

AMENDED IN SENATE JULY 16, 2009

AMENDED IN SENATE JULY 9, 2009

AMENDED IN ASSEMBLY APRIL 20, 2009

CALIFORNIA LEGISLATURE—2009–10 REGULAR SESSION

ASSEMBLY BILL

No. 1535

Introduced by Assembly Member Jones

February 27, 2009

An act to amend Sections 101, 149, 205, 2530.2, 2531.2, 2534, 3300, 3306, 3307, 3320.1, 3326, 3327, 3327.5, 3328, 3329, 3350, 3351.3, 3352, 3353, 3354, 3356, 3357, 3358, 3360, 3362, 3364, 3400, 3401, 3402, 3403, 3404, 3421, 3422, 3423, 3424, 3426, 3430, 3451, 3452, 3454, 3455, and 3456 of, to add Sections 2531.06 and 3322 to, to add Article 9 (commencing with Section 2539.1) to Chapter 5.3 of Division 2 of, to repeal Sections 2531.05, 3321, 3325, and 3330 of, and to repeal and add Section 3320 of, the Business and Professions Code, relating to hearing aids.

LEGISLATIVE COUNSEL'S DIGEST

AB 1535, as amended, Jones. Audiologists: hearing aids.

Existing law, the Speech-Language Pathologists and Audiologists Licensure Act, provides for the licensure and regulation of audiologists by the Speech-Language Pathology and Audiology Board, defines the practice of audiology, and makes a violation of that act a ~~crime~~.

~~Under crime. Under existing law, the board is comprised of 3 licensed speech-language pathologists, 3 licensed audiologists, and 3 public members. Existing law staggers the terms of office on the board and it also defines the practice of audiology and makes a violation of the act a crime.~~

Existing law, the Hearing Aid Dispensers Licensing Law, provides for the licensure and regulation of hearing aid dispensers, who fit or sell hearing aids, by the Hearing Aid Dispensers Bureau. Existing law exempts audiologists and individuals supervised by audiologists from the hearing aid dispenser licensure requirement if those persons do not directly or indirectly engage in the sale or offering for sale of hearing aids.

This bill would define the practice of audiology to include the selling of hearing aids and would also exempt audiologists from the hearing aid dispenser licensure requirements. However, the bill would prohibit a licensed audiologist from selling hearing aids unless he or she has passed a specified examination approved by the board. The bill would also make various provisions relating to the sale of hearing aids applicable to audiologists, such as, but not limited to, requiring hearing aids sold by catalog or direct mail to meet certain requirements, requiring a specified written receipt to be provided to a purchaser upon the sale of a hearing aid, and requiring specified records pertaining to the sale of a hearing aid to be maintained for 7 years.

By making licensed audiologists subject to specified requirements relating to the sale of hearing aids, the violation of which would be a crime, the bill would impose a state-mandated local program.

The bill would also abolish the Hearing Aid Dispensers Bureau and would transfer the bureau's duties, powers, purposes, responsibilities, and jurisdiction over the licensing and regulation of hearing aid dispensers to the Speech-Language Pathology and Audiology Board. The bill would also provide for the transfer of funds from the Hearing Aid Dispensers Fund to the Speech-Language Pathology and Audiology Board Fund. Under the bill, the board would be comprised of 2 licensed speech-language pathologists, 2 licensed audiologists, one of whom shall be an audiologist that dispenses hearing aids, 2 licensed hearing aid dispensers, and 3 public members. The bill would make other conforming changes.

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.

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

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

SECTION 1. Section 101 of the Business and Professions Code, as amended by Section 1 of Chapter 31 of the Statutes of 2008, is amended to read:

101. The department is comprised of:

- (a) The Dental Board of California.
- (b) The Medical Board of California.
- (c) The State Board of Optometry.
- (d) The California State Board of Pharmacy.
- (e) The Veterinary Medical Board.
- (f) The California Board of Accountancy.
- (g) The California Architects Board.
- (h) The Bureau of Barbering and Cosmetology.
- (i) The Board for Professional Engineers and Land Surveyors.
- (j) The Contractors' State License Board.
- (k) The Bureau for Private Postsecondary and Vocational Education.
- (l) The Structural Pest Control Board.
- (m) The Bureau of Home Furnishings and Thermal Insulation.
- (n) The Board of Registered Nursing.
- (o) The Board of Behavioral Sciences.
- (p) The State Athletic Commission.
- (q) The Cemetery and Funeral Bureau.
- (r) The State Board of Guide Dogs for the Blind.
- (s) The Bureau of Security and Investigative Services.
- (t) The Court Reporters Board of California.
- (u) The Board of Vocational Nursing and Psychiatric Technicians.
- (v) The Landscape Architects Technical Committee.
- (w) The Bureau of Electronic and Appliance Repair.
- (x) The Division of Investigation.
- (y) The Bureau of Automotive Repair.
- (z) The State Board of Registration for Geologists and Geophysicists.
- (aa) The Respiratory Care Board of California.
- (ab) The Acupuncture Board.
- (ac) The Board of Psychology.
- (ad) The California Board of Podiatric Medicine.
- (ae) The Physical Therapy Board of California.

- 1 (af) The Arbitration Review Program.
- 2 (ag) The Physician Assistant Committee.
- 3 (ah) The Speech-Language Pathology and Audiology Board.
- 4 (ai) The California Board of Occupational Therapy.
- 5 (aj) The Osteopathic Medical Board of California.
- 6 (ak) The Bureau of Naturopathic Medicine.
- 7 (al) The Dental Hygiene Committee of California.
- 8 (am) Any other boards, offices, or officers subject to its
- 9 jurisdiction by law.

10 SEC. 2. Section 149 of the Business and Professions Code is
11 amended to read:

12 149. (a) If, upon investigation, an agency designated in
13 subdivision (e) has probable cause to believe that a person is
14 advertising in a telephone directory with respect to the offering or
15 performance of services, without being properly licensed by or
16 registered with the agency to offer or perform those services, the
17 agency may issue a citation under Section 148 containing an order
18 of correction that requires the violator to do both of the following:

19 (1) Cease the unlawful advertising.

20 (2) Notify the telephone company furnishing services to the
21 violator to disconnect the telephone service furnished to any
22 telephone number contained in the unlawful advertising.

23 (b) This action is stayed if the person to whom a citation is
24 issued under subdivision (a) notifies the agency in writing that he
25 or she intends to contest the citation. The agency shall afford an
26 opportunity for a hearing, as specified in Section 125.9.

27 (c) If the person to whom a citation and order of correction is
28 issued under subdivision (a) fails to comply with the order of
29 correction after that order is final, the agency shall inform the
30 Public Utilities Commission of the violation and the Public Utilities
31 Commission shall require the telephone corporation furnishing
32 services to that person to disconnect the telephone service furnished
33 to any telephone number contained in the unlawful advertising.

34 (d) The good faith compliance by a telephone corporation with
35 an order of the Public Utilities Commission to terminate service
36 issued pursuant to this section shall constitute a complete defense
37 to any civil or criminal action brought against the telephone
38 corporation arising from the termination of service.

39 (e) Subdivision (a) shall apply to the following boards, bureaus,
40 committees, commissions, or programs:

- 1 (1) The Bureau of Barbering and Cosmetology.
- 2 (2) The Cemetery and Funeral Bureau.
- 3 (3) The Veterinary Medical Board.
- 4 (4) The Landscape Architects Technical Committee.
- 5 (5) The California Board of Podiatric Medicine.
- 6 (6) The Respiratory Care Board of California.
- 7 (7) The Bureau of Home Furnishings and Thermal Insulation.
- 8 (8) The Bureau of Security and Investigative Services.
- 9 (9) The Bureau of Electronic and Appliance Repair.
- 10 (10) The Bureau of Automotive Repair.
- 11 (11) The California Architects Board.
- 12 (12) The Speech-Language Pathology and Audiology Board.
- 13 (13) The Board for Professional Engineers and Land Surveyors.
- 14 (14) The Board of Behavioral Sciences.
- 15 (15) The State Board for Geologists and Geophysicists.
- 16 (16) The Structural Pest Control Board.
- 17 (17) The Acupuncture Board.
- 18 (18) The Board of Psychology.
- 19 (19) The California Board of Accountancy.
- 20 (20) The Bureau of Naturopathic Medicine.

21 SEC. 3. Section 205 of the Business and Professions Code, as
22 amended by Section 2 of Chapter 31 of the Statutes of 2008, is
23 amended to read:

24 205. (a) There is in the State Treasury the Professions and
25 Vocations Fund. The fund shall consist of the following special
26 funds:

- 27 (1) Accountancy Fund.
- 28 (2) California Board of Architectural Examiners' Fund.
- 29 (3) Athletic Commission Fund.
- 30 (4) Barbering and Cosmetology Contingent Fund.
- 31 (5) Cemetery Fund.
- 32 (6) Contractors' License Fund.
- 33 (7) State Dentistry Fund.
- 34 (8) State Funeral Directors and Embalmers Fund.
- 35 (9) Guide Dogs for the Blind Fund.
- 36 (10) Bureau of Home Furnishings and Thermal Insulation Fund.
- 37 (11) California Board of Architectural Examiners-Landscape
38 Architects Fund.
- 39 (12) Contingent Fund of the Medical Board of California.
- 40 (13) Optometry Fund.

- 1 (14) Pharmacy Board Contingent Fund.
- 2 (15) Physical Therapy Fund.
- 3 (16) Private Investigator Fund.
- 4 (17) Professional Engineers' and Land Surveyors' Fund.
- 5 (18) Consumer Affairs Fund.
- 6 (19) Behavioral Sciences Fund.
- 7 (20) Licensed Midwifery Fund.
- 8 (21) Court Reporters' Fund.
- 9 (22) Structural Pest Control Fund.
- 10 (23) Veterinary Medical Board Contingent Fund.
- 11 (24) Vocational Nurses Account of the Vocational Nursing and
- 12 Psychiatric Technicians Fund.
- 13 (25) Electronic and Appliance Repair Fund.
- 14 (26) Geology and Geophysics Fund.
- 15 (27) Dispensing Opticians Fund.
- 16 (28) Acupuncture Fund.
- 17 (29) Physician Assistant Fund.
- 18 (30) Board of Podiatric Medicine Fund.
- 19 (31) Psychology Fund.
- 20 (32) Respiratory Care Fund.
- 21 (33) Speech-Language Pathology and Audiology Fund.
- 22 (34) Board of Registered Nursing Fund.
- 23 (35) Psychiatric Technician Examiners Account of the
- 24 Vocational Nursing and Psychiatric Technicians Fund.
- 25 (36) Animal Health Technician Examining Committee Fund.
- 26 (37) Structural Pest Control Education and Enforcement Fund.
- 27 (38) Structural Pest Control Research Fund.
- 28 (39) State Dental Hygiene Fund.
- 29 (40) State Dental Assistant Fund.
- 30 (b) For accounting and recordkeeping purposes, the Professions
- 31 and Vocations Fund shall be deemed to be a single special fund,
- 32 and each of the several special funds therein shall constitute and
- 33 be deemed to be a separate account in the Professions and
- 34 Vocations Fund. Each account or fund shall be available for
- 35 expenditure only for the purposes as are now or may hereafter be
- 36 provided by law.
- 37 SEC. 4. Section 2530.2 of the Business and Professions Code
- 38 is amended to read:
- 39 2530.2. As used in this chapter, unless the context otherwise
- 40 requires:

1 (a) “Board” means the Speech-Language Pathology and
2 Audiology Board or any successor.

3 (b) “Person” means any individual, partnership, corporation,
4 limited liability company, or other organization or combination
5 thereof, except that only individuals can be licensed under this
6 chapter.

7 (c) A “speech-language pathologist” is a person who practices
8 speech-language pathology.

9 (d) The practice of speech-language pathology means all of the
10 following:

11 (1) The application of principles, methods, instrumental
12 procedures, and noninstrumental procedures for measurement,
13 testing, screening, evaluation, identification, prediction, and
14 counseling related to the development and disorders of speech,
15 voice, language, or swallowing.

16 (2) The application of principles and methods for preventing,
17 planning, directing, conducting, and supervising programs for
18 habilitating, rehabilitating, ameliorating, managing, or modifying
19 disorders of speech, voice, language, or swallowing in individuals
20 or groups of individuals.

21 (3) Conducting hearing screenings.

22 (4) Performing suctioning in connection with the scope of
23 practice described in paragraphs (1) and (2), after compliance with
24 a medical facility’s training protocols on suctioning procedures.

25 (e) (1) Instrumental procedures referred to in subdivision (d)
26 are the use of rigid and flexible endoscopes to observe the
27 pharyngeal and laryngeal areas of the throat in order to observe,
28 collect data, and measure the parameters of communication and
29 swallowing as well as to guide communication and swallowing
30 assessment and therapy.

31 (2) Nothing in this subdivision shall be construed as a diagnosis.
32 Any observation of an abnormality shall be referred to a physician
33 and surgeon.

34 (f) A licensed speech-language pathologist shall not perform a
35 flexible fiberoptic nasendoscopic procedure unless he or she has
36 received written verification from an otolaryngologist certified by
37 the American Board of Otolaryngology that the speech-language
38 pathologist has performed a minimum of 25 flexible fiberoptic
39 nasendoscopic procedures and is competent to perform these
40 procedures. The speech-language pathologist shall have this written

1 verification on file and readily available for inspection upon request
2 by the board. A speech-language pathologist shall pass a flexible
3 fiberoptic nasendoscopic instrument only under the direct
4 authorization of an otolaryngologist certified by the American
5 Board of Otolaryngology and the supervision of a physician and
6 surgeon.

7 (g) A licensed speech-language pathologist shall only perform
8 flexible endoscopic procedures described in subdivision (e) in a
9 setting that requires the facility to have protocols for emergency
10 medical backup procedures, including a physician and surgeon or
11 other appropriate medical professionals being readily available.

12 (h) “Speech-language pathology aide” means any person
13 meeting the minimum requirements established by the board, who
14 works directly under the supervision of a speech-language
15 pathologist.

16 (i) (1) “Speech-language pathology assistant” means a person
17 who meets the academic and supervised training requirements set
18 forth by the board and who is approved by the board to assist in
19 the provision of speech-language pathology under the direction
20 and supervision of a speech-language pathologist who shall be
21 responsible for the extent, kind, and quality of the services provided
22 by the speech-language pathology assistant.

23 (2) The supervising speech-language pathologist employed or
24 contracted for by a public school may hold a valid and current
25 license issued by the board, a valid, current, and professional clear
26 clinical or rehabilitative services credential in language, speech,
27 and hearing issued by the Commission on Teacher Credentialing,
28 or other credential authorizing service in language, speech, and
29 hearing issued by the Commission on Teacher Credentialing that
30 is not issued on the basis of an emergency permit or waiver of
31 requirements. For purposes of this paragraph, a “clear” credential
32 is a credential that is not issued pursuant to a waiver or emergency
33 permit and is as otherwise defined by the Commission on Teacher
34 Credentialing. Nothing in this section referring to credentialed
35 supervising speech-language pathologists expands existing
36 exemptions from licensing pursuant to Section 2530.5.

37 (j) An “audiologist” is one who practices audiology.

38 (k) “The practice of audiology” means the application of
39 principles, methods, and procedures of measurement, testing,
40 appraisal, prediction, consultation, counseling, and instruction

1 related to auditory, vestibular, and related functions and the
2 modification of communicative disorders involving speech,
3 language, auditory behavior or other aberrant behavior resulting
4 from auditory dysfunction; and the planning, directing, conducting,
5 supervising, or participating in programs of identification of
6 auditory disorders, hearing conservation, cerumen removal, aural
7 habilitation, and rehabilitation, including, hearing aid
8 recommendation and evaluation procedures including, but not
9 limited to, specifying amplification requirements and evaluation
10 of the results thereof, auditory training, speech reading, and the
11 selling of hearing aids.

12 (l) "Audiology aide" means any person, meeting the minimum
13 requirements established by the board, who works directly under
14 the supervision of an audiologist.

15 (m) "Medical board" means the Medical Board of California.

16 (n) A "hearing screening" performed by a speech-language
17 pathologist means a binary puretone screening at a preset intensity
18 level for the purpose of determining if the screened individuals
19 are in need of further medical or audiological evaluation.

20 (o) "Cerumen removal" means the nonroutine removal of
21 cerumen within the cartilaginous ear canal necessary for access in
22 performance of audiological procedures that shall occur under
23 physician and surgeon supervision. Cerumen removal, as provided
24 by this section, shall only be performed by a licensed audiologist.
25 Physician and surgeon supervision shall not be construed to require
26 the physical presence of the physician, but shall include all of the
27 following:

28 (1) Collaboration on the development of written standardized
29 protocols. The protocols shall include a requirement that the
30 supervised audiologist immediately refer to an appropriate
31 physician any trauma, including skin tears, bleeding, or other
32 pathology of the ear discovered in the process of cerumen removal
33 as defined in this subdivision.

34 (2) Approval by the supervising physician of the written
35 standardized protocol.

36 (3) The supervising physician shall be within the general
37 vicinity, as provided by the physician-audiologist protocol, of the
38 supervised audiologist and available by telephone contact at the
39 time of cerumen removal.

(4) A licensed physician and surgeon may not simultaneously supervise more than two audiologists for purposes of cerumen removal.

SEC. 5. Section 2531.05 of the Business and Professions Code is repealed.

SEC. 6. Section 2531.06 is added to the Business and Professions Code, to read:

2531.06. The board is vested with the duties, powers, purposes, responsibilities, and jurisdiction over the licensing and regulation of hearing aid dispensers as provided under the Hearing Aid Dispenser Licensing Law (Chapter 7.5 (commencing with Section 3300)).

SEC. 7. Section 2531.2 of the Business and Professions Code is amended to read:

2531.2. The membership of the board shall include two licensed speech-language pathologists, two licensed audiologists, one of whom shall be an audiologist that dispenses hearing aids, two licensed hearing aid dispensers, and three public members one of whom is a licensed physician and surgeon, board certified in otolaryngology, and the remaining two public members who shall not be licentiates of the board or of any board under this division or of any board referred to in the Chiropractic Act or the Osteopathic Act.

The Governor shall appoint the physician and surgeon member and the other six licensed members qualified as provided in this section. The initial appointments of the licensed hearing aid dispenser members shall be made to fill the first licensed audiologist member vacancy and the first licensed speech-language pathologist member vacancy that occurs on or after January 1, 2010. The Senate Committee on Rules and the Speaker of the Assembly shall each appoint a public member.

SEC. 8. Section 2534 of the Business and Professions Code is amended to read:

2534. The board shall report to the Controller at the beginning of each month for the month preceding the amount and source of all revenue received by it pursuant to this chapter and Chapter 7.5 (commencing with Section 3300), and shall pay the entire amount thereof to the Treasurer for deposit in the Speech-Language Pathology and Audiology Board Fund, which fund is hereby

1 created to carry out the purposes of this chapter and Chapter 7.5
2 (commencing with Section 3300).

3 SEC. 9. Article 9 (commencing with Section 2539.1) is added
4 to Chapter 5.3 of Division 2 of the Business and Professions Code,
5 to read:

6
7 Article 9. Hearing Aids
8

9 2539.1. (a) On and after January 1, 2010, in addition to
10 satisfying the licensure and examination requirements described
11 in Sections 2532 and 2532.2, no licensed audiologist shall sell
12 hearing aids unless he or she has passed an examination, approved
13 by the board, relating to selling hearing aids.

14 (b) On and after January 1, 2010, a licensed audiologist with
15 an unexpired license to sell hearing aids pursuant to Chapter 7.5
16 (commencing with Section 3300) may continue to sell hearing aids
17 pursuant to that license until that license expires pursuant to Section
18 3451, and upon that expiration the licensee shall be deemed to
19 have passed the examination described in subdivision (a) and may
20 continue to sell hearing aids pursuant to his or her audiology license
21 subject to the provisions of this chapter. A licensed audiologist
22 whose license to sell hearing aids, issued pursuant to Chapter 7.5
23 (commencing with Section 3300), is suspended or revoked shall
24 not be authorized to sell hearing aids pursuant to this subdivision
25 and he or she shall be subject to the examination requirement
26 described in subdivision (a) as well as the other provisions of this
27 chapter.

28 (c) *For purposes of subdivision (a), the board shall provide the*
29 *hearing aid dispenser's examination provided by the former*
30 *Hearing Aid Dispensers Bureau until such time as the next*
31 *examination validation and occupational analysis is completed by*
32 *the Department of Consumer Affairs pursuant to Section 139 and*
33 *a determination is made that a different examination is to be*
34 *administered.*

35 2539.2. (a) Hearing aids may be sold by catalog or direct mail
36 provided that:

37 (1) The seller is licensed as an audiologist in this state and is
38 authorized to sell hearing aids pursuant to Section 2539.1.

39 (2) There is no fitting, selection, or adaptation of the instrument
40 and no advice is given with respect to fitting, selection, or

1 adaptation of the instrument and no advice is given with respect
2 to the taking of an ear impression for an earmold by the seller.

3 (3) The seller has received a statement which is signed by a
4 physician and surgeon, audiologist, or a hearing aid dispenser,
5 licensed by the State of California which verifies that Section
6 2539.6 has been complied with.

7 (b) A copy of the statement referred to in paragraph (3) of
8 subdivision (a) shall be retained by the seller for the period
9 provided for in Section 2539.10.

10 2539.4. A licensed audiologist shall, upon the consummation
11 of a sale of a hearing aid, deliver to the purchaser a written receipt,
12 signed by or on behalf of the licensed audiologist, containing all
13 of the following:

14 (a) The date of consummation of the sale.

15 (b) Specifications as to the make, serial number, and model
16 number of the hearing aid or aids sold.

17 (c) The address of the principal place of business of the licensed
18 audiologist, and the address and office hours at which the licensed
19 audiologist shall be available for fitting or postfitting adjustments
20 and servicing of the hearing aid or aids sold.

21 (d) A statement to the effect that the aid or aids delivered to the
22 purchaser are used or reconditioned, as the case may be, if that is
23 the fact.

24 (e) The number of the licensed audiologist's license and the
25 name and license number of any other hearing aid dispenser,
26 temporary licensee, or audiologist who provided any
27 recommendation or consultation regarding the purchase of the
28 hearing aid.

29 (f) The terms of any guarantee or written warranty, required by
30 Section 1793.02 of the Civil Code, made to the purchaser with
31 respect to the hearing aid or hearing aids.

32 2539.6. (a) Whenever any of the following conditions are
33 found to exist either from observations by the licensed audiologist
34 or on the basis of information furnished by the prospective hearing
35 aid user, a licensed audiologist shall, prior to fitting or selling a
36 hearing aid to any individual, suggest to that individual in writing
37 that his or her best interests would be served if he or she would
38 consult a licensed physician specializing in diseases of the ear or
39 if no licensed physician is available in the community then to a
40 duly licensed physician:

1 (1) Visible congenital or traumatic deformity of the ear.

2 (2) History of, or active, drainage from the ear within the
3 previous 90 days.

4 (3) History of sudden or rapidly progressive hearing loss within
5 the previous 90 days.

6 (4) Acute or chronic dizziness.

7 (5) Unilateral hearing loss of sudden or recent onset within the
8 previous 90 days.

9 (6) Significant air-bone gap (when generally acceptable
10 standards have been established).

11 ~~No~~

12 (b) *No* referral for medical opinion need be made by any licensed
13 audiologist in the instance of replacement only of a hearing aid
14 that has been lost or damaged beyond repair within one year of
15 the date of purchase. A copy of the written recommendation shall
16 be retained by the licensed audiologist for the period provided for
17 in Section 2539.10. A person receiving the written recommendation
18 who elects to purchase a hearing aid shall sign a receipt for the
19 same, and the receipt shall be kept with the other papers retained
20 by the licensed audiologist for the period provided for in Section
21 2539.10. Nothing in this section required to be performed by a
22 licensed audiologist shall mean that the licensed audiologist is
23 engaged in the diagnosis of illness or the practice of medicine or
24 any other activity prohibited by the provisions of this code.

25 2539.8. No hearing aid shall be sold by an individual licensed
26 as an audiologist under this chapter to a person 16 years of age or
27 younger, unless within the preceding six months a recommendation
28 for a hearing aid has been made by both a board-certified, or a
29 board-eligible physician specializing in otolaryngology, and by a
30 state licensed audiologist. A replacement of an identical hearing
31 aid within one year shall be an exception to this requirement.

32 2539.10. A licensed audiologist shall, upon the consummation
33 of a sale of a hearing aid, keep and maintain records in his or her
34 office or place of business at all times and each such record shall
35 be kept and maintained for a seven-year period. These records
36 shall include:

37 (a) Results of test techniques as they pertain to fitting of the
38 hearing aid.

(b) A copy of the written receipt required by Section 2539.4 and the written recommendation and receipt required by Section 2539.6, when applicable.

2539.12. A licensed audiologist who is the owner, manager, or franchisee at a location where hearing aids are fit or sold, shall be responsible for the adequacy of the fitting or selling of any hearing aid fit and sold by any licensee or licensees at that location.

SEC. 10. Section 3300 of the Business and Professions Code is amended to read:

3300. For the purposes of this chapter, the following definitions shall apply:

(a) "Person" includes any individual, partnership, corporation, limited liability company, or other organization, or any combination thereof.

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

(c) "Board" means the Speech-Language Pathology and Audiology Board.

(d) "License" means a hearing aid dispenser's license issued pursuant to this chapter and includes a temporary license.

(e) "Licensee" means a person holding a license.

(f) "Hearing aid" means any wearable instrument or device designed for, or offered for the purpose of, aiding or compensating for impaired human hearing.

(g) "Fund" means the Speech-Language Pathology and Audiology Board Fund.

SEC. 11. Section 3306 of the Business and Professions Code is amended to read:

3306. (a) "Practice of fitting or selling hearing aids," as used in this chapter, means those practices used for the purpose of selection and adaptation of hearing aids, including direct observation of the ear, testing of hearing in connection with the fitting and selling of hearing aids, taking of ear mold impressions, fitting or sale of hearing aids, and any necessary postfitting counseling.

1 The practice of fitting or selling hearing aids does not include
2 the act of concluding the transaction by a retail clerk.

3 When any audiometer or other equipment is used in the practice
4 of fitting or selling hearing aids, it shall be kept properly calibrated
5 and in good working condition, and the calibration of the
6 audiometer or other equipment shall be checked at least annually.

7 (b) A hearing aid dispenser shall not conduct diagnostic hearing
8 tests when conducting tests in connection with the practice of
9 fitting or selling hearing aids.

10 (c) Hearing tests conducted pursuant to this chapter shall include
11 those that are in compliance with the Food and Drug
12 Administration Guidelines for Hearing Aid Devices and those that
13 are specifically covered in the licensing examination prepared and
14 administered by the board.

15 SEC. 12. Section 3307 of the Business and Professions Code
16 is amended to read:

17 3307. "Hearing aid dispenser," as used in this chapter, means
18 a person engaged in the practice of fitting or selling hearing aids
19 to an individual with impaired hearing.

20 SEC. 13. Section 3320 of the Business and Professions Code
21 is repealed.

22 SEC. 14. Section 3320 is added to the Business and Professions
23 Code, to read:

24 3320. (a) The duties, powers, purposes, responsibilities, and
25 jurisdiction of the Hearing Aid Dispensers Bureau within the
26 Department of Consumer Affairs are hereby transferred to the
27 Speech-Language Pathology and Audiology Board.

28 (b) Any reference to the bureau in this chapter and its
29 regulations, and elsewhere, shall be construed as a reference to the
30 board.

31 (c) In the performance of the duties and the exercise of the
32 powers vested in the board under this chapter, the board may
33 consult with industry representatives.

34 (d) For the performance of the duties and the exercise of the
35 powers vested in the board under this chapter, the board shall have
36 possession and control of all records, papers, offices, equipment,
37 supplies, or other property, real or personal, held for the benefit
38 or use by the former Hearing Aid Dispensers Bureau.

(e) All regulations in Division 13.3 (commencing with Section 1399.100) of Title 16 of the California Code of Regulations are continued in existence under the administration of the board.

SEC. 15. Section 3320.1 of the Business and Professions Code is amended to read:

3320.1. Protection of the public shall be the highest priority for the board in exercising its licensing, regulatory, and disciplinary functions. Whenever the protection of the public is inconsistent with other interests sought to be promoted, the protection of the public shall be paramount.

SEC. 16. Section 3321 of the Business and Professions Code is repealed.

SEC. 17. Section 3322 is added to the Business and Professions Code, to read:

3322. (a) The duty of administering and enforcing this chapter is vested in the board.

(b) The board is vested with the duties, powers, purposes, responsibilities, and jurisdiction granted under this chapter and under Chapter 5.3 (commencing with Section 2530).

SEC. 18. Section 3325 of the Business and Professions Code is repealed.

SEC. 19. Section 3326 of the Business and Professions Code is amended to read:

3326. The board shall keep a record of all prosecutions for violations of this chapter and of all examinations held for applicants for licenses together with the names and addresses of all persons taking examinations and of their success or failure to pass them.

SEC. 20. Section 3327 of the Business and Professions Code is amended to read:

3327. The board may recommend the preparation of and administration of a course of instruction concerned with the fitting and selection of hearing aids. The board may require applicants to first complete the required course of instruction or otherwise satisfy the board that the applicant possesses the necessary background and qualifications to fit or sell hearing aids. If the board promulgates regulations to implement this section to require a course of instruction concerned with fitting and selling hearing aids, the board shall obtain the advice of persons knowledgeable in the preparation and administration of a course of instruction.

1 The board may publish and distribute information concerning
2 the examination requirements for obtaining a license to engage in
3 the practice of fitting and selling hearing aids within this state.

4 SEC. 21. Section 3327.5 of the Business and Professions Code
5 is amended to read:

6 3327.5. All holders of licenses to sell or fit hearing aids shall
7 continue their education after receiving the license. The board shall
8 provide by regulation, as a condition to the renewal of a license,
9 that licensees shall submit documentation satisfactory to the board
10 that they have informed themselves of current practices related to
11 the fitting of hearing aids by having pursued courses of study
12 satisfactory to the board or by other means defined as equivalent
13 by the board.

14 Continuing education courses shall be subject to monitoring to
15 ensure compliance with the regulations adopted by the board
16 pursuant to this section.

17 SEC. 22. Section 3328 of the Business and Professions Code
18 is amended to read:

19 3328. The board may adopt, amend, or repeal, in accordance
20 with the provisions of the Administrative Procedure Act,
21 regulations that are necessary to enable the board to carry into
22 effect the provisions of law relating to the practice of fitting or
23 selling hearing aids.

24 SEC. 23. Section 3329 of the Business and Professions Code
25 is amended to read:

26 3329. (a) The board may prosecute any and all persons for
27 any violation of this chapter.

28 (b) The board shall hear and decide all matters, including but
29 not limited to, any contested case or any petition for reinstatement
30 or modification of probation, or may assign any of those matters
31 to an administrative law judge in accordance with the
32 Administrative Procedure Act. Except as otherwise provided in
33 this chapter, all hearings shall be conducted in accordance with
34 Chapter 5 (commencing with Section 11500) of Part 1 of Division
35 3 of Title 2 of the Government Code.

36 SEC. 24. Section 3330 of the Business and Professions Code
37 is repealed.

38 SEC. 25. Section 3350 of the Business and Professions Code
39 is amended to read:

1 3350. It is unlawful for an individual to engage in the practice
2 of fitting or selling hearing aids, or to display a sign or in any other
3 way to advertise or hold himself or herself out as being so engaged
4 without having first obtained a license from the board under the
5 provisions of this chapter. Nothing in this chapter shall prohibit a
6 corporation, partnership, trust, association or other like organization
7 maintaining an established business address from engaging in the
8 business of fitting or selling, or offering for sale, hearing aids at
9 retail without a license, provided that any and all fitting or selling
10 of hearing aids is conducted by the individuals who are licensed
11 pursuant to the provisions of this chapter. A person whose license
12 as a hearing aid dispenser has been suspended or revoked shall not
13 be the proprietor of a business that engages in the practice of fitting
14 or selling hearing aids nor shall that person be a partner,
15 shareholder, member, or fiduciary in a partnership, corporation,
16 association, or trust that maintains or operates that business, during
17 the period of the suspension or revocation. This restriction shall
18 not apply to stock ownership in a corporation that is listed on a
19 stock exchange regulated by the Securities and Exchange
20 Commission if the stock is acquired in a transaction conducted
21 through that stock exchange.

22 SEC. 26. Section 3351.3 of the Business and Professions Code
23 is amended to read:

24 3351.3. This chapter does not apply to nor affect any physician
25 and surgeon licensed under Chapter 5 (commencing with Section
26 2000) of Division 2 who does not directly or indirectly engage in
27 the sale or offering for sale of hearing aids, nor to any audiologist
28 licensed under Chapter 5.3 (commencing with Section 2530).

29 SEC. 27. Section 3352 of the Business and Professions Code
30 is amended to read:

31 3352. Each person desiring to obtain a license to engage in the
32 practice of fitting or selling hearing aids shall make application to
33 the board. The application shall be made upon a form and shall be
34 made in the manner as is provided by the board and shall be
35 accompanied by the fee provided for in Section 3456.

36 SEC. 28. Section 3353 of the Business and Professions Code
37 is amended to read:

38 3353. (a) The board shall prepare, approve, grade, and conduct
39 examinations of applicants for a hearing aid dispenser's license.
40 The board may provide that the preparation and grading of the

1 examination be conducted by a competent person or organization
2 other than the board, provided, however, that the board shall
3 establish the guidelines for the examination and shall approve the
4 actual examination.

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

10 SEC. 29. Section 3354 of the Business and Professions Code
11 is amended to read:

12 3354. The board shall issue a license to all applicants who have
13 satisfied this chapter, who are at least 18 years of age, who possess
14 a high school diploma or its equivalent, who have not committed
15 acts or crimes constituting grounds for denial of licensure under
16 Section 480, and who have paid the fees provided for in Section
17 3456. No license shall be issued to any person other than an
18 individual.

19 SEC. 30. Section 3356 of the Business and Professions Code
20 is amended to read:

21 3356. (a) An applicant who has fulfilled the requirements of
22 Section 3352 and has made application therefor, may have a
23 temporary license issued to him or her upon satisfactory proof to
24 the board that the applicant holds a hearing aid dispenser's license
25 in another state, that the licensee has not been subject to formal
26 disciplinary action by another licensing authority, and that the
27 applicant has been engaged in the fitting and sale of hearing aids
28 for the two years immediately prior to application.

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

33 (c) The holder of a temporary license issued pursuant to this
34 section who fails either license examination shall be subject to and
35 shall comply with the supervision requirements of Section 3357
36 and any regulations adopted pursuant thereto.

37 SEC. 31. Section 3357 of the Business and Professions Code
38 is amended to read:

39 3357. (a) An applicant who has fulfilled the requirements of
40 Section 3352, and has made application therefor, and who proves

1 to the satisfaction of the board that he or she will be supervised
2 and trained by a hearing aid dispenser who is approved by the
3 board may have a temporary license issued to him or her. The
4 temporary license shall entitle the temporary licensee to fit or sell
5 hearing aids as set forth in regulations of the board. The supervising
6 dispenser shall be responsible for any acts or omissions committed
7 by a temporary licensee under his or her supervision that may
8 constitute a violation of this chapter.

9 (b) The board shall adopt regulations setting forth criteria for
10 its refusal to approve a hearing aid dispenser to supervise a
11 temporary licensee, including procedures to appeal that decision.

12 (c) A temporary license issued pursuant to this section is
13 effective and valid for six months from date of issue. The board
14 may renew the temporary license for an additional period of six
15 months. The board shall not issue more than two renewals of a
16 temporary license to any applicant, and if a temporary licensee
17 who is entitled to renew a temporary license does not renew the
18 temporary license and applies for a new temporary license at a
19 later time, the new temporary license shall only be issued and
20 renewed subject to the limitations set forth in this subdivision.

21 SEC. 32. Section 3358 of the Business and Professions Code
22 is amended to read:

23 3358. A temporary licensee under Section 3357 shall take the
24 license examination within the first 10 months after the temporary
25 license is issued. Failure to take the license examination within
26 that time shall result in expiration of the temporary license, and it
27 shall not be renewed unless the temporary licensee has first taken
28 the licensure examination. The board, however, may in its
29 discretion renew the temporary license if the licensee failed to take
30 the necessary examination due to illness or other hardship.

31 SEC. 33. Section 3360 of the Business and Professions Code
32 is amended to read:

33 3360. Practical examinations shall be held by the board at least
34 twice a year. The time and place of any practical examination shall
35 be fixed by the board at least 45 days prior to the date it is to be
36 held.

37 SEC. 34. Section 3362 of the Business and Professions Code
38 is amended to read:

39 3362. (a) Before engaging in the practice of fitting or selling
40 hearing aids, each licensee shall notify the board in writing of the

1 address or addresses where he or she is to engage, or intends to
2 engage, in the practice of fitting or selling hearing aids, and of any
3 changes in his or her place of business.

4 (b) If a street address is not the address at which the licensee
5 receives mail, the licensee shall also notify the board in writing of
6 the mailing address for each location where the licensee is to
7 engage, or intends to engage, in the practice of fitting or selling
8 hearing aids, and of any change in the mailing address of his or
9 her place or places of business.

10 SEC. 35. Section 3364 of the Business and Professions Code
11 is amended to read:

12 3364. (a) Every licensee who engages in the practice of fitting
13 or selling hearing aids shall have and maintain an established retail
14 business address to engage in that fitting or selling, routinely open
15 for service to customers or clients. The address of the licensee's
16 place of business shall be registered with the bureau as provided
17 in Section 3362.

18 (b) Except as provided in subdivision (c), if a licensee maintains
19 more than one place of business within this state, he or she shall
20 apply for and procure a duplicate license for each branch office
21 maintained. The application shall state the name of the person and
22 the location of the place or places of business for which the
23 duplicate license is desired.

24 (c) A hearing aid dispenser may, without obtaining a duplicate
25 license for a branch office, engage on a temporary basis in the
26 practice of fitting or selling hearing aids at the primary or branch
27 location of another licensee's business or at a location or facility
28 that he or she may use on a temporary basis, provided that the
29 hearing aid dispenser notifies the board in advance in writing of
30 the dates and addresses of those businesses, locations, or facilities
31 at which he or she will engage in the practice of fitting or selling
32 hearing aids.

33 SEC. 36. Section 3400 of the Business and Professions Code
34 is amended to read:

35 3400. Proceedings to deny, suspend, or revoke a license under
36 this chapter, shall be conducted in accordance with Chapter 5
37 (commencing with Section 11500) of Part 1 of Division 3 of Title
38 2 of the Government Code, and the board shall have all of the
39 powers granted therein.

1 SEC. 37. Section 3401 of the Business and Professions Code
2 is amended to read:

3 3401. The board may deny, issue subject to terms and
4 conditions, suspend, or revoke a license, or impose conditions of
5 probation upon a licensee, for any of the following causes:

6 (a) Gross incompetency, which includes, but is not limited to,
7 the improper or unnecessary fitting of a hearing aid.

8 (b) Gross negligence.

9 (c) Repeated negligent acts.

10 (d) Conviction of any crime substantially related to the
11 qualifications, functions, or duties of a hearing aid dispenser.

12 (e) Obtaining a license by fraud or deceit.

13 (f) Use of the term “doctor” or “physician” or “clinic” or
14 “audiologist,” or any derivation thereof, except as authorized by
15 law.

16 (g) Fraud or misrepresentation in the fitting or selling of a
17 hearing aid.

18 (h) The employment, to perform any act covered by this chapter,
19 of any person whose license has been suspended, revoked, or who
20 does not possess a valid license issued under this chapter.

21 (i) The use, or causing the use, of any advertising or promotional
22 literature in a manner that has the capacity or tendency to mislead
23 or deceive purchasers or prospective purchasers.

24 (j) Habitual intemperance in the use of alcohol or any controlled
25 substance.

26 (k) Permitting another to use his or her license for any purpose.

27 (l) Violation of any provision of this chapter or of any regulation
28 adopted pursuant to this chapter.

29 (m) Any cause that would be grounds for denial of an application
30 for a license.

31 (n) Violation of Section 1689.6 or 1793.02 of the Civil Code.

32 SEC. 38. Section 3402 of the Business and Professions Code
33 is amended to read:

34 3402. Upon denial of an application for license, the board shall
35 notify the applicant in writing, stating (1) the reason for the denial
36 and (2) that the applicant has a right to a hearing under Section
37 3400 if he or she makes written request therefor within 60 days
38 after notice of denial. Service of the notice required by this section
39 may be made by certified mail addressed to the applicant at the

1 latest address filed by the applicant in writing with the board in
2 his or her application or otherwise.

3 SEC. 39. Section 3403 of the Business and Professions Code
4 is amended to read:

5 3403. A plea or verdict of guilty or a conviction following a
6 plea of nolo contendere, made to a charge substantially related to
7 the qualifications, functions, and duties of a hearing aid dispenser
8 is deemed to be a conviction within the meaning of this article.
9 The board may order the license suspended or revoked, impose
10 probationary conditions on a licensee, or may decline to issue a
11 license, when the time for appeal has elapsed, or the judgment of
12 conviction has been affirmed on appeal, or when an order granting
13 probation is made suspending the imposition of sentence,
14 irrespective of a subsequent order under Section 1203.4 of the
15 Penal Code allowing the person to withdraw his or her plea of
16 guilty and to enter a plea of not guilty, or setting aside the verdict
17 of guilty, or dismissing the accusation, information, or indictment.

18 SEC. 40. Section 3404 of the Business and Professions Code
19 is amended to read:

20 3404. Before setting aside the revocation or suspension of any
21 license or modifying the probation of any licensee, the board may
22 require the petitioner to pass the regular examination given for
23 applicants for licenses.

24 SEC. 41. Section 3421 of the Business and Professions Code
25 is amended to read:

26 3421. It is unlawful to sell or barter, or offer to sell or barter,
27 any license issued by the board.

28 SEC. 42. Section 3422 of the Business and Professions Code
29 is amended to read:

30 3422. It is unlawful to purchase or procure by barter any license
31 issued by the board with intent to use the same as evidence of the
32 holder's qualification to practice the fitting or selling of hearing
33 aids.

34 SEC. 43. Section 3423 of the Business and Professions Code
35 is amended to read:

36 3423. It is unlawful to alter with fraudulent intent in any
37 material regard a license issued by the board.

38 SEC. 44. Section 3424 of the Business and Professions Code
39 is amended to read:

1 3424. It is unlawful to use or attempt to use any license issued
2 by the board that has been purchased, fraudulently issued,
3 counterfeited, or materially altered as a valid license.

4 SEC. 45. Section 3426 of the Business and Professions Code
5 is amended to read:

6 3426. It is unlawful to willfully make any false statement in a
7 material regard in an application for an examination before the
8 board for a license.

9 SEC. 46. Section 3430 of the Business and Professions Code
10 is amended to read:

11 3430. In addition to other proceedings provided for in this
12 chapter, whenever any person has engaged, or is about to engage,
13 in any acts or practices that constitute, or will constitute, an offense
14 against this chapter, the superior court for the county wherein the
15 acts or practices take place or are about to take place, may issue
16 an injunction or other appropriate order, restraining such conduct
17 on application of the board, the Attorney General, or the district
18 attorney of the county. If the acts or practices constitute, or will
19 constitute, an offense against Section 3306.5, the application to
20 the superior court may be made by the State Board of Optometry.
21 The proceedings under this section shall be governed by Chapter
22 3 (commencing with Section 525) of Title 7 of Part 2 of the Code
23 of Civil Procedure.

24 SEC. 47. Section 3451 of the Business and Professions Code
25 is amended to read:

26 3451. (a) A license issued under this chapter expires at
27 midnight on its assigned renewal date.

28 (b) To renew an unexpired license, the licensee shall, on or
29 before the date of expiration of the license, apply for renewal on
30 a form provided by the board, accompanied by the prescribed
31 renewal fee.

32 (c) Temporary license holders shall renew their licenses in
33 accordance with Section 3357, and apply for that renewal on a
34 form provided by the board, accompanied by the prescribed
35 renewal fee for temporary licenses.

36 (d) Each duplicate license issued for a branch office shall expire
37 on the same date as the permanent license of the hearing aid
38 dispenser to whom the duplicate license was issued. These
39 duplicate licenses shall be renewed according to subdivision (b).

1 SEC. 48. Section 3452 of the Business and Professions Code
2 is amended to read:

3 3452. Except as otherwise provided in this chapter, an expired
4 license may be renewed at any time within three years after its
5 expiration on filing of an application for renewal on a form
6 prescribed by the board, and payment of all accrued and unpaid
7 renewal fees. If the license is renewed after its expiration the
8 licensee, as a condition precedent to renewal, shall also pay the
9 delinquency fee prescribed by this chapter. Renewal under this
10 section shall be effective on the date on which the application is
11 filed, on the date on which the renewal fee is paid, or on the date
12 on which the delinquency fee, if any, is paid, whichever last occurs.
13 If so renewed, the license shall continue in effect through the date
14 provided in Section 3451 which next occurs after the effective date
15 of the renewal, when it shall expire if it is not again renewed.

16 SEC. 49. Section 3454 of the Business and Professions Code
17 is amended to read:

18 3454. A license that is not renewed within three years after its
19 expiration may not be renewed, restored, reissued, or reinstated
20 thereafter, but the holder of the expired license may apply for and
21 obtain a new license if all of the following apply:

22 (a) He or she has not committed acts or crimes constituting
23 grounds for denial of licensure under Section 480.

24 (b) He or she pays all the fees that would be required of him or
25 her if he or she were then applying for a license for the first time.

26 (c) He or she takes and passes the examination that would be
27 required of him or her if he or she were then applying for a license
28 for the first time, or otherwise establishes to the satisfaction of the
29 board that he or she is qualified to engage in the practice of fitting
30 or selling hearing aids. The board may, by regulation, provide for
31 the waiver or refund of all or any part of the application fee in
32 those cases in which a license is issued without an examination
33 under this section.

34 SEC. 50. Section 3455 of the Business and Professions Code
35 is amended to read:

36 3455. All money in the Hearing Aid Dispensers Fund on
37 January 1, 2010, shall be transferred on that date to the
38 Speech-Language Pathology and Audiology Board Fund. All fees
39 collected pursuant to this chapter shall be paid by the board into
40 the Speech-Language Pathology and Audiology Board Fund. All

1 money in that fund shall be used to carry out the purposes of this
2 chapter and Chapter 5.3 (commencing with Section 2530), as
3 provided in Section 2534.

4 SEC. 51. Section 3456 of the Business and Professions Code
5 is amended to read:

6 3456. The amount of fees and penalties prescribed by this
7 chapter shall be those set forth in this section unless a lower fee
8 is fixed by the board:

9 (a) The fee for applicants applying for the first time for a license
10 is seventy-five dollars (\$75), which shall not be refunded, except
11 to applicants who are found to be ineligible to take an examination
12 for a license. Those applicants are entitled to a refund of fifty
13 dollars (\$50).

14 (b) The fees for taking or retaking the written and practical
15 examinations shall be amounts fixed by the board, which shall be
16 equal to the actual cost of preparing, grading, analyzing, and
17 administering the examinations.

18 (c) The initial temporary license fee is one hundred dollars
19 (\$100). The fee for renewal of a temporary license is one hundred
20 dollars (\$100) for each renewal.

21 (d) The initial permanent license fee is two hundred eighty
22 dollars (\$280). The fee for renewal of a permanent license is not
23 more than two hundred eighty dollars (\$280) for each renewal.

24 (e) The initial branch office license fee is twenty-five dollars
25 (\$25). The fee for renewal of a branch office license is twenty-five
26 dollars (\$25) for each renewal.

27 (f) The delinquency fee is twenty-five dollars (\$25).

28 (g) The fee for issuance of a replacement license is twenty-five
29 dollars (\$25).

30 (h) The continuing education course approval application fee
31 is fifty dollars (\$50). The fee for a continuing education course
32 transcript is ten dollars (\$10).

33 (i) The fee for official certification of licensure is fifteen dollars
34 (\$15). The fee for a license confirmation letter is ten dollars (\$10).

35 SEC. 52. No reimbursement is required by this act pursuant to
36 Section 6 of Article XIII B of the California Constitution because
37 the only costs that may be incurred by a local agency or school
38 district will be incurred because this act creates a new crime or
39 infraction, eliminates a crime or infraction, or changes the penalty
40 for a crime or infraction, within the meaning of Section 17556 of

- 1 the Government Code, or changes the definition of a crime within
- 2 the meaning of Section 6 of Article XIII B of the California
- 3 Constitution.

O