

1 HB109  
2 214912-1  
3 By Representative Sorrells  
4 RFD: Boards, Agencies and Commissions  
5 First Read: 11-JAN-22

SYNOPSIS: Under existing law, a graduate of a school of pharmacy and a student in a school of pharmacy may compound and dispense prescriptions under certain conditions.

This bill would authorize the Board of Pharmacy to issue a pharmacy intern/extern permit to a graduate of a school of pharmacy or a student in a school of pharmacy authorizing the pharmacy intern or extern to compound or dispense prescriptions. The bill would authorize a fee for the permits and a background check of the applicants.

A BILL  
TO BE ENTITLED  
AN ACT

Relating to the Board of Pharmacy; to amend Section 34-23-50, Code of Alabama 1975, relating to the practice of pharmacy, to authorize the board to issue permits to persons

1 as pharmacy interns or externs who are authorized to compound  
2 or dispense prescriptions under the immediate direct  
3 supervision of a pharmacist; and to delete certain obsolete  
4 language.

5 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

6 Section 1. Section 34-23-50, Code of Alabama 1975,  
7 is amended to read as follows:

8 "§34-23-50.

9 "(a) It shall be unlawful for any person, firm, or  
10 corporation to practice pharmacy in this state or to permit  
11 prescriptions to be compounded ~~and/or~~ or dispensed by ~~persons~~  
12 a person other than ~~those~~ a person duly licensed by the board  
13 to practice pharmacy in this state; ~~provided, that any.~~

14 "(b) (1) Notwithstanding subsection (a), the board  
15 may issue a pharmacy intern/extern permit as further provided  
16 in this subsection that authorizes a pharmacy intern or extern  
17 to compound and dispense prescriptions while serving under the  
18 immediate direct supervision of a licensed pharmacist on the  
19 premises of a permitted pharmacy.

20 "(2) The following persons may apply to the board  
21 for a pharmacy intern/extern permit:

22 "a. A person who holds a professional degree in  
23 pharmacy from a school of pharmacy recognized by the board who  
24 is serving his or her internship under the immediate direct  
25 supervision of a pharmacist on the premises registered by the  
26 board and any desires to serve as a pharmacy intern.

1           "b. A person who is enrolled in a school of pharmacy  
2           ~~recognized by the board working under the immediate and direct~~  
3           ~~supervision of a pharmacist on the premises registered by the~~  
4           ~~board pursuing his or her education as a pharmacist shall be~~  
5           ~~permitted to compound and/or dispense prescriptions~~ who  
6           desires to serve as a pharmacy extern while pursuing his or  
7           her education as a pharmacist. In order to be considered  
8           enrolled in a school of pharmacy and pursuing ~~his or her~~  
9           education as a pharmacist, ~~a~~ the person shall not be absent  
10          from the school of pharmacy for more than two consecutive  
11          semesters or three consecutive quarters, dependent upon the  
12          system in use in the school of pharmacy. ~~Any bona fide~~  
13          ~~resident of this state who shall furnish proof to the board in~~  
14          ~~person by affidavits from two pharmacists licensed by the~~  
15          ~~State Board of Pharmacy, neither of whom shall be related to~~  
16          ~~the applicant by blood or marriage, within a period of 90 days~~  
17          ~~subsequent to August 26, 1966, establishing the fact that he~~  
18          ~~or she has filled prescriptions under the supervision of a~~  
19          ~~licensed pharmacist over a period of at least 15 successive~~  
20          ~~years next preceding the offer of such proof shall be issued~~  
21          ~~an assistant's certificate which will authorize the person to~~  
22          ~~practice pharmacy in this state; provided, that the person~~  
23          ~~shall be under the supervision of a licensed pharmacist at all~~  
24          ~~times, and such person shall be subject to all of the~~  
25          ~~provisions of this chapter governing the practice of pharmacy~~  
26          ~~in this state, including, but not limited to, the revocation~~  
27          ~~or suspension of such certificate for violations of the~~

1 ~~provisions of this chapter; and provided further, that such~~  
2 ~~person shall pay an original registration fee to be determined~~  
3 ~~by the board, but the fee shall not be less than twenty-five~~  
4 ~~dollars (\$25) nor more than fifty dollars (\$50) upon the~~  
5 ~~issuance of such certificate. All certificates so issued shall~~  
6 ~~expire on December 31 of even-numbered years. In order to~~  
7 ~~continue to obtain a certificate as a pharmacist's assistant,~~  
8 ~~a biennial renewal fee in an amount determined by the board~~  
9 ~~shall be paid, but the fee shall not be less than twenty-five~~  
10 ~~dollars (\$25) nor more than one hundred fifty dollars (\$150).~~  
11 ~~This renewal fee shall be paid to the secretary of the board~~  
12 ~~and shall be due on October 31 and delinquent after December~~  
13 ~~31 of even-numbered years. The payment of the renewal fee~~  
14 ~~shall entitle the holder thereof to renewal of his or her~~  
15 ~~certificate at the discretion of the board. If any~~  
16 ~~pharmacist's assistant fails to pay a renewal fee on or before~~  
17 ~~the due date, the holder of the certificate may be reinstated~~  
18 ~~as a pharmacist's assistant only upon payment of a penalty of~~  
19 ~~ten dollars (\$10) for each lapsed month and all lapsed fees,~~  
20 ~~provided the lapsed time of certification shall not exceed~~  
21 ~~five years, in which case reinstatement may be had only upon~~  
22 ~~satisfactory examination by the board. As used in this~~  
23 ~~section, the term "supervision" shall be construed to mean~~  
24 ~~that the supervising licensed pharmacist shall be either~~  
25 ~~personally present or on call and available for consultation~~  
26 ~~at all times, or a licensed pharmacist designated by the~~  
27 ~~supervising licensed pharmacist shall be either personally~~

1 ~~present or on call and available for consultation at all~~  
2 ~~times.~~

3 "(3) A person requesting a pharmacy intern/extern  
4 permit shall submit an application to the board in a form as  
5 determined by the board. The person shall be required to be of  
6 good moral character and a citizen of the United States or, if  
7 not a citizen, must be legally present in the United States  
8 with appropriate documentation from the federal government.  
9 Further, the person shall not have engaged in any conduct that  
10 would be a violation of this chapter or board rule.

11 "(4) The application shall be accompanied with an  
12 initial fee of not more than one hundred dollars (\$100).

13 "(5) The board shall require a background check on  
14 each applicant as part of the initial application process. The  
15 cost of the background check shall be paid by the applicant.

16 "(6) A pharmacy intern/extern permit shall expire on  
17 December 31 of odd-numbered years. In order to continue to  
18 work as an intern or extern, a renewal fee of not more than  
19 one hundred dollars (\$100), as determined by the board, shall  
20 be received by the board by December 31 of the year of  
21 expiration. If the renewal is not timely received by the  
22 board, the applicant for renewal shall pay a penalty of not  
23 more than fifty dollars (\$50), as determined by the board, for  
24 each month the renewal is late.

25 "(7) For the purposes of this subsection, "immediate  
26 direct supervision" means that at least one pharmacist is  
27 personally present and available on the premises of the

1 pharmacy for consultation with the intern or extern at all  
2 times.

3 "~~(b)~~ (c) Notwithstanding Section 20-2-51 or any other  
4 law to the contrary, each person licensed by the board to  
5 practice pharmacy may distribute or dispense controlled  
6 substances during the biennial period for which the person is  
7 licensed."

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