

Original sponsor: Commerce Committee

Offered: 4/3/72
Referred: Rules

1 IN THE HOUSE

BY THE COMMERCE COMMITTEE

2 *SCS* 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 (8) promulgate regulations to ensure adequate security for
14 all dangerous drugs.

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

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

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

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

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 AS 08.80.110(5) is repealed and re-enacted to read:

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

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

28 Sec. 08.80.115. REGISTRATION OF INTERN PHARMACISTS. (a) An
29 applicant for registration as an intern pharmacist shall meet the re-

1 requirements of sec. 110(1) - (3) of this chapter and pay the required
2 fee.

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

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

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

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

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

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

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

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

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

1 the prescription, the serial number of the prescription, the name and
2 directions of the prescriber, the name of the patient, the date of
3 dispensing, and the initials of the registered pharmacist who compounded
4 the prescription. In addition a pharmacist shall indicate on the drug
5 container the name and strength of the drug contained in it, unless
6 specifically directed otherwise by the prescribing physician, osteo-
7 pathic physician, dentist or veterinarian. If a drug is a mixture of
8 pharmacologically active substances, only the name of the mixture need
9 be indicated on the container, or in the absence of a name, the term
10 "physician's mixture" may be used.

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

12 Sec. 08.80.295. SUBSTITUTION. In preparing a prescription, a
13 pharmacist may not substitute a drug for a registered brand or trade
14 name product specified unless he obtains permission from the author of
15 the prescription; but if the prescribing physician, osteopathic physi-
16 cian, dentist or veterinarian is temporarily unavailable, the pharmacist
17 may, if he cannot supply the drug requested, substitute a drug or pre-
18 paration of approximately equal therapeutic value so long as he noti-
19 fies the author of the prescription at an early opportunity. The
20 pharmacist in all cases of substitution, except when specifically
21 indicated to the contrary by the physician, shall relate the nature of
22 the change to the patient.

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

24 (a) The owner, or, if the owner is not a licensed pharmacist,
25 the manager, of every drug store, [AND THE PROPRIETOR OF EVERY GENERAL
26 STORE, OR ROADHOUSE,] shall maintain in his place of business a record
27 in which sales of the following items shall be entered: the compounds
28 and salts of arsenic and mercury (calomel excepted); caustic hydrates
29 of sodium and potassium; the concentrated mineral acids; hydrocyanic

1 acids and their salts; yellow phosphorous; the essential oils of penny-
2 royal, tansy and savine; croton oil, aconite; carbolic acid; and the
3 poisonous alkaloids or alkaloidal salts.

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

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

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

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

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

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

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

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

24 Sec. 08.80.350. TECHNICAL AIDS REQUIRED. Each licensed pharmacy
25 shall have on the premises a copy of the most recent revision of the
26 "United States Dispensatory" or "Remington's Practice of Pharmacy" or
27 both the "National Formulary" and the "United States Pharmacopia." In
28 addition, each pharmacy shall have sufficient technical equipment to
29 properly compound prescriptions and pharmaceutical preparations. No

1 license may be issued until the requirements of this section are met.

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

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

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

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

13 (3) be locked during nonbusiness hours; and

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

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

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

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

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

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

1 the prescribing physician.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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