

ASSEMBLY BILL

No. 541

Introduced by Assembly Member Berman

February 10, 2021

An act to add Section 11756.5 to the Health and Safety Code, relating to substance abuse disorder treatment.

LEGISLATIVE COUNSEL'S DIGEST

AB 541, as introduced, Berman. Tobacco assessment.

Existing law requires the State Department of Health Care Services to license and regulate facilities that provide residential nonmedical services to adults who are recovering from problems related to alcohol, drug, or alcohol and drug misuse or abuse, and who need alcohol, drug, or alcohol and drug recovery treatment or detoxification services. Existing law also requires the department to implement a voluntary certification procedure for alcohol and other drug treatment recovery services.

This bill would require a licensed facility or a certified program to assess a patient or client for tobacco use at the time of the initial intake, take certain actions if the patient or client has tobacco use disorder, and report the results of these assessments to the department, as specified. The bill would require the department to develop appropriate mechanisms for the collection and reporting of data collected by these facilities and programs.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

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

1 SECTION 1. The Legislature finds and declares all of the
2 following:

3 (a) According to the Centers for Disease Control and Prevention
4 (CDC), a person with a mental health issue, substance use disorder,
5 or both are more than twice as likely to smoke cigarettes as a
6 person without these behavioral health conditions and are more
7 likely to die from a smoking-related illness than from their
8 behavioral health conditions.

9 (b) The CDC has also found that smoking cessation reduces
10 smoking-related disease risk and could improve mental health and
11 substance use disorder recovery outcomes. Research shows that
12 patients who are concomitantly treated for tobacco use disorder
13 while receiving addiction treatment have a 25-percent increase in
14 the likelihood of substance use abstinence one year after treatment
15 compared to those not treated for tobacco use disorder.

16 (c) The CDC concludes that given that tobacco cessation in
17 behavioral health treatment could improve both physical and
18 behavioral health outcomes, and continued smoking worsens those
19 outcomes, behavioral health treatment facilities are an important
20 setting for evidence-based tobacco cessation interventions.

21 (d) The CDC notes that nicotine and opioid addictions are
22 mutually reinforcing, whereas smoking cessation is associated
23 with long-term abstinence after opioid treatment.

24 (e) The California Tobacco Control Program currently identifies
25 persons with substance use disorders as a priority population.

26 (f) California ranks 41st in the United States on asking about
27 tobacco in substance use disorder treatment and 32nd on providing
28 tobacco use disorder treatment counseling in substance use disorder
29 treatment.

30 (g) According to the CDC, in 2016, tobacco screening was the
31 most commonly implemented tobacco-related practice in mental
32 health and substance use treatment facilities.

33 (h) California must reduce barriers to tobacco use disorder
34 treatment in order to eliminate tobacco-related health disparities
35 among persons with substance use disorders.

36 SEC. 2. Section 11756.5 is added to the Health and Safety
37 Code, to read:

1 11756.5. (a) An alcoholism or substance use disorder recovery
2 or treatment facility licensed under this division or an alcohol or
3 other drug program certified by the department in accordance with
4 the alcohol or other drug certification standards established
5 pursuant to Section 11830.1 shall assess each patient or client for
6 tobacco use at the time of the initial intake. This assessment shall
7 include, but not be limited to, the following questions:

8 (1) Have you smoked a cigarette or used other tobacco products,
9 including electronic cigarettes, at least 100 times in your lifetime?

10 (2) Do you now smoke cigarettes or use any type of tobacco
11 product, including electronic cigarettes, every day, some days, or
12 not at all?

13 (b) For a patient or client with tobacco use disorder, a licensed
14 facility or certified program, as described in subdivision (a), shall
15 do all of the following:

16 (1) Provide information to the patient or client on how continued
17 tobacco use could affect their long-term success in recovery from
18 substance use disorder.

19 (2) Recommend treatment for tobacco use disorder in the
20 treatment plan.

21 (3) Offer either treatment or a referral for treatment for tobacco
22 use disorder.

23 (c) (1) A licensed facility or certified program, as described in
24 subdivision (a), shall report the data collected from subdivision
25 (a) on current and past patterns of tobacco use by patients and
26 clients to the department in a manner consistent with other data
27 collection requirements.

28 (2) The department shall develop appropriate mechanisms for
29 the collection and reporting of data pursuant to this section.