

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 (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 AS 08.80.110(5) is repealed and re-enacted to read: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 PRE--GRADUATE AND POST--GRADUATE IN-
29 TERN PHARMACIST. (a) An applicant for registration as a post-graduate

1 intern pharmacist shall meet the requirements of Section 110 (1) through
2 (3) of this chapter and pay the required fee.

3 (b) An applicant for registration as a pre-graduate pharmacist shall
4 meet the requirements of Section 110 (1) and (2) and shall be enrolled in a
5 pharmacy school recognized by the National Association of Board of Phar-
6 macy and shall be declared a junior by the pharmacy school. An applicant
7 for registration as a pre-graduate internship pharmacist may be on recog-
8 nized vacation from the pharmacy school; however, such vacation may not
9 exceed one quarter or one semester. The pre-graduate internship pharma-
10 cist shall pay the required fee.

11 (c) The registration of post graduate or pre-graduate internship
12 pharmacists is valid for one year and may be renewed upon application.

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

14 Sec. 08.80.120. GRADING AND CONTENT OF EXAMINATION. To pass the
15 state pharmacy examination each applicant must attain a general average of
16 not less than 75 per cent and a grade of not less than 60 per cent in each
17 of the following subjects on the examination: jurisprudence, chemistry,
18 mathematics (CALCULATIONS, DISPENSING PHARMACY], pharmacy, pharmacology
19 [MATERIA MEDICA] and related subjects, and in the discretion of the board,
20 oral theory and practical pharmacy.

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

22 Sec. 08.80.130. RE-EXAMINATION. An applicant unsuccessful in his in-
23 itial examination may take a second examination within one year without
24 further application and upon payment of the re-examination fee. If the ap-
25 plicant fails to take a second examination within one year, he must submit
26 a new application for any examination.

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

28 Sec. 08.80.140. LICENSE BY ENDORSEMENT [RECIPROCITY]. The board may
29 register without examination an applicant who has been certified as a reg-

1 istered pharmacist by the National Association of Boards of Pharmacy, if
2 the applicant meets the requirements of sec. 110(1) - (4) [HAS COMPLIED
3 WITH SEC. 110(5)] of this chapter.

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

5 Sec. 08.80.150. TEMPORARY REGISTRATION. The board shall issue [GIVE]
6 a temporary license to an applicant applying [ELIGIBLE] for registration
7 as a pharmacist under sec. 140 of this chapter upon written or oral exam-
8 ination before a member of the board and certification by the member to
9 the secretary of the board that the applicant is competent to receive a
10 temporary license. The temporary license is valid for three months, or
11 until the next regular meeting of the board, whichever is longer. A tem-
12 porary license is not renewable, but at the discretion of the issuing
13 board member may be extended for a period not to exceed 60 days, and an
14 applicant may not receive more than one temporary license. An applicant
15 whose registration has been denied by the board is not eligible to receive
16 a temporary license [PERMIT].

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

18 Sec. 08.80.155. EMERGENCY PERMIT. (a) The board may at its discre-
19 tion grant an emergency permit to a pharmacist for the purpose of provid-
20 ing coverage in a pharmacy which is temporarily without the services of a
21 pharmacist due to death, illness or other emergency circumstances.

22 (b) A pharmacist applying under (a) of this section must submit proof
23 that he holds a license in good standing in a state recognized by the
24 National Association of Boards of Pharmacy, and pay the fee required under
25 sec. 160 of this chapter.

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

28 * Sec. 11. AS 08.80.160 is amended to read:

29 Sec. 08.80.160. FEES. The following fees shall be imposed under this

chapter when applicable:

(1)	examination fee.....	\$50
(2)	re-examination fee.....	15
(3)	reciprocity investigation fee.....	25
(4)	biennial pharmacist license fee.....	50
(5)	temporary license fee.....	10
(6)	wholesale <u>drug</u> dealer biennial license fee.....	50
(7)	retail <u>pharmacy</u> [DEALER] biennial license fee.....	50
(8)	<u>pharmacy intern registration fee.....</u>	10
(9)	<u>emergency permit fee.....</u>	10
(10)	<u>hospital pharmacy biennial license fee (in and out-</u> <u>patient).....</u>	50
(11)	<u>hospital drug room biennial license fee (in-patient).</u>	25
(12)	<u>nursing home and related facilities biennial license</u> <u>fee for in-patient dispensing.....</u>	25
(13)	<u>shopkeepers biennial permit fee.....</u>	10
(14)	<u>license amendment or replacement fee.....</u>	2

* Sec. 12. AS 08.80.260 is amended by adding new paragraphs 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;

(9) violation of regulations pertaining to the provision of adequate security for dangerous drugs.

* 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 pahrarmacy shall forward to the board a

1 change of employee notice within 10 days of hiring or dismissing a
2 pharmacist.

3 * Sec. 14. AS 08.80.290 is amended to read:

4 Sec. 08.80.290. AFFIXING OF LABEL. At the time of dispensing a pre-
5 scription, there shall be affixed to the container of a prescription, a
6 label bearing the name and address of the pharmacy compounding the pre-
7 scription, the serial number of the prescription, the name and directions
8 of the prescriber, the name of the patient, the date of dispensing, and the
9 initials of the registered pharmacist who compounded the prescription. In
10 addition a pharmacist shall indicate on the drug container the name and
11 strength of the drug contained in it, unless specifically directed other-
12 wise by the prescribing physician, osteopathic physician, dentist or vet-
13 erinarian. If a drug is a mixture of pharmacologically active substances
14 only the name of the mixture need be indicated on the container, or in the
15 absence of a name, the term "physician's mixture" may be used.

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

17 Sec. 08.80.295. SUBSTITUTION. In preparing a prescription, a phar-
18 macist may not substitute a drug for a registered brand or trade name pro-
19 duct specified unless he obtains permission from the author of the pre-
20 scription; but if the prescribing physician, osteopathic physician, den-
21 tist or veterinarian is temporarily unavailable, the pharmacist may, if
22 he cannot supply the drug requested, substitute a drug or preparation of
23 approximately equal therapeutic value so long as he notifies the author of
24 the prescription at an early opportunity. The pharmacist in all cases of
25 substitution, except when specifically indicated to the contrary by the
26 physician, shall relate the nature of the change to the patient.

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

28 (a) The owner, or, if the owner is not a licensed pharmacist, the
29 manager, of every drug store, [AND THE PROPRIETOR OF EVERY GENERAL STORE,

1 OR ROADHOUSE,] shall maintain in his place of business a record in which
2 sales of the following items shall be entered: the compounds and salts of
3 arsenic and mercury (calomel excepted); caustic hydrates of sodium and
4 potassium; the concentrated mineral acids; hydrocyanic acids and their
5 salts; yellow phosphorous; the essential oils of pennyroyal, tansy and
6 savine; croton oil, aconite; carbolic acid; and the poisonous alkaloids
7 or alkaloidal salts.

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

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

12 (b) In communities which have one licensed pharmacy, the owner of the
13 pharmacy shall have a [LICENSED] pharmacist, licensed and registered under
14 this chapter, on duty, or on call, at all times that the pharmacy is open
15 for business.

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

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

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

20 Sec. 08.80.340. WHO MAY PREPARE PRESCRIPTIONS. No person except a
21 licensed pharmacist or a licensed intern pharmacist under the direct sup-
22 ervision of a licensed pharmacist may compound and dispense the prescrip-
23 tion of a physician. However, this section does not limit the authority
24 of a licensed medical doctor to compound and dispense medicinal prepara-
25 tions.

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

27 Sec. 08.80.350. TECHNICAL AIDS REQUIRED. Each licensed pharmacy shall
28 have on the premises a copy of the most recent revision of the "United
29 States Dispensatory" or "Remington's Practice of Pharmacy" or both the

1 "National Formulary" and the "United States Pharmacopia". In addition,
2 each pharmacy shall have sufficient technical equipment to properly com-
3 pound prescriptions and pharmaceutical preparations. No license may be
4 issued until the requirements of this section are met.

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

6 Sec. 08.80.365. PARTIAL CLOSURE OF PHARMACY. A pharmacy or pharmacy
7 drug department which is open for business at times different than the re-
8 mainder of the store or building in which the pharmacy is located shall

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

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

14 (3) be locked during nonbusiness hours; and

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

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

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

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

26 Sec. 08.80.390. PHARMACISTS REQUIRED IN HOSPITALS AND CLINICS. (a)
27 A hospital, [OR] clinic, nursing home, infirmary or related facility which
28 dispenses drugs for outpatient treatment shall have a licensed pharmacist
29 in charge of the dispensary, except that prescriptions may be compounded

1 and dispensed by or under the supervision of 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;

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

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

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

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

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