

AMENDED IN SENATE AUGUST 9, 2016

AMENDED IN ASSEMBLY APRIL 13, 2016

AMENDED IN ASSEMBLY MARCH 30, 2016

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

**ASSEMBLY BILL**

**No. 1977**

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**Introduced by Assembly ~~Members Wood and Waldron~~ Member  
Wood**

*(Principal coauthor: Senator McGuire)*

February 16, 2016

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~~An act to add and repeal Division 10.10 (commencing with Section 11999.30) to the Health and Safety Code, relating to prescription drugs. An act to add Section 12012.73 to the Government Code, relating to tribal gaming, and declaring the urgency thereof, to take effect immediately.~~

LEGISLATIVE COUNSEL'S DIGEST

AB 1977, as amended, Wood. ~~Opioid Abuse Task Force. Tribal gaming: compact amendment ratification.~~

*Existing federal law, the Indian Gaming Regulatory Act of 1988, provides for the negotiation and execution of tribal-state gaming compacts for the purpose of authorizing certain types of gaming on Indian lands within a state. The California Constitution authorizes the Governor to negotiate and conclude compacts, subject to ratification by the Legislature. Existing law expressly ratifies a number of tribal-state gaming compacts, and amendments to tribal-state gaming compacts, between the State of California and specified Indian tribes.*

*The California Environmental Quality Act (CEQA) requires a lead agency to prepare, or cause to be prepared, and certify the completion*

*of, an environmental impact report on a project, as defined, that it proposes to carry out or approve that may have a significant effect on the environment, as defined, or to adopt a negative declaration if it finds that the project will not have that effect.*

*This bill would ratify amendments to the tribal-state gaming compact entered into between the State of California and the Yurok Tribe of the Yurok Reservation, executed on August 4, 2016. The bill would provide that, in deference to tribal sovereignty, certain actions are not projects for the purposes of CEQA.*

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

~~Existing law, the Knox-Keene Health Care Service Plan Act of 1975, provides for the licensure and regulation of health care service plans by the Department of Managed Health Care and makes a willful violation of that act a crime. Existing law also provides for the regulation of health insurers by the Department of Insurance. These provisions require specified services and drugs to be covered by the various health care service plans and health insurers.~~

~~This bill would require health care service plans and health insurers representatives, in collaboration with certain entities, to convene an Opioid Abuse Task Force on or before February 1, 2017, for the purpose of developing recommendations regarding the abuse and misuse of opioids, as specified. The bill would require the task force to submit a report detailing its findings and recommendations to specified government entities on or before December 31, 2017. The bill would require the task force to be dissolved on June 1, 2018. The bill would provide that a violation of these provisions by a health care service plan does not constitute a crime under the Knox-Keene Health Care Service Plan Act of 1975. The bill would make related legislative findings and declarations.~~

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

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

- 1     SECTION 1. Section 12012.73 is added to the Government
- 2     Code, to read:
- 3     12012.73. (a) The amendment to the tribal-state gaming
- 4     compact entered into in accordance with the federal Indian Gaming
- 5     Regulatory Act of 1988 (18 U.S.C. Secs. 1166 to 1168, inclusive,

1 *and 25 U.S.C. Sec. 2701 et seq.) between the State of California*  
2 *and the Yurok Tribe of the Yurok Reservation, executed on August*  
3 *4, 2016, is hereby ratified.*

4 *(b) (1) In deference to tribal sovereignty, none of the following*  
5 *shall be deemed a project for purposes of the California*  
6 *Environmental Quality Act (Division 13 (commencing with Section*  
7 *21000) of the Public Resources Code):*

8 *(A) The execution of an amendment to the tribal-state gaming*  
9 *compact ratified by this section.*

10 *(B) The execution of the amended tribal-state gaming compact*  
11 *ratified by this section.*

12 *(C) The execution of an intergovernmental agreement between*  
13 *a tribe and a county or city government negotiated pursuant to*  
14 *the express authority of, or as expressly referenced in, the amended*  
15 *tribal-state gaming compact ratified by this section.*

16 *(D) The execution of an intergovernmental agreement between*  
17 *a tribe and the Department of Transportation negotiated pursuant*  
18 *to the express authority of, or as expressly referenced in, the*  
19 *amended tribal-state gaming compact ratified by this section.*

20 *(E) The on-reservation impacts of compliance with the terms*  
21 *of the amended tribal-state gaming compact ratified by this section.*

22 *(F) The sale of compact assets, as defined in subdivision (a) of*  
23 *Section 63048.6, or the creation of the special purpose trust*  
24 *established pursuant to Section 63048.65.*

25 *(2) Except as expressly provided in this section, this subdivision*  
26 *does not exempt a city, county, or city and county, or the*  
27 *Department of Transportation, from the requirements of the*  
28 *California Environmental Quality Act.*

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 enhance the economic development, stability, and*  
34 *self-sufficiency of the Yurok Tribe of the Yurok Reservation, and*  
35 *to protect the interests of the tribe and its members, the*  
36 *surrounding community, and the California public at the earliest*  
37 *possible time, it is necessary that this act take effect immediately.*

38 ~~SECTION 1. The Legislature finds and declares as follows:~~

39 ~~(a) Abuse and misuse of opioids is a serious problem that affects~~  
40 ~~the health, social, and economic welfare of the state.~~

1 ~~(b) After alcohol, prescription drugs are the most commonly~~  
2 ~~abused substances by Americans over 12 years of age.~~

3 ~~(c) Almost 2,000,000 people in the United States suffer from~~  
4 ~~substance use disorders related to prescription opioid pain relievers.~~

5 ~~(d) Nonmedical use of prescription opioid pain relievers can be~~  
6 ~~particularly dangerous when the products are manipulated for~~  
7 ~~snorting, injection, or combination with other drugs.~~

8 ~~(e) Deaths involving prescription opioid pain relievers represent~~  
9 ~~the largest proportion of drug overdose deaths, greater than the~~  
10 ~~number of overdose deaths involving heroin or cocaine.~~

11 ~~(f) The number of unintentional overdose deaths involving~~  
12 ~~prescription opioid pain relievers has more than quadrupled since~~  
13 ~~1999.~~

14 ~~SEC. 2. Division 10.10 (commencing with Section 11999.30)~~  
15 ~~is added to the Health and Safety Code, to read:~~

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17 ~~DIVISION 10.10. OPIOID ABUSE TASK FORCE~~

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19 ~~11999.30. (a) On or before February 1, 2017, health care~~  
20 ~~service plans and health insurer representatives, in collaboration~~  
21 ~~with advocates, experts, health care professionals, and other entities~~  
22 ~~and stakeholders that they deem appropriate, shall convene an~~  
23 ~~Opioid Abuse Task Force. The task force shall develop~~  
24 ~~recommendations regarding the abuse and misuse of opioids as a~~  
25 ~~serious problem that affects the health, social welfare, and~~  
26 ~~economic welfare of persons in the state. The task force shall~~  
27 ~~address all of the following:~~

28 ~~(1) Interventions that have been scientifically validated and~~  
29 ~~have demonstrated clinical efficacy.~~

30 ~~(2) Interventions that have measurable treatment outcomes.~~

31 ~~(3) Collaborative, evidence-based approaches to resolving opioid~~  
32 ~~abuse and misuse that incorporate both the provider and the patient~~  
33 ~~into the solution.~~

34 ~~(4) Education that engages and encourages providers to be~~  
35 ~~prudent in prescribing opioids and to be proactive in defining care~~  
36 ~~plans that include a plan to taper and stop opioid use.~~

37 ~~(5) Review and consideration of medication coverage policies~~  
38 ~~and formulary management and development of an interdisciplinary~~  
39 ~~case management program that addresses quality, fraud, waste,~~  
40 ~~and abuse.~~

1 ~~(b) On or before December 31, 2017, the task force shall submit~~  
2 ~~a report detailing its findings and recommendations to the~~  
3 ~~Governor, the President pro Tempore of the Senate, the Speaker~~  
4 ~~of the Assembly, the Senate Committee on Health, and the~~  
5 ~~Assembly Committee on Health.~~

6 ~~(c) The task force shall be dissolved and shall cease to exist on~~  
7 ~~June 1, 2018.~~

8 ~~(d) A violation of this section is not subject to Section 1390.~~

9 ~~11999.31. This division shall remain in effect only until January~~  
10 ~~1, 2019, and as of that date is repealed, unless a later enacted~~  
11 ~~statute, that is enacted before January 1, 2019, deletes or extends~~  
12 ~~that date.~~

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