

AMENDED IN SENATE APRIL 10, 2014  
AMENDED IN SENATE MARCH 28, 2014

**SENATE BILL**

**No. 1039**

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**Introduced by Senator Hernandez**

February 18, 2014

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An act to amend Sections 4052.6, ~~4059~~, ~~4059.5~~, and 4115, and ~~4142~~ of, and to add Sections 4119.6 and 4119.7 to, the Business and Professions Code, and to amend 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 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.

(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 policies and procedures for ensuring proper methods for repackaging and labeling of specified substances.

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

(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. Existing law authorizes specified practitioners, including a pharmacist acting within the scope of an authorized pilot project, to prescribe, furnish, or administer controlled substances to a patient suffering from a disease, ailment, injury, or infirmity, but only when in good faith he or she believes the disease, ailment, injury, or infirmity requires the treatment, and only in the quantity and for the length of time as reasonably necessary.~~

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.~~

(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) 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,  
19 a patient record system shared with the patient’s primary care  
20 provider or diagnosing provider, as permitted by that provider.  
21 (c) This section shall not interfere with a physician’s order to  
22 dispense a prescription drug as written, or other order of similar  
23 meaning.  
24 (d) Prior to initiating or adjusting a controlled substance therapy  
25 pursuant to this section, a pharmacist shall personally register with  
26 the federal Drug Enforcement Administration.

1 (e) A pharmacist who orders and interprets tests pursuant to  
2 paragraph (2) of subdivision (a) shall ensure that the ordering of  
3 those tests is done in coordination with the patient's primary care  
4 provider or diagnosing prescriber, as appropriate, including  
5 promptly transmitting written notification to the patient's  
6 diagnosing prescriber or entering the appropriate information in a  
7 patient record system shared with the prescriber, when available  
8 and as permitted by that prescriber.

9 ~~SEC. 2. Section 4059 of the Business and Professions Code is~~  
10 ~~amended to read:~~

11 ~~4059. (a) A person shall not furnish a dangerous drug, except~~  
12 ~~upon the prescription of a physician, dentist, podiatrist, optometrist,~~  
13 ~~veterinarian, naturopathic doctor pursuant to Section 3640.7, or~~  
14 ~~pharmacist pursuant to Section 4052.1, 4052.2, or 4052.6. A person~~  
15 ~~shall not furnish a dangerous device, except upon the prescription~~  
16 ~~of a physician, dentist, podiatrist, optometrist, veterinarian,~~  
17 ~~naturopathic doctor pursuant to Section 3640.7, or pharmacist~~  
18 ~~pursuant to Section 4052.1, 4052.2, or 4052.6.~~

19 ~~(b) This section does not apply to the furnishing of a dangerous~~  
20 ~~drug or dangerous device by a manufacturer, wholesaler, or~~  
21 ~~pharmacy to each other or to a physician, dentist, podiatrist,~~  
22 ~~optometrist, veterinarian, or naturopathic doctor pursuant to Section~~  
23 ~~3640.7, or to a laboratory under sales and purchase records that~~  
24 ~~correctly give the date, the names and addresses of the supplier~~  
25 ~~and the buyer, the drug or device, and its quantity. This section~~  
26 ~~does not apply to the furnishing of a dangerous device by a~~  
27 ~~manufacturer, wholesaler, or pharmacy to a physical therapist~~  
28 ~~acting within the scope of his or her license under sales and~~  
29 ~~purchase records that correctly provide the date the device is~~  
30 ~~provided, the names and addresses of the supplier and the buyer,~~  
31 ~~a description of the device, and the quantity supplied.~~

32 ~~(c) A pharmacist, or a person exempted pursuant to Section~~  
33 ~~4054, may distribute dangerous drugs and dangerous devices~~  
34 ~~directly to dialysis patients pursuant to regulations adopted by the~~  
35 ~~board. The board shall adopt any regulations as are necessary to~~  
36 ~~ensure the safe distribution of these drugs and devices to dialysis~~  
37 ~~patients without interruption thereof. A person who violates a~~  
38 ~~regulation adopted pursuant to this subdivision shall be liable upon~~  
39 ~~order of the board to surrender his or her personal license. These~~  
40 ~~penalties shall be in addition to penalties that may be imposed~~

1 pursuant to Section 4301. If the board finds any dialysis drugs or  
2 devices distributed pursuant to this subdivision to be ineffective  
3 or unsafe for the intended use, the board may institute immediate  
4 recall of any or all of the drugs or devices distributed to individual  
5 patients.

6 ~~(d) Home dialysis patients who receive any drugs or devices~~  
7 ~~pursuant to subdivision (c) shall have completed a full course of~~  
8 ~~home training given by a dialysis center licensed by the State~~  
9 ~~Department of Public Health. The physician prescribing the dialysis~~  
10 ~~products shall submit proof satisfactory to the manufacturer or~~  
11 ~~wholesaler that the patient has completed the program.~~

12 ~~(e) A pharmacist may furnish a dangerous drug authorized for~~  
13 ~~use pursuant to Section 2620.3 to a physical therapist. A record~~  
14 ~~containing the date, name and address of the buyer, and name and~~  
15 ~~quantity of the drug shall be maintained. This subdivision shall~~  
16 ~~not be construed to authorize the furnishing of a controlled~~  
17 ~~substance.~~

18 ~~(f) A pharmacist may furnish electroneuromyographic needle~~  
19 ~~electrodes or hypodermic needles used for the purpose of placing~~  
20 ~~wire electrodes for kinesiological electromyographic testing to~~  
21 ~~physical therapists who are certified by the Physical Therapy Board~~  
22 ~~of California to perform tissue penetration in accordance with~~  
23 ~~Section 2620.5.~~

24 ~~(g) Nothing in this section shall be construed as permitting a~~  
25 ~~licensed physical therapist to dispense or furnish a dangerous~~  
26 ~~device without a prescription of a physician, dentist, podiatrist,~~  
27 ~~optometrist, or veterinarian, or a pharmacist acting within the scope~~  
28 ~~of his or her practice.~~

29 ~~(h) A veterinary food-animal drug retailer shall dispense, furnish,~~  
30 ~~transfer, or sell veterinary food-animal drugs only to another~~  
31 ~~veterinary food-animal drug retailer, a pharmacy, a veterinarian,~~  
32 ~~or to a veterinarian's client pursuant to a prescription from the~~  
33 ~~veterinarian for food-producing animals.~~

34 ~~SEC. 3. Section 4059.5 of the Business and Professions Code~~  
35 ~~is amended to read:~~

36 ~~4059.5. (a) Except as otherwise provided in this chapter,~~  
37 ~~dangerous drugs or dangerous devices may only be ordered by an~~  
38 ~~entity licensed by the board and shall be delivered to the licensed~~  
39 ~~premises and signed for and received by a pharmacist. When a~~

1 licensee is permitted to operate through a designated representative,  
2 the designated representative shall sign for and receive the delivery.

3 ~~(b) A dangerous drug or dangerous device transferred, sold, or~~  
4 ~~delivered to a person within this state shall be transferred, sold, or~~  
5 ~~delivered only to an entity licensed by the board, to a manufacturer,~~  
6 ~~or to an ultimate user or the ultimate user's agent.~~

7 ~~(c) Notwithstanding subdivisions (a) and (b), deliveries to a~~  
8 ~~hospital pharmacy may be made to a central receiving location~~  
9 ~~within the hospital. However, the dangerous drugs or dangerous~~  
10 ~~devices shall be delivered to the licensed pharmacy premises within~~  
11 ~~one working day following receipt by the hospital, and the~~  
12 ~~pharmacist on duty at that time shall immediately inventory the~~  
13 ~~dangerous drugs or dangerous devices.~~

14 ~~(d) Notwithstanding any other law, a dangerous drug or~~  
15 ~~dangerous device may be ordered by and provided to a~~  
16 ~~manufacturer, physician, dentist, podiatrist, optometrist,~~  
17 ~~veterinarian, naturopathic doctor pursuant to Section 3640.7,~~  
18 ~~pharmacist pursuant to Section 4052.1, 4052.2, or 4052.6, or~~  
19 ~~laboratory, or a physical therapist acting within the scope of his~~  
20 ~~or her license. A person or entity receiving delivery of a dangerous~~  
21 ~~drug or dangerous device, or a duly authorized representative of~~  
22 ~~the person or entity, shall sign for the receipt of the dangerous drug~~  
23 ~~or dangerous device.~~

24 ~~(e) A dangerous drug or dangerous device shall not be~~  
25 ~~transferred, sold, or delivered to a person outside this state, whether~~  
26 ~~foreign or domestic, unless the transferor, seller, or deliverer does~~  
27 ~~so in compliance with the laws of this state and of the United States~~  
28 ~~and of the state or country to which the dangerous drugs or~~  
29 ~~dangerous devices are to be transferred, sold, or delivered.~~  
30 ~~Compliance with the laws of this state and the United States and~~  
31 ~~of the state or country to which the dangerous drugs or dangerous~~  
32 ~~devices are to be delivered shall include, but not be limited to,~~  
33 ~~determining that the recipient of the dangerous drugs or dangerous~~  
34 ~~devices is authorized by law to receive the dangerous drugs or~~  
35 ~~dangerous devices.~~

36 ~~(f) Notwithstanding subdivision (a), a pharmacy may take~~  
37 ~~delivery of dangerous drugs and dangerous devices when the~~  
38 ~~pharmacy is closed and no pharmacist is on duty if all of the~~  
39 ~~following requirements are met:~~

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

3 ~~(2) Only the pharmacist-in-charge or a pharmacist designated~~  
4 ~~by the pharmacist-in-charge has access to the secure storage facility~~  
5 ~~after dangerous drugs or dangerous devices have been delivered.~~

6 ~~(3) The secure storage facility has a means of indicating whether~~  
7 ~~it has been entered after dangerous drugs or dangerous devices~~  
8 ~~have been delivered.~~

9 ~~(4) The pharmacy maintains written policies and procedures for~~  
10 ~~the delivery of dangerous drugs and dangerous devices to a secure~~  
11 ~~storage facility.~~

12 ~~(5) The agent delivering dangerous drugs and dangerous devices~~  
13 ~~pursuant to this subdivision leaves documents indicating the name~~  
14 ~~and amount of each dangerous drug or dangerous device delivered~~  
15 ~~in the secure storage facility.~~

16 ~~The pharmacy shall be responsible for the dangerous drugs and~~  
17 ~~dangerous devices delivered to the secure storage facility. The~~  
18 ~~pharmacy shall also be responsible for obtaining and maintaining~~  
19 ~~records relating to the delivery of dangerous drugs and dangerous~~  
20 ~~devices to a secure storage facility.~~

21 ~~SEC. 4.~~

22 ~~SEC. 2.~~ Section 4115 of the Business and Professions Code is  
23 amended to read:

24 4115. (a) A pharmacy technician may perform packaging,  
25 including emergency supply packaging and sealing in or for  
26 hospitals, hospital unit inspections, and other physical,  
27 manipulative, repetitive, or other nondiscretionary tasks, only while  
28 assisting, and while under the direct supervision and control of a  
29 pharmacist.

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

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

36 (d) The board shall adopt regulations to specify tasks pursuant  
37 to subdivision (a) that a pharmacy technician may perform under  
38 the supervision of a pharmacist. Any pharmacy that employs a  
39 pharmacy technician shall do so in conformity with the regulations  
40 adopted by the board.

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

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

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

27 (3) A pharmacist scheduled to supervise a second pharmacy  
28 technician may refuse to supervise a second pharmacy technician  
29 if the pharmacist determines, in the exercise of his or her  
30 professional judgment, that permitting the second pharmacy  
31 technician to be on duty would interfere with the effective  
32 performance of the pharmacist's responsibilities under this chapter.  
33 A pharmacist assigned to supervise a second pharmacy technician  
34 shall notify the pharmacist in charge in writing of his or her  
35 determination, specifying the circumstances of concern with respect  
36 to the pharmacy or the pharmacy technician that have led to the  
37 determination, within a reasonable period, but not to exceed 24  
38 hours, after the posting of the relevant schedule. No entity  
39 employing a pharmacist may discharge, discipline, or otherwise  
40 discriminate against any pharmacist in the terms and conditions

1 of employment for exercising or attempting to exercise in good  
2 faith the right established pursuant to this paragraph.

3 (g) Notwithstanding subdivisions (a) and (b), the board shall  
4 by regulation establish conditions to permit the temporary absence  
5 of a pharmacist for breaks and lunch periods pursuant to Section  
6 512 of the Labor Code and the orders of the Industrial Welfare  
7 Commission without closing the pharmacy. During these temporary  
8 absences, a pharmacy technician may, at the discretion of the  
9 pharmacist, remain in the pharmacy but may only perform  
10 nondiscretionary tasks. The pharmacist shall be responsible for a  
11 pharmacy technician and shall review any task performed by a  
12 pharmacy technician during the pharmacist's temporary absence.  
13 Nothing in this subdivision shall be construed to authorize a  
14 pharmacist to supervise pharmacy technicians in greater ratios  
15 than those described in subdivision (f).

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

18 ~~SEC. 5.~~

19 *SEC. 3.* Section 4119.6 is added to the Business and Professions  
20 Code, to read:

21 4119.6. (a) Notwithstanding any other law, a pharmacy may  
22 furnish a dangerous drug or dangerous device to the emergency  
23 medical services system of a licensed general acute care hospital,  
24 as defined in subdivision (a) of Section 1250 of the Health and  
25 Safety Code, for storage in a secured emergency pharmaceutical  
26 supplies container maintained within the hospital in accordance  
27 with the hospital's policies and procedures. A pharmacy technician  
28 or intern pharmacist under the direct supervision and control, as  
29 defined in Section 4023.5, of a pharmacist may stock, replenish,  
30 and inspect the hospital's emergency pharmaceutical supplies  
31 container.

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

36 (c) Controlled substances shall be furnished to the hospital's  
37 emergency medical services system under this section in  
38 accordance with the California Uniform Controlled Substances  
39 Act (Division 10 (commencing with Section 11000) of the Health  
40 and Safety Code).

1 ~~SEC. 6.~~

2 *SEC. 4.* Section 4119.7 is added to the Business and Professions  
3 Code, to read:

4 4119.7. (a) Notwithstanding any other law, a pharmacy may  
5 furnish a dangerous drug or dangerous device to a licensed general  
6 acute care hospital, as defined in subdivision (a) of Section 1250  
7 of the Health and Safety Code, pursuant to preprinted or electronic  
8 standing orders, order sets, and protocols established under the  
9 policies and procedures of the hospital, as approved according to  
10 the policies of the hospital's governing body, if the order is  
11 promptly dated, timed, and authenticated in the medical record of  
12 the patient to whom the dangerous drug or dangerous device is  
13 dispensed by the ordering practitioner or another practitioner  
14 responsible for the care of that patient and authorized by the  
15 hospital's policies and procedures to write orders.

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

20 (c) (1) A pharmacist, pharmacy technician, or an intern  
21 pharmacist under the direct supervision and control, as defined in  
22 Section 4023.5, of a pharmacist, shall inspect the drugs maintained  
23 in the hospital at least once per month. The hospital shall establish  
24 specific written policies and procedures for inspections pursuant  
25 to this paragraph.

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

30 (d) The hospital shall adopt policies and procedures regarding  
31 the responsibility for ensuring proper methods for repackaging  
32 and labeling of bulk cleaning agents, solvents, chemicals, and  
33 nondrug hazardous substances used throughout the hospital  
34 according to state and federal law and standards.

35 ~~SEC. 7.~~ Section 4142 of the Business and Professions Code is  
36 amended to read:

37 4142. Except as otherwise provided by this article, no  
38 hypodermic needle or syringe shall be sold at retail except upon  
39 the prescription of a physician, dentist, veterinarian, podiatrist,

1 ~~naturopathic doctor pursuant to Section 3640.7, or pharmacist~~  
2 ~~pursuant to Section 4052.1, 4052.2, or 4052.6.~~

3 ~~SEC. 8.~~

4 *SEC. 5.* Section 11150 of the Health and Safety Code is  
5 amended to read:

6 11150. No person other than a physician, dentist, podiatrist,  
7 or veterinarian, or naturopathic doctor acting pursuant to Section  
8 3640.7 of the Business and Professions Code, or pharmacist acting  
9 within the scope of a project authorized under Article 1  
10 (commencing with Section 128125) of Chapter 3 of Part 3 of  
11 Division 107 or within the scope of Section 4052.1, 4052.2, or  
12 4052.6 of the Business and Professions Code, a registered nurse  
13 acting within the scope of a project authorized under Article 1  
14 (commencing with Section 128125) of Chapter 3 of Part 3 of  
15 Division 107, a certified nurse-midwife acting within the scope of  
16 Section 2746.51 of the Business and Professions Code, a nurse  
17 practitioner acting within the scope of Section 2836.1 of the  
18 Business and Professions Code, a physician assistant acting within  
19 the scope of a project authorized under Article 1 (commencing  
20 with Section 128125) of Chapter 3 of Part 3 of Division 107 or  
21 Section 3502.1 of the Business and Professions Code, a  
22 naturopathic doctor acting within the scope of Section 3640.5 of  
23 the Business and Professions Code, or an optometrist acting within  
24 the scope of Section 3041 of the Business and Professions Code,  
25 or an out-of-state prescriber acting pursuant to Section 4005 of the  
26 Business and Professions Code shall write or issue a prescription.

27 ~~SEC. 9.~~

28 *SEC. 6.* Section 11210 of the Health and Safety Code is  
29 amended to read:

30 11210. A physician, surgeon, dentist, veterinarian, naturopathic  
31 doctor acting pursuant to Section 3640.7 of the Business and  
32 Professions Code, or podiatrist, or pharmacist acting within the  
33 scope of a project authorized under Article 1 (commencing with  
34 Section 128125) of Chapter 3 of Part 3 of Division 107 or within  
35 the scope of Section 4052.1, 4052.2, or 4052.6 of the Business and  
36 Professions Code, or registered nurse acting within the scope of a  
37 project authorized under Article 1 (commencing with Section  
38 128125) of Chapter 3 of Part 3 of Division 107, or physician  
39 assistant acting within the scope of a project authorized under  
40 Article 1 (commencing with Section 128125) of Chapter 3 of Part

1 3 of Division 107, or naturopathic doctor acting within the scope  
2 of Section 3640.5 of the Business and Professions Code, or an  
3 optometrist acting within the scope of Section 3041 of the Business  
4 and Professions Code may prescribe for, furnish to, or administer  
5 controlled substances to his or her patient when the patient is  
6 suffering from a disease, ailment, injury, or infirmities attendant  
7 upon old age, other than addiction to a controlled substance.

8 The physician, surgeon, dentist, veterinarian, naturopathic doctor  
9 acting pursuant to Section 3640.7 of the Business and Professions  
10 Code, or podiatrist, or pharmacist acting within the scope of a  
11 project authorized under Article 1 (commencing with Section  
12 128125) of Chapter 3 of Part 3 of Division 107 or within the scope  
13 of Section 4052.1, 4052.2, or 4052.6 of the Business and  
14 Professions Code, or registered nurse acting within the scope of a  
15 project authorized under Article 1 (commencing with Section  
16 128125) of Chapter 3 of Part 3 of Division 107, or physician  
17 assistant acting within the scope of a project authorized under  
18 Article 1 (commencing with Section 128125) of Chapter 3 of Part  
19 3 of Division 107, or naturopathic doctor acting within the scope  
20 of Section 3640.5 of the Business and Professions Code, or an  
21 optometrist acting within the scope of Section 3041 of the Business  
22 and Professions Code shall prescribe, furnish, or administer  
23 controlled substances only when in good faith he or she believes  
24 the disease, ailment, injury, or infirmity requires the treatment.

25 The physician, surgeon, dentist, veterinarian, or naturopathic  
26 doctor acting pursuant to Section 3640.7 of the Business and  
27 Professions Code, or podiatrist, or pharmacist acting within the  
28 scope of a project authorized under Article 1 (commencing with  
29 Section 128125) of Chapter 3 of Part 3 of Division 107 or within  
30 the scope of Section 4052.1, 4052.2, or 4052.6 of the Business and  
31 Professions Code, or registered nurse acting within the scope of a  
32 project authorized under Article 1 (commencing with Section  
33 128125) of Chapter 3 of Part 3 of Division 107, or physician  
34 assistant acting within the scope of a project authorized under  
35 Article 1 (commencing with Section 128125) of Chapter 3 of Part  
36 3 of Division 107, or a naturopathic doctor acting within the scope  
37 of Section 3640.5 of the Business and Professions Code, or an  
38 optometrist acting within the scope of Section 3041 of the Business  
39 and Professions Code shall prescribe, furnish, or administer

1 controlled substances only in the quantity and for the length of  
2 time as are reasonably necessary.

3 ~~SEC. 10.~~

4 *SEC. 7.* No reimbursement is required by this act pursuant to  
5 Section 6 of Article XIII B of the California Constitution because  
6 the only costs that may be incurred by a local agency or school  
7 district will be incurred because this act creates a new crime or  
8 infraction, eliminates a crime or infraction, or changes the penalty  
9 for a crime or infraction, within the meaning of Section 17556 of  
10 the Government Code, or changes the definition of a crime within  
11 the meaning of Section 6 of Article XIII B of the California  
12 Constitution.

O