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**OFFICE OF THE LIEUTENANT GOVERNOR
ALASKA**

M E M O R A N D U M

TO: Amy Demboski
Department of Commerce Community and Economic Development

FROM: April Simpson, Office of the Lieutenant Governor 
465.4081

DATE: April 3, 2020

RE: Filed Emergency Regulations: Board of Pharmacy

Board of Pharmacy regulations re: Pharmacist Duties, Interns, Technician with National Certification, Prescriptions, Emergency Preparedness and Definitions (12 AAC 52.060 - .995)

Attorney General File:	Emergency Regulations
Regulation Filed:	4/3/2020
Effective Date:	4/3/2020
Expiration Date:	July 31, 2020 unless made permanent by the adopting agency
Print:	234, July 2020

cc with enclosures: Harry Hale, Department of Law
Judy Herndon, LexisNexis
Jun Maiquis, Regulations Specialist

FINDING OF EMERGENCY

The Board of Pharmacy finds that an emergency exists and that the attached regulation is necessary for the immediate preservation of the public peace, health, safety, or general welfare. The facts constituting the emergency include the following:

Licenses under AS 08.80 are experiencing increased workloads as patients request medications in amounts sufficient to avoid frequent trips to a pharmacy. At the same time, licensed facilities are experiencing staffing shortages due to illness, child care obligations, and pre-planned PTO. These regulations will alleviate the strain by:

- Increasing capacity by expanding the tasks which a pharmacy technician who holds a national certification may perform;
- Allowing a cashier or bookkeeper to work in a pharmacy without being licensed as a pharmacy technician;
- Decreasing unnecessary administrative requirements;
- Increasing the ranks of licenses who may provide immunizations during the emergency by removing the requirement to obtain CPR certification;
- Streamlining application and renewal requirements;
- Expanding shared pharmacy service functions;
- Clarifying pharmacists and pharmacist interns may administer drugs pursuant to a prescription drug order;
- Allowing for temporary relocations during the emergency without a need to apply for a new and separate license; and
- Allowing the distribution, if insurance allows, of sufficient medication to avoid forcing patients to make multiple return trips.

ORDER CERTIFYING ADOPTION

I certify that the Board of Pharmacy, under the authority of AS 08.01.075, AS 08.01.100, AS 08.80, AS 11.71.900, AS 17.30.200, and AS 17.30.900, adopted at its March 27, 2020 teleconference meeting the attached fifteen pages of regulation changes as an emergency regulation to take effect immediately upon filing by the lieutenant governor, as provided in AS 44.62.180(3).

This action is not expected to require an increased appropriation.

DATE: April 3, 2020
Juneau, Alaska



Laura Carrillo, Executive Administrator
Board of Pharmacy

April Simpson for FILING CERTIFICATION

I, [^]Kevin Meyer, Lieutenant Governor for the State of Alaska, certify that on April 3rd, 2020 at 2:25 p.m., I filed the attached regulation according to the provisions of AS 44.62.

for April Simpson
Kevin Meyer, Lieutenant Governor

Effective: April 3, 2020.

Register: 234, July 2020

Expires July 31, 2020
unless made "permanent"
by the adopting agency

FOR DELEGATION OF THE LIEUTENANT GOVERNOR'S AUTHORITY

I, KEVIN MEYER, LIEUTENANT GOVERNOR OF THE STATE OF ALASKA, designate the following state employees to perform the Administrative Procedures Act filing functions of the Office of the Lieutenant Governor:

**Josh Applebee, Chief of Staff
Kady Levale, Notary Administrator
April Simpson, Regulations and Initiatives Specialist**

IN TESTIMONY WHEREOF, I have signed and affixed the Seal of the State of Alaska, in Juneau, on December 11th, 2018.



K. Meyer
.....

**KEVIN MEYER
LIEUTENANT GOVERNOR**

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Chapter 52. Board of Pharmacy.

(Words in **boldface and underlined** indicate language being added; words [CAPITALIZED AND BRACKETED] indicate language being deleted. Complete new sections are not in boldface or underlined.)

12 AAC 52.060 is amended by adding a new subsection to read:

12 AAC 52.060. Fire or other disaster.

...

(d) In this section, "other disaster" includes any disaster situation which causes a pharmacy the need to move to a temporary location or results in damage to the drug or device inventory. (Eff. 1/16/98, Register 145; am 4/3/2020, Register 234)

Authority: AS 08.80.005 AS 08.80.157 AS 08.80.330
AS 08.80.030

12 AAC 52.210 is amended to read:

12 AAC 52.210. Pharmacist duties. Except as provided in 12 AAC 52.220 **and 12 AAC 52.235**, the following duties may be performed only by a pharmacist:

(1) receiving an oral prescription drug order **from a practitioner or authorized agent of a practitioner;**

...

(6) [MAKING A FINAL CHECK ON ALL ASPECTS OF A COMPLETED PRESCRIPTION AND] assuming the responsibility for a filled prescription [, INCLUDING THE ACCURACY OF THE DRUG PRESCRIBED AND OF THE PRESCRIBED DRUG'S STRENGTH, LABELING, AND PROPER CONTAINER]; [AND]

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(7) consulting with a patient or a patient's agent regarding a prescription or information contained in the patient medication record system; **and**

(8) administer a prescription drug order in accordance with prescriber's

order. (Eff. 1/16/98, Register 145; am 7/9/2017, Register 223; am 4 / 3 / 2020, Register 234)

Authority: AS 08.80.005 AS 08.80.030 AS 08.80.330

12 AAC 52.220(e)(3) is repealed:

(e) A pharmacist supervising a pharmacist intern

...

(3) **repealed** 4 / 3 / 2020 [SHALL PHYSICALLY REVIEW

PRESCRIPTION DRUG ORDERS AND THE DISPENSED PRODUCT BEFORE DELIVERY OF A PRODUCT TO THE PATIENT OR THE PATIENT'S AGENT];

(Eff. 1/16/98, Register 145; am 1/17/2007, Register 181; am 10/31/2019, Register 232; am 4 / 3 / 2020, Register 234)

Authority: AS 08.80.005 AS 08.80.110 AS 08.80.410

AS 08.80.030 AS 08.80.116

12 AAC 52.230(a)(2) is amended to read:

(2) a supportive staff member assigned to work in the dispensing area of a pharmacy [, INCLUDING A CASHIER OR A BOOKKEEPER].

(Eff. 1/16/98, Register 145; am 4/4/2002, Register 162; am 1/23/2003, Register 165; am 4 / 3 / 2020, Register 234)

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Authority: AS 08.80.030 AS 08.80.480

12 AAC 52 is amended by adding a new section to read:

12 AAC 52.235. Pharmacy technician with national certification. (a) A pharmacy technician who holds a national certification and who works under the direct supervision of a pharmacist may

(1) perform a final check and distribute a non-controlled substance prescription if

(A) the pharmacy uses a bar code scanning and verification system that confirms the drug selected to fill the prescription is the same as indicated on the prescription label;

(B) the pharmacy uses software that displays the image or graphical description of the correct drug being verified; provided that if there is any deviation from the image or graphical description and actual product being dispensed, a pharmacist must review and dispense the order; and

(C) each prescription distributed is electronically verified and the date and quantity distributed is documented in the patient record;

(2) transfer a non-controlled substance prescription drug order as described in 12 AAC 52.500;

(3) clarify or obtain missing information from the practitioner or the practitioner's authorized agent on a non-controlled substance prescription drug order.

(b) Prescription drug order information clarifications under this subsection must have the following information documented on the prescription drug order

(1) the result of the clarification;

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- (2) the initials of the pharmacy technician who holds a national certification;
- (3) the name of the prescriber or authorized agent they spoke to; and
- (4) the date and time of the call.

(c) A pharmacy technician who holds a national certification may not sign or initial any document that is required to be signed or initialed by a pharmacist.

(d) In this section, a “bar code scanning and verification system” means any technology which scans the bar code on a manufacturer drug container to ensure the product being distributed matches the expectation of what was prescribed and input into the dispensing software. (Eff. 4 / 3 / 2020, Register 234)

Authority: AS 08.80.005 AS 08.80.030

12 AAC 52.300(c)(3) is amended to read:

(3) **an attestation** [DOCUMENTATION] that the applicant has met all continuing education requirements of 12 AAC 52.320 – 12 AAC 52.350;

12 AAC 52.300(c)(4) is repealed:

(4) **repealed** 4 / 3 / 2020 [IF SEEKING RENEWAL FOR A LICENSING PERIOD THAT BEGINS ON OR AFTER JULY 1, 2006, A COMPLETED JURISPRUDENCE QUESTIONNAIRE PREPARED BY THE BOARD, COVERING THE PROVISIONS OF AS 08.80 AND THIS CHAPTER]. (Eff. 1/16/98, Register 145; am 2/26/2000, Register 153; am 5/5/2000, Register 154; am 5/26/2006, Register 178; am 4 / 3 / 2020, Register 234)

Authority: AS 08.01.100 AS 08.80.030 AS 08.80.157
AS 08.80.005 AS 08.80.147 AS 08.80.165

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12 AAC 52 is amended by adding a new section to read:

12 AAC 52.446. Shared pharmacy services during emergency. (a) Notwithstanding 12 AAC 52.445, during a disaster emergency declared by the governor, a pharmacy participating in shared pharmacy services, or a pharmacist acting independently of a pharmacy and participating in shared pharmacy services, shall do so in accordance with this section.

(b) During a disaster emergency declared by the governor, a pharmacist, pharmacist intern, or pharmacy licensed or registered under AS 08.80 may participate in shared pharmacy services as defined in 12 AAC 52.995(33) without applying for approval under 12 AAC 52.443 and 12 AAC 52.444.

(c) Except as provided in (d) of this section, if a filling pharmacy or filling pharmacist or pharmacist intern delivers a prescription medication directly to the patient or the patient's agent, the filling pharmacy, pharmacist, or pharmacist intern shall provide, on the prescription container or on a separate sheet delivered with the prescription container the local telephone number and, if applicable, the toll-free telephone number of the filling pharmacy or filling pharmacist.

(d) The requirement of (c) of this section does not apply to prescription medication delivered to patients in facilities where a licensed health care professional is responsible for administering the prescription medication to the patient.

(e) A pharmacy participating in shared pharmacy services, or a pharmacist acting independently of a pharmacy and participating in shared pharmacy services, shall

(1) maintain manual or electronic records identifying, individually for each order processed, filled or dispensed

(A) the name, initials, or identification code of each pharmacist or pharmacist intern responsible for the final verification of dispensing; and

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(B) the patient, date, drug, strength, directions, and quantity dispensed.

(f) A pharmacy participating in shared pharmacy services which distributes prescription drug orders using a pharmacy technician who holds national certification shall maintain manual or electronic records identifying, individually for each order processed, filled or distributed

(1) the name, initials, or identification code of each pharmacy technician who holds a national certification; and

(2) the patient, date, drug, strength, directions, and quantity distributed.

(g) Nothing in this section prevents a pharmacist who is employed by or working under a contract with the pharmacy, or prevents a licensed pharmacist intern or pharmacy technician from accessing the electronic database of that pharmacy from inside or outside the pharmacy and processing a prescription drug order. (Eff. 4 / 3 / 2020, Register 234)

Authority: AS 08.80.005 AS 08.80.030

12 AAC 52.470(a) is repealed:

(a) **Repealed** 4 / 3 / 2020 [A PHARMACIST MAY DISPENSE A REFILL OF A PRESCRIPTION DRUG ORDER ONLY IN ACCORDANCE WITH THE PRESCRIBING PRACTITIONER'S AUTHORIZATION AS INDICATED ON THE PRESCRIPTION DRUG ORDER. IF THERE ARE NO REFILL INSTRUCTIONS ON THE PRESCRIPTION DRUG ORDER, OR IF ALL REFILLS AUTHORIZED ON THE ORIGINAL PRESCRIPTION DRUG ORDER HAVE BEEN DISPENSED, A PHARMACIST SHALL OBTAIN AUTHORIZATION FROM THE PRESCRIBING PRACTITIONER BEFORE DISPENSING A REFILL].

12 AAC 52.470(b) is repealed:

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(b) **Repealed** 4 / 3 / 2020 [A PHARMACIST MAY NOT DISPENSE A REFILL OF A PRESCRIPTION DRUG ORDER FOR A NONCONTROLLED SUBSTANCE AFTER ONE YEAR FROM THE DATE OF ISSUE OF THE ORIGINAL PRESCRIPTION DRUG ORDER].

12 AAC 52.470(c) is amended to read:

(c) Each time a prescription drug order refill is dispensed, the pharmacist **or pharmacist intern** shall record the **quantity and date of the dispensing** [REFILL ELECTRONICALLY OR ON THE BACK OF THE PRESCRIPTION DRUG ORDER BY LISTING THE DATE OF DISPENSING, THE WRITTEN INITIALS OR IDENTIFICATION CODE OF THE DISPENSING PHARMACIST, AND THE AMOUNT DISPENSED IF DIFFERENT FROM THE QUANTITY ON THE ORIGINAL PRESCRIPTION DRUG ORDER].

12 AAC 52.470(d) is amended to read:

(d) **A pharmacist or pharmacist intern** [IF AN ORIGINAL PRESCRIPTION DRUG ORDER IS PRESCRIBED AS A 30-DAY SUPPLY, THE PHARMACIST] may dispense **any quantity of a prescription drug order so long as** [UP TO A 100-DAY SUPPLY ON REFILLS IF] the

(1) total quantity of dosage units dispensed does not exceed the total quantity of dosage units authorized by the prescriber on the prescription, including refills; **and**

(2) drug is not a federal or state scheduled controlled substance [; AND

(3) THE PHARMACIST IS EXERCISING PROFESSIONAL JUDGMENT].

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12 AAC 52.470 is amended by adding new subsections to read:

(g) Under (d) of this section, if the total quantity of a drug or device to dispense on an existing, chronic, non-controlled substance prescription drug order has been exhausted and the pharmacist is unable to reach the practitioner, a pharmacist or pharmacist intern may continue to dispense a quantity not to exceed a 120-day supply. In this section,

(1) “existing” means the pharmacy has record of a previous prescription drug order or the pharmacist can validate the prescription drug order from another pharmacy or patient labelled product;

(2) “chronic” means a drug that the patient takes regularly, for greater than three months.

(h) Under (g) of this section, the pharmacist must

(1) reduce the patient’s prescription drug order to a written prescription drug order using the previously verified prescription drug order information and practitioner name;

(2) document “continuation of therapy”, “COT”, or words of similar meaning on the prescription drug order; and

(3) file and maintain the prescription in accordance with 12 AAC 52.450. (Eff. 1/16/98, Register 145; am 6/29/2018, Register 226; am 4/3/2020, Register 234)

Authority: AS 08.80.005 AS 08.80.030

12 AAC 52.480(4) is amended to read:

(4) initials, **which may be handwritten**, of the dispensing pharmacist **or pharmacist intern**;

(Eff. 1/16/98, Register 145; am 1/14/2004, Register 169; am 2/15/2006, Register 177; am

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4 / 3 / 2020, Register 234)

Authority: AS 08.80.005 AS 08.80.295 AS 08.80.480
AS 08.80.030

The introductory language of 12 AAC 52.490(a) is amended to read:

(a) Legend drug, **device**, and controlled substance prescriptions may be transmitted electronically under this section, consistent with state and federal laws. A pharmacist or pharmacist intern may dispense a prescription transmitted electronically under this section only if the prescribing practitioner includes the following information on the prescription before it is transmitted:

...

(Eff. 1/16/98, Register 145; am 11/10/2001, Register 160; am 8/12/2007, Register 183; am

4 / 3 / 2020, Register 234)

Authority: AS 08.80.005 AS 08.80.030

12 AAC 52.500(d)(1) is repealed:

(1) repealed 4 / 3 / 2020 [IF TRANSFERRED VERBALLY, THE TRANSFER SHALL BE COMMUNICATED DIRECTLY BETWEEN TWO LICENSED PHARMACISTS];

12 AAC 52.500(d)(3) is amended to read:

(3) the pharmacist, **pharmacist intern, or pharmacy technician who holds a national certification** transferring the prescription drug order information shall record the

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following information:

(A) the name, address, and if a controlled substance, the DEA registration number of the pharmacy receiving the prescription drug order information;

(B) the name of the pharmacist, pharmacist intern, or pharmacy technician who holds national certification receiving the prescription drug order information;

(C) the name of the pharmacist, pharmacist intern, or pharmacy technician who holds national certification transferring the prescription drug order information; and

(D) the date of the transfer;

12 AAC 52.500(d)(4) is amended to read:

(4) the pharmacist, pharmacist intern, or pharmacy technician who holds a national certification receiving the transferred prescription drug order information shall record the following information:

(A) the original date of issue [AND DATE OF DISPENSING, IF DIFFERENT FROM THE DATE OF ISSUE];

(B) the original unique identification number of the prescription [DRUG ORDER NUMBER AND THE NUMBER OF REFILLS AUTHORIZED ON THE ORIGINAL PRESCRIPTION DRUG ORDER];

(C) the quantity [NUMBER] of drug or device [VALID REFILLS] remaining [AND THE DATE OF THE LAST REFILL];

(D) the name, address, and if a controlled substance, the DEA registration

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number of the pharmacy transferring the prescription drug order information; and

(E) the name of the pharmacist, pharmacist intern, or pharmacy technician who holds a national certification transferring the prescription drug order information; and

12 AAC 52.500(d)(5) is amended to read:

(5) when a prescription drug order is transferred, the transferring pharmacy may not issue any further dispensing from that prescription drug order [REFILLS].

12 AAC 52.500(f)(2) is amended to read:

(2) to ensure that the total quantity dispensed from the prescription drug order does not exceed the total quantity authorized [NUMBER OF AUTHORIZED REFILLS IS NOT EXCEEDED].

(Eff. 1/16/98, Register 145; am 7/9/2017, Register 223; am 10/31/2019, Register 232; am

4 / 3 / 2020, Register 234)

Authority: AS 08.80.005 AS 08.80.030

The introductory language of 12 AAC 52.510(a) is amended to read:

(a) A pharmacist or pharmacist intern may dispense an equivalent drug product or interchangeable biological product instead of the prescribed drug if

...

12 AAC 52.510(a)(1) is amended to read:

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(1) the prescribing practitioner does not indicate on the prescription drug order that a specific brand must be dispensed, using language such as "brand medically necessary", "dispense as written", "do not substitute", or other similar wording **indicating the practitioner does not want it substituted;**

12 AAC 52.510 is amended by adding a new subsection to read:

(c) Nothing in this section prohibits a patient from requesting the original trade product instead of the substituted product so long as there is nothing on the prescription drug order from the prescriber that would indicate they want only the substituted product dispensed. (Eff. 1/16/98, Register 145; am 10/9/2008, Register 188; am 6/29/2018, Register 226; am 10/31/2019, Register 232; am 4 13 12020, Register 234)

Authority: AS 08.80.005 AS 08.80.030 AS 08.80.295

12 AAC 52.985(a) is amended to read:

(a) If, as a consequence of a [NATURAL] disaster or terrorist attack, a disaster emergency is declared by the governor under AS 26.23.020 which results in the inability to refill existing prescriptions, the board will cooperate with the state, borough, city, or town to assist in the provision of drugs, devices, and professional services to the public.

12 AAC 52.985(b) is amended to read:

(b) If, as a consequence of a [NATURAL] disaster or terrorist attack, a disaster emergency is declared by the governor of another state or territory, or a province of Canada which results in an individual being temporarily relocated to Alaska who is unable to refill an

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existing prescription, the board will assist in the provision of drugs, devices, and professional services to the relocated individual.

12 AAC 52.985(c) is repealed:

(c) **Repealed** 4 / 3 / 2020 [WHEN A DISASTER EMERGENCY HAS BEEN DECLARED, A PHARMACIST IN THE AREA OF THE DECLARED EMERGENCY MAY DISPENSE A ONE-TIME EMERGENCY REFILL PRESCRIPTION OF UP TO A 30-DAY SUPPLY OF A PRESCRIBED MEDICATION IF

(1) IN THE PHARMACIST'S PROFESSIONAL OPINION THE MEDICATION IS ESSENTIAL TO THE MAINTENANCE OF LIFE OR TO THE CONTINUATION OF THERAPY; AND

(2) THE PHARMACIST MAKES A GOOD FAITH EFFORT TO REDUCE THE PATIENT'S PRESCRIPTION DRUG INFORMATION TO A WRITTEN PRESCRIPTION MARKED "EMERGENCY PRESCRIPTION" AND THEN FILES AND MAINTAINS THE PRESCRIPTION IN ACCORDANCE WITH 12 AAC 52.450].

12 AAC 52.985(d) is repealed:

(d) **Repealed** 4 / 3 / 2020 [IF A DECLARED DISASTER EMERGENCY CONTINUES FOR MORE THAN 21 DAYS AFTER A PHARMACIST DISPENSES AN EMERGENCY PRESCRIPTION UNDER (c) OF THIS SECTION, THE PHARMACIST MAY DISPENSE ONE ADDITIONAL EMERGENCY REFILL PRESCRIPTION OF UP TO A 30-DAY SUPPLY OF THE PRESCRIBED MEDICATION].

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12 AAC 52.985 is amended by adding a new subsection to read:

(f) During a disaster emergency declared by the governor of this state

(1) a pharmacist or pharmacist intern may administer immunizations, in accordance with 12 AAC 52.992, without obtaining or maintaining a CPR certificate;

(2) the notice required under 12 AAC 52.150(a) need not be provided until 30 days after the date the governor determines the disaster emergency no longer exists;

(3) an application under 12 AAC 52.070, 12 AAC 52.092, 12 AAC 52.095, 12 AAC 52.120, 12 AAC 52.423, 12 AAC 52.610, 12 AAC 52.696, and 12 AAC 52.697 does not need to be notarized. (Eff. 10/31/2019, Register 232; am 4/3/2020, Register 234)

Authority: AS 08.80.005 AS 08.80.030

12 AAC 52.992(d) is amended to read:

(d) A pharmacist **or pharmacist intern** administering a vaccine must **offer** [PROVIDE] the patient or the patient's agent the current vaccine information statement (VIS) issued by the CDC for each vaccine administered.

(Eff. 7/9/2017, Register 223; am 4/3/2020, Register 234)

Authority: AS 08.01.075 AS 08.80.168 AS 08.80.480
AS 08.80.030 AS 08.80.261

12 AAC 52.995(a)(33) is amended to read:

(33) "shared pharmacy services" means a system allowing the processing by a participating pharmacist, **pharmacist intern, or pharmacy technician who holds a national certification,** or a pharmacy of a request from another participating pharmacist, **pharmacist**

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intern, or pharmacy technician who holds a national certification, or pharmacy to **enter or review a prescription drug order,** process or fill a prescription drug order, including dispensing **or distributing,** drug utilization review, claims adjudication, refill authorizations, therapeutic interventions, **counseling, monitoring of drug therapy,** and institutional order review;

12 AAC 52.995(a) is amended by adding a new paragraph to read:

(38) “pharmacy technician who holds a national certification” means a pharmacy technician, licensed by the board, who obtains and maintains an active national certification through the Pharmacy Technician Certification Board (PTCB) or the Institute for the Certification of Pharmacy Technicians (ICPT).

(Eff. 1/16/98, Register 145; am 5/5/2000, Register 154; am 11/10/2001, Register 160; am 8/21/2002, Register 163; am 2/15/2006, Register 177; am 8/12/2007, Register 183; am 9/11/2010, Register 195; am 12/29/2011, Register 200; am 8/1/2014, Register 211; am 6/7/2018, Register 226; am 10/31/2019, Register 232; am 4 1 3 1 2 0 2 0, Register 2 3 4)

Authority: AS 08.80.005 AS 08.80.159 AS 17.30.200
AS 08.80.030 AS 11.71.900 AS 17.30.900
AS 08.80.157