

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2001**

**SESSION LAW 2001-339
HOUSE BILL 437**

AN ACT TO CLARIFY THAT ANY PLACE, WHETHER LOCATED IN THIS STATE OR OUT-OF-STATE, DELIVERING OR DISPENSING DEVICES OR MEDICAL EQUIPMENT TO A USER IN THIS STATE SHALL COMPLY WITH THE REGISTRATION REQUIREMENTS OF THE BOARD OF PHARMACY.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 90-85.22 reads as rewritten:

"§ 90-85.22. Device and medical equipment permits.

(a) Devices. – Each ~~place~~place, whether located in this State or out-of-state, where devices are dispensed or delivered to the user in this State shall register annually with the Board on a form provided by the Board and obtain a device permit. A business that has a current pharmacy permit does not have to register and obtain a device permit. Records of devices dispensed in pharmacies or other places shall be kept in accordance with rules adopted by the Board.

(b) Medical Equipment. – Each ~~place~~place, whether located in this State or out-of-state, that delivers medical equipment to the user of the equipment in this State shall register annually with the Board on a form provided by the Board and obtain a medical equipment permit. A business that has a current pharmacy permit or a current device permit does not have to register and obtain a medical equipment permit. Medical equipment shall be delivered only in accordance with requirements established by rules adopted by the Board.

(c) This section shall not apply to either of the following:

- (1) A pharmaceutical manufacturer registered with the Food and Drug Administration.
- (2) A wholly owned subsidiary of a pharmaceutical manufacturer registered with the Food and Drug Administration."

SECTION 2. This act is effective when it becomes law.

In the General Assembly read three times and ratified this the 26th day of July, 2001.

s/ Beverly E. Perdue
President of the Senate

s/ James B. Black
Speaker of the House of Representatives

s/ Michael F. Easley
Governor

Approved 11:36 a.m. this 3rd day of August, 2001