

CONCURRENCE IN SENATE AMENDMENTS

AB 1794 (Ransom)

As Amended June 8, 2026

Majority vote

SUMMARY

Authorizes a pharmacist, manufacturer, or wholesaler to deliver prescribed enteral nutrition directly to a patient's residence.

Senate Amendments

Clarify that a pharmacist, manufacturer, or wholesaler under this bill must follow the Pharmacy Law and the standard of care.

COMMENTS

Background. In clinical nutrition, nutrition therapy is a component of nutrition care provided during medical treatment. Nutrition therapy is provided through food replacements or nutritional supplements to maintain a healthy nutritional status when dealing with medical conditions.

Enteral nutrition is one of three forms of nutrition therapy, along with oral nutrition and parenteral nutrition. Oral nutrition involves eating or drinking the therapy by mouth. Enteral nutrition utilizes medical devices, such as nasal or stomach feeding tubes, to bypass the mouth and access the gastrointestinal (GI) tract directly. Parenteral nutrition utilizes intravenous catheters to provide the nutrients through the bloodstream, bypassing the GI tract altogether.

Direct Delivery of Prescription Enteral Nutrition. The Pharmacy Law and federal law specifically exempt food, which is defined to include enteral nutrition, from the definition of a drug. As a result, enteral nutrition is not regulated as a drug nor mentioned in the California State Board of Pharmacy (CSBP) regulations. When enteral nutrition is prescribed, a pharmacist may still process the prescription for labeling or payor reimbursement purposes, but there is no Pharmacy Law impediment to delivering food directly to a consumer.

According to the Author

[This bill] addresses a critical but often overlooked component of healthcare: access to medically necessary enteral formulas. For many Californians living with chronic illness, neurological conditions, gastrointestinal disorders, or severe disabilities who can't consume food orally, enteral formula is life-sustaining liquid nutrition. These products are equivalent to food and prescribed by healthcare providers to keep people nourished and healthy, preventing hospitalization, and preserving their quality of life. Patients and families face unnecessary barriers to obtaining enteral formula; for medically fragile patients it can be difficult or even dangerous to make trips to the pharmacy to pick up a food product. That is an unacceptable barrier. Nutrition delivered through enteral products, defined as "medical food," should be as accessible for patients as the grocery store. [This bill] makes access to these medically necessary formulas simple and straightforward for patients, allowing the formula to be shipped directly to their front door, because no one should struggle to obtain the nutrition they need to survive and thrive.

Arguments in Support

The *California Association of Medical Product Suppliers* (sponsor) writes in support:

[This bill] seeks to allow for prescribed "medically necessary supplements, or enteral nutrition" to be dispensed directly to patients at their homes while maintaining pharmacist oversight to ensure that nutritionally complete and clinically appropriate products are delivered safely. "Drop shipment" of enteral nutrition formulas directly to a patient's home has provided a lifeline for medically fragile patients who would otherwise be forced to struggle with transportation due to a combination of physical, medical, sensory, and logistical challenges in order to retrieve their nutritional supports.

Enteral nutrition formulas are administered under medical supervision when prescribed for treatment for digestive and inherited metabolic disorders. Medicare and many commercial payers allow for shipment directly to patients' homes as a cost-effective and efficient distribution method. Once the pharmacist confirms the initial order, allowing direct shipment streamlines access and reduces overhead - especially critical for medically fragile patients who rely on consistent nutritional support.

Medicare and many commercial payers allow for drop shipping as a cost-effective and efficient distribution method of enteral nutrition formulas and products. Prior to the establishment of Medi-Cal Rx in January 2022, licensed Home Medical Device Retailers (HMDRs) were able to distribute these items under fee for service and Medi-Cal managed care in the same manner. However, once Medi-Cal RX was implemented, it limited the distribution of enteral nutrition to "by pharmacies only." Providers were recently notified by Prime Therapeutics, the pharmacy benefit manager (PBM) for California's Medi-Cal Rx program, that drop shipping directly to patients' homes would no longer be acceptable as dispensing of these nutritional items would require a pharmacist or pharmacy technician to physically pull and label the items.

We believe this interpretation may have occurred since the implementation of Medi-Cal RX, and that enteral nutrition is now being treated with the same caution reserved for "controlled drugs" and "dangerous drugs" as opposed to "food." If left unchanged, this policy poses serious repercussions for those who rely on enteral nutrition formulas for their daily nutritional needs.

Arguments in Opposition

There is no opposition to the current version of the bill on file.

FISCAL COMMENTS

According to the Senate Appropriations Committee, pursuant to Senate Rule 28.8, no significant state costs anticipated.

VOTES:**ASM BUSINESS AND PROFESSIONS: 18-0-1**

YES: Berman, Johnson, Addis, Ahrens, Alanis, Bauer-Kahan, Caloza, Chen, Elhawary, Hadwick, Haney, Hart, Irwin, Jackson, Lowenthal, Macedo, Nguyen, Pellerin

ABS, ABST OR NV: Bains

ASM APPROPRIATIONS: 14-0-1

YES: Wicks, Hoover, Arambula, Calderon, Caloza, Dixon, Fong, Mark González, Krell, Pacheco, Pellerin, Solache, Ta, Tangipa

ABS, ABST OR NV: Muratsuchi

ASSEMBLY FLOOR: 73-0-7

YES: Addis, Aguiar-Curry, Ahrens, Alanis, Alvarez, Ávila Farías, Bains, Bauer-Kahan, Bennett, Berman, Boerner, Bonta, Bryan, Calderon, Caloza, Carrillo, Castillo, Chen, Connolly, Davies, DeMaio, Dixon, Elhawary, Ellis, Flora, Fong, Gabriel, Gallagher, Garcia, Gipson, Jeff Gonzalez, Mark González, Hadwick, Haney, Harabedian, Hart, Hoover, Irwin, Jackson, Johnson, Kalra, Krell, Lackey, Lee, Macedo, McKinnor, Muratsuchi, Nguyen, Ortega, Pacheco, Papan, Patel, Patterson, Pellerin, Petrie-Norris, Ramos, Ransom, Rogers, Blanca Rubio, Sanchez, Schiavo, Schultz, Sharp-Collins, Stefani, Ta, Tangipa, Valencia, Wallis, Ward, Wicks, Wilson, Zbur, Rivas

ABS, ABST OR NV: Arambula, Lowenthal, Quirk-Silva, Celeste Rodriguez, Michelle Rodriguez, Solache, Soria

UPDATED

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CONSULTANT: Vincent Chee / B. & P. / (916) 319-3301

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