



Home	Bill Information	California Law	Publications	Other Resources	My Subscriptions	My Favorites
------	------------------	----------------	--------------	-----------------	------------------	--------------

**AB-541 Tobacco assessment.** (2021-2022)

SHARE THIS:  

Date Published: 08/31/2021 09:00 PM

**Assembly Bill No. 541**

**CHAPTER 150**

An act to add Section 11756.5 to the Health and Safety Code, relating to substance abuse disorder treatment.

[ Approved by Governor August 31, 2021. Filed with Secretary of State August 31, 2021. ]

**LEGISLATIVE COUNSEL'S DIGEST**

AB 541, Berman. Tobacco assessment.

Existing law requires the State Department of Health Care Services to license and regulate facilities that provide residential nonmedical services to adults who are recovering from problems related to alcohol, drug, or alcohol and drug misuse or abuse, and who need alcohol, drug, or alcohol and drug recovery treatment or detoxification services. Existing law also requires the department to implement a voluntary certification procedure for alcohol and other drug treatment recovery services.

This bill would require a licensed facility or a certified program to assess a patient or client for use of all tobacco products at the time of the initial intake and take certain actions if the patient or client has tobacco use disorder.

Vote: majority Appropriation: no Fiscal Committee: no Local Program: no

**THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:**

**SECTION 1.** The Legislature finds and declares all of the following:

(a) According to the Centers for Disease Control and Prevention (CDC), a person with a mental health issue, substance use disorder, or both are more than twice as likely to smoke cigarettes as a person without these behavioral health conditions and are more likely to die from a smoking-related illness than from their behavioral health conditions.

(b) The CDC has also found that smoking cessation reduces smoking-related disease risk and could improve mental health and substance use disorder recovery outcomes. Research shows that patients who are concomitantly treated for tobacco use disorder while receiving addiction treatment have a 25-percent increase in the likelihood of substance use abstinence one year after treatment compared to those not treated for tobacco use disorder.

(c) The CDC concludes that given that tobacco cessation in behavioral health treatment could improve both physical and behavioral health outcomes, and continued smoking worsens those outcomes, behavioral health treatment facilities are an important setting for evidence-based tobacco cessation interventions.

(d) The CDC notes that nicotine and opioid addictions are mutually reinforcing, whereas smoking cessation is associated with long-term abstinence after opioid treatment.

(e) The California Tobacco Control Program currently identifies persons with substance use disorders as a priority population.

(f) California ranks 41st in the United States on asking about tobacco in substance use disorder treatment and 32nd on providing tobacco use disorder treatment counseling in substance use disorder treatment.

(g) According to the CDC, in 2016, tobacco screening was the most commonly implemented tobacco-related practice in mental health and substance use treatment facilities.

(h) California must reduce barriers to tobacco use disorder treatment in order to eliminate tobacco-related health disparities among persons with substance use disorders.

**SEC. 2.** Section 11756.5 is added to the Health and Safety Code, to read:

**11756.5.** (a) An alcoholism or substance use disorder recovery or treatment facility licensed under this division or an alcohol or other drug program certified by the department in accordance with the alcohol or other drug certification standards established pursuant to Section 11830.1 shall assess each patient or client for use of all tobacco products at the time of the initial intake. This assessment shall include questions recommended in the most recent version of the Diagnostic and Statistical Manual of Mental Disorders under tobacco use disorder, or similar evidence-based guidance, for determining that an individual has a tobacco use disorder.

(b) For a patient or client with tobacco use disorder, a licensed facility or certified program, as described in subdivision (a), shall do all of the following:

(1) Provide information to the patient or client on how continued use of tobacco products could affect their long-term success in recovery from substance use disorder.

(2) Recommend treatment for tobacco use disorder in the treatment plan.

(3) Offer either treatment, subject to the limitation of the license or certification issued by the department, or a referral for treatment for tobacco use disorder.

(c) For purposes of this section, "tobacco products" has the same meaning as in Section 22950.5 of the Business and Professions Code.