

LC01163/SUB A

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2003

A N A C T

RELATING TO BUSINESSES AND PROFESSIONS-PHARMACIES

Introduced By: Representatives Anguilla, Dennigan, Kennedy, Flaherty, and Moura

Date Introduced: February 06, 2003

Referred To: House Corporations

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 5-19.1-11 of the General Laws in Chapter 5-19.1 entitled
2 "Pharmacies" is hereby amended to read as follows:

3 **5-19.1-11. Nonresident pharmacy -- Fees -- Display -- Declaration of ownership and**
4 **location. - - (a) Except as provided in subsection (b) of this section, Any pharmacy located**
5 outside this state that ships, mails, or delivers, in any manner, legend drugs, controlled
6 substances, or devices into this state is a nonresident pharmacy and shall be licensed by the
7 department. The nonresident pharmacy shall maintain at all times a valid unexpired license,
8 permit or registration to operate the pharmacy in compliance with the laws of the state in which it
9 is located. Any pharmacy subject to this section shall comply with the board of pharmacy
10 regulations of this state when dispensing legend drugs or devices to residents of this state.

11 (4) A pharmacy license will be issued to the owner who meets the requirements
12 established pursuant to this chapter or regulations. The owner of each pharmacy shall pay an
13 original license fee to be determined by the director, and annually thereafter, on or before a date
14 to be determined by the director, for which he or she shall receive a license of location, which
15 shall entitle the owner to operate such pharmacy at the location specified, or such other temporary
16 location as the director may approve, for the period ending on a date to be determined by the
17 director. Each such owner shall at the time of filing provide proof of payment of such fee, file
18 with the department on a provided form, a declaration of ownership and location. Such
19 declaration of ownership and location so filed as aforesaid shall be deemed presumptive evidence

1 of ownership of the pharmacy mentioned therein. A license shall be issued to the owner and
2 premise listed on the form and shall not be transferred. A license issued hereunder shall be the
3 property of the state and loaned to the licensee, and it shall be kept posted in a conspicuous place
4 on the licensed premises. If a change in owner or premise listed in said firm occurs, the license
5 becomes null and void.

6 ~~(2) It shall be the duty of the owner to immediately notify the department of any~~
7 ~~proposed change of location or ownership.~~

8 ~~(3) In the event such license fee remains unpaid on the date due, no renewal or new~~
9 ~~license shall be issued except upon payment of the license renewal fee.~~

10 (b) Any pharmacy located in a province of Canada which maintains a valid, unexpired
11 license, permit or registration to operate the pharmacy in compliance with the laws of said
12 province shall be license in this state upon payment of a license fee, as determined by the director
13 in subsection (a) above, and annually thereafter, on or before the date determined by the director
14 in subsection (a) above. **THE FEDERAL PROHIBITION ON THE IMPORTATION OF**
15 **PHARMACEUTICALS SHALL NOT BE A BASIS FOR DENYING LICENSURE TO A**
16 **CANADIAN PHARMACY.** The license shall entitle the owner to operate the pharmacy at the
17 location specified by the owner in its license application. Each such owner shall at the time of
18 filing provide proof of payment of such fee, and file with the department on a provided form, a
19 declaration of ownership and location. Such declaration of ownership and location so filed as
20 aforsaid shall be deemed presumptive evidence of ownership of the pharmacy mentioned
21 therein. A license shall be issued to the owner and premise listed on the form and shall not be
22 transferred. A license issued hereunder shall be the property of the state and loaned to the
23 licensee, and it shall be kept posted in a conspicuous place on the licensed premises, if a change
24 in owner or premise listed in said firm occurs, the license becomes null and void. Nothing in this
25 subsection shall prevent the board of pharmacy from exercising its authority regarding a
26 pharmacy licensed under this subsection when the board has evidence of misconduct committed
27 by such pharmacy concerning its practices in the state.

28 (c) It shall be the duty of the owner to immediately notify the department of any proposed
29 change of location or ownership.

30 (d) In the event such license fee remains unpaid on the date due, no renewal or new
31 license shall be issued except upon payment of the license renewal fee.

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1 SECTION 2. This act shall take effect upon passage and shall be repealed in its entirety
2 on December 31, 2006.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
A N A C T
RELATING TO BUSINESSES AND PROFESSIONS-PHARMACIES

1 This act would allow pharmacies licensed in Canada to obtain licensure from the state
2 department of health.

3 This act would take effect upon passage and would be repealed in its entirety on
4 December 31, 2006.

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