

**HOUSE BILL NO. 1299**

Introduced by

Representative Porter

Senator Krebsbach

1 A BILL for an Act to amend and reenact section 43-15-35 of the North Dakota Century Code,  
2 relating to the issuance of permits for the operation 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~~

7 1. Before a person may obtain or renew a permit to operate a pharmacy, or a renewal  
8 permit, upon the person must provide satisfactory proof of all of the following that:

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.~~ 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 of  
22 which is a licensed pharmacist in good standing, or a corporation or association,  
23 the majority stock in which is owned by licensed pharmacists in good standing, or a  
24 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           and

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

10          2. The board shall issue a permit or a renewal permit to operate a pharmacy if all  
11          criteria in subsection 1 are met and if:

12          a. The person is qualified to conduct the pharmacy and is a licensed pharmacist  
13          in good standing or if a partnership, each active member is a licensed  
14          pharmacist in good standing, or if a corporation or association, the majority  
15          stock is owned by licensed pharmacists in good standing, or if a limited  
16          liability company, the majority membership interests are owned by licensed  
17          pharmacists in good standing, actively and regularly employed in and  
18          responsible for the management, supervision, and operation of the pharmacy;  
19          or

20          b. (1) The person held a permit to operate a pharmacy on July 1, 1963, and is  
21          otherwise qualified to conduct the pharmacy, provided that the  
22          permitholder has not discontinued operations or failed to renew the  
23          permit upon its expiration:

24          (2) The entity is a hospital pharmacy providing services only to patients in  
25          that hospital;

26          (3) The entity is a pharmacy located in a hospital or in a facility owned by a  
27          hospital at which medical services are provided, including physician  
28          clinics and skilled nursing facilities, if the pharmacy is operated  
29          exclusively by a pharmacist licensed in accordance with this chapter  
30          and at all times exercises independent professional judgment in the  
31          practice of pharmacy; or

1                   (4) The entity is a pharmacy owned by a hospital that has been designated  
2                   as a critical access hospital by the department of human services, is  
3                   located within thirty-five miles of a hospital that has been designated as  
4                   a critical access hospital by the department of human services, is  
5                   located in a community having fewer than ten thousand residents, and  
6                   is operated exclusively by a pharmacist licensed in accordance with this  
7                   chapter and at all times exercises independent professional judgment in  
8                   the practice of pharmacy.

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