

1 HB566
2 139383-2
3 By Representative Buskey
4 RFD: Health
5 First Read: 20-MAR-12

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ENROLLED, An Act,

To amend Section 34-23-70, Code of Alabama 1975, relating to prescription drugs; to allow a named federally qualified health care center and public health facility to compound and dispense non-controlled substances at one location and deliver the medications to clinics for patient pick-up.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Section 34-23-70 of the Code of Alabama 1975, is amended to read as follows:

"§34-23-70.

"(a) Every pharmacy when opened for business shall be under the personal supervision of a duly licensed pharmacist who shall have personal supervision of not more than one pharmacy at the same time. During temporary absences of the licensed pharmacist, not to exceed three hours daily or more than one and one-half hours at any one time, nor more than one week for temporary illness, the prescription department shall be closed, and no prescriptions are to be filled. During the temporary absence of a pharmacist, a sign shall be placed on the prescription counter in a prominent location easily seen by the public stating, "Prescription Department Closed, No Pharmacist on Duty."

1 "(b) The permit issued to each pharmacist by the
2 board and the licensure certificates issued to the licensed
3 pharmacist employed by each pharmacy must be prominently and
4 conspicuously displayed in the pharmacy. The name of the
5 licensed pharmacist on duty must be conspicuously displayed in
6 the prescription department in a place readily observable by
7 the public.

8 "(c) No licensed pharmacist or pharmacy operating
9 within this state shall accept for refund purposes or
10 otherwise any unused portion of any dispensed prescription.

11 "(d) The sale of poisons is restricted to the
12 immediate supervision of a licensed pharmacist, and such
13 poison shall not be displayed in a pharmacy in such a manner
14 that a customer may obtain possession of such poisons when
15 standing in an area allocated for customer use. No sale of a
16 poison shall be made or delivered to any minor under 12 years
17 of age or to any person known to be of unsound mind or under
18 the influence of alcohol.

19 "(e) No pharmacy shall authorize any person, firm,
20 or business establishment to serve as a pick-up station or
21 intermediary for the purpose of having prescriptions filled or
22 delivered, whether for profit or gratuitously. Except with
23 respect to controlled substances, the following federally
24 qualified health care centers are expressly exempt from this
25 subsection: Birmingham Health Care, Inc., Central Alabama

1 Comprehensive Health, Inc., Health Services, Inc., Family
2 Oriented Primary Health Care Clinic/Mobile County Health
3 Department, Franklin Primary Health Center, Quality of Life
4 Health Services, Inc., ~~and~~ Whatley Health Services, Inc., and
5 Central North Alabama Health Services. Each named federally
6 qualified health center is authorized to fill certain
7 prescriptions at one location and deliver medications to
8 clinics for patient pick-up subject to the review of the Board
9 of Pharmacy.

10 "(f) No prescription blank supplied by a pharmacy or
11 pharmacist to a practitioner shall bear the imprint thereon of
12 the name or address of any pharmacy or bear the name or
13 address of any person registered under this chapter.

14 "(g) No person shall fill or compound a prescription
15 or drug order in an institution unless he is a duly licensed
16 pharmacist or otherwise permitted to do so under the
17 provisions of this chapter. The act of filling or compounding
18 prescriptions or drug orders in an institution shall be as
19 defined in the rules and regulations adopted by the board of
20 pharmacy.

21 "However, such rules and regulations shall not apply
22 to the reading, interpreting, and writing or verifying the
23 writing of adequate directions as are necessary to assure
24 patient's understanding of the prescriber's intentions by a

1 duly qualified nurse practicing her/his profession in a
2 licensed hospital or similar institution.

3 "Nothing in this chapter shall authorize the Board
4 of Pharmacy to promulgate or to enforce any rule or regulation
5 which governs, regulates, or restricts the professional
6 practice of a physician licensed to practice medicine in this
7 state. No provision of this chapter, or any rule promulgated
8 under the authority of this chapter shall be interpreted to
9 amend, alter, or modify the provisions of Section 34-23-11.

10 "(h) Only a licensed pharmacist or registered intern
11 may accept an oral prescription of any nature. Upon so
12 accepting such oral prescription, it must immediately be
13 reduced to writing, and only a licensed pharmacist or an
14 intern supervised by a licensed pharmacist may prepare a copy
15 of a prescription or read a prescription to any person for
16 purposes of providing reference concerning treatment of the
17 person or animal for whom the prescription was written; and,
18 when the copy is given, a notation shall be made upon the
19 prescription that a copy has been given, the date given, and
20 to whom given.

21 "(i) If a prescription is refilled, a record of the
22 date upon which the prescription is refilled must appear on
23 the prescription or in a permanent prescription record book.
24 On prescriptions which may be refilled, written or oral
25 authorization must be received before refilling unless the

1 number of refills is indicated on the original prescription.
2 Those prescriptions marked "refill prn" or equivalent
3 designation shall be refilled only in quantities commensurate
4 with the dosage scheduled.

5 "(j) Each prescription must be written in a manner
6 so that it can be compounded by any registered pharmacist. The
7 coding of any prescription is in violation of this chapter. No
8 prescription shall be written in any characters, figures, or
9 ciphers, other than in the English or Latin language,
10 generally in use among medical and pharmaceutical
11 practitioners.

12 "(k) A prescription file or files shall be kept by
13 every pharmacy for a period of not less than two years in
14 which the original of every prescription compounded or
15 dispensed shall be filed in the order of compounding with
16 number and date of dispensing placed on each prescription.
17 Each pharmacy shall produce any prescription file whenever
18 legally required to do so. Such prescription file shall at all
19 times be open for inspection by the prescriber, the board of
20 pharmacy, or its inspectors.

21 "(l) All drugs or drug preparations bearing upon the
22 package the words, "caution, federal law prohibits dispensing
23 without prescription" or words to the same effect, otherwise
24 known as "legend drugs," shall be stored within the confines
25 of the prescription department or the prescription department

1 storage room of each pharmacy. Such drugs shall be sold or
2 dispensed only on the prescription of a licensed practitioner
3 authorized to prescribe such drugs and shall not be sold or
4 dispensed as a refilled prescription except upon the express
5 authorization of the prescriber. This shall not be construed
6 to prohibit return to authorized suppliers or sale or transfer
7 to others licensed to possess legend drugs.

8 "(m) Any person who violates any of the provisions
9 of this section shall be guilty of a misdemeanor."

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

