

**E-PRESCRIBING AMENDMENTS**

2012 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Evan J. Vickers**

Senate Sponsor: Peter C. Knudson

---

---

**LONG TITLE**

**General Description:**

This bill amends the Electronic Prescribing Act.

**Highlighted Provisions:**

This bill:

- ▶ requires a practitioner to offer the patient a choice regarding to which pharmacy the prescription is transmitted;
- ▶ requires the entity transmitting the prescription to meet certain standards; and
- ▶ delays implementation of e-prescribing mandates until July 1, 2013.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

This bill takes effect July 1, 2012.

This bill provides revisor instructions.

**Utah Code Sections Affected:**

AMENDS:

**58-82-201 (Effective 07/01/12)**, as enacted by Laws of Utah 2009, Chapter 47

**Uncodified Material Affected:**

AMENDS UNCODIFIED MATERIAL:

**Uncodified Section 4, Laws of Utah 2009, Chapter 47**

This uncodified section affects Sections 58-82-101, 58-82-102, and 58-82-201.

---

---

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

30 Section 1. Section **58-82-201 (Effective 07/01/12)** is amended to read:

31 **58-82-201 (Effective 07/01/12). Electronic prescriptions -- Restrictions --**

32 **Rulemaking authority.**

33 (1) Subject to the provisions of this section, a practitioner shall:

34 (a) provide each existing patient of the practitioner with the option of participating in  
35 electronic prescribing for prescriptions issued for the patient, if the practitioner prescribes a  
36 drug or device for the patient on or after July 1, 2012[-]; and

37 (b) offer the patient a choice regarding to which pharmacy the practitioner will issue  
38 the electronic prescription.

39 (2) A practitioner may not issue a prescription through electronic prescribing for a  
40 drug, device, or federal controlled substance that the practitioner is prohibited by federal law or  
41 federal rule from issuing through electronic prescribing.

42 (3) A pharmacy shall:

43 (a) accept an electronic prescription that is transmitted in accordance with the  
44 requirements of this section and division rules; and

45 (b) dispense a drug or device as directed in an electronic prescription described in  
46 Subsection (3)(a).

47 (4) The division shall make rules to ensure that:

48 (a) except as provided in Subsection [~~5~~] (6), practitioners and pharmacies comply  
49 with this section;

50 (b) electronic prescribing is conducted in a secure manner, consistent with industry  
51 standards; and

52 (c) each patient is fully informed of the patient's rights, restrictions, and obligations  
53 pertaining to electronic prescribing.

54 (5) An entity that facilitates the electronic prescribing process under this section shall:

55 (a) transmit to the pharmacy the prescription for the drug prescribed by the prescribing  
56 practitioner however, this Subsection (5)(a) does not prohibit the use of an electronic  
57 intermediary if the electronic intermediary does not over-ride a patient's or prescriber's choice

58 of pharmacy;

59 (b) transmit only scientifically accurate, objective, and unbiased information to  
60 prescribing practitioners; and

61 (c) allow a prescribing practitioner to electronically override a formulary or preferred  
62 drug status when medically necessary.

63 [~~5~~] (6) The division may, by rule, grant an exemption from the requirements of this  
64 section to a pharmacy or a practitioner to the extent that the pharmacy or practitioner can  
65 establish, to the satisfaction of the division, that compliance with the requirements of this  
66 section would impose an extreme financial hardship on the pharmacy or practitioner.

67 Section 2. **Uncodified Section 4, Laws of Utah 2009, Chapter 47** is amended to read:

68 Section 4. **Effective date.**

69 This bill takes effect on July 1, [~~2012~~] 2013.

70 Section 3. **Effective date.**

71 This bill takes effect July 1, 2012.

72 Section 4. **Revisor instructions.**

73 The Legislature intends that the Office of Legislative Research and General Counsel, in  
74 preparing the Utah Code database for publication, change the effective date in Sections  
75 58-82-101, 58-82-102, and 58-82-201 from July 1, 2012 to July 1, 2013.