

CS FOR SENATE BILL NO. 158(L&C) am

IN THE LEGISLATURE OF THE STATE OF ALASKA

NINETEENTH LEGISLATURE - SECOND SESSION

BY THE SENATE LABOR AND COMMERCE COMMITTEE

Amended: 2/21/96

Offered: 5/5/95

Sponsor(s): SENATOR MILLER

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.

15 Sec. 08.80.005. STATEMENT OF PURPOSE. It is the purpose of this chapter
16 to promote, preserve, and protect the public health, safety, and welfare by and through
17 the effective control and regulation of the practice of pharmacy.

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

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

21 * **Sec. 4.** AS 08.80.030 is repealed and reenacted to read:

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

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

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

28 (2) license by examination or by license transfer the applicants who are
29 qualified to engage in the practice of pharmacy;

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

1 pharmacy;

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

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

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

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

13 (8) enforce the provisions of this chapter relating to the conduct or
14 competence of pharmacists practicing in the state, and the suspension, revocation, or
15 restriction of licenses to engage in the practice of pharmacy;

16 (9) license and regulate the training, qualifications, and employment of
17 pharmacy interns and pharmacy technicians;

18 (10) issue licenses to persons engaged in the manufacture and
19 distribution of drugs and related devices.

20 * **Sec. 5.** AS 08.80.060 is amended to read:

21 Sec. 08.80.060. MEETINGS OF THE BOARD. The board shall meet at least
22 **three times** [ONCE] each year at the call of the president for the transaction of
23 business properly before it. The president shall also call the board into session when
24 requested in writing by at least two members. **Meetings may be held telephonically**
25 [THE SECRETARY SHALL GIVE AT LEAST 30 DAYS' WRITTEN NOTICE TO
26 ALL MEMBERS BEFORE A MEETING].

27 * **Sec. 6.** AS 08.80.070 is amended to read:

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

1 * **Sec. 7.** AS 08.80.110 is repealed and reenacted to read:

2 Sec. 08.80.110. QUALIFICATIONS FOR LICENSURE BY EXAMINATION.

3 An applicant for licensure as a pharmacist shall

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

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

9 (3) be a graduate of a college in a degree program approved by the
10 board;

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

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

18 * **Sec. 8.** AS 08.80.116 is repealed and reenacted to read:

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

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

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

27 * **Sec. 9.** AS 08.80.120 is repealed and reenacted to read:

28 Sec. 08.80.120. GRADING AND CONTENT OF EXAMINATION. The
29 examination or examinations shall be prepared to measure the competence of the
30 applicant to engage in the practice of pharmacy. The board may employ, cooperate,
31 and contract with an organization or consultant in the preparation and grading of an

1 examination, but shall retain sole discretion and responsibility for determining which
2 applicants have successfully passed the examinations.

3 * **Sec. 10.** AS 08.80 is amended by adding new sections to read:

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

8 (1) submits a written application to the board on a form required by the
9 board;

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

11 (3) is of good moral character;

12 (4) possesses at the time of the request for licensure as a pharmacist
13 in this state the qualifications necessary to be eligible for licensure in this state;

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

17 (6) presents proof satisfactory to the board that the person is currently
18 licensed as a pharmacist in the other jurisdiction and has never had a pharmacist
19 license suspended, revoked, or otherwise restricted except for failure to apply for
20 renewal or failure to obtain the required continuing education credits; and

21 (7) pays all required fees.

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

28 * **Sec. 11.** AS 08.80.150 is repealed and reenacted to read:

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

31 * **Sec. 12.** AS 08.80.155 is repealed and reenacted to read:

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

3 * **Sec. 13.** AS 08.80.157 is repealed and reenacted to read:

4 Sec. 08.80.157. LICENSING OF FACILITIES. (a) A facility engaged in the
5 practice of pharmacy or in the manufacture, production, or wholesale distribution of
6 drugs or devices, and a pharmacy where drugs or devices are dispensed, shall be
7 licensed by the board, and shall renew the license at intervals determined by the board.
8 If operations are conducted at more than one location, each location shall be licensed
9 by the board.

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

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

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

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

19 (f) The board shall specify by regulation the minimum standards for
20 responsibility of a facility or pharmacy that has employees or personnel engaged in the
21 practice of pharmacy or engaged in the manufacture, wholesale distribution,
22 production, or use of drugs or devices in the conduct of its business.

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

24 (1) permanent closing;

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

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

29 (4) conviction of an employee of violation of a state or federal drug
30 law;

31 (5) disasters, accidents, theft, destruction, or loss relating to records

1 required to be maintained by state or federal law;

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

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

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

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

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

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

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

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

18 (6) dealing with drugs or devices that are known or should have been
19 known to be stolen drugs or devices;

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

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

23 (i) The board's regulations under (b) - (d) and (f) of this section may not
24 establish more stringent licensing requirements for the facilities governed by
25 AS 08.80.390 than are set out in AS 08.80.390.

26 (j) This section does not apply to the offices of physicians, physician
27 assistants, advanced nurse practitioners, dentists, veterinarians, dispensing opticians,
28 or optometrists.

29 * **Sec. 14.** AS 08.80.160 is amended to read:

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

- 1 (1) examination;
- 2 (2) reexamination;
- 3 (3) investigation for licensing by **license transfer** [CREDENTIALS];
- 4 (4) pharmacist license;
- 5 (5) temporary license;
- 6 (6) wholesale drug **distributor** [DEALER] license;
- 7 (7) retail pharmacy license;
- 8 (8) pharmacy intern **license** [REGISTRATION];
- 9 (9) emergency permit;
- 10 (10) hospital pharmacy license (inpatient and outpatient);
- 11 (11) hospital drug room license (inpatient);
- 12 (12) nursing home and related facilities license for inpatient dispensing;
- 13 (13) license amendment or replacement;
- 14 (14) registration of a pharmacy located outside of the state.

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

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

19 * **Sec. 16.** AS 08.80.261 is amended to read:

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

24 (1) secured a license through deceit, fraud, or intentional
25 misrepresentation;

26 (2) engaged in deceit, fraud, or intentional misrepresentation in the
27 course of providing professional services or engaging in professional activities;

28 (3) advertised professional services in a false or misleading manner;

29 (4) has been convicted of a felony or **has been convicted of another**
30 [OTHER] crime that affects the licensee's ability to continue to practice competently
31 and safely;

1 (5) intentionally or negligently engaged in or permitted the performance
2 of patient care by persons under the licensee’s supervision that does not conform to
3 minimum professional standards regardless of whether actual injury to the patient
4 occurred;

5 (6) failed to comply with this chapter, with a regulation adopted under
6 this chapter, or with an order of the board;

7 (7) **is incapable of engaging in the practice of pharmacy with**
8 **reasonable skill, competence, and safety for the public because of** [CONTINUED
9 TO PRACTICE AFTER BECOMING UNFIT DUE TO]

10 (A) professional incompetence;

11 (B) failure to keep informed of or use current professional
12 theories or practices;

13 (C) addiction or severe dependency on alcohol or a drug that
14 impairs the licensee’s ability to practice safely;

15 (D) physical or mental disability; **or**

16 **(E) other factors determined by the board;**

17 (8) engaged in [LEWD OR IMMORAL] conduct **involving moral**
18 **turpitude or gross immorality** [IN CONNECTION WITH THE DELIVERY OF
19 PROFESSIONAL SERVICE TO PATIENTS];

20 (9) made a controlled substance available to a person except upon
21 prescription issued by a person licensed to prescribe controlled substances;

22 (10) was convicted of selling federal legend drugs without the
23 prescription of a person licensed to prescribe federal legend drugs;

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

27 **(12) failed to report relevant information to the board about a**
28 **pharmacist or pharmacy intern that the licensee knew or suspected was incapable**
29 **of engaging in the practice of pharmacy with reasonable skill, competence, and**
30 **safety to the public;**

31 **(13) aided another person to engage in the practice of pharmacy**

1 or to use the title of "pharmacist" or "pharmacy intern" without a license; or
2 (14) engaged in unprofessional conduct, as defined in regulations
3 of the board.

4 * **Sec. 17.** AS 08.80.261 is amended by adding a new subsection to read:

5 (b) The board may place under seal all drugs that are owned by or in the
6 possession, custody, or control of a licensee at the time a license is suspended or
7 revoked or at the time the board refuses to renew a license. Except for perishable
8 items, the drugs may not be disposed of until the licensee has exhausted administrative
9 and judicial remedies relating to the licensing action. Perishable items may be sold
10 upon order of the court with the proceeds to be deposited with the court. The board
11 shall notify the Department of Health and Social Services about drugs placed under
12 seal under this subsection.

13 * **Sec. 18.** AS 08.80.295 is repealed and reenacted to read:

14 Sec. 08.80.295. SUBSTITUTION OF EQUIVALENT DRUG PRODUCTS.

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

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

21 * **Sec. 19.** AS 08.80 is amended by adding a new section to read:

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

25 (1) the patient or as the patient directs;

26 (2) a practitioner or pharmacist when, in the pharmacist's professional
27 judgment, release is necessary to protect the patient's health and well-being; and

28 (3) other persons or governmental agencies authorized by law to receive
29 confidential information.

30 * **Sec. 20.** AS 08.80.330(a) is amended to read:

31 (a) Each pharmacy shall have a pharmacist-in-charge. Whenever an

1 applicable law or regulation requires or prohibits action by a pharmacy,
2 responsibility shall be that of the owner and the pharmacist-in-charge, whether
3 the owner is a sole proprietor, partnership, association, corporation, or otherwise
4 [IF THE OWNER OF A PHARMACY IS NOT A LICENSED PHARMACIST, THE
5 OWNER SHALL PLACE A LICENSED PHARMACIST, DESIGNATED THE
6 MANAGER, IN FULL CHARGE AND CONTROL OF THE PHARMACY]. The
7 pharmacist-in-charge [MANAGER] shall ensure compliance with all laws and
8 regulations governing the operation of the pharmacy. A licensed pharmacist appointed
9 as pharmacist-in-charge [MANAGER] of a pharmacy shall immediately advise the
10 board of that appointment.

11 * **Sec. 21.** AS 08.80.400 is amended to read:

12 Sec. 08.80.400. **OTHER LICENSEES** [PRACTICE OF MEDICINE] NOT
13 AFFECTED. This chapter does not affect the practice of medicine by a licensed
14 medical doctor, and does not limit a licensed medical doctor, **physician assistant,**
15 **advanced nurse practitioner, dentist, veterinarian, dispensing optician, or**
16 **optometrist** in supplying a patient with any medicinal preparation or article **within the**
17 **scope of the person's license** [THAT THE LICENSED MEDICAL DOCTOR
18 CONSIDERS PROPER].

19 * **Sec. 22.** AS 08.80.410 is amended to read:

20 Sec. 08.80.410. USE OF TERM "PHARMACIST" PROHIBITED. A person
21 may not assume or use the title "pharmacist," or any variation of the title, or hold out
22 to be a pharmacist, without being **licensed** [REGISTERED].

23 * **Sec. 23.** AS 08.80.430 is amended to read:

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

29 * **Sec. 24.** AS 08.80.480(4) is amended to read:

30 (4) "drug" means an article recognized **as a drug in an official**
31 **compendium, or supplement to an official compendium** [IN THE OFFICIAL

1 UNITED STATES PHARMACOPOEIA, OFFICIAL HOMEOPATHIC
2 PHARMACOPOEIA OF THE UNITED STATES, OR OFFICIAL NATIONAL
3 FORMULARY]; an article intended for use in the diagnosis, cure, mitigation,
4 treatment, or prevention of disease in man or animal; an article other than food,
5 intended to affect the structure or function of the body of man or animal; and an article
6 intended for use as a component of an article specified in this paragraph but does not
7 include devices or their components, parts, or accessories;

8 * **Sec. 25.** AS 08.80.480(11) is repealed and reenacted to read:

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

12 * **Sec. 26.** AS 08.80.480(14) is repealed and reenacted to read:

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

20 * **Sec. 27.** AS 08.80.480 is amended by adding new paragraphs to read:

21 (21) "administer" means the direct application of a drug to the body of
22 a patient or research subject by injection, inhalation, ingestion, or other means;

23 (22) "compounding" means the preparation, mixing, assembling,
24 packaging, or labeling of a drug or device (A) as the result of a practitioner's
25 prescription drug order or initiative based on the relationship of the practitioner,
26 patient, and pharmacist in the course of professional practice or (B) for the purpose of,
27 or as an incident to, research, teaching, or chemical analysis and not for sale or
28 dispensing; "compounding" also includes the preparation of drugs or devices in
29 anticipation of prescription drug orders based on routine, regularly observed
30 prescribing patterns;

31 (23) "deliver" or "delivery" means the actual, constructive, or attempted

1 transfer of a drug or device from one person to another, whether or not for
2 consideration;

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

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

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

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

15 (A) known allergies;

16 (B) rational therapy-contraindications;

17 (C) reasonable dose and route of administration;

18 (D) reasonable directions for use;

19 (E) duplication of therapy;

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

21 (G) adverse drug reactions; and

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

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

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

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

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

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

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

12 (32) "manufacturing" means the production, preparation, propagation,
13 conversion, or processing of a drug or device, either directly or indirectly, by
14 extraction from a substance of natural origin or independently by means of chemical
15 or biological synthesis, and includes packaging or repackaging of a substance or
16 labeling or relabeling of its container, and the promotion and marketing of drugs or
17 devices; "manufacturing" also includes the preparation and promotion of commercially
18 available products from bulk compounds for resale by pharmacies, practitioners, or
19 other persons;

20 (33) "patient counseling" means the communication by the pharmacist
21 of information, as defined in the regulations of the board, to the patient or care giver
22 in order to improve therapy by ensuring proper use of drugs and devices;

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

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

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

31 (37) "pharmacist-in-charge" means a pharmacist who accepts

1 responsibility for operation of a pharmacy in a manner that complies with laws and
2 regulations applicable to the practice of pharmacy and the distribution of drugs and
3 who is personally in charge of the pharmacy and the pharmacy's personnel;

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

6 (39) "practice of pharmacy" means the interpretation, evaluation, and
7 dispensing of prescription drug orders in the patient's best interest; participation in
8 drug and device selection, drug administration, drug regimen reviews, and drug or
9 drug-related research; provision of patient counseling and the provision of those acts
10 or services necessary to provide pharmaceutical care; and the responsibility for:
11 compounding and labeling of drugs and devices except labeling by a manufacturer,
12 repackager, or distributor of nonprescription drugs and commercially packaged legend
13 drugs and devices; proper and safe storage of drugs and devices; and maintenance of
14 proper records for them;

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

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

21 (42) "prescription drug order" means a lawful order of a practitioner
22 for a drug or device for a specific patient;

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

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

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

30 (46) "wholesale drug distributor" means anyone engaged in wholesale
31 distribution of drugs, including but not limited to manufacturers; repackagers; own-

1 label distributors; private label distributors; jobbers; brokers; warehouses, including
2 manufacturers' and distributors' warehouses; chain drug warehouses; wholesale drug
3 warehouses; independent wholesale drug traders; and retail pharmacies that conduct
4 wholesale distributions.

5 * **Sec. 28.** AS 08.80.040, 08.80.130, 08.80.220, 08.80.230, 08.80.240, 08.80.270, 08.80.280,
6 08.80.290, 08.80.300, 08.80.310, 08.80.320, 08.80.340, 08.80.350, 08.80.360, 08.80.365,
7 08.80.370, 08.80.440, 08.80.475, 08.80.480(2), 08.80.480(5), 08.80.480(6), 08.80.480(7),
8 08.80.480(13), 08.80.480(16), 08.80.480(17), 08.80.480(18), and 08.80.480(20) are repealed.