

**MEETING SUMMARY  
LEGISLATION AND REGULATION COMMITTEE**

**DATE: APRIL 19, 2006**  
Department OF CONSUMER AFFAIRS  
FIRST FLOOR HEARING ROOM  
1625 NORTH MARKET BLVD  
**10:00 A.M. – 12:00 P.M.**

**BOARD MEMBERS PRESENT:**

**JOHN JONES, CHAIR**  
**KENNETH H. SCHELL, MEMBER**  
**DAVE FONG, MEMBER**  
**ANDREA ZINDER, MEMBER**

**BOARD STAFF PRESENT:**

PATRICIA HARRIS  
VIRGINIA HEROLD  
JAN PEREZ

The meeting was convened at 10:00 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:

**Board Sponsored Legislation**

**AB 595 (Negrete McLeod) Pharmacy: compounding of prescription drugs.**

Status: Senate Floor.

This bill is sponsored by the board to establish standards for pharmacies that compound and to provide direction for regulations that will follow later this year. The board approved this legislative proposal at its January 2005 meeting.

**AB 2408 (Negrete McLeod) Pharmacists, pharmacies, and nonresident pharmacies.**

Status: Status: Assembly Appropriations Committee.

This bill is sponsored by the board and would update the definition of a pharmacy, nonresident pharmacy, and the professional practice of pharmacy. The board approved draft legislation at its February 2006 meeting.

**SB 1475 (Senate Business and Professions and Economic Development Committee) Omnibus Bill.**

Status: Senate Business, Professions And Economic Development Committee – Hearing April 24, 2006.

The board approved eight proposals for the omnibus legislation, however only three of the eight proposals are currently in the bill.

Approved Proposals in SB 1475

B&P 4104 Licensed Employee, Theft, Impairment: Pharmacy Procedures.

B&P 4162 Wholesalers Surety Bond Requirements.

B&P 4180-4182 and 4190-4192 Nonprofit or Free Clinics.

Approved Proposals NOT in SB 1475

B&P 4314 & 4315 Cite and Fine, Letter of Admonishment.

B&P 4084 Adulterated or Counterfeit Drug or Dangerous Device.

B&P 4160 Wholesaler License.

B&P 4127.1 Injectable Sterile Drug Products.

B&P 4073 Substitution of Generic Drug, Check off Box on Electronic Prescriptions.

**SB 1476 (Figueroa) Board Sunset Extension Bill.**

Status: Senate Business, Professions And Economic Development Committee – Hearing April 24, 2006

This bill will extend the board's sunset date two years, from 2008 to 2010. The board's sunset report to the Legislature will be due September 2008. Additionally the measure would repeal B&P section 4163.5, effectively moving the implementation date of electronic pedigree requirement from January 1, 2007 to January 1, 2008.

**Bills of Interest**

**AB 2198 (Houston) Health care: controlled substances and dangerous drugs.**

Status: Assembly Health Committee.

Committee Recommendation: None.

**AB 2308 (Plescia) Ambulatory surgical centers: licensure.**

Status: Assembly Health Committee - Hearing April 25, 2006.

Committee Recommendation: None.

**AB 2583 (Nation) Dispensing prescription drugs and devices: refusal to dispense.**

Status: Assembly Appropriations Committee.

Committee Recommendation: Oppose Unless Amended.

Proposed Amendments: (1) Specify in law the exact wording of the sign. (2) Require pharmacies, rather than the board, to print the sign. (3) Why is the sign needed if the point it for patients to get their medications due to protocol in B&P 733 (b)(3)(A)?

**AB 2743 (Matthews) Pharmacists: ancillary personnel.**

Status: Assembly Business and Professions Committee – Hearing April 25, 2006.

Committee Recommendation: No Position.

**AB 2986 (Mullin) Controlled substances: prescription requirements.**

Status: Assembly Public Safety Committee - Hearing April 18, 2006.

Committee Recommendation: No Position.

**SB 1366 (Aanestad) Controlled substances.**

Status: Assembly Public Safety Committee - Hearing April 25, 2006.

Committee Recommendation: Neutral.

**2006 Watch Bills**

**AB 1908 (Karnette) Medi-Cal: pharmacy reimbursement.**

Status: Assembly Health Committee - Hearing April 25, 2006.

**AB 2057 (Cogdill) Controlled substances.**

Status: Assembly Appropriations Committee.

**AB 2308 (Plescia) Ambulatory surgical centers: licensure.**

Status: Assembly Health Committee - Hearing April 25, 2006.

**AB 2373 (Plescia) Automated drug delivery system.**

Status: Assembly Business and Professions Committee.

**AB 2730 (Nation) Medi-Cal: contract drug list: advertising.**

Status: Assembly Health Committee - Hearing April 25, 2006.

**AB 2856 (Hancock) Informed consent: prescription medication off-label use.**

Status: Assembly Health Committee - Hearing April 25, 2006.

**AB 2877 (Frommer) Prescription drugs: importation: procurement.**

Status: Assembly Business and Professions Committee.

**AB 2911 (Nunez) California Discount Prescription Drug Program.**

Status: Assembly Health Committee - Hearing April 25, 2006.

**AJR 40 (Chan) Medicare Prescription Drugs.**

Status: Senate.

**AJR 49 (Nation) Direct-To-Consumer Prescription Drug Advertisements**

Status: Assembly Health Committee - Hearing May 2, 2006.

**SB 1305 (Figueroa) The Medical Waste Management Act.**

Status: Senate Environmental Quality Committee – Hearing April 24, 2006.

**SB 1430 (Alquist) The Local Pandemic and Emergency Health Preparedness Act of 2006.**

Status: Senate Floor.

**SB 1683 (Scott) Pharmaceutical information: clinical trial data.**

Status: Senate Health Committee – Hearing April 25, 2006.

**2005 Watch Bills**

**AB 651 (Berg) California Compassionate Choices Act.**

Status: Senate Rules Committee.

**AB 21 (Levine) Pharmacists: contraceptive devices.**

Status: Senate Health Committee - Hearing Cancelled.

**AB 71 (Chan) Pharmaceuticals: adverse drug reactions: Office of Ca. Drug Safety Watch.**

Status: Senate Health Committee - Hearing Cancelled.

**AB 75 (Frommer) Pharmaceutical assistance program.**

Status: Senate Health Committee - Hearing Cancelled.

**AB 225 (Negrete McLeod) Electronic prescription information.**

Status: Senate Business, Professions, and Economic Development Committee - Hearing Cancelled.

**AB 283 (Koretz) Pseudoephedrine: retail sale.**

Status: Senate Business, Professions, and Economic Development Committee - Hearing Cancelled.

**AB 657 (Karnette) Pharmacies: prescription containers.**

Status: Senate Business, Professions, and Economic Development Committee - Hearing Cancelled.

**SB 380 (Alquist) Drugs: adverse event reporting.**

Status: Assembly Floor, failed passage. Reconsideration granted. Inactive file.

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

Status: Assembly Health Committee - Failed passage in committee. Reconsideration granted.

### **Proposed Legislation**

The committee approved a legislative proposal brought by MedImmune Inc. that would make a technical amendment to add biologics license applications to B&P Section 4162.5(a)(4); Submission of Surety Bond for the Issuance or Renewal of Nonresident Wholesaler License; Exemption.

### **Regulations Update**

The committee discussed the comments the board received for 16 CCR section 1717(e) and to add 16 CCR section 1713 Prescription Drop Boxes and Automated Self-Use Delivery Device for Refill Prescriptions. The committee recommended minor changes to the proposed regulation. These changes will be presented to the board as an alternative to the language that was noticed on February 24, 2006.

The committee approved proposed changes to update the building code relating to pharmacies. The California Building Standards Commission (CBSC) had asked the board to review and update pharmacy building standards in the building code, in preparation of the CBSC adoption of the 2006 International Building Code and 2006 International Fire Code, the 2005 National Electrical Code, and 2006 Uniform Mechanical Code and Uniform Plumbing Code, in CCR, Title 24. The CBSC anticipates adopting the new standards in early 2008.

### **Adjournment**

The committee adjourned at 12:00 p.m..