



THE STATE
of **ALASKA**
GOVERNOR MIKE DUNLEAVY

Department of Commerce, Community,
& Economic Development

DIVISION OF CORPORATIONS, BUSINESS
AND PROFESSIONAL LICENSING
Juneau Office

P.O. Box 110806
Juneau, Alaska 99811-0806
Main: 907.465.2550
Fax: 907.465.2974

April 14, 2021

The Honorable Ivy Spohnholz and the Honorable Zach Fields
Co-Chairs, House Labor and Commerce Committee
State Capitol Rooms 406 & 24
Juneau, AK 99801

Re: Follow-up on HB 145 Committee Questions

Dear Co-Chairs Spohnholz and Fields:

During the introductory bill hearing on House Bill 145: Expand Pharmacist Authority in House Labor & Commerce on April 12, 2021, the committee requested legal guidance given by the Department of Law to the Board of Pharmacy on December 8, 2020, regarding existing statutory restrictions on administration of drugs.

The guidance indicates that, as written, **AS 08.80.480(30) restricts pharmacists' independent administration of drugs to vaccinations and related emergency medications**. An example of such a medication is Naloxone, a drug used to counteract the effects of opioid overdose.

The advising attorney explained the canon of legal drafting called *expressio unius est exclusio alterius*, or the Negative-Implication Canon. This rule, used when drafting statutes, says the expression of one thing implies the exclusion of others. Since this statute specifically calls out vaccinations and related emergency medications, it effectively prohibits pharmacists from independently rendering other patient care services. Thus, all other prescription drugs are understood to be administered in accordance with the prescriber's orders. As an example, pharmacists are not able to independently prescribe or administer nicotine replacement therapy to support smoking cessation because it is neither a vaccination nor an emergency medication.

If you would like any additional information, please let me know.

Sincerely,

A handwritten signature in blue ink that reads "Sara Chambers".

Sara Chambers
Division Director

Cc: Glenn Hoskinson, Legislative Liaison, Department of Commerce, Community, and Economic Development