

AMENDED IN SENATE JUNE 24, 2014

AMENDED IN ASSEMBLY APRIL 1, 2014

AMENDED IN ASSEMBLY MARCH 18, 2014

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

ASSEMBLY BILL

No. 1535

Introduced by Assembly Member Bloom
(Coauthor: Senator Pavley)

January 21, 2014

An act to add Section 4052.01 to the Business and Professions Code, relating to pharmacists.

LEGISLATIVE COUNSEL'S DIGEST

AB 1535, as amended, Bloom. Pharmacists: naloxone hydrochloride. Existing law, the Pharmacy Law, provides for the licensure and regulation of pharmacists by the California State Board of Pharmacy. Existing law, generally, authorizes a pharmacist to dispense or furnish drugs only pursuant to a valid prescription. Existing law authorizes a pharmacist to furnish emergency contraceptives and hormonal contraceptives pursuant to standardized procedures or protocols developed and approved by both the board and the Medical Board of California, as specified, or developed by the pharmacist and an authorized prescriber. Existing law also authorizes a pharmacist to furnish nicotine replacement products pursuant to standardized procedures or protocols developed and approved by both the board and the Medical Board of California, as specified. Existing law authorizes a licensed health care provider who is permitted to prescribe an opioid antagonist and is acting with reasonable care to prescribe and dispense or distribute an opioid antagonist for the treatment of an opioid overdose

to a person at risk of an opioid-related overdose or a family member, friend, or other person in a position to assist a person at risk of an opioid-related overdose.

This bill would authorize a pharmacist to furnish naloxone hydrochloride in accordance with standardized procedures or protocols developed and approved by both the board and the Medical Board of California, in consultation with specified entities. The bill would require the board and the Medical Board of California, in developing those procedures and protocols, to include procedures requiring the pharmacist to provide a consultation to ensure the education of the person to whom the drug is furnished, as specified, and notification of the patient’s primary care provider of drugs or devices furnished to the patient, as specified. The bill would prohibit a pharmacist furnishing naloxone hydrochloride pursuant to its provisions from permitting the person to whom the drug is furnished to waive the consultation described above. The bill would require a pharmacist to complete a training program on the use of opioid antagonists prior to performing this procedure. The bill would require each board to enforce these provisions with respect to its respective licensees.

This bill would authorize the California State Board of Pharmacy to adopt emergency regulations to establish the standardized procedures or protocols that would remain in effect until the earlier of 180 days following their effective date or the effective date of regulations adopted as described above.

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

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

- 1 SECTION 1. Section 4052.01 is added to the Business and
- 2 Professions Code, to read:
- 3 4052.01. (a) Notwithstanding any other provision of law, a
- 4 pharmacist may furnish naloxone hydrochloride in accordance
- 5 with standardized procedures or protocols developed and approved
- 6 by both the board and the Medical Board of California, in
- 7 consultation with the California Society of Addiction Medicine,
- 8 the California Pharmacists Association, and other appropriate
- 9 entities. In developing those standardized procedures or protocols,
- 10 the board and the Medical Board of California shall include the
- 11 following:

1 (1) Procedures to ensure education of the person to whom the
2 drug is furnished, including, but not limited to, opioid overdose
3 prevention, recognition, and response, safe administration of
4 naloxone hydrochloride, potential side effects or adverse events,
5 and the imperative to seek emergency medical care for the patient.

6 (2) Procedures to ensure the education of the person to whom
7 the drug is furnished regarding the availability of drug treatment
8 programs.

9 (3) Procedures for the notification of the patient’s primary care
10 provider with patient consent of any drugs or devices furnished to
11 the patient, or entry of appropriate information in a patient record
12 system shared with the primary care provider, as permitted by that
13 primary care provider, and with patient consent.

14 (b) A pharmacist furnishing naloxone hydrochloride pursuant
15 to this section shall not permit the person to whom the drug is
16 furnished to waive the consultation required by the board and the
17 Medical Board of California.

18 (c) Prior to performing a procedure authorized under this section,
19 a pharmacist shall complete a training program on the use of opioid
20 antagonists that consists of at least one hour of approved continuing
21 education on the use of naloxone hydrochloride.

22 (d) The board and the Medical Board of California are each
23 authorized to ensure compliance with this section. Each board is
24 specifically charged with enforcing this section with respect to its
25 respective licensees. This section does not expand the authority
26 of a pharmacist to prescribe any prescription medication.

27 (e) *The board may adopt emergency regulations to establish*
28 *the standardized procedures or protocols. The adoption of*
29 *regulations pursuant to this subdivision shall be deemed to be an*
30 *emergency and necessary for the immediate preservation of the*
31 *public peace, health, safety, or general welfare. The emergency*
32 *regulations authorized by this subdivision are exempt from review*
33 *by the Office of Administrative Law. The emergency regulations*
34 *authorized by this subdivision shall be submitted to the Office of*
35 *Administrative Law for filing with the Secretary of State and shall*
36 *remain in effect until the earlier of 180 days following their*
37 *effective date or the effective date of regulations adopted pursuant*
38 *to subdivision (a).*

O