

DEPARTMENT OF FINANCE BILL ANALYSIS

AMENDMENT DATE: May 15, 2007
POSITION: Oppose
SPONSOR: LA County Board of Supervisors, LA Overdose Prevention Task Force

BILL NUMBER: SB 767
AUTHOR: M. Ridley-Thomas

BILL SUMMARY

This bill would confer conditional immunity from civil liability and criminal prosecution for licensed health care providers who prescribe and subsequently dispense or distribute an opioid antagonist in conjunction with an opioid prevention and treatment training program, even if the opioid antagonist is administered by and to someone other than the person to whom it was prescribed. This bill also would require local health jurisdictions operating or registering opioid overdose prevention and treatment training programs to provide specified data to the Department of Public Health (DPH) for compilation into a report to the Legislature, which would be due by January 1, 2010. The provisions of this bill would sunset on January 1, 2011.

FISCAL SUMMARY

This bill would require one limited-term position and \$98,000 General Fund for the DPH to develop, implement and track the data received from local health jurisdictions and prepare the required report to the Legislature.

COMMENTS

The Department of Finance opposes this bill for the following reasons:

- This bill would result in increased General Fund expenditures not included in the Administration’s fiscal plan.
- The need for this bill is unclear. We are unaware of any lawsuits concerning this issue.

An opioid antagonist as defined in this bill would be naloxone hydrochloride, which is approved by the Food and Drug Administration for the treatment of a drug overdose. Existing law provides qualified immunity from civil claims for persons rendering cardiopulmonary resuscitation (CPR) or using an automatic external defibrillator in good faith. According to the author’s office, there is a shortage of clinicians willing to prescribe take-home opioid antagonists because they are afraid of civil and criminal liability if the medication is used by someone other than the person to whom it was prescribed.

Code/Department Agency or Revenue Type	(Fiscal Impact by Fiscal Year)									
	SO	(Dollars in Thousands)								
	LA	CO	PROP	FC	2007-2008	FC	2008-2009	FC	2009-2010	Fund Code
	RV	98	No	FC	--	C	\$98	C	\$49	0001
4265/PublicHealth	SO		No		--	C	\$98	C	\$49	0001

Analyst/Principal (0553) K. DaRosa	Date	Program Budget Manager Michael Wilkening	Date
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Department Deputy Director	Date
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Governor's Office:	By:	Date:	Position Approved _____
			Position Disapproved _____

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