

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 from licensure under the Pharmacy Practice Act when a practitioner dispenses a cosmetic drug or an injectable weight loss 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:

58-17b-309. Exemptions from licensure.

(1) For purposes of this section:

(a) "Cosmetic drug":

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

(ii) does not include a prescription drug that is:

(A) a controlled substance;

(B) compounded by the prescribing practitioner; or

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

(b) "Injectable weight loss drug":

(i) means an injectable prescription drug prescribed to promote weight loss; and

(ii) does not include a prescription drug that is a controlled substance.

~~[(1)]~~ (2) 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 Subsection ~~[(1)]~~ (2) without being licensed under this chapter:

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

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

(c) a practitioner who prescribes and dispenses a cosmetic drug or an injectable weight loss drug to the practitioner's patient in accordance with Subsection (4).

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

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

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 office;

62 (b) dispenses a cosmetic drug or injectable weight loss drug:

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

64 (ii) in a package labeled with:

65 (A) the practitioner'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.

