

58-17b-501 Unlawful conduct.

"Unlawful conduct" includes:

- (1) knowingly preventing or refusing to permit an authorized agent of the division to conduct an inspection pursuant to Section 58-17b-103;
- (2) failing to deliver the license, permit, or certificate to the division upon demand, if it has been revoked, suspended, or refused;
- (3)
 - (a) using the title "pharmacist," "druggist," "pharmacy intern," "pharmacy technician," or a term having similar meaning, except by a person licensed as a pharmacist, pharmacy intern, or pharmacy technician; or
 - (b) conducting or transacting business under a name that contains, as part of that name, the words "drugstore," "pharmacy," "drugs," "medicine store," "medicines," "drug shop," "apothecary," "prescriptions," or a term having a similar meaning, or in any manner advertising, otherwise describing, or referring to the place of the conducted business or profession, unless the place is a pharmacy issued a license by the division, except an establishment selling nonprescription drugs and supplies may display signs bearing the words "packaged drugs," "drug sundries," or "nonprescription drugs," and is not considered to be a pharmacy or drugstore by reason of the display;
- (4) buying, selling, causing to be sold, or offering for sale, a drug or device that bears, or the package bears or originally did bear, the inscription "sample," "not for resale," "for investigational or experimental use only," or other similar words, except when a cost is incurred in the bona fide acquisition of an investigational or experimental drug;
- (5) using to a person's own advantages or revealing to anyone other than the division, board, and its authorized representatives, or to the courts, when relevant to a judicial or administrative proceeding under this chapter, information acquired under authority of this chapter or concerning a method of process that is a trade secret;
- (6) procuring or attempting to procure a drug or to have someone else procure or attempt to procure a drug:
 - (a) by fraud, deceit, misrepresentation, or subterfuge;
 - (b) by forgery or alteration of a prescription or a written order;
 - (c) by concealment of a material fact;
 - (d) by use of a false statement in a prescription, chart, order, or report; or
 - (e) by theft;
- (7) filling, refilling, or advertising the filling or refilling of prescriptions for a consumer or patient residing in this state if the person is not licensed:
 - (a) under this chapter; or
 - (b) in the state from which he is dispensing;
- (8) requiring an employed pharmacist, pharmacy intern, pharmacy technician, or authorized supportive personnel to engage in conduct in violation of this chapter;
- (9) being in possession of a prescription drug for an unlawful purpose;
- (10) dispensing a prescription drug to a person who does not have a prescription from a practitioner or to a person who the person dispensing the drug knows or should know is attempting to obtain drugs by fraud or misrepresentation;
- (11) selling, dispensing, distributing, or otherwise trafficking in prescription drugs when not licensed to do so or when not exempted from licensure; and
- (12) a person using a prescription drug or controlled substance that was not lawfully prescribed for the person by a practitioner.

Amended by Chapter 262, 2013 General Session