

1 SB156  
2 155497-1  
3 By Senator Waggoner  
4 RFD: Governmental Affairs  
5 First Read: 14-JAN-14

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8 SYNOPSIS: Under existing law, the State Board of  
9 Pharmacy is composed of five members. Three members  
10 are appointed by the Governor, one from a hospital  
11 pharmacy, one from an independent pharmacy, and one  
12 from a chain pharmacy. Two additional members are  
13 elected by the Alabama Pharmacy Association.

14 This bill would provide for the appointment  
15 by the Governor of one additional member to the  
16 State Board of Pharmacy who would be required to be  
17 a compounding pharmacist.

18  
19 A BILL  
20 TO BE ENTITLED  
21 AN ACT

22  
23 To amend Section 34-23-90, Code of Alabama 1975,  
24 relating to the State Board of Pharmacy; to provide for the  
25 appointment by the Governor of one additional member to the  
26 board who would be required to be a compounding pharmacist.  
27 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

1           Section 1. Section 34-23-90 of the Code of Alabama  
2 1975, is amended to read as follows:

3           "§34-23-90.

4           "(a) The Alabama State Board of Pharmacy is vested  
5 with the authority to carry out the purposes of and enforce  
6 this chapter. The board shall consist of ~~five~~ six members who  
7 are citizens of this state. The members of the board shall be  
8 licensed pharmacists who have been licensed in this state for  
9 a minimum of five years and who are actively engaged in the  
10 practice of pharmacy or pharmacy administration, or both.

11           "(b) (1) Three members shall be appointed by the  
12 Governor. Of the three appointed members, one member shall be  
13 engaged in the practice of pharmacy or pharmacy  
14 administration, or both, in a hospital, one in an independent  
15 pharmacy, and one in a chain pharmacy. On or before August 1,  
16 1996, and each five years thereafter, or whenever a vacancy  
17 occurs in the designated position for hospital pharmacists,  
18 the Alabama Society of Health System Pharmacists, or its  
19 successor organization, shall submit a list of three nominees  
20 to the Governor. On or before August 1, 1994, and each five  
21 years thereafter, or whenever a vacancy occurs in the  
22 designated position for a chain pharmacist, the Alabama  
23 Pharmacy Association, or its successor organization, shall  
24 submit a list of three nominees to the Governor. On or before  
25 August 1, 1997, and each five years thereafter, or whenever a  
26 vacancy occurs in the designated position for the independent  
27 pharmacist, the independent pharmacist members of the Alabama

1 Pharmacy Association, or its successor organization, shall  
2 submit a list of three nominees to the Governor. From the  
3 names submitted to the Governor, the Governor shall appoint a  
4 replacement on or before December 31 of the same year the  
5 nominations are received, for the member or members whose term  
6 or terms are expiring. Background information shall be  
7 provided for each nominee for an appointed position.

8 "(2) Prior to December 31, 2014, and each five years  
9 thereafter, or whenever a vacancy occurs, one additional  
10 member who is a compounding pharmacist shall be appointed to  
11 the board by the Governor. For the purposes of this  
12 subdivision, a "compounding pharmacist" shall be defined as a  
13 pharmacist engaged in the compounding of drugs for not less  
14 than 80 percent of his or her professional practice.

15 "(c) On or before December 1, 1995, and each five  
16 years thereafter, and on or before December 1, 1998, and each  
17 five years thereafter, or whenever a vacancy occurs in a  
18 nondesignated position, the Board of Trustees of the Alabama  
19 Pharmacy Association, or its successor organization, shall  
20 select a committee of five pharmacists who are members of the  
21 association to serve as a nominating committee. No one on the  
22 committee shall be a candidate. The committee shall receive  
23 names of pharmacists actively engaged in pharmacy practice or  
24 administration, or both, from companies and individuals, and  
25 shall narrow the list of nominees to two names to be placed on  
26 a ballot to be voted on by all Alabama pharmacists. The  
27 election procedure for a nondesignated slot shall be as

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

17 "(d) Any vacancies occurring on the board other than  
18 by expiration of term shall be filled by election or  
19 appointment only for the unexpired term and shall be filled by  
20 the same procedure that the replaced member was elected or  
21 appointed. Each member of the board shall serve a term of five  
22 years beginning on January 1 following appointment and  
23 terminating on December 31 of his or her fifth year as a  
24 member of the board.

25 "(e) No pharmacist shall serve two full terms  
26 consecutively.

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

25           "(g) For the purpose of this section, a chain  
26 pharmacy shall be defined as any retail pharmacy employing in  
27 Alabama a minimum of 40 full-time equivalent pharmacists. A

1 chain pharmacist is defined as a pharmacist employed on a  
2 full-time basis by a chain pharmacy for a minimum of three  
3 years.

4 "(h) It is the intent of the Legislature that the  
5 composition of the board reflect the demographics of the  
6 pharmacy profession. For vacancies occurring after March 18,  
7 2005, the nominating organizations and the appointing  
8 authorities shall select those persons whose appointments  
9 ensure that the membership of the board is inclusive and  
10 reflects the racial, gender, geographic, urban/rural, and  
11 economic diversity of this state."

12 Section 2. This act shall become effective  
13 immediately following its passage and approval by the  
14 Governor, or its otherwise becoming law.