

Senator David P. Hinkins proposes the following substitute bill:

PHARMACY PRACTICE ACT AMENDMENTS

2010 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Curtis S. Bramble

House Sponsor: Rebecca D. Lockhart

LONG TITLE

General Description:

This bill amends the Pharmacy Practice Act.

Highlighted Provisions:

This bill:

- ▶ amends provisions related to exemptions from licensure;
- ▶ defines terms;
- ▶ exempts prescribing ~~§~~→ [practitioners] physicians ←~~§~~ from licensure under the

Pharmacy Practice Act

when a ~~§~~→ [practitioner] physician ←~~§~~ dispenses a cosmetic drug or an injectable weight loss drug to

the ~~§~~→ [practitioner's] physician's ←~~§~~ patient; and

- ▶ requires certain drug labeling and record keeping standards for the dispensing

~~§~~→ [practitioner.] physician ←~~§~~

Monies Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

58-17b-309, as last amended by Laws of Utah 2005, Chapter 71



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27 *Be it enacted by the Legislature of the state of Utah:*28 Section 1. Section **58-17b-309** is amended to read:29 **58-17b-309. Exemptions from licensure.**30 (1) For purposes of this section:31 (a) "Cosmetic drug":32 (i) means a prescription drug that is ~~§~~ :32a (A) ~~§~~ for the purpose of promoting attractiveness or33 altering the appearance of an individual; and33a ~~§~~ (B) listed as a cosmetic drug subject to the exemption under this section by the division33b by administrative rule; and ~~§~~34 (ii) does not include a prescription drug that is:35 (A) a controlled substance;36 (B) compounded by the prescribing practitioner; or37 (C) medically necessary to promote the proper function of the body or prevent or treat38 physical illness or disease.39 (b) "Injectable weight loss drug":40 (i) means an injectable prescription drug prescribed to promote weight loss; and41 (ii) does not include a prescription drug that is a controlled substance.41a ~~§~~ (c) "Physician" means an individual licensed under either Chapter 67, Utah Medical41b Practice41c Act, or Chapter 68, Utah Osteopathic Medical Practice Act. ~~§~~42 [(+)] (2) In addition to the exemptions from licensure in Section 58-1-307, the43 following individuals may engage in the acts or practices described in this Subsection [(+)] (2)44 without being licensed under this chapter:45 (a) a person selling or providing contact lenses in accordance with Section 58-16a-801;46 [and]47 (b) an individual engaging in the practice of pharmacy technician under the direct48 personal supervision of a pharmacist while making satisfactory progress in an approved49 program as defined in division rule[-]; and50 (c) a ~~§~~ [practitioner] physician ~~§~~ who prescribes and dispenses a cosmetic drug or an50a injectable weight51 loss drug to the ~~§~~ [practitioner's] physician's ~~§~~ patient in accordance with Subsection (4).52 [(2)] (3) In accordance with Subsection 58-1-303[(+)] (2)(a), an individual exempt

53 under Subsection [~~(1)~~] (2)(b) must take all examinations as required by division rule following
54 completion of an approved curriculum of education, within the required time frame. This
55 exemption expires immediately upon notification of a failing score of an examination, and the
56 individual may not continue working as a pharmacy technician even under direct supervision.

57 (4) A §→ [practitioner] physician ←§ is exempt from licensing under the provisions of
57a Subsection (2)(c) if
58 the §→ [practitioner] physician ←§ :
59 (a) (i) writes a prescription for a cosmetic drug or an injectable weight loss drug; and
60 (ii) informs the patient that the prescription may be filled at a pharmacy or dispensed in
61 the §→ [practitioner's] physician's ←§ office;
62 (b) dispenses a cosmetic drug or injectable weight loss drug:
63 (i) only to the §→ [practitioner's] physician's ←§ patients; and
64 (ii) in a package labeled with:
65 (A) the §→ [practitioner's] physician's ←§ name, address, and telephone number;
66 (B) the date the drug is dispensed;
67 (C) the patient's name;
68 (D) the name and strength of the drug; and
69 (E) directions for the drug's use, and any cautionary statements;
70 (c) enters into the patient's medical record:
71 (i) the name and strength of the drug dispensed; and
72 (ii) the date the drug was dispensed;
73 (d) keeps the cosmetic drug or injectable weight loss drug in a locked cabinet or room,
74 controls access to the cabinet or room, and maintains an ongoing inventory of the cabinet's or
75 room's contents; and
76 (e) when compounding an injectable weight loss drug, complies with state and federal
77 laws that govern a pharmacy that compounds prescription drugs.
77a **§→ (5)(a) The division shall adopt an administrative rule pursuant to Title 63G, Chapter 3,**
77b **Utah Administrative Rulemaking Act to designate the prescription drugs that may be**
77c **dispensed as cosmetic drugs under this section.**
77d (b) **The division may inspect the office of a physician who is dispensing under the**
77e **provisions of this section, in order to determine whether the physician is in compliance with**
77f **the provisions of this section. If a physician chooses to dispense under the provisions of this**
77g **section, the physician consents to the jurisdiction of the division to inspect the physician's**
77h **office and determine if the provisions of this section are being met by the physician. ←§**

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Fiscal Note

2010 General Session

State of Utah

State Impact

Enactment of this bill will not require additional appropriations.

Individual, Business and/or Local Impact

Enactment of this bill likely will not result in direct, measurable costs and/or benefits for individuals, businesses, or local governments.
