



# LAWS OF ALASKA

2018

**Source**

HCS CSSB 37(RLS) am H

**Chapter No.**

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**AN ACT**

Relating to the Board of Pharmacy; relating to the licensing of certain entities and inspection of certain facilities located outside the state; relating to drug supply chain security; creating a position of executive administrator for the Board of Pharmacy; reducing the membership of the Alaska Commercial Fisheries Entry Commission to two individuals; relating to the duties of the commissioner serving as chair of the commission; providing that a single commissioner may exercise all powers and duties of the commission if there is a vacancy on the commission; providing for commissioner compensation; relating to tie votes of the commission; and providing for an effective date.

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

THE ACT FOLLOWS ON PAGE 1



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2 of certain facilities located outside the state; relating to drug supply chain security; creating a  
3 position of executive administrator for the Board of Pharmacy; reducing the membership of  
4 the Alaska Commercial Fisheries Entry Commission to two individuals; relating to the duties  
5 of the commissioner serving as chair of the commission; providing that a single commissioner  
6 may exercise all powers and duties of the commission if there is a vacancy on the  
7 commission; providing for commissioner compensation; relating to tie votes of the  
8 commission; and providing for an effective date.

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

11 (b) In order to fulfill its responsibilities, the board has the powers necessary

1 for implementation and enforcement of this chapter, including the power to

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

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

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

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

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

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

16 (7) establish for pharmacists and pharmacies minimum specifications  
17 for the physical facilities, technical equipment, personnel, and procedures for the  
18 storage, compounding, and dispensing of drugs or related devices, and for the  
19 monitoring of drug therapy;

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

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

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

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

29 (12) establish standards for the independent administration by a  
30 pharmacist of vaccines and related emergency medications under AS 08.80.168,  
31 including the completion of an immunization training program approved by the board;

1 (13) establish standards for the independent dispensing by a  
2 pharmacist of an opioid overdose drug under AS 17.20.085, including the completion  
3 of an opioid overdose training program approved by the board;

4 (14) require that a licensed pharmacist register with the controlled  
5 substance prescription database under AS 17.30.200(o);

6 **(15) establish the qualifications and duties of the executive**  
7 **administrator and delegate authority to the executive administrator that is**  
8 **necessary to conduct board business.**

9 \* **Sec. 2.** AS 08.80.030(b), as amended by sec. 1 of this Act, is amended to read:

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

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

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

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

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

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

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

26 (7) establish for pharmacists and pharmacies minimum specifications  
27 for the physical facilities, technical equipment, personnel, and procedures for the  
28 storage, compounding, and dispensing of drugs or related devices, and for the  
29 monitoring of drug therapy;

30 (8) enforce the provisions of this chapter relating to the conduct or  
31 competence of pharmacists practicing in the state, and the suspension, revocation, or

1 restriction of licenses to engage in the practice of pharmacy;

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

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

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

8 (12) establish standards for the independent administration by a  
9 pharmacist of vaccines and related emergency medications under AS 08.80.168,  
10 including the completion of an immunization training program approved by the board;

11 (13) establish standards for the independent dispensing by a  
12 pharmacist of an opioid overdose drug under AS 17.20.085, including the completion  
13 of an opioid overdose training program approved by the board;

14 (14) require that a licensed pharmacist register with the controlled  
15 substance prescription database under AS 17.30.200(o);

16 (15) establish the qualifications and duties of the executive  
17 administrator and delegate authority to the executive administrator that is necessary to  
18 conduct board business;

19 **(16) license and inspect the facilities of wholesale drug**  
20 **distributors, third-party logistics providers, and outsourcing facilities located**  
21 **outside the state under AS 08.80.159.**

22 \* **Sec. 3.** AS 08.80.030 is amended by adding a new subsection to read:

23 (c) The minimum specifications for facilities, equipment, personnel, and  
24 procedures for the compounding, storage, and dispensing of drugs established under  
25 (b)(7) of this section must be consistent with the requirements of secs. 201 - 208, P.L.  
26 113-54 (Drug Supply Chain Security Act).

27 \* **Sec. 4.** AS 08.80.157 is amended by adding a new subsection to read:

28 (k) This section applies to wholesale drug distributors, third-party logistics  
29 providers, and outsourcing facilities located outside the state under AS 08.80.159.

30 \* **Sec. 5.** AS 08.80 is amended by adding a new section to read:

31 **Sec. 08.80.159. Licensing and inspection of facilities outside of state. (a)**

1 Before shipping, mailing, or delivering prescription drugs to a licensee in the state or  
2 advertising in the state, a wholesale drug distributor, third-party logistics provider, or  
3 an outsourcing facility that is located outside the state shall

4 (1) obtain a license under AS 08.80.157;

5 (2) appoint an agent on whom process can be served in the state; and

6 (3) authorize inspection of the facility by a designee of the board under  
7 (c) of this section.

8 (b) In addition to the requirements of (a) of this section, an outsourcing facility  
9 shall

10 (1) register as an outsourcing facility with the United States Food and  
11 Drug Administration; and

12 (2) comply with the requirements of 21 U.S.C. 353b (Drug Quality and  
13 Security Act).

14 (c) Upon application by a wholesale drug distributor, third-party logistics  
15 provider, or an outsourcing facility for a license under this section, the board may

16 (1) require an inspection of the applicant's facility located outside the  
17 state; and

18 (2) approve a designee to conduct the inspection.

19 (d) The board shall adopt regulations necessary to implement this section.

20 \* **Sec. 6.** AS 08.80 is amended by adding a new section to article 2 to read:

21 **Sec. 08.80.270. Executive administrator of the board.** (a) The board shall  
22 employ an executive administrator to carry out the duties established under (b) of this  
23 section. The executive administrator is the principal executive officer of the board.  
24 The executive administrator is in the partially exempt service under AS 39.25.120 and  
25 is entitled to receive a monthly salary equal to a step in Range 23 on the salary  
26 schedule set out in AS 39.27.011(a).

27 (b) The executive administrator shall

28 (1) perform duties associated with the licensing and regulation of  
29 licensees under this chapter as prescribed by the board; and

30 (2) serve as a liaison to the legislative and executive branches of state  
31 government, the media, and other state pharmacy boards.

1 \* **Sec. 7.** AS 08.80.480 is amended by adding new paragraphs to read:

2 (37) "outsourcing facility" means a facility at one geographic location  
3 or address that is engaged in the compounding of sterile drugs for a facility at another  
4 geographic location;

5 (38) "third-party logistics provider" means an entity that provides or  
6 coordinates warehousing or other logistics services for a product in interstate  
7 commerce on behalf of a manufacturer, wholesale distributor, or dispenser of the  
8 product, and that does not take ownership of the product or have responsibility to  
9 direct the sale or disposition of the product.

10 \* **Sec. 8.** AS 16.43.020 is amended to read:

11 **Sec. 16.43.020. Alaska Commercial Fisheries Entry Commission.** (a) There  
12 is established the Alaska Commercial Fisheries Entry Commission as a regulatory and  
13 quasi-judicial agency of the state. The commission consists of two [THREE] members  
14 appointed by the governor and confirmed by the legislature in joint session.

15 (b) The governor shall designate one member of the commission as **chair**  
16 [CHAIRMAN] of the commission. The **designated** member **serves** [DESIGNATED  
17 SHALL SERVE] as **chair** [CHAIRMAN] for a term of two years [,] and may be  
18 designated **chair** [CHAIRMAN] for successive two-year terms. **When there is a**  
19 **vacancy in the executive director position, the member serving as chair is**  
20 **responsible for and has authority over the internal administrative and personnel**  
21 **practices and procedures of the commission.**

22 \* **Sec. 9.** AS 16.43.030(c) is amended to read:

23 (c) **If there is a** [A] vacancy on the commission, [DOES NOT IMPAIR THE  
24 AUTHORITY OF] a **single commissioner may** [QUORUM OF COMMISSIONERS  
25 TO] exercise all the powers and perform all the duties of the commission.

26 \* **Sec. 10.** AS 16.43.040 is amended to read:

27 **Sec. 16.43.040. Quorum. Unless there is a vacancy on the commission, two**  
28 [TWO] members of the commission constitute a quorum for the transaction of  
29 business, for the performance of a duty, or for the exercise of a power of the  
30 commission.

31 \* **Sec. 11.** AS 16.43.050 is amended to read:



1                   **Sec. 16.43.050. Qualifications.** The commission shall consist of **two** [THREE]  
2 members with a broad range of professional experience, **neither** [NONE] of whom  
3 has a vested economic interest in an interim-use permit, entry permit, commercial  
4 fishing vessel or gear, or in any fishery resource processing or marketing business.

5 \* **Sec. 12.** AS 16.43.060 is amended to read:

6                   **Sec. 16.43.060. Compensation.** Members of the commission are in the exempt  
7 service and are entitled to a monthly salary equal to a step in Range **25** [27] of the  
8 salary schedule in AS 39.27.011.

9 \* **Sec. 13.** AS 16.43.110 is amended by adding a new subsection to read:

10                   (f) In case of a tie vote between commissioners in an adjudicatory proceeding,  
11 the decision of the hearing officer is the final administrative decision of the  
12 commission subject to review by a superior court under AS 44.62 (Administrative  
13 Procedure Act).

14 \* **Sec. 14.** AS 16.43.960(d) is amended to read:

15                   (d) **Except when there is a vacancy as provided in AS 16.43.030(c), the**  
16 [THE] show cause hearing shall be conducted before a quorum of commissioners and  
17 shall be presided over by a hearing officer appointed by the commission who shall rule  
18 on the presentation of evidence and other procedural matters. Hearings shall be  
19 conducted in accordance with regulations adopted under AS 16.43.110(b).

20 \* **Sec. 15.** AS 39.25.120(c)(7) is amended to read:

21                   (7) the principal executive officer of the following boards, councils, or  
22 commissions:

- 23                                   (A) Alaska Public Broadcasting Commission;
- 24                                   (B) Professional Teaching Practices Commission;
- 25                                   (C) Parole Board;
- 26                                   (D) Board of Nursing;
- 27                                   (E) Real Estate Commission;
- 28                                   (F) Alaska Royalty Oil and Gas Development Advisory Board;
- 29                                   (G) Alaska State Council on the Arts;
- 30                                   (H) Alaska Police Standards Council;
- 31                                   (I) Alaska Commission on Aging;

- 1 (J) Alaska Mental Health Board;
- 2 (K) State Medical Board;
- 3 (L) Governor's Council on Disabilities and Special Education;
- 4 (M) Advisory Board on Alcoholism and Drug Abuse;
- 5 (N) Statewide Suicide Prevention Council;
- 6 (O) State Board of Registration for Architects, Engineers, and
- 7 Land Surveyors;
- 8 (P) Alaska Health Care Commission;
- 9 **(Q) Board of Pharmacy;**

10 \* **Sec. 16.** The uncodified law of the State of Alaska is amended by adding a new section to  
11 read:

12 APPLICABILITY. AS 16.43.060, as amended by sec. 12 of this Act, applies to the  
13 compensation of commissioners of the Alaska Commercial Fisheries Entry Commission  
14 appointed after the effective date of sec. 12 of this Act.

15 \* **Sec. 17.** The uncodified law of the State of Alaska is amended by adding a new section to  
16 read:

17 TRANSITION: REGULATIONS. The Department of Commerce, Community, and  
18 Economic Development and the Board of Pharmacy may adopt regulations necessary to  
19 implement the changes made by secs. 1 - 7 of this Act. The regulations take effect under  
20 AS 44.62 (Administrative Procedure Act), but not before the effective date of the relevant  
21 provision of this Act implemented by the regulation.

22 \* **Sec. 18.** Sections 1, 6, and 8 - 17 of this Act take effect immediately under  
23 AS 01.10.070(c).

24 \* **Sec. 19.** Except as provided in sec. 18 of this Act, this Act takes effect July 1, 2019.