

Offered: 4/1/86  
Referred: Finance

Original sponsor: Gruenberg

1 IN THE HOUSE  
2  
3 CS FOR HOUSE BILL NO. 641 (HESS)  
4 IN THE LEGISLATURE OF THE STATE OF ALASKA  
5 FOURTEENTH LEGISLATURE - SECOND SESSION  
6 A BILL  
7 For an Act entitled: "An Act relating to generic drugs, pharmaceuticals,  
8 and the Board of Pharmacy; repealing the marijuana  
9 therapeutic research program; and providing for an  
10 effective date."  
11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:  
12 \* Section 1. AS 08.03.010(c)(4) is amended to read:  
13 (4) Board of Pharmacy (AS 08.80.010) -- June 30, 1989  
14 [1985].  
15 \* Sec. 2. AS 08.80.030 is amended to read:  
16 Sec. 08.80.030. POWERS OF THE BOARD. The board may  
17 (1) elect a president and secretary from its membership and  
18 adopt rules for the conduct of its business;  
19 (2) examine applicants for registration as pharmacists;  
20 (3) assist the department in inspections and investigations  
21 [INVESTIGATE INDIVIDUALLY, COLLECTIVELY, OR THROUGH ITS AGENT,] for  
22 violations of this chapter, or of any other state or federal statute  
23 relating to the practice of pharmacy;  
24 (4) adopt regulations and do whatever else is necessary and  
25 advisable to carry out the purposes of this chapter;  
26 (5) adopt [PROMULGATE] regulations to carry out the pur-  
27 poses of this chapter;  
28 (6) [REPEALED  
29 (7)] register intern pharmacists and adopt regulations  
[PROMULGATE RULES] relating to their minimum experience requirements;

1           (7) adopt [(8) PROMULGATE] regulations to ensure adequate  
2 security for all dangerous drugs;

3           (8) [(9)] adopt requirements for licensing in addition to  
4 the requirements set out in this chapter.

5 \* Sec. 3. AS 08.80.295(a) is amended to read:

6           (a) Unless the prescription expressly states that it is to be  
7 dispensed only as written [EXCEPT AS LIMITED BY (b) AND (c) OF THIS  
8 SECTION, WITH THE CONSENT OF THE PURCHASER], the pharmacist may sub-  
9 stitute a drug product with the same generic name in the same  
10 strength, quantity, dose and dosage form as the prescribed drug,  
11 provided the substitute drug [PRESCRIBED DRUG WHICH] is, in the phar-  
12 macist's professional opinion, therapeutically equivalent and meets  
13 the standards of (g) of this section. The [UPON SUBSTITUTION THE]  
14 pharmacist shall notify the purchaser [AND THE PERSON WHO PRESCRIBED  
15 THE DRUG] of the substitution, and shall record on the prescription  
16 and keep a record of the name and manufacturer of the drug substi-  
17 tuted.

18 \* Sec. 4. AS 08.80.295 is amended by adding new subsections to read:

19           (i) A pharmacist who substitutes a drug in compliance with this  
20 section incurs no greater liability in filling the prescription by  
21 dispensing the equivalent drug product than would be incurred in  
22 filling the prescription by dispensing the prescribed brand name drug.

23           (j) Every pharmacy shall post a sign in a location easily seen  
24 by patrons at the counter where prescriptions are dispensed stating  
25 that "Under Alaska law a therapeutically equivalent but less expensive  
26 drug may, in some cases, be substituted for the drug prescribed by  
27 your doctor. Please consult your pharmacist or physician." The  
28 printing on the sign shall be in block letters not less than one inch  
29 in height.

1 \* Sec. 5. AS 08.80.360 is amended to read:

2           Sec. 08.80.360. SALE OF DANGEROUS MATERIALS.    Drugs that [OR  
3 MEDICAL SUPPLIES WHICH] contain poisonous, potent, habit-forming or  
4 deleterious ingredients may [SHALL] be dispensed only by a licensed  
5 pharmacist. At the time of the sale, the pharmacist shall make the  
6 nature of the drug or medical preparation known to the purchaser.

7 \* Sec. 6. AS 08.80.480(2) is repealed and reenacted to read:

8           (2) "drug" means an article recognized in the official  
9 United States Pharmacopoeia, official Homeopathic Pharmacopoeia of the  
10 United States, or official National Formulary; an article intended for  
11 use in the diagnosis, cure, mitigation, treatment, or prevention of  
12 disease in man or animal; an article other than food, intended to  
13 affect the structure or function of the body of man or animal; and an  
14 article intended for use as a component of an article specified in  
15 this paragraph but does not include devices or their components,  
16 parts, or accessories;

17 \* Sec. 7. AS 08.80.480 is amended by adding a new paragraph to read:

18           (21) "nonprescription drug" means a nonnarcotic medicine or  
19 drug that may be sold without a prescription and that is prepackaged  
20 for use by the consumer and labeled in accordance with the require-  
21 ments of the statutes and regulations of the state and the federal  
22 government.

23 \* Sec. 8. AS 11.71.030(a) is amended to read:

24           (a) Except as authorized in AS 17.30 [OR AS 17.35], a person  
25 commits the crime of misconduct involving a controlled substance in  
26 the third degree if the person

27           (1) manufactures or delivers any amount of a schedule IIA  
28 or IIIA controlled substance or possesses any amount of a schedule IIA  
29 or IIIA controlled substance with intent to manufacture or deliver;

1 (2) delivers any amount of a schedule IVA, VA<sub>1</sub> or VIA  
2 controlled substance to a person under 19 years of age who is at least  
3 three years younger than the person delivering the substance; or

4 (3) being 18 years of age or older, possesses any amount of  
5 a schedule IA or IIA controlled substance within the grounds of or on  
6 a parking lot immediately adjacent to a public or private preschool,  
7 elementary, junior high, or secondary school.

8 \* Sec. 9. AS 11.71.040(a) is amended to read:

9 (a) Except as authorized in AS 17.30 [OR AS 17.35], a person  
10 commits the crime of misconduct involving a controlled substance in  
11 the fourth degree if the person

12 (1) manufactures or delivers any amount of a schedule IVA  
13 or VA controlled substance or possesses any amount of a schedule IVA  
14 or VA controlled substance with intent to manufacture or deliver;

15 (2) manufactures or delivers, or possesses with the intent  
16 to manufacture or deliver, one or more preparations, compounds, mix-  
17 tures, or substances of an aggregate weight of one ounce or more  
18 containing a schedule VIA controlled substance;

19 (3) possesses

20 (A) any amount of a schedule IA or IIA controlled  
21 substance;

22 (B) 25 or more tablets, ampules, or syrettes contain-  
23 ing a schedule IIIA or IVA controlled substance;

24 (C) one or more preparations, compounds, mixtures, or  
25 substances of an aggregate weight of three grams or more contain-  
26 ing a schedule IIIA or IVA controlled substance;

27 (D) 50 or more tablets, ampules, or syrettes contain-  
28 ing a schedule VA controlled substance;

29 (E) one or more preparations, compounds, mixtures, or

1 substances of an aggregate weight of six grams or more containing  
2 a schedule VA controlled substance; or

3 (F) one or more preparations, compounds, mixtures, or  
4 substances of an aggregate weight of one pound or more containing  
5 a schedule VIA controlled substance;

6 (4) being 18 years of age or older, possesses a schedule  
7 IIIA, IVA, VA, or VIA controlled substance within the grounds of or on  
8 a parking lot immediately adjacent to a public or private preschool,  
9 elementary, junior high, or secondary school;

10 (5) knowingly keeps or maintains any store, shop, ware-  
11 house, dwelling, building, vehicle, boat, aircraft, or other structure  
12 or place which is used for keeping or distributing controlled sub-  
13 stances in violation of a felony offense under this chapter or AS 17.-  
14 30;

15 (6) makes, delivers, or possesses a punch, die, plate,  
16 stone, or other thing which prints, imprints, or reproduces a trade-  
17 mark, trade name, or other identifying mark, imprint, or device of  
18 another or any likeness of any of these upon a drug, drug container,  
19 or labeling so as to render the drug a counterfeit substance;

20 (7) knowingly uses in the course of the manufacture or  
21 distribution of a controlled substance a registration number which is  
22 fictitious, revoked, suspended, or issued to another person;

23 (8) knowingly furnishes false or fraudulent information in  
24 or omits material information from any application, report, record, or  
25 other document required to be kept or filed under AS 17.30;

26 (9) obtains possession of a controlled substance by mis-  
27 representation, fraud, forgery, deception or subterfuge; or

28 (10) affixes a false or forged label to a package or other  
29 container containing any controlled substance.

1 \* Sec. 10. AS 11.71.050(a) is amended to read:

2 (a) Except as authorized in AS 17.30 [OR AS 17.35], a person  
3 commits the crime of misconduct involving a controlled substance in  
4 the fifth degree if the person

5 (1) manufactures or delivers, or possesses with the intent  
6 to manufacture or deliver, one or more preparations, compounds, mix-  
7 tures, or substances of an aggregate weight of one-half ounce or more  
8 containing a schedule VIA controlled substance;

9 (2) manufactures or delivers, or possesses with the intent  
10 to manufacture or deliver, one or more preparations, compounds, mix-  
11 tures, or substances of an aggregate weight of less than one-half  
12 ounce containing a schedule VIA controlled substance, for remunera-  
13 tion;

14 (3) possesses

15 (A) less than 25 tablets, ampules, or syrettes con-  
16 taining a schedule IIIA or IVA controlled substance;

17 (B) one or more preparations, compounds, mixtures, or  
18 substances of an aggregate weight of less than three grams con-  
19 taining a schedule IIIA or IVA controlled substance;

20 (C) less than 50 tablets, ampules, or syrettes con-  
21 taining a schedule VA controlled substance;

22 (D) one or more preparations, compounds, mixtures, or  
23 substances of an aggregate weight of less than six grams contain-  
24 ing a schedule VA controlled substance; or

25 (E) one or more preparations, compounds, mixtures, or  
26 substances of an aggregate weight of one-half pound or more  
27 containing a schedule VIA controlled substance; or

28 (4) fails to make, keep, or furnish any record, notifica-  
29 tion, order form, statement, invoice, or information required under

1 AS 17.30.

2 \* Sec. 11. AS 11.71.060(a) is amended to read:

3 (a) Except as authorized in AS 17.30 [OR AS 17.35], a person  
4 commits the crime of misconduct involving a controlled substance in  
5 the sixth degree if the person

6 (1) uses or displays any amount of a schedule VIA con-  
7 trolled substance or possesses one or more preparations, compounds,  
8 mixtures, or substances of an aggregate weight of one ounce or more  
9 containing a schedule VIA controlled substance on a public street or  
10 sidewalk or on the premises of a public carrier or business establish-  
11 ment or in any other public place;

12 (2) knowingly possesses any amount of a schedule VIA con-  
13 trolled substance within the immediate control of that person while  
14 operating a propelled vehicle;

15 (3) being under 19 years of age, possesses one or more  
16 preparations, compounds, mixtures, or substances of an aggregate  
17 weight of less than four ounces containing a schedule VIA controlled  
18 substance;

19 (4) possesses one or more preparations, compounds, mix-  
20 tures, or substances of an aggregate weight of four ounces or more  
21 containing a schedule VIA controlled substance; or

22 (5) refuses entry into a premises for an inspection au-  
23 thorized under AS 17.30.

24 \* Sec. 12. AS 11.71.070(a) is amended to read:

25 (a) Except as authorized in AS 17.30 [OR AS 17.35], a person  
26 commits the offense of misconduct involving a controlled substance in  
27 the seventh degree if the person

28 (1) manufactures or delivers, or possesses with the intent  
29 to manufacture or deliver, one or more preparations, compounds,

1 mixtures, or substances of an aggregate weight of less than one-half  
2 ounce of a schedule VIA controlled substance; or

3 (2) possesses one or more preparations, compounds, mix-  
4 tures, or substances of an aggregate weight of less than one ounce  
5 containing a schedule VIA controlled substance on a public street or  
6 sidewalk or on the premises of a public carrier or business establish-  
7 ment or in any other public place.

8 \* Sec. 13. AS 08.80.295(b), (c), and (f); 08.80.480(3); and AS 17.35  
9 are repealed.

10 \* Sec. 14. This Act takes effect immediately in accordance with AS 01.-  
11 10.070(c).