

HB123 INTRODUCED



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



1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

SYNOPSIS:

Under existing law, termination dates are established for enumerated state agencies. The agencies are periodically reviewed by the Alabama Sunset Committee. After the review process is completed, the committee prepares its recommendations for the agencies to the Legislature in the form of sunset bills which either continue, terminate, or continue with modification each agency reviewed.

This bill would provide for the continuance of the Alabama State Board of Pharmacy until October 1, 2026, with the changes provided in this act.

This bill would reconstitute the board, set qualifications for board members, and revise the compensation of board members.

This bill would set qualifications for the position of secretary of the board.

This bill would revise the board's authority to impose civil penalties, would authorize the board to impose late fees, and would eliminate the board's authority to adopt nondisciplinary administrative penalties.

This bill would require the board to divide the office of general counsel of the board into an administrative division and a disciplinary division,



HB123 INTRODUCED

29 would provide for separate functions of the divisions,
30 and would prohibit the disclosure of certain
31 information by the administrative division to the
32 disciplinary division in certain circumstances.

33 This bill would require the board to report to
34 the Legislature the status of board rules and require
35 the board to revise its rules to comply with the
36 pharmacy laws, including this act, by a certain date.

37 This bill would also make nonsubstantive,
38 technical revisions to update the existing code
39 language to current style.

40

41

42

A BILL

43

TO BE ENTITLED

44

AN ACT

45

46 Relating to the Alabama Sunset Law; to continue the
47 existence and functioning of the Alabama State Board of
48 Pharmacy until October 1, 2026, with certain modifications; to
49 amend Sections 34-23-3, 34-23-8, 34-23-12, 34-23-13, 34-23-30,
50 34-23-32.2, 34-23-33, 34-23-34, 34-23-52, 34-23-90, 34-23-91,
51 34-23-92, 34-23-93, and 34-23-131, Code of Alabama 1975; to
52 reconstitute the membership of the board; to revise the
53 compensation of board members and their duties; to provide
54 further for the position of secretary; to eliminate the
55 board's authority to adopt nondisciplinary administrative
56 penalties; to provide further for the board's authorization to



HB123 INTRODUCED

57 discipline pharmacists, pharmacies, and certain other
58 entities; to provide further for the general counsel of the
59 board; to require the board to report on the status of board
60 rules; and to make nonsubstantive, technical revisions to
61 update the existing code language to current style.

62 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

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

73 Section 3. Section 34-23-3, 34-23-8, 34-23-12,
74 34-23-13, 34-23-30, 34-23-32.2, 34-23-33, 34-23-34, 34-23-52,
75 34-23-90, 34-23-91, 34-23-92, 34-23-93, and 34-23-131, Code of
76 Alabama 1975, are amended to read as follows:

77 "§34-23-3

78 (a) Each state drug investigator employed by the board
79 ~~following the passage of this chapter~~ must furnish
80 satisfactory proof to the board that ~~he or she~~ the
81 investigator is ~~a person~~ an individual of good moral character
82 and that in the judgment of the members of the board, he or
83 she has sufficient knowledge of the laws pertaining to the
84 practice of pharmacy and law enforcement to enable him or her



HB123 INTRODUCED

85 to carry out ~~his or her~~ the duties as an investigator
86 consistent with this chapter. ~~Each~~ A state drug investigator
87 employed by the board ~~shall~~ must serve an apprenticeship of a
88 minimum of six months working with and under the supervision
89 of the ~~Chief Drug Investigator~~ chief drug investigator or
90 other investigator designated by the board. ~~Each such~~ An
91 investigator, before entering upon his or her duties, shall
92 post with the board a bond in the amount of two thousand
93 dollars (\$2,000) conditioned upon the faithful performance of
94 his or her duties.

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

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

102 (2) Subject to subsection (c), enter and inspect during
103 business hours any pharmacy or any other place in this state
104 where medicines or drugs or drug products or proprietary
105 medicines are manufactured, packaged, packed, made, sold,
106 offered for sale, or kept for sale, whether or not licensed by
107 the board; and

108 (3) Inspect prescription files, prescription record
109 books, poison registers, exempt narcotic registers, and any
110 other records pertaining to the filling and filing of
111 prescriptions.

112 (c) ~~Each~~ A state drug investigator shall be subject to



HB123 INTRODUCED

113 the same restrictions as other law enforcement officers ~~of the~~
114 ~~law in~~ with regard to search and seizure. ~~They~~

115 (d) A state drug investigator shall report to the board
116 all violations of ~~the laws~~ law relating to pharmacy and all
117 rules ~~and regulations~~ of the board. ~~As directed by the board,~~
118 ~~it shall be the duty of the state drug investigators to issue~~
119 ~~citations for violations of such laws, rules, or regulations~~
120 ~~or institute criminal proceedings against persons for such~~
121 ~~violations.~~

122 (e) When authorized by the board and where there are
123 specific complaints, ~~the a~~ state drug investigator ~~shall have~~
124 ~~the right to~~ may inspect ~~all~~ records, shipping tickets, or any
125 other document pertaining to the transfer of drugs or drug
126 preparations, from or to hospitals, pharmacists, wholesale
127 establishments and manufacturers, or any other place or
128 establishment where the preparations of drugs are kept or
129 stored. ~~They shall have the authority to inspect all~~
130 ~~prescription files, prescription record books, poison~~
131 ~~registers, exempt narcotic registers, and any other records~~
132 ~~pertaining to the filling and filing of prescriptions. It~~
133 ~~shall be the duty of the~~

134 (f) A state drug investigator ~~to~~ shall take possession
135 of all revoked licenses and permits or suspended licenses and
136 permits, or both, when such licenses and permits are not
137 surrendered voluntarily to the board by the ~~person or~~
138 ~~pharmacist~~ individual or entity whose license or permit has
139 been revoked or suspended.

140 (g) Nothing in this chapter shall authorize or require



HB123 INTRODUCED

141 ~~the a~~ state drug investigator ~~or state drug investigators~~ to
142 inspect the offices of ~~doctors of medicine~~ physicians who have
143 duly qualified with the State Board of Medical Examiners."

144 "§34-23-8

145 (a) No person shall dispense or cause to be dispensed a
146 different drug or brand of drug in lieu of that ordered or
147 prescribed without the express permission in each case of the
148 person ordering or prescribing such drug, except as provided
149 below:

150 (1) A licensed pharmacist in this state shall be
151 permitted to select for the brand name drug product prescribed
152 by a licensed physician or other practitioner who is located
153 in this state and authorized by law to write prescriptions,
154 hereinafter referred to as "practitioner," a less expensive
155 pharmaceutically and therapeutically equivalent drug product
156 containing the same active ingredient or ingredients, and of
157 the same dosage form strength, in all cases where the
158 practitioner expressly authorizes such selection in accordance
159 with subdivision (4).

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



HB123 INTRODUCED

169 expressly prohibit a substitution.

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

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

179 b. An oral or electronic prescription, including an
180 e-fax, from the practitioner shall instruct the pharmacist
181 whether or not a less expensive pharmaceutically and
182 therapeutically equivalent drug product may be dispensed. The
183 pharmacist shall note instructions on the file copy of the
184 prescription and retain the prescription form for the period
185 specified by law. The ~~State Board of Pharmacy~~ board shall not
186 adopt any rule affecting the subject matter of this
187 subdivision.

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

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



HB123 INTRODUCED

197 that licensed hospital.

198 ~~(7)(c) Any person who violates this section shall be~~
199 ~~punished by~~The board may impose a fine civil penalty of up to
200 one thousand dollars (\$1,000) against any person who violates
201 this section."

202 "§34-23-12

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

209 (1) Practices pharmacy without a license or permits
210 prescriptions to be compounded or dispensed by a person who is
211 not licensed to practice pharmacy, in violation of Section
212 34-23-50; or

213 (2) Operates a pharmacy or other entity without a
214 permit, in violation of Section 34-23-30, 34-23-31, or
215 34-23-32.

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

220 "§34-23-13

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

224 (1) Practices pharmacy in this state without having



HB123 INTRODUCED

225 first obtained ~~from the board~~ a license, ~~or who permits~~ from
226 the board.

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

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

240 "§34-23-30

241 (a) Every pharmacy, hospital pharmacy, drugstore,
242 pharmacy department, prescription department, prescription
243 laboratory, apothecary, ~~or and~~ any other ~~establishment~~ entity
244 with a title implying the sale, offering for sale,
245 compounding, or dispensing of drugs, ~~or and~~ any entity
246 providing pharmacy services for patients residing in this
247 state, shall register biennially and receive a permit from the
248 board in accordance with this chapter. Any person desiring to
249 ~~open, operate, maintain, or establish~~ a pharmacy or to
250 establish an entity to provide pharmacy services shall apply
251 to the board for a permit at least 30 days prior to the
252 opening of the business. ~~No pharmacy or entity performing~~



HB123 INTRODUCED

253 ~~pharmacy services shall open for the transaction of business~~
254 ~~until it has been registered, inspected, and a permit issued~~
255 ~~by the board.~~

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

266 (2) ~~All permits issued under this section shall become~~
267 ~~due on October 31 and shall become null and void on December~~
268 ~~31 of even-numbered years.~~ Every application for a permit for
269 a new pharmacy or entity where pharmacy services are performed
270 shall be accompanied by a fee to be ~~determined~~ set by the
271 board, by rule., ~~but the fee shall not be less than one~~
272 ~~hundred dollars (\$100) nor more than two hundred dollars~~
273 ~~(\$200).~~ Every application for a renewal permit shall be
274 ~~accompanied by a fee to be determined by the board, but the~~
275 ~~fee shall not be less than fifty dollars (\$50) nor more than~~
276 ~~one hundred fifty dollars (\$150).~~ Every application for a
277 ~~permit due to transfer of ownership shall be accompanied by a~~
278 ~~fee to be determined by the board, but the fee shall not be~~
279 ~~less than one hundred fifty dollars (\$150) nor more than four~~
280 ~~hundred dollars (\$400).~~ Every application for a permit for an



HB123 INTRODUCED

281 ~~out-of-state pharmacy or entity where pharmacy services are~~
282 ~~performed shall be accompanied by a fee to be determined by~~
283 ~~the board, but the fee shall not be less than seven hundred~~
284 ~~fifty dollars (\$750) nor more than two thousand dollars~~
285 ~~(\$2,000). Every application for a renewal permit for an~~
286 ~~out-of-state pharmacy or entity where pharmacy services are~~
287 ~~performed shall be accompanied by a fee to be determined by~~
288 ~~the board, but the fee shall not be less than four hundred~~
289 ~~dollars (\$400) nor more than seven hundred fifty dollars~~
290 ~~(\$750). Each application for the renewal of a permit shall be~~
291 ~~made on or before October 31 of each even-numbered year, at~~
292 ~~which time the previous permit shall become null and void on~~
293 ~~December 31 of even-numbered years. A penalty of twenty-five~~
294 ~~dollars (\$25) for each overdue month shall be assessed in~~
295 ~~addition to the permit fee for renewal of delinquent permits.~~

296 (3) The secretary of the board shall issue a permit for
297 each pharmacy or entity where pharmacy services are performed
298 whose application is found to be satisfactory by the board.
299 Permits issued under this section shall not be transferable.
300 Any change in the control of ownership or licensed pharmacists
301 shall be reported to the board in writing within 10 days of
302 such occurrence. If the pharmacy or entity where pharmacy
303 services are performed is owned by a corporation, the permit
304 shall be issued in the name of the corporation. ~~It shall be~~
305 ~~the duty of the owners~~ Owners of pharmacies or the owners of
306 entities where pharmacy services are performed who are not
307 licensed pharmacists ~~to~~ shall immediately notify the board
308 upon the termination of employment of licensed pharmacists and



HB123 INTRODUCED

309 ~~to~~ shall cause the surrender of permits as indicated. The
310 further operation of the pharmacy or entity where pharmacy
311 services are performed in the absence of licensed pharmacists
312 is forbidden; provided, that the nonregistered owner shall
313 have a period of 30 days within which to comply with this
314 subsection. The next of kin of any deceased licensed
315 pharmacist owner shall have a period of 30 days within which
316 to comply with this chapter, during which time no
317 prescriptions ~~shall~~ may be filled unless a licensed pharmacist
318 is on duty.

319 (4) All permits issued under this section shall expire
320 on December 31 of even-numbered years unless the permit holder
321 renews the permit by paying the applicable renewal fee. The
322 renewal fee is due on October 31, and if not received by that
323 date, the board may impose a late fee of twenty-five dollars
324 (\$25) for each month the renewal fee is late. If the renewal
325 fee and applicable late fees are not received by December 31,
326 the permit shall be considered delinquent, and the board may
327 suspend the permit or impose an additional delinquency fee, as
328 set by the board, by rule, which may not exceed one thousand
329 dollars (\$1,000).

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

332 (1) For a permit for a resident pharmacy or resident
333 entity that performs pharmacy services, a fee of not less than
334 one hundred dollars (\$100) nor more than two hundred dollars
335 (\$200).

336 (2) For a permit renewal, a fee of not less than fifty



HB123 INTRODUCED

337 dollars (\$50) nor more than one hundred fifty dollars (\$150).

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

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

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

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

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

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

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

362 "§34-23-32.2

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



HB123 INTRODUCED

365 the affected parties.

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

373 (2) The board, by rule, shall establish fees for
374 permits issued under this section ~~and fines for violations of~~
375 ~~this section~~ not to exceed seven hundred fifty dollars (\$750).
376 In addition, the board, by rule, may establish renewal fees
377 and late fees for failure to renew a permit in a timely
378 manner. Proceeds received by the board from fees ~~levied and~~
379 ~~fines~~ collected pursuant to this section shall be used by the
380 board to fund the costs of permitting, inspecting, and
381 investigating any business permitted pursuant to this
382 section."

383 "§34-23-33

384 ~~(a)~~ The board may revoke, or suspend, a license,
385 permit, or certificate or place on probation, ~~or require~~
386 ~~remediation for~~ or impose a civil penalty not to exceed one
387 thousand dollars (\$1,000) per violation against any licensed
388 pharmacist, ~~or a~~ holder of a pharmacy intern or extern
389 certificate, ~~for a specified time as determined by the board~~
390 ~~and take the same or similar action against the~~ or holder of a
391 permit to operate any pharmacy in this state, whenever the
392 board finds by a preponderance of the evidence, or pursuant to



HB123 INTRODUCED

393 a consent decree, ~~that the pharmacist has been guilty of any~~
394 ~~of the following acts or offenses~~ for any of the following:

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

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

403 (3) Conviction of a felony. A copy of the record of the
404 conviction, certified by the clerk of the court entering the
405 conviction, shall be conclusive evidence of the conviction.

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

409 (5) Demonstrated inability ~~Inability~~ to practice
410 pharmacy with reasonable skill and safety to patients by
411 reason of illness, ~~inebriation~~ intoxication, misuse of drugs,
412 narcotics, alcohol, chemicals, or any other substance, or as a
413 result of any mental or physical condition. When the issue is
414 whether or not a pharmacist is physically or mentally capable
415 of practicing pharmacy with reasonable skill and safety to
416 patients, then, upon a showing of probable cause to the board
417 that the pharmacist is not capable of practicing pharmacy with
418 reasonable skill and safety to patients, the board may require
419 the pharmacist in question to submit to a psychological
420 examination by a psychologist to determine psychological



HB123 INTRODUCED

421 status or a physical examination by a physician, or both, to
422 determine physical condition. The psychologist or physician,
423 or both, shall be designated by the board. The expense of the
424 examination shall be borne by the board. Where the pharmacist
425 raises the issue of mental or physical competence or appeals a
426 decision regarding his or her mental or physical competence,
427 the pharmacist shall be permitted to obtain his or her own
428 evaluation at the pharmacist's expense. If the objectivity or
429 adequacy of the examination is suspect, the board may complete
430 the examination by the designated practitioners at its own
431 expense. When mental or physical capacity to practice is at
432 issue, every pharmacist licensed to practice pharmacy in the
433 state shall be deemed to have given consent to submit to a
434 mental or physical examination or to any combination of the
435 examinations and to waive all objections to the admissibility
436 of the examination, or to previously adjudicated evidence of
437 mental incompetence.

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

440 (7) Violation of any provisions contained in this
441 chapter.

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

444 (9) The suspension, revocation, or probation by another
445 state of a license to practice pharmacy. A certified copy of
446 the record of suspension, revocation, or probation of the
447 state ~~making such a~~ imposing the suspension, revocation, or
448 probation shall be conclusive evidence of the suspension,



HB123 INTRODUCED

449 revocation, or probation. This subdivision does not authorize
450 the board to take any disciplinary action, including
451 imposition of a civil penalty, against any individual or
452 entity that has not been issued a license or permit by the
453 board and has not violated any provision of this chapter.

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

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

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

460 (13) Violation of the code of professional conduct
461 adopted by the board in the rules and regulations of the
462 board.

463 ~~(b) The board shall have the authority to adopt rules~~
464 ~~imposing a non-disciplinary administrative penalty for~~
465 ~~designated violations of this chapter."~~

466 "§34-23-34

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



HB123 INTRODUCED

477 the board. The burden of proof shall be on the board."

478 "§34-23-52

479 (a) (1) All certificates of licensure shall expire on
480 December 31 of even-numbered years. ~~In order to continue to be~~
481 ~~licensed, every~~ unless a licensed pharmacist ~~shall pay to the~~
482 ~~secretary of the board a biennial~~ pays a renewal fee ~~to be~~
483 ~~determined~~ in a specified amount set by the board, by rule.~~7~~
484 ~~but the~~ The fee shall not be less than twenty-five dollars
485 (\$25) nor more than one hundred fifty dollars (\$150). The
486 renewal fee shall be due on October 31 and ~~delinquent after~~
487 ~~December 31 of even-numbered years, except that holders of~~
488 ~~life certificates to practice pharmacy previously issued shall~~
489 ~~not be required to pay a renewal fee. The payment of the~~
490 ~~renewal fee~~ shall entitle the registrants to renewal of their
491 certificates at the discretion of the board. If any pharmacist
492 fails to pay a the renewal fee ~~on or before the due date, the~~
493 ~~holder of the certificate may be reinstated as a licensed~~
494 ~~pharmacist only upon payment of a penalty of ten dollars (\$10)~~
495 ~~for each lapsed month and all lapsed fees, provided~~ and
496 applicable late fees by December 31, the permit shall be
497 considered delinquent, and the board may suspend the permit or
498 impose an additional delinquency fee, as set by the board, by
499 rule, which may not exceed ten dollars (\$10) for each lapsed
500 month. Notwithstanding the foregoing, the lapsed time of
501 registration may not exceed five years, in which case
502 reinstatement may occur only upon satisfactory examination by
503 the board.

504 (2) Notwithstanding subdivision (1), holders of life



HB123 INTRODUCED

505 certificates to practice pharmacy previously issued shall not
506 be required to pay a renewal fee.

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

510 "§34-23-90

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

514 (b) (1) ~~The Beginning~~ October 1, 2025, the board shall
515 consist of ~~five~~ nine members who are residents of this state.
516 ~~The members of the board shall be licensed pharmacists who~~
517 ~~have been licensed in this state for a minimum of five years~~
518 appointed by the Governor in a manner that ensures that each
519 congressional district in the state is represented by a board
520 member who resides in that district during his or her entire
521 term of office. Subject to subdivision (2), membership of the
522 board shall be as follows:

523 a. Five pharmacists licensed by the board, each of whom
524 must have at least seven years experience as a practicing
525 pharmacist and who are actively engaged in the practice of
526 pharmacy or pharmacy administration, or both.

527 b. Two pharmacy technicians licensed by the board who
528 are actively engaged as a pharmacy technician.

529 c. Two additional at-large members, one of whom is a
530 licensed health care professional.

531 (2) Any member serving on the board on October 1, 2025,
532 shall continue to serve until his or her term expires, at



HB123 INTRODUCED

533 which time the Governor shall appoint a member who meets the
534 requirements in subdivision (1). A member serving on the board
535 on October 1, 2025, who meets the requirements of subdivision
536 (1) may be reappointed to an additional term, provided, the
537 reappointment complies with subsection (d).

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



HB123 INTRODUCED

561 ~~provided for each nominee for an appointed position.~~

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

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



HB123 INTRODUCED

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

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

599 (3) The Governor shall coordinate his or her
600 appointments so that the board membership is inclusive and
601 reflects the racial, gender, urban, rural, and economic
602 diversity of the state.

603 (4) For the four additional members of the board whose
604 term begins October 1, 2025, the Governor shall set staggered
605 terms of two years, three years, and four years, at his or her
606 discretion, with all initial terms ending on December 31 of
607 the respective terms. Following initial terms, each member of
608 the board shall serve a term of five years beginning on
609 January 1 following appointment and terminating on December 31
610 of his or her fifth year as a member of the board.

611 ~~(d)~~ (c) Any vacancies occurring on the board ~~other than~~
612 ~~by expiration of term~~ shall be filled by ~~election or~~
613 ~~appointment only for the unexpired term and shall be filled by~~
614 ~~the same procedure that the replaced member was elected or~~
615 ~~appointed~~ by the Governor for the unexpired term. ~~Each member~~
616 ~~of the board shall serve a term of five years beginning on~~



HB123 INTRODUCED

617 ~~January 1 following appointment and terminating on December 31~~
618 ~~of his or her fifth year as a member of the board.~~

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

621 ~~(f)~~ (e) (1) The Governor, ~~upon recommendation of the~~
622 ~~board,~~ may remove a member of the board upon proven charges of
623 inefficiency, incompetency, immorality, or professional
624 misconduct. The replacement member shall be ~~elected or~~
625 appointed by the ~~same procedure that the removed member was~~
626 ~~elected or appointed~~ Governor for the unexpired term.

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

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

639 (4) a. The Not later than November 1, 2025, the board
640 shall ~~also elect a secretary who shall~~ appoint a secretary as
641 executive officer to the board, to serve at the pleasure of
642 the board. The individual appointed by the board may not have
643 served in any capacity for the board, including as secretary,
644 during the five years prior to his or her appointment. The



HB123 INTRODUCED

645 secretary may not serve as a member of the board and may not
646 be employed during the service by any registrant of the
647 board., ~~and the~~

648 b. ~~The~~ board shall ~~have the authority to~~ fix the ~~amount~~
649 ~~of the~~ secretary's ~~remuneration.~~ ~~If a board member is selected~~
650 ~~as secretary, the board member shall resign from the board and~~
651 ~~a replacement on the board shall be selected by the same~~
652 ~~procedure by which the resigned member was originally elected~~
653 ~~or appointed~~ salary. ~~The secretary shall not be employed~~
654 ~~during the service by any registrant of the board.~~

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

660 ~~(h) It is the intent of the Legislature that the~~
661 ~~composition of the board reflect the demographics of the~~
662 ~~pharmacy profession. For vacancies occurring after March 18,~~
663 ~~2005, the nominating organizations and the appointing~~
664 ~~authorities shall select those individuals whose appointments~~
665 ~~assure that the membership of the board is inclusive and~~
666 ~~reflects the racial, gender, geographic, urban/rural, and~~
667 ~~economic diversity of this state."~~

668 "§34-23-91

669 (a) The president of the board shall preside at all of
670 the board's meetings. The vice-president shall preside in the
671 absence or inability of the president. The secretary of the
672 board shall be the executive officer in charge of the board's



HB123 INTRODUCED

673 office. The secretary shall make, keep, and be in charge of
674 all records and record books required to be kept by the board,
675 including a register containing all information which shall be
676 required under this chapter. The secretary shall attend to the
677 correspondence of the board and perform any other duties the
678 board may require in keeping with the office of secretary. The
679 secretary shall receive and record all fees collected under
680 this chapter and, at regular intervals as ordered by the
681 board, shall pay the fees to the treasurer of the board for
682 ~~its board~~ use. The secretary may have any forms printed and
683 office supplies furnished as necessary to implement this
684 chapter. The secretary and treasurer of the board shall each
685 furnish bond in an amount to be fixed by the board and shall
686 be conditioned upon the faithful performance and discharge of
687 their respective official duties.

688 (b) ~~The~~ While serving on business of the board and from
689 funds of the board, members shall be entitled to a per diem
690 for days when members actually engage in official business of
691 the board, in an amount set by the board, by rule. In
692 addition, members of the board shall be ~~paid the same per diem~~
693 ~~and travel allowance~~ entitled to actual expenses incurred as
694 is paid by law to state employees while engaged in ~~the~~
695 ~~performance of the duties~~ official business of the board, ~~in~~
696 ~~addition to any daily compensation or allowance determined by~~
697 ~~the board.~~ For purposes of this subsection, attending
698 continuing education classes or otherwise engaging in an
699 activity necessary solely to maintain a member's license to
700 practice pharmacy is not considered official business of the



HB123 INTRODUCED

701 board.

702 (c) The board shall conduct meetings at least three
703 times annually and more often when deemed necessary for the
704 examination of applicants for licensure and for the
705 transaction of business as may legally come before it. Public
706 notice of all stated meetings shall be given at least 30 days
707 in advance of the meetings. At all meetings of the board, a
708 majority shall constitute a quorum. The members of the board
709 shall determine the place of meetings of the board.

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

717 "§34-23-92

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

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

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

726 (3) Set fees, by rule, for licenses, permits, and
727 certificates as well as renewal fees, late fees, delinquency
728 fees, and reinstatement fees as required under this chapter,



HB123 INTRODUCED

729 which shall be in a specific amount that shall apply uniformly
730 to all holders of the applicable license, permit, or
731 certificate to which the fee pertains.

732 ~~(3) (4) To make Adopt rules and regulations~~ regarding
733 sanitation consistent with state health regulations.

734 ~~(4) (5) To employ such Employ chemists, agents, clerical~~
735 help, and attorneys as necessary for the proper administration
736 of the duties of the board.

737 ~~(5) (6) To employ Employ under the supervision of the~~
738 board a ~~Chief Drug Investigator~~ chief drug investigator and
739 such other drug investigators that ~~it~~ the board deems
740 necessary to enforce this chapter ~~which are under the~~
741 ~~supervision of the board.~~

742 ~~(6) (7) To adopt Adopt rules and regulations~~ for the
743 administration and enforcement of this chapter. ~~and not~~
744 ~~inconsistent herewith. Such rules and regulations shall be~~
745 ~~referenced to the section or sections of this chapter which~~
746 ~~set forth the legislative standard which it interprets or to~~
747 ~~which it applies. Every such rule and regulation shall be~~
748 ~~adopted~~ The board shall adopt all rules in accordance with the
749 Alabama Administrative Procedure Act. A copy of every rule ~~and~~
750 ~~regulation~~ containing a requirement of general application
751 shall be electronically mailed to each registered pharmacist
752 at least 10 days before the effective date ~~thereof~~ of the
753 certified rule. A printed copy of ~~such~~ the rules ~~and~~
754 ~~regulations~~ shall be mailed to any registered pharmacist upon
755 written request to the board.

756 ~~(7) (8) To investigate Investigate violations of this~~



HB123 INTRODUCED

757 chapter or any other law pertaining to the practice of
758 pharmacy that may come to the knowledge of the board and
759 institute or cause to be instituted appropriate proceedings
760 before the board or in a ~~proper court-appropriate proceedings~~
761 ~~in connection therewith~~ of competent jurisdiction.

762 ~~(8)~~ (9) ~~To issue~~ Issue subpoenas and compel the
763 attendance of witnesses and the production of all necessary
764 papers, books and records, documentary evidence and materials,
765 or other evidence in matters pending before the board relating
766 to the revocation, suspension, or probation of any license.
767 Those persons issued subpoenas and compelled to attend
768 hearings or meetings in matters pending before the board shall
769 be entitled to witness fees from board funds. Claims for
770 witness fees shall be made on accepted State of Alabama
771 voucher forms as appropriate. Travel and mileage expenses
772 shall be reimbursed to witnesses in the amounts officially
773 authorized to the board and its personnel at the time the
774 service to the board is performed.

775 ~~(9)~~ (10) ~~To administer~~ Administer oaths in connection
776 with the duties of the board.

777 ~~(10)~~ (11) ~~To make~~ Not later than November 1, submit a
778 written report annually of its receipts and disbursements
779 during the previous fiscal year to the Governor and to the
780 ~~State Pharmaceutical~~ Alabama Pharmacy Association. Included in
781 this report shall be the names of all registrants licensed to
782 practice under this chapter and a record of all permits issued
783 during the period covered by the report.

784 ~~(11)~~ (12) ~~To enforce~~ Enforce the state barbiturate act,



HB123 INTRODUCED

785 the state amphetamine act, the state narcotic law, and all
786 other laws of the state which pertain to the practice of
787 pharmacy, the examination of applicants, the licensing of
788 pharmacists, the manufacture, packaging, repackaging,
789 production, sale, or distribution of drugs, chemicals, and
790 poisons, and all laws pertaining to standards for their
791 strength and purity. The board may work in conjunction with
792 other law enforcement agencies to enforce any law pertaining
793 to the practice of pharmacy. Nothing in this ~~section~~
794 subdivision shall be construed to deprive the ~~State Board of~~
795 ~~Health~~ Alabama Department of Public Health of any powers or
796 duties otherwise prescribed by law including the enforcement
797 of the narcotic law.

798 ~~(12)~~ (13) ~~To investigate~~ Investigate alleged violations
799 of this chapter or any rule ~~or regulation~~ published by the
800 board and conduct hearings to revoke, suspend, or ~~probate~~
801 place on probation any license or permit granted by the board
802 under this chapter and to ~~invoke~~ levy civil penalties not to
803 exceed the sum of one thousand dollars (\$1,000) for each
804 violation, as further provided in Section 34-23-33, and to
805 institute any legal proceedings necessary to effect compliance
806 with this chapter; provided, that any person, ~~firm, or~~
807 ~~corporation~~ subjected to ~~such a~~ penalty or legal proceedings
808 may take an appeal in accordance with Section 34-23-94.

809 (14) Cooperate and assist with prosecuting officers in
810 any proceeding involving an alleged criminal offense and
811 furnish prosecuting officers with any evidence the board, its
812 officers, or employees determine will assist in the



HB123 INTRODUCED

813 prosecution of a criminal offense.

814 ~~(13)~~ (15) On application of any person and payment of
815 the actual cost ~~therefor~~ of providing a certified copy, ~~the~~
816 ~~secretary of the board shall~~ furnish, under its seal and
817 signed by the secretary, a certified copy of the license or
818 permit of the ~~requestor~~ requester, ~~or a certified copy of a~~
819 ~~regulation or rule of the board~~. In any court or proceeding,
820 ~~such~~ the copy shall be prima facie evidence of the fact of the
821 issuance of ~~such~~ the permit or license ~~and the adoption of~~
822 ~~such rule or regulation~~.

823 ~~(14)~~ (16) ~~To acquire~~ Acquire by gift, grant, purchase,
824 condemnation, or otherwise, and to convey or hold title to,
825 real property, together with all rights incidental thereto."

826 "§34-23-93

827 (a) (1) ~~The board and its members and officers shall~~
828 ~~assist prosecuting officers in the enforcement of this~~
829 ~~chapter, and it shall be the duty of the board, its members~~
830 ~~and officers to furnish the proper prosecuting officers with~~
831 ~~such evidence as it or they may ascertain to assist them in~~
832 ~~the prosecution of any violation of this chapter, and the~~
833 ~~board is authorized for such purposes to make such reasonable~~
834 ~~expenditures from the funds of the board as it may deem~~
835 ~~necessary to ascertain and furnish such evidence.~~ The Attorney
836 General of the state shall be the attorney for the board, but
837 the board may ~~in its discretion~~ employ other counsel. ~~It shall~~
838 ~~be the duty of the district attorney of the judicial circuit~~
839 ~~wherein any offense is committed to prosecute violations of~~
840 ~~this chapter.~~



HB123 INTRODUCED

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

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

857 (b) The board may request assistance from the Attorney
858 General or a district attorney or other prosecuting attorney,
859 as appropriate. A prosecuting attorney shall assist the board,
860 upon request, in any action for injunction brought by the
861 board."

862 "§34-23-131

863 (a) A pharmacy technician shall not perform pharmacy
864 functions or be present in the prescription department of a
865 pharmacy unless he or she is under the direct supervision of a
866 licensed pharmacist. A pharmacy technician shall not perform
867 pharmacy functions or be present in the prescription
868 department of a pharmacy unless he or she is registered by the



HB123 INTRODUCED

869 board.

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

873 (c) (1) A pharmacy technician shall register and pay a
874 registration fee ~~as determined in a specified amount set~~ by
875 the board, by rule, before performing any pharmacy functions.
876 The fee shall be not less than twenty dollars (\$20) nor more
877 than sixty dollars (\$60). The board shall adopt rules relating
878 to the registration of all pharmacy technicians. The
879 registration of a pharmacy technician shall be renewable
880 biennially in odd-numbered years upon payment of the required
881 renewal fee.

882 (2) The registration of each pharmacy technician shall
883 expire on December 31 of odd-numbered years. ~~In order to~~
884 ~~continue to be licensed, each~~ unless a registered pharmacy
885 technician ~~shall pay~~ pays a biennial renewal fee ~~of not~~ in a
886 specified amount set by the board by rule. The fee shall be
887 not less than twenty dollars (\$20), ~~as determined by rule of~~
888 ~~the board, the fee being~~ nor more than sixty dollars (\$60).
889 The renewal fee shall be due on October 31, and shall be
890 considered delinquent after December 31 of odd-numbered years.
891 The payment of the renewal fee shall entitle the pharmacy
892 technician to renewal of his or her registration at the
893 discretion of the board. If any pharmacy technician fails to
894 pay the renewal fee as required by this subsection, he or she
895 may be reinstated as a pharmacy technician only upon payment
896 of the renewal fee and a ~~penalty~~ reinstatement fee of not less



HB123 INTRODUCED

897 than ten dollars (\$10) nor more than twenty dollars (\$20), as
898 determined by rule of the board, for each lapsed year ~~and all~~
899 ~~lapsed fees for each lapsed year~~ up to a maximum of five years
900 ~~of total penalties and lapsed fees.~~

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

910 Section 4. Not later than February 1, 2026, the board
911 shall submit a report to the respective chairs and vice chairs
912 of the House Health and Senate Healthcare standing committees
913 and all members of the Sunset Committee and Legislative
914 Council. The report shall review all rules of the board and
915 identify those rules that conflict with Chapter 23 of Title
916 34, Code of Alabama 1975, with a plan for how to bring all
917 rules into compliance with Chapter 23 no later than October 1,
918 2026.

919 Section 5. The Legislature concurs in the
920 recommendations of the Sunset Committee as provided in
921 Sections 1 through 4.

922 Section 6. This act shall become effective immediately.