

Part 3 Licensing

58-17b-301 License required -- License classifications for individuals.

- (1) A license is required to engage in the practice of pharmacy, telepharmacy, pharmacy technician, or dispensing medical practitioner except as specifically provided in Section 58-1-307 or 58-17b-309.
- (2) The division shall issue to an individual who qualifies under this chapter a license in the classification of:
 - (a) pharmacist;
 - (b) pharmacy intern;
 - (c) pharmacy technician;
 - (d) dispensing medical practitioner; or
 - (e) pharmacy technician trainee.

Amended by Chapter 72, 2014 General Session

Amended by Chapter 385, 2014 General Session

Amended by Chapter 385, 2014 General Session

58-17b-302 License required -- License classifications for pharmacy facilities.

- (1) A license is required to act as a pharmacy, except:
 - (a) as specifically exempted from licensure under Section 58-1-307;
 - (b) for the operation of a medical cannabis pharmacy under Title 4, Chapter 41a, Cannabis Production Establishments and Pharmacies; and
 - (c) to operate a licensed dispensing practice under Chapter 88, Part 2, Dispensing Practice.
- (2) The division shall issue a pharmacy license to a facility that qualifies under this chapter in the classification of a:
 - (a) class A pharmacy;
 - (b) class B pharmacy;
 - (c) class C pharmacy;
 - (d) class D pharmacy;
 - (e) class E pharmacy; or
 - (f) dispensing medical practitioner clinic pharmacy.
- (3)
 - (a) Each place of business shall require a separate license.
 - (b) If multiple pharmacies exist at the same address, a separate license shall be required for each pharmacy.
- (4)
 - (a) The division may further define or supplement the classifications of pharmacies.
 - (b) The division may impose restrictions upon classifications to protect the public health, safety, and welfare.
- (5) Each pharmacy shall have a pharmacist-in-charge, except as otherwise provided by rule.
- (6) Whenever an applicable statute or rule requires or prohibits action by a pharmacy, the pharmacist-in-charge and the owner of the pharmacy shall be responsible for all activities of the pharmacy, regardless of the form of the business organization.

Amended by Chapter 273, 2023 General Session

Amended by Chapter 328, 2023 General Session, (Coordination Clause)

Amended by Chapter 328, 2023 General Session

58-17b-303 Qualifications for licensure as a pharmacist.

- (1) An applicant for licensure as a pharmacist shall:
 - (a) submit an application in a form prescribed by the division;
 - (b) pay a fee as determined by the department under Section 63J-1-504;
 - (c) complete a criminal background check and be free from criminal convictions as described in Section 58-1-501;
 - (d) have no physical or mental condition of a nature which prevents the applicant from engaging in the practice of pharmacy with reasonable skill, competency, and safety to the public;
 - (e) have graduated and received a professional entry degree from a school or college of pharmacy which is accredited by the Accreditation Council on Pharmacy Education;
 - (f) have completed an internship meeting standards established by division rule made in collaboration with the board; and
 - (g) have successfully passed examinations required by division rule made in collaboration with the board.
- (2) An applicant for licensure as a pharmacist whose pharmacy education was completed at a foreign pharmacy school shall, in addition to the requirements under Subsections (1)(a) through (d), (f), and (g), obtain a certification of equivalency from a credentialing agency required by division rule made in collaboration with the board.
- (3) An applicant for a license by endorsement as a pharmacist under this section shall:
 - (a) submit a written application in the form prescribed by the division;
 - (b) pay the fee determined by the department under Section 63J-1-504;
 - (c) complete a criminal background check and be free from criminal convictions as described in Section 58-1-501;
 - (d) have no physical or mental condition of a nature which prevents the applicant from engaging in the practice of pharmacy with reasonable skill, competency, and safety to the public;
 - (e) have lawfully practiced as a licensed pharmacist a minimum of 2,000 hours in the four years immediately preceding the date of application;
 - (f) produce satisfactory evidence of completing the professional education required under Subsection (1);
 - (g) be currently licensed in good standing as a pharmacist in another state, territory, or possession of the United States;
 - (h) produce satisfactory evidence that the examination requirements are or were at the time the license was issued, equal to those of this state; and
 - (i) pass the jurisprudence examination prescribed by division rule made in collaboration with the board.

Amended by Chapter 339, 2020 General Session

58-17b-304 Qualifications for licensure of pharmacy intern.

An applicant for licensure as a pharmacy intern shall:

- (1) submit an application in a form prescribed by the division;
- (2) pay a fee determined by the department under Section 63J-1-504;
- (3) complete a criminal background check and be free from criminal convictions as described in Section 58-1-501;

- (4) have no physical or mental condition of a nature which prevents the applicant from engaging in the practice of pharmacy with reasonable skill, competency, and safety to the public;
- (5) meet the preliminary educational qualifications required by division rule made in collaboration with the board; and
- (6) meet one of the following educational criteria:
 - (a) be a current pharmacy student, a resident, or fellow in a program approved by division rule made in collaboration with the board; or
 - (b) have graduated from a foreign pharmacy school and received certification of equivalency from a credentialing agency approved by division rule made in collaboration with the board.

Amended by Chapter 339, 2020 General Session

58-17b-305 Qualifications for licensure of pharmacy technician.

- (1) An applicant for licensure as a pharmacy technician shall:
 - (a) submit an application in a form prescribed by the division;
 - (b) pay a fee determined by the department under Section 63J-1-504;
 - (c) complete a criminal background check and be free from criminal convictions as described in Section 58-1-501;
 - (d) have no physical or mental condition of a nature which prevents the applicant from engaging in practice as a pharmacy technician with reasonable skill, competency, and safety to the public;
 - (e) have completed a program and curriculum of education and training, meeting standards established by division rule made in collaboration with the board; and
 - (f) successfully complete the examinations requirement within the time periods established by division rule made in collaboration with the board.
- (2) A pharmacist whose license has been denied, revoked, suspended, or restricted for disciplinary purposes is not eligible to be a licensed pharmacy technician while on probation with the division.

Amended by Chapter 339, 2020 General Session

58-17b-305.1 Qualifications for licensure of pharmacy technician trainee.

- (1) An applicant for licensure as a pharmacy technician trainee shall:
 - (a) submit an application to the division on a form created by the division;
 - (b) pay a fee established by the division in accordance with Section 63J-1-504;
 - (c) unless exempted by the division, submit a completed criminal background check;
 - (d) demonstrate, as determined by the division, that the applicant does not have a physical or mental condition that would prevent the applicant from engaging in practice as a pharmacy technician with reasonable skill, competency, and safety to the public;
 - (e) submit evidence that the applicant is enrolled in a training program approved by the division; and
 - (f) satisfy any other criteria established by division rule made in collaboration with the board.
- (2) A pharmacist whose license has been denied, revoked, suspended, or restricted for disciplinary purposes is not eligible to be licensed as a pharmacy technician trainee during division probation.

Amended by Chapter 340, 2021 General Session

58-17b-306 Qualifications for licensure as a pharmacy.

- (1) Each applicant for licensure under this section, except for those applying for a class D license, shall:
 - (a) submit a written application in the form prescribed by the division;
 - (b) pay a fee as determined by the department under Section 63J-1-504;
 - (c) satisfy the division that the applicant, and each owner, officer, or manager of the applicant have not engaged in any act, practice, or omission, which when considered with the duties and responsibilities of a licensee under this section indicates there is cause to believe that issuing a license to the applicant is inconsistent with the interest of the public's health, safety, or welfare;
 - (d) demonstrate the licensee's operations will be in accordance with all federal, state, and local laws relating to the type of activity engaged in by the licensee, including regulations of the Federal Drug Enforcement Administration and Food and Drug Administration;
 - (e) maintain operating standards established by division rule made in collaboration with the board and in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act;
 - (f) for each pharmacy license, ensure that the pharmacist in charge, as defined by the division, submits fingerprint cards and consents to a fingerprint background check in accordance with Section 58-17b-307; and
 - (g) acknowledge the division's authority to inspect the licensee's business premises pursuant to Section 58-17b-103.
- (2) Each applicant applying for a class D license shall:
 - (a) submit a written application in the form prescribed by the division;
 - (b) pay a fee as determined by the department under Section 63J-1-504;
 - (c) present to the division verification of licensure in the state where physically located and verification that such license is in good standing;
 - (d) satisfy the division that the applicant and each of the applicant's pharmacy managers has not engaged in any act, practice, or omission, which when considered with the duties and responsibilities of a licensee under this section, indicates there is cause to believe that issuing a license to the applicant is inconsistent with the interest of the public's health, safety, or welfare;
 - (e) for each pharmacy manager, submit fingerprint cards and consent to a fingerprint background check in accordance with Section 58-17b-307;
 - (f) provide a statement of the scope of pharmacy services that will be provided and a detailed description of the protocol as described by rule by which pharmacy care will be provided, including any collaborative practice arrangements with other health care practitioners;
 - (g) sign an affidavit attesting that any healthcare practitioners employed by the applicant and physically located in Utah have the appropriate license issued by the division and in good standing;
 - (h) sign an affidavit attesting that the applicant will abide by the pharmacy laws and regulations of the jurisdiction in which the pharmacy is located; and
 - (i) if an applicant engages in compounding, submit the most recent inspection report:
 - (i) conducted within two years before the application for licensure; and
 - (ii)
 - (A) conducted as part of the National Association of Boards of Pharmacy Verified Pharmacy Program; or
 - (B) performed by the state licensing agency of the state in which the applicant is a resident and in accordance with the National Association of Boards of Pharmacy multistate inspection blueprint program.

- (3)
 - (a) Each license issued under this section shall be associated with a single, specific address.
 - (b) By rule made in collaboration with the board and in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the division shall allow a licensee to update, by request to the division, the address associated with the licensee under Subsection (3)(a), to a new address if the licensee requests the change of address at least 90 days before the day on which the licensee begins operating at the new address.

Amended by Chapter 210, 2024 General Session

58-17b-307 Qualification for licensure -- Criminal background checks.

- (1) An individual applicant for licensure under this chapter shall:
 - (a) submit fingerprint cards in a form acceptable to the division at the time the license application is filed; and
 - (b) in accordance with this section and requirements established by rule made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, consent to a fingerprint background check regarding the application conducted by the:
 - (i) Utah Bureau of Criminal Identification; and
 - (ii) Federal Bureau of Investigation.
- (2) An applicant for licensure as a pharmacy under this chapter shall submit the information described in Subsection (1) for each of the applicant's pharmacy managers.
- (3) The division shall:
 - (a) in addition to other fees authorized by this chapter, collect from each applicant submitting fingerprints in accordance with this section the fee that the Bureau of Criminal Identification is authorized to collect for the services provided under Section 53-10-108 and the fee charged by the Federal Bureau of Investigation for fingerprint processing for the purpose of obtaining federal criminal history record information;
 - (b) submit from each applicant the fingerprint card and the fees described in Subsection (3)(a) to the Bureau of Criminal Identification; and
 - (c) obtain and retain in division records, a signed waiver approved by the Bureau of Criminal Identification in accordance with Section 53-10-108 for each individual who requires a background check under this section.
- (4) The Bureau of Criminal Identification shall, in accordance with the requirements of Section 53-10-108:
 - (a) check the fingerprints submitted under Subsection (3)(b) against the applicable state and regional criminal records databases;
 - (b) forward the fingerprints to the Federal Bureau of Investigation for a national criminal history background check; and
 - (c) provide the results from the state, regional, and nationwide criminal history background checks to the division.
- (5) For purposes of conducting the criminal background check required in Subsection (1), the division shall have direct access to criminal background information maintained under Title 53, Chapter 10, Part 2, Bureau of Criminal Identification.
- (6)
 - (a) A new pharmacy, pharmacist, pharmacy intern, or pharmacy technician license issued under this section is conditional, pending completion of the criminal background checks.
 - (b) Notwithstanding Title 63G, Chapter 4, Administrative Procedures Act, if the criminal background check required in Subsection (1) discloses that the applicant or the applicant's

pharmacy manager has failed to accurately disclose a criminal history, the license is immediately and automatically revoked upon notice to the licensee by the division.

- (7)
 - (a) A person whose conditional license has been revoked under Subsection (6) is entitled to a postrevocation hearing to challenge the revocation.
 - (b) The division shall conduct a postrevocation hearing in accordance with Title 63G, Chapter 4, Administrative Procedures Act.
- (8) The division may not disseminate outside of the division any criminal history record information that the division obtains from the Bureau of Criminal Identification or the Federal Bureau of Investigation under the criminal background check requirements of this section.

Amended by Chapter 223, 2023 General Session

58-17b-308 Term of license -- Expiration -- Renewal.

- (1) Except as provided in Subsection (2), each license issued under this chapter shall be issued in accordance with a two-year renewal cycle established by rule. A renewal period may be extended or shortened by as much as one year to maintain established renewal cycles or to change an established renewal cycle. Each license automatically expires on the expiration date shown on the license unless renewed by the licensee in accordance with Section 58-1-308.
- (2) The duration of a pharmacy intern license may be no longer than:
 - (a) one year for a license issued under Subsection 58-17b-304(6)(b); or
 - (b) five years for a license issued under Subsection 58-17b-304(6)(a).
- (3) A pharmacy intern license issued under this chapter may not be renewed, but may be extended by the division in collaboration with the board.
- (4) As a prerequisite for renewal of a class D pharmacy license of a pharmacy that engages in compounding, a licensee shall submit the most recent inspection report:
 - (a) conducted within two years before the application for renewal; and
 - (b)
 - (i) conducted as part of the National Association of Boards of Pharmacy Verified Pharmacy Program; or
 - (ii) performed by the state licensing agency of the state in which the applicant is a resident and in accordance with the National Association of Boards of Pharmacy multistate inspection blueprint program.

Amended by Chapter 339, 2020 General Session

58-17b-309 Exemptions from licensure.

In addition to the exemptions from licensure in Section 58-1-307, the following individuals may engage in the acts or practices described in this section without being licensed under this chapter:

- (1) a person selling or providing contact lenses in accordance with Section 58-16a-801;
- (2) an animal shelter that:
 - (a) under the indirect supervision of a veterinarian, stores, handles, or administers a drug used for euthanising an animal; and
 - (b) under the indirect supervision of a veterinarian who is under contract with the animal shelter, stores, handles, or administers a rabies vaccine;

- (3) an overdose outreach provider, as defined in Section 26B-4-501, that obtains, stores, or furnishes an opiate antagonist in accordance with Title 26B, Chapter 4, Part 5, Treatment Access; and
- (4) a dispensing practitioner, as defined in Section 58-88-201, dispensing a drug under Chapter 88, Part 2, Dispensing Practice.

Amended by Chapter 328, 2023 General Session

58-17b-309.6 Exemptions from licensure for research using pharmaceuticals.

Research using pharmaceuticals, as defined in Section 58-17b-102, is exempt from licensure under Sections 58-17b-301 and 58-17b-302.

Amended by Chapter 181, 2017 General Session

58-17b-309.7 Opioid treatment program.

- (1) As used in this section:
 - (a) "Covered provider" means an individual who is licensed to engage in:
 - (i) the practice of advanced practice registered nursing as defined in Section 58-31b-102;
 - (ii) the practice of registered nursing as defined in Section 58-31b-102; or
 - (iii) practice as a physician assistant as defined in Section 58-70a-102.
 - (b) "Opioid treatment program" means a program or practitioner that is:
 - (i) engaged in dispensing an opiate medication assisted treatment for opioid use disorder;
 - (ii) registered under 21 U.S.C. Sec. 823(g)(1);
 - (iii) licensed by the Division of Licensing and Background Checks within the Department of Health and Human Services created in Section 26B-2-103; and
 - (iv) certified by the federal Substance Abuse and Mental Health Services Administration in accordance with 42 C.F.R. 8.11.
- (2) A covered provider may dispense opiate medication assisted treatment at an opioid treatment program if the covered provider:
 - (a) is operating under the direction of a pharmacist;
 - (b) dispenses the opiate medication assisted treatment under the direction of a pharmacist; and
 - (c) acts in accordance with division rule made under Subsection (3).
- (3) The division shall, in consultation with practitioners who work in an opioid treatment program, make rules in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, to establish guidelines under which a covered provider may dispense opiate medication assisted treatment to a patient in an opioid treatment program under this section.

Amended by Chapter 240, 2024 General Session

58-17b-310 Continuing education.

- (1) The division in collaboration with the board may establish by rule continuing education requirements for each classification of licensure under this chapter.
- (2) The division shall accept and apply toward an hour requirement that the division establishes under Subsection (1) continuing education that a pharmacist completes in accordance with Section 26B-4-219.

Amended by Chapter 5, 2019 Special Session 1

