

AMENDED IN ASSEMBLY JUNE 20, 2016

AMENDED IN SENATE APRIL 11, 2016

**SENATE BILL**

**No. 1331**

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**Introduced by Senator Pavley**

February 19, 2016

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An act to amend Sections 7200 and 7200.5 of, and to add Section 7215.7 to, 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 members 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. A violation of the 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, ~~within 5 days of not less than 3 days prior to arriving in this state, to notify the board of their intent to provide those services, would 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 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  
29 impaired. It shall also have exclusive authority in this state to issue  
30 licenses to operate schools for the training of guide dogs and the  
31 instruction of persons who are blind or visually impaired in the  
32 use of guide dogs.

33 (b) Notwithstanding any other law, whenever an individual has  
34 received training or instruction from a school outside of this state  
35 that is certified by the International Guide Dog Federation or a  
36 successor entity, as determined by the board, personnel from that  
37 school may provide, in this state, any followup services to that  
38 individual with respect to the specific guide dog for whom training

1 or instruction was originally provided outside of this state. The  
2 personnel from that school shall notify the board on a form  
3 prescribed by the board ~~within five business days from~~ *not less*  
4 *than three business days prior to* the time the personnel arrive in  
5 this state of their intent to provide followup services. *If those*  
6 *services are to be provided due to emergency circumstances, as*  
7 *determined by the school, notification may be provided within 24*  
8 *hours after the personnel arrive in this state. For purposes of*  
9 *making that determination, emergency circumstances include, but*  
10 *are not limited to, injury to a dog that requires determination as*  
11 *to whether it remains safe for the dog to continue working, an*  
12 *accident involving the dog, or certain sudden changes in behavior*  
13 *that imperil the safety of the handler.* The board shall permit the  
14 personnel to provide the notification electronically and shall not  
15 require the personnel to notify the board of the name of the  
16 individual who will be receiving the followup services. *However,*  
17 *the board may require a school to provide the name of the*  
18 *individual to whom services have been provided if needed for*  
19 *purposes of investigating the personnel from that school who*  
20 *provided these services.* The board may refuse to allow personnel  
21 to provide followup services if the personnel have committed any  
22 act described in Section 7211.9. During the time the personnel  
23 provide followup services to the individual, the personnel shall be  
24 subject to the disciplinary jurisdiction of the board, which may  
25 include a citation and fine pursuant to the board's rules and  
26 regulations or any other disciplinary action which could be brought  
27 against a licensed instructor.

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

30 7215.7. (a) The board shall prepare a factsheet that shall  
31 contain all of the following:

- 32 (1) A description of the purposes served by the board.
- 33 (2) A description of the board's role in assisting guide dog users  
34 who are victims of alleged guide dog discrimination.
- 35 (3) A description of the board's arbitration procedure under  
36 Section 7215.6.

37 (b) The board shall post the factsheet on its Internet Web site  
38 and provide copies to each guide dog school licensed pursuant to  
39 this chapter. A school licensed under this chapter shall provide a

1 copy of the factsheet to every student receiving training from that  
2 school.

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

6 SEC. 4. No reimbursement is required by this act pursuant to  
7 Section 6 of Article XIII B of the California Constitution because  
8 the only costs that may be incurred by a local agency or school  
9 district will be incurred because this act creates a new crime or  
10 infraction, eliminates a crime or infraction, or changes the penalty  
11 for a crime or infraction, within the meaning of Section 17556 of  
12 the Government Code, or changes the definition of a crime within  
13 the meaning of Section 6 of Article XIII B of the California  
14 Constitution.

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