

MEDICAL BOARD OF CALIFORNIA
LEGISLATIVE ANALYSIS

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

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.

SB 607 has not been amended since the Medical Board of California adopted a position of Support.

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 in certain facilities 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.

- FISCAL: No fiscal impact anticipated.
- SUPPORT: California Association of Highway Patrolmen
The Chrysalis Center
- OPPOSITION: California Medical Association
California Orthopedic Association
- ATTACHMENT: [SB 607, Portantino – Controlled Substances.](#)
Version: 1/04/24 – Amended