

FINDING OF EMERGENCY

Health and Safety Code Section 124977(d) authorizes the California Department of Public Health (Department) to adopt emergency regulations. The adoption of these regulations is deemed an emergency. These regulations are necessary for the immediate preservation of the health, safety, and general welfare of Californians.

Health and Safety Code Section 124977(d)(1) states: “For the purposes of the Administrative Procedure Act, the adoption of regulations shall be deemed an emergency and necessary for the immediate preservation of the public peace, health and safety, or general welfare. Notwithstanding Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code, these emergency regulations shall not be subject to the review and approval of the Office of Administrative Law. Notwithstanding Section 11346.1 and Section 11349.6 of the Government Code, the department shall submit these regulations directly to the Secretary of State for filing. The regulations shall become effective immediately upon filing by the Secretary of State. Regulations shall be subject to public hearing within 120 days of filing with the Secretary of State and shall comply with Sections 11346.8 and 11346.9 of the Government Code or shall be repealed.”

Health and Safety Code Section 124977(d)(2) states: “The Office of Administrative Law shall provide for the printing and publication of these regulations in the California Code of Regulations. Notwithstanding Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code, the regulations adopted pursuant to this chapter shall not be repealed by the Office of Administrative Law and shall remain in effect until revised or repealed by the department.”

There is no technical, theoretical, or empirical study, report or similar document that the Department relied upon for this emergency action.