

HB78 INTRODUCED



1 YKPHN6-1
2 By Representative Rigsby
3 RFD: Health
4 First Read: 07-Mar-23
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SYNOPSIS:

Under existing law, a person performing pharmacy services is required to have a permit issued by the board. A person for the purposes of the pharmacy law includes an individual or an entity.

This bill would provide that an entity, rather than a person, providing pharmacy services to residents of this state would be required to have a permit issued by the board.

A BILL
TO BE ENACTED
AN ACT

Relating to the Board of Pharmacy; to amend Section 34-23-30 of the Code of Alabama 1975, relating to persons required to have a permit issued by the board to perform pharmacy services; to provide that an entity providing pharmacy services to residents of this state, rather than a person, would be required to have a permit issued by the board.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Section 34-23-30 of the Code of Alabama 1975, is amended to read as follows:

"§34-23-30



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29 (a) Every pharmacy, hospital pharmacy, drugstore,
30 pharmacy department, prescription department, prescription
31 laboratory, ~~dispensary~~, apothecary, or any other establishment
32 with a title implying the sale, offering for sale,
33 compounding, or dispensing of drugs ~~in this state~~, or any
34 ~~person performing~~ entity providing pharmacy services for
35 patients residing in this state, shall register biennially and
36 receive a permit from the board. Any person desiring to open,
37 operate, maintain, or establish a pharmacy or ~~perform to~~
38 establish an entity to provide pharmacy services ~~in this state~~
39 shall apply to the board for a permit at least 30 days prior
40 to the opening of the business. No pharmacy or entity
41 performing pharmacy services shall open for the transaction of
42 business until it has been registered, inspected, and a permit
43 issued by the board. The application for a permit shall be
44 made on a form prescribed and furnished by the board which
45 when properly executed shall indicate the ownership desiring
46 such permit and the names and license numbers of all licensed
47 pharmacists employed as well as the location of the pharmacy
48 or entity where pharmacy services are performed and other
49 information as the board may require. If more than one
50 pharmacy or entity where pharmacy services are performed is
51 operated by the same owner, a separate application for
52 registration shall be made and a separate permit issued for
53 each such establishment. All permits issued under this section
54 shall become due on October 31 and shall become null and void
55 on December 31 of even-numbered years. Every application for a
56 permit for a new pharmacy or entity where pharmacy services



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57 are performed shall be accompanied by a fee to be determined
58 by the board, but the fee shall not be less than one hundred
59 dollars (\$100) nor more than two hundred dollars (\$200). Every
60 application for a renewal permit shall be accompanied by a fee
61 to be determined by the board, but the fee shall not be less
62 than fifty dollars (\$50) nor more than one hundred fifty
63 dollars (\$150). Every application for a permit due to transfer
64 of ownership shall be accompanied by a fee to be determined by
65 the board, but the fee shall not be less than one hundred
66 fifty dollars (\$150) nor more than four hundred dollars
67 (\$400). Every application for a permit for an out-of-state
68 pharmacy or entity where pharmacy services are performed shall
69 be accompanied by a fee to be determined by the board, but the
70 fee shall not be less than seven hundred fifty dollars (\$750)
71 nor more than two thousand dollars (\$2,000). Every application
72 for a renewal permit for an out-of-state pharmacy or entity
73 where pharmacy services are performed shall be accompanied by
74 a fee to be determined by the board, but the fee shall not be
75 less than four hundred dollars (\$400) nor more than seven
76 hundred fifty dollars (\$750). Each application for the renewal
77 of a permit shall be made on or before October 31 of each
78 even-numbered year, at which time the previous permit shall
79 become null and void on December 31 of even-numbered years. A
80 penalty of twenty-five dollars (\$25) for each overdue month
81 shall be assessed in addition to the permit fee for renewal of
82 delinquent permits. The secretary of the board shall issue a
83 permit for each pharmacy or entity where pharmacy services are
84 performed whose application is found to be satisfactory by the



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85 board. Permits issued under this section shall not be
86 transferable. Any change in the control of ownership or
87 licensed pharmacists shall be reported to the board in writing
88 within 10 days of such occurrence. If the pharmacy or entity
89 where pharmacy services are performed is owned by a
90 corporation, the permit shall be issued in the name of the
91 corporation. It shall be the duty of the owners of pharmacies
92 or the owners of entities where pharmacy services are
93 performed who are not licensed pharmacists to immediately
94 notify the board upon the termination of employment of
95 licensed pharmacists and to cause the surrender of permits as
96 indicated. The further operation of the pharmacy or entity
97 where pharmacy services are performed in the absence of
98 licensed pharmacists is forbidden; provided, that the
99 nonregistered owner shall have a period of 30 days within
100 which to comply with this subsection. The next of kin of any
101 deceased licensed pharmacist owner shall have a period of 30
102 days within which to comply with this chapter, during which
103 time no prescriptions shall be filled unless a licensed
104 pharmacist is on duty. No mail order pharmacy shall transact
105 business in this state without a permit from the board.

106 (b) Requirements for the grant of authority by the
107 board to any ~~person who offers or performs~~ entity providing
108 pharmacy services shall be by board rule.

109 (c) Nothing contained in this section related to
110 pharmacy services permits shall be interpreted to delegate to
111 the board the authority to ~~promulgate~~ adopt rules governing
112 pharmacy benefit managers.



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113 (d) Any person who violates this section shall be
114 guilty of a misdemeanor."

115 Section 2. This act shall become effective on the first
116 day of the third month following its passage and approval by
117 the Governor, or its otherwise becoming law.