

AMENDED IN ASSEMBLY APRIL 28, 1999

AMENDED IN ASSEMBLY APRIL 14, 1999

CALIFORNIA LEGISLATURE—1999–2000 REGULAR SESSION

ASSEMBLY BILL

No. 660

Introduced by Assembly Member Cardenas

February 23, 1999

An act to add Section ~~4064.5~~ 4052.5 to the Business and Professions Code, relating to pharmacy, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

AB 660, as amended, Cardenas. Pharmacy.

Existing law generally prohibits a person from dispensing a prescription unless he or she is a pharmacist, in which case a prescription must be given to the pharmacist.

Existing law permits a pharmacist to refill a prescription without the prescriber's authorization if the prescriber is unavailable to authorize the refill and, if in the pharmacist's professional judgment, failure to refill the prescription may interrupt the patient's ongoing care and have a significant adverse effect on the patient's well-being.

~~This bill would provide for the purposes of these provisions that from the period commencing November 1, 1999, and ending February 29, 2000, a prescriber shall be deemed unavailable to authorize a refill if the pharmacist is unable to contact the prescriber with reasonable effort, and the inability to contact the prescriber arises from problems caused by~~

~~computer failures arising from the inability of computers to properly handle dates after January 1, 2000.~~

This bill would provide that notwithstanding any other provision of law, during the period commencing November 1, 1999, and ending February 29, 2000, (1) a prescriber shall be deemed unavailable to authorize a refill if confronted with problems caused by computer failures arising from the inability of computers to properly handle dates; and (2) a pharmacist may refill a prescription, based upon a request made by the patient who is taking the medication, for up to and including 90 days from the date of the request.

The bill would declare that it is to take effect immediately as an urgency statute.

Vote: ²/₃. 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 4064.5 is added to the Business~~
2 ~~and Professions Code, to read:~~

3 ~~4064.5. For the purposes of Section 4064, from the~~
4 ~~period commencing November 1, 1999, and ending~~
5 ~~February 29, 2000, a prescriber shall be deemed~~
6 ~~unavailable to authorize a refill if the pharmacist is unable~~
7 ~~to contact the prescriber with reasonable effort, and the~~
8 ~~inability to contact the prescriber arises from problems~~
9 ~~caused by computer failures arising from the inability of~~
10 ~~computers to properly handle dates after January 1, 2000.~~

11 *SECTION 1. Section 4052.5 is added to the Business*
12 *and Professions Code, to read:*

13 *4052.5. Notwithstanding any other provision of law,*
14 *during the period commencing November 1, 1999, and*
15 *ending February 29, 2000:*

16 *(a) A prescriber shall be deemed unavailable to*
17 *authorize a refill if confronted with problems caused by*
18 *computer failures arising from the inability of computers*
19 *to properly handle dates.*

20 *(b) A pharmacist may refill a prescription, based upon*
21 *a request made by the patient who is taking the*



1 medication, for up to and including 90 days from the date
2 of the request.

3 SEC. 2. This act is an urgency statute necessary for the
4 immediate preservation of the public peace, health, or
5 safety within the meaning of Article IV of the
6 Constitution and shall go into immediate effect. The facts
7 constituting the necessity are:

8 This act is intended to address problems that may arise
9 because of the possible Y2K computer problem. These
10 problems could occur prior to January 1, 2000.
11 Accordingly, it is necessary for this act to take effect
12 immediately.

O

