



STATE OF ALABAMA

PROCLAMATION

BY THE GOVERNOR

WHEREAS, On April 27, 2011, acting pursuant to §§ 31-9-1, *et seq.*, I issued a Proclamation declaring the existence of a State of Emergency and activating the State Emergency Operations Plan;

WHEREAS, the State of Emergency was proclaimed to exist in the State of Alabama as a result of the devastation inflicted on the people of this state by the multiple tornadoes and straight-line winds on that date; and

WHEREAS, upon recommendation of the State Health Officer, it is expected that large numbers of displaced individuals will have prescription drug needs of a chronic, urgent, or emergency nature in Alabama;

WHEREAS, many of these displaced individuals may have their actual medications, copies of their prescriptions, or insurance billing report or insurance claim notification but pharmacists may not be able to readily obtain refill authorization from the prescriber thereof;

WHEREAS, current state law, *Code of Ala.* 1975, § 34-23-70, provides: “[o]n prescriptions which may be refilled, written or oral authorization must be received [from the prescriber] before refilling unless the number of refills is indicated on the original prescription;”

WHEREAS, current state law, *Code of Ala.* 1975, § 34-23-75, allows only for the emergency refilling of such prescriptions for up to seventy-two (72) hours; and,

WHEREAS, under the current emergency conditions, this time frame is both impractical and inadequate and should be extended.

NOW, THEREFORE, I, Robert Bentley, Governor of the State of Alabama, under the emergency powers and authorities granted to me by Chapter 9 of Title 31 of the Code of Alabama 1975, do hereby extend the time frame of said statute from seventy-two (72) hours to thirty (30) days. This extension shall apply to both instances where seventy-two (72) hours is set out in the statute. All other provisions of said statute shall remain in full force and effect. To the extent that *Code of Ala.* 1975, § 34-23-75 conflicts with the terms of this paragraph, the said statute is suspended or amended to be in compliance with this Order.

BE IT ORDERED, *Code of Ala.* 1975, § 34-23-70 notwithstanding, that non-controlled prescriptions may be refilled upon the presentation of the actual medication bottle indicating the name of the prescriber, copies of prescriptions, insurance billing report or insurance claim notification, or other documentation which would provide the pharmacist sufficient information to adequately identify the non-controlled medication and the dosage thereof. To the extent that *Code of Ala.* 1975, § 34-23-70 conflicts with the terms of this paragraph, the said statute is suspended or amended to be in compliance with this Order.

BE IT FURTHER ORDERED, that each Alabama pharmacist covered by the said statutes shall use his or her good judgment in refilling prescriptions for this extended period of time and under these conditions.

BE IT FURTHER ORDERED, that this order shall not apply to controlled substances. Persons needing refills of controlled substance prescriptions who cannot produce the normally required bottle, prescription or other documentation must seek and receive a new prescription from a person licensed to prescribe controlled substances in the State of Alabama.

BE IT FURTHER ORDERED, that the State Board of Health, as the lead agency for Emergency Support Function 8, is hereby authorized to promulgate emergency rules to implement this order.

This Proclamation and all subsequent orders, laws, rules or regulations issued pursuant hereto shall remain in full force and effect for the duration of the State of Emergency unless rescinded or extended by Proclamation.



IN WITNESS WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of Alabama to be affixed by the Secretary of State at the State Capitol in the City of Montgomery, on this ~~29~~ 28 day of April, 2011.

Robert Bentley
Robert Bentley
Governor

Attested
Beth Chapman
Beth Chapman
Secretary of State