

28 AMENDS:

29 **58-17b-309**, as last amended by Laws of Utah 2011, Chapter 76

29a ~~§~~ → **58-83-502**, as enacted by Laws of Utah 2010, Chapter 180 ← ~~§~~

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

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

33 **58-17b-309. Exemptions from licensure.**

34 (1) For purposes of this section:

35 (a) "Cosmetic drug":

36 (i) means a prescription drug that is:

37 (A) for the purpose of promoting attractiveness or altering the appearance of an  
38 individual; and

39 (B) listed as a cosmetic drug subject to the exemption under this section by the division  
40 by administrative rule~~;~~ or has been expressly approved for online dispensing, whether or  
41 not it is dispensed online or through a physician's office; and

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

43 (A) a controlled substance; ~~§~~ → [or] ← ~~§~~

44 (B) compounded by the physician ~~§~~ → [f] ← ~~§~~ ; or ~~§~~ → [i] [e] ← ~~§~~

45 ~~§~~ → [f] ← ~~§~~ (C) prescribed or used for the patient for the purpose of diagnosing, curing,  
45a ~~§~~ → [ ] ← ~~§~~ [mitigating,

46 treating;] ~~§~~ → [ ] ← ~~§~~ or preventing a disease. ~~§~~ → [i] ← ~~§~~

47 (b) "Injectable weight loss drug":

48 (i) means an injectable prescription drug:

49 (A) prescribed to promote weight loss; and

50 (B) listed as an injectable prescription drug subject to exemption under this section by  
51 the division by administrative rule; and

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

53 (c) "Prescribing practitioner" means an individual licensed under:

54 (i) Chapter 31b, Nurse Practice Act, as an advanced practice registered nurse with  
55 prescriptive practice;

56 (ii) Chapter 67, Utah Medical Practice Act;

57 (iii) Chapter 68, Utah Osteopathic Medical Practice Act; or

58 (iv) Chapter 70a, Physician Assistant Act.

121 (E) Chapter 70a, Physician Assistant Act[-]; or

122 (F) Chapter 83, Online Prescribing, Dispensing, and Facilitation Act.

123 (6) Except as provided in Subsection (2)(d), this section does not restrict or limit the  
124 scope of practice of an optometrist or optometric physician licensed under Chapter 16a, Utah  
125 Optometry Practice Act.

125a **Ĥ→ Section 2. Section 58-83-502 is amended to read:**

125b **58-83-502. Unprofessional conduct.**

125c **"Unprofessional conduct" includes, in addition to the definition in Section 58-1-501 and as may**  
125d **be further defined by administrative rule:**

125e **(1) online prescribing, dispensing, or facilitation with respect to a person under the age of 18**  
125f **years;**

125g **(2) using the name or official seal of the state, the Utah Department of Commerce, or the Utah**  
125h **Division of Occupational and Professional Licensing, or their boards, in an unauthorized manner;**

125i **(3) failing to respond promptly to a request by the division for information including:**

125j **(a) an audit of the website; or**

125k **(b) records of the online prescriber, the Internet facilitator, or the online contract pharmacy;**

125l **(4) using an online prescriber, online contract pharmacy, or Internet facilitator without**  
125m **approval of the division;**

125n **(5) failing to inform a patient of the patient's freedom of choice in selecting who will dispense a**  
125o **prescription in accordance with Subsection 58-83-305(1)(n); [and]**

125p **(6) failing to keep the division informed of the name and contact information of the Internet**  
125q **facilitator or online contract pharmacy [-] ; and**

125r **(7) violating the dispensing and labeling requirements of Section 58-17b-309. ←Ĥ**

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Office of Legislative Research and General Counsel