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HEALTH AND SAFETY CODE - HSC

DIVISION 2. LICENSING PROVISIONS [1200 - 1796.70] (*Division 2 enacted by Stats. 1939, Ch. 60.*)

CHAPTER 3.01. Residential Care Facilities for Persons With Chronic Life-Threatening Illness [1568.01 - 1568.099] (*Chapter 3.01 added by Stats. 1990, Ch. 1333, Sec. 1.5.*)

ARTICLE 2. Firearms, Ammunition, and Deadly Weapons [1568.095 - 1568.099] (*Article 2 added by Stats. 2019, Ch. 840, Sec. 3.*)

1568.095. (a) This article does not require a facility to accept, store, or retain firearms or ammunition.

(b) The department shall promulgate regulations to implement this article.

(c) Until regulations are adopted, the department may implement and administer the provisions of this article through the issuance of written directives that have the same force and effect as regulations. The directives shall be exempt from 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).

(*Added by Stats. 2019, Ch. 840, Sec. 3. (SB 172) Effective January 1, 2020.*)

1568.096. As used in this article, the following terms have the following meanings:

(a) "Firearm" means a device, designed to be used as a weapon, from which is expelled through a barrel, a projectile by the force of an explosion or other form of combustion, including the frame or receiver of the device.

(b) "Ammunition" means one or more loaded cartridges consisting of a primed case, propellant, and with one or more projectiles. "Ammunition" does not include blanks.

(c) "Antique firearm" has the same meaning as set forth, and has the same meaning as, in Section 921(a)(16) of Title 18 of the United States Code.

(d) "Deadly weapon" means any of the following:

(1) Any weapon, the possession or concealed carrying of which is prohibited by Section 16590 of the Penal Code.

(2) A destructive device, as defined in Section 16460 of the Penal Code.

(e) "Facility" means a residential care facility for persons with chronic life-threatening illness licensed by the State Department of Social Services, Community Care Licensing Division.

(*Added by Stats. 2019, Ch. 840, Sec. 3. (SB 172) Effective January 1, 2020.*)

1568.097. A licensee that permits residents to possess firearms on the facility premises shall do all of the following:

(a) Accept and centrally store a resident's firearm, ammunition, or both.

(b) Retain and centrally store a licensee's firearm, ammunition, or both.

(c) Resident's and licensees' firearms, ammunition, or both shall be centrally stored in the facility and in the following manner:

(1) Firearms shall be centrally stored unloaded, in a locked gun safe, that meets the regulatory standards established by the Department of Justice in Section 4100 of Title 11 of the California Code of Regulations.

(2) Ammunition shall be centrally stored separately in a locked location different from firearms.

(*Added by Stats. 2019, Ch. 840, Sec. 3. (SB 172) Effective January 1, 2020.*)

1568.098. (a) A licensee shall not accept, retain, or store any deadly weapon, as defined in Section 1568.096, of a resident or licensee.

(b) A licensee shall not accept, retain, or store any of the following firearms owned or possessed by a resident or licensee:

(1) A firearm regulated pursuant to Chapter 1 (commencing with Section 18710) of Division 5 of Title 2 of Part 6 of the Penal Code.

(2) A firearm regulated pursuant to Chapter 2 (commencing with Section 30500) of Division 10 of Title 4 of Part 6 of the Penal Code.

(3) A firearm regulated pursuant to Chapter 6 (commencing with Section 32610) of Division 10 of Title 4 of Part 6 of the Penal Code.

(4) A firearm regulated pursuant to Article 2 (commencing with Section 33300) of Chapter 8 of Division 10 of Title 4 of Part 6 of the Penal Code.

(c) The licensee shall not accept, retain, or store a firearm required to be registered with the Department of Justice pursuant to Section 29180 of the Penal Code unless it verifies it is in fact registered with the Department of Justice pursuant to Section 29180 of the Penal Code.

(d) The licensee may accept, retain, or store a firearm that is otherwise required to be registered with the Department of Justice pursuant to Section 29180 of the Penal Code but which is exempt from the registration requirements because it was entered into the centralized registry set forth in Section 11106 of the Penal Code prior to July 1, 2018, as being owned by a specific individual or entity if that firearm has assigned to it a distinguishing number or mark of identification because the department accepted entry of that firearm into the centralized registry.

(e) Commencing July 1, 2021, unless it is an antique firearm, the licensee shall not accept, retain, or store a firearm unless the owner of the firearm provides to the licensee documentation that the person is listed with the Department of Justice pursuant to Section 11106 of the Penal Code as the registered owner of that firearm.

(Added by Stats. 2019, Ch. 840, Sec. 3. (SB 172) Effective January 1, 2020.)

1568.099 The acceptance or storage of a resident's firearm by a licensee at a facility in accordance with this article, or the retention and storage of a resident's firearm, shall not constitute a loan, sale, receipt, or transfer of a firearm within the meaning of Sections 26500, 27545, or subdivision (a) of Section 31615 of the Penal Code.

(Added by Stats. 2019, Ch. 840, Sec. 3. (SB 172) Effective January 1, 2020.)