

AMENDED IN ASSEMBLY APRIL 21, 2008

CALIFORNIA LEGISLATURE—2007—08 REGULAR SESSION

**ASSEMBLY BILL**

**No. 2756**

---

---

**Introduced by Assembly Member Duvall**

February 22, 2008

---

---

An act to amend Section 4062 of the Business and Professions Code, relating to pharmacy.

LEGISLATIVE COUNSEL'S DIGEST

AB 2756, as amended, Duvall. Pharmacists: furnishing drugs during emergency.

*Existing law, the Pharmacy Law, provides for the licensure and regulation of pharmacists by the California State Board of Pharmacy. Existing law authorizes a pharmacist to furnish dangerous drugs or devices in reasonable quantities without a prescription during a federal, state, or local emergency to further the health and safety of the public, as specified. Existing law authorizes the board, during a declared federal, state, or local emergency, to waive application of any provisions of the Pharmacy Law or the regulations adopted thereunder if the waiver will aid in the protection of the public health or the provision of patient care.*

*This bill would also authorize a pharmacist to furnish dangerous drugs or devices in reasonable quantities without a prescription during a natural disaster to further the health and safety of the public, as specified, and would authorize the board, during a natural disaster, to waive application of any provisions of the Pharmacy Law or the regulations adopted thereunder if the waiver will aid in the protection of the public health or the provision of patient care.*

~~Existing law authorizes a pharmacist to, in good faith, furnish a dangerous drug or dangerous device in reasonable quantities without a prescription during a federal, state, or local emergency.~~

~~This bill would make a nonsubstantive change to these provisions.~~

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

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

1 SECTION 1. Section 4062 of the Business and Professions  
2 Code is amended to read:

3 4062. (a) Notwithstanding Section 4059 or any other provision  
4 of law, a pharmacist may, in good faith, furnish a dangerous drug  
5 or dangerous device in reasonable quantities without a prescription  
6 during a federal, state, or local emergency *or a natural disaster*,  
7 to further the health and safety of the public. A record containing  
8 the date, name, and address of the person to whom the drug or  
9 device is furnished, and the name, strength, and quantity of the  
10 drug or device furnished shall be maintained. The pharmacist shall  
11 communicate this information to the patient’s attending physician  
12 as soon as possible. Notwithstanding Section 4060 or any other  
13 provision of law, a person may possess a dangerous drug or  
14 dangerous device furnished without prescription pursuant to this  
15 section.

16 (b) During a declared federal, state, or local emergency *or a*  
17 *natural disaster*, the board may waive application of any provisions  
18 of this chapter or the regulations adopted pursuant to this chapter  
19 if, in the board’s opinion, the waiver will aid in the protection of  
20 public health or the provision of patient care.

21 (c) *For purposes of this section, “natural disaster” means fire,*  
22 *flood, storm, epidemic, or earthquake.*

O