

NOTICE PUBLICATION/REGULATIONS SUBMISSION

STD. 400 (REV. 10/2019)

REGULAR

For use by Secretary of State only

OAL FILE NUMBERS	NOTICE FILE NUMBER Z- 2025-0903-01	REGULATORY ACTION NUMBER 2025-1125-015	EMERGENCY NUMBER
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For use by Office of Administrative Law (OAL) only

ENDORSED - FILED
in the office of the Secretary of State
of the State of California

JAN 12 2026

1:46 pm

NM

OFFICE OF ADMIN. LAW
2025 NOV 25 PM 4:09

NOTICE

REGULATIONS

AGENCY WITH RULEMAKING AUTHORITY
California Veterinary Medical Board - Department of Consumer Affairs

AGENCY FILE NUMBER (If any)

A. PUBLICATION OF NOTICE (Complete for publication in Notice Register)

1. SUBJECT OF NOTICE		TITLE(S)	FIRST SECTION AFFECTED	2. REQUESTED PUBLICATION DATE
3. NOTICE TYPE <input type="checkbox"/> Notice re Proposed Regulatory Action <input type="checkbox"/> Other		4. AGENCY CONTACT PERSON	TELEPHONE NUMBER	FAX NUMBER (Optional)
OAL USE ONLY	ACTION ON PROPOSED NOTICE <input type="checkbox"/> Approved as Submitted <input type="checkbox"/> Approved as Modified <input type="checkbox"/> Disapproved/Withdrawn		NOTICE REGISTER NUMBER 2025, 38-2	PUBLICATION DATE 9/19/25

B. SUBMISSION OF REGULATIONS (Complete when submitting regulations)

1a. SUBJECT OF REGULATION(S) Veterinary Drug Compounding	1b. ALL PREVIOUS RELATED OAL REGULATORY ACTION NUMBER(S)
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2. SPECIFY CALIFORNIA CODE OF REGULATIONS TITLE(S) AND SECTION(S) (Including title 26, if toxics related)

SECTION(S) AFFECTED (List all section number(s) individually. Attach additional sheet if needed.)	ADOPT
	AMEND 2036.5, 2090, 2091, 2092, 2093, and 2094
	REPEAL
TITLE(S) 16	

3. TYPE OF FILING

<input checked="" type="checkbox"/> Regular Rulemaking (Gov. Code §11346)	<input type="checkbox"/> Certificate of Compliance: The agency officer named below certifies that this agency complied with the provisions of Gov. Code §§11346.2-11347.3 either before the emergency regulation was adopted or within the time period required by statute.	<input type="checkbox"/> Emergency Readopt (Gov. Code, §11346.1(h))	<input type="checkbox"/> Changes Without Regulatory Effect (Cal. Code Regs., title 1, §100)
<input type="checkbox"/> Resubmittal of disapproved or withdrawn nonemergency filing (Gov. Code §§11349.3, 11349.4)	<input type="checkbox"/> Resubmittal of disapproved or withdrawn emergency filing (Gov. Code, §11346.1)	<input type="checkbox"/> File & Print	<input type="checkbox"/> Print Only
<input type="checkbox"/> Emergency (Gov. Code, §11346.1(b))	<input type="checkbox"/> Other (Specify)		

4. ALL BEGINNING AND ENDING DATES OF AVAILABILITY OF MODIFIED REGULATIONS AND/OR MATERIAL ADDED TO THE RULEMAKING FILE (Cal. Code Regs. title 1, §44 and Gov. Code §11347.1)

5. EFFECTIVE DATE OF CHANGES (Gov. Code, §§ 11343.4, 11346.1(d); Cal. Code Regs., title 1, §100)			
<input checked="" type="checkbox"/> Effective January 1, April 1, July 1, or October 1 (Gov. Code §11343.4(a))	<input type="checkbox"/> Effective on filing with Secretary of State	<input type="checkbox"/> \$100 Changes Without Regulatory Effect	<input type="checkbox"/> Effective other (Specify)

6. CHECK IF THESE REGULATIONS REQUIRE NOTICE TO, OR REVIEW, CONSULTATION, APPROVAL OR CONCURRENCE BY, ANOTHER AGENCY OR ENTITY

<input type="checkbox"/> Department of Finance (Form STD. 399) (SAM §6660)	<input type="checkbox"/> Fair Political Practices Commission	<input type="checkbox"/> State Fire Marshal
<input checked="" type="checkbox"/> Other (Specify) <u>Kimberly Kirchmeyer, Director, Department of Consumer Affairs</u>		

7. CONTACT PERSON Justin Sotelo	TELEPHONE NUMBER (916) 905-5511	FAX NUMBER (Optional) (916) 928-6849	E-MAIL ADDRESS (Optional) justin.sotelo@dca.ca.gov
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8. I certify that the attached copy of the regulation(s) is a true and correct copy of the regulation(s) identified on this form, that the information specified on this form is true and correct, and that I am the head of the agency taking this action, or a designee of the head of the agency, and am authorized to make this certification.

For use by Office of Administrative Law (OAL) only

ENDORSED APPROVED

JAN 12 2026

Office of Administrative Law

SIGNATURE OF AGENCY HEAD OR DESIGNEE

DATE

11/20/2025

TYPED NAME AND TITLE OF SIGNATORY

Jessica Siefertman, Executive Officer, California Veterinary Medical Board

TITLE 16. PROFESSIONAL AND VOCATIONAL REGULATIONS
Division 20. Veterinary Medical Board
Article 4. Practice

DEPARTMENT OF CONSUMER AFFAIRS

CALIFORNIA VETERINARY MEDICAL BOARD

Final Statement of Reasons

Subject Matter of Proposed Regulations:

This Final Statement of Reasons addresses the regulations applicable to Veterinary Drug Compounding.

Sections Affected: Amend section 2036.5 of article 4 and sections 2090, 2091, 2092, 2093, and 2094 of article 11 of division 20 of title 16 of the California Code of Regulations (CCR).

Updated Information:

The Informative Digest and Initial Statement of Reasons are included in the rulemaking file and incorporated as though set forth herein.

The Board staff noticed the proposed rulemaking on September 19, 2025, with a 45-day comment period ending on November 3, 2025. The Board received one inquiry and three comments during the comment period. There were no requests for a public hearing and no separate public hearing was held.

Local Mandate:

A mandate is not imposed on local agencies or school districts.

Consideration of Alternatives:

No reasonable alternative which was considered or that has otherwise been identified and brought to the attention of the Board would be more effective in carrying out the purpose for which it was proposed or would be as effective and less burdensome to affected private persons than the adopted regulations or would be more cost effective to affected private persons and equally effective in implementing the statutory policy or other provision of law. The Board incorporates by reference the alternatives identified in its Initial Statement of Reasons and did not receive any comments that altered its findings.

Summary of Comments and Responses:

The 45-day comment period began on September 19, 2025 and ended on November 3, 2025. The Board did not hold a hearing.

Comments received during 45-day notice, but did not warrant an official response by the Board:

During the 45-day public comment period, one inquiry and three comments were received. The items were not adverse. Board staff corresponded with the first commenter who provided the inquiry; and asked for clarification; the commenter responded that after re-reading the proposed changes, he had no additional questions or concerns. Two of the additional comments received were not germane to the proposed regulatory language. The fourth comment highlighted a technical drafting error that the Board seeks to fix through the Executive Officer's delegated authority.

The Board summary of and responses to the comments received are presented below.

Comment 1: Mike Corcoran, DVM, DABVP (R/A), CertAqV, September 22, 2025

Summary of Comment 1:

The commenter indicated that it was not clear what impact the proposed language would have on compounding medications for oral use to be dispensed to clients. Additionally, he stated that his concern comes as a veterinarian primarily seeing exotic animal species and that being able to mix medications with oral preparations appropriate for small exotics is essential for the practice of good quality medicine in these species.

Response to Comment 1:

Board staff responded to the commenter, indicating that the proposed changes applied to sterile and non-sterile preparations, and that the most substantive changes applied to sterile preparations. Additionally, Board staff asked the commenter if he had concerns with the specific language/changes that would not allow him to continue compounding for exotic medications. The commenter responded that he re-read the proposed changes and that he did not have any concerns. The comment therefore did not warrant an official response by the Board and did not warrant any modifications to the proposed language.

Comment 2: Margo Reeves, PharmD, FSHVHP, DICVP, University of California Veterinary Medical Center – San Diego, October 27, 2025

Summary of Comment 2:

The commenter proposed the following three revisions to the regulations (specifically,

CCR sections 2090 and 2092):

- Add “licensed pharmacist in a veterinary teaching hospital” and “pharmacy technician” to the definition of “compounding” under CCR section 2090, subsections (a) and (b), which identify those individuals who may perform compounding activities in a registered veterinary premises.
- Strike “indirect” supervision of a registered veterinary technician (RVT) by a veterinarian from CCR section 2090, subsection (a) given the complexities and potential risks of compounding activities. The commenter stated that all compounding activities should require direct supervision.
- Add new subsection (h) to CCR section 2092 to read: “In accordance with B&P code 4170.5 (c), a pharmacist-in-charge at a veterinary teaching hospital shall develop policies and procedures regarding veterinary drug compounding that recognize the unique relationship between the institution’s pharmacy and veterinarians in the control, management, dispensation and administration of drugs.”

Response to Comment 2:

Board staff responded to the commenter by explaining that several of the suggested revisions were not germane to the proposed regulatory amendments, and that any remaining suggestions would need to be evaluated separately by the Board to assess their policy implications. Staff also clarified that nothing prohibits licensed pharmacists from compounding within a registered veterinary premises.

With respect to the commenter’s proposal to strike “indirect” supervision of an RVT by a veterinarian from CCR section 2090, subsection (a), the Board noted that its regulatory package adding section 2090—effective April 1, 2022—expressly established a requirement for either direct or indirect supervision for subsection (a) (general compounding), and direct supervision for subsection (b) (compounding from bulk substances). Accordingly, the comment did not warrant an official Board response and did not necessitate any modification to the proposed regulatory language.

Comment 3: Gene Harrington, Senior Director, Animal Health Institute (AHI), October 28, 2025

Summary of Comment 3:

The commenter indicated that AHI generally supports and applauds the Board’s “proposal and efforts to clarify and tighten the current regulation governing veterinary drug compounding.” However, he claimed that there was an issue with the definition of “compounding” in CCR section 2090, subsection (a)(4), in that the term “chemical(s)” is not mentioned or referred to in section 530 of title 21 of the Code of Federal Regulations. Additionally, he stated that the term “chemical” is not defined in article 11

of division 20 of title 16 of the CCR.

Response to Comment 3:

Board staff responded to the commenter, explaining that the comment was not germane to the proposed amended regulatory language because the term “chemicals” appears in existing law, which is not being amended in this proposal. However, the Board will continue to ensure that its regulations remain aligned with those of the California State Board of Pharmacy and with applicable federal regulations.

Comment 4: Scott Young, Summit Policy Pharmacy – Veterinary, November 3, 2025

Summary of Comment 4:

The commenter stated that he appreciated the opportunity to comment on the proposed changes. Additionally, he stated that his organization would support expanding the definition of “office stock” beyond mobile units. He cited a recent (April 2025) definition expansion in Florida that includes administration of compounded medication outside of the office, which would cover ambulatory situations. He shared Florida’s regulatory language for the Board’s consideration.

Response to Comment 4:

Board staff reviewed the comment and determined that the regulation already covers ambulatory situations, which are referred to as mobile units and vehicles in California. Pursuant to CCR 2030.2 Minimum Standards – Mobile Veterinary Premises, which defines a mobile veterinary premises to mean a unit or vehicle within or from which veterinary services are being provided. Thus, no amendment to the text was necessary.

Board staff thanked the commenter for their letter.

As described on page one of the Initial Statement of Reasons, this regulatory proposal implements Business and Professions Code sections 4826.5, 4836, and 4840.