

AMENDED IN ASSEMBLY JUNE 29, 2016

AMENDED IN ASSEMBLY JUNE 20, 2016

AMENDED IN SENATE APRIL 11, 2016

SENATE BILL

No. 1331

Introduced by Senator Pavley

February 19, 2016

An act to amend Sections 7200 and 7200.5 of, and to add *and repeal* Section 7215.7 to, of, the Business and Professions Code, relating to professions and vocations.

LEGISLATIVE COUNSEL'S DIGEST

SB 1331, as amended, Pavley. State Board of Guide Dogs for the Blind: membership: out-of-state schools: followup services.

Existing law establishes within the Department of Consumer Affairs a State Board of Guide Dogs for the Blind, which is comprised of 7 members appointed by the Governor.

Existing law requires 2 of the board members to be persons who are blind or visually impaired who use guide dogs.

This bill would instead require ~~the board to be composed of~~ at least 3 *board members to be persons* who are blind or visually impaired who use guide dogs. Of these 3 board members, the bill would require one representative from each of the 2 major consumer organizations representing Californians who are blind or visually impaired. The bill would also require the Governor, in making these appointments, to consider recommendations from those organizations.

Under existing law, the board has exclusive authority in this state to issue licenses for the instruction of persons who are blind or visually impaired in the use of guide dogs and for the training of guide dogs for

use by persons who are blind or visually impaired. Under existing law, the board also has exclusive authority in this state to issue licenses to operate schools for the training of guide dogs and the instruction of persons who are blind or visually impaired in the use of guide dogs. Existing law makes it unlawful for any person to sell, offer for sale, give, hire, or furnish under any other arrangement, any guide dog or to engage in the business or occupation of training a guide dog unless he or she holds a valid and unimpaired license issued pursuant to ~~this chapter~~ *the provisions governing guide dogs*. A violation of ~~the those~~ *provisions governing guide dogs* is a crime.

This bill, whenever an individual has received training or instruction from a specified certified school outside of this state, would authorize personnel from that school to provide that individual with any followup services within this state with respect to the specific guide dog for whom training or instruction was originally provided outside of this state, as specified. The bill would require the personnel, not less than 3 days prior to arriving in this state, to notify the board of their intent to provide those services. ~~¶~~

This bill would, if specified conditions are met, authorize followup emergency services. If those services are to be provided due to emergency circumstances, as determined by the school based on specified examples, the bill would authorize that notice to be provided within 24 hours after the personnel arrive in this state. The bill would prohibit the board from requiring the school to provide the name of the individual who will be receiving followup services, however, it would permit the board to require a school to provide the name of the individual to whom services have been provided to investigate personnel providing those services, so long as the investigation is based on reasonable grounds for determining that personnel may have provided substandard care. The bill would also authorize the board to refuse to allow personnel who have committed certain acts for which the board could suspend or revoke a license to provide those services, and would place those personnel under the disciplinary jurisdiction of the board while they provide those services. The bill, until January 1, 2018, would require the board to prepare a factsheet regarding various functions of the board, to post that factsheet on its Internet Web site, and to provide copies to each of the licensed guide dog schools. The bill, until January 1, 2018, would also require a licensed guide dog school to provide copies of the factsheet to every student receiving training from that school. Because the failure of a licensed guide dog school to provide

those copies and the failure of personnel to provide that notification would be a crime, the bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

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

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

1 SECTION 1. Section 7200 of the Business and Professions
2 Code is amended to read:

3 7200. (a) There is in the Department of Consumer Affairs a
4 State Board of Guide Dogs for the Blind in whom enforcement of
5 this chapter is vested. The board shall consist of seven members
6 appointed by the Governor. One member shall be the Director of
7 Rehabilitation or his or her designated representative. The
8 remaining members shall be persons who have shown a particular
9 interest in dealing with the problems of persons who are blind or
10 visually impaired and at least three of them shall be persons who
11 are blind or visually impaired who use guide dogs. Of the three
12 members who are blind or visually impaired who use guide dogs,
13 there shall be one representative from each of the two major
14 consumer organizations representing Californians who are blind
15 or visually impaired, and the Governor shall, in making these
16 appointments, consider recommendations from those organizations.

17 (b) This section shall remain in effect only until January 1, 2018,
18 and as of that date is repealed, unless a later enacted statute, that
19 is enacted before January 1, 2018, deletes or extends that date.
20 Notwithstanding any other law, the repeal of this section renders
21 the board subject to review by the appropriate policy committees
22 of the Legislature.

23 SEC. 2. Section 7200.5 of the Business and Professions Code
24 is amended to read:

25 7200.5. (a) The board shall have exclusive authority in this
26 state to issue licenses for the instruction of persons who are blind
27 or visually impaired in the use of guide dogs and for the training
28 of guide dogs for use by persons who are blind or visually

1 impaired. It shall also have exclusive authority in this state to issue
2 licenses to operate schools for the training of guide dogs and the
3 instruction of persons who are blind or visually impaired in the
4 use of guide dogs.

5 (b) (1) Notwithstanding any other law, whenever an individual
6 has received training or instruction from a school outside of this
7 state that is certified by the International Guide Dog Federation
8 or a successor entity, as determined by the board, personnel from
9 that school may provide, in this state, any followup services to that
10 individual with respect to the specific guide dog for whom training
11 or instruction was originally provided outside of this state. The
12 personnel from that school shall notify the board on a form
13 prescribed by the board not less than three business days prior to
14 the time the personnel arrive in this state of their intent to provide
15 followup services. If those services are to be provided due to
16 emergency circumstances, as determined by the school, notification
17 may be provided within 24 hours after the personnel arrive in this
18 state. For purposes of making that determination, emergency
19 circumstances include, but are not limited to, injury to a dog that
20 requires determination as to whether it remains safe for the dog to
21 continue working, an accident involving the dog, or certain sudden
22 changes in behavior that imperil the safety of the handler. The
23 board shall permit the personnel to provide the notification
24 electronically and shall not require the personnel to notify the
25 board of the name of the individual who will be receiving the
26 followup services. However, the board may require a school to
27 provide the name of the individual to whom services have been
28 provided if needed for purposes of investigating the personnel
29 from that school who provided these services. ~~The services, so~~
30 *long as the investigation is conducted based upon reasonable*
31 *grounds for determining that personnel may have provided*
32 *substandard care.*

33 (2) (A) *Except as provided in subparagraph (B), prior to*
34 *providing followup services pursuant to paragraph (1), personnel*
35 *shall have fingerprints on file with the board.*

36 (B) *Notwithstanding subparagraph (A), if the followup services*
37 *are provided under emergency circumstances personnel shall have*
38 *one business day after coming in to the state to meet the*
39 *requirements of that subparagraph.*

1 (3) *Whenever followup services are provided pursuant to*
2 *paragraph (1), the out-of-state school shall provide written*
3 *information to the guide dog handler concerning the provisions*
4 *of this subdivision.*

5 (4) *The board may refuse to allow personnel to provide followup*
6 *services if the personnel have committed any act described in*
7 *Section 7211.9. During the time the personnel provide followup*
8 *services to the individual, the personnel shall be subject to the*
9 *disciplinary jurisdiction of the board, which may include a citation*
10 *and fine pursuant to the board's rules and regulations or any other*
11 *disciplinary action which could be brought against a licensed*
12 *instructor.*

13 SEC. 3. Section 7215.7 is added to the Business and Professions
14 Code, to read:

15 7215.7. (a) The board shall prepare a factsheet that shall
16 contain all of the following:

- 17 (1) A description of the purposes served by the board.
- 18 (2) A description of the board's role in assisting guide dog users
19 who are victims of alleged guide dog discrimination.
- 20 (3) A description of the board's arbitration procedure under
21 Section 7215.6.

22 (b) The board shall post the factsheet on its Internet Web site
23 and provide copies to each guide dog school licensed pursuant to
24 this chapter. A school licensed under this chapter shall provide a
25 copy of the factsheet to every student receiving training from that
26 school.

27 (c) This section shall remain in effect only until January 1, 2018,
28 and as of that date is repealed, unless a later enacted statute, that
29 is enacted before January 1, 2018, deletes or extends that date.

30 SEC. 4. No reimbursement is required by this act pursuant to
31 Section 6 of Article XIII B of the California Constitution because
32 the only costs that may be incurred by a local agency or school
33 district will be incurred because this act creates a new crime or
34 infraction, eliminates a crime or infraction, or changes the penalty
35 for a crime or infraction, within the meaning of Section 17556 of
36 the Government Code, or changes the definition of a crime within
37 the meaning of Section 6 of Article XIII B of the California
38 Constitution.

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