

TRANSMITTAL SHEET FOR  
NOTICE OF INTENDED ACTION

Control 680 Department of Agency: Alabama State Board of Pharmacy

Rule No. 680-X-2-.24

Rule Title: **PRECURSOR DRUGS**

    New      xx Amend          Repeal          Adopt by Reference

Would the absence of the proposed rule significantly harm or endanger the public health, welfare, or safety? YES

Is there a reasonable relationship between the state's police power and the protection of the public health, safety, or welfare? YES

Is there another, less restrictive method of regulation available that could adequately protect the public? NO

Does the proposed rule have the effect of directly or indirectly increasing the costs of any goods or services involved and, if so, to what degree? NO

Is the increase in cost, if any, more harmful to the public than the harm that might result from the absence of the proposed rule. NO

Are all facets of the rule making process designed solely for the purpose of, and so they have, as their primary effect, the protection of the public? YES

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Does the proposed rule have an economic impact? NO

If the proposed rule has an economic impact, the proposed rule is required to be accompanied by a fiscal note prepared in accordance with subsection (f) of Section 41-22-23, Code of Alabama 1975.

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Certification of Authorized Official

I certify that the attached proposed rule has been proposed in full compliance with the requirements of Chapter 22, title 41, Code of Alabama 1975, and that it conforms to all applicable filing requirements of the Administrative Procedure Division of the Legislative Reference Service.

Signature of certifying officer Mitzi G. Ellenburg  
Mitzi G. Ellenburg, Director of Operations

Date: March 16, 2016

(DATE FILED)  
(STAMP)

ALABAMA STATE BOARD OF PHARMACY  
NOTICE OF INTENDED ACTION

**AGENCY NAME:** ALABAMA STATE BOARD OF PHARMACY

**RULE NO. AND TITLE:** 680-X-2-.24 PRECURSOR DRUGS

**INTENDED ACTION:** AMENDED

**SUBSTANCE OF PROPOSED ACTION:**

The Alabama State Board of Pharmacy proposes to amend this section (2)(b) deleting the reference to 'non-disciplinary administrative' penalty to a 'penalty' in the amount of 50% of the prevailing renewal fee.

**TIME, PLACE, MANNER OR PRESENTING VIEW:**

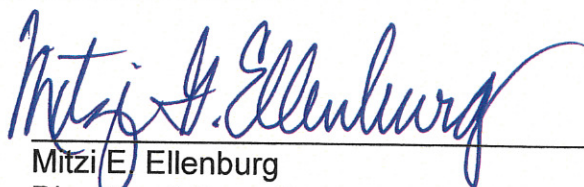
Comments can be presented at the public hearing scheduled at 9:00 a.m. on April 20, 2016 at the Alabama State Board of Pharmacy located at 111 Village Street, Birmingham, Alabama 35242. Additionally, written comments may be addressed to Mitzi Ellenburg, Director of Operations, Alabama State Board of Pharmacy, at the same address. Written comments must be received in the Board Office no later than 4.00 p.m. on May 5, 2016.

**FINAL DATE FOR COMMENT AND COMPLETION OF NOTICE:**

May 5, 2016

**CONTACT PERSON AT AGENCY:**

Mitzi Ellenburg  
Director of Operations  
205/981-4764

  
Mitzi E. Ellenburg  
Director of Operations  
205/981-4764

ECONOMIC IMPACT STATEMENT  
FOR APA RULE  
(Section 41-22-23(f))

Control No. 680 Department of Agency: Alabama State Board of Pharmacy

Rule No.: 680-X-2-.24

Rule Title: **PRECURSOR DRUGS**

     New   XX   Amend          Repeal          Adopt by Reference

  X   This rule has no economic impact.

         This rule has an economic impact, as explained below:

1. NEED/EXPECTED BENEFIT OF RULE:
2. COSTS/BENEFITS OF RULE AND WHY RULE IS THE MOST EFFECTIVE, EFFICIENT, AND FEASIBLE MEANS FOR ALLOCATING RESOURCES AND ACHIEVING THE STATED PURPOSE:
3. EFFECT OF THIS RULE ON COMPETITION:
4. EFFECT OF THIS RULE ON COST-OF-LIVING AND DOING BUSINESS IN THE GEOGRAPHICAL AREA WHERE THE RULE IS TO BE IMPLEMENTED:
5. EFFECT OF THIS RULE ON EMPLOYMENT IN THE GEOGRAPHICAL AREA WHERE THE RULE IS TO BE IMPLEMENTED:
6. SOURCE OF REVENUE TO BE USED FOR IMPLEMENTING AND ENFORCING THIS RULE:
7. THE SHORT-TERM/LONG-TERM ECONOMIC IMPACT OF THIS RULE ON AFFECTED PERSONS, INCLUDING ANALYSIS OF PERSONS WHO WILL BEAR THE COSTS AND THOSE WHO WILL BENEFIT FROM THE RULE:
8. UNCERTAINTIES ASSOCIATED WITH THE ESTIMATED BENEFITS AND BURDENS OF THE RULE, INCLUDING QUALITATIVE/QUANTITATIVE BENEFITS AND BURDEN COMPARISON:
9. THE EFFECT OF THIS RULE ON THE ENVIRONMENT AND PUBLIC HEALTH:
10. DETRIMENTAL EFFECT ON THE ENVIRONMENT AND PUBLIC HEALTH IF THE RULE IS NOT IMPLEMENTED:

**\*\* Additional pages may be used if needed.**

**680-X-2-24 PRECURSOR DRUGS.**

(1) LISTED PRECURSOR CHEMICALS:

(a) All substances listed as precursor chemicals in any regulation set forth in the Code of Federal Regulations shall be considered and designated as a precursor chemical with the exception of those precursor chemicals designated or deleted as such under federal law to which the Board objects, after notice, in the manner provided in Code of Alabama (1975), § 20-2-181(c), all precursor chemicals listed in any federal regulation shall be considered and designated as precursor chemicals pursuant to the provisions of Code of Alabama (1975), § 20-2-180, et seq.

(2) LICENSE.

(a) Beginning in 2011 and every two years thereafter, any individual, corporation, partnership, association or other entity who is a manufacturer, wholesaler, retailer or other person who sells, transfers, manufactures, purchases for resale or otherwise furnishes any listed precursor chemicals as defined or designated by any federal or state law or rule must obtain a license. The license shall be issued only after the filing of an application with the Alabama State Board of Pharmacy and Board approval. The application shall contain information as required by and in conformity with any applicable federal or state laws or rule.

(b) A biennial license fee in the amount of \$500.00 shall be paid by all licensees to the Alabama State Board of Pharmacy by December 31 of any even numbered year. If not received by December 31, but is received in the Board's office no later than January 31 of the following year, a non-disciplinary administrative a penalty of fifty percent (50%) of the prevailing renewal fee must be paid by January 31 of the following year in order to renew. This penalty shall be in addition to the prevailing renewal fee.

(3) PERMIT.

(a) A permit must be obtained from the Alabama State Board of Pharmacy each time any individual, corporation, partnership, association or other entity having a legitimate need for using any listed precursor chemical as defined or designated by law or rule of the Alabama State Board of Pharmacy obtains such chemical(s). The permit shall be issued only after the filing of an application with the Alabama State Board of Pharmacy and the Board's approval of that application. The application shall contain information as required by and conform with the requirements of all applicable laws or rules of the Alabama State Board of Pharmacy.

(b) A permit fee in the amount of \$35.00 shall be paid to the Alabama State Board of Pharmacy each time any individual, corporation, partnership, association or other entity obtains any listed precursor chemical.

Author: ~~Herb Bobo, R.Ph., Secretary Donna Yeatman, RPh~~  
Statutory Authority: Code of Alabama (1975), § 34-23-92(6) and § 20-2-181  
History: Adopted: October 7, 1991; Effective January 1, 1992;  
Amended: Filed September 4, 1992; Effective October 9, 1992; Amended  
September 4, 1999; Effective November 1, 1999; Amended: Filed October 20,  
2005; Effective February 17, 2006; Amended: Filed July 5, 2010; Effective  
September 1, 2010; Amended August 4, 2011; Effective October 3, 2011;  
Amended.