

**Effective 5/10/2016**

**58-17b-503 Exception to unprofessional conduct.**

(1) For purposes of this section:

- (a) "Licensed intermediate care facility for people with an intellectual disability" means an intermediate care facility for people with an intellectual disability that is licensed as a nursing care facility or a small health care facility under Title 26, Chapter 21, Health Care Facility Licensing and Inspection Act.
- (b) "Nursing care facility" means the same as that term is defined in Section 26-21-2.
- (c) "Unit pack" means a tamper-resistant nonreusable single-dose single-drug package with identification that indicates the lot number and expiration date for the drug.

(2) A pharmacist may:

- (a) accept and redistribute an unused drug under Part 9, Charitable Prescription Drug Recycling Act; or
- (b) accept back and redistribute any unused drug, or a part of it, after it has left the premises of the pharmacy if:
  - (i) the drug was prescribed to a patient in a nursing care facility, licensed intermediate care facility for people with an intellectual disability, or state prison facility, county jail, or state hospital;
  - (ii) the drug was stored under the supervision of a licensed health care provider according to manufacturer recommendations;
  - (iii) the drug is in a unit pack or in the manufacturer's sealed container;
  - (iv) the drug was returned to the original dispensing pharmacy;
  - (v) the drug was initially dispensed by a licensed pharmacist or licensed pharmacy intern; and
  - (vi) accepting back and redistributing of the drug complies with federal Food and Drug Administration and Drug Enforcement Administration regulations.

Amended by Chapter 405, 2016 General Session