

Assembly Bill No. 1339

Passed the Assembly September 12, 2007

Chief Clerk of the Assembly

Passed the Senate September 10, 2007

Secretary of the Senate

This bill was received by the Governor this _____ day
of _____, 2007, at _____ o'clock ____M.

Private Secretary of the Governor

CHAPTER _____

An act to amend Sections 4369.1, 4369.2, and 4369.3 of, and to repeal and add Section 4369.4 of, the Welfare and Institutions Code, relating to problem and pathological gambling.

LEGISLATIVE COUNSEL'S DIGEST

AB 1339, Torrico. Problem and pathological gambling.

Existing law establishes the Office of Problem and Pathological Gambling within the State Department of Alcohol and Drug Programs for the purpose of developing a problem gambling prevention program, including, but not limited to, a public awareness campaign, and requires the office to develop a statewide plan to address problem and pathological gambling.

This bill would specify the programs to be included in the plan, would require the plan to serve as the state's strategic plan for the prevention, intervention, detection, treatment, and research of problem and pathological gambling behaviors, and would require that the plan be updated periodically, at the discretion of the office.

This bill would establish the Problem and Pathological Gambling Advisory Board and would set forth its advisory duties. The bill would require the office to revise its strategic plan, as necessary, and to deliver it to the Governor and the Legislature by July 1, 2009.

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

SECTION 1. Section 4369.1 of the Welfare and Institutions Code is amended to read:

4369.1. As used in this chapter, the following definitions shall apply:

(a) "Department" means the State Department of Alcohol and Drug Programs.

(b) "Director" means the director of the department.

(c) "Office" means the Office of Problem and Pathological Gambling.

(d) "Pathological gambling disorder" means a progressive mental disorder meeting the diagnostic criteria set forth by the

American Psychiatric Association’s Diagnostic and Statistical Manual, Fourth Edition.

(e) “Problem gambling” means participation in any form of gambling to the extent that it creates a negative consequence to the gambler, the gambler’s family, place of employment, or community. This includes patterns of gambling and subsequent related behaviors that compromise, disrupt, or damage personal, family, educational, financial, or vocational interests. The problem gambler does not meet the diagnostic criteria for pathological gambling disorder.

(f) “Problem gambling prevention programs” means programs designed to reduce the prevalence of problem and pathological gambling among California residents. These programs include, but are not limited to, public education and awareness, outreach to high-risk populations, early identification, responsible gambling, and consumer protection programs, such as self-exclusion programs for patrons, programs recommending socially responsible manners of advertising, policies for locating responsible gambling information and material in conspicuous locations, and policies regarding the location of automated teller machines (ATM) in casinos.

(g) “Advisory board” means the Problem and Pathological Gambling Advisory Board established pursuant to Section 4369.4.

(h) “Problem gambling treatment programs” means programs that provide direct treatment services to the problem and pathological gambler to reduce or eliminate addictive problem and pathological gambling behaviors. These programs may directly involve family members or may include early intervention strategies designed for the at-risk gambler.

SEC. 2. Section 4369.2 of the Welfare and Institutions Code is amended to read:

4369.2. (a) The office shall develop a problem and pathological gambling prevention program. The prevention program shall be based upon the allocation priorities established by the department pursuant to the strategic plan and subject to funding being appropriated for the purpose of this subdivision, and shall consist of all of the following:

(1) A multilingual toll-free telephone service for immediate crisis management and containment with subsequent referral of problem and pathological gamblers to health providers who can

provide treatment for gambling related problems and to self-help groups.

(2) Public awareness campaigns that focus on prevention and education among at-risk populations and the general public including, for example, dissemination of youth-oriented preventative literature, educational experiences, outreach programs, and public service announcements in the media.

(3) Empirically driven research programs focusing on epidemiology/prevalence, etiology/causation, and best practices in prevention and treatment. Pertinent studies shall seek to include short- and long-term studies and longitudinal studies for a smaller percentage of the client population to measure the impact and efficacy of treatment services over an extended period of time.

(4) Training of health care professionals and educators, and training for law enforcement agencies and nonprofit organizations in the identification of problem and pathological gambling behavior and knowledge of referral services and treatment programs.

(5) Training of gambling industry personnel in identifying customers at risk for problem and pathological gambling and knowledge of referral and treatment services.

(b) (1) The office shall develop a program to support treatment services for California residents with problem and pathological gambling issues. The program shall be based upon the allocation priorities established by the department pursuant to the strategic plan and subject to funding being appropriated for the purposes of this subdivision. These priorities shall also be based on the best available existing state programs as well as on continuing research into best practices and on the needs of California. The treatment program shall consist of all of the following components:

(A) Treatment services for problem and pathological gamblers and directly involved family members. These treatment services shall be created through partnerships with established entities that demonstrate the ability and capacity to provide evidence-based and culturally competent treatment for gambling related problems. State funded treatment may include, but is not limited to, the following: self-administered, home-based educational programs; outpatient treatment; residential treatment; and inpatient treatment when medically necessary.

(B) A funding allocation methodology that ensures treatment services are delivered efficiently and effectively to areas of the state most in need.

(C) Appropriate review and monitoring of treatment programs by the director of the office, in consultation with the advisory board or an institution designated by the director that shall have demonstrated the ability to evaluate treatment programs. The evaluation shall include grant oversight and monitoring, standards for treatment, and outcome monitoring.

(D) Treatment efforts shall provide services that are relevant to the needs of a diverse multicultural population with attention to groups with unique needs, including female gamblers, underserved ethnic groups, the elderly, youth, young adults, and the physically challenged.

(2) Problem gambling treatment programs shall utilize existing gambling treatment service providers as well as expanding the role of some of the existing substance-abuse treatment agencies and other qualified disciplines, community-based organizations, and other entities, who demonstrate the ability and capacity to provide evidence-based and culturally competent treatment services.

(c) The office shall make information available as requested by the Governor and the Legislature with respect to the comprehensive program.

(d) The office shall revise its strategic plan as necessary and as directed by this chapter and deliver the plan to the Governor and to the relevant fiscal and policy committees of the Legislature, by July 1, 2009.

SEC. 3. Section 4369.3 of the Welfare and Institutions Code is amended to read:

4369.3. (a) In designing and developing the overall program, the office, in consultation with the advisory board, shall do all of the following:

(1) Develop a statewide plan to address problem and pathological gambling. The statewide plan shall serve as the state's strategic plan for the prevention, detection, intervention, treatment, and research of problem and pathological gambling behaviors. The statewide plan shall be updated periodically, at the discretion of the office, as goals are accomplished or modified, or as additional funding or information becomes available.

(2) Adopt any regulations necessary to administer the program.

(3) Develop priorities for funding services and criteria for distributing program funds.

(4) Monitor the expenditures of state funds by agencies and organizations receiving program funding.

(5) Evaluate the effectiveness of services provided through the program.

(6) Pursue policy changes and funding requests to achieve the goals and objectives of the strategic plan.

(7) Evaluate annual program funding needs consistent with the strategic plan, and develop an equitable funding request from all gaming interests throughout California.

(8) Coordinate and work with any other agency that regulates casino gambling or cardrooms within the state or other entities involved in gambling and the treatment of problem and pathological gamblers.

(b) Notwithstanding any other provision of law, any contracts required to meet the requirements of this chapter are exempt from the requirements contained in the Public Contract Code and the State Administrative Manual, and are exempt from the approval of the Department of General Services.

(c) The first and highest priority of the office with respect to the use of any funds appropriated for the purposes of this chapter shall be to carry out paragraph (1) of subdivision (a).

(d) Administrative costs for the program may not exceed 10 percent of the total funding budgeted for the program.

SEC. 4. Section 4369.4 of the Welfare and Institutions Code is repealed.

SEC. 5. Section 4369.4 is added to the Welfare and Institutions Code, to read:

4369.4. (a) The Problem and Pathological Gambling Advisory Board is hereby established, consisting of nine members as follows:

(1) Director of the department, or his or her designee, who shall serve as the chair.

(2) Director of the Division of Addiction and Recovery Services within the Department of Corrections and Rehabilitation, or his or her designee.

(3) Executive Director of the California Horse Racing Board, or his or her designee.

(4) Executive Director of the California Gambling Control Commission, or his or her designee.

(5) Director of the Division of Gambling Control within the Department of Justice, or his or her designee.

(6) Director of the California State Lottery Commission, or his or her designee.

(7) Three representatives appointed by the director, one each representing a gambling-related, mental health-related, and substance abuse treatment provider.

(b) The director shall make appointments to the advisory board by July 1, 2008.

(c) The director shall convene the advisory board at least once every 3 months, or more frequently as needed.

(d) The advisory board may establish subcommittees to examine in more detail issues related to problem and pathological gambling.

(e) Members of the advisory board shall serve without compensation and shall receive no allowances or reimbursement for travel or other expenses related to attending board meetings.

Approved _____, 2007

Governor