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AB-1320 California Affordable Drug Manufacturing Act of 2020: opioid antagonists. (2025-2026)

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CALIFORNIA LEGISLATURE— 2025–2026 REGULAR SESSION

ASSEMBLY BILL

NO. 1320

Introduced by Assembly Member Patterson

February 21, 2025

An act to add Section 127698 to the Health and Safety Code, relating to public contracts.

LEGISLATIVE COUNSEL'S DIGEST

AB 1320, as introduced, Patterson. California Affordable Drug Manufacturing Act of 2020: opioid antagonists.

Existing law, the California Affordable Drug Manufacturing Act of 2020, requires the California Health and Human Services Agency (CHHSA) or its departments to enter into partnerships, in consultation with other state departments as necessary, to increase competition, lower prices, and address shortages in the market for generic prescription drugs, to reduce the cost of prescription drugs for public and private purchasers, taxpayers, and consumers, and to increase patient access to affordable drugs. For purposes of implementing these provisions, existing law authorizes CHHSA and its departments, including the Department of Health Care Access and Information, to enter into exclusive or nonexclusive contracts on a bid or negotiated bases. Existing law exempts these contracts entered into by CHHSA and its departments from the review or approval of any division of the Department of General Services as well as from provisions pertaining to bidding and awarding of state contracts.

This bill would prohibit a state agency from awarding a contract, pursuant to the above provisions, on a noncompetitive basis for the purchase or acquisition of an opioid antagonist, as defined, with a contractor that has entered into a multistate settlement agreement for its role in contributing to the opioid epidemic. The bill would make a contract void and unenforceable for a violation of this provision and apply those provisions retroactively to contracts entered into before January 1, 2026.

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

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

SECTION 1. Section 127698 is added to the Health and Safety Code, to read:

127698. (a) Notwithstanding Section 127692, a state agency shall not, pursuant to this chapter, award a contract on a noncompetitive basis for the purchase or acquisition of an opioid antagonist with a contractor that has entered into a multistate settlement agreement for its role in contributing to the opioid epidemic.

(b) A contract is void and unenforceable if it violates this section.

(c) This section shall apply retroactively to any contract entered into before January 1, 2026.

(d) For purposes of this section, "opioid antagonist" means naloxone hydrochloride or another drug approved by the United States Food and Drug Administration that, when administered, negates or neutralizes in whole or in part the pharmacological effects of an opioid in the body, and has been approved for the treatment of an opioid overdose.