

AN ACT

ENTITLED, An Act to revise license requirements for the sale of nonprescription drugs and repeal licensure requirements for the sale of household remedies.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

Section 1. That § 36-11-2 be amended by adding thereto NEW SUBDIVISIONS to read as follows:

"Nonprescription drugs," drugs which are labeled for use by the general public in accordance with § 502 of the Federal Food, Drug and Cosmetic Act as amended through January 1, 1997, and may be sold without a prescription drug order in accordance with § 503 of the Federal Food, Drug and Cosmetic Act as amended through January 1, 1997. The term does not include drugs which are required by federal law to bear the statement, "Caution: federal law prohibits dispensing without prescription," drugs intended for human use by hypodermic injection, or animal remedies regulated by chapter 39-18.

"Retail place of business," any place where merchandise is sold at retail and from which original packages of nonprescription drugs are sold or taken to be sold at retail.

Section 2. That subdivision (8) of § 36-11-11 be amended to read as follows:

(8) Pertaining to the sale of nonprescription drugs;

Section 3. That § 36-11-51 be amended to read as follows:

36-11-51. Any retail place of business other than a licensed pharmacy shall obtain a license from the board to sell nonprescription drugs. Any person who has a retail place of business shall apply for a license on a form prescribed by the board. The person shall be at least eighteen years of age and of good moral character to qualify for a license. The license shall be issued upon application and payment of a fee of twenty dollars annually. Any person who keeps for sale or sells nonprescription drugs without a license is guilty of a Class 2 misdemeanor. The license shall be in effect for one year commencing July first and ending on June thirtieth following the date

of the application and shall apply to the location for which it is issued and shall be posted in a conspicuous place at such location.

Section 4. That § 36-11-52 be amended to read as follows:

36-11-52. Nothing in this chapter may be construed to prevent the sale, at retail, of nonprescription drugs by a pharmacy nor to prevent the sale of a nonprescription drug in the original package by any retail place of business licensed by the board to sell nonprescription drugs.

Section 5. That § 36-11-53 be repealed.

Section 6. That § 36-11-54 be repealed.

Section 7. That § 36-11-55 be repealed.

Section 8. That § 36-11-56 be repealed.

Section 9. That § 36-11-57 be repealed.

Section 10. That § 36-11-58 be repealed.

Section 11. That § 36-11-59 be repealed.

Section 12. That § 36-11-60 be amended to read as follows:

36-11-60. The board may, in compliance with chapter 1-26, deny, suspend, or revoke any license to sell nonprescription drugs obtained by false representations made in the application therefor, or for violation of law or rules and regulations adopted by the board.

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I certify that the attached Act
originated in the
SENATE as Bill No. 78

Secretary of the Senate
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President of the Senate

Attest:

Secretary of the Senate

Speaker of the House

Attest:

Chief Clerk

Senate Bill No. 78
File No. _____
Chapter No. _____

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Received at this Executive Office
this ____ day of _____ ,
19__ at ____ M.

By _____
for the Governor
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The attached Act is hereby
approved this _____ day of
_____, A.D., 19__

Governor
=====

STATE OF SOUTH DAKOTA,
ss.
Office of the Secretary of State

Filed _____, 19__
at _____ o'clock __ M.

Secretary of State

By _____
Asst. Secretary of State