

APA-1

TRANSMITTAL SHEET FOR NOTICE
OF INTENDED ACTION

Control No.: 680

Department or Agency: Alabama State Board of Pharmacy

Rule No.: 680-X-2-.51

Rule Title: Licenses for Qualified Military Servicemembers and their Spouses

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? Yes

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

Wednesday, September 16, 2026

REC'D & FILED

SEP 16, 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-2-.51 Licenses for Qualified Military
Servicemembers and their Spouses

INTENDED ACTION: New

SUBSTANCE OF PROPOSED ACTION:

The Board proposes to promulgate a new Rule to formally implement procedures to comply with the federal Military Spouse Licensing Relief Act.

TIME, PLACE AND MANNER OF PRESENTING VIEWS:

The public hearing will be November 18, 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 Anne Marie Nolen via email to anolen@albop.com by EOB November 17, 2026.

FINAL DATE FOR COMMENT AND COMPLETION OF NOTICE:

Tuesday, November 17, 2026

CONTACT PERSON AT AGENCY:

Anne Marie Nolen
anolen@albop.com

Jon M Linna

Jon Linna

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

Licenses for Qualified Military Servicemembers and their Spouses.

(1) **General.** This Rule implements the requirements of 50 U.S.C. § 4025a, as amended, commonly known as "The Military Spouse Licensing Relief Act." In accordance with the Act, a Service-Connected Practitioner who holds a license to practice as a pharmacist or a pharmacy technician in a state other than Alabama will be granted a license to practice as a pharmacist or pharmacy technician in Alabama, as applicable, subject to the conditions and procedures set forth in this Rule.

(2) **Definitions.** As used in this Rule:

(a) "Service-Connected Practitioner" means a servicemember as defined in 50 U.S.C. § 3911(1), and the spouse of the servicemember.

(b) "Military Orders" means official military orders (including orders for separation or retirement), or any notification, certification, or verification from the servicemember's commanding officer, with respect to the servicemember's current or future military duty status. The term "Military Orders" includes, but is not limited to, a Permanent Change of Station (PCS) order.

(c) "Qualifying License" means a license to practice as a pharmacist or a pharmacy technician issued by the applicable licensing authority of the District of Columbia, any commonwealth, territory, or possession of the United States, or of any of the United States other than the State of Alabama.

(d) "Good Standing" means that the license referred to is active and is not suspended, revoked, disciplined, restricted, conditioned, under probation, or otherwise in a status that restricts the activities of the licensee under the authority of the license; does not have an investigation relating to unprofessional conduct pending in any jurisdiction relating to it; and has not been voluntarily surrendered while under investigation for unprofessional conduct in any jurisdiction.

(3) **Qualification for, and Grant of, License.** The Executive Secretary shall issue a license to practice as a pharmacist or pharmacy technician, as applicable, to a Service-Connected Practitioner who:

(a) holds one or more Qualifying License(s), all of which are in Good Standing;

(b) because of Military Orders, relocates his or her residence from a place outside Alabama to a place within Alabama; and

(c) submits to the Executive Secretary a completed application as described below in subsection (4) of this Rule which demonstrates the applicant's qualification for licensure.

If requested, the Executive Secretary shall also issue an Alabama Controlled Substances permit to a Service-Connected Practitioner who receives a license to practice as a pharmacist pursuant to this Rule.

(4) **Procedure.** The Executive Secretary shall create and publish an application form by which Service-Connected Practitioners may apply for a license under this Rule. The Executive Secretary shall, without any further Board action, issue a license to a Service-Connected Practitioner who submits a complete application form as described in this Rule which demonstrates the applicant's qualification for licensure. The application form shall require the Service-Connected Practitioner to provide sufficient identifying and other information to substantiate his or her eligibility for issuance of a license under this Rule. The Executive Secretary shall not collect any fee for accepting or processing an application under this Rule. The application form must include at least:

(a) Proof of Military Orders described in subsection (3) (b);

(b) If the applicant is the spouse of a servicemember, a copy of the marriage certificate;

(c) A notarized affidavit or other sworn statement affirming, under the penalty of law, that—

i. the applicant is the person described and identified in the application;

ii. all statements made in the application are true, correct, and complete;

iii. the applicant has read and understands the requirements to receive a license, and the scope of practice for a pharmacist, or of a pharmacy technician, as the case may be, of the State of Alabama;

iv. the applicant certifies that the applicant meets and shall comply with requirements described in subparagraph (iii); and

v. the applicant is in Good Standing in all States in which the applicant holds or has held a license to practice as a pharmacist or as a pharmacy technician, as the case may be.

(5) **Scope of Practice.** A Service-Connected Practitioner who is issued a license under this Rule is authorized to practice within the scope of practice for pharmacists or pharmacy technicians, as applicable, as defined in Alabama law.

(6) **Subjection to Jurisdiction.** A Service-Connected Practitioner who is issued a license under this Rule shall be subject to the regulatory and disciplinary jurisdiction of the Board.

(7) **Continuing Education.** A Service-Connected Practitioner who is issued a license under this Rule shall comply with the continuing education requirements imposed by Rule 680-X-2-.36 in the case of pharmacists, or Rule 680-X-2-.37 in the case of pharmacy technicians.

(8) **Other Requirements and Certifications.** This Rule does not fulfill or excuse the Service-Connected Practitioner from any applicable requirement to obtain a DEA registration for an Alabama location pursuant to 21 C.F.R. § 1301.12, or any other applicable license, permit, fee, tax, or assessment. This Rule does not require the Executive Secretary to grant expedited preceptor, consultant, parenteral, immunization, or nuclear certifications. The Executive Secretary may, however, in his or her discretion, issue expedited preceptor, consultant, parenteral, immunization, or nuclear certifications if the applicant demonstrates substantially equivalent training and qualification. A Service-Connected Practitioner who receives a license to practice as a pharmacy technician pursuant to this Rule shall not be required to complete the training prescribed by Rule 680-X-2-.14(9)(a).

(9) **Biennial Renewal.** Each Service-Connected Practitioner who holds a license issued pursuant to this Rule shall complete the biennial license renewal process outlined in Ala. Code § 34-23-52 in the case of pharmacists, and Ala. Code § 34-23-131 in the case of pharmacy technicians, including payment of the applicable renewal fees.

Author: Alabama State Board of Pharmacy

Statutory Authority: §34-23-92; 50 USC §4025A

History: New Rule: Published _____; effective _____.

**ECONOMIC IMPACT STATEMENT
FOR APA RULE
(Section 41-22-23(f))**

Control No:	680
Department or Agency:	Alabama State Board of Pharmacy
Rule No:	680-X-2-.51
Rule Title:	Licenses for Qualified Military Servicemembers and their Spouses
Intended Action:	New

 This rule has no economic impact.

 Yes This rule has an economic impact, as explained below:

1. NEED/EXPECTED BENEFIT OF RULE:

Since December 2023 the Board has received and granted applications from servicemembers and their spouses under unwritten informal procedures. The Board has issued expedited licensure to eight individuals on that basis. The Board has determined that those informal procedures lack the detail and rigor that full execution of 50 U.S.C. § 4025a requires, and that they do not give Board staff sufficient direction or delegated authority to carry out the federal mandate. The Board therefore has determined that a formal administrative rule is appropriate.

Section 4025a(a) obligates a licensing authority to treat a covered license as valid for the scope of practice in the new State of residence once the holder submits the application that § 4025a(c) describes. Alabama's general military licensure relief statute, Code of Ala. 1975, § 31-1-6, expressly excludes the professions this Board regulates, so no state-law framework overlaps with this federal requirement.

The rule produces at least four benefits. It places the Board in demonstrable compliance with federal law. It delegates issuance expressly to the Executive Secretary upon a complete application, which removes case-by-case improvisation and delay. It publishes eligibility criteria and requires a standard application form, so applicants know what to submit and staff apply one standard. Finally, it reduces to writing the safeguards that the informal practice does not memorialize, including verification of good standing in every jurisdiction, the scope-of-practice limitation, the Board's disciplinary jurisdiction, continuing education, and biennial renewal. Weighing the qualitative and quantitative benefits and burdens together, the Board determines that it needs the rule. The quantitative burdens described below are de minimis; a written

procedure that clearly implements a federal mandate creates no negatives while offering substantial institutional benefits to the public, to the regulated community, and to the agency itself.

2. **COSTS/BENEFITS OF RULE AND WHY RULES IS THE MOST EFFECTIVE, EFFICIENT, AND FEASIBLE MEANS FOR ALLOCATING RESOURCES AND ACHIEVING THE STATED PURPOSE:**

The rule imposes two exceedingly small costs on the Board. First, the Board must develop the application form that subsection (4) prescribes and configure its licensing system to accept it. The Board will absorb both tasks within existing resources. Second, staff must review each application for completeness and verify the applicant's good standing in every jurisdiction where the applicant holds or has held a license. The Board already performs that review informally, and it should consume less staff time under the rule, because the rule fixes both the eligibility criteria and the deciding official. The rule requires no new position, appropriation, contract, or information system. Subsection (4) prohibits the Executive Secretary from collecting any fee for an initial application under the rule. Therefore, the Board forgoes the fee it would otherwise receive from each applicant, which is \$300.00 from a pharmacist proceeding by reciprocity under Rule 680-X-2-.17 or \$60.00 from an applicant for initial technician registration under Rule 680-X-2-.14(9). At the rate of roughly three applicants per year that the Board has actually experienced, those forgone fees are expected to total less than \$1,000.00 annually. The rule imposes no cost on applicants or on the private sector. An applicant bears only the nominal cost of assembling the required documentation and having the affidavit notarized, which is less than any existing pathway costs. These obligations are already fixed by the federal statutes. No pharmacy, permit holder, or member of the public bears any cost under the rule.

The Board could continue the informal practice, but that course is the status quo the Board has found inadequate. The rule is therefore the most cost effective, efficient, and feasible means of achieving the stated purpose. It operates entirely through the Board's existing licensing infrastructure and requires no new resources, it lowers the Board's cost per applicant below what the informal practice costs, it imposes no cost on any private party, and it achieves full federal compliance. The Board has identified no less costly means of reaching the same outcome.

3. **EFFECT OF THIS RULE ON COMPETITION:**

To the extent that the proposed rule would have any effect upon competition, the Board believes that effect size would be exceedingly small, and pro-competitive. The rule marginally enlarges the pool of practitioners who may practice in Alabama and marginally improves the ability of employers to hire qualified staff. It creates no barrier to entry, confers no exclusive or preferential position, and imposes no requirement, cost, or restriction on any incumbent licensee or permit holder. Practitioners who enter under the rule compete on the same terms as everyone else, because they must observe the same scope of

practice, submit to the same disciplinary jurisdiction, satisfy the same continuing education requirements, and pay the same renewal fees. At the very small application volumes that the Board has actually experienced in the past three years, the rule has no measurable effect on wages or market share.

4. EFFECT OF THIS RULE ON COST-OF-LIVING AND DOING BUSINESS IN THE GEOGRAPHICAL AREA WHERE THE RULE IS TO BE IMPLEMENTED:

Although the rule applies statewide, its practical effects will likely be concentrated in the areas surrounding Redstone Arsenal, Maxwell-Gunter Air Force Base, Fort Novosel (Rucker), Anniston Army Depot, and Coast Guard Aviation Training Center Mobile, because military orders tend to result in relocations to those general geographic areas. The rule is not expected to have any measurable effect on the cost of living. It imposes no fee, tax, or assessment and does not regulate the price or the availability of any good or service. Its only household-level effect is favorable and mostly confined to affected military families, who may resume occupational earnings after a relocation sooner than they otherwise would.

5. EFFECT OF THIS RULE ON EMPLOYMENT IN THE GEOGRAPHICAL AREA WHERE THE RULE IS TO BE IMPLEMENTED:

The rule may have an exceedingly small positive effect on employment. Each license or registration the Board issues under the rule makes employable in a licensed capacity a person who already lives in Alabama but who may not otherwise practice here. The informal pathway that the rule supplants has produced eight such licensees since December 2023. Employers near military installations are expected to benefit marginally from a larger applicant pool and greater labor market fluidity. Because the rule adds labor supply to a market that already has vacancies, and does so at a rate of roughly three practitioners per year, the Board identifies no measurable displacement of incumbent Alabama licensees.

6. SOURCE OF REVENUE TO BE USED FOR IMPLEMENTING AND ENFORCING THIS RULE:

The Board receives no appropriation from the State General Fund or from the Education Trust Fund. It funds its operations entirely from license, permit, examination, and reciprocity fees, late fees, fines and penalties, recovered administrative costs, and interest income, all of which it administers under Code of Ala. 1975, § 34-23-91. Any costs associated with the Board's implementation and enforcement of the rule will be defrayed using existing Agency revenues.

7. **THE SHORT-TERM/LONG-TERM ECONOMIC IMPACT OF THIS RULE ON EFFECTED PERSONS, INCLUDING ANALYSIS OF PERSONS WHO WILL BEAR THE COSTS AND THOSE WHO WILL BENEFIT FROM THE RULE:**

The Board bears the one-time cost of developing the application form and the recurring cost of reviewing each application, and it absorbs both within existing resources. The Board also forgoes the initial fees described in item (2), which its fee-paying licensee population bears indirectly in an amount too small to warrant any offsetting fee adjustment. Applicants bear the cost of assembling documents and obtaining a notarization, and they continue to bear the obligations that subsection (8) preserves, which include the Alabama Controlled Substances permit, registration with the Drug Enforcement Administration under 21 C.F.R. § 1301.12 where that requirement applies, and continuing education under Rules 680-X-2-.36 and 680-X-2-.37.

Service-Connected Practitioners benefit directly, because they obtain Alabama licensure without fee or examination under published criteria. Pharmacies near military installations and the patients those pharmacies serve benefit indirectly, as do the Board and the State through demonstrable federal compliance and the armed services through improved retention of servicemembers whose families can more readily maintain dual careers.

In the short term, the economic impact consists of the one-time form development and the recurring items described above. Over the long term, the Board identifies no cost that grows other than in proportion to application volume and no continuing capital or personnel commitment, while renewal fees from the accumulating cohort offset the forgone initial fees. The rule makes no person substantially affected worse off in absolute terms, and the only measurable transfer it effects moves the forgone initial fee from the Board's fee-supported budget to the applicant.

8. **UNCERTAINTIES ASSOCIATED WITH THE ESTIMATED BENEFITS AND BURDENS OF THE RULE, INCLUDING QUALITATIVE/QUANTITATIVE BENEFITS AND BURDEN COMPARISON:**

Application volume is the principal variable. Available data indicates that the Board has granted expedited licensure to eight military-connected applicants over approximately thirty-three months of informal practice. Future volume will be driven principally by relocations to Alabama under military orders. That uncertainty does not affect the Board's conclusions, because every cost element scales in proportion to volume and each unit cost is nominal, so the fiscal effect on the Board remains immaterial across any plausible range. In summary, the burdens this rule imposes are exceedingly small, and borne by an agency budget, while its principal benefits are substantially qualitative: federal compliance, a written and auditable procedure in place of an informal one, and mitigation of the income interruption for military families described above. No generally accepted methodology converts those qualitative benefits into dollars, and the Board has not attempted to assign one. The comparison remains tractable nonetheless, because the quantitative burdens are de minimis on any measure, so the balance does not turn on how precisely the

Board values the qualitative benefits, and 50 U.S.C. § 4025a requires the principal result the rule produces in any event.

9. THE EFFECT OF THIS RULE ON THE ENVIRONMENT AND PUBLIC HEALTH:

The Board does not expect the rule to have any measurable effect on the environment (e.g., clean air, water, soil, and wildlife). It governs eligibility and procedure for streamlined and expedited professional licensure, and it authorizes no construction, no land use, no emission, no discharge, and no disposal.

The rule has a neutral to slightly positive effect on public health, and it has no discernible negative public health or economic effect. It marginally increases the number of qualified practitioners who can dispense medications and provide immunization and other patient-care services in areas where pharmacies report recruiting difficulty. Subsection (2)(d) requires that every license the applicant holds or has held be active, undisciplined, and unrestricted, that no jurisdiction have an unprofessional-conduct investigation pending against it, and that the applicant not have surrendered it while under such an investigation, which closely tracks the definition of "covered license" in 50 U.S.C. § 4025a(f)(1). A licensee admitted under the rule must observe the Alabama scope of practice, submits to the Board's full disciplinary jurisdiction, must satisfy Alabama continuing education requirements, must renew biennially, and must obtain DEA registration and any other applicable authorization. The rule relieves a pharmacy technician licensed under it both of the training program that Rule 680-X-2-.14(9)(a) prescribes and of the criminal background check that Rule 680-X-2-.14 otherwise requires. Federal law makes that screening optional, because 50 U.S.C. § 4025a(a) renders a covered license valid upon submission of a complete application and § 4025a(d) provides only that a licensing authority may conduct a background check. The Board has concluded that the remaining safeguards address the risk adequately, because the applicant must hold a registration in good standing in every jurisdiction that has registered the applicant, each of those jurisdictions screened the applicant before registering, and the Board retains full authority to investigate and discipline the licensee after issuance. The Executive Secretary grants specialty certifications only when an applicant demonstrates substantially equivalent training. Beyond the application fee, the duplicative entry examination, and the technician training and screening requirements just described, the rule waives no requirement that Alabama law imposes on a pharmacist or a pharmacy technician. Because the rule reduces the remaining safeguards to writing and identifies the official responsible for applying them, it screens this population more consistently than the informal practice it replaces.

10. DETRIMENTAL EFFECT ON THE ENVIRONMENT AND PUBLIC HEALTH IF THE RULE IS NOT IMPLEMENTED:

Because the rule has no measurable effect on the environment, declining to implement it would similarly produce no detrimental environmental effect. Declining to implement the rule would produce an

APA-6

adverse but modest effect on public health. Because Section 4025a operates by its own force, the practical alternative to this rule is not that these practitioners stay out of Alabama practice, but rather that the Board continues to admit them under unclear and unwritten ad hoc procedures. That alternative course would preserve avoidable inconsistency and delay in placing qualified pharmacists and technicians into practice, and it would withhold clinical capacity from communities near military installations, where pharmacies already recruit with difficulty and where understaffing lengthens patient wait times, curtails clinical services, and raises the risk of dispensing errors. It would also leave the Board unable to demonstrate unmistakably that it complies with federal law, and it would divert staff and legal resources from inspection, investigation, and discipline to case-by-case adjudication. The Board identifies no environmental or public health benefit that would follow from declining to implement the rule.

Signature of certifying officer *Jon M Linna*

Jon Linna

Date Wednesday, September 16, 2026