

1 HB587
2 114371-1
3 By Representative Johnson
4 RFD: Health
5 First Read: 17-FEB-10

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8 SYNOPSIS: This bill would declare the profession of
9 pharmacy a learned profession.

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11 A BILL
12 TO BE ENTITLED
13 AN ACT
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15 To amend Section 34-23-2 of the Code of Alabama
16 1975, to declare the practice of pharmacy in this state a
17 learned profession.

18 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

19 Section 1. Section 34-23-2 of the Code of Alabama
20 1975, is amended to read as follows:

21 "§34-23-2.

22 "(a) The practice of pharmacy and the management and
23 operation of pharmacies are hereby declared to affect the
24 public health, safety and welfare of the people of Alabama,
25 and thereby subject to regulation and control in the public
26 interest. Because the practice of pharmacy is characterized by
27 a need of unusual learning and an adherence to a standard of

1 ethics higher than that of the market place, the practice of
2 pharmacy is declared a learned profession. It is further
3 declared to be a matter of public interest and concern that
4 only qualified persons compound or dispense prescription drugs
5 and medicines, and that pharmacies be managed in such a manner
6 as to protect the public, and all provisions of this chapter
7 shall be liberally construed to carry out these objects and
8 purposes. This subsection shall not be interpreted in any way
9 to restrict the ownership, operation, or method of conducting
10 a pharmacy in this state.

11 "(b) This section does not expand or enlarge the
12 scope of the practice of the profession of pharmacy and shall
13 not be construed to authorize or permit a pharmacist licensed
14 under this chapter to diagnose, treat, or prescribe for any
15 human illness, injury, disease, or condition, or to dispense
16 or cause to be dispensed a different drug or brand of drug in
17 lieu of that ordered or prescribed except as permitted by
18 Section 34-23-8 or to otherwise engage in the practice of
19 medicine as that term is defined in Section 34-24-50."

20 Section 2. All laws or parts of laws which conflict
21 with this act are repealed.

22 Section 3. This act shall become effective
23 immediately following its passage and approval by the
24 Governor, or its otherwise becoming law.