

**RESEARCH USING PHARMACEUTICALS**

2013 GENERAL SESSION

STATE OF UTAH

---

---

**LONG TITLE**

**General Description:**

This bill amends the Pharmacy Practice Act.

**Highlighted Provisions:**

This bill:

- ▶ defines "research using pharmaceuticals";
- ▶ exempts research using pharmaceuticals from licensure to engage in the practice of pharmacy, telepharmacy, or the practice of a pharmacy technician;
- ▶ exempts research using pharmaceuticals from licensure to act as a pharmacy; and
- ▶ makes technical corrections.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

AMENDS:

**58-17b-102**, as last amended by Laws of Utah 2012, Chapters 265 and 320

**58-17b-301**, as enacted by Laws of Utah 2004, Chapter 280

**58-17b-302**, as last amended by Laws of Utah 2007, Chapter 279

**58-17b-612**, as last amended by Laws of Utah 2010, Chapter 101

ENACTS:

**58-17b-309.6**, Utah Code Annotated 1953

---

---

*Be it enacted by the Legislature of the state of Utah:*

Section 1. Section **58-17b-102** is amended to read:

**58-17b-102. Definitions.**

In addition to the definitions in Section 58-1-102, as used in this chapter:

- (1) "Administering" means:

33 (a) the direct application of a prescription drug or device, whether by injection,  
34 inhalation, ingestion, or by any other means, to the body of a human patient or research subject  
35 by another person; or

36 (b) the placement by a veterinarian with the owner or caretaker of an animal or group  
37 of animals of a prescription drug for the purpose of injection, inhalation, ingestion, or any other  
38 means directed to the body of the animal by the owner or caretaker in accordance with written  
39 or verbal directions of the veterinarian.

40 (2) "Adulterated drug or device" means a drug or device considered adulterated under  
41 21 U.S.C.S. Sec. 351 (2003).

42 (3) (a) "Analytical laboratory" means a facility in possession of prescription drugs for  
43 the purpose of analysis.

44 (b) "Analytical laboratory" does not include a laboratory possessing prescription drugs  
45 used as standards and controls in performing drug monitoring or drug screening analysis if the  
46 prescription drugs are prediluted in a human or animal body fluid, human or animal body fluid  
47 components, organic solvents, or inorganic buffers at a concentration not exceeding one  
48 milligram per milliliter when labeled or otherwise designated as being for in vitro diagnostic  
49 use.

50 (4) "Animal euthanasia agency" means an agency performing euthanasia on animals by  
51 the use of prescription drugs.

52 (5) "Automated pharmacy systems" includes mechanical systems which perform  
53 operations or activities, other than compounding or administration, relative to the storage,  
54 packaging, dispensing, or distribution of medications, and which collect, control, and maintain  
55 all transaction information.

56 (6) "Beyond use date" means the date determined by a pharmacist and placed on a  
57 prescription label at the time of dispensing that indicates to the patient or caregiver a time  
58 beyond which the contents of the prescription are not recommended to be used.

59 (7) "Board of pharmacy" or "board" means the Utah State Board of Pharmacy created  
60 in Section 58-17b-201.

61 (8) "Branch pharmacy" means a pharmacy or other facility in a rural or medically  
62 underserved area, used for the storage and dispensing of prescription drugs, which is dependent  
63 upon, stocked by, and supervised by a pharmacist in another licensed pharmacy designated and

64 approved by the division as the parent pharmacy.

65 (9) "Centralized prescription processing" means the processing by a pharmacy of a  
66 request from another pharmacy to fill or refill a prescription drug order or to perform  
67 processing functions such as dispensing, drug utilization review, claims adjudication, refill  
68 authorizations, and therapeutic interventions.

69 (10) "Class A pharmacy" means a pharmacy located in Utah that is authorized as a  
70 retail pharmacy to compound or dispense a drug or dispense a device to the public under a  
71 prescription order.

72 (11) "Class B pharmacy":

73 (a) means a pharmacy located in Utah:

74 (i) that is authorized to provide pharmaceutical care for patients in an institutional  
75 setting; and

76 (ii) whose primary purpose is to provide a physical environment for patients to obtain  
77 health care services; and

78 (b) (i) includes closed-door, hospital, clinic, nuclear, and branch pharmacies; and

79 (ii) pharmaceutical administration and sterile product preparation facilities.

80 (12) "Class C pharmacy" means a pharmacy located in Utah that is authorized to  
81 engage in the manufacture, production, wholesale, or distribution of drugs or devices.

82 (13) "Class D pharmacy" means a nonresident pharmacy.

83 (14) "Class E pharmacy" means all other pharmacies.

84 (15) "Closed-door pharmacy" means a pharmacy that provides pharmaceutical care to a  
85 defined and exclusive group of patients who have access to the services of the pharmacy  
86 because they are treated by or have an affiliation with a specific entity, including a health  
87 maintenance organization or an infusion company, but not including a hospital pharmacy, a  
88 retailer of goods to the general public, or the office of a practitioner.

89 (16) "Collaborative pharmacy practice" means a practice of pharmacy whereby one or  
90 more pharmacists have jointly agreed, on a voluntary basis, to work in conjunction with one or  
91 more practitioners under protocol whereby the pharmacist may perform certain pharmaceutical  
92 care functions authorized by the practitioner or practitioners under certain specified conditions  
93 or limitations.

94 (17) "Collaborative pharmacy practice agreement" means a written and signed

95 agreement between one or more pharmacists and one or more practitioners that provides for  
96 collaborative pharmacy practice for the purpose of drug therapy management of patients and  
97 prevention of disease of human subjects.

98 (18) (a) "Compounding" means the preparation, mixing, assembling, packaging, or  
99 labeling of a limited quantity drug, sterile product, or device:

100 (i) as the result of a practitioner's prescription order or initiative based on the  
101 practitioner, patient, or pharmacist relationship in the course of professional practice;

102 (ii) for the purpose of, or as an incident to, research, teaching, or chemical analysis and  
103 not for sale or dispensing; or

104 (iii) in anticipation of prescription drug orders based on routine, regularly observed  
105 prescribing patterns.

106 (b) "Compounding" does not include:

107 (i) the preparation of prescription drugs by a pharmacist or pharmacy intern for sale to  
108 another pharmacist or pharmaceutical facility;

109 (ii) the preparation by a pharmacist or pharmacy intern of any prescription drug in a  
110 dosage form which is regularly and commonly available from a manufacturer in quantities and  
111 strengths prescribed by a practitioner; or

112 (iii) the preparation of a prescription drug, sterile product, or device which has been  
113 withdrawn from the market for safety reasons.

114 (19) "Confidential information" has the same meaning as "protected health  
115 information" under the Standards for Privacy of Individually Identifiable Health Information,  
116 45 C.F.R. Parts 160 and 164.

117 (20) "Controlled substance" has the same definition as in Section 58-37-2.

118 (21) "Dietary supplement" has the same meaning as Public Law Title 103, Chapter  
119 417, Sec. 3a(ff) which is incorporated by reference.

120 (22) "Dispense" means the interpretation, evaluation, and implementation of a  
121 prescription drug order or device or nonprescription drug or device under a lawful order of a  
122 practitioner in a suitable container appropriately labeled for subsequent administration to or use  
123 by a patient, research subject, or an animal.

124 (23) "Distribute" means to deliver a drug or device other than by administering or  
125 dispensing.

126 (24) (a) "Drug" means:

127 (i) a substance recognized in the official United States Pharmacopoeia, Official  
128 Homeopathic Pharmacopoeia of the United States, or Official National Formulary, or any  
129 supplement to any of them, intended for use in the diagnosis, cure, mitigation, treatment, or  
130 prevention of disease in humans or animals;

131 (ii) a substance that is required by any applicable federal or state law or rule to be  
132 dispensed by prescription only or is restricted to administration by practitioners only;

133 (iii) a substance other than food intended to affect the structure or any function of the  
134 body of humans or other animals; and

135 (iv) substances intended for use as a component of any substance specified in  
136 Subsections (24)(a)(i), (ii), (iii), and (iv).

137 (b) "Drug" does not include dietary supplements.

138 (25) "Drug product equivalent" means a drug product that is designated as the  
139 therapeutic equivalent of another drug product in the Approved Drug Products with  
140 Therapeutic Equivalence Evaluations prepared by the Center for Drug Evaluation and Research  
141 of the Federal Food and Drug Administration.

142 (26) "Drug regimen review" includes the following activities:

143 (a) evaluation of the prescription drug order and patient record for:

144 (i) known allergies;

145 (ii) rational therapy-contraindications;

146 (iii) reasonable dose and route of administration; and

147 (iv) reasonable directions for use;

148 (b) evaluation of the prescription drug order and patient record for duplication of  
149 therapy;

150 (c) evaluation of the prescription drug order and patient record for the following  
151 interactions:

152 (i) drug-drug;

153 (ii) drug-food;

154 (iii) drug-disease; and

155 (iv) adverse drug reactions; and

156 (d) evaluation of the prescription drug order and patient record for proper utilization,

157 including over- or under-utilization, and optimum therapeutic outcomes.

158 (27) "Drug sample" means a prescription drug packaged in small quantities consistent  
159 with limited dosage therapy of the particular drug, which is marked "sample", is not intended to  
160 be sold, and is intended to be provided to practitioners for the immediate needs of patients for  
161 trial purposes or to provide the drug to the patient until a prescription can be filled by the  
162 patient.

163 (28) "Electronic signature" means a trusted, verifiable, and secure electronic sound,  
164 symbol, or process attached to or logically associated with a record and executed or adopted by  
165 a person with the intent to sign the record.

166 (29) "Electronic transmission" means transmission of information in electronic form or  
167 the transmission of the exact visual image of a document by way of electronic equipment.

168 (30) "Extern" means a college of pharmacy student enrolled in a college coordinated  
169 practical experience program in a health care setting under the supervision of a preceptor, as  
170 defined in this act, and approved by a college of pharmacy.

171 (31) "Hospital pharmacy" means a pharmacy providing pharmaceutical care to  
172 inpatients of a general acute hospital or specialty hospital licensed by the Department of Health  
173 under Title 26, Chapter 21, Health Care Facility Licensing and Inspection Act.

174 (32) "Legend drug" has the same meaning as prescription drug.

175 (33) "Licensed pharmacy technician" means an individual licensed with the division,  
176 that may, under the supervision of a pharmacist, perform the activities involved in the  
177 technician practice of pharmacy.

178 (34) "Manufacturer" means a person or business physically located in Utah licensed to  
179 be engaged in the manufacturing of drugs or devices.

180 (35) (a) "Manufacturing" means:

181 (i) the production, preparation, propagation, conversion, or processing of a drug or  
182 device, either directly or indirectly, by extraction from substances of natural origin or  
183 independently by means of chemical or biological synthesis, or by a combination of extraction  
184 and chemical synthesis, and includes any packaging or repackaging of the substance or labeling  
185 or relabeling of its container; and

186 (ii) the promotion and marketing of such drugs or devices.

187 (b) "Manufacturing" includes the preparation and promotion of commercially available

188 products from bulk compounds for resale by pharmacies, practitioners, or other persons.

189 (c) "Manufacturing" does not include the preparation or compounding of a drug by a  
190 pharmacist, pharmacy intern, or practitioner for that individual's own use or the preparation,  
191 compounding, packaging, labeling of a drug, or incident to research, teaching, or chemical  
192 analysis.

193 (36) "Medical order" means a lawful order of a practitioner which may include a  
194 prescription drug order.

195 (37) "Medication profile" or "profile" means a record system maintained as to drugs or  
196 devices prescribed for a pharmacy patient to enable a pharmacist or pharmacy intern to analyze  
197 the profile to provide pharmaceutical care.

198 (38) "Misbranded drug or device" means a drug or device considered misbranded under  
199 21 U.S.C.S. Sec. 352 (2003).

200 (39) (a) "Nonprescription drug" means a drug which:

201 (i) may be sold without a prescription; and

202 (ii) is labeled for use by the consumer in accordance with federal law.

203 (b) "Nonprescription drug" includes homeopathic remedies.

204 (40) "Nonresident pharmacy" means a pharmacy located outside of Utah that sells to a  
205 person in Utah.

206 (41) "Nuclear pharmacy" means a pharmacy providing radio-pharmaceutical service.

207 (42) "Out-of-state mail service pharmacy" means a pharmaceutical facility located  
208 outside the state that is licensed and in good standing in another state, that:

209 (a) ships, mails, or delivers by any lawful means a dispensed legend drug to a patient in  
210 this state pursuant to a lawfully issued prescription;

211 (b) provides information to a patient in this state on drugs or devices which may  
212 include, but is not limited to, advice relating to therapeutic values, potential hazards, and uses;  
213 or

214 (c) counsels pharmacy patients residing in this state concerning adverse and therapeutic  
215 effects of drugs.

216 (43) "Patient counseling" means the written and oral communication by the pharmacist  
217 or pharmacy intern of information, to the patient or caregiver, in order to ensure proper use of  
218 drugs, devices, and dietary supplements.

219 (44) "Pharmaceutical administration facility" means a facility, agency, or institution in  
220 which:

221 (a) prescription drugs or devices are held, stored, or are otherwise under the control of  
222 the facility or agency for administration to patients of that facility or agency;

223 (b) prescription drugs are dispensed to the facility or agency by a licensed pharmacist  
224 or pharmacy intern with whom the facility has established a prescription drug supervising  
225 relationship under which the pharmacist or pharmacy intern provides counseling to the facility  
226 or agency staff as required, and oversees drug control, accounting, and destruction; and

227 (c) prescription drugs are professionally administered in accordance with the order of a  
228 practitioner by an employee or agent of the facility or agency.

229 (45) (a) "Pharmaceutical care" means carrying out the following in collaboration with a  
230 prescribing practitioner, and in accordance with division rule:

231 (i) designing, implementing, and monitoring a therapeutic drug plan intended to  
232 achieve favorable outcomes related to a specific patient for the purpose of curing or preventing  
233 the patient's disease;

234 (ii) eliminating or reducing a patient's symptoms; or

235 (iii) arresting or slowing a disease process.

236 (b) "Pharmaceutical care" does not include prescribing of drugs without consent of a  
237 prescribing practitioner.

238 (46) "Pharmaceutical facility" means a business engaged in the dispensing, delivering,  
239 distributing, manufacturing, or wholesaling of prescription drugs or devices within or into this  
240 state.

241 (47) (a) "Pharmaceutical wholesaler or distributor" means a pharmaceutical facility  
242 engaged in the business of wholesale vending or selling of any prescription drug or device to  
243 other than the consumer or user of the prescription drug or device, which the pharmaceutical  
244 facility has not produced, manufactured, compounded, or dispensed.

245 (b) "Pharmaceutical wholesaler or distributor" does not include a pharmaceutical  
246 facility carrying out the following business activities:

247 (i) intracompany sales;

248 (ii) the sale, purchase, or trade of a prescription drug or device, or offer to sell,  
249 purchase or trade a prescription drug or device between hospitals or other health care facilities

250 that are under common ownership or control of the management and operation of the facilities;

251 (iii) the sale, purchase, or trade of a prescription drug or device, or offer to sell,  
252 purchase, or trade a prescription drug or device for emergency medical reasons, or to supply  
253 another pharmaceutical facility to alleviate a temporary shortage; or

254 (iv) the distribution of a prescription drug or device as a sample by representatives of a  
255 manufacturer.

256 (48) "Pharmacist" means an individual licensed by this state to engage in the practice  
257 of pharmacy.

258 (49) "Pharmacist-in-charge" means a pharmacist currently licensed in good standing  
259 who accepts responsibility for the operation of a pharmacy in conformance with all laws and  
260 rules pertinent to the practice of pharmacy and the distribution of drugs, and who is personally  
261 in full and actual charge of the pharmacy and all personnel.

262 (50) "Pharmacist preceptor" means a licensed pharmacist in good standing with one or  
263 more years of licensed experience. The preceptor serves as a teacher, example of professional  
264 conduct, and supervisor of interns in the professional practice of pharmacy.

265 (51) "Pharmacy" means any place where:

266 (a) drugs are dispensed;

267 (b) pharmaceutical care is provided;

268 (c) drugs are processed or handled for eventual use by a patient; or

269 (d) drugs are used for the purpose of analysis or research.

270 (52) "Pharmacy benefits manager or coordinator" means a person or entity that  
271 provides pharmacy benefit management services as defined in Section 49-20-502 on behalf of a  
272 self-insured employer, insurance company, health maintenance organization, or other plan  
273 sponsor, as defined by rule.

274 (53) "Pharmacy intern" means an individual licensed by this state to engage in practice  
275 as a pharmacy intern.

276 (54) "Pharmacy technician training program" means an approved technician training  
277 program providing education for pharmacy technicians.

278 (55) (a) "Practice as a licensed pharmacy technician" means engaging in practice as a  
279 pharmacy technician under the general supervision of a licensed pharmacist and in accordance  
280 with a scope of practice defined by division rule made in collaboration with the board.

- 281 (b) "Practice as a licensed pharmacy technician" does not include:
- 282 (i) performing a drug utilization review, prescription drug order clarification from a  
283 prescriber, final review of the prescription and prescribed drug prepared for dispensing,  
284 dispensing of the drug, or counseling a patient with respect to a prescription drug;
- 285 (ii) counseling regarding nonprescription drugs and dietary supplements unless  
286 delegated by the supervising pharmacist; or
- 287 (iii) receiving new prescription drug orders when communicating telephonically or  
288 electronically unless the original information is recorded so the pharmacist may review the  
289 prescription drug order as transmitted.
- 290 (56) "Practice of pharmacy" includes the following:
- 291 (a) providing pharmaceutical care;
- 292 (b) collaborative pharmacy practice in accordance with a collaborative pharmacy  
293 practice agreement;
- 294 (c) compounding, packaging, labeling, dispensing, administering, and the coincident  
295 distribution of prescription drugs or devices, provided that the administration of a prescription  
296 drug or device is:
- 297 (i) pursuant to a lawful order of a practitioner when one is required by law; and  
298 (ii) in accordance with written guidelines or protocols:
- 299 (A) established by the licensed facility in which the prescription drug or device is to be  
300 administered on an inpatient basis; or
- 301 (B) approved by the division, in collaboration with the board and the Physicians  
302 Licensing Board, created in Section 58-67-201, if the prescription drug or device is to be  
303 administered on an outpatient basis solely by a licensed pharmacist;
- 304 (d) participating in drug utilization review;
- 305 (e) ensuring proper and safe storage of drugs and devices;
- 306 (f) maintaining records of drugs and devices in accordance with state and federal law  
307 and the standards and ethics of the profession;
- 308 (g) providing information on drugs or devices, which may include advice relating to  
309 therapeutic values, potential hazards, and uses;
- 310 (h) providing drug product equivalents;
- 311 (i) supervising pharmacist's supportive personnel, pharmacy interns, and pharmacy

312 technicians;

313 (j) providing patient counseling, including adverse and therapeutic effects of drugs;

314 (k) providing emergency refills as defined by rule;

315 (l) telepharmacy; and

316 (m) formulary management intervention.

317 (57) "Practice of telepharmacy" means the practice of pharmacy through the use of  
318 telecommunications and information technologies.

319 (58) "Practice of telepharmacy across state lines" means the practice of pharmacy  
320 through the use of telecommunications and information technologies that occurs when the  
321 patient is physically located within one jurisdiction and the pharmacist is located in another  
322 jurisdiction.

323 (59) "Practitioner" means an individual currently licensed, registered, or otherwise  
324 authorized by the appropriate jurisdiction to prescribe and administer drugs in the course of  
325 professional practice.

326 (60) "Prescribe" means to issue a prescription:

327 (a) orally or in writing; or

328 (b) by telephone, facsimile transmission, computer, or other electronic means of  
329 communication as defined by division rule.

330 (61) "Prescription" means an order issued:

331 (a) by a licensed practitioner in the course of that practitioner's professional practice or  
332 by collaborative pharmacy practice agreement; and

333 (b) for a controlled substance or other prescription drug or device for use by a patient  
334 or an animal.

335 (62) "Prescription device" means an instrument, apparatus, implement, machine,  
336 contrivance, implant, in vitro reagent, or other similar or related article, and any component  
337 part or accessory, which is required under federal or state law to be prescribed by a practitioner  
338 and dispensed by or through a person or entity licensed under this chapter or exempt from  
339 licensure under this chapter.

340 (63) "Prescription drug" means a drug that is required by federal or state law or rule to  
341 be dispensed only by prescription or is restricted to administration only by practitioners.

342 (64) "Research using pharmaceuticals" means research:

343 (a) conducted in a research facility, as defined by division rule, that is associated with a  
344 university or college in the state accredited by the Northwest Commission on Colleges and  
345 Universities;

346 (b) requiring the use of a controlled substance, prescription drug, or prescription  
347 device;

348 (c) that uses the controlled substance, prescription drug, or prescription device in  
349 accordance with standard research protocols and techniques, including, if required, those  
350 approved by an institutional review committee; and

351 (d) that includes any documentation required for the conduct of the research and the  
352 handling of the controlled substance, prescription drug, or prescription device.

353 ~~[(64)]~~ (65) "Retail pharmacy" means a pharmaceutical facility dispensing prescription  
354 drugs and devices to the general public.

355 ~~[(65)]~~ (66) "Self-audit" means an internal evaluation of a pharmacy to determine  
356 compliance with this chapter.

357 ~~[(66)]~~ (67) "Supervising pharmacist" means a pharmacist who is overseeing the  
358 operation of the pharmacy during a given day or shift.

359 ~~[(67)]~~ (68) "Supportive personnel" means unlicensed individuals who:

360 (a) may assist a pharmacist, pharmacist preceptor, pharmacy intern, or licensed  
361 pharmacy technician in nonjudgmental duties not included in the definition of the practice of  
362 pharmacy, practice of a pharmacy intern, or practice of a licensed pharmacy technician, and as  
363 those duties may be further defined by division rule adopted in collaboration with the board;  
364 and

365 (b) are supervised by a pharmacist in accordance with rules adopted by the division in  
366 collaboration with the board.

367 ~~[(68)]~~ (69) "Unlawful conduct" is as defined in Sections 58-1-501 and 58-17b-501.

368 ~~[(69)]~~ (70) "Unprofessional conduct" is as defined in Sections 58-1-501 and  
369 58-17b-502 and may be further defined by rule.

370 ~~[(70)]~~ (71) "Veterinary pharmaceutical facility" means a pharmaceutical facility that  
371 dispenses drugs intended for use by animals or for sale to veterinarians for the administration  
372 for animals.

373 Section 2. Section **58-17b-301** is amended to read:

374           **58-17b-301. License required -- License classifications for individuals.**

375           (1) A license is required to engage in the practice of pharmacy, telepharmacy, or the  
376 practice of a pharmacy technician, except as specifically provided in Section 58-1-307 [~~or~~],  
377 58-17b-309, or 58-17-309.6.

378           (2) The division shall issue to an individual who qualifies under this chapter a license  
379 in the classification of:

- 380           (a) pharmacist;
- 381           (b) pharmacy intern; or
- 382           (c) pharmacy technician.

383           Section 3. Section **58-17b-302** is amended to read:

384           **58-17b-302. License required -- License classifications for pharmacy facilities.**

385           (1) A license is required to act as a pharmacy, except as specifically exempted from  
386 licensure under Section 58-1-307 or 58-17-309.6.

387           (2) The division shall issue a pharmacy license to a facility that qualifies under this  
388 chapter in the classification of a:

- 389           (a) class A pharmacy;
- 390           (b) class B pharmacy;
- 391           (c) class C pharmacy;
- 392           (d) class D pharmacy; or
- 393           (e) class E pharmacy.

394           (3) Each place of business shall require a separate license. If multiple pharmacies exist  
395 at the same address, a separate license shall be required for each pharmacy.

396           (4) The division may further define or supplement the classifications of pharmacies.  
397 The division may impose restrictions upon classifications to protect the public health, safety,  
398 and welfare.

399           (5) Each pharmacy shall have a pharmacist-in-charge, except as otherwise provided by  
400 rule.

401           (6) Whenever an applicable statute or rule requires or prohibits action by a pharmacy,  
402 the pharmacist-in-charge and the owner of the pharmacy shall be responsible for all activities  
403 of the pharmacy, regardless of the form of the business organization.

404           Section 4. Section **58-17b-309.6** is enacted to read:

405 **58-17b-309.6. Exemptions from licensure for research using pharmaceuticals.**

406 Research using pharmaceuticals, as defined in Subsection 58-17b-102(64) is exempt  
407 from licensure under Sections 58-17b-301 and 58-17b-302.

408 Section 5. Section **58-17b-612** is amended to read:

409 **58-17b-612. Supervision -- Pharmacist-in-charge.**

410 (1) (a) Any pharmacy, except a wholesaler, distributor, out-of-state mail service  
411 pharmacy, or class E pharmacy, shall be under the general supervision of at least one  
412 pharmacist licensed to practice in Utah. One pharmacist licensed in Utah shall be designated  
413 as the pharmacist-in-charge, whose responsibility it is to oversee the operation of the pharmacy.

414 (b) Notwithstanding Subsection 58-17b-102[~~(66)~~](67), a supervising pharmacist does  
415 not have to be in the pharmacy or care facility but shall be available via a telepharmacy system  
416 for immediate contact with the supervised pharmacy technician or pharmacy intern if:

417 (i) the pharmacy is located in:

418 (A) a remote rural hospital, as defined in Section 26-21-13.6; or

419 (B) a clinic located in a remote rural county with less than 20 people per square mile;

420 (ii) the supervising pharmacist described in Subsection (1)(a) is not available; and

421 (iii) the telepharmacy system maintains records and files quarterly reports as required  
422 by division rule to assure that patient safety is not compromised.

423 (2) Each out-of-state mail service pharmacy shall designate and identify to the division  
424 a pharmacist holding a current license in good standing issued by the state in which the  
425 pharmacy is located and who serves as the pharmacist-in-charge for all purposes under this  
426 chapter.