

COUNCIL OF THE DISTRICT OF COLUMBIA

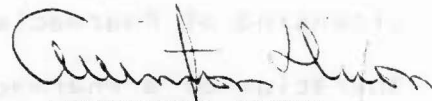
NOTICE

D.C. LAW 3-98

"District of Columbia Pharmacist and Pharmacy Regulation Act of 1980".

Pursuant to Section 412 of the District of Columbia Self-Government and Governmental Reorganization Act, P. L. 93-198, "the Act", the Council of the District of Columbia adopted Bill No. 3-129, on first and second readings, June 17, 1980 and July 1, 1980, respectively. Following the signature of the Mayor on July 16, 1980, this legislation was assigned Act No. 3-220, published in the August 15, 1980, edition of the D.C. Register, (Vol. 27 page 3528) and transmitted to Congress on July 22, 1980 for a 30-day review, in accordance with Section 602 (c)(1) of the Act.

The Council of the District of Columbia hereby gives notice that the 30-day Congressional Review Period has expired, and, therefore, cites this enactment as D.C. Law 3-98 effective September 16, 1980.



ARRINGTON DIXON
Chairman of the Council

Dates Counted During the 30-day Congressional Review Period:

| | |
|-----------|------------------------------------|
| July | 22,23,24,25,28,29,30,31 |
| August | 1,4,5,6,18,19,20,21,22,25,26,27,28 |
| September | 3,4,5,8,9,10,11,12,15 |

D.C. LAW 3-98

EFFECTIVE DATE SEP 16 1980

Enrolled Original

AN ACT

D.C. ACT 3-220

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JUL 16 1980

To establish a Board of Pharmacy and to regulate pharmacies; the practice of pharmacy in the District of Columbia, and for other purposes.

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BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA,
 That this act may be cited as the "District of
 Columbia Pharmacist and Pharmacy Regulation Act of
 1930".

Sec. 2. Purpose and Scope.

CODIFICATION
 D.C.Code,
 sec. 2-601

(a) The purposes of this act are: (1) to license pharmacies and pharmacists; (2) to register pharmacy interns; (3) to regulate the practice of pharmacy; and (4) to establish a Board of Pharmacy in the District of Columbia in order to protect the public health and welfare.

(b) This act shall not apply to:

(1) a duly licensed medical practitioner who personally dispenses or administers drugs or poisons as the practitioner deems proper in the treatment of the practitioner's patients;

(2) the administering of drugs by a registered or licensed nurse under the direction of a medical practitioner to the practitioner's patient or patients;

(3) or otherwise interfere with the sale of over-the-counter drugs;

(4) any person who is a wholesaler or manufacturer, or any employee of such person when engaged in the discharge of his or her official duties.

Nothing in this act shall be construed as altering or affecting in any way laws of the District of Columbia or any Federal Act requiring a written prescription for controlled substances or other dangerous drugs.

Sec. 3. Definitions.

For purposes of this act:

(a) The term "Board" means the District of Columbia Board of Pharmacy.

D.C. Code,
sec. 2-602

(b) The term "dispense" means to sell, distribute, leave with, give away, dispose of, prepare or deliver a drug.

(c) The term "drug" means

(1) any substance recognized as a drug, medicine or medicinal chemical in the official United States Pharmacopoeia, official National Formulary, official Homeopathic Pharmacopoeia or official Veterinary Medicine Compendium or other official drug compendium or any supplement to any of them;

(2) any substance intended for use in the diagnosis, cure, mitigation, treatment, or prevention of disease in man or other animal;

(3) any chemical substance (other than food) intended to affect the structure or any function of the body of man or other animal; and

(4) any substance intended for use as a component of any items specified in clauses (1), (2), or (3), but does not include medical devices or their components, parts, or accessories.

(d) The term "labeling" means the process of affixing a label to any drug container, but does not include the labeling by a manufacturer.

backer, or distributor of an over the counter drug, packaged legend drug, or medical device.

(e) The term "Mayor" means the Mayor of the District of Columbia or the Mayor's designated agent.

(f) The term "medical device" means an instrument, apparatus, implement, machine, contrivance, implant, in vitro reagent, or other similar or related article, including any component, part or accessory, which is:

(1) recognized in the official National Formulary, or the Official United States Pharmacopoeia, or any supplement thereto;

(2) intended for use in the diagnosis of disease or any other condition, or in the cure, mitigation, treatment, or prevention of disease in man or other animal; or

(3) intended to affect the structure or any function of the body of man or other animal, and which does not achieve any of its principal intended purposes through chemical action within or on the body of man or other animal, and which does not depend upon being metabolized for the

achievement of any of its principal intended purposes.

(q) The term "medicinal chemicals" means chemicals used in the treatment of illness or disease.

(h) The term "over-the-counter drug" means drugs which may be sold without a prescription and which are pre-packaged for use by the consumer and labeled in accordance with the requirements of the laws and regulations of the District of Columbia and the federal government.

(i) The term "person" means any individual, partnership, association, corporation, company, joint stock association, or any organized group of persons whether incorporated or not; or any trustee, receiver, or assignee thereof.

(j) The term "pharmacist" means any person who is licensed in the District of Columbia to engage in the practice of pharmacy.

(k) The term "pharmacy" means any establishment or institution, or any part thereof, where (1) the practice of pharmacy is conducted; (2) drugs are compounded, dispensed, offered for

sale, given away, or displayed for sale at retail;
or (3) prescriptions are compounded or dispensed.

(l) The term "pharmacy intern" means any person who is registered in the District of Columbia to engage in the practice of pharmacy under the direct supervision of a pharmacist.

(m) The term "practice of pharmacy" means the interpretation and evaluation of prescription orders; the compounding, dispensing, and labeling of drugs and devices, and the maintenance of proper records therefore; the responsibility for advising, where regulated or otherwise necessary, of therapeutic values and content, hazards and use of drugs and devices; and the offering or performing of those acts, services, operations, and transactions necessary in the conduct, operation, management, and control of a pharmacy.

(n) The term "practitioner" means a person licensed and permitted by such license (other than a pharmacist) to prescribe, to dispense or to conduct research with respect to, or to administer drugs within the course of such person's professional practice or research.

(o) The term "prescription" means any order for a drug, medicinal chemical or combination or mixtures thereof, or for a medically prescribed medical device, in writing, dated and signed by a practitioner, or given orally to a pharmacist or pharmacy intern by a practitioner or such person's authorized agent and immediately reduced to writing by the pharmacist or pharmacy intern, specifying the address of the person for whom the drug is ordered and directions for use to be placed on the label.

(q) The term "proprietor of a pharmacy" means a person designated as proprietor in an application for a pharmacy license under section 9. The proprietor may be an individual, a corporation, a partnership, or an unincorporated association, and shall at all times own a controlling interest in the pharmacy.

(s) The term "Radiopharmaceuticals" means radioactive drugs and chemicals within the classification of legend drugs as defined under the federal Food, Drug, and Cosmetic Act, approved June 25, 1938 (52 Stat. 1040; 21 U.S.C. sec. 301

et seq.) or regulations issued by the Mayor pursuant to this act.

Sec. 4. General Prohibitions.

D.C. Code,
sec. 2-603

(a) It shall be unlawful for any person to engage in the practice of pharmacy in the District of Columbia unless the person is currently licensed as a pharmacist or registered as a pharmacy intern in accordance with the provisions of this act. Any person holding a valid license to practice as a pharmacist under the provisions of the District of Columbia Pharmacy Act, approved May 7, 1906 (34 Stat. 175; D.C. Code, sec. 2-602), shall continue to be recognized as a licensed pharmacist so long as he or she complies with the provisions of this act, including renewal of the license as provided in section 6(d).

(b) It shall be unlawful for a registered pharmacy intern to compound or dispense any drug by prescription in the District of Columbia except while in the presence of and under the immediate supervision of a pharmacist.

(c) No pharmacist shall supervise more than one (1) pharmacy intern at a time.

(d) It shall be unlawful for any person to operate, maintain, open or establish a pharmacy within the District of Columbia without first having obtained a license or registration from the Mayor.

(e) In the case of schedule II controlled substances only a pharmacist may receive an oral prescription.

(f) It shall be unlawful for any establishment or institution or any part thereof that does not provide services of the practice of pharmacy as defined within this act, to use or have upon it, or displayed within it, or affixed to or used in connection with it, a sign bearing the word or words "pharmacy", "apothecary", "drugstore", "druggist", or any word or words of similar or like import which would tend to indicate that the practice of pharmacy is being conducted in the establishment or institution.

Sec. 5. Board of Pharmacy.

There is established a Board of Pharmacy for the District of Columbia.

D.C. Code,
sec. 2-604

(a) The Board shall advise the Mayor with respect to the regulation of pharmacies, the practice of pharmacy, and related matters.

(b)(1) The Board shall consist of seven (7) members appointed by the Mayor. Two (2) shall be lay persons and the remainder shall be pharmacists, licensed to practice pharmacy in the District of Columbia.

(2) The lay persons shall be residents of the District of Columbia, be at least eighteen (18) years of age, and not ever have been a pharmacist or the spouse of a pharmacist, or have had any material interest in the providing of pharmacy service or been engaged in any activity directly related to the practice of pharmacy.

(3) The pharmacist members of the Board shall at the time of their appointment and throughout their term:

(A) be residents of the District of Columbia;

(B) be licensed in the District of Columbia and in good standing to engage in the practice of pharmacy in the District of Columbia; and

(C) have had six (6) years of experience in the practice of pharmacy in the District of Columbia after licensure.

(4) The members of the Board of Pharmacy shall be appointed by the Mayor for a term of three (3) years: EXCEPT That members of the Board who are appointed to fill vacancies which occur prior to the expiration of a former member's full term shall serve the unexpired portion of such term.

(5) Of the members first appointed under this act, three (3) (one (1) of which shall be a lay person) shall serve a term of three (3) years, two (2) members shall serve a term of two (2) years, and two (2) members shall serve a term of one (1) year.

(6) No member of the Board shall serve more than two (2) consecutive full terms. The completion of the unexpired portion of a full term shall not constitute a full term for the purposes of this section.

(7) Any vacancy which occurs in the membership of the Board for any reason, including

expiration of a term, removal, resignation, death, disability, or disqualification, shall be filled by a person appointed by the Mayor as provided in paragraph (4) above. The Mayor shall appoint a person to fill a vacancy after the vacancy occurs.

(c) The Board shall elect from its members a chairman and such other officers as it deems appropriate and necessary to conduct its business. The chairman of the Board shall preside at all meetings of the Board and shall be responsible for the performance of all of the duties and functions of the Board.

(d) Members of the Board shall be compensated as provided in section 1108 of the District of Columbia Government Comprehensive Merit Personnel Act of 1978, effective March 3, 1979 (D.C. Law 2-139; D.C. Code, sec. 1-341.8), as amended by section 2(k) of the District of Columbia Government Comprehensive Merit Personnel Act Amendments of 1980, Council Bill 3-236.

(e) The Mayor shall assign to the Board those responsibilities which the Mayor believes are appropriate.

(a) The Mayor shall issue a license to practice as a pharmacist in the District of Columbia, to any person who meets the following qualifications:

(1) is at least eighteen (18) years of age;

(2) holds a degree in pharmacy granted by a college or school of pharmacy accredited by the American Council of Pharmaceutical Education;

(3) has served as a pharmacy intern in a pharmacy for the amount of time required by the Mayor;

(4) has satisfactorily passed such theoretical and practical examination or examinations as the Mayor may prescribe; and

(5) has paid all required fees.

(b) Experience which, in the opinion of the Mayor is equivalent to pharmacy internship and which is obtained prior to such time or times as the Mayor may by regulation prescribe, or obtained in the service of the United States Government, may be accepted by the Mayor in lieu of service as a registered pharmacy intern as required under section 5(a)(3).

(c) The Mayor may also license as a pharmacist any person who at the time of filing an application is, and for at least one (1) year next preceding has been, licensed as a pharmacist by any state, possession, or commonwealth of the United States. No license shall be issued under this subsection unless the license issued by the state, possession, or commonwealth:

(1) was issued after examination;

(2) has not been suspended, revoked or denied during such one-year period;

(3) is not subject to any action or proceeding which might result in its suspension or revocation; and

(4) was issued by a state, possession, or commonwealth which under like conditions grants licensure without examination to pharmacists duly licensed by examination in the District of Columbia. No person shall be licensed under this subsection unless the requirements of paragraphs (1), (2), (3), and (5) of subsection (a) are met and in the opinion of the Mayor, the circumstances so warrant.

(d) Every license issued by the Mayor in accordance with the provisions of this section, shall be subject to renewal as determined by the Mayor. A license which has not been renewed within the time and in the manner specified by the Mayor shall not be in good standing and the holder thereof shall not practice as a pharmacist in the District of Columbia while the license is not in good standing.

Sec. 7. Registration of Pharmacy Interns.

D.C. Code,
sec. 2-606

(a) The Mayor shall register for a period of one (1) year as a pharmacy intern any person:

(1) who has filed an application subscribed under oath or affirmation containing the information the Mayor may require and has paid all required fees;

(2) who is currently registered in and attending a duly accredited college or school of pharmacy or who is a graduate of such college or school of pharmacy.

(b) The Mayor may, by regulation, provide for the registration of pharmacy interns who obtain their practical experience outside of the District of Columbia.

(c) Registration as a pharmacy intern may be renewed for successive periods of one (1) year if the Mayor is satisfied that the applicant is in good faith and with reasonable diligence working toward his or her pharmaceutical degree or, if he or she has already received his or her degree, has been unable with reasonable diligence to accumulate the number of hours of service required by the Mayor.

Sec. 8. Grounds for Denial, Suspension, or Revocation of a Pharmacist's License.

D.C. Code,
sec. 2-607

(a) Notwithstanding the provisions of section 5, the Mayor is authorized and empowered to refuse to issue, renew or restore, or may suspend or revoke, any license or registration to practice as a pharmacist or pharmacy intern, if the applicant or holder thereof:

(1) procured his or her license or registration through fraud, misrepresentation, or deceit;

(2) is a chronic alcoholic as that term is defined in section 3(a) of the District of Columbia Alcoholic Rehabilitation Act of 1967, approved August 3, 1968 (82 Stat. 619; D.C. Code,

sec. 24-522) or a drug user as that term is defined in section 3 of the Act To provide for the treatment of users of narcotics in the District of Columbia, approved June 24, 1953 (57 Stat. 77; D.C. Code, sec. 24-601);

(3) is unfit or unable to practice pharmacy by reason of a physical or mental disease or disability;

(4) has entered a plea of *nolo contendere* or has been convicted of a violation of the Federal Comprehensive Drug Abuse Prevention and Control Act of 1970, approved October 20, 1970 (84 Stat. 1242; 21 U.S.C. sec. 801 et seq.), the Federal Food, Drug, and Cosmetic Act, approved June 25, 1938 (52 Stat. 1040; 21 U.S.C. sec. 301 et seq.), or the pharmacy law or narcotic law of any State, possession, or commonwealth of the United States;

(5) has had his or her license or registration to practice as a pharmacist or pharmacy intern suspended or revoked by any properly constituted licensing authority; or

(6) has willfully violated or willfully permitted the violation of any provision of this

act or any of the regulations issued by the Mayor pursuant to this act.

(b) Any denial, suspension, or revocation of a pharmacist license shall be made only upon specific charges in writing and only after opportunity for a hearing has been provided.

Sec. 9. Licensing of Pharmacies.

D.C. Code,
sec. 2-608

(a) The application for a pharmacy license shall be made on a form to be prescribed by the Mayor and shall be accompanied by the required fee. The license shall be valid for a period of time to be determined by the Mayor. No license fee shall be required for the operation of a pharmacy by the United States government or by the District of Columbia government.

(b) Application for renewal of a pharmacy license shall be made not later than thirty (30) days before the expiration date of the license to avoid lapse. An additional fee for late filing not exceeding the amount of the renewal fee shall be established by the Mayor.

(c) Each pharmacy license issued shall apply only to the operation of the pharmacy at the location for which it is issued.

(d) A pharmacy license is not transferable.

(e) Whether or not the proprietor of a pharmacy is a pharmacist, the pharmacy license shall be issued in the name of the proprietor.

(f) When a pharmacy changes proprietorship, the license shall become void and shall be promptly surrendered to the Mayor, and a license shall be obtained by the new proprietor whether or not there is any change in the name of the pharmacy.

Sec. 10. Operation of a Pharmacy.

D.C. Code,
sec. 2-609

(a) A pharmacy shall be operated only by a licensed pharmacist. During all times when the pharmacy is open for business a pharmacist shall be on duty. The pharmacist on duty shall post his or her license in a conspicuous place during the time he or she is on duty. The hours that the pharmacy is open for business shall be conspicuously displayed on the outside of the pharmacy.

(b) The pharmacist on duty shall control all professional aspects of the practice of pharmacy. Any usurpation, in reference or impairment of the exercise of professional judgment of the

pharmacist on duty by a non-pharmacist proprietor or personnel shall be deemed the practice of pharmacy, and constitute a violation of this act.

(c)(1) If only part of an establishment or institution is used as the pharmacy and if the pharmacy is not open to the public at the times when the rest of the establishment is open to the public, the pharmacy shall be securely enclosed so as to prevent unauthorized access to pharmacy areas and to prevent the diversion of drugs stored in pharmacy areas.

(2) The pharmacy and any storage areas for prescription drugs outside of the pharmacy shall be substantially constructed.

(3) All doors shall be capable of being securely locked, and access shall be restricted to pharmacists, the proprietor of the pharmacy, or persons authorized by a pharmacist with the consent of the proprietor.

(4) The key or keys to areas are to be under the control or in the possession of the pharmacist on duty or the proprietor of the pharmacy.

(d) Burglaries and damage to the pharmacy or its contents by fire, flood, or other causes shall be reported immediately to the Mayor. Neither drugs nor other merchandise shall be dispensed, sold, held for sale, or given away in any pharmacy damaged by fire, flood, or other causes until the Mayor has determined that the merchandise is not adulterated or otherwise unfit for sale, use or consumption. Damaged premises shall be inspected by the Mayor to determine their continued suitability for pharmacy operations.

Sec. 11. Grounds for Denial, Suspension, or Revocation of a Pharmacy License.

D.C. Code,
sec. 2-610

(a) The Mayor may refuse the issuance or renewal, or may revoke, or may suspend for not more than ninety (90) days, a license issued pursuant to this act for any one (1) or a combination of the following reasons:

(1) conviction of any felony, or a finding by the Mayor that any provision of this act has been violated, or that any law or regulation of the District of Columbia or of the United States relating to drugs has been

violated by any person named in the application for pharmacy licensure;

(2) furnishing false or misleading information to the Mayor, or failing to furnish information requested by the Mayor, or refusing to allow an inspection in accordance with sections 11, 12, and 18; or

(3) selling, or offering for sale, adulterated or misbranded drugs or devices.

(b) The Mayor shall forthwith suspend a license issued pursuant to this act whenever the Mayor finds that the failure of a pharmacy to comply with any provision of this act or with any District of Columbia or federal law or regulation applicable to such pharmacy is of such a serious nature and magnitude that an imminent danger to the health or safety of the public is presented. In such a case, if a hearing is requested, such request or hearing shall not serve to stay the issuance of an order suspending the license.

Sec. 12. Pharmacy Personnel.

(a)(1) No personnel working in any capacity, the activities of which include contact with any merchandise or drugs in a pharmacy or the care of

D.C. Code,
sec. 2-611

dispensing, manufacturing, or storage facilities, who is affected by, or believed by the Mayor, upon reasonable grounds to be affected by, a communicable disease and no person who is or is believed by the Mayor, upon reasonable grounds to be, a carrier of a communicable disease, shall actively engage in any work in a pharmacy.

(2) No proprietor of any pharmacy or manager of any pharmacy shall intentionally permit any person who is, or is believed by the Mayor, upon reasonable grounds to be, a carrier of a communicable disease, to engage or continue to be engaged in any work in the pharmacy.

(b) No person shall work in any capacity in a pharmacy if he or she:

(1) is afflicted with boils, infectious wounds, sores, or an acute respiratory infection;

(2) is wearing unclean garments;

(3) is a chronic alcoholic as that term is defined in section 8(a)(2); or

(4) does not follow hygienic work practices, including the washing of hands thoroughly before commencing work and as often

as is necessary thereafter to remove soil and contamination.

Sec. 13. Bulk Sales or Transfers.

D.C. Code,
sec. 2-612

(a)(1) Bulk sales or transfers of drugs or medical devices shall not be made unless the Mayor is notified prior to the proposed transaction and the Mayor finds that the drugs or medical devices are fit for the use for which they were originally intended. For the purposes of this section, the term "bulk sales or transfers" shall mean the sale or transfer of the entire inventory, or any substantial part thereof in any one (1) transaction or in any merchandising effort referred to as an "auction sale", a "bankruptcy sale", "distress sale", or a "closing-out sale"; but the term "bulk sales or transfers" shall not include transfers between stores having common ownership.

(2) A sale of merchandise to a single customer having a value of five hundred dollars (\$500) or more in any one-week period shall be considered the sale of a substantial part of the inventory and as one transaction unless the sale constitutes the filling of a prescription, or

results from a cooperative buying order. If drugs are acquired by such transactions in other jurisdictions, the Mayor shall be notified, and the drugs shall be officially inspected and released by the Mayor prior to sale or other disposition in the District. Bulk quantities of drugs may be transferred only to persons legally entitled to sell or dispense the drugs.

(b) This provision supplements and does not replace the Act To provide for the regulation of closing-out and fire sales in the District of Columbia, approved September 1, 1959 (73 Stat. 449; D.C. Code, sec. 47-3001 et seq.).

Sec. 14. Deteriorating Drugs, Sample Drugs, and Returned Drugs. D.C. Code,
sec. 2-613

(a) Drugs which may deteriorate shall at all times be stored under conditions specified on the label of the original container and in accordance with applicable District of Columbia or federal laws or regulations, and shall not be sold or dispensed after the expiration date designated on the label of the original container, and in accordance with applicable District of Columbia or federal laws or regulations.

(b) Drugs designated "sample" shall not be sold.

(c) A drug which has been returned after leaving the pharmacy shall not be placed in stock for reuse or resale, except manufacturer packaged unit dose or unit of use drugs which have been unopened and unaltered.

Sec. 15. Labeling of Prescriptions.

D.C. Code,
sec. 2-614

All drugs shall be dispensed in a suitable container appropriately labeled for subsequent administration to or use by an individual entitled to the drug. Any drug dispensed, except to in-patients of a licensed hospital, shall include on the label of the container the name of the drug and the strength of the drug when applicable, unless otherwise directed by the prescribing practitioner, and the name, address and telephone number of the pharmacy filling the prescription, the prescription number, the date of issuance and the name of the prescriber, directions for use, the name of the individual for whom the prescription is written and other information and labeling which may be required by any District of Columbia or federal laws or regulations.

Sec. 15. Prescription Records.

D.C. Code,
sec. 2-615

(a) There shall be maintained in every pharmacy or in the establishment or institution where a pharmacy is located, a suitable book, file or other easily retrievable record, in which shall be preserved for a period of not less than two (2) years every prescription compounded or dispensed at said pharmacy.

(b)(1) There shall be maintained a bound volume recording the information required by law or regulation concerning the over-the-counter sales of those drugs which are listed in Schedule V established or amended pursuant to the federal Comprehensive Drug Abuse Prevention and Control Act of 1970, approved October 27, 1970 (84 Stat. 1242; 21 U.S.C. sec. 801 et seq.).

(2) There shall also be maintained a bound volume in which shall be entered similar information concerning each sale of

(A) hypodermic syringes, needles, or other medical devices which may be used in the administration of controlled substances;

(B) gelatin capsules and glassine envelopes in quantities sufficient to indicate an

intention to use such items in the distribution of controlled substances; and

(C) diluents or adulterants such as lactose or quinine in quantities sufficient to indicate an intention to use such substances for the illegal distribution or dispensing of any controlled substance.

(c) The records required to be maintained by this section shall be available for inspection by the Mayor during regular business hours.

Sec. 17. Inspections.

D.C. Code,
sec. 2-616

(a) Persons designated by the Mayor, shall be permitted, after presenting proper identification, to enter at reasonable times any pharmacy or drug outlet for the purpose of making inspections to determine compliance with this act or with other laws or regulations applicable to the practice of pharmacy. Persons designated by the Mayor shall be pharmacists for the purpose of making inspections to determine compliance with those sections of this act and other applicable laws and regulations regarding the practice of pharmacy as defined within this act.

(b) This inspection may include, but shall not be limited to, the examination of the pharmacy's records, including prescriptions and the obtaining of information and samples pertaining to drugs on hand or dispensed.

Sec. 18. Peddling of Drugs on Streets;
Prohibition.

D.C. Code,
sec. 2-617

It shall be unlawful for any person to sell or offer for sale by peddling, or to offer for sale from house to house, or to offer for sale by public outcry, or by vending in the street, any drug, medicine, or chemical, or any compound or combination thereof, or any implement, appliance, or other agency for the treatment of disease, injury, or deformity: EXCEPT, as may be otherwise authorized by law, no person shall throw, cast, deposit, drop, scatter, or leave, or cause to be thrown, cast, deposited, dropped, scattered, or left, any drug, medicine, or chemical, or any compound or combination thereof, upon any public highway or place, or, without the consent of the owner or occupant thereof, upon any premises in the District of Columbia.

Sec. 19. Regulations.

D.C. Code,
sec. 2-618

(a) The Mayor shall: (1) administer and enforce the provisions of this act;

(2) be responsible for the regulation of the practice of pharmacy in the District of Columbia; and

(3) adopt and publish such regulations as may be necessary for the implementation of this act, including, but not limited to, regulations concerning the following:

(A) The licensing by examination or by reciprocity of applicants who are qualified to engage in the practice of pharmacy under the provisions of this act;

(B) The renewal of licenses to engage in the practice of pharmacy;

(C) The establishment of minimum standards for the professional practice of licensed pharmacists practicing in the District of Columbia and the suspension, revocation denial, or restriction of licenses to engage in the practice of pharmacy;

(D) The establishment of various classifications of pharmacies including, but not

limited to retail, institutional, radio or nuclear pharmacies;

(E) Training, qualifications and employment of pharmacy interns;

(F) Administrative procedures for public hearings concerned with the denial, suspension, or revocation of any license or registration provided for in this act;

(G) Establishment of requirements for a continuing education program for licensed pharmacists in the District of Columbia;

(H) Establishment of minimum standards for the operation of pharmacies, including the minimum requirements for technical equipment and professional reference materials;

(I) The safe and proper storage, and maintenance of drugs, and the disposal of drugs;

(J) The requirements to assure that pharmacies shall be clean, in good repair, well ventilated and illuminated, and equipped with the necessary dispensing facilities, and adequate facilities for the purposes of cleansing hands, equipment and utensils, and the premises therein; such facilities may be located in areas adjacent

to the pharmacy where only part of an establishment or institution is used as the pharmacy; and

(K) The establishment of regulations covering the storage and dispensing of radiopharmaceuticals.

(b) The Mayor shall publish the regulations required in subparagraphs (A), (B), (C), (E), (G), and (H), within thirty (30) days following the effective date of this act. The Mayor shall publish those required in subparagraphs (F), (J), and (K) within ninety (90) days, those required in subparagraph (I) within one hundred eighty (180) days, and those required in subparagraph (D) within two hundred seventy (270) days of the effective date of this act.

Sec. 29. Fees.

(a) The initial fees shall be as follows: (1) Pharmacist license, \$65; (2) Pharmacy license, \$85; (3) Every person who sells over-the-counter preparations shall pay a annual license fee of \$52. The fees referred to in this subsection shall be established in such amounts as will, in the judgment of the Mayor, approximate the costs

D.C.Code,
sec. 2-619; Note,
D.C.Code,
sec. 47-2308

to the District of Columbia government for administering this act. The Mayor is authorized to change the fees from time to time for any services rendered under this act: PROVIDED, That, the Mayor gives thirty (30) days notice prior to changing such fees.

(b) The Mayor is authorized after thirty (30) days notice to establish and to change as may be necessary, the expiration dates of licenses and registrations provided for in this act. Upon the change of an expiration date, the renewal fee for the licenses, or registrations shall be prorated on the basis of the time covered.

Sec. 21. Penalties.

D.C. Code,
sec. 2-620

(a) Any person who violates any provision of this act shall be guilty of a misdemeanor and shall be punished by a fine of not more than five hundred dollars (\$500) or by imprisonment for not more than six (6) months or both for each violation.

(b) Prosecutions for violations of any provision of this act shall be conducted in the Superior Court of the District of Columbia, by the Corporation Counsel. It shall be sufficient to

prove in any prosecution or hearing under this act only a single act prohibited by law or a single holding out, or any attempt thereof, without proving a general course of conduct in order to constitute a violation.

(c) In addition to the remedy set forth in this section, application may be made to a court having competent jurisdiction over the parties and subject matter for a writ of injunction or other civil remedy, to restrain violations of the provisions of this act. Such application may be made by the Corporation Counsel.

Sec. 22. Administrative Review.

Any person aggrieved by an adverse action of the Mayor may appeal to the Board of Appeals and Review established by Organization Order No. 112, dated August 15, 1955 (C.O. 55-1500; D.C. Code, title I, appendix). The Board of Appeals and Review shall, in accordance with such Organization Order, and its rules of practice and procedure, provide the aggrieved person with an opportunity for a hearing and shall sustain, modify, or vacate such adverse action by the Mayor as is appropriate in the case. The decision of the Board of Appeals

D.C. Code,
sec. 2-621

and Review shall be the final administrative remedy. Any person who is adversely affected by a decision of the Board of Appeals and Review may seek judicial review thereof in the District of Columbia Court of Appeals, pursuant to the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1204; D.C. Code, sec. 1-1501 et seq.).

Sec. 23. Severability.

D.C. Code,
sec. 2-622

If any provision of this act is for any reason held invalid by any court of competent jurisdiction, the provision shall be deemed a separate, distinct, and independent provision, and its invalidity shall not affect the validity of the remaining provisions.

Sec. 24. Laws Repealed.

(a) An Act To regulate the practice of pharmacy and the sale of poisons in the District of Columbia, and for other purposes, approved May 7, 1905 (34 Stat. 175; D.C. Code, sec. 2-601 et seq.) is repealed.

D.C. Code,
sec. 2-601 et seq.

(b) Paragraph (8) of section 7 of An Act making appropriations to provide for the expenses of the government of the District of Columbia for

D.C. Code,
sec. 47-2308

the fiscal year ending June thirtieth, nineteen hundred and three, and for other purposes, approved July 1, 1902 (32 Stat. 523; D.C. Code, sec. 47-2308) is repealed.

(c) The provisions of this act supplement all other regulations and laws applicable in the District of Columbia. Regulations heretofore in effect in the District of Columbia which are inconsistent with the provisions of this act are hereby superseded with respect to matters covered by this act.

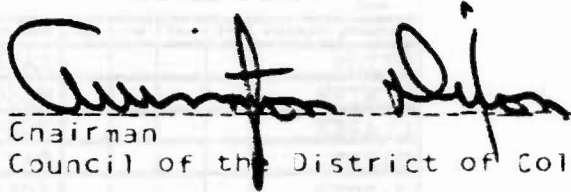
D.C. Code,
sec. 2-623

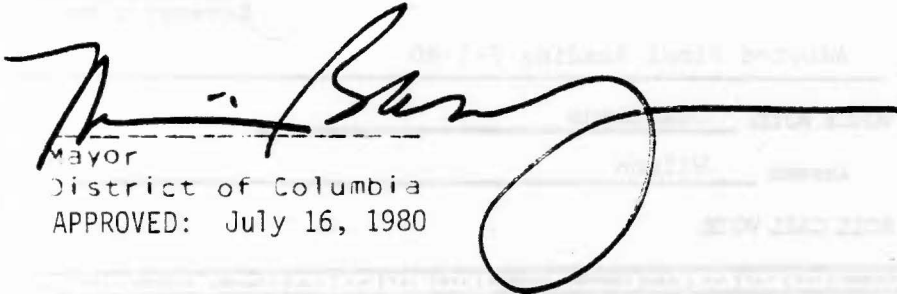
Sec. 25. Effective Date.

This act shall become effective sixty (60) days after a thirty (30) day period of Congressional review following approval by the Mayor (or in the event of veto by the Mayor, action by the Council of the District of Columbia to override the veto) as provided in section 502(c)(1) of the District of Columbia Self-Government and Governmental Reorganization Act.

approved December 24, 1973 (87 Stat. 813; D.C.

Code, sec. 1-147(c)(1)).


 Chairman
 Council of the District of Columbia


 Mayor
 District of Columbia
 APPROVED: July 16, 1980

COUNCIL OF THE DISTRICT OF COLUMBIA

RECORD OF OFFICIAL COUNCIL ACTION

DOCKET NO: B 3-129

ACTION: Adopted First Reading 6-17-80

VOICE VOTE: Unanimous

Absent: Moore, Spaulding and Ray

ROLL CALL VOTE:

| COUNCIL MEMBER | AYE | NAY | N.Y. | A.B. | COUNCIL MEMBER | AYE | NAY | N.Y. | A.B. | COUNCIL MEMBER | AYE | NAY | N.Y. | A.B. |
|----------------|-----|-----|------|------|----------------|-----|-----|------|------|----------------|-----|-----|------|------|
| DIXON | | | | | KANE | | | | | SHACKLETON | | | | |
| WINTER | | | | | MASON | | | | | SPAULDING | | | | |
| CLARKE | | | | | MOORE | | | | | WILSON | | | | |
| HARDY | | | | | RAY | | | | | | | | | |
| LARVIS | | | | | ROLARK | | | | | | | | | |

X—Unanimous Vote A. B.—Absent N. Y.—Not Voting

CERTIFICATION OF RECORD

John P. Brown
Secretary to the Council

ACTION: Adopted Final Reading 7-1-80

VOICE VOTE: Unanimous

Absent: Wilson

ROLL CALL VOTE:

| COUNCIL MEMBER | AYE | NAY | N.Y. | A.B. | COUNCIL MEMBER | AYE | NAY | N.Y. | A.B. | COUNCIL MEMBER | AYE | NAY | N.Y. | A.B. |
|----------------|-----|-----|------|------|----------------|-----|-----|------|------|----------------|-----|-----|------|------|
| DIXON | | | | | KANE | | | | | SHACKLETON | | | | |
| WINTER | | | | | MASON | | | | | SPAULDING | | | | |
| CLARKE | | | | | MOORE | | | | | WILSON | | | | |
| HARDY | | | | | RAY | | | | | | | | | |
| LARVIS | | | | | ROLARK | | | | | | | | | |

X—Unanimous Vote A. B.—Absent N. Y.—Not Voting

CERTIFICATION OF RECORD

John P. Brown
Secretary to the Council

ACTION: _____

VOICE VOTE: _____

Absent: _____

ROLL CALL VOTE:

| COUNCIL MEMBER | AYE | NAY | N.Y. | A.B. | COUNCIL MEMBER | AYE | NAY | N.Y. | A.B. | COUNCIL MEMBER | AYE | NAY | N.Y. | A.B. |
|----------------|-----|-----|------|------|----------------|-----|-----|------|------|----------------|-----|-----|------|------|
| DIXON | | | | | KANE | | | | | SHACKLETON | | | | |
| WINTER | | | | | MASON | | | | | SPAULDING | | | | |
| CLARKE | | | | | MOORE | | | | | WILSON | | | | |
| HARDY | | | | | RAY | | | | | | | | | |
| LARVIS | | | | | ROLARK | | | | | | | | | |

X—Unanimous Vote A. B.—Absent N. Y.—Not Voting

CERTIFICATION OF RECORD

Secretary to the Council