

Introduced: 2/23/72  
Referred: Commerce

1 IN THE HOUSE

BY THE COMMERCE COMMITTEE

2 HOUSE BILL NO. 692

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 SEVENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to the regulation of the pharmacy  
7 profession."

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

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

10 (6) examine applicants for shopkeeper permits;

11 (7) register intern pharmacists and promulgate rules relating  
12 to their minimum experience requirements.

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

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

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

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

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 AS 08.80.110(5) is repealed and re-enacted to read:

22 (5) have completed at least 1,500 hours of internship  
23 training under the direct supervision of a licensed pharmacist in a  
24 licensed pharmacy 540 hours of which must be completed after graduation.

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

26 Sec. 08.80.115. REGISTRATION OF INTERN PHARMACISTS. (a) An  
27 applicant for registration as an intern pharmacist shall meet the re-  
28 quirements of sec. 110(1) - (3) of this chapter and pay the required  
29 fee.

1 (b) The registration of an intern pharmacist is valid for one  
2 year and may be renewed upon application.

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

4 Sec. 08.80.120. GRADING AND CONTENT OF EXAMINATION. To pass  
5 the state pharmacy examination each applicant must attain a general  
6 average of not less than 75 per cent and a grade of not less than  
7 60 per cent in each of the following subjects on the examination:  
8 jurisprudence, chemistry, mathematics [CALCULATIONS, DISPENSING  
9 PHARMACY], pharmacy, pharmacology [MATERIA MEDICA] and related subjects,  
10 and in the discretion of the board, oral theory and practical pharmacy.

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

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

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

18 Sec. 08.80.140. LICENSE BY ENDORSEMENT [RECIPROCITY]. The board  
19 may register without examination an applicant who has been certified  
20 as a registered pharmacist by the National Association of Boards of  
21 Pharmacy, if the applicant meets the requirements of sec. 110(1) - (4)  
22 [HAS COMPLIED WITH SEC. 110(5)] of this chapter.

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

24 Sec. 08.80.150. TEMPORARY REGISTRATION. The board shall issue  
25 [GIVE] a temporary license to an applicant applying [ELIGIBLE] for  
26 registration as a pharmacist under sec. 140 of this chapter upon written  
27 or oral examination before a member of the board and certification by  
28 the member to the secretary of the board that the applicant is compe-  
29 tent to receive a temporary license. The temporary license is valid for

1 three months, or until the next regular meeting of the board, whichever  
2 is longer. A temporary license is not renewable, but at the discretion  
3 of the issuing board member may be extended for a period not to exceed  
4 60 days, and an applicant may not receive more than one temporary  
5 license. An applicant whose registration has been denied by the  
6 board is not eligible to receive a temporary license [PERMIT].

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

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

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

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

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

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

- |    |   |           |
|----|---|-----------|
| 22 | (1) examination fee.....                                      | \$50.     |
| 23 | (2) re-examination fee.....                                   | 15        |
| 24 | (3) reciprocity investigation fee.....                        | 25        |
| 25 | (4) biennial pharmacist license fee.....                      | 50        |
| 26 | (5) temporary license fee.....                                | 10        |
| 27 | (6) wholesale <u>drug</u> dealer biennial license fee.....    | 50        |
| 28 | (7) retail <u>pharmacy</u> [DEALER] biennial license fee..... | 50        |
| 29 | (8) <u>pharmacy intern registration fee.....</u>              | <u>10</u> |

1	(9) emergency permit fee.....	10
2	<u>(10) hospital pharmacy biennial license fee</u>	
3	<u>(in and out-patient).....</u>	<u>50</u>
4	<u>(11) hospital drug room biennial license fee</u>	
5	<u>(in-patient).....</u>	<u>25</u>
6	<u>(12) nursing home and related facilities biennial</u>	
7	<u>license fee for in-patient dispensing.....</u>	<u>25</u>
8	<u>(13) shopkeepers biennial permit fee.....</u>	<u>10</u>
9	<u>(14) license amendment or replacement fee.....</u>	<u>2</u>

10 \* Sec. 12. AS 08.80.260 is amended by adding a new paragraph to read:

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

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

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

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

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

23 Sec. 08.80.290. AFFIXING OF LABEL. At the time of dispensing  
 24 a prescription, there shall be affixed to the container of a prescrip-  
 25 tion, a label bearing the name and address of the pharmacy compounding  
 26 the prescription, the serial number of the prescription, the name and  
 27 directions of the prescriber, the name of the patient, the date of  
 28 dispensing, and the initials of the registered pharmacist who compounded  
 29 the prescription. In addition a pharmacist shall indicate on the drug

1 container the name and strength of the drug contained in it, unless  
2 specifically directed otherwise by the prescribing physician, osteo-  
3 pathic physician, dentist or veterinarian. If a drug is a mixture of  
4 pharmacologically active substances, only the name of the mixture need  
5 be indicated on the container, or in the absence of a name, the term  
6 "physician's mixture" may be used.

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

8       Sec. 08.80.295. SUBSTITUTION. In preparing a prescription, a  
9 pharmacist may not substitute a drug for a registered brand or trade  
10 name product specified unless he obtains permission from the author of  
11 the prescription; but if the prescribing physician, osteopathic physi-  
12 cian, dentist or veterinarian is temporarily unavailable, the pharmacist  
13 may, if he cannot supply the drug requested, substitute a drug or prepara-  
14 tion of approximately equal therapeutic value so long as he notifies  
15 the author of the prescription at an early opportunity.

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

17       (a) The owner, or, if the owner is not a licensed pharmacist,  
18 the manager, of every drug store, [AND THE PROPRIETOR OF EVERY GENERAL  
19 STORE, OR ROADHOUSE,] shall maintain in his place of business a record  
20 in which sales of the following items shall be entered: the compounds  
21 and salts of arsenic and mercury (calomel excepted); caustic hydrates  
22 of sodium and potassium; the concentrated mineral acids; hydrocyanic  
23 acids and their salts; yellow phosphorous; the essential oils of penny-  
24 royal, tansy and savine; croton oil, aconite; carbolic acid; and the  
25 poisonous alkaloids or alkaloidal salts.

26 \* Sec. 17. AS 08.80.320 is amended to read:

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

1 (b) In communities which have one licensed pharmacy, the owner  
2 of the pharmacy shall have a [LICENSED] pharmacist, licensed and regis-  
3 tered under this chapter, on duty, or on call, at all times that the  
4 pharmacy is open for business.

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

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

9 \* Sec. 19. AS 08.80.340 is amended to read:

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

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

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

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

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

29 (1) have a separate outside entrance;

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

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

7 (4) be locked during nonbusiness hours; and

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

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

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

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

19 Sec. 08.80.390. PHARMACISTS REQUIRED IN HOSPITALS AND CLINICS.

20 (a) A hospital, [OR] clinic, nursing home, infirmary or related facility  
21 which dispenses drugs for out-patient treatment shall have a licensed  
22 pharmacist in charge of the dispensary, except that prescriptions may be  
23 compounded and dispensed by or under the supervision of the prescribing  
24 physician.

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

29 \* Sec. 24. AS 08.80.420 is amended by adding new subsections to read:

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

3 (c) A person may not solicit by advertising of any kind the sale  
4 or distribution of drugs by prescription by a mail order plan of any  
5 kind. The mail order sale of drugs by prescription is prohibited if  
6 the sale has been solicited by advertising.

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

8 Sec. 08.80.430. USE OF PHARMACY SYMBOLS PROHIBITED. It is un-  
9 lawful for a person to display in a place of business the character-  
10 istic pharmacy symbol of bottles, or globes, which are colored or  
11 contain colored liquids unless the business has a [LICENSED] pharmacist  
12 licensed and registered under this chapter on duty under sec. 320 of  
13 this chapter [IN REGULAR AND CONTINUOUS EMPLOYMENT].

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

15 Sec. 08.80.460. VIOLATION. A person who violates a provision of  
16 this chapter for which no punishment is provided is guilty of a mis-  
17 demeanor and is punishable by a fine not to exceed \$1,000 [\$200],  
18 or by imprisonment for a period not to exceed three months or by both.

19 \* Sec. 27. AS 08.80 is amended by adding a new section to read:

20 Sec. 08.80.471. JURY DUTY. Persons registered under this chapter  
21 are exempt from jury duty.

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

23 Sec. 08.80.472. OWNERSHIP RESTRICTED. (a) The board may not,  
24 after the effective date of this Act, grant a license for the operation  
25 of a retail pharmacy in the state to individuals who are not registered  
26 pharmacists under this chapter or to corporations which are not owned  
27 and controlled by pharmacists registered under this chapter, unless  
28 the issuance of licenses to other individuals or corporations is a  
29 necessity from the standpoint of public health and welfare.

1 (b) All sales of corporate stock of a corporation to which a  
2 license to conduct a retail pharmacy has been issued shall be reported  
3 to the board in the manner the board shall prescribe. A sale of stock  
4 resulting in the change in control of a corporation is a change of  
5 ownership within the meaning of this section.

6 (c) The issuance of a license to the lawful heirs of a retail  
7 pharmacy may not be refused on the ground that the lawful heirs are  
8 not registered pharmacists under this chapter; however, in exchange  
9 for the license issued, the lawful heirs must make assurance to the  
10 board that if the pharmacy is disposed of it may be sold only to a  
11 registered pharmacist or a corporation or partnership controlled by a  
12 registered pharmacist under this chapter.

13 \* Sec. 29. AS 08.80.480(5) is amended to read:

14 (5) "pharmacy" includes "drug store" and "pharmacy or drug  
15 department" and means a place of business in which physicians' prescrip-  
16 tions are compounded or dispensed and in which drugs and medicines are  
17 compounded or dispensed, and includes in addition the area of the  
18 pharmacy used by its customers;

19 \* Sec. 30. AS 08.80.480(10) is amended to read:

20 (10) "retail pharmacy [DEALER]" means a person who sells to  
21 the ultimate user;

22 \* Sec. 31. AS 08.80.480(13) is amended to read:

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

25 \* Sec. 32. AS 08.80.480 is amended by adding new paragraphs to read:

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

28 (15) "drug room" means an area provided only for the proper  
29 and safe storage, preservation and control of bulk supply drugs and is

1 under the responsibility of a continuously employed or consultant  
2 pharmacist;

3 (16) "hospital pharmacy" means and includes a pharmacy,  
4 licensed by the board, located within any hospital, institution or  
5 establishment which maintains and operates organized facilities for  
6 the diagnosis, care and treatment of human illness and provides for the  
7 obtaining, storage and dispensing of drugs to both in-patients and out-  
8 patients and is under the responsibility of a staff pharmacist;

9 (17) "out-patient dispensing" means dispensing drugs for  
10 administration outside of the hospital pharmacy's control;

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