

**HB79 ENROLLED**



1 3PL7EV-2  
2 By Representative Rigsby  
3 RFD: Boards, Agencies and Commissions  
4 First Read: 07-Mar-23  
5  
6 2023 Regular Session



## HB79 Enrolled

1 Enrolled, An Act,

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A BILL

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TO BE ENACTED

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AN ACT

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Relating to the Board of Pharmacy; to amend Section

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34-23-32 of the Code of Alabama 1975, requiring a

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manufacturer, bottler, packager, wholesale drug distributor,

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and other entities in the supply chain for pharmaceutical

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products to obtain an annual permit from the board; to require

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each permit holder to designate a representative of the permit

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holder who would be required to register with the board; and

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to provide for an additional annual registration fee.

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BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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Section 1. Section 34-23-32 of the Code of Alabama

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1975, is amended to read as follows:

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"§34-23-32

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(a) Commencing on August 1, 2017, every manufacturer,

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bottler, packager, repackager, third party logistic provider,

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wholesale drug distributor, private label distributor,

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outsourcing facility, or pharmacy business identified in the

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supply chain of drugs, medicines, chemicals, or poisons for

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medicinal purposes shall register annually with the board by

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application for a permit on a form furnished by the board and

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accompanied by a fee to be determined by the board as follows:

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(1) The fee shall not be less than five hundred dollars



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29 (\$500) nor more than two thousand dollars (\$2,000) for a new  
30 establishment.

31 (2) The fee shall not be less than two hundred fifty  
32 dollars (\$250) nor more than one thousand dollars (\$1,000) for  
33 a renewal permit.

34 (3) The fee shall not be less than five hundred dollars  
35 (\$500) nor more than two thousand dollars (\$2,000) for a  
36 permit due to transfer of ownership.

37 (b) A holder of a permit shall employ a full-time  
38 licensed pharmacist whose principal duty shall be confined to  
39 on-premise pharmaceutical operations. Wholesale drug  
40 distributors who strictly limit their operation to  
41 distribution of drugs, medicines, chemicals, or poisons for  
42 medicinal purposes are exempt from the requirement to employ a  
43 full-time licensed pharmacist.

44 (c) The professional practice of any physician licensed  
45 to practice medicine is exempt from the requirements of this  
46 section.

47 (d) All permits issued under this section shall become  
48 due on October 31 and shall become null and void if not paid  
49 by December 31. Each application for the renewal of the permit  
50 shall be made annually on or before December 31. A penalty of  
51 one hundred dollars (\$100) for each overdue month shall be  
52 assessed in addition to the permit fee for renewal of  
53 delinquent permits. ~~For each application for a permit made and  
54 found to be satisfactory by the board, the secretary of the  
55 board shall issue to the applicant a permit for such  
56 appropriate function, which permit shall be displayed in a~~

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57 ~~conspicuous place.~~

58 (e) (1) Commencing on January 1, 2024, each holder of a  
59 permit issued under this section, with the exception of an  
60 outsourcing facility, shall designate a current representative  
61 of the permit holder and shall register the designated  
62 representative with the board. The designated representative  
63 shall possess the qualifications, requirements, and background  
64 as set out by the board.

65 (2) The holder of the permit shall pay an initial  
66 registration fee to register the designated representative of  
67 not less than one hundred dollars (\$100), as set by rule of  
68 the board. The registration of a designated representative  
69 shall expire on December 31. The renewal of the registration  
70 shall be due on October 31 of each year and shall be  
71 delinquent after December 31. The annual fee for the renewal  
72 of a designated representative shall not be less than one  
73 hundred dollars (\$100), as set by rule of the board. If the  
74 renewal is not timely received by the board, the applicant for  
75 renewal of the registration shall pay a penalty of not more  
76 than fifty dollars (\$50) for each month the renewal is late,  
77 as set by rule of the board.

78 ~~(e)~~ (f) All holders of a permit shall, before shipping  
79 any drug bearing the legend, "caution, federal law prohibits  
80 dispensing without prescription" or similar wording causing  
81 these drugs to be known as legend drugs to new customers,  
82 assure themselves that the recipient is either a duly licensed  
83 doctor of medicine, dentistry, or veterinary medicine or holds  
84 a registered pharmacy permit from the board by contacting the



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85 office of the board.

86 ~~(f)~~ (g) No manufacturer, manufacturer affiliate,  
87 bottler, packager, repackager, third party logistic provider,  
88 wholesale drug distributor, private label distributor,  
89 outsourcing facility, or pharmacy business identified in the  
90 supply chain of any legend drug or device shall ship, or cause  
91 to be shipped, into the state any legend drug or device  
92 without a valid permit issued by the board. The civil penalty  
93 for a violation of this subsection shall be four thousand  
94 dollars (\$4,000) for each violation.

95 ~~(g)~~ (h) The holder of a permit to ship any legend drug  
96 or device into the state shall provide to the board a list of  
97 all trading partners, upon request of the board.

98 ~~(h)~~ (i) No holder of a permit shall ship any legend drug  
99 to any person or firm after receiving written notice from the  
100 board that the person or firm no longer holds a registered  
101 pharmacy permit. Any person violating this section shall be  
102 guilty of a misdemeanor.

103 (j) For each application for a permit found to be  
104 satisfactory by the board, the secretary of the board shall  
105 issue to the applicant a permit for the appropriate function,  
106 which permit shall be displayed in a conspicuous place."

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



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Speaker of the House of Representatives

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President and Presiding Officer of the Senate

House of Representatives

I hereby certify that the within Act originated in and was passed by the House 11-Apr-23.

John Treadwell  
Clerk

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Senate **25-Apr-23**

Passed