

1 HB237
2 148030-1
3 By Representatives Beech, Wallace, Standridge and Johnson (R)
4 RFD: Health
5 First Read: 12-FEB-13

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8 SYNOPSIS: Under existing law, the Alabama State Board
9 of Pharmacy is responsible for regulating the
10 practice of pharmacy and the operation of
11 pharmacies in the state.

12 This bill would allow pharmacies in Alabama
13 to accept unused or expired dispensed medications
14 for destruction.

15
16 A BILL
17 TO BE ENTITLED
18 AN ACT
19

20 To amend Section 34-23-70, Code of Alabama 1975,
21 relating to the practice of pharmacy and the operation of
22 pharmacies; to allow pharmacies in Alabama to accept unused or
23 expired dispensed medications for destruction.

24 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

25 Section 1. Section 34-23-70 of the Code of Alabama
26 1975, is amended to read as follows:

27 "§34-23-70.

1 "(a) Every pharmacy when opened for business shall
2 be under the personal supervision of a duly licensed
3 pharmacist who shall have personal supervision of not more
4 than one pharmacy at the same time. During temporary absences
5 of the licensed pharmacist, not to exceed three hours daily or
6 more than one and one-half hours at any one time, nor more
7 than one week for temporary illness, the prescription
8 department shall be closed, and no prescriptions are to be
9 filled. During the temporary absence of a pharmacist, a sign
10 shall be placed on the prescription counter in a prominent
11 location easily seen by the public stating, "Prescription
12 Department Closed, No Pharmacist on Duty."

13 "(b) The permit issued to each pharmacist by the
14 board and the licensure certificates issued to the licensed
15 pharmacist employed by each pharmacy must be prominently and
16 conspicuously displayed in the pharmacy. The name of the
17 licensed pharmacist on duty must be conspicuously displayed in
18 the prescription department in a place readily observable by
19 the public.

20 "(c) (1) No licensed pharmacist or pharmacy operating
21 within this state shall accept for refund purposes or
22 otherwise any unused portion of any dispensed prescription.

23 "(2) The prohibition in subdivision (1) shall not
24 apply to any unused or expired dispensed medication returned
25 solely for the purpose of destruction in compliance with
26 applicable law or rules of the board.

1 "(d) The sale of poisons is restricted to the
2 immediate supervision of a licensed pharmacist, and such
3 poison shall not be displayed in a pharmacy in such a manner
4 that a customer may obtain possession of such poisons when
5 standing in an area allocated for customer use. No sale of a
6 poison shall be made or delivered to any minor under 12 years
7 of age or to any person known to be of unsound mind or under
8 the influence of alcohol.

9 "(e) No pharmacy shall authorize any person, firm,
10 or business establishment to serve as a pick-up station or
11 intermediary for the purpose of having prescriptions filled or
12 delivered, whether for profit or gratuitously. Except with
13 respect to controlled substances, the following federally
14 qualified health care centers are expressly exempt from this
15 subsection: Birmingham Health Care, Inc., Central Alabama
16 Comprehensive Health, Inc., Health Services, Inc., Family
17 Oriented Primary Health Care Clinic/Mobile County Health
18 Department, Franklin Primary Health Center, Quality of Life
19 Health Services, Inc., and Whatley Health Services, Inc. Each
20 named federally qualified health center is authorized to fill
21 certain prescriptions at one location and deliver medications
22 to clinics for patient pick-up subject to the review of the
23 Board of Pharmacy.

24 "(f) No prescription blank supplied by a pharmacy or
25 pharmacist to a practitioner shall bear the imprint thereon of
26 the name or address of any pharmacy or bear the name or
27 address of any person registered under this chapter.

1 "(g) No person shall fill or compound a prescription
2 or drug order in an institution unless he is a duly licensed
3 pharmacist or otherwise permitted to do so under the
4 provisions of this chapter. The act of filling or compounding
5 prescriptions or drug orders in an institution shall be as
6 defined in the rules and regulations adopted by the board of
7 pharmacy.

8 "However, such rules and regulations shall not apply
9 to the reading, interpreting, and writing or verifying the
10 writing of adequate directions as are necessary to assure
11 patient's understanding of the prescriber's intentions by a
12 duly qualified nurse practicing her/his profession in a
13 licensed hospital or similar institution.

14 "Nothing in this chapter shall authorize the Board
15 of Pharmacy to promulgate or to enforce any rule or regulation
16 which governs, regulates, or restricts the professional
17 practice of a physician licensed to practice medicine in this
18 state. No provision of this chapter, or any rule promulgated
19 under the authority of this chapter shall be interpreted to
20 amend, alter, or modify the provisions of Section 34-23-11.

21 "(h) Only a licensed pharmacist or registered intern
22 may accept an oral prescription of any nature. Upon so
23 accepting such oral prescription, it must immediately be
24 reduced to writing, and only a licensed pharmacist or an
25 intern supervised by a licensed pharmacist may prepare a copy
26 of a prescription or read a prescription to any person for
27 purposes of providing reference concerning treatment of the

1 person or animal for whom the prescription was written; and,
2 when the copy is given, a notation shall be made upon the
3 prescription that a copy has been given, the date given, and
4 to whom given.

5 "(i) If a prescription is refilled, a record of the
6 date upon which the prescription is refilled must appear on
7 the prescription or in a permanent prescription record book.
8 On prescriptions which may be refilled, written or oral
9 authorization must be received before refilling unless the
10 number of refills is indicated on the original prescription.
11 Those prescriptions marked "refill prn" or equivalent
12 designation shall be refilled only in quantities commensurate
13 with the dosage scheduled.

14 "(j) Each prescription must be written in a manner
15 so that it can be compounded by any registered pharmacist. The
16 coding of any prescription is in violation of this chapter. No
17 prescription shall be written in any characters, figures, or
18 ciphers, other than in the English or Latin language,
19 generally in use among medical and pharmaceutical
20 practitioners.

21 "(k) A prescription file or files shall be kept by
22 every pharmacy for a period of not less than two years in
23 which the original of every prescription compounded or
24 dispensed shall be filed in the order of compounding with
25 number and date of dispensing placed on each prescription.
26 Each pharmacy shall produce any prescription file whenever
27 legally required to do so. Such prescription file shall at all

1 times be open for inspection by the prescriber, the board of
2 pharmacy, or its inspectors.

3 "(l) All drugs or drug preparations bearing upon the
4 package the words, "caution, federal law prohibits dispensing
5 without prescription" or words to the same effect, otherwise
6 known as "legend drugs," shall be stored within the confines
7 of the prescription department or the prescription department
8 storage room of each pharmacy. Such drugs shall be sold or
9 dispensed only on the prescription of a licensed practitioner
10 authorized to prescribe such drugs and shall not be sold or
11 dispensed as a refilled prescription except upon the express
12 authorization of the prescriber. This shall not be construed
13 to prohibit return to authorized suppliers or sale or transfer
14 to others licensed to possess legend drugs.

15 "(m) Any person who violates any of the provisions
16 of this section shall be guilty of a misdemeanor."

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