

Date of Hearing: April 8, 2021

ASSEMBLY COMMITTEE ON PRIVACY AND CONSUMER PROTECTION

Ed Chau, Chair

AB 488 (Irwin) – As Amended March 25, 2021

**SUBJECT:** Charitable organizations: charitable fundraising platforms and platform charities

**SUMMARY:** This bill would establish that charitable fundraising platforms and platform charities, as defined, are trustees for purposes of the Supervision of Trustees and Fundraisers for Charitable Purposes Act (Act) and subject to the supervision of the Attorney General (AG). The bill would create a regulatory framework that requires charitable fundraising platforms and platform charities to register with the AG, submit reports about their activities, and would enact several consumer protections, such as disclosure requirements. Specifically, **this bill would:**

- 1) Beginning in 2023, expand the Charitable Purposes Act to also govern charitable fundraising platforms and platform charities, and, among other things, permit the assessment of late fees for specified violations, allow the AG to make additional rules and regulations necessary for the administration of the Act, as specified, and permit the AG to refuse to register or revoke or suspend the registration of a charitable fundraising platform or platform charity if they have violated the Act.
- 2) Provide that a charitable fundraising platform is a trustee for charitable purposes subject to the AG's supervision, and require a charitable fundraising platform to, before soliciting, permitting, or otherwise enabling solicitations, register with the AG's Registry of Charitable Trusts, under oath, on a form provided by the AG, as specified.
- 3) Require registration to be renewed each year and require the AG to impose a registration and renewal fee.
- 4) Provide that a platform charity is a trustee for charitable purposes subject to the AG's supervision, and require a platform charity to register as a trustee, as specified. Further provides that when a charitable fundraising platform partners with a platform charity, the platform charity shall promptly notify the AG's Registry of Charitable Trusts of the partnership, as specified.
- 5) Require a charitable fundraising platform or platform charity to file annual reports, under oath, with the AG's Registry of Charitable Trusts on a form provided by the AG. The reports shall enable the AG to ascertain whether charitable funds have been properly solicited, received, held, controlled, or distributed, as specified, and shall not require the disclosure of personally identifiable information of donors or other persons using a charitable fundraising platform.
- 6) Require a platform charity to have good standing in order to facilitate acts of solicitation on a charitable fundraising platform.
- 7) Provide that a charitable fundraising platform or platform charity shall only solicit, permit, or otherwise enable solicitations, or receive, control, or distribute funds from donations for recipient charitable organizations or other charitable organizations in good standing. To determine good standing of recipient charitable organizations or other charitable

organizations, a charitable fundraising platform or platform charity may rely on electronic lists periodically published by the Internal Revenue Service, the Franchise Tax Board, and the AG's Registry of Charitable Trusts, as specified.

- 8) Provide that a charitable fundraising platform or platform charity that performs, permits, or otherwise enables acts of solicitation shall, before a person can complete a donation or select or change a recipient charitable organization, provide conspicuous disclosures that prevent a likelihood of deception, confusion, or misunderstanding, including, but not limited to, the following:
  - A statement that donations are made to the charitable fundraising platform, the platform charity, the recipient charitable organization, or the person engaging in peer-to-peer charitable fundraising, whichever is applicable.
  - A statement that a recipient charitable organization may not receive donations or grants or recommended donations, with an explanation identifying the most pertinent reasons under which a recipient charitable organization may not receive the funds, as specified.
  - The maximum length of time it takes to send the donation or a grant of the recommended donation to a recipient charitable organization with an explanation as to the length of time, unless the donation is sent contemporaneously to a recipient charitable organization after the donation is made, as specified.
  - The fees or other amounts, if any, deducted from or added to the donation or a grant of the recommended donation that are charged or retained by the charitable fundraising platform, platform charity, or any other partnering vendor, other than digital payment processing fees.
  - A statement as to the tax deductibility of the donation.
- 9) Provide that a charitable fundraising platform or platform charity that solicits, permits, or otherwise enables solicitations shall obtain the written consent of a recipient charitable organization before using its name in a solicitation. Written consent shall be provided directly to the charitable fundraising platform or platform charity, on behalf of the charitable fundraising platform or platform charity and any partnering charitable fundraising platforms expressly identified in an agreement providing consent, by one authorized officer, director, trustee, or other duly authorized representative of the recipient charitable organization.
- 10) Require a charitable fundraising platform or platform charity to conspicuously disclose before persons can complete a donation, or select or change a recipient charitable organization, that the recipient charitable organization has not provided consent or permission for the solicitation, and has not reviewed or approved the content generated by persons engaging in peer-to-peer charitable fundraising, when applicable.
- 11) Require a charitable fundraising platform or platform charity to remove any recipient charitable organization from its list or any solicitation regarding the recipient charitable organization upon written request by the recipient charitable organization, and verification that the request is legitimate. Requests shall be promptly verified and it shall take no longer than three business days for removal to occur after verification is completed.

- 12) Prohibit a charitable fundraising platform or platform charity from requiring that a recipient charitable organization consent to any solicitations as a condition for accepting a donation or grant of a recommended donation.
- 13) Prohibit a charitable fundraising platform or platform charity from diverting or otherwise misusing the donations received through solicitation on the charitable fundraising platform, and require that those donations be held in a separate account from other funds belonging to the charitable fundraising platform or platform charity. The charitable fundraising platform or platform charity shall promptly ensure donations and grants of recommended donations are sent to recipient charitable organizations with an accounting of any fees imposed for processing the funds, as specified.
- 14) Ensure that charitable fundraising platform or platform charity contracts with vendors, as specified, are available for inspection by the AG.
- 15) Beginning on January 1, 2022, require the AG to establish rules and regulations necessary to implement the provisions above, including, but not limited to the following:
  - Any additional acts of solicitation that meet the definition of a charitable fundraising platform or platform charity, as needed, in order to address changes in technology and charitable fundraising through platforms.
  - The content of the form and other information to be provided by a charitable fundraising platform for registration and in annual reports filed with the AG's Registry of Charitable
  - The requirements for holding donations or distributing donations and grants of recommended donations, including all of the following:
    - The maximum length of times it takes to send the donated funds, as specified.
    - For specified charitable fundraising platforms, the length of time to send grants of recommended donations to the recipient charitable organization shall be no less than on a quarterly basis from the accrual date, as specified.
  - The circumstances under which donors or persons may be contacted to provide alternate recipient charitable organizations or notified when the donated funds are sent.
  - The circumstances when donor or personal information may be provided to recipient charitable organizations.
- 16) Define "charitable fundraising platform," subject to certain exceptions, to mean any person, corporation, unincorporated association or other legal entity that uses the internet to provide an internet website, service, or other platform to persons in this state, and performs, permits, or otherwise enables acts of solicitation to occur, which includes the following and any similar activity:
  - Lists or references by name one or more recipient charitable organizations to receive donations or grants of recommended donations made by donors who use the platform.

- Permits persons who use the platform to solicit donations for or recommend donations to be granted to one or more recipient charitable organizations through peer-to-peer charitable fundraising.
  - Permits persons who use the platform to select one or more recipient charitable organizations to receive donations or grants of recommended donations made by a platform, platform charity, or other third party person, based on purchases made or other activity performed by persons who use the platform.
  - Lists or references by name one or more recipient charitable organizations to receive donations or grants of recommended donations made by the platform based on purchases made or other activity performed by persons who use the platform.
  - Provides to charitable organizations a customizable internet-based website, software as a service, or other platform that allows charitable organizations to solicit or receive donations on or through the platform, including through peer-to-peer charitable fundraising. The customizable platform provided by the charitable fundraising platform does not include the charitable organization's own platform, but may integrate with the charitable organization's platform.
- 17) Define "good standing" to mean that a platform charity, recipient charitable organization, or other charitable organization's tax-exempt status has not been revoked by the Internal Revenue Service, or the Franchise Tax Board, or is not prohibited from soliciting or operating in the state by the Attorney General.
- 18) Define "peer-to-peer charitable fundraising" to mean a solicitation campaign created by a person to support a recipient charitable organization, through or with other assistance provided by a charitable fundraising platform or platform charity.
- 19) Define "platform charity," subject to certain exceptions, to mean a trustee or a charitable corporation that facilitates acts of solicitation on a charitable fundraising platform, which includes either of the following and any similar activity:
- Solicits donations through a charitable fundraising platform for itself from donors who use the charitable fundraising platform with the implied or express representation that the platform charity may grant donations to recipient charitable organizations.
  - Grants funds to recipient charitable organizations based on purchases made or other activity performed by persons who use a charitable fundraising platform.

**EXISTING LAW:**

- 1) Establishes the Charitable Purposes Act (Act), which generally governs all charitable corporations, unincorporated associations, trustees, commercial fundraisers for charitable purposes, fundraising counsel for charitable purposes, commercial coventurers, and other legal entities holding or soliciting property for charitable purposes and requires these entities to file a registration statement, articles of incorporation, and an annual financial report with the AG. Existing law provides the AG with primary enforcement and supervisory powers

over these entities, and requires that the AG maintain a register of charitable organizations subject to the Act. (Gov. Code Sec. 12580 et seq.)

- 2) Provides that the primary responsibility for supervising charitable trusts in California, for ensuring compliance with trusts and articles of incorporation, and for protection of assets held by charitable trusts and public benefit corporations, resides in the AG. The AG has broad powers under common law and California statutory law to carry out these charitable trust enforcement responsibilities. These powers include, but are not limited to, charitable trust enforcement actions under specified laws, including the Supervision of Trustees and Fundraisers for Charitable Purposes Act. (Gov. Code Sec. 12598(a).)
- 3) Requires every charitable corporation, unincorporated association, and trustee subject to the Act to file with the AG an initial registration form, under oath, as specified, within 30 days after the entity initially receives property, except as specified. Existing law also generally requires that these entities file with the AG periodic written reports, as specified. (Gov. Code Secs. 12585, 12586.)
- 4) Requires a “commercial fundraiser,” as defined, to register with the AG’s Registry of Charitable Trusts prior to soliciting or receiving and controlling any funds, assets, or property, and to file an annual financial report of funds, assets, or property solicited on behalf of each charitable purpose or organization, as specified. (Gov. Code Sec. 12599.)
- 5) Prohibits a commercial fundraiser for charitable purposes from soliciting in the state on behalf of a charitable organization unless that charitable organization is registered or is exempt from registration with the AG’s Registry of Charitable Trusts. (Gov. Code Sec. 12599(m).)
- 6) Requires that a “fundraising counsel for charitable purposes,” as defined, register with the AG’s Registry of Charitable Trusts, prior to managing, advising, counseling, consulting, or preparing material for, or with respect to, the solicitation in this state of funds, assets, or property for charitable purposes, and to file (1) an annual report listing each person, corporation, unincorporated association, or other legal entity for whom the fundraising counsel has performed specified services for compensation, and (2) a statement certifying that the fundraising counsel had a written contract with each listed person, corporation, unincorporated association, or other legal entity that complied with specified requirements. (Gov. Code Sec. 12599.1.)
- 7) Requires there to be a written contract between a commercial fundraiser for charitable purposes and a charitable organization for each solicitation campaign, event, or service, as specified. The contract must be available for inspection by the AG and contain specified information. (Gov. Code Sec. 12599(h).) Also requires a written contract between a fundraising counsel for charitable purposes and a charitable organization for each service to be performed by the fundraising counsel for the charitable organization, as specified. The contract must be available for inspection by the AG and contain specified information. (Gov. Code Sec. 12599.1(f).)
- 8) Authorizes the AG to refuse to register or revoke or suspend the registration of a charitable corporation or trustee, commercial fundraiser, fundraising counsel, or coventurer whenever the AG finds that the charitable corporation or trustee, commercial fundraiser, fundraising

counsel, or coventurer has violated or is operating in violation of any provisions of the Act. (Gov. Code Sec. 12598(e)(1).)

- 9) Authorizes the AG to bring a civil action against trustees or other persons holding property in trust for charitable purposes or against any charitable corporation or any director or officer thereof to enforce a charitable trust or to impress property with a trust for charitable purposes or to recover property or the proceedings thereof for and on behalf of any charitable trust or corporation at any time within 10 years after the cause of action accrued. (Gov. Code Sec. 12596(a).)
- 10) Authorizes the AG to bring a civil action for violation of the Act, as specified, at any time within 10 years after the cause of action accrued. Also authorizes the AG, notwithstanding the limited application of the Act to certain entities, to bring a civil action against a person who aids or abets a violation of that Act, specified laws relating to involuntary trusts, or the Nonprofit Public Benefit Corporations' article providing standards of conduct for directors and management, at any time within 10 years after the cause of action accrued. (Gov. Code Sec. 12596(b)-(c).)

**FISCAL EFFECT:** Unknown

**COMMENTS:**

- 1) **Purpose of this bill:** This bill seeks to create a regulatory framework under the Charitable Purposes Act for charitable fundraising platforms and platform charities in order to increase oversight and provide consumer protections. This bill is author sponsored.
- 2) **Author's statement:** According to the author:

California has a long history of strong consumer protections, including in the area charitable solicitations. However, the majority of these statutes contemplate traditional solicitation methods that were historically constrained by in-person or postal methods of fundraising. With the growing popularity of online charitable fundraising, using increasingly sophisticated technology that allows for virtually every charity to participate, there is a disconnect between statute and practice. With this disconnect threatening this important charitable revenue stream, all participants, such as donors, charities, online fundraisers, and regulators, wish to see the law updated and clarified.

This bill is the result of multiple attempts by the Author to update charitable solicitation laws to reflect the new technologies being employed. Prior efforts were both narrower and broader, but failed to find consensus by stakeholders including the Attorney General's Office who holds the responsibility to oversee the charitable trusts within the State. Starting in the Fall of 2019 stakeholder meetings were convened by the DOJ and the Author's office to find a path forward on this issue. AB 2208 of 2020 was held in Senate Appropriations so this bill is the result of continued conversations over the Fall of 2020 and the DOJ's exhaustive research into the types and forms online charitable solicitation has taken.

- 3) **Charitable Purposes Act background:** Under California law, the AG oversees registered charities to ensure that funds received are properly managed and devoted to charitable programs. The office derives its authority from the Act, which was originally enacted in

1959. This law generally requires every person or entity that holds or solicits property for charitable purposes in California to file specified documents and information, including annual financial statements, with the AG. These reports are in turn used by the AG to investigate and litigate cases of charity fraud and mismanagement by trustees and directors of charities.

In 1989, in order to protect the interests of a donor and the donee charitable organization, the Act was expanded to also apply to commercial fundraisers who solicit for charitable purposes (a commercial fundraiser is not a charity, but usually an individual or corporation engaged in business for-profit). (SB 502 (Lockyer, Ch. 307, Stats. 1989).) The provisions for commercial fundraisers were further strengthened in 1991 and 1992 by adding a bond requirement for commercial fundraisers and by adding a requirement that any person or entity who for compensation solicits funds or other property for charitable purposes, must disclose that the solicitation is being conducted by a commercial fundraiser for charitable purposes. Significantly, commercial fundraisers were thereafter required to also disclose, upon receiving a written or oral request from a person solicited, the ratio of total expenses of the fundraiser to the total revenue received by the fundraiser. (See AB 838 (Peace, Ch. 569, Stats. 1991); SB 1682 (Boatwright, Ch. 511, Stats. 1992); AB 3066 (Sher, Ch. 249, Stats. 1992).)

Then in 1998, AB 1810 (Davis, Ch. 445, Stats. 1998) was enacted in response to an increasing practice by sophisticated commercial fundraisers to hire “fundraising counsels” or enter into partnerships with “commercial conventurers,” in order to downplay the extraordinary costs of their fundraising and exclude administrative costs from their annual financial reports (because the commercial fundraisers were aware that high fundraising costs and administrative expenses—which translate into smaller distributions to the charity—can discourage donors from making donations). Accordingly, AB 1810 sought to close any loophole in the law by requiring registration and reporting of fundraising counsels and commercial conventurers. In doing so, the bill also renamed the Act to its current title of the Supervision of Trustees and Fundraisers for Charitable Purposes Act.

Other bills have since been enacted to provide the AG with additional tools and resources in the supervision and enforcement of this Act. As a result of some of those changes, the AG may now also issue cease and desist orders for violations of this Act or its implementing regulations; impose specified civil penalties for each act or omission that constitutes a violation; suspend the registration of a person or entity where a penalty has been assessed; or apply to a superior court for relief and obtain a temporary or permanent injunctive order. Notably, the Charitable Purposes Act provides a 10 year statute of limitations for the AG to bring an action against trustees or other persons holding property in trust for charitable purposes or against any charitable corporation or any director or officer thereof, to enforce a charitable trust or to impress property with a trust for charitable purposes or to recover property or the proceeds thereof for and on behalf of any charitable trust or corporation. While this 10 year statute of limitations has been in existence since 1965 and affords the AG’s office additional time to investigate and pursue action against those in violation of the law, until recently it was largely limited with respect to the parties that the AG can bring an action against. In 2015, the author of this bill also authored AB 556 (Irwin, Ch. 299, Stats. 2015) to provide an additional 10 year statute of limitations under which the AG could pursue various actions against those who violate or aid and abet in violations of the Act. That

bill also sought to close a loophole in the law by better defining the differences between “fundraising counsels” and “commercial fundraisers.”

This bill now seeks to regulate two relatively new types of charitable fundraising: charitable fundraising platforms and platform charities. The bill would create a comprehensive framework by which charitable fundraising platforms and platform charities must comply, and give oversight and regulatory authority to the AG. This bill is substantially similar to AB 2208 (Irwin, 2020).

- 4) **Regulates internet platforms soliciting charitable donations:** The bill seeks to address the current lack of oversight over internet websites, services and, platforms that perform, permit, or otherwise enable acts of charitable solicitation to occur in this State. The bill accomplishes this by creating a regulatory framework under the Act that requires charitable fundraising platforms and platform charities to register with the AG before soliciting charitable donations and submit reports about their activities. Further, the bill defines the types of actions that make an entity a charitable fundraising platform or platform charity and enacts several consumer protections, such as specific disclosure requirements to donors, only allowing charitable fundraising platforms and platform charities to solicit for charities in good standing, and that funds solicited on behalf of a charitable organization must be kept separate from funds of the charitable fundraising platform or platform charity. “Good standing,” under this bill, means that a platform charity, recipient charitable organization, or other charitable organization’s tax-exempt status has not been revoked by the Internal Revenue Service, or the Franchise Tax Board, or has not prohibited from soliciting or operating in the state by the AG.

Generally, a charitable fundraising platform is the consumer facing internet website or platform that is soliciting donations for charitable organizations. This can be done through several methods: providing donors a database or list of one or more charitable organizations to receive donations; crowdfunding or peer-to-peer campaigns where a person is encouraged to use their social network or other connections to solicit donations; or supporting charities through purchases, whether by adding a donation at the end of a purchase or having a donation made by an entity itself based on how much a person purchases on the entity’s platform or website. Examples of charitable fundraising platforms include Amazon, Benevity, Charity Navigator, CrowdRise, eBay, Facebook, GoFundMe, Google, GuideStar (Candid), Lyft, Overstock, and PayPal.

Some of these companies are not charities themselves and therefore partner with fundraising platforms whose purpose is to facilitate online charitable giving. For example, a donation made through a charitable fundraising platform may actually be made to a partner platform charity that is a registered 501(c)(3) organization and not directly to the charity chosen. The platform charity then facilitates getting the donation to the chosen charity; however, it can take several weeks to months for the actual donation to be paid out to the charity chosen by the donor. Some charitable fundraising platforms do partner with charities and collect donations on their behalf and do not use a partner platform charity, while others have a hybrid model where they collect for some charities directly and use partner platform charities for other donations. The bill additionally requires a platform charity to have good standing in order to facilitate acts of solicitation.

The bill also allows a charitable fundraising platform or platform charity to solicit donations on behalf of a charitable organization without their prior written consent if certain conditions are met. These conditions include that only certain information for the charitable organization is listed, that a conspicuous disclosure is placed before donations can be completed that states the charitable organization has not provided consent or permission for the solicitation, and that no fees can be deducted from the donation or grant other than digital processing fees. However, fees added to the donation or grant are allowed. Some charitable fundraising platforms create a database of charities from electronic lists periodically published by the Internal Revenue Service or other governmental entities and do not seek written consent from every charity on the list prior to uploading a charity to their databases. The bill provides a mechanism for a charitable organization to contact the charitable fundraising platform or platform charity to remove their organization from the platform and requires verification that the request is legitimate and for the name of the charitable organization to be removed within three business days of verification.

Due to the complicated and varied nature of how these online donations are being solicited and made, it is important for there to be appropriate oversight mechanisms to ensure consumers are aware of how their donations are being handled and that the funds being collected for charities are actually being received by them.

- 5) **Outstanding issues:** This bill is the product of nearly two years of discussions between the author, the AG's office, charities, and stakeholders. Over this time, most of the concerns, including those raised by stakeholders such as Classy, Inc., have been successfully resolved. There remain, however, a handful of concerns stakeholders would still like addressed.
- a) **Solicitations on behalf of non-consenting charities:** CalNonprofits, a statewide policy alliance of more than 10,000 organizations, writes that it "agrees with the intent and much of the content of AB 488" and that the bill generally aligns with the organization's online fundraising principles. CalNonprofits would support AB 488 if amended to address two remaining concerns. CalNonprofits writes:

**AB 488 should not allow possible misinformation in solicitations on behalf of non-consenting charities.** As recently amended, Section 12599.9 (f)(2)(A) will now allow platforms to include, in solicitations on behalf of *non-consenting* charities, any publicly available information from tax or information returns filed with the IRS or reports filed with the AG. Information on IRS forms, though publicly available, if not presented in whole and in context, can lead to confusing, misleading, and inaccurate portrayals of the charity in the solicitation.

Partial information from the 990 form, for example, could result in an inaccurate financial picture of the charity. Inaccurate information used for these solicitations is particularly problematic because the charities themselves have not consented to the solicitation or to the information being shared. Under the current bill, platforms would be able to share information with donors that, taken out of context by the soliciting platform, could negatively affect the donor's view of that charity and violate the integrity of the donor-nonprofit relationship.

More restrictive bill language that limits allowable information to publicly available information (on IRS and AG forms) pertaining only to the organization's statement of

mission or purpose, as stated verbatim on the form, would accomplish the bill's goals, with less risk of misinformation to potential donors.

- b) **Arbitrary accrual amounts:** Secondly, CalNonprofits argues that AB 488 should not allow accrual strategies to result in extensive delays in distributing donations to recipient charities. Indeed, recent amendments include a provision that would seemingly allow online fundraising platforms to select an accrual amount, and then send the grants of recommended donations on a quarterly basis from the accrual date. CalNonprofits argues that this "language would create a loophole for online fundraising platforms, allowing them to select an arbitrary accrual amount and only distribute donations to recipient charities quarterly *after that arbitrary accrual amount has been reached.*"

CalNonprofits continues, "California law does not currently restrict donation accrual amounts, so, under this bill language, online fundraising platforms can select a high accrual amount and collect, but not distribute, donations for the charity until that high accrual amount is reached, which could indefinitely delay distribution of the donations to the charity. This bill language also allows the fundraising platform to only distribute the funds on a quarterly basis once the accrual amount is reached, further delaying distribution by as much as three months."

Staff notes that the recent language allowing charitable fundraising platforms to select an accrual amount upon which the requirement to send donations to the recipient charity is triggered, is included among items for which the AG must establish rules and regulations. In contrast to the accrual language, which is very prescriptive and leaves nothing open to interpretation, the other items the AG must establish rules and regulations for are open-ended, making them more appropriate for regulations instead of statute. For example, under the bill, the AG must establish rules and regulations related to the following:

- Additional acts of solicitation that meet the definition of a charitable fundraising platform or platform charity, as needed, in order to address changes in technology and charitable fundraising through platforms.
- Requirements for any written agreement between a recipient charitable organization and a charitable fundraising platform or a platform charity that provides consent for or otherwise applies to solicitations for donations, including permitting those agreements to be entered into electronically.
- Circumstances under which donors or persons may be contacted to provide alternate recipient charitable organizations or notified when the donated funds are sent.
- Circumstances when donor or personal information may be provided to recipient charitable organizations.

By contrast, the recent accrual language mandates, at least in part, the exact contents of the AG's regulations. Given the varying size, sophistication, business practices and methods of the multitude of charitable fundraising platforms this bill is contemplating, a one-size-fits-all rule is seemingly inappropriate. In other words, it seems that this mandatory provision limits the AG's ability to fashion rules and regulations on this

particular issue that will be appropriately tailored to the charitable fundraising platforms this bill seeks to regulate.

- c) **The AG’s regulatory authority:** The Internet Association (IA) and TechNet, while technically neutral on this bill, remain concerned that this bill gives “unfettered regulatory authority to the AG. IA and TechNet write:

Our collective goal is for the charitable giving process to be as easy, safe, accessible and transparent as possible. We believe this can be accomplished by clearly delineating *what is and what is not* included in the parameters of this comprehensive legislation. You have gone to great lengths to account for a variety of circumstances in the charitable fundraising environment however, even with the progress made to-date, AB 488 continues to provide unfettered regulatory authority to the Attorney General through the promulgation of regulations at their discretion (Section 12599.91). We continue to maintain that the “*but are not limited*” portion of section 12599.91(a) should be struck from the bill. Deleting this clause continues to allow the Attorney General to promulgate necessary regulations, but sets appropriate parameters for any such regulations.

- 6) **Prior legislation:** AB 2208 (Irwin, 2020) *See* Comment 3.

AB 556 (Irwin, Ch. 299, Stats. 2015) *See* Comments 3.

## **REGISTERED SUPPORT / OPPOSITION:**

### **Support**

League of California Community Foundations  
California Association of Nonprofits (if amended)  
Classy, INC. (if amended)

### **Opposition**

None on file

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