



UTAH STATE SENATE

319 STATE CAPITOL • SALT LAKE CITY, UTAH 84114 • (801) 538-1035

February 11, 1999

Mr. President:

The Business, Labor, and Economic Development Committee reports a favorable recommendation on **S.B. 94**, PHARMACY PRACTICE ACT AMENDMENTS, by Senator P. Knudson, with the following amendments:

1. Page 1, Line 10: After line 10 insert:
"58-17a-502, as enacted by Chapter 247, Laws of Utah 1996"
2. Page 7, Line 202: After "devices" insert:
" , provided that the administration of a prescription drug or device is:
(i) pursuant to a lawful order of a practitioner when one is required by law;
and
(ii) in accordance with written guidelines or protocols:
(A) established by the licensed facility in which the prescription drug or
device is to be administered on an inpatient basis; or
(B) approved by the division, in collaboration with the board and the
Physician's Licensing Board, created in Section 58-67-201, if the
prescription drug or device is to be administered on an outpatient basis"
3. Page 9 Line 246: After line 246 insert:
"Section 2. Section **58-17a-502** is amended to read:
58-17a-502. Unprofessional conduct.
"Unprofessional conduct" includes:
(1) willfully deceiving or attempting to deceive the division, the board, or their agents as to any relevant matter regarding compliance under this chapter;
(2) (a) paying rebates to practitioners or any other health care providers, or entering into any agreement with a medical practitioner or any other person for the payment or acceptance of compensation or its economic equivalent for recommending of the professional services of either party, except as allowed under Subsection (2)(b); and
(b) price discounts conditional upon volume purchases are not prohibited under Subsection (2)(a);
(3) misbranding or adulteration of any drug or device or the sale, distribution, or dispensing of any misbranded or adulterated drug or device;
(4) engaging in the sale or purchase of drugs or devices that are samples

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- or packages bearing the inscription "sample" or "not for resale" or similar words or phrases;
- (5) accepting back and redistributing of any unused drug, or a part of it, after it has left the premises of any pharmacy, unless the drug is in the original sealed unit dose package or manufacturer's sealed container;
 - (6) being employed as a pharmacist, pharmacy intern, or pharmacy technician, or sharing or receiving compensation in any form arising out of an act incidental to professional activities in the course of which any person requires him to engage in any aspects of the practice of pharmacy in violation of this chapter;
 - (7) violation of Federal Title II, P.L. 91, Controlled Substances Act, or Title 58, Chapter 37, Utah Controlled Substances Act, or rules and regulations adopted under either of them; ~~and~~
 - (8) requiring or permitting pharmacy interns or technicians to engage in activities outside the scope of practice for their respective license classifications as defined in this chapter and division rules made in collaboration with the board, or beyond an individual's scope of training and ability[-]; and
 - (9) administering without:
 - (a) appropriate training as defined by rule; and
 - (b) written guidelines or protocols of a practitioner or in conflict with such guidelines or protocols; or
 - (c) a lawful order, when one is required by law."

Respectfully,

Parley G. Hellewell
Committee Chair

Voting: 4-0-2

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