

1 SB102
2 214912-3
3 By Senator Beasley
4 RFD: Healthcare
5 First Read: 18-JAN-22

1 SB102

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4 ENROLLED, An Act,

5 Relating to the Board of Pharmacy; to amend Section
6 34-23-50, Code of Alabama 1975, relating to the practice of
7 pharmacy, to authorize the board to issue permits to persons
8 as pharmacy interns or externs who are authorized to compound
9 or dispense prescriptions under the immediate direct
10 supervision of a pharmacist; and to delete certain obsolete
11 language.

12 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

13 Section 1. Section 34-23-50, Code of Alabama 1975,
14 is amended to read as follows:

15 "§34-23-50.

16 "(a) It shall be unlawful for any person, firm, or
17 corporation to practice pharmacy in this state or to permit
18 prescriptions to be compounded ~~and/or~~ or dispensed by ~~persons~~
19 a person other than ~~those~~ a person duly licensed by the board
20 to practice pharmacy in this state; ~~provided, that any.~~

21 "(b) (1) Notwithstanding subsection (a), the board
22 may issue a pharmacy intern/extern permit as further provided
23 in this subsection that authorizes a pharmacy intern or extern
24 to compound and dispense prescriptions while serving under the

1 immediate direct supervision of a licensed pharmacist on the
2 premises of a permitted pharmacy.

3 "(2) The following persons may apply to the board
4 for a pharmacy intern/extern permit:

5 "a. A person who holds a professional degree in
6 pharmacy from a school of pharmacy recognized by the board who
7 is serving his or her internship under the immediate direct
8 supervision of a pharmacist on the premises registered by the
9 board and any desires to serve as a pharmacy intern.

10 "b. A person who is enrolled in a school of pharmacy
11 recognized by the board working under the immediate and direct
12 supervision of a pharmacist on the premises registered by the
13 board pursuing his or her education as a pharmacist shall be
14 permitted to compound and/or dispense prescriptions who
15 desires to serve as a pharmacy extern while pursuing his or
16 her education as a pharmacist. In order to be considered
17 enrolled in a school of pharmacy and pursuing his or her
18 education as a pharmacist, a the person shall not be absent
19 from the school of pharmacy for more than two consecutive
20 semesters or three consecutive quarters, dependent upon the
21 system in use in the school of pharmacy. Any bona fide
22 resident of this state who shall furnish proof to the board in
23 person by affidavits from two pharmacists licensed by the
24 State Board of Pharmacy, neither of whom shall be related to
25 the applicant by blood or marriage, within a period of 90 days

1 ~~subsequent to August 26, 1966, establishing the fact that he~~
2 ~~or she has filled prescriptions under the supervision of a~~
3 ~~licensed pharmacist over a period of at least 15 successive~~
4 ~~years next preceding the offer of such proof shall be issued~~
5 ~~an assistant's certificate which will authorize the person to~~
6 ~~practice pharmacy in this state; provided, that the person~~
7 ~~shall be under the supervision of a licensed pharmacist at all~~
8 ~~times, and such person shall be subject to all of the~~
9 ~~provisions of this chapter governing the practice of pharmacy~~
10 ~~in this state, including, but not limited to, the revocation~~
11 ~~or suspension of such certificate for violations of the~~
12 ~~provisions of this chapter; and provided further, that such~~
13 ~~person shall pay an original registration fee to be determined~~
14 ~~by the board, but the fee shall not be less than twenty-five~~
15 ~~dollars (\$25) nor more than fifty dollars (\$50) upon the~~
16 ~~issuance of such certificate. All certificates so issued shall~~
17 ~~expire on December 31 of even-numbered years. In order to~~
18 ~~continue to obtain a certificate as a pharmacist's assistant,~~
19 ~~a biennial renewal fee in an amount determined by the board~~
20 ~~shall be paid, but the fee shall not be less than twenty-five~~
21 ~~dollars (\$25) nor more than one hundred fifty dollars (\$150).~~
22 ~~This renewal fee shall be paid to the secretary of the board~~
23 ~~and shall be due on October 31 and delinquent after December~~
24 ~~31 of even-numbered years. The payment of the renewal fee~~
25 ~~shall entitle the holder thereof to renewal of his or her~~

1 ~~certificate at the discretion of the board. If any~~
2 ~~pharmacist's assistant fails to pay a renewal fee on or before~~
3 ~~the due date, the holder of the certificate may be reinstated~~
4 ~~as a pharmacist's assistant only upon payment of a penalty of~~
5 ~~ten dollars (\$10) for each lapsed month and all lapsed fees,~~
6 ~~provided the lapsed time of certification shall not exceed~~
7 ~~five years, in which case reinstatement may be had only upon~~
8 ~~satisfactory examination by the board. As used in this~~
9 ~~section, the term "supervision" shall be construed to mean~~
10 ~~that the supervising licensed pharmacist shall be either~~
11 ~~personally present or on call and available for consultation~~
12 ~~at all times, or a licensed pharmacist designated by the~~
13 ~~supervising licensed pharmacist shall be either personally~~
14 ~~present or on call and available for consultation at all~~
15 ~~times.~~

16 "(3) A person requesting a pharmacy intern/extern
17 permit shall submit an application to the board in a form as
18 determined by the board. The person shall be required to be of
19 good moral character and a citizen of the United States or, if
20 not a citizen, must be legally present in the United States
21 with appropriate documentation from the federal government.
22 Further, the person shall not have engaged in any conduct that
23 would be a violation of this chapter or board rule.

24 "(4) The application shall be accompanied with an
25 initial fee of not more than one hundred dollars (\$100).

1 "(5) The board shall require a background check on
2 each applicant as part of the initial application process. The
3 cost of the background check shall be paid by the applicant.

4 "(6) A pharmacy intern/extern permit shall expire on
5 December 31 of odd-numbered years. In order to continue to
6 work as an intern or extern, a renewal fee of not more than
7 one hundred dollars (\$100), as determined by the board, shall
8 be received by the board by December 31 of the year of
9 expiration. If the renewal is not timely received by the
10 board, the applicant for renewal shall pay a penalty of not
11 more than fifty dollars (\$50), as determined by the board, for
12 each month the renewal is late.

13 "(7) For the purposes of this subsection, "immediate
14 direct supervision" means that at least one pharmacist is
15 personally present and available on the premises of the
16 pharmacy for consultation with the intern or extern at all
17 times.

18 ~~(b)~~ (c) Notwithstanding Section 20-2-51 or any other
19 law to the contrary, each person licensed by the board to
20 practice pharmacy may distribute or dispense controlled
21 substances during the biennial period for which the person is
22 licensed."

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

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President and Presiding Officer of
the Senate

Speaker of the House of Representa-
tives

SB102
Senate 10-FEB-22
I hereby certify that the within Act originated in
and passed the Senate.

Patrick Harris,
Secretary.

House of Representatives
Passed: 02-MAR-22

By: Senator Beasley