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HEALTH AND SAFETY CODE - HSC

DIVISION 104. ENVIRONMENTAL HEALTH [106500 - 119406] (*Division 104 added by Stats. 1995, Ch. 415, Sec. 6.*)

PART 3. PRODUCT SAFETY [108040 - 109052] (*Part 3 added by Stats. 1995, Ch. 415, Sec. 6.*)

CHAPTER 3. Enforcement and Penalties [108075 - 108087] (*Chapter 3 added by Stats. 2024, Ch. 932, Sec. 2.*)

ARTICLE 5. Enforcement [108082 - 108083] (*Article 5 added by Stats. 2024, Ch. 932, Sec. 2.*)

108082. (a) The department shall determine, on a case-by-case basis, the enforcement mechanism and the amount of any administrative penalty assessed pursuant to this chapter. A penalty assessed shall not be less than ten thousand dollars (\$10,000) for the first violation. A penalty may be assessed for each violation of a separate provision. For a continuing violation, a penalty may be assessed for each day that the violation continues. In determining the amount of an administrative penalty, the department shall consider all of the following factors:

- (1) The nature and severity of the violation.
- (2) The good or bad faith of the person or entity in violation.
- (3) The history of prior violations, if any.
- (4) Evidence that the violation was willful.
- (5) The extent that the person or entity has cooperated with the department.

(b) In addition to the remedies provided in this chapter, the Attorney General may bring an action in superior court on behalf of the department, and the court shall have jurisdiction upon hearing and for cause shown, to grant a temporary or permanent injunction restraining any person or entity from violating any provision of this chapter. Any proceeding under this section shall conform to the requirements of Chapter 3 (commencing with Section 525) of Title 7 of Part 2 of the Code of Civil Procedure, except that the department shall not be required to allege facts necessary to show or tending to show lack of adequate remedy at law or to show or tending to show irreparable damage or loss.

(*Added by Stats. 2024, Ch. 932, Sec. 2. (AB 347) Effective January 1, 2025.*)

108083. (a) The department may receive reports of alleged violations of covered PFAS restrictions, including analytical test results, from consumers, businesses, research institutions, persons, entities, and not-for-profit entities, and shall verify those alleged reports through its own independent testing, verification, or inspection.

(b) If the violation concerns a failure to disclose information that is required by law, the department may issue a notice of violation and assess an administrative penalty.

(*Added by Stats. 2024, Ch. 932, Sec. 2. (AB 347) Effective January 1, 2025.*)