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May 18, 2026

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

RE: Assembly Bill 1503 – Letter to the Journal

Dear President Oh:

As the author of AB 1503 (Chapter 196, Statutes of 2025), the most recent sunset review measure for the California State Board of Pharmacy, I write to clarify the Legislature’s intent in regards to the bill’s nonresident pharmacy provisions and to respectfully request that the Board’s implementation and enforcement actions align with that intent.

Amended language in Business and Professions Code (BPC) Section 4303(b) allows the Board to take enforcement action against nonresident pharmacies on the same grounds as resident pharmacies. It does not authorize the Board to impose new licensure prerequisites or operational control structures on nonresident pharmacies. However, licensed stakeholders have raised concerns that the Board appears to be stretching the language of AB 1503 beyond its text by reading it to require nonresident pharmacies to comply with *all* California pharmacy regulations simply because they ship prescriptions into the state. This interpretation would sweep in staffing ratios, licensure requirements, and limits on technicians and unlicensed personnel—even where the pharmacy is fully licensed and compliant in its home state.

Were the Board to attempt to require universal compliance with all California pharmacy laws or mandate a California-licensed Pharmacist-in-Charge (PIC) with undefined authority over “California operations,” this would effectively convert an enforcement provision into a licensing statute beyond the Board’s delegated authority, which was not my intent in AB 1503. Furthermore, BPC Section 4112(d) requires a nonresident pharmacy to conduct the pharmacy in compliance with the laws of the state in which it is a resident. A mandate for a nonresident pharmacy to simultaneously comply with all CA pharmacy laws and regulations may present scenarios where the nonresident pharmacy must choose between compliance with California requirements or those of its home state.

During the 2025 sunset review oversight process, the Legislature heard extensive testimony and reviewed detailed materials from the Board and the regulated community and engaged in multiple negotiations, committee hearings, amendments and a unanimous final floor vote to pass AB 1503 that resulted in the amended section affecting nonresident pharmacies as follows:

(b) The board may cancel, deny, revoke, or suspend a nonresident pharmacy registration, issue a citation or letter of admonishment to a nonresident pharmacy, or take any other action against a nonresident pharmacy that the board may take against a resident pharmacy license, on any of the same grounds upon which such action might be taken against a resident pharmacy, provided that the grounds for the action are also grounds for action in the state in which the nonresident pharmacy is permanently located.

The original language required that in order for the Board to “deny, revoke, or suspend” or take any other action against a nonresident pharmacy, the pharmacy would have to not comply with California statutes and regulations *and* the nonresident pharmacy’s home state laws and regulations. Removing this language is intended to permit the Board to take an action against a nonresident pharmacy simply for not complying with California’s laws. This was further communicated in the Board’s recent special AB 1503 edition of its newsletter with the statement: “Effective July 1, 2026, any nonresident pharmacy applying for initial licensure or renewing its license with the Board must comply with all California Pharmacy laws.”

My intention in including this language in AB 1503 was to materially improve oversight of nonresident pharmacies and enhance patient safety. However, it was my further intent that the language not unnecessarily impede access to medications, particularly for Californians whose health plans require them to use mail order or out of state pharmacies or those patients who only have access to a certain type of medication provided from out of state. These patients may be impacted if nonresident pharmacies cannot comply with both California law and those of their resident state.

I appreciate the Board’s partnership during the sunset review process and your continued commitment to faithfully implementing the Pharmacy Law consistent with legislative direction and public protection objectives. Please take care to ensure your implementation of AB 1503 aligns with the Legislature’s intent. Thank you for your attention to this matter and for your ongoing work to safeguard the health and safety of California consumers. Please contact my Chief Consultant, Robert Sumner, if you have any questions.

Sincerely,



MARC BERMAN

Assemblymember, 23rd District