

APA-1
11/96

**TRANSMITTAL SHEET FOR
NOTICE OF INTENDED ACTION**

Control 680 Department of Agency: Alabama State Board of Pharmacy
Rule No. 680-X-2-.40
Rule Title: NON-DISCIPLINARY PENALTY FOR LATE RENEWAL OF LICENSE, OR PERMIT,
REGISTRATION, CERTIFICATION, OR ANY SIMILAR DOCUMENT ISSUED.

 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

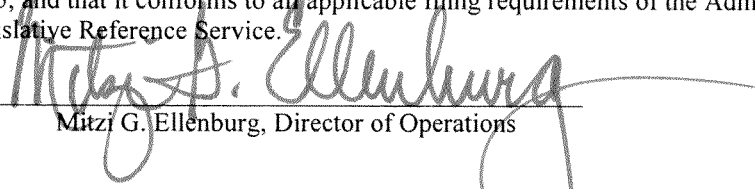
Are all facets of the rule making process designed solely for the purpose of, and so they have, as their primary effect, the protection of the public? YES

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.

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, Director of Operations

Date: June 16, 2011

(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-.40 NON-DISCIPLINARY PENALTY FOR LATE RENEWAL OF LICENSE, OR PERMIT, REGISTRATION, CERTIFICATION, OR ANY SIMILAR DOCUMENT ISSUED.

INTENDED ACTION: AMENDMENT

SUBSTANCE OF PROPOSED ACTION:

In adopting this Rule the Board inadvertently did not include all licenses or permits issued and required by the Board. Therefore, paragraph 1 of the rule is being amended to make it clear that its application extends to any license, permit or the like issued or required by the Board.

TIME, PLACE, MANNER OR PRESENTING VIEW:

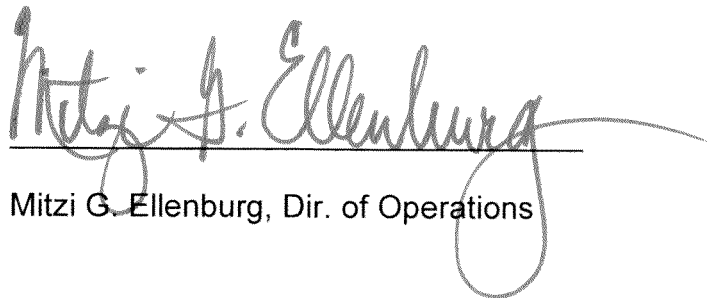
Comments can be presented at the public hearing scheduled at 7:30 a.m. on July 20, 2011 at the Alabama State Board of Pharmacy located at 111 Village Street, Hoover, Alabama 35242. Additionally, written comments may be addressed to Herb Bobo, Secretary, Alabama State Board of Pharmacy, P. O. Box 381988, Birmingham, Alabama 35238-1988. Written comments must be received in the Board Office no later than 4:00 p.m. on August 4, 2011.

FINAL DATE FOR COMMENT AND COMPLETION OF NOTICE:

August 4, 2011

CONTACT PERSON AT AGENCY:

Herb Bobo, R.Ph., Secretary
205/981-2280


Mitzi G. Ellenburg, Dir. of Operations

680-X-2-.40

NON-DISCIPLINARY PENALTY FOR LATE RENEWAL OF LICENSE, OR PERMIT, REGISTRATION, CERTIFICATION, OR ANY SIMILAR DOCUMENT ISSUED.

(1) In the event an application for renewal of any type of Pharmacy Permit, Pharmacist or Assistant License, Wholesaler, Manufacturer, Distributor Permit or Retail Oxygen Permit license, permit, registration, certification or any other 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 ~~any even-numbered~~ the applicable year, but is received in the Board's office no later than January 31 of the following year, a non-disciplinary administrative penalty of fifty percent (50%) of the prevailing renewal fee must be paid by January 31 of the following year in order to renew. This penalty shall be in addition to the prevailing renewal fee.

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

Author: Herb Bobo, R.Ph., Secretary

Statutory Authority: Code of Alabama 1975, §34-23-92

History: Filed July 5, 2010; Effective September 1, 2010; Amended August 22, 2011; Effective September 26, 2011.

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**ECONOMIC IMPACT STATEMENT
FOR APA RULE
(Section 41-22-23(f))**

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 X This rule has no economic impact.

 This rule has an economic impact, as explained below:

1. NEED/EXPECTED BENEFIT OF RULE:

2. COSTS/BENEFITS OF RULE AND WHY RULE IS THE MOST EFFECTIVE, EFFICIENT, AND FEASIBLE MEANS FOR ALLOCATING RESOURCES AND ACHIEVING THE STATED PURPOSE:

3. EFFECT OF THIS RULE ON COMPETITION:

4. EFFECT OF THIS RULE ON COST-OF-LIVING AND DOING BUSINESS IN THE GEOGRAPHICAL AREA WHERE THE RULE IS TO BE IMPLEMENTED:

5. EFFECT OF THIS RULE ON EMPLOYMENT IN THE GEOGRAPHICAL AREA WHERE THE RULE IS TO BE IMPLEMENTED:

6. SOURCE OF REVENUE TO BE USED FOR IMPLEMENTING AND ENFORCING THIS RULE:

7. THE SHORT-TERM/LONG-TERM ECONOMIC IMPACT OF THIS RULE ON AFFECTED PERSONS, INCLUDING ANALYSIS OF PERSONS WHO WILL BEAR THE COSTS AND THOSE WHO WILL BENEFIT FROM THE RULE:

8. UNCERTAINTIES ASSOCIATED WITH THE ESTIMATED BENEFITS AND BURDENS OF THE RULE, INCLUDING QUALITATIVE/QUANTITATIVE BENEFITS AND BURDEN COMPARISON:

9. THE EFFECT OF THIS RULE ON THE ENVIRONMENT AND PUBLIC HEALTH:

10. DETRIMENTAL EFFECT ON THE ENVIRONMENT AND PUBLIC HEALTH IF THE RULE IS NOT IMPLEMENTED:

**** Additional pages may be used if needed.**