

February 13, 1998

**ENGROSSED
SENATE BILL No. 188**

DIGEST OF SB188 (Updated February 12, 1998 1:55 pm - DI 77)

Citations Affected: IC 25-26.

Synopsis: Pharmacy permit requirements. Provides that an applicant for a pharmacy permit must show to the satisfaction of the Indiana board of pharmacy that a pharmacist will have not more than four unlicensed persons under the pharmacist's immediate and personal supervision at any time. (Current law provides that the pharmacist may not have more than two unlicensed persons under the pharmacist's immediate and personal supervision at any time.)

Effective: July 1, 1998.

Johnson

(HOUSE SPONSOR — C. BROWN)

January 6, 1998, read first time and referred to Committee on Health and Environmental Affairs.

January 29, 1998, amended, reported favorably — Do Pass.

February 2, 1998, read second time, ordered engrossed. Engrossed.

February 3, 1998, read third time, passed. Yeas 48, nays 1.

HOUSE ACTION

February 10, 1998, read first time and referred to Committee on Public Health.

February 12, 1998, reported — Do Pass.

C
O
P
Y

ES 188—LS 6435/DI 88+



February 13, 1998

Second Regular Session 110th General Assembly (1998)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 1997 General Assembly.

ENGROSSED SENATE BILL No. 188

A BILL FOR AN ACT to amend the Indiana Code concerning professions and occupations.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 25-26-13-18 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE JULY 1, 1998]: Sec. 18. (a) To be eligible
3 for issuance of a pharmacy permit, an applicant must show to the
4 satisfaction of the board that:

5 (1) Persons at the location will engage in the bona fide practice of
6 pharmacy. The application must show the number of hours each
7 week, if any, that the pharmacy will be open to the general public.

8 (2) The pharmacy will maintain a sufficient stock of emergency
9 and frequently prescribed drugs and devices as to adequately
10 serve and protect the public health.

11 (3) Except as provided in section 19 of this chapter, a registered
12 pharmacist will be in personal attendance and on duty in the
13 licensed premises at all times when the practice of pharmacy is
14 being conducted and that the pharmacist will be responsible for
15 the lawful conduct of the pharmacy.

16 (4) One (1) pharmacist will have not more than ~~two (2)~~ **four (4)**

ES 188—LS 6435/DI 88+



C
O
P
Y

1 unlicensed persons under the pharmacist's immediate and
 2 personal supervision at any time. As used in this clause,
 3 "immediate and personal supervision" means within reasonable
 4 visual and vocal distance of the licensed person.

5 (5) The pharmacy will be located in a room separate and apart
 6 from any area containing merchandise not offered for sale under
 7 the pharmacy permit which room will:

8 (A) be stationary;

9 (B) have a complete enclosure extending from floor to ceiling
 10 level enclosing all the products offered for sale under the
 11 pharmacy permit;

12 (C) have entry doors capable of being securely locked to
 13 prevent entry during those times when the pharmacy is closed;

14 (D) be well lighted and ventilated with clean and sanitary
 15 surroundings;

16 (E) be equipped with a sink with hot and cold running water or
 17 some means for heating water, a proper sewage outlet, and
 18 refrigeration;

19 (F) have a prescription compounding counter providing a
 20 minimum of sixteen (16) square feet of unobstructed working
 21 area for one (1) pharmacist or twenty-four (24) square feet of
 22 unobstructed area if two (2) or more pharmacists are on duty
 23 at the same time, and the floor area extending the full length
 24 of the prescription compounding counter shall be clear and
 25 unobstructed for a minimum of thirty (30) inches from the
 26 counter edge; and

27 (G) have such additional fixtures, facilities, and equipment as
 28 the board requires to enable it to operate properly as a
 29 pharmacy in compliance with federal and state laws and
 30 regulations governing pharmacies.

31 A pharmacy licensed under IC 25-26-10 (before its repeal on July 1,
 32 1977) on June 30, 1977, must comply with the provisions of this clause
 33 before December 31, 1982, unless for good cause shown the board
 34 grants a waiver or otherwise exempts it.

35 (b) Prior to opening a pharmacy after receipt of a pharmacy permit,
 36 the permit holder shall submit the premises to a qualifying inspection
 37 by a representative of the board and shall present a physical inventory
 38 of the drug and all other items in the inventory on the premises.

39 (c) At all times, the wholesale value of the drug inventory on the
 40 licensed items must be at least ten percent (10%) of the wholesale
 41 value of the items in the licensed area.

C
O
P
Y



COMMITTEE REPORT

Mr. President: The Senate Committee on Health and Environmental Affairs, to which was referred Senate Bill 188, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 1, line 16, reset in roman "(4) One (1) pharmacist will have not more than".

Page 1, line 16, after "(2)" insert "**four (4)**".

Page 1, reset in roman line 17.

Page 2, reset in roman lines 1 through 3.

Page 2, line 4, reset in roman "(5)".

Page 2, line 4, delete "(4)".

and when so amended that said bill do pass.

(Reference is to Senate Bill 188 as introduced.)

MILLER, Chairperson

Committee Vote: Yeas 8, Nays 0.

C
O
P
Y



COMMITTEE REPORT

Mr. Speaker: Your Committee on Public Health, to which was referred Senate Bill 188, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

CRAWFORD, Chair

Committee Vote: yeas 11, nays 0.

C
o
p
y

