

**Introduced by Senator Corbett**

February 8, 2013

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An act to amend Section 4076 of the Business and Professions Code, relating to pharmacy.

LEGISLATIVE COUNSEL'S DIGEST

SB 205, 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 requires every prescription, as defined, to include a legible, clear notice of the condition or purpose for which the drug is prescribed, if requested by the patient. 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 condition or purpose for which the drug was prescribed if the condition or purpose is indicated on the prescription. A violation of the Pharmacy Law is a crime.

This bill would require ~~the~~ *certain portions of the required* information on the prescription label, *including the name of the patient or patients*, to be printed in at least a 12-point sans serif typeface. Because a violation of this requirement would be 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 4076 of the Business and Professions
- 2 Code is amended to read:
- 3 4076. (a) A pharmacist shall not dispense any prescription
- 4 except in a container that meets the requirements of state and
- 5 federal law and is correctly labeled, ~~in at least a 12-point sans serif~~
- 6 ~~typeface,~~ *labeled* with all of the following:
- 7 (1) Except where the prescriber or the certified nurse-midwife
- 8 who functions pursuant to a standardized procedure or protocol
- 9 described in Section 2746.51, the nurse practitioner who functions
- 10 pursuant to a standardized procedure described in Section 2836.1
- 11 or protocol, the physician assistant who functions pursuant to
- 12 Section 3502.1, the naturopathic doctor who functions pursuant
- 13 to a standardized procedure or protocol described in Section
- 14 3640.5, or the pharmacist who functions pursuant to a policy,
- 15 procedure, or protocol pursuant to either Section 4052.1 or 4052.2
- 16 orders otherwise, either the manufacturer’s trade name of the drug
- 17 or the generic name and the name of the manufacturer. Commonly
- 18 used abbreviations may be used. Preparations containing two or
- 19 more active ingredients may be identified by the manufacturer’s
- 20 trade name or the commonly used name or the principal active
- 21 ingredients.
- 22 (2) The directions for the use of the drug.
- 23 (3) The name of the patient or patients.
- 24 (4) The name of the prescriber or, if applicable, the name of the
- 25 certified nurse-midwife who functions pursuant to a standardized
- 26 procedure or protocol described in Section 2746.51, the nurse
- 27 practitioner who functions pursuant to a standardized procedure
- 28 described in Section 2836.1 or protocol, the physician assistant
- 29 who functions pursuant to Section 3502.1, the naturopathic doctor
- 30 who functions pursuant to a standardized procedure or protocol
- 31 described in Section 3640.5, or the pharmacist who functions
- 32 pursuant to a policy, procedure, or protocol pursuant to either
- 33 Section 4052.1 or 4052.2.
- 34 (5) The date of issue.

1 (6) The name and address of the pharmacy, and prescription  
2 number or other means of identifying the prescription.

3 (7) The strength of the drug or drugs dispensed.

4 (8) The quantity of the drug or drugs dispensed.

5 (9) The expiration date of the effectiveness of the drug  
6 dispensed.

7 (10) The condition or purpose for which the drug was prescribed  
8 if the condition or purpose is indicated on the prescription.

9 (11) (A) Commencing January 1, 2006, the physical description  
10 of the dispensed medication, including its color, shape, and any  
11 identification code that appears on the tablets or capsules, except  
12 as follows:

13 (i) Prescriptions dispensed by a veterinarian.

14 (ii) An exemption from the requirements of this paragraph shall  
15 be granted to a new drug for the first 120 days that the drug is on  
16 the market and for the 90 days during which the national reference  
17 file has no description on file.

18 (iii) Dispensed medications for which no physical description  
19 exists in any commercially available database.

20 (B) This paragraph applies to outpatient pharmacies only.

21 (C) The information required by this paragraph may be printed  
22 on an auxiliary label that is affixed to the prescription container.

23 (D) This paragraph shall not become operative if the board,  
24 prior to January 1, 2006, adopts regulations that mandate the same  
25 labeling requirements set forth in this paragraph.

26 *(b) The information required by paragraphs (1), (2), (3), (7),  
27 and (10) of subdivision (a) shall be printed in at least a 12-point  
28 sans serif typeface.*

29 ~~(b)~~

30 (c) If a pharmacist dispenses a prescribed drug by means of a  
31 unit dose medication system, as defined by administrative  
32 regulation, for a patient in a skilled nursing, intermediate care, or  
33 other health care facility, the requirements of this section will be  
34 satisfied if the unit dose medication system contains the  
35 aforementioned information or the information is otherwise readily  
36 available at the time of drug administration.

37 ~~(c)~~

38 (d) If a pharmacist dispenses a dangerous drug or device in a  
39 health facility, as defined in Section 1250 of the Health and Safety  
40 Code, it is not necessary to include on individual unit dose

1 containers for a specific patient, the name of the certified  
 2 nurse-midwife who functions pursuant to a standardized procedure  
 3 or protocol described in Section 2746.51, the nurse practitioner  
 4 who functions pursuant to a standardized procedure described in  
 5 Section 2836.1 or protocol, the physician assistant who functions  
 6 pursuant to Section 3502.1, the naturopathic doctor who functions  
 7 pursuant to a standardized procedure or protocol described in  
 8 Section 3640.5, or the pharmacist who functions pursuant to a  
 9 policy, procedure, or protocol pursuant to either Section 4052.1  
 10 or 4052.2.

11 ~~(d)~~

12 (e) If a pharmacist dispenses a prescription drug for use in a  
 13 facility licensed pursuant to Section 1250 of the Health and Safety  
 14 Code, it is not necessary to include the information required in  
 15 paragraph (11) of subdivision (a) when the prescription drug is  
 16 administered to a patient by a person licensed under the Medical  
 17 Practice Act (Chapter 5 (commencing with Section 2000)), the  
 18 Nursing Practice Act (Chapter 6 (commencing with Section 2700)),  
 19 or the Vocational Nursing Practice Act (Chapter 6.5 (commencing  
 20 with Section 2840)), who is acting within his or her scope of  
 21 practice.

22 SEC. 2. No reimbursement is required by this act pursuant to  
 23 Section 6 of Article XIII B of the California Constitution because  
 24 the only costs that may be incurred by a local agency or school  
 25 district will be incurred because this act creates a new crime or  
 26 infraction, eliminates a crime or infraction, or changes the penalty  
 27 for a crime or infraction, within the meaning of Section 17556 of  
 28 the Government Code, or changes the definition of a crime within  
 29 the meaning of Section 6 of Article XIII B of the California  
 30 Constitution.

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