

1 HB304
2 174573-1
3 By Representative Beech
4 RFD: Boards, Agencies and Commissions
5 First Read: 24-FEB-16

2
3
4
5
6
7
8 SYNOPSIS: Under existing law, the State Board of
9 Pharmacy regulates pharmacy technicians.

10 This bill would provide for the regulation
11 of the training of pharmacy technicians.

12
13 A BILL
14 TO BE ENTITLED
15 AN ACT

16
17 To amend Section 34-23-92, Code of Alabama 1975,
18 relating to the State Board of Pharmacy; to provide for the
19 regulation of the training of pharmacy technicians.

20 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

21 Section 1. Section 34-23-92, Code of Alabama 1975,
22 is amended to read as follows:

23 "§34-23-92.

24 "The board shall exercise, subject to the provisions
25 of this chapter, the following powers and duties:

26 "(1) To adopt rules concerning the records and
27 reports to be kept and made by a pharmacy relating to the

1 filling of prescriptions and the handling and preservation of
2 drugs.

3 "(2) To fix standards and requirements for licenses
4 and permits except as otherwise specified in this chapter.

5 "(3) To make rules and regulations regarding
6 sanitation consistent with state health regulations.

7 "(4) To employ such chemists, agents, clerical help,
8 and attorneys necessary for the proper administration of the
9 duties of the board.

10 "(5) To employ a Chief Drug Inspector and such other
11 drug inspectors that it deems necessary to enforce the
12 provisions of this chapter which are under the supervision of
13 the board.

14 "(6) To adopt rules and regulations for the
15 administration and enforcement of this chapter and not
16 inconsistent herewith. Such rules and regulations shall be
17 referenced to the section or sections of this chapter which
18 set forth the legislative standard which it interprets or to
19 which it applies. Every such rule and regulation shall be
20 adopted in accordance with the Alabama Administrative
21 Procedure Act. A copy of every rule and regulation containing
22 a requirement of general application shall be electronically
23 mailed to each registered pharmacist at least 10 days before
24 the effective date thereof. A printed copy of such rules and
25 regulations shall be mailed to any registered pharmacist upon
26 written request to the board.

1 "(7) To investigate violations of this chapter or
2 any other law pertaining to the practice of pharmacy that may
3 come to the knowledge of the board and institute or cause to
4 be instituted before the board or in a proper court
5 appropriate proceedings in connection therewith.

6 "(8) To issue subpoenas and compel the attendance of
7 witnesses and the production of all necessary papers, books
8 and records, documentary evidence and materials, or other
9 evidence in matters pending before the board relating to the
10 revocation, suspension, or probation of any license. Those
11 persons issued subpoenas and compelled to attend hearings or
12 meetings in matters pending before the Board of Pharmacy shall
13 be entitled to witness fees from Board of Pharmacy funds.
14 Claims for witness fees shall be made on accepted State of
15 Alabama voucher forms as appropriate. Travel and mileage
16 expenses shall be reimbursed to witnesses in the amounts
17 officially authorized to the board and its personnel at the
18 time the service to the Board of Pharmacy is performed.

19 "(9) The members of the board shall have the power
20 and authority to administer oaths in connection with the
21 duties of the board.

22 "(10) The board shall make a written report annually
23 of its receipts and disbursements to the Governor and to the
24 State Pharmaceutical Association. Included in this report
25 shall be the names of all registrants licensed to practice
26 under this chapter and a record of all permits issued during
27 the period covered by the report.

1 "(11) It shall be the duty of the board to enforce
2 the provisions of the state barbiturate act, the state
3 amphetamine act, the state narcotic law and all other laws of
4 the state which pertain to the practice of pharmacy, the
5 examination of applicants, the licensing of pharmacists, the
6 manufacture, packaging, repackaging, production, sale or
7 distribution of drugs, chemicals and poisons, and all laws
8 pertaining to standards for their strength and purity. The
9 board may work in conjunction with other law enforcement
10 agencies to enforce the provisions of any law pertaining to
11 the practice of pharmacy. Nothing in this section shall be
12 construed to deprive the State Board of Health of any powers
13 or duties otherwise prescribed by law including the
14 enforcement of the narcotic law.

15 "(12) It shall be the duty of the board to
16 investigate alleged violations of this chapter or any rule or
17 regulation published by the board and conduct hearings to
18 revoke, suspend, or probate any license or permit granted by
19 the board under the provisions of this chapter and to invoke
20 penalties not to exceed the sum of \$1,000 for each such
21 violation(s) and to institute any legal proceedings necessary
22 to effect compliance with this chapter; provided, that any
23 person, firm, or corporation subjected to such penalty or
24 legal proceedings may take an appeal in accordance with the
25 provisions of Section 34-23-94.

26 "(13) On application of any person and payment of
27 the cost therefor, the secretary of the board shall furnish,

1 under its seal and signed by him, a certified copy of his
2 license or permit, regulation or rule. In any court or
3 proceeding, such copy shall be prima facie evidence of the
4 fact of the issuance of such permit or license and the
5 adoption of such rule or regulation.

6 "(14) To acquire by gift, grant, purchase,
7 condemnation, or otherwise, and to convey or hold title to,
8 real property, together with all rights incidental thereto.

9 "(15) To adopt rules concerning the training of
10 pharmacy technicians."

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