

AMENDED IN ASSEMBLY JUNE 27, 2013

AMENDED IN SENATE MAY 23, 2013

AMENDED IN SENATE APRIL 24, 2013

SENATE BILL

No. 204

Introduced by Senator Corbett

February 8, 2013

An act to add Section 4076.3 to the Business and Professions Code, relating to pharmacy.

LEGISLATIVE COUNSEL'S DIGEST

SB 204, as amended, Corbett. Prescription drugs: labeling.

The Pharmacy Law provides for the licensure and regulation of pharmacists by the California State Board of Pharmacy. Existing law prohibits a pharmacist from dispensing any prescription unless it is in a specified container that is correctly labeled to include, among other information, the directions for the use of the drug. A violation of the Pharmacy Law is a crime.

This bill would, commencing January 1, 2016, require translations of the directions for use in non-English languages published on the board's Internet Web site to be used, as applicable, when labeling a prescription container. The bill would, notwithstanding these provisions, authorize a pharmacy to ~~provide use~~ its own translations of the *board's English language* directions for ~~use established by regulation of the board in the non-English languages published on the board's Internet Web site~~ use, as specified, if a trained and qualified translator or translation service, as defined, is utilized to complete the additional translations. The bill would authorize the directions for use, as specified, to be translated into additional non-English languages if ~~certified~~

~~translation services are a trained and qualified translator or translation service, as defined, is~~ utilized to complete the additional translations. The bill would authorize a pharmacist to ~~provide use~~ the English language directions for use, as specified, if he or she reasonably believes a translation of the directions for use contains an error due to software or equipment malfunction. The bill would also provide that a pharmacist that reasonably uses the translations of the directions for use in non-English languages published on the board’s Internet Web site has not breached his or her legal duty if the published translations contain an error and the pharmacist did not know, or did not have reason to know, of the error. *The bill would require that the board’s English language directions for use be provided in each instance in which a non-English translation of the directions for use is used.* Because a violation of this requirement would be a crime, the bill would impose a state-mandated local program.

This bill would define “translation” and “trained and qualified translator or translation service” for purposes of the provisions described above.

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 4076.3 is added to the Business and
- 2 Professions Code, to read:
- 3 4076.3. (a) Translations of the directions for use in non-English
- 4 languages published on the board’s Internet Web site shall be used,
- 5 as applicable, when labeling a prescription container pursuant to
- 6 Section 4076.
- 7 (b) The *English language* directions for use established by
- 8 regulation of the board may be translated into additional
- 9 non-English languages if ~~certified translation services are a trained~~
- 10 *and qualified translator or translation service is* utilized to
- 11 complete the additional translations.

1 (c) Notwithstanding subdivision (a), a pharmacy may ~~provide~~
2 *use* its own translations of the directions for use established by
3 regulation of the board in the non-English languages published on
4 the board’s Internet Web site when labeling a prescription container
5 pursuant to Section 4076 *if a trained and qualified translator or*
6 *translation service is utilized.*

7 (d) If a pharmacist reasonably believes that a translation of the
8 directions for use contains an error due to software or equipment
9 malfunction, he or she may ~~provide~~ *use* the English language
10 directions for use established by regulation of the board *when*
11 *labeling a prescription container* pursuant to Section 4076.

12 (e) A pharmacist that reasonably uses the translations of the
13 directions for use in non-English languages published on the
14 board’s Internet Web site has not breached his or her legal duty if
15 the published translations contain an error and the pharmacist did
16 not know, or did not have reason to know, of the error.

17 (f) *The English language directions for use established by*
18 *regulation of the board shall be provided in each instance in which*
19 *a non-English translation of the directions for use is used pursuant*
20 *to this section.*

21 (g) *For purposes of this section, “translation” means the*
22 *conversion of written text to the corresponding written text in a*
23 *different language.*

24 (h) *For purposes of this section, “trained and qualified*
25 *translator or translation service” means any of the following:*

26 (1) *An individual certified by the American Translators*
27 *Association or any other nationally accredited or state-approved*
28 *program the board deems satisfactory.*

29 (2) *An individual trained in translation who has been assessed*
30 *as competent by a company specializing in translation that*
31 *employs, or has a contractual relationship with, the individual.*

32 (3) *An individual employed by a pharmacy who meets all of the*
33 *following requirements:*

34 (A) *He or she has written proficiency in both English and a*
35 *non-English language.*

36 (B) *He or she commits to abide by the American Translators*
37 *Association’s Code of Professional Conduct and Business*
38 *Practices.*

1 (C) He or she exhibits sufficient knowledge and understanding
2 of required health care vocabulary and terminology related to the
3 practice of pharmacy.

4 A pharmacy shall establish internal policies to determine and
5 document an individual's qualifications pursuant to subparagraphs
6 (A) to (C), inclusive, of this paragraph.

7 (f)

8 (i) This section shall become operative on January 1, 2016.

9 SEC. 2. No reimbursement is required by this act pursuant to
10 Section 6 of Article XIII B of the California Constitution because
11 the only costs that may be incurred by a local agency or school
12 district will be incurred because this act creates a new crime or
13 infraction, eliminates a crime or infraction, or changes the penalty
14 for a crime or infraction, within the meaning of Section 17556 of
15 the Government Code, or changes the definition of a crime within
16 the meaning of Section 6 of Article XIII B of the California
17 Constitution.