

## SB0088S01 compared with SB0088

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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: \_\_\_\_\_

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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~~ 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

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### 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 ~~f, cosmetic~~:

(a) "Cosmetic drug":

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

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

(~~fi~~A) a controlled substance;

(~~fi~~B) compounded by the prescribing practitioner; or

(~~fi~~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.

~~(+)~~ (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 ~~(+)~~ (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~~(+)~~ (2)(a), an individual exempt under Subsection ~~(+)~~ (2)(b) must take all examinations as required by division rule following

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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.

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

(a) (i) writes a prescription for a cosmetic drug or an injectable weight loss drug; and

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

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

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

(ii) in a package labeled with:

(A) the practitioner's name, address, and telephone number;

(B) the date the drug is dispensed;

(C) the patient's name;

(D) the name and strength of the drug; and

(E) directions for the drug's use, and any cautionary statements;

(c) enters into the patient's medical record:

(i) the name and strength of the drug dispensed; and

(ii) the date the drug was dispensed;~~f and~~

(d) keeps the cosmetic drug or injectable weight loss drug in a locked cabinet or room, controls access to the cabinet or room, and maintains an ongoing inventory of the cabinet's or room's contents~~f~~.

### Legislative Review Note

~~as of 1-11-10 6:35 AM~~

Office of Legislative Research and General Counsel; and

(e) when compounding an injectable weight loss drug, complies with state and federal

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laws that govern a pharmacy that compounds prescription drugs.