

**TITLE 16. BOARD OF PHARMACY
DEPARTMENT OF CONSUMER AFFAIRS**

INITIAL STATEMENT OF REASONS

Hearing Date: No hearing scheduled

Subject Matter of Proposed Regulations: Self-Assessments and Standard of Care

Section(s) Affected: Repeal sections 1715, 1715.1, 1746, 1746.1, 1746.2, 1746.3, 1746.4, 1746.5, 1747, and 1784 and amend sections 1732.5, 1735.1, and 1736.1 of Division 17 of Title 16 of the California Code of Regulations (CCR)

Background and Statement of the Problem:

The California State Board of Pharmacy (Board) is a state agency vested with the authority to license and regulate the pharmacy industry, including pharmacies, pharmacists, and pharmacy technicians (Business and Profession Code (BPC) section 4000, et seq.). The Board's mandate and mission are to protect the public (BPC section 4001.1).

Assembly Bill (AB) 1503 (Berman, Chapter 196, Statutes of 2025), which became effective January 1, 2026, established the self-assessment process in statute in Business and Professions Code (BPC) sections 4040.6 and 4102. As a result, the self-assessment regulations are no longer necessary. The Board proposes to repeal and amend the above-mentioned regulation sections related to the self-assessment process which is now clearly established in statute to avoid redundancy and any confusion caused by having the same self-assessment process outlined in multiple locations.

AB 1503 amended BPC sections 4051 and 4052, codifying the Board's move to a standard of care model of pharmacy practice. As part of the transition, some provisions of law that established prescriptive requirements and/or required pharmacists to follow standardized and prescriptive procedures and protocols established in regulation have been replaced with the implementation of the standard of care practice model. These include standardized and prescriptive procedures and protocols for furnishing:

- emergency contraception (CCR section 1746; see BPC section 4052(a)(10)(A)(i)),
- contraception (CCR section 1746.1; see BPC section 4052(a)(10)(A)(ii)),
- smoking cessation (CCR section 1746.2 see BPC section 4052(a)(10)(A)(iii)),
- opioid antagonists (CCR section 1746.3; see BPC section 4052(a)(B)(13)), and travel medication (CCR section 1746.5; see BPC section 4052(a)(10)(A)(iv)).

Anticipated benefits from this regulatory action:

The Board's highest priority in exercising its licensing, regulatory, and disciplinary functions is protecting the public. The Board has determined that this regulatory proposal will benefit the health and welfare of California residents. This regulatory proposal does not affect the health and welfare of California residents, worker safety, or the state's environment.

This regulatory proposal will ensure the Board's regulations are nonduplicative with statute and provide clarity for pharmacy applicants and readers of these regulations in accordance with the passage of AB 1503. These regulations will also replace some prescriptive requirements with a standard of care practice model, aligning the regulations with recent statutory changes.

The change to a standard of care model for practice of pharmacy is consistent with pharmacists' education, training, and experience and removes barriers to care that many patients face. The Board expects that pharmacists will rely on their professional judgement when providing patient care services, similar to the approach used in many other aspects of pharmacy practice, such as corresponding responsibility. The Board looks forward to closing gaps in patient access through this transition to a more robust standard of care practice model.

Specific purpose of, and rationale for, each adoption, amendment, or repeal:**Section 1715 and 1715.1**

1. The Board proposes repealing all of section 1715 and 1715.1.

Purpose: The purpose of this amendment is to repeal unnecessary and duplicative language already set forth in statute.

Rationale: The repeal of both sections is necessary to ensure clarity and to ensure that the Board's regulations are nonduplicative of current statutory language. AB 1503 established the self-assessment process in statute in BPC sections 4040.6 and 4102. As a result, the regulations are no longer necessary and the Board proposes to repeal these sections related to the self-assessment process which is now clearly established in statute.

Section 1732.5

2. The Board proposes repealing subsections 1732.5(c)-1732.5(c)(4).

Purpose: The purpose of this amendment is to repeal unnecessary and prescriptive language.

Rationale: The repeal of these subsections is necessary to ensure clarity and to align the regulation with the standard of care model of pharmacy practice set forth in statute.

AB 1503 amended BPC sections 4051 and 4052, codifying the Board’s move to a standard of care model of pharmacy practice. This transition builds upon efforts included in AB 1286 (Haney, Chapter 470, Statutes of 2023) that underscore pharmacist autonomy in exercising professional judgement, as well as the Board’s evaluation of opportunities for improved patient care through a transition to a standard of care practice model for pharmacists. AB 1503 provides further progression of pharmacist-provided patient care services initially established under prior law, including Senate Bill (SB) 493 (Hernandez, Chapter 469, Statutes of 2013), which took a largely prescriptive approach and required pharmacists to follow a standardized protocol that specified the practice requirements to provide the service. Under the new changes in AB 1503, these prescriptive requirements are removed in favor of a standard of care approach pursuant to which pharmacists may provide a service or activity authorized in BPC section 4052 (and certain other enumerated provisions of the BPC) consistent with the degree of care a prudent and reasonable California-licensed pharmacist, with similar education, training, experience, resources, and setting, would exercise in a similar situation.

To promote and align the regulations with the statutory changes relating to the standard of care practice model, the Board does not intend to provide guidance via regulation or otherwise on how pharmacists are to perform the functions authorized in BPC section 4052. Rather, it will be the responsibility of each pharmacist to determine whether they have sufficient education, training, experience, resources, and are in the proper setting to perform duties authorized under BPC section 4052.

Section 1732.5(d)

3. The Board proposes amending subsection 1732.5(d) from subsection “(d)” to subsection “(c)”.

Purpose: The purpose of this amendment is to update the lettering as a result of the proposed repeal of subsection (c).

Rationale: Pursuant to section 100(a)(1) of the CCR, these changes are non-substantive because they are “renumbering, reordering, or relocating a regulatory provision.” These changes are necessary to ensure the subdivisions are in the correct order and will have no regulatory effect.

Section 1732.5(e)

4. The Board proposes amending subsection 1732.5(e) from subsection “(e)” to subsection “(d)”.

Purpose: The purpose of this amendment is to update the lettering as a result of the proposed repeal of subsection (c).

Rationale: Pursuant to section 100(a)(1) of the CCR, these changes are non-

substantive because they are “renumbering, reordering, or relocating a regulatory provision.” These changes are necessary to ensure the subdivisions are in the correct order and will have no regulatory effect.

Section 1732.5(f)

5. The Board proposes amending subsection 1732.5(f) from subsection “(f)” to subsection “(e)”.

Purpose: The purpose of this amendment is to update the lettering as a result of the proposed repeal of subsection (c).

Rationale: Pursuant to section 100(a)(1) of the CCR, these changes are non-substantive because they are “renumbering, reordering, or relocating a regulatory provision.” These changes are necessary to ensure the subdivisions are in the correct order and will have no regulatory effect.

Section 1732.5

6. The Board proposes amending the reference section to remove “4052.3, 4052.8, 4052.9,”.

Purpose: The purpose of this amendment is to remove BPC codes that are no longer applicable.

Rationale: Pursuant to section 100(a)(5) of the CCR, these changes are non-substantive because they are “changing an “authority” or “reference” citation for a regulation.” These changes are necessary to ensure the references are accurate and will have no regulatory effect.

Section 1735.1(f)

7. The Board proposes repealing subsection 1735.1(f).

Purpose: The purpose of this amendment is to repeal unnecessary language.

Rationale: Subsection (f) of section 1735.1 requires a pharmacist-in-charge to “complete a self-assessment consistent with the requirements established in section 1715.” Because this proposed rulemaking also seeks to repeal section 1715, the requirements of section 1735.1(f) will be obsolete. Accordingly, in order to maintain regulatory clarity, it is necessary that subsection (f) of section 1735.1 also be repealed.

Section 1735.1(g)

8. The Board proposes amending subsection 1735.1(g) from subsection “(g)” to subsection “(f)”.

Purpose: The purpose of this amendment is to update the lettering as a result of the proposed repeal of subsection (f).

Rationale: Pursuant to section 100(a)(1) of the CCR, these changes are non-substantive because they are “renumbering, reordering, or relocating a regulatory provision.” These changes are necessary to ensure the subdivisions are in the correct order and will have no regulatory effect.

Section 1735.1(h)

9. The Board proposes amending subsection 1735.1(h) from subsection “(h)” to subsection “(g)”.

Purpose: The purpose of this amendment is to update the lettering as a result of the proposed repeal of subsection (f).

Rationale: Pursuant to section 100(a)(1) of the CCR, these changes are non-substantive because they are “renumbering, reordering, or relocating a regulatory provision.” These changes are necessary to ensure the subdivisions are in the correct order and will have no regulatory effect.

Section 1735.1(i)

10. The Board proposes amending subsection 1735.1(i) from subsection “(i)” to subsection “(h)”.

Purpose: The purpose of this amendment is to update the lettering as a result of the proposed repeal of subsection (f).

Rationale: Pursuant to section 100(a)(1) of the CCR, these changes are non-substantive because they are “renumbering, reordering, or relocating a regulatory provision.” These changes are necessary to ensure the subdivisions are in the correct order and will have no regulatory effect.

Section 1736.1(f)

11. The Board proposes repealing subsection 1736.1(f).

Purpose: The purpose of this amendment is to repeal unnecessary language.

Rationale: Subsection (f) of section 1736.1 requires a pharmacist-in-charge to “complete a self-assessment consistent with the requirements established in section 1715.” Because this proposed rulemaking also seeks to repeal section 1715, the requirements of section 1736.1(f) will be obsolete. Accordingly, in order to maintain regulatory clarity, it is necessary that subsection (f) of section 1736.1 also be repealed.

Section 1736.1(g)

12. The Board proposes amending subsection 1735.1(g) from subsection “(g)” to subsection “(f)”.

Purpose: The purpose of this amendment is to update the lettering as a result of the proposed repeal of subsection (f).

Rationale: Pursuant to section 100(a)(1) of the CCR, these changes are non-substantive because they are “renumbering, reordering, or relocating a regulatory provision.” These changes are necessary to ensure the subdivisions are in the correct order and will have no regulatory effect.

Section 1736.1(h)

13. The Board proposes amending subsection 1735.1(h) from subsection “(h)” to subsection “(g)”.

Purpose: The purpose of this amendment is to update the lettering as a result of the proposed repeal of subsection (f).

Rationale: Pursuant to section 100(a)(1) of the CCR, these changes are non-substantive because they are “renumbering, reordering, or relocating a regulatory provision.” These changes are necessary to ensure the subdivisions are in the correct order and will have no regulatory effect.

Sections 1746, 1746.1, 1746.2, 1746.3, 1746.4, 1746.5, and 1747

14. The Board proposes repealing all of sections 1746, 1746.1 1746.2, 1746.3, 1746.4, 1746.5, and 1747.

Purpose: The purpose of this amendment is to repeal unnecessary and prescriptive language.

Rationale: The repeal of these subsections is necessary to ensure clarity and to align the regulation with the standard of care model of pharmacy practice set forth in statute. AB 1503 amended BPC sections 4051 and 4052, codifying the Board’s move to a standard of care model of pharmacy practice. This transition builds upon efforts included in AB 1286 (Haney, Chapter 470, Statutes of 2023) that underscore pharmacist autonomy in exercising professional judgement, as well as the Board’s evaluation of opportunities for improved patient care through a transition to a standard of care practice model for pharmacists. AB 1503 provides further progression of pharmacist-provided patient care services initially established under prior law, including Senate Bill (SB) 493 (Hernandez, Chapter 469, Statutes of 2013), which took a largely prescriptive approach and required pharmacists to follow a standardized protocol that

specified the practice requirements to provide the service. Under the new changes in AB 1503, these prescriptive requirements are removed in favor of a standard of care approach pursuant to which pharmacists may provide a service or activity authorized in BPC section 4052 (and certain other enumerated provisions of the BPC) consistent with the degree of care a prudent and reasonable California-licensed pharmacist, with similar education, training, experience, resources, and setting, would exercise in a similar situation.

To promote and align the regulations with the statutory changes relating to the standard of care practice model, the Board does not intend to provide guidance via regulation or otherwise on how pharmacists are to perform the functions authorized in BPC section 4052. Rather, it will be the responsibility of each pharmacist to determine whether they have sufficient education, training, experience, resources, and are in the proper setting to perform duties authorized under BPC section 4052.

Section 1784

15. The Board proposes repealing all of section 1784.

Purpose: The purpose of this amendment is to repeal unnecessary and duplicative language.

Rationale: Repealing this section is necessary to ensure clarity and to ensure that the Board's regulations are nonduplicative of current statutory language. AB 1503 established the self-assessment process in statute in BPC sections 4040.6 and 4102. As a result, the regulations are no longer necessary and the Board proposes to repeal these sections related to the self-assessment process which is now clearly established in statute.

Underlying Data

1. Relevant Meeting Materials and Minutes from the Board Meeting held January 26-27, 2026 (Agenda, Meeting Materials Agenda Item XIII(c), Draft Excerpt Meeting Minutes)
2. Relevant Meeting Materials and Minutes from the Licensing Meeting held January 8, 2026 (Agenda, Meeting Materials Agenda Item VI, Draft Excerpt Meeting Minutes)
3. Relevant Meeting Materials and Minutes from the Board Meeting held November 5-6, 2025 (Agenda, Meeting Materials Agenda Item XIII(b)(i), Meeting Minutes)
4. Relevant Meeting Materials and Minutes from the Licensing Meeting held October 15, 2025 (Agenda, Meeting Materials Agenda Item V, Draft Excerpt Meeting Minutes)

Business Impact:

The Board has made the initial determination that the proposed regulations will not have a significant statewide adverse economic impact directly affecting businesses including the inability of California businesses to compete with businesses in other

States.

This regulatory proposal will ensure the Board's regulations are nonduplicative with statute and provide clarity for pharmacy applicants and readers of these regulations in accordance with the passage of AB 1503. These regulations will also replace some prescriptive requirements with a standard of care practice model to align the regulations with statute.

Economic Impact Assessment:

The Board has determined that this proposal will not:

- (1) Create jobs within California;
- (2) Eliminate jobs within California;
- (3) Create new businesses within California;
- (4) Eliminate existing businesses within California;
- (5) Expand businesses currently doing business in California.

This regulation will benefit Californians by helping to ensure the Board's regulations are nonduplicative with statute and provide clarity for pharmacy applicants and readers of these regulations in accordance with the passage of AB 1503. These regulations will also replace some prescriptive requirements with a standard of care practice model.

This regulatory proposal will not affect employee safety or the state's environment because it helps to ensure the Board's regulations are nonduplicative with statute and provides clarity for pharmacy applicants and readers of these regulations in accordance with the passage of AB 1503.

Specific Technologies or Equipment:

This regulation does not mandate the use of specific technologies or equipment.

Consideration of Alternatives:

No reasonable alternative to the regulatory proposal would be either more effective in carrying out the purpose for which the action is proposed or as effective or less burdensome to affected private persons and equally effective in achieving the purposes of the regulation in a manner that ensures full compliance with the law being implemented or made specific.

Description of reasonable alternatives to the regulation that would lessen any adverse impact on small business:

No such alternatives have been proposed; however, the Board welcomes any

interested person to submit comments—relevant to the above determinations—in writing, at the address listed for the Contact Persons in the Notice of Proposed Action, during the written comment period, or at the hearing if one is scheduled or requested.