

**DISTRICT OF COLUMBIA OFFICIAL CODE
TITLE 47: TAXATION, LICENSING, PERMITS, ASSESSMENTS, AND
FEES**

**CHAPTER 28: GENERAL LICENSE LAW
SUB CHAPTER IV. OTHER LICENSES PART C. PHARMACY**

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§ 47-2885.01. Purposes; scope

(a) The purposes of this part 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 part 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; or
- (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.

(c) Nothing in this part 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.

§ 47-2885.02. Definitions

For purposes of this part:

(1) The term "Board" means the District of Columbia Board of Pharmacy established by the District of Columbia Health Occupations Revision Act of 1985.

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

(3) The term "drug" means:

(A) 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;

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

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

(D) Any substance intended for use as a component of any items specified in subparagraph (A), (B), or (C) of this paragraph, but does not include medical devices or their components, parts, or accessories.

(4) The term "labeling" means the process of affixing a label to any drug container, but does not include the labeling by a manufacturer, packer, or distributor of an over-the-counter drug, packaged legend drug, or medical device.

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

(6) 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:

(A) Recognized in the official National Formulary, the official United States Pharmacopoeia, or any supplement thereto;

(B) 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

(C) 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.

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

(8) The term "over-the-counter drug" means drugs which may be sold without a prescription and which are prepackaged 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.

(9) 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.

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

(11) Repealed.

(12) 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.

(13) The term "practice of pharmacy" means the practice defined in § 3-1201.02(11).

(14) 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.

(15) Repealed.

(16) The term "proprietor of a pharmacy" means a person designated as proprietor in an application for a pharmacy license under § 47-2885.08. 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.

(17) The term "radiopharmaceuticals" means radioactive drugs and chemicals within the classification of legend drugs as defined under the Federal Food, Drug, and Cosmetic Act (21 U.S.C. § 301 et. seq.) or regulations issued by the Mayor pursuant to this part.

§ 47-2885.03. General prohibitions

(a)-(c) Repealed.

(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) Repealed.

(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 part, 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.

§ 47-2885.04. Board of Pharmacy; licensing of pharmacists (Repealed)

§ 47-2885.05. Board of Pharmacy; licensing of pharmacists (Repealed)

§ 47-2885.06. Registration of pharmacy interns

(a) To register as a pharmacy intern, a person shall establish to the satisfaction of the Board of Pharmacy that the applicant:

(1) Is currently registered in and attending a duly accredited college or school of pharmacy or is a graduate of such college or school of pharmacy; and

(2) Has provided such additional evidence as the Board has determined is necessary for the position of pharmacy intern; and

(3) Has complied with the other standards required for registration by the Non-Health Related Professions and Occupations Licensure Act of 1998.

(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 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.

§ 47-2885.07. Denial, suspension, or revocation of pharmacist's license or pharmacy intern's registration (Repealed)

§ 47-2885.08. Licensing of pharmacies

(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 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.

(g) Any license issued pursuant to this section shall be issued as a Public Health: Pharmacy and Pharmaceuticals endorsement to a basic business license under the basic business license system as set forth in subchapter I-A of this chapter.

§ 47-2885.09. Operation of pharmacy

(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 part.

(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.

§ 47-2885.10. Denial, suspension, or revocation of pharmacy license

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

(1) Conviction of any felony, or a finding by the Mayor that any provision of this part 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 this section and § 47-2885.16; 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 part whenever the Mayor finds that the failure of a pharmacy to comply with any provision of this part 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.

§ 47-2885.11. 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 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 § 24-6021; 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.

§ 47-2885.12. Bulk sales or transfers

(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 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 \$ 500 or more in any 1-week period shall be considered the sale of a substantial part of the inventory and as 1 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 section supplements and does not replace Chapter 21 [Closing-Out Sales] of this title.

§ 47-2885.13. Deteriorating drugs; sample drugs; returned drugs

(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

1 D.C. Official Code § 24-602 (2001). Definitions.

For purposes of this subchapter:

(1) The term "chronic alcoholic" means any person who chronically and habitually uses alcoholic beverages to the extent that:

(A) They injure his health or interfere with his social or economic functioning; or

(B) He has lost the power of self-control with respect to the use of such beverages.

(2) The term "Court" means the Superior Court of the District of Columbia.

(3) The term "Mayor" means the Mayor of the District of Columbia.

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.

§ 47-2885.14. Labeling of prescriptions

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 inpatients 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.

§ 47-2885.15. Records

(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 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 (21 U.S.C. § 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.

§ 47-2885.16. Inspections

(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 part 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 part and other applicable laws and regulations regarding the practice of pharmacy as defined within this part.

(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.

§ 47-2885.17. Peddling drugs prohibited

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, chemical, or controlled substance as defined in the District of Columbia Uniform Controlled Substances Act of 1981, 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, chemical, or controlled substance as defined in the District of Columbia Uniform Controlled Substances Act of 1981, 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. An offer for sale by peddling includes remaining or wandering about a public place and:

(1) Repeatedly beckoning to, repeatedly stopping, repeatedly attempting to stop, or repeatedly attempting to engage passers-by in conversation;

(2) Repeatedly stopping or attempting to stop motor vehicles; or

(3) Repeatedly interfering with the free passage of other persons for the purpose of selling any controlled substance proscribed by the District of Columbia Uniform Controlled Substances Act of 1981.

§ 47-2885.17a. Public place defined

For the purposes of § 47-2885.17, the term "public place" means any street, sidewalk, bridge, alley, plaza, park, driveway, parking lot, transportation facility, or the doorways and entrance ways to any building which fronts on any of these locations, or a motor vehicle in or on any such place.

§ 47-2885.18. Duties of Mayor

(a) The Mayor shall:

(1) Administer and enforce the provisions of this part;

(2) Repealed;

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

(A)-(C) Repealed;

(D) The establishment of various classifications of pharmacies, including, but not limited to, retail, institutional, radio, or nuclear pharmacies;

(E)-(G) Repealed;

(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) Repealed.

§ 47-2885.19. Fees

(a) The initial fees shall be as follows: (1) Repealed; (2) pharmacy license, \$ 85; (3) every person who sells over-the-counter preparations shall pay an 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 to the District of Columbia government for administering this part. The Mayor is authorized to change the fees from time to time for any services rendered under this part; provided, that, the Mayor gives 30 days notice prior to changing such fees.

(b) The Mayor is authorized after 30 days notice to establish and to change, as may be necessary, the expiration dates of licenses and registrations provided for in this part. 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.

§ 47-2885.20. Penalties; prosecutions; injunction

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

(b) Prosecutions for violations of any provision of this part shall be conducted in the Superior Court of the District of Columbia, by the Attorney General for the District of Columbia. It shall be sufficient to prove in any prosecution or hearing under this part 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 part. Such application may be made by the Attorney General for the District of Columbia.

(d) Civil fines, penalties, and fees may be imposed as alternative sanctions for any infraction of the provisions of this part, or any rules or regulations issued under the authority of this part, pursuant to Chapter 18 of Title 2. Adjudication of any infraction of this chapter shall be pursuant to Chapter 18 of Title 2.

§ 47-2885.21. Review

Any person aggrieved by an adverse action of the Mayor may file a request for a hearing with the Office of Administrative Hearings. The Office of Administrative Hearings shall provide the aggrieved person with an opportunity for a hearing and shall sustain, modify, or vacate such action by the Mayor as is appropriate in the case. Judicial review of the decision of the Office of

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Administrative Hearings shall be in accordance with § 2-1831.16.

§ 47-2885.22. Severability

If any provision of this part 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.

§ 47-2885.23. Effect of part on prior regulations

The provisions of this part 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 part are hereby superseded with respect to matters covered by this part