

**PHARMACY PRACTICE ACT AMENDMENTS**

2010 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Curtis S. Bramble**

House Sponsor: \_\_\_\_\_

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**LONG TITLE**

**General Description:**

This bill amends the Pharmacy Practice Act.

**Highlighted Provisions:**

This bill:

- ▶ amends provisions related to exemptions from licensure;
- ▶ defines cosmetic drug;
- ▶ exempts prescribing practitioners from licensure under the Pharmacy Practice Act

when a practitioner dispenses a cosmetic drug to the practitioner's patient; and

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

**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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*Be it enacted by the Legislature of the state of Utah:*

Section 1. Section **58-17b-309** is amended to read:



28 **58-17b-309. Exemptions from licensure.**

29 (1) For purposes of this section, cosmetic drug:

30 (a) means a prescription drug that is for the purpose of promoting attractiveness or  
31 altering the appearance of an individual; and

32 (b) does not include a prescription drug that is:

33 (i) a controlled substance;

34 (ii) compounded by the prescribing practitioner; or

35 (iii) medically necessary to promote the proper function of the body or prevent or treat  
36 physical illness or disease.

37 ~~[(1)]~~ (2) In addition to the exemptions from licensure in Section 58-1-307, the  
38 following individuals may engage in the acts or practices described in this Subsection ~~[(1)]~~ (2)  
39 without being licensed under this chapter:

40 (a) a person selling or providing contact lenses in accordance with Section 58-16a-801;  
41 ~~[and]~~

42 (b) an individual engaging in the practice of pharmacy technician under the direct  
43 personal supervision of a pharmacist while making satisfactory progress in an approved  
44 program as defined in division rule~~[-];~~ and

45 (c) a practitioner who prescribes and dispenses a cosmetic drug to the practitioner's  
46 patient in accordance with Subsection (4).

47 ~~[(2)]~~ (3) In accordance with Subsection 58-1-303~~[(1)]~~ (2)(a), an individual exempt  
48 under Subsection ~~[(1)]~~ (2)(b) must take all examinations as required by division rule following  
49 completion of an approved curriculum of education, within the required time frame. This  
50 exemption expires immediately upon notification of a failing score of an examination, and the  
51 individual may not continue working as a pharmacy technician even under direct supervision.

52 (4) A practitioner is exempt from licensing under the provisions of Subsection (2)(c) if  
53 the practitioner:

54 (a) (i) writes a prescription for a cosmetic drug; and

55 (ii) informs the patient that the prescription may be filled at a pharmacy or dispensed in  
56 the practitioner's office;

57 (b) dispenses a cosmetic drug;

58 (i) only to the practitioner's patients; and

- 59           (ii) in a package labeled with:  
60           (A) the practitioner's name, address, and telephone number;  
61           (B) the date the drug is dispensed;  
62           (C) the patient's name;  
63           (D) the name and strength of the drug; and  
64           (E) directions for the drug's use, and any cautionary statements;  
65           (c) enters into the patient's medical record:  
66           (i) the name and strength of the drug dispensed; and  
67           (ii) the date the drug was dispensed; and  
68           (d) keeps the cosmetic drug in a locked cabinet or room, controls access to the cabinet  
69           or room, and maintains an ongoing inventory of the cabinet's or room's contents.
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**Legislative Review Note**  
as of 1-11-10 6:35 AM

**Office of Legislative Research and General Counsel**

