

**58-17b-103 Administrative inspections.**

- (1) The division may for the purpose of ascertaining compliance with the provisions of this chapter, require a self-audit or enter and inspect the business premises of a person:
  - (a) licensed under Part 3, Licensing; or
  - (b) who is engaged in activities that require a license under Part 3, Licensing.
- (2) Before conducting an inspection under Subsection (1), the division shall, after identifying the person in charge:
  - (a) give proper identification;
  - (b) request to see the applicable license or licenses;
  - (c) describe the nature and purpose of the inspection; and
  - (d) provide upon request, the authority of the division to conduct the inspection and the penalty for refusing to permit the inspection as provided in Section 58-17b-504.
- (3) In conducting an inspection under Subsection (1), the division may, after meeting the requirements of Subsection (2):
  - (a) examine any record, prescription, order, drug, device, equipment, machine, electronic device or media, or area related to activities for which a license has been issued or is required by Part 3, Licensing, for the purpose of ascertaining compliance with the applicable provisions of this chapter;
  - (b) reproduce any record or media at the division's own cost;
  - (c) take a drug or device for further analysis if considered necessary;
  - (d) temporarily seize a drug or device that is suspected to be adulterated, misbranded, outdated, or otherwise in violation of this chapter, pending an adjudicative proceeding on the matter;
  - (e) box and seal drugs suspected to be adulterated, outdated, misbranded, or otherwise in violation of this chapter; and
  - (f) dispose of or return a drug or device obtained under this Subsection (3) in accordance with procedures established by division rule.
- (4) An inspection described in Subsection (1) shall be conducted during regular business hours.
- (5) If, upon inspection, the division concludes that a person has violated the provisions of this chapter or Chapter 37, Utah Controlled Substances Act, or a rule or order issued with respect to those chapters, and that disciplinary action is appropriate, the director or the director's designee shall promptly issue a fine or citation to the licensee in accordance with Section 58-17b-504.

Amended by Chapter 262, 2013 General Session  
Amended by Chapter 278, 2013 General Session