

Superseded 5/10/2016

58-17b-503 Exception to unprofessional conduct.

(1) For purposes of this section:

- (a) "Licensed intermediate care facility for people with an intellectual disability" means an intermediate care facility for people with an intellectual disability that is licensed as a nursing care facility or a small health care facility under Title 26, Chapter 21, Health Care Facility Licensing and Inspection Act.
- (b) "Nursing care facility" has the same definition as in Section 26-21-2.
- (c) "Unit pack" means a tamper-resistant nonreusable single-dose single-drug package with identification that indicates the lot number and expiration date for the drug.

(2) Notwithstanding the provisions of Subsection 58-17b-502(5), a pharmacist may accept back and redistribute any unused drug, or a part of it, after it has left the premises of the pharmacy if:

- (a) the drug was prescribed to a patient in a nursing care facility, a licensed intermediate care facility for people with an intellectual disability, or state prison facility, county jail, or state hospital;
- (b) the drug was stored under the supervision of a licensed health care provider according to manufacturer recommendations;
- (c) the drug is in a unit pack or in the manufacturer's sealed container;
- (d) the drug was returned to the original dispensing pharmacy;
- (e) the drug was initially dispensed by a licensed pharmacist or licensed pharmacy intern; and
- (f) accepting back and redistribution of the drug complies with Federal Food and Drug Administration and Drug Enforcement Administration regulations.