

DEPARTMENT OF FOOD AND AGRICULTURE
ANIMAL BLOOD BANK PROGRAM
ADDENDUM TO THE INITIAL STATEMENT OF REASONS

In response to a written comment received from the public, the Department made technical, clarifying changes to the text.

The changes are summarized as follows:

Modified Text

Section 1308(a): fixed typo to correct the spelling of “statutes” and “Agricultural”.

Sections 1308(d)(1)-(3): struck “the environment, or the economy” and “improper collection, handling, storage, or distribution” from these sections in response to stakeholder feedback regarding clarity of these terms.

Section 1308 “Table A” row referencing Food and Agricultural Code (FAC) 9241: Description of the Violation language updated to more closely align with the language relocated from Section 839 and to reflect changes made to the FAC by Assembly Bill 1282 (Chapter 752, Statutes of 2021).

Section 1308 “Table A” row referencing FAC 9221(e): Title 3 California Code of Regulations reference section corrected and Description of the Violation language updated for clarity based in response to stakeholder feedback.

Section 1308 “Table A” row referencing FAC 9244: Title 3 California Code of Regulations reference section corrected.

Section 1308 “Table A” row referencing FAC 9244(a)(5): Description of the Violation language updated for clarity in response to stakeholder feedback.

Section 1308 “Table A” row referencing FAC 9244(a)(6): Description of the Violation language updated for clarity in response to stakeholder feedback.

Section 1308 “Table A” row referencing FAC 9252, 9253, BPC 4920.6: corrected the spelling of “subsequent” in the last column.

Section 1308 “Table A” row referencing FAC 9266: Title 3 California Code of Regulations reference section corrected.

Section 1309(a)(1): language amended for clarity in response to stakeholder feedback.

Section 1309(a)(2): language amended for clarity in response to stakeholder feedback.

Section 1309(a)(4): language amended for clarity in response to stakeholder feedback.

Section 1309(a)(6): language amended for clarity in response to stakeholder feedback.

Section 1309(c): this subsection was added in response to stakeholder feedback requesting clarity regarding how a facility license or product registration suspension or revocation will be noticed.

Section 1309(c)(1): added to specify that the written notice of a proposed suspension or revocation of a facility license or product registration shall include the date the proposed suspension or revocation is issued.

Section 1309(c)(2): added to specify that the written notice of a proposed suspension or revocation of a facility license or product registration shall include the reason for the proposed suspension or revocation.

Section 1309(c)(3): added to specify that the written notice of a proposed suspension or revocation of a facility license or product registration shall include the effective date of the proposed suspension or revocation.

Section 1309(c)(4): added to specify that the written notice of a proposed suspension or revocation of a facility license or product registration shall include the impact of a suspension or revocation on future eligibility for registration including conditions for reinstatement.

Section 1309(c)(4): added to specify that the written notice of a proposed suspension or revocation of a facility license or product registration shall include the right to request a formal hearing within 30 calendar days of the date the proposed suspension or revocation was issued.

Section 1309(c)(4)(A): added to specify 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.

Section 1309(d): this subsection added to specify that the notice of adverse determination shall remain in effect pending the outcome of a formal hearing. This is necessary to prevent spread of animal disease, undue pain or distress to animal donors, contamination of animal blood or blood component products, or risk to public health that may result from “serious violations” during the pendency of the formal hearing.

Section 839 “Table A” row referencing FAC 9241: Description of the Violation text corrected to ensure that the portion of the section not relocated to Section 1308 “Table A” remains in place.