

APA-1

TRANSMITTAL SHEET FOR NOTICE OF INTENDED ACTION

Control: 680
Department or Agency: Alabama State Board of Pharmacy
Rule No.: 680-X-1-.03
Rule Title: Petition for Declaratory Ruling of the Board
Intended Action: New

Would the absence of the proposed rule significantly harm or endanger the public health, welfare, or safety? Yes

Is there a reasonable relationship between the state's police power and the protection of the public health, safety, or welfare? Yes

Is there another, less restrictive method of regulation available that could adequately protect the public? No

Does the proposed rule have the effect of directly or indirectly increasing the costs of any goods or services involved? No

To what degree?: N/A

Is the increase in cost more harmful to the public than the harm that might result from the absence of the proposed rule? NA

Are all facets of the rule-making process designed solely for the purpose of, and so they have, as their primary effect, the protection of the public? Yes

Does the proposed action relate to or affect in any manner any litigation which the agency is a party to concerning the subject matter of the proposed rule? No

Does the proposed rule have an economic impact? No

If the proposed rule has an economic impact, the proposed rule is required to be accompanied by a fiscal note prepared in accordance with subsection (f) of Section 41-22-23, Code of Alabama 1975.

Certification of Authorized Official

I certify that the attached proposed rule has been proposed in full compliance with the requirements of Chapter 22, Title 41, Code of Alabama 1975, and that it conforms to all applicable filing requirements of the Administrative Procedure Division of the Legislative Services Agency.

Signature of certifying officer

Jon M Linna
Jon Linna

Date

Friday, April 17, 2026

REC'D & FILED
APR 17, 2026
LEGISLATIVE SVC AGENCY

ALABAMA STATE BOARD OF PHARMACY

NOTICE OF INTENDED ACTION

AGENCY NAME: Alabama State Board of Pharmacy

RULE NO. & TITLE: 680-X-1-.03 Petition for Declaratory Ruling of
the Board

INTENDED ACTION: New

SUBSTANCE OF PROPOSED ACTION:

The Board of Pharmacy proposes a new rule to specify the procedures for declaratory rulings of the Board, in accordance with the Alabama Administrative Procedures Act.

TIME, PLACE AND MANNER OF PRESENTING VIEWS:

The public hearing will be June 17, 2026 during the business meeting beginning at 9:00 am CST at the Board of Pharmacy office, located at 111 Village Street, Birmingham, AL 35242. Comments may be submitted to Wendy Passmore via email to wpassmore@albop.com by EOB June 5, 2026.

FINAL DATE FOR COMMENT AND COMPLETION OF NOTICE:

Thursday, June 4, 2026

CONTACT PERSON AT AGENCY:

Wendy Passmore wpassmore@albop.com

Jon M Linna

Jon Linna

(Signature of officer authorized
to promulgate and adopt
rules or his or her deputy)

680-X-1-.03. Petition for Declaratory Ruling of the Board.

(1) This Rule governing declaratory rulings of the Board is promulgated to comply with the requirement of the Alabama Administrative Procedure Act that every State "agency shall prescribe by rule the form of such petitions and the procedure for their submission, consideration, and disposition, and shall prescribe in its rules the circumstances in which rulings shall or shall not be issued." Ala. Code § 41-22-11(a).

(2) Any person substantially affected by a Rule promulgated by the Board may petition the Board for a declaratory ruling with respect to the validity of the rule or with respect to the applicability of any Rule or statute enforceable by the Board to any person, property, or state of facts. The petition shall comply with all of the following requirements:

(a) The petition shall be in writing, shall be delivered by e-mail or regular U.S. Mail to the Executive Secretary of the Board, and shall specifically state that it is a "Request for a Declaratory Ruling";

(b) The petition shall be filed by, and shall disclose the name and postal address of, the actual party in interest; disclosing the identity of an attorney or agent representing the actual party in interest is not sufficient;

(c) The petition shall state with particularity facts sufficient to show that the petitioner is in fact substantially affected by a Rule promulgated by the Board, and sufficient to permit the Board to make a valid determination;

(d) The petition shall include a statement as to whether the question presented is presently pending before or under consideration by the Board or any other court, governmental official, or adjudicative body; and

(e) The petition shall include a statement of the legal issues presented, a statement of the requested or proposed dispositions of the issues presented, and the reasoning supporting the requested or proposed dispositions.

(3) Upon receipt of a petition, the Executive Secretary shall review the petition for compliance with the requirements of subsection (2) of this Rule. If the petition is deficient, the Executive Secretary shall notify the petitioner in writing within 10 calendar days of receipt, specifying each deficiency. The 45-day period prescribed in subsection (4) of this Rule shall not

commence until the petitioner submits a corrected petition that complies with all requirements of subsection (2) of this Rule. If the petitioner fails to correct all identified deficiencies within 10 calendar days, the petition shall be deemed to have been withdrawn.

(4) A properly presented petition will be considered and answered in writing by the Board within 45 days unless the Board is unable to reach a decision on the facts presented within the 45-day period. The petitioner and the Board may mutually agree to extend the 45-day period.

(5) The Board will not issue a declaratory ruling where:

(a) The petition fails to comply with the requirements of this Rule;

(b) The Board lacks jurisdiction;

(c) There is a lack of sufficient clarity and definition of the issues presented in the petition;

(d) The petition presents issues that are hypothetical, theoretical, or otherwise not an actual and justiciable controversy;

(e) The proper resolution of the petition would depend upon facts not disclosed in the petition;

(f) No clear answer can be determined based upon the available facts and legal authorities;

(g) The petition presents generalized grievances;

(h) The petition presents issues that are currently pending before the Board or any judicial or quasi-judicial body in any administrative review, formal hearing, proceeding, contested case or litigation; and/or

(i) The petition, in substance, constitutes collateral attack on, or appellate review of, any final decision of the Board or of any judicial or quasi-judicial body.

(6) If the Board expressly declines to issue a ruling, the petitioner shall be notified in writing that the request for a declaratory ruling was denied, and the reasons therefor shall be specified. No statement of reasons shall be required if the petition is denied by operation of law.

(7) The petition and all supporting material submitted by the petitioner shall be public documents, and the Board may in its discretion solicit public comment thereon.

(8) In all cases, the effect of a declaratory ruling issued pursuant to Ala. Code § 41-22-11 and this Rule shall be prospective only, and shall be limited to the facts expressly stated in the petition for declaratory ruling.

Author: Alabama State Board of Pharmacy

Statutory Authority: 41-22-11

History: New Rule: Published _____; effective _____.