

By: Representative Holland

To: Public Health and Human Services

COMMITTEE SUBSTITUTE
FOR
HOUSE BILL NO. 1117

1 AN ACT TO AMEND SECTION 73-21-83, MISSISSIPPI CODE OF 1972,
2 TO DIRECT THE STATE BOARD OF PHARMACY TO PROMULGATE RULES
3 CONTAINING PROVISIONS FOR APPLICATION REQUIREMENTS FOR WHOLESALE
4 DISTRIBUTORS, CHAIN PHARMACY WAREHOUSES AND REPACKAGERS, AND RULES
5 FOR THE ESTABLISHMENT OF A PEDIGREE TO BE USED BY THOSE PERSONS TO
6 INSURE THE INTEGRITY OF DRUGS THAT LEAVE THE NORMAL DISTRIBUTION
7 CHANNEL; AND FOR RELATED PURPOSES.

8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

9 **SECTION 1.** Section 73-21-83, Mississippi Code of 1972, is
10 amended as follows:

11 73-21-83. (1) The board shall be responsible for the
12 control and regulation of the practice of pharmacy, to include the
13 regulation of pharmacy externs or interns and pharmacist
14 technicians, in this state, the regulation of the wholesaler
15 distribution of drugs and devices as defined in Section 73-21-73,
16 and the distribution of sample drugs or devices by manufacturer's
17 distributors as defined in Section 73-21-73 by persons other than
18 the original manufacturer or distributor in this state.

19 (2) A license for the practice of pharmacy shall be obtained
20 by all persons prior to their engaging in the practice of
21 pharmacy. However, the provisions of this chapter shall not apply
22 to physicians, dentists, veterinarians, osteopaths or other
23 practitioners of the healing arts who are licensed under the laws
24 of the State of Mississippi and are authorized to dispense and
25 administer prescription drugs in the course of their professional
26 practice.

27 (3) The initial licensure fee shall be set by the board but
28 shall not exceed Two Hundred Dollars (\$200.00).

29 (4) All students actively enrolled in a professional school
30 of pharmacy accredited by the American Council on Pharmaceutical
31 Education who are making satisfactory progress toward graduation
32 and who act as an extern or intern under the direct supervision of
33 a pharmacist in a location permitted by the Board of Pharmacy must
34 obtain a pharmacy student registration prior to engaging in such
35 activity. The student registration fee shall be set by the board
36 but shall not exceed One Hundred Dollars (\$100.00).

37 (5) All persons licensed to practice pharmacy prior to July
38 1, 1991, by the State Board of Pharmacy under Section 73-21-89
39 shall continue to be licensed under the provisions of Section
40 73-21-91.

41 (6) (a) The board shall promulgate rules regarding the
42 issuance and renewal of licenses and permits under this chapter
43 that shall contain, but not be limited to:

44 (i) Provisions for new or renewal application
45 requirements for both in and out of state wholesale distributors,
46 chain pharmacy warehouses, and repackagers shipping into
47 Mississippi. Requirements for new and renewal applications, if
48 such information has not been previously provided to the board,
49 shall include, but not be limited to, the following:

50 1. Type of ownership (individual, partnership
51 or corporation);

52 2. Names of principal owners or officers and
53 social security numbers;

54 3. Name of designated representative and
55 social security number;

56 4. Criminal background checks of applicants
57 and designated representative as required by rule;

58 5. Copy of license in home state; and

59 6. Bond requirements; and

60 (ii) Rules for the establishment of a pedigree or
61 electronic file to be used by wholesale distributors, chain

62 pharmacy warehouses and repackagers for the purpose of ensuring
63 the integrity of drugs owned, purchased, distributed, returned,
64 transferred and sold when the products leave the normal
65 distribution channel.

66 (b) The rule making process shall include
67 manufacturers, wholesale distributors, chain pharmacy warehouses
68 and repackagers for their input.

69 (c) Independent pharmacies and chain pharmacies shall
70 not be responsible for verification or adjudication of the
71 pedigree for pharmaceuticals.

72 (d) The board may use an outside agency to accredit
73 wholesale distributors and repackagers, i.e. the National
74 Association of Boards of Pharmacy's (NABP) Verified Accredited
75 Wholesale Distributors (VAWD) program. Wholesalers that are
76 accredited by the VAWD program may be exempted from some of the
77 above requirements by the board.

78 **SECTION 2.** This act shall take effect and be in force from
79 and after July 1, 2006.