

**Effective 5/4/2022**

**Superseded 7/1/2022**

**58-17b-902 Definitions.**

As used in this part:

- (1) "Assisted living facility" means the same as that term is defined in Section 26-21-2.
- (2) "Cancer drug" means a drug that controls or kills neoplastic cells and includes a drug used in chemotherapy to destroy cancer cells.
- (3) "Charitable clinic" means a charitable nonprofit corporation that:
  - (a) holds a valid exemption from federal income taxation issued under Section 501(a), Internal Revenue Code;
  - (b) is exempt from federal income taxation under Section 501(c)(3), Internal Revenue Code;
  - (c) provides, on an outpatient basis, for a period of less than 24 consecutive hours, to an individual not residing or confined at a facility owned or operated by the charitable nonprofit corporation:
    - (i) advice;
    - (ii) counseling;
    - (iii) diagnosis;
    - (iv) treatment;
    - (v) surgery; or
    - (vi) care or services relating to the preservation or maintenance of health; and
  - (d) has a licensed outpatient pharmacy.
- (4) "Charitable pharmacy" means an eligible pharmacy that is operated by a charitable clinic.
- (5) "County health department" means the same as that term is defined in Section 26A-1-102.
- (6) "Donated prescription drug" means a prescription drug that an eligible donor or individual donates to an eligible pharmacy under the program.
- (7) "Eligible donor" means a donor that donates a prescription drug from within the state and is:
  - (a) a nursing care facility;
  - (b) an assisted living facility;
  - (c) a licensed intermediate care facility for people with an intellectual disability;
  - (d) a manufacturer;
  - (e) a pharmaceutical wholesale distributor;
  - (f) an eligible pharmacy; or
  - (g) a physician's office.
- (8) "Eligible pharmacy" means a pharmacy that:
  - (a) is registered by the division as eligible to participate in the program; and
  - (b)
    - (i) is licensed in the state as a Class A retail pharmacy; or
    - (ii) is operated by:
      - (A) a county;
      - (B) a county health department;
      - (C) a pharmacy under contract with a county health department;
      - (D) the Department of Health, created in Section 26-1-4;
      - (E) the Division of Substance Abuse and Mental Health, created in Section 62A-15-103; or
      - (F) a charitable clinic.
- (9)
  - (a) "Eligible prescription drug" means a prescription drug, described in Section 58-17b-904, that is not:
    - (i) except as provided in Subsection (9)(b), a controlled substance; or

- (ii) a drug that can only be dispensed to a patient registered with the drug's manufacturer in accordance with federal Food and Drug Administration requirements.
- (b) "Eligible prescription drug" includes a medication-assisted treatment drug that may be accepted, transferred, and dispensed under the program in accordance with federal law.
- (10) "Licensed intermediate care facility for people with an intellectual disability" means the same as that term is defined in Section 58-17b-503.
- (11) "Medically indigent individual" means an individual who:
  - (a)
    - (i) does not have health insurance; and
    - (ii) lacks reasonable means to purchase prescribed medications; or
  - (b)
    - (i) has health insurance; and
    - (ii) lacks reasonable means to pay the insured's portion of the cost of the prescribed medications.
- (12) "Medication-assisted treatment drug" means buprenorphine prescribed to treat substance use withdrawal symptoms or an opiate use disorder.
- (13) "Nursing care facility" means the same as that term is defined in Section 26-18-501.
- (14) "Physician's office" means a fixed medical facility that:
  - (a) is staffed by a physician, physician's assistant, nurse practitioner, or registered nurse, licensed under Title 58, Occupations and Professions; and
  - (b) treats an individual who presents at, or is transported to, the facility.
- (15) "Program" means the Charitable Prescription Drug Recycling Program created in Section 58-17b-903.
- (16) "Unit pack" means the same as that term is defined in Section 58-17b-503.
- (17) "Unlawful conduct" means the same as that term is defined in Sections 58-1-501 and 58-17b-501.
- (18) "Unprofessional conduct" means the same as that term is defined in Sections 58-1-501 and 58-17b-502.