

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

AN ACT

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

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

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 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", "chemist's
shop", "drug store", "drugs", "druggist", "drug sundries",
"prescriptions" or a combination of these that might indicate
to the public that the place is a pharmacy unless the place
is licensed by the board under the Pharmacy Act.

1 C. No person shall permit anyone in the person's
2 employ or under the person's supervision, except a
3 pharmacist, pharmacist intern or pharmacy technician, to
4 compound, dispense, label or otherwise prepare prescriptions.

5 D. The provisions of Subsections A, B and C of
6 this section shall not apply to a person possessing a license
7 issued pursuant to Subsection B of Section 61-11-14 NMSA 1978
8 for the sale or distribution of veterinary drugs bearing the
9 legend: "caution: federal law restricts this drug to use
10 by or on the order of a licensed veterinarian"; provided that
11 the possessors of such a license may only sell or distribute
12 such drugs on the order of a licensed veterinarian and may not
13 represent their place of business by a sign or advertisement
14 that includes the words "pharmacist", "pharmacy", "chemist's
15 shop", "drug store", "drugs", "druggist", "drug sundries",
16 "prescriptions" or a combination of these that might indicate
17 to the public that the place is a pharmacy."