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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 disciplinary civil penalties, would authorize the board to impose late fees, and would revise the board's authority to impose non-disciplinary administrative fines.

This bill would require the board to adopt a civil penalty and administrative fine schedule by rule and once adopted, prohibit the board from imposing any



29 civil penalty or administrative fine that is not
30 addressed in the schedule, as formally adopted.

31 This bill would require the board to divide the
32 office of general counsel of the board into an
33 administrative division and a disciplinary division,
34 would provide for separate functions of the divisions,
35 and would prohibit the disclosure of certain
36 information by the administrative division to the
37 disciplinary division in certain circumstances.

38 This bill would require the board to report to
39 the Legislature the status of board rules and require
40 the board to revise its rules to comply with the
41 pharmacy laws, including this act, by a certain date.

42 This bill would also make nonsubstantive,
43 technical revisions to update the existing code
44 language to current style.

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A BILL
TO BE ENTITLED
AN ACT

51 Relating to the Alabama Sunset Law; to continue the
52 existence and functioning of the Alabama State Board of
53 Pharmacy until October 1, 2026, with certain modifications; to
54 amend Sections 34-23-3, 34-23-8, 34-23-12, 34-23-13, 34-23-30,
55 34-23-32.2, 34-23-33, 34-23-34, 34-23-52, 34-23-90, 34-23-91,
56 34-23-92, 34-23-93, and 34-23-131, Code of Alabama 1975; to



57 reconstitute the membership of the board; to revise the
58 compensation of board members and their duties; to provide
59 further for the position of secretary; to revise the board's
60 authority to impose penalties; to provide further for the
61 board's authorization to discipline pharmacists, pharmacies,
62 and certain other entities; to provide further for the general
63 counsel of the board; to require the board to report on the
64 status of board rules; and to make nonsubstantive, technical
65 revisions to update the existing code language to current
66 style.

67 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

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

78 Section 3. Section 34-23-3, 34-23-8, 34-23-12,
79 34-23-13, 34-23-30, 34-23-32.2, 34-23-33, 34-23-34, 34-23-52,
80 34-23-90, 34-23-91, 34-23-92, 34-23-93, and 34-23-131, Code of
81 Alabama 1975, are amended to read as follows:

82 "§34-23-3

83 (a) Each state drug investigator employed by the board
84 ~~following the passage of this chapter~~ must furnish



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

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

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

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



113 (3) Inspect prescription files, prescription records,
114 poison registers, exempt narcotic registers, and any other
115 records pertaining to the filling and filing of prescriptions.

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

119 (d) A state drug investigator shall report to the board
120 all violations of ~~the laws~~ law relating to pharmacy and all
121 rules ~~and regulations~~ of the board. As directed by the board,
122 ~~it shall be the duty of the state drug investigators to issue~~
123 ~~Citations~~ a state drug investigator shall issue written
124 warnings for violations of such laws, or rules, ~~or regulations~~
125 or institute criminal proceedings against persons for such
126 violations.

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

139 (f) A state drug investigator ~~to~~ shall take possession
140 of all revoked licenses and permits or suspended licenses and



141 permits, or both, when such licenses and permits are not
142 surrendered voluntarily to the board by the ~~person or~~
143 ~~pharmacist~~ individual or entity whose license or permit has
144 been revoked or suspended.

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

149 "§34-23-8

150 (a) No person shall dispense or cause to be dispensed a
151 different drug or brand of drug in lieu of that ordered or
152 prescribed without the express permission in each case of the
153 person ordering or prescribing such drug, except as provided
154 below:

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

165 (2) A licensed pharmacist ~~located in this state~~ shall
166 be permitted to select for the brand name drug product
167 prescribed by a practitioner who is located in another state
168 or licensing jurisdiction and who is authorized by the laws of



169 that state or jurisdiction to write prescriptions, a less
170 expensive pharmaceutically and therapeutically equivalent drug
171 product containing the same active ingredient or ingredients,
172 and of the same dosage form strength, in all cases where the
173 out-of-state licensed physician or other practitioner does not
174 expressly prohibit a substitution.

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

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

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

193 (5) Unless otherwise indicated by the practitioner, the
194 prescription label on the dispensing container shall indicate
195 the actual drug product dispensed, either the brand name, or
196 if none, the generic name, and the name of the manufacturer or



197 a reasonable abbreviation of the name of the manufacturer.

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

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

205 "§34-23-12

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

212 (1) Practices pharmacy without a license or permits
213 prescriptions to be compounded or dispensed by a person who is
214 not licensed to practice pharmacy, in violation of Section
215 34-23-50;

216 (2) Operates a pharmacy or other entity without a
217 permit, in violation of Section 34-23-30, 34-23-31, or
218 34-23-32; or

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

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



225 "§34-23-13

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

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

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

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

245 "§34-23-30

246 (a) Every pharmacy, hospital pharmacy, drugstore,
247 pharmacy department, prescription department, prescription
248 laboratory, apothecary, ~~or~~ and any other ~~establishment~~ entity
249 with a title implying the sale, offering for sale,
250 compounding, or dispensing of drugs, ~~or~~ and any entity
251 providing pharmacy services for patients residing in this
252 state, shall register biennially and receive a permit from the



253 board in accordance with this chapter. Any person desiring to
254 ~~open, operate, maintain, or establish~~ a pharmacy or to
255 establish an entity to provide pharmacy services shall apply
256 to the board for a permit at least 30 days prior to the
257 opening of the business. No pharmacy or entity performing
258 pharmacy services shall ~~open for the transaction of be~~
259 authorized to transact business until ~~it~~ the pharmacy or
260 entity has been registered, inspected, and had a permit issued
261 by the board.

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

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



281 ~~accompanied by a fee to be determined by the board, but the~~
282 ~~fee shall not be less than fifty dollars (\$50) nor more than~~
283 ~~one hundred fifty dollars (\$150). Every application for a~~
284 ~~permit due to transfer of ownership shall be accompanied by a~~
285 ~~fee to be determined by the board, but the fee shall not be~~
286 ~~less than one hundred fifty dollars (\$150) nor more than four~~
287 ~~hundred dollars (\$400). Every application for a permit for an~~
288 ~~out-of-state pharmacy or entity where pharmacy services are~~
289 ~~performed shall be accompanied by a fee to be determined by~~
290 ~~the board, but the fee shall not be less than seven hundred~~
291 ~~fifty dollars (\$750) nor more than two thousand dollars~~
292 ~~(\$2,000). Every application for a renewal permit for an~~
293 ~~out-of-state pharmacy or entity where pharmacy services are~~
294 ~~performed shall be accompanied by a fee to be determined by~~
295 ~~the board, but the fee shall not be less than four hundred~~
296 ~~dollars (\$400) nor more than seven hundred fifty dollars~~
297 ~~(\$750). Each application for the renewal of a permit shall be~~
298 ~~made on or before October 31 of each even-numbered year, at~~
299 ~~which time the previous permit shall become null and void on~~
300 ~~December 31 of even-numbered years. A penalty of twenty-five~~
301 ~~dollars (\$25) for each overdue month shall be assessed in~~
302 ~~addition to the permit fee for renewal of delinquent permits.~~

303 (3) The secretary of the board shall issue a permit for
304 each pharmacy or entity where pharmacy services are performed
305 whose application is found to be satisfactory by the board.
306 Permits issued under this section shall not be transferable.
307 Any change in the control of ownership or licensed pharmacists
308 shall be reported to the board in writing within 10 days of



309 such occurrence. If the pharmacy or entity where pharmacy
310 services are performed is owned by a corporation, the permit
311 shall be issued in the name of the corporation. ~~It shall be~~
312 ~~the duty of the owners~~ Owners of pharmacies or the owners of
313 entities where pharmacy services are performed who are not
314 licensed pharmacists ~~to~~ shall immediately notify the board
315 upon the termination of employment of licensed pharmacists and
316 ~~to~~ shall cause the surrender of permits as indicated. The
317 further operation of the pharmacy or entity where pharmacy
318 services are performed in the absence of licensed pharmacists
319 is forbidden; provided, that the nonregistered owner shall
320 have a period of 30 days within which to comply with this
321 subsection. The next of kin of any deceased licensed
322 pharmacist owner shall have a period of 30 days within which
323 to comply with this chapter, during which time no
324 prescriptions ~~shall~~ may be filled unless a licensed pharmacist
325 is on duty.

326 (4) All permits issued under this section shall expire
327 on December 31 of even-numbered years unless the permit holder
328 renews the permit by paying the applicable renewal fee. The
329 renewal fee is due on December 31, and if not received by that
330 date, the permit shall be considered delinquent and the board
331 may impose a late fee of twenty-five dollars (\$25) for each
332 month the renewal fee is late, provided a delinquency fee may
333 not exceed one thousand dollars (\$1,000). The board may also
334 suspend a permit that is not renewed within a prescribed
335 period of time, as determined by rule of the board.

336 (c) The board, by rule, shall set the following fees on



337 the holders of permits issued under this section:

338 (1) For a permit for a resident pharmacy or resident
339 entity that performs pharmacy services, a fee of not less than
340 one hundred dollars (\$100) nor more than five hundred dollars
341 (\$500).

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

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

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

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

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

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

363 ~~(e) (f)~~ Nothing contained in this section related to
364 pharmacy services permits shall be interpreted to delegate to



365 the board the authority to adopt rules governing pharmacy
366 ~~benefit~~ benefits managers.

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

369 "§34-23-32.2

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

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

380 (2) The board, by rule, shall establish fees for the
381 various categories of permits issued under this section ~~and~~
382 ~~fin~~ es for violations of this section of not less than five
383 hundred dollars (\$500) nor more than two thousand dollars
384 (\$2,000). In addition, the board, by rule, may establish
385 renewal fees and late fees for failure to renew a permit in a
386 timely manner. Proceeds received by the board from fees ~~levied~~
387 ~~and fines~~ collected pursuant to this section shall be used by
388 the board to fund the costs of permitting, inspecting, and
389 investigating any business permitted pursuant to this
390 section."

391 "§34-23-33

392 (a) The board may revoke or suspend a license,



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

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

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

412 (3) Conviction of a felony. A copy of the record of the
413 conviction, certified by the clerk of the court entering the
414 conviction, shall be conclusive evidence of the conviction.

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

418 (5) Demonstrated inability ~~Inability~~ to practice
419 pharmacy with reasonable skill and safety to patients by
420 reason of illness, ~~inebriation~~ intoxication, misuse of drugs,



421 narcotics, alcohol, chemicals, or any other substance, or as a
422 result of any mental or physical condition. When the issue is
423 whether or not a pharmacist is physically or mentally capable
424 of practicing pharmacy with reasonable skill and safety to
425 patients, then, upon a showing of probable cause to the board
426 that the pharmacist is not capable of practicing pharmacy with
427 reasonable skill and safety to patients, the board may require
428 the pharmacist in question to submit to a psychological
429 examination by a psychologist to determine psychological
430 status or a physical examination by a physician, or both, to
431 determine physical condition. The psychologist or physician,
432 or both, shall be designated by the board. The expense of the
433 examination shall be borne by the board. Where the pharmacist
434 raises the issue of mental or physical competence or appeals a
435 decision regarding his or her mental or physical competence,
436 the pharmacist shall be permitted to obtain his or her own
437 evaluation at the pharmacist's expense. If the objectivity or
438 adequacy of the examination is suspect, the board may complete
439 the examination by the designated practitioners at its own
440 expense. When mental or physical capacity to practice is at
441 issue, every pharmacist licensed to practice pharmacy in the
442 state shall be deemed to have given consent to submit to a
443 mental or physical examination or to any combination of the
444 examinations and to waive all objections to the admissibility
445 of the examination, or to previously adjudicated evidence of
446 mental incompetence.

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



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

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

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

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

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

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

470 ~~(13)~~ (12) Violation of the code of professional conduct
471 adopted by the board in the rules and regulations of the
472 board.

473 (b) (1) The board ~~shall have the authority to adopt~~
474 ~~rules imposing a non-disciplinary administrative penalty for~~
475 ~~designated violations of this chapter~~ may impose monetary
476 penalties in the form of civil penalties for disciplinary



477 violations and administrative fines for non-disciplinary
478 violations of this chapter and rules of the board, as
479 determined by the board.

480 (2) The board, by rule, shall adopt a monetary penalty
481 schedule or schedules, which shall include both civil
482 penalties and administrative fines, and which may be dollar
483 amount ranges based on the underlying violation. After the
484 rule is certified, the board shall publish the monetary
485 penalty schedule or schedules on the board's website.
486 Beginning January 1, 2026, the board may not impose any
487 monetary penalty unless the monetary penalty is covered and
488 addressed by a monetary penalty schedule formally adopted by
489 rule.

490 (3) When determining the amount of a monetary penalty
491 for a specific violation, the board shall consider the level
492 and scope of misconduct, the level of risk to public health
493 and safety, the compliance history of the violator, and if the
494 violator is an entity, the size of the business, including its
495 annual revenues."

496 "§34-23-34

497 No disciplinary action described in Section 34-23-33
498 relating to the license, registration, certificate, or permit
499 of any ~~person~~-individual or entity regulated by the board may
500 be taken unless a statement of charges and notice of hearing
501 has been served on the ~~person~~-individual or entity at least 30
502 days before the date fixed for the hearing. The board, at its
503 sole discretion, may serve the statement of charges by
504 personal service or by registered or certified mail or



505 delivery by any recognized delivery or courier service to the
506 address of the ~~person~~ individual or entity in the records of
507 the board. The burden of proof shall be on the board."

508 "§34-23-52

509 (a) (1) All certificates of licensure shall expire on
510 December 31 of even-numbered years. ~~In order to continue to be~~
511 ~~licensed, every~~ unless a licensed pharmacist ~~shall pay to the~~
512 ~~secretary of the board a biennial~~ pays a renewal fee ~~to be~~
513 ~~determined in a specified amount set~~ by the board, by rule.
514 ~~but the~~ The fee shall not be less than twenty-five dollars
515 (\$25) nor more than one hundred fifty dollars (\$150). The
516 renewal fee shall be due on ~~October~~ December 31 and ~~delinquent~~
517 ~~after December 31 of even-numbered years, except that holders~~
518 ~~of life certificates to practice pharmacy previously issued~~
519 ~~shall not be required to pay a renewal fee. The payment of the~~
520 ~~renewal fee~~ shall entitle the registrants to renewal of their
521 certificates at the discretion of the board. If any pharmacist
522 fails to pay ~~a~~ the renewal fee ~~on or before the due date, the~~
523 ~~holder of the certificate may be reinstated as a licensed~~
524 ~~pharmacist only upon payment of a penalty of ten dollars (\$10)~~
525 ~~for each lapsed month and all lapsed fees, provided~~ by
526 December 31, the board in accordance with board rule, may
527 impose a late fee which may not exceed ten dollars (\$10) for
528 each lapsed month. Notwithstanding the foregoing, the lapsed
529 time of registration may not exceed five years, in which case
530 reinstatement may occur only upon satisfactory examination by
531 the board.

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



533 certificates to practice pharmacy previously issued shall not
534 be required to pay a renewal fee.

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

538 "§34-23-90

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

542 (b) (1) The Beginning October 1, 2025, the board shall
543 consist of ~~five~~ members who are residents of this state
544 appointed in a manner that ensures that each congressional
545 district in the state is represented by a board member who
546 resides in that district during his or her entire term of
547 office. Subject to subdivision (3), membership of the board
548 shall be as follows:

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

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

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

558 d. One specialty pharmacist, such as a nuclear, home
559 infusion, compounding only, or consultant pharmacist, licensed
560 by the board who is appointed by the Speaker of the House of



561 Representatives from a list of three names submitted from the
562 Alabama Pharmacy Association.

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

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

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

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

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

586 ~~(b) Three members shall be appointed by the Governor.~~
587 ~~Of the three appointed members, one member shall be engaged in~~
588 ~~the practice of pharmacy or pharmacy administration, or both,~~



589 ~~in a hospital, one in an independent pharmacy, and one in a~~
590 ~~chain pharmacy. On or before August 1, 1996, and each five~~
591 ~~years thereafter, or whenever a vacancy occurs in the~~
592 ~~designated position for hospital pharmacists, the Alabama~~
593 ~~Society of Health System Pharmacists, or its successor~~
594 ~~organization, shall submit a list of three nominees to the~~
595 ~~Governor. On or before August 1, 1994, and each five years~~
596 ~~thereafter, or whenever a vacancy occurs in the designated~~
597 ~~position for a chain pharmacist, the Alabama Pharmacy~~
598 ~~Association, or its successor organization, shall submit a~~
599 ~~list of three nominees to the Governor. On or before August 1,~~
600 ~~1997, and each five years thereafter, or whenever a vacancy~~
601 ~~occurs in the designated position for the independent~~
602 ~~pharmacist, the independent pharmacist members of the Alabama~~
603 ~~Pharmacy Association, or its successor organization, shall~~
604 ~~submit a list of three nominees to the Governor. From the~~
605 ~~names submitted to the Governor, the Governor shall appoint a~~
606 ~~replacement on or before December 31 of the same year the~~
607 ~~nominations are received, for the member or members whose term~~
608 ~~or terms are expiring. Background information shall be~~
609 ~~provided for each nominee for an appointed position.~~

610 ~~(c) (1) On or before December 1, 1995, and each five~~
611 ~~years thereafter, and on or before December 1, 1998, and each~~
612 ~~five years thereafter, or whenever a vacancy occurs in a~~
613 ~~nondesigned position, the Board of Trustees of the Alabama~~
614 ~~Pharmacy Association, or its successor organization, shall~~
615 ~~select a committee of five pharmacists who are members of the~~
616 ~~association to serve as a nominating committee. No member of~~



617 ~~the nominating committee shall be a candidate. The committee~~
618 ~~shall receive names of pharmacists actively engaged in~~
619 ~~pharmacy practice or administration, or both, from companies~~
620 ~~and individuals, and shall narrow the list of nominees to two~~
621 ~~names to be placed on a ballot to be voted on by all Alabama~~
622 ~~pharmacists.~~

623 ~~(2) The election procedure for a nondesignated slot~~
624 ~~shall be as follows: Each candidate shall provide a~~
625 ~~biographical sketch of not more than 150 words, which shall~~
626 ~~include his or her most recent practice experience. The board~~
627 ~~shall select a third party to conduct the election and~~
628 ~~tabulate the ballot results. The election ballots and a~~
629 ~~biographical sketch of the candidates shall be delivered by~~
630 ~~the third party to Alabama licensed pharmacists by September~~
631 ~~1. The ballot delivery shall be conducted in a secure manner~~
632 ~~to safeguard organizational data and to ensure the integrity~~
633 ~~of the voting process. Completed election ballots must be~~
634 ~~received by the third party no later than October 1 to be~~
635 ~~tabulated. A pharmacist receiving a majority of the ballots~~
636 ~~received shall be considered the winner. If a runoff election~~
637 ~~is necessary, the runoff ballots shall be delivered to~~
638 ~~licensed pharmacists by November 1 by the same method of~~
639 ~~ballot delivery as provided above. Completed runoff election~~
640 ~~ballots must be received by the third party no later than~~
641 ~~December 1 to be tabulated.~~

642 ~~(3) The ballots for each election shall be tabulated by~~
643 ~~the third party and the results shall be certified and audited~~
644 ~~by the third party. The results of the tabulation and audit~~



645 ~~shall be made available to any candidate and to the nominating~~
646 ~~body upon request.~~

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

655 (3) Any member serving on the board on October 1, 2025,
656 shall continue to serve until his or her term expires, at
657 which time the Governor shall appoint a member who meets the
658 requirements in subdivision (1). A member serving on the board
659 on October 1, 2025, who meets the requirements of subdivision
660 (1) may be reappointed to an additional term, provided the
661 reappointment complies with subsection (d).

662 (4) The appointing authorities shall coordinate their
663 appointments to assure that board membership is inclusive and
664 reflects the racial, gender, urban, rural, and economic
665 diversity of the state.

666 (5) For the four additional members of the board whose
667 term begins October 1, 2025, the Governor shall set staggered
668 terms of two years, three years, and four years, at his or her
669 discretion, with all initial terms ending on December 31 of
670 the respective terms. Following initial terms, each member of
671 the board shall serve a term of five years beginning on
672 January 1 following appointment and terminating on December 31



673 of his or her fifth year as a member of the board.

674 ~~(d)~~ (c) Any vacancies occurring on the board ~~other than~~
675 ~~by expiration of term~~ shall be filled by ~~election or~~
676 ~~appointment only for the unexpired term and shall be filled by~~
677 ~~the same procedure that the replaced member was elected or~~
678 ~~appointed~~ by the respective appointing authority for the
679 unexpired term. ~~Each member of the board shall serve a term of~~
680 ~~five years beginning on January 1 following appointment and~~
681 ~~terminating on December 31 of his or her fifth year as a~~
682 ~~member of the board.~~

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

685 ~~(f)~~ (e) (1) The Governor, ~~upon recommendation of the~~
686 ~~board,~~ may remove a member of the board upon proven charges of
687 inefficiency, incompetency, immorality, or professional
688 misconduct. The replacement member shall be ~~elected or~~
689 appointed by the ~~same procedure that the removed member was~~
690 ~~elected or appointed~~ respective appointing authority for the
691 unexpired term.

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

698 (3) At its last regular meeting in each calendar year,
699 the board shall elect for a term of one year, effective the
700 following January 1, a president, a ~~vice-president~~ vice



701 president, and a treasurer who shall be pharmacist members of
702 the board. No member shall serve more than two years in the
703 same office on the board during a five-year term.

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

714 b. The board shall ~~have the authority to~~ fix the ~~amount~~
715 ~~of the~~ secretary's ~~remuneration. If a board member is selected~~
716 ~~as secretary, the board member shall resign from the board and~~
717 ~~a replacement on the board shall be selected by the same~~
718 ~~procedure by which the resigned member was originally elected~~
719 ~~or appointed~~ salary. ~~The secretary shall not be employed~~
720 ~~during the service by any registrant of the board.~~

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

726 ~~(h) It is the intent of the Legislature that the~~
727 ~~composition of the board reflect the demographics of the~~
728 ~~pharmacy profession. For vacancies occurring after March 18,~~



729 ~~2005, the nominating organizations and the appointing~~
730 ~~authorities shall select those individuals whose appointments~~
731 ~~assure that the membership of the board is inclusive and~~
732 ~~reflects the racial, gender, geographic, urban/rural, and~~
733 ~~economic diversity of this state."~~

734 "§34-23-91

735 (a) The president of the board shall preside at all of
736 the board's meetings. The vice-president shall preside in the
737 absence or inability of the president. The secretary of the
738 board shall be the executive officer in charge of the board's
739 office. The secretary shall make, keep, and be in charge of
740 all records and record books required to be kept by the board,
741 including a register containing all information which shall be
742 required under this chapter. The secretary shall attend to the
743 correspondence of the board and perform any other duties the
744 board may require in keeping with the office of secretary. The
745 secretary shall receive and record all fees collected under
746 this chapter and, at regular intervals as ordered by the
747 board, shall pay the fees to the treasurer of the board for
748 its use. The secretary may have any forms printed and office
749 supplies furnished as necessary to implement this chapter. The
750 secretary and treasurer of the board shall each furnish bond
751 in an amount to be fixed by the board and shall be conditioned
752 upon the faithful performance and discharge of their
753 respective official duties.

754 (b) ~~The~~ While serving on business of the board and from
755 funds of the board, members shall be entitled to a per diem of
756 five hundred dollars (\$500) per day for days when members



757 actually engage in official business of the board. In
758 addition, members of the board shall be ~~paid the same per diem~~
759 ~~and travel allowance~~ entitled to actual expenses incurred as
760 is paid by law to state employees while engaged in ~~the~~
761 ~~performance of the duties~~ official business of the board, ~~in~~
762 ~~addition to any daily compensation or allowance determined by~~
763 ~~the board.~~ For purposes of this subsection, attending
764 continuing education classes or otherwise engaging in an
765 activity necessary solely to maintain a member's license to
766 practice pharmacy or registration to practice as a pharmacy
767 technician is not considered official business of the board.

768 (c) The board shall conduct meetings at least three
769 times annually and more often when deemed necessary for the
770 examination of applicants for licensure and for the
771 transaction of business as may legally come before ~~it~~ the
772 board. Public notice of all ~~stated~~ meetings shall be given at
773 least 30 days in advance of the meetings. At all meetings of
774 the board, a majority shall constitute a quorum. The members
775 of the board shall determine the place of meetings of the
776 board.

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

784 "§34-23-92



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

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

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

793 (3) Set penalties as further provided in Section
794 34-23-33(b).

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

806 ~~(3)~~ (5) To make Adopt rules ~~and regulations~~ regarding
807 sanitation consistent with state health regulations.

808 ~~(4)~~ (6) To employ such Employ chemists, agents, clerical
809 help, ~~and attorneys,~~ and other personnel as necessary for the
810 proper administration of the duties of the board.

811 ~~(5)~~ (7) To employ Employ under the supervision of the
812 board a ~~Chief Drug Investigator~~ chief drug investigator and



813 such other state drug investigators that ~~it the board~~ deems
814 necessary to enforce this chapter ~~which are under the~~
815 ~~supervision of the board.~~

816 ~~(6) (8) To adopt~~ Adopt rules ~~and regulations~~ for the
817 administration and enforcement of this chapter. ~~and not~~
818 ~~inconsistent herewith. Such rules and regulations shall be~~
819 ~~referenced to the section or sections of this chapter which~~
820 ~~set forth the legislative standard which it interprets or to~~
821 ~~which it applies. Every such rule and regulation shall be~~
822 ~~adopted~~ The board shall adopt all rules in accordance with the
823 Alabama Administrative Procedure Act. A copy of every rule ~~and~~
824 ~~regulation~~ containing a requirement of general application
825 shall be electronically mailed to each registered pharmacist
826 at least 10 days before the effective date ~~thereof~~ of the
827 certified rule. A printed copy of ~~such the~~ rules ~~and~~
828 ~~regulations~~ shall be mailed to any registered pharmacist upon
829 written request to the board.

830 ~~(7) (9) To investigate~~ Investigate alleged violations of
831 this chapter, any rule of the board, or any other law
832 pertaining to the practice of pharmacy that may come to the
833 knowledge of the board and:

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

838 b. Conduct hearings to revoke, suspend, or place on
839 probate any license, permit, certificate, or registration
840 granted by the board under this chapter, or impose monetary



841 penalties as further provided in Section 34-23-33, provided
842 any person subjected to a monetary penalty or other
843 disciplinary action may take an appeal in accordance with
844 Section 34-23-94.

845 ~~(8)~~ (10) To issue Issue subpoenas and compel the
846 attendance of witnesses and the production of all necessary
847 papers, books and records, documentary evidence and materials,
848 or other evidence in matters pending before the board relating
849 to the revocation, suspension, or probation of any license.
850 Those persons issued subpoenas and compelled to attend
851 hearings or meetings in matters pending before the board shall
852 be entitled to witness fees from board funds. Claims for
853 witness fees shall be made on accepted State of Alabama
854 voucher forms as appropriate. Travel and mileage expenses
855 shall be reimbursed to witnesses in the amounts officially
856 authorized to the board and its personnel at the time the
857 service to the board is performed.

858 ~~(9)~~ (11) To administer Administer oaths in connection
859 with the duties of the board.

860 ~~(10)~~ (12) To make Not later than November 1, submit a
861 written report annually of its receipts and disbursements
862 during the previous fiscal year to the Governor and to the
863 ~~State Pharmaceutical~~ Alabama Pharmacy Association. Included in
864 this report shall be the names of all registrants licensed to
865 practice under this chapter and a record of all permits issued
866 during the period covered by the report.

867 ~~(11)~~ (13) To enforce Enforce the state barbiturate act,
868 the state amphetamine act, the state narcotic law, and all



869 other laws of the state which pertain to the practice of
870 pharmacy, the examination of applicants, the licensing of
871 pharmacists, the manufacture, packaging, repackaging,
872 production, sale, or distribution of drugs, chemicals, and
873 poisons, and all laws pertaining to standards for their
874 strength and purity. The board may work in conjunction with
875 other law enforcement agencies to enforce any law pertaining
876 to the practice of pharmacy. Nothing in this ~~section~~
877 subdivision shall be construed to deprive the ~~State Board of~~
878 ~~Health~~ Alabama Department of Public Health of any powers or
879 duties otherwise prescribed by law including the enforcement
880 of the narcotic law.

881 ~~(12) To investigate alleged violations of this chapter~~
882 ~~or any rule or regulation published by the board and conduct~~
883 ~~hearings to revoke, suspend, or probate any license or permit~~
884 ~~granted by the board under this chapter and to invoke~~
885 ~~penalties not to exceed the sum of one thousand dollars~~
886 ~~(\$1,000) for each violation and to institute any legal~~
887 ~~proceedings necessary to effect compliance with this chapter;~~
888 ~~provided, that any person, firm, or corporation subjected to~~
889 ~~such penalty or legal proceedings may take an appeal in~~
890 ~~accordance with Section 34-23-94.~~

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

896 ~~(13)~~ (15) On application of any person and payment of



897 the actual cost therefor of providing a certified copy, the
898 ~~secretary of the board shall~~ furnish, under its seal and
899 signed by the secretary, a certified copy of the license or
900 permit of the ~~requestor~~requester, ~~or a certified copy of a~~
901 ~~regulation or rule of the board~~. In any court or proceeding,
902 ~~such~~ the copy shall be prima facie evidence of the fact of the
903 issuance of ~~such~~ the permit or license ~~and the adoption of~~
904 ~~such rule or regulation~~.

905 ~~(14)~~ (16) ~~To acquire~~ Acquire by gift, grant, purchase,
906 condemnation, or otherwise, and to convey or hold title to,
907 real property, together with all rights incidental thereto."

908 "§34-23-93

909 (a) (1) ~~The board and its members and officers shall~~
910 ~~assist prosecuting officers in the enforcement of this~~
911 ~~chapter, and it shall be the duty of the board, its members~~
912 ~~and officers to furnish the proper prosecuting officers with~~
913 ~~such evidence as it or they may ascertain to assist them in~~
914 ~~the prosecution of any violation of this chapter, and the~~
915 ~~board is authorized for such purposes to make such reasonable~~
916 ~~expenditures from the funds of the board as it may deem~~
917 ~~necessary to ascertain and furnish such evidence.~~ The Attorney
918 General of the state shall be the attorney for the board, but
919 the board may ~~in its discretion~~ employ other counsel. ~~It shall~~
920 ~~be the duty of the district attorney of the judicial circuit~~
921 ~~wherein any offense is committed to prosecute violations of~~
922 ~~this chapter.~~

923 (2)a. Not later than November 1, 2025, the board shall
924 divide the office of general counsel into two distinct



925 divisions. One division shall be responsible for all
926 disciplinary functions, and the other division shall be
927 responsible for administrative nondisciplinary functions,
928 including providing advice to and answering questions from
929 holders of licenses, permits, certificates, or registrations
930 or prospective holders of licenses, permits, certificates or
931 registrations regarding statutory and regulatory compliance.

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

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

945 "§34-23-131

946 (a) A pharmacy technician shall not perform pharmacy
947 functions or be present in the prescription department of a
948 pharmacy unless he or she is under the direct supervision of a
949 licensed pharmacist. A pharmacy technician shall not perform
950 pharmacy functions or be present in the prescription
951 department of a pharmacy unless he or she is registered by the
952 board.



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

956 (c) (1) A pharmacy technician shall register and pay a
957 registration fee as determined in a specified amount set by
958 the board, by rule, before performing any pharmacy functions.
959 The fee shall be not less than twenty dollars (\$20) nor more
960 than sixty dollars (\$60). The board shall adopt rules relating
961 to the registration of all pharmacy technicians. The
962 registration of a pharmacy technician shall be renewable
963 biennially in odd-numbered years upon payment of the required
964 renewal fee.

965 (2) The registration of each pharmacy technician shall
966 expire on December 31 of odd-numbered years. ~~In order to~~
967 ~~continue to be licensed, each~~ unless a registered pharmacy
968 technician ~~shall pay~~ pays a biennial renewal fee ~~of not~~ in a
969 specified amount set by the board by rule. The fee shall be
970 not less than twenty dollars (\$20), ~~as determined by rule of~~
971 ~~the board, the fee being~~ nor more than sixty dollars (\$60).
972 The renewal fee shall be due on ~~October~~ December 31 ~~and~~
973 ~~delinquent after December 31~~ of odd-numbered years. ~~The~~
974 ~~payment of the renewal fee shall entitle the pharmacy~~
975 ~~technician to renewal of his or her registration at the~~
976 ~~discretion of the board.~~ If any pharmacy technician fails to
977 pay the renewal fee ~~as required by this subsection, he or she~~
978 ~~may be reinstated as a pharmacy technician only upon payment~~
979 ~~of a penalty~~ by December 31, the board may impose a late fee ~~of~~
980 ~~not less than ten dollars (\$10) nor more than twenty dollars~~



981 ~~(\$20)~~, as determined by rule of the board, for each lapsed
982 ~~year and all lapsed fees for each lapsed year up to a maximum~~
983 ~~of five years of total penalties and lapsed fees~~month.

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

993 Section 4. Not later than February 1, 2026, the board
994 shall submit a report to the respective chairs and vice chairs
995 of the House Health and Senate Healthcare standing committees
996 and all members of the Sunset Committee and Legislative
997 Council. The report shall review all rules of the board and
998 identify those rules that conflict with Chapter 23 of Title
999 34, Code of Alabama 1975, with a plan for how to bring all
1000 rules into compliance with Chapter 23 no later than October 1,
1001 2026.

1002 Section 5. The Legislature concurs in the
1003 recommendations of the Sunset Committee as provided in
1004 Sections 1 through 4.

1005 Section 6. This act shall become effective immediately.