

MEDICAL BOARD OF CALIFORNIA
LEGISLATIVE ANALYSIS

BILL NUMBER: SB 607
 AUTHOR: Portantino
 BILL DATE: January 4, 2024, Amended
 SUBJECT: Controlled Substances
 SPONSOR: Author

DESCRIPTION OF CURRENT LEGISLATION

This bill expands current law to require a prescriber to discuss risks and dangers of opioids and opioid addiction to all patients, except when already being treated for substance use disorders in certain facilities or receiving hospice care.

Current law exempts from this requirement those diagnosed with chronic intractable pain and only applied to minors.

BACKGROUND

[Health and Safety Code \(HSC\) section 11158.1](#) generally requires a prescriber to discuss with a minor patient (or their parent/guardian or other authorized adult) the risks and dangers of addiction and overdose when first dispensing or prescribing to the patient a controlled substance containing an opioid. The requirement to have this discussion only applies to minors and does not apply if the patient meets one of the following criteria:

- They are being treated in certain facilities for substance use disorder or for chronic intractable pain.
- Their care relates to emergency services and care, including emergency surgery.
- The prescriber believes in their professional judgment that having the required conversation would be detrimental to the minor’s health or safety or would violate their right to confidentiality.

ANALYSIS

According to the author’s fact sheet:

“According to California’s health department, opioid related deaths spiked 121% between 2019 and 2021. The most recent state data indicates that between September 2021 and September 2022, up to 5,942 people died after ingesting a synthetic opioid, accounting for 86% of all opioid related deaths.

Opioids are an effective and appropriate treatment option for certain types of pain, such as advanced cancers, certain types of surgeries, and other injuries or conditions characterized with severe pain.

However, even short-term use of opioids can increase [the] risk of side effects, drug interactions, and potential addiction.”

Generally, the requirements proposed by SB 607 extend the current law requirements (which apply to minor patients) to all patients. The bill, however, deletes the current exception for patients diagnosed with chronic intractable pain, and replaces that with an exception for patients currently receiving hospice care.

Arguably, the information discussed in the bill is currently being disclosed to patients in the context of [appropriate informed consent](#). Therefore, this bill sets a minimum threshold in statute for these types of disclosures.

Consideration of a Board Position

The proposed requirements in the bill are compatible with the Board’s [July 2023 Guidelines for Prescribing Controlled Substances for Pain](#) (see pp. 10, 18, and 24)

Accordingly, staff recommend a Support position on SB 607.

FISCAL: No fiscal impact anticipated.

SUPPORT: None identified.

OPPOSITION: None identified.

POSITION: Recommendation: Support.

ATTACHMENT: [SB 607, Portantino – Controlled Substances.](#)
Version: 1/04/24 – Amended