

**SB16 ENROLLED**



- 1 G35W26-2
- 2 By Senator Butler
- 3 RFD: Healthcare
- 4 First Read: 07-Mar-23
- 5 PFD: 22-Feb-23



**SB16 Enrolled**

1 Enrolled, An Act,

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4 SYNOPSIS:

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A BILL

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TO BE ENACTED

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AN ACT

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9 Relating to the Board of Pharmacy; to amend Section  
10 34-23-30 of the Code of Alabama 1975, relating to persons  
11 required to have a permit issued by the board to perform  
12 pharmacy services; to provide that an entity providing  
13 pharmacy services to residents of this state, rather than a  
14 person, would be required to have a permit issued by the  
15 board.

16 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

17 Section 1. Section 34-23-30 of the Code of Alabama  
18 1975, is amended to read as follows:

19 "§34-23-30

20 (a) Every pharmacy, hospital pharmacy, drugstore,  
21 pharmacy department, prescription department, prescription  
22 laboratory, ~~dispensary~~, apothecary, or any other establishment  
23 with a title implying the sale, offering for sale,  
24 compounding, or dispensing of drugs ~~in this state~~, or any  
25 ~~person performing~~ entity providing pharmacy services for  
26 patients residing in this state, shall register biennially and  
27 receive a permit from the board. Any person desiring to open,  
28 operate, maintain, or establish a pharmacy or ~~perform~~ to

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29 establish an entity to provide pharmacy services ~~in this state~~  
30 shall apply to the board for a permit at least 30 days prior  
31 to the opening of the business. No pharmacy or entity  
32 performing pharmacy services shall open for the transaction of  
33 business until it has been registered, inspected, and a permit  
34 issued by the board. The application for a permit shall be  
35 made on a form prescribed and furnished by the board which  
36 when properly executed shall indicate the ownership desiring  
37 such permit and the names and license numbers of all licensed  
38 pharmacists employed as well as the location of the pharmacy  
39 or entity where pharmacy services are performed and other  
40 information as the board may require. If more than one  
41 pharmacy or entity where pharmacy services are performed is  
42 operated by the same owner, a separate application for  
43 registration shall be made and a separate permit issued for  
44 each such establishment. All permits issued under this section  
45 shall become due on October 31 and shall become null and void  
46 on December 31 of even-numbered years. Every application for a  
47 permit for a new pharmacy or entity where pharmacy services  
48 are performed shall be accompanied by a fee to be determined  
49 by the board, but the fee shall not be less than one hundred  
50 dollars (\$100) nor more than two hundred dollars (\$200). Every  
51 application for a renewal permit shall be accompanied by a fee  
52 to be determined by the board, but the fee shall not be less  
53 than fifty dollars (\$50) nor more than one hundred fifty  
54 dollars (\$150). Every application for a permit due to transfer  
55 of ownership shall be accompanied by a fee to be determined by  
56 the board, but the fee shall not be less than one hundred



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57 fifty dollars (\$150) nor more than four hundred dollars  
58 (\$400). Every application for a permit for an out-of-state  
59 pharmacy or entity where pharmacy services are performed shall  
60 be accompanied by a fee to be determined by the board, but the  
61 fee shall not be less than seven hundred fifty dollars (\$750)  
62 nor more than two thousand dollars (\$2,000). Every application  
63 for a renewal permit for an out-of-state pharmacy or entity  
64 where pharmacy services are performed shall be accompanied by  
65 a fee to be determined by the board, but the fee shall not be  
66 less than four hundred dollars (\$400) nor more than seven  
67 hundred fifty dollars (\$750). Each application for the renewal  
68 of a permit shall be made on or before October 31 of each  
69 even-numbered year, at which time the previous permit shall  
70 become null and void on December 31 of even-numbered years. A  
71 penalty of twenty-five dollars (\$25) for each overdue month  
72 shall be assessed in addition to the permit fee for renewal of  
73 delinquent permits. The secretary of the board shall issue a  
74 permit for each pharmacy or entity where pharmacy services are  
75 performed whose application is found to be satisfactory by the  
76 board. Permits issued under this section shall not be  
77 transferable. Any change in the control of ownership or  
78 licensed pharmacists shall be reported to the board in writing  
79 within 10 days of such occurrence. If the pharmacy or entity  
80 where pharmacy services are performed is owned by a  
81 corporation, the permit shall be issued in the name of the  
82 corporation. It shall be the duty of the owners of pharmacies  
83 or the owners of entities where pharmacy services are  
84 performed who are not licensed pharmacists to immediately



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85 notify the board upon the termination of employment of  
86 licensed pharmacists and to cause the surrender of permits as  
87 indicated. The further operation of the pharmacy or entity  
88 where pharmacy services are performed in the absence of  
89 licensed pharmacists is forbidden; provided, that the  
90 nonregistered owner shall have a period of 30 days within  
91 which to comply with this subsection. The next of kin of any  
92 deceased licensed pharmacist owner shall have a period of 30  
93 days within which to comply with this chapter, during which  
94 time no prescriptions shall be filled unless a licensed  
95 pharmacist is on duty. No mail order pharmacy shall transact  
96 business in this state without a permit from the board.

97 (b) Requirements for the grant of authority by the  
98 board to any ~~person who offers or performs~~ entity providing  
99 pharmacy services shall be by board rule.

100 (c) Nothing contained in this section related to  
101 pharmacy services permits shall be interpreted to delegate to  
102 the board the authority to ~~promulgate~~ adopt rules governing  
103 pharmacy benefit managers.

104 (d) Any person who violates this section shall be  
105 guilty of a misdemeanor."

106 Section 2. This act shall become effective on the first  
107 day of the third month following its passage and approval by  
108 the Governor, or its otherwise becoming law.



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President and Presiding Officer of the Senate

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Speaker of the House of Representatives

SB16  
Senate 04-Apr-23  
I hereby certify that the within Act originated in and passed  
the Senate.

Patrick Harris,  
Secretary.

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House of Representatives  
Passed: 20-Apr-23

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By: Senator Butler