

ASSEMBLY BILL

No. 2621

Introduced by Assembly Member Hueso

February 24, 2012

An act to amend Section 109300 of the Health and Safety Code, relating to disease prevention.

LEGISLATIVE COUNSEL'S DIGEST

AB 2621, as introduced, Hueso. Cancer and other serious diseases: treatment.

Existing law requires the State Department of Public Health, among other things, to adopt regulations prohibiting the prescription, administration, sale, or other distribution of any drug, substance, or device found to be harmful or of no value in the diagnosis, prevention, or treatment of cancer. Existing law prohibits the sale, offering for sale, holding for sale, delivering, giving away, prescribing, or administering of any drug, medicine, compound, or device to be used in the diagnosis, treatment, alleviation, or cure of cancer unless an application for the drug, medicine, compound, or device has been approved pursuant to the federal Food, Drug, and Cosmetic Act or by the Medical Board of California.

This bill would make technical, nonsubstantive changes to those provisions.

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 109300 of the Health and Safety Code
2 is amended to read:
3 109300. The sale, offering for sale, holding for sale, delivering,
4 giving away, prescribing, or administering of any drug, medicine,
5 compound, or device to be used in the diagnosis, treatment,
6 alleviation, or cure of cancer is unlawful and prohibited unless (1)
7 an application with respect thereto has been approved under Section
8 505 of the federal Food, Drug and Cosmetic Act, or (2) there has
9 been approved an application filed with the board setting forth *all*
10 *of the following*:
11 (a) Full reports of investigations that have been made to show
12 whether or not the drug, medicine, compound, or device is safe
13 for the use, and whether the drug, medicine, compound, or device
14 is effective in the use;
15 (b) A full list of the articles used as components of the drug,
16 medicine, compound, or device;
17 (c) A full statement of the composition of the drug, medicine,
18 compound, or device;
19 (d) A full description of the methods used in, and the facilities
20 and controls used for, the manufacture, processing, and packing
21 of the drug, medicine, or compound or in the case of a device, a
22 full statement of its composition, properties, and construction and
23 the principle or principles of its operation;
24 (e) ~~Such samples~~ *Samples* of the drug, medicine, compound,
25 or device and of the articles used as components of the drug,
26 medicine, compound, or device as the board may require; ~~and~~.
27 (f) Specimens of the labeling and advertising proposed to be
28 used for the drug, medicine, compound, or device.