

**State of California
Office of Administrative Law**

In re:
Department of Corrections and
Rehabilitation

Regulatory Action:

Title 15, California Code of Regulations

Adopt section: 3359.8

Amend sections:

Repeal sections:

**NOTICE OF APPROVAL OF EMERGENCY
REGULATORY ACTION**

**Government Code Sections 11346.1 and
11349.6, and Penal Code Section 5058.3**

OAL Matter Number: 2016-0610-03EON

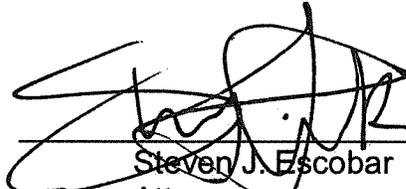
**OAL Matter Type: Emergency Operational
Necessity (EON)**

In this emergency of operational necessity, the Department of Corrections and Rehabilitation (the "Department") is adopting section 3359.8 in title 15 of the California Code of Regulations. Section 3359.8 prevents inmates in the Department's custody from accessing aid-in-dying drugs under the End of Life Option Act, which was enacted with the adoption of Assembly Bill No. 15 (2015-2016 2nd Ex. Sess.). Section 3359.8 also prohibits Department employees, contractors, and other persons and entities providing care to inmates in the Department's custody from participating in activities under the End of Life Option Act.

OAL approves this emergency regulatory action pursuant to sections 11346.1 and 11349.6 of the Government Code, and section 5058.3 of the Penal Code.

This emergency regulatory action is effective on 6/21/2016 and will expire on 11/29/2016. The Certificate of Compliance for this action is due no later than 11/28/2016.

Date: June 21, 2016



Steven J. Escobar
Attorney

**For: Debra M. Cornez
Director**

**Original: Scott Kernan
Copy: Sherri Garcia**

NOTICE PUBLICATION/REGULATORY ACTION SUBMISSION

(See instructions on reverse)

For use by Secretary of State only

STD. 400 (REV. 01-2013)

OAL FILE NUMBERS	NOTICE FILE NUMBER Z-	REGULATORY ACTION NUMBER	EMERGENCY NUMBER 2016-0610-03EON
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For use by Office of Administrative Law (OAL) only

ENDORSED - FILED
in the office of the Secretary of State
of the State of California

JUN 21 2016
1:50PM

2016 JUN 10 P 3:37
OFFICE OF
ADMINISTRATIVE LAW

NOTICE

REGULATIONS

AGENCY WITH RULEMAKING AUTHORITY
California Department of Corrections and Rehabilitation

AGENCY FILE NUMBER (if any)

A. PUBLICATION OF NOTICE (Complete for publication in Notice Register)

1. SUBJECT OF NOTICE		TITLE(S)	FIRST SECTION AFFECTED	2. REQUESTED PUBLICATION DATE	
3. NOTICE TYPE <input type="checkbox"/> Notice re Proposed Regulatory Action <input type="checkbox"/> Other		4. AGENCY CONTACT PERSON		TELEPHONE NUMBER	FAX NUMBER (Optional)
OAL USE ONLY	ACTION ON PROPOSED NOTICE <input type="checkbox"/> Approved as Submitted <input type="checkbox"/> Approved as Modified <input type="checkbox"/> Disapproved/Withdrawn			NOTICE REGISTER NUMBER	PUBLICATION DATE

B. SUBMISSION OF REGULATIONS (Complete when submitting regulations)

1a. SUBJECT OF REGULATION(S) Medical and Dental Services - End of Life Option Act Exemption	1b. ALL PREVIOUS RELATED OAL REGULATORY ACTION NUMBER(S)
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2. SPECIFY CALIFORNIA CODE OF REGULATIONS TITLE(S) AND SECTION(S) (Including title 26, if toxics related)	
SECTION(S) AFFECTED (List all section number(s) individually. Attach additional sheet if needed.)	ADOPT 3359.8 AMEND REPEAL
TITLE(S) 15	

3. TYPE OF FILING			
<input type="checkbox"/> Regular Rulemaking (Gov. Code §11346)	<input type="checkbox"/> Certificate of Compliance: The agency officer named below certifies that this agency complied with the provisions of Gov. Code §§11346.2-11347.3 either before the emergency regulation was adopted or within the time period required by statute.	<input type="checkbox"/> Emergency Readopt (Gov. Code, §11346.1(h))	<input type="checkbox"/> Changes Without Regulatory Effect (Cal. Code Regs., title 1, §100)
<input type="checkbox"/> Resubmittal of disapproved or withdrawn nonemergency filing (Gov. Code §§11349.3, 11349.4)	<input type="checkbox"/> Resubmittal of disapproved or withdrawn emergency filing (Gov. Code, §11346.1)	<input type="checkbox"/> File & Print	<input type="checkbox"/> Print Only
<input type="checkbox"/> Emergency (Gov. Code, §11346.1(b))		<input checked="" type="checkbox"/> Other (Specify) <u>Emergency Op. Necessity PC 5058.3</u>	

4. ALL BEGINNING AND ENDING DATES OF AVAILABILITY OF REGULATIONS AND/OR MATERIAL ADDED TO THE RULEMAKING FILE (Cal. Code Regs. title 1, §44 and Gov. Code §11347.1)

5. EFFECTIVE DATE OF CHANGES (Gov. Code, §§ 11343.4, 11346.1(d); Cal. Code Regs., title 1, §100)
 Effective January 1, April 1, July 1, or October 1 (Gov. Code §11343.4(a)) Effective on filing with Secretary of State §100 Changes Without Regulatory Effect Effective other (Specify)

6. CHECK IF THESE REGULATIONS REQUIRE NOTICE TO, OR REVIEW, CONSULTATION, APPROVAL OR CONCURRENCE BY, ANOTHER AGENCY OR ENTITY

<input type="checkbox"/> Department of Finance (Form STD. 399) (SAM §6660)	<input type="checkbox"/> Fair Political Practices Commission	<input type="checkbox"/> State Fire Marshal
<input type="checkbox"/> Other (Specify)		

7. CONTACT PERSON Sherri Garcia	TELEPHONE NUMBER 916-445-2266	FAX NUMBER (Optional)	E-MAIL ADDRESS (Optional) Sherri.Garcia@cdcr.ca.gov
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8. I certify that the attached copy of the regulation(s) is a true and correct copy of the regulation(s) identified on this form, that the information specified on this form is true and correct, and that I am the head of the agency taking this action, or a designee of the head of the agency, and am authorized to make this certification.

SIGNATURE OF AGENCY HEAD OR DESIGNEE 	DATE 5-30-16
TYPED NAME AND TITLE OF SIGNATORY Scott Kernan, Secretary, CA Department of Corrections & Rehabilitation	

For use by Office of Administrative Law (OAL) only

ENDORSED APPROVED

JUN 21 2016

Office of Administrative Law

TEXT OF REGULATIONS

In the following, underline indicates new text.

California Code of Regulations, Title 15, Division 3, Adult Institutions, Programs and Parole

Subchapter 4. General Institution Regulations

Article 8. Medical and Dental Services

3359.8 End of Life Option Act Exemption

New section 3359.8 is adopted to read:

All terminally ill inmates remaining in the custody of CDCR will receive health care appropriate and necessary to their situation, including counseling, hospice and palliative care. Inmates in the custody of CDCR shall not be provided aid-in-dying drugs under the End of Life Option Act (California Health and Safety Code, Division 1, Part 1.85, Sections 443-443.22). Employees, independent contractors, or other persons or entities, including other health care providers, shall not participate in activities under the End of Life Option Act on premises managed by or under the direct control or management of the Department or while acting within the course and scope of any employment by, or contract with, the Department.

NOTE: Authority cited: Section 5058, Penal Code. Reference: Section 5054, Penal Code; and Sections 443, 443.1, 443.2, 443.3, 443.4, 443.5, 443.6, 443.7, 443.8, 443.9, 443.10, 443.11, 443.12, 443.13, 443.14, 443.15, 443.16, 443.17, 443.18, 443.19, 443.20, 443.21, 443.215, and 443.22, Health and Safety Code.