

AMENDED IN ASSEMBLY JUNE 3, 2003

AMENDED IN ASSEMBLY APRIL 22, 2003

CALIFORNIA LEGISLATURE—2003–04 REGULAR SESSION

ASSEMBLY BILL

No. 521

Introduced by Assembly Member Diaz

February 18, 2003

An act to amend, ~~add, and repeal~~ *repeal, and add* Section 4074 of the Business and Professions Code, relating to pharmacies.

LEGISLATIVE COUNSEL'S DIGEST

AB 521, as amended, Diaz. Prescription drug warnings.

Existing law, the Pharmacy Law, requires a pharmacist dispensing certain prescription drugs to inform a patient, orally or in writing, of information about their harmful effects when taken in combination with alcohol. Existing law makes the violation of the Pharmacy Law a crime.

This bill, commencing on January 1, ~~2005~~ 2006, would ~~also require a pharmacist to inform the patient if the drug poses a substantial risk of harm when taken in combination with other prescription or nonprescription medication and would~~ require that, *if the information given is provided in writing upon the request of the patient, it be in at least 12-point type if the drug poses a substantial risk of harm when taken in combination with alcohol or other medications.*

Because a violation of this requirement would be punishable as a crime, the bill would impose a state-mandated local program.

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 4074 of the Business and Professions
2 Code is amended to read:

3 4074. (a) A pharmacist shall inform a patient orally or in
4 writing of the harmful effects of a drug dispensed by prescription
5 if the drug poses substantial risk to the person consuming the drug
6 when taken in combination with alcohol or if the drug may impair
7 a person’s ability to drive a motor vehicle, whichever is applicable,
8 and provided the drug is determined by the board pursuant to
9 subdivision (b) to be a drug or drug type for which this warning
10 shall be given.

11 (b) The board may by regulation require additional information
12 or labeling.

13 (c) This section shall not apply to drugs furnished to patients in
14 conjunction with treatment or emergency services provided in
15 health facilities or, except as provided in subdivision (d), to drugs
16 furnished to patients pursuant to subdivision (a) of Section 4056.

17 (d) A health facility shall establish and implement a written
18 policy to ensure that each patient shall receive information
19 regarding each medication given at the time of discharge and each
20 medication given pursuant to subdivision (a) of Section 4056. This
21 information shall include the use and storage of each medication,
22 the precautions and relevant warnings, and the importance of
23 compliance with directions. This information shall be given by a
24 pharmacist or registered nurse, unless already provided by a
25 patient’s prescriber, and the written policy shall be developed in
26 collaboration with a physician, a pharmacist, and a registered
27 nurse. The written policy shall be approved by the medical staff.
28 Nothing in this subdivision or any other provision of law shall be
29 construed to require that only a pharmacist provide this
30 consultation.



1 (e) This section shall ~~be repealed on January 1, 2005~~ *remain in*
2 *effect only until January 1, 2006, and as of that date is repealed*
3 *unless a later enacted statute that is enacted before January 1,*
4 *2006, deletes or extends that date.*

5 SEC. 2. Section 4074 is added to the Business and Professions
6 Code, to read:

7 4074. (a) A pharmacist shall inform a patient orally or in
8 writing of the harmful effects of a drug dispensed by prescription
9 if the drug poses substantial risk to the person consuming the drug
10 when taken in combination with alcohol ~~or other medications,~~
11 ~~including both prescription and nonprescription drugs,~~ or if the,
12 *or if the* drug may impair a person's ability to drive a motor vehicle,
13 whichever is applicable, and provided the drug is determined by
14 the board pursuant to subdivision (b) to be a drug or drug type for
15 which this warning shall be given.

16 (b) The board may by regulation require additional information
17 or labeling.

18 (c) This section shall not apply to drugs furnished to patients in
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28 compliance with directions. This information shall be given by a
29 pharmacist or registered nurse, unless already provided by a
30 patient's prescriber, and the written policy shall be developed in
31 collaboration with a physician, a pharmacist, and a registered
32 nurse. The written policy shall be approved by the medical staff.
33 Nothing in this subdivision or any other provision of law shall be
34 construed to require that only a pharmacist provide this
35 consultation.

36 (e) The information required by subdivision (a), if provided in
37 writing *and upon patient request*, shall be printed in at least
38 12-point type ~~whenever the drug poses a substantial risk of harm~~
39 ~~to the person consuming the drug if taken in combination with~~



1 ~~alcohol or other medications, including both prescription and~~
2 ~~nonprescription drugs.~~

3 (f) This section shall become operative on January 1, 2005
4 2006.

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

