

AMENDED IN SENATE MARCH 28, 2014

**SENATE BILL**

**No. 1039**

---

---

**Introduced by Senator Hernandez**

February 18, 2014

---

---

An act to amend ~~Section~~ *Sections 4052.6, 4059, 4059.5, 4115, and 4142* of, and to add Sections 4119.6 and 4119.7 to, the Business and Professions Code, and to amend ~~Section~~ *Sections 11150 and 11210* of the Health and Safety Code, relating to pharmacies.

LEGISLATIVE COUNSEL'S DIGEST

SB 1039, as amended, Hernandez. Pharmacies: furnishing drugs.

(1) Existing law, the Pharmacy Law, the violation of which is a crime, provides for the ~~licensing~~ *licensure* and regulation of pharmacies, pharmacists, intern pharmacists, and pharmacy technicians by the California State Board of Pharmacy. The Pharmacy Law authorizes an intern pharmacist to perform all functions of a pharmacist, and authorizes a pharmacy technician to perform packaging, manipulative, repetitive, or other nondiscretionary tasks, in each case under supervision of a pharmacist, as specified.

This bill would authorize a pharmacy technician to perform packaging, including emergency supply packaging and sealing in or for hospitals, hospital unit inspections, and other physical, manipulative, repetitive, or other nondiscretionary tasks under supervision of a pharmacist, as specified.

~~Because a violation of these provisions would be a crime, the bill would impose a state-mandated local program.~~

(2) Existing law authorizes a pharmacy to furnish a dangerous drug or dangerous device to a licensed health care facility for storage in a secured emergency pharmaceutical supplies container maintained within

the facility in accordance with facility regulations of the State Department of Public Health and other existing law requirements, as specified.

This bill would authorize a pharmacy to furnish a dangerous drug or dangerous device to the emergency medical services system of a licensed general acute care hospital, as defined, for storage in a secured emergency pharmaceutical supplies container maintained within the hospital in accordance with the hospital's policies and procedures. The bill would require both the hospital and the dispensing pharmacy to maintain records pertaining to the dangerous drugs or dangerous devices furnished to the hospital's emergency medical services system for at least 3 years. The bill would also authorize a pharmacy to furnish a dangerous drug or dangerous device to a licensed general acute care hospital pursuant to preprinted or electronic standing orders, order sets, and protocols established under the policies and procedures of a licensed general acute care hospital under specified conditions. The bill would require a pharmacist, or a pharmacy technician or an intern pharmacist under the direct supervision *and control* of a pharmacist, to inspect the drugs maintained in the hospital at least once per month, and to report any irregularities, as specified. *The bill would also require a hospital to adopt polices and procedures for ensuring proper methods for repackaging and labeling of specified substances.*

Because a violation of ~~these provisions~~ *certain provisions of the bill* would be a crime, the bill would create a state-mandated local program.

~~(3) Existing law authorizes a pharmacist to write or issue a prescription under specified circumstances, including in a health care facility in accordance with policies, procedures, or protocols developed by health professionals, with the concurrence of the facility administrator, or as part of the care provided by among others, a health care facility, a licensed home health agency, or a physician, in accordance with the policies, procedures, or protocols of that facility, home health agency, or physician.~~

This bill would authorize a pharmacist recognized by the board as an advanced practice pharmacist to write or issue a prescription when the pharmacist is performing functions within the scope of practice of an ~~advanced practice pharmacist.~~

*(3) Existing law authorizes a pharmacist recognized by the board as an advanced practice pharmacist to perform specified functions, including performing patient assessments.*

*This bill would also authorize a pharmacist recognized by the board as an advanced practice pharmacist to order patient assessments.*

*(4) Existing law authorizes a pharmacist to initiate or adjust the drug regimen of a patient under specified circumstances. Existing law authorizes specified practitioners to order a dangerous drug or device and prohibits a person from furnishing a dangerous drug or device, except upon the prescription of those practitioners.*

*This bill would modify that list of practitioners to include a pharmacist initiating or adjusting the drug regimen of a patient as authorized under existing law and would make related conforming changes.*

~~(4)~~

(5) 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 4052.6 of the Business and Professions  
2 Code is amended to read:

3 4052.6. (a) A pharmacist recognized by the board as an  
4 advanced practice pharmacist may do all of the following:

- 5 (1) ~~Perform~~ Order and perform patient assessments.
- 6 (2) Order and interpret drug therapy-related tests.
- 7 (3) Refer patients to other health care providers.
- 8 (4) Participate in the evaluation and management of diseases  
9 and health conditions in collaboration with other health care  
10 providers.

11 (5) Initiate, adjust, or discontinue drug therapy in the manner  
12 specified in paragraph (4) of subdivision (a) of Section 4052.2.

13 (b) A pharmacist who adjusts or discontinues drug therapy shall  
14 promptly transmit written notification to the patient’s diagnosing  
15 prescriber or enter the appropriate information in a patient record  
16 system shared with the prescriber, as permitted by that prescriber.  
17 A pharmacist who initiates drug therapy shall promptly transmit  
18 written notification to, or enter the appropriate information into,

1 a patient record system shared with the patient's primary care  
2 provider or diagnosing provider, as permitted by that provider.

3 (c) This section shall not interfere with a physician's order to  
4 dispense a prescription drug as written, or other order of similar  
5 meaning.

6 (d) Prior to initiating or adjusting a controlled substance therapy  
7 pursuant to this section, a pharmacist shall personally register with  
8 the federal Drug Enforcement Administration.

9 (e) A pharmacist who orders and interprets tests pursuant to  
10 paragraph (2) of subdivision (a) shall ensure that the ordering of  
11 those tests is done in coordination with the patient's primary care  
12 provider or diagnosing prescriber, as appropriate, including  
13 promptly transmitting written notification to the patient's  
14 diagnosing prescriber or entering the appropriate information in a  
15 patient record system shared with the prescriber, when available  
16 and as permitted by that prescriber.

17 *SEC. 2. Section 4059 of the Business and Professions Code is*  
18 *amended to read:*

19 4059. (a) A person ~~may shall~~ not furnish ~~any a~~ dangerous  
20 drug, except upon the prescription of a physician, dentist, podiatrist,  
21 optometrist, veterinarian, ~~or~~ naturopathic doctor pursuant to Section  
22 3640.7, or pharmacist pursuant to Section 4052.1, 4052.2, or  
23 4052.6. A person ~~may shall~~ not furnish ~~any a~~ dangerous device,  
24 except upon the prescription of a physician, dentist, podiatrist,  
25 optometrist, veterinarian, ~~or~~ naturopathic doctor pursuant to Section  
26 3640.7, or pharmacist pursuant to Section 4052.1, 4052.2, or  
27 4052.6.

28 (b) This section does not apply to the furnishing of ~~any a~~  
29 dangerous drug or dangerous device by a manufacturer, wholesaler,  
30 or pharmacy to each other or to a physician, dentist, podiatrist,  
31 optometrist, veterinarian, or naturopathic doctor pursuant to Section  
32 3640.7, or to a laboratory under sales and purchase records that  
33 correctly give the date, the names and addresses of the supplier  
34 and the buyer, the drug or device, and its quantity. This section  
35 does not apply to the furnishing of ~~any a~~ dangerous device by a  
36 manufacturer, wholesaler, or pharmacy to a physical therapist  
37 acting within the scope of his or her license under sales and  
38 purchase records that correctly provide the date the device is  
39 provided, the names and addresses of the supplier and the buyer,  
40 a description of the device, and the quantity supplied.

1 (c) A pharmacist, or a person exempted pursuant to Section  
2 4054, may distribute dangerous drugs and dangerous devices  
3 directly to dialysis patients pursuant to regulations adopted by the  
4 board. The board shall adopt any regulations as are necessary to  
5 ensure the safe distribution of these drugs and devices to dialysis  
6 patients without interruption thereof. A person who violates a  
7 regulation adopted pursuant to this subdivision shall be liable upon  
8 order of the board to surrender his or her personal license. These  
9 penalties shall be in addition to penalties that may be imposed  
10 pursuant to Section 4301. If the board finds any dialysis drugs or  
11 devices distributed pursuant to this subdivision to be ineffective  
12 or unsafe for the intended use, the board may institute immediate  
13 recall of any or all of the drugs or devices distributed to individual  
14 patients.

15 (d) Home dialysis patients who receive any drugs or devices  
16 pursuant to subdivision (c) shall have completed a full course of  
17 home training given by a dialysis center licensed by the State  
18 Department of Public Health. The physician prescribing the dialysis  
19 products shall submit proof satisfactory to the manufacturer or  
20 wholesaler that the patient has completed the program.

21 (e) A pharmacist may furnish a dangerous drug authorized for  
22 use pursuant to Section 2620.3 to a physical therapist. A record  
23 containing the date, name and address of the buyer, and name and  
24 quantity of the drug shall be maintained. This subdivision shall  
25 not be construed to authorize the furnishing of a controlled  
26 substance.

27 (f) A pharmacist may furnish electroneuromyographic needle  
28 electrodes or hypodermic needles used for the purpose of placing  
29 wire electrodes for kinesiological electromyographic testing to  
30 physical therapists who are certified by the Physical Therapy Board  
31 of California to perform tissue penetration in accordance with  
32 Section 2620.5.

33 (g) Nothing in this section shall be construed as permitting a  
34 licensed physical therapist to dispense or furnish a dangerous  
35 device without a prescription of a physician, dentist, podiatrist,  
36 optometrist, or veterinarian, *or a pharmacist acting within the*  
37 *scope of his or her practice.*

38 (h) A veterinary food-animal drug retailer shall dispense, furnish,  
39 transfer, or sell veterinary food-animal drugs only to another  
40 veterinary food-animal drug retailer, a pharmacy, a veterinarian,

1 or to a veterinarian's client pursuant to a prescription from the  
2 veterinarian for food-producing animals.

3 *SEC. 3. Section 4059.5 of the Business and Professions Code*  
4 *is amended to read:*

5 4059.5. (a) Except as otherwise provided in this chapter,  
6 dangerous drugs or dangerous devices may only be ordered by an  
7 entity licensed by the board and shall be delivered to the licensed  
8 premises and signed for and received by a pharmacist. ~~Where~~ *When*  
9 a licensee is permitted to operate through a designated  
10 representative, the designated representative shall sign for and  
11 receive the delivery.

12 (b) A dangerous drug or dangerous device transferred, sold, or  
13 delivered to a person within this state shall be transferred, sold, or  
14 delivered only to an entity licensed by the board, to a manufacturer,  
15 or to an ultimate user or the ultimate user's agent.

16 (c) Notwithstanding subdivisions (a) and (b), deliveries to a  
17 hospital pharmacy may be made to a central receiving location  
18 within the hospital. However, the dangerous drugs or dangerous  
19 devices shall be delivered to the licensed pharmacy premises within  
20 one working day following receipt by the hospital, and the  
21 pharmacist on duty at that time shall immediately inventory the  
22 dangerous drugs or dangerous devices.

23 (d) Notwithstanding any other ~~provision~~ of law, a dangerous  
24 drug or dangerous device may be ordered by and provided to a  
25 manufacturer, physician, dentist, podiatrist, optometrist,  
26 veterinarian, naturopathic doctor pursuant to Section 3640.7,  
27 *pharmacist pursuant to Section 4052.1, 4052.2, or 4052.6,* or  
28 laboratory, or a physical therapist acting within the scope of his  
29 or her license. A person or entity receiving delivery of a dangerous  
30 drug or dangerous device, or a duly authorized representative of  
31 the person or entity, shall sign for the receipt of the dangerous drug  
32 or dangerous device.

33 (e) A dangerous drug or dangerous device shall not be  
34 transferred, sold, or delivered to a person outside this state, whether  
35 foreign or domestic, unless the transferor, seller, or deliverer does  
36 so in compliance with the laws of this state and of the United States  
37 and of the state or country to which the dangerous drugs or  
38 dangerous devices are to be transferred, sold, or delivered.  
39 Compliance with the laws of this state and the United States and  
40 of the state or country to which the dangerous drugs or dangerous

1 devices are to be delivered shall include, but not be limited to,  
2 determining that the recipient of the dangerous drugs or dangerous  
3 devices is authorized by law to receive the dangerous drugs or  
4 dangerous devices.

5 (f) Notwithstanding subdivision (a), a pharmacy may take  
6 delivery of dangerous drugs and dangerous devices when the  
7 pharmacy is closed and no pharmacist is on duty if all of the  
8 following requirements are met:

9 (1) The drugs are placed in a secure storage facility in the same  
10 building as the pharmacy.

11 (2) Only the pharmacist-in-charge or a pharmacist designated  
12 by the pharmacist-in-charge has access to the secure storage facility  
13 after dangerous drugs or dangerous devices have been delivered.

14 (3) The secure storage facility has a means of indicating whether  
15 it has been entered after dangerous drugs or dangerous devices  
16 have been delivered.

17 (4) The pharmacy maintains written policies and procedures for  
18 the delivery of dangerous drugs and dangerous devices to a secure  
19 storage facility.

20 (5) The agent delivering dangerous drugs and dangerous devices  
21 pursuant to this subdivision leaves documents indicating the name  
22 and amount of each dangerous drug or dangerous device delivered  
23 in the secure storage facility.

24 The pharmacy shall be responsible for the dangerous drugs and  
25 dangerous devices delivered to the secure storage facility. The  
26 pharmacy shall also be responsible for obtaining and maintaining  
27 records relating to the delivery of dangerous drugs and dangerous  
28 devices to a secure storage facility.

29 **SECTION 4.**

30 *SEC. 4.* Section 4115 of the Business and Professions Code is  
31 amended to read:

32 4115. (a) A pharmacy technician may perform packaging,  
33 including emergency supply packaging and sealing in or for  
34 hospitals, hospital unit inspections, and other physical,  
35 manipulative, repetitive, or other nondiscretionary tasks, only while  
36 assisting, and while under the direct supervision and control of a  
37 pharmacist.

38 (b) This section does not authorize the performance of any tasks  
39 specified in subdivision (a) by a pharmacy technician without a  
40 pharmacist on duty.

1 (c) This section does not authorize a pharmacy technician to  
2 perform any act requiring the exercise of professional judgment  
3 by a pharmacist.

4 (d) The board shall adopt regulations to specify tasks pursuant  
5 to subdivision (a) that a pharmacy technician may perform under  
6 the supervision of a pharmacist. Any pharmacy that employs a  
7 pharmacy technician shall do so in conformity with the regulations  
8 adopted by the board.

9 (e) No person shall act as a pharmacy technician without first  
10 being licensed by the board as a pharmacy technician.

11 (f) (1) A pharmacy with only one pharmacist shall have no  
12 more than one pharmacy technician performing the tasks specified  
13 in subdivision (a). The ratio of pharmacy technicians performing  
14 the tasks specified in subdivision (a) to any additional pharmacist  
15 shall not exceed 2:1, except that this ratio shall not apply to  
16 personnel performing clerical functions pursuant to Section 4116  
17 or 4117. This ratio is applicable to all practice settings, except for  
18 an inpatient of a licensed health facility, a patient of a licensed  
19 home health agency, as specified in paragraph (2), an inmate of a  
20 correctional facility of the Department of Corrections and  
21 Rehabilitation, and for a person receiving treatment in a facility  
22 operated by the State Department of State Hospitals, the State  
23 Department of Developmental Services, or the Department of  
24 Veterans Affairs.

25 (2) The board may adopt regulations establishing the ratio of  
26 pharmacy technicians performing the tasks specified in subdivision  
27 (a) to pharmacists applicable to the filling of prescriptions of an  
28 inpatient of a licensed health facility and for a patient of a licensed  
29 home health agency. Any ratio established by the board pursuant  
30 to this subdivision shall allow, at a minimum, at least one pharmacy  
31 technician for a single pharmacist in a pharmacy and two pharmacy  
32 technicians for each additional pharmacist, except that this ratio  
33 shall not apply to personnel performing clerical functions pursuant  
34 to Section 4116 or 4117.

35 (3) A pharmacist scheduled to supervise a second pharmacy  
36 technician may refuse to supervise a second pharmacy technician  
37 if the pharmacist determines, in the exercise of his or her  
38 professional judgment, that permitting the second pharmacy  
39 technician to be on duty would interfere with the effective  
40 performance of the pharmacist's responsibilities under this chapter.

1 A pharmacist assigned to supervise a second pharmacy technician  
2 shall notify the pharmacist in charge in writing of his or her  
3 determination, specifying the circumstances of concern with respect  
4 to the pharmacy or the pharmacy technician that have led to the  
5 determination, within a reasonable period, but not to exceed 24  
6 hours, after the posting of the relevant schedule. No entity  
7 employing a pharmacist may discharge, discipline, or otherwise  
8 discriminate against any pharmacist in the terms and conditions  
9 of employment for exercising or attempting to exercise in good  
10 faith the right established pursuant to this paragraph.

11 (g) Notwithstanding subdivisions (a) and (b), the board shall  
12 by regulation establish conditions to permit the temporary absence  
13 of a pharmacist for breaks and lunch periods pursuant to Section  
14 512 of the Labor Code and the orders of the Industrial Welfare  
15 Commission without closing the pharmacy. During these temporary  
16 absences, a pharmacy technician may, at the discretion of the  
17 pharmacist, remain in the pharmacy but may only perform  
18 nondiscretionary tasks. The pharmacist shall be responsible for a  
19 pharmacy technician and shall review any task performed by a  
20 pharmacy technician during the pharmacist's temporary absence.  
21 Nothing in this subdivision shall be construed to authorize a  
22 pharmacist to supervise pharmacy technicians in greater ratios  
23 than those described in subdivision (f).

24 (h) The pharmacist on duty shall be directly responsible for the  
25 conduct of a pharmacy technician supervised by that pharmacist.

26 ~~SEC. 2:~~

27 *SEC. 5.* Section 4119.6 is added to the Business and Professions  
28 Code, to read:

29 4119.6. (a) Notwithstanding any other law, a pharmacy may  
30 furnish a dangerous drug or dangerous device to the emergency  
31 medical services system of a licensed general acute care hospital,  
32 as defined in subdivision (a) of Section 1250 of the Health and  
33 Safety Code, for storage in a secured emergency pharmaceutical  
34 supplies container maintained within the hospital in accordance  
35 with the hospital's policies and procedures. A pharmacy technician  
36 or intern pharmacist under the direct supervision *and control, as*  
37 *defined in Section 4023.5*, of a pharmacist may stock, replenish,  
38 and inspect the hospital's emergency pharmaceutical supplies  
39 container.

1 (b) Both the hospital and the dispensing pharmacy *acting under*  
2 *this section* shall maintain records of each request by, and  
3 dangerous drugs or dangerous devices furnished to, the hospital's  
4 emergency medical services system, for at least three years.

5 (c) Controlled substances shall be furnished to the hospital's  
6 emergency medical services system *under this section* in  
7 accordance with the California Uniform Controlled Substances  
8 Act (Division 10 (commencing with Section 11000) of the Health  
9 and Safety Code).

10 ~~SEC. 3.~~

11 *SEC. 6.* Section 4119.7 is added to the Business and Professions  
12 Code, to read:

13 4119.7. (a) Notwithstanding any other law, a pharmacy may  
14 furnish a dangerous drug or dangerous device to a licensed general  
15 acute care hospital, as defined in subdivision (a) of Section 1250  
16 of the Health and Safety Code, pursuant to preprinted or electronic  
17 standing orders, order sets, and protocols established under the  
18 policies and procedures of the hospital, as approved according to  
19 the policies of the hospital's governing body, if the order is  
20 promptly dated, timed, and authenticated in the medical record of  
21 the patient to whom the dangerous drug or dangerous device is  
22 dispensed by the ordering practitioner or another practitioner  
23 responsible for the care of that patient and authorized by the  
24 hospital's policies and procedures to write orders.

25 (b) The hospital shall store and maintain drugs in accordance  
26 with national standards regarding the storage area and refrigerator  
27 or freezer temperature, and otherwise pursuant to the  
28 manufacturer's guidelines.

29 (c) (1) A pharmacist, pharmacy technician, or an intern  
30 pharmacist under the direct supervision *and control, as defined in*  
31 *Section 4023.5*, of a pharmacist, shall inspect the drugs maintained  
32 in the hospital at least once per month. The hospital shall establish  
33 specific written policies and procedures for inspections pursuant  
34 to this paragraph.

35 (2) The person conducting the inspection pursuant to paragraph  
36 (1) shall report any irregularities to the director or chief executive  
37 officer of the hospital, or other person holding an equivalent  
38 position, and in accordance with the hospital's policy.

39 (d) The hospital shall adopt policies and procedures regarding  
40 the responsibility for ~~assuring~~ *ensuring* proper methods for

1 repackaging and labeling of bulk cleaning agents, solvents,  
2 chemicals, and nondrug hazardous substances used throughout the  
3 hospital according to state and federal law and standards.

4 *SEC. 7. Section 4142 of the Business and Professions Code is*  
5 *amended to read:*

6 4142. Except as otherwise provided by this article, no  
7 hypodermic needle or syringe shall be sold at retail except upon  
8 the prescription of a physician, dentist, veterinarian, podiatrist,~~or~~  
9 naturopathic doctor pursuant to Section 3640.7, *or pharmacist*  
10 *pursuant to Section 4052.1, 4052.2, or 4052.6.*

11 ~~SEC. 4.~~

12 *SEC. 8. Section 11150 of the Health and Safety Code is*  
13 *amended to read:*

14 11150. No person other than a physician, dentist, podiatrist,  
15 or veterinarian, or naturopathic doctor acting pursuant to Section  
16 3640.7 of the Business and Professions Code, or pharmacist acting  
17 within the scope of a project authorized under Article 1  
18 (commencing with Section 128125) of Chapter 3 of Part 3 of  
19 Division 107 or within the scope of Section 4052.1, 4052.2, or  
20 4052.6 of the Business and Professions Code, a registered nurse  
21 acting within the scope of a project authorized under Article 1  
22 (commencing with Section 128125) of Chapter 3 of Part 3 of  
23 Division 107, a certified nurse-midwife acting within the scope of  
24 Section 2746.51 of the Business and Professions Code, a nurse  
25 practitioner acting within the scope of Section 2836.1 of the  
26 Business and Professions Code, a physician assistant acting within  
27 the scope of a project authorized under Article 1 (commencing  
28 with Section 128125) of Chapter 3 of Part 3 of Division 107 or  
29 Section 3502.1 of the Business and Professions Code, a  
30 naturopathic doctor acting within the scope of Section 3640.5 of  
31 the Business and Professions Code, or an optometrist acting within  
32 the scope of Section 3041 of the Business and Professions Code,  
33 or an out-of-state prescriber acting pursuant to Section 4005 of the  
34 Business and Professions Code shall write or issue a prescription.

35 *SEC. 9. Section 11210 of the Health and Safety Code is*  
36 *amended to read:*

37 11210. A physician, surgeon, dentist, veterinarian, naturopathic  
38 doctor acting pursuant to Section 3640.7 of the Business and  
39 Professions Code, or podiatrist, or pharmacist acting within the  
40 scope of a project authorized under Article 1 (commencing with

1 Section 128125) of Chapter 3 of Part 3 of Division 107 *or within*  
2 *the scope of Section 4052.1, 4052.2, or 4052.6 of the Business and*  
3 *Professions Code*, or registered nurse acting within the scope of  
4 a project authorized under Article 1 (commencing with Section  
5 128125) of Chapter 3 of Part 3 of Division 107, or physician  
6 assistant acting within the scope of a project authorized under  
7 Article 1 (commencing with Section 128125) of Chapter 3 of Part  
8 3 of Division 107, or naturopathic doctor acting within the scope  
9 of Section 3640.5 of the Business and Professions Code, or an  
10 optometrist acting within the scope of Section 3041 of the Business  
11 and Professions Code may prescribe for, furnish to, or administer  
12 controlled substances to his or her patient when the patient is  
13 suffering from a disease, ailment, injury, or infirmities attendant  
14 upon old age, other than addiction to a controlled substance.

15 The physician, surgeon, dentist, veterinarian, naturopathic doctor  
16 acting pursuant to Section 3640.7 of the Business and Professions  
17 Code, or podiatrist, or pharmacist acting within the scope of a  
18 project authorized under Article 1 (commencing with Section  
19 128125) of Chapter 3 of Part 3 of Division 107 *or within the scope*  
20 *of Section 4052.1, 4052.2, or 4052.6 of the Business and*  
21 *Professions Code*, or registered nurse acting within the scope of  
22 a project authorized under Article 1 (commencing with Section  
23 128125) of Chapter 3 of Part 3 of Division 107, or physician  
24 assistant acting within the scope of a project authorized under  
25 Article 1 (commencing with Section 128125) of Chapter 3 of Part  
26 3 of Division 107, or naturopathic doctor acting within the scope  
27 of Section 3640.5 of the Business and Professions Code, or an  
28 optometrist acting within the scope of Section 3041 of the Business  
29 and Professions Code shall prescribe, furnish, or administer  
30 controlled substances only when in good faith he or she believes  
31 the disease, ailment, injury, or infirmity requires the treatment.

32 The physician, surgeon, dentist, veterinarian, or naturopathic  
33 doctor acting pursuant to Section 3640.7 of the Business and  
34 Professions Code, or podiatrist, or pharmacist acting within the  
35 scope of a project authorized under Article 1 (commencing with  
36 Section 128125) of Chapter 3 of Part 3 of Division 107 *or within*  
37 *the scope of Section 4052.1, 4052.2, or 4052.6 of the Business and*  
38 *Professions Code*, or registered nurse acting within the scope of  
39 a project authorized under Article 1 (commencing with Section  
40 128125) of Chapter 3 of Part 3 of Division 107, or physician

1 assistant acting within the scope of a project authorized under  
2 Article 1 (commencing with Section 128125) of Chapter 3 of Part  
3 3 of Division 107, or a naturopathic doctor acting within the scope  
4 of Section 3640.5 of the Business and Professions Code, or an  
5 optometrist acting within the scope of Section 3041 of the Business  
6 and Professions Code shall prescribe, furnish, or administer  
7 controlled substances only in the quantity and for the length of  
8 time as are reasonably necessary.

9 ~~SEC. 5.~~

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

O