

**SENATE BILL NO. 158**

IN THE LEGISLATURE OF THE STATE OF ALASKA

NINETEENTH LEGISLATURE - FIRST SESSION

**BY SENATOR MILLER**

**Introduced: 4/13/95**

**Referred: Labor and Commerce**

**A BILL**

**FOR AN ACT ENTITLED**

**1 "An Act relating to pharmacists and pharmacies."**

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

**3 \* Section 1.** AS 08.02.010(a) is amended to read:

**4** (a) An acupuncturist licensed under AS 08.06, an audiologist licensed under  
**5** AS 08.11, a person licensed in the state as a chiropractor under AS 08.20, a dentist  
**6** under AS 08.36, a marital and family therapist licensed under AS 08.63, a medical  
**7** practitioner or osteopath under AS 08.64, a direct-entry midwife certified under  
**8** AS 08.65, a registered nurse under AS 08.68, an optometrist under AS 08.72, a  
**9** licensed [REGISTERED] pharmacist under AS 08.80, a physical therapist or  
**10** occupational therapist licensed under AS 08.84, a psychologist under AS 08.86, or a  
**11** clinical social worker licensed under AS 08.95, shall use as professional identification  
**12** appropriate letters or a title after that person's name which represents that person's  
**13** specific field of practice. The letters or title shall appear on all signs, stationery, or  
**14** other advertising in which the person offers or displays personal professional services  
**15** to the public. In addition, a person engaged in the practice of medicine or osteopathy

1 as defined in AS 08.64.380, or a person engaged in any manner in the healing arts who  
2 diagnoses, treats, tests, or counsels other persons in relation to human health or disease  
3 and uses the letters "M.D." or the title "doctor" or "physician" or another title that  
4 tends to show that the person is willing or qualified to diagnose, treat, test, or counsel  
5 another person, shall clarify the letters or title by adding the appropriate specialist  
6 designation, if any, such as "dermatologist", "radiologist", "audiologist", "naturopath",  
7 or the like.

8 \* **Sec. 2.** AS 08.80 is amended by adding new sections to read:

9 Sec. 08.80.003. PRACTICE OF PHARMACY AS A PROFESSION. The  
10 practice of pharmacy is declared to be a professional practice affecting the public  
11 health, safety, and welfare and is subject to regulation and control in the public  
12 interest. It is further declared to be a matter of public interest that only qualified  
13 persons be permitted to engage in the practice of pharmacy, and to ensure the quality  
14 of drugs and related devices distributed in the state. This chapter shall be liberally  
15 construed to carry out these objectives and purposes.

16 Sec. 08.80.005. STATEMENT OF PURPOSE. It is the purpose of this chapter  
17 to promote, preserve, and protect the public health, safety, and welfare by and through  
18 the effective control and regulation of the practice of pharmacy; the licensure of  
19 pharmacists; and the licensure, control, and regulation of all sites and persons, in or  
20 out of this state, that distribute, manufacture, or sell drugs within the state.

21 \* **Sec. 3.** AS 08.80.010 is amended by adding a new subsection to read:

22 (b) An officer elected by the board serves a term of one year and may not  
23 serve more than four consecutive full terms in a specific office.

24 \* **Sec. 4.** AS 08.80.030 is repealed and reenacted to read:

25 Sec. 08.80.030. POWERS AND DUTIES OF THE BOARD. (a) The board  
26 is responsible for the control and regulation of the practice of pharmacy.

27 (b) In order to fulfill its responsibilities, the board has the powers necessary  
28 for implementation and enforcement of this chapter, including the power to

29 (1) elect a president and secretary from its membership and adopt rules  
30 for the conduct of its business;

31 (2) license by examination or by license transfer the applicants who are

1 qualified to engage in the practice of pharmacy;

2 (3) assist the department in inspections and investigations for violations  
3 of this chapter, or of any other state or federal statute relating to the practice of  
4 pharmacy;

5 (4) adopt regulations to carry out the purposes of this chapter;

6 (5) establish and enforce compliance with professional standards and  
7 rules of conduct for pharmacists engaged in the practice of pharmacy;

8 (6) determine standards for recognition and approval of degree  
9 programs of schools and colleges of pharmacy whose graduates shall be eligible for  
10 licensure in this state, including the specification and enforcement of requirements for  
11 practical training, including internships;

12 (7) establish minimum specifications for the physical facilities,  
13 technical equipment, personnel, and procedures for the storage, compounding, and  
14 dispensing of drugs or related devices, and for the monitoring of drug therapy;

15 (8) establish minimum standards for the purity and quality of drugs and  
16 related devices within the practice of pharmacy;

17 (9) enforce the provisions of this chapter relating to the conduct or  
18 competence of pharmacists practicing in the state, and the suspension, revocation, or  
19 restriction of licenses to engage in the practice of pharmacy;

20 (10) license and regulate the training, qualifications, and employment  
21 of pharmacy interns and pharmacy technicians;

22 (11) seize any drugs and related devices found by the board to  
23 constitute an imminent danger to the public health and welfare;

24 (12) issue licenses to persons engaged in the manufacture and  
25 distribution of drugs and related devices.

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

27 Sec. 08.80.047. **EMBARGO POWERS.** (a) A member of the board or an  
28 agent of the board who has probable cause to believe that a drug or device is  
29 adulterated or misbranded within the meaning of AS 17.20 shall affix to the drug or  
30 device a tag or other appropriate marking giving notice that the drug or device is or  
31 is suspected of being adulterated or misbranded and has been detained or embargoed,

1 and warning all persons not to remove or dispose of the drug or device by sale or  
2 otherwise until permission for removal or disposal is given by the board, its agent, or  
3 a court.

4 (b) After affixing the tag or other marking under (a) of this section, the board  
5 shall petition the court to condemn the drug or device. If the court determines that the  
6 drug or device is not adulterated or misbranded, the board shall direct the immediate  
7 removal of the tag or other marking. If the court finds that the drug or device is  
8 adulterated or misbranded, the court shall order that the drug or device be destroyed  
9 at the expense of its owner under the supervision of a member of the board or an agent  
10 of the board except that if the court finds that the drug or device can be corrected by  
11 proper labeling or processing, the court may direct that the drug or device be delivered  
12 to the owner for labeling or processing under the supervision of a member of the board  
13 or an agent of the board, with expenses of supervision to be paid by the owner.

14 \* **Sec. 6.** AS 08.80.060 is amended to read:

15 Sec. 08.80.060. MEETINGS OF THE BOARD. The board shall meet at least  
16 three times [ONCE] each year at the call of the president for the transaction of  
17 business properly before it. The president shall also call the board into session when  
18 requested in writing by at least two members. The secretary shall give at least 30  
19 days' written notice to all members before a meeting.

20 \* **Sec. 7.** AS 08.80 is amended by adding a new section to read:

21 Sec. 08.80.065. EXECUTIVE SECRETARY OF THE BOARD. The  
22 Department of Commerce and Economic Development may, in consultation with the  
23 board, employ a person to serve as executive secretary of the board.

24 \* **Sec. 8.** AS 08.80.070 is amended to read:

25 Sec. 08.80.070. QUORUM. Four members constitute a quorum for the  
26 transaction of business. However, when the board meets for the purpose of examining  
27 applications for licensure [REGISTRATION], three members of the board constitute  
28 a quorum.

29 \* **Sec. 9.** AS 08.80.105 is repealed and reenacted to read:

30 Sec. 08.80.105. REMOVAL OF BOARD MEMBERS. A board member may  
31 be removed only for cause based on

1 (1) refusal or inability of the member to perform the member's duties  
2 on the board in an efficient, responsible, and professional manner;

3 (2) misuse of office by the member to obtain personal, pecuniary, or  
4 material gain or advantage for the member or another person through the member's  
5 official position;

6 (3) violation by the member of the laws governing the practice of  
7 pharmacy or the distribution of drugs.

8 \* **Sec. 10.** AS 08.80.110 is repealed and reenacted to read:

9 Sec. 08.80.110. QUALIFICATIONS FOR LICENSURE BY EXAMINATION.

10 An applicant for licensure as a pharmacist shall

11 (1) be fluent in the reading, writing, and speaking of the English  
12 language;

13 (2) furnish the board with at least two affidavits from reputable citizens  
14 that the applicant has known for at least one year attesting to the applicant's good  
15 moral character;

16 (3) be a graduate of a college of pharmacy recognized by the American  
17 Council on Pharmaceutical Education or, if the applicant has received a bachelor of  
18 science degree in pharmacy or an equivalent degree from an institution located outside  
19 of the United States and its territories, possess the Foreign Pharmacy Graduate  
20 Equivalency Committee certificate issued by the Foreign Pharmacy Graduate  
21 Equivalency Committee of the National Association of Boards of Pharmacy  
22 Foundation;

23 (4) pass an examination or examinations given by the board or  
24 acceptable to the board under the score transfer process administered by the National  
25 Association of Boards of Pharmacy;

26 (5) have completed internship training or another program that has been  
27 approved by the board or demonstrated to the board's satisfaction that the applicant has  
28 experience in the practice of pharmacy that meets or exceeds the minimum internship  
29 requirements of the board.

30 \* **Sec. 11.** AS 08.80.116 is repealed and reenacted to read:

31 Sec. 08.80.116. INTERNSHIP AND OTHER TRAINING PROGRAMS. (a)

1 An applicant for licensure by examination shall obtain practical experience in the  
2 practice of pharmacy concurrent with or after college attendance, or both, under terms  
3 and conditions the board shall determine.

4 (b) The board shall establish licensure requirements for interns and standards  
5 for internship or other training programs that are necessary to qualify an applicant for  
6 the licensure examination and shall also determine the qualifications of preceptors used  
7 in practical experience programs.

8 \* **Sec. 12.** AS 08.80.120 is repealed and reenacted to read:

9 Sec. 08.80.120. GRADING AND CONTENT OF EXAMINATION. The  
10 examination or examinations shall be prepared to measure the competence of the  
11 applicant to engage in the practice of pharmacy. The board may employ, cooperate,  
12 and contract with an organization or consultant in the preparation and grading of an  
13 examination, but shall retain sole discretion and responsibility for determining which  
14 applicants have successfully passed the examinations.

15 \* **Sec. 13.** AS 08.80 is amended by adding new sections to read:

16 Sec. 08.80.145. RECIPROCITY; LICENSE TRANSFER. If another  
17 jurisdiction allows licensure in that jurisdiction of a pharmacist licensed in this state  
18 under conditions similar to those in this section, the board may license as a pharmacist  
19 in this state a person licensed as a pharmacist in the other jurisdiction if the person

20 (1) submits a written application to the board on a form required by the  
21 board;

22 (2) is at least 18 years of age;

23 (3) is of good moral character;

24 (4) possessed at the time of initial licensure as a pharmacist in the  
25 other jurisdiction the qualifications necessary to have been eligible for licensure at that  
26 time in this state;

27 (5) has engaged in the practice of pharmacy for at least one year or has  
28 met the internship requirements of this state within the one-year period immediately  
29 before applying for a license under this section;

30 (6) presents proof satisfactory to the board that the person is currently  
31 licensed as a pharmacist in the other jurisdiction and has never had a pharmacist

1 license suspended, revoked, or otherwise restricted except for failure to apply for  
2 renewal or failure to obtain the required continuing education credits; and

3 (7) pays all required fees.

4 Sec. 08.80.147. RENEWAL OF LICENSURE. If a pharmacist fails to apply  
5 for renewal of a license within five years from the expiration of the license, the person  
6 must pass an examination for license renewal, except that a person who has continually  
7 practiced pharmacy in another state under a license issued by the authority of that state  
8 may renew an expired license in this state upon fulfillment of the requirements that  
9 may be established by the board.

10 \* **Sec. 14.** AS 08.80.150 is repealed and reenacted to read:

11 Sec. 08.80.150. TEMPORARY LICENSE. The board shall adopt regulations  
12 regarding the issuance of a temporary license to practice pharmacy.

13 \* **Sec. 15.** AS 08.80.155 is repealed and reenacted to read:

14 Sec. 08.80.155. EMERGENCY PERMIT. The board shall adopt regulations  
15 regarding the issuance of an emergency permit to practice pharmacy.

16 \* **Sec. 16.** AS 08.80.157 is repealed and reenacted to read:

17 Sec. 08.80.157. LICENSING OF FACILITIES. (a) A facility engaged in the  
18 practice of pharmacy or in the manufacture, production, sale, or distribution of drugs  
19 or devices, and a pharmacy where drugs or devices are dispensed, shall be licensed by  
20 the board, and shall renew the license at intervals determined by the board. If  
21 operations are conducted at more than one location, each location shall be licensed by  
22 the board.

23 (b) The board may by regulation determine the licensure classifications of  
24 facilities and establish minimum standards for the facilities.

25 (c) The board shall establish by regulation the criteria that a facility must meet  
26 to qualify for licensure in each classification. The board may issue licenses with  
27 varying restrictions to facilities when the board considers it necessary to protect the  
28 public interest.

29 (d) The board may deny or refuse to renew a license if it determines that the  
30 granting or renewing of the license would not be in the public interest.

31 (e) Licenses issued by the board are not transferable or assignable.

1 (f) The board shall specify by regulation the minimum standards for  
2 responsibility of a facility or pharmacy that has employees or personnel engaged in the  
3 practice of pharmacy or engaged in the manufacture, distribution, production, sale, or  
4 use of drugs or devices in the conduct of its business.

5 (g) A licensed facility shall report to the board

6 (1) permanent closing;

7 (2) change of ownership, management, location, or pharmacist-in-charge  
8 of a pharmacy;

9 (3) theft or loss of drugs or devices as defined by regulations of the  
10 board;

11 (4) conviction of an employee of violation of a state or federal drug  
12 law;

13 (5) disasters, accidents, theft, destruction, or loss relating to records  
14 required to be maintained by state or federal law;

15 (6) occurrences of significant adverse drug reactions as defined by  
16 regulations of the board;

17 (7) other matters and occurrences the board may require by regulation.

18 (h) The board may suspend, revoke, deny, or refuse to renew the license of a  
19 facility or pharmacy on the following grounds:

20 (1) the finding by the board of violations of a federal, state, or local  
21 law relating to the practice of pharmacy, drug samples, wholesale or retail drug or  
22 device distribution, or distribution of controlled substances;

23 (2) a felony conviction under federal, state, or local law of the facility,  
24 pharmacy, or an employee of the facility or pharmacy;

25 (3) the furnishing of false or fraudulent material in an application made  
26 in connection with drug or device manufacturing or distribution;

27 (4) suspension or revocation by federal, state, or local government of  
28 a license currently or previously held by the applicant for the manufacture or  
29 distribution of drugs or devices, including controlled substances;

30 (5) obtaining remuneration by fraud, misrepresentation, or deception;

31 (6) dealing with drugs or devices that are known or should have been

1 known to be stolen drugs or devices;

2 (7) dispensing or distributing drugs or devices directly to patients by  
3 a wholesale drug distributor other than a pharmacy;

4 (8) violation of this chapter or a regulation adopted under this chapter.

5 \* **Sec. 17.** AS 08.80.160 is amended to read:

6 Sec. 08.80.160. FEES. The Department of Commerce and Economic  
7 Development shall set fees under AS 08.01.065 for the following:

8 (1) examination;

9 (2) reexamination;

10 (3) investigation for licensing by **license transfer** [CREDENTIALS];

11 (4) pharmacist license;

12 (5) temporary license;

13 (6) wholesale drug **distributor** [DEALER] license;

14 (7) retail pharmacy license;

15 (8) pharmacy intern **license** [REGISTRATION];

16 (9) emergency permit;

17 (10) hospital pharmacy license (inpatient and outpatient);

18 (11) hospital drug room license (inpatient);

19 (12) nursing home and related facilities license for inpatient dispensing;

20 (13) license amendment or replacement;

21 (14) registration of a pharmacy located outside of the state.

22 \* **Sec. 18.** AS 08.80 is amended by adding a new section to read:

23 Sec. 08.80.165. CONTINUING EDUCATION REQUIREMENTS. The board  
24 shall establish requirements for continuing education in pharmacy that must be satisfied  
25 before a license issued under this chapter may be renewed.

26 \* **Sec. 19.** AS 08.80.261 is amended to read:

27 Sec. 08.80.261. GROUNDS FOR IMPOSITION OF DISCIPLINARY  
28 SANCTIONS. The board may, after a hearing, impose a disciplinary sanction  
29 **authorized under AS 08.01.075** on a person licensed under this chapter when the  
30 board finds that the licensee

31 (1) secured a license through deceit, fraud, or intentional

- 1 misrepresentation;
- 2 (2) engaged in deceit, fraud, or intentional misrepresentation in the  
3 course of providing professional services or engaging in professional activities;
- 4 (3) advertised professional services in a false or misleading manner;
- 5 (4) has been convicted of a felony or **has been convicted of another**  
6 **[OTHER]** crime that affects the licensee's ability to continue to practice competently  
7 and safely;
- 8 (5) intentionally or negligently engaged in or permitted the performance  
9 of patient care by persons under the licensee's supervision that does not conform to  
10 minimum professional standards regardless of whether actual injury to the patient  
11 occurred;
- 12 (6) failed to comply with this chapter, with a regulation adopted under  
13 this chapter, or with an order of the board;
- 14 (7) **is incapable of engaging in the practice of pharmacy with**  
15 **reasonable skill, competence, and safety for the public because of** [CONTINUED  
16 TO PRACTICE AFTER BECOMING UNFIT DUE TO]
- 17 (A) professional incompetence;
- 18 (B) failure to keep informed of or use current professional  
19 theories or practices;
- 20 (C) addiction or severe dependency on alcohol or a drug that  
21 impairs the licensee's ability to practice safely;
- 22 (D) physical or mental disability; **or**
- 23 **(E) other factors determined by the board;**
- 24 (8) engaged in [LEWD OR IMMORAL] conduct **involving moral**  
25 **turpitude or gross immorality** [IN CONNECTION WITH THE DELIVERY OF  
26 PROFESSIONAL SERVICE TO PATIENTS];
- 27 (9) [MADE A CONTROLLED SUBSTANCE AVAILABLE TO A  
28 PERSON EXCEPT UPON PRESCRIPTION ISSUED BY A PERSON LICENSED TO  
29 PRESCRIBE CONTROLLED SUBSTANCES];
- 30 (10) WAS CONVICTED OF SELLING FEDERAL LEGEND DRUGS  
31 WITHOUT THE PRESCRIPTION OF A PERSON LICENSED TO PRESCRIBE

1 FEDERAL LEGEND DRUGS;

2 (11)] violated state or federal **laws or** regulations pertaining to [THE  
3 PROVISION OF ADEQUATE SECURITY FOR DANGEROUS] drugs **or**  
4 **pharmacies;**

5 **(10) failed to report relevant information to the board about a**  
6 **pharmacist or pharmacy intern that the licensee knew or suspected was incapable**  
7 **of engaging in the practice of pharmacy with reasonable skill, competence, and**  
8 **safety to the public;**

9 **(11) aided another person to engage in the practice of pharmacy**  
10 **or to use the title of "pharmacist" or "pharmacy intern" without a license; or**

11 **(12) engaged in unprofessional conduct, as defined in regulations**  
12 **of the board.**

13 \* **Sec. 20.** AS 08.80.261 is amended by adding a new subsection to read:

14 (b) The board may place under seal all drugs that are owned by or in the  
15 possession, custody, or control of a licensee at the time a license is suspended or  
16 revoked or at the time the board refuses to renew a license. Except for perishable  
17 items, the drugs may not be disposed of until the licensee has exhausted administrative  
18 and judicial remedies relating to the licensing action. Perishable items may be sold  
19 upon order of the court with the proceeds to be deposited with the court.

20 \* **Sec. 21.** AS 08.80.295 is repealed and reenacted to read:

21 Sec. 08.80.295. SUBSTITUTION OF EQUIVALENT DRUG PRODUCTS.

22 (a) Unless the prescription indicates that it is to be dispensed only as written, the  
23 pharmacist may, with the consent of the patient, substitute an equivalent drug product.

24 (b) A pharmacist who substitutes an equivalent drug product in compliance  
25 with this section and applicable regulations incurs no greater liability in filling the  
26 prescription than would be incurred in filling the prescription by dispensing the  
27 prescribed name brand product.

28 \* **Sec. 22.** AS 08.80 is amended by adding a new section to read:

29 Sec. 08.80.315. CONFIDENTIALITY OF RECORDS. Information maintained  
30 by a pharmacist in the patient's records or that is communicated to the patient as part  
31 of patient counseling is confidential and may be released only to

- 1 (1) the patient or as the patient directs;
- 2 (2) a practitioner or pharmacist when, in the pharmacist's professional  
3 judgment, release is necessary to protect the patient's health and well-being; and
- 4 (3) other persons or governmental agencies authorized by law to receive  
5 confidential information.

6 \* **Sec. 23.** AS 08.80.330(a) is amended to read:

7 (a) **Each pharmacy shall have a pharmacist-in-charge. Whenever an**  
8 **applicable law or regulation requires or prohibits action by a pharmacy,**  
9 **responsibility shall be that of the owner and the pharmacist-in-charge, whether**  
10 **the owner is a sole proprietor, partnership, association, corporation, or otherwise**  
11 [IF THE OWNER OF A PHARMACY IS NOT A LICENSED PHARMACIST, THE  
12 OWNER SHALL PLACE A LICENSED PHARMACIST, DESIGNATED THE  
13 MANAGER, IN FULL CHARGE AND CONTROL OF THE PHARMACY]. The  
14 **pharmacist-in-charge** [MANAGER] shall ensure compliance with all laws and  
15 regulations governing the operation of the pharmacy. A licensed pharmacist appointed  
16 as **pharmacist-in-charge** [MANAGER] of a pharmacy shall immediately advise the  
17 board of that appointment.

18 \* **Sec. 24.** AS 08.80.400 is amended to read:

19 Sec. 08.80.400. PRACTICE OF MEDICINE NOT AFFECTED. **Except as**  
20 **provided in (b) of this section, this** [THIS] chapter does not affect the practice of  
21 medicine by a licensed medical doctor, and does not limit a licensed medical doctor  
22 in supplying a patient with any medicinal preparation or article that the licensed  
23 medical doctor considers proper.

24 \* **Sec. 25.** AS 08.80.400 is amended by adding a new subsection to read:

25 (b) A person authorized to compound drugs or to dispense drugs in the  
26 practice of a profession other than as a licensed pharmacist shall meet the same  
27 standards, record keeping requirements, and all other requirements for the dispensing  
28 of drugs that are applicable to pharmacists.

29 \* **Sec. 26.** AS 08.80.410 is amended to read:

30 Sec. 08.80.410. USE OF TERM "PHARMACIST" PROHIBITED. A person  
31 may not assume or use the title "pharmacist," or any variation of the title, or hold out

1 to be a pharmacist, without being licensed [REGISTERED].

2 \* **Sec. 27.** AS 08.80.430 is amended to read:

3 Sec. 08.80.430 USE OF PHARMACY SYMBOLS PROHIBITED. A person  
4 may not display in a place of business the characteristic pharmacy symbol of "**Rx**" in  
5 any form [BOTTLES, OR GLOBES, WHICH ARE COLORED OR CONTAIN  
6 COLORED LIQUIDS] unless the business has a pharmacist licensed [AND  
7 REGISTERED] under this chapter [ON DUTY UNDER AS 08.80.320].

8 \* **Sec. 28.** AS 08.80.480(4) is amended to read:

9 (4) "drug" means an article recognized as a drug in an official  
10 compendium, or supplement to an official compendium [IN THE OFFICIAL  
11 UNITED STATES PHARMACOPOEIA, OFFICIAL HOMEOPATHIC  
12 PHARMACOPOEIA OF THE UNITED STATES, OR OFFICIAL NATIONAL  
13 FORMULARY]; an article intended for use in the diagnosis, cure, mitigation,  
14 treatment, or prevention of disease in man or animal; an article other than food,  
15 intended to affect the structure or function of the body of man or animal; and an article  
16 intended for use as a component of an article specified in this paragraph but does not  
17 include devices or their components, parts, or accessories;

18 \* **Sec. 29.** AS 08.80.480(11) is repealed and reenacted to read:

19 (11) "pharmacy" means a place in this state where drugs are dispensed  
20 and pharmaceutical care is provided and a place outside of this state where drugs are  
21 dispensed and pharmaceutical care is provided to residents of this state;

22 \* **Sec. 30.** AS 08.80.480(14) is repealed and reenacted to read:

23 (14) "prescription drug" means a drug that, under federal law, before  
24 being dispensed or delivered, is required to be labeled with either of the following  
25 statements: (A) "Caution: Federal law prohibits dispensing without prescription"; (B)  
26 "Caution: Federal law restricts this drug to use by, or on the order of, a licensed  
27 veterinarian"; or a drug that is required by an applicable federal or state law or  
28 regulation to be dispensed only under a prescription drug order or is restricted to use  
29 by practitioners only;

30 \* **Sec. 31.** AS 08.80.480 is amended by adding new paragraphs to read:

31 (21) "administer" means the direct application of a drug to the body of

1 a patient or research subject by injection, inhalation, ingestion, or other means;

2 (22) "compounding" means the preparation, mixing, assembling,  
3 packaging, or labeling of a drug or device (A) as the result of a practitioner's  
4 prescription drug order or initiative based on the relationship of the practitioner,  
5 patient, and pharmacist in the course of professional practice or (B) for the purpose of,  
6 or as an incident to, research, teaching, or chemical analysis and not for sale or  
7 dispensing; "compounding" also includes the preparation of drugs or devices in  
8 anticipation of prescription drug orders based on routine, regularly observed  
9 prescribing patterns;

10 (23) "deliver" or "delivery" means the actual, constructive, or attempted  
11 transfer of a drug or device from one person to another, whether or not for  
12 consideration;

13 (24) "device" means an instrument, apparatus, implement, machine,  
14 contrivance, implant, or other similar or related article, including a component part or  
15 accessory, that is required under federal law to bear the label "Caution: Federal or state  
16 law requires dispensing by or on the order of a physician";

17 (25) "dispense" or "dispensing" means the preparation and delivery of  
18 a drug or device to a patient or patient's agent under a lawful order of a practitioner  
19 in a suitable container appropriately labeled for subsequent administration to, or use  
20 by, a patient;

21 (26) "distribute" means the delivery of a drug or device other than by  
22 administering or dispensing;

23 (27) "drug regimen review" includes evaluation of the prescription drug  
24 order and patient record for

25 (A) known allergies;

26 (B) rational therapy-contraindications;

27 (C) reasonable dose and route of administration;

28 (D) reasonable directions for use;

29 (E) duplication of therapy;

30 (F) drug-drug, drug-food, and drug-disease interactions;

31 (G) adverse drug reactions; and

1 (H) proper utilization, including over- or under-utilization, and  
2 optimum therapeutic outcomes;

3 (28) "equivalent drug product" means a drug product that has the same  
4 established name, active ingredients, strength or concentration, dosage form, and route  
5 of administration and that is formulated to contain the same amount of active  
6 ingredients in the same dosage form and to meet the same compendia or other  
7 applicable standards for strength, quality, purity, and identity, but that may differ in  
8 characteristics such as shape, scoring configuration, packaging, excipients including  
9 colors, flavors, preservatives, and expiration time;

10 (29) "intern" means an individual who is

11 (A) currently licensed by this state to engage in the practice of  
12 pharmacy while under the personal supervision of a pharmacist and is  
13 satisfactorily progressing toward meeting the requirements for licensure as a  
14 pharmacist; or

15 (B) a graduate from a college of pharmacy who is currently  
16 licensed by the board for the purpose of obtaining practical experience as a  
17 requirement for licensure as a pharmacist;

18 (30) "labeling" means the process of preparing and affixing a label to  
19 a drug container, exclusive, however, of the labeling by a manufacturer, packer, or  
20 distributor of a nonprescription drug or commercially packed legend drug or device;

21 (31) "legend drug" means a prescription drug;

22 (32) "manufacturing" means the production, preparation, propagation,  
23 conversion, or processing of a drug or device, either directly or indirectly, by  
24 extraction from a substance of natural origin or independently by means of chemical  
25 or biological synthesis, and includes packaging or repackaging of a substance or  
26 labeling or relabeling of its container, and the promotion and marketing of drugs or  
27 devices; "manufacturing" also includes the preparation and promotion of commercially  
28 available products from bulk compounds for resale by pharmacies, practitioners, or  
29 other persons;

30 (33) "patient counseling" means the communication by the pharmacist  
31 of information, as defined in the regulations of the board, to the patient or care giver

1 in order to improve therapy by ensuring proper use of drugs and devices;

2 (34) "person" has the meaning given in AS 01.10.060 and also includes  
3 a governmental agency;

4 (35) "pharmaceutical care" is the provision of drug therapy and other  
5 pharmaceutical patient care services intended to achieve outcomes related to the cure  
6 or prevention of a disease, elimination or reduction of a patient's symptoms, or  
7 arresting or slowing of a disease process as defined in regulations of the board;

8 (36) "pharmacist" means an individual currently licensed by this state  
9 to engage in the practice of pharmacy;

10 (37) "pharmacist-in-charge" means a pharmacist who accepts  
11 responsibility for operation of a pharmacy in a manner that complies with laws and  
12 regulations applicable to the practice of pharmacy and the distribution of drugs and  
13 who is personally in charge of the pharmacy and the pharmacy's personnel;

14 (38) "pharmacy technician" means a supportive staff member who  
15 works under the immediate supervision of a pharmacist;

16 (39) "practice of pharmacy" means the interpretation, evaluation, and  
17 dispensing of prescription drug orders in the patient's best interest; participation in drug  
18 and device selection, drug administration, drug regimen reviews, and drug or drug-  
19 related research; provision of patient counseling and the provision of those acts or  
20 services necessary to provide pharmaceutical care; and the responsibility for:  
21 compounding and labeling of drugs and devices except labeling by a manufacturer,  
22 repackager, or distributor of nonprescription drugs and commercially packaged legend  
23 drugs and devices; proper and safe storage of drugs and devices; and maintenance of  
24 proper records for them;

25 (40) "practitioner" means an individual currently licensed, registered,  
26 or otherwise authorized by the jurisdiction in which the individual practices to  
27 prescribe and administer drugs in the course of professional practice;

28 (41) "preceptor" means an individual who is currently licensed by the  
29 board, meets the qualifications as a preceptor under the regulations of the board, and  
30 participates in the instructional training of pharmacy interns;

31 (42) "prescription drug order" means a lawful order of a practitioner

1 for a drug or device for a specific patient;

2 (43) "prospective drug use review" means a review of the patient's drug  
3 therapy and prescription drug order, as defined in the regulations of the board, before  
4 dispensing the drug as part of a drug regimen review;

5 (44) "significant adverse drug reaction" means a drug-related incident  
6 that may result in serious harm, injury, or death to the patient;

7 (45) "substitution" means to dispense without the prescriber's expressed  
8 authorization, an equivalent drug product in place of the prescribed drug;

9 (46) "wholesale drug distributor" means anyone engaged in wholesale  
10 distribution of drugs, including but not limited to manufacturers; repackagers; own-  
11 label distributors; private label distributors; jobbers; brokers; warehouses, including  
12 manufacturers' and distributors' warehouses; chain drug warehouses; wholesale drug  
13 warehouses; independent wholesale drug traders; and retail pharmacies that conduct  
14 wholesale distributions.

15 \* **Sec. 32.** AS 08.80.040, 08.80.130, 08.80.220, 08.80.230, 08.80.240, 08.80.270, 08.80.280,  
16 08.80.290, 08.80.300, 08.80.310, 08.80.320, 08.80.340, 08.80.350, 08.80.360, 08.80.365,  
17 08.80.370, 08.80.390, 08.80.440, 08.80.475, 08.80.480(2), 08.80.480(5), 08.80.480(6),  
18 08.80.480(7), 08.80.480(13), 08.80.480(16), 08.80.480(17), 08.80.480(18), and 08.80.480(20)  
19 are repealed.