

**Introduced by Committee on Business and Professions
(Senators Figueroa (Chair), Johannessen, Kelley, Murray,
O’Connell, Polanco, and Speier)**

February 17, 2000

An act to amend Sections 4305.5 and 4331 of the Business and Professions Code, relating to dangerous drugs and devices.

LEGISLATIVE COUNSEL’S DIGEST

SB 1554, as introduced, Committee on Business and Professions. Dangerous drugs and devices.

(1) The Pharmacy Law provides for, among other matters, the licensing and regulation by the California State Board of Pharmacy of the conduct of pharmacies, wholesalers, medical device retailers, and veterinary food-animal drug retailers, as defined. Existing law provides for the summary suspension or revocation of a license to conduct a pharmacy if a person who is licensed to conduct a wholesaler, medical device retailer, or veterinary food-animal retailer willfully fails to notify the board of the termination of employment of a pharmacist and continues to operate that location in the absence of a pharmacist, as specified.

This bill would provide in these circumstances for the summary suspension or revocation of the license to conduct a wholesaler, medical device retailer, or veterinary food-animal drug retailer.

(2) The Pharmacy Law makes it a crime for a person, by himself or herself, or through others, to permit the dispensing

of prescriptions except by a pharmacist or any person or entity exempt under that law.

This bill would revise these provisions to make it a crime for those persons to permit the furnishing of dangerous drugs or devices, as defined, except by a pharmacist or an exempt person or entity. By expanding the scope of an existing crime, this bill would impose a state-mandated local program.

(3) 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 4305.5 of the Business and
2 Professions Code is amended to read:

3 4305.5. (a) Any person who has obtained a license to
4 conduct a wholesaler, medical device retailer, or
5 veterinary food-animal drug retailer, shall notify the
6 board within 30 days of the termination of employment
7 of any pharmacist or exemptee who takes charge of, or
8 acts as manager of the licensee. Failure to notify the board
9 within the 30-day period shall constitute grounds for
10 disciplinary action.

11 (b) Any person who has obtained a license to conduct
12 a wholesaler, medical device retailer, or veterinary
13 food-animal drug retailer, who willfully fails to notify the
14 board of the termination of employment of any
15 pharmacist or exemptee who takes charge of, or acts as
16 manager of the licensee, and who continues to operate
17 the licensee in the absence of a pharmacist or an
18 exemptee approved for that location, shall be subject to
19 summary suspension or revocation of his or her license to
20 conduct a ~~pharmacy~~ *medical device retailer, veterinary*
21 *food-animal drug retailer, or wholesaler.*



1 (c) Any pharmacist or exemptee who takes charge of,
2 or acts as manager of a wholesaler, medical device
3 retailer, or veterinary food-animal drug retailer, who
4 terminates his or her employment at the licensee, shall
5 notify the board within 30 days of the termination of
6 employment. Failure to notify the board within the
7 30-day period shall constitute grounds for disciplinary
8 action.

9 SEC. 2. Section 4331 of the Business and Professions
10 Code is amended to read:

11 4331. (a) Any person who is neither a pharmacist nor
12 an exemptee and who takes charge of a medical device
13 retailer, wholesaler, or veterinary food-animal drug
14 retailer or who dispenses a prescription or furnishes
15 dangerous devices except as otherwise provided in this
16 chapter is guilty of a misdemeanor.

17 (b) Any person who has obtained a license to conduct
18 a medical device retailer and who fails to place in charge
19 of that medical device retailer a pharmacist or exemptee,
20 or any person who, by himself or herself, or by any other
21 person, permits the compounding or dispensing of
22 prescriptions, except by a pharmacist or exemptee, or as
23 otherwise provided in this chapter, is guilty of a
24 misdemeanor.

25 (c) Any person who has obtained a license to conduct
26 a veterinary food-animal drug retailer and who fails to
27 place in charge of that veterinary food-animal drug
28 retailer a pharmacist or exemptee, or any person who, by
29 himself or herself, or by any other person, permits the
30 dispensing of prescriptions, except by a pharmacist or
31 exemptee, or as otherwise provided in this chapter, is
32 guilty of a misdemeanor.

33 (d) Any person who has obtained a license to conduct
34 a wholesaler and who fails to place in charge of that
35 wholesaler a pharmacist or exemptee, or any person who,
36 by himself or herself, or by any other person, permits the
37 ~~dispensing of prescriptions~~ *furnishing of dangerous drugs*
38 *or dangerous devices*, except by a pharmacist or
39 exemptee, or as otherwise provided in this chapter, is
40 guilty of a misdemeanor.

1 SEC. 3. No reimbursement is required by this act
2 pursuant to Section 6 of Article XIII B of the California
3 Constitution because the only costs that may be incurred
4 by a local agency or school district will be incurred
5 because this act creates a new crime or infraction,
6 eliminates a crime or infraction, or changes the penalty
7 for a crime or infraction, within the meaning of Section
8 17556 of the Government Code, or changes the definition
9 of a crime within the meaning of Section 6 of Article
10 XIII B of the California Constitution.

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