



June 3, 2024

The Honorable Angelique Ashby
Chair, Senate Business, Professions & Economic Development Committee
1021 O Street, Room 7320
Sacramento, CA 95814

Re: AB 3063 (McKinnor) Pharmacies: Compounding - SUPPORT

Dear Chair Ashby,

On behalf of the California Community Pharmacy Coalition (CCPC), I write to express our support for AB 3063 (McKinnor), which would amend Section 4126.8 of the Business and Professions Code to specify that compounding does not include reconstitution of a drug pursuant to a manufacturer's directions, the sole act of tablet splitting or crushing, capsule opening, or the addition of a flavoring agent to enhance palatability.

Medication flavoring takes place at more than 3,000 community pharmacies in California and nearly 40,000 pharmacies across the country each year as a point-of-care service focused on improving the taste and palatability of children's liquid medication. In the past 27 years, there have been no reported events of patient harm or death from using medication flavoring. Flavoring has been a non-controversial issue for decades.

Recently, there has been a development by the California Board of Pharmacy that created ambiguity in the regulatory language related to flavoring. This is raising concerns among pharmacists and parents whose children who won't take the medicine they need without the flavoring.

A compounding pharmacy is a specific type that makes custom medications for people with highly specific medication needs and requirements. Compounding pharmacies must adhere to different regulatory requirements than standard pharmacies. For over 10 years, California's state regulators have determined that the act of flavoring does not rise to the level of traditional compounding in any practical way. And in that time, millions of medications have been flavored without harm to any children.

Additionally, 48 out of 50 State Boards of Pharmacy do not regulate flavoring as compounding. 98% of children between the ages of zero to 11 live in a state that does not consider flavoring of medications to be compounding. This currently includes six million children under the age of 11 living in California.

California's community pharmacies provide a simple and safe service to flavor medications for their patients who may otherwise not be able to take the medication they need, especially for parents with small children. Without this bill, this new regulation by the California State Board of Pharmacy will remove this essential service that pharmacists all over the state- including in rural, hard to reach and underserved areas- can offer sick children and worried parents alike.

For these reasons listed above, the CCPC supports AB 3063 (McKinnor).

Please do not hesitate to contact me at sarah@calretailers.com or Lindsay Gullahorn with Capitol Advocacy at lgullahorn@capitoladvocacy.com if you have any questions.

Sincerely,

A handwritten signature in cursive script, appearing to read "Sarah Pollo".

Sarah Pollo
Policy Advocate
California Retailers Association

Cc: The Honorable Tina McKinnor, Author
Members, Senate Business, Professions & Economic Development Committee
Sara Mason, Chief Consultant, Senate Business, Professions & Economic Development Committee
Kayla Williams, Senate Republican Caucus