



California State Board of Pharmacy
2720 Gateway Oaks Drive, Ste 100
Sacramento, CA 95833
Phone: (916) 518-3100 Fax: (916) 574-8618
www.pharmacy.ca.gov

Business, Consumer Services and Housing Agency
Department of Consumer Affairs
Gavin Newsom, Governor



To: Board Members

Subject: Agenda Item VIII Discussion and Possible Action to Amend Title 16, California Code of Regulations, section 1749, Related to Fees

Relevant Law

[Business and Professions Code section 4400](#) generally establishes statutory minimum and maximum fees for various applications and licensees under the Board's jurisdiction.

[Title 16, California Code of Regulations \(CCR\), section 1749](#) establishes the specific fees assessed for the applications and licensees consistent with the ranges established within the statute.

Background

Following completion of an independent fee audit and public discussion, the Board secured legislative changes to update its fee schedule in Senate Bill 816. Under the provisions of the measure, the Board's fees were recast, with some fees reduced, some remaining the same, and other fees increasing. The new statutory fee schedule becomes effective January 1, 2025. As the Board's statutory fee schedule includes a range in the respective fees, changes to the Board's fee regulation at CCR section 1749 are necessary to align with the new fee ranges established in statute.

As part of the December 2023 Board Meeting, members voted to initiate a rulemaking to update fees consistent with the legislation. With the exception of fees assessed for pharmacy technician applications, renewals and delinquency fees, fees in the updated regulation text were to be established at the pre-determined statutory levels.

Subsequent to the Board's action, staff prepared the necessary rulemaking documents and the matter was submitted to the Department of Consumer Affairs (DCA) to begin the pre-review process. Through its review, DCA has suggested that the Board rescind its December 2023 motion initiating the current rulemaking and instead facilitate the changes through two separate rulemaking actions. Specifically, for all fees established at the statutory pre-determined levels, it is recommended that the executive officer, through delegated authority established in Title 16, CCR Section 1703, pursue a Section 100 rulemaking. (A Section 100 rulemaking allows for the updating of regulation text

without regulatory effect.) The Board will simultaneously pursue establishing the pharmacy technician application, renewal and delinquency fees through the normal rulemaking process.

For Member Consideration and Discussion

During the meeting, members will have the opportunity to discuss the recommendation offered by DCA and the revised draft regulatory text. As proposed, the pharmacy technician fees will be established within the statutory range, but at a lower fee than the established pre-set amount, consistent with the fee levels determined appropriate by the Board in December 2023.

Should members agree that it is appropriate to modify its approach in updating its fees, the following motion could be used.

Suggested Motion: Rescind the December 13, 2023 motion related to the amendment to Title 16, CCR Section 1749 in its entirety, regarding all fees, as discussed. Approve the proposed regulation text for CCR section 1749 specifically regarding the pharmacy technician applications, renewals, and delinquency fees [insert either “as proposed” or “consistent with the Board’s discussion”], direct staff to submit the text to the Director of the Department of Consumer Affairs and the Business, Consumer Services, and Housing Agency for review, and if no adverse comments are received, authorize the Executive Officer to take all steps necessary to initiate the rulemaking process, make any nonsubstantive changes to the package, and set the matter for hearing if requested. If no adverse comments are received during the 45-day comment period and no hearing is requested, authorize the executive officer to take all necessary steps to complete the rulemaking and adopt the proposed regulations at section 1749(c) as noticed.

Following the memo is the proposed text for consideration.

Department of Consumer Affairs
Title 16. Pharmacy

Proposed Regulatory Language

Fee Schedule – Pharmacy Technician Fees

Legnd: Added text is indicated with underline. Deleted texts is indicated with strikethrough.

Amend 16 CCR § 1749(c) Fee Schedule as follows:

§ 1749 – Fee Schedule

The application, renewal, penalties, and other fees, unless otherwise specified, are hereby fixed as follows:

...

(c) The fee for the issuance of a pharmacy technician license is one hundred twenty dollars (\$120) ~~one hundred ninety five dollars (\$195)~~. The fee for the biennial renewal of a pharmacy technician license is one hundred fifty dollars (\$150) ~~one hundred ninety five dollars (\$195)~~. The penalty for failure to renew is seventy-five dollars (\$75) ~~ninety seven dollars and fifty cents (\$97.50)~~.

...

Authority cited: Sections 4005 and 4400, Business and Professions Code. Reference: Sections 163.5, 4005, 4044.3, 4053, 4053.1, 4110, 4112, 4119.01, 4120, 4127.1, 4127.15, 4127.2, 4128.2, 4129.1, 4129.2, 4129.8, 4130, 4160, 4161, 4180, , 4187, 4190, 4196, 4200, 4202, 4202.5, 4203, 4208, 4210, 4304, 4400, 4401 and 4403, Business and Professions Code.