

**State of California
Office of Administrative Law**

In re:
Department of Food and Agriculture

Regulatory Action:

Title 03, California Code of Regulations

Adopt sections: 1308, 1309

Amend sections: 839

Repeal sections:

**NOTICE OF APPROVAL OF REGULATORY
ACTION**

Government Code Section 11349.3

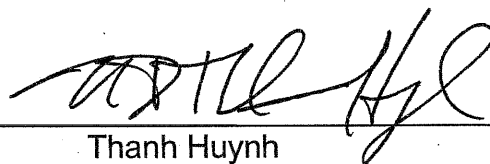
OAL Matter Number: 2026-0721-01

OAL Matter Type: Regular Resubmittal (SR)

In this resubmitted rulemaking action, the Department of Food and Agriculture (Department) amends its administrative penalty schedules for failure to comply with statutes and regulations related to animal disease traceability. It also adopts regulations to establish administrative penalties for animal blood banks who fail to comply with statutes and regulations related to animal blood banking. Further, it addresses factors the Department considers when determining whether to suspend or revoke a facility license or a product registration.

OAL approves this regulatory action pursuant to section 11349.3 of the Government Code. This regulatory action becomes effective on 10/1/2026.

Date: August 31, 2026



Thanh Huynh
Senior Attorney

For: Kenneth J. Pogue
Director

Original: Karen Ross, Secretary
Copy: Dr. Sean Brady

RESUBMITTAL

STATE OF CALIFORNIA—OFFICE OF ADMINISTRATIVE LAW
NOTICE PUBLICATION/REG

For use by Secretary of State only

STD. 400 (REV. 10/2019)

OAL FILE NUMBERS	NOTICE FILE NUMBER Z-2025-0826-05	REGULATORY ACTION NUMBER 2026-0721-015	EMERGENCY NUMBER
For use by Office of Administrative Law (OAL) only			
NOTICE		REGULATIONS	
AGENCY WITH RULEMAKING AUTHORITY Department of Food and Agriculture			AGENCY FILE NUMBER (If any)

ENDORSED - FILED
in the office of the Secretary of State
of the State of California

AUG 31 2026

2:22 pm
NM

OFFICE OF ADMIN. LAW
2026 JUL 21 AM 11:21

A. PUBLICATION OF NOTICE (Complete for publication in Notice Register)

1. SUBJECT OF NOTICE		TITLE(S)	FIRST SECTION AFFECTED	2. REQUESTED PUBLICATION DATE	
3. NOTICE TYPE ☐ Notice re Proposed Regulatory Action ☐ Other		4. AGENCY CONTACT PERSON		TELEPHONE NUMBER	FAX NUMBER (Optional)
OAL USE ONLY		ACTION ON PROPOSED NOTICE ☐ Approved as Submitted ☐ Approved as Modified ☐ Disapproved/Withdrawn		NOTICE REGISTER NUMBER 2025, 36-Z	PUBLICATION DATE 9/5/25

B. SUBMISSION OF REGULATIONS (Complete when submitting regulations)

1a. SUBJECT OF REGULATION(S) Animal Blood Banks Administrative Penalties		1b. ALL PREVIOUS RELATED OAL REGULATORY ACTION NUMBER(S) 2026-0413-03S	
2. SPECIFY CALIFORNIA CODE OF REGULATIONS TITLE(S) AND SECTION(S) (Including title 26, if toxics related)			
SECTION(S) AFFECTED (List all section number(s) individually. Attach additional sheet if needed.)		ADOPT 1308, 1309	
		AMEND 839	
TITLE(S) 3		REPEAL	
3. TYPE OF FILING			
☐ Regular Rulemaking (Gov. Code §11346)		☐ Certificate of Compliance: The agency officer named below certifies that this agency complied with the provisions of Gov. Code §§11346.2-11347.3 either before the emergency regulation was adopted or within the time period required by statute.	
☒ Resubmittal of disapproved or withdrawn nonemergency filing (Gov. Code §§11349.3, 11349.4)		☐ Emergency Readopt (Gov. Code, §11346.1(h))	
☐ Emergency (Gov. Code, §11346.1(b))		☐ File & Print	
☐ Resubmittal of disapproved or withdrawn emergency filing (Gov. Code, §11346.1)		☐ Other (Specify)	
☐ Changes Without Regulatory Effect (Cal. Code Regs., title 1, §100)		☐ Print Only	
4. ALL BEGINNING AND ENDING DATES OF AVAILABILITY OF MODIFIED REGULATIONS AND/OR MATERIAL ADDED TO THE RULEMAKING FILE (Cal. Code Regs. title 1, §44 and Gov. Code §11347.1) January 20, 2026 - February 6, 2026; June 9, 2026 - June 26, 2026			
5. EFFECTIVE DATE OF CHANGES (Gov. Code, §§ 11343.4, 11346.1(d); Cal. Code Regs., title 1, §100) ☒ Effective January 1, April 1, July 1, or October 1 (Gov. Code §11343.4(a)) ☐ Effective on filing with Secretary of State ☐ \$100 Changes Without Regulatory Effect ☐ Effective other (Specify)			
6. CHECK IF THESE REGULATIONS REQUIRE NOTICE TO, OR REVIEW, CONSULTATION, APPROVAL OR CONCURRENCE BY, ANOTHER AGENCY OR ENTITY ☐ Department of Finance (Form STD. 399) (SAM §6660) ☐ Fair Political Practices Commission ☐ State Fire Marshal ☐ Other (Specify)			
7. CONTACT PERSON Sean Brady, DVM		TELEPHONE NUMBER 916-208-0500	FAX NUMBER (Optional) E-MAIL ADDRESS (Optional) sean.brady@cdfa.ca.gov

8. I certify that the attached copy of the regulation(s) is a true and correct copy of the regulation(s) identified on this form, that the information specified on this form is true and correct, and that I am the head of the agency taking this action, or a designee of the head of the agency, and am authorized to make this certification.

SIGNATURE OF AGENCY HEAD OR DESIGNEE Arima Kozina Digitally signed by Arima Kozina Date: 2026.07.21 09:08:59 -07'00'	DATE 07/21/2026
TYPED NAME AND TITLE OF SIGNATORY Arima Kozina, Deputy Secretary	

For use by Office of Administrative Law (OAL) only

ENDORSED APPROVED

AUG 31 2026

Office of Administrative Law

DEPARTMENT OF FOOD AND AGRICULTURE
PROPOSED REGULATORY TEXT – ANIMAL BLOOD BANKS

Text proposed to be adopted is displayed in underline type.

Text proposed to be deleted is displayed in ~~strikethrough type~~.

The Department of Food and Agriculture, Animal Blood Banks Program, proposes to update its Animal Blood Banking administrative penalties, as specified below:

1) Adopt new Section 1308 of new Article 6 of Chapter 8 of Division 2 of Title 3 of the California Code of Regulations, to read as follows:

Article 6. Enforcement Procedures

Section 1308. Administrative Penalties for Animal Blood Banking

(a) Failure to comply with the provisions of the statutes relating to animal blood banking under Chapter 1.5 (commencing with Section 9201) of Division 5 of the Food and Agricultural Code, and any regulations adopted pursuant to them, constitutes a violation punishable by a fine of not less than one hundred dollars (\$100) and not more than one thousand dollars (\$1,000) for each violation, as authorized by Section 9166 of the Food and Agricultural Code.

(b) The Department shall use the provisions of this Section to determine the violation class, severity of the violation, and amount of the penalty. One instance of conduct may result in multiple violations.

(c) For purposes of this Section, violations are classified as “serious,” “moderate,” or “minor”. Repeat violations may result in an escalation of violation class and/or penalty. Escalation of penalties will apply for a revolving three-year period from the date of each unique Section code violation.

(d) Table “A” Administrative Violation Classification Schedule shall be used by the Department and provides the level of severity of a particular violation, and the corresponding penalty range for “serious,” “moderate,” and “minor” violation classes, for violations pursuant to Subsection (a) of this Section.

(1) “Serious” violations are those committed recklessly or negligently, or those that present a significant risk of spreading animal disease, causing undue pain or distress to animal blood donors, contaminating animal blood or blood component products, or otherwise compromising animal or public health. This includes, but is not limited to, violations that have resulted in, or reasonably could result in, the introduction or spread of an animal disease, or that interfere with the Department’s ability to prevent, trace, or respond to such risks. It also includes failures in blood

and blood component product traceability as well as practices that undermine product integrity or biosecurity. Serious violations are punishable by an administrative penalty ranging from five hundred one dollars (\$501) to one thousand dollars (\$1,000).

(2) "Moderate" violations are those where there is potential for spreading animal disease, causing undue pain or distress to animal blood donors, contaminating animal blood or blood component products, or otherwise compromising animal or public health. This includes violations that may contribute to the introduction or spread of animal disease or hinder the Department's efforts to prevent, trace, or respond to such risks. It also encompasses deficiencies that could affect product integrity or biosecurity. Moderate violations are punishable by an administrative penalty ranging from three hundred one dollars (\$301) to five hundred dollars (\$500).

(3) "Minor" violations are those that are unintentional and pose minimal risk of spreading animal disease, causing undue pain or distress to animal blood donors, contaminating animal blood or blood component products, or otherwise compromising animal or public health. These violations have minimal potential to result in the introduction or spread of animal disease or to interfere with the Department's oversight functions. They may involve minor lapses in protocols that do not significantly affect product integrity or biosecurity. Minor violations are punishable by an administrative penalty ranging from one hundred dollars (\$100) to three hundred dollars (\$300).

(e) When determining the penalty for any violation of Chapter 1.5 (commencing with Section 9201) of Division 5 of the Food and Agricultural Code and any regulations adopted pursuant to them, the Department shall consider any aggravating or mitigating factors. The penalty assessed shall represent a totality of the circumstances: the greater risk or recalcitrance of the violator will place the assessed penalty progressively higher within the range. Cooperation, risk mitigation, and severity of the violation will be considered and will place the penalty at the lower end of the range. The Department shall assess each violation using the following risk categories:

(1) Risk to donor animal health and welfare: A low risk to donor animal health is one where there is a minimal risk to animal blood donor health or welfare from blood banking activities. A high risk to donor animal health is one where the event or occurrence poses a significant risk of harm to donor animal health or welfare, or the violator acted recklessly.

(2) Risk to recipient animal health: A low risk to recipient animal health is one where there is minimal risk and only under irregular conditions could there be any possibility of transmission of an illness or contamination of the blood products, and

all reasonable precautions have been taken. A high risk to recipient animal health is one where the event or occurrence poses a significant risk of harm, has occurred or is likely to occur, or the violator knew or should have known that the event or activity would result in risk to the recipient of the blood product, or the violator acted recklessly.

(3) Risk to animal blood supply: A low risk to the animal blood supply is one where the event or occurrence poses minimal risk and only under irregular conditions could there be any possibility of loss of efficacy of the product or transmission of an illness. A high risk to the animal blood supply is one where the event or occurrence poses significant risk of harm, has occurred or is likely to occur, and the violator knew or should have known that the event or activity would result in decreased efficacy of the product or transmission of an illness, or the violator acted recklessly.

(4) Cooperation of the violator: The Department shall consider whether the violator has been non-responsive, recalcitrant, or deceptive. The violation can be mitigated by compliance and subsequent remedial measures.

(f) Administrative penalties must be paid within 30 days from the date of receipt of the order of assessment.

(g) A respondent, or his or her duly authorized representative, may contest a notice of violation by requesting an informal hearing as outlined in Article 1 of Chapter 9 of Division 2 of Title 3 of the California Code of Regulations.

Table "A" Administrative Violation Classification Schedule					
<i>Food and Agricultural Code</i>	<i>Title 3 California Code of Regulations</i>	<i>Description of Violation</i>	<i>Minor \$100 - \$300</i>	<i>Moderate \$301 - \$500</i>	<i>Serious \$501 - \$1000</i>
9210		No person shall engage in the production of animal blood or blood component products for retail sale and distribution except in commercial licensed blood bank for			Any violation

		<u>animals licensed by the secretary or in accordance with Article 7 (commencing with Section 4920) of Chapter 11 of Division 2 of the Business and Professions Code</u>			
<u>9222</u>		<u>Discriminating against California veterinarians in the sale of animal blood or blood component products</u>	<u>1st violation</u>	<u>2nd violation</u>	<u>3rd violation & subsequent</u>
<u>9221(e)</u>	<u>1304.1(e)</u>	<u>Failure of a closed-colony blood bank to adhere to written protocols submitted to the Department</u>		<u>1st violation</u>	<u>2nd violation & subsequent</u>
<u>9221</u>	<u>1304.1(g)</u>	<u>Failure of a closed-colony blood bank to notify the Department of any changes to the information provided in its</u>	<u>1st violation</u>	<u>2nd violation</u>	<u>3rd violation & subsequent</u>

		<u>license application within 30 days of the change</u>			
<u>9241</u>		<u>No person shall offer for sale or use any blood or blood component product unless it is produced in an establishment licensed by the secretary or in accordance with Article 7 (commencing with Section 4920) of Chapter 11 of Division 2 of the Business and Professions Code, or imported into the state pursuant to Section 9252 and registered with the department in accordance with Section 9244</u>			<u>Any violation</u>
<u>9244</u>	<u>1304.3</u>	<u>Failure of a blood bank to notify the Department</u>	<u>1st violation</u>	<u>2nd violation</u>	<u>3rd violation & subsequent</u>

		<u>of any changes to the information provided in its product registration application within 30 days of the change</u>			
<u>9244(a)(5)</u>		<u>Failure of a blood bank to operate in accordance with the protocols included in the application for registration on file with the Department for blood or blood component products, as required by FAC section 9244, and any subsequent changes reported to the Department pursuant to 3 CCR section 1304.3</u>		<u>1st violation</u>	<u>2nd violation & subsequent</u>
<u>9244(a)(6)</u>		<u>Failure of a blood bank to use labels consistent</u>	<u>1st violation</u>	<u>2nd violation</u>	<u>3rd violation & subsequent</u>

		with samples included in the application for registration on file with the Department for blood or blood component products, as required by FAC section 9244, and any subsequent changes reported to the Department pursuant to 3 CCR section 1304.3.			
9252, 9253, BPC 4920.6	1305.1, 1305.2, 1307.1	Failure to submit quarterly reports and associated fees as specified	1 st violation	2 nd violation	3 rd violation & subsequent
9266	1306.1 1306.2 1306.3	Failure to comply with inspections			Any violation

Note: Authority cited: Sections 407, 9166, 9245, 9251 of Food and Agricultural Code.

Reference: Sections 9210, 9221, 9222, 9241, 9244, 9252, 9253, 9266 of Food and Agricultural Code. Section 4920.6 of Business and Professions Code.

Section 1309. Suspension and Revocation

(a) The Department may suspend or revoke any facility license or product registration issued under Chapter 1.5 (commencing with Section 9201) of Division 5 of the Food and Agricultural Code. In making its determination, the Department shall consider any

aggravating or mitigating factors and may take such action based on any of the following grounds:

- (1) Two or more "serious" violations, whether the same violation committed multiple times or multiple distinct violations, as defined in Section 1308(d)(1), by the registrant or licensee of any provision of Chapter 1.5 (commencing with Section 9201) of Division 5 of the Food and Agricultural Code or Chapter 8 of Division 2 of Title 3 of the California Code of Regulations.
 - (2) Aiding, abetting, or permitting any "serious" violation, or repeated violations, of any provision of Chapter 1.5 (commencing with Section 9201) of Division 5 of the Food and Agricultural Code or Chapter 8 of Division 2 of Title 3 of the California Code of Regulations.
 - (3) Misrepresentation of any information provided in connection with an application for a facility license or product registration.
 - (4) Material alteration of records required to be maintained, or quarterly reports required to be submitted, under Chapter 1.5 of Division 5 of the Food and Agricultural Code, Article 7 of Chapter 11 of Division 2 of Business and Professions Code, or Chapter 8 of Division 2 of Title 3 of the California Code of Regulations, with the intent to deceive.
 - (5) Any act or omission that would have constituted grounds for the denial of a facility license or product registration application.
 - (6) Willful or repeated failure to pay any administrative penalties assessed by the Department.
- (b) Proceedings for the suspension or revocation of a license or product registration shall be conducted as a formal hearing in accordance with the provisions of Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code.
- (c) The Department shall send written notice of a proposed suspension or revocation of a facility license or product registration. This notice shall include:
- (1) The date the proposed suspension or revocation is issued;
 - (2) The reasons for the proposed suspension or revocation;
 - (3) The effective date of the proposed suspension or revocation;
 - (4) The impact of a suspension or revocation on future eligibility for registration including conditions for reinstatement, which shall be determined by the Department

based on the demonstrated pattern of violations described in subsections (a)(1) through (a)(5) of this section; and

(5) The right to request a formal hearing within 30 calendar days of the date the proposed suspension or revocation was issued.

(A) A request for a formal hearing shall be submitted in writing to the California Department of Food and Agriculture, Legal Office of Hearings and Appeals, 1220 N Street, Suite 315, Sacramento, California 95814.

(d) The notice of adverse determination shall remain in effect pending the outcome of a formal hearing.

Note: Authority cited: Sections 407, 9166, 9245, 9251 of Food and Agricultural Code.

Reference: Sections 9210, 9221, 9222, 9241, 9244, 9252, 9253, 9266 of Food and Agricultural Code. Section 4920.6 of Business and Professions Code. Sections 11500 – 11529 of Government Code.

2) Amend Section 839 of Article 14, Chapter 2, Division 2, of Title 3 of the California Code of Regulations, to read as follows:

Section 839. Administrative Penalty Schedules.

(a) ...

Table "A" Administrative Violation Classification Schedule					
Food & Agricultural Code	Title 3 California Code of Regulations	Description of Violation	Minor \$100-\$300	Moderate \$301-\$500	Serious \$501-\$1000
9101	[No change]	[No change]	[No change]	[No change]	[No change]
[...]	[...]	[...]	[...]	[...]	[...]
9210		No person shall engage in the production of animal blood or blood component products for retail sale or distribution except in commercial licensed blood bank for animals licensed by the secretary			Any violation
9241		No person shall offer for sale or use any biologic			Any violation

		unless it is manufactured pursuant to the terms of a valid license or permit issued by the US Department of Agriculture; or blood or blood component product unless it is produced in an establishment licensed by the secretary			
9351	[No change]	[No change]	[No change]	[No change]	[No change]
[...]	[...]	[...]	[...]	[...]	[...]

Table "B" Administrative Violation Schedule

Food & Agricultural Code	Title 3 California Code of Regulations	Description of Violation	Penalty
10781	[No change])	[No change]	[No change]
[...]	[...]	[...]	[...]

Authority cited: Sections 9166 and 10786, Food and Agricultural Code.

Reference: Sections 9101, 9161, 9164, 9210, 9241, 9351, 9352, 9561, 9563, 9570, 9641.5(a)(1), 9641.5(a)(2), 9694, 9695, 9696, 9697, 9698, 9699, 9702, 10325, 10326, 10327, 10351, 10352, 10610, 10951, 18727 and 10781, Food and Agricultural Code.