

**ASSEMBLY BILL**

**No. 809**

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**Introduced by Assembly Member Salinas**

February 22, 2001

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An act to add Sections 4017.5, 4040.2, and 4110.1 to the Business and Professions Code, relating to remote pharmacies, and making an appropriation therefor.

LEGISLATIVE COUNSEL'S DIGEST

AB 809, as introduced, Salinas. Remote pharmacies.

Existing law provides for the licensing and regulation of pharmacies by the California State Board of Pharmacy in the Department of Consumer Affairs.

This bill would authorize the board to issue a remote pharmacy license, allowing a pharmacy to use an automated dispensing device, if an applicant can certify a shortage of pharmacists in the proposed service area that limits patient access to prescription services. The bill would require patient consultation with a pharmacist via a telecommunications link with 2-way audio and video capabilities, and would require that the pharmacist have access to relevant medical information, and initiate and authorize the release of the dangerous drugs or devices from the automated dispensing device. The bill would also require a pharmacist to be responsible for the stocking, inventory maintenance, and use of the automated dispensing device. The dangerous drugs and devices delivered to the remote pharmacy would have to be signed for, and received by, either the pharmacist-in-charge, or, if he or she were unavailable, a pharmacist that he or she designated. Because this bill would provide additional fees and penalties that would

be deposited into the Pharmacy Board Contingent Fund which is continuously appropriated, the bill would make an appropriation.

Existing law generally makes it a misdemeanor to knowingly violate the Pharmacy Law.

Because operating a remote pharmacy in violation of the bill’s requirements would be a crime, the bill would impose a state-mandated local program by creating a new crime.

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: 2/3. Appropriation: yes. Fiscal committee: yes. State-mandated local program: yes.

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

1 SECTION 1. Section 4017.5 is added to the Business and  
2 Professions Code, to read:

3 4017.5. “Automated dispensing device” means a device that  
4 contains secured dangerous drugs and dangerous devices, and  
5 from which dangerous drugs and dangerous devices are packaged  
6 and labeled for dispensing to a patient or patient’s agent.

7 SEC. 2. Section 4040.2 is added to the Business and  
8 Professions Code, to read:

9 4040.2. “Remote pharmacy” is a licensed pharmacy that uses  
10 an automated dispensing device, as defined in Section 4017.5, to  
11 dispense dangerous drugs and dangerous devices to patients from  
12 that location pursuant to Section 4110.1. Each remote pharmacy  
13 site shall be individually licensed with the board.

14 SEC. 3. Section 4110.1 is added to the Business and  
15 Professions Code, to read:

16 4110.1. (a) The board may issue a license to operate a remote  
17 pharmacy provided that the applicant can certify a shortage of  
18 pharmacists in the remote pharmacy’s proposed service area that  
19 limits patient access to prescription services.

20 (b) The automated dispensing device used at the remote  
21 pharmacy shall permit patient consultation with a pharmacist via  
22 a telecommunications link that has two-way audio and video. The



1 pharmacist shall initiate and authorize the release of the dangerous  
2 drug or dangerous device from the automated dispensing device.  
3 The pharmacist shall provide consultation services and shall have  
4 access to the prescription, patient profile, or other relevant medical  
5 information.

6 (c) The dangerous drugs and dangerous devices dispensed at  
7 the remote pharmacy shall be provided to the patient or the  
8 patient's agent by a pharmacy technician or a licensed health care  
9 provider after patient consultation with a pharmacist has been  
10 initiated.

11 (d) The remote pharmacy shall be subject to all federal and state  
12 laws that apply to pharmacies, except for those statutes or  
13 regulations specifically waived by the board.

14 (e) The stocking, inventory maintenance, and use of the  
15 automated dispensing devices shall be the responsibility of a  
16 pharmacist. The dangerous drugs and dangerous devices ordered  
17 for dispensing at the remote pharmacy shall be delivered to the  
18 licensed premises and signed for, and received by, the  
19 pharmacist-in-charge or, in his or her absence, another pharmacist  
20 designated by the pharmacist-in-charge.

21 (f) The fee for licensure of a remote pharmacy shall be the same  
22 as for a pharmacy licensed pursuant to Section 4110.

23 SEC. 4. No reimbursement is required by this act pursuant to  
24 Section 6 of Article XIII B of the California Constitution because  
25 the only costs that may be incurred by a local agency or school  
26 district will be incurred because this act creates a new crime or  
27 infraction, eliminates a crime or infraction, or changes the penalty  
28 for a crime or infraction, within the meaning of Section 17556 of  
29 the Government Code, or changes the definition of a crime within  
30 the meaning of Section 6 of Article XIII B of the California  
31 Constitution.

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