

California Code of Regulations
Adoption of New Sections 11770, 11771.1, 11771.2, 11771.3, 11772, 11773 in
New Subchapter 2.2, of Title 8 of the California Code of Regulations,
Pertaining to Child Performer Services Permits

ECONOMIC IMPACT ASSESSMENT
(Government Code Section 11346.3(b))

The proposed regulation provides necessary standards for the permit program which the Division of Labor Standards Enforcement (DLSE) is required to administer under AB 1660 (Chapter 634, Statutes of 2012). The regulations will facilitate for the regulated public an understanding of the standards and criteria considered for issuance of a child performer services permit. These standards include further specifying who is covered by the permit requirement, the setting of an application fee, required application information, and standards for processing permit applications and permit renewals. The proposal also specifies suspension and revocation procedures which is necessary to fully administer the permit program where there is a subsequent action impacting the permit holder's qualification for a permit (i.e., a permit holder's lack of sex offender registration status changes). The temporary suspension in the event of an arrest which would require, or revocation in the event of a conviction for a sex crime which requires, the holder to register as a sex offender will provide an administrative mechanism affecting the permit which safeguards artists who are minors which is the primary purpose of the legislation.

The proposals are necessary for the Labor Commissioner to duly and efficiently administer the mandated permit program designed to screen sex offenders from representing or performing specified activities relating to minors in entertainment enterprises.

Creation or Elimination of Jobs within the State of California

The regulations are designed to standardize criteria for administering statutory permit requirements. The regulations will establish uniform standards for coverage of the permit requirement, permit applications with identifying and contact information, fee, requirements for permit renewal, denial, and administrative procedures for suspension and revocation of permits. The regulations also assist the DLSE in carrying out the statutorily mandated program for issuance of the permit and administering the program. These activities are currently being performed by existing state staff and the regulations enhance their job abilities. Sex offenders are statutorily precluded from engaging in the regulated activity. Any sex offenders who are employed at businesses who work with such minors in performance of regulated activities would violate the statutory prohibition. Since only persons who have no sex offender status would be permitted to perform the regulated activities as a direct result of the legislation (AB 1660) being implemented by these regulations, any elimination of jobs

previously held by sex offenders are the result of the legislation and not of the regulations. To the extent that any job was previously held by a sex offender working in a business which performs a regulated activity, the job is not necessarily eliminated and may be performed by another individual who qualifies for and obtains a permit. Therefore, the regulations do not create or eliminate jobs in in California.

Creation of New or Elimination of Existing Businesses within the State of California

The regulations are designed to standardize criteria for administering statutory permit requirements. The regulations will establish uniform standards for coverage of the permit requirement, permit applications with identifying and contact information, fee, requirements for permit renewal, denial, and administrative procedures for suspension and revocation of permits. The regulations also assist the DLSE in carrying out the statutorily mandated program for issuance of the permit and administration of the program. These activities are currently being performed by existing state staff and the regulations enhance their job abilities. While the proposed regulations will impact businesses that fall under the permit requirement, the regulatory action primarily implements, clarifies and standardizes existing requirements set by statute or are necessary to implement statutory prohibitions and requirements, and will not significantly increase statutory obligations above that which the agency currently requires for the permit program. Therefore, no new businesses in California will be created or existing businesses eliminated by these regulations.

Expansion of Businesses or Elimination of Existing Businesses Within the State of California

The regulations are designed to standardize criteria for administering statutory permit requirements. The regulations will establish uniform standards for coverage of the permit requirement, permit applications with identifying and contact information, fee, requirements for permit renewal, denial, and administrative procedures for suspension and revocation of permits. The regulations also assist the DLSE in carrying out the statutorily mandated program for issuance of the permit and administration of the program. While the proposed regulations will impact businesses that fall under the permit requirement enacted under AB 1660, the regulatory action primarily implements, clarifies and standardizes existing requirements set by statute or are necessary to implement statutory prohibitions and requirements. While some businesses may elect to not perform the regulated activity created under AB 1660 due to the permit requirement, fee, application procedure requiring criminal background checks, such action would be the result of the legislation and not these regulations which implement the legislation. The proposed regulations are no more burdensome than current administrative practices relating to a permit application, application

review, and issuance of permits. Therefore, no existing businesses in California will be expanded or eliminated.

Benefits of the Regulations

The objective of the regulations is to establish procedures, standards, and criteria necessary for the DLSE to administer the Child Performer Services Permit program in accordance with the statutory requirements provided in Chapter 5 (Child Performer Services Permits) of Part 6 (Licensing) in Division 2 (Employment Regulation and Supervision) of the Labor Code. This chapter contains provisions requiring persons to apply for, and receive, a permit issued by the DLSE prior to engaging in activities related to procuring services for minors. Establishing standardized information regarding the standards, criteria, and processes for issuance of a permit, including procedures for suspension and revocation, will inform the public of the agency's standard procedures regarding the required permit program and provide for consistent administration of the permit program by the agency. Uniform procedures for submitting the required application and fingerprints under proposed time periods, as specified, will provide for efficient and effective issuance of permits to persons who seek to perform the regulated activities and will further accomplish the objective of the legislation (AB 1660) to enhance the protection of artists who are minors in the entertainment industry.