

**CS FOR HOUSE BILL NO. 145(HSS)**

IN THE LEGISLATURE OF THE STATE OF ALASKA

THIRTY-SECOND LEGISLATURE - FIRST SESSION

BY THE HOUSE HEALTH AND SOCIAL SERVICES COMMITTEE

Offered: 4/26/21

Referred: Rules

Sponsor(s): REPRESENTATIVES SNYDER, Tarr, McCarty, Kreiss-Tomkins, Ortiz, Schrage, Fields, Story, Spohnholz

**A BILL**

**FOR AN ACT ENTITLED**

1 **"An Act relating to the Board of Pharmacy; relating to health care services provided by**  
2 **pharmacists and pharmacy technicians; and relating to the practice of pharmacy."**

3 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

4 **\* Section 1.** AS 08.80.030(b) is amended to read:

5 (b) In order to fulfill its responsibilities, the board has the powers necessary  
6 for implementation and enforcement of this chapter, including the power to

7 (1) elect a president and secretary from its membership and adopt rules  
8 for the conduct of its business;

9 (2) license by examination or by license transfer the applicants who are  
10 qualified to engage in the practice of pharmacy;

11 (3) assist the department in inspections and investigations for  
12 violations of this chapter, or of any other state or federal statute relating to the practice  
13 of pharmacy;

14 (4) adopt regulations to carry out the purposes of this chapter;

1 (5) establish and enforce compliance with professional standards and  
2 rules of conduct for pharmacists engaged in the practice of pharmacy;

3 (6) determine standards for recognition and approval of degree  
4 programs of schools and colleges of pharmacy whose graduates shall be eligible for  
5 licensure in this state, including the specification and enforcement of requirements for  
6 practical training, including internships;

7 (7) establish for pharmacists and pharmacies minimum specifications  
8 for the physical facilities, technical equipment, personnel, and procedures for the  
9 storage, compounding, and dispensing of drugs or related devices, and for the  
10 monitoring of drug therapy, **including independent monitoring of drug therapy**;

11 (8) enforce the provisions of this chapter relating to the conduct or  
12 competence of pharmacists practicing in the state, and the suspension, revocation, or  
13 restriction of licenses to engage in the practice of pharmacy;

14 (9) license and regulate the training, qualifications, and employment of  
15 pharmacy interns and pharmacy technicians;

16 (10) issue licenses to persons engaged in the manufacture and  
17 distribution of drugs and related devices;

18 (11) establish and maintain a controlled substance prescription  
19 database as provided in AS 17.30.200;

20 (12) establish standards for the independent **prescribing and**  
21 administration [BY A PHARMACIST] of vaccines and related emergency  
22 medications under AS 08.80.168, including the completion of an immunization  
23 training program approved by the board;

24 (13) establish standards for the independent **prescribing and**  
25 dispensing by a pharmacist of an opioid overdose drug under AS 17.20.085, including  
26 the completion of an opioid overdose training program approved by the board;

27 (14) require that a licensed pharmacist register with the controlled  
28 substance prescription database under AS 17.30.200(n);

29 (15) establish the qualifications and duties of the executive  
30 administrator and delegate authority to the executive administrator that is necessary to  
31 conduct board business;

1 (16) license and inspect the facilities of wholesale drug distributors,  
2 third-party logistics providers, and outsourcing facilities located outside the state  
3 under AS 08.80.159.

4 \* **Sec. 2.** AS 08.80.045 is amended by adding a new subsection to read:

5 (c) Except as otherwise provided in a regulation under (b) of this section, a  
6 pharmacist may prescribe, dispense, and administer nonprescription drugs or devices.

7 \* **Sec. 3.** AS 08.80.155 is amended to read:

8 **Sec. 08.80.155. Emergency permit.** The board shall adopt regulations  
9 regarding the issuance of an emergency permit to practice **under this chapter**  
10 **[PHARMACY]**.

11 \* **Sec. 4.** AS 08.80.168(a) is amended to read:

12 (a) A pharmacist may independently **prescribe and** administer a vaccine and  
13 related emergency medication if the pharmacist has completed an immunization  
14 training program approved by the board and otherwise complies with the standards  
15 established by the board under AS 08.80.030(b).

16 \* **Sec. 5.** AS 08.80.168(b) is amended to read:

17 (b) A pharmacist may independently **prescribe and administer** **[DISPENSE]**  
18 an opioid overdose drug if the pharmacist has completed an opioid overdose drug  
19 training program approved by the board and otherwise complies with the standards  
20 established by the board under AS 08.80.030(b).

21 \* **Sec. 6.** AS 08.80.168 is amended by adding a new subsection to read:

22 (d) A pharmacy technician working under the immediate supervision of a  
23 pharmacist who meets the requirements of (a) of this section may administer a vaccine  
24 or related emergency medication if the pharmacy technician is authorized by the board  
25 to do so.

26 \* **Sec. 7.** AS 08.80.297(a) is amended to read:

27 (a) A pharmacist **or person acting at the direction of a pharmacist** shall  
28 disclose the price of filling any prescription when requested by the consumer.

29 \* **Sec. 8.** AS 08.80 is amended by adding a new section to article 3 to read:

30 **Sec. 08.80.337. Other patient care services.** (a) A pharmacist may, under a  
31 collaborative practice agreement with a written protocol approved by a practitioner,

1 provide patient care services.

2 (b) A pharmacist may independently provide patient care services for

3 (1) general health and wellness;

4 (2) disease prevention; or

5 (3) a condition that

6 (A) is minor and generally self limiting;

7 (B) has a test that is used to guide diagnosis or clinical  
8 decision-making and the test is waived under 42 U.S.C. 263a (Clinical  
9 Laboratory Improvement Amendments of 1988); or

10 (C) falls under a statewide standing order from the chief  
11 medical officer in the Department of Health and Social Services.

12 (c) This section does not authorize a pharmacist to prescribe a prescription  
13 drug that the pharmacist is not otherwise authorized to prescribe.

14 (d) In this section, "patient care services" means medical care services given  
15 in exchange for compensation intended to achieve outcomes related to the cure or  
16 prevention of a disease, elimination or reduction of a patient's symptoms, or arresting  
17 or slowing of a disease process.

18 \* **Sec. 9.** AS 08.80.480(12) is amended to read:

19 (12) "equivalent drug product" means a drug product that has the same  
20 established name, active ingredients, strength or concentration, [DOSAGE FORM,]  
21 and route of administration and that is formulated to contain the same amount of  
22 active ingredients in the same dosage form and to meet the same compendia or other  
23 applicable standards for strength, quality, purity, and identity, but that may differ in  
24 characteristics such as shape, scoring configuration, packaging, excipients including  
25 colors, flavors, preservatives, and expiration time;

26 \* **Sec. 10.** AS 08.80.480(30) is amended to read:

27 (30) "practice of pharmacy" means the interpretation, evaluation, and  
28 dispensing of prescription drug orders in the patient's best interest; participation in  
29 drug and device selection, drug administration, drug regimen reviews, and drug or  
30 drug-related research; provision of patient counseling and the provision of those acts  
31 or services necessary to provide pharmaceutical care; the **independent prescribing,**

1        **dispensing, and** administration of [VACCINES AND RELATED EMERGENCY  
2        MEDICATION; THE INDEPENDENT DISPENSING OF OPIOID OVERDOSE]  
3        drugs **in accordance with AS 08.80.168**; the responsibility for compounding and  
4        labeling of drugs and devices except labeling by a manufacturer, repackager, or  
5        distributor of nonprescription drugs and commercially packaged legend drugs and  
6        devices; proper and safe storage of drugs and devices; and maintenance of proper  
7        records for them;

8        \* **Sec. 11.** AS 21.36.090(d) is amended to read:

9                (d) Except to the extent necessary to comply with AS 21.42.365 and  
10              AS 21.56, a person may not practice or permit unfair discrimination against a person  
11              who provides a service covered under a group health insurance policy that extends  
12              coverage on an expense incurred basis, or under a group service or indemnity type  
13              contract issued by a health maintenance organization or a nonprofit corporation, if the  
14              service is within the scope of the provider's occupational license. In this subsection,  
15              "provider" means a state licensed physician, physician assistant, dentist, osteopath,  
16              optometrist, chiropractor, advanced practice registered nurse, **pharmacist**, naturopath,  
17              physical therapist, occupational therapist, marital and family therapist, psychologist,  
18              psychological associate, licensed clinical social worker, licensed professional  
19              counselor, or certified direct-entry midwife.

20        \* **Sec. 12.** AS 21.42 is amended by adding a new section to read:

21                **Sec. 21.42.440. Coverage for costs of services provided by pharmacists.** A  
22              policy, contract, or prepaid plan for individual or group health insurance issued or  
23              delivered in the state that provides coverage for services within the scope of practice  
24              of a pharmacist licensed under AS 08.80 must provide for coverage of and  
25              reimbursement for the services if performed by a pharmacist for a person covered  
26              under the policy, contract, or plan.