

AMENDED IN SENATE SEPTEMBER 8, 2017

AMENDED IN SENATE AUGUST 30, 2017

AMENDED IN SENATE JULY 17, 2017

AMENDED IN ASSEMBLY MAY 30, 2017

AMENDED IN ASSEMBLY MAY 2, 2017

CALIFORNIA LEGISLATURE—2017–18 REGULAR SESSION

ASSEMBLY BILL

No. 1705

Introduced by Assembly Member Low

March 2, 2017

An act to repeal and amend Section 205 of, and to repeal and add Chapter 9.5 (commencing with Section 7200) of Division 3 of, the Business and Professions Code, relating to professions and vocations.

LEGISLATIVE COUNSEL'S DIGEST

AB 1705, as amended, Low. State Board of Guide Dogs for the Blind: guide dog instructors.

Existing law, until January 1, 2018, establishes within the Department of Consumer Affairs a State Board of Guide Dogs for the Blind, which consists of 7 members appointed by the Governor. Existing law authorizes the board 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 the provisions governing guide dogs. A violation of those provisions is a crime.

This bill would repeal those provisions. The bill would make 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 he 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 entity, subject to a fine or civil penalty. The bill would also require a guide dog school to submit to the Department of Consumer Affairs, on or before September 1 of each year, a list of all trainers or guide dog instructors employed or contracted by the school.

The bill would make other conforming changes.

This bill would incorporate additional changes to Section 205 of the Business and Professions Code, as amended by Section 1 of Chapter 800 of the Statutes of 2016, proposed by SB 19 to be operative only if this bill and SB 19 are enacted and this bill is enacted last.

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

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

- 1 SECTION 1. Section 205 of the Business and Professions
- 2 Code, as added by Section 2 of Chapter 395 of the Statutes of
- 3 2015, is repealed.
- 4 SEC. 2. Section 205 of the Business and Professions Code, as
- 5 added by Section 2 of Chapter 428 of the Statutes of 2015, is
- 6 repealed.
- 7 SEC. 3. Section 205 of the Business and Professions Code, as
- 8 amended by Section 1 of Chapter 800 of the Statutes of 2016, is
- 9 amended to read:

- 1 205. (a) There is in the State Treasury the Professions and
2 Vocations Fund. The fund shall consist of the following special
3 funds:
- 4 (1) Accountancy Fund.
 - 5 (2) California Architects Board Fund.
 - 6 (3) Athletic Commission Fund.
 - 7 (4) Barbering and Cosmetology Contingent Fund.
 - 8 (5) Cemetery and Funeral Fund.
 - 9 (6) Contractors' License Fund.
 - 10 (7) State Dentistry Fund.
 - 11 (8) Home Furnishings and Thermal Insulation Fund.
 - 12 (9) California Architects Board-Landscape Architects Fund.
 - 13 (10) Contingent Fund of the Medical Board of California.
 - 14 (11) Optometry Fund.
 - 15 (12) Pharmacy Board Contingent Fund.
 - 16 (13) Physical Therapy Fund.
 - 17 (14) Private Investigator Fund.
 - 18 (15) Private Security Services Fund.
 - 19 (16) Professional Engineer's, Land Surveyor's, and Geologist's
20 Fund.
 - 21 (17) Consumer Affairs Fund.
 - 22 (18) Behavioral Sciences Fund.
 - 23 (19) Licensed Midwifery Fund.
 - 24 (20) Court Reporters' Fund.
 - 25 (21) Veterinary Medical Board Contingent Fund.
 - 26 (22) Vocational Nursing and Psychiatric Technicians Fund.
 - 27 (23) Electronic and Appliance Repair Fund.
 - 28 (24) Dispensing Opticians Fund.
 - 29 (25) Acupuncture Fund.
 - 30 (26) Physician Assistant Fund.
 - 31 (27) Board of Podiatric Medicine Fund.
 - 32 (28) Psychology Fund.
 - 33 (29) Respiratory Care Fund.
 - 34 (30) Speech-Language Pathology and Audiology and Hearing
35 Aid Dispensers Fund.
 - 36 (31) Board of Registered Nursing Fund.
 - 37 (32) Animal Health Technician Examining Committee Fund.
 - 38 (33) State Dental Hygiene Fund.
 - 39 (34) State Dental Assistant Fund.
 - 40 (35) Structural Pest Control Fund.

1 (36) Structural Pest Control Eradication and Enforcement Fund.

2 (37) Structural Pest Control Research Fund.

3 (b) For accounting and recordkeeping purposes, the Professions
4 and Vocations Fund shall be deemed to be a single special fund,
5 and each of the several special funds therein shall constitute and
6 be deemed to be a separate account in the Professions and
7 Vocations Fund. Each account or fund shall be available for
8 expenditure only for the purposes as are now or may hereafter be
9 provided by law.

10 (c) This section shall become operative on July 1, 2016.

11 *SEC. 3.3. Section 205 of the Business and Professions Code,*
12 *as amended by Section 1 of Chapter 800 of the Statutes of 2016,*
13 *is amended to read:*

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

17 (1) Accountancy Fund.

18 (2) California Architects Board Fund.

19 (3) Athletic Commission Fund.

20 (4) Barbering and Cosmetology Contingent Fund.

21 (5) Cemetery and Funeral Fund.

22 (6) Contractors' License Fund.

23 (7) State Dentistry Fund.

24 ~~(8) Guide Dogs for the Blind Fund.~~

25 ~~(9)~~

26 (8) Home Furnishings and Thermal Insulation Fund.

27 ~~(10)~~

28 (9) California Architects Board-Landscape Architects Fund.

29 ~~(11)~~

30 (10) Contingent Fund of the Medical Board of California.

31 ~~(12)~~

32 (11) Optometry Fund.

33 ~~(13)~~

34 (12) Pharmacy Board Contingent Fund.

35 ~~(14)~~

36 (13) Physical Therapy Fund.

37 ~~(15)~~

38 (14) Private Investigator Fund.

39 ~~(16)~~

40 (15) Private Security Services Fund.

- 1 ~~(17)~~
- 2 (16) Professional Engineer's, Land Surveyor's, and Geologist's
- 3 Fund.
- 4 ~~(18)~~
- 5 (17) Consumer Affairs Fund.
- 6 ~~(19)~~
- 7 (18) Behavioral Sciences Fund.
- 8 ~~(20)~~
- 9 (19) Licensed Midwifery Fund.
- 10 ~~(21)~~
- 11 (20) Court Reporters' Fund.
- 12 ~~(22)~~
- 13 (21) Veterinary Medical Board Contingent Fund.
- 14 ~~(23)~~
- 15 (22) Vocational Nursing and Psychiatric Technicians Fund.
- 16 ~~(24)~~
- 17 (23) Electronic and Appliance Repair Fund.
- 18 ~~(25)~~
- 19 (24) Dispensing Opticians Fund.
- 20 ~~(26)~~
- 21 (25) Acupuncture Fund.
- 22 ~~(27)~~
- 23 (26) Physician Assistant Fund.
- 24 ~~(28)~~
- 25 (27) Board of Podiatric Medicine Fund.
- 26 ~~(29)~~
- 27 (28) Psychology Fund.
- 28 ~~(30)~~
- 29 (29) Respiratory Care Fund.
- 30 ~~(31)~~
- 31 (30) Speech-Language Pathology and Audiology and Hearing
- 32 Aid Dispensers Fund.
- 33 ~~(32)~~
- 34 (31) Board of Registered Nursing Fund.
- 35 ~~(33)~~
- 36 (32) Animal Health Technician Examining Committee Fund.
- 37 ~~(34)~~
- 38 (33) State Dental Hygiene Fund.
- 39 ~~(35)~~
- 40 (34) State Dental Assistant Fund.

- 1 ~~(36)~~
- 2 (35) Structural Pest Control Fund.
- 3 ~~(37)~~
- 4 (36) Structural Pest Control Eradication and Enforcement Fund.
- 5 ~~(38)~~
- 6 (37) Structural Pest Control Research Fund.
- 7 (b) For accounting and recordkeeping purposes, the Professions
- 8 and Vocations Fund shall be deemed to be a single special fund,
- 9 and each of the several special funds therein shall constitute and
- 10 be deemed to be a separate account in the Professions and
- 11 Vocations Fund. Each account or fund shall be available for
- 12 expenditure only for the purposes as are now or may hereafter be
- 13 provided by law.
- 14 (c) This section shall become ~~operative on July 1, 2016.~~
- 15 ~~inoperative on July 1, 2018.~~
- 16 SEC. 3.5. Section 205 of the Business and Professions Code,
- 17 as amended by Section 1 of Chapter 800 of the Statutes of 2016,
- 18 is amended to read:
- 19 205. (a) There is in the State Treasury the Professions and
- 20 Vocations Fund. The fund shall consist of the following special
- 21 funds:
- 22 (1) Accountancy Fund.
- 23 (2) California Architects Board Fund.
- 24 (3) Athletic Commission Fund.
- 25 (4) Barbering and Cosmetology Contingent Fund.
- 26 (5) Cemetery and Funeral Fund.
- 27 (6) Contractors' License Fund.
- 28 (7) State Dentistry Fund.
- 29 ~~(8) Guide Dogs for the Blind Fund.~~
- 30 ~~(9)~~
- 31 (8) Home Furnishings and Thermal Insulation Fund.
- 32 ~~(10)~~
- 33 (9) California Architects Board-Landscape Architects Fund.
- 34 ~~(11)~~
- 35 (10) Contingent Fund of the Medical Board of California.
- 36 ~~(12)~~
- 37 (11) Optometry Fund.
- 38 ~~(13)~~
- 39 (12) Pharmacy Board Contingent Fund.
- 40 ~~(14)~~

- 1 (13) Physical Therapy Fund.
- 2 ~~(15)~~
- 3 (14) Private Investigator Fund.
- 4 ~~(16)~~
- 5 (15) Private Security Services Fund.
- 6 ~~(17)~~
- 7 (16) Professional Engineer's, Land Surveyor's, and Geologist's
- 8 Fund.
- 9 ~~(18)~~
- 10 (17) Consumer Affairs Fund.
- 11 ~~(19)~~
- 12 (18) Behavioral Sciences Fund.
- 13 ~~(20)~~
- 14 (19) Licensed Midwifery Fund.
- 15 ~~(21)~~
- 16 (20) Court Reporters' Fund.
- 17 ~~(22)~~
- 18 (21) Veterinary Medical Board Contingent Fund.
- 19 ~~(23)~~
- 20 (22) Vocational Nursing and Psychiatric Technicians Fund.
- 21 ~~(24)~~
- 22 (23) Electronic and Appliance Repair Fund.
- 23 ~~(25)~~
- 24 (24) Dispensing Opticians Fund.
- 25 ~~(26)~~
- 26 (25) Acupuncture Fund.
- 27 ~~(27)~~
- 28 (26) Physician Assistant Fund.
- 29 ~~(28)~~
- 30 (27) Board of Podiatric Medicine Fund.
- 31 ~~(29)~~
- 32 (28) Psychology Fund.
- 33 ~~(30)~~
- 34 (29) Respiratory Care Fund.
- 35 ~~(31)~~
- 36 (30) Speech-Language Pathology and Audiology and Hearing
- 37 Aid Dispensers Fund.
- 38 ~~(32)~~
- 39 (31) Board of Registered Nursing Fund.
- 40 ~~(33)~~

- 1 (32) Animal Health Technician Examining Committee Fund.
- 2 ~~(34)~~
- 3 (33) State Dental Hygiene Fund.
- 4 ~~(35)~~
- 5 (34) State Dental Assistant Fund.
- 6 ~~(36)~~
- 7 (35) Structural Pest Control Fund.
- 8 ~~(37)~~
- 9 (36) Structural Pest Control Eradication and Enforcement Fund.
- 10 ~~(38)~~
- 11 (37) Structural Pest Control Research Fund.
- 12 (38) *Household Movers Fund*.

13 (b) For accounting and recordkeeping purposes, the Professions
 14 and Vocations Fund shall be deemed to be a single special fund,
 15 and each of the several special funds therein shall constitute and
 16 be deemed to be a separate account in the Professions and
 17 Vocations Fund. Each account or fund shall be available for
 18 expenditure only for the purposes as are now or may hereafter be
 19 provided by law.

20 (c) This section shall become operative on July 1, ~~2016~~ 2018.

21 SEC. 4. Chapter 9.5 (commencing with Section 7200) of
 22 Division 3 of the Business and Professions Code is repealed.

23 SEC. 5. Chapter 9.5 (commencing with Section 7200) is added
 24 to Division 3 of the Business and Professions Code, to read:

25
 26 CHAPTER 9.5. GUIDE DOGS FOR THE BLIND

27
 28 7200. Any person who uses in any sign, business card, or
 29 letterhead, or in any advertisement, the words “guide dog
 30 instructor,” “certified guide dog instructor,” or any other terms or
 31 letters indicating or implying that he or she is an instructor trained
 32 in the utilization or training of guide dogs for the blind, or who
 33 represents or holds himself or herself out as a guide dog instructor,
 34 without having knowledge of the special problems of persons who
 35 are blind or visually impaired and being able to teach them, being
 36 able to demonstrate the ability to train guide dogs with which
 37 persons who are blind or visually impaired would be safe under
 38 various traffic conditions, or being employed by a guide dog school
 39 certified by the International Guide Dog Federation, or a successor
 40 entity, is subject to a fine or civil penalty.

1 7201. For purposes of this chapter:

2 (a) “Guide dog instructor” means a person who instructs or
3 trains persons who are blind or visually impaired in the use of
4 guide dogs or who engages in the business of training, selling,
5 hiring, or supplying guide dogs for persons who are blind or
6 visually impaired.

7 (b) “Guide dog” means a dog that has been trained or is being
8 trained to assist blind or visually impaired individuals. For purposes
9 of this chapter, “guide dog” is used to describe a “service dog.”

10 7202. A guide dog school shall submit to the Department of
11 Consumer Affairs on or before September 1 of each year a list of
12 all trainers or guide dog instructors employed or contracted by the
13 school. The department shall not charge a fee for the collection of
14 this data.

15 *SEC. 6. Sections 3.3 and 3.5 of this bill incorporate*
16 *amendments to Section 205 of the Business and Professions Code,*
17 *as amended by Section 1 of Chapter 800 of the Statutes of 2016,*
18 *proposed by this bill and Senate Bill 19. Those sections shall only*
19 *become operative if (1) both bills are enacted and become effective*
20 *on or before January 1, 2018, (2) each bill amends Section 205 of*
21 *the Business and Professions Code, as amended by Section 1 of*
22 *Chapter 800 of the Statutes of 2016, and (3) this bill is enacted*
23 *after Senate Bill 19, in which case Sections 3.3 and 3.5 of this bill*
24 *shall become operative as provided therein and Section 3 of this*
25 *bill shall not become operative.*