

**ONLINE PRESCRIBING AND DISPENSING OF MEDICAL  
DEVICES**

2016 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Val L. Peterson**

Senate Sponsor: \_\_\_\_\_

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**LONG TITLE**

**General Description:**

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

**Highlighted Provisions:**

This bill:

- ▶ amends definitions;
- ▶ modifies the composition of the Online Prescribing, Dispensing, and Facilitation Licensing Board;
- ▶ authorizes the online prescribing and dispensing of medical devices; and
- ▶ makes technical changes.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

AMENDS:

**58-83-102**, as enacted by Laws of Utah 2010, Chapter 180

**58-83-201**, as enacted by Laws of Utah 2010, Chapter 180

**58-83-302**, as enacted by Laws of Utah 2010, Chapter 180

**58-83-305**, as enacted by Laws of Utah 2010, Chapter 180



- 28 [58-83-306](#), as last amended by Laws of Utah 2015, Chapter 321
- 29 [58-83-307](#), as enacted by Laws of Utah 2010, Chapter 180
- 30 [58-83-308](#), as enacted by Laws of Utah 2010, Chapter 180
- 31 [58-83-401](#), as last amended by Laws of Utah 2011, Chapter 367
- 32 [58-83-501](#), as enacted by Laws of Utah 2010, Chapter 180
- 33 [58-83-503](#), as enacted by Laws of Utah 2010, Chapter 180

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

36 Section 1. Section **58-83-102** is amended to read:

37 **58-83-102. Definitions.**

38 In addition to the definitions in Section [58-1-102](#), as used in this chapter:

39 (1) "Board" means the Online Prescribing, Dispensing, and Facilitation Licensing  
40 Board created in Section [58-83-201](#).

41 (2) "Branching questionnaire" means an adaptive and progressive assessment tool  
42 approved by the board.

43 (3) "Controlled substance" means the same as that term is defined in Section  
44 [58-17b-102](#).

45 [~~(3)~~] (4) "Delivery of online pharmaceutical services" means the process in which [~~a~~  
46 ~~prescribing practitioner~~] an online prescriber diagnoses a patient and prescribes one or more of  
47 the drugs or devices authorized by Section [58-83-306](#), using:

48 (a) a branching questionnaire or other assessment tool approved by the division for the  
49 purpose of diagnosing and assessing a patient's health status;

50 (b) an Internet contract pharmacy to:

51 (i) dispense the prescribed drug or device; or

52 (ii) transfer the prescription to another pharmacy; and

53 (c) an Internet facilitator to facilitate the practices described in Subsections [~~(3)~~] (4)(a)  
54 and (b).

55 (5) "Device" means a prescription device, as that term is defined in Section  
56 [58-17b-102](#).

57 (6) "Dispense" means the same as that term is defined in Section [58-17b-102](#).

58 [~~(4)~~] (7) "Division" means the Utah Division of Occupational and Professional

59 Licensing.

60 (8) "Drug" means the same as that term is defined in Section [58-17b-102](#).

61 ~~[(5)]~~ (9) "Internet facilitator" means a licensed provider of a web-based system for  
62 electronic communication between and among an online prescriber, the online prescriber's  
63 patient, and the online contract pharmacy.

64 (10) "Legend drug" means a prescription drug.

65 ~~[(6)]~~ (11) "Online contract pharmacy" means a pharmacy licensed and in good standing  
66 under Chapter 17b, Pharmacy Practice Act, as either a ~~[Class A Retail Pharmacy]~~ class A retail  
67 pharmacy or a ~~[Class B Closed Door Pharmacy]~~ class B closed-door pharmacy and licensed  
68 under this chapter to fulfill prescriptions issued by an online prescriber through a specific  
69 Internet facilitator.

70 ~~[(7)]~~ (12) "Online prescriber" means ~~[a person: (a) licensed under another chapter of~~  
71 ~~this title; (b) whose license under another chapter of this title includes assessing, diagnosing,~~  
72 ~~and prescribing authority for humans; and (c)]~~ a physician licensed under Chapter 67, Utah  
73 Medical Practice Act, or Chapter 68, Utah Osteopathic Medical Practice Act, who has obtained  
74 a license under [this chapter to engage in online prescribing] Part 3, Licensing, to prescribe  
75 online.

76 (13) "Pharmacist" means the same as that term is defined in Section [58-17b-102](#).

77 (14) "Pharmacy" means the same as that term is defined in Section [58-17b-102](#).

78 (15) "Prescribe" means the same as that term is defined in Section [58-17b-102](#).

79 (16) "Prescription" means the same as that term is defined in Section [58-17b-102](#).

80 (17) "Prescription drug" means the same as that term is defined in Section [58-17b-102](#).

81 ~~[(8)]~~ (18) "Unlawful conduct" ~~[is as]~~ means the same as that term is defined in Sections  
82 [58-1-501](#) ~~[and]~~, [58-83-501](#), and [58-83-503](#).

83 ~~[(9)]~~ (19) "Unprofessional conduct" ~~[is as defined in Sections [58-1-203](#) and [58-83-502](#),~~  
84 ~~and as further defined by the division in accordance with Title 63G, Chapter 3, Utah~~  
85 ~~Administrative Rulemaking Act]~~ means the same as that term is defined:

86 (a) in Sections [58-1-501](#), [58-1-203](#), and [58-83-502](#); and

87 (b) by rule made pursuant to Section [58-1-203](#) or [58-83-502](#).

88 Section 2. Section **58-83-201** is amended to read:

89 **58-83-201. Board.**

90 (1) There is created the Online Prescribing, Dispensing, and Facilitation Licensing  
91 Board consisting of the following seven members:

92 (a) two members who are licensed under either Chapter 67, Utah Medical Practice Act,  
93 or Chapter 68, Utah Osteopathic Medical Practice Act, of ~~[which]~~ whom:

94 (i) one shall be engaged in the delivery of online pharmaceutical services; and

95 (ii) one may not be an online prescriber ~~[licensed under this chapter]~~;

96 (b) two members who are licensed as a pharmacist under Chapter 17b, Pharmacy  
97 Practice Act, of ~~[which]~~ whom:

98 (i) one shall be associated with an online contract pharmacy; and

99 (ii) one may not be associated with an online contract pharmacy;

100 (c) ~~[two members]~~ one member of the general public who ~~[are]~~ is not associated with:

101 (i) an online prescriber;

102 (ii) an online contract pharmacy; or

103 (iii) an Internet facilitator; and

104 (d) ~~[one member]~~ two members who ~~[is]~~ are each licensed under this chapter as an  
105 Internet facilitator, of whom:

106 (i) one shall be associated with the online prescribing of prescription drugs; and

107 (ii) one shall be associated with the online prescribing of prescription devices.

108 (2) Notwithstanding any other requirement for membership on the board, no more than  
109 one member of the board may be associated in any of the following ways with the same  
110 Internet facilitator:

111 (a) as an owner;

112 (b) as an employee;

113 (c) as an officer;

114 (d) as a director;

115 (e) contracted with;

116 (f) as an agent of; or

117 (g) having any direct or indirect financial interest.

118 (3) The board shall be appointed and serve in accordance with Section [58-1-201](#).

119 (4) (a) The duties and responsibilities of the board shall be in accordance with Sections  
120 [58-1-202](#) and [58-1-203](#), and as otherwise provided in this chapter.

121 (b) The board may designate one of its members on a permanent or rotating basis to:

122 (i) assist the division in reviewing complaints concerning the unlawful or

123 unprofessional conduct of a licensee; and

124 (ii) advise the division in its investigation of a complaint.

125 (5) A board member who has, under Subsection (4), reviewed a complaint or advised

126 in its investigation may be disqualified from participating with the board when the board serves

127 as a presiding officer of an administrative proceeding concerning the complaint.

128 Section 3. Section **58-83-302** is amended to read:

129 **58-83-302. Qualifications for licensure.**

130 (1) Each applicant for licensure as an online prescriber under this chapter shall:

131 (a) submit an application in a form prescribed by the division;

132 (b) pay a fee determined by the department under Section [63J-1-504](#);

133 (c) be of good moral character;

134 (d) document that the applicant holds a Utah license that is active and in good standing

135 and authorizes the licensee to engage in the assessment, diagnosis, and treatment of human

136 ailments and the ~~[prescription]~~ prescribing of medications or devices;

137 (e) document that any other professional license the applicant possesses from other

138 jurisdictions is in good standing;

139 (f) (i) submit to the division an outline of the applicant's proposed online assessment,

140 diagnosis, and prescribing tool, such as a branching questionnaire; and

141 (ii) demonstrate the proposed online assessment, diagnosis, and prescribing tool to the

142 board and establish to the board's satisfaction that the utilization of that assessment tool to

143 facilitate the ~~[prescription]~~ prescribing of the drugs or devices approved for online prescribing

144 under Section ~~[58-83-305]~~ [58-83-306](#) does not compromise the public's health, safety, or

145 welfare;

146 (g) submit policies and procedures that address patient confidentiality, including

147 measures that will be taken to ensure that the age and other identifying information of the

148 person completing the online branching questionnaire are accurate;

149 (h) describe the mechanism by which the online prescriber and patient will

150 communicate with one another, including electronic and telephonic communication;

151 (i) describe how the online prescriber/patient relationship will be established and

152 maintained;

153 (j) submit the name, address, and contact person of the Internet facilitator with whom  
154 the online prescriber has contracted to provide services that the online prescriber will use to  
155 engage in online assessment, diagnosis, and prescribing; and

156 (k) submit documentation satisfactory to the board regarding public health, safety, and  
157 welfare demonstrating:

158 (i) how the online prescriber will comply with the requirements of Section 58-83-305;

159 (ii) the contractual services arrangement between the online prescriber and:

160 (A) the Internet facilitator; and

161 (B) the online contract pharmacy; and

162 (iii) how the online prescriber will allow and facilitate the division's ability to conduct  
163 audits in accordance with Section 58-83-308.

164 (2) An online prescriber may not use the services of an Internet facilitator or online  
165 contract pharmacy whose license is not active and in good standing.

166 (3) Each applicant for licensure as an online contract pharmacy under this chapter  
167 shall:

168 (a) be licensed in good standing ~~[in Utah]~~ under Chapter 17b, Pharmacy Practice Act,  
169 as a [Class A Retail Pharmacy] class A retail pharmacy or a [Class B Closed Door Pharmacy]  
170 class B closed-door pharmacy;

171 (b) submit a written application in the form prescribed by the division;

172 (c) pay a fee as determined by the department under Section 63J-1-504;

173 (d) submit any contract between the applicant and the Internet facilitator with which  
174 the applicant is or will be affiliated;

175 (e) submit proof of liability insurance acceptable to the division that expressly covers  
176 all activities the online contract pharmacy will engage in under this chapter, which coverage  
177 shall be in a minimum amount of \$1,000,000 per occurrence with a policy limit of not less than  
178 \$3,000,000;

179 (f) submit a signed affidavit to the division attesting that the online contract pharmacy  
180 will not dispense a drug or device that is prescribed by an online prescriber engaged in the  
181 delivery of online pharmaceutical services under the provisions of this chapter unless:

182 (i) the drug or device is specifically approved by the division under Section 58-83-306;

183 and

184 (ii) both the prescribing and the dispensing of the drug or device were facilitated by the  
185 Internet facilitator with whom the Internet contract pharmacy is associated under Subsection  
186 [58-83-302\(3\)\(d\)](#);

187 (g) document that any other professional license the applicant possesses from other  
188 jurisdictions is active and in good standing; and

189 (h) demonstrate to the division that the applicant has satisfied any background check  
190 required by Section [58-17b-307](#), and each owner, officer, or manager of the applicant online  
191 contract pharmacy has not engaged in any act, practice, or omission, which when considered  
192 with the duties and responsibilities of a licensee under this chapter indicates there is cause to  
193 believe that issuing a license under this chapter is inconsistent with the public's health, safety,  
194 or welfare.

195 (4) Each applicant for licensure as an Internet facilitator under this chapter shall:

196 (a) submit a written application in the form prescribed by the division;

197 (b) pay a fee as determined by the department under Section [63J-1-504](#);

198 (c) submit any contract between the applicant and the following with which the  
199 applicant will be affiliated:

200 (i) each online prescriber; and

201 (ii) the single online contract pharmacy;

202 (d) submit written policies and procedures satisfactory to the division that:

203 (i) address patient privacy, including compliance with 45 C.F.R. Parts 160, 162, and  
204 164, Health Insurance Portability and Accountability Act of 1996;

205 (ii) ensure compliance with all applicable laws by health care personnel and the online  
206 prescriber who will process patient communications;

207 (iii) list the hours of operation;

208 (iv) describe the types of services that will be permitted electronically;

209 (v) describe the required patient information to be included in the communication, such  
210 as patient name, identification number, and type of transaction;

211 (vi) establish procedures for archiving and retrieving information; and

212 (vii) establish quality oversight mechanisms;

213 (e) submit written documentation of the applicant's security measures to ensure the

- 214 confidentiality and integrity of any user-identifiable medical information;
- 215 (f) submit a description of the mechanism for:
  - 216 (i) patients to access, supplement, and amend patient-provided personal health
  - 217 information;
  - 218 (ii) back-up regarding the Internet facilitator electronic interface;
  - 219 (iii) the quality of information and services provided via the interface; and
  - 220 (iv) patients to register complaints regarding the Internet facilitator, the online
  - 221 prescriber, or the online contract pharmacy;
- 222 (g) submit a copy of the Internet facilitator's website;
- 223 (h) sign an affidavit attesting that:
  - 224 (i) the applicant will not access any medical records or information contained in the
  - 225 medical record except as necessary to administer the website and the branching questionnaire;
  - 226 and
  - 227 (ii) the applicant and its principals, and any entities affiliated with them, will only use
  - 228 the services of a single online contract pharmacy named on the license approved by the
  - 229 division; and
- 230 (i) submit any other information required by the division.

231 Section 4. Section **58-83-305** is amended to read:

232 **58-83-305. Duties and responsibilities.**

- 233 (1) The online prescriber shall:
  - 234 (a) be held to the same standards of appropriate practice as those applicable in
  - 235 traditional settings which, for purposes of this chapter, include the delivery of online
  - 236 pharmaceutical services;
  - 237 (b) conduct an assessment and diagnosis based upon a comprehensive health history
  - 238 and an assessment tool such as a branching questionnaire;
  - 239 (c) ensure that a comprehensive health history, assessment, and diagnosis have been
  - 240 made before prescribing ~~any~~ a medication or device;
  - 241 (d) conduct the online assessment and diagnosis only through the approved Internet
  - 242 facilitator identified in the online prescriber's application;
  - 243 (e) comply with all applicable state and federal laws, rules, regulations, and orders;
  - 244 (f) inform the patient electronically of the benefits and risks of appropriate treatment;

- 245 (g) guide the patient regarding the optimal course of action;
- 246 (h) treat the patient with courtesy, respect, dignity, responsiveness, and timely attention  
247 to the patient's needs;
- 248 (i) comply with the requirements for confidentiality as required by this title and  
249 applicable federal law;
- 250 (j) continue to provide the user with reasonable assistance and sufficient opportunity to  
251 make alternative arrangements for care;
- 252 (k) be available for ongoing consultation with the patient through e-mail or other forms  
253 of communication;
- 254 (l) not delegate to a third party the professional responsibility to:
- 255 (i) review and evaluate the results of the branching questionnaire;
- 256 (ii) consult with the patient electronically or through other means about the patient's  
257 medical condition; and
- 258 (iii) diagnose and prescribe [~~medications~~] a medication or device to the patient;
- 259 (m) conduct the online assessment and diagnosis and the electronic communication  
260 between the online prescriber and the patient only through the approved Internet facilitator;
- 261 (n) (i) maintain the online medical records of the patient; and
- 262 (ii) if maintenance of the records is delegated by the online prescriber, delegate that  
263 authority only to the approved Internet facilitator;
- 264 (o) inform a patient of the patient's freedom of choice to select the pharmacy to  
265 dispense the patient's prescription by providing the patient with the phone number of the online  
266 contract pharmacy so that the patient may contact the online contract pharmacy and request a  
267 transfer of the prescription to another pharmacy; and
- 268 (p) authorize the Internet facilitator to provide the online contract pharmacy with the  
269 patient's:
- 270 (i) full name;
- 271 (ii) current address and telephone number;
- 272 (iii) date of birth or age and gender;
- 273 (iv) height, weight, and vital signs (if known);
- 274 (v) medication allergies or drug reactions; and
- 275 (vi) current medications, including over-the-counter products, and any additional

276 comments relevant to the patient's drug or device use.

277 (2) The online contract pharmacy shall:

278 (a) only dispense a prescription [~~drugs~~] drug or device that:

279 (i) [~~are~~] is approved by the division in accordance with Section [58-83-306](#); and

280 (ii) [~~were~~] is prescribed by an online prescriber who is using the Internet facilitator that  
281 is under contract with the online contract pharmacy;

282 (b) maintain a toll-free number with a pharmacist available for patients using the  
283 services of the online contract pharmacy to receive [~~medications~~] a medication or device  
284 prescribed online;

285 (c) use a tracking identification number system when shipping [~~medications~~] a  
286 medication or device prescribed for [~~patients~~] a patient by an online prescriber; and

287 (d) provide to the division a quarterly report of all drugs and devices dispensed in  
288 accordance with this chapter.

289 (3) The Internet facilitator shall:

290 (a) provide services that the online prescriber will use in implementing the branching  
291 questionnaire;

292 (b) provide electronic or telephonic communication between the online prescriber and  
293 the patient that:

294 (i) is secure and confidential;

295 (ii) allows the online prescriber to be directly accessible to a patient to answer  
296 questions regarding the patient's treatment plan; and

297 (iii) provides privacy and security that complies with the provisions of 45 C.F.R. Parts  
298 160, 162, and 164, Health Insurance Portability and Accountability Act of 1996;

299 (c) facilitate secure and confidential communication of the prescription issued by the  
300 online prescriber to the online contract pharmacy in accordance with Subsection (1)(p);

301 (d) disclose on its website:

302 (i) the owner of the website;

303 (ii) the specific services provided by any associated online prescribers; and

304 (iii) other information the division may require by rule; and

305 (e) (i) only facilitate the delivery of online pharmaceutical services for the specific  
306 legend drugs or devices approved by the division in accordance with Section [58-83-306](#); or

307 (ii) not facilitate, directly or indirectly, through related entities or affiliates, the  
308 dispensing or online prescribing of any drug [~~whether controlled or legend~~] or device that is not  
309 specifically approved under Section 58-83-306.

310 Section 5. Section 58-83-306 is amended to read:

311 **58-83-306. Drugs and devices approved for online prescribing, dispensing, and**  
312 **facilitation -- Delivery of prescription drugs or devices.**

313 (1) An online prescriber may only prescribe, an online contract pharmacy may only  
314 dispense, and an Internet facilitator may only facilitate the prescribing and dispensing of[;  
315 ~~non-controlled;~~] a device or a legend [drugs] drug that is not a controlled substance:

316 (a) that [~~have~~] has been approved by the Food and Drug Administration;

317 (b) that [~~are~~] is prescribed to treat the condition for which the drug or device was  
318 approved, within the drug or device manufacturer's guidelines;

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

322 (d) that [~~are~~] is prescribed for a person who is:

323 (i) 18 years of age or older; or

324 (ii) at least 16 years of age:

325 (A) if permitted by the state or country in which the patient will receive the drug or  
326 device;

327 (B) with parental consent, if required by the state or country in which the patient will  
328 receive the drug or device; and

329 (C) only if the prescription is for a hormonal based contraceptive; and

330 (e) to a person who is located in another country, if the country is designated by the  
331 division, by administrative rule, as a country with a regulatory framework for prescribing and  
332 dispensing of drugs or devices.

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

337 Section 6. Section 58-83-307 is amended to read:

338 **58-83-307. Approval of additional drugs or devices -- Request to facilitate.**

339 (1) An Internet facilitator licensed under this chapter may seek the division's approval  
340 to facilitate the online prescribing and dispensing of prescriptions for additional drugs or  
341 devices.

342 (2) The Internet facilitator shall make a request for approval of additional drugs or  
343 devices by petitioning for an amendment to the administrative rule adopted by the division in  
344 accordance with Section 58-83-306 and Title 63G, Chapter 3, Utah Administrative Rulemaking  
345 Act.

346 Section 7. Section 58-83-308 is amended to read:

347 **58-83-308. Audits.**

348 (1) Each licensee under this chapter shall allow and facilitate an audit by the division  
349 regarding the licensee's delivery of online pharmaceutical services to ensure compliance with  
350 state and federal statutes, rules, and regulations including ensuring that:

351 (a) a comprehensive history and assessment have been obtained and a diagnosis has  
352 been made for a patient before [~~any medications are~~] a medication or device is prescribed; and

353 (b) only [~~the~~] approved medications or devices are being prescribed [~~and~~] or dispensed.

354 (2) The division shall be provided with the following, in the manner that allows access  
355 from the division's office for the purpose of conducting an audit:

356 (a) full remote, read-only access rights to the data related to the online prescribing and  
357 dispensing of a drug or device under this chapter and that is used and stored in the Internet  
358 facilitator's system; and

359 (b) the information available to the online prescriber.

360 (3) An Internet facilitator licensed under this chapter shall provide to the division, at  
361 the times designated by the division by administrative rule, a report containing the following  
362 information:

363 (a) the number of prescriptions issued by the online prescribers associated with the  
364 Internet facilitator by drug or device name;

365 (b) the number of comprehensive histories/assessments received by the Internet  
366 facilitator;

367 (c) the number of comprehensive histories/assessments reviewed by an online  
368 prescriber;

369 (d) the demographic data of the patients receiving prescriptions through the Internet  
370 facilitator;

371 (e) the number of prescriptions:

372 (i) dispensed by the online contract pharmacy; or

373 (ii) transferred to a different pharmacy at the patient's request; and

374 (f) any other information specified by the division by administrative rule.

375 (4) The division's authority to conduct an audit pursuant to this chapter shall survive  
376 any termination or expiration of any prescriptive authority for online prescribing, dispensing, or  
377 facilitation.

378 Section 8. Section **58-83-401** is amended to read:

379 **58-83-401. Grounds for denial of license -- Disciplinary proceedings --**

380 **Termination of authority to prescribe -- Immediate and significant danger.**

381 (1) Grounds for refusing to issue a license to an applicant, for refusing to renew the  
382 license of a licensee, for revoking, suspending, restricting, or placing on probation the license  
383 of a licensee, for issuing a public reprimand to a licensee, and for issuing a cease and desist  
384 order:

385 (a) shall be in accordance with Section [58-1-401](#); and

386 (b) includes:

387 (i) prescribing, dispensing, or facilitating the prescribing or dispensing of a drug or  
388 device not approved by the board under Section [58-83-306](#); or

389 (ii) any other violation of this chapter.

390 (2) The termination or expiration of a license under this chapter for any reason does not  
391 limit the division's authority to start or continue any investigation or adjudicative proceeding.

392 (3) (a) Because of the working business relationship between and among the online  
393 prescriber, the Internet facilitator, and the online contract pharmacy, each entity's ability to  
394 comply with this chapter may depend in some respects on the actions of the others.

395 (b) It is possible that a particular action or inaction by the online prescriber, the Internet  
396 facilitator, or the online contract pharmacy could have the effect of causing the other licensed  
397 entities to be out of compliance with this chapter, and each entity may, therefore, be held  
398 accountable for any related party's non-compliance, if the party knew or reasonably should  
399 have known of the other person's non-compliance.

400 (4) (a) An online prescriber may lose the [~~practitioner's~~] online prescriber's  
401 professional license to prescribe [~~any~~] a drug or device under this title if the online prescriber  
402 knew or reasonably should have known that the provisions of this chapter were violated by the  
403 online prescriber, the Internet facilitator, or the online contract pharmacy.

404 (b) It is not a defense to an alleged violation under this chapter that the alleged  
405 violation was a result of an action or inaction not by the charged party but by the related online  
406 prescriber, the online contract pharmacy, or the Internet facilitator.

407 (5) The following actions may result in an immediate suspension of the online  
408 prescriber's license, the online contract pharmacy's license, or the Internet facilitator's license,  
409 and each is considered an immediate and significant danger to the public health, safety, or  
410 welfare requiring immediate action by the division pursuant to Section [63G-4-502](#) to terminate  
411 the delivery of online pharmaceutical services by the licensee:

412 (a) online prescribing, dispensing, or facilitation with respect to:

413 (i) a person under the age of 18 years;

414 (ii) a legend drug or device not authorized by the division in accordance with Section  
415 [58-83-306](#); and

416 (iii) any controlled substance;

417 (b) violating this chapter after having been given reasonable opportunity to cure the  
418 violation;

419 (c) using the name or official seal of the state, the Utah Department of Commerce, or  
420 the Utah Division of Occupational and Professional Licensing, or their boards, in an  
421 unauthorized manner; or

422 (d) failing to respond to a request from the division within the time frame requested  
423 for:

424 (i) an audit of the website; or

425 (ii) records of the online prescriber, the Internet facilitator, or the online contract  
426 pharmacy.

427 Section 9. Section **58-83-501** is amended to read:

428 **58-83-501. Practice without a license.**

429 [~~"Unlawful conduct"~~] Unlawful conduct includes, in addition to the definition in  
430 Section [58-1-501](#), engaging in the practice of Internet prescribing without a license under this

431 chapter.

432 Section 10. Section **58-83-503** is amended to read:

433 **58-83-503. Unlawful conduct.**

434 Unlawful conduct includes, in addition to the definition in Section **58-1-501**:

435 (1) online prescribing, dispensing<sub>2</sub> or facilitating of a legend drug or device not  
436 authorized by the division in accordance with Section **58-83-306**; or

437 (2) online prescribing, dispensing<sub>2</sub> or facilitating of a controlled substance.

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**Legislative Review Note**  
**Office of Legislative Research and General Counsel**