

AMENDED IN SENATE SEPTEMBER 10, 2015

AMENDED IN SENATE AUGUST 18, 2015

AMENDED IN SENATE JUNE 25, 2015

AMENDED IN ASSEMBLY MAY 18, 2015

AMENDED IN ASSEMBLY APRIL 20, 2015

AMENDED IN ASSEMBLY MARCH 26, 2015

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 679

Introduced by Assembly Member Travis Allen

February 25, 2015

~~An act to amend Section 27320 of the Government Code, relating to local government.~~ *An act to amend Section 11165.1 of the Health and Safety Code, relating to controlled substances, and declaring the urgency thereof, to take effect immediately.*

LEGISLATIVE COUNSEL'S DIGEST

AB 679, as amended, Travis Allen. ~~Documents: recordation.~~ *Controlled substances.*

Existing law classifies certain controlled substances into designated schedules. Existing law requires the Department of Justice to maintain the Controlled Substance Utilization Review and Evaluation System (CURES) for the electronic monitoring of the prescribing and dispensing of Schedule II, Schedule III, and Schedule IV controlled substances by all practitioners authorized to prescribe or dispense these controlled substances. Existing law authorizes the Department of Justice to provide the history of controlled substances dispensed to an individual to a

licensed health care practitioner, pharmacist, or both, providing care or services to the individual. By January 1, 2016, or upon licensure in the case of a pharmacist, or upon receipt of a federal Drug Enforcement Administration registration in the case of another health care practitioner authorized to prescribe, order, administer, furnish, or dispense controlled substances, whichever respective event occurs later, existing law requires those persons to apply to the Department of Justice to obtain approval to access information contained in the CURES database regarding the controlled substance history of a patient under his or her care.

This bill would extend those January 1, 2016, deadlines to July 1, 2016.

This bill would declare that it is to take effect immediately as an urgency statute.

Existing law requires the recorder of each county, upon payment of proper fees and taxes, to accept for recordation any instrument, paper, or notice that is authorized or required by law to be recorded. Existing law further requires the recorder, when any instrument authorized by law to be recorded is deposited in the recorder's office for record, to endorse upon the instrument in the order in which it is deposited, the year, month, day, hour, and minute of its reception, the amount of fees recording, and the name of the person at whose request it is recorded.

This bill would delete the requirement that the recorder endorse the name of the person at whose request an instrument is recorded and would additionally require the recorder to endorse upon the instrument the number of pages of the instrument.

By imposing new duties upon the county recorder, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority ²/₃. Appropriation: no. Fiscal committee: yes.
State-mandated local program: ~~yes~~-no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 11165.1 of the Health and Safety Code
- 2 is amended to read:

1 11165.1. (a) (1) (A) (i) A health care practitioner authorized
2 to prescribe, order, administer, furnish, or dispense Schedule II,
3 Schedule III, or Schedule IV controlled substances pursuant to
4 Section 11150 shall, before ~~January~~ *July* 1, 2016, or upon receipt
5 of a federal Drug Enforcement Administration (DEA) registration,
6 whichever occurs later, submit an application developed by the
7 Department of Justice to obtain approval to access information
8 online regarding the controlled substance history of a patient that
9 is stored on the Internet and maintained within the Department of
10 Justice, and, upon approval, the department shall release to that
11 practitioner the electronic history of controlled substances
12 dispensed to an individual under his or her care based on data
13 contained in the CURES Prescription Drug Monitoring Program
14 (PDMP).

15 (ii) A pharmacist shall, before ~~January~~ *July* 1, 2016, or upon
16 licensure, whichever occurs later, submit an application developed
17 by the Department of Justice to obtain approval to access
18 information online regarding the controlled substance history of
19 a patient that is stored on the Internet and maintained within the
20 Department of Justice, and, upon approval, the department shall
21 release to that pharmacist the electronic history of controlled
22 substances dispensed to an individual under his or her care based
23 on data contained in the CURES PDMP.

24 (B) An application may be denied, or a subscriber may be
25 suspended, for reasons which include, but are not limited to, the
26 following:

27 (i) Materially falsifying an application for a subscriber.

28 (ii) Failure to maintain effective controls for access to the patient
29 activity report.

30 (iii) Suspended or revoked federal DEA registration.

31 (iv) Any subscriber who is arrested for a violation of law
32 governing controlled substances or any other law for which the
33 possession or use of a controlled substance is an element of the
34 crime.

35 (v) Any subscriber accessing information for any other reason
36 than caring for his or her patients.

37 (C) Any authorized subscriber shall notify the Department of
38 Justice within 30 days of any changes to the subscriber account.

39 (2) A health care practitioner authorized to prescribe, order,
40 administer, furnish, or dispense Schedule II, Schedule III, or

1 Schedule IV controlled substances pursuant to Section 11150 or
2 a pharmacist shall be deemed to have complied with paragraph
3 (1) if the licensed health care practitioner or pharmacist has been
4 approved to access the CURES database through the process
5 developed pursuant to subdivision (a) of Section 209 of the
6 Business and Professions Code.

7 (b) Any request for, or release of, a controlled substance history
8 pursuant to this section shall be made in accordance with guidelines
9 developed by the Department of Justice.

10 (c) In order to prevent the inappropriate, improper, or illegal
11 use of Schedule II, Schedule III, or Schedule IV controlled
12 substances, the Department of Justice may initiate the referral of
13 the history of controlled substances dispensed to an individual
14 based on data contained in CURES to licensed health care
15 practitioners, pharmacists, or both, providing care or services to
16 the individual.

17 (d) The history of controlled substances dispensed to an
18 individual based on data contained in CURES that is received by
19 a practitioner or pharmacist from the Department of Justice
20 pursuant to this section shall be considered medical information
21 subject to the provisions of the Confidentiality of Medical
22 Information Act contained in Part 2.6 (commencing with Section
23 56) of Division 1 of the Civil Code.

24 (e) Information concerning a patient's controlled substance
25 history provided to a prescriber or pharmacist pursuant to this
26 section shall include prescriptions for controlled substances listed
27 in Sections 1308.12, 1308.13, and 1308.14 of Title 21 of the Code
28 of Federal Regulations.

29 *SEC. 2. This act is an urgency statute necessary for the*
30 *immediate preservation of the public peace, health, or safety within*
31 *the meaning of Article IV of the Constitution and shall go into*
32 *immediate effect. The facts constituting the necessity are:*

33 *In order to ensure that health care practitioners and pharmacists*
34 *are not out of compliance with the requirement to apply to access*
35 *data contained in the Controlled Substance Utilization Review*
36 *and Evaluation System Prescription Drug Monitoring Program*
37 *on January 1, 2016, it is necessary that this act take effect*
38 *immediately.*

39 ~~SECTION 1. Section 27320 of the Government Code is~~
40 ~~amended to read:~~

1 ~~27320. When any instrument authorized by law to be recorded~~
2 ~~is deposited in the recorder's office for record, the recorder shall~~
3 ~~endorse upon it in the order in which it is deposited, the year,~~
4 ~~month, day, hour, and minute of its reception, its number of pages,~~
5 ~~and the amount of fees for recording. The recorder shall record it~~
6 ~~without delay, together with the acknowledgments, proofs,~~
7 ~~certificates, and prior recording data written upon or annexed to~~
8 ~~it, with the plats, surveys, schedules, and other papers thereto~~
9 ~~annexed, and shall note on the record its identification number.~~
10 ~~Efforts shall be made to assign identification numbers sequentially,~~
11 ~~but an assignment of a nonsequential number may be made if not~~
12 ~~in violation of express recording instructions regarding a group of~~
13 ~~concurrently recorded instruments and if, in the discretion of the~~
14 ~~county recorder, such assignment best serves the interest of~~
15 ~~expeditious recording.~~
16 ~~SEC. 2. No reimbursement is required by this act pursuant to~~
17 ~~Section 6 of Article XIII B of the California Constitution because~~
18 ~~a local agency or school district has the authority to levy service~~
19 ~~charges, fees, or assessments sufficient to pay for the program or~~
20 ~~level of service mandated by this act, within the meaning of Section~~
21 ~~17556 of the Government Code.~~