

Alaska State Legislature

Senator Cathy Giessel
Senate Majority Leader
Senate District E
907-465-4843



120 4th Street
Alaska State Capitol,
Room 427
Juneau, AK 99801

CS for Senate Bill 94(L&C)

Sectional Analysis (vsn R)

"An Act relating to the Board of Pharmacy; relating to the practice of pharmacy; relating to pharmacies; relating to prescription drug manufacturers; relating to prescriptions for epinephrine; relating to the administration of epinephrine; and providing for an effective date."

Section 1. Amends AS 08.80.010(a) Creation and membership of board; officers

Alters composition of the seven-member Board of Pharmacy by designating one member to be a licensed pharmacy technician, and one to be an individual with no financial interest in the healthcare industry.

Section 2. Amends AS 08.80.030(b) Powers and Duties of Board

(b)(10) Separates out the licensing/regulating entities relating to manufacturing and distributing of drugs and devices by use of the word "or"

(b)(12) adds an epinephrine auto-injector training program.

(b)(14) Clarifies that only pharmacists who dispense federally scheduled controlled substances be required to register with the Prescription Drug Monitoring Program (PDMP).

(b)(16) Adds pharmacies and manufacturers from out-of-state to list of entities to be licensed and inspected.

(b)(17) Adds internet-based pharmacies to list of entities to be licensed if they are servicing Alaskans.

(b)(18) adds language allowing the board to adopt regulations pertaining to retired pharmacist status.

Section 3. Amends 08.80.145 Reciprocity; license transfer

(3) removes character requirement - "of good moral character"

(4) removes internship details – this is a national standard among schools of pharmacy.

Renumbering of statute items

Section 4. Amends AS 08.80.157(h) Licensing of facilities

(7)(A) allows the direct shipping of dialysate and supplies from a wholesale drug distributor to home dialysis patients that are FDA-approved and meet the guidelines to do so set out by the AK Board of Pharmacy.

Section 5. Amends AS 08.80.157 Licensing and inspection of facilities outside the state

(k) this adds out-of-state pharmacies and manufacturers to the list of entities that must be licensed.

Section 6. Amends AS 08.80.159 Licensing and inspection of facilities outside the state

(a) Adds “distributor, pharmacy, manufacturer” to those out-of-state entities that must be licensed and inspected.

Section 7. Amends AS 08.80.159 Licensing and inspection of facilities outside the state

(c) adds pharmacies and manufacturers to list of those required to be inspected to gain Alaska licensure.

Section 8. Amends AS 08.80.160 Fees

(10) Removes the word “registration” since the bill mandates licensure of a facility.

Section 9. Amends 08.80.168 and adds a new subsection – Administration of vaccines and related emergencies

(e) Allows a pharmacist to administer epinephrine to a person or prescribe an epinephrine auto-injector to someone who has completed the epinephrine auto-injector training.

Section 10. Amends AS 08.80.270 Executive administrator of the board

- (a) Adds an additional salary range option for the executive administrator, allowing flexibility for the Division to select a pharmacist for the role.

Section 11. Amends AS 08.80.420 Certain advertising prohibited

- (a) adds the term “apothecary” to list of those that cannot be used in media or advertising unless the store employs a licensed pharmacist with regular hours.

Section 12. Amends AS 12.62.400 National criminal history record check

- (a)(23) adds pharmacist and pharmacy technician to list of professions where a background check is required. Aligns with State of Alaska’s nursing requirements and pharmacy requirements typical in other states. This adds a national level background check.

Section 13. Amends AS 17.22.010 Prescription, purchase, administration of epinephrine by a trained individual

Allows anyone over 18 to purchase or be prescribed an epinephrine auto-injector, and to administer epinephrine shot in an emergency to another person if they have completed an epinephrine auto-injector training program approved by the board. It removes very outdated language from this section.

Section 14. Amends AS 17.22.020(a) Approval of training programs

- (a) Allows the board, rather than the department, to adopt standards for the epinephrine auto-injector training program and deletes outdated language.

Section 15. Amends AS 17.22.020(b) Approval of training programs

- (b) Allows the board, rather than the department, to approve an epinephrine auto-injector training program that meets the board’s standards.

Section 16. Amends AS 17.22.030 Applicability

States that this chapter does not apply to someone currently authorized under another law to administer epinephrine, such as a nurse or doctor, or some other authorized professional.

Section 17. Amends AS 17.22.040 Liability of certified individual

Outlines that a person may not be sued who administers epinephrine to another in an emergency, and in good faith, if he or she has completed the epinephrine auto-injector training program approved by the board.

Section 18. Amends AS 17.22.090 Definitions

(3) defines the “board” as the Board of Pharmacy

Section 19. Repealers

- Repeals 08.80.110(2) *furnish the board with at least two affidavits from reputable citizens* that the applicant has known for at least one year attesting to the applicant’s good moral character. This is not required in medical, dentistry, or nursing statutes.
- Repeals 08.80.158 *Registration* of pharmacies located outside the state since this bill would now *require* licensure.
- Repeals AS 17.22.020(c) which is the Department’s epinephrine auto-injector training program.
- Repeals AS 17.22.090(1) that defines the department as the Dept of Health since it will no longer be the approving entity of the epinephrine auto-injector training program.

Section 20. TRANSITION LANGUAGE for currently registered pharmacies

A new section that would allow pharmacies previously registered to continue to ship, mail or deliver prescription drugs to its customers in Alaska until their registration expires. At that time, they will then have to apply for licensure.

Section 21. TRANSITION: REGULATIONS

Allows the Board of Pharmacy and DCCED to adopt regulations to carry out the changes laid out in this legislation.

Section 22. Sections 4 and 21 an immediate effective date under AS 01.10.070(c)

Section 23: Effective date is set to coincide with the Drug Supply Chain and Security Act that will go into effect on November 26, 2023.