

AMENDED IN SENATE JULY 3, 2001  
AMENDED IN ASSEMBLY APRIL 17, 2001  
AMENDED IN ASSEMBLY MARCH 27, 2001

CALIFORNIA LEGISLATURE—2001–02 REGULAR SESSION

**ASSEMBLY BILL**

**No. 809**

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**Introduced by Assembly Member Salinas**

February 22, 2001

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An act to add Section 4186 to the Business and Professions Code, relating to automated drug delivery systems, and making an appropriation therefor.

LEGISLATIVE COUNSEL'S DIGEST

AB 809, as amended, Salinas. Automated drug delivery systems.

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 automated drug delivery systems to be located in specified clinics ~~located in areas with pharmacist shortages~~. The bill would require clinics with automated drug delivery systems to develop and implement written policies and procedures. The bill would also require patient consultation with a pharmacist via a telecommunications link with 2-way audio and video capabilities, and would require that the pharmacist review the prescription and the patient profile, that he or she be located in California, and that he or she authorize the release of the dangerous drugs or devices from the automated drug delivery system. The bill would further require a pharmacist to perform the stocking, inventory maintenance, and review

of the operation and maintenance of the system. ~~The bill would require the California State Board of Pharmacy to adopt regulations specifying other activities a pharmacist operating an automated drug delivery system may engage in.~~

Because this bill would provide additional 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 an automated drug delivery system 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: <sup>2</sup>/<sub>3</sub>. 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 4186 is added to the Business and
- 2 Professions Code, to read:
- 3 4186. (a) Automated drug delivery systems, as defined in
- 4 subdivision (h), may be located in any clinic licensed by the board
- 5 ~~pursuant to Section 4180 and located in an area with a pharmacist~~
- 6 ~~shortage, as determined by the method defined in Appendix F of~~
- 7 ~~Chapter 1 of Part 5 of Title 42 of the Code of Federal Regulations.~~
- 8 *pursuant to Section 4180.* If an automated drug delivery system is
- 9 located in a clinic, the clinic shall develop and implement written
- 10 policies and procedures to ensure safety, accuracy, accountability,
- 11 security, patient confidentiality, and maintenance of the quality,
- 12 potency, and purity of drugs. All policies and procedures shall be
- 13 maintained at the location where the automated drug system is
- 14 being used.
- 15 (b) Drugs shall be removed from the automated drug delivery
- 16 system only upon authorization by a pharmacist after the
- 17 pharmacist has reviewed the prescription and the patient’s profile



1 for potential contraindications and adverse drug reactions. Drugs  
2 removed from the automated drug delivery system shall be  
3 provided to the patient by a health professional licensed pursuant  
4 to this division.

5 (c) The stocking of an automated drug delivery system shall be  
6 performed by a pharmacist.

7 (d) Review of the drugs contained within, and the operation and  
8 maintenance of, the automated drug delivery system shall be the  
9 responsibility of the clinic. The review shall be conducted on a  
10 monthly basis by a pharmacist and shall include a physical  
11 inspection of the drugs in the automated drug delivery system, an  
12 inspection of the automated drug delivery system machine for  
13 cleanliness, and a review of all transaction records in order to  
14 verify the security and accountability of the system.

15 (e) The automated drug delivery system used at the clinic shall  
16 provide for patient consultation pursuant to Section 1707.2 of Title  
17 16 of the California Code of Regulations with a pharmacist via a  
18 telecommunications link that has two-way audio and video.

19 (f) The pharmacist operating the automated drug delivery  
20 system shall be located in California.

21 (g) Drugs dispensed from the automated drug delivery system  
22 shall comply with the labeling requirements in Section 4076.

23 (h) For purposes of this section, an “automated drug delivery  
24 system” means a mechanical system controlled remotely by a  
25 pharmacist that performs operations or activities, other than  
26 compounding or administration, relative to the storage,  
27 dispensing, or distribution of *prepackaged* dangerous drugs or  
28 dangerous devices. An automated drug delivery system shall  
29 collect, control, and maintain all transaction information to  
30 accurately track the movement of drugs into and out of the system  
31 for security, accuracy, and accountability.

32 ~~SEC. 2. The California State Board of Pharmacy shall adopt~~  
33 ~~regulations on or before January 1, 2003, specifying the other~~  
34 ~~activities a pharmacist may engage in when operating an~~  
35 ~~automated drug delivery system pursuant to Section 4186 of the~~  
36 ~~Business and Professions Code.~~

37 ~~SEC. 3.~~

38 SEC. 2. No reimbursement is required by this act pursuant to  
39 Section 6 of Article XIII B of the California Constitution because  
40 the only costs that may be incurred by a local agency or school



1 district will be incurred because this act creates a new crime or  
2 infraction, eliminates a crime or infraction, or changes the penalty  
3 for a crime or infraction, within the meaning of Section 17556 of  
4 the Government Code, or changes the definition of a crime within  
5 the meaning of Section 6 of Article XIII B of the California  
6 Constitution.

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