

SB100 ENROLLED



1 SB100
2 3P7I8ZZ-2
3 By Senator Kelley
4 RFD: Fiscal Responsibility and Economic Development
5 First Read: 13-Jan-26



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1 Enrolled, An Act,

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4 Relating to the Alabama Sunset Law; to continue the
5 existence and functioning of the Alabama State Board of
6 Pharmacy until October 1, 2027, with certain modifications; to
7 amend Section 34-23-90, Code of Alabama 1975, as last amended
8 by Act 2025-372 of the 2025 Regular Session, to revise the
9 appointing authority for a certain board member.

10 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

11 Section 1. Pursuant to the Alabama Sunset Law, the
12 Sunset Committee recommends the continuance of the Alabama
13 State Board of Pharmacy until October 1, 2027, with the
14 additional recommendation for statutory change as set out in
15 Section 3.

16 Section 2. The existence and functioning of the Alabama
17 State Board of Pharmacy, created and functioning pursuant to
18 Sections 34-23-1 to 34-23-187, inclusive, Code of Alabama
19 1975, is continued until October 1, 2027, and those code
20 sections are expressly preserved.

21 Section 3. Section 34-23-90, Code of Alabama 1975, as
22 last amended by Act 2025-372 of the 2025 Regular Session, is
23 amended to read as follows:

24 "§34-23-90

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

28 (b) (1) Beginning January 1, 2026, the board shall



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29 consist of nine members who are residents of this state.

30 Subject to subdivision (3), membership of the board shall be
31 as follows:

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

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

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

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

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

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

56 g. One at-large pharmacist licensed by the board



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57 appointed by the Speaker of the House of Representatives from
58 a list of ~~three~~ four names, with two names each submitted ~~by~~
59 ~~the Alabama Pharmacy Association~~ from the two state pharmacy
60 schools.

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

65 i. One at-large consumer who is appointed by the
66 Governor.

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

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

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



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85 reflects the racial, gender, geographic, urban, rural, and
86 economic diversity of the state.

87 (5) For the four additional members of the board whose
88 term begins January 1, 2026, the Governor shall set staggered
89 terms of two years, three years, and four years, at his or her
90 discretion, with all initial terms ending on December 31 of
91 the respective terms. Following initial terms, each member of
92 the board shall serve a term of five years beginning on
93 January 1 following appointment and terminating on December 31
94 of his or her fifth year as a member of the board.

95 (6) If an applicable nominating entity does not submit
96 a list of nominees for a board position within 45 days after a
97 vacancy occurs on the board, the applicable appointing
98 authority shall appoint a qualified individual. Each
99 appointing authority shall have 45 days within which to fill a
100 vacancy.

101 (c) Any vacancies occurring on the board shall be
102 filled by appointment by the respective appointing authority
103 for the unexpired term.

104 (d) No member shall serve more than two full terms
105 consecutively.

106 (e) (1) The Governor may remove a member of the board
107 upon proven charges of inefficiency, incompetency, immorality,
108 or professional misconduct. The replacement member shall be
109 appointed by the respective appointing authority for the
110 unexpired term.

111 (2) Appointees to the board, within 30 days after their
112 appointment, shall take an oath or make affirmation before a



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113 properly qualified officer that he or she will faithfully and
114 impartially perform the duties of his or her office. This oath
115 or affirmation shall be filed with the Secretary of State.

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

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

131 b. The board shall fix the secretary's salary."

132 Section 4. The Legislature concurs in the
133 recommendations of the Sunset Committee as provided in
134 Sections 1, 2, and 3.

135 Section 5. This act shall become effective June 1,
136 2026.



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President and Presiding Officer of the Senate

Speaker of the House of Representatives

SB100
Senate 15-Jan-26
I hereby certify that the within Act originated in and passed
the Senate.

Patrick Harris,
Secretary.

House of Representatives
Passed: 19-Feb-26

By: Senator Kelley