

Chapter Phar 1

PHARMACY AND EQUIPMENT

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Phar 1.01 Permit. (1) Before establishing a drug store, pharmacy, apothecary shop, or any similar place of business, a permit therefore, must first be obtained by making application to the board of pharmacy. Application for permit to establish a drug store should be on file at least 30 days prior to the opening date. The pharmacy shall not be open for business until the permit is issued.

(2) Such permit must be renewed annually on or before June 1st, and is not transferable. Any change in ownership—in whole or in part—in any store, whether individually owned or a partnership, requires a new permit.

(3) Such permit and renewal must be displayed in the front window or door of such pharmacy.

(4) At the time of application, renewal, or change, the following information must be submitted relative to all professional personnel (full or part-time employed): Names and weekly schedules of the following: Pharmacists, assistant pharmacists, apprentices (interns).

History: Cr. Register, December, 1956, No. 12, eff. 1-1-57.

Phar 1.02 Pharmacist in charge and ownership. A pharmacist may be in charge of only one pharmacy, but he may own more than one such place of business.

History: Cr. Register, December, 1956, No. 12, eff. 1-1-57.

Phar 1.03 Other retail enterprises. It is the policy of the board to discourage establishment of a drug department as an adjunct of larger, unrelated business enterprises.

History: Cr. Register, December, 1956, No. 12, eff. 1-1-57.

Phar 1.04 Prescription Department. (1) AREA OF PRESCRIPTION DEPARTMENT. The area devoted to the sale of drugs shall be equal to not less than 15% of the main floor area of the store, and in no instance shall it be less than 120 square feet.

(2) PRESCRIPTION COUNTER SPACE. There shall be a prescription counter on which to work and the free working surface shall not be less than 18 inches in width and not less than 12 square feet in area.

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This minimum free working surface must be kept clear at all times for the compounding of prescriptions, other pharmaceutical manufacturing and activities incident thereto.

(3) **aisle space in prescription department.** The free floor space behind the prescription counter shall be not less than 8 feet in length and 3 feet in width.

(4) **prescription department sanitary facilities.** There shall be provided in the prescription department a sink easily accessible to the prescription counter and at a workable height which is equipped with running hot and cold water, soap or detergent and which is suitable for the cleaning of required pharmaceutical equipment. There shall also be provided a disposal container for wastes.

(5) **narcotic storage.** There shall be provided in the prescription department a secure facility for the storage of narcotics.

(6) **prescription department refrigerator.** There shall be provided in the prescription department a refrigerator for the storage of biologicals and other drug items requiring refrigeration.

(7) **storage space.** There shall be provided in the prescription department sufficient shelf, drawer or cabinet space for the proper storage of a representative stock of prescription labels, an assorted stock of prescription containers, an adequate stock of prescription drugs and chemicals and the required equipment.

History: Cr. Register, December, 1956, No. 12, eff. 1-1-57; am. (1), (2), (3), Register, April, 1959, No. 40, eff. 5-1-59.

Phar 1.05 Professional coverage. No pharmacy shall at any time be open for business unless there is present therein and in charge thereof a licensed pharmacist. An assistant licensed pharmacist may be in charge of a pharmacy in a town, village or city with a population of less than 500. In case a pharmacy loses the services of its pharmacist, the pharmacy shall close until another registered pharmacist is placed "in charge". The language "in charge" in section 151.04 (2), Wis. Stats., shall mean the physical presence of the pharmacist on the premises. He shall be permitted momentary or brief necessary absence for a meal period during which time he must be immediately available to the pharmacy, and provided no drugs are sold or prescriptions compounded or dispensed during his absence. Every pharmacy must be in continuous daily charge of a registered pharmacist. Being in charge means having direct control of and supervision over the pharmaceutical operations of the pharmacy. An unregistered owner must also comply strictly with the above provision, and provide a registered pharmacist and give him complete power over the pharmaceutical affairs of said pharmacy. The license of any pharmacist shall be inoperative if the registered pharmacist in whose name the store license was issued ceases to be engaged in such pharmacy, and the owner shall close said pharmacy until he has employed another registered pharmacist in the same capacity. The registered pharmacist in whose name the license was obtained must at the time he ceases to be employed in such pharmacy, report within 5 days to the secretary of the board the fact that such pharmacy is no longer under his supervision.

History: Cr. Register, December, 1956, No. 12, eff. 1-1-57.

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Phar 1.06 Display of certificates and renewals. (1) Certificates of all pharmacists and assistant pharmacists shall be framed and displayed conspicuously to the public view.

(2) Yearly renewal cards shall be placed in the lower right hand corner of the certificate and shall be posted when received. Only current renewal cards may be posted.

(3) The above are to be kept in a clean and orderly condition. Only valid current Wisconsin certificates of persons actually employed in a pharmacy may be displayed.

History: Cr. Register, December, 1956, No. 12, eff. 1-1-57.

Phar 1.07 Required professional volumes. All drug stores and pharmacies are required to have in their prescription rooms the latest revisions of U.S.P. and N.F. and their supplements; and a copy of the Wisconsin pharmacy laws and regulations.

History: Cr. Register, December, 1956, No. 12, eff. 1-1-57.

Phar 1.08 Prescription records. A file shall be kept of all new prescriptions and a record kept of all prescriptions refilled.

History: Cr. Register, December, 1956, No. 12, eff. 1-1-57.

Phar 1.09 Sale of hypodermic syringes and needles. When a buyer of hypodermic syringes and needles has not previously been properly recorded by the pharmacist, it is the latter's responsibility to record the name and address of the purchaser and the intended use of these items, as well as the name of the attending physician, in the exempt narcotic record book, or a separate record book kept for that purpose.

History: Cr. Register, December, 1956, No. 12, eff. 1-1-57.

Phar 1.10 Supply of drugs and chemicals. (1) The owner of a pharmacy shall maintain in such pharmacy a supply of drugs and chemicals. (a) Such drugs and chemicals shall meet all standards of strength and purity as established in the current edition of U.S.P. and N.F. and shall be properly stored. (b) Pharmaceuticals which vary from the purity specified on the label or are unfit for use due to deterioration or other causes shall not be carried in stock, and shall be destroyed when so ordered by the board.

(2) The owner of a pharmacy shall maintain in such pharmacy a representative stock, as commonly found in drug stores of the following: fluid extracts; tinctures; spirits; medicinal waters; elixirs; household drugs, both wet and dry; pills and tablets; chemicals; ointments; extracts; pharmaceuticals; and biologics, also such prescription items of legend and non-legend categories as are prescribed to fulfill pharmaceutical demands. The board in its discretion may order the stocking of additional drugs when that appears to be necessary.

History: Cr. Register, December, 1956, No. 12, eff. 1-1-57.

Phar 1.11 Drugs, exempted narcotic preparations and poisons. Storage of drugs, exempted narcotic preparations and poisons must be in a place not readily available to the general public. Self-service display of drugs, exempted narcotic preparations and poisons is strictly prohibited. These items may be sold only by persons authorized to do so

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by the board of pharmacy under Ch. 151, Wis. Stats., and except as otherwise provided by sec. 151.10, Wis. Stats.

History: Cr. Register, December, 1956, No. 12, eff. 1-1-57; am. Register, April, 1959, No. 40, eff. 5-1-59.

Phar 1.12 Records of wholesale sales. Drug wholesalers and retail pharmacies must keep separate records of all dangerous drug sales made at wholesale to any person, firm or corporation. Such records shall be open to periodic inspection by the board or their duly authorized representatives.

History: Cr. Register, December, 1956, No. 12, eff. 1-1-57.

Phar 1.13 Return or exchange of drugs prohibited. Drugs, medicines, sick room supplies, and items of personal hygiene shall not be accepted for return or exchange by any pharmacist or pharmacy after such drugs, medicines, sick room supplies or items of personal hygiene have been taken from the premises where sold, distributed or dispensed.

History: Cr. Register, December, 1956, No. 12, eff. 1-1-57.

Phar 1.14 Vending of drugs by mechanism prohibited. No person, firm or corporation shall purchase or rent or have in his or its possession or under his or its control any slot machine, vending machine or other mechanism or means so designed and constructed as to contain and hold any drugs of any kind and to release the same upon the deposit therein of a coin or other thing of value. The sale or distribution of any drugs by any manner or device by means of such slot machine, vending machine, or other mechanism is prohibited.

History: Cr. Register, December, 1956, No. 12, eff. 1-1-57.

Phar 1.15 Names and symbols synonymous with drug store. Any commercial or trade name or abbreviation thereof, trademark, symbol or insignia or title which through long usage and continued association with the retail drug store, pharmacy or apothecary has become associated with drugs is, therefore, regarded as synonymous with the title "drug store" within the meaning of section 151.02 (8), Wis. Stats.

History: Cr. Register, December, 1956, No. 12, eff. 1-1-57.

Phar 1.16 Damaged drug merchandise. Following a fire, or other catastrophe, in which pharmaceutical preparations, devices, or appliances are damaged it shall be unlawful for the store owner to dispose of said damaged merchandise in any manner unless it has first been inspected and declared safe by the state board of pharmacy. In event that the preparations, appliances, or devices are considered unsafe, or unfit for use, the state board will see that they are destroyed.

History: Cr. Register, December, 1956, No. 12, eff. 1-1-57.

Phar 1.17 Advertising availability of dangerous drugs by name prohibited. No pharmacist, proprietor or manager of any pharmacy shall advertise in any manner, the availability of dangerous drugs by name.

History: Cr. Register, January, 1961, No. 61, eff. 2-1-61.

Phar 1.18 Advertising prices of prescription medication prohibited. No pharmacist, proprietor or manager of any pharmacy shall advertise in any manner prices to be charged for prescription medication, either specifically or as a percentile of prevailing prices.

History: Cr. Register, January, 1961, No. 61, eff. 2-1-61.

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