

SENATE BILL 122

55TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2021

INTRODUCED BY

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This document may incorporate amendments proposed by a committee, but not yet adopted, as well as amendments that have been adopted during the current legislative session. The document is a tool to show amendments in context and cannot be used for the purpose of adding amendments to legislation.

AN ACT

RELATING TO PROFESSIONAL LICENSURE; AMENDING A PROVISION OF THE PHARMACY ACT TO REMOVE THE PROHIBITION AGAINST NON-PHARMACISTS' USE OF ~~Sf11~~→**PHARMACY**←~~Sf11~~ ~~Sf11~~→**THE WORDS "APOTHECARY", "APOTHECARY SHOP" AND OTHER WORDS OF SIMILAR IMPORT AND PHARMACY-RELATED**←~~Sf11~~ INSIGNIAS OR DEVICES ~~Sf11~~→**ON SIGNS OR ADVERTISEMENTS**←~~Sf11~~ .

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

.218446.1AIC February 19, 2021 (10:41pm)

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

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

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

B. No person shall conduct or operate a place used for the retail sale, compounding or dispensing of drugs or prescriptions or a place represented by a sign or by advertisement to have a business name or specialization that includes the words "pharmacist", "pharmacy", SJC→**"apothecary"**, **"apothecary shop"**, ←SJC "chemist's shop", "drug store", "drugs", "druggist", "drug sundries", "prescriptions" or [~~any~~] a combination of these [~~or any other words of similar import or by an insignia or device~~] that might indicate to the public that the place is a pharmacy unless the place is licensed by the board under the Pharmacy Act.

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

D. The provisions of Subsections A, B and C of this section shall not apply to a person possessing a license issued pursuant to Subsection B of Section 61-11-14 NMSA 1978 for the

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sale or distribution of veterinary drugs bearing the legend:  
"caution: federal law restricts this drug to use by or on the  
order of a licensed veterinarian"; provided that the possessors  
of such a license may only sell or distribute such drugs on the  
order of a licensed veterinarian and may not represent their  
place of business by a sign or advertisement that includes the  
words "pharmacist", "pharmacy", SJC→"apothecary", "apothecary  
shop", ←SJC "chemist's shop", "drug store", "drugs", "druggist",  
"drug sundries", "prescriptions" or [any] a combination of  
these [~~or any words of similar import or by an insignia or  
device~~] that might indicate to the public that the place is a  
pharmacy."

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