
THIRD READING

Bill No: AB 1705
Author: Low (D)
Amended: 9/8/17 in Senate
Vote: 21

SENATE BUS., PROF. & ECON. DEV. COMMITTEE: 9-0, 7/10/17
AYES: Hill, Fuller, Dodd, Galgiani, Glazer, Hernandez, Newman, Pan, Wilk

SENATE APPROPRIATIONS COMMITTEE: Senate Rule 28.8

ASSEMBLY FLOOR: 77-1, 6/1/17 - See last page for vote

SUBJECT: State Board of Guide Dogs for the Blind: guide dog instructors

SOURCE: Author

DIGEST: This bill establishes a title protection for guide dog instructors upon the sunset of the State Board of Guide Dogs for the Blind (Board) on January 1, 2018, as specified.

Senate Floor Amendments of 9/8/17 add language to avoid chaptering out issues with SB 19 (Hill).

Senate Floor Amendments of 8/30/17 delete a reference to the Guide Dog Board Fund, once the State Board of Guide Dogs for the Blind sunsets on January 1, 2018; replaces a misdemeanor provision with a penalty; and clarifies the requirements for a person to use the title “guide dog instructor.”

ANALYSIS:

Existing law:

- 1) Establishes the Board within in the Department of Consumer Affairs (DCA) for the licensing and enforcement of licensees who operate schools for the training

of guide dogs and the instruction of persons who are blind and visually impaired in the use of guide dogs. (Business and Professions Code (BPC) § 7200, *et seq.*)

- 2) Requires the Board to consist of seven members appointed by the Governor, of which one member is the Director of Rehabilitation or his or her designated representative; the remaining members are persons who have shown a particular interest in dealing with the problems of persons who are blind or visually impaired and at least three of them are persons who are blind or visually impaired who use guide dogs. (BPC § 7200(a))
- 3) Provides the Board with exclusive authority 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 and visually impaired, and also provides the Board with exclusive authority to issue licenses to operate schools for the training of guide dogs and the instruction of persons who are blind or visually impaired. (BPC § 7200.5(a))
- 4) Establishes an arbitration procedure pilot project in order to provide a procedure for the resolution of disputes between guide dog users and guide dog schools relating to the continued physical custody and use of a guide dog, as specified. (BPC § 7215.6(a))
- 5) Requires, until January 1, 2018, the Board to prepare a fact sheet which contains the following: (BPC § 7217.7(a)(c))
 - a) A description of the purpose of the Board;
 - b) A description of the Board's role in assisting guide dog users who are victims of alleged guide dog discrimination; and,
 - c) A description of the Board's arbitration procedure.
- 6) Requires, until January 1, 2018, the Board to post the factsheet on its website and provide copies to each licensed guide dog school. (BPC § 7215(b)(c))

This bill:

- 1) States that any person who uses in any sign, business card, or letterhead, or in any advertisement, the words “guide dog instructor” “certified guide dog instructor” or any other terms or letters indicating or implying that her or she is an instructor trained in the utilization or training of guide dogs for the blind, or who represents or holds himself or herself out as a guide dog instructor without

having knowledge of the special problems of persons who are blind or visually impaired and being able to teach them , being able to demonstrate the ability to train guide dogs with which persons who are blind or visually impaired would be safe under various traffic conditions; or, being employed by a guide dog school certified by the International Guide Dog Federation, or a successor agency is guilty of a fine or civil penalty.

- 2) Defines “guide dog instructor” to mean a person who instructs or trains persons who are blind or visually impaired in the use of guide dogs or who engages in the business of training, selling, hiring, or supplying guide dogs for persons who are blind or visually impaired.
- 3) Defines “guide dog” to mean a dog that has been trained or is being trained to assist blind or visually impaired individuals, as specified.
- 4) Requires a guide dog school to annually submit to the DCA on or before September 1, a list of all trainers or guide dog instructors employed or contracted by the school and prohibits the DCA from charging a fee for collecting the data.
- 5) Deletes a reference to the Guide Dogs for the Blind Fund.
- 6) Adds language to avoid chaptering out issues.

Background

Purpose. The legislative changes reflected in this bill are solutions to issues raised about the Board in the Assembly Committee on Business and Professions' staff Background Paper and during its sunset review hearing on February 27, 2017.

Board of Guide Dogs for the Blind. The Board was established in 1948 to ensure that blind or visually impaired individuals received well-trained guide dogs. The Board also confirms that blind or visually impaired individuals are thoroughly trained to be effective and safe guide dog users. Furthermore, the Board was also designed to assure donors of guide dog charities their donations are used for their intended charitable purpose. The Board licenses and regulates: 1) guide dog instructors; 2) guide dog schools; and, 3) fundraising programs that open new schools as specified in BPC §§ 7200.5-7210.6. Currently, the Board oversees 103 guide dog instructors, including 47 out of state instructors and three guide dog schools. The Board annually inspects all schools, requires new active guide dog instructors to take written, practical, and oral examinations, and requires instructors

to submit proof of eight hours of continuing education (CE) each year to remain licensed. California is the only State that has such a regulatory program. This bill prohibits, upon the sunset of the Board in January 2018, any person from using in any sign, business card, letterhead, or advertisement, the words “guide dog instructor” “certified guide dog instructor” or any other terms implying that he or she is an trained instructor in the utilization or training of guide dogs, without having knowledge of the special problems of persons who are blind or visually impaired and being able to teach them; being able to demonstrate the ability to train guide dogs with which persons who are blind or visually impaired would be safe under traffic conditions; or, be employed by a guide dog school certified by the International Guide Dog Federation, in an effort to ensure that only qualified individuals may instruct in the utilization or training of guide dogs.

Joint Oversight Hearings and Sunset Review of DCA Licensing Boards. In February and March of 2017, the Assembly Committee on Business and Professions and the Senate Committee on Business, Professions and Economic Development (Committees) conducted multiple joint oversight hearings to review 12 regulatory boards within the DCA and one regulatory entity outside of the DCA. The sunset bills are intended to implement legislative changes recommended in the respective background reports drafted by the Committees for the agencies reviewed this year. During the sunset review hearings, the Committees take public testimony and evaluate the eligible agency prior to the date the agency is scheduled to be repealed. An eligible agency is allowed to sunset unless the Legislature enacts a law to extend, consolidate, or reorganize the eligible agency.

The Sunset Review Process. The sunset review process provides a formal mechanism for the DCA, the Legislature, the regulatory boards, bureaus and committees, interested parties, and stakeholders to make recommendations for improvements to the authority of consumer protection boards and bureaus. This is performed on a standard four-year cycle and was mandated by SB 2036 (McCorquodale, Chapter 908, Statutes of 1994). Each eligible agency is required to submit to the Committees a report covering the entire period since last reviewed that includes, among other things, the purpose and necessity of the agency and any recommendations of the agency for changes or reorganization in order to better fulfill its purpose. During the sunset review hearings, the Committees take public testimony and evaluate the eligible agency prior to the date the agency is scheduled to be repealed.

Related/Prior Legislation. SB 1331 (Pavley Chapter, 595, Statutes of 2016), allowed out-of-state personnel to provide follow-up services in California without a license, under specified conditions; revised the composition of the Board to include three, instead of two, representatives of the legally blind or visually impaired community; and, required the Board to create a factsheet that provides specified information about the Board which must be made available to each licensed school to provide to every student receiving training from that school.

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

SUPPORT: (Verified 8/28/17)

California Association of Guide Dog Users
California Council of the Blind
National Federation of the Blind of California

OPPOSITION: (Verified 8/28/17)

California State Board of Guide Dogs for the Blind

ARGUMENTS IN SUPPORT: The California Council of the Blind writes in support, “[This bill] will bring about a win-win situation, both for those who use guide dogs and the industry itself.”

The National Federation of the Blind of California and the California Association of Guide Dog Users writes in support, “Elimination of the Board will save taxpayer money used by the Board and for oversight by the Department of Consumer Affairs. It will also save guide dog school resources used both to support the Board and to complete the redundant paperwork that the Board requires.”

ARGUMENTS IN OPPOSITION: The California State Board of Guide Dogs for the Blind writes in opposition, “we believe that the sunset of the Board, particularly at this time, on the heels of the implementation of SB 1331 (Chapter 595 - Statutes of 2016) does not provide sufficient time to properly assess the impact of an unregulated industry in the hands of a privately held out-of-state organization on California public safety and consumer protection.”

ASSEMBLY FLOOR: 77-1, 6/1/17

AYES: Acosta, Travis Allen, Arambula, Baker, Berman, Bigelow, Bloom, Bocanegra, Bonta, Brough, Burke, Caballero, Calderon, Cervantes, Chau, Chávez, Chen, Chiu, Chu, Cooley, Cooper, Cunningham, Dababneh, Dahle, Daly, Eggman, Flora, Fong, Frazier, Friedman, Gallagher, Cristina Garcia, Eduardo Garcia, Gipson, Gloria, Gomez, Gonzalez Fletcher, Grayson, Harper, Holden, Irwin, Jones-Sawyer, Kalra, Kiley, Lackey, Levine, Limón, Low, Maienschein, Mathis, Mayes, McCarty, Medina, Melendez, Mullin, Muratsuchi, Nazarian, Obernolte, O'Donnell, Patterson, Quirk, Quirk-Silva, Reyes, Ridley-Thomas, Rodriguez, Rubio, Salas, Santiago, Steinorth, Mark Stone, Thurmond, Ting, Voepel, Waldron, Weber, Wood, Rendon

NOES: Gray

NO VOTE RECORDED: Aguiar-Curry, Choi

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

9/11/17 11:50:30

**** END ****