

**DEPARTMENT OF STATE HOSPITALS
NOTICE OF PROPOSED ACTION
CONTRABAND DISPOSITION**

California Code of Regulations
Title 9. Rehabilitative and Developmental Services
Division 1. Department of Mental Health
Chapter 16. State Hospitals Operations
Article 3. Safety and Security

PUBLIC NOTICE

The Department of State Hospitals (Department) hereby gives notice of the proposed regulatory action described in this document.

PUBLIC HEARING

The Department will conduct an online public hearing to consider proposed amendments to regulations for Contraband Disposition.

DATE: June 24, 2025

TIME: 10:00AM – 11:00AM

LOCATION: Microsoft Teams

To request a reasonable accommodation, please contact Rachelle Sack at DSH.Regulations@dsh.ca.gov or (916) 654-2478 by June 10, 2025.

Those who seek to participate in this hearing virtually may do so by registering with an email for the hearing at this link:

<https://events.gcc.teams.microsoft.com/event/7674adcb-331e-429c-959a-6e14d004385b@807536a6-a6b1-4893-a013-70509c59ebbb>

If you wish to participate in this virtual hearing by phone, please use the information below:

[+1 \(916\) 382-0340](tel:+19163820340), [270211286#](tel:+1916270211286) United States, Sacramento

[Find a local number](#)

Phone conference ID: 270 211 286#

During the hearing, participants will be given instructions on how the hearing will be facilitated and other expectations. Any person, or representative of that person, may present statements orally or in writing relevant to the proposed action described in the informative digest for the regulation. Per Government Code section 11346.8, the Department may impose any reasonable limitation on oral presentations. The

Department requests, but does not require, that persons who make oral comments at the hearing also submit a written copy of their testimony via email.

WRITTEN COMMENT PERIOD AND SUBMITTAL OF COMMENTS

California Department of State Hospitals
Regulations, Policy, and Operations Unit
RE: Contraband Disposition
1215 O Street, MS-20
Sacramento, CA 95814
Email: DSH.Regulations@dsh.ca.gov

The written comment period begins on May 2, 2025.

Statements or arguments relevant to the proposed regulatory action may be submitted to the Department in writing, or email to the address and number listed above. All comments must be received by June 16, 2025.

Comments sent to persons or addresses other than that specified in this document, or received after the date and time specified above, may be included in the record of this proposed regulatory action, but may not be summarized or responded to regardless of the manner of transmission.

AUTHORITY AND REFERENCE

These regulatory actions are proposed under the authority granted in sections 4005.1, 4011, and 4101 of the Welfare and Institutions Code. These actions implement, interpret, and make specific sections 4027 and 4312 of the Welfare and Institutions Code.

INFORMATIVE DIGEST AND POLICY OVERVIEW

Summary of Existing Laws and Regulations:

The California Code of Regulations (CCR) currently authorizes the Department to process contraband pursuant to title 9, sections 4351, 4352, and 4353. These existing regulations allow the Department to search and confiscate contraband to safeguard the safety and environment of patients, staff, and public at the state hospitals. Current regulations do not have procedures for disposing of confiscated contraband at the state hospitals.

Effect of the Proposed Action:

The regulations will provide a uniform process on Contraband Disposition to ensure the welfare of the public, staff, and patients. The Department has developed a Statewide Contraband List as well as hospital-specific contraband lists that itemize Criminal

Contraband, Non-Criminal Contraband, and Hazardous Contraband that may be removed from state hospital facilities pursuant to these regulations.

Policy Statement Overview / Broad Objectives

Individuals committed to the Department for care and treatment have varying needs and functional ability. To ensure the safety and security of all patients, it is the policy of the Department that patients are generally disallowed from possessing contraband. These regulations will provide guidance on the various disposal methods of contraband. This includes procedures on mailing/donating Non-Criminal Contraband, destruction of Hazardous Contraband, and removal of Criminal Contraband. The objective of the proposed regulations is to implement, interpret, or make specific Welfare and Institutions Code sections 4109 and 7295 under the regulatory and jurisdictional authority of Welfare and Institutions Code sections 4005.1, 4011, 4027, 4100, and 4101 by authorizing the Department to dispose of contraband to actively maintain the safety, health, and security of the facility, patients, and staff.

Anticipated Benefits from the Proposed Regulation:

The regulations would implement safety precautions and ensure the Department's ability to comply with Welfare and Institutions Code sections 4109 and 7295's mandate to protect the interests of the hospital, carry out the necessary duties of employees of the hospital, and maintain effective control of, and eliminate, contraband at the hospitals. The Department will have the authority to dispose of contraband as codified in the CCR. These regulations will provide uniform regulatory guidance on contraband disposition and transparency on the procedures to the public, patients, and staff. The Department's hospitals have a fixed amount of storage space based on each hospital's footprint. As a result, some of the hospitals are reaching storage capacity due to storing excessive contraband. These regulations will allow hospitals to properly dispose of excess contraband from the limited hospital storage space. The ability to dispose of contraband reduces the risk of patient, staff, and public exposure to hazardous materials, expired perishable items, and unsafe overcrowded storage. These regulations propose methods of contraband disposition to ensure safe disposal of items and to allow the patient the opportunity to choose a disposition method when appropriate.

Substantial Difference from Existing Comparable Federal Regulations or Statute:

During the development of this proposed regulatory action, the Department did not find any differences from existing comparable federal regulation or statutes.

Evaluation of Inconsistency or Incompatibility with Existing State Regulations

During the development of this proposed regulatory action, the Department reviewed any existing regulations on this topic and concluded that the proposed regulation is neither inconsistent nor incompatible with existing state regulations or statutes. In arriving at this conclusion, the Department reviewed the Welfare and Institutions Code, Penal Code, and its own regulations in title 9 of the CCR.

LOCAL MANDATE STATEMENT

Mandate on local agencies and school districts: The Department has determined that the proposed regulations would not impose a mandate on any local agency or school district that requires reimbursement by the state under Government Code, Division 4, Part 7 (commencing with Section 17500).

COST ESTIMATES

Cost or savings to any State agency: None.

Cost to any local agency or school district which must be reimbursed in accordance with Government Code sections 17500 through 17630: None.

Other nondiscretionary cost or savings imposed on local agencies: None.

Cost or savings in federal funding to the State: None.

SIGNIFICANT, STATEWIDE ADVERSE ECONOMIC IMPACT DIRECTLY AFFECTING BUSINESS AND INDIVIDUALS

The Department is not aware of any significant, statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states.

COST IMPACTS ON A REPRESENTATIVE PRIVATE PERSONS OR BUSINESS

The Department is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

SMALL BUSINESS IMPACT DETERMINATION

The Department has determined that the proposed regulations will not affect small businesses. These regulations specifically affect patients committed to the Department, and the hospital staff members who provide support care and protective services to the patients. These regulations do not extend beyond the state hospitals under the jurisdiction of the Department and do not directly affect any businesses operating outside of the Department.

STATEMENT OF THE RESULTS OF THE ECONOMIC IMPACT ASSESSMENT

The Department concludes that it is unlikely that the proposed regulations will (1) create or eliminate jobs within the State of California, (2) create new businesses or eliminate existing businesses currently doing business within the State of California, and (3) affect the expansion of businesses currently doing business within the State of California. These proposed regulations allow the Department to prevent contraband from entering hospital grounds or being distributed to the public. The Department aims to ensure a safer environment for everyone in state hospitals by targeting items that pose health and safety risks.

Benefits to California Residents' Health and Welfare, Worker Safety, and the State of California's Environment:

The proposed regulation will protect patients, staff, and visitors from potential harm and help maintain the integrity and security of hospital facilities. Ultimately, these measures are intended to foster a healthier, more secure atmosphere that prioritizes the well-being of all individuals within the hospital facilities. As a result, the proposed changes positively impact the health and welfare of California residents and worker safety. The proposed changes do not address specific environmental concerns, so they will not enhance the State's environment.

These regulations will allow the Department to ensure contraband does not get recirculated into hospital grounds or the public. Removing contraband, particularly hazardous contraband, will improve the health and safety of the patients, staff, and visitors at state hospitals.

STATEMENT OF EFFECTS ON HOUSING COSTS

The adoption of the proposed regulations will have no effect on housing costs.

STATEMENT OF ALTERNATIVES CONSIDERED

The Department has determined that there is no reasonable alternative or that has otherwise been identified and brought to the attention of the Department that would be more effective in carrying out the purpose for which the regulations are proposed or would be as effective as and less burdensome to affected private persons than the proposed action or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provision of law.

The Department invites interested persons to submit statements or arguments with respect to alternatives to the proposed regulation during the comment period.

CONTACT PERSONS

The primary contact for this regulatory action is Rachelle Sack and the backup contact is Anna Libonati. They can be reached by telephone at (916) 654-2478 or email at DSH.Regulations@dsh.ca.gov.

FORMS INCORPORATED BY REFERENCE

There are no forms or other items incorporated by reference in these regulations.

AVAILABILITY STATEMENTS

The Department has prepared an Initial Statement of Reasons (ISOR) for the proposed regulatory action, which includes a summary of the economic impacts of the proposal and all the information upon which the proposal is based, and the proposed text (the “express terms”) of the regulation. Copies of the proposed regulation text and ISOR may be accessed on the Department’s website, listed below, or may be obtained from the Department using the contact information provided in this document.

Further, non-substantive inquiries concerning the proposed regulatory action may be directed to the contact person named in this document at (916) 654-2478. The Department has compiled a record of this rulemaking action, which includes all the information upon which the proposal is based and is available for inspection upon request to the contact persons.

Following the close of the public comment period or date of the public hearing, if one is held, the Department may adopt the proposed regulations substantially as described in this notice or may modify the proposed regulation if the modifications are sufficiently related to the original text. Except for non-substantive, technical, or grammatical changes, the full text of any modified proposal will be available for 15 days prior to its adoption to all persons who testify or submit written comments during the public comment period, and all persons who request notification. Please address requests for regulations as modified to the contact person identified in this document.

AVAILABILITY OF THE FINAL STATEMENT OF REASONS

Upon its completion, the Final Statement of Reasons (FSOR) shall be available. Copies may be requested from the contact person in this notice or may be accessed on the Department’s website listed below.

AVAILABILITY OF DOCUMENTS ON THE INTERNET

This notice, the ISOR, the proposed regulation text, and all subsequent regulatory documents, including the FSOR, when completed, will be available on the [Department website](https://www.dsh.ca.gov/Publications/Regulations.html) at <https://www.dsh.ca.gov/Publications/Regulations.html>.