



Change of Ownership Information

According to the Texas Pharmacy Act, Section 560.101, a pharmacy license is not transferable or assignable. Therefore, if the entity that directly owns and operates the pharmacy changes, the new owner must obtain a new pharmacy license. A Change of Ownership Application must be submitted **within 10 days** of the effective date of the change. **NOTE:** A Change of Ownership may only be applied to a Pharmacy license in ACTIVE status.

ATTENTION: CLASS E/E-S NON-RESIDENT PHARMACIES

For Non-Resident (Class E or E-S pharmacies), note that the Texas pharmacy license is based on the pharmacy's license number in the resident state. Therefore, if the resident Board of Pharmacy considers a transaction to be a Change of Ownership and issues the pharmacy a new license number, the Texas State Board of Pharmacy will also require submission of a Change of Ownership Application to issue a new license number. If the resident state does not consider the transaction to be a Change of Ownership, it may still meet the criteria for a Change of Ownership in Texas if it meets one of the criteria below.

Generally, a Change of Ownership takes place when one of the following occurs:

- A Sole Proprietorship (Individual Owned) incorporates or changes to a Partnership.
- A Partnership incorporates or dissolves into a Sole Proprietorship.
- A Corporation dissolves and changes its status to a Partnership or Sole Proprietorship.
- A Sole Proprietorship, Partnership, or Corporation sells or transfers the ownership to another Sole Proprietorship, Partnership or Corporation.

For pharmacies located in Texas, a Change of Ownership does NOT occur when the Corporation converts to another type of Business Entity, in accordance with the Texas Business Organization Code.

Additionally, if the pharmacy is located in Texas, a change of ownership does not occur when a corporation or LLC sells stock to another person, or changes officers and the same entity continues as the owner of the pharmacy license (i.e. no change to FEIN). However, this may result in a Change of Managing Officer. Managing Officers are defined as the top four executive officers of the entity that owns and operates the pharmacy. If a Change of Managing Officer has occurred, the [Change of Managing Officer Form \(LIC-021A\)](#) must be submitted within 10 days of the change.

If you are unsure whether your pharmacy has undergone a Change of Ownership, you may email the Pharmacy Licensing Team at pharmacies@pharmacy.texas.gov or by calling (512) 305-8021 with specific details regarding the type of transaction that occurred.

Important Information Regarding Controlled Substances

When the pharmacy is issued a new pharmacy license number, they must obtain a new registration from the [Drug Enforcement Agency \(DEA\)](#). Applicants should reach out to the DEA directly for their requirements regarding a Change of Ownership.

All controlled substance records of the previous pharmacy owner must be transferred to the new owner. The previous owner is responsible for the accuracy of the records prior to the date of transfer, but the new owner is responsible for the custody and maintenance of the records. All records must be maintained for 2 years from the date of the sale.

Pharmacies that have a DEA Number are required to report to the Texas Prescription Monitoring Clearinghouse. For more information visit: <https://www.pharmacy.texas.gov/PMP/> or send inquiries to texasmpmp@pharmacy.texas.gov

See the next page for the Change of Ownership Checklist.



Change of Ownership Application Checklist

Submit this page as a cover page and a checklist for the Change of Ownership Application. Failure to submit the required documentation will result in a delay of licensure. **KEEP COPIES OF ALL ITEMS FOR YOUR OWN RECORDS.**

Change of Ownership Applicants must submit the following items:

- ☐ **Bill of Sale:** The legal document that transfers the ownership of the pharmacy. This document must specifically address the transfer of the drug inventory and patient records. The seller's information must match the current ownership information for the pharmacy license in TSBP Records and the buyer's information must match the information provided in the New Pharmacy Application.
- ☐ **Current Pharmacy License:** Return the hardcopy pharmacy license certificate with the application. A copy of the completed pharmacy application should be retained in the pharmacy to show proof of licensure during the transition period.
 - a. If the Current Pharmacy License has been lost or destroyed, a written statement should be submitted outlining the circumstances in which the license was lost or destroyed. This statement should be signed by a managing officer or the pharmacist-in-charge.
- ☐ **New Pharmacy License Application Packet:** The new owner of the pharmacy must submit the all items listed on the application checklist for the appropriate class of pharmacy. All new pharmacy license applications can be found at: <https://www.pharmacy.texas.gov/applicants/pharmacy-forms-and-instructions.asp>

Pharmacies providing remote pharmacy services will need to submit new Remote Applications for each remote site. These applications are found at: <https://www.pharmacy.texas.gov/licensees/add-remote-pharm-services.asp>