

**TITLE 16. STRUCTURAL PEST CONTROL BOARD
DEPARTMENT OF CONSUMER AFFAIRS**

FINAL STATEMENT OF REASONS

HEARING DATE: July 23, 2015

SUBJECT MATTER OF PROPOSED REGULATION: License Renewal Fingerprint Requirement

SECTION ADDED: California Code of Regulations, Title 16, Division 19, Section 1960

INITIAL STATEMENT OF REASONS UPDATED INFORMATION: The Initial Statement of Reasons is included in the Rulemaking file. There are no updates to the information contained therein.

UPDATED INFORMATIVE DIGEST: There have been no changes in applicable laws or to the effect of the proposed regulations from the laws and effects described in the Notice of Proposed Changes.

In the Informative Digest it is noted that the proposed regulation will apply to licensees who have not submitted their fingerprints for the purpose of conducting a criminal history record check. Conversely, the Structural Pest Control Board (Board) now wishes to note that the proposed regulation will not apply to any licensees who have previously submitted their fingerprints for the purpose of conducting a criminal history record check.

LOCAL MANDATE DETERMINATION: The proposed regulation does not impose any mandate on local agencies or school districts.

SUMMARY AND RESPONSE TO COMMENTS RECEIVED DURING THE INITIAL NOTICE PERIOD OF JUNE 5, 2015 THROUGH JULY 23, 2015: The Board received no comments, objections, or recommendations specifically directed at the proposed regulatory change during the initial notice period.

At the public hearing held on July 23, 2015, Board Member Cliff Utley asked if the proposed regulation would apply to individuals employed by pest control companies that do not hold a license. Mr. Utley was advised that the proposed regulation would not apply to individuals employed by pest control companies that do not hold a license.

At the public hearing held on July 23, 2015, Board Member Mike Duran asked if individuals who have never submitted a set of fingerprints for the purposes of conducting a criminal history record check could do so at any time after the regulation became effective or if they would need to wait until the time of renewal to do so. Mr. Duran was advised that individuals could submit their fingerprints at any time after the regulation becomes effective.

CONSIDERATION OF ALTERNATIVES: The Board has determined that no proposed or considered alternative would be more effective in carrying out the purpose for which the regulation is proposed or would be as effective and less burdensome to affected private persons than the adopted regulation or would be more cost effective to affected private persons and equally effective in implementing the statutory policy or other provision of law.

The Board made this determination because B&P Code section 144 requires that applicants submit a set of fingerprints for the purpose of conducting a criminal history record check. The Board isn't aware of an equally effective but less burdensome measure that would implement this requirement.

SMALL BUSINESS IMPACT: No proposed alternative would lessen the economic impact on small businesses. The Board made this determination based on the regulatory effect of the proposed regulation applying only to individual licensees, and more specifically, only individual licensees who have never submitted fingerprints for the purpose of conducting a criminal history record check.