ALABAMA STATE BOARD OF PHARMACY ADMINISTRATIVE CODE

CHAPTER 680-X-1 ADMINISTRATION

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680-X-1-.01 Organization.

(1) Authority. The Board is vested with the authority to carry out and enforce the provisions of Title 34, Chapter 23, and Title 20, Chapter 2, Code of Ala. 1975.

(2) Appointment. The Alabama State Board of Pharmacy consists of nine members who serve five-year staggered terms. Three persons are appointed by the Governor, two by the Lieutenant Governor, two by the Speaker of the House of Representatives, and two by the President Pro Tempore of the Senate.

(3) Eligibility Requirements. Membership of the Board shall include 7 pharmacists, 1 pharmacy technician, and 1 consumer. The pharmacist members of the Board shall be licensed pharmacists who have been licensed in this state for a minimum of five years and who are actively engaged in the practice of pharmacy or pharmacy administration, or both. The pharmacy technician member of the Board shall be a nationally certified technician who has been registered in this state for a minimum of five years and who is actively engaged in the practice as a pharmacy technician. Membership shall be as follows:

(a) One hospital pharmacist who is appointed by the Governor from a list of three names submitted by the Alabama Society of Health System Pharmacists.

(b) One chain pharmacist who is appointed by the Governor from a list of three names submitted from the Alabama Pharmacy Association.

(c) One independent pharmacist who is appointed by the Lieutenant Governor from a list of three names submitted from the Alabama Pharmacy Association.

(d) One specialty pharmacist, such as nuclear, home infusion, compounding only, or consultant pharmacist, who is appointed by the Speaker of the House of Representatives from a list of three names submitted from the Alabama Pharmacy Association.

(e) One institutional pharmacist, such as a non-hospital, nursing home, assisted living, or prison pharmacist, who is appointed by the President Pro Tempore of the Senate from a list of three names submitted from the Alabama Society of Health System Pharmacists.

(f) One academic pharmacist who is appointed by the Lieutenant Governor from a list of four names, with two names each submitted from the two state pharmacy schools.

(g) One at-large pharmacist who is appointed by the Speaker of the House of Representatives from a list of three names submitted by the Alabama Pharmacy Association.

(h) One pharmacy technician who is appointed by the President Pro Tempore of the Senate from a list of three names submitted from the Alabama Pharmacy Association.

(i) One at-large consumer who is appointed by the Governor.

Author: Alabama Board of Pharmacy
Statutory Authority: Code of Ala. 1975, §34-23-90.
History: Filed June 1, 1982. **Amended:** Published October 31, 2019; effective December 15, 2019. **Amended:** Published April 30, 2026; effective June 14, 2026.

680-X-1-.02 Office of General Counsel.

(1) The Office of General Counsel shall be divided into two distinct divisions: the Disciplinary Division and the Administrative Division.

(a) The Disciplinary Division shall be responsible for handling investigations, enforcement, and resolution of disciplinary matters on behalf of the Board.

(b) The Administrative Division shall be responsible for administrative non-disciplinary functions of the board, including providing advice to and answering questions from prospective or current holders of licenses, permits, certificates, or registrations regarding statutory and regulatory compliance. The board shall ensure that any inquiries seeking advice or guidance regarding compliance with a statute or rule is addressed by the administrative division and is not disclosed to the disciplinary division unless an attorney reasonably believes a criminal violation may have occurred.

Author: Alabama Board of Pharmacy
Statutory Authority: Code of Ala. 1975, §34-23-93.
History: **New Rule:** Published April 30, 2026; effective June 14, 2026.

680-X-1-.03 Petition for Declaratory Ruling of the Board.

680-X-1-.03. Petition for Declaratory Ruling of the Board.

(1) This Rule governing declaratory rulings of the Board is promulgated to comply with the requirement of the Alabama Administrative Procedure Act that every State "agency shall prescribe by rule the form of such petitions and the procedure for their submission, consideration, and disposition, and shall prescribe in its rules the circumstances in which rulings shall or shall not be issued." Ala. Code § 41-22-11(a).

(2) Any person substantially affected by a Rule promulgated by the Board may petition the Board for a declaratory ruling with respect to the validity of the rule or with respect to the applicability of any Rule or statute enforceable by the Board to any person, property, or state of facts. The petition shall comply with all of the following requirements:

(a) The petition shall be in writing, shall be delivered by e-mail or regular U.S. Mail to the Executive Secretary of the Board, and shall specifically state that it is a "Request for a Declaratory Ruling";

(b) The petition shall be filed by, and shall disclose the name and postal address of, the actual party in interest; disclosing the identity of an attorney or agent representing the actual party in interest is not sufficient;

(c) The petition shall state with particularity facts sufficient to show that the petitioner is in fact substantially affected by a Rule promulgated by the Board, and sufficient to permit the Board to make a valid determination;

(d) The petition shall include a statement as to whether the question presented is presently pending before or under consideration by the Board or any other court, governmental official, or adjudicative body; and

(e) The petition shall include a statement of the legal issues presented, a statement of the requested or proposed dispositions of the issues presented, and the reasoning supporting the requested or proposed dispositions.

(3) Upon receipt of a petition, the Executive Secretary shall review the petition for compliance with the requirements of

subsection (2) of this Rule. If the petition is deficient, the Executive Secretary shall notify the petitioner in writing within 10 calendar days of receipt, specifying each deficiency. The 45-day period prescribed in subsection (4) of this Rule shall not commence until the petitioner submits a corrected petition that complies with all requirements of subsection (2) of this Rule. If the petitioner fails to correct all identified deficiencies within 10 calendar days, the petition shall be deemed to have been withdrawn.

(4) A properly presented petition will be considered and answered in writing by the Board within 45 days unless the Board is unable to reach a decision on the facts presented within the 45-day period. The petitioner and the Board may mutually agree to extend the 45-day period.

(5) The Board will not issue a declaratory ruling where:

(a) The petition fails to comply with the requirements of this Rule;

(b) The Board lacks jurisdiction;

(c) There is a lack of sufficient clarity and definition of the issues presented in the petition;

(d) The petition presents issues that are hypothetical, theoretical, or otherwise not an actual and justiciable controversy;

(e) The proper resolution of the petition would depend upon facts not disclosed in the petition;

(f) No clear answer can be determined based upon the available facts and legal authorities;

(g) The petition presents generalized grievances;

(h) The petition presents issues that are currently pending before the Board or any judicial or quasi-judicial body in any administrative review, formal hearing, proceeding, contested case or litigation; and/or

(i) The petition, in substance, constitutes collateral attack on, or appellate review of, any final decision of the Board or of any judicial or quasi-judicial body.

(6) If the Board expressly declines to issue a ruling, the petitioner shall be notified in writing that the request for a declaratory ruling was denied, and the reasons therefor shall be specified. No statement of reasons shall be required if the petition is denied by operation of law.

(7) The petition and all supporting material submitted by the petitioner shall be public documents, and the Board may in its discretion solicit public comment thereon.

(8) In all cases, the effect of a declaratory ruling issued pursuant to Ala. Code § 41-22-11 and this Rule shall be prospective only, and shall be limited to the facts expressly stated in the petition for declaratory ruling.
Author: Alabama State Board of Pharmacy
Statutory Authority: Code of Ala., 1975, §41-22-11.
History: New Rule: Published June 30, 2026; effective August 14, 2026.

680-X-1-.04 Petition for Adoption, Amendment, or Repeal of a Rule.

680-X-1-.04 Petition for Adoption, Amendment, or Repeal of a Rule.

(1) This Rule governing petitions for the adoption, amendment, or repeal of any Rule of the Board is promulgated to comply with the requirement of the Alabama Administrative Procedure Act that every State "agency shall prescribe by rule the form for petition requesting the adoption, amendment, or repeal of a rule and the procedure for submission, consideration, and disposition thereof." Ala. Code § 41-22-8.

(2) Any person who desires to request that the Board adopt, amend, or repeal any Rule may petition the Board to take such action as prescribed in this Rule. The petition shall comply with all of the following requirements:

(a) The petition shall be in writing, shall be delivered by e-mail or regular U.S. Mail to the Executive Secretary of the Board, and shall specifically state that it is a "Petition Requesting the Adoption, Amendment, or Repeal of a Rule";

(b) The petition shall be filed by, and shall disclose the name and postal address of, the actual party in interest; disclosing the identity of an attorney or agent representing the actual party in interest is not sufficient;

(c) The petition shall identify with particularity the Rule to be adopted, amended or repealed, including language to be inserted or stricken, and/or new language to be adopted, as applicable;

(d) If the petition proposes adoption of a new Rule, the petition shall include a statement of the legal authority for the Rule proposed to be adopted; and

(e) The petition shall contain a brief statement of the reasons for the proposed adoption, amendment, or repeal of the Rules involved.

(3) In addition, the petition may, but is not required to, include the following information:

(a) A narrative statement describing how the petitioner is particularly affected by the present Rule and how it would be affected by the proposed Rule change;

(b) A description of any other persons or class of persons that the proposed Rule change would affect and how the change would affect them;

(c) A description of the estimated cost or cost savings to the public; and/or

(d) Any pertinent facts, data, literature, opinions, or arguments in support of the proposed Rule change.

(4) Upon receipt of a petition, the Executive Secretary shall review the petition for compliance with the requirements of subsection (2) of this Rule. If the petition is deficient, the Executive Secretary shall notify the petitioner in writing within 10 calendar days of receipt, specifying each deficiency. The 60-day period prescribed in subsection (5) of this Rule shall not commence until the petitioner submits a corrected petition that complies with all requirements of subsection (2) of this Rule. If the petitioner fails to correct all identified deficiencies within 10 calendar

days, the petition shall be deemed to have been withdrawn.

(5) Within 60 days after receipt of a properly presented petition, the Board either shall deny the petition in writing on the merits, stating its reasons for the denial, or initiate rulemaking proceedings in accordance with Ala. Code § 41-22-5. Provided, however, that if the Board's next meeting is scheduled to occur outside of the 60-day period, the Board may by written notice extend the period for not more than 30 days, during which it shall either deny the petition or initiate rulemaking proceedings.

(6) The petition and all supporting material submitted by the petitioner shall be public documents, and the Board may in its discretion solicit public comment thereon.

Author: Alabama Board of Pharmacy
Statutory Authority: Code of Ala., 1975, §41-22-8.
History: New Rule: Published June 30, 2026; effective August 14, 2026.