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SENATE BILL 40

**49TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2009**

INTRODUCED BY

Dede Feldman

FOR THE LEGISLATIVE HEALTH AND HUMAN SERVICES COMMITTEE

AN ACT

RELATING TO PRESCRIPTION DRUGS; PROVIDING FOR PRESCRIPTION DRUG  
DONATION; AMENDING A SECTION OF THE PHARMACY ACT.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. Section 61-11-22 NMSA 1978 (being Laws 1969,  
Chapter 29, Section 21, as amended) is amended to read:

"61-11-22. EXEMPTIONS FROM ACT.--

A. The Pharmacy Act does not apply to licensed  
practitioners in this state in supplying to their patients any  
drug if the licensed practitioner is practicing ~~[his]~~ the  
licensed practioner's profession and does not keep a pharmacy,  
advertised or otherwise, for the retailing of dangerous drugs.

B. The Pharmacy Act does not prevent:

(1) the personal administration of drugs  
carried by a licensed practitioner in order to supply the

underscoring material = new  
[bracketed material] = delete

1 immediate needs of [~~his~~] the licensed practitioner's patients;  
2 [~~or~~]

3 (2) the sale of nonnarcotic proprietary  
4 preparations; or

5 (3) the supplying of donated prescription  
6 drugs to an individual patient; provided, however, that the  
7 patient is apprised of the source of donated drugs and consents  
8 to receiving them."

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