

Assembly Bill No. 2531

CHAPTER 385

An act to add Section 7295 to the Welfare and Institutions Code, relating to mental health.

[Approved by Governor September 19, 2012. Filed with Secretary of State September 19, 2012.]

LEGISLATIVE COUNSEL'S DIGEST

AB 2531, Allen. State hospitals: prohibited items.

Existing law provides for state mental hospitals for the treatment of mentally disordered persons. Existing law places these hospitals under the jurisdiction of the State Department of State Hospitals, and authorizes the department to adopt uniform rules and regulations regarding the conduct and management of these facilities, including prohibiting patients from possessing certain items. Existing law requires the hospital director to be responsible for the overall management of the hospital, and authorizes the hospital director to establish rules and regulations, as specified, concerning the care and treatment of patients, research, clinical training, and for the government of the hospital buildings and grounds.

This bill would authorize a state hospital under the jurisdiction of the State Department of State Hospitals to develop a list of items that are deemed contraband and prohibited on hospital grounds. This bill would require the hospital to form a contraband committee, as prescribed, to develop the list of contraband items, and would require the list of contraband items developed by the state hospital to be subject to review and approval by the Director of State Hospitals or his or her designee, and updated no less often than every 6 months. This bill would also require the State Department of State Hospitals to develop a list of items that shall be deemed contraband at every state hospital, subject to review and approval by the Director of State Hospitals. This bill would require a state hospital to post the lists developed pursuant to these provisions throughout the hospital and on its Internet Web site. This bill would authorize a hospital and the department to implement, interpret, and make specific these provisions without taking regulatory action.

The people of the State of California do enact as follows:

SECTION 1. Section 7295 is added to the Welfare and Institutions Code, to read:

7295. (a) To ensure its safety and security, a state hospital that is under the jurisdiction of the State Department of State Hospitals, as listed in Section

4100, may develop a list of items that are deemed contraband and prohibited on hospital grounds, and control and eliminate contraband on hospital grounds.

(b) The State Department of State Hospitals shall develop a list of items that shall be deemed contraband at every state hospital.

(c) A state hospital shall form a contraband committee, comprised of hospital management and employees designated by the hospital's director, to develop the list of contraband items. The committee shall develop the list with the participation of patient representatives, or the patient government of the hospital, if one is available, and the Office of Patients' Rights.

(d) Each hospital list of contraband items developed pursuant to subdivision (a), and the statewide list of contraband items developed pursuant to subdivision (b) are subject to review and approval by the Director of State Hospitals or his or her designee.

(e) A list of contraband items developed pursuant to subdivision (a) shall be updated and subject to review and approval by the director of the department, or his or her designee, no less often than every six months.

(f) If an item presents an emergent danger to the safety and security of a facility, the item may be placed immediately on a contraband list by the Director of State Hospitals or the executive director of the state hospital, but this placement shall be reviewed by the contraband committee, if applicable, and approved by the Director of State Hospitals or his or her designee within six weeks.

(g) The lists of contraband items developed pursuant to this section shall be posted prominently in every unit of the hospital and throughout the hospital, and provided to a patient upon request.

(h) The lists of contraband items developed pursuant to this section shall be posted on the hospital's Internet Web site.

(i) For the purposes of this section, "contraband" means materials, articles, or goods that a patient is prohibited from having in his or her possession because the materials, articles, or goods present a risk to the safety and security of the facility.

(j) Notwithstanding Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code, the hospital and the department may implement, interpret, or make specific this section without taking regulatory action.