



Home	Bill Information	California Law	Publications	Other Resources	My Subscriptions	My Favorites
------	------------------	----------------	--------------	-----------------	------------------	--------------

Code:  Section:

[Up^](#) [Add To My Favorites](#)

**HEALTH AND SAFETY CODE - HSC**

**DIVISION 10.5. ALCOHOL AND DRUG PROGRAMS [11750 - 11975]** ( *Heading of Division 10.5 amended by Stats. 2013, Ch. 22, Sec. 18. )*

**PART 2. STATE GOVERNMENT'S ROLE TO ALLEVIATE PROBLEMS RELATED TO THE INAPPROPRIATE USE OF ALCOHOLIC BEVERAGES AND OTHER DRUG USE [11760 - 11872]** ( *Heading of Part 2 amended by Stats. 2004, Ch. 862, Sec. 43. )*

**CHAPTER 8. Regulations [11835- 11835.]** ( *Chapter 8 added by Stats. 1979, Ch. 679. )*

**11835.** (a) The purposes of any regulations adopted by the department shall be to implement, interpret, or make specific the provisions of this part and shall not exceed the authority granted to the department pursuant to this part. To the extent possible, the regulations shall be written in clear and concise language and adopted only when necessary to further the purposes of this part.

(b) Except as provided in this section and Sections 11772, 11798, 11798.2, 11814, 11817.8, and 11852.5, the department may adopt regulations in accordance with the rulemaking provisions of the Administrative Procedure Act (Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code) necessary for the proper execution of the powers and duties granted to and imposed upon the department by this part. However, these regulations may be adopted only upon the following conditions:

(1) Prior to adoption of regulations, the department shall consult with the County Behavioral Health Directors Association of California and may consult with any other appropriate persons relating to the proposed regulations.

(2) If an absolute majority of the designated county behavioral health directors who represent counties that have submitted county contracts, vote at a public meeting called by the department, for which 45 days' advance notice shall be given by the department, to reject the proposed regulations, the department shall refer the matter for a decision to a committee, consisting of a representative of the county behavioral health directors, the director, the secretary, and one designee of the secretary. The decision shall be made by a majority vote of this committee at a public meeting convened by the department. Upon a majority vote of the committee recommending adoption of the proposed regulations, the department may then adopt them. Upon a majority vote recommending that the department not adopt the proposed regulations, the department shall then consult again with the County Behavioral Health Directors Association of California and resubmit the proposed regulations to the county behavioral health directors for a vote pursuant to this subdivision.

(3) In the voting process described in paragraph (2), no proxies shall be allowed nor may anyone other than the designated county behavioral health director, director, secretary, and secretary's designee vote at the meetings.

(Amended by Stats. 2015, Ch. 455, Sec. 4. (SB 804) Effective January 1, 2016.)