

**ASSEMBLY BILL**

**No. 2516**

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**Introduced by Assembly Member Mendoza**

February 21, 2008

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An act to add Section 4072.5 to the Business and Professions Code, relating to prescriptions.

LEGISLATIVE COUNSEL'S DIGEST

AB 2516, as introduced, Mendoza. Prescriptions: electronic transmission.

The Pharmacy Law regulates, among other matters, the dispensing by prescription of dangerous drugs and dangerous devices, and sets forth specified requirements for prescriptions. Existing law authorizes a prescriber or his or her authorized agent to electronically transmit a prescription to a pharmacist, subject to certain exceptions. A knowing violation of the Pharmacy Law is a crime.

This bill would, commencing January 1, 2010, require a prescriber to ensure that any prescription issued or made by him or her be electronically transmitted to the patient's pharmacy of choice, except as specified. The bill would provide that a violation of these provisions is not a crime.

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 4072.5 is added to the Business and
- 2 Professions Code, to read:

1 4072.5. (a) A prescriber shall ensure that any prescription  
2 issued or made by him or her be electronically transmitted to the  
3 patient's pharmacy of choice, except for any of the following:

4 (1) A prescription required by federal law to be transmitted in  
5 another manner.

6 (2) A prescription that is prevented from being transmitted  
7 electronically at the time of issuance by an emergency or  
8 unexpected technical problem.

9 (3) An order meeting the requirements of Section 4019 if the  
10 prescribed drug is to be administered at the hospital.

11 (b) Notwithstanding any other provisions of law, a violation of  
12 this section shall not be a crime.

13 (c) This section shall become operative on January 1, 2010.