



1 **§30-5-1a. Statement of purpose.**

2 (a) It is the purpose of this article to promote, preserve  
 3 and protect the public health, safety and welfare by the effective  
 4 regulation of the practice of pharmacy, the licensure of  
 5 pharmacists and the licensure and regulation of all sites or  
 6 persons who distribute, manufacture or sell drugs or devices used  
 7 in the dispensing and administration of drugs or devices within  
 8 this state.

9 (b) A person, firm, corporation, partnership, company,  
 10 cooperative society or organization who offers for sale, sells,  
 11 offers or exposes for sale through the method of distribution  
 12 legend drugs are subject to this article.

13 **§30-5-16. Permit for manufacture and packaging of drugs,**  
 14 **medicines, cosmetics; distribution of legend drugs;**  
 15 **regulations as to sanitation and equipment;**  
 16 **penalties; revocation of permit.**

17 (a) No drugs, ~~or~~ medicines, ~~or~~ toilet articles, dentifrices or  
 18 cosmetics ~~shall~~ may be manufactured, made, produced, packed,  
 19 packaged or prepared within the state except under the personal  
 20 supervision of a pharmacist as defined by section one-b of this  
 21 article or ~~such~~ other person as ~~may be~~ approved by the Board of  
 22 Pharmacy, after an investigation and determination by the board  
 23 that they are qualified by scientific or technical training and/or

1 experience to perform ~~such the~~ duties of supervision as ~~may be~~  
2 necessary to protect the public health and safety.

3 (b) No person shall manufacture, make, produce, pack, package  
4 or prepare any such articles without first obtaining a permit to do  
5 so from the Board of Pharmacy. The permit ~~shall be~~ is subject to  
6 such rules with respect to sanitation and/or equipment as the Board  
7 of Pharmacy may ~~from time to time adopt for the protection of the~~  
8 ~~public health and safety~~ promulgate.

9 ~~(c) Any person, firm, corporation, partnership, company,~~  
10 ~~cooperative society or organization who offers for sale, sells,~~  
11 ~~offers or exposes for sale through the method of distribution any~~  
12 ~~legend drugs shall be subject to this article.~~

13 ~~(d)~~ (c) The application for ~~any a~~ permit required by this  
14 section shall be made on a form to be prescribed in legislative  
15 rule, and furnished by the Board of Pharmacy and ~~shall be~~  
16 accompanied by the following fees: For a distributor, \$150, for a  
17 manufacturer, \$500, which amounts ~~shall also be~~ are also paid as  
18 ~~the~~ fees for each annual renewal of ~~such the~~ permits. Separate  
19 applications shall be made and separate permits issued for each  
20 separate place of manufacture, distribution, making, producing,  
21 packing, packaging or preparation.

22 (d) On and after the effective date of the reenactment of this  
23 section during the Regular Session of the Legislature in 2013, the  
24 Board of Pharmacy and each department, board or agency may

1 establish by legislative rule annual fees for a permit required in  
2 subsection (c) of this section. The fees set forth in subsection  
3 (c) of this section remain in effect until modified by a  
4 legislative rule promulgated pursuant to this subsection.

5 ~~(e) The following fees shall be charged for a permit to handle~~  
6 ~~controlled substances: For a hospital or clinic, \$50; for extended~~  
7 ~~care facilities, \$25; for a nursing home, \$25; for a teaching~~  
8 ~~institution, \$25; for a researcher, \$25; for a medical examiner,~~  
9 ~~\$25; and for a pharmacy or drugstore, \$15, which amounts shall also~~  
10 ~~be paid for each annual renewal of such permits.~~

11 ~~(f) (e) Permits issued under the provisions of pursuant to~~  
12 ~~this section shall be posted in a conspicuous place in the factory~~  
13 ~~or place for which issued. such permits Permits shall not be~~  
14 ~~transferable, and shall Permits are not transferable, expire on~~  
15 ~~June 30 following the day of issue and shall be renewed annually.~~  
16 ~~Nothing in this section shall be construed to apply applies to~~  
17 ~~those operating registered pharmacies.~~

18 ~~(g) (f) Any A person, firm, corporation, partnership, company,~~  
19 ~~cooperative society or organization violating any of the provisions~~  
20 ~~a provision of this section and any permittee hereunder who shall~~  
21 ~~violate any of the conditions a permittee who violates a condition~~  
22 ~~of this permit or any of the rules adopted a rule promulgated by~~  
23 ~~the Board of Pharmacy shall upon conviction, be deemed be guilty of~~  
24 ~~a misdemeanor and, upon conviction, be fined not more than \$50 for~~

1 each offense and shall have his or her permit immediately revoked.  
2 Each and every day ~~such a~~ violation continues ~~shall constitute~~  
3 constitutes a separate and distinct offense. ~~Upon conviction of a~~  
4 ~~permittee, his or her permit shall also immediately be revoked and~~  
5 ~~become null and void.~~

6 ~~(h) Any~~ (g) A person, firm, corporation, partnership, company,  
7 cooperative society, organization or ~~any~~ a permittee who is  
8 convicted of two or more successive violations of the provisions of  
9 this section or of the rules ~~adopted~~ promulgated by the Board of  
10 Pharmacy shall, at the discretion of the Board of Pharmacy:

11 (1) Have ~~such the~~ permit permanently revoked; and,

12 (2) ~~The Board of Pharmacy shall refuse to issue further~~  
13 ~~permits to such person, firm, corporation, partnership, company,~~  
14 ~~cooperative society, organization or permittee~~ Have the issuance of  
15 further permits refused.

16 **CHAPTER 60A. UNIFORM CONTROLLED SUBSTANCE ACT.**

17 **ARTICLE 3. REGULATION OF MANUFACTURE, DISTRIBUTION AND DISPENSING**  
18 **OF CONTROLLED SUBSTANCES.**

19 **§60A-3-301. Rules; fees.**

20 (a) The State Board of Pharmacy shall promulgate rules and  
21 charge fees relating to the registration and control of the  
22 manufacture and distribution of controlled substances within this  
23 state. ~~and each~~ Each department, board or agency of this state  
24 which licenses or registers practitioners authorized to dispense

1 ~~any~~ a controlled substance shall promulgate rules and charge fees  
2 relating to the registration and control of the dispensing of  
3 controlled substances within this state by those practitioners  
4 licensed or registered by ~~such~~ the department, board or agency.

5 (b) The State Board of Pharmacy or the department, board or  
6 agency shall collect the following annual registration fees from  
7 persons who manufacture, distribute, dispense or conduct research  
8 with controlled substances: For registration of a manufacturer,  
9 \$50; for registration of a wholesaler, \$50; ~~for registration of a~~  
10 ~~retailer \$15; for registration of a hospital or clinic, \$15; and~~  
11 ~~for registration of a research institution, \$5.~~ for registration of  
12 a dispenser, \$15; for registration of a hospital or clinic, \$50;  
13 for registration of a medical examiner, \$25; for registration of a  
14 teaching or research institution, \$25; and for registration of  
15 nursing home or an extended care facility, \$25.

16 (c) On and after the effective date of the reenactment of this  
17 section during the Regular Session of the Legislature in 2013, the  
18 Board of Pharmacy and each department, board or agency may  
19 establish by legislative rule annual fees for any registration as  
20 set forth in this section. The fees set forth in subsection (b) of  
21 this section remain in effect until modified by legislative rule  
22 promulgated pursuant to this subsection.

NOTE: The purpose of this bill is to authorize boards that

issue licenses to engage in the manufacture, distribution or dispensing of controlled substances to set fees by legislative rulemaking.

Strike-throughs indicate language that would be stricken from the present law and underscoring indicates new language that would be added.