

LEGAL SERVICES

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MEMORANDUM

April 1, 2026

SUBJECT: Prescription authority of pharmacists; abortion
(CHB 195(L&C); Work Order No. 34-LS0909\I)

TO: Representative Jamie Allard
Attn: Brent Bartlett

FROM: Conran H. Gunther
Legislative Counsel 

You requested a memorandum on whether pharmacists are able to prescribe, dispense, or administer abortion drugs under CSHB 195(L&C) (Work Order No. 34-LS0909\I). Under existing law, pharmacists have broad authority to dispense prescription drugs ordered by practitioners who are licensed to prescribe or administer the drugs¹ but have limited authority to prescribe and administer drugs themselves.² HB 195 expands the prescription and administration authority of pharmacists by amending AS 08.80.337 to allow pharmacists to prescribe and administer a drug that is "intended to achieve outcomes related to the cure or prevention of a disease, elimination or reduction of a patient's symptoms, or arresting or slowing of a disease process."³ However, before prescribing such a drug, the pharmacist would need to enter a "collaborative practice agreement with a written protocol approved by a practitioner who is not a pharmacist . . ."⁴ If that written protocol included prescribing or administering an abortion drug for one of the reasons described above, then the pharmacist would be permitted to prescribe or administer a drug that induces an abortion to a patient. One caveat, however, is that all health care professionals must confine the care they provide to their scope of practice.⁵ I do not know if providing an abortion falls under the scope of practice of pharmacists. The

¹ See AS 08.80.480(8), (30), and (31).

² AS 08.80.168 (authorizing pharmacists to prescribe and administer vaccines, related emergency medications, opioid overdose drugs, and epinephrine); AS 08.80.337 (authorizing pharmacists to provide limited patient care services, but explicitly excluding the prescribing of prescription drugs from that scope).

³ AS 08.80.337(d), as amended by sec. 8 of HB 195.

⁴ AS 08.80.337(a), as amended by sec. 6 of HB 195.

⁵ This principle is codified in sec. 9 of HB 195.

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Representative Jamie Allard
April 1, 2026
Page 2

Board of Pharmacy or a person who is a subject-matter expert on this topic may be able to provide you with more clarity on this issue.

Note that AS 18.16.010(a)(1) also states that abortions performed in the state must be performed by a physician licensed by the State Medical Board. However, a superior court judge found that restriction to be unconstitutional as applied to otherwise qualified medical clinicians. More specifically, advance practice clinicians (APCs) sued the state and argued that their scope of practice includes providing abortions but that AS 18.16.010(a)(1) prohibits them from doing so. In September 2024, a superior court judge issued an order agreeing with the APCs. The trial court entered an injunction that prohibits the state "from enforcing AS 18.16.010(a)(1) against otherwise qualified APCs whose scope of practice includes medication . . . abortion."⁶ *If* abortion care falls under the scope of practice of pharmacists and HB 195 gets enacted into law, pharmacists would likely make the same argument the APCs made in that case and argue that AS 18.16.010(a)(1) unconstitutionally prohibits them from practicing within their scope of practice. The trial court order is currently on appeal to the Alaska Supreme Court, but the injunction remains in effect. The supreme court has not yet issued a decision on the appeal.⁷

Please let me know if you have any further questions.

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⁶ *Planned Parenthood v. State of Alaska et al.*, 3AN-19-11710CI, *Findings of Fact and Conclusions of Law*, September 4, 2024, at ¶ 69. We can provide your office a copy of the trial court order on request.

⁷ Appellate case no. S-19277.