

Original sponsor: Commerce Committee

Offered: 4/3/72
Referred: Rules

1 IN THE HOUSE

BY THE COMMERCE COMMITTEE

2 CS FOR 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 AS 08.80.110(5) is repealed and re-enacted to read: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>	10

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

* Sec. 12. AS 08.80.260 is amended by adding a new paragraph 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.

* 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 [ONCE] each year, the names of all pharmacists [CLERKS] 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

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 pre-
14 paration of approximately equal therapeutic value so long as he noti-
15 fies the author of the prescription at an early opportunity. The
16 pharmacist in all cases of substitution, except when specifically
17 indicated to the contrary by the physician, shall relate the nature of
18 the change to the patient.

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

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

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

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

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

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

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

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

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

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

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

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

28 Sec. 08.80.365. PARTIAL CLOSURE OF PHARMACY. A pharmacy or
29 pharmacy drug department which is open for business at times different

1 than the remainder of the store or building in which the pharmacy is
2 located shall

3 (1) have a separate outside entrance;

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

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

10 (4) be locked during nonbusiness hours; and

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

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

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

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

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

23 (a) A hospital, [OR] clinic, nursing home, infirmary or related
24 facility which dispenses drugs for outpatient treatment shall have a
25 licensed pharmacist in charge of the dispensary, except that prescrip-
26 tions may be compounded and dispensed by or under the supervision of
27 the prescribing physician.

28 (b) The board shall issue a license to a hospital drug room,
29 nursing home drug room or related facility which dispenses drugs from

1 bulk supply for inpatient treatment, providing such facility employs
2 a licensed pharmacist on a continual or consultant basis.

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

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

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

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

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

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

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

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

23 Sec. 08.80.471. JURY DUTY. Persons registered under this chapter
24 are exempt from jury duty.

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

26 Sec. 08.80.472. OWNERSHIP RESTRICTED. (a) The board may not,
27 after the effective date of this Act, grant a license for the operation
28 of a prescription department for outpatient dispensing in the state
29 to individuals who are not registered pharmacists under this chapter

1 or to corporations which are not owned and controlled by pharmacists
2 registered under this chapter, unless the issuance of licenses to other
3 individuals or corporations is a necessity from the standpoint of public
4 health and welfare. If, on the effective date of this Act, a prescrip-
5 tion department is not under the ownership and control of a licensed
6 pharmacist, the present owner has two years to make arrangements for
7 disposition of the prescription department and its contents.

8 (b) All sales of corporate stock of a corporation to which a
9 license to conduct a prescription department has been issued shall be
10 reported to the board in the manner the board shall prescribe. A sale
11 of stock resulting in the change in control of a corporation is a
12 change of ownership within the meaning of this section.

13 (c) The issuance of a license to the lawful heirs of a retail
14 pharmacy may not be refused on the ground that the lawful heirs are
15 not registered pharmacists under this chapter; however, the lawful heirs
16 shall comply with (a) of this section as to time allowed for disposition
17 of the prescription department.

18 (d) In communities which have only one licensed pharmacy, which
19 is owned by a nonregistered person, grandfather rights shall exist
20 until there is a change of ownership due to the demise of the present
21 owner or until the present owner disposes of the control of the
22 prescription department. Disposal, in either case, must be in accordance
23 with this section.

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

25 (5) "pharmacy" includes "drug store" and "pharmacy or drug
26 department" and means a place of business in which physicians' prescrip-
27 tions are compounded or dispensed and in which drugs and medicines are
28 compounded or dispensed, and includes in addition the area of the
29 pharmacy used by its customers;

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

2 (10) "retail pharmacist [DEALER]" means a person who sells to
3 the ultimate user;

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

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

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

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

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

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

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

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

25 (19) "shopkeeper" means a retail dealer who sells over the
26 counter medicinal preparations in original unbroken packaging which
27 do not require a prescription for dispensing.
28
29