

# SB16 INTRODUCED



- 1 G35W26-1
- 2 By Senator Butler
- 3 RFD: Healthcare
- 4 First Read: 07-Mar-23
- 5 PFD: 22-Feb-23



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SYNOPSIS:

Under existing law, a person performing pharmacy services is required to have a permit issued by the board. A person for the purposes of the pharmacy law includes an individual or an entity.

This bill would provide that an entity, rather than a person, providing pharmacy services to residents of this state would be required to have a permit issued by the board.

A BILL  
TO BE ENACTED  
AN ACT

Relating to the Board of Pharmacy; to amend Section 34-23-30 of the Code of Alabama 1975, relating to persons required to have a permit issued by the board to perform pharmacy services; to provide that an entity providing pharmacy services to residents of this state, rather than a person, would be required to have a permit issued by the board.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Section 34-23-30 of the Code of Alabama 1975, is amended to read as follows:

"§34-23-30



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29 (a) Every pharmacy, hospital pharmacy, drugstore,  
30 pharmacy department, prescription department, prescription  
31 laboratory, ~~dispensary~~, apothecary, or any other establishment  
32 with a title implying the sale, offering for sale,  
33 compounding, or dispensing of drugs ~~in this state~~, or any  
34 ~~person performing~~ entity providing pharmacy services for  
35 patients residing in this state, shall register biennially and  
36 receive a permit from the board. Any person desiring to open,  
37 operate, maintain, or establish a pharmacy or ~~perform to~~  
38 establish an entity to provide pharmacy services ~~in this state~~  
39 shall apply to the board for a permit at least 30 days prior  
40 to the opening of the business. No pharmacy or entity  
41 performing pharmacy services shall open for the transaction of  
42 business until it has been registered, inspected, and a permit  
43 issued by the board. The application for a permit shall be  
44 made on a form prescribed and furnished by the board which  
45 when properly executed shall indicate the ownership desiring  
46 such permit and the names and license numbers of all licensed  
47 pharmacists employed as well as the location of the pharmacy  
48 or entity where pharmacy services are performed and other  
49 information as the board may require. If more than one  
50 pharmacy or entity where pharmacy services are performed is  
51 operated by the same owner, a separate application for  
52 registration shall be made and a separate permit issued for  
53 each such establishment. All permits issued under this section  
54 shall become due on October 31 and shall become null and void  
55 on December 31 of even-numbered years. Every application for a  
56 permit for a new pharmacy or entity where pharmacy services



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57 are performed shall be accompanied by a fee to be determined  
58 by the board, but the fee shall not be less than one hundred  
59 dollars (\$100) nor more than two hundred dollars (\$200). Every  
60 application for a renewal permit shall be accompanied by a fee  
61 to be determined by the board, but the fee shall not be less  
62 than fifty dollars (\$50) nor more than one hundred fifty  
63 dollars (\$150). Every application for a permit due to transfer  
64 of ownership shall be accompanied by a fee to be determined by  
65 the board, but the fee shall not be less than one hundred  
66 fifty dollars (\$150) nor more than four hundred dollars  
67 (\$400). Every application for a permit for an out-of-state  
68 pharmacy or entity where pharmacy services are performed shall  
69 be accompanied by a fee to be determined by the board, but the  
70 fee shall not be less than seven hundred fifty dollars (\$750)  
71 nor more than two thousand dollars (\$2,000). Every application  
72 for a renewal permit for an out-of-state pharmacy or entity  
73 where pharmacy services are performed shall be accompanied by  
74 a fee to be determined by the board, but the fee shall not be  
75 less than four hundred dollars (\$400) nor more than seven  
76 hundred fifty dollars (\$750). Each application for the renewal  
77 of a permit shall be made on or before October 31 of each  
78 even-numbered year, at which time the previous permit shall  
79 become null and void on December 31 of even-numbered years. A  
80 penalty of twenty-five dollars (\$25) for each overdue month  
81 shall be assessed in addition to the permit fee for renewal of  
82 delinquent permits. The secretary of the board shall issue a  
83 permit for each pharmacy or entity where pharmacy services are  
84 performed whose application is found to be satisfactory by the



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85 board. Permits issued under this section shall not be  
86 transferable. Any change in the control of ownership or  
87 licensed pharmacists shall be reported to the board in writing  
88 within 10 days of such occurrence. If the pharmacy or entity  
89 where pharmacy services are performed is owned by a  
90 corporation, the permit shall be issued in the name of the  
91 corporation. It shall be the duty of the owners of pharmacies  
92 or the owners of entities where pharmacy services are  
93 performed who are not licensed pharmacists to immediately  
94 notify the board upon the termination of employment of  
95 licensed pharmacists and to cause the surrender of permits as  
96 indicated. The further operation of the pharmacy or entity  
97 where pharmacy services are performed in the absence of  
98 licensed pharmacists is forbidden; provided, that the  
99 nonregistered owner shall have a period of 30 days within  
100 which to comply with this subsection. The next of kin of any  
101 deceased licensed pharmacist owner shall have a period of 30  
102 days within which to comply with this chapter, during which  
103 time no prescriptions shall be filled unless a licensed  
104 pharmacist is on duty. No mail order pharmacy shall transact  
105 business in this state without a permit from the board.

106 (b) Requirements for the grant of authority by the  
107 board to any ~~person who offers or performs~~ entity providing  
108 pharmacy services shall be by board rule.

109 (c) Nothing contained in this section related to  
110 pharmacy services permits shall be interpreted to delegate to  
111 the board the authority to ~~promulgate~~ adopt rules governing  
112 pharmacy benefit managers.



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113           (d) Any person who violates this section shall be  
114 guilty of a misdemeanor."

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