

AMENDED IN SENATE APRIL 17, 2017

SENATE BILL

No. 546

Introduced by Senator Hill

February 16, 2017

An act to amend Sections 4809.7, 4830, and 4887 of, and to add Article 7 (commencing with Section 4920) to Chapter 11 of Division 2 of of, the Business and Professions Code, relating to healing arts.

LEGISLATIVE COUNSEL'S DIGEST

SB 546, as amended, Hill. Veterinary ~~pharmacy~~. *medicine*.

~~Existing~~

(1) *Existing* law, the Veterinary Medicine Practice Act, provides for the licensure and regulation of veterinarians and the practice of veterinary medicine by the Veterinary Medical Board. A violation of the act is a crime. The practice of veterinary medicine includes the diagnosing, prescribing, or administering of a drug, medicine, appliance, application, or treatment for the prevention, cure, or relief of a wound, fracture, bodily injury, or disease of animals. Existing law authorizes a registered veterinary technician or a veterinary assistant to administer a drug under the direct or indirect supervision of a licensed veterinarian when done pursuant to the order, control, and full professional responsibility of a licensed veterinarian.

Existing law, the Pharmacy Law, authorizes a veterinarian to personally furnish any dangerous drug prescribed by the veterinarian to the patient provided that the drug is properly labeled, as specified.

This bill, in nonemergency situations and outpatient settings, would require that each time a veterinarian prescribes, administers, dispenses, or furnishes a *dangerous* drug or *prescription* medicine, *unless in conjunction with surgery during an anesthetic procedure or emergency*

~~services, the veterinarian offer to provide the client with counseling and pharmaceutical literature prepared by the pharmaceutical laboratory or a brief handout prepared by the veterinarian, as specified: a consultation that includes specified information. The bill would further require a veterinarian to provide along with the consultation pharmaceutical literature or written information, when available, if requested by the client. The bill would authorize the counseling, literature, or handout to be provided by a veterinarian to delegate the task of providing the consultation and literature or written information to a registered veterinary technician or veterinary assistant who is employed by and working under the supervision of the veterinarian. Under specified circumstances, the bill would limit the liability of the veterinarian and the authorized representative for the information in the literature or handout and would require the client to be provided with a printed disclaimer explaining that limitation on liability. In every veterinary practice, the bill would require a poster in specified languages notifying clients about specified consumer rights and the counseling, consultation, literature, and handout requirements. Because the violation of these requirements would be a crime, the bill would impose a state-mandated local program.~~

(2) The Veterinary Medicine Practice Act requires the Veterinary Medical Board to make every effort to inspect at least 20% of veterinary premises on an annual basis.

This bill would instead require the board to inspect at least 20% of veterinary premises on an annual basis and also inspect all new veterinary premises within one year of being issued a premises permit.

(3) Under existing law, certain veterinarians and other persons are exempt from the Veterinary Medicine Practice Act. Under existing law, these exempt persons include students in the School of Veterinary Medicine of the University of California or the College of Veterinary Medicine of the Western University of Health Sciences who participate in diagnosis and treatment as part of their educational experience, as specified.

This bill would additional exempt students of an American Veterinary Medical Association Council on Education accredited veterinary medical program who participate, as part of their formal curriculum, in diagnosis and treatment with direct supervision or in surgery with immediate supervision and who meet other specified requirements. For purposes of both this exemption and the exemption described above, the bill would also require a memorandum of understanding containing

specified terms to be in place between the accredited veterinary program and any off-campus or distributive site that provides the formal curriculum.

(4) The Veterinary Medicine Practice Act allows a person whose license or registration has been surrendered while under investigation, revoked or who has been placed on probation to petition the Veterinary Medical Board for reinstatement for modification of penalty after a period of not less than one year has elapsed from the effective date of the decision ordering the disciplinary action.

This bill would extend that period to 3 years for petitions for reinstatement of a surrendered or revoked license and would extend that period to 2 years for petitions for early termination or modification of probation, unless otherwise authorized by the board in the revocation or surrender order or order imposing probation.

~~(3)~~

(5) 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.

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

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

1 **SECTION 1.** ~~This act may be known as Lizzie’s Law.~~

2 **SECTION 1.** *Section 4809.7 of the Business and Professions*
3 *Code is amended to read:*

4 4809.7. The board shall establish a regular inspection program
5 that will provide for random, unannounced inspections. The board
6 shall ~~make every effort to~~ inspect at least 20 percent of veterinary
7 premises on an annual ~~basis.~~ *basis and shall also inspect all new*
8 *veterinary premises within one year of being issued a premises*
9 *permit pursuant to Sections 4853 and 4853.1.*

10 **SEC. 2.** *Section 4830 of the Business and Professions Code is*
11 *amended to read:*

12 4830. (a) This chapter does not apply to:

13 (1) Veterinarians while serving in any armed branch of the
14 military service of the United States or the United States

1 Department of Agriculture while actually engaged and employed
2 in their official capacity.

3 (2) Veterinarians holding a current, valid license in good
4 standing in another state or country who provide assistance to a
5 California licensed veterinarian and attend on a specific case. The
6 California licensed veterinarian shall maintain a valid
7 veterinarian-client-patient relationship. The veterinarian providing
8 the assistance shall not establish a veterinarian-client-patient
9 relationship with the client by attending the case or at a future time
10 and shall not practice veterinary medicine, open an office, appoint
11 a place to meet patients, communicate with clients who reside
12 within the limits of this state, give orders, or have ultimate authority
13 over the care or primary diagnosis of a patient that is located within
14 this state.

15 (3) Veterinarians called into the state by a law enforcement
16 agency or animal control agency pursuant to subdivision (b).

17 (4) (A) Students in the School of Veterinary Medicine of the
18 University of California or the College of Veterinary Medicine of
19 the Western University of Health Sciences who participate in
20 diagnosis and treatment as part of their educational experience,
21 including those in off-campus educational programs under the
22 direct supervision of a licensed veterinarian in good standing, as
23 defined in paragraph (1) of subdivision (b) of Section 4848,
24 appointed by the University of California, Davis, or the Western
25 University of Health Sciences.

26 (B) *Students of an American Veterinary Medical Association*
27 *Council on Education accredited veterinary medical program who*
28 *participate, as part of their formal curriculum, in diagnosis and*
29 *treatment with direct supervision or in surgery with immediate*
30 *supervision. The student must have prior training in these activities*
31 *as part of the formal curriculum and supervision must be by a*
32 *California licensed veterinarian in good standing, as defined in*
33 *paragraph (1) of subdivision (b) of Section 4848.*

34 (C) *For the purposes of subparagraphs (A) and (B), where an*
35 *off-campus or distributive site provides the formal curriculum, a*
36 *memorandum of understanding between the accredited veterinary*
37 *medical program and the off-campus or distributive site must be*
38 *in place that provides for all of the following:*

39 (i) *A written description of the educational objectives expected*
40 *to be achieved at the site.*

1 (ii) *An annual review conducted by the accredited veterinary*
2 *medical program of the off-campus site to ensure that the*
3 *educational program is being delivered in accordance with the*
4 *memorandum of understanding to ensure that the formal*
5 *curriculum, clinical training, or both, is appropriate.*

6 (iii) *A mechanism for assessing training outcomes of the*
7 *educational process.*

8 (5) A veterinarian who is employed by the Meat and Poultry
9 Inspection Branch of the California Department of Food and
10 Agriculture while actually engaged and employed in his or her
11 official capacity. A person exempt under this paragraph shall not
12 otherwise engage in the practice of veterinary medicine unless he
13 or she is issued a license by the board.

14 (6) Unlicensed personnel employed by the Department of Food
15 and Agriculture or the United States Department of Agriculture
16 when in the course of their duties they are directed by a veterinarian
17 supervisor to conduct an examination, obtain biological specimens,
18 apply biological tests, or administer medications or biological
19 products as part of government disease or condition monitoring,
20 investigation, control, or eradication activities.

21 (b) (1) For purposes of paragraph (3) of subdivision (a), a
22 regularly licensed veterinarian in good standing who is called from
23 another state by a law enforcement agency or animal control
24 agency, as defined in Section 31606 of the Food and Agricultural
25 Code, to attend to cases that are a part of an investigation of an
26 alleged violation of federal or state animal fighting or animal
27 cruelty laws within a single geographic location shall be exempt
28 from the licensing requirements of this chapter if the law
29 enforcement agency or animal control agency determines that it
30 is necessary to call the veterinarian in order for the agency or
31 officer to conduct the investigation in a timely, efficient, and
32 effective manner. In determining whether it is necessary to call a
33 veterinarian from another state, consideration shall be given to the
34 availability of veterinarians in this state to attend to these cases.
35 An agency, department, or officer that calls a veterinarian pursuant
36 to this subdivision shall notify the board of the investigation.

37 (2) Notwithstanding any other provision of this chapter, a
38 regularly licensed veterinarian in good standing who is called from
39 another state to attend to cases that are a part of an investigation
40 described in paragraph (1) may provide veterinary medical care

1 for animals that are affected by the investigation with a temporary
 2 shelter facility, and the temporary shelter facility shall be exempt
 3 from the registration requirement of Section 4853 if all of the
 4 following conditions are met:

5 (A) The temporary shelter facility is established only for the
 6 purpose of the investigation.

7 (B) The temporary shelter facility provides veterinary medical
 8 care, shelter, food, and water only to animals that are affected by
 9 the investigation.

10 (C) The temporary shelter facility complies with Section 4854.

11 (D) The temporary shelter facility exists for not more than 60
 12 days, unless the law enforcement agency or animal control agency
 13 determines that a longer period of time is necessary to complete
 14 the investigation.

15 (E) Within 30 calendar days upon completion of the provision
 16 of veterinary health care services at a temporary shelter facility
 17 established pursuant to this section, the veterinarian called from
 18 another state by a law enforcement agency or animal control agency
 19 to attend to a case shall file a report with the board. The report
 20 shall contain the date, place, type, and general description of the
 21 care provided, along with a listing of the veterinary health care
 22 practitioners who participated in providing that care.

23 (c) For purposes of paragraph (3) of subdivision (a), the board
 24 may inspect temporary facilities established pursuant to this
 25 section.

26 *SEC. 3. Section 4887 of the Business and Professions Code is*
 27 *amended to read:*

28 4887. (a) (1) A person whose license or registration has been
 29 revoked or who has been placed on probation may petition the
 30 board for reinstatement or modification of penalty including
 31 modification or termination of probation after a period of not less
 32 ~~than one year~~ *as prescribed below* has elapsed from the effective
 33 date of the decision ordering the disciplinary action. The petition
 34 shall state ~~such facts as may be~~ required by the board. *The period*
 35 *shall be as follows:*

36 (A) *At least three years for reinstatement of a surrendered or*
 37 *revoked license.*

38 (B) *At least two years for early termination or modification of*
 39 *probation of three years or more.*

1 (C) *At least one year for modification of a condition or*
2 *termination of probation of less than three years.*

3 (2) *The board may, upon a showing of good cause, specify in a*
4 *revocation order, a surrender order, or an order imposing*
5 *probation of more than three years that the person may petition*
6 *the board for reinstatement or modification or termination of*
7 *probation after one year.*

8 (b) The petition shall be accompanied by at least two verified
9 recommendations from veterinarians licensed by the board who
10 have personal knowledge of the activities of the petitioner since
11 the disciplinary penalty was imposed. The petition shall be heard
12 by the board. The board may consider all activities of the petitioner
13 since the disciplinary action was taken, the offense for which the
14 petitioner was disciplined, the petitioner’s activities since the
15 license or registration was in good standing, and the petitioner’s
16 rehabilitation efforts, general reputation for truth, and professional
17 ability. The hearing may be continued from time to time as the
18 board finds necessary.

19 (c) The board reinstating the license or registration or modifying
20 a penalty may impose terms and conditions as it determines
21 necessary. To reinstate a revoked license or registration or to
22 otherwise reduce a penalty or modify probation shall require a
23 vote of five of the members of the board.

24 (d) The petition shall not be considered while the petitioner is
25 under sentence for any criminal offense, including any period
26 during which the petitioner is on court-imposed probation or parole.
27 The board may deny without a hearing or argument any petition
28 filed pursuant to this section within a period of two years from the
29 effective date of the prior decision following a hearing under this
30 section.

31 ~~SEC. 2.~~

32 *SEC. 4.* Article 7 (commencing with Section 4920) is added
33 to Chapter 11 of Division 2 of the Business and Professions Code,
34 to read:

35
36 Article 7. Pharmacy
37

38 4920. (a) ~~(1)~~—In addition to complying with the labeling
39 requirements described in Section 4076 pursuant to Section 4077,
40 in nonemergency situations and outpatient settings, each time a

1 veterinarian prescribes, administers, dispenses, or furnishes a
2 *dangerous drug or prescription medicine, as described in Section*
3 *4022, to an animal patient, the veterinarian shall offer to provide*
4 *the client with counseling and pharmaceutical literature prepared*
5 *by the pharmaceutical laboratory or a brief handout prepared by*
6 *the veterinarian. The handout shall be based on accredited*
7 *professional sources and publications and shall be in the most*
8 *simple and nonacademic language. client, or his or her authorized*
9 *representative, a consultation that includes the following*
10 *information:*

11 ~~(2) The veterinarian or authorized representative shall provide~~
12 ~~the counseling to the best of his or her ability, knowledge, and~~
13 ~~availability of information, but neither the veterinarian nor the~~
14 ~~authorized representative shall be liable for the veracity and~~
15 ~~completeness of the information provided in the literature or~~
16 ~~handout if it is information obtained through a pharmaceutical~~
17 ~~laboratory or is based on accredited professional sources and~~
18 ~~publications. For this purpose, the veterinarian or authorized~~
19 ~~representative shall provide the client with a printed disclaimer~~
20 ~~explaining the lack of liability for the information in the literature~~
21 ~~or handout if it is obtained under those circumstances and the client~~
22 ~~shall sign the disclaimer.~~

23 ~~(3) Unless there is a life-threatening warning or a critical update~~
24 ~~about the drug or medicine, a client may decline to receive the~~
25 ~~counseling, literature, or handout.~~

26 ~~(4) The counseling, literature, and handout shall include all of~~
27 ~~the following information:~~

28 ~~(A)~~

29 ~~(1) The name and description of the drug or medicine, what it~~
30 ~~does, and why it is necessary. medicine.~~

31 ~~(B) How and when to give the drug or medicine to the pet or~~
32 ~~service animal and for how long.~~

33 ~~(C) What to do if a dose is missed.~~

34 ~~(D) Possible risks and side effects, and what the client should~~
35 ~~do if they occur.~~

36 ~~(2) Details for preparation and administration to the animal~~
37 ~~patient by the client, or his or her authorized representative.~~

38 ~~(3) Route of administration, dosage form, dosage, and duration~~
39 ~~of drug therapy.~~

40 ~~(4) Directions for proper use and storage.~~

1 (5) *Actions to be taken in the event of a missed dose.*

2 (6) *Precautions and relevant warnings provided by the drug's*
3 *manufacturer, including common severe adverse effects or*
4 *interactions that may be encountered and adverse interactions*
5 *with other medications, including those available with or without*
6 *prescriptions.*

7 ~~(E)~~

8 (7) An explanation of whether the drug or medicine is standard,
9 long acting, or extended release and the possible additional risks
10 for a long-acting or extended release drug or medicine in case of
11 adverse effects: *effects due to prolonged systemic drug or medicine*
12 *clearance.*

13 ~~(F) Whether the new drug or medicine and the prescribed dosage~~
14 ~~are appropriate for the pet or service animal's age, weight, and~~
15 ~~kidney and liver function.~~

16 ~~(G) Whether the new drug or medicine will work safely with~~
17 ~~other drugs, medicines, or supplements.~~

18 ~~(H)~~

19 (8) Foods or activities that should be avoided while giving the
20 drug or medicine.

21 (9) *Drug prescription refill information.*

22 ~~(5) (A)~~

23 (b) For injections, the ~~counseling~~ *consultation* shall be provided
24 before the injection is administered to the ~~pet or service animal.~~
25 *animal patient.*

26 ~~(B) If a long-acting or extended release drug or medicine is to~~
27 ~~be administered, the client shall also be counseled before the~~
28 ~~injection about the difference between standard and long-acting~~
29 ~~or extended release drugs or medicines. This counseling may~~
30 ~~include, but is not limited to, explaining adverse reactions due to~~
31 ~~prolonged systemic drug or medicine clearance of long-acting~~
32 ~~drugs or medicines in such a way that the client understands that~~
33 ~~once the animal is injected there is no way to retrieve the drug or~~
34 ~~medicine.~~

35 ~~(6) The literature or handout shall be provided in readable-sized~~
36 ~~font.~~

37 (c) *A veterinarian shall provide along with the consultation*
38 *pharmaceutical literature or written information, when available,*
39 *if requested by the client, or his or her authorized representative.*

1 ~~(b) At the discretion of the veterinarian, the counseling,~~
2 ~~literature, or handout may be provided by a~~
3 ~~(d) A veterinarian may delegate the task of providing the~~
4 ~~consultation and literature or written information to a registered~~
5 ~~veterinary technician or veterinary assistant who is employed by~~
6 ~~and working under the supervision of the veterinarian. his or her~~
7 ~~supervision.~~
8 ~~(e) (1) The literature or handout may be provided electronically~~
9 ~~or in any other format using available technology as long as it~~
10 ~~allows the client to confirm the material was received.~~
11 ~~(2) The literature or handout shall be available to clients in~~
12 ~~English and may also be provided in Spanish and in any other~~
13 ~~language appropriate for the veterinary practice.~~
14 ~~(3) The literature or handout shall also be provided to clients~~
15 ~~with special needs or disabilities in an easily accessible format,~~
16 ~~such as, but not limited to, a large-sized font.~~
17 ~~(4)~~
18 ~~(e) The counseling consultation may be provided to the client~~
19 ~~client, or his or her authorized representative, through a telephone~~
20 ~~consultation by the veterinarian or his or her authorized~~
21 ~~representative who has access to the pet or service animal's animal~~
22 ~~patient's record.~~
23 ~~(f) Subdivisions (a) and (b) shall not apply if the client, or his~~
24 ~~or her authorized representative, declines or refuses the~~
25 ~~consultation or elects to have a prescription filled at a location~~
26 ~~other than the registered veterinary premises. If a consultation is~~
27 ~~not provided, that fact shall be recorded in the client's record.~~
28 ~~(d)~~
29 ~~(g) (1) In every veterinary practice, there shall be prominently~~
30 ~~posted in a place conspicuous to, and readable by, clients a poster~~
31 ~~in English, Spanish, and in any other appropriate languages for~~
32 ~~the veterinary practice notifying clients about all of the information~~
33 ~~described in subdivision (a): conspicuous location a poster~~
34 ~~indicating that the consultation specified in subdivisions (a) and~~
35 ~~(b) must be offered to the client, or his or her authorized~~
36 ~~representative. The heading of the poster shall read "NOTICE TO~~
37 ~~CONSUMERS". As an alternative to the poster format, the poster~~
38 ~~information may also be displayed using a video screen or any~~
39 ~~other format using available technology.~~

1 (2) The poster shall ~~also~~ inform clients about the following
2 consumer rights:

3 (A) The right to be offered *a* drug or medicine ~~counseling~~
4 *consultation* by the veterinarian or his or her ~~authorized~~
5 ~~representative~~; *registered veterinarian technician or veterinary*
6 *assistant*.

7 (B) The right to ~~know~~ *ask for* basic pharmaceutical and drug
8 and medicine interaction information.

9 ~~(C) The right to receive drug and medicine information in~~
10 ~~readable-sized font.~~

11 ~~(D)~~

12 (C) The right to have a choice to obtain either the medication
13 or a written prescription and to not be charged for the written
14 prescription as described in Section 2032.2 of Title 16 of the
15 California Code of Regulations.

16 (3) If the safety or health of any ~~pet or service~~ animal *patient*
17 is at risk, consistent with Section 4800.1, the board may adopt a
18 regulation requiring additional information to be included on the
19 poster.

20 *(h) This section shall not apply to drugs or medicine*
21 *administered to animal patients in conjunction with surgery or*
22 *during an anesthetic procedure or emergency services.*

23 *(i) This section shall be known, and may be cited, as Lizzie’s*
24 *Law for Veterinary Pharmacy.*

25 ~~SEC. 3.~~

26 *SEC. 5.* No reimbursement is required by this act pursuant to
27 Section 6 of Article XIII B of the California Constitution because
28 the only costs that may be incurred by a local agency or school
29 district will be incurred because this act creates a new crime or
30 infraction, eliminates a crime or infraction, or changes the penalty
31 for a crime or infraction, within the meaning of Section 17556 of
32 the Government Code, or changes the definition of a crime within
33 the meaning of Section 6 of Article XIII B of the California
34 Constitution.