

**Introduced by Senator Walters**

February 20, 2013

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An act to amend Section 377 of the Penal Code, relating to prescription drugs.

LEGISLATIVE COUNSEL'S DIGEST

SB 393, as introduced, Walters. Prescription drugs: procurement: false representation.

Existing law makes it a misdemeanor for any person, in order to obtain any drug that can be lawfully dispensed by a pharmacist only on prescription, to falsely represent that he or she is a physician or other person who can lawfully prescribe the drug in a telephone communication with a pharmacist.

This bill would make technical, nonsubstantive changes to this provision.

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

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

- 1 SECTION 1. Section 377 of the Penal Code is amended to
- 2 read:
- 3 377. Every person who, in order to obtain for himself *or herself*
- 4 *or for another person*, any drug that can be lawfully dispensed by
- 5 a pharmacist only on prescription, falsely represents himself *or*
- 6 *herself* to be a physician or other person who can lawfully prescribe
- 7 ~~such~~ *that* drug, or falsely represents that he *or she* is acting on
- 8 behalf of a person who can lawfully prescribe ~~such~~ *that* drug, in

- 1 a telephone communication with a pharmacist, is guilty of a
- 2 misdemeanor.

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