MISSISSIPPI PHARMACY PRACTICE ACT
2025 LEGISLATIVE SESSION
HOUSE BILL NO. 856
EFFECTIVE DATE: APRIL 23, 2025

HOUSE BILL 856
HB 856 (As Sent to Governor) - 2025 Regular Session

Questions/Comments to compliance@mbp.ms.gov

Section 73-21-71: Reenact with amendment.

- Clarified that Sections 73-21-71 through 73-21-129 are the Mississippi Pharmacy Practice Act.

Section 73-21-73: Definitions: Reenact with amendment.

- "Continuing education unit" amended to reflect current name of the Accreditation Council on Pharmacy Education.
- "Device" definition removed the language "and dispensed by a pharmacist".
- "Dispense" or "dispensing" amended to include delivery of the drug or device to the patient.
- "Extern" amended to include the correct name of the Accreditation Council for Pharmacy Education
- "Manufacturing" amended to clarify that the packaging/repackaging of a drug or device or labeling/relabeling of both a drug or a device for resale by pharmacies, practitioners, business entities or other persons is included in the definition.
- Added a definition of "Pharmacy service administrative organization".
- Deletions as the terms are not utilized in the Pharmacy Practice Act: Drugroom, Internet, Interested directly, and Interested indirectly.

Section 73-21-79: Reenact with amendment.

- Authorizes the Board to delegate any powers and duties to the executive director to effectuate the purpose of the Chapter.

Section 73-21-83: Reenact with amendment.

Subsection (1)

- Amended to include "pharmacists".
- Added the word "manufacturing and".
- Deleted "wholesaler" and added "manufacturing and" so that the language simply states that the Board has regulatory authority of the "manufacturing and distribution of drugs and devices" as there are many other players in drug supply chain that are part of the distribution of drugs and devices. (i.e., 3 PLs, Virtual entities).
- Added "pharmacy service administrative organizations" (PSAO) under the regulatory authority of the Board.

Subsection (2)

- Deleted "physicians, dentist, veterinarians, osteopaths or other" and "of the healing arts" so that it is simple and clear that the Practice act does not apply to any other practitioner who is licensed under the laws of the state and authorized to dispense and administer prescription drugs.

Subsection (3)

- Added "pharmacy services administrative organizations" as entities that shall be licensed by the Board. The fee to be licensed is the same as a PBM $500.

Subsection (4)

- Changed the language to read "Accreditation Council for Pharmacy Education" as that is the correct title for that organization.

Section 73-21-85: Reenact with amendment.

- Amended subsection (5) to delete language referencing only the UM School of Pharmacy and add the language "dean of a school of pharmacy in Mississippi" as there are now two schools of pharmacy.

Section 73-21-89: REPEAL University of Mississippi is no longer the only pharmacy school in the state.

Section 73-21-91: Reenact with amendment.

Subsection (1)

- Deleted "in the last licensure period" in paragraph (b) to reduce confusion with timelines for CE compliance audits.
- Amended paragraph (c)(i) to increase the fee from $5 to $10 to better fund the recovery program for licensees.
- Amended paragraph (c)(ii) to clarify that the paragraph is referring to the "renewal" license fee of PBMs and also to add "pharmacy services administrative organization." The amount of fee is unchanged.

Subsection (2)

- Amended paragraph (2) by deleting "given" by the Board and adding "approved" by the Board as the Board has a contractor that conducts the pharmacy examination on behalf of the Board.

Section 73-21-93: Reenact with amendment.

- Amended subsection (1) to delete "by the board" as the examination is not technically given by the Board, but rather its contractor. However, the exam content, etc. is approved by the Board.
- Deleted subsection (3) as the Board does not need use of the labs or facilities of the school of pharmacy.

Section 73-21-95: REPEAL There is no longer an assistant pharmacist license and this section is no longer needed.

Section 73-21-97: Reenact with amendment.

Subsection (1)

- Amended paragraph (a) by adding "or may impose a monetary penalty" to clarify that the Board has authority to impose a monetary penalty, which is outlined in Section 73-21-103, in addition to taking action against a license, permit or registration.
- Amended paragraph (b) to add "intern/extern" and also "pharmacy technicians providing nonjudgmental technical services" to clarify the Board has the authority to discipline each for providing services while incapacitated.
- Amended paragraph (d) to include "registrant" to clarify pharmacy technicians can also be disciplined if engaging in fraud.

Subsection (2)

- Amended subsection to add "registration or permit" to clarify the Board's ability to issue lesser, nonreportable penalties on pharmacy technicians and all facilities permitted by the Board and not just pharmacists. Deleted the word "pharmacist" and instead use "licensee." Added "citation" as a form of discipline, in instances where the violation may not rise to the level of needing an administrative hearing and would not be reportable discipline.

Section 73-21-99: Reenact with amendment.

Subsection (1)

- Amended paragraph (a) to include "registrant" as pharmacy technicians do not have a license, technically it is a certificate of registration.
- Amended paragraph (b) to do the same.

Subsection (2)

- Amended this paragraph to make the roles of the executive director and legal counsel in the Investigations Review Committee advisory so that only Board members vote on whether a complaint should rise to the level of an administrative hearing.
- Deleted "monthly" as Section 73-21-77 only requires the Board to meet quarterly.
- Amended to include "registrant and permit holder" as that is proper title, rather than just licensee.
- Amended to include "All meetings of the Investigations Review Committee shall be exempt from the Open Meetings Act and minutes of the meetings of the Investigations Review Committee shall be exempt from the Public Records Act." This language is similar to that granted to other occupational licensing boards.

Subsection (3)

- Amended to grant authority directly to the Investigations Review Committee to issue a warning letter or reprimand in lieu of formal discipline.

Add a new Subsection (4)

- This new language grants the executive director the authority to execute subpoenas when conducting an investigation of possible violation of law or rules. This language is similar to that granted to other occupational licensing boards.

Add a new Subsection (5)

- This new language provides that all records of an investigation are confidential and not subject to discovery or subpoena. This language is similar to that granted to other occupational licensing boards.

Subsection (6)

- This was previously subsection (4) and simply clarifies that the Board grants authority to the executive director to issues subpoenas when needed for administrative hearings.

Add new Subsection (11)

- Added language that if the Board determines there is evidence that there is immediate danger to the public, the Board through its executive director may order a summary suspension of an individual's license, registration, or the permit of a facility. This new subsection requires due process by requiring a notice for a hearing proceeding to take place within 20 days of the date of the suspension order.

Section 73-21-101: Reenact with amendment.

Subsection (2)

- Amended to add language that if a Board order is appealed to chancery court, the monetary penalty issued in the order would be stayed, but the licensee or registrant is not allowed to practice pharmacy and permitee is not allowed to conduct activities in the state while the appeal is pending.

Section 73-21-103: Reenact with amendment.

Subsection (1)

- Amended paragraph (d)(i) to strike "not less than $250" for a monetary penalty for a violation so that it simply reads not more than $1000, as there are instances where the Board may want to issue a penalty of less than $250 for minor violations.
- Amended paragraph (d)(ii) to strike "not less than $500" for subsequent penalties as there are instances where the Board may want to issue a penalty for subsequent penalties of less than $500 for minor violations.
- Amended paragraph (d)(iv) to delete "as wholesaler/manufacturers" as there are more entities permitted by the Board presently than just those two types of entities. Additionally, strike "less than $300" so the Board can issue a monetary penalty for less than $300 if it deems the violation to be minor.
- Amended paragraph (d)(vii) to add "The violation may be assessed beginning with the date the offender first conducted business in the state".

Section 73-21-105: Reenact with amendment.

Subsection (1)

- Amended paragraph to clarify all entities involved in the drug supply chain must be registered with the Board.

Subsection (2)

- Amended paragraph to make it clear that any business/facility/pharmacy located in this state that engages in "the practice of pharmacy" to Mississippi patients and also to Mississippi "business/entity/pharmacy" are to be permitted with the Board.

Subsection (10)

- Amended to delete list of occupations that do not fall under purview of the Board and instead simply state "practitioners" who are licensed under state law and are authorized to dispense and administer drugs in course of practice.

Section 73-21-106: Reenact with amendment.

Subsection (1)

- Amended this subsection by adding language "performs any services included in the definition of the practice of pharmacy for residents or to a business/entity/pharmacy" to make it clear that any pharmacy engaged in the practice of pharmacy to

consumers/businesses/entities/pharmacies in this state is considered a nonresident pharmacy and shall be permitted by the Board. This language clarifies that non-dispensing pharmacies that engage in pharmacy services for Mississippi patients or entities must also be permitted by the Board.

Subsection 73-21-107: Reenact with amendment.

Subsection (1)

- Broadens the Board's authority to inspect facilities/entities that have legend drugs or devices. Also added requirement that all permittees are in compliance with the Drug Supply Chain Security Act.

Subsection (3)

- Amended this subsection to also include compliance with the Drug Supply Chain Security Act

Section 73-21-108: Reenact with amendment.

Subsection (2)

- Added language to clarify that an entity located in this state or outside of this state that provides home medical equipment to patients in this state shall be permitted by the Board.
- Added language "coordinating the supply".

Section 73-21-115: Reenact with amendment.

Subsection (1) and Subsection (2) deleted

Section 73-21-117: Reenact with amendment.

Subsection (4) and Subsection (5) deleted

Section 73-21-124: Reenact with amendment.

- Amended to add "successor"

Section 73-21-125: Reenact with amendment.

- Replaced the word "community" with "charity".

Section 73-21-126: Reenact with amendment.

Subsection (1)

- Clarifies application requirements set by the Board apply to all entities involved in the drug supply chain seeking a permit or license. Also clarifies that the owner of a drug product and the entities involved with shipping the product are required to be permitted with the Board.

Subsection (3)

- Clarifies that the Board has the authority to utilize an outside agency to accredit all persons/businesses and facilities licensed or permitted with the Board.

Subsection (4)

- Deleted this subsection as it was in conflict with the DSCSA.

Subsection (5)

- Deleted this subsection as the Board requires an inspection for approval of an application.

Section 73-21-127: Reenact with amendment.

Subsection (1)

- Amended paragraph (d) by striking first sentence as this paragraph is setting forth the purpose of the PMP and not who is entitled to request data and instead incorporated this language at the end of purpose language. Those persons authorized to access data are included in paragraph (e) so they are still listed in the statute.
- Amended paragraph (j) to delete the reference to 73-21-73 (ee) as that is not the correct citation for the definition of practitioner. Instead, it simply provides as defined in Section 73-21-73.

Section 73-21-127.1: Reenact with amendment.

- Amended language to state that a report will be provided to the Legislature upon request as the Board maintains an annual report on its website.

Section 73-21-129: Reenact with amendment.

- ***Subsection 2*** amended to clarify that entities that handle the return of outdated drugs must be permitted with the Board and follow the return procedures of the manufacturer.
- ***Subsection 3*** amended to provide that if the Board receives information that a manufacturer is in violation of this section, it will be reviewed by the IRC and follow Section 73-21-99 for due process.
- ***Subsection 5*** deleted