



INDEPENDENT PHARMACY LEGISLATIVE ALERT

2010 Session of the Alabama Legislature

From the Alabama Independent Drugstore Association

CURRENT STATUS OF LEGISLATION OF INTEREST TO INDEPENDENT PHARMACY...

HOUSE BILLS (HB)

HB41 (Sponsor) Representative Bentley: Allows health care providers, institutions, and payers to decline to perform any health care service that violates their conscience and provides remedies for persons who exercise that right and suffer consequences as a result. This Act may be known and cited as the "Health Care Rights of Conscience Act".

Bill Status: First Reading 1/12/10, assigned to Health Committee. No further action.

HB88 (Sponsor) Representative Gipson: Would grant tax relief for the cost of obtaining certain medically necessary products, this Act would provide further sales tax exemptions by adding a new Section 40-23-4.4 to be entitled "Over-the-Counter medications exempt".

Bill Status: First Reading 1/12/10, assigned to Education Appropriations Committee. No further action.

HB184 (Sponsor) Representative Gaston: To amend Section 40-23-4.1, Code of Alabama, 1975, relating to the sales and use tax exemption for certain drugs, to include hearing aids within the definition of "drugs" for tax exemption purposes.

Bill Status: First Reading 1/12/10, assigned to Education Appropriations Committee. No further action.

HB207 (Sponsor) Representative Todd: Would authorize the use of marijuana, only for certain qualifying patients who have been diagnosed by a physician, as having a debilitating medical condition.

Bill Status: First Reading 1/12/10, assigned to Judiciary Committee. No further action.

HB247 (Sponsor) Representative Johnson: To amend Section 20-2-212 and Sections 20-1-214 and 20-2-217, as last amended by ACT 2009-489 of the 2009 Regular Session, relating to controlled substances regulation, the Controlled Substances Prescription Database Advisory Committee and the controlled substance registration certificate; to authorize proxy designees to be appointed by committee members; to authorize out-of-state prescription monitoring programs to access Alabama's Prescription Drug Monitoring database under rules prescribed by the State Board of Health; and to permit the State Board of Health to utilize all funds collected from fees pursuant to Section 20-2-217 to be used for the administration of the controlled substances prescription database.

First Reading 1/14/10, assigned to Health Committee. Final passage in the House 1/26/10. First Reading in the Senate 2/2/10, assigned to the Senate Health Committee. No further action.

HB304 (Sponsor) Representative Johnson: Would require a health insurance company or other health benefit plan to reimburse a health care provider for certain costs related to desk audits of health insurance claims when files and documentation concerning claims are required to be forwarded to the health insurance company for the convenience of the company.

Bill Status: First Reading 1/19/10, assigned to Health Committee. No further action.

ACTION NEEDED ON HB304: Contact your Representative(s) and urge them to support HB304. This bill will provide the pharmacy with reimbursement for related costs such as the cost the time required of a pharmacist or pharmacy technician to located, pull, copy the required documents, and their time required to return all documents to their appropriate files, copying, faxing, etc.



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HOUSE BILLS (HB) - CONTINUED

HB358 (Sponsors) Representatives Galliher, Ward, Hill, Morrow, Ford and Sherer: To establish a cause of action for damages for the death of an individual against persons convicted of manufacturing, distributing, possessing, or selling certain controlled substances. A person convicted would be liable for damages in a civil action.

Bill Status: First Reading 1/19/10, assigned to Judiciary Committee. Had Second Reading, waiting Final Action in the House.

HB413 (Sponsors) Representatives Hammon, Davis, Grimes, Hurst, Ison, Barton, Gaston, McMillan, Fincher, McClendon, Clouse, Faust, Williams (P), Mask, Shiver, Allen, Hubbard, Love, McClurkin, Bentley, McCutcheon, Ball, Drake, Treadaway, Sanderford, Letson, Sherer, White, Irons, Bridges, Martin, Harper, Gipson, Beasley, Thigpen, Boothe, Newton (C), Kennedy, Buskey, Howard, Newton (D), Salaam, McClammy, Fields, Warren, Robinson (O), Wren, Thomas (E), Beck, Taylor, Millican, Williams (J), Hall, Canfield, Todd, Hill, Morrow, Hinshaw, Robinson (J), Dukes, Curtis, Beech, Ford, Spicer, Laird, Scott, Collier and Gordon:

This bill would allow ephedrine, pseudoephedrine, and phenylpropanolamine to be sold by prescription by requiring the State Board of Health to classify the drugs as schedule III controlled substances. Would give the board the authority to exempt a product containing any of these substances from classification as a controlled substance if the board finds that the product is effectively formulated to prevent conversion of the active ingredient into methamphetamine or its salts or precursors. Would also authorize the board to revoke the exemption upon notification from the Department of Public Safety that the product exempted is not effectively formulated to prevent its conversion to methamphetamine.

Bill Status: First Reading 1/21/10, assigned to Health Committee. No further action.

HB423 (Sponsor) Representative Page: Under existing law, legend drugs dispensed to a patient at a hospital, nursing facility, assisted living facility, or hospice may be donated and transferred to charitable clinics to be used by charitable patients without charge if certain conditions are met.

Would allow legend drugs to be dispensed by prescription but not administered to patients at certain health care facilities to be donated and transferred to charitable clinics under certain conditions; to authorize the drugs to be transferred in the same manner to charitable pharmacies, as defined, to be dispensed to charitable patients; and to further authorize samples given to physicians to be donated and transferred to charitable clinics and charitable pharmacies.

Bill Status: First Reading 1/26/10, assigned to Health Committee. No further action.

HB453 (Sponsors) Representatives Barton and Ison: This will amend Section 34-23-1, Code of Alabama 1975, relating to the definitions for purposes of regulating and licensing pharmacies and pharmacists, to define the term pharmacy services permit. The definition would read "Pharmacy Services Permit. The grant of authority by the board to any person, firm, or corporation which offers or performs pharmacy services. Pharmacy services shall be defined by board rule, but shall not include any requirement for the receipt or inventory of any drugs, medicines, medical devices, chemicals, or poisons. The board shall further provide, by rule, qualifications and fees for the issuance of the permit.

Bill Status: First Reading 1/26/10, assigned to Health Committee. No further action.



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HOUSE BILLS (HB) - CONTINUED

ACTION NEEDED ON HB453: This bill would create "Pharmacy Services Permits" that would allow chains to utilize off premises pharmacists by "Remote Access", which would require them to have fewer pharmacists in the pharmacy to fill the same number of scripts they are filling today. This bill was introduced for a chain pharmacy. The passage of HB453 would be detrimental to the future of independent pharmacy. **CONTACT YOUR REPRESENTATIVE AND URGE THEM TO VOTE AGAINST HB453.**

HB498 (Sponsors) Representatives Galliher, Ward and Hill (Constitutional Amendment): This bill would propose an amendment to the Constitution of Alabama of 1901, to prohibit any person, employer, or health care provider from being compelled to participate in any health care system.

Bill Status: First Reading 2/4/10, assigned to Health Committee. No further action.

HB528 (Sponsors) Representatives McDaniel, Robinson (O), McLaughlin, McCutcheon, Ball, McClurkin, Sherer, Ford, Letson, White, Irons, Grantland, Curtis, Robinson (J), Beech, Newton (C), Taylor, Wood, Johnson, Payne, DeMarco, Hill, Ward, Millican, Bridges, Laird, Vance, Martin, Gipson, Williams (J), Jackson, Buskey, Kennedy, Thigpen, Beasley, Harper, Bentley, Galliher, McCampbell, Newton (D), Love, Barton, Davis, Gaston, Ison, Warren, Fincher, Shiver, Knight, Graham, Fields, Page, Scott, Sanderford and Hammon.

Would further regulate the sale of over-the-counter products containing certain quantities of ephedrine or pseudoephedrine within certain periods of time. The bill would require retailers to verify that the purchaser of a product is not in violation of the law through a on-line electronic verification system which system would be operated by the Alabama Criminal Justice Information Center without cost to the state or to the retailers. The bill would provide penalties for violations and would revise the membership of the Alabama Methamphetamine Abuse Task Force.

Bill Status: First Reading 2/9/10, assigned to Judiciary Committee. No further action.

SENATE BILLS (SB)

SB151 (Sponsor) Senator Dixon: To amend Section 20-2-212 and Sections 20-1-214 and 20-2-217, as last amended by ACT 2009-489 of the 2009 Regular Session, relating to controlled substances regulation, the Controlled Substances Prescription Database Advisory Committee and the controlled substance registration certificate; to authorize proxy designees to be appointed by committee members; to authorize out-of-state prescription monitoring programs to access Alabama's Prescription Drug Monitoring database under rules prescribed by the State Board of Health; and to permit the State Board of Health to utilize all funds collected from fees pursuant to Section 20-2-217 to be used for the administration of the controlled substances prescription database.

Bill Status: First Reading 1/12/10, assigned to Governmental Affairs Committee. Second Reading 2/2/10 with Amendment. Waiting Final Action in the Senate.

SB166 (Sponsors) Senators Bedford and Singleton: This bill makes a supplemental appropriation from the State General Fund to the Department of Corrections in the amount of \$51,685,875 for the fiscal year ending September 30, 2010; and a supplemental appropriation from the State General Fund to the Alabama Medicaid Agency in the amount of \$41,995,706 for the fiscal year ending September 30, 2010.

Bill Status: First Reading 1/12/10, assigned to Finance & Taxation Committee. No further action.



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SENATE BILLS (SB) - Continued

SB233 (Sponsors) Senators Beason, Glover, Erwin, Smith, Sanford, Brooks, Holley and Pittman (Constitutional Amendment): This bill would propose an amendment to the Constitution of Alabama of 1901, to prohibit any person, employer, or health care provider from being compelled to participate in any health care system.

Bill Status: First Reading 1/14/10, assigned to Health Committee. Second reading 2/2/10, waiting final action in the Senate.

SB281 (Sponsor) Senator Benefield: Would specifically authorize licensed pharmacists to dispense yellow fever vaccines.

Bill Status: First Reading 1/19/10, assigned to Health Committee. No further action.

SB312 (Sponsors) Senators Glover, Erwin, Sanford, Beason, Waggoner, Marsh, Pittman, Brooks, Smith, Dixon, Orr, Holley and French: Under current law, health care authorities are vested with the authority to make and to alter appropriate rules and regulations for the conduct of any health care facility and properties owned or operated by it. This bill would give health care providers, health care institutions, and health care payers the following: The authority to refuse to perform or to participate in health care services that violate their conscience; immunity from civil, criminal, or administrative liability for refusing to provide or participate in a health care service that violates their conscience; immunity from discrimination or disciplinary action including termination, transfer, refusal of staff privileges, shift reassignment, or wage or benefits reduction for declining to participate in a health care service that violates their conscience. Further, the bill would provide for injunctive relief and back pay for violation.

Bill Status: First Reading 2/2/10, assigned to Health Committee. No further action.

SB322 (Sponsor) Senator Mitchell: Under current law, health care authorities are vested with the authority to make and to alter appropriate rules and regulations for the conduct of any health care facility and properties owned or operated by it. This bill would give health care providers, health care institutions, and health care payers the following: The authority to refuse to perform or to participate in health care services that violate their conscience; immunity from civil, criminal, or administrative liability for refusing to provide or participate in a health care service that violates their conscience; immunity from discrimination or disciplinary action including termination, transfer, refusal of staff privileges, shift reassignment, or wage or benefits reduction for declining to participate in a health care service that violates their conscience. Further, the bill would provide for injunctive relief and back pay for violation.

Bill Status: First Reading 2/2/10, assigned to Judiciary Committee. No further action.

SB345 (Sponsor) Senator Means: Would allow legend drugs to be dispensed by prescription but not administered to patients at certain health care facilities to be donated and transferred to charitable clinics under certain conditions; to authorize the drugs to be transferred in the same manner to charitable pharmacies, as defined, to be dispensed to charitable patients; and to further authorize samples given to physicians to be donated and transferred to charitable clinics and charitable pharmacies.

Bill Status: First Reading 2/2/10, assigned to Health Committee. No further action.



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SENATE BILLS (SB) - Continued

SB366 (Sponsor) Senator Beason: Under current law, health care authorities are vested with the authority to make and to alter appropriate rules and regulations for the conduct of any health care facility and properties owned or operated by it. This bill would give health care providers, health care institutions, and health care payers the following: The authority to refuse to perform or to participate in health care services that violate their conscience; immunity from civil, criminal, or administrative liability for refusing to provide or participate in a health care service that violates their conscience; immunity from discrimination or disciplinary action including termination, transfer, refusal of staff privileges, shift reassignment, or wage or benefits reduction for declining to participate in a health care service that violates their conscience. Further, the bill would provide for injunctive relief and back pay for violation.

Bill Status: First Reading 2/2/10, assigned to Economic, Expansion & Trade Committee. No further action.

SB367 (Sponsors) Senators Butler, Coleman, Means, Dunn, Little (Z), French, Waggoner, Dixon, Mitchem and Smith: This will amend Section 34-23-1, Code of Alabama 1975, relating to the definitions for purposes of regulating and licensing pharmacies and pharmacists, to define the term pharmacy services permit. The definition would read "Pharmacy Services Permit. The grant of authority by the board to any person, firm, or corporation which offers or performs pharmacy services. Pharmacy services shall be defined by board rule, but shall not include any requirement for the receipt or inventory of any drugs, medicines, medical devices, chemicals, or poisons. The board shall further provide, by rule, qualifications and fees for the issuance of the permit.

Bill Status: First Reading 2/4/10, assigned to Health Committee. No further action.

SB407 (Sponsor) Senator Barron: Would further regulate the sale of over-the-counter products containing certain quantities of ephedrine or pseudoephedrine within certain periods of time. The bill would require retailers to verify that the purchaser of a product is not in violation of the law through a on-line electronic verification system which system would be operated by the Alabama Criminal Justice Information Center without cost to the state or to the retailers. The bill would provide penalties for violations and would revise the membership of the Alabama Methamphetamine Abuse Task Force.

Bill Status: First Reading 2/11/10, assigned to Health Committee. No further action.

NOTE: To read and or print any of these House and Senate Bills, the AIDA website now has a link to the **Alabama Legislative Information System Online (Alison)**. Simply click on the link, click on Bill Status and enter the House or Senate Bill number and follow the prompts.