

AMENDED IN SENATE AUGUST 19, 2013  
AMENDED IN SENATE AUGUST 12, 2013  
AMENDED IN ASSEMBLY APRIL 11, 2013  
AMENDED IN ASSEMBLY MARCH 19, 2013  
CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

**ASSEMBLY BILL**

**No. 467**

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**Introduced by Assembly Member Stone**  
*(Principal coauthor: Senator Hill)*

February 19, 2013

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~~An act to amend Section 14581 of the Food and Agricultural Code, relating to the Fertilizer Inspection Advisory Board. An act to amend Section 150201 of, and to add Section 150208 to, the Health and Safety Code, relating to pharmaceuticals, and declaring the urgency thereof, to take effect immediately.~~

LEGISLATIVE COUNSEL'S DIGEST

AB 467, as amended, Stone. ~~Fertilizer Inspection Advisory Board.~~  
*Prescription drugs: collection and distribution program.*

*Existing law authorizes a county to establish, by ordinance, a repository and distribution program under which specified pharmacies and primary care clinics may distribute surplus unused medications, as defined, to persons in need of financial assistance to ensure access to necessary pharmaceutical therapies. Existing law authorizes specified health and care facilities, pharmacies, drug manufacturers, and pharmacy wholesalers to donate unused medications to the program. Existing law requires a county that has established a program to establish procedures to, among other things, ensure proper safety and*

*management of any medications collected and maintained by a participating entity.*

*This bill would provide that activities relating to the donation or distribution of medications under the program are not wholesaling activities, and any person, as defined, that is not otherwise a wholesaler shall not be deemed a wholesaler or required to be licensed as a wholesaler when performing those activities.*

*This bill would declare that it is to take effect immediately as an urgency statute.*

~~Existing law governs the manufacture and distribution of fertilizing materials, as defined, including licensing, labeling, and inspection, and requires the Secretary of Food and Agriculture to enforce these provisions. Existing law establishes, within the Department of Food and Agriculture, the Fertilizer Inspection Advisory Board to advise the secretary and make recommendations on all matters pertaining to these provisions, as specified. The board consists of 9 persons appointed by the secretary, 8 of whom are required to be licensed pursuant to these provisions and subject to the payment of a specified inspection fee, and one of whom is required to be a public member.~~

~~This bill would revise the composition of the board to require only 3 members of the board to be licensed pursuant to these provisions and subject to the payment of the inspection fee. The bill would require the board to be composed of 3 farmers or farmer representatives, at least one of whom is an organic farmer or the representative of an organic farming program, one member who represents the academic community, one member who is an environmental expert with knowledge relevant to the board’s function, and one public member who represents a community whose primary source of drinking water exceeds the maximum contaminant level for nitrate.~~

~~Vote: majority <sup>2</sup>/<sub>3</sub>. Appropriation: no. Fiscal committee: yes-no. State-mandated local program: no.~~

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

- 1     SECTION 1. Section 150201 of the Health and Safety Code is
- 2     amended to read:
- 3     150201. For purposes of this division:
- 4     (a) “Eligible entity” means all of the following:
- 5     (1) A licensed pharmacy, as defined in subdivision (a) of Section
- 6     4037 of the Business and Professions Code, that is county owned

1 or that contracts with the county pursuant to this division and is  
2 not on probation with the California State Board of Pharmacy.

3 (2) A licensed pharmacy, as defined in subdivision (a) of Section  
4 4037 of the Business and Professions Code, that is owned and  
5 operated by a primary care clinic, as defined in Section 1204, that  
6 is licensed by the State Department of Public Health and is not on  
7 probation with the California State Board of Pharmacy.

8 (3) A primary care clinic, as defined in Section 1204, that is  
9 licensed by the State Department of Public Health and licensed to  
10 administer and dispense drugs pursuant to subparagraph (A) of  
11 paragraph (1) of subdivision (a) of Section 4180 of the Business  
12 and Professions Code and is not on probation with the California  
13 State Board of Pharmacy.

14 (b) “Medication” or “medications” means a dangerous drug, as  
15 defined in Section 4022 of the Business and Professions Code.

16 (c) “Participating entity” means an eligible entity that has  
17 received written or electronic documentation from the county  
18 health department pursuant to paragraph (3) of subdivision (a) of  
19 Section 150204 and that operates a repository and distribution  
20 program pursuant to this division.

21 (d) “Person” includes a firm, association, partnership,  
22 corporation, limited liability company, state governmental agency,  
23 or political subdivision.

24 SEC. 2. Section 150208 is added to the Health and Safety Code,  
25 to read:

26 *150208. Activities relating to the donation or distribution of*  
27 *medications, including, but not limited to, facilitating or*  
28 *negotiating the donation or distribution of medications, pursuant*  
29 *to this division shall not be deemed wholesaling activities. Any*  
30 *person that is not otherwise a wholesaler, as defined in Section*  
31 *4043 of the Business and Professions Code, shall not be deemed*  
32 *a wholesaler or required to be licensed as a wholesaler under the*  
33 *Pharmacy Law (Chapter 9 (commencing with Section 4000) of*  
34 *Division 2 of the Business and Professions Code) when performing*  
35 *those activities pursuant to this division.*

36 SEC. 3. *This act is an urgency statute necessary for the*  
37 *immediate preservation of the public peace, health, or safety within*  
38 *the meaning of Article IV of the Constitution and shall go into*  
39 *immediate effect. The facts constituting the necessity are:*

1 *To ensure that California’s medication donation program is*  
2 *allowed to continue to operate to facilitate the distribution of*  
3 *medications to the indigent population which would not otherwise*  
4 *have access to these medications, it is necessary that this act take*  
5 *effect immediately.*

6 SECTION 1. ~~Section 14581 of the Food and Agricultural Code~~  
7 ~~is amended to read:~~

8 14581. (a) ~~There is, in the department, a Fertilizer Inspection~~  
9 ~~Advisory Board consisting of nine persons appointed by the~~  
10 ~~secretary, which shall be composed of the following individuals:~~

11 (1) ~~Three members who are licensed under this chapter and~~  
12 ~~subject to payment of the inspection fee.~~

13 (2) ~~Three members who are farmers or farmer representatives,~~  
14 ~~at least one of whom is an organic farmer or a representative of~~  
15 ~~an organic farming program.~~

16 (3) ~~One member who represents the academic community.~~

17 (4) ~~One member who is an environmental expert with knowledge~~  
18 ~~relevant to the board’s function.~~

19 (5) ~~One member of the public who represents a community~~  
20 ~~whose primary source of drinking water exceeds the maximum~~  
21 ~~contaminant level for nitrate.~~

22 (b) ~~The members of the board shall receive no compensation,~~  
23 ~~but are entitled to payment of necessary traveling expenses in~~  
24 ~~accordance with the rules of the Department of Human Resources.~~  
25 ~~These expenses shall be paid out of appropriations made to the~~  
26 ~~department pursuant to this chapter.~~