

AMENDED IN ASSEMBLY AUGUST 5, 2013

**SENATE BILL**

**No. 445**

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**Introduced by Senator ~~Price Hill~~**

February 21, 2013

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An act to ~~amend Section 4121 of the Business and Professions Code, relating to pharmacy.~~ *add Section 15820.908 to the Government Code, relating to prisons.*

LEGISLATIVE COUNSEL'S DIGEST

SB 445, as amended, ~~Price Hill. Pharmacies: advertising: controlled substances.~~ *Revenue bond financing of prison construction.*

*Existing law authorizes the Department of Corrections and Rehabilitation, participating counties, and the State Public Works Board (SPWB) to acquire, design, and construct local jail facilities approved by the Board of State and Community Corrections. Existing law authorizes the SPWB to issue revenue bonds, notes, or bond anticipation notes in specified amounts to finance the acquisition, design, or construction, and a reasonable construction reserve, of approved local jail facilities, as specified.*

*This bill would require funds allocated to a county for the construction of local jail facilities that are relinquished by the county to which they were allocated to be reallocated to a county that received a conditional award but never received funds, as specified. The bill would authorize the State Public Works Board to approve a project after commencement of working drawings or construction phase activities and would authorize reimbursement of expenses incurred after the board approves the project.*

~~The Pharmacy Law provides for the licensure and regulation of pharmacists and pharmacies by the California State Board of Pharmacy.~~

~~A knowing violation of the law is a crime. Existing law provides that an advertisement of the retail price for a drug that requires a prescription shall be limited to quantities of the drug that are consistent with good medical practice and shall include the strength, dosage form, and the exact dates during which the advertised price will be in effect, except as specified.~~

~~This bill would prohibit advertisements by pharmacies that specifically promote the sale or dispensing of any controlled substances, as defined.~~

~~Because a knowing violation of this provision would be a crime, this 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-no*.

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

- 1     ~~SECTION 1. Section 15820.908 is added to the Government~~
- 2     ~~Code immediately after Section 15820.907, to read:~~
- 3         ~~15820.908. (a) Funds allocated to a county pursuant to this~~
- 4         ~~chapter that are relinquished by the county to which they were~~
- 5         ~~allocated shall be reallocated to a county that received a~~
- 6         ~~conditional award under this chapter but never received funds.~~
- 7         ~~(b) In allocating funds pursuant to this section, preference shall~~
- 8         ~~be given to the county or counties based on readiness to proceed~~
- 9         ~~with construction on the project.~~
- 10        ~~(c) A county receiving funds pursuant to this section is not~~
- 11        ~~required to assist the state in siting reentry beds pursuant to~~
- 12        ~~subdivision (b) of Section 15820.907.~~
- 13        ~~(d) Notwithstanding Section 13332.11 and 13332.19, the State~~
- 14        ~~Public Works Board may approve a project to be funded pursuant~~
- 15        ~~to this section after commencement of working drawings or~~
- 16        ~~construction phase activities. Funds may be allocated to reimburse~~
- 17        ~~expenses that are incurred after the board approves the project~~
- 18        ~~pursuant to this subdivision.~~
- 19     ~~SECTION 1. Section 4121 of the Business and Professions~~
- 20     ~~Code is amended to read:~~

1     ~~4121. (a) (1) Notwithstanding Section 651, an advertisement~~  
2 ~~of the retail price for a drug that requires a prescription shall be~~  
3 ~~limited to quantities of the drug that are consistent with good~~  
4 ~~medical practice and shall include the strength, dosage form, and~~  
5 ~~the exact dates during which the advertised price will be in effect.~~

6     ~~(2) This subdivision shall not apply to a pharmacy that is located~~  
7 ~~in a licensed hospital and that is accessible only to hospital medical~~  
8 ~~staff and personnel.~~

9     ~~(b) Under no circumstances may an advertisement specifically~~  
10 ~~promote the sale or dispensing of any controlled substances.~~

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