

AMENDED IN ASSEMBLY APRIL 2, 2025

CALIFORNIA LEGISLATURE—2025–26 REGULAR SESSION

ASSEMBLY BILL

No. 50

Introduced by Assembly Member Bonta

December 2, 2024

An act to amend Sections 733, 4052, 4052.3, and 4064.5 of the Business and Professions Code, relating to healing arts, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

AB 50, as amended, Bonta. Pharmacists: furnishing contraceptives.

Existing law, the Pharmacy Law, establishes in the Department of Consumer Affairs the California State Board of Pharmacy to license and regulate the practice of pharmacy. Existing law requires a pharmacist, when furnishing self-administered hormonal contraceptives, to follow specified standardized procedures or protocols developed and approved by both the board and the Medical Board of California in consultation with the American Congress of Obstetricians and Gynecologists, the California Pharmacists Association, and other appropriate entities. Existing law requires those standardized procedures or protocols to require that the patient use a self-screening tool that will identify related patient risk factors and that require the pharmacist to refer the patient for appropriate followup care, as specified. Existing law requires the pharmacist to provide the recipient of the drug with a standardized factsheet that includes the indications and contraindications for use of the drug, the appropriate method for using the drug, the need for medical followup, and other appropriate information. *Existing law authorizes a pharmacist furnishing an FDA-approved, self-administered hormonal*

contraceptive pursuant to the above-described protocols to furnish, at the patient’s request, up to a 12-month supply at one time.

This bill would limit the application of those requirements to self-administered hormonal contraceptives that are prescription-only, and would authorize a pharmacist to furnish over-the-counter contraceptives without following those standardized procedures or protocols. *The bill would additionally authorize a pharmacist to furnish up to a 12-month supply at one time of over-the-counter contraceptives at the patient’s request.* The bill would make related conforming changes.

This bill would declare that it is to take effect immediately as an urgency statute.

Vote: $\frac{2}{3}$. Appropriation: no. Fiscal committee: yes.
 State-mandated local program: no.

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

- 1 SECTION 1. Section 733 of the Business and Professions Code
- 2 is amended to read:
- 3 733. (a) A licentiate shall not obstruct a patient in obtaining
- 4 a prescription drug or device that has been legally prescribed or
- 5 ordered for that patient. A violation of this section constitutes
- 6 unprofessional conduct by the licentiate and shall subject the
- 7 licentiate to disciplinary or administrative action by their licensing
- 8 agency.
- 9 (b) Notwithstanding any other law, a licentiate shall dispense
- 10 drugs and devices, as described in subdivision (a) of Section 4024,
- 11 pursuant to a lawful order or prescription unless one of the
- 12 following circumstances exists:
- 13 (1) Based solely on the licentiate’s professional training and
- 14 judgment, dispensing pursuant to the order or the prescription is
- 15 contrary to law, or the licentiate determines that the prescribed
- 16 drug or device would cause a harmful drug interaction or would
- 17 otherwise adversely affect the patient’s medical condition.
- 18 (2) The prescription drug or device is not in stock. If an order,
- 19 other than an order described in Section 4019, or prescription
- 20 cannot be dispensed because the drug or device is not in stock, the
- 21 licentiate shall take one of the following actions:

1 (A) Immediately notify the patient and arrange for the drug or
2 device to be delivered to the site or directly to the patient in a
3 timely manner.

4 (B) Promptly transfer the prescription to another pharmacy
5 known to stock the prescription drug or device that is near enough
6 to the site from which the prescription or order is transferred, to
7 ensure the patient has timely access to the drug or device.

8 (C) Return the prescription to the patient and refer the patient.
9 The licentiate shall make a reasonable effort to refer the patient to
10 a pharmacy that stocks the prescription drug or device that is near
11 enough to the referring site to ensure that the patient has timely
12 access to the drug or device.

13 (3) The licentiate refuses on ethical, moral, or religious grounds
14 to dispense a drug or device pursuant to an order or prescription.
15 A licentiate may decline to dispense a prescription drug or device
16 on this basis only if the licentiate has previously notified their
17 employer, in writing, of the drug or class of drugs to which the
18 licentiate objects, and the licentiate's employer can, without
19 creating undue hardship, provide a reasonable accommodation of
20 the licentiate's objection. The licentiate's employer shall establish
21 protocols that ensure that the patient has timely access to the
22 prescribed drug or device despite the licentiate's refusal to dispense
23 the prescription or order. For purposes of this section, "reasonable
24 accommodation" and "undue hardship" shall have the same
25 meaning as applied to those terms pursuant to subdivision (l) of
26 Section 12940 of the Government Code.

27 (c) For the purposes of this section, "prescription drug or device"
28 has the same meaning as the definition in Section 4022.

29 (d) This section applies to emergency contraception drug-therapy
30 *therapy, over-the-counter contraceptives*, and self-administered
31 prescription-only hormonal contraceptives described in Section
32 4052.3.

33 (e) This section imposes no duty on a licentiate to dispense a
34 drug or device pursuant to a prescription or order without payment
35 for the drug or device, including payment directly by the patient
36 or through a third-party payer accepted by the licentiate or payment
37 of any required copayment by the patient.

38 (f) The notice to consumers required by Section 4122 shall
39 include a statement that describes patients' rights relative to the
40 requirements of this section.

1 SEC. 2. Section 4052 of the Business and Professions Code is
2 amended to read:

3 4052. (a) Notwithstanding any other law, a pharmacist may
4 do all of the following:

5 (1) Furnish a reasonable quantity of compounded drug product
6 to a prescriber for office use by the prescriber.

7 (2) Transmit a valid prescription to another pharmacist.

8 (3) Administer drugs and biological products that have been
9 ordered by a prescriber.

10 (4) Perform procedures or functions in a licensed health care
11 facility as authorized by Section 4052.1.

12 (5) Perform procedures or functions as part of the care provided
13 by a health care facility, a licensed home health agency, a licensed
14 clinic in which there is physician oversight, a provider who
15 contracts with a licensed health care service plan with regard to
16 the care or services provided to the enrollees of that health care
17 service plan, or a physician, as authorized by Section 4052.2.

18 (6) Perform procedures or functions as authorized by Section
19 4052.6.

20 (7) Manufacture, measure, fit to the patient, or sell and repair
21 dangerous devices, or furnish instructions to the patient or the
22 patient's representative concerning the use of those devices.

23 (8) Provide consultation, training, and education to patients
24 about drug therapy, disease management, and disease prevention.

25 (9) Provide professional information, including clinical or
26 pharmacological information, advice, or consultation to other
27 health care professionals, and participate in multidisciplinary
28 review of patient progress, including appropriate access to medical
29 records.

30 (10) Furnish the medications described in subparagraph (A) in
31 accordance with subparagraph (B):

32 (A) (i) Emergency contraception drug therapy, over-the-counter
33 contraceptives, and self-administered prescription-only hormonal
34 contraceptives, as authorized by Section 4052.3.

35 (ii) Nicotine replacement products, as authorized by Section
36 4052.9.

37 (iii) Prescription medications not requiring a diagnosis that are
38 recommended by the federal Centers for Disease Control and
39 Prevention for individuals traveling outside of the United States.

1 (iv) HIV preexposure prophylaxis, as authorized by Section
2 4052.02.

3 (v) HIV postexposure prophylaxis, as authorized by Section
4 4052.03.

5 (B) The pharmacist shall notify the patient's primary care
6 provider of any drugs or devices furnished to the patient, or enter
7 the appropriate information in a patient record system shared with
8 the primary care provider, as permitted by that primary care
9 provider. If the patient does not have a primary care provider, the
10 pharmacist shall provide the patient with a written record of the
11 drugs or devices furnished and advise the patient to consult a
12 physician of the patient's choice.

13 (11) Administer immunizations pursuant to a protocol with a
14 prescriber.

15 (12) Order and interpret tests for the purpose of monitoring and
16 managing the efficacy and toxicity of drug therapies. A pharmacist
17 who orders and interprets tests pursuant to this paragraph shall
18 ensure that the ordering of those tests is done in coordination with
19 the patient's primary care provider or diagnosing prescriber, as
20 appropriate, including promptly transmitting written notification
21 to the patient's diagnosing prescriber or entering the appropriate
22 information in a patient record system shared with the prescriber,
23 when available and as permitted by that prescriber.

24 (13) Initiate, adjust, or discontinue drug therapy for a patient
25 under a collaborative practice agreement with any health care
26 provider with prescriptive authority. The collaborative practice
27 agreement may be between a single or multiple pharmacists and
28 a single or multiple health care providers with prescriptive
29 authority.

30 (14) Provide medication-assisted treatment pursuant to a state
31 protocol, to the extent authorized by federal law.

32 (b) A pharmacist who is authorized to issue an order to initiate
33 or adjust a controlled substance therapy pursuant to this section
34 shall personally register with the federal Drug Enforcement
35 Administration.

36 (c) This section does not affect the applicable requirements of
37 law relating to either of the following:

38 (1) Maintaining the confidentiality of medical records.

39 (2) The licensing of a health care facility.

1 SEC. 3. Section 4052.3 of the Business and Professions Code
2 is amended to read:

3 4052.3. (a) (1) Notwithstanding any other law, a pharmacist
4 may furnish self-administered prescription-only hormonal
5 contraceptives in accordance with standardized procedures or
6 protocols developed and approved by both the board and the
7 Medical Board of California in consultation with the American
8 Congress of Obstetricians and Gynecologists, the California
9 Pharmacists Association, and other appropriate entities. The
10 standardized procedure or protocol shall require that the patient
11 use a self-screening tool that will identify patient risk factors for
12 use of self-administered hormonal contraceptives, based on the
13 current United States Medical Eligibility Criteria (USMEC) for
14 Contraceptive Use developed by the federal Centers for Disease
15 Control and Prevention, and that the pharmacist refer the patient
16 to the patient's primary care provider or, if the patient does not
17 have a primary care provider, to nearby clinics, upon furnishing a
18 self-administered hormonal contraceptive pursuant to this
19 subdivision, or if it is determined that use of a self-administered
20 hormonal contraceptive is not recommended.

21 (2) The board and the Medical Board of California are both
22 authorized to ensure compliance with this subdivision, and each
23 board is specifically charged with the enforcement of this
24 subdivision with respect to its respective licensees. This subdivision
25 does not expand the authority of a pharmacist to prescribe any
26 prescription medication.

27 (b) (1) Notwithstanding any other law, a pharmacist may furnish
28 emergency contraception drug therapy in accordance with either
29 of the following:

30 (A) Standardized procedures or protocols developed by the
31 pharmacist and an authorized prescriber who is acting within their
32 scope of practice.

33 (B) Standardized procedures or protocols developed and
34 approved by both the board and the Medical Board of California
35 in consultation with the American Congress of Obstetricians and
36 Gynecologists, the California Pharmacists Association, and other
37 appropriate entities. The board and the Medical Board of California
38 are both authorized to ensure compliance with this clause, and
39 each board is specifically charged with the enforcement of this
40 provision with respect to its respective licensees. This subdivision

1 does not expand the authority of a pharmacist to prescribe any
2 prescription medication.

3 (2) Prior to performing a procedure authorized under this
4 subdivision, a pharmacist shall complete a training program on
5 emergency contraception that consists of at least one hour of
6 approved continuing education on emergency contraception drug
7 therapy.

8 (3) A pharmacist, pharmacist's employer, or pharmacist's agent
9 shall not directly charge a patient a separate consultation fee for
10 emergency contraception drug therapy services initiated pursuant
11 to this subdivision, but may charge an administrative fee not to
12 exceed ten dollars (\$10) above the retail cost of the drug. Upon an
13 oral, telephonic, electronic, or written request from a patient or
14 customer, a pharmacist or pharmacist's employee shall disclose
15 the total retail price that a consumer would pay for emergency
16 contraception drug therapy. As used in this paragraph, total retail
17 price includes providing the consumer with specific information
18 regarding the price of the emergency contraception drugs and the
19 price of the administrative fee charged. This limitation is not
20 intended to interfere with other contractually agreed-upon terms
21 between a pharmacist, a pharmacist's employer, or a pharmacist's
22 agent, and a health care service plan or insurer. Patients who are
23 insured or covered and receive a pharmacy benefit that covers the
24 cost of emergency contraception shall not be required to pay an
25 administrative fee. These patients shall be required to pay
26 copayments pursuant to the terms and conditions of their coverage.
27 This paragraph shall become inoperative for dedicated emergency
28 contraception drugs if these drugs are reclassified as
29 over-the-counter products by the federal Food and Drug
30 Administration.

31 (4) A pharmacist shall not require a patient to provide
32 individually identifiable medical information that is not specified
33 in Section 1707.1 of Title 16 of the California Code of Regulations
34 before initiating emergency contraception drug therapy pursuant
35 to this subdivision.

36 (c) Notwithstanding any other law, a pharmacist may furnish
37 over-the-counter contraceptives without the standardized
38 procedures or protocols that subdivision (a) requires for
39 prescription-only self-administered hormonal contraceptives.

1 (d) For each emergency contraception drug therapy or
2 self-administered prescription-only hormonal contraception
3 initiated pursuant to this section, the pharmacist shall provide the
4 recipient of the drug with a standardized factsheet that includes,
5 but is not limited to, the indications and contraindications for use
6 of the drug, the appropriate method for using the drug, the need
7 for medical followup, and other appropriate information. The board
8 shall develop this form in consultation with the State Department
9 of Public Health, the American Congress of Obstetricians and
10 Gynecologists, the California Pharmacists Association, and other
11 health care organizations. This section does not preclude the use
12 of existing publications developed by nationally recognized
13 medical organizations.

14 SEC. 4. Section 4064.5 of the Business and Professions Code
15 is amended to read:

16 4064.5. (a) A pharmacist may dispense not more than a 90-day
17 supply of a dangerous drug other than a controlled substance
18 pursuant to a valid prescription that specifies an initial quantity of
19 less than a 90-day supply followed by periodic refills of that
20 amount if all of the following requirements are satisfied:

21 (1) The patient has completed an initial 30-day supply of the
22 dangerous drug.

23 (2) The total quantity of dosage units dispensed does not exceed
24 the total quantity of dosage units authorized by the prescriber on
25 the prescription, including refills.

26 (3) The prescriber has not specified on the prescription that
27 dispensing the prescription in an initial amount followed by
28 periodic refills is medically necessary.

29 (4) The pharmacist is exercising their professional judgment.

30 (b) For purposes of this section, if the prescription continues
31 the same medication as previously dispensed in a 90-day supply,
32 the initial 30-day supply under paragraph (1) of subdivision (a) is
33 not required.

34 (c) A pharmacist dispensing an increased supply of a dangerous
35 drug pursuant to this section shall notify the prescriber of the
36 increase in the quantity of dosage units dispensed.

37 (d) In no case shall a pharmacist dispense a greater supply of a
38 dangerous drug pursuant to this section if the prescriber personally
39 indicates, either orally or in their own handwriting, "No change
40 to quantity," or words of similar meaning. Nothing in this

1 subdivision shall prohibit a prescriber from checking a box on a
2 prescription marked “No change to quantity,” provided that the
3 prescriber personally initials the box or checkmark. To indicate
4 that an increased supply shall not be dispensed pursuant to this
5 section for an electronic data transmission prescription as defined
6 in subdivision (c) of Section 4040, a prescriber may indicate “No
7 change to quantity,” or words of similar meaning, in the
8 prescription as transmitted by electronic data, or may check a box
9 marked on the prescription “No change to quantity.” In either
10 instance, it shall not be required that the prohibition on an increased
11 supply be manually initialed by the prescriber.

12 (e) This section shall not apply to psychotropic medication or
13 psychotropic drugs as described in subdivision (d) of Section 369.5
14 of the Welfare and Institutions Code.

15 (f) Except for the provisions of subdivision (d), this section does
16 not apply to FDA-approved, self-administered hormonal
17 contraceptives.

18 (1) A pharmacist shall dispense, at a patient’s request, up to a
19 12-month supply of an FDA-approved, self-administered hormonal
20 contraceptive pursuant to a valid prescription that specifies an
21 initial quantity followed by periodic refills.

22 (2) A pharmacist furnishing an FDA-approved, self-administered
23 prescription-only hormonal contraceptive pursuant to Section
24 4052.3 under protocols developed by the California State Board
25 of Pharmacy *or an over-the-counter contraceptive* may furnish,
26 at the patient’s request, up to a 12-month supply at one time.

27 (3) Nothing in this subdivision shall be construed to require a
28 pharmacist to dispense or furnish a drug if it would result in a
29 violation of Section 733.

30 (g) Nothing in this section shall be construed to require a health
31 care service plan, health insurer, workers’ compensation insurance
32 plan, pharmacy benefits manager, or any other person or entity,
33 including, but not limited to, a state program or state employer, to
34 provide coverage for a dangerous drug in a manner inconsistent
35 with a beneficiary’s plan benefit.

36 SEC. 5. This act is an urgency statute necessary for the
37 immediate preservation of the public peace, health, or safety within
38 the meaning of Article IV of the California Constitution and shall
39 go into immediate effect. The facts constituting the necessity are:

- 1 In order to quickly ensure equitable access to over-the-counter
- 2 birth control for all Californians, it is necessary that this act take
- 3 effect immediately.

O