



STATE CAPITOL
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Assembly
California Legislature
Committee on Rules

KEN COOLEY
CHAIR

VICE CHAIR
CUNNINGHAM, JORDAN

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QUIRK-SILVA, SHARON
RAMOS, JAMES C.
RIVAS, ROBERT
WICKS, BUFFY

LEVINE, MARC (D-ALT)
MATHIS, DEVON J. (R-ALT)

Thursday, January 24, 2019
10 minutes prior to Session
State Capitol, Room 3162

CONSENT AGENDA

BILL REFERRALS

1. Consent Bill Referrals

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REQUEST TO ADD URGENCY CLAUSE

2. AB 149 (Cooper) Controlled substances: prescriptions.

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BUFFY WICKS

MARC LEVINE (D-ALT.)
DEVON J. MATHIS (R-ALT.)

Memo

To: Rules Committee Members
From: Michael Erke, Bill Referral Consultant
Date: 1/23/19
Re: Consent Bill Referrals

Since you received your preliminary list of bill referrals, the following bills have been added to the list of referrals: AB 48, AB 149, ACR 15, and ACR 16. AB 62 has been removed from the list of referrals.

REFERRAL OF BILLS TO COMMITTEE

01/24/2019

Pursuant to the Assembly Rules, the following bills were referred to committee:

<u>Assembly Bill No.</u>	<u>Committee:</u>
<u>AB 38</u>	G.O.
<u>AB 38</u>	NAT. RES.
<u>AB 40</u>	TRANS.
<u>AB 40</u>	NAT. RES.
<u>AB 48</u>	ED.
<u>AB 48</u>	HIGHER ED.
<u>AB 72</u>	BUDGET
<u>AB 73</u>	BUDGET
<u>AB 74</u>	BUDGET
<u>AB 75</u>	BUDGET
<u>AB 76</u>	BUDGET
<u>AB 77</u>	BUDGET
<u>AB 78</u>	BUDGET
<u>AB 79</u>	BUDGET
<u>AB 80</u>	BUDGET
<u>AB 81</u>	BUDGET
<u>AB 82</u>	BUDGET
<u>AB 83</u>	BUDGET
<u>AB 84</u>	BUDGET
<u>AB 85</u>	BUDGET
<u>AB 86</u>	BUDGET
<u>AB 87</u>	BUDGET
<u>AB 88</u>	BUDGET
<u>AB 89</u>	BUDGET
<u>AB 90</u>	BUDGET
<u>AB 91</u>	BUDGET
<u>AB 92</u>	BUDGET
<u>AB 93</u>	BUDGET
<u>AB 94</u>	BUDGET
<u>AB 95</u>	BUDGET
<u>AB 96</u>	BUDGET
<u>AB 97</u>	BUDGET
<u>AB 98</u>	BUDGET
<u>AB 99</u>	BUDGET
<u>AB 100</u>	BUDGET
<u>AB 101</u>	BUDGET
<u>AB 102</u>	BUDGET
<u>AB 103</u>	BUDGET
<u>AB 104</u>	BUDGET
<u>AB 105</u>	BUDGET
<u>AB 106</u>	BUDGET
<u>AB 107</u>	BUDGET
<u>AB 108</u>	BUDGET
<u>AB 109</u>	BUDGET

<u>AB 110</u>	BUDGET
<u>AB 111</u>	BUDGET
<u>AB 112</u>	BUDGET
<u>AB 113</u>	BUDGET
<u>AB 114</u>	BUDGET
<u>AB 115</u>	BUDGET
<u>AB 116</u>	BUDGET
<u>AB 117</u>	BUDGET
<u>AB 118</u>	BUDGET
<u>AB 119</u>	BUDGET
<u>AB 120</u>	BUDGET
<u>AB 121</u>	BUDGET
<u>AB 122</u>	PUB. S.
<u>AB 124</u>	ED.
<u>AB 127</u>	PUB. S.
<u>AB 130</u>	HIGHER ED.
<u>AB 131</u>	G.O.
<u>AB 135</u>	PUB. S.
<u>AB 136</u>	HEALTH
<u>AB 137</u>	PUB. S.
<u>AB 139</u>	H. & C.D.
<u>AB 140</u>	HIGHER ED.
<u>AB 141</u>	B. & P.
<u>AB 142</u>	E.S. & T.M.
<u>AB 143</u>	H. & C.D.
<u>AB 144</u>	NAT. RES.
<u>AB 145</u>	TRANS.
<u>AB 146</u>	L. GOV.
<u>AB 146</u>	TRANS.
<u>AB 147</u>	REV. & TAX.
<u>AB 148</u>	TRANS.
<u>AB 148</u>	NAT. RES.
<u>AB 149</u>	B. & P.
<u>AB 150</u>	ED.
<u>AB 151</u>	HIGHER ED.
<u>AB 152</u>	REV. & TAX.
<u>AB 153</u>	REV. & TAX.
<u>AB 154</u>	HIGHER ED.
<u>AB 155</u>	REV. & TAX.
<u>AB 156</u>	B. & P.
<u>AB 157</u>	U. & E.
<u>AB 158</u>	TRANS.
<u>AB 159</u>	TRANS.
<u>AB 160</u>	V.A.
<u>AB 160</u>	L. & E.
<u>AB 161</u>	NAT. RES.
<u>AB 162</u>	C. & C.
<u>AB 163</u>	HUM. S.

<u>AB 164</u>	PUB. S.
<u>AB 165</u>	PUB. S.
<u>AB 167</u>	HUM. S.
<u>AB 167</u>	ED.
<u>AB 168</u>	H. & C.D.
<u>AB 169</u>	PUB. S.
<u>AB 170</u>	L. & E.
<u>AB 170</u>	JUD.
<u>AB 171</u>	L. & E.
<u>AB 171</u>	JUD.
<u>AB 172</u>	TRANS.
<u>AB 173</u>	H. & C.D.
<u>AB 174</u>	HEALTH
<u>AB 174</u>	REV. & TAX.
<u>AB 175</u>	HUM. S.
<u>AB 175</u>	JUD.
<u>AB 176</u>	NAT. RES.
<u>AB 176</u>	REV. & TAX.
<u>AB 177</u>	E. & R.
<u>AB 177</u>	G.O.
<u>AB 178</u>	NAT. RES.
<u>AB 179</u>	TRANS.
<u>AB 181</u>	P.E. & R.
<u>AB 182</u>	ED.
<u>AB 183</u>	C. & C.
<u>AB 184</u>	B. & P.
<u>AB 186</u>	REV. & TAX.
<u>AB 187</u>	NAT. RES.
<u>AB 188</u>	INS.
<u>AB 189</u>	PUB. S.
<u>AB 190</u>	BUDGET
<u>ACR 15</u>	RLS.
<u>ACR 16</u>	RLS.

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Assembly California Legislature



JIM COOPER

CHAIR: BUDGET SUBCOMMITTEE NO. 4 ON STATE ADMINISTRATION
ASSEMBLYMEMBER, NINTH DISTRICT

COMMITTEES
BUDGET
GOVERNMENTAL ORGANIZATION
INSURANCE
PUBLIC EMPLOYEES, RETIREMENT, AND
SOCIAL SECURITY

SELECT COMMITTEES
CHAIR: COMMUNITY AND LAW
ENFORCEMENT RELATIONS AND
RESPONSIBILITIES

January 18, 2019

Assemblymember Ken Cooley
Chair, Assembly Committee on Rules
State Capitol, Room 3016
Sacramento, CA 95814

Re: Request to add an urgency: AB 149 (Cooper)

Dear Chair Cooley:

I'm writing to request Rules Committee approval to add an urgency to AB 149. It is necessary to add an urgency clause to AB 149 to immediately confirm the validity of prescriptions for medication written on prescription forms issued, filled, compounded, or dispensed following the enactment of Chapter 479 of the Statutes of 2018, and to clarify a timeline for implementation that preserves the continuity of treatment for patients. The draft amendments are enclosed.

Thank you.

A handwritten signature in blue ink that reads "Jim Cooper".

JIM COOPER
Assemblymember, 9th District

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ASSEMBLY RULES
2019 JAN 18 P 2:03

Amend

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RN 19 05312 PAGE 1
Substantive

AMENDMENTS TO ASSEMBLY BILL NO. 149

Amendment 1

In the heading, below line 1, insert:

(Principal coauthor: Assembly Member Arambula)
(Coauthor: Assembly Member Low)

APPROVED AS TO FORM
Legislative Counsel
By K. Londenberger

Amendment 2

In the title, strike out lines 1 and 2 and insert:

An act to amend Sections 11162.1 and 11164 of, and to add Section 11162.2 to, the Health and Safety Code, relating to controlled substances, and declaring the urgency thereof, to take effect immediately.

Amendment 3

On page 1, before line 1, insert:

SECTION 1. Section 11162.1 of the Health and Safety Code is amended to read:

11162.1. (a) The prescription forms for controlled substances shall be printed with the following features:

(1) A latent, repetitive "void" pattern shall be printed across the entire front of the prescription blank; if a prescription is scanned or photocopied, the word "void" shall appear in a pattern across the entire front of the prescription.

(2) A watermark shall be printed on the backside of the prescription blank; the watermark shall consist of the words "California Security Prescription."

(3) A chemical void protection that prevents alteration by chemical washing.

(4) A feature printed in thermochromic ink.

(5) An area of opaque writing so that the writing disappears if the prescription is lightened.

(6) A description of the security features included on each prescription form.

(7) (A) Six quantity check off boxes shall be printed on the form so that the prescriber may indicate the quantity by checking the applicable box where the following quantities shall appear:

1-24

25-49

50-74

75-100

101-150

151 and over.

(B) In conjunction with the quantity boxes, a space shall be provided to designate the units referenced in the quantity boxes when the drug is not in tablet or capsule form.



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(8) Prescription blanks shall contain a statement printed on the bottom of the prescription blank that the "Prescription is void if the number of drugs prescribed is not noted."

(9) The preprinted name, category of licensure, license number, federal controlled substance registration number, and address of the prescribing practitioner.

(10) Check boxes shall be printed on the form so that the prescriber may indicate the number of refills ordered.

(11) The date of origin of the prescription.

(12) A check box indicating the prescriber's order not to substitute.

(13) An identifying number assigned to the approved security printer by the Department of Justice.

(14) (A) A check box by the name of each prescriber when a prescription form lists multiple prescribers.

(B) Each prescriber who signs the prescription form shall identify ~~himself or herself~~ themselves as the prescriber by checking the box by ~~his or her~~ the prescriber's name.

(15) A uniquely serialized number, in a manner prescribed by the Department of ~~Justice.~~ Justice in accordance with Section 11162.2.

(b) Each batch of controlled substance prescription forms shall have the lot number printed on the form and each form within that batch shall be numbered sequentially beginning with the numeral one.

(c) (1) A prescriber designated by a licensed health care facility, a clinic specified in Section 1200, or a clinic specified in subdivision (a) of Section 1206 that has 25 or more physicians or surgeons may order controlled substance prescription forms for use by prescribers when treating patients in that facility without the information required in paragraph (9) of subdivision (a) or paragraph ~~(3) of this subdivision.~~ (3).

(2) Forms ordered pursuant to this subdivision shall have the name, category of licensure, license number, and federal controlled substance registration number of the designated prescriber and the name, address, category of licensure, and license number of the licensed health care facility the clinic specified in Section 1200, or the clinic specified in Section 1206 that has 25 or more physicians or surgeons preprinted on the form. Licensed health care facilities or clinics exempt under Section 1206 are not required to preprint the category of licensure and license number of their facility or clinic.

(3) Forms ordered pursuant to this section shall not be valid prescriptions without the name, category of licensure, license number, and federal controlled substance registration number of the prescriber on the form.

(4) (A) Except as provided in subparagraph (B), the designated prescriber shall maintain a record of the prescribers to whom the controlled substance prescription forms are issued, that shall include the name, category of licensure, license number, federal controlled substance registration number, and quantity of controlled substance prescription forms issued to each prescriber. The record shall be maintained in the health facility for three years.

(B) Forms ordered pursuant to this subdivision that are printed by a computerized prescription generation system shall not be subject to subparagraph (A) or paragraph (7) of subdivision (a). Forms printed pursuant to this subdivision that are printed by a computerized prescription generation system may contain the prescriber's name,

category of professional licensure, license number, federal controlled substance registration number, and the date of the prescription.

(d) Within the next working day following delivery, a security printer shall submit via ~~Web-based~~ web-based application, as specified by the Department of Justice, all of the following information for all prescription forms delivered:

- (1) Serial numbers of all prescription forms delivered.
- (2) All prescriber names and Drug Enforcement Administration Controlled Substance Registration Certificate numbers displayed on the prescription forms.
- (3) The delivery shipment recipient names.
- (4) The date of delivery.

SEC. 2. Section 11162.2 is added to the Health and Safety Code, to read:

11162.2. (a) Notwithstanding any other law, the uniquely serialized number described in paragraph (15) of subdivision (a) of Section 11162.1 shall not be a required feature in the printing of new prescription forms produced by approved security printers until a date determined by the Department of Justice, which shall be no later than January 1, 2020.

(b) Specifications for the serialized number shall be prescribed by the Department of Justice and shall meet the following minimum requirements:

- (1) The serialized number shall be compliant with all state and federal requirements.
- (2) The serialized number shall be utilizable as a barcode that may be scanned by dispensers.
- (3) The serialized number shall be compliant with current National Council for Prescription Drug Program Standards.

(c) The Department of Justice may adopt regulations further specifying the requirements of this section, in consultation with all stakeholders identified by the department during the rulemaking process.

SEC. 3. Section 11164 of the Health and Safety Code is amended to read:

11164. Except as provided in Section 11167, no person shall prescribe a controlled substance, nor shall any person fill, compound, or dispense a prescription for a controlled substance, unless it complies with the requirements of this section.

(a) Each prescription for a controlled substance classified in Schedule II, III, IV, or V, except as authorized by subdivision (b), shall be made on a controlled substance prescription form as specified in Section 11162.1 and shall meet the following requirements:

(1) The prescription shall be signed and dated by the prescriber in ink and shall contain the prescriber's address and telephone number; the name of the ultimate user or research subject, or contact information as determined by the Secretary of the United States Department of Health and Human Services; refill information, such as the number of refills ordered and whether the prescription is a first-time request or a refill; and the name, quantity, strength, and directions for use of the controlled substance prescribed.

(2) The prescription shall also contain the address of the person for whom the controlled substance is prescribed. If the prescriber does not specify this address on the prescription, the pharmacist filling the prescription or an employee acting under the direction of the pharmacist shall write or type the address on the prescription or maintain this information in a readily retrievable form in the pharmacy.

(b) (1) Notwithstanding paragraph (1) of subdivision (a) of Section 11162.1, any controlled substance classified in Schedule III, IV, or V may be dispensed upon an oral or electronically transmitted prescription, which shall be produced in hard copy form and signed and dated by the pharmacist filling the prescription or by any other person expressly authorized by provisions of the Business and Professions Code. Any person who transmits, maintains, or receives any electronically transmitted prescription shall ensure the security, integrity, authority, and confidentiality of the prescription.

(2) The date of issue of the prescription and all the information required for a written prescription by subdivision (a) shall be included in the written record of the prescription; the pharmacist need not include the address, telephone number, license classification, or federal registry number of the prescriber or the address of the patient on the hard copy, if that information is readily retrievable in the pharmacy.

(3) Pursuant to an authorization of the prescriber, any agent of the prescriber on behalf of the prescriber may orally or electronically transmit a prescription for a controlled substance classified in Schedule III, IV, or V, if in these cases the written record of the prescription required by this subdivision specifies the name of the agent of the prescriber transmitting the prescription.

(c) The use of commonly used abbreviations shall not invalidate an otherwise valid prescription.

(d) Notwithstanding ~~any provision of~~ subdivisions (a) and (b), prescriptions for a controlled substance classified in Schedule V may be for more than one person in the same family with the same medical need.

~~(e) This section shall become operative on January 1, 2005.~~

(e) (1) Notwithstanding any other law, a prescription written on an otherwise valid prescription form prior to January 1, 2019, that does not comply with paragraph (15) of subdivision (a) of Section 11162.1, or a valid controlled substance prescription form approved by the Department of Justice as of January 1, 2019, is a valid prescription that may be filled, compounded, or dispensed until January 1, 2021.

(2) If the Department of Justice determines that there is an inadequate availability of compliant prescription forms to meet demand on or before the date described in paragraph (1), the department may extend the period during which prescriptions written on noncompliant prescription forms remain valid for a period no longer than an additional six months.

SEC. 4. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the California Constitution and shall go into immediate effect. The facts constituting the necessity are:

To immediately confirm the validity of prescriptions for medication written on prescription forms issued, filled, compounded, or dispensed following the enactment of Chapter 479 of the Statutes of 2018, and to clarify a timeline for implementation that preserves the continuity of treatment for patients.

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Substantive

Amendment 4

On page 1, strike out lines 1 to 7, inclusive, and strike out page 2

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