

**CERTIFICATION OF ADMINISTRATIVE RULES
FILED WITH THE LEGISLATIVE SERVICES AGENCY
OTHNI LATHRAM, DIRECTOR**

(Pursuant to Code of Alabama 1975, §41-22-6, as amended).

I certify that the attached is/are correct copy/copies of rule/s as promulgated and adopted on Wednesday, November 20, 2024, and filed with the agency secretary on Tuesday, December 10, 2024.

AGENCY NAME: Alabama State Board of Pharmacy

INTENDED ACTION: Amend

RULE NO.: 680-X-2-.40

(If amended rule, give specific paragraph, subparagraphs, etc., being amended) **(1)**

RULE TITLE: Non-Disciplinary Penalties

ACTION TAKEN: State whether the rule was adopted with or without changes from the proposal due to written or oral comments:

Adopted with changes. Five comments were received in favor of the changes. One comment was received in opposition. The Board adopted with change with the intent of going forward with further clarified language after working with Sunset representation.

NOTICE OF INTENDED ACTION PUBLISHED IN VOLUME XLII, ISSUE NO. 12, AAM,
DATED MONDAY, SEPTEMBER 30, 2024.

STATUTORY RULEMAKING AUTHORITY: 34-23-33

REC'D & FILED
(Date Filed)
(For IRS Use Only)
DEC 16, 2024
LEGISLATIVE SVC AGENCY

Donna C Yeatman

Donna Yeatman

Certifying Officer or his or her
Deputy

(NOTE: In accordance with §41-22-6(b), as amended, a proposed rule is required to be certified within 90 days after completion of the notice.)

680-X-2-.40

Non-Disciplinary Penalties.

(1) In the event an application for renewal of any type of license, permit, registration, certification or any similar document issued and required by the Alabama Pharmacy Practice Act, the Alabama Uniform Controlled Substances Act or any applicable Rule and the appropriate renewal fee is not received in the Board's office by December 31 of the applicable year, but is received in the Board's office no later than January 31 of the following year and activities requiring renewal were ongoing, a non-disciplinary administrative penalty as indicated below shall be received in the Board Office within fourteen (14) days of the Board's receipt of the renewal and if not, the opportunity to avoid discipline shall no longer be available, rather the Board shall initiate appropriate disciplinary actions. This penalty shall be in addition to the prevailing renewal fee.

(a) Pharmacy permits to include retail, institutional, non-resident pharmacies, and pharmacy services permits - \$1,000.00.

(b) Pharmacist license - \$1,000.00

(c) Technician Registration - \$250.00

(d) Intern/extern permit - \$250.00

(e) Pharmacist controlled substance permits - \$500.00

(f) Pharmacy controlled substance permits to include retail, institutional, and non-resident pharmacies - \$500.00

(g) Drug manufacturers; Wholesale Distributors; Private Label Distributors, Repackagers, Third-Party Logistics, 503B Outsourcers, Retail Oxygen Supplier, Oxygen Manufacturer, and any entities which may be regulated in the future - \$1,000.00.

(h) Controlled Substance permits for Drug manufacturers; Wholesale Distributors; Private Label Distributors, Repackagers, Third-Party Logistics, 503B Outsourcers - \$500

(i) This Rule is adopted pursuant to the Board's authority set forth in Code of Ala. 1975, §34-23-33(b) and is in lieu of formal disciplinary proceedings.

~~(2) The Board may offer non-disciplinary administrative penalty agreements for any contested case.~~

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~~(a) Informal settlement negotiations may be initiated by either party to the contested case in writing, provided that neither party is obligated to use informal procedures.~~

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~~(b) If the Board approves participation in a non-disciplinary administrative penalty agreement, it shall negotiate terms it believes to be in the best interest of the Board and the public health, safety, and welfare of the people of Alabama.~~

Author: ~~Donna Yeatman, R.Ph., Executive Secretary~~[Alabama State Board of Pharmacy](#)

Statutory Authority: Code of Ala. 1975, §34-23-33

History: New Rule: Filed July 8, 2010; effective August 12, 2010; operative September 1, 2010. **Amended:** Filed August 26, 2011; effective September 30, 2011; operative October 3, 2011.

Amended: Filed July 6, 2016; effective August 20, 2016.

Amended: Published May 28, 2021; effective July 12, 2021.

Amended: Published October 29, 2021; effective December 13, 2021. **Amended:** Published March 31, 2022; effective May 15, 2022.

Amended: Published ~~_____~~; effective ~~_____~~[December 31, 2024](#); effective [February 14, 2025](#).