

**MEETING SUMMARY**  
**LEGISLATION AND REGULATION COMMITTEE**

**DATE: APRIL 7, 2005**

**LOCATION:** DEPARTMENT OF CONSUMER AFFAIRS  
400 R STREET, SUITE 4070  
SACRAMENTO, CA 95814  
9:30 A.M. – 1:30 P.M

**BOARD MEMBERS PRESENT:**

JOHN JONES, CHAIR  
KENETH SCHELL

**BOARD STAFF PRESENT:**

PATRICIA HARRIS  
VIRGINIA HEROLD  
JAN PEREZ

The meeting was convened at 9:30 a.m.

**Legislation**

The committee was provided with a list of bills and bill analysis, which it reviewed. While the discussion was lively at times, the board chose to take positions on only a few bill and directed staff to watch bills on which it took no position. The bills the committee discussed and the positions the committee recommended are as follows:

**AB 595 (Negrete McLeod) Pharmacy: Compounding Of Prescription Drugs.**

This bill is sponsored by the board to define "compounding" and to provide direction for regulations that will follow later this year. The board approved draft legislation at its January 2005 meeting.

**Recommended Position: Support**

**Bills of Interest**

**AB 21 (Levine) Pharmacists: Contraceptive Devices.**

**Version: Amended 3/29/05**

**Recommended Position:**

**AB 71 (Chan) Pharmaceuticals: Adverse Drug Reac.: Office Of Ca. Drug Safety Watch.**

**Version: Amended 2/11/05**

**Recommended Position: No Position**

**AB 72 (Frommer) Prescription Drugs: Manufacturer Reporting Requirement.**

**Version: Introduced**

**Recommended Position: No Position**

**AB 73** (Frommer) Prescription Drugs: Importation: Procurement.

**Version: Introduced**

**Recommended Position: No Position**

**AB 74** (Gordon) California Rx Prescription Drug Hotline.

**Version: Introduced**

**Recommended Position: Oppose Unless Amended**

**Recommended Amendments:** 1) Require people staffing the Hotline to refer callers to legal sources for obtaining prescription drugs and specify that it is illegal to import drugs from outside the United States. 2) Require people staffing the Hotline to discuss the importance of one pharmacist reviewing all the medications a patient is taking, and if a person obtains their medications from multiple sources the person should seek out a pharmacist that can review all their medications. 3) Specify that the price comparison of 50 commonly prescribed drugs be based on both the Medi-Cal price and cash price paid for prescription drugs.

**AB 75** (Frommer) Pharmaceutical Assistance Program.

**Version: Amended 4/5/05**

**Recommended Position:**

**AB 76** (Frommer) Office of Pharmaceutical Purchasing.

**Version: Introduced**

**Recommended Position: No Position**

**AB 78** (Pavley) Pharmacy Benefits Management.

**Version: Amended 4/5/05**

**Recommended Position: No Position**

**AB 225** (Negrete McLeod) Electronic Prescription Information.

**Version: Introduced**

**Recommended Position: Support if Amended**

**Recommended Amendment:** The prescriber, prior to the electronic transmitting of a prescription, offers to transmit the prescription to a pharmacy of the patient's choice.

**AB 283** (Koretz) Pseudoephedrine: Retail Sale.

**Version: Introduced**

**Recommended Position: Oppose**

**AB 288** (Mountjoy) Pharmacies: Prescription Containers: Labels.

**Version: Introduced**

**Recommended Position:**

**AB 497** (Negrete McLeod) Drug Wholesalers And Manufacturers: Licensure Exemption.

**Version: Amended 4/5/05**

**Recommended Position: Oppose**

**AB 522** (Plescia) Automated Drug Delivery System.

**Version: Amended 3/29/05**

**Recommended Position: Support if Amended**

**Recommended Amendments:** Add the words "and dosage" to page 3, line 37 to read: "After the pharmacist reviews the prescriber's order, access by licensed personnel to the automated drug delivery system shall be limited only to the drug and dosage as ordered by the prescriber and reviewed by the pharmacist and that is specific to the patient."

**AB 657** (Karnette) Pharmacies: Prescription Containers.

**Version: Amended 4/5/05**

**Recommended Position: Support**

**AB 896** (Matthews) Clinical Laboratories.

**Version: Introduced**

**Recommended Position: Support**

**AB 1370** (Matthews) Clinical Laboratory Director: Pharmacists.

**Version: Introduced**

**Recommended Position: Support**

**SB 19** (Ortiz) California Rx Program.

**Version: Amended 1/6/05**

**Recommended Position:**

**SB 152** (Speier) Pseudoephedrine.

**Version: Introduced**

**Recommended Position: Oppose**

**SB 380** (Alquist) Drugs: Adverse Event Reporting.

**Version: Introduced**

**Recommended Position: No Position**

**SB 401** (Ortiz) Medical information: pharmacies: marketing.

**Version: Amended 4/4/05**

**Recommended Position: Support if Amended**

**Recommended Amendment:** Require written information that is paid for or sponsored, directly or indirectly, by a manufacturer, labeler, or distributor of prescription drugs, to be labeled as an advertisement.

**SB 592** (Aanestad) Acute care hospitals: inpatient pharmacy technician services.

**Version: Amended 3/29/05**

**Recommended Position: Support**

**SB 644** (Ortiz) Dispensing of prescriptions.

**Version: Introduced**

**Recommended Position:**

**SB 734** (Torlakson) Controlled substances.

**Version: Introduced**

**Recommended Position: Oppose Unless Amended**

Recommended Amendments: 1) Add a provision that would effectively cap board's funding of CURES each year unless the board receives an appropriation augmentation sufficient to cover the additional cost billed by the DOJ. 2) Delete the requirement that the privileges of a practitioner to prescribe controlled substances be printed on the prescription form. (Page 10, lines 10-19). 3) Delete the requirement that a pharmacist must report to the DOJ the method of payment used by a customer when purchasing Schedule II and III drugs. (Page 13, line 5).

**SB 798 (Simitian) Prescription Drugs: Collection And Distribution Program**

**Version: Amended 3/29/05**

**Recommended Position:**

### **Regulations Update**

The committee was provided with the board's 2005 Rulemaking Calendar. No discussion. See attachment 1.

### **Proposed Initiative Update**

Staff noted that In January 2005, the Secretary of State requested the board analyze three proposed initiatives relating to prescription drugs. The proposed initiatives and the board's draft analysis of the initiatives were available for the board member's review. No discussion.

### **Adjournment**

The committee adjourned at 1:30 p.m.