

38424

02/14/20 02:55 PM
RN 20 04042 PAGE 1

AUTHOR'S COPY

An act to add Article 12.5 (commencing with Section 4178) to Chapter 9 of Division 2 of the Business and Professions Code, relating to healing arts.



200404238424BILLING34

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

SECTION 1. Article 12.5 (commencing with Section 4178) is added to Chapter 9 of Division 2 of the Business and Professions Code, to read:

Article 12.5. California Safe Dispensing Act

4178. This article shall be known as the California Safe Dispensing Act.

4178.1. (a) As used in this section, "lockable vial" means a disposable container that is special packaging, as defined in Section 1471 of Title 15 of the United States Code, and that has a locking cap that can be unlocked using one of the following:

- (1) An alphanumeric or other code.
- (2) Biometric voice or facial recognition authentication technology.
- (3) A unique physical key.
- (4) A cellular phone application.

(b) Except as provided in subdivision (d), a pharmacist who dispenses in solid oral dosage form a controlled substance in Schedule II or Schedule IIN of the federal Controlled Substances Act (21 U.S.C. Sec. 801 et seq.) shall do all of the following:

- (1) Dispense the controlled substance in a lockable vial.
- (2) Provide the educational pamphlet described in subdivision (c).

(3) If the lockable vial uses an alphanumeric or other code, include the code in any patient notes in the database or other system used by the pharmacy in the dispensing of prescription drugs. The patient, or the patient's parent or legal guardian if the patient is a minor or otherwise unable to authorize medical care, shall choose the code.

(c) The board shall develop an educational pamphlet that includes information on the potential for the abuse and diversion of controlled substances. The board shall provide the educational pamphlet to pharmacists in printed form.

(d) A pharmacist is not required to dispense a controlled substance in Schedule II of the federal Controlled Substances Act in a lockable vial if one or more of the following applies:

- (1) The patient, because of a physical or mental condition, would have difficulty opening the lockable vial.
- (2) The prescription, dispensation, and administration of the controlled substance occurs in a hospital or other inpatient care facility.

(e) The manufacturer of a controlled substance shall reimburse the pharmacy for the cost of lockable vials used by the pharmacy for the dispensation of the controlled substance.

(f) The board may adopt regulations to carry out this section.

SEC. 2. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.



AUTHOR'S COPY

LEGISLATIVE COUNSEL'S DIGEST

Bill No.
as introduced, Umberg.
General Subject: Pharmacy: dispensing: controlled substances.

The Pharmacy Law provides for the licensing and regulation of pharmacists by the California State Board of Pharmacy, which is within the Department of Consumer Affairs. Existing law, except as specified, prohibits a person from possessing any controlled substance, except that furnished to a person upon the prescription of a physician, dentist, podiatrist, optometrist, veterinarian, or another of prescribed healing arts licensees pursuant to existing law. A violation of the Pharmacy Law is a crime.

This bill, with certain exceptions, would require a pharmacist who dispenses in solid oral dosage form a controlled substance in Schedule II or Schedule IIN of the federal Controlled Substances Act to dispense it in a lockable vial, as defined, provide an educational pamphlet on controlled substances, and, if the lockable vial uses an alphanumeric or other code, include the code in any patient notes in the database or other system used by the pharmacy in the dispensing of prescription drugs. The patient, or the patient's parent or legal guardian if the patient is a minor or otherwise unable to authorize medical care, would choose the code. The bill would require the board to develop the educational pamphlet and provide it to pharmacists in printed form. The bill would require the manufacturer of a controlled substance to reimburse the pharmacy for the cost of lockable vials used by the pharmacy for the dispensation of the controlled substance. The bill would authorize the board to adopt regulations to carry out the bill. By expanding the scope of a crime, the 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. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

