

DEPARTMENT OF STATE HOSPITALS
15-DAY NOTICE OF PUBLIC AVAILABILITY
CONTRABAND DISPOSITION

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

PUBLIC NOTICE

This notice announces a 15-day comment period in which the public may comment on the modifications to the originally proposed text for the Contraband Disposition regulation. This notice is issued pursuant to Government Code sections 11346.8, subdivision (c) and 11347.1, and California Code of Regulations, title 1, section 44.

This regulatory action was originally noticed on May 2, 2025, published in the California Regulatory Notice Register, and mailed to all interested parties. The originally proposed regulatory action is described in the Initial Statement of Reasons provided with the originally proposed regulation which can be found on the website of the Department of State Hospitals (Department) at <https://www.dsh.ca.gov/Publications/Regulations.html>.

The modified regulations, called the “15-Day Modified Regulations Text,” as well as this 15-Day Notice of Public Availability, are also available on the Department’s website as provided in the above paragraph.

No action by the public is necessary unless persons wish to comment specifically on the proposed modified text.

This rulemaking and all documents relevant to the rulemaking shall be available at the address provided below under the section named “Written Comments,” between 8:00 AM and 5:00 PM beginning September 30, 2025, through October 15, 2025, or by request to the contact person indicated below.

SUMMARY OF MODIFICATIONS TO THE PROPOSED REGULATIONS

15-Day Notice of Proposed Modifications:

The originally proposed regulatory language and its proposed modifications are shown in the document named “15-Day Modified Regulations Text.” The original regulatory language is shown with single underline (e.g., single underline) to indicate addition to the regulatory language, and single strikethrough (e.g., ~~single strikethrough~~) to show deletion to the regulatory language. The 15-day modifications are shown with double underline (e.g., double underline) to indicate addition to the regulatory language, and double strikethrough (e.g., ~~double strikethrough~~) to show deletion to the regulatory language.

Non-Substantive Changes:

Entire Document: Bold was removed from the entire document for clarity.

Section 4354. Definitions: A period was added to the end of the section title for consistency with the currently printed California Code of Regulations.

Section 4354.1 Contraband Disposition: A period was added to the end of the section title for consistency with the currently printed California Code of Regulations.

Section 4354(e):

Text: "Religious or Spiritual Item(s)"

Rationale: Parenthesis were added to the "s" in items for clarity and to be consistent with section 4354.1(f) of these regulations.

Substantive Changes:

Section 4354(e):

Text: "Religious or Spiritual Item(s). Any recognized article, such as a bag, cross, medallion, totem, pipe, or object other item in which the possessor places religious or spiritual significance."

Rationale: The text was adjusted to clarify that the individual possessing the item is the one placing value on the item. This is a one-step process and there is no additional process in this regulations text to deem the item as "recognized" as a religious or spiritual item(s).

Section 4354.1(f):

Text: "Religious or Spiritual Item(s) that are Non-Criminal Contraband, Criminal Contraband, or Hazardous Contraband and cannot shall be disposed of pursuant to this Subsections (a) through (e), shall be removed from the secured treatment area and any additional steps recommended be disposed of through procedures provided by the hospital's chaplain. The chaplain either advises concerning their appropriate religious affiliation, or spiritual leader if concerning a different religion, they will conduct research and advise based on their findings."

Rationale: The text was adjusted to clarify how religious or spiritual item(s) must be disposed of. The original language was unclear, and it implied that there was a different disposal method for religious or spiritual item(s). The text was adjusted to clarify that these items do not have a different disposition method, but they require a chaplain's advice on any potential additional steps for disposing of the item, while ensuring respect of the individual's religious beliefs.

WRITTEN COMMENTS

The Department invites all interested persons to provide comments relevant to the specific changes made in the 15-Day Modified Regulations Text. The public may provide comment only in writing, submitted by postal mail, or electronically using the contact information below:

California Department of State Hospitals
Regulations and Policy Oversight Unit
RE: Contraband Disposition (15-Day)
1215 O Street, MS-20
Sacramento, CA 95814
Email: DSH.Regulations@dsh.ca.gov

All written comments received by October 15, 2025, which pertain to this notice, or the changes proposed in the 15-Day Modified Regulations Text will be considered and responded to by the Department in a document prepared by the Department named the Final Statement of Reasons.

CONTACT PERSONS

The primary contact for this regulatory action is Rachelle Sack, and the backup contact is Anna Libonati. They can be reached by contacting the Regulations and Policy Oversight Unit phone number at (916) 654-2478 or the email provided above.