

1 SB144
2 186387-1
3 By Senator Reed
4 RFD: Health and Human Services
5 First Read: 11-JAN-18

2
3
4
5
6
7
8 SYNOPSIS: Under existing law, the State Board of
9 Pharmacy is responsible for the licensing and
10 regulation of pharmacists.

11 This bill would provide further for the
12 employment of an executive secretary and would
13 require the board to establish minimum eligibility
14 requirements for the executive secretary.

15 This bill would require any attorney
16 employed by the board to possess a pharmacy degree
17 and be in good standing with the state bar
18 association.

19 This bill would also require the board to
20 furnish the executive secretary and any attorney
21 employed by the board with sufficient office space
22 and office equipment.

23
24 A BILL
25 TO BE ENTITLED
26 AN ACT
27

1 Relating to the State Board of Pharmacy; to amend
2 Sections 34-23-90 and 34-23-93, Code of Alabama 1975; to
3 provide further for the employment of an executive secretary
4 and would require the board to establish minimum eligibility
5 requirements for the executive secretary; to require any
6 attorney employed by the board to possess a pharmacy degree
7 and be in good standing with the state bar association; and to
8 require the board to furnish the executive secretary and any
9 attorney employed by the board with sufficient office space
10 and office equipment.

11 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

12 Section 1. Sections 34-23-90 and 34-23-93, Code of
13 Alabama 1975, are amended to read as follows:

14 "§34-23-90.

15 "(a) The Alabama State Board of Pharmacy is vested
16 with the authority to carry out the purposes of and enforce
17 this chapter. The board shall consist of five members who are
18 citizens of this state. The members of the board shall be
19 licensed pharmacists who have been licensed in this state for
20 a minimum of five years and who are actively engaged in the
21 practice of pharmacy or pharmacy administration, or both.

22 "(b) Three members shall be appointed by the
23 Governor. Of the three appointed members, one member shall be
24 engaged in the practice of pharmacy or pharmacy
25 administration, or both, in a hospital, one in an independent
26 pharmacy, and one in a chain pharmacy. On or before August 1,
27 1996, and each five years thereafter, or whenever a vacancy

1 occurs in the designated position for hospital pharmacists,
2 the Alabama Society of Health System Pharmacists, or its
3 successor organization, shall submit a list of three nominees
4 to the Governor. On or before August 1, 1994, and each five
5 years thereafter, or whenever a vacancy occurs in the
6 designated position for a chain pharmacist, the Alabama
7 Pharmacy Association, or its successor organization, shall
8 submit a list of three nominees to the Governor. On or before
9 August 1, 1997, and each five years thereafter, or whenever a
10 vacancy occurs in the designated position for the independent
11 pharmacist, the independent pharmacist members of the Alabama
12 Pharmacy Association, or its successor organization, shall
13 submit a list of three nominees to the Governor. From the
14 names submitted to the Governor, the Governor shall appoint a
15 replacement on or before December 31 of the same year the
16 nominations are received, for the member or members whose term
17 or terms are expiring. Background information shall be
18 provided for each nominee for an appointed position.

19 "(c) On or before December 1, 1995, and each five
20 years thereafter, and on or before December 1, 1998, and each
21 five years thereafter, or whenever a vacancy occurs in a
22 nondesignated position, the Board of Trustees of the Alabama
23 Pharmacy Association, or its successor organization, shall
24 select a committee of five pharmacists who are members of the
25 association to serve as a nominating committee. No one on the
26 committee shall be a candidate. The committee shall receive
27 names of pharmacists actively engaged in pharmacy practice or

1 administration, or both, from companies and individuals, and
2 shall narrow the list of nominees to two names to be placed on
3 a ballot to be voted on by all Alabama pharmacists. The
4 election procedure for a nondesignated slot shall be as
5 follows: Each candidate shall provide a biographical sketch of
6 not more than 150 words, which shall include his or her most
7 recent practice experience. The board shall mail election
8 ballots and a biographical sketch of the candidates to Alabama
9 licensed pharmacists by September 1. Completed ballots
10 returned to the board postmarked by October 1 shall be
11 tabulated. A pharmacist receiving a majority of the ballots
12 received shall be considered the winner. If a runoff election
13 is necessary, the runoff ballots shall be mailed to licensed
14 pharmacists by November 1 and returned postmarked by December
15 1. A canvassing committee consisting of a representative from
16 the Alabama Pharmacy Association, or its successor
17 organization, Alabama Society of Health System Pharmacists, or
18 its successor organization, Auburn University School of
19 Pharmacy, and Samford University School of Pharmacy shall
20 tabulate the ballots.

21 "(d) Any vacancies occurring on the board other than
22 by expiration of term shall be filled by election or
23 appointment only for the unexpired term and shall be filled by
24 the same procedure that the replaced member was elected or
25 appointed. Each member of the board shall serve a term of five
26 years beginning on January 1 following appointment and

1 terminating on December 31 of his or her fifth year as a
2 member of the board.

3 "(e) No pharmacist shall serve two full terms
4 consecutively.

5 "(f) The Governor, upon recommendation of the board,
6 may remove a member of the board upon proven charges of
7 inefficiency, incompetency, immorality, or professional
8 misconduct. The replacement member shall be elected or
9 appointed by the same procedure that the removed member was
10 elected or appointed. Appointees to the board shall within 30
11 days after their appointment or election take an oath or make
12 affirmation before a properly qualified officer that they will
13 faithfully and impartially perform the duties of their office.
14 This oath or affirmation shall be filed with the Secretary of
15 State. At its last regular meeting in each calendar year, the
16 board shall organize by electing for a term of one year,
17 effective the following January 1, a president, a
18 vice-president, and a treasurer who shall be members of the
19 board. No member shall serve more than two years in the same
20 office on the board during a five-year term. The board shall
21 also elect a secretary who shall not serve as a member of the
22 board and the board shall have the authority to fix the amount
23 of the secretary's remuneration. If a board member is selected
24 as secretary, the board member shall resign from the board and
25 a replacement on the board shall be selected by the same
26 procedure by which the resigned member was originally elected
27 or appointed. The secretary shall not be employed during the

1 service by any registrant of the board. The board shall set
2 eligibility requirements for the secretary which shall
3 include, but not be limited to, a minimum of 35 years'
4 experience working for the board, provided if no individual
5 meets this experience requirement then certification as a
6 certified public accountant. The board shall furnish the
7 secretary with a suitable office and all necessary office
8 equipment, communication devices, and services necessary for
9 the secretary to carry out his or her duties.

10 "(g) For the purpose of this section, a chain
11 pharmacy shall be defined as any retail pharmacy employing in
12 Alabama a minimum of 40 full-time equivalent pharmacists. A
13 chain pharmacist is defined as a pharmacist employed on a
14 full-time basis by a chain pharmacy for a minimum of three
15 years.

16 "(h) It is the intent of the Legislature that the
17 composition of the board reflect the demographics of the
18 pharmacy profession. For vacancies occurring after March 18,
19 2005, the nominating organizations and the appointing
20 authorities shall select those persons whose appointments
21 ensure that the membership of the board is inclusive and
22 reflects the racial, gender, geographic, urban/rural, and
23 economic diversity of this state.

24 "§34-23-93.

25 "The board and its members and officers shall assist
26 prosecuting officers in the enforcement of this chapter, and
27 it shall be the duty of the board, its members and officers to

1 furnish the proper prosecuting officers with such evidence as
2 it or they may ascertain to assist them in the prosecution of
3 any violation of this chapter, and the board is authorized for
4 such purposes to make such reasonable expenditures from the
5 funds of the board as it may deem necessary to ascertain and
6 furnish such evidence. The Attorney General of the state shall
7 be the attorney for the board, but the board may in its
8 discretion employ other counsel. Any attorney employed by the
9 board shall be in good standing with the state bar association
10 where the attorney resides at the time he or she is hired and
11 shall possess a degree in pharmacy. The board shall furnish
12 any attorney employed by the board with a suitable office and
13 all necessary office equipment, communication devices, and
14 services, including support staff, necessary for the attorney
15 to carry out his or her duties. It shall be the duty of the
16 district attorney of the judicial circuit wherein any offense
17 is committed to prosecute violations of this chapter."

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