

1 SENATE BILL 182

2 **54TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2019**

3 INTRODUCED BY

4 Gerald Ortiz y Pino

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10 AN ACT

11 RELATING TO PROFESSIONAL LICENSURE; AMENDING A PROVISION OF THE
12 PHARMACY ACT TO REMOVE THE PROHIBITION AGAINST NON-PHARMACISTS'
13 USE OF PHARMACY INSIGNIAS OR DEVICES.

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

16 SECTION 1. Section 61-11-21 NMSA 1978 (being Laws 1969,
17 Chapter 29, Section 20, as amended) is amended to read:

18 "61-11-21. LICENSING OF PHARMACISTS AND PHARMACIES
19 REQUIRED.--

20 A. Unless [~~he~~] a person is a pharmacist or is
21 exempted under the Pharmacy Act, no person shall sell at retail
22 any dangerous drug, compound any prescription or acquire and
23 possess any dangerous drug without its being prescribed.

24 B. No person shall conduct or operate a place used
25 for the retail sale, compounding or dispensing of drugs or

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underscored material = new
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1 prescriptions or a place represented by a sign or by
2 advertisement to have a business name or specialization that
3 includes the words "pharmacist", "pharmacy", "apothecary",
4 "apothecary shop", "chemist's shop", "drug store", "drugs",
5 "druggist", "drug sundries", "prescriptions" or ~~[any]~~ a
6 combination of these ~~[or any other words of similar import or~~
7 ~~by an insignia or device]~~ that might indicate to the public
8 that the place is a pharmacy unless the place is licensed by
9 the board under the Pharmacy Act.

10 C. No person shall permit anyone in ~~[his]~~ the
11 person's employ or under ~~[his]~~ the person's supervision, except
12 a pharmacist, pharmacist intern or pharmacy technician, to
13 compound, dispense, label or otherwise prepare prescriptions.

14 D. The provisions of Subsections A, B and C of this
15 section shall not apply to a person possessing a license issued
16 pursuant to Subsection B of Section 61-11-14 NMSA 1978 for the
17 sale or distribution of veterinary drugs bearing the legend:

18 "caution: federal law restricts this drug to use by or on the
19 order of a licensed veterinarian"; provided that the possessors
20 of such a license may only sell or distribute such drugs on the
21 order of a licensed veterinarian and may not represent their
22 place of business by a sign or advertisement that includes the
23 words "pharmacist", "pharmacy", "apothecary", "apothecary
24 shop", "chemist's shop", "drug store", "drugs", "druggist",
25 "drug sundries", "prescriptions" or ~~[any]~~ a combination of

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