

**Introduced by Senator Hill**February 16, 2017

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

## LEGISLATIVE COUNSEL'S DIGEST

SB 546, as introduced, Hill. Veterinary pharmacy.

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 drug or medicine, 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. The bill would authorize the counseling, literature, or handout to be provided by 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, literature, and handout requirements. Because the violation of these requirements would be a crime, the bill would impose a state-mandated local program.

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

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Article 7. Pharmacy

8 4920. (a) (1) In addition to complying with the labeling  
9 requirements described in Section 4076 pursuant to Section 4077,  
10 in nonemergency situations and outpatient settings, each time a  
11 veterinarian prescribes, administers, dispenses, or furnishes a drug  
12 or medicine, the veterinarian shall offer to provide the client with  
13 counseling and pharmaceutical literature prepared by the  
14 pharmaceutical laboratory or a brief handout prepared by the  
15 veterinarian. The handout shall be based on accredited professional  
16 sources and publications and shall be in the most simple and  
17 nonacademic language.

18 (2) The veterinarian or authorized representative shall provide  
19 the counseling to the best of his or her ability, knowledge, and  
20 availability of information, but neither the veterinarian nor the

1 authorized representative shall be liable for the veracity and  
2 completeness of the information provided in the literature or  
3 handout if it is information obtained through a pharmaceutical  
4 laboratory or is based on accredited professional sources and  
5 publications. For this purpose, the veterinarian or authorized  
6 representative shall provide the client with a printed disclaimer  
7 explaining the lack of liability for the information in the literature  
8 or handout if it is obtained under those circumstances and the client  
9 shall sign the disclaimer.

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

13 (4) The counseling, literature, and handout shall include all of  
14 the following information:

15 (A) The name of the drug or medicine, what it does, and why  
16 it is necessary.

17 (B) How and when to give the drug or medicine to the pet or  
18 service animal and for how long.

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

20 (D) Possible risks and side effects, and what the client should  
21 do if they occur.

22 (E) An explanation of whether the drug or medicine is standard,  
23 long acting, or extended release and the possible additional risks  
24 for a long-acting or extended release drug or medicine in case of  
25 adverse effects.

26 (F) Whether the new drug or medicine and the prescribed dosage  
27 are appropriate for the pet or service animal's age, weight, and  
28 kidney and liver function.

29 (G) Whether the new drug or medicine will work safely with  
30 other drugs, medicines, or supplements.

31 (H) Foods or activities that should be avoided while giving the  
32 drug or medicine.

33 (5) (A) For injections, the counseling shall be provided before  
34 the injection is administered to the pet or service animal.

35 (B) If a long-acting or extended release drug or medicine is to  
36 be administered, the client shall also be counseled before the  
37 injection about the difference between standard and long-acting  
38 or extended release drugs or medicines. This counseling may  
39 include, but is not limited to, explaining adverse reactions due to  
40 prolonged systemic drug or medicine clearance of long-acting

1 drugs or medicines in such a way that the client understands that  
2 once the animal is injected there is no way to retrieve the drug or  
3 medicine.

4 (6) The literature or handout shall be provided in readable-sized  
5 font.

6 (b) At the discretion of the veterinarian, the counseling,  
7 literature, or handout may be provided by a registered veterinary  
8 technician or veterinary assistant who is employed by and working  
9 under the supervision of the veterinarian.

10 (c) (1) The literature or handout may be provided electronically  
11 or in any other format using available technology as long as it  
12 allows the client to confirm the material was received.

13 (2) The literature or handout shall be available to clients in  
14 English and may also be provided in Spanish and in any other  
15 language appropriate for the veterinary practice.

16 (3) The literature or handout shall also be provided to clients  
17 with special needs or disabilities in an easily accessible format,  
18 such as, but not limited to, a large-sized font.

19 (4) The counseling may be provided to the client through a  
20 telephone consultation by the veterinarian or his or her authorized  
21 representative who has access to the pet or service animal's record.

22 (d) (1) In every veterinary practice, there shall be prominently  
23 posted in a place conspicuous to, and readable by, clients a poster  
24 in English, Spanish, and in any other appropriate languages for  
25 the veterinary practice notifying clients about all of the information  
26 described in subdivision (a). The heading of the poster shall read  
27 "NOTICE TO CONSUMERS". As an alternative to the poster  
28 format, the poster information may also be displayed using a video  
29 screen or any other format using available technology.

30 (2) The poster shall also inform clients about the following  
31 consumer rights:

32 (A) The right to be offered drug or medicine counseling by the  
33 veterinarian or his or her authorized representative.

34 (B) The right to know basic pharmaceutical and drug and  
35 medicine interaction information.

36 (C) The right to receive drug and medicine information in  
37 readable-sized font.

38 (D) The right to have a choice to obtain either the medication  
39 or a written prescription and to not be charged for the written

1 prescription as described in Section 2032.2 of Title 16 of the  
2 California Code of Regulations.

3 (3) If the safety or health of any pet or service animal is at risk,  
4 consistent with Section 4800.1, the board may adopt a regulation  
5 requiring additional information to be included on the poster.

6 SEC. 3. No reimbursement is required by this act pursuant to  
7 Section 6 of Article XIII B of the California Constitution because  
8 the only costs that may be incurred by a local agency or school  
9 district will be incurred because this act creates a new crime or  
10 infraction, eliminates a crime or infraction, or changes the penalty  
11 for a crime or infraction, within the meaning of Section 17556 of  
12 the Government Code, or changes the definition of a crime within  
13 the meaning of Section 6 of Article XIII B of the California  
14 Constitution.

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