuable
29 consideration.

30 (2) For purposes of this title, a business does not sell personal
31 information when:

32 (A) A consumer uses or directs the business to intentionally:

33 (i) Disclose personal information.

34 (ii) Interact with one or more third parties.

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Page 11 35 (B) The business uses or shares an identifier for a consumer
36 who has opted out of the sale of the consumer’s personal
37 information or limited the use of the consumer’s sensitive personal
38 information for the purposes of alerting persons that the consumer
39 has opted out of the sale of the consumer’s personal information
40 or limited the use of the consumer’s sensitive personal information.

Page 12 1 (C) The business transfers to a third party the personal
2 information of a consumer as an asset that is part of a merger,
3 acquisition, bankruptcy, or other transaction in which the third
4 party assumes control of all or part of the business, provided that
5 information is used or shared consistently with this title. If a third
6 party materially alters how it uses or shares the personal
7 information of a consumer in a manner that is materially
8 inconsistent with the promises made at the time of collection, it
9 shall provide prior notice of the new or changed practice to the
10 consumer. The notice shall be sufficiently prominent and robust
11 to ensure that existing consumers can easily exercise their choices
12 consistently with this title. This subparagraph does not authorize
13 a business to make material, retroactive privacy policy changes or
14 make other changes in their privacy policy in a manner that would
15 violate the Unfair and Deceptive Practices Act (Chapter 5
16 (commencing with Section 17200) of Part 2 of Division 7 of the
17 Business and Professions Code).

18 (ae) “Sensitive personal information” means:

19 (1) Personal information that reveals:

20 (A) A consumer’s social security, driver’s license, state
21 identification card, or passport number.

22 (B) A consumer’s account log-in, financial account, debit card,
23 or credit card number in combination with any required security
24 or access code, password, or credentials allowing access to an
25 account.

26 (C) A consumer’s precise geolocation.

27 (D) A consumer’s racial or ethnic origin, citizenship or
28 immigration status, religious or philosophical beliefs, or union
29 membership.

30 (E) The contents of a consumer’s mail, email, and text messages
31 unless the business is the intended recipient of the communication.

32 (F) A consumer’s genetic data.

33 (G) (i) A consumer’s neural data.

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Page 12 34 (ii) “Neural data” means information that is generated by
 35 measuring the activity of a consumer’s central or peripheral nervous
 36 system, and that is not inferred from nonneural information.
 38 (2) (A) The processing of biometric information for the purpose
 39 of uniquely identifying a consumer.

Page 13 1 (B) Personal information collected and analyzed concerning a
 2 consumer’s health.
 3 (C) Personal information collected and analyzed concerning a
 4 consumer’s sex life or sexual orientation.
 5 (3) Sensitive personal information that is “publicly available”
 6 pursuant to paragraph (2) of subdivision (v) shall not be considered
 7 sensitive personal information or personal information.
 8 (af) “Service” or “services” means work, labor, and services,
 9 including services furnished in connection with the sale or repair
 10 of goods.
 11 (ag) (1) “Service provider” means a person that processes
 12 personal information on behalf of a business and that receives from
 13 or on behalf of the business consumer’s personal information for
 14 a business purpose pursuant to a written contract, provided that
 15 the contract prohibits the person from:
 16 (A) Selling or sharing the personal information.
 17 (B) Retaining, using, or disclosing the personal information for
 18 any purpose other than for the business purposes specified in the
 19 contract for the business, including retaining, using, or disclosing
 20 the personal information for a commercial purpose other than the
 21 business purposes specified in the contract with the business, or
 22 as otherwise permitted by this title.
 23 (C) Retaining, using, or disclosing the information outside of
 24 the direct business relationship between the service provider and
 25 the business.
 26 (D) Combining the personal information that the service provider
 27 receives from, or on behalf of, the business with personal
 28 information that it receives from, or on behalf of, another person
 29 or persons, or collects from its own interaction with the consumer,
 30 provided that the service provider may combine personal
 31 information to perform any business purpose as defined in
 32 regulations adopted pursuant to paragraph (9) of subdivision (a)
 33 of Section 1798.185, except as provided for in paragraph (6) of
 34 subdivision (e) of this section and in regulations adopted by the
 35 California Privacy Protection Agency. The contract may, subject

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Page 13 36 to agreement with the service provider, permit the business to
37 monitor the service provider’s compliance with the contract through
38 measures, including, but not limited to, ongoing manual reviews
39 and automated scans and regular assessments, audits, or other
40 technical and operational testing at least once every 12 months.

Page 14 1 (2) If a service provider engages any other person to assist it in
2 processing personal information for a business purpose on behalf
3 of the business, or if any other person engaged by the service
4 provider engages another person to assist in processing personal
5 information for that business purpose, it shall notify the business
6 of that engagement, and the engagement shall be pursuant to a
7 written contract binding the other person to observe all the
8 requirements set forth in paragraph (1).

9 (ah) (1) “Share,” “shared,” or “sharing” means sharing, renting,
10 releasing, disclosing, disseminating, making available, transferring,
11 or otherwise communicating orally, in writing, or by electronic or
12 other means, a consumer’s personal information by the business
13 to a third party for cross-context behavioral advertising, whether
14 or not for monetary or other valuable consideration, including
15 transactions between a business and a third party for cross-context
16 behavioral advertising for the benefit of a business in which no
17 money is exchanged.

18 (2) For purposes of this title, a business does not share personal
19 information when:

20 (A) A consumer uses or directs the business to intentionally
21 disclose personal information or intentionally interact with one or
22 more third parties.

23 (B) The business uses or shares an identifier for a consumer
24 who has opted out of the sharing of the consumer’s personal
25 information or limited the use of the consumer’s sensitive personal
26 information for the purposes of alerting persons that the consumer
27 has opted out of the sharing of the consumer’s personal information
28 or limited the use of the consumer’s sensitive personal information.

29 (C) The business transfers to a third party the personal
30 information of a consumer as an asset that is part of a merger,
31 acquisition, bankruptcy, or other transaction in which the third
32 party assumes control of all or part of the business, provided that
33 information is used or shared consistently with this title. If a third
34 party materially alters how it uses or shares the personal
35 information of a consumer in a manner that is materially

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Page 14 36 inconsistent with the promises made at the time of collection, it
 37 shall provide prior notice of the new or changed practice to the
 38 consumer. The notice shall be sufficiently prominent and robust
 39 to ensure that existing consumers can easily exercise their choices
 40 consistently with this title. This subparagraph does not authorize

Page 15 1 a business to make material, retroactive privacy policy changes or
 2 make other changes in their privacy policy in a manner that would
 3 violate the Unfair and Deceptive Practices Act (Chapter 5
 4 (commencing with Section 17200) of Part 2 of Division 7 of the
 5 Business and Professions Code).

6 (ai) “Third party” means a person who is not any of the
 7 following:

8 (1) The business with whom the consumer intentionally interacts
 9 and that collects personal information from the consumer as part
 10 of the consumer’s current interaction with the business under this
 11 title.

12 (2) A service provider to the business.

13 (3) A contractor.

14 (aj) “Unique identifier” or “unique personal identifier” means
 15 a persistent identifier that can be used to recognize a consumer, a
 16 family, or a device that is linked to a consumer or family, over
 17 time and across different services, including, but not limited to, a
 18 device identifier; an Internet Protocol address; cookies, beacons,
 19 pixel tags, mobile ad identifiers, or similar technology; customer
 20 number, unique pseudonym, or user alias; telephone numbers, or
 21 other forms of persistent or probabilistic identifiers that can be
 22 used to identify a particular consumer or device that is linked to a
 23 consumer or family. For purposes of this subdivision, “family”
 24 means a custodial parent or guardian and any children under 18
 25 years of age over which the parent or guardian has custody.

26 (ak) “Verifiable consumer request” means a request that is made
 27 by a consumer, by a consumer on behalf of the consumer’s minor
 28 child, by a natural person or a person registered with the Secretary
 29 of State, authorized by the consumer to act on the consumer’s
 30 behalf, or by a person who has power of attorney or is acting as a
 31 conservator for the consumer, and that the business can verify,
 32 using commercially reasonable methods, pursuant to regulations
 33 adopted by the Attorney General pursuant to paragraph (6) of
 34 subdivision (a) of Section 1798.185 to be the consumer about
 35 whom the business has collected personal information. A business

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Page 15 36 is not obligated to provide information to the consumer pursuant
 37 to Sections 1798.110 and 1798.115, to delete personal information
 38 pursuant to Section 1798.105, or to correct inaccurate personal
 39 information pursuant to Section 1798.106, if the business cannot
 40 verify, pursuant to this subdivision and regulations adopted by the
 Page 16 1 Attorney General pursuant to paragraph (6) of subdivision (a) of
 2 Section 1798.185, that the consumer making the request is the
 3 consumer about whom the business has collected information or
 4 is a person authorized by the consumer to act on such consumer’s
 5 behalf.
 + SEC. 1.5. Section 1798.140 of the Civil Code, as amended by
 + Section 5 of Chapter 121 of the Statutes of 2024, is amended to
 + read:
 + 1798.140. Definitions
 + For purposes of this title:
 + (a) “Advertising and marketing” means a communication by a
 + business or a person acting on the business’ behalf in any medium
 + intended to induce a consumer to obtain goods, services, or
 + employment.
 + (b) “Aggregate consumer information” means information that
 + relates to a group or category of consumers, from which individual
 + consumer identities have been removed, that is not linked or
 + reasonably linkable to any consumer or household, including via
 + a device. “Aggregate consumer information” does not mean one
 + or more individual consumer records that have been deidentified.
 + (c) “Biometric information” means an individual’s physiological,
 + biological, or behavioral characteristics, including information
 + pertaining to an individual’s deoxyribonucleic acid (DNA), that
 + is used or is intended to be used singly or in combination with each
 + other or with other identifying data, to establish individual identity.
 + Biometric information includes, but is not limited to, imagery of
 + the iris, retina, fingerprint, face, hand, palm, vein patterns, and
 + voice recordings, from which an identifier template, such as a
 + faceprint, a minutiae template, or a voiceprint, can be extracted,
 + and keystroke patterns or rhythms, gait patterns or rhythms, and
 + sleep, health, or exercise data that contain identifying information.
 + (d) “Business” means:
 + (1) A sole proprietorship, partnership, limited liability company,
 + corporation, association, or other legal entity that is organized or
 + operated for the profit or financial benefit of its shareholders or

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+ other owners, that collects consumers’ personal information, or
+ on the behalf of which such information is collected and that alone,
+ or jointly with others, determines the purposes and means of the
+ processing of consumers’ personal information, that does business
+ in the State of California, and that satisfies one or more of the
+ following thresholds:

+ (A) As of January 1 of the calendar year, had annual gross
+ revenues in excess of twenty-five million dollars (\$25,000,000)
+ in the preceding calendar year, as adjusted pursuant to subdivision
+ (d) of Section 1798.199.95.

+ (B) Alone or in combination, annually buys, sells, or shares the
+ personal information of 100,000 or more consumers or households.

+ (C) Derives 50 percent or more of its annual revenues from
+ selling or sharing consumers’ personal information.

+ (2) Any entity that controls or is controlled by a business, as
+ defined in paragraph (1), and that shares common branding with
+ the business and with whom the business shares consumers’
+ personal information. “Control” or “controlled” means ownership
+ of, or the power to vote, more than 50 percent of the outstanding
+ shares of any class of voting security of a business; control in any
+ manner over the election of a majority of the directors, or of
+ individuals exercising similar functions; or the power to exercise
+ a controlling influence over the management of a company.
+ “Common branding” means a shared name, servicemark, or
+ trademark that the average consumer would understand that two
+ or more entities are commonly owned.

+ (3) A joint venture or partnership composed of businesses in
+ which each business has at least a 40 percent interest. For purposes
+ of this title, the joint venture or partnership and each business that
+ composes the joint venture or partnership shall separately be
+ considered a single business, except that personal information in
+ the possession of each business and disclosed to the joint venture
+ or partnership shall not be shared with the other business.

+ (4) A person that does business in California, that is not covered
+ by paragraph (1), (2), or (3), and that voluntarily certifies to the
+ California Privacy Protection Agency that it is in compliance with,
+ and agrees to be bound by, this title.

+ (e) “Business purpose” means the use of personal information
+ for the business’ operational purposes, or other notified purposes,
+ or for the service provider or contractor’s operational purposes,

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- + as defined by regulations adopted pursuant to paragraph (10) of
- + subdivision (a) of Section 1798.185, provided that the use of
- + personal information shall be reasonably necessary and
- + proportionate to achieve the purpose for which the personal
- + information was collected or processed or for another purpose that
- + is compatible with the context in which the personal information
- + was collected. Business purposes are:
- + (1) Auditing related to counting ad impressions to unique
- + visitors, verifying positioning and quality of ad impressions, and
- + auditing compliance with this specification and other standards.
- + (2) Helping to ensure security and integrity to the extent the use
- + of the consumer’s personal information is reasonably necessary
- + and proportionate for these purposes.
- + (3) Debugging to identify and repair errors that impair existing
- + intended functionality.
- + (4) Short-term, transient use, including, but not limited to,
- + nonpersonalized advertising shown as part of a consumer’s current
- + interaction with the business, provided that the consumer’s personal
- + information is not disclosed to another third party and is not used
- + to build a profile about the consumer or otherwise alter the
- + consumer’s experience outside the current interaction with the
- + business.
- + (5) Performing services on behalf of the business, including
- + maintaining or servicing accounts, providing customer service,
- + processing or fulfilling orders and transactions, verifying customer
- + information, processing payments, providing financing, providing
- + analytic services, providing storage, or providing similar services
- + on behalf of the business.
- + (6) Providing advertising and marketing services, except for
- + cross-context behavioral advertising, to the consumer provided
- + that, for the purpose of advertising and marketing, a service
- + provider or contractor shall not combine the personal information
- + of opted-out consumers that the service provider or contractor
- + receives from, or on behalf of, the business with personal
- + information that the service provider or contractor receives from,
- + or on behalf of, another person or persons or collects from its own
- + interaction with consumers.
- + (7) Undertaking internal research for technological development
- + and demonstration.

+ (8) Undertaking activities to verify or maintain the quality or
+ safety of a service or device that is owned, manufactured,
+ manufactured for, or controlled by the business, and to improve,
+ upgrade, or enhance the service or device that is owned,
+ manufactured, manufactured for, or controlled by the business.

+ (f) “Collects,” “collected,” or “collection” means buying,
+ renting, gathering, obtaining, receiving, or accessing any personal
+ information pertaining to a consumer by any means. This includes
+ receiving information from the consumer, either actively or
+ passively, or by observing the consumer’s behavior.

+ (g) “Commercial purposes” means to advance a person’s
+ commercial or economic interests, such as by inducing another
+ person to buy, rent, lease, join, subscribe to, provide, or exchange
+ products, goods, property, information, or services, or enabling or
+ effecting, directly or indirectly, a commercial transaction.

+ (h) “Consent” means any freely given, specific, informed, and
+ unambiguous indication of the consumer’s wishes by which the
+ consumer, or the consumer’s legal guardian, a person who has
+ power of attorney, or a person acting as a conservator for the
+ consumer, including by a statement or by a clear affirmative action,
+ signifies agreement to the processing of personal information
+ relating to the consumer for a narrowly defined particular purpose.
+ Acceptance of a general or broad terms of use, or similar document,
+ that contains descriptions of personal information processing along
+ with other, unrelated information, does not constitute consent.
+ Hovering over, muting, pausing, or closing a given piece of content
+ does not constitute consent. Likewise, agreement obtained through
+ use of dark patterns does not constitute consent.

+ (i) “Consumer” means a natural person who is a California
+ resident, as defined in Section 17014 of Title 18 of the California
+ Code of Regulations, as that section read on September 1, 2017,
+ however identified, including by any unique identifier.

+ (j) (1) “Contractor” means a person to whom the business makes
+ available a consumer’s personal information for a business purpose,
+ pursuant to a written contract with the business, provided that the
+ contract:

- + (A) Prohibits the contractor from:
 - + (i) Selling or sharing the personal information.
 - + (ii) Retaining, using, or disclosing the personal information for
+ any purpose other than for the business purposes specified in the

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- + contract, including retaining, using, or disclosing the personal
- + information for a commercial purpose other than the business
- + purposes specified in the contract, or as otherwise permitted by
- + this title.
- + (iii) Retaining, using, or disclosing the information outside of
- + the direct business relationship between the contractor and the
- + business.
- + (iv) Combining the personal information that the contractor
- + receives pursuant to a written contract with the business with
- + personal information that it receives from or on behalf of another
- + person or persons, or collects from its own interaction with the
- + consumer, provided that the contractor may combine personal
- + information to perform any business purpose as defined in
- + regulations adopted pursuant to paragraph (9) of subdivision (a)
- + of Section 1798.185, except as provided for in paragraph (6) of
- + subdivision (e) and in regulations adopted by the California Privacy
- + Protection Agency.
- + (B) Includes a certification made by the contractor that the
- + contractor understands the restrictions in subparagraph (A) and
- + will comply with them.
- + (C) Permits, subject to agreement with the contractor, the
- + business to monitor the contractor's compliance with the contract
- + through measures, including, but not limited to, ongoing manual
- + reviews and automated scans and regular assessments, audits, or
- + other technical and operational testing at least once every 12
- + months.
- + (2) If a contractor engages any other person to assist it in
- + processing personal information for a business purpose on behalf
- + of the business, or if any other person engaged by the contractor
- + engages another person to assist in processing personal information
- + for that business purpose, it shall notify the business of that
- + engagement, and the engagement shall be pursuant to a written
- + contract binding the other person to observe all the requirements
- + set forth in paragraph (1).
- + (k) "Cross-context behavioral advertising" means the targeting
- + of advertising to a consumer based on the consumer's personal
- + information obtained from the consumer's activity across
- + businesses, distinctly branded internet websites, applications, or
- + services, other than the business, distinctly branded internet

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- + website, application, or service with which the consumer intentionally interacts.
- + (l) “Dark pattern” means a user interface designed or manipulated with the substantial effect of subverting or impairing user autonomy, decisionmaking, or choice, as further defined by regulation.
- + (m) “Deidentified” means information that cannot reasonably be used to infer information about, or otherwise be linked to, a particular consumer provided that the business that possesses the information:
 - + (1) Takes reasonable measures to ensure that the information cannot be associated with a consumer or household.
 - + (2) Publicly commits to maintain and use the information in deidentified form and not to attempt to reidentify the information, except that the business may attempt to reidentify the information solely for the purpose of determining whether its deidentification processes satisfy the requirements of this subdivision.
 - + (3) Contractually obligates any recipients of the information to comply with all provisions of this subdivision.
- + (n) “Designated methods for submitting requests” means a mailing address, email address, internet web page, internet web portal, toll-free telephone number, or other applicable contact information, whereby consumers may submit a request or direction under this title, and any new, consumer-friendly means of contacting a business, as approved by the Attorney General pursuant to Section 1798.185.
- + (o) “Device” means any physical object that is capable of connecting to the internet, directly or indirectly, or to another device.
- + (p) “Homepage” means the introductory page of an internet website and any internet web page where personal information is collected. In the case of an online service, such as a mobile application, homepage means the application’s platform page or download page, a link within the application, such as from the application configuration, “About,” “Information,” or settings page, and any other location that allows consumers to review the notices required by this title, including, but not limited to, before downloading the application.

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- + (q) “Household” means a group, however identified, of consumers who cohabit with one another at the same residential address and share use of common devices or services.
- + (r) “Infer” or “inference” means the derivation of information, data, assumptions, or conclusions from facts, evidence, or another source of information or data.
- + (s) “Intentionally interacts” means when the consumer intends to interact with a person, or disclose personal information to a person, via one or more deliberate interactions, including visiting the person’s internet website or purchasing a good or service from the person. Hovering over, muting, pausing, or closing a given piece of content does not constitute a consumer’s intent to interact with a person.
- + (t) “Nonpersonalized advertising” means advertising and marketing that is based solely on a consumer’s personal information derived from the consumer’s current interaction with the business with the exception of the consumer’s precise geolocation.
- + (u) “Person” means an individual, proprietorship, firm, partnership, joint venture, syndicate, business trust, company, corporation, limited liability company, association, committee, and any other organization or group of persons acting in concert.
- + (v) (1) “Personal information” means information that identifies, relates to, describes, is reasonably capable of being associated with, or could reasonably be linked, directly or indirectly, with a particular consumer or household. Personal information includes, but is not limited to, the following if it identifies, relates to, describes, is reasonably capable of being associated with, or could be reasonably linked, directly or indirectly, with a particular consumer or household:
 - + (A) Identifiers such as a real name, alias, postal address, unique personal identifier, online identifier, Internet Protocol address, email address, account name, social security number, driver’s license number, passport number, or other similar identifiers.
 - + (B) Any personal information described in subdivision (e) of Section 1798.80.
 - + (C) Characteristics of protected classifications under California or federal law.

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- + (D) Commercial information, including records of personal property, products or services purchased, obtained, or considered, or other purchasing or consuming histories or tendencies.
- + (E) Biometric information.
- + (F) Internet or other electronic network activity information, including, but not limited to, browsing history, search history, and information regarding a consumer’s interaction with an internet website application, or advertisement.
- + (G) Geolocation data.
- + (H) Audio, electronic, visual, thermal, olfactory, or similar information.
- + (I) Professional or employment-related information.
- + (J) Education information, defined as information that is not publicly available personally identifiable information as defined in the Family Educational Rights and Privacy Act (20 U.S.C. Sec. 1232g; 34 C.F.R. Part 99).
- + (K) Inferences drawn from any of the information identified in this subdivision to create a profile about a consumer reflecting the consumer’s preferences, characteristics, psychological trends, predispositions, behavior, attitudes, intelligence, abilities, and aptitudes.
- + (L) Sensitive personal information.
- + ~~(2) “Personal information” does not include publicly available information or lawfully obtained, truthful information that is a matter of public concern. For purposes of this paragraph, “publicly available” means: information that is lawfully made available from federal, state, or local government records, or information that a business has a reasonable basis to believe is lawfully made available to the general public by the consumer or from widely distributed media; or information made available by a person to whom the consumer has disclosed the information if the consumer has not restricted the information to a specific audience. “Publicly available” does not mean biometric information collected by a business about a consumer without the consumer’s knowledge.~~
- + *(2) (A) “Personal information” does not include publicly available information or lawfully obtained, truthful information that is a matter of public concern.*
- + *(B) (i) For purposes of this paragraph, “publicly available” means any of the following:*

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- + (I) Information that is lawfully made available from federal, state, or local government records.
- + (II) Information that a business has a reasonable basis to believe is lawfully made available to the general public by the consumer or from widely distributed media.
- + (III) Information made available by a person to whom the consumer has disclosed the information if the consumer has not restricted the information to a specific audience.
- + (ii) “Publicly available” does not mean biometric information collected by a business about a consumer without the consumer’s knowledge.
- + (3) “Personal information” does not include consumer information that is deidentified or aggregate consumer information.
- + (4) “Personal information” can exist in various formats, including, but not limited to, all of the following:
 - + (A) Physical formats, including paper documents, printed images, vinyl records, or video tapes.
 - + (B) Digital formats, including text, image, audio, or video files.
 - + (C) Abstract digital formats, including compressed or encrypted files, metadata, or artificial intelligence systems that are capable of outputting personal information.
- + (w) “Precise geolocation” means any data that is derived from a device and that is used or intended to be used to locate a consumer within a geographic area that is equal to or less than the area of a circle with a radius of 1,850 feet, except as prescribed by regulations.
- + (x) “Probabilistic identifier” means the identification of a consumer or a consumer’s device to a degree of certainty of more probable than not based on any categories of personal information included in, or similar to, the categories enumerated in the definition of personal information.
- + (y) “Processing” means any operation or set of operations that are performed on personal information or on sets of personal information, whether or not by automated means.
- + (z) “Profiling” means any form of automated processing of personal information, as further defined by regulations pursuant to paragraph (15) of subdivision (a) of Section 1798.185, to evaluate certain personal aspects relating to a natural person and in particular to analyze or predict aspects concerning that natural

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- + person’s performance at work, economic situation, health, personal preferences, interests, reliability, behavior, location, or movements.
- + (aa) “Pseudonymize” or “Pseudonymization” means the processing of personal information in a manner that renders the personal information no longer attributable to a specific consumer without the use of additional information, provided that the additional information is kept separately and is subject to technical and organizational measures to ensure that the personal information is not attributed to an identified or identifiable consumer.
- + (ab) “Research” means scientific analysis, systematic study, and observation, including basic research or applied research that is designed to develop or contribute to public or scientific knowledge and that adheres or otherwise conforms to all other applicable ethics and privacy laws, including, but not limited to, studies conducted in the public interest in the area of public health. Research with personal information that may have been collected from a consumer in the course of the consumer’s interactions with a business’ service or device for other purposes shall be:
 - + (1) Compatible with the business purpose for which the personal information was collected.
 - + (2) Subsequently pseudonymized and deidentified, or deidentified and in the aggregate, such that the information cannot reasonably identify, relate to, describe, be capable of being associated with, or be linked, directly or indirectly, to a particular consumer, by a business.
 - + (3) Made subject to technical safeguards that prohibit reidentification of the consumer to whom the information may pertain, other than as needed to support the research.
 - + (4) Subject to business processes that specifically prohibit reidentification of the information, other than as needed to support the research.
 - + (5) Made subject to business processes to prevent inadvertent release of deidentified information.
 - + (6) Protected from any reidentification attempts.
 - + (7) Used solely for research purposes that are compatible with the context in which the personal information was collected.
 - + (8) Subjected by the business conducting the research to additional security controls that limit access to the research data to only those individuals as are necessary to carry out the research purpose.

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- + (ac) “Security and integrity” means the ability of:
- + (1) Networks or information systems to detect security incidents that compromise the availability, authenticity, integrity, and confidentiality of stored or transmitted personal information.
- + (2) Businesses to detect security incidents, resist malicious, deceptive, fraudulent, or illegal actions and to help prosecute those responsible for those actions.
- + (3) Businesses to ensure the physical safety of natural persons.
- + (ad) (1) “Sell,” “selling,” “sale,” or “sold,” means selling, renting, releasing, disclosing, disseminating, making available, transferring, or otherwise communicating orally, in writing, or by electronic or other means, a consumer’s personal information by the business to a third party for monetary or other valuable consideration.
- + (2) For purposes of this title, a business does not sell personal information when:
 - + (A) A consumer uses or directs the business to intentionally:
 - + (i) Disclose personal information.
 - + (ii) Interact with one or more third parties.
 - + (B) The business uses or shares an identifier for a consumer who has opted out of the sale of the consumer’s personal information or limited the use of the consumer’s sensitive personal information for the purposes of alerting persons that the consumer has opted out of the sale of the consumer’s personal information or limited the use of the consumer’s sensitive personal information.
 - + (C) The business transfers to a third party the personal information of a consumer as an asset that is part of a merger, acquisition, bankruptcy, or other transaction in which the third party assumes control of all or part of the business, provided that information is used or shared consistently with this title. If a third party materially alters how it uses or shares the personal information of a consumer in a manner that is materially inconsistent with the promises made at the time of collection, it shall provide prior notice of the new or changed practice to the consumer. The notice shall be sufficiently prominent and robust to ensure that existing consumers can easily exercise their choices consistently with this title. This subparagraph does not authorize a business to make material, retroactive privacy policy changes or make other changes in their privacy policy in a manner that would violate the Unfair and Deceptive Practices Act (Chapter 5

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- + (commencing with Section 17200) of Part 2 of Division 7 of the
- + Business and Professions Code).
- + (ae) “Sensitive personal information” means:
- + (1) Personal information that reveals:
- + (A) A consumer’s social security, driver’s license, state
- + identification card, or passport number.
- + (B) A consumer’s account log-in, financial account, debit card,
- + or credit card number in combination with any required security
- + or access code, password, or credentials allowing access to an
- + account.
- + (C) A consumer’s precise geolocation.
- + (D) A consumer’s racial or ethnic origin, citizenship or
- + immigration status, religious or philosophical beliefs, or union
- + membership.
- + (E) The contents of a consumer’s mail, email, and text messages
- + unless the business is the intended recipient of the communication.
- + (F) A consumer’s genetic data.
- + (G) (i) *A consumer’s neural data.*
- + (ii) *“Neural data” means information that is generated by*
- + *measuring the activity of a consumer’s central or peripheral*
- + *nervous system, and that is not inferred from nonneural*
- + *information.*
- + (2) (A) The processing of biometric information for the purpose
- + of uniquely identifying a consumer.
- + (B) Personal information collected and analyzed concerning a
- + consumer’s health.
- + (C) Personal information collected and analyzed concerning a
- + consumer’s sex life or sexual orientation.
- + (3) Sensitive personal information that is “publicly available”
- + pursuant to paragraph (2) of subdivision (v) shall not be considered
- + sensitive personal information or personal information.
- + (af) “Service” or “services” means work, labor, and services,
- + including services furnished in connection with the sale or repair
- + of goods.
- + (ag) (1) “Service provider” means a person that processes
- + personal information on behalf of a business and that receives from
- + or on behalf of the business consumer’s personal information for
- + a business purpose pursuant to a written contract, provided that
- + the contract prohibits the person from:
- + (A) Selling or sharing the personal information.

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+ (B) Retaining, using, or disclosing the personal information for
+ any purpose other than for the business purposes specified in the
+ contract for the business, including retaining, using, or disclosing
+ the personal information for a commercial purpose other than the
+ business purposes specified in the contract with the business, or
+ as otherwise permitted by this title.

+ (C) Retaining, using, or disclosing the information outside of
+ the direct business relationship between the service provider and
+ the business.

+ (D) Combining the personal information that the service provider
+ receives from, or on behalf of, the business with personal
+ information that it receives from, or on behalf of, another person
+ or persons, or collects from its own interaction with the consumer,
+ provided that the service provider may combine personal
+ information to perform any business purpose as defined in
+ regulations adopted pursuant to paragraph (9) of subdivision (a)
+ of Section 1798.185, except as provided for in paragraph (6) of
+ subdivision (e) of this section and in regulations adopted by the
+ California Privacy Protection Agency. The contract may, subject
+ to agreement with the service provider, permit the business to
+ monitor the service provider’s compliance with the contract through
+ measures, including, but not limited to, ongoing manual reviews
+ and automated scans and regular assessments, audits, or other
+ technical and operational testing at least once every 12 months.

+ (2) If a service provider engages any other person to assist it in
+ processing personal information for a business purpose on behalf
+ of the business, or if any other person engaged by the service
+ provider engages another person to assist in processing personal
+ information for that business purpose, it shall notify the business
+ of that engagement, and the engagement shall be pursuant to a
+ written contract binding the other person to observe all the
+ requirements set forth in paragraph (1).

+ (ah) (1) “Share,” “shared,” or “sharing” means sharing, renting,
+ releasing, disclosing, disseminating, making available, transferring,
+ or otherwise communicating orally, in writing, or by electronic or
+ other means, a consumer’s personal information by the business
+ to a third party for cross-context behavioral advertising, whether
+ or not for monetary or other valuable consideration, including
+ transactions between a business and a third party for cross-context

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- + behavioral advertising for the benefit of a business in which no money is exchanged.
- + (2) For purposes of this title, a business does not share personal information when:
 - + (A) A consumer uses or directs the business to intentionally disclose personal information or intentionally interact with one or more third parties.
 - + (B) The business uses or shares an identifier for a consumer who has opted out of the sharing of the consumer’s personal information or limited the use of the consumer’s sensitive personal information for the purposes of alerting persons that the consumer has opted out of the sharing of the consumer’s personal information or limited the use of the consumer’s sensitive personal information.
 - + (C) The business transfers to a third party the personal information of a consumer as an asset that is part of a merger, acquisition, bankruptcy, or other transaction in which the third party assumes control of all or part of the business, provided that information is used or shared consistently with this title. If a third party materially alters how it uses or shares the personal information of a consumer in a manner that is materially inconsistent with the promises made at the time of collection, it shall provide prior notice of the new or changed practice to the consumer. The notice shall be sufficiently prominent and robust to ensure that existing consumers can easily exercise their choices consistently with this title. This subparagraph does not authorize a business to make material, retroactive privacy policy changes or make other changes in their privacy policy in a manner that would violate the Unfair and Deceptive Practices Act (Chapter 5 (commencing with Section 17200) of Part 2 of Division 7 of the Business and Professions Code).
 - + (ai) “Third party” means a person who is not any of the following:
 - + (1) The business with whom the consumer intentionally interacts and that collects personal information from the consumer as part of the consumer’s current interaction with the business under this title.
 - + (2) A service provider to the business.
 - + (3) A contractor.
 - + (aj) “Unique identifier” or “unique personal identifier” means a persistent identifier that can be used to recognize a consumer, a

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+ family, or a device that is linked to a consumer or family, over
+ time and across different services, including, but not limited to, a
+ device identifier; an Internet Protocol address; cookies, beacons,
+ pixel tags, mobile ad identifiers, or similar technology; customer
+ number, unique pseudonym, or user alias; telephone numbers, or
+ other forms of persistent or probabilistic identifiers that can be
+ used to identify a particular consumer or device that is linked to a
+ consumer or family. For purposes of this subdivision, “family”
+ means a custodial parent or guardian and any children under 18
+ years of age over which the parent or guardian has custody.

+ (ak) “Verifiable consumer request” means a request that is made
+ by a consumer, by a consumer on behalf of the consumer’s minor
+ child, by a natural person or a person registered with the Secretary
+ of State, authorized by the consumer to act on the consumer’s
+ behalf, or by a person who has power of attorney or is acting as a
+ conservator for the consumer, and that the business can verify,
+ using commercially reasonable methods, pursuant to regulations
+ adopted by the Attorney General pursuant to paragraph (6) of
+ subdivision (a) of Section 1798.185 to be the consumer about
+ whom the business has collected personal information. A business
+ is not obligated to provide information to the consumer pursuant
+ to Sections 1798.110 and 1798.115, to delete personal information
+ pursuant to Section 1798.105, or to correct inaccurate personal
+ information pursuant to Section 1798.106, if the business cannot
+ verify, pursuant to this subdivision and regulations adopted by the
+ Attorney General pursuant to paragraph (6) of subdivision (a) of
+ Section 1798.185, that the consumer making the request is the
+ consumer about whom the business has collected information or
+ is a person authorized by the consumer to act on such consumer’s
+ behalf.

+ *SEC. 2. Section 1.5 of this bill incorporates amendments to*
+ *Section 1798.140 of the Civil Code proposed by both this bill and*
+ *Assembly Bill 1008. That section of this bill shall become operative*
+ *only if (1) both bills are enacted and become effective on or before*
+ *January 1, 2025, (2) each bill amends Section 1798.140 of the*
+ *Civil Code and (3) this bill is enacted after Assembly Bill 1008,*
+ *in which case Section 1 of this bill shall not become operative.*

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Page 16 6 ~~SEC. 2.~~
+ SEC. 3. The Legislature finds and declares that this act furthers
7 the purposes and intent of the California Privacy Rights Act of
8 2020.

PROPOSED
AMENDMENTS

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SUBSTANTIVE

PROPOSED AMENDMENTS TO SENATE BILL NO. 1272

AMENDED IN ASSEMBLY JUNE 24, 2024

AMENDED IN SENATE APRIL 1, 2024

SENATE BILL

No. 1272

Introduced by Senator Laird

February 15, 2024



~~An act to amend Sections 1749.45 and 1749.5 of the Civil Code, relating to consumer protection. An act to add Article 7 (commencing with Section 21159.30) to Chapter 4.5 of Division 13 of the Public Resources Code, relating to environmental quality.~~

Amendment 1

LEGISLATIVE COUNSEL'S DIGEST

SB 1272, as amended, Laird. ~~Gift certificates.~~ *California Environmental Quality Act: program environmental impact report: clean energy infrastructure projects.*

The California Environmental Quality Act (CEQA) requires a lead agency, as defined, to prepare, or cause to be prepared, and certify the completion of an environmental impact report (EIR) on a project that it proposes to carry out or approve that may have a significant effect on the environment or to adopt a negative declaration if it finds that the project will not have that effect. CEQA also requires a lead agency to prepare a mitigated negative declaration for a project that may have a significant effect on the environment if revisions in the project would avoid or mitigate that effect and there is no substantial evidence that the project, as revised, would have a significant effect on the environment.

CEQA authorizes a lead agency for a later project, if a prior EIR has been prepared and certified for a program, plan, policy, or ordinance,

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commonly known as a “program EIR,” to examine significant effects of the later project upon the environment by using a tiered EIR and provides that the tiered EIR is not required to examine effects that meet certain requirements.

Existing law establishes a process for the certification of facilities related to clean energy infrastructure by the State Energy Resources Conservation and Development Commission (Energy Commission).

This bill would authorize the Energy Commission to prepare a program EIR to analyze the development of a class or classes of facility related to clean energy infrastructure, as provided. The bill would authorize a public agency considering the approval of a specific facility that is within a class or classes of facility described in the program EIR prepared under these provisions to tier from that program EIR.

~~Existing law prohibits the sale of any gift certificate that contains an expiration date or service fee, except as specified. Existing law defines “gift certificate” to include gift cards, as specified. Existing law provides that any gift certificate sold after January 1, 1997, is redeemable in cash or subject to replacement with a new gift certificate. Existing law makes any gift certificate with a cash value of less than \$10 redeemable in cash for its cash value.~~

~~This bill would define “gift certificate” to additionally include electronic gift cards and would instead make any gift certificate with a cash value of less than or equal to \$25, as adjusted for inflation, redeemable in cash for its cash value.~~

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

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

+ SECTION 1. Article 7 (commencing with Section 21159.30) is
+ added to Chapter 4.5 of Division 13 of the Public Resources Code,
+ to read:

+ Article 7. Program Environmental Impact Report for Clean
+ Infrastructure Projects

+ 21159.30. The Legislature finds and declares that it is in the
+ interest of the state to ensure that California’s environmental
+ review processes are streamlined and optimized to ensure the most
+ efficient process to approve clean infrastructure projects in a

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+ *manner that does not weaken environmental protections or public participation.*

+ *21159.31. For purposes of this article, the following definitions apply:*

+ *(a) "Energy Commission" means the State Energy Resources Conservation and Development Commission.*

+ *(b) "Facility" has the same meaning as set forth in Section 25545.*

+ *21159.32. (a) The Energy Commission may prepare a program environmental impact report to analyze the development of a class or classes of facility.*

+ *(b) The program environmental impact report shall comply with all requirements of this division, and shall contain all of the following:*

+ *(1) A description of the class or classes of facility being analyzed.*

+ *(2) A description of potential project locations.*

+ *(3) An analysis, to the extent feasible, of the potential environmental impacts of developing the class or classes of facility identified in paragraph (1).*

+ *(4) A description of potentially feasible mitigation measures to avoid or minimize the impacts identified in paragraph (3).*

+ *(5) An identification of trustee and potential responsible agencies with regulatory authority over the class or classes of facility identified in paragraph (1).*

+ *(6) An analysis of cumulative impacts and project alternatives.*

+ *(c) The Energy Commission shall consult with the public agencies identified in paragraph (5) of subdivision (b) in conducting the analysis of environmental impacts and identification of potentially feasible mitigation measures and alternatives.*

+ *(d) The development of a class or classes of facility constitutes a program for the purposes of Section 21094.*

+ *21159.33. A public agency considering approval of a specific facility that is within the class or classes of facility described in the program environmental impact report prepared pursuant to Section 21159.32 may tier from that program environmental impact report pursuant to Section 21094.*

1 ~~SECTION 1. Section 1749.45 of the Civil Code is amended~~
2 ~~to read:~~

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1 1749.45. (a) As used in this title, “gift certificate” includes
2 gift cards and electronic gift cards, but does not include any gift
3 card usable with multiple sellers of goods or services, provided
4 the expiration date, if any, is printed on the card. This exemption
5 does not apply to a gift card usable only with affiliated sellers of
6 goods or services.

7 (b) Nothing in this title prohibits those fees or practices expressly
8 permitted by Section 17538.9 of the Business and Professions
9 Code with respect to a prepaid calling card, as defined in that
10 section, that is issued solely to provide an access number and
11 authorization code for prepaid calling services.

12 **SEC. 2.** Section 1749.5 of the Civil Code is amended to read:

13 1749.5. (a) It is unlawful for any person or entity to sell a gift
14 certificate to a purchaser that contains any of the following:

15 (1) An expiration date.

16 (2) A service fee, including, but not limited to, a service fee for
17 dormancy, except as provided in subdivision (c).

18 (b) (1) Any gift certificate sold after January 1, 1997, is
19 redeemable in cash for its cash value, or subject to replacement
20 with a new gift certificate at no cost to the purchaser or holder.

21 (2) Notwithstanding paragraph (1), any gift certificate with a
22 cash value of less than or equal to twenty-five dollars (\$25), as
23 adjusted for inflation on January 1, 2026, and annually thereafter,
24 based on the California Consumer Price Index and rounded to the
25 nearest whole dollar amount, is redeemable in cash for its cash
26 value.

27 (c) A gift certificate sold without an expiration date is valid
28 until redeemed or replaced.

29 (d) This section does not apply to any of the following gift
30 certificates issued on or after January 1, 1998, if the expiration
31 date appears in capital letters in at least 10-point font on the front
32 of the gift certificate:

33 (1) Gift certificates that are distributed by the issuer to a
34 consumer pursuant to an awards, loyalty, or promotional program
35 without any money or other thing of value being given in exchange
36 for the gift certificate by the consumer.

37 (2) Gift certificates that are donated or sold below face value
38 at a volume discount to employers or to nonprofit and charitable
39 organizations for fundraising purposes if the expiration date on
40

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Page 3 1 those gift certificates is not more than 30 days after the date of
 2 sale.
 3 (3) Gift certificates that are issued for perishable food products:
 4 (e) Paragraph (2) of subdivision (a) does not apply to a
 5 dormancy fee on a gift card that meets all of the following criteria:
 6 (1) The remaining value of the gift card is five dollars (\$5) or
 7 less each time the fee is assessed.
 8 (2) The fee does not exceed one dollar (\$1) per month.
 9 (3) There has been no activity on the gift card for 24 consecutive
 10 months, including, but not limited to, purchases, the adding of
 11 value, or balance inquiries.
 12 (4) The holder may reload or add value to the gift card.
 13 (5) A statement is printed on the gift card in at least 10-point
 14 font stating the amount of the fee, how often the fee will occur,
 15 that the fee is triggered by inactivity of the gift card, and at what
 16 point the fee will be charged. The statement may appear on the
 17 front or back of the gift card but shall appear in a location where
 18 it is visible to any purchaser prior to the purchase thereof.
 19 (f) An issuer of gift certificates may accept funds from one or
 20 more contributors toward the purchase of a gift certificate intended
 21 to be a gift for a recipient if each contributor is provided with a
 22 full refund of the amount that the contributor paid toward the
 23 purchase of the gift certificate upon the occurrence of all of the
 24 following:
 25 (1) The funds are contributed for the purpose of being redeemed
 26 by the recipient by purchasing a gift certificate.
 27 (2) The time in which the recipient may redeem the funds by
 28 purchasing a gift certificate is clearly disclosed in writing to the
 29 contributors and the recipient.
 30 (3) The recipient does not redeem the funds within the time
 31 described in paragraph (2).
 32 (g) The changes made to this section by the act adding this
 33 subdivision shall apply only to gift certificates issued on or after
 34 January 1, 2004.
 35 (h) For purposes of this section, “cash” includes, but is not
 36 limited to, currency or check. If accepted by both parties, an
 37 electronic funds transfer or an application of the balance to a
 38 subscriber’s wireless telecommunications account is permissible.

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SUBSTANTIVE

PROPOSED AMENDMENTS TO SENATE BILL NO. 1413

AMENDED IN SENATE MAY 16, 2024

AMENDED IN SENATE APRIL 22, 2024

SENATE BILL

No. 1413

Introduced by Senator Niello
(Coauthor: Senator Ochoa Bogh)
(Principal coauthor: Assembly Member Flora)

February 16, 2024

~~An act to add and repeal Section 6809 of the Government Code, relating to computation of time. amend Section 2729 of the Business and Professions Code, relating to healing arts.~~

LEGISLATIVE COUNSEL'S DIGEST

SB 1413, as amended, Niello. ~~Year-round standard time: State Energy Resources Conservation and Development Commission: report. Nursing: students in out-of-state nursing programs.~~

Existing law, the Nursing Practice Act, establishes the Board of Registered Nursing to license and regulate the practice of nursing. The act prohibits a person from engaging in the practice of nursing without an active license but authorizes a student to render nursing services incidental to the student's course of study, as specified.

This bill would additionally authorize a student to render nursing services if the student is a resident of the state and enrolled in a prelicensure distance education nursing program based at an out-of-state private postsecondary educational institution, as defined, for the purpose of gaining clinical experience in a clinical setting that meets certain criteria, including that the program is accredited by a programmatic accreditation entity recognized by the United States



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Department of Education and that the program maintains minimum faculty-to-student ratios required of board-approved programs for in-person clinical experiences. The bill would require the student to be supervised in person by a registered nurse licensed by the board while rendering nursing services, as specified, and would require payment to the board of a one-time fee of \$450 per student placed in clinical experience in this state.

This bill would prohibit a clinical agency or facility from offering nonacute clinical experience placements to an out-of-state private postsecondary educational institution if the placements are needed to fulfill the clinical experience requirements of in-state students enrolled in a board-approved nursing program. The bill would require the program to provide initial and subsequent reports to the board, as specified. The bill would require the initial reports to include, among other things, proof of programmatic accreditation and good standing, with an attestation under penalty of perjury that the program will notify the board within 10 days of any changes in status. By expanding the scope of the crime of perjury, 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.

~~Existing state law, Proposition 7, an initiative measure approved by the voters at the November 6, 2018, statewide general election, sets the standard time for California and sets daylight saving time to begin each March and end each November. Proposition 7 authorizes the Legislature to amend these provisions by a $\frac{2}{3}$ vote to change the dates and times of the daylight saving time period, consistent with federal law, and authorizes the Legislature to amend these provisions by a $\frac{2}{3}$ vote to provide for the application of year-round daylight saving time when authorized by federal law.~~

~~Existing law requires the State Energy Resources Conservation and Development Commission to continuously carry out studies, research projects, data collection, and other activities required to assess the nature, extent, and distribution of energy resources to meet the needs of the state.~~

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~~This bill would require the State Energy Resources Conservation and Development Commission to, on or before February 1, 2027, prepare and submit a report to the Legislature assessing the near-term and long-term impacts of observing year-round standard time on energy demand and supply, as specified. The bill would make the operation of its provisions contingent upon an appropriation by the Legislature for its purpose.~~

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

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

- + SECTION 1. Section 2729 of the Business and Professions Code is amended to read:
- + 2729. ~~Nursing services may be rendered by a student when these~~ A student may render nursing services if those services are incidental to the course of study of one of the following:
- + (a) A student enrolled in a board-approved prelicensure program or school of nursing.
- + (b) A nurse licensed in another state or country taking a board-approved continuing education course or a postlicensure course.
- + (c) (1) A student who is a resident of the state and enrolled in a prelicensure distance education nursing program based at an out-of-state private postsecondary educational institution for the purpose of gaining clinical experience in a clinical setting that meets all of the following criteria:
- + (A) The program is accredited by a programmatic accreditation entity recognized by the United States Department of Education.
- + (B) The board does not otherwise approve the program.
- + (C) (i) The student placement does not impact any students already assigned to the agency or facility.
- + (ii) The program shall provide, upon request by the board, a current list of all upcoming California facility clinical placements for students.
- + (D) The program shall utilize clinical placements only in nonacute care facilities.
- + (E) The program does not make payments to any clinical agency or facility in exchange for clinical experience placements for

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- + *students enrolled in a nursing program offered by or affiliated with the institution or private postsecondary school of nursing.*
- + *(F) The program qualifies graduates for licensure under this chapter, pursuant to board curriculum requirements.*
- + *(G) The program maintains minimum faculty-to-student ratios required of board-approved programs for in-person clinical experiences.*
- + *(H) The program pays a one-time fee of four hundred fifty dollars (\$450) to the board for each student under this subdivision who participates in clinical experience placements in the state.*
- + *(I) The program meets all applicable Bureau of Private Postsecondary Education regulatory requirements.*
- + *(J) The program’s California instructors meet the same faculty requirements as required by the board for in-state schools.*
- + *(2) A student described by this subdivision shall be supervised in person by a registered nurse licensed by the board pursuant to this chapter while rendering nursing services, who shall ensure compliance with this chapter.*
- + *(3) A clinical agency or facility shall not offer clinical experience placements to an out-of-state private postsecondary educational institution if the placements are needed to fulfill the clinical experience requirements of an in-state student enrolled in a board-approved nursing program.*
- + *(4) The program shall provide initial and subsequent annual reports to the board.*
- + *(A) The initial report, which shall be submitted before initial clinical placements occur, shall include all of the following:*
 - + *(i) Proof of programmatic accreditation with an attestation under penalty of perjury that the program will notify the board within 10 days of any changes in accreditation status.*
 - + *(ii) Proof that the program is in good standing with its home-state nursing regulatory body with an attestation under penalty of perjury that the program will notify the board within 10 days of any changes in status.*
 - + *(iii) A schedule of planned clinical placements at California health care facilities for the current year, with accompanying payment of fees, that includes locations, dates, hours, and number of students.*

+ (iv) A list of California clinical instructors who meet the board
+ requirements for in-state school instructors, detailing instructor
+ names and California RN license numbers.

+ (B) The annual report, which shall be submitted to the board
+ by January 31 of each subsequent year, shall include all of the
+ following:

+ (i) A clinical placement report detailing the locations, dates,
+ and number of students placed at California health care facilities
+ during the previous calendar year.

+ (ii) A schedule of planned clinical placements detailing the
+ locations, dates, hours, and number of students scheduled at
+ California health care facilities for the current calendar year.

+ (iii) Accounting and reconciliation of the fee owed to the board
+ for newly placed students for the previous year, and payment for
+ the newly placed students planned for the current year.

+ (iv) A list of California clinical instructors who meet the board
+ requirements for in-state school instructors, detailing instructor
+ names, and California RN license numbers.

+ (5) For purposes of this subdivision, “out-of-state private
+ postsecondary educational institution” has the same meaning as
+ defined in Section 94850.5 of the Education Code.

+ 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.

Page 2 12 SECTION 1. ~~Section 6809 is added to the Government Code,~~
13 ~~immediately following Section 6808, to read:~~

14 ~~6809. (a) On or before February 1, 2027, the State Energy~~
15 ~~Resources Conservation and Development Commission shall~~
16 ~~prepare and submit a report to the relevant policy committees of~~
17 ~~the Legislature assessing the near-term and long-term impacts of~~
18 ~~observing year-round standard time on energy demand and supply.~~
19 ~~The report shall include, but not be limited to, the potential impacts~~
20 ~~of year-round standard time on electricity reliability in the late~~
21 ~~summer and early fall.~~

Amendment 4

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Page 2 22 ~~(b) (1) A report to be submitted pursuant to subdivision (a)~~
 23 ~~shall be submitted in compliance with Section 9795.~~
 24 ~~(2) Pursuant to Section 10231.5, this section is repealed on~~
 25 ~~February 1, 2029.~~

Page 3 1 ~~(c) This section shall become operative only upon an~~
 2 ~~appropriation by the Legislature for its purpose.~~

PROPOSED AMENDMENTS

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PROPOSED AMENDMENTS

**RN 24 21399 06
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PROPOSED AMENDMENTS TO SENATE BILL NO. 1526

AMENDED IN ASSEMBLY AUGUST 19, 2024

AMENDED IN ASSEMBLY JUNE 26, 2024

AMENDED IN ASSEMBLY JUNE 11, 2024

AMENDED IN SENATE APRIL 17, 2024

SENATE BILL

No. 1526



Introduced by Committee on Business, Professions and Economic Development (Senators Ashby (Chair), Alvarado-Gil, Archuleta, Becker, Dodd, Eggman, Glazer, Menjivar, Nguyen, Niello, Roth, Smallwood-Cuevas, and Wilk)

March 18, 2024

An act to amend Sections 144, 205, 208, 1903, ~~1905.2~~, 1910.5, 1944, 2538.3, 2538.10, 2538.25, 2538.27, 2539.1, 2736, 2761, 2816, 3503, 3526, 3531, 3534.4, 3534.5, 3545, 3620, 3620.1, 3621.5, 3622, 3623, 3624, 3627, 3630, 3633, 3633.1, 3634, 3636, 3640, 3640.2, 3640.3, 3640.5, 3640.8, 3641, 3644, 3650, 3651.5, 3652, 3660, 3661, 3663, 3663.5, 3670, 3672, 3675, 3681, 3685, 4175, 4800, 4800.1, 4809.6, 4810, 4826.7, 4836.1, 4842.2, 4846, 4848.1, 4857, 4860, 4875, 4886, 4903, 4904, 4905, 4910, 4920.2, 4920.4, 4920.8, 4980.54, 9884, and 17913 of the Business and Professions Code, to amend Sections 94816, 94850, 94856, 94876, 94883, 94897, 94899.5, 94901, 94906, 94907, 94913, and 94949.71 of, and to repeal Section 94947 of, the Education Code, and to amend Sections 1374.72, 124260, and 128454 of the Health and Safety Code, relating to consumer affairs.

| Amendment 1

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**RN 24 21399 06
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LEGISLATIVE COUNSEL'S DIGEST

SB 1526, as amended, Committee on Business, Professions and Economic Development. Consumer affairs.

(1) Existing law establishes the Department of Consumer Affairs in the Business, Consumer Services, and Housing Agency. Existing law establishes various entities within the department for the licensure, regulation, and discipline of various professions and vocations.

Existing law establishes the Professions and Vocations Fund in the State Treasury, which consists of specified special funds and accounts. Other existing law, the Naturopathic Doctors Act, establishes the Naturopathic Doctor's Fund in the State Treasury.

This bill would include the Naturopathic Doctor's Fund in those special funds and accounts in the Professions and Vocations Fund.

(2) Existing law, the Dental Practice Act, provides for the licensure and regulation of dental hygienists by the Dental Hygiene Board of California. Existing law defines "dental hygiene board" to mean the Dental Hygiene Board of California and "dental board" to mean the Dental Board of California.

This bill would correct references to these boards.

(3) Existing law, the Speech-Language Pathologists and Audiologists and Hearing Aid Dispensers Licensure Act, provides for the licensure and regulation by the Speech-Language Pathology and Audiology and Hearing Aid Dispensers Board of, among others, speech-language pathology assistants, hearing aid dispensers, and dispensing audiologists.

Existing law requires a person applying for approval as a speech-language pathology assistant to have graduated from a speech-language pathology assistant associate of arts degree program, or equivalent course of study, approved by the board.

This bill would require graduation from a speech-language pathology assistant associate degree program, or equivalent course of study, approved by the board.

Existing law, as it relates to hearing aid dispensers and dispensing audiologists, refers to a "hearing aid dispenser's license."

This bill would instead refer to a "hearing aid dispenser license."

(4) Existing law, the Nursing Practice Act, establishes the Board of Registered Nursing to license and regulate the practice of nursing.

Existing law requires an applicant for licensure as a registered nurse to comply with prescribed requirements, including a requirement to have successfully completed the courses of instruction prescribed by

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the board for licensure, in a program in this state accredited by the board for training registered nurses, or to have successfully completed courses of instruction in a school of nursing outside of this state that, in the opinion of the board at the time the application is filed, are equivalent to the minimum requirements of the board for licensure established for an accredited program in this state.

This bill would replace references to an “accredited program” with “approved program.”

Existing law prohibits an individual from holding themselves out as a public health nurse or using a title that includes the term “public health nurse” unless that individual is in possession of a valid California public health nurse certificate. Existing law establishes minimum and maximum amounts for a fee for an evaluation of qualifications to use the title “public health nurse,” a fee for an application for renewal of the certificate to practice as a public health nurse, and a penalty fee for failure to renew a certificate to practice as a public health nurse within the prescribed time.

This bill would delete the minimum amounts for those public health nurse fees.

(5) Existing law, the Physician Assistant Practice Act, provides for the licensure and regulation of physician assistants by the Physician Assistant Board.

This bill would make nonsubstantive changes in that act.

(6) Existing law, the Naturopathic Doctors Act, establishes the California Board of Naturopathic Medicine. Existing law changed the name of the former Naturopathic Medicine Committee to the board and former law changed the name of the Bureau of Naturopathic Medicine to the committee. Existing law specifies that any reference in any law or regulation to the bureau or the committee refers to the board.

This bill would update numerous outdated references to the bureau or the committee to instead refer to the board.

Existing law requires the board to adopt regulations in order to carry out the purposes of the Naturopathic Doctors Act and, unless contrary to the Naturopathic Doctors Act, applies regulations adopted by the bureau to the board and its licensees.

This bill, unless contrary to the Naturopathic Doctors Act, would also apply regulations adopted by the committee to the board and its licensees.

(7) Existing law, the Veterinary Medicine Practice Act, establishes the Veterinary Medical Board for the licensure and regulation of

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veterinarians and the practice of veterinary medicine. Under existing law, revenues of specified fees and fines are deposited in the Veterinary Medical Board Contingent Fund (veterinary fund), an account in the Professions and Vocations Fund subject to appropriation by the Legislature.

This bill would rename the board and the veterinary fund, respectively, the “California Veterinary Medical Board” and the “California Veterinary Medical Board Contingent Fund.”

(8) Existing law establishes the Board of Behavioral Sciences and requires the board to license and regulate various registrants and licensees under existing law, including licensees and registrants under the Licensed Marriage and Family Therapist Act. A violation of the act is a crime. Existing law prohibits the board from renewing any registration as an associate marriage and family therapist unless the registrant certifies under penalty of perjury to the board, and on a form prescribed by the board, that they have completed not less than 3 hours of continuing education on the subject of California law and ethics during the preceding year. Existing law requires the continuing education to be obtained from one of prescribed sources, including an accredited school or state-approved school that meets specified requirements.

This bill would instead authorize a school, college, or university that is accredited or approved, as defined, to be a continuing education source.

(9) Existing law, the Automotive Repair Act, provides for the registration and regulation of automotive repair dealers by the Bureau of Automotive Repair. Existing law requires an automotive repair dealer to pay a required fee for each place of business operated by the dealer in this state and to register with the director upon forms prescribed by the director, as prescribed. Existing law requires the forms to include any applicable nationally recognized and industry-accepted educational certifications and any bureau-approved educational certifications.

This bill would revise “bureau-approved educational certifications” to “bureau-accepted educational certifications.”

(10) Existing law requires every person who regularly transacts business in this state for profit under a fictitious business name to file a fictitious business name statement, as prescribed, not later than 40 days from the time the registrant commences to transact business, to file a new statement after any change in the facts, and to file a new statement when refiling a fictitious business name statement. Existing law requires the fictitious business name statement to contain specified

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information and to be substantially in a specified form, including prescribed notice of existing law governing the expiration of a statement.

This bill would conform the notice language to existing law governing the expiration of a statement.

(11) Existing law, the California Private Postsecondary Education Act of 2009 (the act), until January 1, 2027, provides for student protections and regulatory oversight of private postsecondary institutions in the state. The act is enforced by the Bureau for Private Postsecondary Education. The act imposes various requirements and creates certain exemptions that are based, in part, on the total charges, which the act defines as the sum of institutional and noninstitutional charges. The act further defines “noninstitutional charges” to mean charges for an educational program paid to an entity other than an institution that are specifically required for participation in an educational program.

This bill would narrow the definition of “noninstitutional charges” to include only those specified charges that are paid to such an entity directly.

Existing law prohibits an enrollment agreement from containing a provision that requires a student to invoke an internal institutional dispute procedure before enforcing any contractual or other legal rights or remedies.

This bill would instead prohibit an institution from imposing such a requirement.

Existing law requires a private postsecondary educational institution that maintains an internet website to provide on that website specific documents relating to the institution and a link to the bureau’s internet website.

This bill would require that those documents and that link be the current version.

Existing law generally prohibits certain institutions approved to participate in veterans’ financial aid programs pursuant to specified federal law from being exempt from the act. Existing law, as an exception to that prohibition, authorizes an institution that satisfies certain requirements to claim an exemption from the act.

This bill would delete that exception.

(12) Existing law, the Psychology Licensing Law, provides for the licensure and regulation of psychologists and registered psychological associates.

This bill would correct various references in other laws to a “psychological assistant” to instead refer to a “registered psychological

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associate,” and would delete an outdated reference to the category of “registered psychologist.”

(13) The bill would make technical and other nonsubstantive changes, including changes relating to obsolete provisions and references and the elimination of gendered pronouns.

(14) This bill would incorporate additional changes to Section 4980.54 of the Business and Professions Code proposed by AB 2270 and AB 2581 to be operative only if this bill and either or both AB 2270 and AB 2581 are enacted and this bill is enacted last.

This bill would incorporate additional changes to Section 2816 of the Business and Professions Code proposed by AB 2471 to be operative only if this bill and AB 2471 are enacted and this bill is enacted last.

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

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

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1 SECTION 1. Section 144 of the Business and Professions Code
2 is amended to read:
3 144. (a) Notwithstanding any other law, an agency designated
4 in subdivision (b) shall require an applicant to furnish to the agency
5 a full set of fingerprints for purposes of conducting criminal history
6 record checks. Any agency designated in subdivision (b) may
7 obtain and receive, at its discretion, criminal history information
8 from the Department of Justice and the United States Federal
9 Bureau of Investigation.
10 (b) Subdivision (a) applies to the following:
11 (1) California Board of Accountancy.
12 (2) State Athletic Commission.
13 (3) Board of Behavioral Sciences.
14 (4) Court Reporters Board of California.
15 (5) Dental Board of California.
16 (6) California State Board of Pharmacy.
17 (7) Board of Registered Nursing.
18 (8) California Veterinary Medical Board.
19 (9) Board of Vocational Nursing and Psychiatric Technicians
20 of the State of California.
21 (10) Respiratory Care Board of California.
22 (11) Physical Therapy Board of California.
23 (12) Physician Assistant Board.

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- Page 6 24 (13) Speech-Language Pathology and Audiology and Hearing
- 25 Aid Dispensers Board.
- 26 (14) Medical Board of California.
- 27 (15) California State Board of Optometry.
- 28 (16) Acupuncture Board.
- Page 7 1 (17) Cemetery and Funeral Bureau.
- 2 (18) Bureau of Security and Investigative Services.
- 3 (19) Division of Investigation.
- 4 (20) Board of Psychology.
- 5 (21) California Board of Occupational Therapy.
- 6 (22) Structural Pest Control Board.
- 7 (23) Contractors State License Board.
- 8 (24) California Board of Naturopathic Medicine.
- 9 (25) Professional Fiduciaries Bureau.
- 10 (26) Board for Professional Engineers, Land Surveyors, and
- 11 Geologists.
- 12 (27) Podiatric Medical Board of California.
- 13 (28) Osteopathic Medical Board of California.
- 14 (29) California Architects Board, beginning January 1, 2021.
- 15 (30) Landscape Architects Technical Committee, beginning
- 16 January 1, 2022.
- 17 (31) Bureau of Household Goods and Services with respect to
- 18 household movers as described in Chapter 3.1 (commencing with
- 19 Section 19225) of Division 8.
- 20 (c) For purposes of paragraph (26) of subdivision (b), the term
- 21 “applicant” shall be limited to an initial applicant who has never
- 22 been registered or licensed by the board or to an applicant for a
- 23 new licensure or registration category.
- 24 SEC. 2. Section 205 of the Business and Professions Code, as
- 25 amended by Section 1 of Chapter 508 of the Statutes of 2023, is
- 26 amended to read:
- 27 205. (a) There is in the State Treasury the Professions and
- 28 Vocations Fund. The fund shall consist of the following special
- 29 funds:
- 30 (1) Accountancy Fund.
- 31 (2) California Architects Board Fund.
- 32 (3) Athletic Commission Fund.
- 33 (4) Barbering and Cosmetology Contingent Fund.
- 34 (5) Cemetery and Funeral Fund.
- 35 (6) Contractors License Fund.

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- Page 7 36 (7) State Dentistry Fund.
- 37 (8) Home Furnishings and Thermal Insulation Fund.
- 38 (9) California Architects Board-Landscape Architects Fund.
- 39 (10) Contingent Fund of the Medical Board of California.
- 40 (11) Optometry Fund.
- Page 8 1 (12) Pharmacy Board Contingent Fund.
- 2 (13) Physical Therapy Fund.
- 3 (14) Private Security Services Fund.
- 4 (15) Professional Engineer’s, Land Surveyor’s, and Geologist’s
- 5 Fund.
- 6 (16) Consumer Affairs Fund.
- 7 (17) Behavioral Sciences Fund.
- 8 (18) Licensed Midwifery Fund.
- 9 (19) Court Reporters’ Fund.
- 10 (20) California Veterinary Medical Board Contingent Fund.
- 11 (21) Vocational Nursing and Psychiatric Technicians Fund.
- 12 (22) Electronic and Appliance Repair Fund.
- 13 (23) Acupuncture Fund.
- 14 (24) Physician Assistant Fund.
- 15 (25) Board of Podiatric Medicine Fund.
- 16 (26) Psychology Fund.
- 17 (27) Respiratory Care Fund.
- 18 (28) Speech-Language Pathology and Audiology and Hearing
- 19 Aid Dispensers Fund.
- 20 (29) Board of Registered Nursing Fund.
- 21 (30) Animal Health Technician Examining Committee Fund.
- 22 (31) State Dental Hygiene Fund.
- 23 (32) Structural Pest Control Fund.
- 24 (33) Structural Pest Control Education and Enforcement Fund.
- 25 (34) Structural Pest Control Research Fund.
- 26 (35) Household Movers Fund.
- 27 (36) Household Goods and Services Fund.
- 28 (37) Naturopathic Doctor’s Fund.
- 29 (b) For accounting and recordkeeping purposes, the Professions
- 30 and Vocations Fund shall be deemed to be a single special fund,
- 31 and each of the several special funds therein shall constitute and
- 32 be deemed to be a separate account in the Professions and
- 33 Vocations Fund. Each account or fund shall be available for
- 34 expenditure only for the purposes as are now or may hereafter be
- 35 provided by law.

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Page 8 36 (c) This section shall remain in effect only until July 1, 2026,
37 and as of that date is repealed.

38 SEC. 3. Section 205 of the Business and Professions Code, as
39 added by Section 2 of Chapter 508 of the Statutes of 2023, is
40 amended to read:

Page 9 1 205. (a) There is in the State Treasury the Professions and
2 Vocations Fund. The fund shall consist of the following special
3 funds:

- 4 (1) Accountancy Fund.
- 5 (2) California Architects Board Fund.
- 6 (3) Athletic Commission Fund.
- 7 (4) Barbering and Cosmetology Contingent Fund.
- 8 (5) Cemetery and Funeral Fund.
- 9 (6) Contractors License Fund.
- 10 (7) State Dentistry Fund.
- 11 (8) California Architects Board-Landscape Architects Fund.
- 12 (9) Contingent Fund of the Medical Board of California.
- 13 (10) Optometry Fund.
- 14 (11) Pharmacy Board Contingent Fund.
- 15 (12) Physical Therapy Fund.
- 16 (13) Private Security Services Fund.
- 17 (14) Professional Engineer’s, Land Surveyor’s, and Geologist’s
18 Fund.
- 19 (15) Consumer Affairs Fund.
- 20 (16) Behavioral Sciences Fund.
- 21 (17) Licensed Midwifery Fund.
- 22 (18) Court Reporters’ Fund.
- 23 (19) California Veterinary Medical Board Contingent Fund.
- 24 (20) Vocational Nursing and Psychiatric Technicians Fund.
- 25 (21) Acupuncture Fund.
- 26 (22) Physician Assistant Fund.
- 27 (23) Board of Podiatric Medicine Fund.
- 28 (24) Psychology Fund.
- 29 (25) Respiratory Care Fund.
- 30 (26) Speech-Language Pathology and Audiology and Hearing
31 Aid Dispensers Fund.
- 32 (27) Board of Registered Nursing Fund.
- 33 (28) Animal Health Technician Examining Committee Fund.
- 34 (29) State Dental Hygiene Fund.
- 35 (30) Structural Pest Control Fund.

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Page 9 36 (31) Structural Pest Control Education and Enforcement Fund.
37 (32) Structural Pest Control Research Fund.
38 (33) Household Goods and Services Fund.
39 (34) Naturopathic Doctor’s Fund.

Page 10 1 (b) For accounting and recordkeeping purposes, the Professions
2 and Vocations Fund shall be deemed to be a single special fund,
3 and each of the several special funds therein shall constitute and
4 be deemed to be a separate account in the Professions and
5 Vocations Fund. Each account or fund shall be available for
6 expenditure only for the purposes as are now or may hereafter be
7 provided by law.

8 (c) This section shall become operative on July 1, 2026.

Page 11 24 SEC. 4. Section 208 of the Business and Professions Code, as
25 amended by Section 2 of Chapter 41 of the Statutes of 2024, is
26 amended to read:

27 208. (a) Beginning April 1, 2023, a Controlled Substance
28 Utilization Review and Evaluation System (CURES) fee of nine
29 dollars (\$9) shall be assessed annually on each of the licensees
30 specified in subdivision (b) to pay the reasonable costs associated
31 with operating and maintaining CURES for the purpose of
32 regulating those licensees. The fee assessed pursuant to this
33 subdivision shall be billed and collected by the regulating agency
34 of each licensee at the time of the licensee’s license renewal. If
35 the reasonable regulatory cost of operating and maintaining CURES
36 is less than nine dollars (\$9) per licensee, the Department of
37 Consumer Affairs, by regulation, may reduce the fee established
38 by this section to the reasonable regulatory cost.

39 (b) (1) Licensees authorized pursuant to Section 11150 of the
40 Health and Safety Code to prescribe, order, administer, furnish,
Page 12 1 or dispense Schedule II, Schedule III, or Schedule IV controlled
2 substances or pharmacists licensed pursuant to Chapter 9
3 (commencing with Section 4000) of Division 2.

4 (2) Licensees issued a license that has been placed in a retired
5 or inactive status pursuant to a statute or regulation are exempt
6 from the CURES fee requirement in subdivision (a). This
7 exemption shall not apply to licensees whose license has been
8 placed in a retired or inactive status if the licensee is at any time
9 authorized to prescribe, order, administer, furnish, or dispense
10 Schedule II, Schedule III, or Schedule IV controlled substances.

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Page 12 11 (3) Wholesalers, third-party logistics providers, nonresident
 12 wholesalers, and nonresident third-party logistics providers of
 13 dangerous drugs licensed pursuant to Article 11 (commencing with
 14 Section 4160) of Chapter 9 of Division 2.
 15 (4) Nongovernmental clinics licensed pursuant to Article 13
 16 (commencing with Section 4180) and Article 14 (commencing
 17 with Section 4190) of Chapter 9 of Division 2.
 18 (5) Nongovernmental pharmacies licensed pursuant to Article
 19 7 (commencing with Section 4110) of Chapter 9 of Division 2.
 20 (c) The funds collected pursuant to subdivision (a) shall be
 21 deposited in the CURES Fund, which is hereby created within the
 22 State Treasury. Moneys in the CURES Fund, upon appropriation
 23 by the Legislature, shall be available to the Department of
 24 Consumer Affairs to reimburse the Department of Justice for costs
 25 to operate and maintain CURES for the purposes of regulating the
 26 licensees specified in subdivision (b).
 27 (d) The Department of Consumer Affairs shall contract with
 28 the Department of Justice on behalf of the Medical Board of
 29 California, the Dental Board of California, the California State
 30 Board of Pharmacy, the Veterinary Medical Board, the Board of
 31 Registered Nursing, the Physician Assistant Board, the Osteopathic
 32 Medical Board of California, the California Board of Naturopathic
 33 Medicine, the State Board of Optometry, and the Podiatric Medical
 34 Board of California to operate and maintain CURES for the
 35 purposes of regulating the licensees specified in subdivision (b).
 37 (e) This section shall become operative on April 1, 2023.
 38 (f) This section shall become inoperative on April 1, 2025, and,
 39 as of January 1, 2026, is repealed.

Page 13 1 SEC. 5. Section 208 of the Business and Professions Code, as
 2 added by Section 3 of Chapter 41 of the Statutes of 2024, is
 3 amended to read:
 4 208. (a) Beginning April 1, 2025, a Controlled Substance
 5 Utilization Review and Evaluation System (CURES) fee of fifteen
 6 dollars (\$15) shall be assessed annually on each of the licensees
 7 specified in subdivision (b) to pay the reasonable costs associated
 8 with operating and maintaining CURES for the purpose of
 9 regulating those licensees. The fee assessed pursuant to this
 10 subdivision shall be billed and collected by the regulating agency
 11 of each licensee at the time of the licensee’s license renewal. If
 12 the reasonable regulatory cost of operating and maintaining CURES

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Page 13 13 is less than fifteen dollars (\$15) per licensee, the Department of
14 Consumer Affairs, by regulation, may reduce the fee established
15 by this section to the reasonable regulatory cost.

16 (b) (1) Licensees authorized pursuant to Section 11150 of the
17 Health and Safety Code to prescribe, order, administer, furnish,
18 or dispense Schedule II, Schedule III, or Schedule IV controlled
19 substances or pharmacists licensed pursuant to Chapter 9
20 (commencing with Section 4000) of Division 2.

21 (2) Licensees issued a license that has been placed in a retired
22 or inactive status pursuant to a statute or regulation are exempt
23 from the CURES fee requirement in subdivision (a). This
24 exemption shall not apply to licensees whose license has been
25 placed in a retired or inactive status if the licensee is at any time
26 authorized to prescribe, order, administer, furnish, or dispense
27 Schedule II, Schedule III, or Schedule IV controlled substances.

28 (3) Wholesalers, third-party logistics providers, nonresident
29 wholesalers, and nonresident third-party logistics providers of
30 dangerous drugs licensed pursuant to Article 11 (commencing with
31 Section 4160) of Chapter 9 of Division 2.

32 (4) Nongovernmental clinics licensed pursuant to Article 13
33 (commencing with Section 4180) and Article 14 (commencing
34 with Section 4190) of Chapter 9 of Division 2.

35 (5) Nongovernmental pharmacies licensed pursuant to Article
36 7 (commencing with Section 4110) of Chapter 9 of Division 2.

37 (c) The funds collected pursuant to subdivision (a) shall be
38 deposited in the CURES Fund, which is hereby created within the
39 State Treasury. Moneys in the CURES Fund, upon appropriation
40 by the Legislature, shall be available to the Department of

Page 14 1 Consumer Affairs to reimburse the Department of Justice for costs
2 to operate and maintain CURES for the purposes of regulating the
3 licensees specified in subdivision (b).

4 (d) The Department of Consumer Affairs shall contract with
5 the Department of Justice on behalf of the Medical Board of
6 California, the Dental Board of California, the California State
7 Board of Pharmacy, the Veterinary Medical Board, the Board of
8 Registered Nursing, the Physician Assistant Board, the Osteopathic
9 Medical Board of California, the California Board of Naturopathic
10 Medicine, the State Board of Optometry, and the Podiatric Medical
11 Board of California to operate and maintain CURES for the
12 purposes of regulating the licensees specified in subdivision (b).

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Page 14 14 (e) This section shall become operative on April 1, 2025.
 16 SEC. 6. Section 1903 of the Business and Professions Code is
 17 amended to read:
 18 1903. (a) (1) The dental hygiene board shall consist of nine
 19 members as follows:
 20 (A) Seven members appointed by the Governor as follows:
 21 (i) Two members shall be public members.
 22 (ii) One member shall be a practicing general or public health
 23 dentist who holds a current license in California.
 24 (iii) Four members shall be registered dental hygienists who
 25 hold current licenses in California. Of the registered dental
 26 hygienist members, one shall be licensed either in alternative
 27 practice or in extended functions, one shall be a dental hygiene
 28 educator, and two shall be registered dental hygienists. No public
 29 member shall have been licensed under this chapter within five
 30 years of the date of their appointment or have any current financial
 31 interest in a dental-related business.
 32 (B) One public member appointed by the Senate Committee on
 33 Rules.
 34 (C) One public member appointed by the Speaker of the
 35 Assembly.
 36 (2) (A) The first appointment by the Senate Committee on
 37 Rules or the Speaker of the Assembly pursuant to this subdivision
 38 shall be made upon the expiration of the term of a public member
 39 that is scheduled to occur, or otherwise occurs, on or after January
 40 1, 2019.

Page 15 1 (B) It is the intent of the Legislature that committee members
 2 appointed prior to January 1, 2019, remain as dental hygiene board
 3 members until their term expires or except as otherwise provided
 4 in law, whichever occurs first.
 5 (3) For purposes of this subdivision, a public health dentist is
 6 a dentist whose primary employer or place of employment is in
 7 any of the following:
 8 (A) A primary care clinic licensed under subdivision (a) of
 9 Section 1204 of the Health and Safety Code.
 10 (B) A primary care clinic exempt from licensure pursuant to
 11 subdivision (c) of Section 1206 of the Health and Safety Code.
 12 (C) A clinic owned or operated by a public hospital or health
 13 system.

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Page 15 14 (D) A clinic owned and operated by a hospital that maintains
15 the primary contract with a county government to fill the county’s
16 role under Section 17000 of the Welfare and Institutions Code.

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

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

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

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

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

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

Page 16 1 (g) Each member of the dental hygiene board shall receive a
2 per diem and expenses as provided in Section 103.

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

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

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

14 ~~SEC. 7. Section 1905.2 of the Business and Professions Code~~
15 ~~is amended to read:~~

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Page 16 16 ~~1905.2.—Recommendations by the dental hygiene board~~
17 ~~regarding scope of practice issues, as specified in paragraph (8)~~
18 ~~of subdivision (a) of Section 1905, shall be approved, modified,~~
19 ~~or rejected by the dental board within 90 days of submission of~~
20 ~~the recommendation to the dental board. If the dental board rejects~~
21 ~~or significantly modifies the intent or scope of the recommendation,~~
22 ~~the dental hygiene board may request that the dental board provide~~
23 ~~its reasons in writing for rejecting or significantly modifying the~~
24 ~~recommendation, which shall be provided by the dental board~~
25 ~~within 30 days of the request.~~

27 ~~SEC. 8.~~

+ SEC. 7. Section 1910.5 of the Business and Professions Code
28 is amended to read:

29 1910.5. (a) In addition to the duties specified in Section 1910,
30 a registered dental hygienist is authorized to perform the following
31 additional duties, as specified:

32 (1) Determine which radiographs to perform on a patient who
33 has not received an initial examination by the supervising dentist
34 for the specific purpose of the dentist making a diagnosis and
35 treatment plan for the patient. In these circumstances, the dental
36 hygienist shall follow protocols established by the supervising
37 dentist. This paragraph only applies in the following settings:

38 (A) In a dental office setting.

39 (B) In a public health setting, using telehealth, as defined by
40 Section 2290.5, for the purpose of communication with the
supervising dentist, including, but not limited to, schools, head
start and preschool programs, and community clinics.

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2 (2) Place protective restorations, which for this purpose are
3 identified as interim therapeutic restorations, and defined as a
4 direct provisional restoration placed to stabilize the tooth until a
5 licensed dentist diagnoses the need for further definitive treatment.

6 An interim therapeutic restoration consists of the removal of soft
7 material from the tooth using only hand instrumentation, without
8 the use of rotary instrumentation, and subsequent placement of an
9 adhesive restorative material. Local anesthesia shall not be
10 necessary for interim therapeutic restoration placement. Interim
11 therapeutic restorations shall be placed only in accordance with
12 both of the following:

13 (A) In either of the following settings:

14 (i) In a dental office setting.
15

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Page 17 16 (ii) In a public health setting, using telehealth, as defined by
17 Section 2290.5, for the purpose of communication with the
18 supervising dentist, including, but not limited to, schools, head
19 start and preschool programs, and community clinics.

20 (B) After the diagnosis, treatment plan, and instruction to
21 perform the procedure provided by a dentist.

22 (b) The functions described in subdivision (a) may be performed
23 by a registered dental hygienist only after completion of a program
24 that includes training in performing those functions, or after
25 providing evidence, satisfactory to the dental hygiene board, of
26 having completed a dental hygiene board-approved course in those
27 functions.

28 (c) No later than January 1, 2018, the dental hygiene board shall
29 adopt regulations to establish requirements for courses of
30 instruction for the procedures authorized to be performed by a
31 registered dental hygienist and registered dental hygienist in
32 alternative practice pursuant to Sections 1910.5 and 1926.05, using
33 the competency-based training protocols established by the Health
34 Workforce Pilot Project (HWPP) No. 172 through the Department
35 of Health Care Access and Information. The dental hygiene board
36 shall use the curriculum submitted by the dental board pursuant
37 to Section 1753.55 to adopt regulatory language for approval of
38 courses of instruction for the interim therapeutic restoration. Any
39 subsequent amendments to the regulations for the interim
40 therapeutic restoration curriculum that are promulgated by the
Page 18 1 dental hygiene board shall be agreed upon by the dental board and
2 the dental hygiene board.

3 (d) This section shall become operative on January 1, 2018.

5 ~~SEC. 9.~~

+ SEC. 8. Section 1944 of the Business and Professions Code is
6 amended to read:

7 1944. (a) The dental hygiene board shall establish by resolution
8 the amount of the fees that relate to the licensing of a registered
9 dental hygienist, a registered dental hygienist in alternative practice,
10 and a registered dental hygienist in extended functions. The fees
11 established by dental hygiene board resolution in effect on June
12 30, 2009, as they relate to the licensure of registered dental
13 hygienists, registered dental hygienists in alternative practice, and
14 registered dental hygienists in extended functions, shall remain in

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Page 18 15 effect until modified by the dental hygiene board. The fees are
 16 subject to the following limitations:
 17 (1) The application fee for an original license and the fee for
 18 issuance of an original license shall not exceed two hundred fifty
 19 dollars (\$250).
 20 (2) The fee for examination for licensure as a registered dental
 21 hygienist shall not exceed the actual cost of the examination.
 22 (3) The fee for examination for licensure as a registered dental
 23 hygienist in extended functions shall not exceed the actual cost of
 24 the examination.
 25 (4) The fee for examination for licensure as a registered dental
 26 hygienist in alternative practice shall not exceed the actual cost of
 27 administering the examination.
 28 (5) The biennial renewal fee shall not exceed five hundred
 29 dollars (\$500).
 30 (6) The delinquency fee shall not exceed one-half of the renewal
 31 fee. Any delinquent license may be restored only upon payment
 32 of all fees, including the delinquency fee, and compliance with all
 33 other applicable requirements of this article.
 34 (7) The fee for issuance of a duplicate license to replace one
 35 that is lost or destroyed, or in the event of a name change, shall
 36 not exceed twenty-five dollars (\$25) or one-half of the renewal
 37 fee, whichever is greater.
 38 (8) The fee for certification of licensure shall not exceed one-half
 39 of the renewal fee.

Page 19 1 (9) The fee for each curriculum review and feasibility study
 2 review for educational programs for dental hygienists who are not
 3 accredited by a dental hygiene board-approved agency shall not
 4 exceed two thousand one hundred dollars (\$2,100).
 5 (10) The fee for each review or approval of course requirements
 6 for licensure or procedures that require additional training shall
 7 not exceed seven hundred fifty dollars (\$750).
 8 (11) The initial application and biennial fee for a provider of
 9 continuing education shall not exceed five hundred dollars (\$500).
 10 (12) The amount of fees payable in connection with permits
 11 issued under Section 1962 is as follows:
 12 (A) The initial permit fee is an amount equal to the renewal fee
 13 for the applicant’s license to practice dental hygiene in effect on
 14 the last regular renewal date before the date on which the permit
 15 is issued.

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Page 19 16 (B) If the permit will expire less than one year after its issuance,
17 then the initial permit fee is an amount equal to 50 percent of the
18 renewal fee in effect on the last regular renewal date before the
19 date on which the permit is issued.

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

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

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

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

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

Page 20 1 (e) No fees or charges other than those listed in this section shall
2 be levied by the dental hygiene board in connection with the
3 licensure of registered dental hygienists, registered dental
4 hygienists in alternative practice, or registered dental hygienists
5 in extended functions.

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

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

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

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

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

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Page 20 16 (k) The initial application and biennial special permit fee is an
17 amount equal to the biennial renewal fee specified in paragraph
18 (6) of subdivision (a).

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

22 ~~SEC. 10.~~

+ SEC. 9. Section 2538.3 of the Business and Professions Code
23 is amended to read:

24 2538.3. A person applying for approval as a speech-language
25 pathology assistant shall have graduated from a speech-language
26 pathology assistant associate degree program, or equivalent course
27 of study, approved by the board. A person who has successfully
28 graduated from a board-approved bachelor’s degree program in
29 speech-language pathology or communication disorders shall be
30 deemed to have satisfied an equivalent course of study.

32 ~~SEC. 11.~~

+ SEC. 10. Section 2538.10 of the Business and Professions Code
33 is amended to read:

34 2538.10. For the purposes of this article, the following
35 definitions shall apply:

36 (a) “Advertise” and its variants include the use of a newspaper,
37 magazine, or other publication, book, notice, circular, pamphlet,
38 letter, handbill, poster, bill, sign, placard, card, label, tag, window
39 display, store sign, radio, or television announcement, or any other
40 means or methods now or hereafter employed to bring to the
Page 21 1 attention of the public the practice of fitting or selling of hearing
2 aids.

3 (b) “License” means a hearing aid dispenser license issued
4 pursuant to this article and includes a temporary or trainee license.

5 (c) “Licensee” means a person holding a license.

6 (d) “Hearing aid” means any wearable instrument or device
7 designed for, or offered for the purpose of, aiding or compensating
8 for impaired human hearing.

9 (e) “Fund” means the Speech-Language Pathology and
10 Audiology and Hearing Aid Dispensers Fund.

12 ~~SEC. 12.~~

+ SEC. 11. Section 2538.25 of the Business and Professions Code
13 is amended to read:

14 2538.25. (a) The board shall prepare, approve, grade, and
15 conduct examinations of applicants for a hearing aid dispenser

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Page 21 16 license. The board may provide that the preparation and grading
17 of the examination be conducted by a competent person or
18 organization other than the board, provided, however, that the
19 board shall establish the guidelines for the examination and shall
20 approve the actual examination.

21 (b) Each applicant shall take and pass a written examination
22 and a practical examination compiled at the direction of the board
23 covering the critical tasks involved in the practice of fitting and
24 selling hearing aids and the knowledge, skills, and abilities needed
25 to perform those tasks safely and competently.

27 ~~SEC. 13.~~

+ SEC. 12. Section 2538.27 of the Business and Professions Code
28 is amended to read:

29 2538.27. (a) An applicant who has fulfilled the requirements
30 of Section 2538.24 and has made application therefor, may have
31 a temporary license issued to them upon satisfactory proof to the
32 board that the applicant holds a hearing aid dispenser license in
33 another state, that the licensee has not been subject to formal
34 disciplinary action by another licensing authority, and that the
35 applicant has been engaged in the fitting and sale of hearing aids
36 for the two years immediately prior to application.

37 (b) A temporary license issued pursuant to this section shall be
38 valid for one year from date of issuance and is not renewable. A
39 temporary license shall automatically terminate upon issuance of
40 a license prior to expiration of the one-year period.

Page 22 1 (c) The holder of a temporary license issued pursuant to this
2 section who fails either license examination shall be subject to and
3 shall comply with the supervision requirements of Section 2538.28
4 and any regulations adopted pursuant thereto.

6 ~~SEC. 14.~~

+ SEC. 13. Section 2539.1 of the Business and Professions Code
7 is amended to read:

8 2539.1. (a) (1) On and after January 1, 2010, in addition to
9 satisfying the licensure and examination requirements described
10 in Sections 2532, 2532.2, and 2532.25, no licensed audiologist
11 shall sell hearing aids unless they complete an application for a
12 dispensing audiology license, pay all applicable fees, and pass an
13 examination, approved by the board, relating to selling hearing
14 aids.

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Page 22 15 (2) The board shall issue a dispensing audiology license to a
16 licensed audiologist who meets the requirements of paragraph (1).

17 (b) (1) On and after January 1, 2010, a licensed audiologist
18 with an unexpired license to sell hearing aids pursuant to Article
19 8 (commencing with Section 2538.10) may continue to sell hearing
20 aids pursuant to that license until that license expires pursuant to
21 Section 2538.53, and upon that expiration the licensee shall be
22 deemed to have satisfied the requirements described in subdivision
23 (a) and may continue to sell hearing aids pursuant to their
24 audiology license subject to this chapter. Upon the expiration of
25 the audiologist’s license to sell hearing aids, the board shall issue
26 them a dispensing audiology license pursuant to paragraph (2) of
27 subdivision (a). This paragraph shall not prevent an audiologist
28 who also has a hearing aid dispenser license from maintaining dual
29 or separate licenses if they choose to do so.

30 (2) A licensed audiologist whose license to sell hearing aids,
31 issued pursuant to Article 8 (commencing with Section 2538.10),
32 is suspended, surrendered, or revoked shall not be authorized to
33 sell hearing aids pursuant to this subdivision and they shall be
34 subject to the requirements described in subdivision (a) and the
35 other provisions of this chapter.

36 (c) A licensed hearing aid dispenser who meets the qualifications
37 for licensure as an audiologist shall be deemed to have satisfied
38 the requirements of paragraph (1) of subdivision (a) for the
39 purposes of obtaining a dispensing audiology license.

Page 23 1 (d) For purposes of subdivision (a), the board shall provide the
2 hearing aid dispenser examination provided by the former Hearing
3 Aid Dispensers Bureau until the next examination validation and
4 occupational analysis is completed by the Department of Consumer
5 Affairs pursuant to Section 139 and a determination is made that
6 a different examination is to be administered.

8 ~~SEC. 15.~~

+ *SEC. 14.* Section 2736 of the Business and Professions Code
9 is amended to read:

10 2736. (a) An applicant for licensure as a registered nurse shall
11 comply with each of the following:

12 (1) Have completed general preliminary education requirements
13 as shall be determined by the board.

14 (2) Have successfully completed the courses of instruction
15 prescribed by the board for licensure, in a program in this state

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Page 23 16 approved by the board for training registered nurses, or have
17 successfully completed courses of instruction in a school of nursing
18 outside of this state that, in the opinion of the board at the time the
19 application is filed with the board, are equivalent to the minimum
20 requirements of the board for licensure established for an approved
21 program in this state.

22 (3) Not be subject to denial of licensure under Section 480.

23 (b) An applicant who has received their training from a school
24 of nursing in a country outside the United States and who has
25 complied with subdivision (a), or has completed training equivalent
26 to that required by subdivision (a), shall qualify for licensure by
27 successfully passing the examination prescribed by the board.

28 ~~SEC. 16.~~

+ 29 *SEC. 15.* Section 2761 of the Business and Professions Code
30 is amended to read:

31 2761. The board may take disciplinary action against a certified
32 or licensed nurse or deny an application for a certificate or license
33 for any of the following:

34 (a) Unprofessional conduct, which includes, but is not limited
35 to, the following:

36 (1) Incompetence or gross negligence in carrying out usual
37 certified or licensed nursing functions.

38 (2) A conviction of practicing medicine without a license in
39 violation of Chapter 5 (commencing with Section 2000), in which
40 event the record of conviction shall be conclusive evidence thereof.

Page 24 1 (3) The use of advertising relating to nursing that violates
2 Section 17500.

3 (4) Denial of licensure, revocation, suspension, restriction, or
4 any other disciplinary action against a health care professional
5 license or certificate by another state or territory of the United
6 States, by any other government agency, or by another California
7 health care professional licensing board. A certified copy of the
8 decision or judgment shall be conclusive evidence of that action.

9 (b) Procuring their certificate or license by fraud,
10 misrepresentation, or mistake.

11 (c) Procuring, or aiding, or abetting, or attempting, or agreeing,
12 or offering to procure or assist at a criminal abortion.

13 (d) Violating or attempting to violate, directly or indirectly, or
14 assisting in or abetting the violating of, or conspiring to violate

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Page 24 15 any provision or term of this chapter or regulations adopted
16 pursuant to it.

17 (e) Making or giving any false statement or information in
18 connection with the application for issuance of a certificate or
19 license.

20 (f) Conviction of a felony or of any offense substantially related
21 to the qualifications, functions, and duties of a registered nurse,
22 in which event the record of the conviction shall be conclusive
23 evidence thereof.

24 (g) Impersonating any applicant or acting as proxy for an
25 applicant in any examination required under this chapter for the
26 issuance of a certificate or license.

27 (h) Impersonating another certified or licensed practitioner, or
28 permitting or allowing another person to use their certificate or
29 license for the purpose of nursing the sick or afflicted.

30 (i) Aiding or assisting, or agreeing to aid or assist any person
31 or persons, whether a licensed physician or not, in the performance
32 of, or arranging for, a violation of any of the provisions of Article
33 12 (commencing with Section 2220) of Chapter 5.

34 (j) Holding oneself out to the public or to any practitioner of
35 the healing arts as a nurse practitioner or as meeting the standards
36 established by the board for a nurse practitioner unless meeting
37 the standards established by the board pursuant to Article 8
38 (commencing with Section 2834) or holding oneself out to the
39 public as being certified by the board as a nurse anesthetist, nurse
Page 25 1 midwife, clinical nurse specialist, or public health nurse unless the
2 person is at the time certified by the board.

3 (k) (1) Except for good cause, the knowing failure to protect
4 patients by failing to follow infection control guidelines of the
5 board, thereby risking transmission of blood-borne infectious
6 diseases from licensed or certified nurse to patient, from patient
7 to patient, and from patient to licensed or certified nurse. In
8 administering this subdivision, the board shall consider referencing
9 the standards, regulations, and guidelines of the State Department
10 of Public Health developed pursuant to Section 1250.11 of the
11 Health and Safety Code and the standards, guidelines, and
12 regulations pursuant to the California Occupational Safety and
13 Health Act of 1973 (Part 1 (commencing with Section 6300) of
14 Division 5 of the Labor Code) for preventing the transmission of
15 HIV, hepatitis B, and other blood-borne pathogens in health care

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Page 25 16 settings. As necessary, the board shall consult with the Medical
17 Board of California, the Podiatric Medical Board of California,
18 the Dental Board of California, and the Board of Vocational
19 Nursing and Psychiatric Technicians, to encourage appropriate
20 consistency in the implementation of this subdivision.

21 (2) The board shall seek to ensure that licentiates and others
22 regulated by the board are informed of the responsibility of
23 licentiates to minimize the risk of transmission of blood-borne
24 infectious diseases from health care provider to patient, from
25 patient to patient, and from patient to health care provider, and of
26 the most recent scientifically recognized safeguards for minimizing
27 the risks of transmission.

29 ~~SEC. 17.~~

+ SEC. 16. Section 2816 of the Business and Professions Code
30 is amended to read:

31 2816. The nonrefundable fee to be paid by a registered nurse
32 for an evaluation of their qualifications to use the title “public
33 health nurse” shall not be more than one thousand dollars (\$1,000).
34 The fee to be paid upon the application for renewal of the certificate
35 to practice as a public health nurse shall not be more than five
36 hundred dollars (\$500). The penalty fee for failure to renew a
37 certificate to practice as a public health nurse within the prescribed
38 time shall be 50 percent of the renewal fee in effect on the date of
39 renewal of the certificate, but not more than two hundred fifty
40 dollars (\$250). All fees payable under this section shall be collected
Page 26 1 by and paid to the Board of Registered Nursing Fund. It is the
2 intention of the Legislature that the costs of carrying out the
3 purposes of this article shall be covered by the revenue collected
4 pursuant to this section. The board shall refund any registered
5 nurse who paid more than three hundred dollars (\$300) for an
6 evaluation of their qualifications to use the title “public health
7 nurse” between April 5, 2018, and December 31, 2018.

+ SEC. 16.5. Section 2816 of the Business and Professions Code
+ is amended to read:

+ 2816. (a) The nonrefundable fee to be paid by a registered
+ nurse for an evaluation of their qualifications to use the title “public
+ health nurse” shall not be less than three hundred dollars (\$300)
+ or more than one thousand dollars (\$1,000). The fee to be paid
+ upon the application for renewal of the certificate to practice as a
+ public health nurse shall not be less than one hundred twenty-five

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+ dollars (\$125) and not more than five hundred dollars (\$500). The
+ penalty fee for failure to renew a certificate to practice as a public
+ health nurse within the prescribed time shall be 50 percent of the
+ renewal fee in effect on the date of renewal of the certificate, but
+ not less than sixty-two dollars and fifty cents (\$62.50), and not
+ more than two hundred fifty dollars (\$250). All fees payable under
+ this section shall be collected by and paid to the Board of
+ Registered Nursing Fund. It is the intention of the Legislature that
+ the costs of carrying out the purposes of this article shall be covered
+ by the revenue collected pursuant to this section. The board shall
+ refund any registered nurse who paid more than three hundred
+ dollars (\$300) for an evaluation of their qualifications to use the
+ title “public health nurse” between April 5, 2018, and December
+ 31, 2018.

+ (b) A public health nurse certificate is not subject to renewal.

+ ~~SEC. 18.~~

+ SEC. 17. Section 3503 of the Business and Professions Code
10 is amended to read:

11 3503. No person other than one who has been licensed to
12 practice as a physician assistant shall practice as a physician
13 assistant or in a similar capacity to a physician and surgeon or
14 podiatrist or hold themselves out as a “physician assistant,” or
15 shall use any other term indicating or implying that they are a
16 physician assistant.

18 ~~SEC. 19.~~

+ SEC. 18. Section 3526 of the Business and Professions Code
19 is amended to read:

20 3526. A person who fails to renew their license or approval
21 within five years after its expiration may not renew it, and it may
22 not be reissued, reinstated, or restored after that time has elapsed,
23 but that person may apply for and obtain a new license or approval
24 if they:

25 (a) Have not committed any acts or crimes constituting grounds
26 for denial of licensure under Division 1.5 (commencing with
27 Section 475).

28 (b) Take and pass the examination, if any, that would be required
29 of them if application for licensure was being made for the first
30 time, or otherwise establishes to the satisfaction of the board that,
31 with due regard for the public interest, they are qualified to practice
32 as a physician assistant.

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Page 26 33 (c) Pay all of the fees that would be required as if application
34 for licensure was being made for the first time.

36 ~~SEC. 20.~~

+ 37 *SEC. 19.* Section 3531 of the Business and Professions Code
is amended to read:

38 3531. A plea or verdict of guilty or a conviction following a
39 plea of nolo contendere made to a charge of a felony or of any
40 offense that is substantially related to the qualifications, functions,

Page 27 1 or duties of the business or profession to which the license was
2 issued is deemed to be a conviction within the meaning of this
3 chapter. The board may order the license suspended or revoked,
4 or shall decline to issue a license when the time for appeal has
5 elapsed, or the judgment of conviction has been affirmed on appeal
6 or when an order granting probation is made suspending the
7 imposition of sentence, irrespective of a subsequent order under
8 Section 1203.4 of the Penal Code allowing that person to withdraw
9 their plea of guilty and to enter a plea of not guilty, or setting aside
10 the verdict of guilty, or dismissing the accusation, information, or
11 indictment.

13 ~~SEC. 21.~~

+ 14 *SEC. 20.* Section 3534.4 of the Business and Professions Code
is amended to read:

15 3534.4. (a) Criteria for acceptance into the diversion program
16 shall include all of the following:

17 (1) The applicant shall be licensed as a physician assistant by
18 the board and shall be a resident of California.

19 (2) The applicant shall be found to abuse dangerous drugs or
20 alcoholic beverages in a manner that may affect their ability to
21 practice medicine safely or competently.

22 (3) The applicant shall have voluntarily requested admission to
23 the program or shall be accepted into the program in accordance
24 with terms and conditions resulting from a disciplinary action.

25 (4) The applicant shall agree to undertake any medical or
26 psychiatric examination ordered to evaluate the applicant for
27 participation in the program.

28 (5) The applicant shall cooperate with the program by providing
29 medical information, disclosure authorizations, and releases of
30 liability as may be necessary for participation in the program.

31 (6) The applicant shall agree in writing to cooperate with all
32 elements of the treatment program designed for them.

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Page 27 33 (b) An applicant may be denied participation in the program if
34 the board, the program manager, or a committee determines that
35 the applicant will not substantially benefit from participation in
36 the program or that the applicant’s participation in the program
37 creates too great a risk to the public health, safety, or welfare.

39 ~~SEC. 22.~~

+ SEC. 21. Section 3534.5 of the Business and Professions Code
40 is amended to read:

Page 28 1 3534.5. (a) A participant may be terminated from the program
2 for any of the following reasons:

3 (1) The participant has successfully completed the treatment
4 program.

5 (2) The participant has failed to comply with the treatment
6 program designated for them.

7 (3) The participant fails to meet any of the criteria set forth in
8 paragraph (4).

9 (4) It is determined that the participant has not substantially
10 benefited from participation in the program or that their continued
11 participation in the program creates too great a risk to the public
12 health, safety, or welfare.

13 (b) Whenever an applicant is denied participation in the program
14 or a participant is terminated from the program for any reason
15 other than the successful completion of the program, and it is
16 determined that the continued practice of medicine by that
17 individual creates too great a risk to the public health and safety,
18 that fact shall be reported to the executive officer of the board and
19 all documents and information pertaining to and supporting that
20 conclusion shall be provided to the executive officer. The matter
21 may be referred for investigation and disciplinary action by the
22 board.

23 (c) Each physician assistant who requests participation in a
24 diversion program shall agree to cooperate with the recovery
25 program designed for them. Any failure to comply with that
26 program may result in termination of participation in the program.

27 (d) The board shall inform each participant in the program of
28 the procedures followed in the program, of the rights and
29 responsibilities of a physician assistant in the program, and the
30 possible results of noncompliance with the program.

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Page 28 32 ~~SEC. 23.~~
+ SEC. 22. Section 3545 of the Business and Professions Code
33 is amended to read:
34 3545. The income of a physician assistant corporation
35 attributable to professional services rendered while a shareholder
36 is a disqualified person, as defined in Section 13401 of the
37 Corporations Code, shall not in any manner accrue to the benefit
38 of the shareholder or their shares in the physician assistant
39 corporation.

Amendment 18

Page 29 2 ~~SEC. 24.~~
+ SEC. 23. Section 3620 of the Business and Professions Code
3 is amended to read:

Amendment 19

4 3620. The board shall enforce and administer this chapter and
5 shall be solely responsible for the implementation of this chapter.

Amendment 20

7 ~~SEC. 25.~~
+ SEC. 24. Section 3620.1 of the Business and Professions Code
8 is amended to read:

9 3620.1. Protection of the public shall be the highest priority
10 for the board in exercising its licensing, regulatory, and disciplinary
11 functions. Whenever the protection of the public is inconsistent
12 with other interests sought to be promoted, the protection of the
13 public shall be paramount.

Amendment 21

15 ~~SEC. 26.~~
+ SEC. 25. Section 3621.5 of the Business and Professions Code
16 is amended to read:

17 3621.5. The board shall meet at least two times each calendar
18 year and shall conduct additional meetings in appropriate locations
19 that are necessary to transact its business.

Amendment 22

21 ~~SEC. 27.~~
+ SEC. 26. Section 3622 of the Business and Professions Code
22 is amended to read:

23 3622. (a) The board shall adopt regulations in order to carry
24 out the purposes of this chapter.

25 (b) Unless contrary to this chapter, regulations adopted by the
26 Bureau of Naturopathic Medicine and the Naturopathic Medicine
27 Committee shall continue to apply to the board and its licensees.

Amendment 23

29 ~~SEC. 28.~~
+ SEC. 27. Section 3623 of the Business and Professions Code
30 is amended to read:

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Page 29 31 3623. (a) The board shall approve a naturopathic medical
32 education program accredited by the Council on Naturopathic
33 Medical Education or an equivalent federally recognized
34 accrediting body for the naturopathic medical profession that has
35 the following minimum requirements:

36 (1) Admission requirements that include a minimum of
37 three-quarters of the credits required for a bachelor’s degree from
38 a regionally accredited or preaccredited college or university or
39 the equivalency, as determined by the council.

Page 30 1 (2) Program requirements for its degree or diploma of a
2 minimum of 4,100 total hours in basic and clinical sciences,
3 naturopathic philosophy, naturopathic modalities, and naturopathic
4 medicine. Of the total requisite hours, not less than 2,500 hours
5 shall consist of academic instruction, and not less than 1,200 hours
6 shall consist of supervised clinical training approved by the
7 naturopathic medical school.

8 (b) A naturopathic medical education program in the United
9 States shall offer graduate-level full-time studies and training
10 leading to the degree of Doctor of Naturopathy or Doctor of
11 Naturopathic Medicine. The program shall be an institution, or
12 part of an institution of, higher education that is either accredited
13 or is a candidate for accreditation by a regional institutional
14 accrediting agency recognized by the United States Secretary of
15 Education and the Council on Naturopathic Medical Education,
16 or an equivalent federally recognized accrediting body for
17 naturopathic doctor education.

18 (c) To qualify as an approved naturopathic medical school, a
19 naturopathic medical program located in Canada or the United
20 States shall offer a full-time, doctoral-level, naturopathic medical
21 education program with its graduates being eligible to apply to the
22 board for licensure and to the North American Board of
23 Naturopathic Examiners that administers the naturopathic licensing
24 examination.

25 (d) The naturopathic medical program shall evaluate an
26 applicant’s education, training, and experience obtained in the
27 armed services, pursuant to Section 35, and provide course credit
28 where applicable.

30 ~~SEC. 29.~~

+ SEC. 28. Section 3624 of the Business and Professions Code
31 is amended to read:

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Page 30 32 3624. (a) The board may grant a certificate of registration to
33 practice naturopathic medicine to a person who does not hold a
34 naturopathic doctor’s license under this chapter and is offered a
35 faculty position by the dean of a naturopathic medical education
36 program approved by the board, if all of the following requirements
37 are met to the satisfaction of the board:

38 (1) The applicant submits an application on a form prescribed
39 by the board.

Page 31 1 (2) The dean of the naturopathic medical education program
2 demonstrates that the applicant has the requisite qualifications to
3 assume the position to which they are to be appointed.

4 (3) The dean of the naturopathic medical education program
5 certifies in writing to the board that the applicant will be under
6 their direction and will not be permitted to practice naturopathic
7 medicine unless incident to and a necessary part of the applicant’s
8 duties as approved by the board.

9 (b) The holder of a certificate of registration issued under this
10 section shall not receive compensation for, or practice, naturopathic
11 medicine unless it is incidental to and a necessary part of the
12 applicant’s duties in connection with the holder’s faculty position.

13 (c) A certificate of registration issued under this section is valid
14 for two years.

16 ~~SEC. 30.~~

+ SEC. 29. Section 3627 of the Business and Professions Code
17 is amended to read:

18 3627. (a) The board shall establish a naturopathic formulary
19 advisory subcommittee to determine a naturopathic formulary
20 based upon a review of naturopathic medical education and
21 training.

22 (b) The naturopathic formulary advisory subcommittee shall be
23 composed of an equal number of representatives from the clinical
24 and academic settings of physicians and surgeons, pharmacists,
25 and naturopathic doctors.

26 (c) The naturopathic formulary advisory subcommittee shall
27 review naturopathic education, training, and practice and make
28 specific recommendations regarding the prescribing, ordering, and
29 furnishing authority of a naturopathic doctor and the required
30 supervision and protocols for those functions.

Amendment 25

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Amendment 26

Page 31 32 ~~SEC. 31.~~
 + 33 *SEC. 30.* Section 3630 of the Business and Professions Code
 is amended to read:
 34 3630. An applicant for a license as a naturopathic doctor shall
 35 file an application with the board on a form provided by the board
 36 that shows, to the board’s satisfaction, compliance with all of the
 37 following requirements:
 38 (a) The applicant has not committed an act or crime that
 39 constitutes grounds for denial of a license under Section 480 and
 40 has complied with the requirements of Section 144.

Page 32 1 (b) The applicant has received a degree in naturopathic medicine
 2 from an approved naturopathic medical school where the degree
 3 substantially meets the educational requirements in paragraph (2)
 4 of subdivision (a) of Section 3623.

Amendment 27

6 ~~SEC. 32.~~
 + 7 *SEC. 31.* Section 3633 of the Business and Professions Code
 is amended to read:
 8 3633. The board may grant a license to an applicant who is
 9 licensed and in good standing as a naturopathic doctor in another
 10 state, jurisdiction, or territory in the United States, if the applicant
 11 has met the requirements of Sections 3630 and 3631.

Amendment 28

13 ~~SEC. 33.~~
 + 14 *SEC. 32.* Section 3633.1 of the Business and Professions Code
 is amended to read:
 15 3633.1. The board may grant a license to an applicant who
 16 meets the requirements of Section 3630, but who graduated before
 17 1986, before the Naturopathic Physicians Licensing Examinations,
 18 or NPLEX, and passed a state or Canadian Province naturopathic
 19 licensing examination. Applications under this section shall be
 20 received no later than December 31, 2007.

Amendment 29

22 ~~SEC. 34.~~
 + 23 *SEC. 33.* Section 3634 of the Business and Professions Code
 is amended to read:
 24 3634. A license issued under this chapter shall be subject to
 25 renewal biennially, as prescribed by the board, and shall expire
 26 unless renewed in that manner. The board may provide by
 27 regulation for the late renewal of a license.

Amendment 30

29 ~~SEC. 35.~~
 + 30 *SEC. 34.* Section 3636 of the Business and Professions Code
 is amended to read:

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Page 32 31 3636. (a) Upon a written request, the board may grant inactive
32 status to a naturopathic doctor who is in good standing and who
33 meets the requirements of Section 462.

34 (b) A person whose license is in inactive status may not engage
35 in any activity for which a license is required under this chapter.

36 (c) A person whose license is in inactive status shall be exempt
37 from continuing education requirements while their license is in
38 that status.

39 (d) To restore a license to active status, a person whose license
40 is in inactive status shall fulfill continuing education requirements

Page 33 1 for the two-year period before reactivation and be current with all
2 licensing fees as determined by the board.

4 ~~SEC. 36.~~

+ *SEC. 35.* Section 3640 of the Business and Professions Code
5 is amended to read:

6 3640. (a) A naturopathic doctor may order and perform
7 physical and laboratory examinations for diagnostic purposes,
8 including, but not limited to, phlebotomy, clinical laboratory tests,
9 speculum examinations, orificial examinations, and physiological
10 function tests.

11 (b) A naturopathic doctor may order diagnostic imaging studies,
12 including X-ray, ultrasound, mammogram, bone densitometry,
13 and others, consistent with naturopathic training as determined by
14 the board, but shall refer the studies to an appropriately licensed
15 health care professional to conduct the study and interpret the
16 results.

17 (c) A naturopathic doctor may dispense, administer, order,
18 prescribe, and furnish or perform the following:

19 (1) Food, extracts of food, nutraceuticals, vitamins, amino acids,
20 minerals, enzymes, botanicals and their extracts, botanical
21 medicines, homeopathic medicines, all dietary supplements, and
22 nonprescription drugs as defined by the Federal Food, Drug, and
23 Cosmetic Act (21 U.S.C. Sec. 301 et seq.) consistent with the
24 routes of administration identified in subdivision (d).

25 (2) Hot or cold hydrotherapy; naturopathic physical medicine
26 inclusive of the manual use of massage, stretching, resistance, or
27 joint play examination but exclusive of small amplitude movement
28 at or beyond the end range of normal joint motion; electromagnetic
29 energy; colon hydrotherapy; and therapeutic exercise.

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Page 33 30 (3) Devices, including, but not limited to, therapeutic devices,
 31 barrier contraception, and durable medical equipment.
 32 (4) Health education and health counseling.
 33 (5) Repair and care incidental to superficial lacerations and
 34 abrasions, except suturing.
 35 (6) Removal of foreign bodies located in the superficial tissues.
 36 (d) A naturopathic doctor may utilize routes of administration
 37 that include oral, nasal, auricular, ocular, rectal, vaginal,
 38 transdermal, intradermal, subcutaneous, intravenous, and
 39 intramuscular.

Page 34 1 (e) The board may establish regulations regarding ocular or
 2 intravenous routes of administration that are consistent with the
 3 education and training of a naturopathic doctor.
 4 (f) Nothing in this section shall exempt a naturopathic doctor
 5 from meeting applicable licensure requirements for the performance
 6 of clinical laboratory tests, including the requirements imposed
 7 under Chapter 3 (commencing with Section 1200).
 8 ~~SEC. 37.~~
 9 + *SEC. 36.* Section 3640.2 of the Business and Professions Code
 10 is amended to read:
 11 3640.2. Notwithstanding any other provision of law, a
 12 naturopathic assistant may do all of the following:
 13 (a) Administer medication only by intradermal, subcutaneous,
 14 or intramuscular injections and perform skin tests and additional
 15 technical support services upon the specific authorization and
 16 supervision of a licensed naturopathic doctor. A naturopathic
 17 assistant may also perform all these tasks and services in a clinic
 18 licensed pursuant to subdivision (a) of Section 1204 of the Health
 19 and Safety Code upon the specific authorization of a naturopathic
 20 doctor.
 21 (b) Perform venipuncture or skin puncture for the purposes of
 22 withdrawing blood upon specific authorization and under the
 23 supervision of a licensed naturopathic doctor if prior thereto the
 24 naturopathic assistant has met the educational and training
 25 requirements for medical assistants as established in Section 2070.
 26 A copy of any related certificates shall be retained as a record by
 27 each employer of the assistant.
 28 (c) Perform the following naturopathic technical support
 29 services:

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Page 34 30 (1) Administer medications orally, sublingually, topically,
31 vaginally, or rectally, or by providing a single dose to a patient for
32 immediate self-administration. Administer medication by inhalation
33 if the medications are patient-specific and have been or will be
34 repetitively administered to the patient. In every instance, prior to
35 administration of medication by the naturopathic assistant, the
36 naturopathic doctor shall verify the correct medication and dosage.
37 (2) Apply and remove bandages.
38 (3) Collect by noninvasive techniques and preserve specimens
39 for testing, including urine, sputum, semen, and stool.

Page 35 1 (4) Assist patients to and from a patient examination room or
2 examination table.
3 (5) As authorized by the naturopathic doctor, provide patient
4 information and instructions.
5 (6) Collect and record patient data, including height, weight,
6 temperature, pulse, respiration rate, and blood pressure, and basic
7 information about the presenting and previous conditions.
8 (7) Perform simple laboratory and screening tests customarily
9 performed in a medical office.
10 (d) Perform additional naturopathic technical support services
11 under the regulations and standards established by the board. The
12 board, before the adoption of any regulations, shall request
13 recommendations regarding these standards from appropriate
14 public agencies, including, but not limited to, the Osteopathic
15 Medical Board of California, the Medical Board of California, the
16 Board of Registered Nursing, the Board of Vocational Nursing
17 and Psychiatric Technicians of the State of California, the
18 Laboratory Field Services division of the State Department of
19 Public Health, and the Physical Therapy Board of California. The
20 California Board of Naturopathic Medicine shall also request
21 recommendations regarding these standards from associations of
22 medical assistants, physicians, and others, as appropriate, including,
23 but not limited to, the Osteopathic Physicians and Surgeons of
24 California, the California Medical Association, the California
25 Society of Medical Assistants, and the California Medical
26 Assistants' Association. Nothing in this subdivision shall be
27 construed to supersede or modify that portion of the Administrative
28 Procedure Act that relates to the procedure for the adoption of
29 regulations set forth in Article 5 (commencing with Section 11346)

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Page 35 30 of Chapter 3.5 of Part 1 of Division 3 of Title 2 of the Government
31 Code.

33 ~~SEC. 38.~~

+ 34 *SEC. 37.* Section 3640.3 of the Business and Professions Code
is amended to read:

35 3640.3. (a) Nothing in this chapter shall be construed as
36 authorizing the licensure of naturopathic assistants. Nothing in
37 this chapter shall be construed as authorizing the administration
38 of local anesthetic agents by a naturopathic assistant. Nothing in
39 this chapter shall be construed as authorizing the California Board

Page 36 1 of Naturopathic Medicine to adopt any regulations that violate the
2 prohibitions on diagnosis or treatment in Section 2052.

3 (b) Nothing in this chapter shall be construed as authorizing a
4 naturopathic assistant to perform any clinical laboratory test or
5 examination for which they are not authorized under Chapter 3
6 (commencing with Section 1200).

7 (c) Notwithstanding any other law, a naturopathic assistant may
8 not be employed for inpatient care in a licensed general acute care
9 hospital, as defined in subdivision (a) of Section 1250 of the Health
10 and Safety Code.

12 ~~SEC. 39.~~

+ 13 *SEC. 38.* Section 3640.5 of the Business and Professions Code
is amended to read:

14 3640.5. Nothing in this chapter or any other law shall be
15 construed to prohibit a naturopathic doctor from furnishing or
16 ordering drugs when all of the following apply:

17 (a) The drugs are furnished or ordered by a naturopathic doctor
18 in accordance with standardized procedures or protocols developed
19 by the naturopathic doctor and their supervising physician and
20 surgeon.

21 (b) The naturopathic doctor is functioning pursuant to
22 standardized procedure, as defined by subdivisions (a), (b), (d),
23 (e), (h), and (i) of Section 2836.1 and paragraph (1) of subdivision
24 (c) of Section 2836.1, or protocol. The standardized procedure or
25 protocol shall be developed and approved by the supervising
26 physician and surgeon, the naturopathic doctor, and, where
27 applicable, the facility administrator or their designee.

28 (c) The standardized procedure or protocol covering the
29 furnishing of drugs shall specify which naturopathic doctors may
30 furnish or order drugs, which drugs may be furnished or ordered

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Page 36 31 under what circumstances, the extent of physician and surgeon
32 supervision, the method of periodic review of the naturopathic
33 doctor’s competence, including peer review, and review of the
34 standardized procedure.

35 (d) The furnishing or ordering of drugs by a naturopathic doctor
36 occurs under physician and surgeon supervision. Physician and
37 surgeon supervision shall not be construed to require the physical
38 presence of the physician, but does include all of the following:

39 (1) Collaboration on the development of the standardized
40 procedure.

Page 37 1 (2) Approval of the standardized procedure.

2 (3) Availability by telephonic contact at the time of patient
3 examination by the naturopathic doctor.

4 (e) For purposes of this section, a physician and surgeon shall
5 not supervise more than four naturopathic doctors at one time.

6 (f) Drugs furnished or ordered by a naturopathic doctor may
7 include Schedule III through Schedule V controlled substances
8 under the California Uniform Controlled Substances Act (Division
9 10 (commencing with Section 11000) of the Health and Safety
10 Code) and shall be further limited to those drugs agreed upon by
11 the naturopathic doctor and physician and surgeon as specified in
12 the standardized procedure. When Schedule III controlled
13 substances, as defined in Section 11056 of the Health and Safety
14 Code, are furnished or ordered by a naturopathic doctor, the
15 controlled substances shall be furnished or ordered in accordance
16 with a patient-specific protocol approved by the treating or
17 supervising physician. A copy of the section of the naturopathic
18 doctor’s standardized procedure relating to controlled substances
19 shall be provided upon request, to a licensed pharmacist who
20 dispenses drugs, when there is uncertainty about the naturopathic
21 doctor furnishing the order.

22 (g) The board has certified that the naturopathic doctor has
23 satisfactorily completed adequate coursework in pharmacology
24 covering the drugs to be furnished or ordered under this section.
25 The board shall establish the requirements for satisfactory
26 completion of this subdivision.

27 (h) Use of the term “furnishing” in this section, in health
28 facilities defined in subdivisions (b), (c), (d), (e), and (i) of Section
29 1250 of the Health and Safety Code, shall include both of the
30 following:

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Page 37 31 (1) Ordering a drug in accordance with the standardized
32 procedure.

33 (2) Transmitting an order of a supervising physician and
34 surgeon.

35 (i) For purposes of this section, “drug order” or “order” means
36 an order for medication which is dispensed to or for an ultimate
37 user, issued by a naturopathic doctor as an individual practitioner,
38 within the meaning of Section 1306.02 of Title 21 of the Code of
39 Federal Regulations.

40 (j) Notwithstanding any other law, the following apply:

Page 38 1 (1) A drug order issued pursuant to this section shall be treated
2 in the same manner as a prescription of the supervising physician.

3 (2) All references to prescription in this code and the Health
4 and Safety Code shall include drug orders issued by naturopathic
5 doctors.

6 (3) The signature of a naturopathic doctor on a drug order issued
7 in accordance with this section shall be deemed to be the signature
8 of a prescriber for purposes of this code and the Health and Safety
9 Code.

11 ~~SEC. 40.~~

+ SEC. 39. Section 3640.8 of the Business and Professions Code
12 is amended to read:

13 3640.8. (a) To qualify to administer intravenous (IV) therapy
14 in their practice pursuant to Section 3640.7, a naturopathic doctor
15 shall demonstrate that they have complied with both of the
16 following requirements:

17 (1) Have a current naturopathic doctor’s license in this state.

18 (2) Have completed a qualifying course on IV therapy from a
19 course provider approved by the board.

20 (b) The qualifying course shall consist of a minimum of 25
21 classroom hours on IV administration through injection of
22 applicable naturopathic formulary substances, of which at least 14
23 classroom hours shall be identified as practicum. At a minimum,
24 the qualifying course shall have covered all of the following topics:

25 (1) Evaluation of laboratory results, including, but not limited
26 to, the fluid status, cardiovascular status, and kidney function of
27 the patient.

28 (2) The use of IV fluids, including, but not limited to, osmolarity
29 calculations, diluents, and admixtures pertinent to IV therapeutics.

30 (3) Sterile techniques and admixing.

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Page 38 31 (4) Vein and site selection, site preparation, and insertion
 32 techniques.
 33 (5) Complications with therapies, nutrient and drug interactions,
 34 errors and adverse reactions, reporting errors to appropriate
 35 agencies, error prevention, and followup with patient
 36 complications.
 37 (6) Emergency protocols, management, and referral.
 38 (7) Pharmacology, indications, preparation, and IV
 39 administration of vitamins, minerals, amino acids, glutathione,
 Page 39 1 botanicals and their extracts, homeopathic medicines, electrolytes,
 2 sugars, and diluents.
 3 (8) Practicum, including, but not limited to, the following:
 4 (A) Observation of at least 10 IV setups, including
 5 administration and management.
 6 (B) Successful completion of at least 10 IV setups, including
 7 administration and management.
 8 (9) Successful completion of an examination with 70 percent
 9 or greater correct answers to a minimum of 50 questions, where
 10 10 percent or more of the questions have direct content to the
 11 California formulary.
 12 (c) For the purposes of the qualifying course required by this
 13 section, one classroom hour is defined as 50 minutes out of each
 14 60-minute segment and may include time devoted to examinations.
 15 No credit shall be granted for distance education, including, but
 16 not limited to, correspondence courses, internet courses, or video
 17 or remote television offerings.
 18 (d) Pursuant to subdivision (e) of Section 3640, the board may
 19 establish regulations regarding IV administration that are consistent
 20 with the education and training of a naturopathic doctor.
 22 ~~SEC. 41.~~
 + SEC. 40. Section 3641 of the Business and Professions Code
 23 is amended to read:
 24 3641. (a) A naturopathic doctor shall document their
 25 observations, diagnosis, and summary of treatment in the patient
 26 record. Patient records shall be maintained for a period of not less
 27 than seven years following the discharge of the patient. The records
 28 of an unemancipated minor shall be maintained until at least one
 29 year after the minor has reached 18 years of age or seven years
 30 following the discharge of the minor, whichever is longer.

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Page 39 31 (b) A naturopathic doctor shall have the same authority and
32 responsibility as a licensed physician and surgeon with regard to
33 public health laws, including laws governing reportable diseases
34 and conditions, communicable disease control and prevention,
35 recording vital statistics, and performing health and physical
36 examinations consistent with their education and training.

38 ~~SEC. 42.~~

+ SEC. 41. Section 3644 of the Business and Professions Code
39 is amended to read:

Page 40 1 3644. This chapter does not prevent or restrict the practice,
2 services, or activities of any of the following:

3 (a) A person licensed, certified, or otherwise recognized in this
4 state by any other law or regulation if that person is engaged in
5 the profession or occupation for which they are licensed, certified,
6 or otherwise recognized.

7 (b) A person employed by the federal government in the practice
8 of naturopathic medicine while the person is engaged in the
9 performance of duties prescribed by laws and regulations of the
10 United States.

11 (c) A person rendering aid to a family member or in an
12 emergency, if no fee or other consideration for the service is
13 charged, received, expected, or contemplated.

14 (d) (1) A person who makes recommendations regarding or is
15 engaged in the sale of food, extracts of food, nutraceuticals,
16 vitamins, amino acids, minerals, enzymes, botanicals and their
17 extracts, botanical medicines, homeopathic medicines, dietary
18 supplements, and nonprescription drugs or other products of nature,
19 the sale of which is not otherwise prohibited under state or federal
20 law.

21 (2) An unlicensed person described in this subdivision may
22 represent that they “practice naturopathy” if they comply with
23 Section 2053.6. However, an unlicensed person may not use the
24 title “naturopathic doctor” unless they have been issued a license
25 by the board.

26 (e) A person engaged in good faith in the practice of the religious
27 tenets of any church or religious belief without using prescription
28 drugs.

29 (f) A person acting in good faith for religious reasons as a matter
30 of conscience or based on a personal belief, while obtaining or

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Page 40 31 providing information regarding health care and the use of any
 32 product described in subdivision (d).
 33 (g) A person who provides the following recommendations
 34 regarding the human body and its function:
 35 (1) Nonprescription products.
 36 (2) Natural elements such as air, heat, water, and light.
 37 (3) Class I or class II nonprescription, approved medical devices,
 38 as defined in Section 360c of Title 21 of the United States Code.
 39 (4) Vitamins, minerals, herbs, homeopathics, natural food
 40 products and their extracts, and nutritional supplements.

Page 41 1 (h) A person who is licensed in another state, territory, or the
 2 District of Columbia to practice naturopathic medicine if the person
 3 is incidentally called into this state for consultation with a
 4 naturopathic doctor.
 5 (i) A student enrolled in an approved naturopathic medical
 6 program whose services are performed pursuant to a course of
 7 instruction under the supervision of a naturopathic doctor.

9 ~~SEC. 43.~~

+ SEC. 42. Section 3650 of the Business and Professions Code
10 is amended to read:

11 3650. A naturopathic doctor may perform naturopathic
12 childbirth attendance if they have completed additional training
13 and have been granted a certificate of specialty practice by the
14 board.

16 ~~SEC. 44.~~

+ SEC. 43. Section 3651.5 of the Business and Professions Code
17 is amended to read:

18 3651.5. A naturopathic doctor certified for the specialty practice
19 of naturopathic childbirth attendance shall do both of the following:

20 (a) Maintain current certification in neonatal resuscitation and
21 cardiopulmonary resuscitation.

22 (b) File with the board a written plan for the following:

23 (1) Consultation with other health care providers.

24 (2) Supervision by a licensed physician and surgeon who has
25 current practice or training in obstetrics to assist a woman in
26 childbirth so long as progress meets criteria accepted as normal.
27 The plan shall provide that all complications shall be referred to
28 a physician and surgeon immediately.

29 (3) Emergency transfer and transport of an infant or a maternity
30 patient, or both, to an appropriate health care facility, and access

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Page 41 31 to neonatal intensive care units and obstetrical units or other patient
32 care areas.

34 ~~SEC. 45.~~

+ 35 *SEC. 44.* Section 3652 of the Business and Professions Code
is amended to read:

36 3652. (a) A certificate of specialty practice in naturopathic
37 childbirth attendance shall expire concurrently with the licensee’s
38 naturopathic doctor’s license.

39 (b) The certificate may be renewed upon submission of the
40 renewal fee set by the board and evidence, to the board’s
Page 42 1 satisfaction, of the completion of 30 hours of continuing education
2 credits in naturopathic childbirth, midwifery, or obstetrics. Fifteen
3 hours may be applied to the 60 hours of continuing education
4 required for naturopathic doctors.

5 (c) Licensing or disciplinary action by the board or a judicial
6 authority shall be deemed to have an equal effect upon the specialty
7 certificate to practice naturopathic childbirth issued to a licensee,
8 unless otherwise specified in the licensing or disciplinary action.
9 When the subject of a licensing or disciplinary action relates
10 specifically to the practice of naturopathic childbirth by a licensee
11 holding a specialty certificate, the action may, instead of affecting
12 the entire scope of the licensee’s practice, suspend, revoke,
13 condition, or restrict only the licensee’s authority under the
14 specialty certificate.

16 ~~SEC. 46.~~

+ 17 *SEC. 45.* Section 3660 of the Business and Professions Code
is amended to read:

18 3660. Except as provided in subdivision (h) of Section 3644,
19 a person shall have a valid, unrevoked, or unsuspended license
20 issued under this chapter to do any of the following:

21 (a) To claim to be a naturopathic doctor, licensed naturopathic
22 doctor, doctor of naturopathic medicine, doctor of naturopathy, or
23 naturopathic medical doctor.

24 (b) To use the professional designation “N.D.” or other titles,
25 words, letters, or symbols with the intent to represent that they
26 practice, are authorized to practice, or are able to practice
27 naturopathic medicine as a naturopathic doctor.

29 ~~SEC. 47.~~

+ 30 *SEC. 46.* Section 3661 of the Business and Professions Code
is amended to read:

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Page 42 31 3661. A naturopathic doctor who uses the term or designation
32 “Dr.” shall further identify themselves as “Naturopathic Doctor,”
33 “Licensed Naturopathic Doctor,” “Doctor of Naturopathic
34 Medicine,” or “Doctor of Naturopathy” and shall not use any term
35 or designation that would tend to indicate the practice of medicine,
36 other than naturopathic medicine, unless otherwise licensed as a
37 physician and surgeon, osteopathic doctor, or doctor of
38 chiropractic.

Page 43 2 ~~SEC. 48.~~
+ SEC. 47. Section 3663 of the Business and Professions Code
3 is amended to read:
4 3663. (a) The board shall have the responsibility for reviewing
5 the quality of the practice of naturopathic medicine carried out by
6 persons licensed as naturopathic doctors pursuant to this chapter.
7 (b) The board may discipline a naturopathic doctor for
8 unprofessional conduct. After a hearing conducted in accordance
9 with the Administrative Procedure Act (Chapter 5 (commencing
10 with Section 11500) of Part 1 of Division 3 of Title 2 of the
11 Government Code), the board may deny, suspend, revoke, or place
12 on probation the license of, or reprimand, censure, or otherwise
13 discipline a naturopathic doctor in accordance with Division 1.5
14 (commencing with Section 475).

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16 ~~SEC. 49.~~
+ SEC. 48. Section 3663.5 of the Business and Professions Code
17 is amended to read:
18 3663.5. (a) On and after July 1, 2019, except as otherwise
19 provided in subdivision (c), the board shall require a licensee to
20 provide a separate disclosure that includes the licensee’s probation
21 status, the length of the probation, the probation end date, all
22 practice restrictions placed on the licensee by the board, the board’s
23 telephone number, and an explanation of how the patient can find
24 further information on the licensee’s probation on the licensee’s
25 profile page on the board’s online license information internet
26 website, to a patient or the patient’s guardian or health care
27 surrogate before the patient’s first visit following the probationary
28 order while the licensee is on probation pursuant to a probationary
29 order made on and after July 1, 2019.
30 (b) A licensee required to provide a disclosure pursuant to
31 subdivision (a) shall obtain from the patient, or the patient’s

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Page 43 32 guardian or health care surrogate, a separate, signed copy of that
33 disclosure.

34 (c) A licensee shall not be required to provide a disclosure
35 pursuant to subdivision (a) if any of the following applies:

36 (1) The patient is unconscious or otherwise unable to
37 comprehend the disclosure and sign the copy of the disclosure
38 pursuant to subdivision (b) and a guardian or health care surrogate
39 is unavailable to comprehend the disclosure and sign the copy.

Page 44 1 (2) The visit occurs in an emergency room or an urgent care
2 facility or the visit is unscheduled, including consultations in
3 inpatient facilities.

4 (3) The licensee who will be treating the patient during the visit
5 is not known to the patient until immediately prior to the start of
6 the visit.

7 (4) The licensee does not have a direct treatment relationship
8 with the patient.

9 (d) On and after July 1, 2019, the board shall provide the
10 following information, with respect to licensees on probation and
11 licensees practicing under probationary licenses, in plain view on
12 the licensee’s profile page on the board’s online license information
13 internet website.

14 (1) For probation imposed pursuant to a stipulated settlement,
15 the causes alleged in the operative accusation along with a
16 designation identifying those causes by which the licensee has
17 expressly admitted guilt and a statement that acceptance of the
18 settlement is not an admission of guilt.

19 (2) For probation imposed by an adjudicated decision of the
20 board, the causes for probation stated in the final probationary
21 order.

22 (3) For a licensee granted a probationary license, the causes by
23 which the probationary license was imposed.

24 (4) The length of the probation and end date.

25 (5) All practice restrictions placed on the license by the board.

26 (e) A violation of this section shall not be punishable as a crime.

28 ~~SEC. 50.~~

+ SEC. 49. Section 3670 of the Business and Professions Code
29 is amended to read:

30 3670. A naturopathic corporation is a corporation that is
31 authorized to render professional services, as defined in Section
32 13401 of the Corporations Code, if the corporation and its

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Page 44 33 shareholders, officers, directors, and employees rendering
34 professional services who are naturopathic doctors are in
35 compliance with the Moscone-Knox Professional Corporation Act
36 (Part 4 (commencing with Section 13400) of Division 3 of Title
37 1 of the Corporations Code), this chapter, and all other statutes
38 and regulations now or hereafter enacted or adopted pertaining to
39 that corporation and the conduct of its affairs. With respect to a
Page 45 1 naturopathic corporation, the governmental agency referred to in
2 the Moscone-Knox Professional Corporation Act is the board.

4 ~~SEC. 51.~~

+ SEC. 50. Section 3672 of the Business and Professions Code
5 is amended to read:

6 3672. The income of a naturopathic corporation attributable
7 to professional services rendered while a shareholder is a
8 disqualified person, as defined in Section 13401 of the Corporations
9 Code, shall not in any manner accrue to the benefit of the
10 shareholder or their shares in the naturopathic corporation.

12 ~~SEC. 52.~~

+ SEC. 51. Section 3675 of the Business and Professions Code
13 is amended to read:

14 3675. The board may adopt and enforce regulations to carry
15 out the purposes and objectives of this article, including, but not
16 limited to, regulations requiring the following:

17 (a) That the bylaws of a naturopathic corporation include a
18 provision whereby the capital stock of the corporation owned by
19 a disqualified person, as defined in Section 13401 of the
20 Corporations Code, or a deceased person, shall be sold to the
21 corporation or to the remaining shareholders of the corporation
22 within any time as the regulations may provide.

23 (b) That a naturopathic corporation shall provide adequate
24 security by insurance or otherwise for claims against it by its
25 patients arising out of the rendering of professional services.

27 ~~SEC. 53.~~

+ SEC. 52. Section 3681 of the Business and Professions Code
28 is amended to read:

29 3681. All fees collected by the board shall be paid into the
30 State Treasury and shall be credited to the Naturopathic Doctor's
31 Fund which is hereby created in the State Treasury. The money in
32 the fund shall be available to the board for expenditure for the
33 purposes of this chapter only upon appropriation by the Legislature.

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Page 45 35 ~~SEC. 54.~~
+ SEC. 53. Section 3685 of the Business and Professions Code
36 is amended to read:
37 3685. Notwithstanding any other law, the repeal of this chapter
38 renders the board subject to review by the appropriate policy
39 committees of the Legislature.

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Page 46 2 ~~SEC. 55.~~
+ SEC. 54. Section 4175 of the Business and Professions Code
3 is amended to read:
4 4175. (a) The California State Board of Pharmacy shall
5 promptly forward to the appropriate licensing entity, including the
6 Medical Board of California, the California Veterinary Medical
7 Board, the Dental Board of California, the California State Board
8 of Optometry, the Podiatric Medical Board of California, the
9 Osteopathic Medical Board of California, the Board of Registered
10 Nursing, the California Board of Naturopathic Medicine, or the
11 Physician Assistant Board, all complaints received related to
12 dangerous drugs or dangerous devices dispensed by a prescriber,
13 certified nurse-midwife, nurse practitioner, naturopathic doctor,
14 or physician assistant pursuant to Section 4170.
15 (b) All complaints involving serious bodily injury due to
16 dangerous drugs or dangerous devices dispensed by prescribers,
17 certified nurse-midwives, nurse practitioners, naturopathic doctors,
18 or physician assistants pursuant to Section 4170 shall be handled
19 by the Medical Board of California, the Dental Board of California,
20 the California State Board of Optometry, the Podiatric Medical
21 Board of California, the Osteopathic Medical Board of California,
22 the California Board of Naturopathic Medicine, the Board of
23 Registered Nursing, the California Veterinary Medical Board, or
24 the Physician Assistant Board as a case of greatest potential harm
25 to a patient.

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27 ~~SEC. 56.~~
+ SEC. 55. Section 4800 of the Business and Professions Code
28 is amended to read:
29 4800. (a) There is in the Department of Consumer Affairs a
30 California Veterinary Medical Board in which the administration
31 of this chapter is vested. The board shall consist of the following
32 eight members:
33 (1) Four licensed veterinarians.
34 (2) One registered veterinary technician.

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Page 46 35 (3) Three public members.
36 (b) This section shall remain in effect only until January 1, 2026,
37 and as of that date is repealed.

38 (c) Notwithstanding any other law, the repeal of this section
39 renders the board subject to review by the appropriate policy
40 committees of the Legislature. However, the review of the board
Page 47 1 shall be limited to those issues identified by the appropriate policy
2 committees of the Legislature and shall involve the preparation or
3 submission of a sunset review document or evaluative
4 questionnaire.

6 ~~SEC. 57.~~

+ SEC. 56. Section 4800.1 of the Business and Professions Code
7 is amended to read:

8 4800.1. Protection of the public shall be the highest priority
9 for the California Veterinary Medical Board in exercising its
10 licensing, regulatory, and disciplinary functions. Whenever the
11 protection of the public is inconsistent with other interests sought
12 to be promoted, the protection of the public shall be paramount.

14 ~~SEC. 58.~~

+ SEC. 57. Section 4809.6 of the Business and Professions Code
15 is amended to read:

16 4809.6. The enforcement of Sections 4809.5 and 4854 of this
17 chapter is a function exclusively reserved to the California
18 Veterinary Medical Board and the state has preempted and
19 occupied this field of enforcing the cleanliness and sanitary
20 requirements of this chapter.

22 ~~SEC. 59.~~

+ SEC. 58. Section 4810 of the Business and Professions Code
23 is amended to read:

24 4810. As used in this chapter:

- 25 (a) "Board" means the California Veterinary Medical Board.
- 26 (b) "Multidisciplinary committee" means the Veterinary
27 Medicine Multidisciplinary Advisory Committee established
28 pursuant to Section 4809.8.

29 (c) "Regulations" means the rules and regulations set forth in
30 Division 20 (commencing with Section 2000) of Title 16 of the
31 California Code of Regulations.

33 ~~SEC. 60.~~

+ SEC. 59. Section 4826.7 of the Business and Professions Code
34 is amended to read:

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Page 47 35 4826.7. (a) For purposes of this section, “veterinarian” means
36 a California licensed veterinarian.

37 (b) A veterinarian may authorize a registered veterinary
38 technician to act as an agent of the veterinarian for the purpose of
39 establishing the veterinarian-client-patient relationship to
40 administer preventive or prophylactic vaccines or medications for
Page 48 1 the control or eradication of apparent or anticipated internal or
2 external parasites if all of the following conditions are met:

3 (1) The registered veterinary technician administers preventive
4 or prophylactic vaccines or medications for the control or
5 eradication of apparent or anticipated internal or external parasites
6 in a registered veterinary premises when the veterinarian is
7 physically present at the registered veterinary premises.

8 (2) If working at a location other than a registered veterinary
9 premises, the registered veterinary technician administers
10 preventive or prophylactic vaccines or medications for the control
11 or eradication of apparent or anticipated internal or external
12 parasites when the veterinarian is in the general vicinity or available
13 by telephone and is quickly and easily available. At this location,
14 the registered veterinary technician shall have equipment and drugs
15 necessary to provide immediate emergency care at a level
16 commensurate with the provision of preventive or prophylactic
17 vaccines or medications for the control or eradication of apparent
18 or anticipated internal or external parasites.

19 (3) The registered veterinary technician examines the animal
20 patient and administers preventive or prophylactic vaccines or
21 medications for the control or eradication of apparent or anticipated
22 internal or external parasites in accordance with written protocols
23 and procedures established by the veterinarian, which shall include,
24 at a minimum, all of the following:

25 (A) Obtaining the animal patient’s history from the client in
26 order to reasonably ensure that the administration of preventive
27 or prophylactic vaccines or medications for the control or
28 eradication of apparent or anticipated internal or external parasites
29 is appropriate.

30 (B) Data that must be collected by physical examination of the
31 animal patient in order to reasonably ensure that the administration
32 of preventive or prophylactic vaccines or medications for the
33 control or eradication of apparent or anticipated internal or external
34 parasites is appropriate.

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Page 48 35 (C) Information in the patient history or physical examination
36 results that would preclude the administration of preventive or
37 prophylactic vaccines or medications for the control or eradication
38 of apparent or anticipated internal or external parasites.

Page 49 39 (D) Criteria that would disqualify the animal patient from
40 receiving the preventive or prophylactic vaccines or medications
1 for the control or eradication of apparent or anticipated internal or
2 external parasites.

3 (E) Vaccination protocols for each animal species for which
4 preventive or prophylactic vaccines are administered, that include,
5 at a minimum, handling and administration of vaccines in
6 accordance with manufacturer label recommendations and what
7 to do in the event of an adverse reaction or other emergency.

8 (F) Preventative procedures for parasite control for each animal
9 species for which medications for the control or eradication of
10 apparent or anticipated internal or external parasites are being
11 administered, which shall include, at a minimum, handling and
12 administration of medications in accordance with manufacturer
13 label recommendations and what to do in the event of an adverse
14 reaction or other emergency.

15 (G) Documentation of all of the following animal patient
16 information:

- 17 (i) Name or initials of the person responsible for entries.
- 18 (ii) Name, address, and phone number of the client.
- 19 (iii) Name or identity of the animal, herd, or flock.
- 20 (iv) Except for herds or flocks, age, sex, breed, species, and
21 color of the animal.
- 22 (v) Beginning and ending dates of custody of the animal, if
23 applicable.
- 24 (vi) A history or pertinent information as it pertains to each
25 animal, herd, or flock’s medical status.
- 26 (vii) Data, including that obtained by instrumentation, from the
27 physical examination.
- 28 (viii) Treatment and intended treatment plan, including
29 medications, dosages, route of administration, and frequency of
30 use.
- 31 (ix) Diagnosis or assessment before performing a treatment or
32 procedure.
- 33 (x) If relevant, a prognosis of the animal’s condition.

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Page 49 34 (xi) All medications and treatments prescribed and dispensed,
35 including strength, dosage, route of administration, quantity, and
36 frequency of use.

37 (4) The veterinarian and the registered veterinary technician
38 sign and date a statement containing an assumption of risk by the
39 veterinarian for all acts of the registered veterinary technician
40 related to examining the animal patient and administering
Page 50 1 preventive or prophylactic vaccines or medications for the control
2 or eradication of apparent or anticipated internal or external
3 parasite, short of willful acts of animal cruelty, gross negligence,
4 or gross unprofessional conduct on behalf of the registered
5 veterinary technician.

6 (5) The veterinarian and the registered veterinary technician
7 sign and date a statement containing authorization for the registered
8 veterinary technician to act as the agent of the veterinarian only
9 to establish the veterinarian-client-patient relationship for purposes
10 of administering preventive or prophylactic vaccines or medications
11 for the control or eradication of apparent or anticipated internal or
12 external parasites when acting in compliance with the protocols
13 and procedures specified in paragraph (3), and only until the date
14 the veterinarian terminates authorization for the registered
15 veterinary technician to act as the agent of the veterinarian.

16 (6) (A) Before the registered veterinary technician examines
17 or administers any preventive or prophylactic vaccines or
18 medications for the control or eradication of apparent or anticipated
19 internal or external parasites to the animal patient, the registered
20 veterinary technician informs the client verbally or in writing that
21 the registered veterinary technician is acting as an agent of the
22 veterinarian for purposes of administering to the animal patient
23 preventive or prophylactic vaccines or medications, as applicable,
24 and provides the veterinarian’s name and license number to the
25 client.

26 (B) After providing the disclosure specified in subparagraph
27 (A), the registered veterinary technician records in the animal
28 patient’s medical record the verbal or written authorization of the
29 client to proceed with the registered veterinary technician’s
30 examination of the animal patient and administration of the
31 specified vaccine or medication.

32 (c) (1) Documentation relating to satisfaction of the
33 requirements of paragraphs (4) and (5) of subdivision (b) shall be

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Page 50 34 retained by the veterinarian for the duration of the registered
35 veterinary technician’s work as an agent of that veterinarian and
36 until three years from the date of the termination of the
37 veterinarian’s relationship with the registered veterinary technician.

38 (2) Documentation relating to satisfaction of subparagraph (G)
39 of paragraph (3) of subdivision (b) shall be retained by the
Page 51 1 veterinarian for a minimum of three years after the animal patient’s
2 last visit.

4 ~~SEC. 61.~~

+ SEC. 60. Section 4836.1 of the Business and Professions Code
5 is amended to read:

6 4836.1. (a) Notwithstanding any other law, a registered
7 veterinary technician or a veterinary assistant may administer a
8 drug, including, but not limited to, a drug that is a controlled
9 substance, under the direct or indirect supervision of a licensed
10 veterinarian when done pursuant to the order, control, and full
11 professional responsibility of a licensed veterinarian. However,
12 no person, other than a licensed veterinarian, may induce anesthesia
13 unless authorized by regulation of the California Veterinary
14 Medical Board.

15 (b) A veterinary assistant may obtain or administer a controlled
16 substance pursuant to the order, control, and full professional
17 responsibility of a licensed veterinarian, only if they meet both of
18 the following conditions:

19 (1) Is designated by a licensed veterinarian to obtain or
20 administer controlled substances.

21 (2) Holds a valid veterinary assistant controlled substance permit
22 issued pursuant to Section 4836.2.

23 (c) Notwithstanding subdivision (b), if the California Veterinary
24 Medical Board, in consultation with the California State Board of
25 Pharmacy, identifies a dangerous drug, as defined in Section 4022,
26 as a drug that has an established pattern of being diverted, the
27 California Veterinary Medical Board may restrict access to that
28 drug by veterinary assistants.

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

30 (1) “Controlled substance” has the same meaning as that term
31 is defined in Section 11007 of the Health and Safety Code.

32 (2) “Direct supervision” has the same meaning as that term is
33 defined in subdivision (e) of Section 2034 of Title 16 of the
34 California Code of Regulations.

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Page 51 35 (3) “Drug” has the same meaning as that term is defined in
36 Section 11014 of the Health and Safety Code.

37 (4) “Indirect supervision” has the same meaning as that term is
38 defined in subdivision (f) of Section 2034 of Title 16 of the
39 California Code of Regulations.

Page 52 1 (e) This section shall become operative on the date Section
2 4836.2 becomes operative.

4 ~~SEC. 62.~~

+ SEC. 61. Section 4842.2 of the Business and Professions Code
5 is amended to read:

6 4842.2. All funds collected by the board under this article shall
7 be deposited in the California Veterinary Medical Board Contingent
8 Fund.

10 ~~SEC. 63.~~

+ SEC. 62. Section 4846 of the Business and Professions Code
11 is amended to read:

12 4846. (a) In order to obtain a license to practice veterinary
13 medicine in California, an individual shall meet the following
14 requirements:

15 (1) Graduate from a veterinary college recognized by the board
16 or receive a certificate from the Educational Commission for
17 Foreign Veterinary Graduates (ECFVG) or the Program for the
18 Assessment of Veterinary Education Equivalence (PAVE). Proof
19 of graduation shall be directly submitted to the board by the
20 veterinary college or from the American Association of Veterinary
21 State Boards (AAVSB). Proof of certificate shall be directly
22 submitted to the board by ECFVG or PAVE.

23 (2) Complete a board-approved license application.

24 (3) Pay the applicable fees specified in Section 4905.

25 (4) As directed by the board pursuant to Section 144, submit a
26 full set of fingerprints for the purpose of conducting a criminal
27 history record check and undergo a state and federal criminal
28 offender record information search conducted through the
29 Department of Justice, pursuant to subdivision (u) of Section 11105
30 of the Penal Code. The Department of Justice shall provide a state
31 or federal response to the board pursuant to paragraph (1) of
32 subdivision (p) of Section 11105 of the Penal Code.

33 (5) Pass an examination consisting of the following:

34 (A) A licensing examination that is administered on a national
35 basis. If the applicant passed the national licensing examination

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Page 52 36 over five years from the date of submitting the California
37 veterinarian license application, the applicant shall satisfy one of
38 the following:

39 (i) Retake and pass the national licensing examination.

Page 53 1 (ii) Submit proof of having practiced clinical veterinary medicine
2 for a minimum of two years and completed a minimum of 2,500
3 hours of clinical practice in another state, Canadian province, or
4 United States territory within the three years immediately preceding
5 filing an application for licensure in this state.

6 (iii) Complete the minimum continuing education requirements
7 of Section 4846.5 for the current and preceding year.

8 (B) A veterinary law examination administered by the board
9 concerning the statutes and regulations of this chapter. The
10 examination may be administered by regular mail, email, or by
11 other electronic means. The applicant shall certify that the applicant
12 personally completed the examination. Any false statement is a
13 violation subject to Section 4831. Every applicant who obtains a
14 score of at least 80 percent on the veterinary law examination shall
15 be deemed to have passed. University of California and Western
16 University of Health Sciences veterinary medical students who
17 have successfully completed a board-approved course on veterinary
18 law and ethics covering this chapter shall be exempt from this
19 subparagraph.

20 (b) The applicant shall disclose each state, Canadian province,
21 or United States territory in which the applicant currently holds
22 or has ever held a license to practice veterinary medicine. License
23 verification, including any disciplinary or enforcement history,
24 shall be confirmed through electronic means or direct submission
25 from each state, Canadian province, or United States territory in
26 which the applicant has identified the applicant holds or has ever
27 held a license to practice veterinary medicine.

28 (c) A veterinarian license application shall be subject to denial
29 pursuant to Sections 480, 4875, and 4883.

31 ~~SEC. 64.~~

+ SEC. 63. Section 4848.1 of the Business and Professions Code
32 is amended to read:

33 4848.1. (a) A veterinarian engaged in the practice of veterinary
34 medicine, as defined in Section 4826, employed by the University
35 of California and engaged in the performance of duties in
36 connection with the School of Veterinary Medicine or employed

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Page 53 37 by the Western University of Health Sciences and engaged in the
38 performance of duties in connection with the College of Veterinary
Page 54 39 Medicine shall be issued a university license pursuant to this
1 section or hold a license to practice veterinary medicine in this
2 state.

3 (b) An individual may apply for and be issued a university
4 license if all of the following are satisfied:

5 (1) The applicant is currently employed by the University of
6 California or Western University of Health Sciences, as defined
7 in subdivision (a).

8 (2) The applicant passes an examination concerning the statutes
9 and regulations of this chapter, administered by the board, pursuant
10 to subparagraph (C) of paragraph (2) of subdivision (a) of Section
11 4848.

12 (3) The applicant completes and submits the application
13 specified by the board and pays the application and the initial
14 license fee, pursuant to Section 4905.

15 (c) A university license:

16 (1) Shall automatically cease to be valid upon termination or
17 cessation of employment by the University of California or by the
18 Western University of Health Sciences.

19 (2) Shall be subject to the license renewal provisions in Section
20 4900 and the payment of the renewal fee pursuant to subdivision
21 (g) of Section 4905.

22 (3) Shall be subject to denial, revocation, or suspension pursuant
23 to Sections 480, 4875, and 4883.

24 (4) Authorizes the holder to practice veterinary medicine only
25 at an educational institution described in subdivision (a) and any
26 locations formally affiliated with those institutions.

27 (d) An individual who holds a university license is exempt from
28 satisfying the license renewal requirements of Section 4846.5.

30 ~~SEC. 65.~~

+ *SEC. 64.* Section 4857 of the Business and Professions Code
31 is amended to read:

32 4857. (a) A veterinarian licensed under this chapter shall not
33 disclose any information concerning an animal patient receiving
34 veterinary services, the client responsible for the animal patient
35 receiving veterinary services, or the veterinary care provided to
36 an animal patient, except under any one of the following
37 circumstances:

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Page 54 38 (1) Upon written or witnessed verbal authorization by knowing
 39 and informed consent of the client.

Page 55 1 (2) Upon authorization received by electronic transmission when
 2 originated by the client.
 3 (3) In response to a valid court order or subpoena.
 4 (4) As may be required to ensure compliance with any federal,
 5 state, county, or city law or regulation, including, but not limited
 6 to, the California Public Records Act (Division 10 (commencing
 7 with Section 7920.000) of Title 1 of the Government Code).
 8 (5) If the care or service was for a horse that has participated in
 9 the previous year, or is intended to participate, in a licensed horse
 10 race. In these situations, the entire medical record for the horse
 11 shall be made available upon request to anyone responsible for the
 12 direct medical care of the horse, including the owner, trainer, or
 13 veterinarian, the California Horse Racing Board or any other state
 14 or local governmental entity, and the racing association or fair
 15 conducting the licensed horse race.
 16 (6) As otherwise provided in this section.
 17 (b) This section shall not apply to the extent that the client
 18 responsible for an animal patient or an authorized agent of the
 19 client responsible for the animal patient has filed or caused to be
 20 filed a civil or criminal complaint that places the veterinarian’s
 21 care and treatment of the animal patient or the nature and extent
 22 of the injuries to the animal patient at issue, or when the
 23 veterinarian is acting to comply with federal, state, county, or city
 24 laws or regulations.
 25 (c) A veterinarian shall be subject to the criminal penalties set
 26 forth in Section 4831 or any other provision of this code for a
 27 violation of this section. In addition, any veterinarian who
 28 negligently releases confidential information shall be liable in a
 29 civil action for any damages caused by the release of that
 30 information.
 31 (d) Nothing in this section is intended to prevent the sharing of
 32 veterinary medical information between veterinarians and peace
 33 officers, humane society officers, or animal control officers who
 34 are acting to protect the welfare of animals.
 35 (e) Nothing in this section is intended to prevent the sharing of
 36 veterinary medical information between veterinarians and facilities
 37 for the purpose of diagnosis or treatment of the animal patient that
 38 is the subject of the medical records.

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Page 56 2 ~~SEC. 66.~~
+ *SEC. 65.* Section 4860 of the Business and Professions Code
3 is amended to read:
4 4860. It is the intent of the Legislature that the board seek ways
5 and means to identify and rehabilitate veterinarians and registered
6 veterinary technicians with impairment due to abuse of dangerous
7 drugs or alcohol, affecting competency so that veterinarians and
8 registered veterinary technicians so afflicted may be treated and
9 returned to the practice of veterinary medicine in a manner that
10 will not endanger the public health and safety.

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12 ~~SEC. 67.~~
+ *SEC. 66.* Section 4875 of the Business and Professions Code
13 is amended to read:
14 4875. The board may revoke or suspend for a certain time the
15 license or registration of any person to practice veterinary medicine
16 or any branch of veterinary medicine in this state after notice and
17 hearing for any of the causes provided in this article. In addition
18 to its authority to suspend or revoke a license or registration, the
19 board shall have the authority to assess a fine not in excess of five
20 thousand dollars (\$5,000) against a licensee or registrant for any
21 of the causes specified in Section 4883. A fine may be assessed
22 in lieu of or in addition to a suspension or revocation. The
23 proceedings under this article shall be conducted in accordance
24 with Chapter 5 (commencing with Section 11500) of Part 1 of
25 Division 3 of Title 2 of the Government Code, and the board shall
26 have all the powers granted in that chapter. Notwithstanding
27 Section 4903, all fines collected pursuant to this section shall be
28 deposited to the credit of the California Veterinary Medical Board
29 Contingent Fund.

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31 ~~SEC. 68.~~
+ *SEC. 67.* Section 4886 of the Business and Professions Code
32 is amended to read:
33 4886. In reinstating a license or registration that has been
34 revoked or suspended under Section 4883, the board may impose
35 terms and conditions to be followed by the licensee or registrant
36 after the license or registration has been reinstated. The authority
37 of the board to impose terms and conditions includes, but is not
38 limited to, the following:

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Page 57 1 (a) Requiring the licensee or registrant to obtain additional
2 professional training and to pass an examination upon completion
3 of the training.

4 (b) Requiring the licensee or registrant to pass a verbal, written,
5 practical, or clinical examination, or any combination of those
6 examinations, to determine their present fitness to engage in the
7 practice of veterinary medicine or to practice as a veterinary
8 technician.

9 (c) Requiring the licensee or registrant to submit to a complete
10 diagnostic examination by one or more physicians appointed by
11 the board. If the board requires the licensee or registrant to submit
12 to that examination, the board shall receive and consider any other
13 report of a complete diagnostic examination given by one or more
14 physicians of the licensee’s or registrant’s choice.

15 (d) Restricting or limiting the extent, scope, or type of practice
16 of the licensee or registrant.

18 ~~SEC. 69.~~

+ SEC. 68. Section 4903 of the Business and Professions Code
19 is amended to read:

20 4903. Of all fines or forfeitures of bail in any case where a
21 person is charged with a violation of this chapter, 50 percent shall
22 be paid upon collection by the proper officer of the court to the
23 State Treasurer, to be deposited to the credit of the California
24 Veterinary Medical Board Contingent Fund. The other 50 percent
25 shall be paid as provided by law, for the payment of fines or
26 forfeitures of bail in misdemeanor cases.

28 ~~SEC. 70.~~

+ SEC. 69. Section 4904 of the Business and Professions Code
29 is amended to read:

30 4904. All fees collected on behalf of the board and all receipts
31 of every kind and nature shall be reported each month for the month
32 preceding to the Controller and at the same time the entire amount
33 shall be paid into the State Treasury and shall be credited to the
34 California Veterinary Medical Board Contingent Fund. The
35 California Veterinary Medical Board Contingent Fund shall be
36 available, upon appropriation by the Legislature, for the use of the
37 board.

39 ~~SEC. 71.~~

+ SEC. 70. Section 4905 of the Business and Professions Code
40 is amended to read:

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Page 58 1 4905. The following fees shall be collected by the board and
2 shall be credited to the California Veterinary Medical Board
3 Contingent Fund:
4 (a) The veterinarian license application fee shall be three
5 hundred fifty dollars (\$350).
6 (b) The California Veterinary Medicine Practice Act course fee
7 shall be set by the board in an amount it determines reasonably
8 necessary to provide sufficient funds to carry out the purpose of
9 this chapter, not to exceed one hundred dollars (\$100).
10 (c) The initial veterinarian license fee shall be set by the board
11 not to exceed five hundred dollars (\$500).
12 (d) The biennial veterinarian license renewal fee shall be five
13 hundred dollars (\$500).
14 (e) The university licensee application fee shall be three hundred
15 fifty dollars (\$350).
16 (f) The initial university license fee shall be five hundred dollars
17 (\$500).
18 (g) The biennial university licensee renewal fee shall be five
19 hundred dollars (\$500).
20 (h) The delinquency fee shall be fifty dollars (\$50).
21 (i) The fee for issuance of a duplicate license, registration, or
22 permit shall be twenty-five dollars (\$25).
23 (j) Any charge made for duplication or other services shall be
24 set at the cost of rendering the service, except as specified in
25 subdivision (i).
26 (k) The fee for failure to report a change in the mailing address
27 shall be twenty-five dollars (\$25).
28 (l) The initial veterinary premises registration fee shall be five
29 hundred dollars (\$500) annually.
30 (m) The annual veterinary premises registration renewal fee
31 shall be five hundred twenty-five dollars (\$525).
32 (n) The registered veterinary technician application fee shall be
33 two hundred twenty-five dollars (\$225).
34 (o) The initial registered veterinary technician registration fee
35 shall be two hundred twenty-five dollars (\$225).
36 (p) The biennial registered veterinary technician renewal fee
37 shall be two hundred twenty-five dollars (\$225).
38 (q) The veterinary assistant controlled substance permit
39 application fee shall be one hundred dollars (\$100).

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1 (r) The veterinary assistant controlled substance permit fee shall
2 be one hundred dollars (\$100).

3 (s) The biennial veterinary assistant controlled substance permit
4 renewal fee shall be one hundred dollars (\$100).

5 (t) The veterinary assistant controlled substance permit
6 delinquency fee shall be 50 percent of the renewal fee for such
7 permit in effect on the date of the renewal of the permit, but shall
8 not be less than twenty-five dollars (\$25) nor more than one
9 hundred fifty dollars (\$150).

10 (u) The fee for filing an application for approval of a school or
11 institution offering a curriculum for training registered veterinary
12 technicians pursuant to Section 4843 shall be set by the board at
13 an amount not to exceed three hundred dollars (\$300). The school
14 or institution shall also pay for the reasonable regulatory costs
15 incident to an onsite inspection conducted by the board pursuant
16 to Section 2065.6 of Title 16 of the California Code of Regulations.

17 (v) If the money transferred from the California Veterinary
18 Medical Board Contingent Fund to the General Fund pursuant to
19 the Budget Act of 1991 is redeposited into the California Veterinary
20 Medical Board Contingent Fund, the fees assessed by the board
21 shall be reduced correspondingly. However, the reduction shall
22 not be so great as to cause the California Veterinary Medical Board
23 Contingent Fund to have a reserve of less than three months of
24 annual authorized board expenditures. The fees set by the board
25 shall not result in a California Veterinary Medical Board
26 Contingent Fund reserve of more than 10 months of annual
27 authorized board expenditures.

29 ~~SEC. 72.~~

+ SEC. 71. Section 4910 of the Business and Professions Code
30 is amended to read:

31 4910. A veterinary corporation is a corporation that is
32 authorized to render professional services, as defined in Section
33 13401 of the Corporations Code, so long as that corporation and
34 its shareholders, officers, directors, and employees rendering
35 professional services who are licensed veterinarians are in
36 compliance with the Moscone-Knox Professional Corporation Act
37 (Part 4 (commencing with Section 13400) of Division 3 of Title
38 1 of the Corporations Code), this article, and all other statutes and
39 regulations pertaining to the corporation and the conduct of its
40 affairs. With respect to a veterinary corporation, the governmental

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Page 60 1 agency referred to in the Moscone-Knox Professional Corporation
 2 Act is the board.
 4 ~~SEC. 73.~~
 + SEC. 72. Section 4920.2 of the Business and Professions Code
 5 is amended to read:
 6 4920.2. Each veterinarian who is licensed in California and
 7 engages in the production of animal blood and blood component
 8 products solely for use in their own practice or for a community
 9 blood bank operating under this article shall meet all of the
 10 following conditions:
 11 (a) Follow current and best practices on community animal
 12 blood banking, which may include those developed pursuant to
 13 Section 9255 of the Food and Agricultural Code.
 14 (b) Operate under conditions, and use methods of production,
 15 that are consistent with current standards of care and practice for
 16 the field of veterinary transfusion medicine to ensure that the
 17 animal blood and blood component products will not be
 18 contaminated, dangerous, or harmful.
 19 (c) Ensure that the production of blood and blood component
 20 products is safe and not injurious to the donor animal’s health.
 21 (d) Follow, to the extent possible, the latest blood banking
 22 standards, which may include the latest published edition of the
 23 American Association of Blood Banks’ standards, and maintain
 24 responsibility over all veterinary and technical policies and
 25 procedures that relate to the safety of staff members and donor
 26 animals.
 27 (e) Utilize bloodborne pathogen testing for all canine and feline
 28 blood donors in accordance with the best clinical practices in the
 29 veterinary field, which may include the most recent Consensus
 30 Statement on blood donor infectious disease screening by the
 31 American College of Veterinary Internal Medicine.
 32 (f) Ensure that the production of animal blood and blood
 33 component products complies with all applicable federal laws and
 34 regulations, including, but not limited to, Chapter 5 (commencing
 35 with Section 151) of Title 21 of the United States Code.
 36 (g) Maintain onsite records available for inspection by the board,
 37 including information documenting any history of blood draws or
 38 use of anesthesia on the animal, the number and date of donations
 39 collected, the estimated milliliters of blood collected per donation
 40 based on weight in grams, any adverse events, and any complaints

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Page 61 1 from owners regarding animals who donate blood or blood
 2 component products.
 3 (h) Obtain the informed written consent of the owner of the
 4 animal blood donor and keep a record of that consent.
 6 ~~SEC. 74.~~
 + *SEC. 73.* Section 4920.4 of the Business and Professions Code
 7 is amended to read:
 8 4920.4. The board may establish a community blood bank
 9 registration fee and annual renewal fee to be paid by community
 10 blood banks to cover costs associated with oversight and inspection
 11 of the premises. The fee shall not exceed the reasonable regulatory
 12 costs of administering, implementing, and enforcing this article.
 14 ~~SEC. 75.~~
 + *SEC. 74.* Section 4920.8 of the Business and Professions Code
 15 is amended to read:
 16 4920.8. A violation of this article by a community blood bank
 17 shall constitute a cause for corrective action, suspension, restriction,
 18 or the nonrenewal or revocation of a license or registration by the
 19 board pursuant to Article 4 (commencing with Section 4875).
 21 ~~SEC. 76.~~
 + *SEC. 75.* Section 4980.54 of the Business and Professions Code
 22 is amended to read:
 23 4980.54. (a) The Legislature recognizes that the education and
 24 experience requirements in this chapter constitute only minimal
 25 requirements to ensure that an applicant is prepared and qualified
 26 to take the licensure examinations as specified in subdivision (d)
 27 of Section 4980.40 and, if an applicant passes those examinations,
 28 to begin practice.
 29 (b) In order to continuously improve the competence of licensed
 30 and registered marriage and family therapists and as a model for
 31 all psychotherapeutic professions, the Legislature encourages all
 32 licensees and registrants to regularly engage in continuing
 33 education related to the profession or scope of practice as defined
 34 in this chapter.
 35 (c) (1) Except as provided in subdivision (e), the board shall
 36 not renew any license pursuant to this chapter unless the applicant
 37 certifies to the board, on a form prescribed by the board, that the
 38 applicant has completed not less than 36 hours of approved
 39 continuing education in or relevant to the field of marriage and

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Page 62 1 family therapy in the preceding two years, as determined by the
2 board.

3 (2) The board shall not renew any registration pursuant to this
4 chapter unless the registrant certifies under penalty of perjury to
5 the board, and on a form prescribed by the board, that they have
6 completed not less than three hours of continuing education on the
7 subject of California law and ethics during the preceding year.

8 (d) The board shall have the right to audit the records of any
9 applicant to verify the completion of the continuing education
10 requirement. Applicants shall maintain records of completion of
11 required continuing education coursework for a minimum of two
12 years and shall make these records available to the board for
13 auditing purposes upon request.

14 (e) The board may establish exceptions from the continuing
15 education requirements of this section for good cause, as defined
16 by the board.

17 (f) The continuing education shall be obtained from one of the
18 following sources:

19 (1) A school, college, or university that is accredited or
20 approved, as defined in Section 4980.03. Nothing in this paragraph
21 shall be construed as requiring coursework to be offered as part
22 of a regular degree program.

23 (2) Other continuing education providers, as specified by the
24 board by regulation.

25 (g) The board shall establish, by regulation, a procedure for
26 identifying acceptable providers of continuing education courses,
27 and all providers of continuing education, as described in
28 paragraphs (1) and (2) of subdivision (f), shall adhere to procedures
29 established by the board. The board may revoke or deny the right
30 of a provider to offer continuing education coursework pursuant
31 to this section for failure to comply with this section or any
32 regulation adopted pursuant to this section.

33 (h) Training, education, and coursework by approved providers
34 shall incorporate one or more of the following:

35 (1) Aspects of the discipline that are fundamental to the
36 understanding or the practice of marriage and family therapy.

37 (2) Aspects of the discipline of marriage and family therapy in
38 which significant recent developments have occurred.

39 (3) Aspects of other disciplines that enhance the understanding
40 or the practice of marriage and family therapy.

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1 (i) A system of continuing education for licensed marriage and
2 family therapists shall include courses directly related to the
3 diagnosis, assessment, and treatment of the client population being
4 served.

5 (j) The continuing education requirements of this section shall
6 comply fully with the guidelines for mandatory continuing
7 education established by the Department of Consumer Affairs
8 pursuant to Section 166.

9 ~~SEC. 76.1.~~

+ SEC. 75.1. Section 4980.54 of the Business and Professions
10 Code is amended to read:

11 4980.54. (a) The Legislature recognizes that the education and
12 experience requirements in this chapter constitute only minimal
13 requirements to ensure that an applicant is prepared and qualified
14 to take the licensure examinations as specified in subdivision (d)
15 of Section 4980.40 and, if an applicant passes those examinations,
16 to begin practice.

17 (b) In order to continuously improve the competence of licensed
18 and registered marriage and family therapists and as a model for
19 all psychotherapeutic professions, the Legislature encourages all
20 licensees and registrants to regularly engage in continuing
21 education related to the profession or scope of practice as defined
22 in this chapter.

23 (c) (1) Except as provided in subdivision (f), the board shall
24 not renew any license pursuant to this chapter unless the applicant
25 certifies to the board, on a form prescribed by the board, that the
26 applicant has completed not less than 36 hours of approved
27 continuing education in or relevant to the field of marriage and
28 family therapy in the preceding two years, as determined by the
29 board.

30 (2) The board shall not renew any registration pursuant to this
31 chapter unless the registrant certifies under penalty of perjury to
32 the board, and on a form prescribed by the board, that they have
33 completed not less than three hours of continuing education on the
34 subject of California law and ethics during the preceding year.

35 (d) The board shall have the right to audit the records of any
36 applicant to verify the completion of the continuing education
37 requirement. Applicants shall maintain records of completion of
38 required continuing education coursework for a minimum of two

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Page 63 39 years and shall make these records available to the board for
40 auditing purposes upon request.

Page 64 1 (e) In determining its continuing education requirements, the
2 board shall consider including a course in menopausal mental
3 health.

5 (f) The board may establish exceptions from the continuing
6 education requirements of this section for good cause, as defined
7 by the board.

9 (g) The continuing education shall be obtained from one of the
10 following sources:

11 (1) A school, college, or university that is accredited or
12 approved, as defined in Section 4980.03. Nothing in this paragraph
13 shall be construed as requiring coursework to be offered as part
14 of a regular degree program.

17 (2) Other continuing education providers, as specified by the
18 board by regulation.

20 (h) The board shall establish, by regulation, a procedure for
21 identifying acceptable providers of continuing education courses,
22 and all providers of continuing education, as described in
23 paragraphs (1) and (2) of subdivision (g) shall adhere to procedures
24 established by the board. The board may revoke or deny the right
25 of a provider to offer continuing education coursework pursuant
26 to this section for failure to comply with this section or any
27 regulation adopted pursuant to this section.

29 (i) Training, education, and coursework by approved providers
30 shall incorporate one or more of the following:

31 (1) Aspects of the discipline that are fundamental to the
32 understanding or the practice of marriage and family therapy.

33 (2) Aspects of the discipline of marriage and family therapy in
34 which significant recent developments have occurred.

35 (3) Aspects of other disciplines that enhance the understanding
36 or the practice of marriage and family therapy.

38 (j) A system of continuing education for licensed marriage and
39 family therapists shall include courses directly related to the

Page 65 1 diagnosis, assessment, and treatment of the client population being
2 served.

4 (k) The continuing education requirements of this section shall
5 comply fully with the guidelines for mandatory continuing
6 education established by the Department of Consumer Affairs
7 pursuant to Section 166.

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Page 65 8 ~~SEC. 76.2.~~
+ SEC. 75.2. Section 4980.54 of the Business and Professions
9 Code is amended to read:
10 4980.54. (a) The Legislature recognizes that the education and
11 experience requirements in this chapter constitute only minimal
12 requirements to ensure that an applicant is prepared and qualified
13 to take the licensure examinations as specified in subdivision (d)
14 of Section 4980.40 and, if an applicant passes those examinations,
15 to begin practice.
16 (b) In order to continuously improve the competence of licensed
17 and registered marriage and family therapists and as a model for
18 all psychotherapeutic professions, the Legislature encourages all
19 licensees and registrants to regularly engage in continuing
20 education related to the profession or scope of practice as defined
21 in this chapter.
22 (c) (1) Except as provided in subdivision (f), the board shall
23 not renew any license pursuant to this chapter unless the applicant
24 certifies to the board, on a form prescribed by the board, that the
25 applicant has completed not less than 36 hours of approved
26 continuing education in or relevant to the field of marriage and
27 family therapy in the preceding two years, as determined by the
28 board.
29 (2) The board shall not renew any registration pursuant to this
30 chapter unless the registrant certifies under penalty of perjury to
31 the board, and on a form prescribed by the board, that they have
32 completed not less than three hours of continuing education on the
33 subject of California law and ethics during the preceding year.
34 (d) The board shall have the right to audit the records of any
35 applicant to verify the completion of the continuing education
36 requirement. Applicants shall maintain records of completion of
37 required continuing education coursework for a minimum of two
38 years and shall make these records available to the board for
39 auditing purposes upon request.
Page 66 1 (e) In determining its continuing education requirements, the
2 board shall consider including a course in maternal mental health.
4 (f) The board may establish exceptions from the continuing
5 education requirements of this section for good cause, as defined
6 by the board.
8 (g) The continuing education shall be obtained from one of the
9 following sources:

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Page 66 10 (1) A school, college, or university that is accredited or
11 approved, as defined in Section 4980.03. Nothing in this paragraph
12 shall be construed as requiring coursework to be offered as part
13 of a regular degree program.

16 (2) Other continuing education providers, as specified by the
17 board by regulation.

19 (h) The board shall establish, by regulation, a procedure for
20 identifying acceptable providers of continuing education courses,
21 and all providers of continuing education, as described in
22 paragraphs (1) and (2) of subdivision (g) shall adhere to procedures
23 established by the board. The board may revoke or deny the right
24 of a provider to offer continuing education coursework pursuant
25 to this section for failure to comply with this section or any
26 regulation adopted pursuant to this section.

28 (i) Training, education, and coursework by approved providers
29 shall incorporate one or more of the following:

30 (1) Aspects of the discipline that are fundamental to the
31 understanding or the practice of marriage and family therapy.

32 (2) Aspects of the discipline of marriage and family therapy in
33 which significant recent developments have occurred.

34 (3) Aspects of other disciplines that enhance the understanding
35 or the practice of marriage and family therapy.

37 (j) A system of continuing education for licensed marriage and
38 family therapists shall include courses directly related to the
39 diagnosis, assessment, and treatment of the client population being
40 served.

Page 67 2 (k) The continuing education requirements of this section shall
3 comply fully with the guidelines for mandatory continuing
4 education established by the Department of Consumer Affairs
5 pursuant to Section 166.

6 ~~SEC. 76.3~~

+ SEC. 75.3. Section 4980.54 of the Business and Professions
7 Code is amended to read:

8 4980.54. (a) The Legislature recognizes that the education and
9 experience requirements in this chapter constitute only minimal
10 requirements to ensure that an applicant is prepared and qualified
11 to take the licensure examinations as specified in subdivision (d)
12 of Section 4980.40 and, if an applicant passes those examinations,
13 to begin practice.

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Page 67 14 (b) In order to continuously improve the competence of licensed
15 and registered marriage and family therapists and as a model for
16 all psychotherapeutic professions, the Legislature encourages all
17 licensees and registrants to regularly engage in continuing
18 education related to the profession or scope of practice as defined
19 in this chapter.

20 (c) (1) Except as provided in subdivision (f), the board shall
21 not renew any license pursuant to this chapter unless the applicant
22 certifies to the board, on a form prescribed by the board, that the
23 applicant has completed not less than 36 hours of approved
24 continuing education in or relevant to the field of marriage and
25 family therapy in the preceding two years, as determined by the
26 board.

27 (2) The board shall not renew any registration pursuant to this
28 chapter unless the registrant certifies under penalty of perjury to
29 the board, and on a form prescribed by the board, that they have
30 completed not less than three hours of continuing education on the
31 subject of California law and ethics during the preceding year.

32 (d) The board shall have the right to audit the records of any
33 applicant to verify the completion of the continuing education
34 requirement. Applicants shall maintain records of completion of
35 required continuing education coursework for a minimum of two
36 years and shall make these records available to the board for
37 auditing purposes upon request.

38 (e) (1) In determining its continuing education requirements,
39 the board shall consider including a course in menopausal mental
40 health.

Page 68 1 (2) In determining its continuing education requirements, the
2 board shall consider including a course in maternal mental health.

4 (f) The board may establish exceptions from the continuing
5 education requirements of this section for good cause, as defined
6 by the board.

8 (g) The continuing education shall be obtained from one of the
9 following sources:

10 (1) A school, college, or university that is accredited or
11 approved, as defined in Section 4980.03. Nothing in this paragraph
12 shall be construed as requiring coursework to be offered as part
13 of a regular degree program.

16 (2) Other continuing education providers, as specified by the
17 board by regulation.

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Page 68 19 (h) The board shall establish, by regulation, a procedure for
20 identifying acceptable providers of continuing education courses,
21 and all providers of continuing education, as described in
22 paragraphs (1) and (2) of subdivision (g) shall adhere to procedures
23 established by the board. The board may revoke or deny the right
24 of a provider to offer continuing education coursework pursuant
25 to this section for failure to comply with this section or any
26 regulation adopted pursuant to this section.

28 (i) Training, education, and coursework by approved providers
29 shall incorporate one or more of the following:

30 (1) Aspects of the discipline that are fundamental to the
31 understanding or the practice of marriage and family therapy.

32 (2) Aspects of the discipline of marriage and family therapy in
33 which significant recent developments have occurred.

34 (3) Aspects of other disciplines that enhance the understanding
35 or the practice of marriage and family therapy.

37 (j) A system of continuing education for licensed marriage and
38 family therapists shall include courses directly related to the
39 diagnosis, assessment, and treatment of the client population being
40 served.

Page 69 2 (k) The continuing education requirements of this section shall
3 comply fully with the guidelines for mandatory continuing
4 education established by the Department of Consumer Affairs
5 pursuant to Section 166.

7 ~~SEC. 77.~~

+ SEC. 76. Section 9884 of the Business and Professions Code
8 is amended to read:

9 9884. (a) An automotive repair dealer shall pay the fee required
10 by this chapter for each place of business operated by the dealer
11 in this state and shall register with the director upon forms
12 prescribed by the director.

13 (b) (1) The forms shall contain sufficient information to identify
14 the automotive repair dealer, including all of the following:

15 (A) Name.

16 (B) Telephone number.

17 (C) Email address.

18 (D) Address of each location.

19 (E) A statement by the dealer that each location is in an area
20 that, pursuant to local zoning ordinances, permits the operation of
21 a facility for the repair of motor vehicles.

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Page 69 22 (F) The dealer’s retail seller’s permit number, if a permit is
23 required under the Sales and Use Tax Law (Part 1 (commencing
24 with Section 6001) of Division 2 of the Revenue and Taxation
25 Code).

26 (G) Motor vehicle license plate number, if engaged in mobile
27 automotive repairs.

28 (H) Other identifying data that are prescribed by the director.

29 (2) If the business is to be carried on under a fictitious name,
30 the fictitious name shall be stated.

31 (3) To the extent prescribed by the director, an automotive repair
32 dealer shall identify the owners, directors, officers, partners,
33 members, trustees, managers, and any other persons who directly
34 or indirectly control or conduct the business.

35 (4) The forms shall include any applicable nationally recognized
36 and industry-accepted educational certifications and any
37 bureau-accepted educational certifications.

38 (5) The forms shall include a statement signed by the dealer
39 under penalty of perjury that the information provided is true.

Page 70 1 (c) A state agency is not authorized or required by this section
2 to enforce a city, county, regional, air pollution control district, or
3 air quality management district rule or regulation regarding the
4 site or operation of a facility that repairs motor vehicles.

6 ~~SEC. 78.~~

+ SEC. 77. Section 17913 of the Business and Professions Code
7 is amended to read:

8 17913. (a) The fictitious business name statement shall contain
9 all of the information required by this subdivision and shall be
10 substantially in the following form:

11
12 **FICTITIOUS BUSINESS NAME STATEMENT**

13 The following person (persons) is (are) doing business as

14 * _____

15 at ** _____:

16 *** _____

17 _____

18 _____

19 _____

20 This business is conducted by **** _____

21 The registrant commenced to transact business under the fictitious business
22 name or names listed above on

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***** _____

24 I declare that all information in this statement is true and correct. (A registrant
25 who declares as true any material matter pursuant to Section 17913 of the
26 Business and Professions Code that the registrant knows to be false is guilty
27 of a misdemeanor punishable by a fine not to exceed one thousand dollars
28 (\$1,000).)

29 Registrant signature _____

30 Statement filed with the County Clerk of ____ County on _____

+

31

32 NOTICE—IN ACCORDANCE WITH SUBDIVISION (a) OF
33 SECTION 17920, A FICTITIOUS NAME STATEMENT
34 GENERALLY EXPIRES AT THE END OF FIVE YEARS FROM
35 THE DATE ON WHICH IT WAS FILED IN THE OFFICE OF
36 THE COUNTY CLERK, EXCEPT, AS PROVIDED IN
37 SUBDIVISION (b) OF SECTION 17920, WHERE IT EXPIRES
38 40 DAYS AFTER ANY CHANGE IN THE FACTS SET FORTH
39 IN THE STATEMENT PURSUANT TO SECTION 17913. A
Page 71 1 NEW FICTITIOUS BUSINESS NAME STATEMENT MUST
2 BE FILED BEFORE THE EXPIRATION.

3 THE FILING OF THIS STATEMENT DOES NOT OF ITSELF
4 AUTHORIZE THE USE IN THIS STATE OF A FICTITIOUS
5 BUSINESS NAME IN VIOLATION OF THE RIGHTS OF
6 ANOTHER UNDER FEDERAL, STATE, OR COMMON LAW
7 (SEE SECTION 14411 ET SEQ., BUSINESS AND
8 PROFESSIONS CODE).

+

10 (b) The fictitious business name statement shall contain the
11 following information set forth in the manner indicated in the form
12 provided by subdivision (a):

13 (1) Where the asterisk (*) appears in the form, insert the
14 fictitious business name or names. Only those businesses operated
15 at the same address and under the same ownership may be listed
16 on one fictitious business name statement.

17 (2) Where the two asterisks (**) appear in the form: If the
18 registrant has a place of business in this state, insert the street
19 address, and county, of the registrant’s principal place of business
20 in this state. If the registrant has no place of business in this state,
21 insert the street address, and county, of the registrant’s principal
22 place of business outside this state.

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Page 71 23 (3) Where the three asterisks (***) appear in the form: If the
 24 registrant is an individual, insert the registrant’s full name and
 25 business mailing address if it differs from the business address. If
 26 the registrants are a married couple, insert the full name and
 27 business mailing address of both parties to the marriage if it differs
 28 from the business address. If the registrant is a general partnership,
 29 copartnership, joint venture, or limited liability partnership, insert
 30 the full name and business mailing address of each general partner
 31 if it differs from the business address. If the registrant is a limited
 32 partnership, insert the full name and business mailing address of
 33 each general partner. If the registrant is a limited liability company,
 34 insert the name and business mailing address of the limited liability
 35 company, as set out in its articles of organization on file with the
 36 California Secretary of State, and the state of organization. If the
 37 registrant is a trust, insert the full name and business mailing
 38 address of each trustee. If the registrant is a corporation, insert the
 39 name and address of the corporation, as set out in its articles of
 40 incorporation on file with the California Secretary of State, and
 Page 72 1 the state of incorporation. If the registrants are state or local
 2 registered domestic partners, insert the full name and business
 3 mailing address of each domestic partner if it differs from the
 4 business address. If the registrant is an unincorporated association
 5 other than a partnership, insert the name of each person who is
 6 interested in the business of the association and whose liability
 7 with respect to the association is substantially the same as that of
 8 a general partner.
 9 (4) Where the four asterisks (****) appear in the form, insert
 10 whichever of the following best describes the nature of the
 11 business: (i) “an individual,” (ii) “a general partnership,” (iii) “a
 12 limited partnership,” (iv) “a limited liability company,” (v) “an
 13 unincorporated association other than a partnership,” (vi) “a
 14 corporation,” (vii) “a trust,” (viii) “copartners,” (ix) “a married
 15 couple,” (x) “joint venture,” (xi) “state or local registered domestic
 16 partners,” or (xii) “a limited liability partnership.”
 17 (5) Where the five asterisks (*****) appear in the form, insert
 18 the date on which the registrant first commenced to transact
 19 business under the fictitious business name or names listed, if
 20 already transacting business under that name or names. If the
 21 registrant has not yet commenced to transact business under the

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Page 72 22 fictitious business name or names listed, insert the statement, “Not
23 applicable.”

24 (c) The registrant shall declare that all of the information in the
25 fictitious business name statement is true and correct. A registrant
26 who declares as true any material matter pursuant to this section
27 that the registrant knows to be false is guilty of a misdemeanor
28 punishable by a fine not to exceed one thousand dollars (\$1,000).

29 (d) (1) At the time of filing of the fictitious business name
30 statement, the registrant filing on behalf of the registrant shall
31 present personal identification in the form of a California driver’s
32 license or other government identification acceptable to the county
33 clerk to adequately determine the identity of the registrant filing
34 on behalf of the registrant as provided in subdivision (e) and the
35 county clerk may require the registrant to complete and sign an
36 affidavit of identity.

37 (2) In the case of a registrant utilizing an agent for submission
38 of the registrant’s fictitious business name statement for filing, at
39 the time of filing of the fictitious business name statement, the
40 agent filing on behalf of the registrant shall present personal
Page 73 1 identification in the form of a California driver’s license or other
2 government identification acceptable to the county clerk to
3 adequately determine the identity of the agent filing on behalf of
4 the registrant as provided in subdivision (e). The county clerk may
5 also require the agent to submit a notarized statement signed by
6 the registrant declaring the registrant has authorized the agent to
7 submit the filing on behalf of the registrant.

8 (e) If the registrant is a corporation, a limited liability company,
9 a limited partnership, or a limited liability partnership, the county
10 clerk may require documentary evidence issued by the California
11 Secretary of State and deemed acceptable by the county clerk,
12 indicating the current existence and good standing of that business
13 entity to be attached to a completed and notarized affidavit of
14 identity, for purposes of subdivision (d).

15 (f) (1) The county clerk may require a registrant that mails a
16 fictitious business name statement to a county clerk’s office for
17 filing to submit a completed and notarized affidavit of identity. A
18 registrant that is a corporation, limited liability company, limited
19 partnership, or limited liability partnership, if required by the
20 county clerk to submit an affidavit of identity, shall also submit
21 documentary evidence issued by the California Secretary of State

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Page 73 22 indicating the current existence and good standing of that business
23 entity.

24 (2) The county clerk may accept an electronic acknowledgment
25 verifying the identity of the registrant using a remote identity
26 proofing process ensuring the registrant’s identification. The
27 identity proofing process shall follow, to the extent reasonable,
28 the federal guidelines for security and privacy and shall include
29 dynamic knowledge-based authentication or an identity proofing
30 method consistent with, at least, level 3 identity assurance, as
31 described in the electronic authentication guidelines of the National
32 Institute of Standards and Technology.

33 (g) A county clerk that chooses to establish procedures pursuant
34 to this section shall prescribe the form of affidavit of identity for
35 filing by a registrant in that county.

37 ~~SEC. 79.~~

+ SEC. 78. Section 94816 of the Education Code is amended to
38 read:

39 94816. “Applicant” means a person, as defined in Section
40 94855, who has submitted an application to the bureau for an
Page 74 1 approval to operate or for a renewal of an approval to operate. An
2 approval to operate shall be issued only to an applicant.

4 ~~SEC. 80.~~

+ SEC. 79. Section 94850 of the Education Code is amended to
5 read:

6 94850. “Noninstitutional charges” means charges for an
7 educational program paid directly to an entity other than an
8 institution that are specifically required for participation in an
9 educational program.

11 ~~SEC. 81.~~

+ SEC. 80. Section 94856 of the Education Code is amended to
12 read:

13 94856. “Person in control” means a person who, by the
14 authority or conduct of their position, directs the management of
15 an institution.

17 ~~SEC. 82.~~

+ SEC. 81. Section 94876 of the Education Code is amended to
18 read:

19 94876. (a) The powers and duties set forth in this chapter are
20 vested in the Director of Consumer Affairs, who may delegate
21 them to a bureau chief, subject to this section. The bureau chief

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Page 74 22 shall work in collaboration with the director. The director is
23 responsible for the implementation of this chapter and they shall
24 ensure that the protection of the public is the bureau’s highest
25 priority.

26 (b) The bureau chief shall be appointed by the Governor, subject
27 to confirmation by the Senate, and is exempt from the State Civil
28 Service Act pursuant to Part 2 (commencing with Section 18500)
29 of Division 5 of Title 2 of the Government Code.

30 (c) Each power granted to, or duty imposed upon, the bureau
31 under this chapter shall be exercised and performed in the name
32 of the bureau, subject to any conditions and limitations the director
33 may prescribe. The bureau chief may delegate any powers or duties
34 to a designee.

35 (d) As may be necessary to carry out this chapter, the director,
36 in accordance with the State Civil Service Act, may appoint and
37 fix the compensation of personnel.

39 ~~SEC. 83.~~

+ SEC. 82. Section 94883 of the Education Code is amended to
40 read:

Page 75 1 94883. (a) Any individual serving on a visiting committee
2 who provides information to the bureau, or its staff, in the course
3 of evaluating any institution, or who testifies in any administrative
4 hearing arising under this chapter, is entitled to a defense and
5 indemnification in any action arising out of the information or
6 testimony provided as if they were a public employee.

7 (b) Any defense and indemnification shall be solely with respect
8 to the action pursuant to Article 4 (commencing with Section 825)
9 of Chapter 1 of Part 2 of, and Part 7 (commencing with Section
10 995) of, Division 3.6 of Title 1 of the Government Code.

12 ~~SEC. 84.~~

+ SEC. 83. Section 94897 of the Education Code is amended to
13 read:

14 94897. An institution shall not do any of the following:

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

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

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

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Page 75 22 (d) Advertise, or indicate in promotional material, without
23 including the fact that the educational programs are delivered by
24 means of distance education if the educational programs are so
25 delivered.

26 (e) Advertise, or indicate in promotional material, that the
27 institution is accredited, unless the institution has been accredited
28 by an accrediting agency.

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

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

Page 76 1 (h) Pay any consideration to a person to induce that person to
2 sign an enrollment agreement for an educational program.

3 (i) Use a name in any manner improperly implying any of the
4 following:

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

8 (2) The institution is a public institution.

9 (3) The institution grants degrees, if the institution does not
10 grant degrees.

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

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

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Page 76 22 (l) Use the terms “approval,” “approved,” “approval to operate,”
23 or “approved to operate” without stating clearly and conspicuously
24 that approval to operate means compliance with state standards as
25 set forth in this chapter. An institution may not state or imply either
26 of the following:

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

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

31 (m) Direct any individual to perform an act that violates this
32 chapter, to refrain from reporting unlawful conduct to the bureau
33 or another government agency, or to engage in any unfair act to
34 persuade a student not to complain to the bureau or another
35 government agency.

36 (n) Compensate an employee involved in recruitment,
37 enrollment, admissions, student attendance, or sales of educational
38 materials to students on the basis of a commission, commission
39 draw, bonus, quota, or other similar method related to the
40 recruitment, enrollment, admissions, student attendance, or sales

Page 77 1 of educational materials to students, except as provided in
2 paragraph (1) or (2):

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

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

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

20 (p) Offer an associate, baccalaureate, master’s, or doctoral
21 degree without disclosing to prospective students before enrollment

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Page 77 22 whether the institution or the degree program is unaccredited and
23 any known limitation of the degree, including, but not limited to,
24 all of the following:

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

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

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

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

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

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

Page 78 1 (t) Require a prospective, current, or former student or employee
2 to sign a nondisclosure agreement pertaining to their relationship
3 to, or experience with, the institution, except that an institution
4 may use a nondisclosure agreement to protect the institution’s
5 intellectual property and trade secrets. Any nondisclosure
6 agreement in violation of this section is void and not enforceable
7 at law or in equity.

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

11 ~~SEC. 85.~~

+ SEC. 84. Section 94899.5 of the Education Code is amended
12 to read:

13 94899.5. (a) Institutions that offer short-term programs
14 designed to be completed in one term or four months, whichever
15 is less, may require payment of all tuition and fees on the first day
16 of instruction.

17 (b) For those programs designed to be greater than four months,
18 an institution shall not require more than one term or four months
19 of advance payment of tuition at a time. When 50 percent of the
20 program has been offered, the institution may require full payment.

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Page 78 21 (c) The limitations in this section shall not apply to any funds
22 received by an institution through federal and state student financial
23 aid grant and loan programs, or through any other federal or state
24 programs.

25 (d) An institution that provides private institutional loan funding
26 to a student shall ensure that the student is not obligated for
27 indebtedness that exceeds the total charges for the current period
28 of attendance.

29 (e) At the student’s option, an institution may accept payment
30 in full for tuition and fees, including any funds received through
31 institutional loans, after the student has been accepted and enrolled
32 and the date of the first class session is disclosed on the enrollment
33 agreement.

35 ~~SEC. 86.~~

+ SEC. 85. Section 94901 of the Education Code is amended to
36 read:

37 94901. (a) An institution’s recruiters shall be employees.

38 (b) (1) An institution shall issue identification to each recruiter
39 identifying the recruiter and the institution.

Page 79 1 (2) The recruiter shall have the issued identification with them
2 while recruiting.

4 ~~SEC. 87.~~

+ SEC. 86. Section 94906 of the Education Code is amended to
5 read:

6 94906. (a) An enrollment agreement shall be written in
7 language that is easily understood. If English is not the student’s
8 primary language, and the student is unable to understand the terms
9 and conditions of the enrollment agreement, the student shall have
10 the right to obtain a clear explanation of the terms and conditions
11 and all cancellation and refund policies in their primary language.

12 (b) If the recruitment leading to enrollment was conducted in a
13 language other than English, the enrollment agreement, disclosures,
14 and statements shall be in that language.

16 ~~SEC. 88.~~

+ SEC. 87. Section 94907 of the Education Code is amended to
17 read:

18 94907. An institution shall not require a student to invoke an
19 internal institutional dispute procedure before enforcing any
20 contractual or other legal rights or remedies.

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Amendment 87

Page 79 22 ~~SEC. 89.~~
 + 23 *SEC. 88.* Section 94913 of the Education Code is amended to
 24 read:
 25 94913. (a) An institution that maintains an internet website
 26 shall provide on that internet website the current version of all of
 27 the following:
 28 (1) The school catalog.
 29 (2) A School Performance Fact Sheet for each educational
 30 program offered by the institution.
 31 (3) Student brochures offered by the institution.
 32 (4) A link to the bureau’s internet website.
 33 (5) The institution’s most recent annual report submitted to the
 34 bureau.
 35 (b) An institution shall include information concerning where
 36 students may access the bureau’s internet website anywhere the
 institution identifies itself as being approved by the bureau.

Amendment 88

Page 80 38 ~~SEC. 90.~~
 + 39 *SEC. 89.* Section 94947 of the Education Code is repealed.
 2 ~~SEC. 91.~~
 + 3 *SEC. 90.* Section 94949.71 of the Education Code is amended
 4 to read:
 5 94949.71. (a) The duties of the office shall be vested in a chief,
 6 who shall be appointed by the director. The chief, and each staff
 7 employee of the office, shall have experience and expertise,
 8 commensurate with their position, advocating on behalf of students
 9 and consumers and shall have knowledge in the state and federal
 10 laws governing student protection, student financial aid and loan
 11 programs, and the policies and practices of private postsecondary
 12 educational institutions.
 13 (b) For purposes of this article, “office” means the Office of
 Student Assistance and Relief.

Amendment 89

15 ~~SEC. 92.~~
 + 16 *SEC. 91.* Section 1374.72 of the Health and Safety Code is
 17 amended to read:
 18 1374.72. (a) (1) Every health care service plan contract issued,
 19 amended, or renewed on or after January 1, 2021, that provides
 20 hospital, medical, or surgical coverage shall provide coverage for
 21 medically necessary treatment of mental health and substance use
 22 disorders, under the same terms and conditions applied to other
 medical conditions as specified in subdivision (c).

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Page 80 23 (2) For purposes of this section, “mental health and substance
 24 use disorders” means a mental health condition or substance use
 25 disorder that falls under any of the diagnostic categories listed in
 26 the mental and behavioral disorders chapter of the most recent
 27 edition of the International Classification of Diseases or that is
 28 listed in the most recent version of the Diagnostic and Statistical
 29 Manual of Mental Disorders. Changes in terminology, organization,
 30 or classification of mental health and substance use disorders in
 31 future versions of the American Psychiatric Association’s
 32 Diagnostic and Statistical Manual of Mental Disorders or the World
 33 Health Organization’s International Statistical Classification of
 34 Diseases and Related Health Problems shall not affect the
 35 conditions covered by this section as long as a condition is
 36 commonly understood to be a mental health or substance use
 37 disorder by health care providers practicing in relevant clinical
 38 specialties.

Page 81 39 (3) (A) For purposes of this section, “medically necessary
 40 treatment of a mental health or substance use disorder” means a
 1 service or product addressing the specific needs of that patient, for
 2 the purpose of preventing, diagnosing, or treating an illness, injury,
 3 condition, or its symptoms, including minimizing the progression
 4 of that illness, injury, condition, or its symptoms, in a manner that
 5 is all of the following:
 6 (i) In accordance with the generally accepted standards of mental
 7 health and substance use disorder care.
 8 (ii) Clinically appropriate in terms of type, frequency, extent,
 9 site, and duration.
 10 (iii) Not primarily for the economic benefit of the health care
 11 service plan and subscribers or for the convenience of the patient,
 12 treating physician, or other health care provider.

13 (B) This paragraph does not limit in any way the independent
 14 medical review rights of an enrollee or subscriber under this
 15 chapter.

16 (4) For purposes of this section, “health care provider” means
 17 any of the following:

18 (A) A person who is licensed under Division 2 (commencing
 19 with Section 500) of the Business and Professions Code.

20 (B) An associate marriage and family therapist or marriage and
 21 family therapist trainee functioning pursuant to Section 4980.43.3
 22 of the Business and Professions Code.

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Page 81 23 (C) A qualified autism service provider or qualified autism
 24 service professional certified by a national entity pursuant to
 25 Section 10144.51 of the Insurance Code and Section 1374.73.
 26 (D) An associate clinical social worker functioning pursuant to
 27 Section 4996.23.2 of the Business and Professions Code.
 28 (E) An associate professional clinical counselor or professional
 29 clinical counselor trainee functioning pursuant to Section 4999.46.3
 30 of the Business and Professions Code.
 31 (F) A registered psychologist, as described in Section 2909.5
 32 of the Business and Professions Code.
 33 (G) A registered psychological associate, as described in Section
 34 2913 of the Business and Professions Code.
 35 (H) A psychology trainee or person supervised as set forth in
 36 Section 2910 or 2911 of, or subdivision (d) of Section 2914 of,
 37 the Business and Professions Code.
 38 (5) For purposes of this section, “generally accepted standards
 39 of mental health and substance use disorder care” has the same
 Page 82 1 meaning as defined in paragraph (1) of subdivision (f) of Section
 2 1374.721.
 3 (6) A health care service plan shall not limit benefits or coverage
 4 for mental health and substance use disorders to short-term or acute
 5 treatment.
 6 (7) All medical necessity determinations by the health care
 7 service plan concerning service intensity, level of care placement,
 8 continued stay, and transfer or discharge of enrollees diagnosed
 9 with mental health and substance use disorders shall be conducted
 10 in accordance with the requirements of Section 1374.721. This
 11 paragraph does not deprive an enrollee of the other protections of
 12 this chapter, including, but not limited to, grievances, appeals,
 13 independent medical review, discharge, transfer, and continuity
 14 of care.
 15 (8) A health care service plan that authorizes a specific type of
 16 treatment by a provider pursuant to this section shall not rescind
 17 or modify the authorization after the provider renders the health
 18 care service in good faith and pursuant to this authorization for
 19 any reason, including, but not limited to, the plan’s subsequent
 20 rescission, cancellation, or modification of the enrollee’s or
 21 subscriber’s contract, or the plan’s subsequent determination that
 22 it did not make an accurate determination of the enrollee’s or
 23 subscriber’s eligibility. This section shall not be construed to

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Page 82 24 expand or alter the benefits available to the enrollee or subscriber
25 under a plan.

26 (b) The benefits that shall be covered pursuant to this section
27 shall include, but not be limited to, the following:

28 (1) Basic health care services, as defined in subdivision (b) of
29 Section 1345.

30 (2) Intermediate services, including the full range of levels of
31 care, including, but not limited to, residential treatment, partial
32 hospitalization, and intensive outpatient treatment.

33 (3) Prescription drugs, if the plan contract includes coverage
34 for prescription drugs.

35 (c) The terms and conditions applied to the benefits required
36 by this section, that shall be applied equally to all benefits under
37 the plan contract, shall include, but not be limited to, all of the
38 following patient financial responsibilities:

39 (1) Maximum annual and lifetime benefits, if not prohibited by
40 applicable law.

Page 83 1 (2) Copayments and coinsurance.

2 (3) Individual and family deductibles.

3 (4) Out-of-pocket maximums.

4 (d) If services for the medically necessary treatment of a mental
5 health or substance use disorder are not available in network within
6 the geographic and timely access standards set by law or regulation,
7 the health care service plan shall arrange coverage to ensure the
8 delivery of medically necessary out-of-network services and any
9 medically necessary followup services that, to the maximum extent
10 possible, meet those geographic and timely access standards. As
11 used in this subdivision, to “arrange coverage to ensure the delivery
12 of medically necessary out-of-network services” includes, but is
13 not limited to, providing services to secure medically necessary
14 out-of-network options that are available to the enrollee within
15 geographic and timely access standards. The enrollee shall pay no
16 more than the same cost sharing that the enrollee would pay for
17 the same covered services received from an in-network provider.

18 (e) This section shall not apply to contracts entered into pursuant
19 to Chapter 7 (commencing with Section 14000) or Chapter 8
20 (commencing with Section 14200) of Part 3 of Division 9 of the
21 Welfare and Institutions Code, between the State Department of
22 Health Care Services and a health care service plan for enrolled
23 Medi-Cal beneficiaries.

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Page 83 24 (f) (1) For the purpose of compliance with this section, a health
25 care service plan may provide coverage for all or part of the mental
26 health and substance use disorder services required by this section
27 through a separate specialized health care service plan or mental
28 health plan, and shall not be required to obtain an additional or
29 specialized license for this purpose.

30 (2) A health care service plan shall provide the mental health
31 and substance use disorder coverage required by this section in its
32 entire service area and in emergency situations as may be required
33 by applicable laws and regulations. For purposes of this section,
34 health care service plan contracts that provide benefits to enrollees
35 through preferred provider contracting arrangements are not
36 precluded from requiring enrollees who reside or work in
37 geographic areas served by specialized health care service plans
38 or mental health plans to secure all or part of their mental health
39 services within those geographic areas served by specialized health
40 care service plans or mental health plans, provided that all
Page 84 1 appropriate mental health or substance use disorder services are
2 actually available within those geographic service areas within
3 timeliness standards.

4 (3) Notwithstanding any other law, in the provision of benefits
5 required by this section, a health care service plan may utilize case
6 management, network providers, utilization review techniques,
7 prior authorization, copayments, or other cost sharing, provided
8 that these practices are consistent with Section 1374.76 of this
9 code, and Section 2052 of the Business and Professions Code.

10 (g) This section shall not be construed to deny or restrict in any
11 way the department’s authority to ensure plan compliance with
12 this chapter.

13 (h) A health care service plan shall not limit benefits or coverage
14 for medically necessary services on the basis that those services
15 should be or could be covered by a public entitlement program,
16 including, but not limited to, special education or an individualized
17 education program, Medicaid, Medicare, Supplemental Security
18 Income, or Social Security Disability Insurance, and shall not
19 include or enforce a contract term that excludes otherwise covered
20 benefits on the basis that those services should be or could be
21 covered by a public entitlement program.

22 (i) A health care service plan shall not adopt, impose, or enforce
23 terms in its plan contracts or provider agreements, in writing or in

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Page 84 24 operation, that undermine, alter, or conflict with the requirements
 25 of this section.
 26 ~~SEC. 93.~~
 + 27 SEC. 92. Section 124260 of the Health and Safety Code is
 28 amended to read:
 29 124260. (a) As used in this section:
 30 (1) "Mental health treatment or counseling services" means the
 31 provision of outpatient mental health treatment or counseling by
 32 a professional person, as defined in paragraph (2).
 33 (2) "Professional person" means any of the following:
 34 (A) A person designated as a mental health professional in
 35 Sections 622 to 626, inclusive, of Title 9 of the California Code
 36 of Regulations.
 37 (B) A marriage and family therapist, as defined in Chapter 13
 38 (commencing with Section 4980) of Division 2 of the Business
 39 and Professions Code.
 Page 85 1 (C) A licensed educational psychologist, as defined in Chapter
 2 13.5 (commencing with Section 4989.10) of Division 2 of the
 3 Business and Professions Code.
 4 (D) A credentialed school psychologist, as described in Section
 5 49424 of the Education Code.
 6 (E) A clinical psychologist licensed under Chapter 6.6
 7 (commencing with Section 2900) of Division 2 of the Business
 8 and Professions Code.
 9 (F) Either of the following persons, while working under the
 10 supervision of a licensed professional specified in Section 2902
 11 of the Business and Professions Code:
 12 (i) A registered psychological associate, as defined in Section
 13 2913 of the Business and Professions Code.
 14 (ii) A psychology trainee, as defined in Section 1387 of Title
 15 16 of the California Code of Regulations.
 16 (G) A licensed clinical social worker, as defined in Chapter 14
 17 (commencing with Section 4991) of Division 2 of the Business
 18 and Professions Code.
 19 (H) An associate clinical social worker, or a social work intern,
 20 as defined in Chapter 14 (commencing with Section 4991) of
 21 Division 2 of the Business and Professions Code, while working
 22 under the supervision of a licensed professional specified in Section
 23 4996.20 of the Business and Professions Code.

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Page 85 24 (I) A person registered as an associate marriage and family
25 therapist or a marriage and family therapist trainee, as defined in
26 Chapter 13 (commencing with Section 4980) of Division 2 of the
27 Business and Professions Code, while working under the
28 supervision of a licensed professional specified in subdivision (g)
29 of Section 4980.03 of the Business and Professions Code.

30 (J) A board certified, or board eligible, psychiatrist.

31 (K) A licensed professional clinical counselor, as defined in
32 Chapter 16 (commencing with Section 4999.10) of Division 2 of
33 the Business and Professions Code.

34 (L) A person registered as an associate professional clinical
35 counselor or a clinical counselor trainee, as defined in Chapter 16
36 (commencing with Section 4999.10) of Division 2 of the Business
37 and Professions Code, while working under the supervision of a
38 licensed professional specified in subdivision (h) of Section
39 4999.12 of the Business and Professions Code.

Page 86 1 (b) (1) Notwithstanding any law to the contrary, a minor who
2 is 12 years of age or older may consent to mental health treatment
3 or counseling services if, in the opinion of the attending
4 professional person, the minor is mature enough to participate
5 intelligently in the mental health treatment or counseling services.

6 (2) A marriage and family therapist trainee, a clinical counselor
7 trainee, a psychology trainee, or a social work intern, as specified
8 in paragraph (2) of subdivision (a), shall notify their supervisor
9 or, if the supervisor is unavailable, an on-call supervisor at the site
10 where the trainee or intern volunteers or is employed within 24
11 hours of treating or counseling a minor pursuant to paragraph (1).
12 If, upon the initial assessment of the minor, the trainee or intern
13 believes that the minor is a danger to self or to others, the trainee
14 or intern shall notify the supervisor or, if the supervisor is
15 unavailable, the on-call supervisor immediately after the treatment
16 or counseling session.

17 (3) Nothing in paragraph (2) is intended to supplant, alter,
18 expand, or remove any other reporting responsibilities required of
19 trainees or interns under law.

20 (c) Notwithstanding any law to the contrary, the mental health
21 treatment or counseling of a minor authorized by this section shall
22 include involvement of the minor’s parent or guardian, unless the
23 professional person who is treating or counseling the minor, after
24 consulting with the minor, determines that the involvement would

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Page 86 25 be inappropriate. The professional person who is treating or
26 counseling the minor shall state in the client record whether and
27 when the person attempted to contact the minor’s parent or
28 guardian, and whether the attempt to contact was successful or
29 unsuccessful, or the reason why, in the professional person’s
30 opinion, it would be inappropriate to contact the minor’s parent
31 or guardian.

32 (d) The minor’s parent or guardian is not liable for payment for
33 mental health treatment or counseling services provided pursuant
34 to this section unless the parent or guardian participates in the
35 mental health treatment or counseling, and then only for services
36 rendered with the participation of the parent or guardian.

37 (e) This section does not authorize a minor to receive convulsive
38 treatment or psychosurgery, as defined in subdivisions (f) and (g)
39 of Section 5325 of the Welfare and Institutions Code, or
Page 87 1 psychotropic drugs without the consent of the minor’s parent or
2 guardian.

4 ~~SEC. 94.~~

+ SEC. 93. Section 128454 of the Health and Safety Code is
5 amended to read:

6 128454. (a) There is hereby created the Licensed Mental Health
7 Service Provider Education Program within the Department of
8 Health Care Access and Information.

9 (b) For purposes of this article, the following definitions shall
10 apply:

11 (1) “Licensed mental health service provider” means a
12 psychologist licensed by the Board of Psychology, registered
13 psychologist, registered psychological associate, postdoctoral
14 psychology trainee employed in an exempt setting pursuant to
15 Section 2910 of the Business and Professions Code or employed
16 pursuant to a State Department of Health Care Services waiver
17 pursuant to Section 5751.2 of the Welfare and Institutions Code,
18 marriage and family therapist, associate marriage and family
19 therapist, licensed clinical social worker, associate clinical social
20 worker, licensed professional clinical counselor, and associate
21 professional clinical counselor.

22 (2) “Mental health professional shortage area” means an area
23 designated as such by the Health Resources and Services
24 Administration (HRSA) of the United States Department of Health
25 and Human Services.

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Page 87 26 (c) Commencing January 1, 2005, any licensed mental health
27 service provider, including a mental health service provider who
28 is employed at a publicly funded mental health facility or a public
29 or nonprofit private mental health facility that contracts with a
30 county mental health entity or facility to provide mental health
31 services, who provides direct patient care in a publicly funded
32 facility or a mental health professional shortage area may apply
33 for grants under the program to reimburse their educational loans
34 related to a career as a licensed mental health service provider.

35 (d) The department shall adopt all of the following:

Page 88 36 (1) A standard contractual agreement to be signed by the director
37 and any licensed mental health service provider who is serving in
38 a publicly funded facility or a mental health professional shortage
39 area that would require the licensed mental health service provider
40 who receives a grant under the program to work in the publicly
1 funded facility or a mental health professional shortage area for
2 at least one year.

3 (2) The maximum allowable total grant amount per individual
4 licensed mental health service provider.

5 (3) The maximum allowable annual grant amount per individual
6 licensed mental health service provider.

7 (e) The department shall develop the program, which shall
8 comply with all of the following requirements:

9 (1) The total amount of grants under the program per individual
10 licensed mental health service provider shall not exceed the amount
11 of educational loans related to a career as a licensed mental health
12 service provider incurred by that provider.

13 (2) The program shall keep the fees from the different licensed
14 providers separate to ensure that all grants are funded by those
15 fees collected from the corresponding licensed provider groups.

16 (3) A loan forgiveness grant may be provided in installments
17 proportionate to the amount of the service obligation that has been
18 completed.

19 (4) The number of persons who may be considered for the
20 program shall be limited by the funds made available pursuant to
21 Section 128458.

22 (f) This section shall become operative on July 1, 2018.

23 ~~SEC. 95.~~

+ 24 ~~SEC. 94.~~ (a) Section ~~76.1~~ 75.1 of this bill incorporates
amendments to Section 4980.54 of the Business and Professions

Amendments 93 & 94

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Page 88 25 Code proposed by both this bill and Assembly Bill 2270. That
26 section of this bill shall only become operative if (1) both bills are
27 enacted and become effective on or before January 1, 2025, (2)
28 each bill amends Section 4980.54 of the Business and Professions
29 Code, (3) Assembly Bill 2581 is not enacted or as enacted does
30 not amend that section, and (4) this bill is enacted after Assembly
31 Bill 2270, in which case Sections ~~76, 76.2, and 76.3~~ 75, 75.2, and
32 75.3 of this bill shall not become operative.

Amendment 95

Amendment 96

33 (b) Section ~~76.2~~ 75.2 of this bill incorporates amendments to
34 Section 4980.54 of the Business and Professions Code proposed
35 by both this bill and Assembly Bill 2581. That section of this bill
36 shall only become operative if (1) both bills are enacted and
37 become effective on or before January 1, 2025, (2) each bill amends
38 Section 4980.54 of the Business and Professions Code, (3)
39 Assembly Bill 2270 is not enacted or as enacted does not amend
Page 89 1 that section, and (4) this bill is enacted after Assembly Bill 2581
2 in which case Sections ~~76, 76.1, and 76.3~~ 75, 75.1, and 75.3 of
+ this bill shall not become operative.

Amendment 97

Amendment 98

3 (c) Section ~~76.3~~ 75.3 of this bill incorporates amendments to
4 Section 4980.54 of the Business and Professions Code proposed
5 by this bill, Assembly Bill 2270, and Assembly Bill 2581. That
6 section of this bill shall only become operative if (1) all three bills
7 are enacted and become effective on or before January 1, 2025,
8 (2) all three bills amend Section 4980.54 of the Business and
9 Professions Code, and (3) this bill is enacted after Assembly Bill
10 2270 and Assembly Bill 2581, in which case Sections ~~76, 76.1,~~
11 ~~and 76.2~~ 75, 75.1, and 75.2 of this bill shall not become operative.

Amendment 99

Amendment 100

+ *SEC. 95. Section 16.5 of this bill incorporates amendments to*
+ *Section 2816 of the Business and Professions Code proposed by*
+ *both this bill and Assembly Bill 2471. That section of this bill shall*
+ *only become operative if (1) both bills are enacted and become*
+ *effective on or before January 1, 2025, (2) each bill amends Section*
+ *2816 of the Business and Professions Code, and (3) this bill is*
+ *enacted after Assembly Bill 2471, in which case Section 16 of this*
+ *bill shall not become operative.*

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