

By: Representative Holland

To: Public Health and Human Services

HOUSE BILL NO. 1519

1 AN ACT TO AMEND SECTION 73-21-105, MISSISSIPPI CODE OF 1972,
2 TO INCREASE THE MAXIMUM BIENNIAL FEE THAT MAY BE CHARGED BY THE
3 STATE BOARD OF PHARMACY FOR A PERMIT TO ENGAGE IN THE PRESCRIPTION
4 DRUG BUSINESS; AND FOR RELATED PURPOSES.

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

6 **SECTION 1.** Section 73-21-105, Mississippi Code of 1972, is
7 amended as follows:

8 73-21-105. (1) Every facility/business that engages in the
9 wholesale distribution of prescription drugs, to include without
10 limitation, manufacturing in this state, distribution into this
11 state, or selling or offering to sell in this state, or
12 distribution from or within this state, and every reverse
13 distributor located in or outside of this state that conducts
14 business with pharmacies in this state, shall register biennially
15 with the Mississippi State Board of Pharmacy by applying for a
16 permit on a form supplied by the board and accompanied by a fee as
17 set by subsection (4) of this section. The Pharmacy Board shall
18 by regulation determine the classification of permit(s) that shall
19 be required.

20 (2) Every business/facility/pharmacy located in this state
21 that engages in or proposes to engage in the dispensing and
22 delivery of prescription drugs to consumers shall register with
23 the Mississippi State Board of Pharmacy by applying for a permit
24 on a form supplied by the board and accompanied by a fee as set by
25 subsection (4) of this section. The Pharmacy Board shall by
26 regulation determine the classification of permit(s) that shall be
27 required.



28 (3) The board shall establish by rule or regulation the
29 criteria which each business shall meet to qualify for a permit in
30 each classification. The board shall issue a permit to any
31 applicant who meets the criteria as established. The board may
32 issue various types of permits with varying restrictions to
33 businesses where the board deems it necessary by reason of the
34 type of activities conducted by the business requesting a permit.

35 (4) The board shall specify by rule or regulation the
36 registration procedures to be followed, including, but not limited
37 to, specification of forms for use in applying for such permits
38 and times, places and fees for filing such applications. However,
39 the biennial fee for an original or renewal permit shall not
40 exceed Five Hundred Dollars (\$500.00).

41 (5) Applications for permits shall include the following
42 information about the proposed business:

43 (a) Ownership;

44 (b) Location;

45 (c) Identity of the responsible person or pharmacist
46 licensed to practice in the state, who shall be the pharmacist in
47 charge of the pharmacy, where one is required by this chapter, and
48 such further information as the board may deem necessary.

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

51 (7) The board shall specify by rule or regulation minimum
52 standards for the responsibility in the conduct of any
53 business/facility and/or pharmacy that has been issued a permit.
54 The board is specifically authorized to require that the portion
55 of the facility located in this state to which a pharmacy permit
56 applies be operated only under the direct supervision of no less
57 than one (1) pharmacist licensed to practice in this state, and to
58 provide such other special requirements as deemed necessary.
59 Nothing in this subsection shall be construed to prevent any
60 person from owning a pharmacy.



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

63 (a) Permanent closing;

64 (b) Change of ownership, management, location or
65 pharmacist in charge;

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

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

72 (10) No business that is required to obtain a permit shall
73 be operated until a permit has been issued for such business by
74 the board. Any person, firm or corporation violating any of the
75 provisions of this section shall be guilty of a misdemeanor and,
76 upon conviction thereof, shall be punished by a fine of not less
77 than One Hundred Dollars (\$100.00) nor more than One Thousand
78 Dollars (\$1,000.00), or imprisonment in the county jail for not
79 less than thirty (30) days nor more than ninety (90) days, or by
80 both such fine and imprisonment. However, the provisions of this
81 chapter shall not apply to physicians, dentists, veterinarians,
82 osteopaths or other practitioners of the healing arts who are
83 licensed under the laws of the State of Mississippi and are
84 authorized to dispense and administer prescription drugs in the
85 course of their professional practice.

86 **SECTION 2.** This act shall take effect and be in force from
87 and after July 1, 2010.

