

1 HB36
2 144231-2
3 By Representative Johnson (R)
4 RFD: Health
5 First Read: 05-FEB-13
6 PFD: 01/24/2013

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ENROLLED, An Act,

To amend Section 34-23-74 of the Code of Alabama 1975, relating to hospitals and other institutional pharmacies; to specifically authorize the Board of Pharmacy to adopt rules to provide for automated dispensing systems in nursing facilities.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Section 34-23-74 of the Code of Alabama 1975, is amended to read as follows:

"§34-23-74.

"Every (a) Except as otherwise provided in subsection (b), every pharmacy located in a hospital, skilled nursing home, or other related institution in this state shall be under the supervision of a licensed pharmacist. In general hospitals, skilled nursing homes, and extended care facilities not operating a pharmacy, the drug or medicine room shall be under the direct supervision and direction of a consulting pharmacist or a member of the medical staff who shall be a licensed practitioner of medicine. In nursing homes which are not classified by the State Board of Health as skilled nursing homes, maternity homes, homes for the aged, domiciliary institutions, and all related institutions except those operated by and in conjunction with a licensed hospital, medicines or drugs bearing the wording on the label "caution,

1 federal law prohibits dispensing without prescription" or
2 similar wording that causes the medicines or drugs to be known
3 as prescription legend drugs shall be furnished by a licensed
4 pharmacy on the prescription of a licensed practitioner of
5 medicine for individual patients, and there shall be no
6 prescription legend drugs on the premises of these
7 institutions other than those so prescribed except an
8 emergency kit as authorized by the State Board of Health. In
9 hospitals and skilled nursing homes using vending machines or
10 mechanical devices for the storage and dispensing of drugs,
11 the machines or devices shall be stocked only under the
12 supervision of a licensed pharmacist, and the drugs may be
13 dispensed from the machine or device only by an individual
14 acting in accordance with established institutional hospital
15 pharmacy policy. The State Board of Pharmacy may at any time
16 adopt such additional rules and regulations consistent with
17 this chapter as may be deemed necessary after advising with
18 the Alabama Society of Hospital Pharmacists in regard to the
19 storage and handling of drugs and medicines and the
20 disposition of unused portion of drugs and medicines in
21 hospitals and other related institutions under this section.

22 "(b) Notwithstanding the provisions of subsection
23 (a), the use and operation of automated dispensing systems in
24 skilled nursing facilities by a pharmacy holding a permit

1 issued for that purpose is authorized pursuant to rules
2 adopted by the board."

3 Section 2. This act shall become effective
4 immediately following its passage and approval by the
5 Governor, or its otherwise becoming law.

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Speaker of the House of Representatives

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 26-FEB-13.

Jeff Woodard
Clerk

Senate

16-APR-13

Passed