
UNFINISHED BUSINESS

Bill No: SB 861
Author: Committee on Business, Professions and Economic Development
Amended: 9/9/25 in Assembly
Vote: 21

SENATE BUS., PROF. & ECON. DEV. COMMITTEE: 11-0, 4/21/25
AYES: Ashby, Choi, Archuleta, Arreguín, Grayson, Niello, Richardson,
Smallwood-Cuevas, Strickland, Umberg, Weber Pierson

SENATE JUDICIARY COMMITTEE: 13-0, 4/29/25
AYES: Umberg, Niello, Allen, Arreguín, Ashby, Caballero, Durazo, Laird, Stern,
Valladares, Wahab, Weber Pierson, Wiener

SENATE APPROPRIATIONS COMMITTEE: Senate Rule 28.8

SENATE FLOOR: 36-0, 5/23/25 (Consent)
AYES: Archuleta, Arreguín, Ashby, Becker, Blakespear, Cabaldon, Caballero,
Cervantes, Choi, Cortese, Durazo, Gonzalez, Grayson, Grove, Hurtado, Jones,
Laird, Limón, McGuire, McNerney, Menjivar, Niello, Ochoa Bogh, Padilla,
Pérez, Richardson, Rubio, Seyarto, Smallwood-Cuevas, Stern, Strickland,
Umberg, Valladares, Wahab, Weber Pierson, Wiener
NO VOTE RECORDED: Allen, Alvarado-Gil, Dahle, Reyes

ASSEMBLY FLOOR: 61-0, 9/13/25 – Roll call not available.

SUBJECT: Consumer affairs

SOURCE: Author

DIGEST: This bill makes numerous technical and clarifying provisions related to programs within the Department of Consumer Affairs (DCA), makes technical changes related to the Department of Cannabis Control (DCC), and revises a council name under the jurisdiction of the Division of Measurement Standards (DMS).

Assembly Amendments of 9/4/25 remove authorization for the Dental Board of California to employ an executive officer, create a date field on a form under the land surveyor act, add language to resolve chaptering issues with AB 8 (Aguiar-Curry) and SB 775 (Ashby), remove a provision to address a chaptering conflict with AB 160 (Committee on Budget), and make other minor technical revisions.

ANALYSIS:

Existing law:

- 1) Requires 31 entities under the jurisdiction of the DCA, including but not limited to, the Board of Accountancy, the Court Reporters Board, Board of Behavioral Sciences, California State Board of Pharmacy, Board of Registered Nursing, Respiratory Care Board, Board of Physical Therapy, Physician Assistant Board, to require an applicant to furnish to that agency a full set of fingerprints for purposes of conducting criminal history record checks, as specified. (Business & Professions Code (BPC) § 144)
- 2) Requires 19 entities under the jurisdiction of the DCA, including the Cemetery and Funeral Bureau (CFB) to provide on the internet information regarding the status of every license issued by that entity in accordance with the California Public Records Act, which includes information on suspension, revocations and other enforcement actions, as specified. (BPC § 27)
- 3) Establishes the Dental Hygiene Board (DHB) of California to license and regulate dental hygienists. (BPC §1901, *et seq.*)
- 4) Establishes, under the Medical Board of California, the Licensed Physicians from Mexico Program to allow up to 30 licensed physicians specializing in family practice, internal medicine, pediatrics, and obstetrics and gynecology who are certified or recertified and in good standing in their medical specialty in Mexico to practice in California for a period not to exceed three years, as specified. (BPC § 2125)
- 5) Establishes the Speech-Language Pathology and Audiology and Hearing Aid Dispensers Board (SLPAHADB) under the jurisdiction of the DCA to license and regulate speech language pathologists, audiologists and hearing aid dispensers. (BPC § 2530 *et seq.*)
- 6) Requires the Contractors State License Board (CSLB) to require a licensee who is subject to a public complaint that requires a professional or expert

investigation or inspection report to pay the reasonable fees necessary for the cost of that investigation, as specified. (BPC § 7137)(a)(6)(B))

- 7) Establishes the Private Investigator Act under the jurisdiction of the Bureau of Security of Investigative Services (BSIS) for the regulation of private investigators PI, and requires every agreement to provide PI services, including contract agreements and investigative agreements to be in writing, as specified). (BPC §§ 7512, 7524(a)).)
- 8) Requires a licensed PI to maintain a legible copy of the initial client agreement and investigative findings, including any written report, for a minimum of two years and make those records available to the BSIS for inspection upon demand. (BPC § 7524(e))
- 9) Requires the pass rate of first time examination takers for each school offering court reporting, to meet or exceed the average pass rate of all first-time test takers for a majority of examinations given for the preceding three years, and failure to do so will require the Court Reporters Board (CRB) to conduct a review of the program. (BPC § 8027(y))
- 10) Requires the Secretary of the Department of Food and Agriculture (DFA) to establish tolerances and specifications and other technical requirements for commercial weighing and measuring, and in doing so the Secretary of the DFA must adopt, by reference, the latest standards recommended by the National Conference on Weights and Measures and published in the National Institute of Standards and Technology Handbook 44, as specified. (BPC § 12107)
- 11) Establishes the Bureau of Private Postsecondary Education (BPPE) under the jurisdiction of the DCA to register and regulate private postsecondary education institutions, as specified. (Education Code (EDC) § 94875, *et seq.*)
- 12) Requires an institution approved by the BPPE to maintain records of the name, address, e-mail address, and telephone number of each student who is enrolled in an educational program in that institution. (EDC § 94900(a))
- 13) Requires an institution approved by the BPPE to maintain for each student granted a degree or certificate by that institution permanent records, as specified. (EDC § 94900(b))

- 14) Establishes the DCC to regulate cannabis with the sole authority to create, issue, deny, renew, discipline, suspend, or revoke licenses for microbusinesses, transportation, storage unrelated to manufacturing activities, distribution, testing, and sale of cannabis and cannabis products within the state. Requires the DCC to administer the portions of the Medical and Adult-Use Cannabis Regulation and Safety Act (MAUCRSA) related to and associated with the cultivation of cannabis and with the manufacturing of cannabis products. Delegates to the DCC authority to create, issue, deny, and suspend or revoke cultivation or manufacturing licenses for violations of MAUCRSA. (BPC §§ 26010, 26012)

This bill:

- 1) Adds licensed hydrolysis facilities and licensed reduction facilities to the list of licensees that the CFB is required to post specified licensing status, address of record, and information related to enforcement actions on its internet website.
- 2) Adds the Board of Chiropractic Examiners (BCE) to the list of entities required to have an applicant furnish a full set of fingerprints for purposes of conducting criminal history record checks.
- 3) Deletes an obsolete reference to a dental hygienist member on the DBC, and update references to the dental assistant board member, and deletes outdated references to a registered dental hygienist under the jurisdiction of the DBC.
- 4) Updates references to the SLPAHADB.
- 5) Specifies that a contractor with an inactive license is not required to obtain workers compensation during the period when the license is inactive.
- 6) Deletes the provision requiring the payment of an investigation fee by a licensed contractor to the active or inactive renewal fee.
- 7) Clarifies that the records of a PI made available to the BSIS for inspection do not violate, waive, or extinguish the lawyer-client privilege, as specified.
- 8) Updates provisions of the shorthand reporter act to reflect the current passage rate of the qualifier examination for a shorthand or voice reporter is 95%.

- 9) Replaces multiple references to the National Conference on Weights and Measures to reflect the new name the National Council on Weights and Measures.
- 10) Deletes an outdated reference to a task force required to be established by the BPPE no later than March 15, 2015, and a subsequent report that was due on January 1, 2017.
- 11) Requires a BPPE approved institution to maintain “complete and accurate” permanent student records, as specified, and requires a catalogue and School Performance Fact Sheet provided to a student to be current.
- 12) Deletes an outdated report requirement related to reporting requirements for BPPE approved institutions that was set to repeal on January 1, 2017.
- 13) Deletes a requirement for the director of the DCA to provide to the Legislature a copy of an independent review of the BPPE’s staffing resources needs and requirements, as specified.
- 14) Clarifies the application and initial licensure fee charged by the DHB.
- 15) Replaces a reference under MAUCRSA to the electronic database with electronic system.
- 16) Adds chaptering language.
- 17) Makes numerous other technical, clarifying and conforming changes.

Background

Cemetery and Funeral Bureau (CFB). The CFB has the oversight responsibility for both fiduciary and operational activities of its licensing population. AB 967 (Gloria, Chapter 846, Statutes of 2017) established the regulatory process for hydrolysis facilities under the CFB beginning January 1, 2019, and AB 351 (Garcia and Rivas, Chapter 399, Statutes of 2022) established a new regulatory process for a Licensed Reductions Facilities under the jurisdiction of the CFB for the disposition of human remains. This bill simply adds these new licensing categories to the provisions which require the CFB to provide specified information on its internet website related to its licensees.

Applicant Background Checks. BPC § 144 authorizes 31 entities under the jurisdiction of the DCA to require applicants for licensure to furnish a full set of fingerprints for the purpose of conducting criminal history record checks. The BCE currently requires an applicant to provide fingerprints for criminal record history checks through regulations; however the BCE is not listed under BPC § 144. This bill would add the BCE to the current list of entities in BPC § 144 for consistency and clarity.

Dental Board of California (DBC) and Dental Hygiene Board (DHB). The DBC is responsible for the licensure and regulation of dentists and dental assistants. At one time, the DBC was responsible for the licensure of registered dental hygienists. The Dental Hygiene Committee of California was created in 2009, separating the oversight of California dental hygienists and dental hygiene educational programs from the DBC's purview. Subsequently in 2018, through the Sunset Review legislative process, the DHB was officially established by SB 1482 (Hill, Chapter. 858, Statutes of 2018). As a result, this bill makes a number of updates to reflect the change of board member representation on the DBC to delete a reference to a registered dental hygienist member and reflect the membership of a dental assistant. This bill makes additional changes to references to the DHB throughout the practice act.

Speech-Language Pathology, Audiology and Hearing Aid Dispensers Board (SLPAHADB). In 2010, the Hearing Aid Dispensers Bureau and the Speech-Language Pathology and Audiology Board was merged to create the current SLPAHADB. This bill updates references to the previous board and bureau names.

Contractors State License Board (CSLB). The CSLB is responsible for the licensure and regulation of the contracting profession along with the registration of home improvement salespersons. SB 1455, (Ashby, Chapter 485, Statutes of 2024) provided that licensees subject to a workmanship complaint resulting in a letter of admonishment or a citation are required to reimburse CSLB's industry expert costs to investigate the complaint. This bill clarifies the reimbursement is not due until the citation or letter of admonishment is final. Under current law, licensees who hold an "inactive" license are prohibited from performing construction work that requires an active license and accordingly, do not need to maintain the same requirements of an active license, including a bond. However, the exemption currently does not reference workers' compensation. This bill would clarify that the holder of an inactive license does not need to maintain workers' compensation.

Bureau of Security and Investigative Services (BSIS). The BSIS is responsible for the licensing and regulation of locksmiths, repossessioners, PIs, proprietary security, private security, and alarm company industries. As part of the BSIS's Sunset Review in 2024, SB 1454 (Ashby, Chapter 484, Statutes of 2024) required that private investigators maintain a legible copy of the signed agreement and investigative findings, including any written report, for a minimum of two years, and make it available for inspection by the BSIS upon demand. This bill provides clarification to ensure that the records provided to the BSIS do not violate the attorney-client privilege, attorney work product, or attorney-client confidentiality.

Bureau of Private Postsecondary Education (BPPE). The Private Postsecondary Education Act of 2009 contains language that is either outdated or inconsistent. In addition, there are a number of code sections that were set to repeal in 2017 and are now obsolete. The definitions of both "Distance Education" and "Teach-Out" are inconsistent with other language in state and federal law. In addition, BPPE approved education institutions are required to maintain student records as specified EDC § 94900, but current law does not specify that the records must be complete and accurate. Similarly, EDC §§ 94902, 94909, and 94910 require institutions to provide students with a course catalog and School Performance Fact Sheet but does not specify that they must be current. This bill corrects those deficiencies, and makes other technical changes.

Department of Food and Agriculture (DFA). The Division of Measurement Standards under the DFA is responsible for the implementation and enforcement of California's weights and measures laws. In July 2024, the National Conference on Weights and Measures voted to change its name to the National Council on Weights and Measures. This bill updates references to reflect the new name.

Department of Cannabis Control (DCC). In 2021, the DCC was formally operational with licensing, regulatory and enforcement authority of cannabis regulation. The DCC issues licenses to applicants, renews licenses and has enforcement authority for violations. This bill replaces references to the DCC's electronic database with electronic system to more accurately reflect to the functionality of the system

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

According to the Assembly Committee on Appropriations, after surveying the impacted boards and bureaus, DCA anticipates negligible costs. The Office of Information Services (OIS), within DCA, anticipates one-time costs of \$2,000 to

separate the application fee and initial fee for Dental Hygiene Board. OIS considers this cost absorbable within existing maintenance resources.”

SUPPORT: (Verified 9/8/25)

California Lawyers Association
Court Reporters Board
Dental Hygiene Board of California

OPPOSITION: (Verified 9/8/25)

None received

Prepared by: Elissa Silva / B., P. & E.D. / 916-651-4104
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