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



To: Board Members

Subject: Agenda Item V Discussion and Possible Action to Amend Title 16, California Code of Regulations, section 1749, Pharmacy Technician Fee Schedule

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 action at December 2023 Board Meeting, 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 would simultaneously pursue establishing the pharmacy technician application, renewal and delinquency fees through the normal rulemaking process.

During the April 2024 Board Meeting, members voted to rescind its prior action consistent with the recommendation from DCA. Further, the Board voted to initiate a limited rulemaking specifically related to the renewal and delinquent fees for pharmacy technician fees. **Note:** The Board motion provides authority for the executive officer to take all necessary steps to complete the rulemaking and adopt the proposed regulations at 1749(c) as noticed if no adverse comments are received during the 45-day comment period.

The 45-day comment period began July 26, 2024 and ends September 9, 2024. To date the Board has not received any adverse comments; however, time remains in the written comment period. To ensure the Board could consider any written comments received, this matter was included on the agenda. **NOTE:** If no comments are received, no discussion or action is necessary during the meeting.

Regarding the remainder of the Board's fee schedule, the Section 100 rulemaking was submitted to the Office of Administrative Law (OAL) but had to be withdrawn as OAL determined it was submitted prematurely. It is anticipated Board staff will resubmit the Section 100 rulemaking in the upcoming weeks.

For Member Consideration and Discussion

If necessary, during the meeting, members will have the opportunity to discuss any written comments received and determine the appropriate action.

Possible Adoption Language: Accept the board staff recommended comment responses and [include either option 1 or 2 detailed below]:

1. adopt the regulation text as noticed **or**
2. notice modified regulation text for a 15-day comment period. Should no adverse comments be received, authorize the executive officer to take all steps necessary to adopt the proposed regulation at section 1749(c) and complete the rulemaking process. Delegate to the executive officer the authority to make technical or nonsubstantive changes as may

be required by the Control agencies to complete the rulemaking file.

Following the memo is the proposed text for consideration.

Department of Consumer Affairs
Title 16. Pharmacy

Proposed Regulatory Language

Pharmacy Technician Fees

Legend: 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 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)~~.

...

NOTE: 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, 4180.5 4187, 4190, 4196, 4200, 4202, 4202.5, 4203, 4208, 4210, 4304, 4400, 4401 and 4403, Business and Professions Code.