

**NOTICE OF PROPOSED ACTION
TO 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
(RULEMAKING FILE #DCA 01/24)**

Notice is hereby given that the Veterinary Medical Board (Board) proposes to adopt changes to building standards contained in the California Code of Regulations (CCR), Title 24, Part 2. The Board is proposing building standards related to veterinary premises.

PUBLIC COMMENT PERIOD

Reference: Government Code Sections 11346.5(a)(1), 11346.5(a)(15) and 11346.5(a)(17).

A public hearing has not been scheduled; however, written comments will be accepted from **August 23, 2024**, until midnight on **October 7, 2024**.

Comments may be submitted to the Board via:

Email: Justin.Sotelo@dca.ca.gov

US Mail postmarked no later than **October 7, 2024**:

Veterinary Medical Board
Attention: Justin Sotelo
1747 N. Market Blvd., Ste. 230
Sacramento, CA 95834

Note: Only comments received in an accessible format will be viewable via the Board's website.

Any interested person, or his or her duly authorized representative, may request no later than 15 days prior to the close of the written comment period that a public hearing be held.

The public will have an opportunity to provide written and oral comments regarding the proposed action on building standards at a public meeting to be conducted by CBSC to be scheduled at a date near the end of the current adoption cycle. A meeting notice will be issued announcing the date, time and location of the public meeting.

POST-HEARING MODIFICATIONS TO THE TEXT OF THE REGULATIONS

Reference: Government Code Section 11346.5(a)(18).

Following the public comment period, the Board may adopt the proposed building standards substantially as proposed in this notice or with modifications that are sufficiently related to the original proposed text and notice of proposed changes. If modifications are made, the full text of the proposed modifications, clearly indicated, will be made available to the public for at least 15 days prior to the date on which the Board adopts, amends, or repeals the regulation(s). The Board will accept written comments on the modified building standards during the 15-day period.

NOTE: To be notified of any modifications, you must submit written/oral comments or request that you be notified of any modifications.

AUTHORITY AND REFERENCE

Reference: Government Code Section 11346.5(a)(2).

The purpose of these building standards is to implement, interpret, or make specific the provisions of Business and Professions Code Sections 4853 and 4854.

The Board is proposing this regulatory action based on Business and Professions Code Section 4808.

INFORMATIVE DIGEST

Reference: Government Code Section 11346.5(a)(3).

Summary of Existing Laws and Regulations

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.

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.

Summary of Effect

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 to section 1251 of Chapter 12 of Part 2 of Title 24.

Comparable Federal Statutes or Regulations

The Board has determined that there are no existing comparable federal statutes or regulations.

Policy Statement Overview

This proposal will ensure that building standards and practice management standards associated with veterinary premises are contained under the appropriate areas of the CCR.

Evaluation of Consistency

The Board has determined that the proposed standards are neither inconsistent nor incompatible with existing state regulations.

OTHER MATTERS PRESCRIBED BY STATUTE APPLICABLE TO THE AGENCY OR TO ANY SPECIFIC REGULATION OR CLASS OF REGULATIONS

Reference: Government Code Section 11346.5(a)(4).

None

MANDATE ON LOCAL AGENCIES OR SCHOOL DISTRICTS

Reference: Government Code Section 11346.5(a)(5).

The Board has determined that the proposed regulatory action would not impose a mandate on local agencies or school districts.

ESTIMATE OF COST OR SAVINGS

Reference: Government Code Section 11346.5(a)(6).

An estimate, prepared in accordance with instructions adopted by Department of Finance, of cost or savings to any state agency, local agency, or school district.

- A. Cost or Savings to any state agency: **NO**
- B. Cost to any local agency required to be reimbursed under Part 7 (commencing with Section 17500) of Division 4: **NO**
- C. Cost to any school district required to be reimbursed under Part 7 (commencing with Section 17500) of Division 4: **NO**
- D. Other nondiscretionary cost or savings imposed on local agencies: **NO**
- E. Cost or savings in federal funding to the state: **NO**

INITIAL DETERMINATION OF NO SIGNIFICANT STATEWIDE ADVERSE ECONOMIC IMPACT ON BUSINESSES

Reference: Government Code Section 11346.5(a)(8).

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.

Declaration of Evidence

Reference: Government Code Section 11346.5(a)(8).

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.

FINDING OF NECESSITY FOR THE PUBLIC'S HEALTH, SAFETY, OR WELFARE

Reference: Government Code Section 11346.5(a)(11).

The regulatory proposal does not impose a new reporting requirement.

COST IMPACT ON REPRESENTATIVE PRIVATE PERSON OR BUSINESS

Reference: Government Code Section 11346.5(a)(9).

The Board is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

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

Reference: Government Code Section 11346.5(a)(10).

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.

The proposal is not anticipated to create or eliminate jobs within the State of California because it does not impose requirements of a sufficient magnitude to create or eliminate businesses or licensees.

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

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.

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

The proposal will not affect the expansion of businesses currently doing business within the State of California because it does not impose additional hiring requirements for owners or a managing licensee (veterinarian) over a veterinary premises.

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 OF STANDARDS THAT WOULD IMPACT HOUSING

Reference: Government Code Section 11346.5(a)(12).

N/A

CONSIDERATION OF ALTERNATIVES

Reference: Government Code Section 11346.5(a)(13).

The Board has determined that no reasonable alternative considered by the Board or that has otherwise been identified and brought to the attention of the Board would be more effective in carrying out the purpose for which the action is proposed, would be as effective and less burdensome to affected private persons than the proposed action, or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provisions of law.

AVAILABILITY OF RULEMAKING DOCUMENTS

Reference: Government Code Sections 11346.5(a)(16) and 11346.5(a)(20).

All of the information upon which the proposed regulations are based is contained in the rulemaking file, which is available for public review, by contacting the person named below. This notice, the express terms and initial statement of reasons can be accessed from the Board's website: https://www.vmb.ca.gov/laws_regs/proposed_regs.shtml

Reference: Government Code Section 11346.5(a)(19).

Interested parties may obtain a copy of the final statement of reasons, once it has been prepared, by making a written request to the contact person named below or at the Board's website: https://www.vmb.ca.gov/laws_regs/index.shtml

Reference: Government Code Section 11346.5(a)(21).

The Board shall provide, upon request, a description of proposed changes included in the proposed action, in the manner provided by Section 11346.6, to accommodate a person with a visual or other disability for which effective communication is required under state or federal law. The statement shall note that providing the accessible description of proposed changes may require extending the period of public comment for the proposed action.

BOARD CONTACT PERSON FOR PROCEDURAL AND ADMINISTRATIVE QUESTIONS

Reference: Government Code Section 11346.5(a)(14).

General questions regarding procedural and administrative issues should be addressed to:

Justin Sotelo
Veterinary Medical Board
1747 N. Market Blvd., Ste. 230
Sacramento, CA 95834
Telephone: (916) 905-5511
Email: Justin.Sotelo@dca.ca.gov

**ADOPTING STATE AGENCY CONTACT PERSON FOR SUBSTANTIVE OR
TECHNICAL QUESTIONS ON THE PROPOSED CHANGES TO BUILDING
STANDARDS**

Specific questions regarding the substantive or technical aspects of the proposed changes to the building standards should be addressed to:

Primary Contact:

Justin Sotelo, Policy Specialist
Veterinary Medical Board
Department of Consumer Affairs
(916) 905-5511
Justin.Sotelo@dca.ca.gov

Back up Contact:

Matt McKinney, Deputy Executive Officer
Veterinary Medical Board
Department of Consumer Affairs
(916) 282-3529
Matthew.McKinney@dca.ca.gov