



LAWS OF ALASKA

1972

Source

CSHB 692 am S

Chapter No.

206

AN ACT

Relating to the regulation of the pharmacy profession.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

* Section 1. AS 08.80.030 is amended by adding new paragraphs to read:

(6) examine applicants for shopkeeper permits;

(7) register intern pharmacists and promulgate rules relating to their minimum experience requirements;

(8) promulgate regulations to ensure adequate security for all dangerous drugs.

* Sec. 2. AS 08.80.040 is amended by adding a new paragraph to read:

(7) issue shopkeeper permits in accordance with sec. 380 of this chapter.

* Sec. 3. AS 08.80.110(2) is amended to read:

(2) furnish the board with at least two affidavits from reputable citizens, whom he has known for at least one year, attesting to his good moral character and freedom from addiction to the use of drugs or alcoholic liquors;

* Sec. 4. AS 08.80.110(5) is repealed and re-enacted to read:

(5) have completed at least 1,500 hours of internship training under the direct supervision of a licensed pharmacist in a licensed pharmacy, 540 hours of

which must be completed after graduation.

* Sec. 5. AS 08.80 is amended by adding a new section to read:

Sec. 08.80.115. REGISTRATION OF PREGRADUATE AND POSTGRADUATE INTERN PHARMACIST. (a) An applicant for registration as a postgraduate intern pharmacist shall meet the requirements of sec. 110(1) - (3) of this chapter and pay the required fee.

(b) An applicant for registration as a pregraduate pharmacist shall meet the requirements of sec. 110(1) and (2) and shall be enrolled in a pharmacy school recognized by the National Association of Board of Pharmacy and shall be declared a junior by the pharmacy school. An applicant for registration as a pregraduate internship pharmacist may be on recognized vacation from the pharmacy school; however, such vacation may not exceed one quarter or one semester. The pregraduate internship pharmacist shall pay the required fee.

(c) The registration of postgraduate or pregraduate internship pharmacists is valid for one year and may be renewed upon application.

* Sec. 6. AS 08.80.120 is amended to read:

Sec. 08.80.120. GRADING AND CONTENT OF EXAMINATION. To pass the state pharmacy examination each applicant must attain a general average of not less than 75 per cent and a grade of not less than 60 per cent in each of the following subjects on the examination: jurisprudence, chemistry, mathematics, pharmacy, pharmacology and related subjects, and in the discretion of the board, oral theory and practical pharmacy.

* Sec. 7. AS 08.80.130 is amended to read:

Sec. 08.80.130. RE-EXAMINATION. An applicant unsuccessful in his initial examination may take a second examination within one year without further application and upon payment of the re-examination fee. If the applicant fails to take a second examination within one year, he must submit a new application for any examination.

* Sec. 8. AS 08.80.140 is amended to read:

Sec. 08.80.140. LICENSE BY ENDORSEMENT. The board may register without examination an applicant who has been certified as a registered pharmacist by the National Association of Boards of Pharmacy, if the applicant meets the requirements of sec. 110(1) - (4) of this chapter.

* Sec. 9. AS 08.80.150 is amended to read:

Sec. 08.80.150. TEMPORARY REGISTRATION. The board shall issue a temporary license to an applicant applying for registration as a pharmacist under sec. 140 of this chapter upon written or oral examination before a member of the board and certification by the member to the secretary of the board that the applicant is competent to receive

a temporary license. The temporary license is valid for three months, or until the next regular meeting of the board, whichever is longer. A temporary license is not renewable, but at the discretion of the issuing board member may be extended for a period not to exceed 60 days, and an applicant may not receive more than one temporary license. An applicant whose registration has been denied by the board is not eligible to receive a temporary license.

* Sec. 10. AS 08.80 is amended by adding a new section to read:

Sec. 08.80.155. EMERGENCY PERMIT. (a) The board may in its discretion grant an emergency permit to a pharmacist for the purpose of providing coverage in a pharmacy which is temporarily without the services of a pharmacist due to death, illness or other emergency circumstances.

(b) A pharmacist applying under (a) of this section must submit proof that he holds a license in good standing in a state recognized by the National Association of Boards of Pharmacy, and pay the fee required under sec. 160 of this chapter.

(c) A permit issued under this section is valid for a period not to exceed 60 days.

* Sec. 11. AS 08.80.160 is amended to read:

Sec. 08.80.160. FEES. The following fees shall be imposed under this chapter when applicable:

(1) examination fee.....	\$50
(2) re-examination fee.....	15
(3) reciprocity investigation fee.....	25
(4) biennial pharmacist license fee.....	50
(5) temporary license fee.....	10
(6) wholesale drug dealer biennial license fee.....	50
(7) retail pharmacy biennial license fee....	50
(8) pharmacy intern registration fee.....	10
(9) emergency permit fee.....	10
(10) hospital pharmacy biennial license fee (in and outpatient).....	50
(11) hospital drug room biennial license fee (inpatient).....	25
(12) nursing home and related facilities biennial license fee for inpatient dispensing.....	25
(13) shopkeepers biennial permit fee.....	10

(14) license amendment or replacement fee.. 2

* Sec. 12. AS 08.80.260 is amended by adding new paragraphs to read:

(8) falsely stating in any license application that the applicant has not been convicted of or is presently charged with any violation of pharmacy, liquor or narcotic laws;

(9) violation of regulations pertaining to the provision of adequate security for dangerous drugs.

* Sec. 13. AS 08.80.270 is amended to read:

Sec. 08.80.270. REPORT OF EMPLOYEE. (a) An owner or manager of a pharmacy shall report to the board at the time the board directs, but not more often than twice each year, the names of all pharmacists employed in his pharmacy.

(b) An owner or manager of a pharmacy shall forward to the board a change of employee notice within 10 days of hiring or dismissing a pharmacist.

* Sec. 14. AS 08.80.290 is amended to read:

Sec. 08.80.290. AFFIXING OF LABEL. At the time of dispensing a prescription, there shall be affixed to the container of a prescription, a label bearing the name and address of the pharmacy compounding the prescription, the serial number of the prescription, the name and directions of the prescriber, the name of the patient, the date of dispensing, and the initials of the registered pharmacist who compounded the prescription. In addition a pharmacist shall indicate on the drug container the name and strength of the drug contained in it, unless specifically directed otherwise by the prescribing physician, osteopathic physician, dentist or veterinarian. If a drug is a mixture of pharmacologically active substances, only the name of the mixture need be indicated on the container, or in the absence of a name, the term "physician's mixture" may be used.

* Sec. 15. AS 08.80 is amended by adding a new section to read:

Sec. 08.80.295. SUBSTITUTION. In preparing a prescription, a pharmacist may not substitute a drug for a registered brand or trade name product specified unless he obtains permission from the author of the prescription; but if the prescribing physician, osteopathic physician, dentist or veterinarian is temporarily unavailable, the pharmacist may, if he cannot supply the drug requested, substitute a drug or preparation of approximately equal therapeutic value so long as he notifies the author of the prescription at an early opportunity. The pharmacist in all cases of substitution, except when specifically indicated to the contrary by the physician, shall relate the nature of the change to the patient.

* Sec. 16. AS 08.80.310(a) is amended to read:

(a) The owner, or, if the owner is not a licensed

pharmacist, the manager, of every drug store, shall maintain in his place of business a record in which sales of the following items shall be entered: the compounds and salts of arsenic and mercury (calomel excepted); caustic hydrates of sodium and potassium; the concentrated mineral acids; hydrocyanic acids and their salts; yellow phosphorus; the essential oils of pennyroyal, tansy and savine; croton oil, aconite; carbolic acid; and the poisonous alkaloids or alkaloidal salts.

- * Sec. 17. AS 08.80.320 is amended to read:

Sec. 08.80.320. PHARMACIST REQUIRED. (a) A pharmacy shall have a pharmacist, licensed and registered under this chapter, on duty during the hours that the pharmacy is open for business.

(b) In communities which have one licensed pharmacy, the owner of the pharmacy shall have a pharmacist, licensed and registered under this chapter, on duty, or on call, at all times that the pharmacy is open for business.

- * Sec. 18. AS 08.80.330 is amended by adding a new subsection to read:

(b) No license may be issued to a pharmacy unless there is a licensed registered pharmacist in charge whose name appears on the face of the license.

- * Sec. 19. AS 08.80.340 is amended to read:

Sec. 08.80.340. WHO MAY PREPARE PRESCRIPTIONS. No person except a licensed pharmacist or a licensed intern pharmacist under the direct supervision of a licensed pharmacist may compound and dispense the prescription of a physician. However, this section does not limit the authority of a licensed medical doctor to compound and dispense medicinal preparations.

- * Sec. 20. AS 08.80.350 is repealed and re-enacted to read:

Sec. 08.80.350. TECHNICAL AIDS REQUIRED. Each licensed pharmacy shall have on the premises a copy of the most recent revision of the "United States Dispensatory" or "Remington's Practice of Pharmacy" or both the "National Formulary" and the "United States Pharmacopia". In addition, each pharmacy shall have sufficient technical equipment to properly compound prescriptions and pharmaceutical preparations. No license may be issued until the requirements of this section are met.

- * Sec. 21. AS 08.80 is amended by adding a new section to read:

Sec. 08.80.365. PARTIAL CLOSURE OF PHARMACY. A pharmacy or pharmacy drug department which is open for business at times different than the remainder of the store or building in which the pharmacy is located shall

(1) be accessible to the remainder of the store or building only through an entrance which is capable of being locked;

(2) be advertised by the methods described in secs. 420 and 430 of this chapter only if the signs or symbols are attached or located within the portions of the store or building where the pharmacy is located;

(3) be locked during nonbusiness hours; and

(4) have all keys to the pharmacy or drug department in the possession of a pharmacist, licensed and registered under this chapter.

* Sec. 22. AS 08.80.380 is repealed and re-enacted to read:

Sec. 08.80.380. ISSUANCE OF SHOPKEEPERS PERMITS. The board shall, upon proper application and payment of the required fee, issue a shopkeepers permit to sell substances or preparations not of a poisonous nature, in the original unbroken packages only. These remedies shall be sold under restrictions and regulations as the board may adopt. The board may include in shopkeeper permits permission to sell other remedies not prohibited by law.

* Sec. 23. AS 08.80.390 is amended to read:

Sec. 08.80.390. PHARMACISTS REQUIRED IN HOSPITALS AND CLINICS. (a) A hospital, clinic, nursing home, infirmary or related facility which dispenses drugs for out-patient treatment shall have a licensed pharmacist in charge of the dispensary, except that prescriptions may be compounded and dispensed by or under the supervision of the prescribing physician.

(b) The board shall issue a license to a hospital drug room, nursing home drug room or related facility which dispenses drugs from bulk supply for inpatient treatment, providing such facility employs a licensed pharmacist on a continual or consultant basis.

* Sec. 24. AS 08.80.420 is amended by adding a new subsection to read:

(b) A person may not advertise in any manner, prices, percentiles of prices or discounts for drugs requiring a prescription.

* Sec. 25. AS 08.80.430 is amended to read:

Sec. 08.80.430. USE OF PHARMACY SYMBOLS PROHIBITED. It is unlawful for a person to display in a place of business the characteristic pharmacy symbol of bottles, or globes, which are colored or contain colored liquids unless the business has a pharmacist licensed and registered under this chapter on duty under sec. 320 of this chapter.

* Sec. 26. AS 08.80.460 is amended to read:

Sec. 08.80.460. VIOLATION. A person who violates a provision of this chapter for which no punishment is provided is guilty of a misdemeanor and is punishable by a fine not to exceed \$1,000, or by imprisonment for a period not to exceed three months or by both.

* Sec. 27. AS 08.80.480(10) is amended to read:

(10) "retail pharmacist" means a person who sells to the ultimate user;

* Sec. 28. AS 08.80.480(13) is amended to read:

(13) "wholesale drug dealer" means a manufacturer, wholesale dealer, distributor or jobber;

* Sec. 29. AS 08.80.480 is amended by adding new paragraphs to read:

(14) "bulk supply" means drugs in original containers not labeled as required by sec. 290 of this chapter;

(15) "drug room" means an area provided only for the proper and safe storage, preservation and control of bulk supply drugs and is under the responsibility of a continuously employed or consultant pharmacist;

(16) "hospital pharmacy" means and includes a pharmacy, licensed by the board, located within any hospital, institution or establishment which maintains and operates organized facilities for the diagnosis, care and treatment of human illness and provides for the obtaining, storage and dispensing of drugs to both inpatients and outpatients and is under the responsibility of a staff pharmacist;

(17) "outpatient dispensing" means dispensing drugs for administration outside of the hospital pharmacy's control;

(18) "prescription department" means that section of a business in which prescriptions for medications are compounded, filled and dispensed by a licensed pharmacist;

(19) "shopkeeper" means a retail dealer who sells over the counter medicinal preparations in original unbroken packaging which do not require a prescription for dispensing.