AN ACT

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

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 [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", "apothecary", "apothecary shop", "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 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", "apothecary", "apothecary shop", "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."