

**California.** The Legislature adjourn on August 31. The following bills of interest to chain pharmacy have been sent to Gov. Jerry Brown (D) who has until Sunday, September 30 to sign into law, veto, or allow to become law without his signature.

- [AB 2789](#), legislation chain pharmacy supported sponsored by the Board of Pharmacy that will mandate e-prescribing for all prescriptions with some exceptions by Saturday, January 1, 2022.
- [AB 2256](#), legislation chain pharmacy supported that allows pharmacies and wholesalers to furnish naloxone hydrochloride or other opioid antagonists to law enforcement agencies.
- [AB 315](#) is a PBM transparency/gag clause bill that includes provisions requiring a pharmacy to inform a customer at the point of sale for a covered prescription drug whether the retail price is lower than the applicable cost-sharing amount for the prescription drug, unless the pharmacy automatically charges the customer the lower price. If the customer pays the retail price, the bill would require the pharmacy to submit the claim to the plan or insurer in the same manner as if the customer had purchased the prescription drug by paying the cost-sharing amount when submitted by the network pharmacy.
- [SB 1442](#) is the United Food and Commercial Workers' adequate staffing bill that will require a chain pharmacy to provide a pharmacist with support staff available to assist the pharmacist at all times. We were successful in amending the bill so that support staff does not have to be licensed by the Board of Pharmacy.
- [AB 1751](#) and [AB 1753](#) were two bills the Department of Justice sponsored on the controlled substance database that chain pharmacy successfully amended clarifying that pharmacies are only required to include the prescribers license number and license type in CURES when it is provided on the prescription.
- [AB 2859](#) deals with the placement of safe storage products that are available for sale, was successfully amended by chain pharmacies so that they are displayed in the store close to the pharmacy, not behind the pharmacy counter.
- [SB 1121](#) was the privacy clean-up bill that chain pharmacy worked with a broader business coalition to modify certain HIPPA requirements.
- [SB 212](#), the drug and sharps take-back and disposal legislation that establishes a statewide program under the Department of Resources, Recycle and Recovery (CalRecycle) imposing requirements on manufacturers, wholesalers and pharmacies, passed. NACDS and the California Retailers Association were successful in amending the bill to remove many of the onerous requirements on pharmacies. A detailed summary of the bill is [available](#).

Earlier this year on June 28th, the Governor did sign into law [AB 375](#), a sweeping new privacy law effective January 1, 2020, that will place numerous additional privacy requirements on businesses and give consumers broad, new rights. This legislation, though officially opposed by the business community, was presented by legislators to the industry on June 21 as a “take it or leave it” alternative to the Consumer Privacy Initiative which would have appeared on the November ballot. Among the key provisions are:

- Gives consumers various rights with respect to their personal information collected by businesses -- the right to access it, the right to delete it, the right to know what information or categories of information are collected, the right to know whether that information is being sold or shared, the right to stop a business from selling that info, and the right to equal service and price.
- Contains a private right of action for data breaches and gives enforcement and regulatory powers to the Attorney General.
- Impacts any business with gross annual revenues over \$25 million that collects consumers' personal information.
- Compliance will consist of new notice and disclosure requirements, privacy policy revisions, and limitations on what information can be collected, shared and sold. Although the damages for violations are significantly less than the Privacy Initiative, businesses will still be subject to \$100-\$750 in damages per consumer, per incident; to injunctive or declaratory relief; or to any other relief the court deems fitting.

The Attorney General will be responsible for enforcement, including determining whether an action can proceed. Businesses will be able to seek guidance on compliance and participate in the adoption of regulations.