

No. 2015-43

AN ACT

HB 75

Amending the act of September 27, 1961 (P.L.1700, No.699), entitled "An act relating to the regulation of the practice of pharmacy, including the sales, use and distribution of drugs and devices at retail; and amending, revising, consolidating and repealing certain laws relating thereto," providing for nonresident pharmacies.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Section 1. Section 2 of the act of September 27, 1961 (P.L.1700, No.699), known as the Pharmacy Act, is amended by adding a clause to read:

Section 2. Definitions.—As used in this act:

* * *

(19) "Nonresident pharmacy" means any pharmacy located outside this Commonwealth that ships, mails or delivers, in any manner, legend devices or legend drugs into this Commonwealth pursuant to a prescription order.

Section 2. Section 4 of the act is amended by adding a subsection to read:

Section 4. Permit to Conduct a Pharmacy.—* * *

(k) A pharmacy that is also licensed, permitted or registered by the proper licensing authority of another state to ship, mail or deliver legend devices or legend drugs to patients in that state shall report this information to the board on the biennial registration. Any disciplinary action taken in other states shall be reported to the board within thirty days of final disposition. A nonresident license, permit or registration shall be noted by the board on the pharmacy's record, and the state shall be notified by the board of any disciplinary action taken against the pharmacy in this Commonwealth.

Section 3. The act is amended by adding a section to read:

Section 4.1. Nonresident Pharmacies.—(a) A nonresident pharmacy shall register on a biennial basis with the board and obtain a certificate of registration to conduct a pharmacy in accordance with this section. The nonresident pharmacy shall:

(1) Disclose on the initial and renewal registration applications the location, names and titles of all principal corporate officers, if applicable, and the pharmacist in charge. A nonresident pharmacy shall report to the board within thirty days after any change of location or pharmacist in charge.

(2) Submit a statement that the nonresident pharmacy complies with all lawful directions and requests for information from the regulatory or licensing agency of the state in which it is licensed as well as complies with all requests for information made by the board pursuant to this section.

(3) Maintain at all times a valid unexpired license, permit or registration to conduct the pharmacy in compliance with the laws of the state in which the nonresident pharmacy is located.

(4) Before receiving a certificate of registration from the board, submit a copy of the most recent inspection report resulting from an inspection conducted by the regulatory or licensing agency of the state in which the nonresident pharmacy is located or by the National Association of Boards of Pharmacy's Verified Pharmacy Program.

(b) A nonresident pharmacy shall, during its regular hours of operation, but not less than six days per week, and for a minimum of forty hours per week, provide a toll-free telephone number to facilitate communication between patients in this Commonwealth and a pharmacist who is licensed in this Commonwealth or in the state in which the nonresident pharmacy is located and who has access to the patient's records. The toll-free telephone number shall be disclosed on a label affixed to each container of drugs dispensed to patients in this Commonwealth.

(c) A nonresident pharmacy shall report to the board within thirty days of final disposition any disciplinary action taken by the regulatory or licensing agency of the state in which the nonresident pharmacy is located.

(d) A nonresident pharmacy may not engage in the business of shipping, mailing or delivering legend devices or legend drugs in this Commonwealth unless the nonresident pharmacy has been issued a certificate of registration by the board and has paid the fee established by the board by regulation for issuance or renewal of the certificate of registration. Applications for a certificate of registration or renewal as a nonresident pharmacy shall be made on a form furnished by the board. The board may require the information it deems reasonably necessary to carry out the purpose of this section.

(e) The board may deny, revoke or suspend any certificate of registration as a nonresident pharmacy for failure to comply with any requirement of this section.

(f) The board may deny, revoke or suspend any certificate of registration as a nonresident pharmacy for conduct which causes serious bodily injury or serious psychological injury to a resident of this Commonwealth provided that the board has referred the matter to the regulatory or licensing agency in the state in which the nonresident pharmacy is located.

(g) The board may deny, revoke or suspend any certificate of registration as a nonresident pharmacy upon proof satisfactory to the board that the nonresident pharmacy's permit to conduct a pharmacy was suspended or revoked or the nonresident pharmacy was otherwise disciplined by the proper licensing authority of another state.

(h) It shall be unlawful for a nonresident pharmacy that has not been issued a certificate of registration pursuant to this section to advertise its services in this Commonwealth, or for a person who is a resident of this Commonwealth to advertise the pharmacy services of a nonresident pharmacy that has not received a certificate of registration from the board, with the knowledge that the advertisement will or is likely to induce

members of the public in this Commonwealth to use the pharmacy for dispensing prescriptions.

Section 4. Section 5(b) of the act is amended by adding a clause to read:

Section 5. Refusal to Grant, Revocation and Suspension.—* * *

(b) The board shall have the power to refuse, revoke or suspend the permit of any pharmacy upon proof satisfactory to it that:

* * *

(7) The pharmacy's license, permit or registration to conduct a pharmacy or a nonresident pharmacy issued by the proper licensing authority of another state has been revoked or suspended or the pharmacy was otherwise disciplined.

* * *

Section 5. This act shall take effect in 60 days.

APPROVED—The 7th day of October, A.D. 2015

TOM WOLF