

**HOUSE BILL NO. 1440**

Introduced by

Representatives Martinson, Nelson, Schneider

Senators Krebsbach, J. Lee, Schneider

1 A BILL for an Act to amend and reenact section 43-15-35 of the North Dakota Century Code,  
2 relating to permits to operate 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 ~~4.~~ The board shall issue a permit to operate a pharmacy, or a renewal permit, upon  
8 satisfactory proof of all of the following:

9 ~~a.~~ 1. The pharmacy will be conducted in full compliance with existing laws and with  
10 the rules and regulations established by the board.

11 ~~b.~~ 2. 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 ~~c.~~ 3. The pharmacy is equipped with proper pharmaceutical and sanitary  
17 appliances and kept in a clean, sanitary, and orderly manner.

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

20 ~~e.~~ 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~~  
22 ~~of which is a licensed pharmacist in good standing; 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           f. 6. Suitable reference sources either in book or electronic data form, are  
5                   available in the pharmacy or online, which might include the United States  
6                   pharmacopeia and national formulary, the United States pharmacopeia  
7                   dispensing information, facts and comparisons, micro medex, the 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 subdivision e of subsection 1 do not apply to:~~

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

16           b. ~~A hospital pharmacy furnishing service only to patients in that hospital.~~

17           e. ~~The applicant for a permit to operate a pharmacy which is a hospital, if the~~  
18                   ~~pharmacy for which the hospital seeks a permit to operate is a retail pharmacy~~  
19                   ~~that is the sole provider of pharmacy services in the community and is a retail~~  
20                   ~~pharmacy that was in existence before the hospital took over operations. A~~  
21                   ~~hospital operating a pharmacy under this subdivision may operate the~~  
22                   ~~pharmacy at any location in the community.~~

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