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SB-569 Controlled substances: prescriptions: declared local, state, or federal emergency. (2019-2020)

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Senate Bill No. 569

CHAPTER 705

An act to add Section 11159.3 to the Health and Safety Code, relating to controlled substances.

[Approved by Governor October 09, 2019. Filed with Secretary of State October 09, 2019.]

LEGISLATIVE COUNSEL'S DIGEST

SB 569, Stone. Controlled substances: prescriptions: declared local, state, or federal emergency.

Existing law, the Pharmacy Law, authorizes the California State Board of Pharmacy, during a declared federal, state, or local emergency, to waive application of any provisions of the law or the regulations adopted pursuant to it if, in the board's opinion, the waiver will aid in the protection of public health or the provision of patient care. Those provisions also authorize a pharmacist or a licensed clinic to furnish a dangerous drug or dangerous device in reasonable quantities without a prescription during a federal, state, or local emergency to further the health and safety of the public. Existing law, the Uniform Controlled Substances Act, regulates prescription forms for controlled substances and requires prescriptions to contain specified information and to be printed with specified security features.

This bill would authorize a pharmacist, during a declared local, state, or federal emergency pursuant to which the board issues a notice that the board is waiving the application of the provisions of the Pharmacy Law, to fill a prescription for a controlled substance for use by a patient who cannot access medications as a result of the declared local, state, or federal emergency, regardless of whether the prescription form meets the above-specified requirements, if certain other requirements are met, including that the prescription is written and dispensed within the first 2 weeks of the notice issued by the board. The bill would require the patient to demonstrate, to the satisfaction of the pharmacist, their inability to access medications. The bill would prohibit refills under these provisions and would limit the dispensing of a Schedule II controlled substance to a 7-day supply.

Vote: majority Appropriation: no Fiscal Committee: yes Local Program: no

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Section 11159.3 is added to the Health and Safety Code, to read:

11159.3. (a) Notwithstanding any other law, during a declared local, state, or federal emergency, if the California State Board of Pharmacy issues a notice that the board is waiving the application of the provisions of, or regulations adopted pursuant to, the Pharmacy Law, as specified in subdivision (b) of Section 4062 of the Business and Professions Code, a pharmacist may fill a prescription for a controlled substance for use by a patient who cannot access medications as a result of the declared local, state, or federal emergency, regardless of whether the prescription form meets the requirements of Section 11162.1, if the prescription meets the following requirements:

(1) Contains the information specified in subdivision (a) of Section 11164.

(2) Indicates that the patient is affected by a declared emergency with the words "11159.3 exemption" or a similar statement.

(3) Is written and dispensed within the first two weeks of the notice issued by the board.

(b) A pharmacist filling a prescription pursuant to this section shall do all of the following:

(1) Exercise appropriate professional judgment, including reviewing the patient's activity report from the CURES Prescription Drug Monitoring Program before dispensing the medication.

(2) If the prescription is for a Schedule II controlled substance, dispense no greater than the amount needed for a seven-day supply.

(3) Require the patient to first demonstrate, to the satisfaction of the pharmacist, their inability to access medications. This demonstration may include, but is not limited to, verification of residency within an evacuation area.

(c) A pharmacist shall not refill a prescription that has been dispensed pursuant to this section.