
SENATE COMMITTEE ON APPROPRIATIONS

Senator Anthony Portantino, Chair
2023 - 2024 Regular Session

SB 19 (Seyarto) - Anti-Fentanyl Abuse Task Force

Version: March 7, 2023

Urgency: No

Hearing Date: April 10, 2023

Policy Vote: PUB. S. 4 - 0

Mandate: No

Consultant: Matthew Fleming

Bill Summary: SB 19 would, subject to an appropriation, establish the Anti-Fentanyl Abuse Task Force, chaired by the Attorney General, in order to undertake various duties relating to fentanyl abuse can conduct regular meetings at two-month intervals.

Fiscal Impact: Annual and ongoing cost pressures over the next three years in the millions of dollars in order for the Department of Justice (DOJ) to implement SB 19. The DOJ reports costs of \$2.6 million in 2023 – 2024, \$4.6 million in 2024 – 2025, and \$2.4 million in 2025 – 2026 (General Fund). See Staff Comments for additional details.

Background: Fentanyl is a potent, synthetic opioid drug approved by the Food and Drug Administration for use as an analgesic and anesthetic. Introduced in the 1960's as an intravenous anesthetic, fentanyl is approximately 100 times more potent than morphine and 50 times more potent than heroin as an analgesic. It is legally manufactured and distributed in the United States, however, fentanyl pharmaceutical products are often diverted via theft, fraudulent prescriptions and illicit distribution by patients, physicians and pharmacists.

The number of deaths involving fentanyl in California has increased dramatically in recent years. There has been a commensurate interest by state and local authorities to combat the prevalence of fentanyl within the State. Last year the State budget established the Fentanyl Enforcement Program within the DOJ in order to combat the manufacturing, distribution, and trafficking of fentanyl throughout, and into, the state by organized criminal enterprises. \$7.9 million was allocated in 2022-23 with an additional \$6.7 million ongoing. In addition, the budget allocated \$30 million one-time to the Military Department in order to expand its already existing drug interdiction efforts, with a particular focus on assisting federal, state, and local law enforcement in combatting fentanyl.

This bill expands upon the State's efforts to combat the fentanyl crisis. It 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.

Proposed Law:

- 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.
- 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.

- 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.
- 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.
- 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.
- 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.
- 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.

- Provides that the report be submitted in compliance with Section 9795 of the Government Code.
- 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.
- Sunsets these provisions on January 1, 2026.

Related Legislation: AB 1673 (Seyarto) of the 2021-22 legislative session was identical to this bill. AB 1673 was held in the Assembly Appropriations Committee.

Staff Comments: SB 19 would require the Attorney General to chair the newly established Fentanyl Abuse Task Force and would require the DOJ to provide staff and support for the task force, to the extent that resources are available. DOJ reports that it would require limited term research data analyst positions as well as hundreds of Deputy Attorney General hours in order to properly support the SB 19 task force. The criminal law division, specifically the Appeals, Writs, and Trials Section, would require 2.0 Deputy Attorneys General (DAG), 1.0 Associate Governmental Program Analyst (AGPA), and the legal complement of 1.0 Legal Secretary (LS) from FY 2023-24 through FY 2025-26 to analyze existing statutes and recommendations to strengthen state and local efforts to prosecute individuals engaged in the illegal manufacture, sale, and trafficking of fentanyl. Further, the Healthcare Rights and Access Section within DOJ’s Public Rights Division would require 1.0 Supervising Deputy Attorney General, 4.0 Deputy Attorneys General, 2.0 Associate Governmental Program Analysts, 1.0 Senior Legal Analyst, and the legal complement of 4.0 Legal Secretaries beginning January 1, 2024 until January 1, 2026. Their duties would include examining collaborative models between government and nongovernmental organizations for protecting victims of fentanyl abuse, measuring and evaluating the progress of the state in preventing fentanyl abuse, protecting and providing assistance to victims of fentanyl abuse, and evaluating approaches to increase public awareness of fentanyl abuse. The estimates include additional annual costs associated to consultants, legal experts and witnesses, travel, as well as costs related to the publication of the required report.

Staff notes that the 2022-23 budget included \$7.9 million in 2022-23 and \$6.7 million ongoing to fund the Fentanyl Task Force within DOJ to help tackle the fentanyl crisis. The task force included 25 new positions within DOJ to support those efforts. Staff queries whether the additional resources required to implement this bill may result in some duplication of effort and resources.

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