

ASSEMBLY BILL

No. 826

Introduced by Assembly Member Cohn

February 22, 2001

An act to amend Sections 4050 and 4051 of the Business and Professions Code, relating to pharmacists.

LEGISLATIVE COUNSEL'S DIGEST

AB 826, as introduced, Cohn. Pharmaceutical practice: prescriptions.

Under existing law, a pharmacist may authorize initiation of a prescription and provide clinical advice or information or patient consultation from outside a pharmacy premises if certain conditions are met. Existing law makes a knowing violation of the Pharmacy Law a crime.

This bill would, with respect to the requirements for initiation of prescriptions and providing clinical advice or information or patient consultation, delete the restriction that the transaction occur outside of a pharmacy premises. The bill would require that a pharmacist's initiation of a prescription be pursuant to specified provisions.

This bill would revise the requirement for providing of clinical advice, information, or client consultation to specify that the advice, information, or consultation be provided to a health care professional or a patient.

This bill would impose a state-mandated local provision by changing existing crimes and creating new crimes.

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: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

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

1 SECTION 1. Section 4050 of the Business and Professions
2 Code is amended to read:

3 4050. (a) In recognition of and consistent with the decisions
4 of the appellate courts of this state, the Legislature hereby declares
5 the practice of pharmacy to be a profession.

6 (b) Pharmacy practice is a dynamic patient-oriented health
7 service that applies a scientific body of knowledge to improve and
8 promote patient health by means of appropriate drug use ~~and~~,
9 drug-related therapy, *and communication for clinical and*
10 *consultative purposes.*

11 SEC. 2. Section 4051 of the Business and Professions Code
12 is amended to read:

13 4051. (a) Except as otherwise provided in this chapter, it is
14 unlawful for any person to manufacture, compound, furnish, sell,
15 or dispense any dangerous drug or dangerous device, or to
16 dispense or compound any prescription pursuant to Section 4040
17 of a prescriber unless he or she is a pharmacist under this chapter.

18 (b) Notwithstanding any other law, a pharmacist may authorize
19 the initiation of a prescription, *pursuant to Section 4052*, and
20 otherwise provide clinical advice or information or patient
21 consultation ~~from outside a pharmacy premises~~ if all of the
22 following conditions are met:

23 (1) The clinical advice or information or patient consultation is
24 provided ~~either~~ to a health care professional or to a patient ~~of or~~
25 ~~resident in a licensed acute care hospital, health care facility, home~~
26 ~~health agency, or hospice.~~

27 (2) The pharmacist has access to prescription, patient profile,
28 or other relevant medical information for purposes of patient and
29 clinical consultation and advice.

30 (3) Access to the information described in paragraph (2) is
31 secure from unauthorized access and use.



1 SEC. 3. No reimbursement is required by this act pursuant to
2 Section 6 of Article XIII B of the California Constitution because
3 the only costs that may be incurred by a local agency or school
4 district will be incurred because this act creates a new crime or
5 infraction, eliminates a crime or infraction, or changes the penalty
6 for a crime or infraction, within the meaning of Section 17556 of
7 the Government Code, or changes the definition of a crime within
8 the meaning of Section 6 of Article XIII B of the California
9 Constitution.

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