

AMENDED IN ASSEMBLY APRIL 28, 2015

AMENDED IN ASSEMBLY APRIL 6, 2015

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

**ASSEMBLY BILL**

**No. 1073**

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**Introduced by Assembly Member Ting**

February 27, 2015

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An act to add Section 4076.6 to the Business and Professions Code, and to add Section 1714.20 to the Civil Code, relating to pharmacy.

LEGISLATIVE COUNSEL'S DIGEST

AB 1073, as amended, Ting. Pharmacy: prescription drug labels.

The Pharmacy Law provides for the licensure and regulation of pharmacists by the California State Board of Pharmacy. That law requires the board to promulgate regulations that require, on or before January 1, 2011, a standardized, patient-centered, prescription drug label on all prescription medicine dispensed to patients in California. Existing regulations of the board implement that requirement. A violation of that law is a crime.

This bill would require a ~~dispenser~~ *dispenser, in his or her professional judgment*, to use a standardized direction for use on the label of the prescription container from a list in existing regulations. The bill would require the board to make available translations, in a minimum of 5 languages other than English, of those standardized directions for use and post the translated standardized directions for use on its Internet Web site. The bill would require a dispenser, upon request of a patient for a translated direction for use, to select the appropriate translated standardized direction for use, if available, and append it to the label on the patient's prescription container or provide it on a

supplemental document. The bill would authorize a dispenser to provide his or her own translated directions as an alternative to the above-described procedure. By imposing new requirements on dispensers, the violation of which would be a crime, this bill would impose a state-mandated local program.

The bill would exempt from civil liability a dispenser who complies with the requirement to select the appropriate translated standardized direction for use, if available, and append it to the label, for any error that results from the inability of the dispenser to understand a translated direction for use in a language other than English.

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 4076.6 is added to the Business and
- 2 Professions Code, to read:
- 3 4076.6. (a) For all dangerous drugs dispensed to patients in
- 4 this state, ~~when applicable,~~ *applicable and in the professional*
- 5 *judgment of the dispenser,* a dispenser shall use a standardized
- 6 direction for use on the label of the prescription container from
- 7 the list in subdivision (a) of Section 1707.5 of Title 16 of the
- 8 California Code of Regulations.
- 9 (b) The board shall make available translations, in a minimum
- 10 of five languages other than English, of the standardized directions
- 11 for use that are listed in subdivision (a) of Section 1707.5 of Title
- 12 16 of the California Code of Regulations. These translations shall
- 13 be approved by qualified translators, as determined by the board.
- 14 The board shall post these translated standardized directions for
- 15 use on its Internet Web site.
- 16 (c) Upon the request of a patient for a translated direction for
- 17 use, a dispenser shall select the appropriate translated standardized
- 18 direction for use from those established in accordance with
- 19 subdivision (b), if available, and append it to the label on the
- 20 patient's prescription container or provide it on a supplemental

1 document. If a translated direction for use appears on a prescription  
2 container label, the English version of the direction shall also  
3 appear on the label. The translated direction for use shall appear  
4 in the patient-centered area of the label in accordance with  
5 subdivision (a) of Section 1707.5 of Title 16 of the California Code  
6 of Regulations. The English version may appear in an area of the  
7 label outside the patient-centered area.

8 (d) A dispenser may provide his or her own translated directions  
9 as an alternative to the procedure established in subdivisions (a)  
10 to (c), inclusive. The translated directions for use shall appear in  
11 the patient-centered area of the label in accordance with subdivision  
12 (a) of Section 1707.5 of Title 16 of the California Code of  
13 Regulations or a supplemental document. The English version may  
14 appear in other areas of the label outside the patient-centered area.

15 SEC. 2. Section 1714.20 is added to the Civil Code,  
16 immediately following Section 1714.2, to read:

17 1714.20. A dispenser who complies with subdivision (c) of  
18 Section 4076.6 of the Business and Professions Code shall not be  
19 liable for civil damages for any error that results from the inability  
20 of the dispenser to understand a translated direction for use in a  
21 language other than English.

22 SEC. 3. 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.