

SB100 INTRODUCED



1 SB100

2 3P718ZZ-1

3 By Senator Kelley

4 RFD: Fiscal Responsibility and Economic Development

5 First Read: 13-Jan-26



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4 SYNOPSIS:

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

13 This bill would provide for the continuance of
14 the Alabama State Board of Pharmacy until October 1,
15 2027, with the following change: To revise the
16 appointing authority for one member of the board.

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19 A BILL

20 TO BE ENTITLED

21 AN ACT

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

SB100 INTRODUCED



29 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

30 Section 1. Pursuant to the Alabama Sunset Law, the
31 Sunset Committee recommends the continuance of the Alabama
32 State Board of Pharmacy until October 1, 2027, with the
33 additional recommendation for statutory change as set out in
34 Section 3.

35 Section 2. The existence and functioning of the Alabama
36 State Board of Pharmacy, created and functioning pursuant to
37 Sections 34-23-1 to 34-23-187, inclusive, Code of Alabama
38 1975, is continued until October 1, 2027, and those code
39 sections are expressly preserved.

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

43 "§34-23-90

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

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

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

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



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

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

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

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

75 g. One at-large pharmacist licensed by the board
76 appointed by the Speaker of the House of Representatives from
77 a list of threefour names, with two names each submitted ~~by~~
78 ~~the Alabama Pharmacy Association~~ from the two state pharmacy
79 schools.

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

84 i. One at-large consumer who is appointed by the



85 Governor.

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

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

102 (4) The appointing authorities shall coordinate their
103 appointments to assure that board membership is inclusive and
104 reflects the racial, gender, geographic, urban, rural, and
105 economic diversity of the state.

106 (5) For the four additional members of the board whose
107 term begins January 1, 2026, the Governor shall set staggered
108 terms of two years, three years, and four years, at his or her
109 discretion, with all initial terms ending on December 31 of
110 the respective terms. Following initial terms, each member of
111 the board shall serve a term of five years beginning on
112 January 1 following appointment and terminating on December 31



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

114 (6) If an applicable nominating entity does not submit
115 a list of nominees for a board position within 45 days after a
116 vacancy occurs on the board, the applicable appointing
117 authority shall appoint a qualified individual. Each
118 appointing authority shall have 45 days within which to fill a
119 vacancy.

120 (c) Any vacancies occurring on the board shall be
121 filled by appointment by the respective appointing authority
122 for the unexpired term.

123 (d) No member shall serve more than two full terms
124 consecutively.

125 (e) (1) The Governor may remove a member of the board
126 upon proven charges of inefficiency, incompetency, immorality,
127 or professional misconduct. The replacement member shall be
128 appointed by the respective appointing authority for the
129 unexpired term.

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

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



SB100 INTRODUCED

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

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

151 Section 4. The Legislature concurs in the
152 recommendations of the Sunset Committee as provided in
153 Sections 1, 2, and 3.