

1 HB237  
2 148030-2  
3 By Representatives Beech, Wallace, Standridge and Johnson (R)  
4 RFD: Health  
5 First Read: 12-FEB-13

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ENROLLED, An Act,

To amend Section 34-23-70, Code of Alabama 1975, relating to the practice of pharmacy and the operation of pharmacies; to allow pharmacies in Alabama to accept unused or expired dispensed medications for destruction.

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."

"(b) The permit issued to each pharmacist by the board and the licensure certificates issued to the licensed pharmacist employed by each pharmacy must be prominently and

1 conspicuously displayed in the pharmacy. The name of the  
2 licensed pharmacist on duty must be conspicuously displayed in  
3 the prescription department in a place readily observable by  
4 the public.

5 "(c) (1) No licensed pharmacist or pharmacy operating  
6 within this state shall accept for refund purposes or  
7 otherwise any unused portion of any dispensed prescription.

8 "(2) The prohibition in subdivision (1) shall not  
9 apply to any unused or expired dispensed medication returned  
10 solely for the purpose of destruction in compliance with  
11 applicable law or rules of the board.

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

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

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

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Speaker of the House of Representatives

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President and Presiding Officer of the Senate

House of Representatives

I hereby certify that the within Act originated in  
and was passed by the House 10-APR-13.

Jeff Woodard  
Clerk

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Senate

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02-MAY-13

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Passed