

**State of California  
Office of Administrative Law**

In re:  
Department of Public Health

Regulatory Action:

Title 9, 17, California Code of Regulations

Adopt sections: 40000, 40010, 40020,  
40030, 40040 (Title 17)

Amend sections:

Repeal sections: 14200, 14210, 14220,  
14230, 14240 (Title 9)

**NOTICE OF APPROVAL OF CHANGES  
WITHOUT REGULATORY EFFECT**

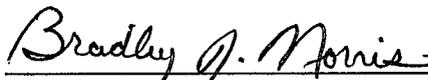
California Code of Regulations, Title 1,  
Section 100

OAL File No. 2013-1004-03 N

In this "changes without regulatory effect" filing, the California Department of Public Health (CDPH) adopts and repeals regulations relating to the Office of Problem and Pathological Gambling and specifically to the implementation of the fee paid by licensed gambling enterprises for the Gambling Addiction Program Fund pursuant to Business and Professions Code section 19954. Assembly Bill No. 75, Chapter 22, Statutes of 2013 transferred the Office of Problem and Pathological Gambling and the fee authority of Business and Professions Code section 19954 from the Department of Alcohol and Drug Programs (DADP) to CDPH. In this filing, CDPH is repealing the existing DADP Office of Problem and Pathological Gambling regulations in Title 9 of the California Code of Regulations (CCR) and adopting nearly identical regulations in Title 17 of the CCR which reflect the transfer of authority to CDPH. Other nonsubstantial changes are made to the transferred regulations.

OAL approves this change without regulatory effect as meeting the requirements of California Code of Regulations, Title 1, section 100.

Date: 11/5/2013



Bradley J. Norris  
Senior Staff Counsel

For: DEBRA M. CORNEZ  
Director

Original: Dr. Ron Chapman, MD, MPH  
Copy: Charlet Archuleta

**OFFICE OF ADMINISTRATIVE LAW**

300 Capitol Mall, Suite 1250  
Sacramento, CA 95814  
(916) 323-6225 FAX (916) 323-6826



**DEBRA M. CORNEZ**  
Director

**MEMORANDUM**

TO: Charlet Archuleta  
FROM: OAL Front Desk LW  
DATE: 11/6/2013  
RE: Return of Approved Rulemaking Materials  
OAL File No. 2013-1004-03N

OAL hereby returns this file your agency submitted for our review (OAL File No. 2013-1004-03N regarding Office of Problem Gambling).

Enclosures If this is an approved file, it contains a copy of the regulation(s) stamped "ENDORSED APPROVED" by the Office of Administrative Law and "ENDORSED FILED" by the Secretary of State.

The effective date of an approved regulation is specified on the Form 400 (see item B.5). **Beginning January 1, 2013**, unless an exemption applies, Government Code section 11343.4 states the effective date of an approved regulation is determined by the date the regulation is filed with the Secretary of State (see the date the Form 400 was stamped "ENDORSED FILED" by the Secretary of State) as follows:

- (1) **January 1** if the regulation or order of repeal is filed on September 1 to November 30, inclusive.
- (2) **April 1** if the regulation or order of repeal is filed on December 1 to February 29, inclusive.
- (3) **July 1** if the regulation or order of repeal is filed on March 1 to May 31, inclusive.
- (4) **October 1** if the regulation or order of repeal is filed on June 1 to August 31, inclusive.

If an exemption applies concerning the effective date of the regulation approved in this file, then it will be specified on the Form 400. The Notice of Approval that OAL sends to the state agency will contain the effective date of the regulation. The history note that will appear at the end of the regulation section in the California Code of Regulations will also include the regulation's effective date. Additionally, the effective date of the regulation will be noted on OAL's Web site once OAL posts the Internet Web site link to the full text of the regulation that is received from the state agency. (Gov. Code, secs. 11343 and 11344.)

**Please note this new requirement:** Unless an exemption applies, Government Code section 11343 now requires:

1. **Section 11343(c)(1):** Within 15 days of OAL filing a state agency's regulation with the Secretary of State, the state agency is required to post the regulation on its Internet Web site in an easily marked and identifiable location. The state agency shall keep the regulation posted on its Internet Web site for at least six months from the date the regulation is filed with the Secretary of State.
2. **Section 11343(c)(2):** Within five (5) days of posting its regulation on its Internet Web site, the state agency shall send to OAL the Internet Web site link of each regulation that the agency posts on its Internet Web site pursuant to section 11343(c)(1).

OAL has established an email address for state agencies to send the Internet Web site link to for each regulation the agency posts. Please send the Internet Web site link for each regulation posted to OAL at [postedregslink@oal.ca.gov](mailto:postedregslink@oal.ca.gov).

**NOTE ABOUT EXEMPTIONS.** Posting and linking requirements do not apply to emergency regulations; regulations adopted by FPPC or Conflict of Interest regulations approved by FPPC; and regulations not subject to OAL/APA review. However, an exempt agency may choose to comply with these requirements, and OAL will post the information accordingly.

**DO NOT DISCARD OR DESTROY THIS FILE**

Due to its legal significance, you are required by law to preserve this rulemaking record. Government Code section 11347.3(d) requires that this record be available to the public and to the courts for possible later review. Government Code section 11347.3(e) further provides that "...no item contained in the file shall be removed, altered, or destroyed or otherwise disposed of." See also the State Records Management Act (Government Code section 14740 et seq.) and the State Administrative Manual (SAM) section 1600 et seq.) regarding retention of your records.

If you decide not to keep the rulemaking records at your agency/office or at the State Records Center, you may transmit it to the State Archives with instructions that the Secretary of State shall not remove, alter, or destroy or otherwise dispose of any item contained in the file. See Government Code section 11347.3(f).

Enclosures

**NONSUBSTANTIVE**

STD. 400 (REV. 01-2013)

<b>OAL FILE NUMBERS</b>	NOTICE FILE NUMBER <b>Z-</b>	REGULATORY ACTION NUMBER <b>2013-1004-03N</b>	EMERGENCY NUMBER
	For use by Office of Administrative Law (OAL) only		
NOTICE		REGULATIONS	

ENDORSED FILED  
IN THE OFFICE OF

2013 NOV -5 PM 3:34

*Debra Bowen*  
DEBRA BOWEN  
SECRETARY OF STATE

AGENCY WITH RULEMAKING AUTHORITY California Department of Public Health	AGENCY FILE NUMBER (if any) DPH-13-008
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**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)
<b>OAL USE ONLY</b>		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) Office of Problem Gambling	1b. ALL PREVIOUS RELATED OAL REGULATORY ACTION NUMBER(S) N/A
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2. SPECIFY CALIFORNIA CODE OF REGULATIONS TITLE(S) AND SECTIONS(S) (Including title 26, if toxics related)	
<b>SECTION(S) AFFECTED (List all section number(s) individually. Attach additional sheet if needed.)</b>	ADOPT 40000, 40010, 40020, 40030, 40040 (Title 17)
	AMEND
TITLE(S) 9, 17	REPEAL 14200, 14210, 14220, 14230, 14240 (Title 9)

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 checked="" 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 type="checkbox"/> Other (Specify) _____	

4. ALL BEGINNING AND ENDING DATES OF AVAILABILITY OF MODIFIED 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)			
<input type="checkbox"/> Effective January 1, April 1, July 1, or October 1 (Gov. Code §11343.4(a))	<input type="checkbox"/> Effective on filing with Secretary of State	<input checked="" type="checkbox"/> \$100 Changes Without Regulatory Effect	<input type="checkbox"/> 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 Charlet Archuleta	TELEPHONE NUMBER (916) 445-9403	FAX NUMBER (Optional) (916) 319-9821	E-MAIL ADDRESS (Optional) charlet.archuleta@cdph.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 <i>Kathleen Billingsley</i>	DATE 9/27/13
TYPED NAME AND TITLE OF SIGNATORY Kathleen Billingsley, Chief Deputy Director of Policy and Programs	

For use by Office of Administrative Law (OAL) only

ENDORSED APPROVED

NOV 05 2013

Office of Administrative Law

## FINAL PROPOSED REGULATORY TEXT

Title 17. Public Health  
Division 1. State Department of Health Services  
Chapter 12. Office of Problem and Pathological Gambling

New proposed text is underlined

New Chapter 12 and Sections 40000, 40010, 40020, 40030 and 40040 are added to read as follows:

**Chapter 12. Office of Problem and Pathological Gambling**

§ 40000. Application and Purpose of Regulations.

Chapter 12 shall apply to all licensed gambling enterprises in California. Unless otherwise specified, the definitions in Business and Professions Code section 19805 shall apply to this chapter.

Note: Authority cited: Section 19954, Business and Professions Code. Reference: Section 19954, Business and Professions Code.

§ 40010. Definitions.

"Department" means the California Department of Public Health.

Note: Authority cited: Section 19954, Business and Professions Code. Reference: Section 19954, Business and Professions Code.

§ 40020. Fees for the Gambling Addiction Program Fund.

(a) The payment paid by each gambling enterprise as specified in Business and Professions Code section 19954 shall be made directly to the Department by March 1 of each year. The Department shall deposit payments into the Gambling Addiction Program Fund.

(b) The amount of the payment due shall be calculated at the rate of \$100 per authorized table. The number of authorized tables in each gambling establishment will be the number of authorized tables listed on the California Gambling Control Commission's website on December 31 of the previous year.

(c) The Department shall provide an invoice to each licensed gambling enterprise by January 31 of each year indicating the total payment due by March 1 of that year.

(d) Payments shall be made to the California Department of Public Health, Accounting Office. The Office of Problem and Pathological Gambling shall send notice to each gambling enterprise containing the current address for these payments.

Note: Authority cited: Section 19954, Business and Professions Code. Reference: Section 19954, Business and Professions Code.

#### § 40030. Initial Pro Rata Fees.

The first year payment pursuant to this regulation shall be prorated on a monthly basis for gambling enterprises not currently paying the fees specified in Business and Professions Code section 19954 on a calendar year basis. (Example: if a gambling enterprise is authorized for 50 tables,  $50 \times \$100 = \$5000/12 \text{ months} = \$416.66/\text{month}$ . Fees were paid through 9/30 previous year; gambling enterprise owes three months,  $3 \times \$416.66 = \$1249.99$ .)

Note: Authority cited: Section 19954, Business and Professions Code. Reference: Section 19954, Business and Professions Code.

§ 40040. Fee Enforcement.

(a) By April 1 of each year, the Department may report to the Bureau of Gambling Control, within the Department of Justice, each gambling enterprise who failed to make timely payment.

(b) By April 1 of each year, the Department may follow the procedures in section 8776.6 of the State Administrative Manual (revised 06/10), incorporated herein by reference, for the collection of accounts receivable.

Note: Authority cited: Section 19954, Business and Professions Code. Reference: Section 19954, Business and Professions Code.

CCR Title 9, Chapter 11, Sections 14200, 14210, 14220, 14230 and 14240 are repealed as follows:

**Chapter 11. Office of Problem and Pathological Gambling**

~~§14200. Application and Purpose of Regulations.~~

~~Chapter 11 shall apply to all licensed gambling enterprises in California. Unless otherwise specified, the definitions in Business and Professions Code section 19805 shall apply to this chapter.~~

~~Note: Authority cited: Section 19954, Business and Professions Code. Reference: Section 19954, Business and Professions Code.~~

~~§ 14210. Definitions.~~

~~"Department" means the Department of Alcohol and Drug Programs.~~

~~Note: Authority cited: Section 19954 Business and Professions Code. Reference: Section 19954, Business and Professions Code.~~

~~§ 14220. Fees for the Gambling Addiction Program Fund.~~

~~(a) The payment paid by each gambling enterprise as specified in Business and Professions Code section 19954 shall be made directly to the Department of Alcohol and Drug Programs by March 1 of each year. The Department shall deposit payments into the Gambling Addiction Program Fund.~~

~~(b) The amount of the payment due shall be calculated at the rate of \$100 per authorized table. The number of authorized tables in each gambling establishment will be the number of authorized tables listed on the California Gambling Control Commission's website on December 31 of the previous year.~~

~~(c) The Department shall provide an invoice to each licensed gambling enterprise by January 31 of each year indicating the total payment due by March 1 of that year.~~

~~(d) Payments shall be made to the Department of Alcohol and Drug Programs, Accounting Office. The Office of Problem and Pathological Gambling shall send notice to each gambling enterprise containing the current address for these payments.~~

~~Note: Authority cited: Section 19954, Business and Professions Code. Reference: Section 19954, Business and Professions Code.~~

~~§ 14230. Initial Pro Rata Fees.~~

~~The first year payment pursuant to this regulation shall be prorated on a monthly basis for gambling enterprises not currently paying the fees specified in Business and Professions Code section 19954 on a calendar year basis. (Example: if a~~

~~gambling enterprise is authorized for 50 tables,  $50 \times \$100 = \$5000/12 \text{ months} =$   
 $\$416.66/\text{month}$ . Fees were paid through 9/30 previous year; gambling enterprise  
owes three months,  $3 \times \$416.66 = \$1249.99$ .)~~

~~Note: Authority cited: Section 19954, Business and Professions Code. Reference: Section  
19954, Business and Professions Code.~~

~~§ 14240. Fee Enforcement.~~

~~(a) By April 1 of each year, the Department may report to the California  
Gambling Control Commission each gambling enterprise who failed to make  
timely payment, or~~

~~(b) By April 1 of each year, the Department may follow the procedures in section  
8776.6 of the State Administrative Manual (revised 06/10), incorporated herein  
by reference, for the collection of accounts receivable.~~

~~Note: Authority cited: Section 19954, Business and Professions Code. Reference: Section  
19954, Business and Professions Code.~~

**State of California  
Office of Administrative Law**

**In re:**

**Department of Public Health**

**Regulatory Action:**

**Title 9, 17, California Code of Regulations**

**Adopt sections: 40000, 40010, 40020,  
40030, 40040 (Title 17)**

**Amend sections:**

**Repeal sections: 14200, 14210, 14220,  
14230, 14240 (Title 9)**

**NOTICE OF APPROVAL OF CHANGES  
WITHOUT REGULATORY EFFECT**

**California Code of Regulations, Title 1,  
Section 100**

**OAL File No. 2013-1004-03 N**

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In this "changes without regulatory effect" filing, the California Department of Public Health (CDPH) adopts and repeals regulations relating to the Office of Problem and Pathological Gambling and specifically to the implementation of the fee paid by licensed gambling enterprises for the Gambling Addiction Program Fund pursuant to Business and Professions Code section 19954. Assembly Bill No. 75, Chapter 22, Statutes of 2013 transferred the Office of Problem and Pathological Gambling and the fee authority of Business and Professions Code section 19954 from the Department of Alcohol and Drug Programs (DADP) to CDPH. In this filing, CDPH is repealing the existing DADP Office of Problem and Pathological Gambling regulations in Title 9 of the California Code of Regulations (CCR) and adopting nearly identical regulations in Title 17 of the CCR which reflect the transfer of authority to CDPH. Other nonsubstantial changes are made to the transferred regulations.

OAL approves this change without regulatory effect as meeting the requirements of California Code of Regulations, Title 1, section 100.

Date: 11/5/2013



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Bradley J. Norris  
Senior Staff Counsel

For: DEBRA M. CORNEZ  
Director

Original: Dr. Ron Chapman, MD, MPH  
Copy: Charlet Archuleta



California Department of Public Health  
**MEMORANDUM**

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**DATE:** October 1, 2013

**TO:** Debra M. Cornez, Director  
Office of Administrative Law  
300 Capitol Mall, Suite 1250  
Sacramento, CA 95814

**FROM:** Alana McKinzie, Chief  
Office of Regulations  
P.O. Box 997413, MS 0507  
Sacramento, CA 95899-7413

**SUBJECT:** Request for Approval: Section 100 DPH-13-008, (*Office of Problem Gambling*)

The request for approval is a proposed rulemaking publication of changes without regulatory effect that is exempt from the requirements of Article 5 of the Administrative Procedure Act (APA), pursuant to Section 100, Title 1, California Code of Regulations, which states in part:

*(a) Subject to the approval of OAL as provided in subsections (c) and (d), an agency may add to, revise or delete text published in the California Code of Regulations without complying with the rulemaking procedure specified in Article 5 of the APA only if the change does not materially alter any requirement, right, responsibility, condition, prescription or other regulatory element of any California Code of Regulations provisions... The addition, revision or deletion is a "change without regulatory effect."*

Assembly Bill (AB) 75 (Committee on Budget, Chapter 22, Statutes of 2013) became effective June 27, 2013 with an operative date of July 1, 2013. This bill transfers the administration, treatment, and services provided by the State Department of Alcohol and Drug Programs (DADP) to other departments within the California Health and Human Services Agency. The DADP included the Office of Problem and Pathological Gambling (OPG) which has been transferred to the California Department of Public Health (CDPH).

With the elimination of DADP these regulations need to be moved from California Code of Regulations (CCR) Title 9, Division 4 to CCR Title 17, Division 1, Chapter 12, Sections 40000-40040 and established as a new chapter for this new program within CDPH.

The Governor's Reorganization Plan No. 2 of 2012 (GRP No. 2) became effective July 3, 2012 with an operative date of July 1, 2013. GRP No. 2 made numerous changes to the Gambling Control Act that consolidated the support, investigatory, auditing, and compliance functions of the California Gambling Control Commission (Commission) and transferred these duties to the Department of Justice, Bureau of Gambling Control (Bureau). Due to the changes in compliance functions, the reference to the Commission related to reporting of non-payment now needs to be changed to the Bureau to conform to changes made by GRP No. 2.

The proposed action has no regulatory effect, will not materially alter any requirement, right, responsibility, condition, prescription or other regulatory element of any CCR provision.

For questions regarding this filing please contact Charlet Archuleta at (916) 445-9403 or email [charlet.archuleta@cdph.ca.gov](mailto:charlet.archuleta@cdph.ca.gov).

Attachments

California Department of Public Health, Center for Chronic Disease  
Prevention and Health Promotion, Office of Problem Gambling  
November 4, 2013

**SECTION 100. CHANGES WITHOUT REGULATORY EFFECT**

Pursuant to Title 1, Division 1, Chapter 1, Article 2, Section 100(b)(3), of the California Code of Regulations (CCR), the California Department of Public Health (CDPH) hereby submits this written statement explaining why the proposed repeals of CCR, Title 9, Sections 14200, 14210, 14220, 14230, and 14240, and the proposed adoptions of CCR, Title 17, Sections 40000, 40010, 40020, 40030, and 40040, are "changes without regulatory effect."

**THE PROPOSED REGULATION REPEALS AND ADOPTIONS MAKE THE REGULATIONS CONSISTENT WITH CHANGED CALIFORNIA STATUTES CONTAINED IN AB 75**

AB 75 (Committee on Budget, Chapter 22, Statutes of 2013) became effective June 27, 2013 with an operative date of July 1, 2013. This bill transfers the administration, treatment, and services provided by the State Department of Alcohol and Drug Programs (DADP) to other departments within the California Health and Human Services Agency. The DADP included the Office of Problem and Pathological Gambling (OPG) which has been transferred to CDPH.

The Legislative Counsel Digest for AB 75 specifically states: "This bill would, on July 1, 2013, transfer the administration of . . . services for problem gambling to the State Department of Public Health." Specific provisions within AB 75 that implement the transfer include the following: the amendment of Business and Professions Code Section 19954; the repeal and addition of Health and Safety Code Section 11750; the addition of Health and Safety Code Section 131055.2; amendments of Welfare and Institutions Code Sections 4369, 4369.1, and 4369.4; and the addition of Welfare and Institutions Code Section 4369.5.

Pursuant to AB 75 and with the elimination of DADP, the Office of Problem and Pathological Gambling's regulations need to be moved from CCR, Title 9, Division 4 (from the DADP's regulations) to CCR, Title 17, Division 1, Chapter 12 (to the CDPH's regulations), reflecting the fact that the statutes now provide that the Office of Problem and Pathological Gambling within CDPH. This is accomplished by the proposed repeal of CCR, Title 9, Sections 14200, 14210, 14220, 14230, and 14240, and the proposed adoption of CCR, Title 17, Sections 40000, 40010, 40020, 40030, and 40040. Consistent with AB 75, former references within the regulations to the DADP have been changed in the newly-adopted regulations to refer to the CDPH, as CDPH is now the State department responsible for the problem gambling program.

CCR, Title 1, Section 100, which provides for "changes without regulatory effect" under the Administrative Procedure Act, specifically states in Section 100(a)(6) that such

changes include: "making a regulatory provision consistent with a changed California statute if both of the following conditions are met: (A) the regulatory provision is inconsistent with and superseded by the changed statute, and (B) the adopting agency has no discretion to adopt a change which differs in substance from the one chosen."

The proposed CCR, Title 9 regulation repeals along with the CCR, Title 17 adoptions, as described above, make the regulations consistent with the changed California statutes set forth in AB 75. Consequently, these adoptions and repeals constitute "change without regulatory effect" in accordance with CCR, Title 1, Section 100.

### **OTHER CHANGES WITHOUT REGULATORY EFFECT**

In proposed regulation Section 40040, "Fee Enforcement," two additional changes are proposed as changes without regulatory effect.

Change to "Bureau of Gambling Control, within the Department of Justice" -- CCR, Title 17, Section 40040(a) would now provide: "By April 1 of each year, the Department may report to the Bureau of Gambling Control, within the Department of Justice, each gambling enterprise who failed to make timely payment." This language was moved from CCR, Title 9, Section 14240(a), except that the Title 9 language referred to the "California Gambling Control Commission" rather than to the "Bureau of Gambling Control, within the Department of Justice." This change to "Bureau of Gambling Control, within the Department of Justice" results from statutory changes contained in the Governor's Reorganization Plan No. 2 of 2012, as discussed below.

The Governor's Reorganization Plan No. 2 of 2012 (GRP No. 2) became effective July 3, 2012 with an operative date of July 1, 2013. Among many other changes relating to the structure and function of State government, GRP No. 2 included changes to the Gambling Control Act (Business and Professions Code Section 19800, et seq.) that consolidated the support, investigatory, auditing, and compliance functions of the California Gambling Control Commission (Commission) and transferred these duties to the Department of Justice, Bureau of Gambling Control (Bureau). Relevant provisions of the GRP No. 2 relating to the Gambling Control Act changes and the transfer of duties include the following: Section 4 of the Legislative Counsel's Digest; amendments to Business and Professions Code Sections 19826, 19861, 19864, 19872, and 19881; and the repeal of Business and Professions Code Section 19881.5.

With the shift of support, investigatory, auditing, and compliance functions from the Commission to the Bureau under the GRP No. 2 provisions discussed above, the language of CCR, Title 17, Section 40040(a) needs to refer to the Bureau rather than to the Commission. The Bureau would now have the responsibility for receiving information regarding a gambling enterprise failure to make timely payment of the Gambling Addiction Program Fund fee authorized by Business and Professions Code Section 19954, consistent with the Bureau having the support, investigatory, auditing and compliance functions. Consequently, the change to "Bureau of Gambling Control, within the Department of Justice" in Section 40040(a) would make the regulation

consistent with statutory changes in the GRP No. 2, constituting a "change without regulatory effect." See the discussion of CCR, Title 1, Section 100(a)(6) above.

Editorial change in Section 40040 – In CCR, Title 17, Section 40040, a comma and the word "or" have been deleted between 40040(a) and 40040(b) and replaced with a period. This editorial change from the language which was in CCR, Title 9, Section 14240 does not materially alter any requirement, right, responsibility, condition, prescription, or other regulatory element of any CCR provision. The regulation continues to provide for two options for fee enforcement, either or both of which may be utilized.

### **SUMMARY OF SPECIFIC CHANGES**

Section 14200 of Title 9 of the CCR is moved to Title 17, Section 40000.

Section 14210 of Title 9 of the CCR is moved to Title 17, Section 40010; and reference to DADP is changed to CDPH.

Section 14220 of Title 9 of the CCR is moved to Title 17, Section 40020; and references to DADP are changed to CDPH.

Section 14230 of Title 9 of the CCR is moved to Title 17, Section 40030.

Section 14240 of Title 9 of the CCR is moved to Title 17, Section 40040; a reference to the Commission is changed to reference the Bureau; and a comma and the word "or" are deleted and replaced by a period as an editorial change.

### **CONCLUSION**

For the reasons discussed above, the proposed changes will not materially alter any requirement, right, responsibility, condition, prescription or other regulatory element of any CCR provision. Consequently, the changes constitute "changes without regulatory effect" under CCR, Title 1, Section 100.



State of California—Health and Human Services Agency  
California Department of Public Health



RON CHAPMAN, MD, MPH  
Director & State Health Officer

EDMUND G. BROWN JR.  
Governor

**DELEGATION OF AUTHORITY FOR ADOPTION OF REGULATIONS AND FILING OF STD 400**

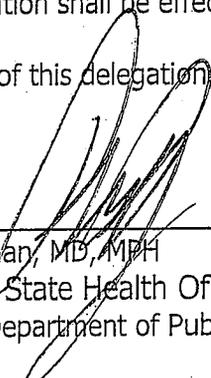
I, Ron Chapman, MD, MPH, Director of the Department of Public Health (CDPH), State of California, am empowered to adopt regulations for this Department pursuant to Article 2 (commencing with section 131200) of Chapter 2 of Part 1 of Division 112 of the Health and Safety Code, Government Code section 11152, and Title 1, California Code of Regulations, section 280.

I hereby delegate my authority and responsibilities for these matters to the following individuals:

- Kathleen Billingsley, RN, Chief Deputy Director of Policy and Programs, CDPH
- Daniel C. Kim, Chief Deputy Director of Operations, CDPH
- Belinda Whitsett, Acting Deputy Director and Chief Counsel Office of Legal Services, CDPH

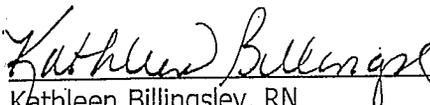
This delegation shall be effective during my term as Director or until withdrawn by me in writing.

In witness of this delegation, I hereby affix my signature to this delegation order.

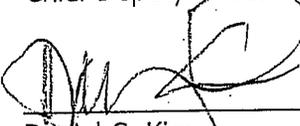
  
 \_\_\_\_\_  
 Ron Chapman, MD, MPH  
 Director & State Health Officer  
 California Department of Public Health

Date: 4/22/13

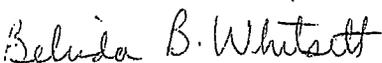
We fully understand and accept this delegation.

  
 \_\_\_\_\_  
 Kathleen Billingsley, RN  
 Chief Deputy Director of Policy and Programs

Date: 4/25/13

  
 \_\_\_\_\_  
 Daniel C. Kim  
 Chief Deputy Director of Operations

Date: 4/23/13

  
 \_\_\_\_\_  
 Belinda Whitsett  
 Acting Deputy Director and Chief Counsel

Date: 4-23-2013

**Norris, Brad@OAL**

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**From:** Archuleta, Charlet (CDPH-EXE-OLS) [Charlet.Archuleta@cdph.ca.gov]  
**Sent:** Monday, November 04, 2013 11:54 AM  
**To:** Norris, Brad@OAL  
**Subject:** OAL File No 2013-1004-03N DPH-13-008 Section 100  
**Attachments:** OAL File No 2013-1004-03N DPH Section 100 Written Statement (2).doc; OAL MEMO for OA for OPG.doc; OPG DPH-13-008 Reg Text.doc

Hi Mr. Norris,

The Office of Administrative Law is authorized to make the following substitutions and revisions in connection with the above-referenced file:

1. Substitute the attached revised regulation text behind each copy of the Form 400 for filing with the Secretary of State, in place of the regulation text originally submitted.
2. Substitute the attached revised written statement in support of the "Section 100 Changes without Regulatory Effect," in place of the written statement originally submitted.
3. Revise the Form 400 which accompanies the regulations for filing with the Secretary of State, as follows:
  - A. In Part B.2. of the Form 400 in the "Adopt" section, adjacent to 40000, 40010, 40020, 40030, and 40040 add "(Title 17)."
  - B. In Part B.2. of the Form 400 in the "Repeal" section, adjacent to 14200, 14210, 14220, 14230, 14240 add "(Title 9)."
  - C. In Part B.5. of the Form 400, delete the "X" adjacent to "Effective on filing with Secretary of State." Only the "\$100 Changes Without Regulatory Effect" box should be checked in Part B.5.
  - D. In the signature block on the bottom of the Form 400, delete the "for Dr." adjacent to the signature Kathleen Billingsley, as Ms. Billingsley is the person certifying.

Thanks,  
**Charlet Archuleta**  
Regulations Coordinator  
Office of Regulations  
California Department of Public Health  
(916) 445-9403