

1 HB36
2 144231-1
3 By Representative Johnson (R)
4 RFD: Health
5 First Read: 05-FEB-13
6 PFD: 01/24/2013

2
3
4
5
6
7
8 SYNOPSIS: This bill would authorize the Board of
9 Pharmacy to adopt rules to provide for automated
10 dispensing machines in nursing homes.

11
12 A BILL
13 TO BE ENTITLED
14 AN ACT

15
16 To amend Section 34-23-74 of the Code of Alabama
17 1975, relating to hospitals and other institutional
18 pharmacies; to specifically authorize the Board of Pharmacy to
19 adopt rules to provide for automated dispensing systems in
20 nursing facilities.

21 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

22 Section 1. Section 34-23-74 of the Code of Alabama
23 1975, is amended to read as follows:

24 "§34-23-74.

25 "Every (a) Except as otherwise provided in
26 subsection (b), every pharmacy located in a hospital, skilled
27 nursing home, or other related institution in this state shall

1 be under the supervision of a licensed pharmacist. In general
2 hospitals, skilled nursing homes, and extended care facilities
3 not operating a pharmacy, the drug or medicine room shall be
4 under the direct supervision and direction of a consulting
5 pharmacist or a member of the medical staff who shall be a
6 licensed practitioner of medicine. In nursing homes which are
7 not classified by the State Board of Health as skilled nursing
8 homes, maternity homes, homes for the aged, domiciliary
9 institutions, and all related institutions except those
10 operated by and in conjunction with a licensed hospital,
11 medicines or drugs bearing the wording on the label "caution,
12 federal law prohibits dispensing without prescription" or
13 similar wording that causes the medicines or drugs to be known
14 as prescription legend drugs shall be furnished by a licensed
15 pharmacy on the prescription of a licensed practitioner of
16 medicine for individual patients, and there shall be no
17 prescription legend drugs on the premises of these
18 institutions other than those so prescribed except an
19 emergency kit as authorized by the State Board of Health. In
20 hospitals and skilled nursing homes using vending machines or
21 mechanical devices for the storage and dispensing of drugs,
22 the machines or devices shall be stocked only under the
23 supervision of a licensed pharmacist, and the drugs may be
24 dispensed from the machine or device only by an individual
25 acting in accordance with established institutional hospital
26 pharmacy policy. The State Board of Pharmacy may at any time
27 adopt such additional rules and regulations consistent with

1 this chapter as may be deemed necessary after advising with
2 the Alabama Society of Hospital Pharmacists in regard to the
3 storage and handling of drugs and medicines and the
4 disposition of unused portion of drugs and medicines in
5 hospitals and other related institutions under this section.

6 "(b) Notwithstanding the provisions of subsection
7 (a), the use and operation of automated dispensing systems in
8 skilled nursing facilities by a pharmacy holding a permit
9 issued for that purpose is authorized pursuant to rules
10 adopted by the board."

11 Section 2. This act shall become effective
12 immediately following its passage and approval by the
13 Governor, or its otherwise becoming law.