

APA-1  
11/96

**TRANSMITTAL SHEET FOR  
NOTICE OF INTENDED ACTION**

Control 680 Department of Agency: Alabama State Board of Pharmacy  
Rule No. 680-X-2-.11  
Rule Title: PARTITIONING/SEPARATE-ENTRANCE-PHARMACY KEYS AND ACCESS.

     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

\*\*\*\*\*  
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.

\*\*\*\*\*  
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: September 19, 2011

(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-.11 PARTITIONING/SEPARATE ENTRANCE  
PHARMACY KEYS AND ACCESS.

**INTENDED ACTION:** AMENDMENT

**SUBSTANCE OF PROPOSED ACTION:**

The Alabama State Board of Pharmacy proposes to amend Rule 680-X-2-.11 PHARMACY KEYS AND ACCESS to allow one (1) unregistered person to have a key to the pharmacy

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

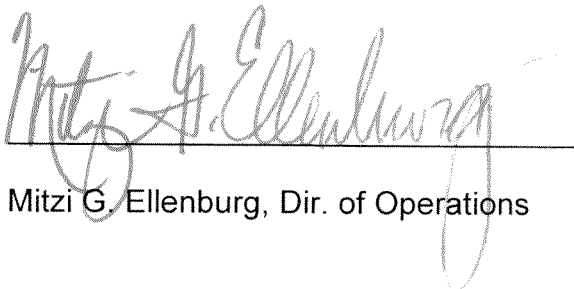
Comments can be presented at the public hearing scheduled at 7:30 a.m. on October 19, 2011 at the Alabama State Board of Pharmacy located at 111 Village Street, Hoover, Alabama 35242. Additionally, written comments may be addressed to Herb Bobo, Secretary, Alabama State Board of Pharmacy, P. O. Box 381988, Birmingham, Alabama 35238-1988. Written comments must be received in the Board Office no later than 4:00 p.m. on November 28, 2011.

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

November 28, 2011

**CONTACT PERSON AT AGENCY:**

Herb Bobo, R.Ph., Secretary  
205/981-2280

  
Mitzi G. Ellenburg, Dir. of Operations

**RULES OF ALABAMA STATE BOARD OF PHARMACY**  
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**PRACTICE OF PHARMACY**  
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**680-X-2-.11. PARTITIONING/SEPARATE ENTRANCE  
PHARMACY KEYS AND ACCESS.**

(1) Any pharmacy doing business within the State of Alabama must be physically enclosed, secured and locked when not open for business, except in the temporary absence of the pharmacist on duty as provided for in Section §34-23-70(a), Title 34, Chapter 23, Code of Alabama 1975. At all times registered Pharmacists designated by the licensee must have all keys in their possession. The owner of the pharmacy may designate one (1) unregistered person to have a key to the pharmacy and still be considered to be in their possession. The Supervising Pharmacist must agree to this arrangement. The enclosed and secured area must encompass all drugs, products, and devices, the character of which require dispensing or sale by a registered Pharmacist, and include store rooms used for receiving or storing these items. The permit holder (owner) must execute a signed agreement with the individual in possession of a key to the pharmacy and must submit a copy to the Board of Pharmacy for approval prior to issuing a key to any person that does not hold an active pharmacist license in the State of Alabama. Forms for this purpose may be obtained from the Board of Pharmacy. Further, if the municipality or other government authority in the jurisdiction where a pharmacy is located requires compliance with a Fire Code that mandates making a key to the premises available to First Responders, the permit holder (owner) must execute a signed agreement with the highest ranking official of the agency that wants access to the key and submit a copy to the Board of Pharmacy for approval prior to providing access to a key; the Knox Box or other system for accessing the key must have a working tamper protection system that is connected to an alarm system that will notify the permit holder (owner) or the Supervising Pharmacist if an attempt is made to remove the key by unauthorized persons.

(2) ~~An outside door to the prescription department will be provided~~ Where the Pharmacist does not have access to the prescription department by other entrances after normal operating hours of the entire store the owner shall have an action plan that allows the pharmacist to gain access in case of an emergency.

Author: James W. McLane Herb Bobo R.Ph, Secretary  
Statutory Authority: Code of Alabama 1975, §34-23-92  
History: Filed June 1, 1982; Amended .