

HB123 ENROLLED



1 HB123
2 YMYZ96N-2
3 By Representatives Underwood, Wilcox
4 RFD: Boards, Agencies and Commissions
5 First Read: 04-Feb-25
6 PFD: 03-Feb-25



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Enrolled, An Act,

Relating to the Alabama Sunset Law; to continue the existence and functioning of the Alabama State Board of Pharmacy until October 1, 2026, with certain modifications; to amend Sections 34-23-3, 34-23-8, 34-23-12, 34-23-13, 34-23-30, 34-23-32.2, 34-23-33, 34-23-34, 34-23-52, 34-23-90, 34-23-91, 34-23-92, 34-23-93, and 34-23-131, Code of Alabama 1975; to reconstitute the membership of the board; to revise the compensation of board members and their duties; to provide further for the position of secretary; to revise the board's authority to impose penalties; to provide further for the board's authorization to discipline pharmacists, pharmacies, and certain other entities; to provide further for the general counsel of the board; to require the board to report on the status of board rules; and to make nonsubstantive, technical revisions to update the existing code language to current style.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Pursuant to the Alabama Sunset Law, the Sunset Committee recommends the continuance of the Alabama State Board of Pharmacy until October 1, 2026, with the additional recommendation for statutory change as set out in Section 3.

Section 2. The existence and functioning of the Alabama State Board of Pharmacy, created and functioning pursuant to Chapter 23 of Title 34, Code of Alabama 1975, is continued until October 1, 2026, and those code sections are expressly preserved.



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Section 3. Section 34-23-3, 34-23-8, 34-23-12, 34-23-13, 34-23-30, 34-23-32.2, 34-23-33, 34-23-34, 34-23-52, 34-23-90, 34-23-91, 34-23-92, 34-23-93, and 34-23-131, Code of Alabama 1975, are amended to read as follows:

"§34-23-3

(a) Each state drug investigator employed by the board ~~following the passage of this chapter~~ must furnish satisfactory proof to the board that ~~he or she~~ the investigator ~~is a person~~ an individual of good moral character and that in the judgment of the members of the board, he or she has sufficient knowledge of the laws pertaining to the practice of pharmacy and law enforcement to enable him or her to carry out ~~his or her~~ the duties as an investigator consistent with this chapter. ~~Each~~ A state drug investigator employed by the board ~~shall~~ must serve an apprenticeship of a minimum of six months working with and under the supervision of the ~~Chief Drug Investigator~~ chief drug investigator or other investigator designated by the board. ~~Each such~~ An investigator, before entering upon his or her duties, shall post with the board a bond in the amount of two thousand dollars (\$2,000) conditioned upon the faithful performance of his or her duties.

(b) ~~Each~~ A state drug investigator ~~shall have the power to inspect~~ shall:

(1) Inspect the medicines and drugs or drug products ~~or domestic remedies which~~ that are manufactured, packaged, packed, made, sold, offered for sale, exposed for sale, or kept for sale in this state; ~~and for this purpose shall have~~



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57 ~~the right to enter~~

58 (2) Subject to subsection (c), enter and inspect during
59 business hours any pharmacy or any other place in this state
60 where medicines or drugs or drug products or proprietary
61 medicines are manufactured, packaged, packed, made, sold,
62 offered for sale, or kept for sale, whether or not licensed by
63 the board; and

64 (3) Inspect prescription files, prescription records,
65 poison registers, exempt narcotic registers, and any other
66 records pertaining to the filling and filing of prescriptions.

67 (c) Each A state drug investigator shall be subject to
68 the same restrictions as other law enforcement officers ~~of the~~
69 ~~law in~~ with regard to search and seizure. ~~They~~

70 (d) A state drug investigator shall report to the board
71 all violations of ~~the laws~~ law relating to pharmacy and all
72 rules ~~and regulations~~ of the board. As directed by the board,
73 ~~it shall be the duty of the state drug investigators to issue~~
74 ~~citations~~ a state drug investigator shall issue written
75 warnings for violations of such laws, or rules, ~~or regulations~~
76 or institute criminal proceedings against persons for such
77 violations.

78 (e) When authorized by the board and where there are
79 specific complaints, ~~the a~~ state drug investigator ~~shall have~~
80 ~~the right to~~ may inspect ~~all~~ records, shipping tickets, or any
81 other document pertaining to the transfer of drugs or drug
82 preparations, from or to hospitals, pharmacists, wholesale
83 establishments and manufacturers, or any other place or
84 establishment where the preparations of drugs are kept or



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85 stored. ~~They shall have the authority to inspect all~~
86 ~~prescription files, prescription record books, poison~~
87 ~~registers, exempt narcotic registers, and any other records~~
88 ~~pertaining to the filling and filing of prescriptions. It~~
89 ~~shall be the duty of the~~

90 (f) A state drug investigator ~~to~~ shall take possession
91 of all revoked licenses and permits or suspended licenses and
92 permits, or both, when such licenses and permits are not
93 surrendered voluntarily to the board by the ~~person or~~
94 ~~pharmacist~~ individual or entity whose license or permit has
95 been revoked or suspended.

96 (g) Nothing in this chapter shall authorize or require
97 ~~the a~~ state drug investigator ~~or state drug investigators~~ to
98 inspect the offices of ~~doctors of medicine~~ physicians who have
99 duly qualified with the State Board of Medical Examiners."

100 "§34-23-8

101 (a) No person shall dispense or cause to be dispensed a
102 different drug or brand of drug in lieu of that ordered or
103 prescribed without the express permission in each case of the
104 person ordering or prescribing such drug, except as provided
105 below:

106 (1) A licensed pharmacist ~~in this state~~ shall be
107 permitted to select for the brand name drug product prescribed
108 by a licensed physician or other practitioner who is located
109 in this state and authorized by law to write prescriptions,
110 hereinafter referred to as "practitioner," a less expensive
111 pharmaceutically and therapeutically equivalent drug product
112 containing the same active ingredient or ingredients, and of



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the same dosage form strength, in all cases where the practitioner expressly authorizes such selection in accordance with subdivision (4).

(2) A licensed pharmacist ~~located in this state~~ shall be permitted to select for the brand name drug product prescribed by a practitioner who is located in another state or licensing jurisdiction and who is authorized by the laws of that state or jurisdiction to write prescriptions, a less expensive pharmaceutically and therapeutically equivalent drug product containing the same active ingredient or ingredients, and of the same dosage form strength, in all cases where the out-of-state licensed physician or other practitioner does not expressly prohibit a substitution.

(3) A pharmacist shall record on the prescription form the name and manufacturer or distributor of any drug product dispensed as herein authorized.

(4)a. Every written prescription issued in this state by a licensed practitioner shall contain two signature lines. One line shall indicate if the brand name is meant to be dispensed and the other shall indicate if a product selection is permitted. The practitioner shall communicate instructions to the pharmacist by signing on the appropriate line.

b. An oral or electronic prescription, including an e-fax, from the practitioner shall instruct the pharmacist whether or not a less expensive pharmaceutically and therapeutically equivalent drug product may be dispensed. The pharmacist shall note instructions on the file copy of the prescription and retain the prescription form for the period



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specified by law. The ~~State Board of Pharmacy board~~ shall not adopt any rule affecting the subject matter of this subdivision.

(5) Unless otherwise indicated by the practitioner, the prescription label on the dispensing container shall indicate the actual drug product dispensed, either the brand name, or if none, the generic name, and the name of the manufacturer or a reasonable abbreviation of the name of the manufacturer.

~~(6) (b) This Subsection (a) shall not be interpreted to exclude the use of a formulary or drug list as adopted and approved by a medical staff in a licensed hospital with drugs provided thereunder by procedures established for use within that licensed hospital.~~

~~(7) Any person who violates this section shall be punished by a fine of up to \$1,000."~~

"§34-23-12

~~(a) When it shall appear to the board that any person who is not licensed under the provisions of this chapter is violating any of the provisions of this chapter, the~~ The board may in its own name bring an action in the circuit court for an injunction, and the court of this state against any person in this state who:

(1) Practices pharmacy without a license or permits prescriptions to be compounded or dispensed by a person who is not licensed to practice pharmacy, in violation of Section 34-23-50;

(2) Operates a pharmacy or other entity without a permit, in violation of Section 34-23-30, 34-23-31, or



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34-23-32; or

(3) Performs pharmacy technician functions without a valid pharmacy technician registration.

(b) A court may enjoin any person from violating the provisions of this chapter regardless of whether proceedings have been or may be instituted before the board or whether criminal proceedings have been or may be instituted."

"§34-23-13

~~Any person who shall practice~~A person who does any of the following, unless a penalty is otherwise specifically provided in this chapter, is guilty of a Class B misdemeanor:

(1) Practices pharmacy in this state without having first obtained from the board a license, or who permits from the board.

(2) Permits prescriptions to be compounded and/or or dispensed by unauthorized persons.; or who violates any of the provisions of this chapter; or who willfully

(3) Willfully violates any published provision of this chapter or rule or regulation of adopted by the board; or who does any act described in this chapter as unlawful, the penalty for which is not herein specifically provided, shall be guilty of a misdemeanor and, upon conviction, shall be punished by fine of not more than \$1,000 for each offense, to be fixed by the court trying the case, and in addition thereto may be, in the discretion of the court trying the case, sentenced to hard labor for the county for a period not to exceed 12 months."

"§34-23-30



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(a) Every pharmacy, hospital pharmacy, drugstore, pharmacy department, prescription department, prescription laboratory, apothecary, ~~or and~~ any other ~~establishment~~ entity with a title implying the sale, offering for sale, compounding, or dispensing of drugs, ~~or and~~ any entity providing pharmacy services for patients residing in this state, shall register biennially and receive a permit from the board in accordance with this chapter. Any person desiring to ~~open, operate, maintain, or establish~~ a pharmacy or to establish an entity to provide pharmacy services shall apply to the board for a permit at least 30 days prior to the opening of the business. No pharmacy or entity performing pharmacy services shall ~~open for the transaction of~~ be authorized to transact business until it the pharmacy or entity has been registered, inspected, and had a permit issued by the board.

(b) (1) The application for a permit shall be made on a form prescribed and furnished by the board which when properly executed shall indicate the ownership desiring ~~such the~~ permit and the names and license numbers of all licensed pharmacists employed as well as the location of the pharmacy or entity where pharmacy services are performed and other information as the board may require. If more than one pharmacy or entity where pharmacy services are performed is operated by the same owner, a separate application for registration shall be made and a separate permit issued for each ~~such establishment~~ entity.

(2) ~~All permits issued under this section shall become~~



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225 ~~due on October 31 and shall become null and void on December~~
226 ~~31 of even-numbered years. Every application for a permit for~~
227 ~~a new pharmacy or entity where pharmacy services are performed~~
228 ~~shall be accompanied by a fee to be determinedset by the~~
229 ~~board, by rule., but the fee shall not be less than one~~
230 ~~hundred dollars (\$100) nor more than two hundred dollars~~
231 ~~(\$200). Every application for a renewal permit shall be~~
232 ~~accompanied by a fee to be determined by the board, but the~~
233 ~~fee shall not be less than fifty dollars (\$50) nor more than~~
234 ~~one hundred fifty dollars (\$150). Every application for a~~
235 ~~permit due to transfer of ownership shall be accompanied by a~~
236 ~~fee to be determined by the board, but the fee shall not be~~
237 ~~less than one hundred fifty dollars (\$150) nor more than four~~
238 ~~hundred dollars (\$400). Every application for a permit for an~~
239 ~~out-of-state pharmacy or entity where pharmacy services are~~
240 ~~performed shall be accompanied by a fee to be determined by~~
241 ~~the board, but the fee shall not be less than seven hundred~~
242 ~~fifty dollars (\$750) nor more than two thousand dollars~~
243 ~~(\$2,000). Every application for a renewal permit for an~~
244 ~~out-of-state pharmacy or entity where pharmacy services are~~
245 ~~performed shall be accompanied by a fee to be determined by~~
246 ~~the board, but the fee shall not be less than four hundred~~
247 ~~dollars (\$400) nor more than seven hundred fifty dollars~~
248 ~~(\$750). Each application for the renewal of a permit shall be~~
249 ~~made on or before October 31 of each even-numbered year, at~~
250 ~~which time the previous permit shall become null and void on~~
251 ~~December 31 of even-numbered years. A penalty of twenty-five~~
252 ~~dollars (\$25) for each overdue month shall be assessed in~~



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~~addition to the permit fee for renewal of delinquent permits.~~

(3) The secretary of the board shall issue a permit for each pharmacy or entity where pharmacy services are performed whose application is found to be satisfactory by the board. Permits issued under this section shall not be transferable. Any change in the control of ownership or licensed pharmacists shall be reported to the board in writing within 10 days of such occurrence. If the pharmacy or entity where pharmacy services are performed is owned by a corporation, the permit shall be issued in the name of the corporation. ~~It shall be the duty of the owners~~ Owners of pharmacies or the owners of entities where pharmacy services are performed who are not licensed pharmacists ~~to shall~~ immediately notify the board upon the termination of employment of licensed pharmacists and ~~to shall~~ cause the surrender of permits as indicated. The further operation of the pharmacy or entity where pharmacy services are performed in the absence of licensed pharmacists is forbidden; provided, that the nonregistered owner shall have a period of 30 days within which to comply with this subsection. The next of kin of any deceased licensed pharmacist owner shall have a period of 30 days within which to comply with this chapter, during which time no prescriptions ~~shall may~~ be filled unless a licensed pharmacist is on duty.

(4) All permits issued under this section shall expire on December 31 of even-numbered years unless the permit holder renews the permit by paying the applicable renewal fee. The renewal fee is due on December 31, and if not received by that



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date, the permit shall be considered delinquent and the board may impose a late fee of twenty-five dollars (\$25) for each month the renewal fee is late, provided a delinquency fee may not exceed one thousand dollars (\$1,000). The board may also suspend a permit that is not renewed within a prescribed period of time, as determined by rule of the board.

(c) The board, by rule, shall set the following fees on the holders of permits issued under this section:

(1) For a permit for a resident pharmacy or resident entity that performs pharmacy services, a fee of not less than one hundred dollars (\$100) nor more than five hundred dollars (\$500).

(2) For a resident pharmacy permit renewal, a fee of not less than one hundred dollars (\$100) nor more than three hundred dollars (\$300).

(3) For a transfer of ownership, a fee of not less than one hundred fifty dollars (\$150) nor more than four hundred dollars (\$400).

(4) For a permit for a nonresident pharmacy or nonresident entity that performs pharmacy services, a fee of not less than seven hundred fifty dollars (\$750) nor more than two thousand dollars (\$2,000).

(5) For a renewal permit for a nonresident pharmacy or nonresident entity that performs pharmacy services, a fee of not less than four hundred dollars (\$400) nor more than seven hundred fifty dollars (\$750).

(d) No mail order pharmacy shall transact business in this state without a permit from the board.



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~~(b) (e)~~ Requirements for the grant of authority by the board to any entity providing pharmacy services shall be by board rule. The board, by rule, shall establish qualifications for any individual or entity providing pharmacy services in the state.

~~(e) (f)~~ Nothing contained in this section related to pharmacy services permits shall be interpreted to delegate to the board the authority to adopt rules governing pharmacy ~~benefit~~ benefits managers.

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

"§34-23-32.2

(a) Any requirements established by the FDA Guidelines in the Drug Quality and Security Act shall be adhered to by the affected parties.

(b) (1) The board may issue an annual permit to any manufacturer, manufacturer affiliate, bottler, packager, repackager, ~~third party~~ third-party logistic provider, wholesale drug distributor, private label distributor, or pharmacy business identified in the supply chain of any drugs, legend drugs, medicines, chemicals, or poisons for medicinal purposes.

(2) The board, by rule, shall establish fees for the various categories of permits issued under this section ~~and fines for violations of this section~~ of not less than five hundred dollars (\$500) nor more than two thousand dollars (\$2,000). In addition, the board, by rule, may establish renewal fees and late fees for failure to renew a permit in a



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timely manner. Proceeds received by the board from fees levied and fines collected pursuant to this section shall be used by the board to fund the costs of permitting, inspecting, and investigating any business permitted pursuant to this section."

"§34-23-33

(a) The board may revoke, or suspend, a license, permit, certificate, or registration, place on probation, ~~or require remediation for any licensed pharmacist or a holder of a pharmacy intern or extern certificate for a specified time as determined by the board and take the same or similar action against the permit to operate any pharmacy in this state, or impose monetary penalties in accordance with subsection (b) against any person who holds a license, permit, certificate, or registration issued by the board~~ whenever the board finds by a preponderance of the evidence, or pursuant to a consent decree, ~~that the pharmacist has been guilty of any of the following acts or offenses~~ any of the following:

(1) Obtaining a license, permit, certificate, or registration from the board by fraudulent means.

(2) ~~Violation of the laws~~ Violating any law regulating the sale or dispensing of narcotics, exempt narcotics, or drugs bearing the label "caution, federal law prohibits dispensing without prescription," or similar wording which causes the drugs to be classified as prescription legend drugs.

(3) Conviction of a felony. A copy of the record of the conviction, certified by the clerk of the court entering the



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conviction, shall be conclusive evidence of the conviction.

(4) Conviction of any crime or offense that reflects the inability of the practitioner to practice pharmacy with due regard for the health and safety of the patients.

(5) Demonstrated inability ~~Inability~~ to practice pharmacy with reasonable skill and safety to patients by reason of illness, ~~inebriation~~ intoxication, misuse of drugs, narcotics, alcohol, chemicals, or any other substance, or as a result of any mental or physical condition. When the issue is whether or not a pharmacist is physically or mentally capable of practicing pharmacy with reasonable skill and safety to patients, then, upon a showing of probable cause to the board that the pharmacist is not capable of practicing pharmacy with reasonable skill and safety to patients, the board may require the pharmacist in question to submit to a psychological examination by a psychologist to determine psychological status or a physical examination by a physician, or both, to determine physical condition. The psychologist or physician, or both, shall be designated by the board. The expense of the examination shall be borne by the board. Where the pharmacist raises the issue of mental or physical competence or appeals a decision regarding his or her mental or physical competence, the pharmacist shall be permitted to obtain his or her own evaluation at the pharmacist's expense. If the objectivity or adequacy of the examination is suspect, the board may complete the examination by the designated practitioners at its own expense. When mental or physical capacity to practice is at issue, every pharmacist licensed to practice pharmacy in the



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state shall be deemed to have given consent to submit to a mental or physical examination or to any combination of the examinations and to waive all objections to the admissibility of the examination, or to previously adjudicated evidence of mental incompetence.

(6) Gross malpractice or repeated malpractice or gross negligence in the practice of pharmacy.

(7) Violation of any provisions contained in this chapter or rule of the board.

(8) Employing, assisting, or enabling in any manner any unlicensed person to practice pharmacy.

(9) The suspension, revocation, or probation by another state of a license to practice pharmacy. A certified copy of the record of suspension, revocation, or probation of the state ~~making such a~~ imposing the suspension, revocation, or probation shall be conclusive evidence of the suspension, revocation, or probation. This subdivision does not authorize the board to take any disciplinary action, including imposition of a monetary penalty, against any individual or entity that has not been issued a license, permit, certificate, or registration by the board and has not violated any provision of this chapter or rule of the board.

(10) Refusal to appear before the board after having been ordered to do so in writing by the ~~executive officer~~ secretary or chair of the board.

(11) Making any fraudulent or untrue statement to the board.

~~(12) Violation of any rule or regulation of the board.~~



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421 ~~(13)~~(12) Violation of the code of professional conduct
422 adopted by the board in the rules and regulations of the
423 board.

424 (b) (1) The board ~~shall have the authority to adopt~~
425 ~~rules imposing a non-disciplinary administrative penalty for~~
426 ~~designated violations of this chapter~~may impose monetary
427 penalties in the form of civil penalties for disciplinary
428 violations and administrative fines for non-disciplinary
429 violations of this chapter and rules of the board, as
430 determined by the board.

431 (2) The board, by rule, shall adopt monetary penalty
432 schedules that shall include both civil penalties and
433 administrative fines and shall be dollar amount ranges based
434 on the underlying violation. The board shall adopt separate
435 penalty schedules for specific types or categories of
436 individuals and entities subject to this chapter, including,
437 but not limited to, separate penalty schedules for chain
438 pharmacies, independent pharmacies, manufacturers, and
439 distributors. No later than the effective date of the
440 certified rule or rules, the board shall publish the penalty
441 schedules on the board's website. Beginning January 1, 2026,
442 the board may not impose any monetary penalty unless the
443 monetary penalty is covered and addressed by a monetary
444 penalty schedule that has been certified and published on the
445 website.

446 (3) When determining the amount of a monetary penalty
447 for a specific violation, the board shall consider the level
448 and scope of misconduct, the level of risk to public health



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and safety, and the compliance history of the violator, ~~and if~~
~~the violator is an entity, the size of the business, including~~
~~its annual revenues."~~

"§34-23-34

No disciplinary action described in Section 34-23-33
relating to the license, registration, certificate, or permit
of any ~~person~~ individual or entity regulated by the board may
be taken unless a statement of charges and notice of hearing
has been served on the ~~person~~ individual or entity at least 30
days before the date fixed for the hearing. The board, at its
sole discretion, may serve the statement of charges by
personal service or by registered or certified mail or
delivery by any recognized delivery or courier service to the
address of the ~~person~~ individual or entity in the records of
the board. The burden of proof shall be on the board."

"§34-23-52

(a) (1) All certificates of licensure shall expire on
December 31 of even-numbered years. ~~In order to continue to be~~
~~licensed, every~~ unless a licensed pharmacist ~~shall pay to the~~
~~secretary of the board a biennial~~ pays a renewal fee ~~to be~~
~~determined~~ in a specified amount set by the board, by rule.
~~but the~~ The fee shall not be less than twenty-five dollars
(\$25) nor more than one hundred fifty dollars (\$150). The
renewal fee shall be due on ~~October~~ December 31 and ~~delinquent~~
~~after December 31 of even-numbered years, except that holders~~
~~of life certificates to practice pharmacy previously issued~~
~~shall not be required to pay a renewal fee. The payment of the~~
~~renewal fee~~ shall entitle the registrants to renewal of their



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certificates at the discretion of the board. If any pharmacist fails to pay a the renewal fee ~~on or before the due date, the holder of the certificate may be reinstated as a licensed pharmacist only upon payment of a penalty of ten dollars (\$10) for each lapsed month and all lapsed fees, provided by~~ December 31, the board in accordance with board rule, may impose a late fee which may not exceed ten dollars (\$10) for each lapsed month. Notwithstanding the foregoing, the lapsed time of registration may not exceed five years, in which case reinstatement may occur only upon satisfactory examination by the board.

(2) Notwithstanding subdivision (1), holders of life certificates to practice pharmacy previously issued shall not be required to pay a renewal fee.

(b) In addition to any fee requirements, each pharmacist shall be required to complete continuing education for each renewal period, as determined by the board by rule."

"§34-23-90

(a) The Alabama State Board of Pharmacy is created and vested with the authority to carry out the purposes of and enforce this chapter.

(b) (1) The Beginning January 1, 2026, the board shall consist of ~~five~~ nine members who are residents of this state. Subject to subdivision (3), membership of the board shall be as follows:

a. One hospital pharmacist licensed by the board who is appointed by the Governor from a list of three names submitted by the Alabama Society of Health System Pharmacists.



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b. One chain pharmacist licensed by the board who is appointed by the Governor from a list of three names submitted from the Alabama Pharmacy Association.

c. One independent pharmacist licensed by the board who is appointed by the Lieutenant Governor from a list of three names submitted from the Alabama Pharmacy Association.

d. One specialty pharmacist, such as a nuclear, home infusion, compounding only, or consultant pharmacist, licensed by the board who is appointed by the Speaker of the House of Representatives from a list of three names submitted from the Alabama Pharmacy Association.

e. One institutional pharmacist, such as a non-hospital, nursing home, assisted living, or prison pharmacist, licensed by the board who is appointed by the President Pro Tempore of the Senate from a list of three names submitted from the Alabama Society of Health System Pharmacists.

f. One academic pharmacist licensed by the board who is appointed by the Lieutenant Governor from a list of four names, with two names each submitted from the two state pharmacy schools.

g. One at-large pharmacist licensed by the board appointed by the Speaker of the House of Representatives from a list of three names submitted by the Alabama Pharmacy Association.

h. One registered pharmacy technician licensed by the board appointed by the President Pro Tempore of the Senate from a list of three names submitted from the Alabama Pharmacy



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533 Association.

534 i. One at-large consumer who is appointed by the
535 Governor. ~~The members of the board shall be licensed~~
536 ~~pharmacists who have been licensed in this state for a minimum~~
537 ~~of five years and who are actively engaged in the practice of~~
538 ~~pharmacy or pharmacy administration, or both.~~

539 ~~(b) Three members shall be appointed by the Governor.~~
540 ~~Of the three appointed members, one member shall be engaged in~~
541 ~~the practice of pharmacy or pharmacy administration, or both,~~
542 ~~in a hospital, one in an independent pharmacy, and one in a~~
543 ~~chain pharmacy. On or before August 1, 1996, and each five~~
544 ~~years thereafter, or whenever a vacancy occurs in the~~
545 ~~designated position for hospital pharmacists, the Alabama~~
546 ~~Society of Health System Pharmacists, or its successor~~
547 ~~organization, shall submit a list of three nominees to the~~
548 ~~Governor. On or before August 1, 1994, and each five years~~
549 ~~thereafter, or whenever a vacancy occurs in the designated~~
550 ~~position for a chain pharmacist, the Alabama Pharmacy~~
551 ~~Association, or its successor organization, shall submit a~~
552 ~~list of three nominees to the Governor. On or before August 1,~~
553 ~~1997, and each five years thereafter, or whenever a vacancy~~
554 ~~occurs in the designated position for the independent~~
555 ~~pharmacist, the independent pharmacist members of the Alabama~~
556 ~~Pharmacy Association, or its successor organization, shall~~
557 ~~submit a list of three nominees to the Governor. From the~~
558 ~~names submitted to the Governor, the Governor shall appoint a~~
559 ~~replacement on or before December 31 of the same year the~~
560 ~~nominations are received, for the member or members whose term~~



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~~or terms are expiring. Background information shall be provided for each nominee for an appointed position.~~

~~(c) (1) On or before December 1, 1995, and each five years thereafter, and on or before December 1, 1998, and each five years thereafter, or whenever a vacancy occurs in a nondesignated position, the Board of Trustees of the Alabama Pharmacy Association, or its successor organization, shall select a committee of five pharmacists who are members of the association to serve as a nominating committee. No member of the nominating committee shall be a candidate. The committee shall receive names of pharmacists actively engaged in pharmacy practice or administration, or both, from companies and individuals, and shall narrow the list of nominees to two names to be placed on a ballot to be voted on by all Alabama pharmacists.~~

~~(2) The election procedure for a nondesignated slot shall be as follows: Each candidate shall provide a biographical sketch of not more than 150 words, which shall include his or her most recent practice experience. The board shall select a third party to conduct the election and tabulate the ballot results. The election ballots and a biographical sketch of the candidates shall be delivered by the third party to Alabama licensed pharmacists by September 1. The ballot delivery shall be conducted in a secure manner to safeguard organizational data and to ensure the integrity of the voting process. Completed election ballots must be received by the third party no later than October 1 to be tabulated. A pharmacist receiving a majority of the ballots~~



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~~received shall be considered the winner. If a runoff election is necessary, the runoff ballots shall be delivered to licensed pharmacists by November 1 by the same method of ballot delivery as provided above. Completed runoff election ballots must be received by the third party no later than December 1 to be tabulated.~~

~~(3) The ballots for each election shall be tabulated by the third party and the results shall be certified and audited by the third party. The results of the tabulation and audit shall be made available to any candidate and to the nominating body upon request.~~

(2) The pharmacist members of the board shall be licensed pharmacists who have been licensed in this state for a minimum of five years and who are actively engaged in the practice of pharmacy or pharmacy administration, or both. The pharmacy technician member of the board shall be a nationally certified technician who has been registered in this state for a minimum of five years and who is actively engaged in the practice as a pharmacy technician.

(3) Any member serving on the board on January 1, 2026, shall continue to serve until his or her term expires, at which time the Governor shall appoint a member who meets the requirements in subdivision (1). A member serving on the board on January 1, 2026, who meets the requirements of subdivision (1) may be reappointed to an additional term, provided the reappointment complies with subsection (d).

(4) The appointing authorities shall coordinate their appointments to assure that board membership is inclusive and



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617 reflects the racial, gender, geographic, urban, rural, and
618 economic diversity of the state.

619 (5) For the four additional members of the board whose
620 term begins January 1, 2026, the Governor shall set staggered
621 terms of two years, three years, and four years, at his or her
622 discretion, with all initial terms ending on December 31 of
623 the respective terms. Following initial terms, each member of
624 the board shall serve a term of five years beginning on
625 January 1 following appointment and terminating on December 31
626 of his or her fifth year as a member of the board.

627 ~~(d)~~ (c) Any vacancies occurring on the board ~~other than~~
628 ~~by expiration of term~~ shall be filled by ~~election or~~
629 ~~appointment only for the unexpired term and shall be filled by~~
630 ~~the same procedure that the replaced member was elected or~~
631 ~~appointed by the respective appointing authority for the~~
632 ~~unexpired term. Each member of the board shall serve a term of~~
633 ~~five years beginning on January 1 following appointment and~~
634 ~~terminating on December 31 of his or her fifth year as a~~
635 ~~member of the board.~~

636 ~~(e)~~ (d) No ~~pharmacist member~~ shall serve more than two
637 full terms consecutively.

638 ~~(f)~~ (e) (1) The Governor, ~~upon recommendation of the~~
639 ~~board,~~ may remove a member of the board upon proven charges of
640 inefficiency, incompetency, immorality, or professional
641 misconduct. The replacement member shall be ~~elected or~~
642 appointed by the ~~same procedure that the removed member was~~
643 ~~elected or appointed~~ respective appointing authority for the
644 unexpired term.



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(2) Appointees to the board, within 30 days after their appointment~~or election~~, shall take an oath or make affirmation before a properly qualified officer that he or she will faithfully and impartially perform the duties of his or her office. This oath or affirmation shall be filed with the Secretary of State.

(3) At its last regular meeting in each calendar year, the board shall elect for a term of one year, effective the following January 1, a president, a ~~vice-president~~vice president, and a treasurer who shall be pharmacist members of the board. No member shall serve more than two years in the same office on the board during a five-year term.

(4)a. The~~Not later than November 1, 2025, the board shall also elect a secretary who shall~~ appoint a secretary as executive officer to the board, to serve at the pleasure of the board. The individual appointed by the board may not have served in any capacity for the board, including as secretary, during the five years prior to his or her appointment. The secretary may not serve as a member of the board and may not be employed during the service by any person holding a license, permit, certificate, or registration issued by the board., and the

b. The board shall have the authority to fix the amount of the secretary's remuneration. If a board member is selected as secretary, the board member shall resign from the board and a replacement on the board shall be selected by the same procedure by which the resigned member was originally elected or appointed salary. The secretary shall not be employed



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during the service by any registrant of the board.

~~(g) For the purpose of this section, a chain pharmacy is defined as any retail pharmacy employing in Alabama a minimum of 40 full-time equivalent pharmacists. A chain pharmacist is defined as a pharmacist employed on a full-time basis by a chain pharmacy for a minimum of three years.~~

~~(h) It is the intent of the Legislature that the composition of the board reflect the demographics of the pharmacy profession. For vacancies occurring after March 18, 2005, the nominating organizations and the appointing authorities shall select those individuals whose appointments assure that the membership of the board is inclusive and reflects the racial, gender, geographic, urban/rural, and economic diversity of this state."~~

"§34-23-91

(a) The president of the board shall preside at all of the board's meetings. The vice-president shall preside in the absence or inability of the president. The secretary of the board shall be the executive officer in charge of the board's office. The secretary shall make, keep, and be in charge of all records and record books required to be kept by the board, including a register containing all information which shall be required under this chapter. The secretary shall attend to the correspondence of the board and perform any other duties the board may require in keeping with the office of secretary. The secretary shall receive and record all fees collected under this chapter and, at regular intervals as ordered by the board, shall pay the fees to the treasurer of the board for



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its use. The secretary may have any forms printed and office supplies furnished as necessary to implement this chapter. The secretary and treasurer of the board shall each furnish bond in an amount to be fixed by the board and shall be conditioned upon the faithful performance and discharge of their respective official duties.

(b) The While serving on business of the board and from funds of the board, members shall be entitled to a per diem of five hundred dollars (\$500) per day for days when members actually engage in official business of the board. In addition, members of the board shall be ~~paid the same per diem and travel allowance~~ entitled to actual expenses incurred as is paid by law to state employees while engaged in the performance of the duties official business of the board, ~~in addition to any daily compensation or allowance determined by the board.~~ For purposes of this subsection, attending continuing education classes or otherwise engaging in an activity necessary solely to maintain a member's license to practice pharmacy or registration to practice as a pharmacy technician is not considered official business of the board.

(c) The board shall conduct meetings at least three times annually and more often when deemed necessary for the examination of applicants for licensure and for the transaction of business as may legally come before ~~it the~~ board. Public notice of all ~~stated~~ meetings shall ~~be given at least 30 days in advance of the meetings~~ comply with the Open Meetings Act. At all meetings of the board, a majority shall constitute a quorum. The members of the board shall determine



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the place of meetings of the board.

(d) The treasurer of the board shall have custody of all funds derived from the various provisions of this chapter. All disbursements shall be made by check as authorized by vouchers signed by the president and secretary of the board. The books and records of the board as made and kept by the secretary or under his or her supervision shall be prima facie evidence of the matter therein recorded in any court."

"§34-23-92

The board ~~shall exercise, subject to this chapter,~~
shall do all of the following powers and duties:

(1) ~~To adopt~~ Adopt rules concerning the records and reports to be kept and made by a pharmacy relating to the filling of prescriptions and the handling and preservation of drugs.

(2) ~~To fix~~ Fix standards and requirements for licenses and permits except as otherwise specified in this chapter.

(3) Set penalties as further provided in Section 34-23-33(b).

(4) Set fees, by rule, for licenses, permits, certificates, and registrations as well as renewal fees, late fees, delinquency fees, and reinstatement fees as required under this chapter, which shall be in a specific amount that shall apply uniformly to all holders of the applicable license, permit, certificate, or registration to which the fee pertains. This subdivision does not authorize the board to impose monetary penalties in addition to a late fee, delinquency fee, or reinstatement fee imposed by the board for



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757 failure to timely renew a license, permit, certificate, or
758 registration.

759 ~~(3)~~ (5) ~~To make~~ Adopt rules and regulations regarding
760 sanitation consistent with state health regulations.

761 ~~(4)~~ (6) ~~To employ such~~ Employ chemists, agents, clerical
762 help, ~~and attorneys,~~ and other personnel as necessary for the
763 proper administration of the duties of the board.

764 ~~(5)~~ (7) ~~To employ~~ Employ under the supervision of the
765 board a ~~Chief Drug Investigator~~ chief drug investigator and
766 such other state drug investigators that ~~it~~ the board deems
767 necessary to enforce this chapter ~~which are under the~~
768 ~~supervision of the board.~~

769 ~~(6)~~ (8) ~~To adopt~~ Adopt rules and regulations for the
770 administration and enforcement of this chapter. ~~and not~~
771 ~~inconsistent herewith. Such rules and regulations shall be~~
772 ~~referenced to the section or sections of this chapter which~~
773 ~~set forth the legislative standard which it interprets or to~~
774 ~~which it applies. Every such rule and regulation shall be~~
775 ~~adopted~~ The board shall adopt all rules in accordance with the
776 Alabama Administrative Procedure Act. A copy of every rule ~~and~~
777 ~~regulation~~ containing a requirement of general application
778 shall be electronically mailed to each registered pharmacist
779 at least 10 days before the effective date ~~thereof~~ of the
780 certified rule. A printed copy of ~~such~~ the rules ~~and~~
781 ~~regulations~~ shall be mailed to any registered pharmacist upon
782 written request to the board.

783 ~~(7)~~ (9) ~~To investigate~~ Investigate alleged violations of
784 this chapter, any rule of the board, or any other law



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pertaining to the practice of pharmacy that may come to the knowledge of the board and:

a. ~~institute~~ Institute or cause to be instituted ~~before the board or~~ appropriate proceedings in a ~~proper~~ court ~~appropriate proceedings in connection therewith~~ of competent jurisdiction; or

b. Conduct hearings to revoke, suspend, or place on probate any license, permit, certificate, or registration granted by the board under this chapter, or impose monetary penalties as further provided in Section 34-23-33, provided any person subjected to a monetary penalty or other disciplinary action may take an appeal in accordance with Section 34-23-94.

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

~~(9)~~ (11) ~~To administer~~ Administer oaths in connection with the duties of the board.



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813 ~~(10)~~ (12) ~~To make~~ Not later than November 1, submit a
814 written report annually of its receipts and disbursements
815 during the previous fiscal year to the Governor and to the
816 ~~State Pharmaceutical~~ Alabama Pharmacy Association. Included in
817 this report shall be the names of all registrants licensed to
818 practice under this chapter and a record of all permits issued
819 during the period covered by the report.

820 ~~(11)~~ (13) ~~To enforce~~ Enforce the state barbiturate act,
821 the state amphetamine act, the state narcotic law, and all
822 other laws of the state which pertain to the practice of
823 pharmacy, the examination of applicants, the licensing of
824 pharmacists, the manufacture, packaging, repackaging,
825 production, sale, or distribution of drugs, chemicals, and
826 poisons, and all laws pertaining to standards for their
827 strength and purity. The board may work in conjunction with
828 other law enforcement agencies to enforce any law pertaining
829 to the practice of pharmacy. Nothing in this ~~section~~
830 subdivision shall be construed to deprive the ~~State Board of~~
831 ~~Health~~ Alabama Department of Public Health of any powers or
832 duties otherwise prescribed by law including the enforcement
833 of the narcotic law.

834 ~~(12)~~ ~~To investigate alleged violations of this chapter~~
835 ~~or any rule or regulation published by the board and conduct~~
836 ~~hearings to revoke, suspend, or probate any license or permit~~
837 ~~granted by the board under this chapter and to invoke~~
838 ~~penalties not to exceed the sum of one thousand dollars~~
839 ~~(\$1,000) for each violation and to institute any legal~~
840 ~~proceedings necessary to effect compliance with this chapter;~~



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~~provided, that any person, firm, or corporation subjected to such penalty or legal proceedings may take an appeal in accordance with Section 34-23-94.~~

(14) Cooperate and assist with prosecuting officers in any proceeding involving an alleged criminal offense and furnish prosecuting officers with any evidence the board, its officers, or employees determine will assist in the prosecution of a criminal offense.

~~(13)(15) On application of any person and payment of the actual cost therefor of providing a certified copy, the secretary of the board shall furnish, under its seal and signed by the secretary, a certified copy of the license or permit of the requestorrequester, or a certified copy of a regulation or rule of the board. In any court or proceeding, such the copy shall be prima facie evidence of the fact of the issuance of such the permit or license and the adoption of such rule or regulation.~~

~~(14)(16) To acquire Acquire by gift, grant, purchase, condemnation, or otherwise, and to convey or hold title to, real property, together with all rights incidental thereto."~~

"§34-23-93

(a) (1) The board and its members and officers shall assist prosecuting officers in the enforcement of this chapter, and it shall be the duty of the board, its members and officers to furnish the proper prosecuting officers with such evidence as it or they may ascertain to assist them in the prosecution of any violation of this chapter, and the board is authorized for such purposes to make such reasonable



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~~expenditures from the funds of the board as it may deem necessary to ascertain and furnish such evidence. The Attorney General of the state shall be the attorney for the board, but the board may in its discretion employ other counsel. It shall be the duty of the district attorney of the judicial circuit wherein any offense is committed to prosecute violations of this chapter.~~

(2)a. Not later than November 1, 2025, the board shall divide the office of general counsel into two distinct divisions. One division shall be responsible for all disciplinary functions, and the other division shall be responsible for administrative nondisciplinary functions, including providing advice to and answering questions from holders of licenses, permits, certificates, or registrations or prospective holders of licenses, permits, certificates or registrations regarding statutory and regulatory compliance.

b. The board, by rule, shall establish internal procedures that ensure that any inquiries made by the holder of a license, permit, certificate, or registration or other person seeking advice or guidance regarding compliance with a statute or rule is addressed by the administrative division and is not disclosed to the disciplinary division unless an attorney reasonably believes a criminal violation may have occurred.

(b) The board may request assistance from the Attorney General or other legal counsel employed by the board, as appropriate. The Attorney General or other legal counsel shall assist the board, upon request, in any action for injunction



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897 brought by the board."

898 "§34-23-131

899 (a) A pharmacy technician shall not perform pharmacy
900 functions or be present in the prescription department of a
901 pharmacy unless he or she is under the direct supervision of a
902 licensed pharmacist. A pharmacy technician shall not perform
903 pharmacy functions or be present in the prescription
904 department of a pharmacy unless he or she is registered by the
905 board.

906 (b) When supervision is required, a licensed pharmacist
907 shall be jointly responsible and liable for the actions of a
908 pharmacy technician.

909 (c) (1) A pharmacy technician shall register and pay a
910 registration fee as determined in a specified amount set by
911 the board, by rule, before performing any pharmacy functions.
912 The fee shall be not less than twenty dollars (\$20) nor more
913 than sixty dollars (\$60). The board shall adopt rules relating
914 to the registration of all pharmacy technicians. The
915 registration of a pharmacy technician shall be renewable
916 biennially in odd-numbered years upon payment of the required
917 renewal fee.

918 (2) The registration of each pharmacy technician shall
919 expire on December 31 of odd-numbered years. ~~In order to~~
920 ~~continue to be licensed, each~~ unless a registered pharmacy
921 technician ~~shall pay~~ pays a biennial renewal fee ~~of not~~ in a
922 specified amount set by the board by rule. The fee shall be
923 not less than twenty dollars (\$20), ~~as determined by rule of~~
924 ~~the board, the fee being~~ nor more than sixty dollars (\$60).



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The renewal fee shall be due on ~~October~~ December 31 and delinquent after ~~December 31~~ of odd-numbered years. The payment of the renewal fee shall entitle the pharmacy technician to renewal of his or her registration at the discretion of the board. If any pharmacy technician fails to pay the renewal fee as required by this subsection, he or she may be reinstated as a pharmacy technician only upon payment of a penalty by December 31, the board may impose a late fee of not less than ten dollars ~~(\$10)~~ nor more than twenty dollars ~~(\$20)~~, as determined by rule of the board, for each lapsed year and all lapsed fees for each lapsed year up to a maximum of five years of total penalties and lapsed fees month.

(d) In addition to any other registration requirements, a pharmacy technician shall complete three hours of continuing education annually, or six hours biennially, of which one hour per year shall be live presentation. The board may grant an extension to a pharmacy technician who fails to complete the required continuing education hours in the allotted time. A pharmacy technician who fails to complete the annual continuing education requirements in a timely manner shall be subject to disciplinary action by the board."

Section 4. Not later than February 1, 2026, the board shall submit a report to the respective chairs and vice chairs of the House Health and Senate Healthcare standing committees and all members of the Sunset Committee and Legislative Council. The report shall review all rules of the board and identify those rules that conflict with Chapter 23 of Title 34, Code of Alabama 1975, with a plan for how to bring all



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953 rules into compliance with Chapter 23 no later than October 1,
954 2026.

955 Section 5. The Legislature concurs in the
956 recommendations of the Sunset Committee as provided in
957 Sections 1 through 4.

958 Section 6. This act shall become effective immediately.



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Speaker of the House of Representatives

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 20-Feb-25, as amended.

John Treadwell
Clerk

Senate	<hr/> 01-Apr-25 <hr/>	Amended and Passed
House	<hr/> 29-Apr-25 <hr/>	Passed, as amended by Conference Committee Report
Senate	<hr/> 01-May-25 <hr/>	Passed, as amended by Conference Committee Report