

HOUSE BILL NO. 1350

Introduced by

Representatives Svedjan, Dietrich, Metcalf

Senators Erbele, Holmberg, Mathern

1 A BILL for an Act to amend and reenact section 43-15-35 of the North Dakota Century Code,
2 relating to postgraduate medical residency training program pharmacies.

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 - Exceptions.**

7 1. The board shall issue a permit to operate a pharmacy, or a renewal permit, upon
8 satisfactory proof of all of the following:

9 ~~4-~~ a. The pharmacy will be conducted in full compliance with existing laws and with
10 the rules and regulations established by the board.

11 ~~2-~~ b. The equipment and facilities of the pharmacy are such that prescriptions can
12 be filled accurately and properly, and United States pharmacopeia and
13 national formulary preparations properly compounded and so that it may be
14 operated and maintained in a manner that will not endanger public health and
15 safety.

16 ~~3-~~ c. The pharmacy is equipped with proper pharmaceutical and sanitary
17 appliances and kept in a clean, sanitary, and orderly manner.

18 ~~4-~~ d. The management of the pharmacy is under the personal charge of a
19 pharmacist duly licensed under the laws of this state.

20 ~~5-~~ e. The applicant for such permit is qualified to conduct the pharmacy, and is a
21 licensed pharmacist in good standing or is a partnership, each active member
22 of 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
24 good standing; ; or a limited liability company, the majority membership

1 interests in which is owned by licensed pharmacists in good standing, actively
2 and regularly employed in and responsible for the management, supervision,
3 and operation of such pharmacy.

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

10 2. The provisions of ~~subsection 5 shall~~ subdivision e of subsection 1 do not apply to
11 ~~the~~;

12 a. The holder of a permit on July 1, 1963, if otherwise qualified to conduct the
13 pharmacy, provided that any such permitholder ~~who~~ that discontinues
14 operations under such permit or fails to renew such permit upon expiration
15 ~~shall~~ is not thereafter be exempt from the provisions of ~~subsection 5~~
16 subdivision e of subsection 1 as to the discontinued or lapsed permit. ~~The~~
17 ~~provisions of subsection 5 shall not apply to~~

18 b. A hospital ~~pharmacies~~ pharmacy furnishing service only to patients in that
19 hospital.

20 c. The applicant for a permit to operate a pharmacy which is the owner of a
21 postgraduate medical residency training program if the pharmacy is collocated
22 with and is run in direct conjunction with the postgraduate medical residency
23 training program. For purposes of this subdivision, the postgraduate medical
24 residency training program must be accredited by the accreditation council on
25 graduate medical education or other national accrediting organization.