

Fifty-ninth
Legislative Assembly
of North Dakota

ENGROSSED SENATE BILL NO. 2283

Introduced by

Senator J. Lee

Representatives Nelson, Price

1 A BILL for an Act to amend and reenact section 43-15-35 of the North Dakota Century Code,
2 relating to hospital ownership of a pharmacy.

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~~ adopted 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~~ the pharmacy may be
14 operated and maintained in a manner that will not endanger public health and
15 safety.
- 16 3. The pharmacy is equipped with proper pharmaceutical and sanitary appliances
17 and kept in a clean, sanitary, and orderly manner.
- 18 4. The management of the pharmacy is under the personal charge of a pharmacist
19 duly licensed under the laws of this state.
- 20 5. The applicant for ~~such~~ the permit is qualified to conduct the pharmacy; and is a
21 licensed pharmacist in good standing ~~or is~~; a partnership, each active member of
22 which is a licensed pharmacist in good standing, ~~or~~; a corporation or an
23 association, the majority stock in which is owned by licensed pharmacists in good
24 standing, actively and regularly employed in and responsible for the management,

1 supervision, and operation of the pharmacy; or a limited liability company, the
2 majority membership interests in which is owned by licensed pharmacists in good
3 standing, actively and regularly employed in and responsible for the management,
4 supervision, and operation of ~~such~~ the pharmacy.

5 6. Suitable reference sources ~~either~~ in book or electronic data form, available in the
6 pharmacy or ~~on-line~~ online, which might include ~~the~~ United States pharmacopeia
7 and national formulary, ~~the~~ United States pharmacopeia dispensing information;
8 drug facts and comparisons, ~~micro-medex,~~ micromedex; the ASHP American
9 society of health-system pharmacists formulary; or other suitable references
10 pertinent to the practice carried on in the licensed pharmacy.

11 The provisions of subsection 5 ~~shall~~ do not apply to the holder of a permit on July 1, 1963, if
12 otherwise qualified to conduct the pharmacy, provided that any such permitholder ~~who~~ that
13 discontinues operations under such permit or fails to renew such permit upon expiration ~~shall~~ is
14 not thereafter be exempt from the provisions of subsection 5 as to the discontinued or lapsed
15 permit. The provisions of subsection 5 ~~shall~~ do not apply to hospital pharmacies ~~furnishing~~
16 ~~service only to patients in that hospital~~ located on a licensed hospital site. If a retail pharmacy
17 is a sole community provider of pharmacy services, a hospital in that community may purchase
18 that pharmacy and operate the pharmacy in that community at a location outside the licensed
19 hospital site.