

**CS FOR SENATE BILL NO. 125 (HES)**

**IN THE LEGISLATURE OF THE STATE OF ALASKA**

**SEVENTEENTH LEGISLATURE - FIRST SESSION**

**BY THE SENATE HEALTH, EDUCATION AND SOCIAL SERVICES COMMITTEE**

**Offered: 3/27/91**

**Referred: Labor and Commerce**

**Sponsor(s): SENATOR MENARD**

**A BILL**

**FOR AN ACT ENTITLED**

**1 "An Act relating to pharmacies located outside of the state."**

**2 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

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

**4           Sec. 08.80.158. REGISTRATION OF PHARMACIES LOCATED OUTSIDE OF STATE.**

**5           (a) A pharmacy located outside of the state that regularly ships, mails, or delivers prescription**  
**6           drugs to consumers in the state shall register with the board.**

**7           (b) A pharmacy registering with the board under (a) of this section shall furnish to the**  
**8           board annually**

**9                   (1) the location, names, and titles of all principal corporate officers and of all**  
**10                  pharmacists who are dispensing prescription drugs to residents of the state;**

**11                   (2) a copy of a current valid license, permit, or registration to conduct operations**  
**12                  in the jurisdiction in which it is located, and a copy of the most recent report resulting from an**  
**13                  inspection of the pharmacy by the regulatory or licensing agency of the jurisdiction in which the**  
**14                  pharmacy is located;**

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

4 (4) proof satisfactory to the board that the pharmacy maintains its records of  
5 prescription drugs dispensed to persons in the state so that the records are readily retrievable from  
6 the records of other prescription drugs dispensed by the pharmacy.

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

13 (d) The board may, after a hearing, deny, revoke, or suspend the registration of a  
14 pharmacy located outside of the state and subject to this section if the pharmacy fails to comply  
15 with the requirements of this section, AS 17.20.080 - 17.20.135, or AS 17.30.020 - 17.30.080,  
16 or if the license, permit, or registration of the pharmacy is denied, revoked, or suspended by the  
17 licensing or regulatory agency of the jurisdiction in which the pharmacy is located.

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

21 (f) A pharmacy subject to this section shall appoint a registered agent in the state who  
22 is empowered to accept, on behalf of the pharmacy, process, notice, and demand required or  
23 permitted by law to be served upon the pharmacy. If the pharmacy fails to appoint an agent  
24 under this subsection, if the registered agent cannot with reasonable diligence be found at the  
25 registered office, or if the registration of the pharmacy is suspended or revoked, the commissioner  
26 of commerce and economic development is an agent upon whom process, notice, or demand may  
27 be served. Service is made upon the commissioner in the same manner as provided for  
28 corporations under AS 10.06.175(b), except that for the purposes of AS 10.06.175(b)(2)(A), the  
29 address shall be the last registered address of the pharmacy as shown by the records of the board.

30 (g) The board shall by regulation define "regularly" for this section.

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

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

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

3 (19) "pharmacy located outside of the state" means a pharmacy that prepares or  
4 mixes prescription drugs outside of the state, regardless of the location at which those drugs may  
5 be shipped, mailed, or delivered to the consumer;

6 (20) "prescription drug" means a drug that requires a physician's prescription  
7 before it may be dispensed.