

**TITLE 16: BOARD OF PHARMACY
DEPARTMENT OF CONSUMER AFFAIRS**

FINAL STATEMENT OF REASONS

Subject Matter of Proposed Regulations: Automated Patient Dispensing Systems (APDS) Consultation

Sections Affected: Title 16, California Code of Regulations (CCR) section 1713

Updated Information

The Initial Statement of Reasons is included in this rulemaking file. The information contained therein accurately reflects the position of the Board of Pharmacy (Board) regarding the amendment of the above section. The Initial Statement of Reasons is updated as follows:

The 45-day public comment period began on February 21, 2025, and ended on April 7, 2025. The Board's notice indicated that the Board did not intend to hold a hearing on the matter unless requested. The Board did not receive a request for a hearing, and one was not held.

During the 45-day comment period, no comments were received.

Local Mandate

A mandate is not imposed on local agencies or school districts.

Small Business Impact

The Board has determined that the proposed regulatory action may affect small businesses, as defined in Government Code section 11342.610. The proposed regulation text removes a conflict between the regulatory text and the requirements in Business and Professions Code (BPC) section 4427.6, which requires consultation with a Board-licensed pharmacist via a telecommunications link that has two-way audio and video when prescription drugs and devices are dispensed to a patient from an APDS for the first time.

Consideration of Alternatives

No reasonable alternative considered by the agency would be more effective in carrying out the purpose for which the regulation is proposed, as effective and less burdensome to affected private persons than the adopted regulation, or more cost effective to affected private persons and equally effective in implementing the statutory policy or other provision of law.

The Board considered not adopting the proposed regulation; however, the Board determined that alternative was not reasonable, as it is necessary to implement and make specific the statutory requirements and ensure there is no conflict between the statute and regulation.

Objections or Recommendations/Responses to Comments

45-Day Comment Period

During the 45-day comment period, which began on February 21, 2025, and ended on April 7, 2025, the Board received no comments.