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SENATE BILL

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

INTRODUCED BY

Gerald Ortiz y Pino

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

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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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2 ~~device~~] that might indicate to the public that the place is a  
3 pharmacy."

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