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HOUSE BILL 150

47TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2005

INTRODUCED BY

Peter Wirth

AN ACT

**RELATING TO PHARMACY; REQUIRING THAT THE RETAIL PRICE OF A
PRESCRIPTION DRUG BE MADE AVAILABLE UPON REQUEST.**

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

**Section 1. Section 61-11-15 NMSA 1978 (being Laws 1969,
Chapter 29, Section 14, as amended) is amended to read:**

**"61-11-15. PHARMACIES--SALE OF DRUGS--SUPERVISION
REQUIREMENTS.--**

A. No owner of a pharmacy shall:

- (1) fail to place a pharmacist in charge;**
- (2) intentionally or fraudulently adulterate
or cause to be adulterated or misbrand or cause to be
misbranded any drugs compounded, sold or offered for sale in
the pharmacy;**
- (3) by himself or through any other person,**

underscoring material = new
[bracketed material] = delete

underscored material = new
[bracketed material] = delete

1 permit the compounding of prescriptions or the selling of
2 dangerous drugs in [~~his~~] the owner's place of business except
3 by a pharmacist, pharmacist intern or pharmacy technician;

4 (4) by himself or through any other person,
5 sell, offer for sale, compound or dispense dangerous drugs
6 without being a pharmacist, pharmacist intern or pharmacy
7 technician; provided that veterinary drugs bearing the legend:
8 "Caution: federal law restricts this drug to use by or on the
9 order of a licensed veterinarian" may be sold, offered for sale
10 or distributed by persons holding a license issued pursuant to
11 Subsection B of Section 61-11-14 NMSA 1978; [~~or~~]

12 (5) operate a pharmacy without the appropriate
13 license; or

14 (6) fail to provide the current retail price,
15 by phone, electronic device or otherwise, charged for a
16 prescription drug in any dosage or quantity to a person
17 requesting this information.

18 B. Whenever an applicable law or rule [~~or~~
19 ~~regulation~~] requires or prohibits action by a pharmacy,
20 responsibility for the violation shall be that of the owner and
21 the pharmacist in charge.

22 C. As used in this section, "current retail price"
23 means the cash price for a prescription drug charged to a
24 person who has no prescription drug coverage."