**A** **BILL**

TO AMEND SECTION 40‑43‑83(A) OF THE 1976 CODE, RELATING TO PERMIT REQUIREMENTS FOR OUT-OF-STATE PHARMACIES, TO PROVIDE THAT PHARMACIES LICENSED IN CERTAIN NAMED COUNTRIES MAY EXPORT PRESCRIPTION DRUGS TO RESIDENTS OF THIS STATE WITHOUT A STATE PHARMACY LICENSE, AND TO PROVIDE THAT A DOMESTIC ENTITY MAY FACILITATE THE DELIVERY OF THE PRESCRIPTION DRUGS WITHOUT A PHARMACY LICENSE; TO AMEND ARTICLE 15, CHAPTER 53, TITLE 44 TO PROVIDE THAT CERTAIN ENTITIES AND PHARMACIES ARE EXEMPT FROM THE PRESCRIPTION MONITORING PROGRAM; AND TO AMEND CHAPTER 53, TITLE 44 BY ADDING ARTICLE 17 TO PROVIDE THAT RESIDENTS MAY ORDER, RECEIVE, AND POSSESS PRESCRIPTION DRUGS FROM CERTAIN ENTITIES AND FOREIGN PHARMACIES AND TO PROVIDE THAT CERTAIN ENTITIES AND FOREIGN PHARMACIES MAY EXPORT AND DISPENSE PRESCRIPTION DRUGS TO RESIDENTS OF THIS STATE.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Section 40‑43‑83(A) of the 1976 Code is amended to read:

“Section 40‑43‑83 (A)(1) All facilities located within this State engaging in the manufacture, production, sale, distribution, possession, or dispensing of prescription drugs or devices and all facilities located outside of this State whose primary business is mail order pharmacy service engaging in the sale, distribution, or dispensing of prescription drugs or devices in this State must be permitted by the Board of Pharmacy, and annually shall renew the permit by June first. Where operations are conducted at more than one location, each location must be permitted by the Board of Pharmacy.

(2) This subsection does not apply to:

(a) a college or university athletic department that dispenses prescription drugs or devices;

(b) a licensed retail pharmacy located in Canada, the United Kingdom, the Republic of Ireland, the Commonwealth of Australia, and New Zealand that meets its country’s statutory and regulatory requirements to export prescription drugs by mail or carrier; or

(c) an entity that imports prescription drugs from a licensed retail pharmacy described in item (b) for distribution to a resident of this state by mail or carrier for that resident’s personal use.”

SECTION 2. Article 15, Chapter 53, Title 44 of the 1976 Code is amended by adding:

“Section 44‑53‑1690. Licensed retail pharmacies and entities described in Section 40‑43‑83(A)(2)(b) and (c) are exempt from the provisions contained in this article.”

SECTION 3. Chapter 53, Title 44 of the 1976 Code is amended by adding:

“Article 17

Foreign Prescription Drugs

Section 44‑53‑1700. Notwithstanding any other provision of law, it is not unlawful for a resident of this state to order, receive, or possess prescription drugs for personal use from outside the United States by mail or carrier from a licensed retail pharmacy or entity described in Section 40‑43‑83(A)(2)(b) and (c).

Section 44‑53‑1710. Notwithstanding any other provision of law, it is not unlawful for a licensed retail pharmacy or entity described in Section 40‑43‑83(A)(2)(b) and (c) to dispense, provide, or facilitate the provision of prescription drugs from outside the United States by mail or carrier to a resident of this State for that resident’s personal use.”

SECTION 4. This act takes effect upon approval by the Governor.

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