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SB-607 Controlled substances. (2023-2024)

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Senate Bill No. 607

CHAPTER 862

An act to amend Section 11158.1 of the Health and Safety Code, relating to controlled substances.

[Approved by Governor September 28, 2024. Filed with Secretary of State September 28, 2024.]

LEGISLATIVE COUNSEL'S DIGEST

SB 607, Portantino. Controlled substances.

Existing law requires a prescriber, with certain exceptions, before directly dispensing or issuing for a minor the first prescription for a controlled substance containing an opioid in a single course of treatment, to discuss specified information with the minor, the minor's parent or guardian, or another adult authorized to consent to the minor's medical treatment.

This bill would extend that requirement for the prescriber by applying it to any patient, not only a minor, under those circumstances.

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

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

SECTION 1. Section 11158.1 of the Health and Safety Code is amended to read:

11158.1. (a) Except when a patient is being treated as set forth in Sections 11159, 11159.2, and 11167.5, and Article 2 (commencing with Section 11215) of Chapter 5, pertaining to the treatment of persons with substance use disorder, except when a patient is currently receiving hospice care, a prescriber shall discuss all of the following information with the patient, or if the patient is a minor, the minor, the minor's parent or guardian, or another adult authorized to consent to the minor's medical treatment, before directly dispensing or issuing to a patient the first prescription in a single course of treatment for a controlled substance containing an opioid:

- (1) The risks of addiction and overdose associated with the use of opioids.
- (2) The increased risk of addiction to an opioid for an individual who is suffering from both mental and substance abuse disorders.
- (3) The danger of taking an opioid with a benzodiazepine, alcohol, or another central nervous system depressant.
- (4) Any other information required by law.

(b) This section does not apply in any of the following circumstances:

(1) If the patient's treatment includes emergency services and care as defined in Section 1317.1.

(2) If the patient's treatment is associated with, or incidental to, an emergency surgery, regardless of whether the surgery is performed on an inpatient or outpatient basis.

(3) If, in the prescriber's professional judgment, fulfilling the requirements of subdivision (a) would be detrimental to the patient's health or safety, or in violation of the patient's legal rights regarding confidentiality.

(c) Notwithstanding any other law, including Section 11374, failure to comply with this section shall not constitute a criminal offense.