

**Adopted
COMMITTEE AMENDMENT NO 1 PROPOSED TO**

House Bill No. 542

BY: Committee

**Amend by striking all after the enacting clause and inserting
in lieu thereof the following:**

34 **SECTION 1.** Section 73-21-69, Mississippi Code of 1972, is
35 reenacted as follows:

36 73-21-69. Sections 73-21-71 through 73-21-123, which create
37 the State Board of Pharmacy and prescribe its duties and powers,
38 shall stand repealed on July 1, 2011.

39 **SECTION 2.** Section 73-21-71, Mississippi Code of 1972, is
40 reenacted as follows:

41 73-21-71. This chapter shall be known as the "Mississippi
42 Pharmacy Practice Act."

43 **SECTION 3.** Section 73-21-73, Mississippi Code of 1972, is
44 reenacted as follows:

45 73-21-73. As used in this chapter, unless the context
46 requires otherwise:

47 (a) "Administer" shall mean the direct application of a
48 prescription drug pursuant to a lawful order of a practitioner to
49 the body of a patient by injection, inhalation, ingestion or any
50 other means.

51 (b) "Board of Pharmacy," "Pharmacy Board," "MSBP" or
52 "board" shall mean the State Board of Pharmacy.

53 (c) "Compounding" means (i) the production,
54 preparation, propagation, conversion or processing of a sterile or
55 nonsterile drug or device either directly or indirectly by
56 extraction from substances of natural origin or independently by
57 means of chemical or biological synthesis or from bulk chemicals
58 or the preparation, mixing, measuring, assembling, packaging or
59 labeling of a drug or device as a result of a practitioner's
60 prescription drug order or initiative based on the
61 practitioner/patient/pharmacist relationship in the course of
62 professional practice, or (ii) for the purpose of, as an incident
63 to, research, teaching or chemical analysis and not for sale or
64 dispensing. Compounding also includes the preparation of drugs or
65 devices in anticipation of prescription drug orders based on
66 routine regularly observed prescribing patterns.

67 (d) "Continuing education unit" shall mean ten (10)
68 clock hours of study or other such activity as may be approved by
69 the board, including, but not limited to, all programs which have
70 been approved by the American Council on Pharmaceutical Education.

71 (e) "Deliver" or "delivery" shall mean the actual,
72 constructive or attempted transfer of a drug or device from one
73 person to another, whether or not for a consideration.

74 (f) "Device" shall mean an instrument, apparatus,
75 implement, machine, contrivance, implant, in vitro reagent or
76 other similar or related article, including any component part or
77 accessory which is required under federal or state law to be
78 prescribed by a practitioner and dispensed by a pharmacist.

79 (g) "Dispense" or "dispensing" shall mean the
80 interpretation of a valid prescription, order of a practitioner by
81 a pharmacist and the subsequent preparation of the drug or device
82 for administration to or use by a patient or other individual
83 entitled to receive the drug.

84 (h) "Distribute" shall mean the delivery of a drug or
85 device other than by administering or dispensing to persons other
86 than the ultimate consumer.

87 (i) "Drug" shall mean:

88 (i) Articles recognized as drugs in the official
89 United States Pharmacopeia, official National Formulary, official
90 Homeopathic Pharmacopeia, other drug compendium or any supplement
91 to any of them;

92 (ii) Articles intended for use in the diagnosis,
93 cure, mitigation, treatment or prevention of disease in man or
94 other animals;

95 (iii) Articles other than food intended to affect
96 the structure or any function of the body of man or other animals;
97 and

98 (iv) Articles intended for use as a component of
99 any articles specified in subparagraph (i), (ii) or (iii) of this
100 paragraph.

101 (j) "Drugroom" shall mean a business, which does not
102 require the services of a pharmacist, where prescription drugs or
103 prescription devices are bought, sold, maintained or provided to
104 consumers.

105 (k) "Extern" shall mean a student in the professional
106 program of a school of pharmacy accredited by the American Council
107 on Pharmaceutical Education who is making normal progress toward
108 completion of a professional degree in pharmacy.

109 (l) "Foreign pharmacy graduate" shall mean a person
110 whose undergraduate pharmacy degree was conferred by a recognized
111 school of pharmacy outside of the United States, the District of
112 Columbia and Puerto Rico. Recognized schools of pharmacy are
113 those colleges and universities listed in the World Health
114 Organization's World Directory of Schools of Pharmacy, or
115 otherwise approved by the Foreign Pharmacy Graduate Examination

116 Committee (FPGEC) certification program as established by the
117 National Association of Boards of Pharmacy.

118 (m) "Generic equivalent drug product" shall mean a drug
119 product which (i) contains the identical active chemical
120 ingredient of the same strength, quantity and dosage form; (ii) is
121 of the same generic drug name as determined by the United States
122 Adoptive Names and accepted by the United States Food and Drug
123 Administration; and (iii) conforms to such rules and regulations
124 as may be adopted by the board for the protection of the public to
125 assure that such drug product is therapeutically equivalent.

126 (n) "Interested directly" shall mean being employed by,
127 having full or partial ownership of, or control of, any facility
128 permitted or licensed by the Mississippi State Board of Pharmacy.

129 (o) "Interested indirectly" shall mean having a spouse
130 who is employed by any facility permitted or licensed by the
131 Mississippi State Board of Pharmacy.

132 (p) "Intern" shall mean a person who has graduated from
133 a school of pharmacy but has not yet become licensed as a
134 pharmacist.

135 (q) "Manufacturer" shall mean a person, business or
136 other entity engaged in the production, preparation, propagation,
137 conversion or processing of a prescription drug or device, if such
138 actions are associated with promotion and marketing of such drugs
139 or devices.

140 (r) "Manufacturer's distributor" shall mean any person
141 or business who is not an employee of a manufacturer, but who
142 distributes sample drugs or devices, as defined under subsection
143 (i) of this section, under contract or business arrangement for a
144 manufacturer to practitioners.

145 (s) "Manufacturing" of prescription products shall mean
146 the production, preparation, propagation, conversion or processing
147 of a drug or device, either directly or indirectly, by extraction

148 from substances from natural origin or independently by means of
149 chemical or biological synthesis, or from bulk chemicals and
150 includes any packaging or repackaging of the substance(s) or
151 labeling or relabeling of its container, if such actions are
152 associated with promotion and marketing of such drug or devices.

153 (t) "Misappropriation of a prescription drug" shall
154 mean to illegally or unlawfully convert a drug, as defined in
155 subsection (i) of this section, to one's own use or to the use of
156 another.

157 (u) "Nonprescription drugs" shall mean nonnarcotic
158 medicines or drugs that may be sold without a prescription and are
159 prepackaged and labeled for use by the consumer in accordance with
160 the requirements of the statutes and regulations of this state and
161 the federal government.

162 (v) "Person" shall mean an individual, corporation,
163 partnership, association or any other legal entity.

164 (w) "Pharmacist" shall mean an individual health care
165 provider licensed by this state to engage in the practice of
166 pharmacy. This recognizes a pharmacist as a learned professional
167 who is authorized to provide patient services.

168 (x) "Pharmacy" shall mean any location for which a
169 pharmacy permit is required and in which prescription drugs are
170 maintained, compounded and dispensed for patients by a pharmacist.
171 This definition includes any location where pharmacy-related
172 services are provided by a pharmacist.

173 (y) "Prepackaging" shall mean the act of placing small
174 precounted quantities of drug products in containers suitable for
175 dispensing or administering in anticipation of prescriptions or
176 orders.

177 (z) Unlawful or unauthorized "possession" shall mean
178 physical holding or control by a pharmacist of a controlled
179 substance outside the usual and lawful course of employment.

180 (aa) "Practice of pharmacy" shall mean a health care
181 service that includes, but is not limited to, the compounding,
182 dispensing, and labeling of drugs or devices; interpreting and
183 evaluating prescriptions; administering and distributing drugs and
184 devices; the compounding, dispensing and labeling of drugs and
185 devices; maintaining prescription drug records; advising and
186 consulting concerning therapeutic values, content, hazards and
187 uses of drugs and devices; initiating or modifying of drug therapy
188 in accordance with written guidelines or protocols previously
189 established and approved by the board; selecting drugs;
190 participating in drug utilization reviews; storing prescription
191 drugs and devices; ordering lab work in accordance with written
192 guidelines or protocols as defined by paragraph (jj) of this
193 section; providing pharmacotherapeutic consultations; supervising
194 supportive personnel and such other acts, services, operations or
195 transactions necessary or incidental to the conduct of the
196 foregoing.

197 (bb) "Practitioner" shall mean a physician, dentist,
198 veterinarian, or other health care provider authorized by law to
199 diagnose and prescribe drugs.

200 (cc) "Prescription" shall mean a written, verbal or
201 electronically transmitted order issued by a practitioner for a
202 drug or device to be dispensed for a patient by a pharmacist.

203 (dd) "Prescription drug" or "legend drug" shall mean a
204 drug which is required under federal law to be labeled with either
205 of the following statements prior to being dispensed or delivered:

206 (i) "Caution: Federal law prohibits dispensing
207 without prescription," or

208 (ii) "Caution: Federal law restricts this drug to
209 use by or on the order of a licensed veterinarian"; or a drug
210 which is required by any applicable federal or state law or

211 regulation to be dispensed on prescription only or is restricted
212 to use by practitioners only.

213 (ee) "Product selection" shall mean the dispensing of a
214 generic equivalent drug product in lieu of the drug product
215 ordered by the prescriber.

216 (ff) "Provider" or "primary health care provider" shall
217 include a pharmacist who provides health care services within his
218 or her scope of practice pursuant to state law and regulation.

219 (gg) "Registrant" shall mean a pharmacy or other entity
220 which is registered with the Mississippi State Board of Pharmacy
221 to buy, sell or maintain controlled substances.

222 (hh) "Repackager" means a person registered by the
223 Federal Food and Drug Administration as a repackager who removes a
224 prescription drug product from its marketed container and places
225 it into another, usually of smaller size, to be distributed to
226 persons other than the consumer.

227 (ii) "Supportive personnel" or "pharmacist technician"
228 shall mean those individuals utilized in pharmacies whose
229 responsibilities are to provide nonjudgmental technical services
230 concerned with the preparation and distribution of drugs under the
231 direct supervision and responsibility of a pharmacist.

232 (jj) "Written guideline or protocol" shall mean an
233 agreement in which any practitioner authorized to prescribe drugs
234 delegates to a pharmacist authority to conduct specific
235 prescribing functions in an institutional setting, or with
236 individual patients, provided that a specific protocol agreement
237 is signed on each patient and is filed as required by law or by
238 rule or regulation of the board.

239 (kk) "Wholesaler" shall mean a person who buys or
240 otherwise acquires prescription drugs or prescription devices for
241 resale or distribution, or for repackaging for resale or
242 distribution, to persons other than consumers.

243 **SECTION 4.** Section 73-21-75, Mississippi Code of 1972, is
244 reenacted as follows:

245 73-21-75. (1) The State Board of Pharmacy created by former
246 Section 73-21-9 is hereby continued and reconstituted as follows:
247 The board shall consist of seven (7) appointed members. At least
248 one (1) appointment shall be made from each congressional
249 district. Each appointed member of the board shall be appointed
250 by the Governor, with the advice and consent of the Senate, from a
251 list of five (5) names submitted by the Mississippi Pharmacists
252 Association, with input from the Magnolia Pharmaceutical Society
253 and other pharmacist associations or societies. Of the members
254 appointed, one (1) shall, at the time of appointment, have had
255 five (5) years' experience as a pharmacist at a facility holding
256 an institutional permit, and one (1) shall, at the time of
257 appointment, have had five (5) years' experience as a pharmacist
258 at a facility holding a retail permit. Any person appointed to
259 the board shall be limited to two (2) full terms of office during
260 any fifteen-year period, including any member serving on May 14,
261 1992.

262 (2) The members of the board appointed and serving prior to
263 July 1, 1983, whose terms have not expired by July 1, 1983, shall
264 serve the balance of their terms as members of the reconstituted
265 board, and they shall be considered to be from the same
266 congressional districts from which they were originally appointed
267 if they still reside therein, even if the district boundaries have
268 changed subsequent to their original appointments. The Governor
269 shall appoint the remaining members of the reconstituted board in
270 the manner prescribed in subsection (1) of this section on July 1,
271 1983. The initial members of the reconstituted board shall serve
272 terms of office as follows:

273 (a) The term of the member from the First Congressional
274 District shall expire on July 1, 1984; and from and after July 1,
275 1996, this appointment shall be designated as Post 1.

276 (b) The term of the member from the Second
277 Congressional District shall expire on July 1, 1988; and from and
278 after July 1, 1996, this appointment shall be designated as Post
279 2.

280 (c) The term of the member from the Third Congressional
281 District shall expire on July 1, 1986; and from and after July 1,
282 1996, this appointment shall be designated as Post 3.

283 (d) The term of the member from the Fourth
284 Congressional District shall expire on July 1, 1985; and from and
285 after July 1, 1996, this appointment shall be designated as Post
286 4.

287 (e) The term of the member from the Fifth Congressional
288 District shall expire on July 1, 1987; and from and after July 1,
289 1996, this appointment shall be designated as Post 5.

290 (f) The term of one (1) of the members from the state
291 at large shall expire on July 1, 1985; and from and after July 1,
292 1996, this appointment shall be designated as Post 6.

293 (g) The term of the other member from the state at
294 large shall expire on July 1, 1988; and from and after July 1,
295 1996, this appointment shall be designated as Post 7.

296 The appointments of members from congressional districts as
297 provided under this section shall be made from the congressional
298 districts as they existed on July 1, 2001.

299 (3) At the expiration of a term, members of the board shall
300 be appointed in the manner prescribed in subsection (1) of this
301 section for terms of five (5) years from the expiration date of
302 the previous terms. Any vacancy on the board prior to the
303 expiration of a term for any reason, including resignation,
304 removal, disqualification, death or disability, shall be filled by

305 appointment of the Governor in the manner prescribed in subsection
306 (1) of this section for the balance of the unexpired term. The
307 Mississippi Pharmacists Association, with input from the Magnolia
308 Pharmaceutical Society and other pharmacist associations or
309 societies, shall submit a list of nominees no more than thirty
310 (30) days after a vacancy occurs, and the Governor shall fill such
311 vacancies within ninety (90) days after each such vacancy occurs.

312 (4) To be qualified to be a member of the board, a person
313 shall:

314 (a) Be an adult citizen of Mississippi for a period of
315 at least five (5) years preceding his appointment to the board;

316 (b) Be a pharmacist licensed and in good standing to
317 practice pharmacy in the State of Mississippi;

318 (c) Have at least five (5) years' experience as a
319 pharmacist; and

320 (d) Be actively engaged full time in the practice of
321 pharmacy in Mississippi.

322 (5) The Governor may remove any or all members of the board
323 on proof of unprofessional conduct, continued absence from the
324 state, or for failure to perform the duties of his office. Any
325 member who shall not attend two (2) consecutive meetings of the
326 board for any reason other than illness of such member shall be
327 subject to removal by the Governor. The president of the board
328 shall notify the Governor in writing when any such member has
329 failed to attend two (2) consecutive regular meetings. No removal
330 shall be made without first giving the accused an opportunity to
331 be heard in refutation of the charges made against him, and he
332 shall be entitled to receive a copy of the charges at the time of
333 filing.

334 **SECTION 5.** Section 73-21-77, Mississippi Code of 1972, is
335 reenacted as follows:

336 73-21-77. (1) Each person appointed as a member of the
337 board shall qualify by taking the oath prescribed by the
338 Constitution for the state officers, and shall file certificate
339 thereof in the Office of the Secretary of State within fifteen
340 (15) days after his appointment.

341 (2) There shall be a president of the board and such other
342 officers as deemed necessary by the board elected by and from its
343 membership.

344 (3) The board shall meet at least once each quarter to
345 transact business, and may meet at such additional times as it may
346 deem necessary. Such additional meetings may be called by the
347 president of the board or a majority of the members of the board.

348 (4) The place for each meeting shall be determined prior to
349 giving notice of such meeting and shall not be changed after such
350 notice is given without adequate subsequent notice.

351 (5) A majority of the members of the board shall constitute
352 a quorum for the conduct of the meeting and all actions of the
353 board shall be by a majority.

354 (6) Each member of the board shall receive a per diem as
355 provided in Section 25-3-69, not to exceed thirty (30) days in any
356 one (1) period of twelve (12) months, for each day actually
357 engaged in meetings of the board, together with necessary
358 traveling and other expenses as provided in Section 25-3-41.

359 **SECTION 6.** Section 73-21-79, Mississippi Code of 1972, is
360 reenacted and amended as follows:

361 73-21-79. (1) The board shall employ an executive director
362 of the board. The executive director shall be a citizen of
363 Mississippi and a pharmacist licensed and in good standing to
364 practice pharmacy in the State of Mississippi, who has had five
365 (5) years' experience as a pharmacist.

366 (2) The executive director shall receive a salary to be set
367 by the board, subject to the approval of the State Personnel

368 Board, and shall be entitled to necessary expenses incurred in the
369 performance of his official duties. He shall devote full time to
370 the duties of his office and shall not be * * * engaged in any
371 other business that will interfere with the duties of his office.

372 (3) The duties and responsibilities of the executive
373 director shall be defined by rules and regulations prescribed by
374 the board.

375 (4) The board may, in its discretion, employ persons in
376 addition to the executive director in such other positions or
377 capacities as it deems necessary to the proper conduct of board
378 business. Any pharmacist-investigator employed by the board may
379 have other part-time employment, provided that he shall not accept
380 any employment that would cause a conflict of interest in his
381 pharmacist-investigator duties. The board may employ legal
382 counsel to assist in the conduct of its business.

383 **SECTION 7.** Section 73-21-81, Mississippi Code of 1972, is
384 reenacted as follows:

385 73-21-81. The responsibility for the enforcement of the
386 provisions of this chapter shall be vested in the board. The
387 board shall have all of the duties, powers and authority
388 specifically granted by and necessary to the enforcement of this
389 chapter. The board may make, adopt, amend and repeal such rules
390 and regulations as may be deemed necessary by the board from time
391 to time for the proper administration and enforcement of this
392 chapter, in accordance with the provisions of the Mississippi
393 Administrative Procedures Law (Section 25-43-1 et seq.).

394 **SECTION 8.** Section 73-21-83, Mississippi Code of 1972, is
395 reenacted as follows:

396 73-21-83. (1) The board shall be responsible for the
397 control and regulation of the practice of pharmacy, to include the
398 regulation of pharmacy externs or interns and pharmacist
399 technicians, in this state, the regulation of the wholesaler

400 distribution of drugs and devices as defined in Section 73-21-73,
401 and the distribution of sample drugs or devices by manufacturer's
402 distributors as defined in Section 73-21-73 by persons other than
403 the original manufacturer or distributor in this state.

404 (2) A license for the practice of pharmacy shall be obtained
405 by all persons prior to their engaging in the practice of
406 pharmacy. However, the provisions of this chapter shall not apply
407 to physicians, dentists, veterinarians, osteopaths or other
408 practitioners of the healing arts who are licensed under the laws
409 of the State of Mississippi and are authorized to dispense and
410 administer prescription drugs in the course of their professional
411 practice.

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

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

422 (5) All persons licensed to practice pharmacy prior to July
423 1, 1991, by the State Board of Pharmacy under Section 73-21-89
424 shall continue to be licensed under the provisions of Section
425 73-21-91.

426 **SECTION 9.** Section 73-21-85, Mississippi Code of 1972, is
427 reenacted and amended as follows:

428 73-21-85. (1) To obtain a license to engage in the practice
429 of pharmacy by examination, or by score transfer, the applicant
430 shall:

431 (a) Have submitted a written application on the form
432 prescribed by the board;

433 (b) Be of good moral character;

434 (c) Have graduated from a school or college of pharmacy
435 accredited by the American Council of Pharmaceutical Education and
436 have been granted a pharmacy degree therefrom;

437 (d) Have successfully passed an examination approved by
438 the board;

439 (e) Have paid all fees specified by the board for
440 examination, not to exceed the cost to the board of administering
441 the examination;

442 (f) Have paid all fees specified by the board for
443 licensure; and

444 (g) Have submitted evidence of externship and/or
445 internship as specified by the board.

446 (2) To obtain a license to engage in the practice of
447 pharmacy, a foreign pharmacy graduate applicant shall obtain the
448 National Association of Boards of Pharmacy's Foreign Pharmacy
449 Graduate Examination Committee's certification, which shall
450 include, but not be limited to, successfully passing the Foreign
451 Pharmacy Graduate Equivalency Examination and attaining a total
452 score of at least five hundred fifty (550) on the Test of English
453 as a Foreign Language (TOEFL), and shall:

454 (a) Have submitted a written application on the form
455 prescribed by the board;

456 (b) Be of good moral character;

457 (c) Have graduated and been granted a pharmacy degree
458 from a college or school of pharmacy recognized and approved by
459 the National Association of Boards of Pharmacy's Foreign Pharmacy
460 Graduate Examination Committee;

461 (d) Have paid all fees specified by the board for
462 examination, not to exceed the cost to the board of administering
463 the examination;

464 (e) Have successfully passed an examination approved by
465 the board;

466 (f) Have completed the number of internship hours as
467 set forth by regulations of the board; and

468 (g) Have paid all fees specified by the board for
469 licensure.

470 (3) Each application or filing made under this section shall
471 include the social security number(s) of the applicant in
472 accordance with Section 93-11-64.

473 (4) To insure that all applicants are of good moral
474 character, the board shall conduct a criminal history records
475 check on all applicants for a license. In order to determine the
476 applicant's suitability for licensing, the applicant shall be
477 fingerprinted. The board shall submit the fingerprints to the
478 Department of Public Safety for a check of the state criminal
479 records and forwarded to the Federal Bureau of Investigation for a
480 check of the national criminal records. The Department of Public
481 Safety shall disseminate the results of the state check and the
482 national check to the board for a suitability determination. The
483 board shall be authorized to collect from the applicant the amount
484 of the fee that the Department of Public Safety charges the board
485 for the fingerprinting, whether manual or electronic, and the
486 state and national criminal history records checks.

487 (5) To insure that all applicants are of good moral
488 character, the board, upon request of the Dean of the University
489 of Mississippi School of Pharmacy, shall be authorized to conduct
490 a criminal history records check on all applicants for enrollment
491 into the School of Pharmacy. In order to determine the
492 applicant's suitability for enrollment and licensing, the

493 applicant shall be fingerprinted. The board shall submit the
494 fingerprints to the Department of Public Safety for a check of the
495 state criminal records and forwarded to the Federal Bureau of
496 Investigation for a check of the national criminal records. The
497 Department of Public Safety shall disseminate the results of the
498 state check and the national check to the board for a suitability
499 determination and the board shall forward the results to the Dean
500 of the School of Pharmacy. The board shall be authorized to
501 collect from the applicant the amount of the fee that the
502 Department of Public Safety charges the board for the
503 fingerprinting, whether manual or electronic, and the state and
504 national criminal history records checks.

505 **SECTION 10.** Section 73-21-87, Mississippi Code of 1972, is
506 reenacted as follows:

507 73-21-87. (1) To obtain a license to engage in the practice
508 of pharmacy by reciprocity or license transfer, the applicant
509 shall:

510 (a) Have submitted a written application on the form
511 prescribed by the board;

512 (b) Be of good moral character;

513 (c) Have possessed at the time of initial licensure as
514 a pharmacist such other qualifications necessary to have been
515 eligible for licensure at that time in that state;

516 (d) Have presented to the board proof that any license
517 or licenses granted to the applicant by any other states have not
518 been suspended, revoked, cancelled or otherwise restricted for any
519 reason except nonrenewal or the failure to obtain required
520 continuing education credits; and

521 (e) Have paid all fees specified by the board for
522 licensure.

523 (2) No applicant shall be eligible for licensure by
524 reciprocity or license transfer or unless the state in which the

525 applicant was initially licensed also grants a reciprocal license
526 or transfer license to pharmacists licensed by this state under
527 like circumstances and conditions.

528 (3) Each application or filing made under this section shall
529 include the social security number(s) of the applicant in
530 accordance with Section 93-11-64, Mississippi Code of 1972.

531 **SECTION 11.** Section 73-21-89, Mississippi Code of 1972, is
532 reenacted as follows:

533 73-21-89. (1) The board shall issue a license to practice
534 pharmacy to any person, if such person be otherwise qualified,
535 upon presentation to the board of:

536 (a) Satisfactory proof that the applicant has been
537 graduated from the University of Mississippi School of Pharmacy;

538 (b) Written application for licensure; and

539 (c) Payment of all fees specified by the board for
540 licensure.

541 (2) The board shall not issue any new licenses pursuant to
542 this section after June 30, 1987.

543 (3) Each application or filing made under this section shall
544 include the social security number(s) of the applicant in
545 accordance with Section 93-11-64, Mississippi Code of 1972.

546 **SECTION 12.** Section 73-21-91, Mississippi Code of 1972, is
547 reenacted and amended as follows:

548 73-21-91. (1) Every pharmacist shall renew his license
549 annually. To renew his license, a pharmacist shall:

550 (a) Submit an application for renewal on the form
551 prescribed by the board;

552 (b) Submit satisfactory evidence of the completion in
553 the last licensure period of such continuing education units as
554 shall be required by the board, but in no case less than two (2)
555 continuing education units in the last licensure period;

556 (c) Pay such renewal fees as required by the board, not
557 to exceed One Hundred Dollars (\$100.00) for each annual licensing
558 period, provided that the board may add a surcharge of not more
559 than Five Dollars (\$5.00) to a license renewal fee to fund a
560 program to aid impaired pharmacists or pharmacy students. Any
561 pharmacist license renewal received postmarked after December 31
562 of the renewal period will be returned and a Fifty Dollar (\$50.00)
563 late renewal fee will be assessed prior to renewal.

564 (2) Any pharmacist who has defaulted in license renewal may
565 be reinstated within two (2) years upon payment of renewal fees in
566 arrears and presentation of evidence of the required continuing
567 education. Any pharmacist defaulting in license renewal for a
568 period in excess of two (2) years shall be required to
569 successfully complete the examination given by the board pursuant
570 to Section 73-21-85 before being eligible for reinstatement as a
571 pharmacist in Mississippi, or shall be required to appear before
572 the board to be examined for his competence and knowledge of the
573 practice of pharmacy, and may be required to submit evidence of
574 continuing education. If such person is found fit by the board to
575 practice pharmacy in this state, the board may reinstate his
576 license to practice pharmacy upon payment of all renewal fees in
577 arrears.

578 (3) Each application or filing made under this section shall
579 include the social security number(s) of the applicant in
580 accordance with Section 93-11-64, Mississippi Code of 1972.

581 **SECTION 13.** Section 73-21-93, Mississippi Code of 1972, is
582 reenacted as follows:

583 73-21-93. (1) The examination for licensure required under
584 Section 73-21-85 shall be given by the board at least once during
585 each year. The board shall determine the content and subject
586 matter of each examination, the place, time and date of the

587 administration of the examination and those persons who have
588 successfully passed the examination.

589 (2) The examination shall be prepared to measure the
590 competence of the applicant to engage in the practice of pharmacy.
591 The board may employ and cooperate with any organization or
592 consultant in the preparation and grading of an appropriate
593 examination, but shall retain the sole discretion and
594 responsibility of determining which applicants have successfully
595 passed such an examination.

596 (3) The board shall have authority to use the laboratories
597 of the school of pharmacy and other facilities of the University
598 of Mississippi for the purpose of examining applicants.

599 **SECTION 14.** Section 73-21-95, Mississippi Code of 1972, is
600 reenacted as follows:

601 73-21-95. The assistant pharmacist license is hereby
602 abolished after April 30, 1984. The board shall issue a license
603 to practice pharmacy to those persons presently holding an
604 assistant pharmacist license upon their meeting the requirements
605 of Section 73-21-91.

606 **SECTION 15.** Section 73-21-97, Mississippi Code of 1972, is
607 reenacted as follows:

608 73-21-97. (1) The board may refuse to issue or renew, or
609 may suspend, reprimand, revoke or restrict the license,
610 registration or permit of any person upon one or more of the
611 following grounds:

612 (a) Unprofessional conduct as defined by the rules and
613 regulations of the board;

614 (b) Incapacity of a nature that prevents a pharmacist
615 from engaging in the practice of pharmacy with reasonable skill,
616 confidence and safety to the public;

617 (c) Being found guilty by a court of competent
618 jurisdiction of one or more of the following:

619 (i) A felony;

620 (ii) Any act involving moral turpitude or gross
621 immorality; or

622 (iii) Violation of pharmacy or drug laws of this
623 state or rules or regulations pertaining thereto, or of statutes,
624 rules or regulations of any other state or the federal government;

625 (d) Fraud or intentional misrepresentation by a
626 licensee or permit holder in securing the issuance or renewal of a
627 license or permit;

628 (e) Engaging or aiding and abetting an individual to
629 engage in the practice of pharmacy without a license;

630 (f) Violation of any of the provisions of this chapter
631 or rules or regulations adopted pursuant to this chapter;

632 (g) Failure to comply with lawful orders of the board;

633 (h) Negligently or willfully acting in a manner
634 inconsistent with the health or safety of the public;

635 (i) Addiction to or dependence on alcohol or controlled
636 substances or the unauthorized use or possession of controlled
637 substances;

638 (j) Misappropriation of any prescription drug;

639 (k) Being found guilty by the licensing agency in
640 another state of violating the statutes, rules or regulations of
641 that jurisdiction; or

642 (1) The unlawful or unauthorized possession of a
643 controlled substance.

644 (2) In lieu of suspension, revocation or restriction of a
645 license as provided for above, the board may warn or reprimand the
646 offending pharmacist.

647 (3) In addition to the grounds specified in subsection (1)
648 of this section, the board shall be authorized to suspend the
649 license, registration or permit of any person for being out of
650 compliance with an order for support, as defined in Section

651 93-11-153. The procedure for suspension of a license,
652 registration or permit for being out of compliance with an order
653 for support, and the procedure for the reissuance or reinstatement
654 of a license, registration or permit suspended for that purpose,
655 and the payment of any fees for the reissuance or reinstatement of
656 a license, registration or permit suspended for that purpose,
657 shall be governed by Section 93-11-157 or 93-11-163, as the case
658 may be. If there is any conflict between any provision of Section
659 93-11-157 or 93-11-163 and any provision of this chapter, the
660 provisions of Section 93-11-157 or 93-11-163, as the case may be,
661 shall control.

662 **SECTION 16.** Section 73-21-99, Mississippi Code of 1972, is
663 reenacted as follows:

664 73-21-99. (1) Disciplinary action by the board against a
665 licensee, registrant or permit holder, or license, registration or
666 permit shall require the following:

667 (a) A sworn affidavit filed with the board charging a
668 licensee or permit holder with an act which is grounds for
669 disciplinary action as provided in Section 73-21-97; and

670 (b) An order of the Investigations Review Committee of
671 the board which shall cause the executive director of the board to
672 fix a time and place for a hearing by the board. The executive
673 director shall cause a written notice specifying the offense or
674 offenses for which the licensee or permit holder is charged and
675 notice of the time and place of the hearing to be served upon the
676 licensee or permit holder at least thirty (30) days prior to the
677 hearing date. Such notice may be served by mailing a copy thereof
678 by certified mail, postage prepaid, to the last known residence or
679 business address of the licensee or permit holder.

680 (2) The board shall designate two (2) of its members to
681 serve on a rotating no longer than three-consecutive-month basis
682 with the executive director and legal counsel for the board as an

683 Investigations Review Committee, and the board's investigators
684 shall provide status reports solely to the Investigations Review
685 Committee during monthly meetings of the board. Such reports
686 shall be made on all on-going investigations, and shall apply to
687 any routine inspections which may give rise to the filing of a
688 complaint. In the event any complaint on a licensee comes before
689 the board for possible disciplinary action, the members of the
690 board serving on the Investigations Review Committee which
691 reviewed the investigation of such complaint shall recuse
692 themselves and not participate in the disciplinary proceeding.

693 (3) The board acting by and through its Investigation Review
694 Committee may, if deemed necessary, issue a letter of reprimand to
695 any licensee, registrant or permit holder in lieu of formal action
696 by the board.

697 (4) The board, acting by and through its executive director,
698 is hereby authorized and empowered to issue subpoenas for the
699 attendance of witnesses and the production of books and papers at
700 such hearing. Process issued by the board shall extend to all
701 parts of the state and shall be served by any person designated by
702 the board for such service.

703 (5) The accused shall have the right to appear either
704 personally or by counsel or both to produce witnesses or evidence
705 in his behalf, to cross-examine witnesses and to have subpoenas
706 issued by the board.

707 (6) At the hearing, the board shall administer oaths as may
708 be necessary for the proper conduct of the hearing. All hearings
709 shall be conducted by the board, which shall not be bound by
710 strict rules of procedure or by the laws of evidence in the
711 conduct of its proceedings, but the determination shall be based
712 upon sufficient evidence to sustain it.

713 (7) Where, in any proceeding before the board, any witness
714 fails or refuses to attend upon a subpoena issued by the board,

715 refuses to testify, or refuses to produce any books and papers the
716 production of which is called for by a subpoena, the attendance of
717 such witness, the giving of his testimony or the production of the
718 books and papers shall be enforced by any court of competent
719 jurisdiction of this state in the manner provided for the
720 enforcement of attendance and testimony of witnesses in civil
721 cases in the courts of this state.

722 (8) The board shall, within thirty (30) days after
723 conclusion of the hearing, reduce its decision to writing and
724 forward an attested true copy thereof to the last known residence
725 or business address of such licensee or permit holder by way of
726 United States first-class, certified mail, postage prepaid.

727 **SECTION 17.** Section 73-21-101, Mississippi Code of 1972, is
728 reenacted as follows:

729 73-21-101. (1) The right to appeal from the action of the
730 board in denying, revoking, suspending or refusing to renew any
731 license, registration or permit issued by the board, or fining or
732 otherwise disciplining any person is hereby granted. Such appeal
733 shall be to the chancery court of the county of the residence of
734 the licensee or permit holder on the record made, including a
735 verbatim transcript of the testimony at the hearing. The appeal
736 shall be taken within thirty (30) days after notice of the action
737 of the board in denying, revoking, suspending or refusing to renew
738 the license or permit, or fining or otherwise disciplining the
739 person. The appeal shall be perfected upon filing notice of the
740 appeal and by the prepayment of all costs, including the cost of
741 the preparation of the record of the proceedings by the board, and
742 the filing of a bond in the sum of Two Hundred Dollars (\$200.00),
743 conditioned that if the action of the board in denying, revoking,
744 suspending or refusing to renew the license or permit, or fining
745 or otherwise disciplining the person, be affirmed by the chancery

746 court, the licensee or permit holder will pay the costs of the
747 appeal and the action in the chancery court.

748 (2) If there is an appeal, such appeal shall act as a
749 supersedeas. The chancery court shall dispose of the appeal and
750 enter its decision promptly. The hearing on the appeal may, in
751 the discretion of the chancellor, be tried in vacation. The scope
752 of review of the chancery court shall be limited to a review of
753 the record made before the board to determine if the action of the
754 board is unlawful for the reason that it was (a) not supported by
755 substantial evidence, (b) arbitrary or capricious, (c) beyond the
756 power of the board to make, or (d) in violation of some statutory
757 or constitutional right of the appellant. The decision of the
758 chancery court may be appealed to the Supreme Court in the manner
759 provided by law.

760 (3) Actions taken by the board in suspending a license,
761 registration or permit when required by Section 93-11-157 or
762 93-11-163 are not actions from which an appeal may be taken under
763 this section. Any appeal of a suspension of a license,
764 registration or permit that is required by Section 93-11-157 or
765 93-11-163 shall be taken in accordance with the appeal procedure
766 specified in Section 93-11-157 or 93-11-163, as the case may be,
767 rather than the procedure specified in this section.

768 **SECTION 18.** Section 73-21-103, Mississippi Code of 1972, is
769 reenacted as follows:

770 73-21-103. (1) Upon the finding of the existence of grounds
771 for action against any permitted facility or discipline of any
772 person holding a license, registration or permit, seeking a
773 license, registration or permit, or seeking to renew a license or
774 permit under the provisions of this chapter, the board may impose
775 one or more of the following penalties:

776 (a) Suspension of the offender's license, registration
777 and/or permit for a term to be determined by the board;

778 (b) Revocation of the offender's license, registration
779 and/or permit;

780 (c) Restriction of the offender's license, registration
781 and/or permit to prohibit the offender from performing certain
782 acts or from engaging in the practice of pharmacy in a particular
783 manner for a term to be determined by the board;

784 (d) Imposition of a monetary penalty as follows:

785 (i) For the first violation, a monetary penalty of
786 not less than Two Hundred Fifty Dollars (\$250.00) nor more than
787 One Thousand Dollars (\$1,000.00) for each violation;

788 (ii) For the second violation and subsequent
789 violations, a monetary penalty of not less than Five Hundred
790 Dollars (\$500.00) nor more than Five Thousand Dollars (\$5,000.00)
791 for each violation.

792 Money collected by the board under Section 73-21-103,
793 subsection (1)(d)(i), (ii) and (iv) shall be deposited to the
794 credit of the State General Fund of the State Treasury;

795 (iii) The board may assess a monetary penalty for
796 those reasonable costs that are expended by the board in the
797 investigation and conduct of a proceeding for licensure
798 revocation, suspension or restriction, including, but not limited
799 to, the cost of process service, court reporters, expert witnesses
800 and investigators.

801 Money collected by the board under Section 73-21-103,
802 subsection (1)(d)(iii), shall be deposited to the credit of the
803 Special Fund of the Pharmacy Board;

804 (iv) The board may impose a monetary penalty for
805 those facilities/businesses registered with the Pharmacy Board as
806 wholesalers/manufacturers of not less than Three Hundred Dollars
807 (\$300.00) per violation and not more than Fifty Thousand Dollars
808 (\$50,000.00) per violation;

809 (e) Refusal to renew offender's license, registration
810 and/or permit;

811 (f) Placement of the offender on probation and
812 supervision by the board for a period to be determined by the
813 board;

814 (g) Public or private reprimand.

815 Whenever the board imposes any penalty under this subsection,
816 the board may require rehabilitation and/or additional education
817 as the board may deem proper under the circumstances, in addition
818 to the penalty imposed.

819 (2) Any person whose license, registration and/or permit has
820 been suspended, revoked or restricted pursuant to this chapter,
821 whether voluntarily or by action of the board, shall have the
822 right to petition the board at reasonable intervals for
823 reinstatement of such license, registration and/or permit. Such
824 petition shall be made in writing and in the form prescribed by
825 the board. Upon investigation and hearing, the board may, in its
826 discretion, grant or deny such petition, or it may modify its
827 original finding to reflect any circumstances which have changed
828 sufficiently to warrant such modifications. The procedure for the
829 reinstatement of a license, registration or permit that is
830 suspended for being out of compliance with an order for support,
831 as defined in Section 93-11-153, shall be governed by Section
832 93-11-157 or 93-11-163, as the case may be.

833 (3) Nothing herein shall be construed as barring criminal
834 prosecutions for violation of this chapter where such violations
835 are deemed as criminal offenses in other statutes of this state or
836 of the United States.

837 (4) A monetary penalty assessed and levied under this
838 section shall be paid to the board by the licensee, registrant or
839 permit holder upon the expiration of the period allowed for appeal

840 of such penalties under Section 73-21-101, or may be paid sooner
841 if the licensee, registrant or permit holder elects.

842 (5) When payment of a monetary penalty assessed and levied
843 by the board against a licensee, registrant or permit holder in
844 accordance with this section is not paid by the licensee,
845 registrant or permit holder when due under this section, the board
846 shall have the power to institute and maintain proceedings in its
847 name for enforcement of payment in the chancery court of the
848 county and judicial district of residence of the licensee,
849 registrant or permit holder, or if the licensee, registrant or
850 permit holder is a nonresident of the State of Mississippi, in the
851 Chancery Court of the First Judicial District of Hinds County,
852 Mississippi. When such proceedings are instituted, the board
853 shall certify the record of its proceedings, together with all
854 documents and evidence, to the chancery court and the matter shall
855 thereupon be heard in due course by the court, which shall review
856 the record and make its determination thereon. The hearing on the
857 matter may, in the discretion of the chancellor, be tried in
858 vacation.

859 (6) The board shall develop and implement a uniform penalty
860 policy which shall set the minimum and maximum penalty for any
861 given violation of board regulations and laws governing the
862 practice of pharmacy. The board shall adhere to its uniform
863 penalty policy except in such cases where the board specifically
864 finds, by majority vote, that a penalty in excess of, or less
865 than, the uniform penalty is appropriate. Such vote shall be
866 reflected in the minutes of the board and shall not be imposed
867 unless such appears as having been adopted by the board.

868 **SECTION 19.** Section 73-21-105, Mississippi Code of 1972, is
869 reenacted as follows:

870 73-21-105. (1) Every facility/business that shall engage in
871 the wholesale distribution of prescription drugs, to include

872 without limitation, manufacturing in this state, distribution into
873 this state, or selling or offering to sell in this state, or
874 distribution from or within this state, shall register biennially
875 with the Mississippi State Board of Pharmacy by applying for a
876 permit on a form supplied by the board and accompanied by a fee as
877 set by subsection (4) of this section. The Pharmacy Board shall
878 by regulation determine the classification of permit(s) that shall
879 be required.

880 (2) Every business/facility/pharmacy located in this state
881 that engages in or proposes to engage in the dispensing and
882 delivery of prescription drugs to consumers shall register with
883 the Mississippi State Board of Pharmacy by applying for a permit
884 on a form supplied by the board and accompanied by a fee as set by
885 subsection (4) of this section. The Pharmacy Board shall by
886 regulation determine the classification of permit(s) that shall be
887 required.

888 (3) The board shall establish by rule or regulation the
889 criteria which each business shall meet to qualify for a permit in
890 each classification. The board shall issue a permit to any
891 applicant who meets the criteria as established. The board may
892 issue various types of permits with varying restrictions to
893 businesses where the board deems it necessary by reason of the
894 type of activities conducted by the business requesting a permit.

895 (4) The board shall specify by rule or regulation the
896 registration procedures to be followed, including, but not limited
897 to, specification of forms for use in applying for such permits
898 and times, places and fees for filing such applications. However,
899 the biennial fee for an original or renewal permit shall not
900 exceed Three Hundred Dollars (\$300.00).

901 (5) Applications for permits shall include the following
902 information about the proposed business:

903 (a) Ownership;

904 (b) Location;
905 (c) Identity of the responsible person or pharmacist
906 licensed to practice in the state, who shall be the pharmacist in
907 charge of the pharmacy, where one is required by this chapter, and
908 such further information as the board may deem necessary.

909 (6) Permits issued by the board pursuant to this section
910 shall not be transferable or assignable.

911 (7) The board shall specify by rule or regulation minimum
912 standards for the responsibility in the conduct of any
913 business/facility and/or pharmacy that has been issued a permit.
914 The board is specifically authorized to require that the portion
915 of the facility located in this state to which a pharmacy permit
916 applies be operated only under the direct supervision of no less
917 than one (1) pharmacist licensed to practice in this state, and to
918 provide such other special requirements as deemed necessary.
919 Nothing in this subsection shall be construed to prevent any
920 person from owning a pharmacy.

921 (8) All businesses permitted by the board shall report to
922 the board the occurrence of any of the following changes:

923 (a) Permanent closing;

924 (b) Change of ownership, management, location or
925 pharmacist in charge;

926 (c) Any and all other matters and occurrences as the
927 board may require by rule or regulation.

928 (9) Disasters, accidents and emergencies which may affect
929 the strength, purity or labeling of drugs, medications, devices or
930 other materials used in the diagnosis or the treatment of injury,
931 illness and disease shall be immediately reported to the board.

932 (10) No business that is required to obtain a permit shall
933 be operated until a permit has been issued for such business by
934 the board. Any person, firm or corporation violating any of the
935 provisions of this section shall be guilty of a misdemeanor and,

936 upon conviction thereof, shall be punished by a fine of not less
937 than One Hundred Dollars (\$100.00) nor more than One Thousand
938 Dollars (\$1,000.00), or imprisonment in the county jail for not
939 less than thirty (30) days nor more than ninety (90) days, or by
940 both such fine and imprisonment. However, the provisions of this
941 chapter shall not apply to physicians, dentists, veterinarians,
942 osteopaths or other practitioners of the healing arts who are
943 licensed under the laws of the State of Mississippi and are
944 authorized to dispense and administer prescription drugs in the
945 course of their professional practice.

946 **SECTION 20.** Section 73-21-107, Mississippi Code of 1972, is
947 reenacted as follows:

948 73-21-107. (1) The board or its representative may enter
949 and inspect, during reasonable hours, a facility which has
950 obtained or applied for a permit under Section 73-21-105 relative
951 to the following:

952 (a) Drug storage and security;
953 (b) Equipment;
954 (c) Sanitary conditions; or
955 (d) Records, reports, or other documents required to be
956 kept or made under this chapter or the Uniform Controlled
957 Substances Law (Section 41-29-101 et seq.) or rules and
958 regulations adopted under such laws.

959 (2) Prior to an entry and inspection, the board
960 representative shall state his purpose and present appropriate
961 credentials to the owner, pharmacist or agent in charge of a
962 facility.

963 (3) The board representative may:

964 (a) Inspect and copy records, reports, and other
965 documents required to be kept or made under this chapter, the
966 Uniform Controlled Substances Law, or rules and regulations
967 adopted under such laws;

968 (b) Inspect, within reasonable limits and in a
969 reasonable manner, a facility's storage, equipment, security,
970 records, or prescription drugs or devices; or

971 (c) Inventory any stock of any prescription drugs or
972 devices in the facility.

973 (4) Unless the owner, pharmacist, or agent in charge of the
974 facility consents in writing, an inspection authorized by this
975 section may not extend to:

976 (a) Financial data;

977 (b) Sales data other than shipment data; or

978 (c) Pricing data.

979 **SECTION 21.** Section 73-21-109, Mississippi Code of 1972, is
980 reenacted as follows:

981 73-21-109. No person shall make use of the terms
982 "drugstore," "pharmacy," "apothecary" or words of similar meaning
983 which indicate that pharmaceutical services are performed in any
984 sign, letterhead or advertisement unless such person is a permit
985 holder as provided in Section 73-21-105. Any person violating
986 this section shall be guilty of a misdemeanor and, upon conviction
987 thereof, shall be punished by a fine of not less than One Hundred
988 Dollars (\$100.00) nor more than Three Hundred Dollars (\$300.00),
989 or by imprisonment in the county jail for not less than thirty
990 (30) days nor more than ninety (90) days, or by both.

991 **SECTION 22.** Section 73-21-111, Mississippi Code of 1972, is
992 reenacted as follows:

993 73-21-111. (1) The board shall make, adopt, amend and
994 repeal from time to time such rules and regulations for the
995 regulation of supportive personnel as may be deemed necessary by
996 the board.

997 (2) Every person who acts or serves as a pharmacy technician
998 in a pharmacy that is located in this state and permitted by the

999 board shall obtain a registration from the board. To obtain a
1000 pharmacy technician registration the applicant must:

1001 (a) Have submitted a written application on a form(s)
1002 prescribed by the board; and

1003 (b) Be of good moral character; and

1004 (c) Have paid the initial registration fee not to
1005 exceed One Hundred Dollars (\$100.00).

1006 (3) Each pharmacy technician shall renew his or her
1007 registration annually. To renew his or her registration, a
1008 technician must:

1009 (a) Submit an application on a form prescribed by the
1010 board; and

1011 (b) Pay a renewal fee not to exceed One Hundred Dollars
1012 (\$100.00) for each annual registration period. The board may add
1013 a surcharge of not more than Five Dollars (\$5.00) to the
1014 registration renewal fee to assist in funding a program that
1015 assists impaired pharmacists, pharmacy students and pharmacy
1016 technicians.

1017 (4) To insure that all applicants are of good moral
1018 character, the board shall conduct a criminal history records
1019 check on all applicants for a license. In order to determine the
1020 applicant's suitability for licensing, the applicant shall be
1021 fingerprinted. The board shall submit the fingerprints to the
1022 Department of Public Safety for a check of the state criminal
1023 records and forwarded to the Federal Bureau of Investigation for a
1024 check of the national criminal records. The Department of Public
1025 Safety shall disseminate the results of the state check and the
1026 national check to the board for a suitability determination. The
1027 board shall be authorized to collect from the applicant the amount
1028 of the fee that the Department of Public Safety charges the board
1029 for the fingerprinting, whether manual or electronic, and the
1030 state and national criminal history records checks.

1031 **SECTION 23.** Section 73-21-113, Mississippi Code of 1972, is
1032 reenacted as follows:

1033 73-21-113. All fees received by the board from examinations,
1034 licenses, permits and monetary penalties, and any other funds
1035 received by the board, shall be paid to the State Treasurer, who
1036 shall issue receipts therefor and deposit such funds in the State
1037 Treasury in a special fund to the credit of the board. All such
1038 funds shall be expended only pursuant to appropriation approved by
1039 the Legislature and as provided by law.

1040 **SECTION 24.** Section 73-21-115, Mississippi Code of 1972, is
1041 reenacted as follows:

1042 73-21-115. (1) Every prescription written in this state by
1043 a person authorized to issue such prescription shall be on
1044 prescription forms containing two (2) lines for the prescriber's
1045 signature. There shall be a signature line in the lower
1046 right-hand corner of the prescription form beneath which shall be
1047 clearly imprinted the words "substitution permissible." There
1048 shall be a signature line in the lower left-hand corner of the
1049 prescription form beneath which shall be clearly imprinted the
1050 words "dispense as written." The prescriber's signature on either
1051 signature line shall validate the prescription and shall designate
1052 approval or disapproval of product selection.

1053 (2) If a prescription form which does not contain the two
1054 (2) signature lines required in subsection (1) of this section is
1055 utilized by the prescriber, he shall write in his own handwriting
1056 the words "dispense as written" thereupon to prevent product
1057 selection.

1058 (3) A pharmacist licensed by the Mississippi State Board of
1059 Pharmacy may dispense a one-time emergency dispensing of a
1060 prescription of up to a seventy-two-hour supply of a prescribed
1061 medication in the event the pharmacist is unable to contact the
1062 prescriber to obtain refill authorization, provided that:

1063 (a) The prescription is not for a controlled substance;

1064 (b) In the pharmacist's professional judgment, the
1065 interruption of therapy might reasonably produce undesirable
1066 health consequences or may cause physical or mental discomfort;

1067 (c) The dispensing pharmacist notifies the prescriber
1068 or his agent of the emergency dispensing within seven (7) working
1069 days after the one-time emergency dispensing;

1070 (d) The pharmacist properly records the dispensing as a
1071 separate nonrefillable prescription. Said document shall be filed
1072 as is required of all other prescription records. This document
1073 shall be serially numbered and contain all information required of
1074 other prescriptions. In addition it shall contain the number of
1075 the prescription from which it was refilled; and

1076 (e) The pharmacist shall record on the new document the
1077 circumstances which warrant this emergency dispensing.

1078 This emergency dispensing shall be done only in the permitted
1079 facility which contains the nonrefillable prescription.

1080 **SECTION 25.** Section 73-21-117, Mississippi Code of 1972, is
1081 reenacted as follows:

1082 73-21-117. (1) A pharmacist may select a generic equivalent
1083 drug product only when such selection results in lower cost to the
1084 purchaser, unless product selection is expressly prohibited by the
1085 prescriber.

1086 (2) A pharmacist shall select a generic equivalent drug
1087 product when:

1088 (a) The purchaser requests the selection of a generic
1089 equivalent drug product;

1090 (b) The prescriber has not expressly prohibited product
1091 selection; and

1092 (c) Product selection will result in lower cost to the
1093 purchaser.

1094 Before product selection is made, the pharmacist shall advise
1095 the purchaser of his prerogatives under this subsection.

1096 (3) When requested by the purchaser to dispense the drug
1097 product as ordered by the prescriber, a pharmacist shall not
1098 select a generic equivalent drug product.

1099 **SECTION 26.** Section 73-21-119, Mississippi Code of 1972, is
1100 reenacted as follows:

1101 73-21-119. (1) The label of the container of any drug
1102 product which is sold within the State of Mississippi for resale
1103 at retail and which requires a prescription to be dispensed at
1104 retail shall contain at a minimum the name of the manufacturer of
1105 the final dosage unit, expiration date if applicable, batch or lot
1106 number and national drug code.

1107 (2) Whenever product selection is made, the pharmacist shall
1108 indicate on the label of the dispensed container the initials
1109 "G.E." and the proprietary name of the product dispensed or the
1110 generic name of the product dispensed and its manufacturer either
1111 written in full or appropriately abbreviated, unless the
1112 prescriber indicates that the name of the drug product shall not
1113 appear on the label.

1114 **SECTION 27.** Section 73-21-121, Mississippi Code of 1972, is
1115 reenacted as follows:

1116 73-21-121. (1) Product selection as authorized by Sections
1117 73-21-115 through 73-21-119 shall not constitute evidence of
1118 negligence by the dispensing pharmacist when such product
1119 selection is in accordance with reasonable and prudent pharmacy
1120 practice. No prescriber shall be liable for civil damages or in
1121 any criminal prosecution arising from the incorrect product
1122 selection by a pharmacist.

1123 (2) Any person having knowledge relating to a pharmacist or
1124 to a pharmacy student which might provide grounds for disciplinary
1125 action by the board may report relevant facts to the board, and

1126 shall by reason of reporting such facts in good faith be immune
1127 from civil liability.

1128 (3) Any person furnishing information in the form of data,
1129 reports or records to the board or to a pharmacist organization
1130 approved by the board to receive such information, where such
1131 information is furnished for the purpose of aiding a pharmacist or
1132 a pharmacy student impaired by chemical abuse or by mental or by
1133 physical illness, shall by reason of furnishing such information
1134 in good faith be immune from civil liability.

1135 (4) The records of the board or the records of a pharmacist
1136 organization approved by the board to aid pharmacists or pharmacy
1137 students impaired by chemical abuse, where such records relate to
1138 the impairment, shall be confidential and are not considered open
1139 records; provided, however, the board may disclose this
1140 confidential information only:

1141 (a) In a disciplinary hearing before the board, or in
1142 an appeal of an action or order of the board;

1143 (b) To the pharmacist licensing or disciplinary
1144 authorities of other jurisdictions in the case of a pharmacist who
1145 is licensed in, or seeking transfer to, another state; or

1146 (c) Pursuant to an order of a court of competent
1147 jurisdiction.

1148 **SECTION 28.** Section 73-21-123, Mississippi Code of 1972, is
1149 reenacted as follows:

1150 73-21-123. Nothing in this chapter shall be construed to
1151 prevent, or in any manner interfere with, or to require a permit
1152 for the sale of nonnarcotic nonprescription drugs which may be
1153 lawfully sold under the United States Food, Drug and Cosmetic Act
1154 (21 USCS 301 et seq. as now or hereafter amended) without a
1155 prescription, nor shall any rule or regulation be adopted by the
1156 board under the provisions of this chapter which shall require the
1157 sale of nonprescription drugs by a licensed pharmacist of in a

1158 pharmacy or otherwise apply to or interfere with the sale or
1159 distribution of such drugs.

1160 **SECTION 29.** The following provision shall be codified as
1161 Section 73-21-125, Mississippi Code of 1972:

1162 73-21-125. The Board of Pharmacy shall develop and implement
1163 a computerized program to track prescriptions for controlled
1164 substances and to report illegal activity, under the following
1165 conditions:

1166 (a) The prescriptions tracked shall be prescriptions
1167 for controlled substances listed in Schedule II, III, IV or V that
1168 are filled by a pharmacy. The program shall provide information
1169 regarding the inappropriate use of controlled substances in
1170 Schedule II, III, IV and V to pharmacies, practitioners and
1171 appropriate state agencies in order to prevent the improper or
1172 illegal use of such controlled substances. The program shall not
1173 infringe on the legal use of controlled substances for the
1174 management of severe or intractable pain.

1175 (b) The Board of Pharmacy shall report any activity it
1176 reasonably suspects may be fraudulent or illegal to the
1177 appropriate law enforcement agency or occupational licensing board
1178 and provide them with the relevant information obtained for
1179 further investigation.

1180 (c) Information obtained from the program is
1181 confidential and must not be disclosed to any person. Information
1182 must be disclosed upon the request of a person about whom the
1183 information requested concerns or upon the request on his behalf
1184 by his attorney.

1185 (d) Licensed physicians, dentists and pharmacists may
1186 obtain patient specific information in the program by request.

1187 (e) The Board of Pharmacy may apply for any available
1188 grants and accept any gifts, grants or donations to assist in
1189 future development or in maintaining the program.

1190 **SECTION 30.** The following provision shall be codified as
1191 Section 73-21-126, Mississippi Code of 1972:

1192 73-21-126. (1) The State Board of Pharmacy shall promulgate
1193 rules regarding the issuance and renewal of licenses and permits
1194 for new or renewal application requirements for both in and out of
1195 state wholesale distributors, chain pharmacy warehouses and
1196 re-packagers shipping into Mississippi. Requirements for new and
1197 on renewal applications, if information has not been previously
1198 provided to the board, will include, but not be limited to, the
1199 following:

1200 (a) Type of ownership (individual, partnership or
1201 corporation);

1202 (b) Names of principal owners or officers and social
1203 security numbers;

1204 (c) Names of designated representatives and social
1205 security numbers;

1206 (d) Criminal background checks of applicants and
1207 designated representatives as required by rule;

1208 (e) Copy of license in home state;

1209 (f) Bond requirements.

1210 (2) The board shall promulgate rules for the establishment
1211 of a pedigree or electronic file to be used by wholesale
1212 distributors, chain pharmacy warehouses and re-packagers for the
1213 purpose of ensuring the integrity of drugs owned, purchased,
1214 distributed, returned, transferred and sold when the products
1215 leave the normal distribution channel.

1216 (3) The board is authorized to use an outside agency to
1217 accredit wholesale distributors and re-packagers, including the
1218 National Association of Boards of Pharmacy's (NABP) Verified
1219 Accredited Wholesale Distributors (VAWD) program.

1220 (4) Pharmacies shall not be responsible for verification or
1221 adjudication of the pedigree for pharmaceuticals.

1222 (5) The board may exempt wholesalers accredited by the VAWD
1223 program from the above requirements.

1224 **SECTION 31.** Sections 31 through 35 of this act shall be
1225 known as the "Pharmacy Benefit Prompt Pay Act."

1226 **SECTION 32.** For purposes of Sections 31 through 35 of this
1227 act, the following words and phrases shall have the meanings
1228 ascribed herein unless the context clearly indicates otherwise:

1229 (a) "Board" means the State Board of Pharmacy.

1230 (b) "Commissioner" means the Mississippi Commissioner
1231 of Insurance.

1232 (c) "Day" means a calendar day, unless otherwise
1233 defined or limited.

1234 (d) "Electronic claim" means the transmission of data
1235 for purposes of payment of covered prescription drugs, other
1236 products and supplies, and pharmacist services in an electronic
1237 data format specified by a pharmacy benefit manager and approved
1238 by the department.

1239 (e) "Electronic adjudication" means the process of
1240 electronically receiving, reviewing and accepting or rejecting an
1241 electronic claim.

1242 (f) "Enrollee" means an individual who has been
1243 enrolled in a pharmacy benefit management plan.

1244 (g) "Health insurance plan" means benefits consisting
1245 of prescription drugs, other products and supplies, and pharmacist
1246 services provided directly, through insurance or reimbursement, or
1247 otherwise and including items and services paid for as
1248 prescription drugs, other products and supplies, and pharmacist
1249 services under any hospital or medical service policy or
1250 certificate, hospital or medical service plan contract, preferred
1251 provider organization agreement, or health maintenance
1252 organization contract offered by a health insurance issuer, unless
1253 preempted as an employee benefit plan under the Employee

1254 Retirement Income Security Act of 1974. However, "health
1255 insurance coverage" shall not include benefits due under the
1256 workers compensation laws of this or any other state.

1257 (h) "Pharmacy benefit manager" means a business that
1258 administers the prescription drug/device portion of pharmacy
1259 benefit management plans or health insurance plans on behalf of
1260 plan sponsors, insurance companies, unions and health maintenance
1261 organizations. For purposes of Sections 31 through 35 of this
1262 act, a "pharmacy benefit manager" shall not include an insurance
1263 company that provides an integrated health benefit plan and that
1264 does not separately contract for pharmacy benefit management
1265 services. The pharmacy benefit manager of the Mississippi State
1266 and School Employees Health Insurance Plan or the Mississippi
1267 Division of Medicaid or its contractors when performing services
1268 for the Division of Medicaid shall not be subject to Sections 31
1269 through 35 of this act because of those activities, but, if they
1270 are conducting business as a pharmacy benefit manager other than
1271 with those agencies, they shall be subject to Sections 31 through
1272 35 of this act for those activities only.

1273 (i) "Pharmacy benefit management plan" means an
1274 arrangement for the delivery of pharmacist's services in which a
1275 pharmacy benefit manager undertakes to administer the payment or
1276 reimbursement of any of the costs of pharmacist's services for an
1277 enrollee on a prepaid or insured basis which (i) contains one or
1278 more incentive arrangements intended to influence the cost or
1279 level of pharmacist's services between the plan sponsor and one or
1280 more pharmacies with respect to the delivery of pharmacist's
1281 services; and (ii) requires or creates benefit payment
1282 differential incentives for enrollees to use under contract with
1283 the pharmacy benefit manager. A pharmacy benefit management plan
1284 does not mean any employee welfare benefit plan if preempted by
1285 the Employee Retirement Income Security Act of 1974, which is

1286 self-insured or self-funded, the Mississippi State and School
1287 Employees Health Insurance Plan or the programs operated by the
1288 Mississippi Division of Medicaid.

1289 (j) "Pharmacist," "pharmacist services" and "pharmacy"
1290 or "pharmacies" shall have the same definitions as provided in
1291 Section 73-21-73.

1292 (k) "Uniform claim form" means a form prescribed by
1293 rule by the State Board of Pharmacy, provided however that, for
1294 purposes of this act, the board shall adopt the same definition or
1295 rule where the State Department of Insurance has adopted a rule
1296 covering the same type of claim. The board may modify the
1297 terminology of the rule and form when necessary to comply with the
1298 provisions of this act.

1299 (l) "Plan sponsors" means the employers, insurance
1300 companies, unions and health maintenance organizations that
1301 contract with a pharmacy benefit manager for delivery of
1302 prescription services.

1303 **SECTION 33.** (1) Reimbursement under a contract to a
1304 pharmacist or pharmacy for prescription drugs and other products
1305 and supplies that is calculated according to a formula that uses a
1306 nationally recognized reference in the pricing calculation shall
1307 use the most current nationally recognized reference price or
1308 amount in the actual or constructive possession of the pharmacy
1309 benefit manager, its agent, or any other party responsible for
1310 reimbursement for prescription drugs and other products and
1311 supplies on the date of electronic adjudication or on the date of
1312 service shown on the nonelectronic claim.

1313 (2) Pharmacy benefit managers, their agents and other
1314 parties responsible for reimbursement for prescription drugs and
1315 other products and supplies shall be required to update the
1316 nationally recognized reference prices or amounts used for

1317 calculation of reimbursement for prescription drugs and other
1318 products and supplies no less than every three (3) business days.

1319 (3) (a) All benefits payable under a pharmacy benefit
1320 management plan shall be paid within fifteen (15) days after
1321 receipt of due written proof of a clean claim where claims are
1322 submitted electronically, and shall be paid within thirty-five
1323 (35) days after receipt of due written proof of a clean claim
1324 where claims are submitted in paper format. Benefits due under
1325 the plan and claims are overdue if not paid within fifteen (15)
1326 days or thirty-five (35) days, whichever is applicable, after the
1327 pharmacy benefit manager receives a clean claim containing
1328 necessary information essential for the pharmacy benefit manager
1329 to administer preexisting condition, coordination of benefits and
1330 subrogation provisions under the plan sponsor's health insurance
1331 plan. A "clean claim" means a claim received by a pharmacy
1332 benefit manager for adjudication and which requires no further
1333 information, adjustment or alteration by the pharmacist or
1334 pharmacies or the insured in order to be processed and paid by the
1335 pharmacy benefit manager. A claim is clean if it has no defect or
1336 impropriety, including any lack of substantiating documentation,
1337 or particular circumstance requiring special treatment that
1338 prevents timely payment from being made on the claim under this
1339 subsection. A clean claim includes resubmitted claims with
1340 previously identified deficiencies corrected.

1341 (b) A clean claim does not include any of the
1342 following:

1343 (i) A duplicate claim, which means an original
1344 claim and its duplicate when the duplicate is filed within thirty
1345 (30) days of the original claim;

1346 (ii) Claims which are submitted fraudulently or
1347 that are based upon material misrepresentations;

1348 (iii) Claims that require information essential
1349 for the pharmacy benefit manager to administer preexisting
1350 condition, coordination of benefits or subrogation provisions
1351 under the plan sponsor's health insurance plan; or

1352 (iv) Claims submitted by a pharmacist or pharmacy
1353 more than thirty (30) days after the date of service; if the
1354 pharmacist or pharmacy does not submit the claim on behalf of the
1355 insured, then a claim is not clean when submitted more than thirty
1356 (30) days after the date of billing by the pharmacist or pharmacy
1357 to the insured.

1358 (c) Not later than fifteen (15) days after the date the
1359 pharmacy benefit manager actually receives an electronic claim,
1360 the pharmacy benefit manager shall pay the appropriate benefit in
1361 full, or any portion of the claim that is clean, and notify the
1362 pharmacist or pharmacy (where the claim is owed to the pharmacist
1363 or pharmacy) of the reasons why the claim or portion thereof is
1364 not clean and will not be paid and what substantiating
1365 documentation and information is required to adjudicate the claim
1366 as clean. Not later than thirty-five (35) days after the date the
1367 pharmacy benefit manager actually receives a paper claim, the
1368 pharmacy benefit manager shall pay the appropriate benefit in
1369 full, or any portion of the claim that is clean, and notify the
1370 pharmacist or pharmacy (where the claim is owed to the pharmacist
1371 or pharmacy) of the reasons why the claim or portion thereof is
1372 not clean and will not be paid and what substantiating
1373 documentation and information is required to adjudicate the claim
1374 as clean. Any claim or portion thereof resubmitted with the
1375 supporting documentation and information requested by the pharmacy
1376 benefit manager shall be paid within twenty (20) days after
1377 receipt.

1378 (4) Any pharmacy benefit manager, agent or other party
1379 responsible for reimbursement for prescription drugs and other

1380 products and supplies that does not comply with the requirements
1381 of this section shall be subject to administrative penalty
1382 provisions to the extent of any amount not paid in accordance with
1383 the requirements of this section. Such penalties are additional
1384 to and separate from the penalties set out in Section 83-9-5(8),
1385 Mississippi Code of 1972, and shall be assessed on the following
1386 basis:

1387 (a) If the board finds that a pharmacy benefit manager,
1388 during any calendar month, has paid at least eighty-five percent
1389 (85%), but less than ninety-five percent (95%), of all clean
1390 claims, as defined in subsection (3) of this section, received
1391 from a pharmacy during that year, the board may levy an aggregate
1392 penalty in an amount not to exceed Ten Thousand Dollars
1393 (\$10,000.00). If the board finds that a pharmacy benefit manager,
1394 during any calendar month, has paid at least seventy-five percent
1395 (75%), but less than eighty-five percent (85%), of all clean
1396 claims received from a pharmacy during that month, the board may
1397 levy an aggregate penalty in an amount of not less than Ten
1398 Thousand Dollars (\$10,000.00) nor more than One Hundred Thousand
1399 Dollars (\$100,000.00). If the board finds that a pharmacy benefit
1400 manager, during any calendar month, has paid less than
1401 seventy-five percent (75%) of all clean claims received from a
1402 pharmacy during that month, the board may levy an aggregate
1403 penalty in an amount not less than One Hundred Thousand Dollars
1404 (\$100,000.00) nor more than Two Hundred Thousand Dollars
1405 (\$200,000.00). In determining the amount of any fine, the board
1406 shall take into account whether the failure to adequately pay
1407 claims was due to circumstances beyond the control of the pharmacy
1408 benefit manager. The pharmacy benefit manager may request an
1409 administrative hearing to contest the assessment of any
1410 administrative penalty imposed by the board pursuant to this

1411 subsection within thirty (30) days after receipt of the notice of
1412 assessment.

1413 (b) Examinations to determine compliance with this
1414 subsection may be conducted by the board or any of its examiners.
1415 The board may contract with qualified impartial outside sources to
1416 assist in examinations to determine compliance. The expenses of
1417 any such examinations shall be paid by the pharmacy benefit
1418 manager examined.

1419 (c) Nothing in the provisions of this section shall
1420 require a pharmacy benefit manager to pay claims that are not
1421 covered under the terms of a contract or policy of accident and
1422 sickness insurance or prepaid coverage.

1423 (d) If the claim is not denied for valid and proper
1424 reasons by the end of the applicable time period prescribed in
1425 this provision, the pharmacy benefit manager must pay the pharmacy
1426 (where the claim is owed to the pharmacy) or the patient (where
1427 the claim is owed to a patient) interest on accrued benefits at
1428 the rate of one and one-half percent (1-1/2%) per month accruing
1429 from the day after payment was due on the amount of the benefits
1430 that remain unpaid until the claim is finally settled or
1431 adjudicated. Whenever interest due pursuant to this provision is
1432 less than One Dollar (\$1.00), such amount shall be credited to the
1433 account of the person or entity to whom such amount is owed.

1434 (e) Any pharmacy benefit manager and a pharmacy may
1435 enter into an express written agreement containing timely claim
1436 payment provisions which differ from, but are at least as
1437 stringent as, the provisions set forth under subsection (3) of
1438 this section, and in such case, the provisions of the written
1439 agreement shall govern the timely payment of claims by the
1440 pharmacy benefit manager to the pharmacy. If the express written
1441 agreement is silent as to any interest penalty where claims are

1442 not paid in accordance with the agreement, the interest penalty
1443 provision of subsection (4)(d) of this section shall apply.

1444 (f) The State Board of Pharmacy may adopt rules and
1445 regulations necessary to ensure compliance with this subsection.

1446 **SECTION 34.** (1) Each pharmacy benefit manager providing
1447 pharmacy management benefit plans in this state shall file a
1448 statement with the commissioner annually by March 1 or within
1449 sixty (60) days of the end of its fiscal year if not a calendar
1450 year. The statement shall be verified by at least two (2)
1451 principal officers and shall cover the preceding calendar year or
1452 the immediately preceding fiscal year of the pharmacy benefit
1453 manager.

1454 (2) The statement shall be on forms prescribed by the
1455 commissioner and shall include:

1456 (a) A financial statement of the organization,
1457 including its balance sheet and income statement for the preceding
1458 year; and

1459 (b) Any other information relating to the operations of
1460 the pharmacy benefit manager required by the commissioner under
1461 this act.

1462 (3) If the pharmacy benefit manager is audited annually by
1463 an independent certified public accountant, a copy of the
1464 certified audit report shall be filed annually with the
1465 commissioner by June 30 or within thirty (30) days of the report
1466 being final.

1467 (4) The commissioner may extend the time prescribed for any
1468 pharmacy benefit manager for filing annual statements or other
1469 reports or exhibits of any kind for good cause shown. However,
1470 the commissioner shall not extend the time for filing annual
1471 statements beyond sixty (60) days after the time prescribed by
1472 subsection (1) of this section. Any pharmacy benefit manager
1473 which fails to file its annual statement within the time

1474 prescribed by this section may have its license revoked by the
1475 board or its license revoked or suspended by the board until the
1476 annual statement is filed. The commissioner may waive the
1477 requirements for filing financial information for the pharmacy
1478 benefit manager if an affiliate of the pharmacy benefit manager is
1479 already required to file such information under current law.

1480 (5) The expense of administering this section shall be
1481 assessed annually by the commissioner against all pharmacy benefit
1482 managers operating in this state.

1483 (6) The pharmacy benefit manager shall also file a copy of
1484 its annual statement with the Mississippi Board of Pharmacy. The
1485 board shall notify the commissioner of the failure of a pharmacy
1486 benefit manager to file its annual statement.

1487 **SECTION 35.** (1) In lieu of or in addition to making its own
1488 financial examination of a pharmacy benefit manager, the
1489 commissioner may accept the report of a financial examination of
1490 other persons responsible for the pharmacy benefit manager under
1491 the laws of another state certified by the applicable official of
1492 such other state.

1493 (2) The commissioner shall coordinate financial examinations
1494 of a pharmacy benefit manager that provides pharmacy management
1495 benefit plans in this state to ensure an appropriate level of
1496 regulatory oversight and to avoid any undue duplication of effort
1497 or regulation. The pharmacy benefit manager being examined shall
1498 pay the cost of the examination. The cost of the examination
1499 shall be deposited in a special fund that shall provide all
1500 expenses for the regulation, supervision and examination of all
1501 entities subject to regulation under this act.

1502 (3) The commissioner shall provide to the board a copy of
1503 any financial examination conducted or caused to be conducted by
1504 him of a pharmacy benefit manager. The commissioner and the board
1505 may provide a copy of the financial examination to any person or

1506 entity who provides or operates a health insurance plan or to a
1507 pharmacist or pharmacy.

1508 **SECTION 36.** This act shall take effect and be in force from
1509 and after June 30, 2006.

**Further, amend by striking the title in its entirety and
inserting in lieu thereof the following:**

1 AN ACT TO REENACT SECTIONS 73-21-71 THROUGH 73-21-123,
2 MISSISSIPPI CODE OF 1972, WHICH IS THE MISSISSIPPI PHARMACY
3 PRACTICE ACT; TO AMEND SECTION 73-21-69, MISSISSIPPI CODE OF 1972,
4 TO EXTEND THE AUTOMATIC REPEALER ON THE MISSISSIPPI PHARMACY
5 PRACTICE ACT; TO AMEND SECTION 73-21-79, MISSISSIPPI CODE OF 1972,
6 TO CLARIFY CERTAIN CONDITIONS ON THE RESPONSIBILITIES OF THE
7 EXECUTIVE DIRECTOR OF THE STATE BOARD OF PHARMACY; TO AMEND
8 SECTION 73-21-85, MISSISSIPPI CODE OF 1972, TO AUTHORIZE THE STATE
9 BOARD OF PHARMACY TO CONDUCT CRIMINAL RECORD BACKGROUND CHECKS ON
10 STUDENTS AT THE UNIVERSITY OF MISSISSIPPI SCHOOL OF PHARMACY; TO
11 AMEND SECTION 73-21-91, MISSISSIPPI CODE OF 1972, TO PROVIDE FOR
12 ANNUAL RENEWAL FEES; TO CODIFY SECTION 73-21-125, MISSISSIPPI CODE
13 OF 1972, TO AUTHORIZE AND DIRECT THE BOARD OF PHARMACY TO DEVELOP
14 AND IMPLEMENT A COMPUTER PROGRAM TO TRACK PRESCRIPTIONS FOR
15 CONTROLLED SUBSTANCES AND TO REPORT ILLEGAL ACTIVITY; TO CODIFY
16 SECTION 73-21-126, MISSISSIPPI CODE OF 1972, TO AUTHORIZE AND
17 DIRECT THE STATE BOARD OF PHARMACY TO PROMULGATE RULES REGARDING
18 PERMITS FOR IN AND OUT OF STATE WHOLESALE DISTRIBUTORS, CHAIN
19 PHARMACY WAREHOUSES AND RE-PACKAGERS; TO ENACT THE PHARMACY
20 BENEFIT PROMPT PAY ACT; TO PROVIDE DEFINITIONS TO REQUIRE THE USE
21 OF THE MOST CURRENT NATIONALLY RECOGNIZED REFERENCE PRICE BY
22 PHARMACY BENEFIT MANAGERS; TO REQUIRE PHARMACY BENEFIT MANAGERS TO
23 UPDATE SUCH PRICES AT LEAST EVERY THREE BUSINESS DAYS; TO REQUIRE
24 PAYMENTS BY PHARMACY BENEFIT MANAGEMENT PLANS TO BE MADE WITHIN 15
25 DAYS IF IN ELECTRONIC FORMAT AND WITHIN 35 DAYS IF IN PAPER
26 FORMAT; TO CLARIFY CLEAN CLAIMS REQUIREMENTS; TO PROVIDE FOR
27 ADMINISTRATIVE PENALTIES TO BE ASSESSED BY THE STATE BOARD OF
28 PHARMACY AGAINST PHARMACY BENEFIT MANAGERS WHO FAIL TO COMPLY WITH
29 THE PROMPT PAY PROVISIONS; TO REQUIRE CERTAIN FINANCIAL STATEMENTS
30 TO BE MADE BY PHARMACY BENEFIT MANAGERS WITH THE COMMISSIONER OF
31 INSURANCE AND THE STATE BOARD OF PHARMACY; AND FOR RELATED
32 PURPOSES.