

AMENDED IN ASSEMBLY APRIL 2, 2013

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

ASSEMBLY BILL

No. 670

Introduced by Assembly Member Atkins

February 21, 2013

An act to ~~amend Section 500 of~~ *add Section 4073.5* to the Business and Professions Code, relating to healing arts.

LEGISLATIVE COUNSEL'S DIGEST

AB 670, as amended, Atkins. ~~Healing arts: reproduction of board records.~~ *Pharmacy Law: incentive payments.*

The Pharmacy Law governs the practice of pharmacy in this state, including the permissible duties of licensed pharmacists. Among other permitted acts, a pharmacist filling a prescription order for a drug product prescribed by its trade or brand name may select another drug product with the same active chemical ingredients of the same strength, quantity, and dosage form, and of the same generic drug name as determined, as specified, of those drug products having the same active chemical ingredients. A person who violates the Pharmacy Law is guilty of a crime, as specified.

This bill would prohibit a pharmacist or pharmacy employer from receiving any payment or other compensation, in the form of money or otherwise, that is used as an inducement to specifically recommend or replace an originally prescribed drug product with a drug product that does not have the same active ingredient as the originally prescribed drug product. By creating a new crime, the bill would impose a state-mandated local program.

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.

~~Existing law establishes the Medical Board of California, the Dental Board of California, and the California State Board of Pharmacy to regulate the practice of medicine, dentistry, and pharmacy, respectively, including licensing professionals in those fields. Existing law provides that whenever the register or book of registration of one of those entities is destroyed by fire or other public calamity, the board, whose duty it is to keep the register or book, may reproduce it so that there may be shown as nearly as possible the record existing in the original at the time of destruction.~~

~~This bill would provide that acceptable forms for the reproduction include the portable document format (PDF) or other secure electronic format. The bill would also make technical, nonsubstantive changes.~~

~~Vote: majority. Appropriation: no. Fiscal committee: no-yes. State-mandated local program: no-yes.~~

The people of the State of California do enact as follows:

1 *SECTION 1. Section 4073.5 is added to the Business and*
2 *Professions Code, to read:*

3 *4073.5. (a) A pharmacist or pharmacy employer shall not*
4 *receive any payment or other compensation, in the form of money*
5 *or otherwise, that is used as an inducement to specifically*
6 *recommend or replace an originally prescribed drug product with*
7 *a drug product that does not have the same active ingredient as*
8 *the originally prescribed drug product.*

9 *(b) Nothing in this section shall be construed to prohibit*
10 *contracts that contain incentive plans that involve general*
11 *payments for consultation services that are not directly tied to*
12 *payments for recommending or replacing a specific drug product.*

13 *SEC. 2. No reimbursement is required by this act pursuant to*
14 *Section 6 of Article XIII B of the California Constitution because*
15 *the only costs that may be incurred by a local agency or school*
16 *district will be incurred because this act creates a new crime or*
17 *infraction, eliminates a crime or infraction, or changes the penalty*
18 *for a crime or infraction, within the meaning of Section 17556 of*
19 *the Government Code, or changes the definition of a crime within*

1 *the meaning of Section 6 of Article XIII B of the California*
2 *Constitution.*

3 SECTION 1. Section 500 of the Business and Professions Code
4 is amended to read:

5 500. ~~Whenever the register or book of registration of the~~
6 ~~Medical Board of California, the Dental Board of California, or~~
7 ~~the California State Board of Pharmacy is destroyed by fire or~~
8 ~~other public calamity, the board, whose duty it is to keep the~~
9 ~~register or book, may reproduce it so that there may be shown as~~
10 ~~nearly as possible the record existing in the original at the time of~~
11 ~~destruction. Acceptable forms for the reproduction include the~~
12 ~~portable document format (PDF) or other secure electronic format.~~