
SENATE COMMITTEE ON PUBLIC SAFETY

Senator Aisha Wahab, Chair

2023 - 2024 Regular

Bill No: SB 19 **Hearing Date:** March 14, 2023
Author: Seyarto
Version: March 7, 2023 Amended
Urgency: No **Fiscal:** Yes
Consultant: SJ

Subject: *Anti-Fentanyl Abuse Task Force*

HISTORY

Source: Author

Prior Legislation: AB 1673 (Seyarto), held in Assembly Appropriations

Support: Arcadia Police Officers' Association; Association of California School Administrators; Burbank Police Officers' Association; California Coalition of School Safety Professionals; California Hospital Association; California State Sheriffs' Association; Claremont Police Officers Association; Corona Police Officers Association; County Health Executives Association of California; Culver City Police Officers' Association; Fullerton Police Officers' Association; Inglewood Police Officers Association; Los Angeles School Police Officers Association; Newport Beach Police Association; Palos Verdes Police Officers Association; Placer County Deputy Sheriffs' Association; Pomona Police Officers' Association; Riverside Police Officers Association; Riverside Sheriffs' Association; Upland Police Officers Association

Opposition: None known

PURPOSE

The purpose of this bill is to establish, upon an appropriation by the Legislature, the Anti-Fentanyl Abuse Task Force to evaluate the nature and extent of fentanyl abuse in the state and to develop policy recommendations for addressing it.

Existing law establishes the California Uniform Controlled Substances Act, which regulates controlled substances. (Health & Saf. Code, § 11000 et seq.)

Existing law classifies controlled substances into five schedules according to their danger and potential for abuse. (Health & Saf. Code, §§ 11054-11058.)

Existing law classifies fentanyl as a Schedule II controlled substance. (Health & Saf. Code, § 11055, subd.(c)(8).)

This bill establishes, upon an appropriation by the Legislature, the Anti-Fentanyl Abuse Task Force to do the following:

- Collect and organize data on the nature and extent of fentanyl abuse in California.
- Examine collaborative models between government and nongovernmental organizations for protecting persons who misuse fentanyl or other illicit substances that may contain fentanyl, and develop policy recommendations on the implementation of evidence-based practices to reduce fentanyl overdoses, including, without limitation, overdose prevention centers, fentanyl testing strip distribution, and access to overdose reversal treatments.
- Measure and evaluate the progress of the state in preventing fentanyl abuse and death from the intentional use of fentanyl or the unintentional use of illicit substances containing fentanyl, protecting and providing assistance to persons who misuse fentanyl or other illicit substances that may contain fentanyl, and prosecuting persons engaged in the illegal manufacture, sale, and trafficking of fentanyl.
- Evaluate approaches to increase public awareness of fentanyl abuse.
- Analyze existing statutes for their adequacy in addressing fentanyl abuse and, if the analysis determines that those statutes are inadequate, recommend revisions to those statutes or the enactment of new statutes that specifically define and address fentanyl abuse.
- Consult with governmental and nongovernmental organizations in developing recommendations to strengthen state and local efforts to prevent fentanyl abuse and death from the intentional use of fentanyl or the unintentional use of illicit substances containing fentanyl, protect and assist persons who misuse fentanyl or other illicit substances that may contain fentanyl, and prosecute individuals engaged in the illegal manufacture, sale, and trafficking of fentanyl.

This bill provides that the task force is chaired by the Attorney General or their designee. Requires the Department of Justice to provide staff and support for the task force, to the extent that resources are available.

This bill provides that the members of the task force serve at the pleasure of the respective appointing authority. Provides that reimbursement of necessary expenses may be provided at the discretion of the respective appointing authority or agency participating in the task force.

This bill provides that the task force be comprised of the following representatives or their designees:

- The Attorney General.
- The Chairperson of the Judicial Council of California.
- The Director of the State Department of Public Health.
- The Director of the State Department of Health Care Services.
- One Member of the Senate, appointed by the Senate Rules Committee.
- One Member of the Assembly, appointed by the Speaker of the Assembly.
- One representative from the California District Attorneys Association.
- One representative from the California Public Defenders Association.
- One representative from the California Hospital Association.
- One representative from the County Health Executives Association of California.
- Three representatives of law enforcement, one selected by the California State Sheriffs' Association, one selected by the California Police Chiefs' Association, and one selected by the Department of the California Highway Patrol.
- One representative from a community organization representing persons suffering from opioid use disorder, appointed by the Governor.

- One university researcher and one mental health professional, appointed by the Governor.
- One representative from an organization that provides services to homeless individuals and one representative from an organization that serves persons who misuse fentanyl or other illicit substances that may contain fentanyl in southern California, appointed by the Speaker of the Assembly.
- One representative from an organization that provides services to homeless individuals and one representative from an organization that serves persons who misuse fentanyl or other illicit substances that may contain fentanyl in northern California, appointed by the Senate Rules Committee.
- One person in recovery from fentanyl or opioid abuse, and one person who has lost a family member to a fatal fentanyl overdose, appointed by the Governor.

This bill provides that whenever possible, members of the task force have experience providing services to persons who misuse fentanyl or other illicit substances that may contain fentanyl or have knowledge of fentanyl abuse issues.

This bill specifies that the task force meet at least once every two months. Provides that subcommittees may be formed and meet as necessary, and that all meetings are open to the public. Provides that the first meeting of the task force be held no later than March 1, 2024.

This bill requires the task force to report its findings and recommendations to the Governor, the Attorney General, and the Legislature on or before July 1, 2025. Provides that at the request of any member, the report may include minority findings and recommendations.

This bill provides that the report be submitted in compliance with Section 9795 of the Government Code.

This bill provides that for the purposes of this section, “fentanyl abuse” means the use of fentanyl or products containing fentanyl in a manner or with a frequency that negatively impacts one or more areas of physical, mental, or emotional health.

This bill includes a sunset provision and specifies that the provisions of this bill only remain in effect until January 1, 2026, and are repealed thereafter.

COMMENTS

1. Need For This Bill

According to the author:

Californians are falling victim to drug dealers who prey on the potency and availability of illicit fentanyl. We need to give local agencies the tools they need to keep our communities safe and those responsible for this epidemic accountable. This task force will identify the resources necessary to respond and bring this epidemic under control.

2. Fentanyl-Related Deaths in California

The number of deaths involving fentanyl in California has increased dramatically in recent years. Between 2012 and 2018, fentanyl overdose deaths increased by more than 800%—from 82 to 786. (CDPH, Overdose Prevention Initiative <<https://www.cdph.ca.gov/Programs/CCDPHP/DCDIC/SACB/Pages/PrescriptionDrugOverdoseProgram.aspx?msclkid=99f1af92b9e411ec97e3e1fe58cde884>> [last visited Mar. 7, 2023].) In 2021, there were 5,961 deaths related to fentanyl overdoses. (CDPH, California Overdose Surveillance Dashboard <<https://skylab.cdph.ca.gov/ODdash/?tab=Home>> [last visited Mar. 7, 2023]).

3. Anti-Abuse Fentanyl Task Force

In order to address the ongoing fentanyl crisis, this bill establishes the Anti-Fentanyl Abuse Task Force to do a number of things, including collect data on the nature and extent of fentanyl abuse in the state, develop policy recommendations on the implementation of evidence-based practices to reduce fentanyl overdoses, evaluate the progress of the state in preventing fentanyl abuse and death from the intentional use of fentanyl or the unintentional use of illicit substances containing fentanyl, evaluate approaches to increase public awareness of fentanyl abuse, and analyze existing statutes for their adequacy in addressing fentanyl abuse and recommend revisions to those statutes or the enactment of new statutes that specifically define and address fentanyl abuse if the analysis determines that those statutes are inadequate. The task force includes 22 members, including the Attorney General, Director of the Department of Public Health, Director of the Department of Health Care Services, representatives of law enforcement organizations, an individual in recovery from fentanyl or opioid abuse, a mental health professional, and representatives of organizations that provide services to homeless individuals and individuals who misuse fentanyl or other illicit substances that may contain fentanyl, among others.

The bill specifies that the task force meet at least once every two months and that the first meeting of the task force be held by March 1, 2024. The task force must report its findings and recommendations to the Governor, the Attorney General, and the Legislature by July 1, 2025. The provisions of this bill sunset on January 1, 2026.

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