

SB28 INTRODUCED



1 SB28
2 ZU3SKRR-1
3 By Senator Beasley
4 RFD: Healthcare
5 First Read: 04-Feb-25
6 PFD: 18-Dec-24



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SYNOPSIS:

This bill would relate to the Alabama Board of Pharmacy and further provide for the regulation of the practice of pharmacy and the licensure of pharmacists.

This bill would delete the definition of an extern and delete other references to an extern, which would be covered by the term "intern."

This bill would delete a requirement for a permit holder as a manufacturer, wholesaler, or other similar pharmaceutical entities to have a full-time licensed pharmacist on the premises.

This bill would provide that the penalty for a manufacturer, wholesaler, or other similar pharmaceutical entities shipping drugs, etc. without a permit applies to each shipment as a separate offense.

This bill would delete requirements for an affidavit on completion of the practical training program for an intern.

This bill would specify that the Board of Pharmacy is directed to adopt rules to administer and enforce the provisions of the law relating to the operation of pharmacies.

This bill would delete a provision relating to notice of Board of Pharmacy meetings, which is otherwise covered by general law relating to open



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29 meetings.

30 This bill would authorize the treasurer in
31 addition to the president of the board and the
32 secretary to authorize disbursement of board funds.

33 This bill would specify that a proposed rule
34 change of general applicability would be published as
35 determined by the board and would delete a requirement
36 for the electronic mailing of rule changes to each
37 pharmacist.

38 This bill would clarify that the board could
39 assess a penalty for each violation of the pharmacy law
40 and that each offense would be a separate violation.

41 This bill would provide that a "pharmacy
42 technician" registered with the board could perform
43 pharmacy functions and provide for a new position of
44 "pharmacy clerk" who would be registered with the board
45 and authorized to perform operational functions in a
46 pharmacy department under the supervision of a licensed
47 pharmacist as provided by rule. The terms pharmacy
48 technician and pharmacy function, pharmacy clerk and
49 operational function, and supervision would be defined
50 in Section 34-23-1, Code of Alabama 1975. The
51 registration provisions and fee for registration of a
52 pharmacy clerk would be the same as a pharmacy
53 technician.

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57 A BILL
58 TO BE ENTITLED
59 AN ACT

60 Relating to the Board of Pharmacy; to amend Sections
61 34-23-1, 34-23-32, 34-23-50, 34-23-51, 34-23-73, 34-23-91,
62 34-23-92, 34-23-131, and 34-23-132, Code of Alabama 1975, to
63 further provide for definitions and for the licensing and
64 regulation of the practice of pharmacy; to authorize a new
65 position in a pharmacy to be designated as a pharmacy clerk
66 authorized to perform operational functions in a pharmacy; to
67 revise the duties and powers of the board; and to repeal
68 Section 34-23-130, Code of Alabama 1975, providing certain
69 definitions.

70 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

71 Section 1. Sections 34-23-1, 34-23-32, 34-23-50,
72 34-23-51, 34-23-73, 34-23-91, 34-23-92, 34-23-131, and
73 34-23-132, Code of Alabama 1975, are amended to read as
74 follows:

75 "§34-23-1

76 For the purpose of this chapter, the following words
77 and phrases ~~shall~~ have the following meanings:

78 (1) ASSOCIATION. The Alabama Pharmacy Association.

79 (2) BIOLOGICAL PRODUCT. Has the same meaning as the
80 term as defined in 42 U.S.C. § 262.

81 (3) BOARD or STATE BOARD. The Alabama State Board of
82 Pharmacy.

83 (4) CHEMICAL. Any substance of a medicinal nature,
84 whether simple or compound, obtained through the process of



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85 the science and art of chemistry, whether of organic or
86 inorganic origin.

87 (5) DISPENSE. To sell, distribute, administer, leave
88 with, give away, dispose of, deliver, or supply a drug or
89 medicine to the ultimate user or his or her agent.

90 (6) DRUGS. All medicinal substances, preparations, and
91 devices recognized by the United States Pharmacopoeia and
92 National Formulary, or any revision thereof, and all
93 substances and preparations intended for external and internal
94 use in the cure, diagnosis, mitigation, treatment, or
95 prevention of disease in man or animal and all substances and
96 preparations other than food intended to affect the structure
97 or any function of the body of man or animal.

98 ~~(7) EXTERN. A candidate for licensure as a pharmacist~~
99 ~~during the time prior to graduation from an accredited college~~
100 ~~of pharmacy.~~

101 ~~(8)~~ (7) HOSPITAL. An institution for the care and
102 treatment of the sick and injured, licensed by the ~~Alabama~~
103 ~~State Board~~ Department of Public Health and authorized to be
104 entrusted with the custody of drugs and medicines, the
105 professional use of drugs and medicines being under the direct
106 supervision of a medical practitioner or pharmacist.

107 ~~(9)~~ (8) INTERCHANGEABLE BIOLOGICAL PRODUCT. A biological
108 product for which the federal Food and Drug Administration has
109 made either a determination of licensure based on standards
110 for interchangeability pursuant to 42 U.S.C. § 262(k)(4), or a
111 determination of therapeutic equivalence based on the latest
112 edition of or supplement to the federal Food and Drug



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113 Administration's publication Approved Drug Products with
114 Therapeutic Equivalence Evaluations (Orange Book).

115 ~~(10)~~ (9) INTERN. An individual who is currently licensed
116 by this state to engage in the practice of pharmacy while
117 under the personal supervision of a pharmacist and is
118 satisfactorily progressing toward meeting the requirements for
119 licensure as a pharmacist, a graduate of an approved college
120 of pharmacy who is currently licensed by the board for the
121 purpose of obtaining practical experience as a requirement for
122 licensure as a pharmacist, or a qualified applicant awaiting
123 examination for licensure.

124 ~~(11)~~ (10) LEGEND DRUG. Any drug, medicine, chemical, or
125 poison bearing on the label the words, "Caution, federal law
126 prohibits dispensing without prescription" or similar wording
127 indicating that ~~such~~ the drug, medicine, chemical, or poison
128 may be sold or dispensed only upon the prescription of a
129 licensed medical practitioner.

130 ~~(12)~~ (11) LICENSE. The grant of authority by the board
131 to a person authorizing him or her to engage in the practice
132 of pharmacy in this state.

133 ~~(13)~~ (12) MANUFACTURER. A person ~~or entity~~, except a
134 pharmacy, who prepares, derives, produces, researches, tests,
135 labels, or packages any drug, medicine, chemical, or poison.

136 ~~(14)~~ (13) MEDICAL PRACTITIONER. Any physician, dentist,
137 or veterinarian, or any other ~~person~~ individual authorized by
138 law to treat, use, or prescribe medicine and drugs for sick
139 and injured human beings or animals in this state.

140 ~~(15)~~ (14) MEDICINE. Any drug or combination of drugs



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141 that has the property of curing, diagnosing, preventing,
142 treating, or mitigating diseases or that ~~which~~ may be used for
143 those purposes.

144 (15) OPERATIONAL FUNCTION. A function performed in a
145 pharmacy department that does not require the professional
146 judgment of a licensed pharmacist and that requires
147 supervision by a licensed pharmacist. The term does not
148 include pharmacy functions required to be performed by a
149 pharmacy technician. The duties may include, but are not
150 limited to, completing transactions at a register, stocking
151 inventory, and other similar functions as determined by rule
152 of the board.

153 (16) OUTSOURCING FACILITY. A facility at one geographic
154 location or address that is engaged in the compounding of
155 sterile drugs, which has elected to register with the federal
156 Food and Drug Administration as an outsourcing facility and
157 complies with the requirements of Section 503B(d)(4)(A) of the
158 federal Food, Drug, and Cosmetic Act.

159 (17) PATENT OR PROPRIETARY MEDICINES. Completely
160 compounded nonprescription packaged drugs, medicines, and
161 nonbulk chemicals ~~which~~ that are sold, offered, promoted, or
162 advertised by the manufacturer or primary distributor under a
163 trademark, trade name, or other trade symbol, and the labeling
164 of which conforms to the requirements of the federal Food,
165 Drug, and Cosmetic Act; ~~provided, that this definition shall~~
166 The term does not include:

167 a. Drugs ~~which~~ that are only advertised and promoted
168 professionally to licensed physicians, dentists, or



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169 veterinarians by manufacturers or primary distributors.

170 b. A narcotic or drug containing a narcotic.

171 c. A drug the label of which bears substantially either
172 the statements "Caution--federal law prohibits dispensing
173 without prescription" or "Warning--may be habit-forming".

174 d. A drug intended for injection.

175 (18) PERMIT. The grant of authority by the board to any
176 person, firm, or corporation authorizing the operation of a
177 pharmacy, wholesale drug distributor, repackager, bottler,
178 manufacturer, or packer of drugs, medicines, chemicals, or
179 poisons for medicinal purposes. Nonresident wholesale drug
180 distributors registered with the appropriate agency~~r~~ in the
181 state in which they are domiciled~~r~~ and operating in compliance
182 with Prescription Drug Marketing Act standards~~r~~ shall be
183 allowed to do business in this state. No permit shall be
184 required of any physician licensed to practice medicine for
185 any act or conduct related to or connected with his or her
186 professional practice.

187 (19) PERSON. Any individual, partnership, corporation,
188 association, trust, or other entity.

189 (20) PHARMACIST. Any~~person~~ individual licensed by the
190 board to practice the profession of pharmacy as a health care
191 provider in the State of Alabama and whose license is in good
192 standing.

193 (21) PHARMACY. A place licensed by the board in which
194 prescriptions, drugs, medicines, medical devices, chemicals,
195 and poisons are sold, offered for sale, compounded, or
196 dispensed, and shall include all places whose title may imply



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197 the sale, offering for sale, compounding, or dispensing of
198 prescriptions, drugs, medicines, chemicals, or poisons.

199 (22) PHARMACY CLERK. An individual, other than an
200 intern or pharmacy technician, who performs operational
201 functions under the supervision of a licensed pharmacist.

202 (23) PHARMACY FUNCTION. A function performed in a
203 pharmacy department that does not require the professional
204 judgment of a licensed pharmacist, that requires supervision
205 by a licensed pharmacist, and that is restricted by ratios as
206 determined by board rule.

207 ~~(22)~~ (24) PHARMACY SERVICES PERMIT. Certain services
208 performed by a pharmacy, as defined by board rule, and
209 specifically excluding the receipt or inventory of drugs,
210 medicines, chemicals, poisons, or medical devices.

211 a. This subdivision, and any rule adopted by the board
212 pursuant to this subdivision, may not be interpreted to expand
213 the practice of pharmacy, as the practice of pharmacy and
214 permits are limited by this section and Sections 34-23-11 and
215 34-23-70, or to restrict the practice of medicine or
216 osteopathy as defined in Section 34-24-50.

217 b. This subdivision, and any rule adopted by the board
218 pursuant to this subdivision, is subject to the restrictions
219 contained in subsection (b) of Section 34-23-30.

220 c. This subdivision shall not be interpreted to allow
221 the board to adopt any rule that would authorize a pharmacist
222 to sell, offer for sale, or dispense any prescription drug
223 except pursuant to the terms of a valid prescription issued by
224 a licensed practitioner authorized to prescribe such drug.



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225 (25) PHARMACY TECHNICIAN. An individual, other than an
226 intern, who performs pharmacy functions under the supervision
227 of a licensed pharmacist.

228 ~~(23)~~ (26) POISON. Any substance other than agricultural
229 products and pesticides which when applied to, introduced
230 into, or developed within the body in relatively small
231 quantities by its inherent chemical action uniformly produces
232 serious bodily injury, disease, or death.

233 ~~(24)~~ (27) PRECEPTOR. ~~A person~~ An individual who is duly
234 licensed to practice pharmacy in the state and meets the
235 requirements as established by the board.

236 ~~(25)~~ (28) PRESCRIPTION. Any order for drug or medical
237 supplies, written or signed or transmitted by word of mouth,
238 telephone, telegraph, closed circuit television, or other
239 means of communication by a legally competent practitioner,
240 licensed by law to prescribe and administer such drugs and
241 medical supplies intended to be filled, compounded, or
242 dispensed by a pharmacist.

243 ~~(26)~~ (29) PRIVATE LABEL DISTRIBUTOR. A firm that does
244 not participate in the manufacture or processing of a drug,
245 but instead markets and distributes under its own trade name,
246 and labels a drug product made by someone else. A private
247 label distributor is responsible for the products it
248 introduces into interstate commerce and for compliance with
249 federal Food, Drug, and Cosmetic Act requirements and Current
250 Good Manufacturing Practices regulations.

251 ~~(27)~~ (30) PROFESSIONAL DEGREE. A degree in pharmacy
252 requiring a minimum of five academic years.



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253 ~~(28)~~ (31) REPACKAGER. A person who purchases or acquires
254 from a manufacturer or distributor, a drug, medicine,
255 chemical, or poison for the purpose of bottling, labeling, or
256 otherwise repackaging for sale or distribution. This
257 definition shall not apply to a physician licensed to practice
258 medicine who as a part of his or her professional practice
259 dispenses, administers, sells, or otherwise distributes any
260 drug to a patient.

261 ~~(29)~~ (32) SALE. Barter, exchange, or gift, or offer of
262 barter, exchange, or gift, and ~~shall include~~ includes each
263 transaction made by any person, whether a principal,
264 proprietor, agent, servant, or employee.

265 (33) SUPERVISION. The direct on-site overseeing of the
266 performance of assigned or delegated duties or functions.

267 ~~(30)~~ (34) THIRD-PARTY ~~LOGISTICS~~ LOGISTIC PROVIDER. An
268 entity that provides or coordinates warehousing or other
269 logistics services of a product in interstate commerce on
270 behalf of a manufacturer, wholesale distributor, or dispenser
271 of a product, that does not take ownership of the product, nor
272 have responsibility to direct the sale or disposition of the
273 product.

274 ~~(31)~~ (35) WHOLESALE DRUG DISTRIBUTORS. A person, other
275 than a manufacturer, the co-licensed partner of a
276 manufacturer, a third-party logistics provider, or repackager,
277 engaged in the business of distributing drugs and medicines
278 for resale to pharmacies, hospitals, practitioners, government
279 agencies, or other lawful outlets permitted to sell drugs or
280 medicines. The sale, purchase, or trade of a drug by a retail



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281 pharmacy to another retail pharmacy or practitioner, for
282 relief of temporary shortages, is exempt from this definition.
283 Also exempt from this definition shall be all of the
284 following:

285 a. Intracompany sales.

286 b. Manufacturer and distributor sales representatives
287 who distribute drug samples.

288 c. Charitable organizations distributing to nonprofit
289 affiliates of that organization.

290 d. Certain purchases by hospitals or other health care
291 entities that are members of a group purchasing organization.

292 e. The distributors of blood and blood components."

293 "§34-23-32

294 (a) ~~Commencing on August 1, 2017, every~~ Any

295 manufacturer, bottler, packager, repackager, ~~third~~

296 ~~party~~ third-party logistic provider, wholesale drug

297 distributor, private label distributor, outsourcing facility,

298 or pharmacy business identified in the supply chain of drugs,

299 medicines, chemicals, or poisons for medicinal purposes shall

300 register annually with the board by application for a permit

301 on a form furnished by the board and accompanied by a fee to

302 be determined by the board as follows:

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

304 (\$500) nor more than two thousand dollars (\$2,000) for a new

305 establishment.

306 (2) The fee shall not be less than two hundred fifty

307 dollars (\$250) nor more than one thousand dollars (\$1,000) for

308 a renewal permit.



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

312 ~~(b) A holder of a permit shall employ a full-time~~
313 ~~licensed pharmacist whose principal duty shall be confined to~~
314 ~~on-premise pharmaceutical operations. Wholesale drug~~
315 ~~distributors who strictly limit their operation to~~
316 ~~distribution of drugs, medicines, chemicals, or poisons for~~
317 ~~medicinal purposes are exempt from the requirement to employ a~~
318 ~~full-time licensed pharmacist.~~

319 ~~(e)~~ (b) The professional practice of any physician
320 licensed to practice medicine is exempt from the requirements
321 of this section.

322 ~~(d)~~ (c) All permits issued under this section shall
323 become due on October 31 and shall become ~~null and~~ void if not
324 paid by December 31. Each application for the renewal of the
325 permit shall be made annually on or before December 31. A
326 penalty of one hundred dollars (\$100) for each overdue month
327 shall be assessed in addition to the permit fee for renewal of
328 delinquent permits.

329 ~~(e)~~ (d) (1) Commencing on January 1, 2024, each holder of
330 a permit issued under this section, with the exception of an
331 outsourcing facility, shall designate a current representative
332 of the permit holder and shall register the designated
333 representative with the board. The designated representative
334 shall possess the qualifications, requirements, and background
335 as set out by the board.

336 (2) The holder of the permit shall pay an initial



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337 registration fee to register the designated representative of
338 not less than one hundred dollars (\$100), as set by rule of
339 the board. The registration of a designated representative
340 shall expire on December 31. The renewal of the registration
341 shall be due on October 31 of each year and shall be
342 delinquent after December 31. The annual fee for the renewal
343 of a designated representative shall not be less than one
344 hundred dollars (\$100), as set by rule of the board. If the
345 renewal is not timely received by the board, the applicant for
346 renewal of the registration shall pay a penalty of not more
347 than fifty dollars (\$50) for each month the renewal is late,
348 as set by rule of the board.

349 ~~(f)~~ (e) All holders of a permit, before shipping any
350 drug bearing the legend, "~~caution~~Caution, federal law
351 prohibits dispensing without prescription" or similar wording
352 causing these drugs to be known as legend drugs to new
353 customers, shall assure themselves that the recipient is
354 either a duly licensed doctor of medicine, dentistry, or
355 veterinary medicine or holds a registered pharmacy permit from
356 the board by contacting the office of the board.

357 ~~(g)~~ (f) No manufacturer, manufacturer affiliate,
358 bottler, packager, repackager, ~~third party~~third-party logistic
359 provider, wholesale drug distributor, private label
360 distributor, outsourcing facility, or pharmacy business
361 identified in the supply chain of any legend drug or device
362 shall ship, or cause to be shipped, into the state any legend
363 drug or device without a valid permit issued by the board.
364 Each invalid shipment shall be a separate violation. The civil



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365 penalty for a violation of this subsection shall be four
366 thousand dollars (\$4,000) for each violation. The civil
367 penalties provided in this subdivision shall supersede the
368 penalties provided in Section 34-23-92.

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

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

377 ~~(j)~~ (i) For each application for a permit found to be
378 satisfactory by the board, the secretary of the board shall
379 issue to the applicant a permit for the appropriate function,
380 which permit shall be displayed in a conspicuous place."

381 "§34-23-50

382 (a) It shall be unlawful for any person, ~~firm, or~~
383 ~~corporation~~ to practice pharmacy in this state or to permit
384 prescriptions to be compounded or dispensed by a person other
385 than a person duly licensed by the board to practice pharmacy
386 in this state.

387 (b) (1) Notwithstanding subsection (a), the board may
388 issue a pharmacy intern ~~extern~~ permit as further provided in
389 this subsection that authorizes a pharmacy intern ~~or extern~~ to
390 compound and dispense prescriptions while serving under the
391 immediate direct supervision of a licensed pharmacist on the
392 premises of a permitted pharmacy.



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393 (2) The following ~~persons~~ individuals may apply to the
394 board for a pharmacy intern/~~extern~~ permit:

395 a. ~~A person~~ An individual who holds a professional
396 degree in pharmacy from a school of pharmacy recognized by the
397 board who desires to serve as a pharmacy intern.

398 b. ~~A person~~ An individual who is enrolled in a school of
399 pharmacy recognized by the board who desires to serve as a
400 pharmacy ~~extern~~ intern while pursuing his or her education as a
401 pharmacist. In order to be considered enrolled in a school of
402 pharmacy and pursuing education as a pharmacist, the ~~person~~
403 individual shall not be absent from the school of pharmacy for
404 more than two consecutive semesters or three consecutive
405 quarters, dependent upon the system in use in the school of
406 pharmacy.

407 (3) ~~A person~~ An individual requesting a pharmacy
408 intern/~~extern~~ permit shall submit an application to the board
409 in a form as determined by the board. The ~~person~~ individual
410 shall be required to be of good moral character and a citizen
411 of the United States or, if not a citizen, must be legally
412 present in the United States with appropriate documentation
413 from the federal government. Further, the ~~person shall~~
414 individual must not have engaged in any conduct that would be
415 a violation of this chapter or board rule.

416 (4) The application shall be accompanied ~~with~~ by an
417 initial fee of not more than one hundred dollars (\$100).

418 (5) The board shall require a background check on each
419 applicant as part of the initial application process. The cost
420 of the background check shall be paid by the applicant.



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421 (6) A pharmacy intern/~~extern~~ permit shall expire on
422 December 31 of odd-numbered years. In order to continue to
423 work as an intern-~~or extern~~, a renewal fee of not more than
424 one hundred dollars (\$100), as determined by the board, shall
425 be received by the board by December 31 of the year of
426 expiration. If the renewal is not timely received by the
427 board, the applicant for renewal shall pay a penalty of not
428 more than fifty dollars (\$50), as determined by the board, for
429 each month the renewal is late.

430 (7) For the purposes of this subsection, "immediate
431 direct supervision" means that at least one pharmacist is
432 personally present and available on the premises of the
433 pharmacy for consultation with the intern-~~or extern~~ at all
434 times.

435 (c) Notwithstanding Section 20-2-51 or any other law to
436 the contrary, each person licensed by the board to practice
437 pharmacy may distribute or dispense controlled substances
438 during the biennial period for which the person is licensed."

439 "§34-23-51

440 (a) Every-~~person~~ individual who desires to practice
441 pharmacy within this state shall file with the secretary of
442 the board his or her application for licensure as required by
443 the board not less than 10 days prior to his or her
444 examination. The application shall be accompanied by an
445 examination and registration fee for residents and
446 nonresidents of this state, the fees to be set by the board.

447 (b) The applicant shall furnish satisfactory proof that
448 he or she is at least 19 years of age, of good moral



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449 character, and that he or she holds a professional degree from
450 a division, school, college, or a university department of
451 pharmacy recognized by the board. Each applicant shall also be
452 a citizen of the United States or, if not a citizen of the
453 United States, ~~a person~~ an individual who is legally present in
454 the United States with appropriate documentation from the
455 federal government.

456 (c) The applicant shall have completed an approved
457 practical training program under the supervision of a licensed
458 pharmacist in a site recognized by the board as qualified for
459 training pharmacy ~~externs and~~ interns, the training standards
460 to be established by the board as long as the standards are
461 not less than those set by the National Association of Boards
462 of Pharmacy. ~~The completion of the practical training~~
463 ~~requirements shall be attested by affidavit from the licensed~~
464 ~~pharmacist preceptor under whom the training is served.~~

465 (d) (1) The applicant shall pass an examination
466 administered by the National Association of Boards of Pharmacy
467 or other entity approved by the board in subjects consistent
468 with those required by the National Association of Boards of
469 Pharmacy and in accordance with the rules of the board. In
470 case of failure of a first examination, the applicant shall
471 have within three years the privilege of a second and third
472 examination. In case of failure in the third examination, the
473 applicant shall be eligible for only one additional
474 examination and this only after he or she has satisfactorily
475 completed additional preparation as directed and approved by
476 the board.



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477 (2) An applicant may be admitted to the examination
478 provided all of the requirements in subsections (a), (b), and
479 (c) are met, ~~and in addition, that affidavits attesting to the~~
480 ~~prescribed practical training program have been presented to~~
481 ~~the secretary prior to the examination.~~

482 (3) An application for examination by the board may be
483 denied if the applicant is proven to have been involved in any
484 violation of this chapter. An applicant who has been expelled
485 from an examination for cribbing, cheating, or other dishonest
486 conduct shall not be permitted to complete the examination
487 applied for and shall not be permitted to file a new
488 application for examination during the balance of the same
489 calendar year or the calendar year next following the
490 expulsion.

491 (e) (1) The board may issue a license without
492 examination to an applicant who furnishes satisfactory proof
493 that he or she has been licensed to practice pharmacy by
494 examination in another state that under like conditions grants
495 reciprocal licensure without examination to pharmacists duly
496 licensed by examination in this state, that he or she is ~~a~~
497 ~~person~~ an individual of good moral character and temperate
498 habits, and provided that the requirements in the state from
499 which the applicant is reciprocating were no less than the
500 requirements of the National Association of Boards of
501 Pharmacy. The application shall be accompanied by a fee set by
502 the board.

503 (2) Each applicant for licensure by reciprocity shall
504 be personally interviewed by two or more members of the board



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505 before being granted a license, and the applicant shall pass
506 an examination on the laws governing the practice of pharmacy
507 in this state. The applicant shall be approved for reciprocity
508 by the board prior to the time that he or she begins the
509 duties of a licensed pharmacist in this state. No applicant
510 shall be granted reciprocal licensure unless all evidence and
511 supporting documents of licensure in the state from which the
512 applicant is reciprocating are approved as meeting the
513 requirements for reciprocity of the National Association of
514 Boards of Pharmacy. The board shall set and collect a fee for
515 submitting and certifying grades for reciprocity in other
516 states."

517 "§34-23-73

518 Every pharmacist serving as a preceptor shall have
519 expressed a willingness to serve as a preceptor. Pharmacist
520 preceptors shall be approved by the board and shall be willing
521 to cooperate with the board in developing the necessary
522 training requirements and shall provide appropriate
523 documentation to the board. ~~Each preceptor shall certify as to~~
524 ~~the commencement and completion of the training period and may~~
525 ~~make recommendations to the board concerning the competency of~~
526 ~~his or her trainee.~~ The preceptor shall report to the board
527 from time to time as requested on the progress of any intern
528 ~~or extern~~ under his or her supervision. It shall be his or her
529 responsibility in a supervisory capacity to ~~see~~ ensure that
530 each intern ~~or extern~~ receives proper training under the
531 objectives of the board for this practical training program."

532 "§34-23-91



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533 (a) The president of the board shall preside at all of
534 the board's meetings. The ~~vice-president~~vice president shall
535 preside in the absence or inability of the president. The
536 secretary of the board shall be the executive officer in
537 charge of the board's office. The secretary shall make, keep,
538 and be in charge of all records and record books required to
539 be kept by the board, including a register containing all
540 information which shall be required under this chapter. The
541 secretary shall attend to the correspondence of the board and
542 perform any other duties the board may require in keeping with
543 the office of secretary. The secretary shall receive and
544 record all fees collected under this chapter and, at regular
545 intervals as ordered by the board, shall pay the fees to the
546 treasurer of the board for its use. The secretary may have any
547 forms printed and office supplies furnished as necessary to
548 implement this chapter. The secretary and treasurer of the
549 board shall each furnish bond in an amount to be fixed by the
550 board and shall be conditioned upon the faithful performance
551 and discharge of their respective official duties.-

552 (b) The members of the board shall be paid the same per
553 diem and travel allowance as is paid by law to state employees
554 while engaged in the performance of the duties of the board,
555 in addition to any daily compensation or allowance determined
556 by the board.-

557 (c) The board shall conduct meetings at least three
558 times annually and more often when deemed necessary for the
559 examination of applicants for licensure and for the
560 transaction of business as may legally come before it.-~~Public~~



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561 ~~notice of all stated meetings shall be given at least 30 days~~
562 ~~in advance of the meetings.~~ At all meetings of the board, a
563 majority shall constitute a quorum. The members of the board
564 shall determine the place of meetings of the board.—

565 (d) The treasurer of the board shall have custody of
566 all funds derived from the various provisions of this chapter.
567 All disbursements shall be made ~~by check~~ as authorized ~~by~~
568 ~~vouchers signed~~ by the president or treasurer and the
569 secretary of the board.—

570 (e) The books and records of the board as made and kept
571 by the secretary or under his or her supervision shall be
572 prima facie evidence of the matter therein recorded in any
573 court."

574 "§34-23-92

575 The board shall exercise, subject to this chapter, the
576 following powers and duties:

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

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

582 (3) To make rules ~~and regulations~~ regarding sanitation
583 consistent with state health regulations.

584 (4) To employ such chemists, agents, clerical help, and
585 attorneys necessary for the proper administration of the
586 duties of the board.

587 (5) To employ a Chief Drug Investigator and such other
588 drug investigators that it deems necessary to enforce this



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589 chapter which are under the supervision of the board.

590 (6) To adopt rules ~~and regulations~~ for the
591 administration and enforcement of this chapter and not
592 inconsistent herewith. Such rules ~~and regulations~~ shall be
593 referenced to the section or sections of this chapter which
594 set forth the legislative standard which it interprets or to
595 which it applies. Every ~~such rule and regulation~~ shall be
596 adopted in accordance with the Alabama Administrative
597 Procedure Act. A copy of every rule ~~and regulation~~ containing
598 a requirement of general application shall be ~~electronically~~
599 ~~mailed to each registered pharmacist at least 10 days before~~
600 ~~the effective date thereof~~ published in a manner as determined
601 by the board. A printed copy of such rules ~~and regulations~~
602 shall be mailed to any registered pharmacist upon written
603 request to the board.

604 (7) To investigate violations of this chapter or any
605 other law pertaining to the practice of pharmacy that may come
606 to the knowledge of the board and institute or cause to be
607 instituted before the board or in a proper court appropriate
608 proceedings in connection therewith.

609 (8) To issue subpoenas and compel the attendance of
610 witnesses and the production of all necessary papers, books
611 and records, documentary evidence and materials, or other
612 evidence in matters pending before the board relating to the
613 revocation, suspension, or probation of any license. Those
614 persons issued subpoenas and compelled to attend hearings or
615 meetings in matters pending before the board shall be entitled
616 to witness fees from board funds. Claims for witness fees



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617 shall be made on accepted State of Alabama voucher forms as
618 appropriate. Travel and mileage expenses shall be reimbursed
619 to witnesses in the amounts officially authorized to the board
620 and its personnel at the time the service to the board is
621 performed.

622 (9) To administer oaths in connection with the duties
623 of the board.

624 (10) To make a written report annually of its receipts
625 and disbursements to the Governor and to the ~~State~~
626 ~~Pharmaceutical~~ Alabama Pharmacy Association, or its successor.
627 Included in this report shall be the names of all registrants
628 licensed to practice under this chapter and a record of all
629 permits issued during the period covered by the report.

630 (11) To enforce the state barbiturate act, the state
631 amphetamine act, the state narcotic law, and all other laws of
632 the state which pertain to the practice of pharmacy, the
633 examination of applicants, the licensing of pharmacists, the
634 manufacture, packaging, repackaging, production, sale, or
635 distribution of drugs, chemicals, and poisons, and all laws
636 pertaining to standards for their strength and purity. The
637 board may work in conjunction with other law enforcement
638 agencies to enforce any law pertaining to the practice of
639 pharmacy. Nothing in this section shall be construed to
640 deprive the ~~State Board~~ Department of Public Health of any
641 powers or duties otherwise prescribed by law including the
642 enforcement of the narcotic law.

643 (12) To investigate alleged violations of this chapter
644 or any rule ~~or regulation published~~ adopted by the board and



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645 conduct hearings to discipline, revoke, suspend, or probate
646 any license or permit granted by the board under this chapter
647 and to invoke penalties not to exceed the sum of one thousand
648 dollars (\$1,000) for each violation and to institute any legal
649 proceedings necessary to effect compliance with this chapter;
650 provided, that any person, ~~firm, or corporation~~ subjected to
651 such penalty or legal proceedings may take an appeal in
652 accordance with Section 34-23-94. For the purpose of this
653 subdivision, each offense shall be a separate violation.

654 (13) On application of any person and payment of the
655 cost therefor, the secretary of the board shall furnish, under
656 its seal and signed by the secretary, a certified copy of the
657 license or permit of the requestor, or a certified copy of a
658 ~~regulation or~~ rule of the board. In any court or proceeding,
659 ~~such the~~ copy shall be prima facie evidence of the fact of the
660 issuance of ~~such the~~ permit or license and the adoption of
661 ~~such the~~ rule ~~or regulation~~.

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

665 "§34-23-131

666 (a) A pharmacy technician shall not perform pharmacy
667 functions or be present in the prescription department of a
668 pharmacy unless ~~he or she~~ the pharmacy technician is under the
669 ~~direct~~ supervision of a licensed pharmacist. ~~A pharmacy~~
670 ~~technician shall not perform pharmacy functions or be present~~
671 ~~in the prescription department of a pharmacy unless he or she~~
672 and is registered by the board.



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673 (b) A pharmacy clerk shall not perform operational
674 functions or be present in the prescription department of a
675 pharmacy unless the pharmacy clerk is under the supervision of
676 a licensed pharmacist and is registered by the board.

677 ~~(b)~~ (c) When supervision is required, a licensed
678 pharmacist shall be jointly responsible and liable for the
679 actions of a pharmacy technician or pharmacy clerk.

680 ~~(c)~~ (d) A pharmacy technician or pharmacy clerk shall
681 register and pay a fee as determined by the board before
682 performing any pharmacy functions. The board shall adopt rules
683 relating to the registration of all pharmacy technicians and
684 pharmacy clerks. The registration of a pharmacy technician or
685 pharmacy clerk shall be renewable biennially in odd-numbered
686 years upon payment of the required renewal fee. The
687 registration of each pharmacy technician or pharmacy clerk
688 shall expire on December 31 of odd-numbered years. In order to
689 continue to be licensed, each registered pharmacy technician
690 or pharmacy clerk shall pay a biennial renewal fee of not less
691 than twenty dollars (\$20), as determined by rule of the board,
692 the fee being due on October 31 and delinquent after December
693 31 of odd-numbered years. The payment of the renewal fee shall
694 entitle the pharmacy technician or pharmacy clerk to renewal
695 of his or her registration at the discretion of the board. If
696 any pharmacy technician or pharmacy clerk fails to pay the
697 renewal fee as required by this subsection, he or she may be
698 reinstated as a pharmacy technician or pharmacy clerk only
699 upon payment of a penalty of not less than ten dollars (\$10)
700 nor more than twenty dollars (\$20), as determined by rule of



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701 the board, for each lapsed year and all lapsed fees for each
702 lapsed year up to a maximum of five years of total penalties
703 and lapsed fees.

704 ~~(d)~~ (e) In addition to any other registration
705 requirements, a pharmacy technician or pharmacy clerk shall
706 complete three hours of continuing education annually, or six
707 hours biennially, of which one hour per year shall be live
708 presentation. The board may grant an extension to a pharmacy
709 technician or pharmacy clerk who fails to complete the
710 required continuing education hours in the allotted time. A
711 pharmacy technician or pharmacy clerk who fails to complete
712 the annual continuing education requirements shall be subject
713 to disciplinary action by the board.

714 (f) The board shall adopt rules necessary to implement,
715 administer, and enforce this section."

716 "§34-23-132

717 The board shall ~~revoke~~ review for discipline,
718 revocation, suspension, ~~or suspend the registration of a~~
719 ~~pharmacy technician~~ ~~or place on~~ probation the registration of
720 a pharmacy technician or pharmacy clerk for any of, but not
721 limited to, the following reasons:

722 (1) Willful violation of any provision of this article
723 or the Alabama Uniform Controlled Substances Act.

724 (2) Willful violation of any rule ~~or regulation~~
725 ~~promulgated~~ adopted in accordance with this article or the
726 Alabama Uniform Controlled Substances Act.

727 (3) Action which threatens the public health, safety,
728 or welfare.



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729 (4) Conviction of a felony or misdemeanor involving
730 moral turpitude.

731 (5) Conviction of a felony or misdemeanor involving a
732 drug related offense of a legend drug or controlled substance.

733 (6) Obtaining the pharmacy technician registration by
734 fraudulent means.

735 (7) Violation of the laws regulating the sale or
736 dispensing of narcotics, exempt narcotics, or drugs bearing
737 the label "~~caution~~Caution, federal law prohibits dispensing
738 without prescription," or similar wording which causes the
739 drugs to be classified as prescription legend drugs."

740 Section 2. Section 34-23-130 of the Code of Alabama
741 1975, is repealed.

742 Section 3. This act shall become effective on October
743 1, 2025.