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Pharmacy Practice Amendments

2026 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Evan J. Vickers

House Sponsor:

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LONG TITLE

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General Description:

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This bill amends provisions related to the practice of pharmacy.

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Highlighted Provisions:

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This bill:

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- ▶ amends the definition of a collaborative pharmacy practice agreement to conform to other provisions of code regarding a pharmacist's role under a collaborative pharmacy practice agreement;

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- ▶ adds vaccines and epinephrine to the list of prescription drugs that a pharmacist may prescribe;

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- ▶ permits online sales of pseudoephedrine;
- ▶ requires the Division of Professional Licensing, in collaboration with the Board of Pharmacy, to approve and implement an electronic tracking system to monitor the sale of pseudoephedrine;

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- ▶ defines terms; and

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- ▶ makes technical and conforming changes.

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Money Appropriated in this Bill:

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None

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Other Special Clauses:

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None

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Utah Code Sections Affected:

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AMENDS:

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58-17b-102, as last amended by Laws of Utah 2025, Chapter 486

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58-17b-612, as last amended by Laws of Utah 2019, Chapter 343

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58-17b-627, as last amended by Laws of Utah 2025, Chapter 513

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58-37c-3, as last amended by Laws of Utah 2024, Chapter 113

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ENACTS:

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58-37c-22, Utah Code Annotated 1953

S.B. 261

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32 *Be it enacted by the Legislature of the state of Utah:*33 Section 1. Section **58-17b-102** is amended to read:34 **58-17b-102 . Definitions.**

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

36 (1) "Administering" means:

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

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

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

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

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

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

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

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

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

65 (8) "Branch pharmacy" means a pharmacy or other facility in a rural or medically
66 underserved area, used for the storage and dispensing of prescription drugs, which is
67 dependent upon, stocked by, and supervised by a pharmacist in another licensed
68 pharmacy designated and approved by the division as the parent pharmacy.

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

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

76 (11) "Class B pharmacy":

77 (a) means a pharmacy located in Utah:

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

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

82 (b)(i) includes closed-door, hospital, clinic, nuclear, and branch pharmacies; and
83 (ii) pharmaceutical administration and sterile product preparation facilities.

84 (12) "Class C pharmacy" means a pharmacy that engages in the manufacture, production,
85 wholesale, or distribution of drugs or devices in Utah.

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

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

88 (15)(a) "Closed-door pharmacy" means a pharmacy that:

89 (i) provides pharmaceutical care to a defined and exclusive group of patients who
90 have access to the services of the pharmacy because they are treated by or have an
91 affiliation with a specific entity, including a health maintenance organization or an
92 infusion company; or

93 (ii) engages exclusively in the practice of telepharmacy and does not serve walk-in
94 retail customers.

95 (b) "Closed-door pharmacy" does not include a hospital pharmacy, a retailer of goods to
96 the general public, or the office of a practitioner.

97 (16) "Collaborative pharmacy practice" means a practice of pharmacy whereby one or more
98 pharmacists have jointly agreed, on a voluntary basis, to work in conjunction with one or

99 more practitioners under protocol whereby the pharmacist may perform certain
100 pharmaceutical care functions authorized by the practitioner or practitioners under
101 certain specified conditions or limitations.

102 (17) "Collaborative pharmacy practice agreement" means a written and signed agreement
103 between one or more pharmacists and one or more practitioners that provides for
104 collaborative pharmacy practice for the purpose of drug therapy management of patients,
105 initiating therapy, and prevention of disease of human subjects.

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

- 108 (i) as the result of a practitioner's prescription order or initiative based on the
109 practitioner, patient, or pharmacist relationship in the course of professional
110 practice;
- 111 (ii) for the purpose of, or as an incident to, research, teaching, or chemical analysis
112 and not for sale or dispensing; or
- 113 (iii) in anticipation of prescription drug orders based on routine, regularly observed
114 prescribing patterns.

115 (b) "Compounding" does not include:

- 116 (i) the preparation of prescription drugs by a pharmacist or pharmacy intern for sale
117 to another pharmacist or pharmaceutical facility;
- 118 (ii) the preparation by a pharmacist or pharmacy intern of any prescription drug in a
119 dosage form which is regularly and commonly available from a manufacturer in
120 quantities and strengths prescribed by a practitioner; or
- 121 (iii) the preparation of a prescription drug, sterile product, or device which has been
122 withdrawn from the market for safety reasons.

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

126 (20) "Controlled substance" means the same as that term is defined in Section 58-37-2.

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

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

133 (23) "Dispensing medical practitioner" means an individual who is:

134 (a) currently licensed as:

135 (i) a physician and surgeon under Chapter 67, Utah Medical Practice Act;

136 (ii) an osteopathic physician and surgeon under Chapter 68, Utah Osteopathic
137 Medical Practice Act;

138 (iii) a physician assistant under Chapter 70a, Utah Physician Assistant Act;

139 (iv) a nurse practitioner under Chapter 31b, Nurse Practice Act; or

140 (v) an optometrist under Chapter 16a, Utah Optometry Practice Act, if the
141 optometrist is acting within the scope of practice for an optometrist; and

142 (b) licensed by the division under the Pharmacy Practice Act to engage in the practice of
143 a dispensing medical practitioner.

144 (24) "Dispensing medical practitioner clinic pharmacy" means a closed-door pharmacy
145 located within a licensed dispensing medical practitioner's place of practice.

146 (25) "Distribute" means to deliver a drug or device other than by administering or
147 dispensing.

148 (26)(a) "Drug" means:

149 (i) a substance recognized in the official United States Pharmacopoeia, official
150 Homeopathic Pharmacopoeia of the United States, or official National Formulary,
151 or any supplement to any of them, intended for use in the diagnosis, cure,
152 mitigation, treatment, or prevention of disease in humans or animals;

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

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

158 (iv) substances intended for use as a component of any substance specified in
159 Subsections (26)(a)(i) through (iii).

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

161 (27) "Drug regimen review" includes the following activities:

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

163 (i) known allergies;

164 (ii) rational therapy-contraindications;

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

166 (iv) reasonable directions for use;

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

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

170 (i) drug-drug;

171 (ii) drug-food;

172 (iii) drug-disease; and

173 (iv) adverse drug reactions; and

174 (d) evaluation of the prescription drug order and patient record for proper utilization,
175 including over- or under-utilization, and optimum therapeutic outcomes.

176 (28) "Drug sample" means a prescription drug packaged in small quantities consistent with
177 limited dosage therapy of the particular drug, which is marked "sample", is not intended
178 to be sold, and is intended to be provided to practitioners for the immediate needs of
179 patients for trial purposes or to provide the drug to the patient until a prescription can be
180 filled by the patient.

181 (29) "Electronic signature" means a trusted, verifiable, and secure electronic sound, symbol,
182 or process attached to or logically associated with a record and executed or adopted by a
183 person with the intent to sign the record.

184 (30) "Electronic transmission" means transmission of information in electronic form or the
185 transmission of the exact visual image of a document by way of electronic equipment.

186 (31) "Hospital pharmacy" means a pharmacy providing pharmaceutical care to inpatients of
187 a general acute hospital or specialty hospital licensed by the Department of Health and
188 Human Services under Title 26B, Chapter 2, Part 2, Health Care Facility Licensing and
189 Inspection.

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

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

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

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

197 (i) the production, preparation, propagation, conversion, or processing of a drug or
198 device, either directly or indirectly, by extraction from substances of natural origin
199 or independently by means of chemical or biological synthesis, or by a
200 combination of extraction and chemical synthesis, and includes any packaging or

201 repackaging of the substance or labeling or relabeling of its container; and

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

203 (b) "Manufacturing" includes the preparation and promotion of commercially available
204 products from bulk compounds for resale by pharmacies, practitioners, or other
205 persons.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

233 (43) "Patient counseling" means the written and oral communication by the pharmacist or
234 pharmacy intern of information, to the patient or caregiver, in order to ensure proper use

235 of drugs, devices, and dietary supplements.

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

238 (a) prescription drugs or devices are held, stored, or are otherwise under the control of
239 the facility or agency for administration to patients of that facility or agency;
240 (b) prescription drugs are dispensed to the facility or agency by a licensed pharmacist or
241 pharmacy intern with whom the facility has established a prescription drug
242 supervising relationship under which the pharmacist or pharmacy intern provides
243 counseling to the facility or agency staff as required, and oversees drug control,
244 accounting, and destruction; and
245 (c) prescription drugs are professionally administered in accordance with the order of a
246 practitioner by an employee or agent of the facility or agency.

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

249 (i) designing, implementing, and monitoring a therapeutic drug plan intended to
250 achieve favorable outcomes related to a specific patient for the purpose of curing
251 or preventing the patient's disease;
252 (ii) eliminating or reducing a patient's symptoms; or
253 (iii) arresting or slowing a disease process.

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

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

259 (47)(a) "Pharmaceutical wholesaler or distributor" means a pharmaceutical facility
260 engaged in the business of wholesale vending or selling of a prescription drug or
261 device to other than a consumer or user of the prescription drug or device that the
262 pharmaceutical facility has not produced, manufactured, compounded, or dispensed.

263 (b) "Pharmaceutical wholesaler or distributor" does not include a pharmaceutical facility
264 carrying out the following business activities:
265 (i) intracompany sales;
266 (ii) the sale, purchase, or trade of a prescription drug or device, or an offer to sell,
267 purchase, or trade a prescription drug or device, if the activity is carried out
268 between one or more of the following entities under common ownership or

common administrative control, as defined by division rule:

- (A) hospitals;
- (B) pharmacies;
- (C) chain pharmacy warehouses, as defined by division rule; or
- (D) other health care entities, as defined by division rule;

(iii) the sale, purchase, or trade of a prescription drug or device, or an offer to sell, purchase, or trade a prescription drug or device, for emergency medical reasons, including supplying another pharmaceutical facility with a limited quantity of a drug, if:

- (A) the facility is unable to obtain the drug through a normal distribution channel in sufficient time to eliminate the risk of harm to a patient that would result from a delay in obtaining the drug; and
- (B) the quantity of the drug does not exceed an amount reasonably required for immediate dispensing to eliminate the risk of harm;

(iv) the distribution of a prescription drug or device as a sample by representatives of a manufacturer; and

(v) the distribution of prescription drugs, if:

- (A) the facility's total distribution-related sales of prescription drugs does not exceed 5% of the facility's total prescription drug sales; and
- (B) the distribution otherwise complies with 21 C.F.R. Sec. 1307.11.

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

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

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

(51) "Pharmacy" means any place where:

- (a) drugs are dispensed;
- (b) pharmaceutical care is provided;
- (c) drugs are processed or handled for eventual use by a patient; or
- (d) drugs are used for the purpose of analysis or research.

303 (52) "Pharmacy benefits manager or coordinator" means a person or entity that provides a
304 pharmacy benefits management service as defined in Section 31A-46-102 on behalf of a
305 self-insured employer, insurance company, health maintenance organization, or other
306 plan sponsor, as defined by rule.

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

309 (54) "Pharmacy manager" means:

310 (a) a pharmacist-in-charge;

311 (b) a licensed pharmacist designated by a licensed pharmacy to consult on the
312 pharmacy's administration;

313 (c) an individual who manages the facility in which a licensed pharmacy is located;

314 (d) an individual who oversees the operations of a licensed pharmacy;

315 (e) an immediate supervisor of an individual described in Subsections (54)(a) through (d);
316 or

317 (f) another operations or site manager of a licensed pharmacy.

318 (55) "Pharmacy technician training program" means an approved technician training
319 program providing education for pharmacy technicians.

320 (56)(a) "Practice as a dispensing medical practitioner" means the practice of pharmacy,
321 specifically relating to the dispensing of a prescription drug in accordance with Part
322 8, Dispensing Medical Practitioner and Dispensing Medical Practitioner Clinic
323 Pharmacy, and division rule adopted after consultation with the Board of pharmacy
324 and the governing boards of the practitioners described in Subsection (23)(a).

325 (b) "Practice as a dispensing medical practitioner" does not include:

326 (i) using a vending type of dispenser as defined by the division by administrative
327 rule; or

328 (ii) except as permitted by Section 58-17b-805, dispensing of a controlled substance
329 as defined in Section 58-37-2.

330 (57) "Practice as a licensed pharmacy technician" means engaging in practice as a
331 pharmacy technician under the general supervision of a licensed pharmacist and in
332 accordance with a scope of practice defined by division rule made in collaboration with
333 the board.

334 (58) "Practice of pharmacy" includes the following:

335 (a) providing pharmaceutical care;

336 (b) collaborative pharmacy practice in accordance with a collaborative pharmacy

337 practice agreement;

338 (c) compounding, packaging, labeling, dispensing, administering, and the coincident
339 distribution of prescription drugs or devices, provided that the administration of a
340 prescription drug or device is:

341 (i) pursuant to a lawful order of a practitioner when one is required by law; and
342 (ii) in accordance with written guidelines or protocols:

343 (A) established by the licensed facility in which the prescription drug or device is
344 to be administered on an inpatient basis; or

345 (B) approved by the division, in collaboration with the board and, when
346 appropriate, the Medical Licensing Board, created in Section 58-67-201, if the
347 prescription drug or device is to be administered on an outpatient basis solely
348 by a licensed pharmacist;

349 (d) participating in drug utilization review;

350 (e) ensuring proper and safe storage of drugs and devices;

351 (f) maintaining records of drugs and devices in accordance with state and federal law
352 and the standards and ethics of the profession;

353 (g) providing information on drugs or devices, which may include advice relating to
354 therapeutic values, potential hazards, and uses;

355 (h) providing drug product equivalents;

356 (i) supervising pharmacist's supportive personnel, pharmacy interns, and pharmacy
357 technicians;

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

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

360 (l) telepharmacy;

361 (m) formulary management intervention;

362 (n) prescribing and dispensing a self-administered hormonal contraceptive in accordance
363 with Title 26B, Chapter 4, Part 5, Treatment Access; and

364 (o) issuing a prescription in accordance with Section 58-17b-610.8 or 58-17b-627.

365 (59) "Practice of telepharmacy" means the practice of pharmacy through the use of
366 telecommunications and information technologies.

367 (60) "Practice of telepharmacy across state lines" means the practice of pharmacy through
368 the use of telecommunications and information technologies that occurs when the
369 patient is physically located within one jurisdiction and the pharmacist is located in
370 another jurisdiction.

371 (61) "Practitioner" means an individual currently licensed, registered, or otherwise
372 authorized by the appropriate jurisdiction to prescribe and administer drugs in the course
373 of professional practice.

374 (62) "Prescribe" means to issue a prescription:

- 375 (a) orally or in writing; or
- 376 (b) by telephone, facsimile transmission, computer, or other electronic means of
377 communication as defined by division rule.

378 (63) "Prescription" means an order issued:

- 379 (a) by a licensed practitioner in the course of that practitioner's professional practice or
380 by collaborative pharmacy practice agreement; and
- 381 (b) for a controlled substance or other prescription drug or device for use by a patient or
382 an animal.

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

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

390 (66) "Repackage":

- 391 (a) means changing the container, wrapper, or labeling to further the distribution of a
392 prescription drug; and
- 393 (b) does not include:
 - 394 (i) Subsection (66)(a) when completed by the pharmacist responsible for dispensing
395 the product to a patient; or
 - 396 (ii) changing or altering a label as necessary for a dispensing practitioner under Part
397 8, Dispensing Medical Practitioner and Dispensing Medical Practitioner Clinic
398 Pharmacy, for dispensing a product to a patient.

399 (67) "Research using pharmaceuticals" means research:

- 400 (a) conducted in a research facility, as defined by division rule, that is associated with a
401 university or college in the state accredited by the Northwest Commission on
402 Colleges and Universities;
- 403 (b) requiring the use of a controlled substance, prescription drug, or prescription device;
- 404 (c) that uses the controlled substance, prescription drug, or prescription device in

405 accordance with standard research protocols and techniques, including, if required,
406 those approved by an institutional review committee; and

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

409 (68) "Retail pharmacy" means a pharmaceutical facility dispensing prescription drugs and
410 devices to the general public.

411 (69)(a) "Self-administered hormonal contraceptive" means a self-administered hormonal
412 contraceptive that is approved by the United States Food and Drug Administration to
413 prevent pregnancy.

414 (b) "Self-administered hormonal contraceptive" includes an oral hormonal contraceptive,
415 a hormonal vaginal ring, and a hormonal contraceptive patch.

416 (c) "Self-administered hormonal contraceptive" does not include any drug intended to
417 induce an abortion, as that term is defined in Section 76-7-301.

418 (70) "Self-audit" means an internal evaluation of a pharmacy to determine compliance with
419 this chapter.

420 (71) "Supervising pharmacist" means a pharmacist who is overseeing the operation of the
421 pharmacy during a given day or shift.

422 (72) "Supportive personnel" means unlicensed individuals who:

423 (a) may assist a pharmacist, pharmacist preceptor, pharmacy intern, or licensed
424 pharmacy technician in nonjudgmental duties not included in the definition of the
425 practice of pharmacy, practice of a pharmacy intern, or practice of a licensed
426 pharmacy technician, and as those duties may be further defined by division rule
427 adopted in collaboration with the board; and

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

430 (73) "Unlawful conduct" means the same as that term is defined in Sections 58-1-501 and
431 58-17b-501.

432 (74) "Unprofessional conduct" means the same as that term is defined in Sections 58-1-501
433 and 58-17b-502 and may be further defined by rule.

434 (75) "Veterinary pharmaceutical facility" means a pharmaceutical facility that dispenses
435 drugs intended for use by animals or for sale to veterinarians for the administration for
436 animals.

437 (76) "Written communication" means a physical document, or an electronic
438 communication, by or from which the recipient may read or access the information

439 intended to be communicated, including:
440 (a) email;
441 (b) text message; and
442 (c) quick response (QR) code.

443 Section 2. Section **58-17b-612** is amended to read:

444 **58-17b-612 . Supervision -- Pharmacist-in-charge.**

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

450 (b) Notwithstanding Subsection [58-17b-102(70)] **58-17b-102(71)**, a supervising
451 pharmacist does not have to be in the pharmacy or care facility but shall be available
452 via a telepharmacy system for immediate contact with the supervised pharmacy
453 technician or pharmacy intern if:
454 (i) the pharmacy is located in an area of need as defined by the division, in
455 consultation with the board, by rule made in accordance with Title 63G, Chapter
456 3, Utah Administrative Rulemaking Act;
457 (ii) the supervising pharmacist described in Subsection (1)(a) is not available;
458 (iii) the telepharmacy system maintains records and files quarterly reports as required
459 by division rule to assure that patient safety is not compromised; and
460 (iv) the arrangement is approved by the division in collaboration with the board.

461 (c) Subsection (1)(b) applies to a pharmacy that is located in a hospital only if the
462 hospital is controlled by a local board that owns no more than two hospitals[; and].

463 (d) A supervising pharmacist may not supervise more than two pharmacies
464 simultaneously under Subsection (1)(b).

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

469 Section 3. Section **58-17b-627** is amended to read:

470 **58-17b-627 . Prescription of drugs or devices by a pharmacist.**

471 (1) Beginning January 1, 2022, a pharmacist may prescribe a prescription drug or device if:
472 (a) prescribing the prescription drug or device is within the scope of the pharmacist's

training and experience;

- (b) the prescription drug or device is designated by the division by rule under Subsection (3)(a); and
- (c) the prescription drug or device is not a controlled substance that is included in Schedules I, II, III, or IV of:
 - (i) Section 58-37-4; or
 - (ii) the federal Controlled Substances Act, Title II, P.L. 91-513.

(2) Nothing in this section requires a pharmacist to issue a prescription for a prescription drug or device.

(3) The division shall make rules in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, to:

(a) designate the prescription drugs or devices that may be prescribed by a pharmacist under this section, beginning with prescription drugs or devices that address a public health concern that is designated by the Department of Health and Human Services, including:

(i) post-exposure HIV prophylaxis;

(ii) pre-exposure HIV prophylaxis;

(iii) self-administered hormonal contraceptives;

(iv) smoking cessation;

(v) naloxone; [and]

(vi) fluoride;

(vii) vaccines; and

(viii) epinephrine.

(b) create guidelines that a pharmacist must follow when prescribing a prescription drug or device, including guidelines:

- (i) for notifying the patient's primary care or other health care provider about the prescription; and

(ii) to prevent the over-prescription of drugs or devices including but not limited to antibiotics;

(c) address when a pharmacist should refer the patient to an appropriate health care provider or otherwise encourage the patient to seek further medical care; and

(d) Implement the provisions of this section.

The division shall make rules under Subsection (3) in con-

507 (b) individuals representing physicians and advanced practice clinicians; and
508 (c)(i) if the executive director of the Department of Health and Human Services is a
509 physician, the executive director of the Department of Health and Human Services;
510 (ii) if the executive director of the Department of Health and Human Services is not a
511 physician, a deputy director who is a physician in accordance with Subsection
512 26B-1-203(4); or
513 (iii) a designee of the individual described in Section 26B-1-203.

514 (5) Before November 1 of each year, the division, in consultation with the individuals

515 described in Subsection (4), shall:

516 (a) develop recommendations for statutory changes to improve patient access to
517 prescribed drugs in the state; and
518 (b) report the recommendations developed under Subsection (5)(a) to the Health and
519 Human Services Interim Committee.

520 Section 4. Section **58-37c-3** is amended to read:

521 **58-37c-3 . Definitions.**

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

523 (1) "Controlled substance precursor" includes a chemical reagent and means any of the
524 following:

525 (a) Phenyl-2-propanone;
526 (b) Methylamine;
527 (c) Ethylamine;
528 (d) D-lysergic acid;
529 (e) Ergotamine and its salts;
530 (f) Diethyl malonate;
531 (g) Malonic acid;
532 (h) Ethyl malonate;
533 (i) Barbituric acid;
534 (j) Piperidine and its salts;
535 (k) N-acetylanthranilic acid and its salts;
536 (l) Pyrrolidine;
537 (m) Phenylacetic acid and its salts;
538 (n) Anthranilic acid and its salts;
539 (o) Morpholine;
540 (p) Ephedrine;

541 (q) Pseudoephedrine;
542 (r) Norpseudoephedrine;
543 (s) Phenylpropanolamine;
544 (t) Benzyl cyanide;
545 (u) Ergonovine and its salts;
546 (v) 3,4-Methylenedioxymethyl-2-propanone;
547 (w) propionic anhydride;
548 (x) Insosafrole;
549 (y) Safrole;
550 (z) Piperonal;
551 (aa) N-Methylephedrine;
552 (bb) N-ethylephedrine;
553 (cc) N-methylpseudoephedrine;
554 (dd) N-ethylpseudoephedrine;
555 (ee) Hydriotic acid;
556 (ff) gamma butyrolactone (GBL), including butyrolactone, 1,2 butanolide, 2-oxanolone,
557 tetrahydro-2-furanone, dihydro-2(3H)-furanone, and tetramethylene glycol, but not
558 including gamma aminobutyric acid (GABA);
559 (gg) 1,4 butanediol;
560 (hh) any salt, isomer, or salt of an isomer of the chemicals listed in Subsections (1)(a)
561 through (gg);
562 (ii) Crystal iodine;
563 (jj) Iodine at concentrations greater than 1.5% by weight in a solution or matrix;
564 (kk) Red phosphorous, except as provided in Section 58-37c-19.7;
565 (ll) anhydrous ammonia, except as provided in Section 58-37c-19.9;
566 (mm) any controlled substance precursor listed under the provisions of the Federal
567 Controlled Substances Act which is designated by the director under the emergency
568 listing provisions set forth in Section 58-37c-14; and
569 (nn) any chemical which is designated by the director under the emergency listing
570 provisions set forth in Section 58-37c-14.

571 (2) "Deliver," "delivery," "transfer," or "furnish" means the actual, constructive, or
572 attempted transfer of a controlled substance precursor.

573 (3) "Matrix" means something, as a substance, in which something else originates,
574 develops, or is contained.

575 (4) "Person" means any individual, group of individuals, proprietorship, partnership, joint
576 venture, corporation, or organization of any type or kind.

577 (5) "Practitioner" means a physician, physician assistant, dentist, podiatric physician,
578 veterinarian, pharmacist, scientific investigator, pharmacy, hospital, pharmaceutical
579 manufacturer, or other person licensed, registered, or otherwise permitted to distribute,
580 dispense, conduct research with respect to, administer, or use in teaching or chemical
581 analysis a controlled substance in the course of professional practice or research in this
582 state.

583 (6)(a) "Regulated distributor" means a person within the state who provides, sells,
584 furnishes, transfers, or otherwise supplies a listed controlled substance precursor
585 chemical in a regulated transaction.

586 (b) "Regulated distributor" does not include any person excluded from regulation under
587 this chapter.

588 (7)(a) "Regulated purchaser" means any person within the state who receives a listed
589 controlled substance precursor chemical in a regulated transaction.

590 (b) "Regulated purchaser" does not include any person excluded from regulation under
591 this chapter.

592 (8) "Regulated transaction" means any actual, constructive or attempted:
593 (a) transfer, distribution, delivery, or furnishing by a person within the state to another
594 person within or outside of the state of a threshold amount of a listed precursor
595 chemical; or

596 (b) purchase or acquisition by any means by a person within the state from another
597 person within or outside the state of a threshold amount of a listed precursor chemical.

598 (9) "Retail distributor" means a grocery store, general merchandise store, drug store, online
599 retailer, or other entity or person whose activities as a distributor are limited almost
600 exclusively to sales for personal use:
601 (a) in both number of sales and volume of sales; and
602 (b) either [directly to walk-in customers or in face-to-face transactions by direct sales] by
603 direct in-store sales or by online sales fulfilled by in-person or curbside pickup.

604 (10) "Threshold amount of a listed precursor chemical" means any amount of a controlled
605 substance precursor or a specified amount of a controlled substance precursor in a
606 matrix; however, the division may exempt from the provisions of this chapter a specific
607 controlled substance precursor in a specific amount and in certain types of transactions
608 which provisions for exemption shall be defined by the division by rule adopted

609 pursuant to Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

610 (11) "Unlawful conduct" as defined in Section 58-1-501 includes knowingly and
611 intentionally:

612 (a) engaging in a regulated transaction without first being appropriately licensed or
613 exempted from licensure under this chapter;

614 (b) acting as a regulated distributor and selling, transferring, or in any other way
615 conveying a controlled substance precursor to a person within the state who is not
616 appropriately licensed or exempted from licensure as a regulated purchaser, or
617 selling, transferring, or otherwise conveying a controlled substance precursor to a
618 person outside of the state and failing to report the transaction as required;

619 (c) acting as a regulated purchaser and purchasing or in any other way obtaining a
620 controlled substance precursor from a person within the state who is not a licensed
621 regulated distributor, or purchasing or otherwise obtaining a controlled substance
622 precursor from a person outside of the state and failing to report the transaction as
623 required;

624 (d) engaging in a regulated transaction and failing to submit reports and keep required
625 records of inventories required under the provisions of this chapter or rules adopted
626 pursuant to this chapter;

627 (e) making any false statement in any application for license, in any record to be kept, or
628 on any report submitted as required under this chapter;

629 (f) with the intent of causing the evasion of the recordkeeping or reporting requirements
630 of this chapter and rules related to this chapter, receiving or distributing any listed
631 controlled substance precursor chemical in any manner designed so that the making
632 of records or filing of reports required under this chapter is not required;

633 (g) failing to take immediate steps to comply with licensure, reporting, or recordkeeping
634 requirements of this chapter because of lack of knowledge of those requirements,
635 upon becoming informed of the requirements;

636 (h) presenting false or fraudulent identification where or when receiving or purchasing a
637 listed controlled substance precursor chemical;

638 (i) creating a chemical mixture for the purpose of evading any licensure, reporting or
639 recordkeeping requirement of this chapter or rules related to this chapter, or receiving
640 a chemical mixture created for that purpose;

641 (j) if the person is at least 18 years [of age] old, employing, hiring, using, persuading,
642 inducing, enticing, or coercing another person under 18 years [of age] old to violate

643 any provision of this chapter, or assisting in avoiding detection or apprehension for
644 any violation of this chapter by any federal, state, or local law enforcement official;
645 and
646 (k) obtaining or attempting to obtain or to possess any controlled substance precursor or
647 any combination of controlled substance precursors knowing or having a reasonable
648 cause to believe that the controlled substance precursor is intended to be used in the
649 unlawful manufacture of any controlled substance.

650 (12) "Unprofessional conduct" as defined in Section 58-1-102 and as may be further
651 defined by rule includes the following:

652 (a) violation of any provision of this chapter, the Controlled Substance Act of this state
653 or any other state, or the [Federal] federal Controlled Substance Act; and
654 (b) refusing to allow agents or representatives of the division or authorized law
655 enforcement personnel to inspect inventories or controlled substance precursors or
656 records or reports relating to purchases and sales or distribution of controlled
657 substance precursors as such records and reports are required under this chapter.

658 Section 5. Section **58-37c-22** is enacted to read:

659 **58-37c-22 . Online sales of pseudoephedrine -- Electronic tracking system.**

660 (1) As used in this section:

661 (a) "Electronic tracking system" means the real-time, stop-sale electronic sales tracking
662 system described in Subsection (2).
663 (b) "Product" means the same as that term is defined in Section 58-37c-20.5.
664 (c) "Stop-sale alert" means an alert an electronic tracking system sends to a retail
665 distributor to stop the sale of a product if the sale would violate Section 58-37c-20.5
666 or any other law that prohibits the sale of a product.

667 (2) The division shall, in accordance with Title 63G, Chapter 3, Utah Administrative
668 Rulemaking Act, make rules, in consultation with the Board of Pharmacy, to:

669 (a) approve and implement a real-time, stop-sale electronic sales tracking system to
670 monitor the nonprescription sale, including the online sale, of products by a retail
671 distributor; and
672 (b) establish procedures for the online sale of a product.

673 (3) The electronic tracking system shall:

674 (a) be capable of:
675 (i) allowing a retail distributor or purchaser of a product to electronically submit
676 information to the electronic tracking system before the sale of a product;

677 (ii) determining whether the sale of the product would violate Section 58-37c-20.5 or
678 any other law that prohibits the sale of a product;
679 (iii) sending a stop-sale alert;
680 (iv) allowing a retail distributor to override a stop-sale alert;
681 (v) logging each instance of a stop-sale alert override; and
682 (vi) allowing law enforcement agencies to access the electronic tracking system's
683 records of a sale or attempted sale of a product; and
684 (b) be free of charge for use by retail distributors and law enforcement agencies.

685 (4) After the division approves an electronic tracking system, the division, in coordination
686 with the Board of Pharmacy, shall notify each retail distributor of the approved
687 electronic tracking system.

688 (5) A retail distributor shall obtain all required information from the purchaser of a product
689 and submit the information to the electronic tracking system before completing a sale as
690 described in this section.

691 (6) A retail distributor that participates in the electronic tracking system may not complete a
692 sale for which the electronic tracking system sends a stop-sale alert.

693 (7) Records a retail distributor submits to the electronic tracking system are for the
694 confidential use of the retail distributor, except that the retail distributor shall:
695 (a) produce the records in court when required by law;
696 (b) make the records available for inspection by the division and the board; and
697 (c) make the records available to:
698 (i) the Criminal Investigations and Technical Services Division of the Department of
699 Public Safety created in Section 53-10-103, for the purpose of enforcing this
700 chapter; and
701 (ii) federal law enforcement officers.

702 (8) The rules the division makes to implement the electronic tracking system shall:
703 (a) establish the minimum requirements for the electronic tracking system;
704 (b) establish regulations for use of, and access to, the electronic tracking system;
705 (c) establish exceptions to the prohibition in Subsection (6), including:
706 (i) if a pharmacist or an employee of a retail distributor has a reasonable fear of
707 imminent bodily harm if the sale is not completed; and
708 (ii) if a retail distributor experiences a mechanical or electronic failure of the
709 electronic tracking system; and
710 (d) require a retail distributor to submit the following to the electronic tracking system

711 for each online sale of a product:

712 (i) the purchaser's name and address;

713 (ii) the purchaser's signature, either on a written form or stored electronically in the

714 electronic tracking system, attesting to the validity of all information the purchaser

715 provides in the electronic tracking system;

716 (iii) the type of identification the purchaser presented in accordance with Section

717 58-37c-20.5;

718 (iv) the identification number and name of the government entity that issued the

719 identification described in Subsection (8)(d)(iii);

720 (v) the date and time of the sale of the product; and

721 (vi) the name and quantity of the product sold.

722 (9) A retail distributor that participates in the electronic tracking system is not liable for

723 civil damages that are the result of:

724 (a) any act or omission in carrying out the requirements of this section, rules the division

725 makes in accordance with this section, or Section 58-37c-20.5, except for an act or

726 omission that constitutes gross negligence or willful misconduct; and

727 (b) a data breach that was proximately caused by the electronic tracking system's failure

728 to take reasonable care through the use of industry standard levels of encryption to

729 guard against unauthorized access to account information that is in the possession or

730 control of the electronic tracking system.

731 **Section 6. Effective Date.**

732 This bill takes effect on May 6, 2026.