

Senator Curtis S. Bramble proposes the following substitute bill:

ONLINE PHARMACY AMENDMENTS

2015 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Curtis S. Bramble

House Sponsor: Michael S. Kennedy

LONG TITLE

General Description:

This bill amends the Online Prescribing, Dispensing, and Facilitation Licensing Act.

Highlighted Provisions:

This bill:

- ▶ amends certain provisions related to online prescribing and dispensing of drugs;
- ▶ amends the definition of "unprofessional conduct"; and
- ▶ deletes outdated, transitional language.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

58-83-306, as enacted by Laws of Utah 2010, Chapter 180

58-83-502, as last amended by Laws of Utah 2014, Chapter 72

REPEALS:

58-83-304, as enacted by Laws of Utah 2010, Chapter 180



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

27 Section 1. Section **58-83-306** is amended to read:

28 **58-83-306. Drugs approved for online prescribing, dispensing, and facilitation --**
 29 **Delivery of prescription drugs.**

30 (1) An online prescriber may only prescribe, an online contract pharmacy may only
 31 dispense, and an Internet facilitator may only facilitate the prescribing and dispensing of,
 32 non-controlled, legend drugs [~~that have been~~]:

33 (a) that have been approved by the Food and Drug Administration;

34 (b) that are prescribed to treat the condition for which the drug was approved[~~;~~and],
 35 within the drug manufacturer's guidelines;

36 (c) that are specifically approved by the division for online prescribing by
 37 administrative rule adopted in accordance with Title 63G, Chapter 3, Utah Administrative
 38 Rulemaking Act[~~;~~];

39 (d) that are prescribed for a person who is:

40 (i) 18 years of age or older; ~~or~~

41 (ii) at least 16 years of age ~~;~~ ;

41a (A) if permitted by the state or country in which the patient will
 42 receive the drug; ~~or~~

43 ~~—— (iii) at least 16 years of age and~~

43a (B) with parental consent, if required by the state or
 44 country in which the patient will receive the drug; and

44a ~~or~~ (C) only if the prescription is for a hormonal based contraceptive; and

45 (e) to a person who is located in another country, if the country is designated by the
 46 division, by administrative rule, as a country with a regulatory framework for prescribing and
 47 dispensing of drugs.

48 (2) If, after January 1, 2010, the Food and Drug Administration issues a clinical black
 49 box warning with respect to any drug approved by the board under Subsection (1), the division
 50 shall determine what action, if any, is necessary to protect the public health or welfare as a
 51 result of the black box warning.

52 Section 2. Section **58-83-502** is amended to read:

53 **58-83-502. Unprofessional conduct.**

54 "Unprofessional conduct" includes, in addition to the definition in Section **58-1-501** and
 55 as may be further defined by administrative rule:

56 (1) except as provided in Section **58-83-306**, online prescribing, dispensing, or

57 facilitation with respect to a person under the age of 18 years;

58 (2) using the name or official seal of the state, the Utah Department of Commerce, or
59 the Utah Division of Occupational and Professional Licensing, or their boards, in an
60 unauthorized manner;

61 (3) failing to respond promptly to a request by the division for information including:

62 (a) an audit of the website; or

63 (b) records of the online prescriber, the Internet facilitator, or the online contract
64 pharmacy;

65 (4) using an online prescriber, online contract pharmacy, or Internet facilitator without
66 approval of the division;

67 (5) failing to inform a patient of the patient's freedom of choice in selecting who will
68 dispense a prescription in accordance with Subsection 58-83-305(1)(n);

69 (6) failing to keep the division informed of the name and contact information of the
70 Internet facilitator or online contract pharmacy; and

71 (7) violating the dispensing and labeling requirements of Chapter 17b, Part 8,
72 Dispensing Medical Practitioner and Dispensing Medical Practitioner Clinic Pharmacy.

73 Section 3. **Repealer.**

74 This bill repeals:

75 Section 58-83-304, Existing written agreements for online prescribing -- Pending
76 applications.