

Original sponsor(s): REP. MENARD, Donley, Hanley, Collins, Jacko

1 IN THE HOUSE

BY THE HESS COMMITTEE

2

CS FOR HOUSE BILL NO. 508 (HESS)

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

SIXTEENTH LEGISLATURE - SECOND SESSION

5

A BILL

6 For an Act entitled: "An Act relating to pharmacies located outside of the  
7 state."

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

9 \* Section 1. AS 08.80 is amended by adding a new section to read:

10 Sec. 08.80.158. REGISTRATION OF PHARMACIES LOCATED OUTSIDE OF  
11 STATE. (a) A pharmacy located outside of the state that ships,  
12 mails, or delivers prescription drugs into the state shall register  
13 with the board.

14 (b) A pharmacy registering with the board under (a) of this  
15 section shall furnish to the board annually

16 (1) the location, names, and titles of all principal corpo-  
17 rate officers and of all pharmacists who are dispensing prescription  
18 drugs to residents of the state;

19 (2) a copy of a current valid license, permit, or registra-  
20 tion to conduct operations in the jurisdiction in which it is located,  
21 and a copy of the most recent report resulting from an inspection of  
22 the pharmacy by the regulatory or licensing agency of the jurisdiction  
23 in which the pharmacy is located;

24 (3) a sworn statement indicating that the pharmacy complies  
25 with all lawful directions and requests for information from the  
26 regulatory or licensing authority of the jurisdiction in which the  
27 pharmacy is licensed; and

28 (4) proof satisfactory to the board that the pharmacy  
29 maintains its records of prescription drugs dispensed to persons in

1 the state so that the records are readily retrievable from the records  
2 of other prescription drugs dispensed by the pharmacy.

3 (c) A pharmacy subject to this section shall, during its regular  
4 hours of operation, provide a toll-free telephone service to facili-  
5 tate communication between persons in the state and a pharmacist at  
6 the pharmacy who has access to records concerning the dispensing of  
7 prescription drugs to persons in the state. The toll-free number and  
8 the hours that the service is available shall be disclosed on a label  
9 affixed to each container of drugs dispensed to persons in the state.  
10 The telephone service shall be available at least 40 hours a week and  
11 at least six days a week.

12 (d) The board may, after a hearing, deny, revoke, or suspend the  
13 registration of a pharmacy located outside of the state if the phar-  
14 macy fails to comply with the requirements of this section, AS 17.-  
15 20.080 - 17.20.135, or AS 17.30.020 - 17.30.080, or if the license,  
16 permit, or registration of the pharmacy is denied, revoked, or sus-  
17 pended by the licensing or regulatory agency of the jurisdiction in  
18 which the pharmacy is located.

19 (e) A pharmacy located outside of the state that is not regis-  
20 tered with the board under this section may not ship, mail, or deliver  
21 prescription drugs into the state and may not advertise its services  
22 in the state.

23 (f) A pharmacy subject to this section shall appoint a regis-  
24 tered agent in the state who is empowered to accept, on behalf of the  
25 pharmacy, process, notice, and demand required or permitted by law to  
26 be served upon the pharmacy. If the pharmacy fails to appoint an  
27 agent under this subsection, if the registered agent cannot with  
28 reasonable diligence be found at the registered office, or if the  
29 registration of the pharmacy is suspended or revoked, the commissioner

1 of commerce and economic development is an agent upon whom process,  
2 notice, or demand may be served. Service is made upon the commis-  
3 sioner in the same manner as provided for corporations under AS 10.-  
4 06.175(b), except that for the purposes of AS 10.06.175(b)(2)(A), the  
5 address shall be the last registered address of the pharmacy as shown  
6 by the records of the board.

7 \* Sec. 2. AS 08.80.160 is amended by adding a new paragraph to read:

8 (14) registration of a pharmacy located outside of the  
9 state.

10 \* Sec. 3. AS 08.80.480 is amended by adding new paragraphs to read:

11 (19) "pharmacy located outside of the state" means a phar-  
12 macy that prepares or mixes prescription drugs outside of the state,  
13 regardless of the location at which those drugs may be shipped, mail-  
14 ed, or delivered to the consumer;

15 (20) "prescription drug" means a drug other than a nonpre-  
16 scription drug.