

**REPORT OF THE
CHIEF LEGISLATIVE ANALYST**

DATE: May 10, 2018

TO: Honorable Members of the Rules, Elections, and Intergovernmental Relations Committee

FROM: Sharon M. Tso *Sharon Tso* Council File No:
Chief Legislative Analyst Assignment No: 18-04-0395

SUBJECT: Police Department Recommendation for the 2017 – 2018 State Legislative Program Regarding AB 2256 (Santiago)

CLA RECOMMENDATION: Adopt the attached Resolution to include in the City’s 2017 - 2018 State Legislative Program SUPPORT for AB 2256 (Santiago), which would authorize a pharmacy or wholesaler to furnish naloxone hydrochloride, known more commonly as Narcan, or other opioid antagonists to a law enforcement agency.

SUMMARY

The Police Department (LAPD) has forwarded to this Office a bill response report recommending that the City support AB 2256 (Santiago). The bill would authorize a pharmacy or wholesaler to furnish naloxone hydrochloride (naloxone), also known by its brand name Narcan, or another opioid antagonist to a law enforcement agency if it is furnished exclusively for use by law enforcement personnel who have completed training provided by the law enforcement agency. Law enforcement agencies would be required to maintain records regarding the acquisition and disposition of opioid antagonists for three years and to monitor the supply and destruction of opioid antagonists.

Attached is a Resolution in support of this bill based on the findings from the Police Department.

BACKGROUND

Opioids are a class of drugs prescribed and administered by health professionals to manage pain. Under the federal Controlled Substances Act, most opioids are classified as Schedule II drugs, indicating a high potential for abuse that may lead to severe psychological or physical dependence. For several years, a growing crisis in the use of opioids has ravaged communities, and the City has not been immune. In 2016, the most recent year for which data is available, Los Angeles County saw 353 opioid deaths and 610 opioid overdose hospitalizations. A significant number of these deaths and hospitalizations occur in the City, especially in Downtown Los Angeles.

Naloxone is an opioid antagonist that blocks the effects of opioids on the central nervous system, including stopping the effects of an opioid overdose such as suppressed breathing. It can be administered through an intravenous injection, through an intermuscular injection, or via a nasal spray. Naloxone does not have any serious side-effects and has a low potential for abuse. Law enforcement agencies in 41 states have adopted programs to provide naloxone to law enforcement officers when responding to opioid overdoses.

Existing law allows pharmacists to furnish naloxone, without a prescription, provided the pharmacist has received training and offers information to the person receiving the naloxone. This authority allows any person, including those who do not have a prescription for an opioid, to receive naloxone. This provision of existing law does not extend to wholesalers, requiring law enforcement agencies to rely on a physician within a local health department or other government agency to write a standing prescription for the agency to purchase naloxone.

LAPD has partnered with the Fire Department (LAFD) to train and equip LAPD officers in the administering of naloxone. The two departments have a memorandum of agreement (MOA) which provides the medical oversight and prescription required for the controlled prescription of an opioid antagonist. Through this MOA, LAPD has been able to begin equipping its officers with naloxone.

AB 2256 would authorize a pharmacy or wholesaler to furnish naloxone or another opioid antagonist to a law enforcement agency without a prescription provided two conditions are met. First, the naloxone or another opioid antagonist is furnished exclusively for use by the employees of the law enforcement agency who have completed training provided by the law enforcement agency. Second, the law enforcement agency maintains records regarding the acquisition and disposition of naloxone or another opioid antagonist furnished pursuant to this legislation for three years. Law enforcement agencies would also be responsible for monitoring the supply of naloxone or another opioid antagonist and ensuring the destruction of expired naloxone or another opioid antagonist.

LAPD supports this legislation because it would simplify both the procurement process for obtaining opioid antagonists and the permanent establishment of an overdose prevention program for law enforcement.

BILL STATUS

2/13/2018	Read first time. To print.
3/01/2018	Referred to Committee on Business and Professions and to Committee on Public Safety.
4/10/2018	From Committee on Business and Professions: Do pass and re-refer to Committee on Public Safety (15-0).
4/25/2018	From Committee on Public Safety: Do pass and re-refer to Committee on Appropriations with recommendation: To Consent Calendar (7-0).
5/02/2018	From Committee on Appropriations: Do pass. To Consent Calendar (17-0).
5/03/2018	Read second time. Ordered to Consent Calendar.



Tim Plummer
Analyst

SMT:tcp

Attachments: 1. Resolution supporting AB 2256 (Santiago)
2. AB 2256 (Santiago)

RESOLUTION

WHEREAS, any official position of the City of Los Angeles with respect to legislation, rules, regulations or policies proposed to or pending before a local, state or federal governmental body or agency must have first been adopted in the form of a Resolution by the City Council with the concurrence of the Mayor; and

WHEREAS, there has been a growing opioid epidemic in the United States and California that has killed tens of thousands of people; and

WHEREAS, there were 353 opioid overdose deaths and 610 opioid overdose hospitalizations in Los Angeles County in 2016, with a significant concentration in Downtown Los Angeles; and

WHEREAS, naloxone hydrochloride, more commonly known as naloxone or by its brand name Narcan, stops the effects of an opioid overdose; and

WHEREAS, law enforcement personnel, as first responders, are in a position to assist people at-risk of an opioid-related overdose; and

WHEREAS, a pharmacist may furnish naloxone without a prescription, provided the pharmacist has completed specific training and offers information to the person receiving the naloxone; and

WHEREAS, currently wholesalers do not have the authority to furnish naloxone without a prescription; and

WHEREAS, law enforcement agencies, including the Los Angeles Police Department, must partner with a physician in a local health department or another government agency to write a standing prescription allowing the agency to purchase naloxone; and

WHEREAS, this process delays access to naloxone by officers without creating any significant public benefit; and

WHEREAS, AB 2256 (Santiago) would authorize pharmacists and wholesalers to furnish naloxone or other opioid antagonists to law enforcement agencies without a prescription;

NOW, THEREFORE, BE IT RESOLVED, with the concurrence of the Mayor, that by the adoption of this Resolution, the City of Los Angeles hereby includes in its 2017 - 2018 State Legislative Program SUPPORT for AB 2256 (Santiago), which would authorize a pharmacy or wholesaler to furnish naloxone hydrochloride or other opioid antagonists to a law enforcement agency.

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CALIFORNIA LEGISLATURE— 2017–2018 REGULAR SESSION

ASSEMBLY BILL**No. 2256**

Introduced by Assembly Member Santiago

February 13, 2018

An act to add Section 4119.9 to the Business and Professions Code, relating to healing arts.

LEGISLATIVE COUNSEL'S DIGEST

AB 2256, as introduced, Santiago. Law enforcement agencies: opioid antagonist.

Existing law, the Pharmacy Law, provides for the licensure and regulation of pharmacies and wholesalers by the California State Board of Pharmacy within the Department of Consumer Affairs. Existing law authorizes a pharmacy to furnish naloxone hydrochloride or other opioid antagonists to a school district, county office of education, or charter school if specified criteria are met.

This bill would authorize a pharmacy or wholesaler to furnish naloxone hydrochloride or other opioid antagonists to a law enforcement agency, as provided.

Vote: majority Appropriation: no Fiscal Committee: yes Local Program: no

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Section 4119.9 is added to the Business and Professions Code, to read:**4119.9.** Notwithstanding any other law, a pharmacy or wholesaler may furnish naloxone hydrochloride or another opioid antagonist to a law enforcement agency if both of the following are met:

(a) The naloxone hydrochloride or another opioid antagonist is furnished exclusively for use by employees of the law enforcement agency who have completed training, provided by the law enforcement agency, in administering naloxone or another opioid antagonist.

(b) Records regarding the acquisition and disposition of naloxone hydrochloride or another opioid antagonist furnished pursuant to this section shall be maintained by the law enforcement agency for a period of three years from the date the records were created. The law enforcement agency shall be responsible for monitoring the

supply of naloxone hydrochloride or another opioid antagonist and ensuring the destruction of expired naloxone hydrochloride or another opioid antagonist.