

**INITIAL STATEMENT OF REASONS
FOR PROPOSED BUILDING STANDARDS
OF THE DEPARTMENT OF CONSUMER AFFAIRS – VETERINARY MEDICAL BOARD
REGARDING THE 2025 CALIFORNIA BUILDING CODE
CALIFORNIA CODE OF REGULATIONS, TITLE 24, PART 2, CHAPTER 12
(DCA 01/24)**

The Administrative Procedure Act (APA) requires that an Initial Statement of Reasons be available to the public upon request when rulemaking action is being undertaken. The following information required by the APA pertains to this particular rulemaking action:

INTRODUCTION

The Veterinary Medical Board (Board) licenses, regulates, and investigates complaints against five different license categories in California, totaling approximately 44,000 licensees. These licensing categories include veterinary premises, veterinarians, university veterinarians, registered veterinary technicians (RVTs), and veterinary assistant controlled substance permit (VACSP or permit) holders. It is the Board’s duty to enforce and administer the California Veterinary Medicine Practice Act (Chapter 11 (commencing with section 4800) of Division 2 of the Business and Professions Code (BPC) (Practice Act). The Board is authorized to establish reasonably necessary regulations for the enforcement of the Practice Act (BPC section 4808).

Existing law requires all veterinary premises to be registered with the Board (BPC section 4853) and conform to the minimum standards established by the Board (BPC section 4854). Current regulations specify the requirements for the licensee manager (veterinarian), fixed veterinary premises, small animal fixed premises, small animal mobile clinics, and small animal vaccination clinics.

STATEMENT OF SPECIFIC PURPOSE, PROBLEM, RATIONALE and BENEFITS

Government Code Section 11346.2(b)(1) requires a statement of specific purpose of each adoption, amendment, or repeal and the problem the agency intends to address and the rationale for the determination by the agency that each adoption, amendment, or repeal is reasonably necessary to carry out the purpose and address the problem for which it is proposed. The statement shall enumerate the benefits anticipated from the regulatory action, including the benefits or goals provided in the authorizing statute.

In accordance with the Veterinary Medicine Practice Act (BPC section 4800, et seq.), the Board registers veterinary premises. Existing law requires all veterinary premises to be registered with the Board (BPC section 4853) and to conform to the minimum practice management standards established by the Board (BPC section 4854). Minimum practice management standards for veterinary premises are established under Article 4 of Division 20 of Title 16 of the CCR. Building standards associated with veterinary facilities (to be amended to “veterinary premises”) are established under Chapter 12 of Part 2, Title 24 of the CCR.

The Board has determined that some building standards associated with veterinary premises are currently contained under Title 16 of the CCR and some veterinary practice management standards are contained under Title 24 of the CCR. This proposal, along with a separate regulatory proposal by the Board, would ensure that building standards and related exemptions are only contained under Title 24 and that practice management

standards are only contained under Title 16. This proposal also includes clarifying and organizational amendments in Section 1251 of Chapter 12 of Part 2 of Title 24.

Proposed Amendments to CCR, Title 24, Part 2, Section 1251.

Section title and all subsections: CCR, Title 24, Part 2, Section 1251

Specific Purpose: Change all instances of “facility” to “veterinary premises.”

Rationale: In accordance with the Veterinary Medicine Practice Act (BPC section 4800 et seq.), the Board registers veterinary premises, not facilities. For consistency with the Practice Act, the title of CCR, title 24, section 1251 and all subsequent references to veterinary facilities will be amended to reflect veterinary premises.

Section: Section 1251.1

Specific Purpose: Strike “All premises where veterinary medicine, veterinary dentistry or veterinary surgery is being practiced and all instruments, apparatus and apparel used in connection with those practices, shall be kept clean and sanitary at all times and shall conform to the standards of this section.”

Rationale: This is a practice management standard and not a building standard and, consequently, is more appropriate in Title 16 of the CCR, governing veterinary medicine practice. This practice management standard is also duplicative of CCR, title 16, section 2030, subsection (a)(1), and is being removed from the building codes as duplicative and unnecessary.

Section: Section 1251.1

Specific Purpose: Add “Unless otherwise specified in this section, all veterinary premises shall contain the following:”

Rationale: This provides a clear statement that all veterinary premises must contain everything within the list, unless specified.

Section: Section 1251.2

Specific Purpose: Renumber CCR, title 24, section 1251.2 as item 1 within section 1251.1, remove references to “halls, wards, reception areas and examining and surgical rooms,” and add “with a viable power source.”

Rationale: All areas of the premises should have adequate lighting, not just specified areas. The requirement for a viable power source is proposed to be removed from CCR, title 16, section 2030, subsection (g)(6), and added here, since that is considered a building standard.

Section: Section 1251.3

Specific Purpose: Move CCR, title 24, section 1251.3 to section 1251.1, item 7., move section 1251.3, item 3., to section 1251.1, item 8.A., move section 1251.3, item 4.1., to section 1251.1, item 7.A., and move section 1251.3, item 4.2., to section 1251.1, item 7.B.

Rationale: These sections are proposed to be reorganized under CCR, title 24, section 1251.1 for ease of reference and improved readability.

Section: Section 1251.3, item 4.3

Specific Purpose: Repeal CCR, title 24, section 1251.3, item 4.3.

Rationale: This is a practice management standard that is proposed to be added to CCR, title 16, section 2030, subsection (a)(3), in a separate regulatory proposal, and currently exists in CCR, title 16, section 2030.1, subsection (a).

Section: Section 1251.1

Specific Purpose: Add CCR, title 24, section 1251.1, item 4.: Add “All floors, doors, table tops, counter tops, and window coverings shall be nonporous.”

Rationale: This provision was determined to be a building standard currently contained within CCR, title 16, section 2030, subsection (g)(7). The proposal would amend the existing regulatory text to add “window coverings” to ensure they are able to be properly sanitized, and would remove “material suitable for regular disinfecting, and cleaning, and shall be cleaned and disinfected regularly” since that specificity is duplicative of introductory language in CCR, title 16, section 2030, and not a building standard. The amended language would then be added to the building standards as section 1251.1, item 4.

Sections: Sections 1251.4, 1251.4.1, 1251.4.4, and 1251.4.5

Specific Purpose: Repeal CCR, title 24, sections 1251.4, 1251.4.1, 1251.4.4, and 1251.4.5

Rationale: These are practice management standards contained within existing CCR, title 16, section 2030, introductory text, and subsection (f)(3), (5), and (7), respectively, and are being removed as duplicative and unnecessary.

Section: Section 1251.1

Specific Purpose: Add CCR, title 24, section 1251.1, item 8.A.-C.

Rationale: This section contains building standards for veterinary premises providing aseptic surgical services that currently exist under but are proposed to be removed from CCR, title 16, section 2030, subsection (g)(1), (4), and (5), respectively.

Section: Section 1251.2

Specific Purpose: Add new CCR title 24, section 1251.2, subsection (a), to exempt animal vaccination veterinary premises from requiring them to have a reception room and office and a separate examination room of sufficient size to accommodate the doctor, assistant, patient, and client.

Rationale: Animal vaccination veterinary premises are tied to scheduled vaccination events that may occur in a building, park, parking lot, or other location. It would be overly costly, unnecessary, and burdensome to require these scheduled events to have a reception room and office and a separate examination room of sufficient size to accommodate the doctor, assistant, patient, and client. Such a requirement also would decrease client and animal patient access to critical vaccination services.

Section: Section 1251.2

Specific Purpose: Add new CCR, title 24, section 1251.2, subsection (b), to define “large animal fixed veterinary premises” and exempt this premises type from the requirements of section 1251.1, item 6.

Rationale: Large animal fixed veterinary premises are often outdoor in pastures or barns. Veterinarians have no control over the outside temperature or ventilation. As such, it is largely impossible for a large animal fixed veterinary premises to comply with temperature or ventilation regulations, and the regulatory proposal would exempt these premises from these requirements.

Section: Section 1251.2

Specific Purpose: Add new CCR, title 24, section 1251.2, subsection (c) to define “animal shelter premises” and exempt that premises type from being required to provide a reception room and office and a separate examination room of sufficient size to accommodate the doctor, assistant, patient, and client.

Rationale: Veterinary professionals at animal shelter premises provide veterinary services solely to impounded animals and do not interact with the public. Therefore, requiring a reception room and office and separate examination room to accommodate the doctor, assistant, patient, and client is unnecessary. Accordingly, the regulatory proposal would exempt animal shelter premises from this requirement.

TECHNICAL, THEORETICAL, AND EMPIRICAL STUDY, REPORT, OR SIMILAR DOCUMENTS

Government Code Section 11346.2(b)(3) requires an identification of each technical, theoretical, and empirical study, report, or similar document, if any, upon which the agency relies in proposing the regulation(s).

The Board did not rely upon any technical, theoretical, or empirical studies, reports, or documents in proposing the adoption of these regulations.

STATEMENT OF JUSTIFICATION FOR PRESCRIPTIVE STANDARDS

Government Code Section 11346.2(b)(1) requires a statement of the reasons why an agency believes any mandates for specific technologies or equipment or prescriptive standards are required.

There are no prescriptive standards proposed.

CONSIDERATION OF REASONABLE ALTERNATIVES

Government Code Section 11346.2(b)(4)(A) requires a description of reasonable alternatives to the regulation and the agency’s reasons for rejecting those alternatives. In the case of a regulation that would mandate the use of specific technologies or equipment or prescribe specific action or procedures, the imposition of performance standards shall be considered as an alternate. It is not the intent of this paragraph to require the agency to artificially construct alternatives or describe unreasonable alternatives.

No other alternatives have been proposed; however, the Board welcomes comments from the public.

REASONABLE ALTERNATIVES THE AGENCY HAS IDENTIFIED THAT WOULD LESSEN ANY ADVERSE IMPACT ON SMALL BUSINESS

Government Code Section 11346.2(b)(4)(B) requires a description of any reasonable alternatives that have been identified or that have otherwise been identified and brought to the attention of the agency that would lessen any adverse impact on small business.

The Board has determined that the proposed regulatory action will not affect small business because the scope of these regulations is specific to the operation and design of veterinary premises.

FACTS, EVIDENCE, DOCUMENTS, TESTIMONY, OR OTHER EVIDENCE OF NO SIGNIFICANT ADVERSE ECONOMIC IMPACT ON BUSINESS

Government Code Section 11346.2(b)(5)(A) requires the facts, evidence, documents, testimony, or other evidence on which the agency relies to support an initial determination that the action will not have a significant adverse economic impact on business.

The Board has made an initial determination that the amendment of this regulation will not have a significant statewide adverse economic impact on businesses, including the ability of California businesses to compete with businesses in other states.

This is one of two companion rulemaking actions that, when completed, will not substantively change the law, but will instead transfer building standards and related exemptions from Title 16 of the CCR and place them into Title 24, while also removing veterinary practice management standards from Title 24 and placing them in Title 16. Because the action will simply result in a reorganization of the location of existing regulations, the Board does not anticipate impacts on business.

ASSESSMENT OF EFFECT OF REGULATIONS UPON JOBS AND BUSINESS EXPANSION, ELIMINATION OR CREATION

Government Code Sections 11346.2(b)(2) and 11346.3(b)(1)

The Board has assessed whether and to what extent this proposal will affect the following:

A. The creation or elimination of jobs within the State of California.

These proposed regulations will not affect the creation, or cause elimination of jobs within the State of California.

B. The creation of new businesses or the elimination of existing businesses within the State of California.

These proposed regulations will not affect the creation of new or the elimination of existing business within the State of California.

C. The expansion of businesses currently doing business within the State of California.

These proposed regulations will not affect the expansion of businesses currently doing business within the State of California.

D. The benefits of the regulation to the health and welfare of California residents, worker safety, and the state's environment.

This proposal, along with a separate regulatory proposal by the Board, will ensure that building standards and related exemptions associated with

veterinary premises are only contained under Section 1251 of Part 2, Title 24, and that veterinary practice management standards associated with veterinary premises are only contained under Title 16..

ESTIMATED COST OF COMPLIANCE, ESTIMATED POTENTIAL BENEFITS, AND RELATED ASSUMPTIONS USED FOR BUILDING STANDARDS

Government Code Section 11346.2(b)(5)(B)(i) states if a proposed regulation is a building standard, the initial statement of reasons shall include the estimated cost of compliance, the estimated potential benefits, and the related assumptions used to determine the estimates.

There are no estimated costs or savings associated with the proposed regulations.

DUPLICATION OR CONFLICTS WITH FEDERAL REGULATIONS

Government Code Section 11346.2(b)(6) requires a department, board, or commission within the Environmental Protection Agency, the Resources Agency, or the Office of the State Fire Marshal to describe its efforts, in connection with a proposed rulemaking action, to avoid unnecessary duplication or conflicts with federal regulations contained in the Code of Federal Regulations addressing the same issues. These agencies may adopt regulations different from these federal regulations upon a finding of one or more of the following justifications: (A) The differing state regulations are authorized by law and/or (B) The cost of differing state regulations is justified by the benefit to human health, public safety, public welfare, or the environment.

These proposed regulations do not duplicate or conflict with any federal regulations.