

HOUSE BILL NO. 1407

Introduced by

Representative Keiser

1 A BILL for an Act to amend and reenact section 43-15-35 of the North Dakota Century Code,
2 relating to the requirements for a permit to operate a pharmacy; and to declare an emergency.

3 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

4 **SECTION 1. AMENDMENT.** Section 43-15-35 of the North Dakota Century Code is
5 amended and reenacted as follows:

6 **43-15-35. Requirements for permit to operate pharmacy.** The board shall issue a
7 permit to operate a pharmacy, or a renewal permit, upon satisfactory proof of all of the
8 following:

- 9 1. The pharmacy will be conducted in full compliance with existing laws and with the
10 rules and regulations established by the board.
- 11 2. The equipment and facilities of the pharmacy are such that prescriptions can be
12 filled accurately and properly, and United States pharmacopeia and national
13 formulary preparations properly compounded and so that it may be operated and
14 maintained in a manner that will not endanger public health and safety.
- 15 3. The pharmacy is equipped with proper pharmaceutical and sanitary appliances and
16 kept in a clean, sanitary, and orderly manner.
- 17 4. The management of the pharmacy is under the personal charge of a pharmacist
18 duly licensed under the laws of this state.
- 19 5. The applicant for such permit is qualified to conduct the pharmacy, and is a
20 licensed pharmacist in good standing or is a partnership, each active member of
21 which is a licensed pharmacist in good standing, or a corporation or association,
22 the majority stock in which is owned by licensed pharmacists in good standing, or a
23 limited liability company, the majority membership interests in which is owned by

1 licensed pharmacists in good standing, actively and regularly employed in and
2 responsible for the management, supervision, and operation of such pharmacy.

- 3 6. Suitable reference sources either in book or electronic data form, available in the
4 pharmacy or on-line, which might include the United States pharmacopeia and
5 national formulary, the United States pharmacopeia dispensing information, facts
6 and comparisons, micro medex, the ASHP formulary or other suitable references
7 pertinent to the practice carried on in the licensed pharmacy.

8 The provisions of subsection 5 shall not apply to the holder of a permit on July 1, 1963, if
9 otherwise qualified to conduct the pharmacy, provided that any such permitholder who
10 discontinues operations under such permit or fails to renew such permit upon expiration shall
11 not thereafter be exempt from the provisions of subsection 5 as to the discontinued or lapsed
12 permit. The provisions of subsection 5 ~~shall~~ do not apply to ~~hospital~~ pharmacies ~~furnishing~~
13 ~~service only to patients in that hospital~~ owned and operated by a hospital licensed under
14 chapter 23-16.

15 **SECTION 2. EMERGENCY.** This Act is declared to be an emergency measure.