
ENGROSSED
SENATE BILL No. 188

DIGEST OF SB188 (Updated February 17, 1998 6:58 pm - DI 93)

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.

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SEA 188+



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.

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SENATE ENROLLED ACT No. 188

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

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

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

- (1) Persons at the location will engage in the bona fide practice of pharmacy. The application must show the number of hours each week, if any, that the pharmacy will be open to the general public.
- (2) The pharmacy will maintain a sufficient stock of emergency and frequently prescribed drugs and devices as to adequately serve and protect the public health.
- (3) Except as provided in section 19 of this chapter, a registered pharmacist will be in personal attendance and on duty in the licensed premises at all times when the practice of pharmacy is being conducted and that the pharmacist will be responsible for the lawful conduct of the pharmacy.
- (4) One (1) pharmacist will have not more than ~~two (2)~~ **four (4)** unlicensed persons under the pharmacist's immediate and personal supervision at any time. As used in this clause,

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"immediate and personal supervision" means within reasonable visual and vocal distance of the licensed person.

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

- (A) be stationary;
- (B) have a complete enclosure extending from floor to ceiling level enclosing all the products offered for sale under the pharmacy permit;
- (C) have entry doors capable of being securely locked to prevent entry during those times when the pharmacy is closed;
- (D) be well lighted and ventilated with clean and sanitary surroundings;
- (E) be equipped with a sink with hot and cold running water or some means for heating water, a proper sewage outlet, and refrigeration;
- (F) have a prescription compounding counter providing a minimum of sixteen (16) square feet of unobstructed working area for one (1) pharmacist or twenty-four (24) square feet of unobstructed area if two (2) or more pharmacists are on duty at the same time, and the floor area extending the full length of the prescription compounding counter shall be clear and unobstructed for a minimum of thirty (30) inches from the counter edge; and
- (G) have such additional fixtures, facilities, and equipment as the board requires to enable it to operate properly as a pharmacy in compliance with federal and state laws and regulations governing pharmacies.

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

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

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

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