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SPECIAL COMMITTEE ON  
LEGISLATIVE ETHICS

October 27, 2023

Ms. Anne Sodergren  
Executive Director  
California Board of Pharmacy  
2720 Gateway Oaks Drive, Suite 100  
Sacramento, CA 95833

Dear Ms. Sodergren and Board Members:

As you know, I co-authored AB 782 (McKinnor/Lackey) this past legislative session, a bill that would exempt flavoring from the definition of compounding to allow retail and independent pharmacies to continue offering the service without becoming compounding pharmacies and complying with USP 795.

AB 782 received unanimous support by the Legislature, validating the importance and value of flavoring for our constituent parents and children as it pertains to medication adherence and ease of delivery. Unfortunately, the measure was vetoed by Governor Newsom as a result of the Board of Pharmacy's opposition.

I am extremely concerned about the negative implications and consequences his veto will have on parents, children, and those with developmental disabilities in the state. It has been reported to my office that retail pharmacies plan to cease offering flavor services in the beginning of November because of the veto, the Board's pending regulations and the Board's intentions to begin enforcement on November 1, 2023. As a direct result of these factors, over 3,000 retail independent pharmacies are pulling their service, leaving only 60 pharmacies throughout the entire state that offer flavoring of medications to families. In Los Angeles, part of my district, where there were previously approximately 1,000, there will now be only 9 in the entire Los Angeles area.

While I am sympathetic to the Board's concerns as outlined in their opposition letter to the legislation, it would seem to me that the unease about consumer safety is unfounded when there has been no recorded issue of harm to a consumer. And, as it pertains to conflict with federal guidelines, California certainly is no stranger to challenging the federal guidelines if appropriate for its citizens.

As the Board continues their drafting of the compounding regulations, I strongly encourage you to resolve this issue and allow more flavoring pharmacy options for our parents and children in California.

Sincerely,

A handwritten signature in black ink that reads 'Thomas Lackey'. The signature is written in a cursive, flowing style.

Asm. Tom Lackey, Assembly District 34