

AMENDED IN ASSEMBLY JULY 8, 1997

AMENDED IN SENATE MARCH 11, 1997

**SENATE BILL**

**No. 114**

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**Introduced by Senator Johnson**

January 6, 1997

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An act to amend Sections 4054 and 4059 of the Business and Professions Code, relating to pharmacy.

LEGISLATIVE COUNSEL'S DIGEST

SB 114, as amended, Johnson. Pharmacy: dialysis.

Existing law provides for the regulation and licensure of the practice of pharmacy, and authorizes a pharmacist, and a manufacturer, wholesaler, or other supplier of hemodialysis drugs and devices who meet certain prescribed requirements, to distribute dangerous drugs and devices directly to hemodialysis patients pursuant to regulations adopted by the board. It also, among other things, requires home hemodialysis patients who receive these drugs or devices to complete a full course of home training given by a renal dialysis center licensed by the State Department of Health Services.

This bill would amend these provisions to apply them to dialysis instead of hemodialysis.

*Existing law requires that home dialysis patients who receive dangerous drugs or devices pursuant to provisions authorizing distribution of dangerous drugs and devices directly to dialysis patients, to have completed a full course of home training given by a renal dialysis center.*

*This bill would, instead, require the patients to have completed a full course of home training given by a dialysis center.*

*Existing law authorizes the California State Board of Pharmacy to adopt regulations as necessary to ensure the safe distribution of these dangerous drugs and devices to dialysis patients without interruption of supply, and specifies the contents of the regulations, including, but not limited to, vendor licensing, records and labeling, patient receipts, and patient training.*

*This bill would delete the provisions specifying the contents of the regulations.*

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 4054 of the Business and  
2 Professions Code is amended to read:

3 4054. Section 4051 shall not apply to a manufacturer,  
4 wholesaler, or other supplier of dialysis drugs and devices  
5 distributed directly to patients if the board finds that  
6 sufficient, qualified supervision is employed by the  
7 manufacturer, wholesaler, or supplier adequately to  
8 safeguard and protect the public health.

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

11 4059. (a) No person shall furnish any dangerous  
12 drug, except upon the prescription of a physician, dentist,  
13 podiatrist, *optometrist*, or veterinarian. No person shall  
14 furnish any dangerous device, except upon the  
15 prescription of a physician, dentist, podiatrist,  
16 *optometrist*, or veterinarian.

17 (b) This section shall not apply to the furnishing of any  
18 dangerous drug or *dangerous* device by a manufacturer,  
19 wholesaler or pharmacy to each other or to a physician,  
20 dentist, podiatrist, or veterinarian, or to a laboratory  
21 under sales and purchase records that correctly give the  
22 date, the names and addresses of the supplier and the  
23 buyer, the drug or device and its quantity. This section



1 shall not apply to the furnishing of any dangerous device  
2 by a manufacturer, wholesaler, or pharmacy to a physical  
3 therapist acting within the scope of his or her license  
4 under sales and purchase records that correctly provide  
5 the date the device is provided, the names and addresses  
6 of the supplier and the buyer, and a description of the  
7 device and the quantity supplied.

8 (c) A pharmacist, or a person exempted pursuant to  
9 Section 4054, may distribute dangerous drugs and  
10 *dangerous* devices directly to dialysis patients pursuant to  
11 regulations adopted by the board. The board shall adopt  
12 any regulations as are necessary to ensure the safe  
13 distribution of these drugs and devices to dialysis patients  
14 without ~~interruption of supply including, but not limited~~  
15 ~~to, the following: vendor licensing, records and labeling,~~  
16 ~~patient receipts, patient training, report records, specific~~  
17 ~~product and quantity limitations, verification order~~  
18 ~~forms, reports and supplies, adequate establishment~~  
19 ~~facilities, and reports to the board~~ *interruption thereof*. A  
20 person who violates a regulation adopted pursuant to this  
21 subdivision shall be liable upon order of the board to  
22 surrender his or her personal license. These penalties  
23 shall be in addition to penalties that may be imposed  
24 pursuant to Section 4301. If the board finds any dialysis  
25 drugs or devices distributed pursuant to this subdivision  
26 to be ineffective or unsafe for the intended use, the board  
27 may institute immediate recall of any or all of the drugs  
28 or devices distributed to individual patients.

29 (d) Home dialysis patients who receive any drugs or  
30 devices pursuant to subdivision (c) shall have completed  
31 a full course of home training given by a ~~renal~~ dialysis  
32 center licensed by the State Department of Health  
33 Services. The physician prescribing the dialysis products  
34 shall submit proof satisfactory to the manufacturer or  
35 wholesaler that the patient has completed the program.

36 (e) A pharmacist may furnish a dangerous drug  
37 authorized for use pursuant to Section 2620.3 to a physical  
38 therapist or may furnish topical pharmaceutical agents  
39 authorized for use pursuant to paragraph (5) of  
40 subdivision (a) of Section 3041 to an optometrist. A record



1 containing the date, name and address of the buyer, and  
2 name and quantity of the drug shall be maintained. This  
3 subdivision shall not be construed to authorize the  
4 furnishing of a controlled substance.

5 (f) A medical device retailer shall dispense, furnish,  
6 transfer, or sell a dangerous device only to another  
7 medical device retailer, a pharmacy, a physician, a  
8 licensed health care facility, a licensed physical therapist,  
9 or a patient or his or her personal representative.

10 (g) A pharmacist may furnish  
11 electroneuromyographic needle electrodes or  
12 hypodermic needles used for the purpose of placing wire  
13 electrodes for kinesiological electromyographic testing to  
14 physical therapists who are certified by the Physical  
15 Therapy Examining Committee of California to perform  
16 tissue penetration in accordance with Section 2620.5.

17 (h) Nothing in this section shall be construed as  
18 permitting a licensed physical therapist to dispense or  
19 furnish a dangerous device without a prescription of a  
20 physician, dentist, podiatrist, or veterinarian.

21 (i) A veterinary food-animal drug retailer shall  
22 dispense, furnish, transfer, or sell veterinary food-animal  
23 drugs only to another veterinary food-animal drug  
24 retailer, a pharmacy, a veterinarian, or to a veterinarian's  
25 client pursuant to a prescription from the veterinarian for  
26 food-producing animals.

