

TRANSMITTAL SHEET FOR  
NOTICE OF INTENDED ACTION

Control 680 Department of Agency: Alabama State Board of Pharmacy  
Rule No. 680-X-2-.31

Rule Title: REGULATION OF DAILY OPERATING HOURS

     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

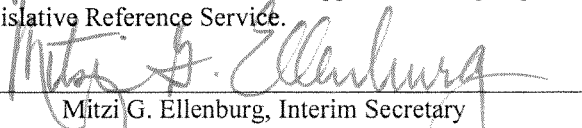
Are all facets of the rule making process designed solely for the purpose of, and so they have, as their primary effect, the protection of the public? YES

\*\*\*\*\*  
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.

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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, Interim Secretary

Date: January 17, 2013

(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-.31 REGULATION OF DAILY  
OPERATING HOURS

**INTENDED ACTION:** AMENDMENT

**SUBSTANCE OF PROPOSED ACTION:**

The Alabama State Board of Pharmacy proposes to amend Rule 680-X-2-.31 REGULATION OF DAILY OPERATING HOURS to allow a pharmacy to apply to the Board for a waiver under special circumstances to be open less than the current minimum of twenty (20) hours per week.

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

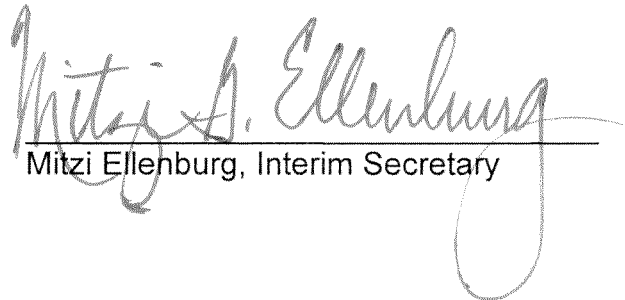
Comments can be presented at the public hearing scheduled at 7:30 a.m. on February 20, 2013 at the Alabama State Board of Pharmacy located at 111 Village Street, Hoover, Alabama 35242. Additionally, written comments may be addressed to Mitzi Ellenburg, Interim Secretary, Alabama State Board of Pharmacy, 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 March 7, 2013.

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

March 7, 2013

**CONTACT PERSON AT AGENCY:**

Mitzi Ellenburg, Interim Secretary  
205/981-4760

  
Mitzi Ellenburg, Interim Secretary

680-X-2-.31

**Regulation Of Daily Operating Hours.**

Any person who receives a community pharmacy permit pursuant to §34-23-30, and commences to operate such an establishment shall, for the benefit of the public health and welfare, keep the prescription department of the establishment open for a minimum of twenty (20) hours per week. A pharmacy may apply to the Board for a waiver or exception under special circumstances. A representative from the pharmacy must appear before the Board in order for this waiver or exception to be considered. A sign in block letters not less than one inch in height shall be displayed either at the main entrance of the establishment or at or near the place where prescriptions are dispensed in a prominent place that is in clear and unobstructed view. Such sign shall state the hours the prescription department is open each day.

Author: ~~Jerry Moore, R.Ph., J.D., Executive Director~~ Kenny Sanders, R.Ph., President  
Statutory Authority: Code of Alabama 1975, §34-23-92  
History: Adopted 17 December 2004; Effective 18 January 2005;  
Amended