

CONCURRENCE IN SENATE AMENDMENTS

AB 1503 (Berman)

As Amended September 5, 2025

Majority vote

SUMMARY

Extends the sunset date for the California State Board of Pharmacy (BOP) until January 1, 2030 and makes additional technical changes, statutory improvements, and policy reforms in response to issues raised during the BOP's sunset review oversight process.

Senate Amendments

- 1) Require the pharmacy technicians appointed to the newly established Pharmacy Technician Advisory Committee to represent a range of practice settings to provide a diversity of perspectives.
- 2) Clarify that the BOP has exclusive authority to determine violations of the Pharmacy Law by licensees of the board, but that the BOP retains the ability to evaluate or act regarding unlicensed activity.
- 3) Significantly narrow the services or activities a pharmacist may engage in under a standard of care practice model.
- 4) Strike language requiring pharmacies to report to the BOP regarding financial relationships with telehealth platforms.
- 5) Remove the requirement that pharmacies maintain records relating to staffing schedules, pharmacy personnel job duty statements, and consultant reports for inspection by the BOP.
- 6) Require the BOP to consult with stakeholders in developing a self-assessment form.
- 7) Strike the requirement that the pharmacist-in-charge appointed by a nonresident pharmacy have passed the North American Pharmacist Licensure Examination or the Multistate Pharmacy Jurisprudence Examination and delay the requirement that nonresident pharmacies identify a pharmacist-in-charge until July 1, 2026.
- 8) Provide that the BOP may inspect a nonresident pharmacy but not automatically as a condition of renewal once every four years,
- 9) Delete the requirement that a chain community be staffed with sufficient pharmacists with overlapping scheduled when patient care services other than dispensing or immunizations are provided.
- 10) Lower the adjusted pharmacist-to-technician ratio from 4:1 to 3:1.
- 11) Clarify the definition of "medically underserved area" for purposes of fee waivers established in the bill.
- 12) Add language to resolve potential chaptering conflicts and make additional technical and nonsubstantive changes.

COMMENTS

Sunset review. In order to ensure that California's myriad professional boards and bureaus are meeting the state's public protection priorities, authorizing statutes for these regulatory bodies are subject to statutory dates of repeal, at which point the entity "sunset" unless the date is extended by the Legislature. The sunset process provides a regular forum for discussion around the successes and challenges of various programs and the consideration of proposed changes to laws governing the regulation of professionals. Currently, the sunset review process applies to approximately three dozen different boards and bureaus under the Department of Consumer Affairs, as well as the Department of Real Estate and three nongovernmental nonprofit councils.

On a schedule averaging every four years, each entity is required to present a report to the Legislature's policy committees, which in return prepare a comprehensive background paper on the efficacy and efficiency of their licensing and enforcement programs. Both the Administration and regulated professional stakeholders actively engage in this process. Legislation is then subsequently introduced extending the repeal date for the entity along with any reforms identified during the sunset review process.

California State Board of Pharmacy. The BOP is the regulatory body within the Department of Consumer Affairs responsible for overseeing the practice of pharmacy in California. The BOP is currently estimated to regulate over 50,700 pharmacists, 1,300 advanced practice pharmacists, 4,400 intern pharmacists, and 65,700 pharmacy technicians across a total of 32 licensing programs. In addition to regulating professionals, the BOP oversees and licenses pharmacies, clinics, wholesalers, third-party logistic providers, and automated drug delivery systems.

Issues Raised during Sunset Review. The background paper for the BOP's sunset review oversight hearing contained a total of 32 issues and recommendations, each of which is eligible to result in statutory changes enacted through the BOP's sunset bill.

Board Member Expertise. Issue no. 1 in the sunset background paper for the BOP discussed whether existing law governing the membership composition of the BOP be amended to include a pharmacy technician. This bill would instead require the BOP to establish and appoint a Pharmacy Technician Advisory Committee to advise and make recommendations to the BOP on matters relating to pharmacy technicians. The committee would serve only in an advisory capacity to the BOP and the objectives, duties, and actions of the committee would not be a substitute for, nor conflict with, any of the powers, duties, and responsibilities of the BOP. The intent of this bill in establishing the committee would be to ensure that pharmacy technicians have a voice in BOP decision-making, even if they do not have a member on the BOP itself.

Standard of Care Model for Pharmacy Practice. Issue no. 12 in the sunset background paper for the BOP discussed whether the practice of pharmacy should transition to a standard of care model. The BOP's prior sunset bill in 2021 required the BOP to convene a workgroup of interested stakeholders to discuss whether moving to a standard of care enforcement model would be feasible and appropriate for the regulation of pharmacy. The BOP established a Standard of Care Ad Hoc Committee, which convened seven meetings and subsequently submitted a report to the Legislature with its findings and recommendations. The report concluded that patients would benefit from pharmacists gaining additional independent authority to provide patient care services, not limited to the traditional dispensing tasks performed at licensed facilities, consistent with their respective education, training, and experience.

The BOP's Licensing Committee developed language, much of which is currently included in this bill, in consultation with stakeholders over a series of public meetings to effectuate the BOP's recommendations. The legislative proposal seeks to transition many provisions of pharmacist care to a standard of care model in lieu of the current prescriptive model established. As an example, under the BOP's proposed language, a pharmacist would retain the ability to provide hormonal contraception, but would follow a standard of care approach, in lieu of following prescriptive rules established in the BOP's regulation.

Nonresident Pharmacies. Issue no. 14 in the sunset background paper for the BOP considered whether new requirements for nonresident pharmacies would aid in the BOP's efforts to ensure compliance with California law. Under current law, while a nonresident pharmacy is required to hold a nonresident pharmacy license issued by the BOP, neither the pharmacist-in-charge or other pharmacists are required to be licensed in California. The BOP argues that this stands in contrast to many other states which require such licensure.

In addition, the BOP has expressed concern about actions taken in a few jurisdictions to waive examination requirements for pharmacists. Through the BOP's discussion, members expressed concerns about the BOP's current inability to perform inspections at nonresident pharmacies and the disparity this creates. Members also expressed concern that a pharmacist-in-charge of a nonresident pharmacy has not established minimum competency with California law yet is responsible for operational and legal compliance with California pharmacy law. This bill would require the pharmacist-in-charge of a nonresident pharmacy to be licensed in California.

Pharmacist to Pharmacy Technician Ratio. Issue no. 19 in the sunset background paper for the BOP discussed whether provisions of the Pharmacy Law restricting the number of pharmacy technicians that may be utilized at a pharmacy relative to the number of pharmacists should be amended. The Pharmacy Law provides that "a pharmacy with only one pharmacist shall have no more than one pharmacy technician"; if more than one pharmacist is working in the pharmacy, that ratio increases to allow up to two pharmacy technicians per pharmacist. For a number of years, representatives of chain community pharmacies have advocated to change the ratio restrictions to allow for more pharmacy technicians to assist pharmacists in their pharmacies.

Despite ongoing concerns from representatives of practicing pharmacists about insufficient staffing in community pharmacies, there has been opposition to increasing the pharmacy technician ratio in these settings out of fear that pharmacies would displace their pharmacist workforce with additional pharmacy technicians. Concerns have also been raised about requiring pharmacists to supervise additional personnel. However, supporters of an expansion of the ratio argue that California continues to have one of the most restrictive ratios in the country, with over half of all states in the country allowing four or more pharmacy technicians per pharmacist. Meanwhile, the National Association of Boards of Pharmacy has recommended the eliminations of ratios entirely.

This bill would authorize the pharmacist-in-charge to determine the appropriate number of pharmacy technicians that should be working in the pharmacy. The maximum ratio would then be increased to up to three pharmacy technicians working per pharmacist. The bill would expressly provide that no other person, permittee, or licensee shall interfere with the exercise of the pharmacist-in-charge's independent professional judgment in setting the pharmacist-to-technician ratio.

Pharmacy Deserts. Issue no. 27 in the sunset background paper for the BOP discussed whether the BOP should waive application fees for pharmacies seeking to operate in a medically underserved area. The BOP estimates that there are over 100 "pharmacy deserts" in California, which the BOP proposes to define as a medically underserved area that does not have a physical pharmacy within 50 road miles. The BOP is proposing to waive the license fees associated with opening a new brick-and-mortar pharmacy in a pharmacy desert. Further, the BOP is proposing to use dedicated staff to serve as an ombudsperson to assist the pharmacy owner with pharmacy application requirements. The BOP's proposal, which is included in this bill, would allow pharmacies established in the pharmacy deserts to operate without paying fees to the BOP until such time as more than two pharmacies conduct business in the underserved area.

According to the Author

"This bill is the sunset review vehicle for the California State Board of Pharmacy. The bill extends the sunset date for the BOP and enacts technical changes, statutory improvements, and policy reforms in response to issues raised during the BOP's sunset review oversight process."

Arguments in Support

The *California State Board of Pharmacy* supports this bill, writing: "The Board appreciates the Committee's commitment to public safety and ensuring access to quality pharmaceutical care. AB 1503 reflects a thoughtful response to the concerns and recommendations raised in our Sunset Report." The BOP further writes: "These provisions are essential for ensuring that the Board can continue to fulfill its mission of protecting the health and safety of California consumers. We commend the Committee for its leadership, collaborative approach, and continued engagement with the Board throughout the review process. We look forward to working together to implement the proposed improvements and to support continued oversight of and innovation in the pharmacy profession."

Arguments in Opposition

The *United Nurses Associations of California/Union of Health Care Professionals* (UNAC) opposes this bill, specifically the provisions expanding the number of pharmacy technicians that may work in a pharmacy proportionate to the number of pharmacists. UNAC writes: "Pharmacists are already overworked and they work to fill their vital role as part of the health care access and delivery team in California. AB 1503 would impose on pharmacists an onerous new task of monitoring the work of up to four pharmacy technicians, which is orders of magnitude greater than their current supervisory obligations. While this might allow chain drug stores to process prescriptions more quickly, it greatly increases the risk of serious medication errors to the lack of adequate oversight by a licensed pharmacist. This bill would represent an extreme and dangerous change to health care in California."

FISCAL COMMENTS

According to the Senate Committee on Appropriations, the 2025-26 Budget Act provides approximately \$36.446 million to support the continued operation of the BOP; the Office of Information Services within the Department of Consumer Affairs reports minor costs of approximately \$4,000 to create new enforcement codes and update fee waiver codes, which is anticipated to be absorbable within existing resources.

VOTES:**ASM BUSINESS AND PROFESSIONS: 13-1-4**

YES: Berman, Flora, Ahrens, Bauer-Kahan, Caloza, Elhawary, Wilson, Irwin, Jackson, Krell, Lowenthal, Nguyen, Pellerin

NO: Bains

ABS, ABST OR NV: Alanis, Chen, Hadwick, Macedo

ASM APPROPRIATIONS: 11-1-3

YES: Wicks, Arambula, Calderon, Caloza, Elhawary, Fong, Mark González, Hart, Pacheco, Pellerin, Solache

NO: Dixon

ABS, ABST OR NV: Sanchez, Ta, Tangipa

ASSEMBLY FLOOR: 54-1-24

YES: Addis, Aguiar-Curry, Ahrens, Alvarez, Ávila Farías, Bauer-Kahan, Bennett, Berman, Boerner, Bryan, Calderon, Caloza, Carrillo, Connolly, DeMaio, Elhawary, Flora, Fong, Gabriel, Garcia, Gipson, Mark González, Hadwick, Haney, Harabedian, Hart, Irwin, Jackson, Kalra, Krell, Lee, Lowenthal, McKinnor, Nguyen, Ortega, Pacheco, Papan, Pellerin, Petrie-Norris, Quirk-Silva, Ramos, Ransom, Celeste Rodriguez, Michelle Rodriguez, Rogers, Blanca Rubio, Schultz, Sharp-Collins, Solache, Soria, Stefani, Wicks, Wilson, Rivas

NO: Bains

ABS, ABST OR NV: Alanis, Arambula, Bonta, Castillo, Chen, Davies, Dixon, Ellis, Gallagher, Jeff Gonzalez, Hoover, Lackey, Macedo, Muratsuchi, Patel, Patterson, Sanchez, Schiavo, Ta, Tangipa, Valencia, Wallis, Ward, Zbur

UPDATED

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