

1 SB281  
2 114509-1  
3 By Senator Benefield  
4 RFD: Health  
5 First Read: 19-JAN-10

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8 SYNOPSIS: This bill would specifically authorize  
9 licensed pharmacists to dispense yellow fever  
10 vaccines.

11  
12 A BILL  
13 TO BE ENTITLED  
14 AN ACT

15  
16 To amend Section 34-23-1, Code of Alabama 1975, to  
17 specifically authorize licensed pharmacists to dispense yellow  
18 fever vaccines.

19 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

22 "§34-23-1.

23 "For the purpose of this chapter, the following  
24 words and phrases shall have the following meanings:

25 "(1) ASSOCIATION. The Alabama Pharmacy Association.

26 "(2) BOARD or STATE BOARD. The Alabama State Board  
27 of Pharmacy.

1           "(3) CHEMICAL. Any substance of a medicinal nature,  
2 whether simple or compound, obtained through the process of  
3 the science and art of chemistry, whether of organic or  
4 inorganic origin.

5           "(4) DISPENSE. To sell, distribute, administer,  
6 leave with, give away, dispose of, deliver, or supply a drug  
7 or medicine to the ultimate user or their agent.

8           "(5) DRUGS. All medicinal substances, preparations,  
9 and devices recognized by the United States Pharmacopoeia and  
10 National Formulary, or any revision thereof, and all  
11 substances and preparations intended for external and internal  
12 use in the cure, diagnosis, mitigation, treatment, or  
13 prevention of disease in man or animal, and all substances and  
14 preparations other than food intended to affect the structure  
15 or any function of the body of man or animal, and vaccines for  
16 yellow fever.

17           "(6) EXTERN. A candidate for licensure as a  
18 pharmacist during the time prior to graduation from an  
19 accredited college of pharmacy.

20           "(7) HOSPITAL. An institution for the care and  
21 treatment of the sick and injured, licensed by the Alabama  
22 State Board of Health and authorized to be entrusted with the  
23 custody of drugs and medicines, the professional use of drugs  
24 and medicines being under the direct supervision of a medical  
25 practitioner or pharmacist.

26           "(8) INTERN. An individual who is currently licensed  
27 by this state to engage in the practice of pharmacy while

1 under the personal supervision of a pharmacist and is  
2 satisfactorily progressing toward meeting the requirements for  
3 licensure as a pharmacist; or a graduate of an approved  
4 college of pharmacy who is currently licensed by the State  
5 Board of Pharmacy for the purpose of obtaining practical  
6 experience as a requirement for licensure as a pharmacist; or  
7 a qualified applicant awaiting examination for licensure.

8 "(9) LEGEND DRUG. Any drug, medicine, chemical, or  
9 poison bearing on the label the words, "caution, federal law  
10 prohibits dispensing without prescription," or similar wording  
11 indicating that such drug, medicine, chemical, or poison may  
12 be sold or dispensed only upon the prescription of a licensed  
13 medical practitioner.

14 "(10) LICENSE. The grant of authority by the State  
15 Board of Pharmacy to a person authorizing him or her to engage  
16 in the practice of pharmacy in this state.

17 "(11) MANUFACTURER. A person, except a pharmacy, who  
18 prepares, derives, produces, compounds, or packages any drug,  
19 medicine, chemical, or poison.

20 "(12) MEDICAL PRACTITIONER. Any physician, dentist,  
21 or veterinarian, or any other person authorized by law to  
22 treat, use, or prescribe medicine and drugs for sick and  
23 injured human beings or animals in this state.

24 "(13) MEDICINE. Any drug or combination of drugs  
25 that has the property of curing, diagnosing, preventing,  
26 treating, or mitigating diseases or that which may be used for  
27 those purposes.

1           "(14) PATENT OR PROPRIETARY MEDICINES. Completely  
2 compounded nonprescription packaged drugs, medicines, and  
3 nonbulk chemicals which are sold, offered, promoted, or  
4 advertised by the manufacturer or primary distributor under a  
5 trademark, trade name, or other trade symbol, and the labeling  
6 of which conforms to the requirements of the Federal Food,  
7 Drug, and Cosmetic Act; provided, that this definition shall  
8 not include:

9           "a. Drugs which are only advertised and promoted  
10 professionally to licensed physicians, dentists, or  
11 veterinarians by manufacturers or primary distributors.

12           "b. A narcotic or drug containing a narcotic.

13           "c. A drug the label of which bears substantially  
14 either the statements "caution--federal law prohibits  
15 dispensing without prescription" or "warning--may be  
16 habit-forming".

17           "d. A drug intended for injection.

18           "(15) PERMIT. The grant of authority by the State  
19 Board of Pharmacy to any person, firm, or corporation  
20 authorizing the operation of a pharmacy, wholesale drug  
21 distributor, repackager, bottler, manufacturer, or packer of  
22 drugs, medicines, chemicals, or poisons for medicinal  
23 purposes. Nonresident wholesale drug distributors registered  
24 with the appropriate agency, in the state in which they are  
25 domiciled, and operating in compliance with Prescription Drug  
26 Marketing Act standards, shall be allowed to do business in  
27 this state. No permit shall be required of any physician

1 licensed to practice medicine for any act or conduct related  
2 to or connected with his or her professional practice.

3 "(16) PERSON. Any individual, partnership,  
4 corporation, association, trust, or other entity.

5 "(17) PHARMACIST. Any person licensed by the Alabama  
6 State Board of Pharmacy to practice the profession of pharmacy  
7 in the State of Alabama and whose license is in good standing.

8 "(18) PHARMACY. A place licensed by the Alabama  
9 State Board of Pharmacy in which prescriptions, drugs,  
10 medicines, medical devices, chemicals, and poisons are sold,  
11 offered for sale, compounded, or dispensed, and shall include  
12 all places whose title may imply the sale, offering for sale,  
13 compounding, or dispensing of prescriptions, drugs, medicines,  
14 chemicals, or poisons.

15 "(19) POISON. Any substance other than agricultural  
16 products and pesticides which when applied to, introduced  
17 into, or developed within the body in relatively small  
18 quantities by its inherent chemical action uniformly produces  
19 serious bodily injury, disease, or death.

20 "(20) PRECEPTOR. A person who is duly licensed to  
21 practice pharmacy in the state and meets the requirements as  
22 established by the State Board of Pharmacy.

23 "(21) PRESCRIPTION. Any order for drug or medical  
24 supplies, written or signed or transmitted by word of mouth,  
25 telephone, telegraph, closed circuit television, or other  
26 means of communication by a legally competent practitioner,  
27 licensed by law to prescribe and administer such drugs and

1 medical supplies intended to be filled, compounded, or  
2 dispensed by a pharmacist.

3 "(22) PROFESSIONAL DEGREE. A degree in pharmacy  
4 requiring a minimum of five academic years.

5 "(23) REPACKAGER. A person who purchases or acquires  
6 from a manufacturer or distributor, a drug, medicine,  
7 chemical, or poison for the purpose of bottling, labeling, or  
8 otherwise repackaging for sale or distribution. This  
9 definition shall not apply to a physician licensed to practice  
10 medicine who as a part of his or her professional practice  
11 dispenses, administers, sells, or otherwise distributes any  
12 drug to a patient.

13 "(24) SALE. Barter, exchange, or gift, or offer of  
14 barter, exchange, or gift, and shall include each transaction  
15 made by any person, whether a principal, proprietor, agent,  
16 servant, or employee.

17 "(25) WHOLESALE DRUG DISTRIBUTORS. A person engaged  
18 in the business of distributing drugs and medicines for resale  
19 to pharmacies, hospitals, practitioners, government agencies,  
20 or other lawful outlets permitted to sell drugs or medicines.  
21 The sale, purchase, or trade of a drug by a retail pharmacy to  
22 another retail pharmacy or practitioner, for relief of  
23 temporary shortages, is exempt from this definition. Also  
24 exempt from this definition shall be (a) intracompany sales,  
25 (b) manufacturer and distributor sales representatives who  
26 distribute drug samples, (c) charitable organizations  
27 distributing to nonprofit affiliates of that organization, (d)

1 certain purchases by hospitals or other health care entities  
2 that are members of a group purchasing organization, and (e)  
3 the distributors of blood and blood components."

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