
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1822 Session of
2013

INTRODUCED BY KAUFFMAN, MILLARD, RAPP, CALTAGIRONE, SWANGER,
KORTZ, COHEN, LUCAS, KOTIK, BARRAR, ROCK, R. MILLER, DAVIS,
DENLINGER, FARRY, MILNE, KNOWLES, SCHLOSSBERG, GINGRICH,
SABATINA, SONNEY, GIBBONS, WATSON, GALLOWAY AND SANTARSIERO,
NOVEMBER 6, 2013

REFERRED TO COMMITTEE ON PROFESSIONAL LICENSURE,
NOVEMBER 6, 2013

AN ACT

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

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

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

12 Section 2. Definitions.--As used in this act:

13 * * *

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

18 Section 2. The act is amended by adding a section to read:

1 Section 4.1. Nonresident Pharmacies.--(a) A nonresident
2 pharmacy shall register with the board and obtain a certificate
3 of registration to conduct a pharmacy in accordance with this
4 section. The nonresident pharmacy shall:

5 (1) Disclose annually in a report to the board the location,
6 names and titles of all principal corporate officers, if
7 applicable, and all pharmacists that are dispensing drugs or
8 devices to residents of this Commonwealth. A nonresident
9 pharmacy shall file an additional report within thirty days
10 after any change of office, corporate officer or pharmacist.

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

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

19 (4) Before receiving a certificate of registration from the
20 board, submit a copy of the most recent inspection report
21 resulting from an inspection conducted by the regulatory or
22 licensing agency of the state in which the nonresident pharmacy
23 is located.

24 (b) A nonresident pharmacy shall, during its regular hours
25 of operation, but not less than six days per week, and for a
26 minimum of forty hours per week, provide a toll-free telephone
27 number to facilitate communication between patients in this
28 Commonwealth and a pharmacist at the nonresident pharmacy who
29 has access to the patient's records. The toll-free telephone
30 number shall be disclosed on a label affixed to each container

1 of drugs dispensed to patients in this Commonwealth.

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

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

15 (e) The board may deny, revoke or suspend any certificate of
16 registration as a nonresident pharmacy for conduct which causes
17 serious bodily or serious psychological injury to a resident of
18 this Commonwealth if the board has referred the matter to the
19 regulatory or licensing agency in the state in which the
20 nonresident pharmacy is located and the regulatory or licensing
21 agency fails to:

22 (1) Initiate an investigation within forty-five days of
23 referral;

24 (2) Complete its investigation within one hundred twenty
25 days of referral;

26 (3) Resolve the referral through formal agreement,
27 settlement or decision within one hundred eighty days; or

28 (4) Initiate disciplinary proceedings when the proceedings
29 are determined to be necessary in the judgment of the regulatory
30 or licensing agency in the state in which the nonresident

1 pharmacy is located.

2 (f) It shall be unlawful for any nonresident pharmacy which
3 has not been issued a certificate of registration pursuant to
4 this section to advertise its services in this Commonwealth, or
5 for any person who is a resident of this Commonwealth to
6 advertise the pharmacy services of a nonresident pharmacy which
7 has not received a certificate of registration from the board,
8 with the knowledge that the advertisement will or is likely to
9 induce members of the public in this Commonwealth to use the
10 pharmacy for dispensing prescriptions.

11 Section 3. This act shall take effect in 60 days.