



Dr. Seung Oh
President
California State Board of Pharmacy
2720 Gateway Oaks Dr., Ste 100
Sacramento, CA 95833

October 26, 2023

President Oh,

I am writing to provide you and your fellow board members with an update on the availability of medication flavoring to children and parents across the state of California. As a result of the Boards pending rule change and the Governor's veto of AB 782, a bill that would have resolved the conflict created by AB 973, **effective November 1, 2023, 3,078 pharmacies in California will have ceased offering flavoring to their patients.** This is not hypothetical. This is happening. That leaves no more than 60 pharmacy locations across the entire state that may continue to provide the service. The attached maps show just how limited access has become for the millions of parents who depend on flavoring to help their children take their medicine and get well.

AB 782 passed through the legislature unanimously. Not a single senator or assembly member opposed the bill. AB 782 had widespread support from child advocacy groups and pharmacy groups, including, notably, the California Society of Health-System Pharmacists (CSHP), an organization previously headed by Dr. Serpa. In fact, the California State Board of Pharmacy was the only constituent to oppose AB 782. Its opposition made no sense given that AB 782 fixed the conflict with AB 973, which Board staff and some members repeatedly pointed to as the justification for striking down longstanding policy in favor of medicine flavoring.

Based on the content of the Governor's veto letter, which mirrored the Board's terribly flawed argument about a supposed conflict with federal law (a position that no other board of pharmacy across the entire United States has taken), the California State Board of Pharmacy has made itself solely responsible for this decimation of access to a life-improving pharmacy service upon which millions of California children and parents have come to rely. Board members have argued that, should pharmacies cease to offer flavoring because they cannot or will not comply with USP 795 standards, it is their business decision. However, **when nearly every business makes the same decision as a result of the State's regulatory changes, that makes those changes a textbook example of bad policy.**

You still have the opportunity to right this wrong. Pharmacies will once again provide flavoring to their customers if you give them a reasonable path forward, like so many other boards of pharmacy have. I hope that you and your fellow board members consider this when rule changes come up for comment and debate.

Chad Baker
Senior Vice President, Government Relations
FLAVORx

Medicine Flavoring Availability in California

Before November 1, 2023

and

After November 1, 2023

BEFORE

Flavoring Availability in
California Pharmacies on
10/31/2023:

3,138 Locations



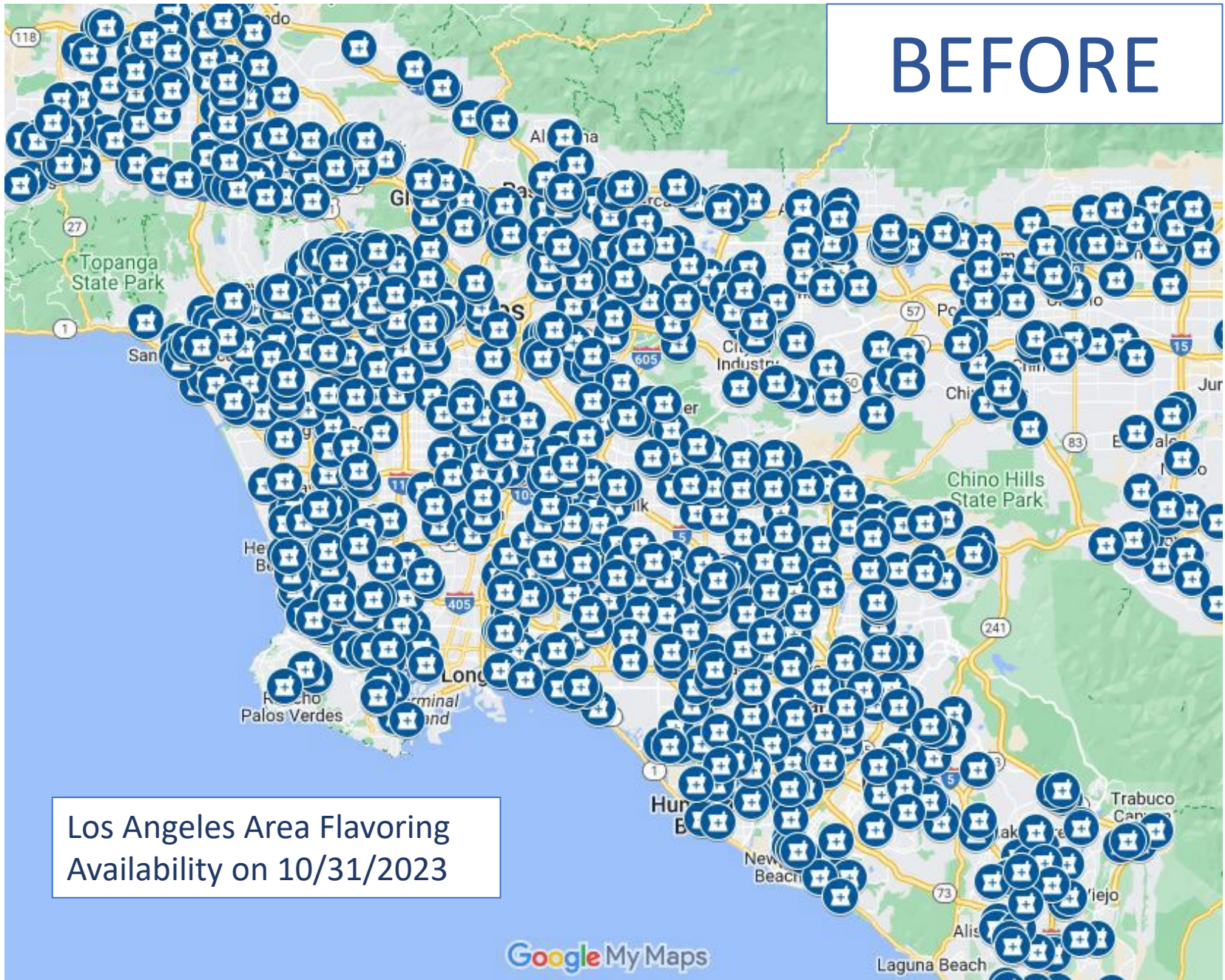
AFTER

Flavoring Availability in
California Pharmacies on
11/1/2023:

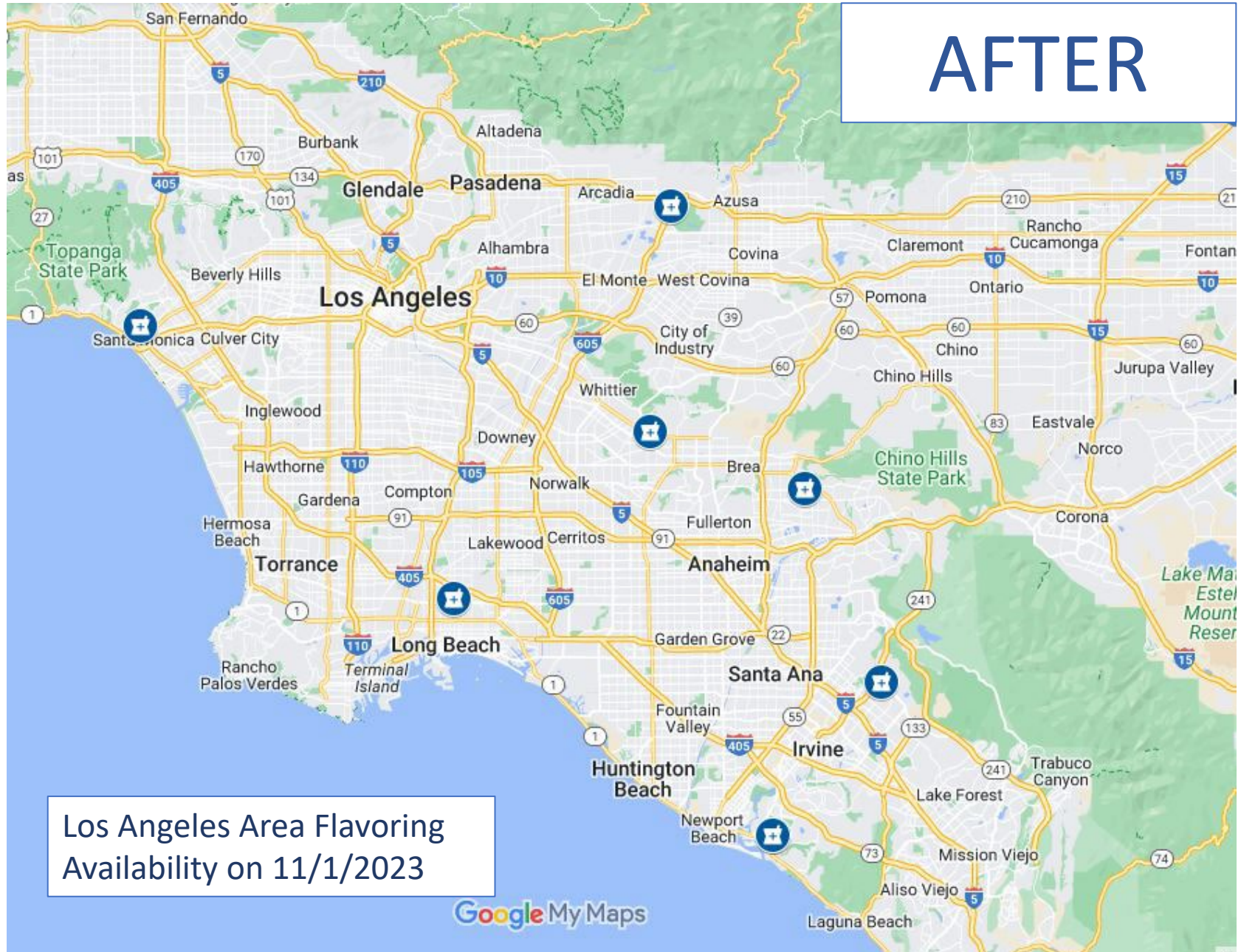
60 Locations
3,078 Discontinuing



BEFORE



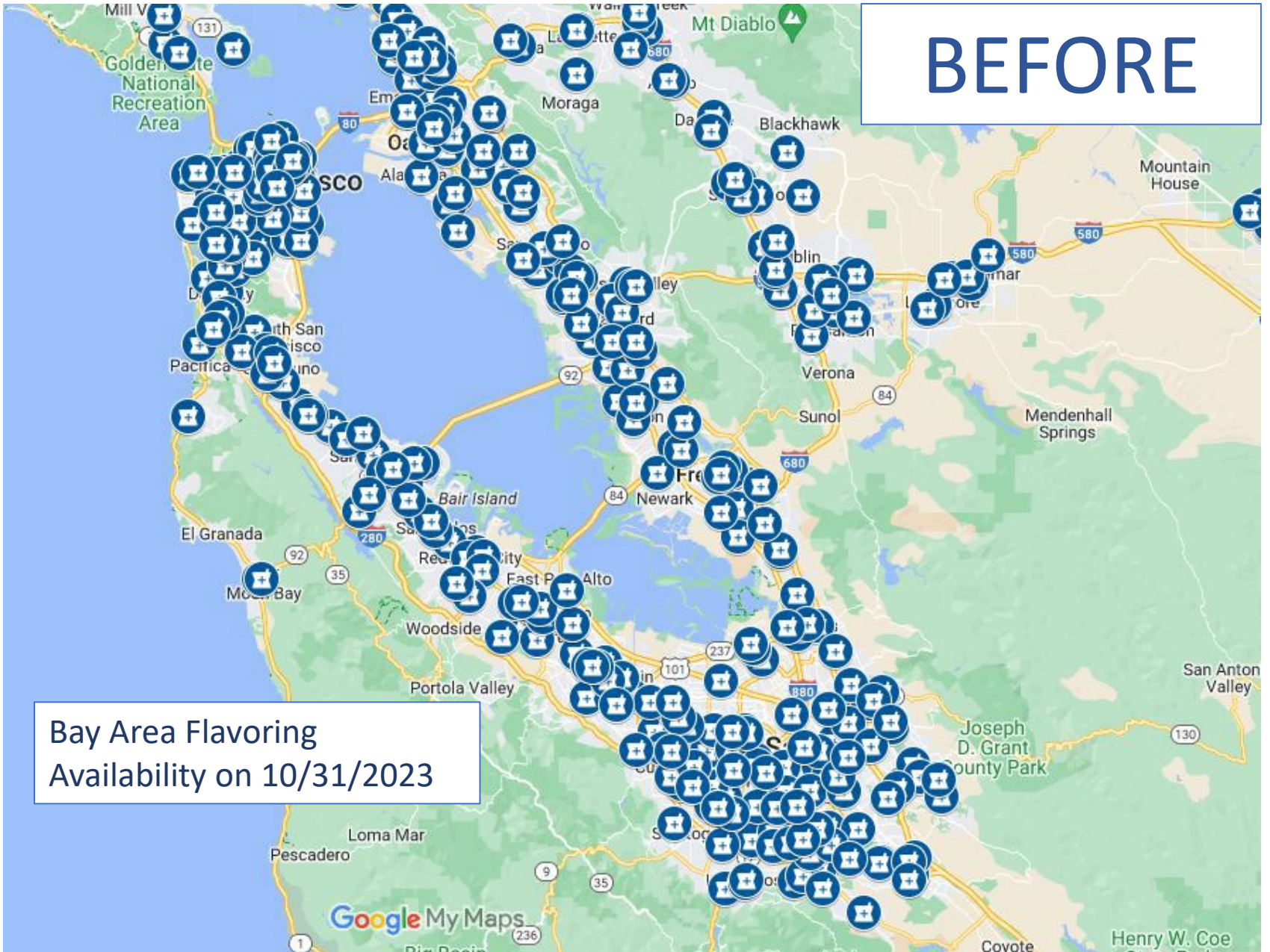
AFTER



Los Angeles Area Flavoring
Availability on 11/1/2023

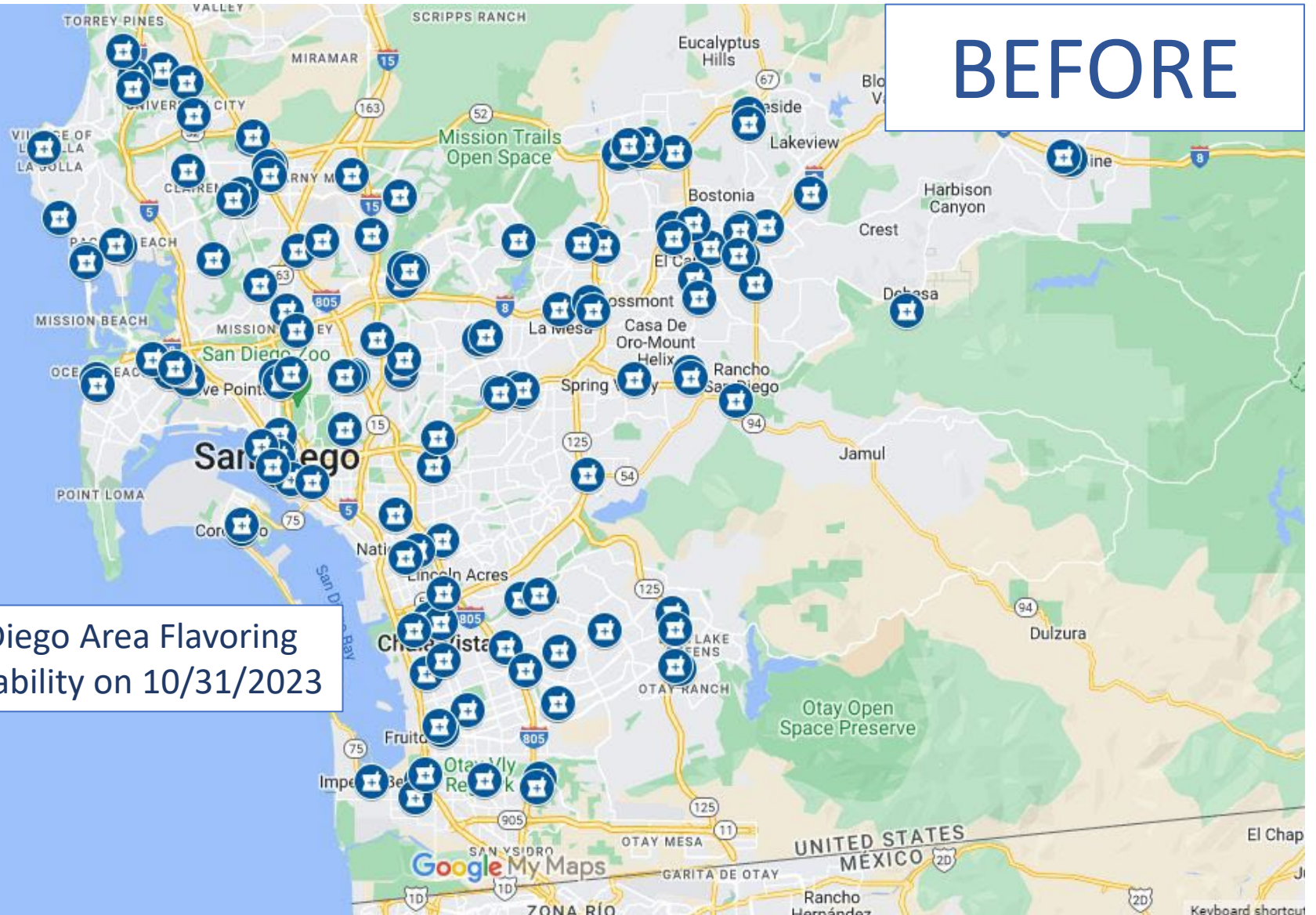
BEFORE

Bay Area Flavoring
Availability on 10/31/2023



BEFORE

San Diego Area Flavoring Availability on 10/31/2023



AFTER

Sacramento Area Flavoring
Availability on 11/1/2023

