

**CERTIFICATION OF ADMINISTRATIVE RULES
FILED WITH THE LEGISLATIVE SERVICES AGENCY
OTHNI LATHRAM, DIRECTOR**

(Pursuant to Code of Alabama 1975, §41-22-6, as amended).

I certify that the attached is/are correct copy/copies of rule/s as promulgated and adopted on Wednesday, February 11, 2026, and filed with the agency secretary on Wednesday, February 11, 2026.

AGENCY NAME: Alabama State Board of Pharmacy

INTENDED ACTION: Amend

RULE NO.: 680-X-2-.40

(If amended rule, give specific paragraph, subparagraphs, etc., being amended)

RULE TITLE: Non-Disciplinary Penalties

ACTION TAKEN: State whether the rule was adopted with or without changes from the proposal due to written or oral comments:

Adopted with changes. The Board received 11 written comments opposing certain components of the repeal and replace proposal. In the main, commenters asserted that certain provisions conflicted with recent statutory changes limiting late fees and penalty authority, and expressed concern that the proposed administrative fine structure could circumvent those limits. Commenters urged the Board to revise the rule to ensure compliance with statute, rely more on warning letters or corrective actions for minor violations, and limit administrative fine ranges. Upon careful review of these comments, the Board agreed to amend proposed Rule 680-X-2-.40 to clarify that monetary administrative fines will not be sought or collected solely because of a licensee's failure to timely renew a license, registration, or permit. In addition, the Board removed language that could be interpreted to assess administrative fines in a rigorous, inflexible "per prescription" or other per-incident manner. Instead, the Board intends to assess administrative fines in accordance with the Legislature's prescribed factors of "the level and scope of misconduct, the level of risk to public health and safety, and the compliance history of the violator." The number of discrete violations of state law may or may not be relevant to these statutory factors based on the facts of the particular case, but should not be applied to calculate administrative fines in an inflexible, mathematical manner. The remaining comments have been carefully considered but overruled, based on the Board's view that flexibility is required to arrive at appropriate administrative fines in in each particular case that account for the statutory factors quoted above.

REC'D & FILED
FEB 18, 2026
LEGISLATIVE SVC AGENCY

APA-3

NOTICE OF INTENDED ACTION PUBLISHED IN VOLUME XLIV, ISSUE NO. 3, AAM,
DATED WEDNESDAY, DECEMBER 31, 2025.

STATUTORY RULEMAKING AUTHORITY: 34-23-92

(Date Filed)
(For LRS Use Only)

Wendy Passmore

Wendy Passmore

Certifying Officer or his or her
Deputy

(NOTE: In accordance with §41-22-6(b), as amended, a proposed rule is required to be certified within 90 days after completion of the notice.)

Non-Disciplinary Penalties.

(1) Pursuant to the Board's authority set forth in Code of Ala. 1975, §34-23-33, this Rule adopts an administrative fine penalty schedule for non-disciplinary violations.

(2) The following provisions apply to administrative fines (non-disciplinary penalties):

(a) The Board has the discretion to impose an administrative fine for any violation listed in the non-disciplinary penalty schedule. If the Board elects to issue an administrative fine, that individual or [entity/permittee](#) may not receive another administrative fine for the same violation within a ten (10) year period. Any subsequent occurrence of that same violation within ten (10) years shall be treated as a disciplinary matter, unless otherwise specified in the schedule. The Board retains the authority to reclassify any violation as disciplinary if evidence suggests a higher level of risk, intent, or patient harm.

(b) Payment of the administrative fine must be received by the Board within ninety (90) days of notice. Failure to pay or otherwise comply with the terms of any imposed corrective action plan within the timeframe shall be considered grounds for a civil penalty, unless a written request for an extension is approved by the Executive Secretary.

(c) If the person or [entity/permittee](#) wishes to contest the violation or fine, they shall notify the Board in writing within thirty (30) days of notice. In such cases, the Board shall issue a Notice of Hearing and Statement of Charges, and the matter shall proceed in accordance with the Alabama Administrative Procedures Act. Following the hearing, the administrative fine may be dismissed, upheld, modified, or replaced with disciplinary action.

(d) Payment of an administrative fine shall not be considered an admission of wrongdoing and shall not be reported to national disciplinary databases or licensing jurisdictions unless required by the National Practitioner Databank.

(e) If a non-disciplinary violation occurs alongside a disciplinary violation, both violations will be reviewed together. The disciplinary violation shall proceed through the formal disciplinary process, while the non-disciplinary violation may be included in the disciplinary case or addressed separately depending on whether it directly relates to the underlying conduct. The Board shall determine the most

effective approach based on the nature and severity of the violations.

~~(f) If the non-disciplinary violation is related to a failure to timely renew a license, permit, or registration, any applicable late fee shall not be imposed in addition to the administrative fine.~~

~~(g)~~ When considering the amount of a administrative fine for a specific violation, the Board shall consider the level and scope of misconduct, the level of risk to public health and safety, and the compliance history of the violator.

(3) The tables below ~~sets~~set forth each non-disciplinary violation, the individual or ~~entity~~permittee eligible for a non-disciplinary penalty, and the associated administrative fine. ~~The Board retains the authority to reclassify any violation as disciplinary if evidence suggests a higher level of risk, intent, or patient harm.~~ For the purposes of the table below, the term "license" refers to any license, permit, certificate, or registration issued by the Board.

Administrative Fines for Pharmacy Technicians

Description	Fine
Operating with an expired license between January 1-31	\$0-\$100
Failure to Complete Required Continuing Education	First violation: \$0-\$100 Second violation: \$0-\$100 + \$10/hr short of requirement
Failure to complete technician training program in compliance with Rule 680-X-2-.14	\$0-\$10/month over 6 months (Up to \$200)
Failure to Submit Documentation of Training Within 10 Days	\$0-\$25
Failure to Report Employment Within 10 Days	First violation: Warning Letter, no fine Second violation: \$0- \$5/day up to \$500
Failure to wear name tag	\$0-\$25

Administrative Fines for Interns/Externs

Description	Fine
Operating with an expired license between January 1-31	\$0-\$100
Failure to Report Employment Within 10 Days	First violation: Warning Letter, no fine Second violation: \$0- \$5/day up to \$500

Administrative Fines for Pharmacists

Description	Fine
Operating with an expired license between January 1-31	0-\$500 —
Failure to Complete Required Continuing Education	First violation: \$0-\$250 Second violation: \$0-\$250 + \$25/hr short of requirement
Failure to Report Employment Within 10 Days	First violation: Warning Letter, no fine Second violation: \$0- \$5/day up to \$1,000
Unauthorized Presence Inside the Pharmacy excluding: 1. Cashiers 2. Shadowing in compliance with Board Policy 23-006 3. Individuals authorized under applicable statute, rule, or policy	\$0-250
Failure to Renew Collaborative Practice Agreement	\$0-\$100
Exceeding Technician to Pharmacist or Intern to Pharmacist Ratio	\$0-\$250 per technician or intern over ratio

<p>Violation of Code of Professional Conduct where, in the Board's judgement, the violation does not:</p> <ul style="list-style-type: none"> • Impact public safety or direct patient care, and • Cause the Board to expend Board resources to evaluate and/or correct 	\$0-\$2,000
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Administrative Fines for Supervising Pharmacists

Description	Fine
Allowing a technician to work without completing training	\$0-\$100
Failure to provide notice of change of Supervising Pharmacist within 10 days for incoming and/or outgoing Supervising Pharmacist	\$0-\$10/day up to \$1,000
Failure to maintain required records	\$0-\$500
Failure to display all required licenses	\$0-\$500
Exceeding Technician to Pharmacist or Intern to Pharmacist Ratio	\$0-\$250 per technician or intern over ratio

Administrative Fines for Chain Pharmacies

Description	Fine
Operating with an expired license between January 1-31	\$0-\$1000
Operating with an expired controlled substance registration between January 1-31	\$0-\$500
Operating with an expired license after January 31	\$0-1,000 + \$75/legend drug prescription
Operating with an expired controlled substance registration after January 31	\$0-\$500 + \$75/controlled substance prescription
Allowing a technician to work without completing training	\$0-\$100
	\$0-\$50/day over 1\$1,0-days00

Failure to Submit Action Plan Within 10 Days of Outgoing Supervising Pharmacist Departure (No Incoming Supervising Pharmacist)	
Failure to Identify New Supervising Pharmacist Within 90 Days of Initiating an Action Plan	< 30 days: \$0-\$500 30-100 days: \$500-\$750 >100 days: \$750-\$1,000
Failure to Provide Notice of Change of Ownership Within 10 Days	< 30 days: \$0-\$500 30-100 days: \$500-\$750 >100 days: \$750-\$1,000
Unauthorized Presence Inside the Pharmacy excluding: 1. Cashiers 2. Shadowing in compliance with Board Policy 23-006 3. Individuals authorized under applicable statute, rule, or policy	First violation: Warning Letter, no fine Second violation: \$0-\$500
Failure to Maintain Required Records	\$0-\$500
Failure to display all required licenses	\$0-\$500
Failure to Notify Board of Authorization to be a DEA Drug Collector	\$0-\$250
Violation of Code of Professional Conduct where, in the Board's judgement, the violation does not: 1. Impact public safety or direct patient care, and 2. Cause the Board to expend Board resources to evaluate and/or correct	\$0-\$2,000

Administrative Fines for Independent Pharmacies

Description	Fine
Operating with an expired license between January 1-31	\$0-\$1000

Operating with an expired controlled substance registration between January 1-31	\$0-\$500
Operating with an expired license after January 31	\$0-1,000 + \$75/legend drug prescription
Operating with an expired controlled substance registration after January 31	\$0-\$500 + \$75/controlled substance prescription
Allowing a technician to work without completing training	\$0-\$100
Failure to Submit Action Plan Within 10 Days of Outgoing Supervising Pharmacist Departure (No Incoming Supervising Pharmacist)	\$0- \$50/day over <u>\$1,000</u>
Failure to Identify New Supervising Pharmacist Within 90 Days of Initiating an Action Plan	< 30 days: \$0-\$500 30-100 days: \$500-\$750 >100 days: \$750-\$1,000
Failure to Provide Notice of Change of Ownership Within 10 Days	< 30 days: \$0-\$500 30-100 days: \$500-\$750 >100 days: \$750-\$1,000
Unauthorized Presence Inside the Pharmacy excluding: 1. Cashiers 2. Shadowing in compliance with Board Policy 23-006 3. Individuals authorized under applicable statute, rule, or policy	First violation: Warning Letter, no fine Second violation: \$0-\$500
Failure to Maintain Required Records	\$0-\$500
Failure to display all required licenses	\$0-\$500
Failure to Notify Board of Authorization to be a DEA Drug Collector	\$0-\$250
	\$0-\$2,000

<p>Violation of Code of Professional Conduct where, in the Board's judgement, the violation does not:</p> <ol style="list-style-type: none"> 1. Impact public safety or direct patient care, and 2. Cause the Board to expend Board resources to evaluate and/or correct 	
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Administrative Fines for Institutional Pharmacies

Description	Fine
Operating with an expired license between January 1-31	\$0-\$1000
Operating with an expired controlled substance registration between January 1-31	\$0-\$500
Operating with an expired license after January 31	\$0-1,000 + \$75/legend drug prescription
Operating with an expired controlled substance registration after January 31	\$0-\$500 + \$75/controlled substance prescription
Allowing a technician to work without completing training	\$0-\$100
Failure to Submit Action Plan Within 10 Days of Outgoing Supervising Pharmacist Departure (No Incoming Supervising Pharmacist)	\$0-\$50/day over <u>\$1,000</u> days <u>00</u>
Failure to Identify New Supervising Pharmacist Within 90 Days of Initiating an Action Plan	< 30 days: \$0-\$500 30-100 days: \$500-\$750 >100 days: \$750-\$1,000
Failure to Provide Notice of Change of Ownership Within 10 Days	< 30 days: \$0-\$500 30-100 days: \$500-\$750 >100 days: \$750-\$1,000
	First violation: Warning Letter, no fine Second violation: \$0-\$500

Unauthorized Presence Inside the Pharmacy excluding: 1. Cashiers 2. Shadowing in compliance with Board Policy 23-006 3. Individuals authorized under applicable statute, rule, or policy	
Failure to Maintain Required Records	\$0-\$500
Failure to display all required licenses	\$0-\$500
Failure to Notify Board of Authorization to be a DEA Drug Collector	\$0-\$250
Violation of Code of Professional Conduct where, in the Board's judgement, the violation does not: 1. Impact public safety or direct patient care, and 2. Cause the Board to expend Board resources to evaluate and/or correct	\$0-\$2,000

Administrative Fines for Non-Resident Pharmacies

Description	Fine
Operating with an expired license between January 1-31	\$0-\$1000
Operating with an expired controlled substance registration between January 1-31	\$0-\$500
Operating with an expired license after January 31	\$0-1,000 + \$75/legend drug prescription
Operating with an expired controlled substance registration after January 31	\$0-\$500 + \$75/controlled substance prescription
Allowing a technician to work without completing training	\$0-\$100
Failure to Submit Action Plan Within 10 Days of Outgoing Supervising Pharmacist Departure (No Incoming Supervising Pharmacist)	\$0-\$50/day over <u>1</u> \$1,0 <u>0</u> days <u>00</u>

Failure to Identify New Supervising Pharmacist Within 90 Days of Initiating an Action Plan	< 30 days: \$0-\$500 30-100 days: \$500-\$750 >100 days: \$750-\$1,000
Failure to Provide Notice of Change of Ownership Within 10 Days	< 30 days: \$0-\$500 30-100 days: \$500-\$750 >100 days: \$750-\$1,000
Unauthorized Presence Inside the Pharmacy excluding: 1. Cashiers 2. Shadowing in compliance with Board Policy 23-006 3. Individuals authorized under applicable statute, rule, or policy	First violation: Warning Letter, no fine Second violation: \$0-\$500
Failure to Maintain Required Records	\$0-\$500
Failure to display all required licenses	\$0-\$500
Failure to Notify Board of Authorization to be a DEA Drug Collector	\$0-\$250
Violation of Code of Professional Conduct where, in the Board's judgement, the violation does not: 1. Impact public safety or direct patient care, and 2. Cause the Board to expend Board resources to evaluate and/or correct	\$0-\$2,000

Administrative Fines for Pharmacy Services Permits

Description	Fine
Operating with an expired license between January 1-31	\$0-\$1000
Operating with an expired license after January 31	\$0-2,000
	\$0-\$100

Allowing a technician to work without completing training	
Failure to Submit Action Plan Within 10 Days of Outgoing Supervising Pharmacist Departure (No Incoming Supervising Pharmacist)	\$0- \$50/day over 1 <u>\$1,000</u>
Failure to Identify New Supervising Pharmacist Within 90 Days of Initiating an Action Plan	< 30 days: \$0-\$500 30-100 days: \$500-\$750 >100 days: \$750-\$1,000
Failure to Provide Notice of Change of Ownership Within 10 Days	< 30 days: \$0-\$500 30-100 days: \$500-\$750 >100 days: \$750-\$1,000
Unauthorized Presence Inside the Pharmacy excluding: 1. Cashiers 2. Shadowing in compliance with Board Policy 23-006 3. Individuals authorized under applicable statute, rule, or policy	First violation: Warning Letter, no fine Second violation: \$0-\$500
Failure to Maintain Required Records	\$0-\$500
Failure to display all required licenses	\$0-\$500
Violation of Code of Professional Conduct where the violation does not: 1. In the Board's judgement does not impact public safety or direct patient care, and 2. Cause the Board to expend Board resources to evaluate and/or correct	\$0-\$2,000

Administrative Fines for Retail Medical Oxygen Suppliers

Description	Fine
Operating with an expired license between January 1-31	\$0-\$250

Operating with an expired license after January 31	\$0-250 + \$75/prescription
Failure to Provide Notice of Change of Ownership Within 10 Days	< 30 days: \$0-\$500 30-100 days: \$500-\$750 >100 days: \$750-\$1,000
Failure to Maintain Required Records	\$0-\$500
Failure to display all required licenses	\$0-\$500

Administrative Fines for Medical Oxygen Manufacturers and Wholesalers

Description	Fine
Operating with an expired license between January 1-31	\$0-\$250
Operating with an expired license after January 31	\$0-\$1,000 + \$400/invoice
Failure to Provide Notice of Change of Ownership Within 10 Days	< 30 days: \$0-\$500 30-100 days: \$500-\$750 >100 days: \$750-\$1,000
Failure to Maintain Required Records	\$0-\$500
Failure to display all required licenses	\$0-\$500

Administrative Fines for 503B Outsourcing Facilities

Description	Fine
Operating with an expired license between January 1-31	\$0-\$1,000
Operating with an expired controlled substances permit between January 1-31	\$0-\$750
Operating with an expired license after January 31	\$0-\$1,000 + \$400/invoice

Operating with an expired controlled substances permit after January 31	\$0-\$750 + \$400/invoice
Shipping to an entity with an expired license	\$0-\$100 + \$25/shipment
Failure to Provide Notice of Change of Ownership Within 10 Days	< 30 days: \$0-\$500 30-100 days: \$500-\$750 >100 days: \$750-\$1,000
Failure to Maintain Required Records	\$0-\$500
Failure to Display the License	\$0-\$500

Administrative Fines for Third Party Logistics Providers

Description	Fine
Operating with an expired license between January 1-31	\$0-\$1,000
Operating with an expired license after January 31	\$0-\$1,000 + \$400/invoice
Shipping to an entity with an expired license	\$0-\$100 + \$25/shipment
Failure to Provide Notice of Change of Ownership Within 10 Days	< 30 days: \$0-\$500 30-100 days: \$500-\$750 >100 days: \$750-\$1,000
Failure to Provide Notice of New Designated Representative Within 10 Days	< 30 days: \$0-\$500 30-100 days: \$500-\$750 >100 days: \$750-\$1,000
Failure to submit an action plan Within 10 Days of outgoing Designated Representative (no incoming DR)	< 30 days: \$0-\$500 30-100 days: \$500-\$750 >100 days: \$750-\$1,000
	< 30 days: \$0-\$500

Failure to Identify Incoming Designated Representative Within 90 Days of Initiating an Action Plan	30-100 days: \$500-\$750 >100 days: \$750-\$1,000
Failure to Maintain Required Records	\$0-\$500
Failure to Display the License	\$0-\$500

Administrative Fines for Precursors

Description	Fine
Operating with an expired license between January 1-31	\$0-\$1,000
Operating with an expired controlled substances permit between January 1-31	\$0-\$750
Operating with an expired license after January 31	\$0-\$1,000 + \$400/invoice
Operating with an expired controlled substances permit after January 31	\$0-\$750 + \$400/invoice
Shipping to an entity with an expired license	\$0-\$100 + \$25/shipment
Failure to Provide Notice of Change of Ownership Within 10 Days	< 30 days: \$0-\$500 30-100 days: \$500-\$750 >100 days: \$750-\$1,000
Failure to Maintain Required Records	\$0-\$500
Failure to Display the License	\$0-\$500

Administrative Fines for Manufacturers

Description	Fine
Operating with an expired license between January 1-31	\$0-\$1,000
Operating with an expired controlled substances permit between January 1-31	\$0-\$750
	\$0-\$1,000 + \$400/invoice

Operating with an expired license after January 31	
Operating with an expired controlled substances permit after January 31	\$0-\$750 + \$400/invoice
Shipping to an entity with an expired license	\$0-\$100 + \$25/shipment
Failure to Provide Notice of Change of Ownership Within 10 Days	< 30 days: \$0-\$500 30-100 days: \$500-\$750 >100 days: \$750-\$1,000
Failure to Provide Notice of New Designated Representative Within 10 Days	< 30 days: \$0-\$500 30-100 days: \$500-\$750 >100 days: \$750-\$1,000
Failure to submit an action plan Within 10 Days of outgoing Designated Representative (no incoming DR)	< 30 days: \$0-\$500 30-100 days: \$500-\$750 >100 days: \$750-\$1,000
Failure to Identify Incoming Designated Representative Within 90 Days of Initiating an Action Plan	< 30 days: \$0-\$500 30-100 days: \$500-\$750 >100 days: \$750-\$1,000
Failure to Maintain Required Records	\$0-\$500
Failure to Display the License	\$0-\$500

Administrative Fines for Distributors

Description	Fine
Operating with an expired license between January 1-31	\$0-\$1,000
Operating with an expired controlled substances permit between January 1-31	\$0-\$750
Operating with an expired license after January 31	\$0-\$1,000 + \$400/invoice

Operating with an expired controlled substances permit after January 31	\$0-\$750 + \$400/invoice
Shipping to an entity with an expired license	\$0-\$100 + \$25/shipment
Failure to Provide Notice of Change of Ownership Within 10 Days	< 30 days: \$0-\$500 30-100 days: \$500-\$750 >100 days: \$750-\$1,000
Failure to Provide Notice of New Designated Representative Within 10 Days	< 30 days: \$0-\$500 30-100 days: \$500-\$750 >100 days: \$750-\$1,000
Failure to submit an action plan Within 10 Days of outgoing Designated Representative (no incoming DR)	< 30 days: \$0-\$500 30-100 days: \$500-\$750 >100 days: \$750-\$1,000
Failure to Identify Incoming Designated Representative Within 90 Days of Initiating an Action Plan	< 30 days: \$0-\$500 30-100 days: \$500-\$750 >100 days: \$750-\$1,000
Failure to Maintain Required Records	\$0-\$500
Failure to Display the License	\$0-\$500

Administrative Fines for ALL Other Drug Facility Permit Holders

Description	Fine
Operating with an expired license between January 1-31	\$0-\$1,000
Operating with an expired controlled substances permit between January 1-31	\$0-\$750

Operating with an expired license after January 31	\$0-\$1,000 + \$400/invoice
Operating with an expired controlled substances permit after January 31	\$0-\$750 + \$400/invoice
Shipping to an entity with an expired license	\$0-\$100 + \$25/shipment
Failure to Provide Notice of Change of Ownership Within 10 Days	< 30 days: \$0-\$500 30-100 days: \$500-\$750 >100 days: \$750-\$1,000
Failure to Provide Notice of New Designated Representative Within 10 Days	< 30 days: \$0-\$500 30-100 days: \$500-\$750 >100 days: \$750-\$1,000
Failure to submit an action plan Within 10 Days of outgoing Designated Representative (no incoming DR)	< 30 days: \$0-\$500 30-100 days: \$500-\$750 >100 days: \$750-\$1,000
Failure to Identify Incoming Designated Representative Within 90 Days of Initiating an Action Plan	< 30 days: \$0-\$500 30-100 days: \$500-\$750 >100 days: \$750-\$1,000
Failure to Maintain Required Records	\$0-\$500
Failure to Display the License	\$0-\$500

Author: Alabama State Board of Pharmacy

Statutory Authority: Code of Ala. 1975, §34-23-33.

History: New Rule: Filed July 8, 2010; effective August 12, 2010; operative September 1, 2010. **Amended:** Filed August 26, 2011; effective September 30, 2011; operative October 3, 2011.

Amended: Filed July 6, 2016; effective August 20, 2016. **Amended:** Published May 28, 2021; effective July 12, 2021. **Amended:** Published October 29, 2021; effective December 13, 2021.

Amended: Published March 31, 2022; effective May 15, 2022.

Amended: Published December 31, 2024; effective February 14,

2025. **Amended:** Published ~~February 27, 2026~~; effective ~~April 13, 2026~~.