{deleted text} shows text that was in SB0077 but was deleted in SB0077S01.

inserted text shows text that was not in SB0077 but was inserted into SB0077S01.

DISCLAIMER: This document is provided to assist you in your comparison of the two bills. Sometimes this automated comparison will NOT be completely accurate. Therefore, you need to read the actual bills. This automatically generated document could contain inaccuracies caused by: limitations of the compare program; bad input data; or other causes.

Senator Evan J. Vickers proposes the following substitute bill:

#### PHARMACY PRACTICE ACT AMENDMENTS

2014 GENERAL SESSION STATE OF UTAH

Chief Sponsor: Evan J. Vickers

House S	ponsor:		
Tiouse 5	ponsor.		

#### **LONG TITLE**

#### **General Description:**

This bill amends provisions of the Pharmacy Practice Act related to pharmacies and prescription drugs.

#### **Highlighted Provisions:**

This bill:

- ► directs the Division of Occupational and Professional Licensing to issue a pharmacy technician trainee license to an individual under certain circumstances;
- Practice Act to exclude a facility for which the facility's total distribution-related sales of prescription drugs does not exceed 5% of the facility's total prescription drug sales;

} and

- allows a pharmacy to sell a prescription drug to a practitioner for use in the practitioner's office or facility under certain circumstances;
- \* allows a hospital pharmacy that dispenses a prescription drug in a multidose container to a hospital patient and follows labeling requirements to provide the patient the drug when the patient is discharged; and
- makes technical and conforming amendments.

#### **†**Money Appropriated in this Bill:

None

#### **Other Special Clauses:**

None

#### **Utah Code Sections Affected:**

#### AMENDS:

- **58-17b-102**, as last amended by Laws of Utah 2013, Chapters 52, 166, and 423
- 58-17b-301, as last amended by Laws of Utah 2013, Chapter 52
- 58-17b-502, as last amended by Laws of Utah 2007, Chapter 279
- 58-17b-602, as last amended by Laws of Utah 2013, Chapter 79
- 58-17b-613, as enacted by Laws of Utah 2004, Chapter 280

#### **ENACTS**:

**58-17b-305.1**, Utah Code Annotated 1953

**58-17b-624**, Utah Code Annotated 1953

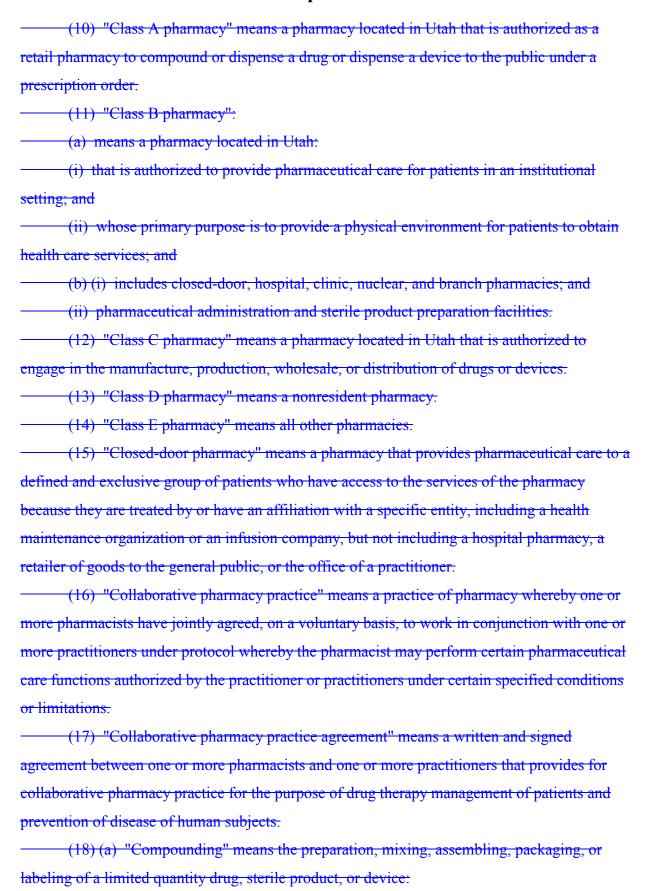
*Be it enacted by the Legislature of the state of Utah:* 

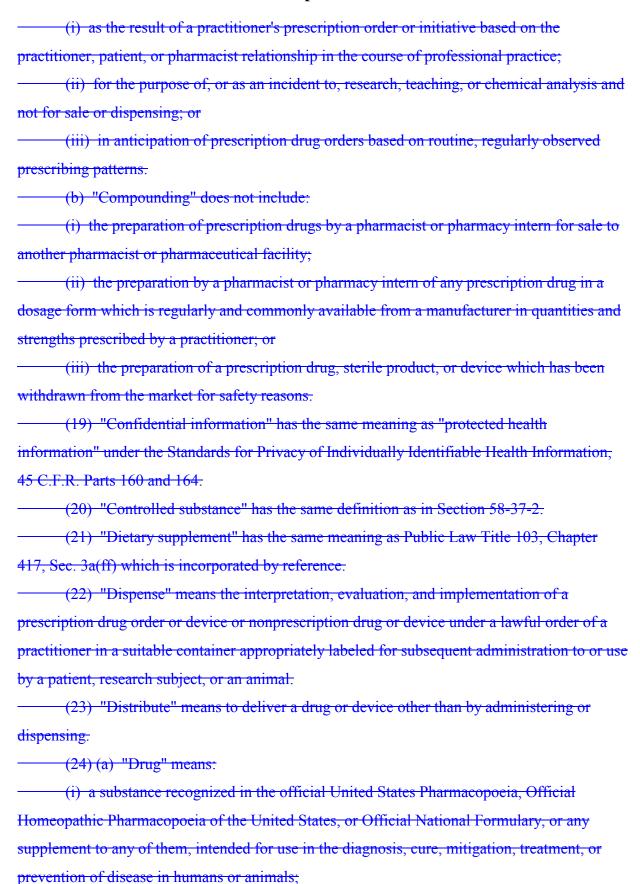
Section 1. Section <del>(58-17b-102)</del> 58-17b-301 is amended to read:

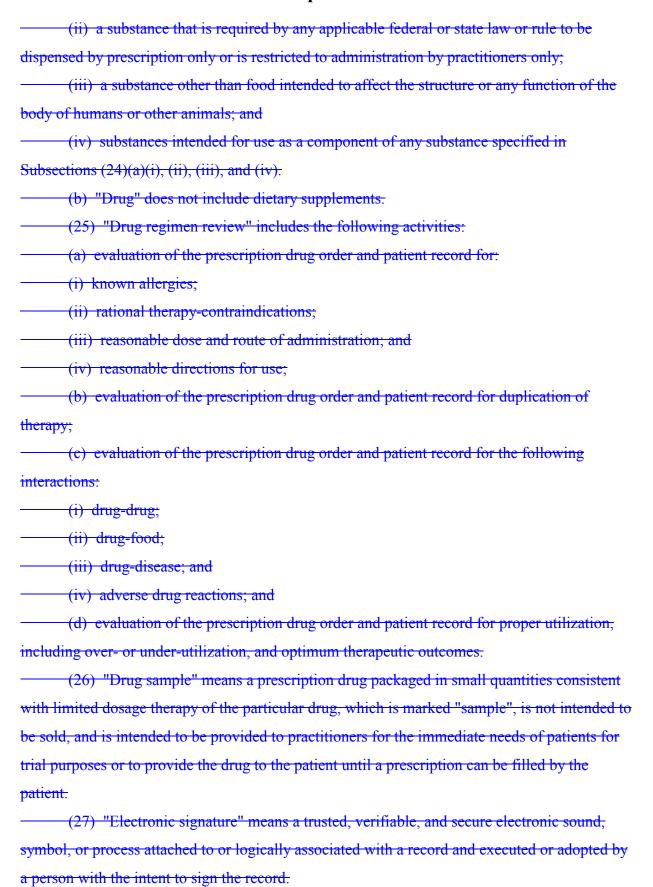
- **₹ 58-17b-102. Definitions.** 
  - In addition to the definitions in Section 58-1-102, as used in this chapter:
- (1) "Administering" means:
- (a) the direct application of a prescription drug or device, whether by injection, inhalation, ingestion, or by any other means, to the body of a human patient or research subject by another person; or
- (b) the placement by a veterinarian with the owner or caretaker of an animal or group of animals of a prescription drug for the purpose of injection, inhalation, ingestion, or any other

means directed to the body of the animal by the owner or caretaker in accordance with written or verbal directions of the veterinarian.

- (2) "Adulterated drug or device" means a drug or device considered adulterated under 21 U.S.C.S. Sec. 351 (2003).
- (3) (a) "Analytical laboratory" means a facility in possession of prescription drugs for the purpose of analysis.
- (b) "Analytical laboratory" does not include a laboratory possessing prescription drugs used as standards and controls in performing drug monitoring or drug screening analysis if the prescription drugs are prediluted in a human or animal body fluid, human or animal body fluid components, organic solvents, or inorganic buffers at a concentration not exceeding one milligram per milliliter when labeled or otherwise designated as being for in vitro diagnostic use:
- (4) "Animal euthanasia agency" means an agency performing euthanasia on animals by the use of prescription drugs.
- (5) "Automated pharmacy systems" includes mechanical systems which perform operations or activities, other than compounding or administration, relative to the storage, packaging, dispensing, or distribution of medications, and which collect, control, and maintain all transaction information.
- (6) "Beyond use date" means the date determined by a pharmacist and placed on a prescription label at the time of dispensing that indicates to the patient or caregiver a time beyond which the contents of the prescription are not recommended to be used.
- (7) "Board of pharmacy" or "board" means the Utah State Board of Pharmacy created in Section 58-17b-201.
- (8) "Branch pharmacy" means a pharmacy or other facility in a rural or medically underserved area, used for the storage and dispensing of prescription drugs, which is dependent upon, stocked by, and supervised by a pharmacist in another licensed pharmacy designated and approved by the division as the parent pharmacy.
- (9) "Centralized prescription processing" means the processing by a pharmacy of a request from another pharmacy to fill or refill a prescription drug order or to perform processing functions such as dispensing, drug utilization review, claims adjudication, refill authorizations, and therapeutic interventions.

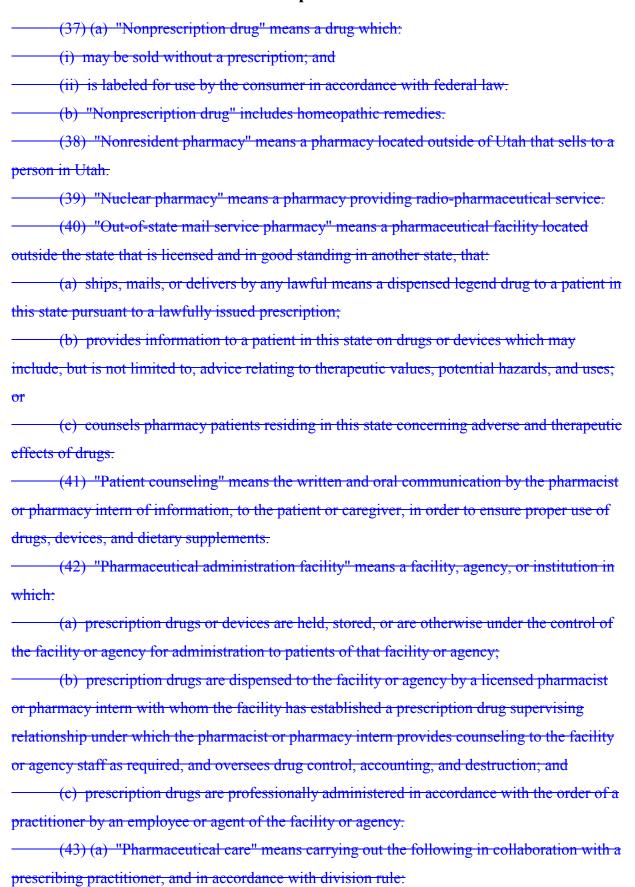


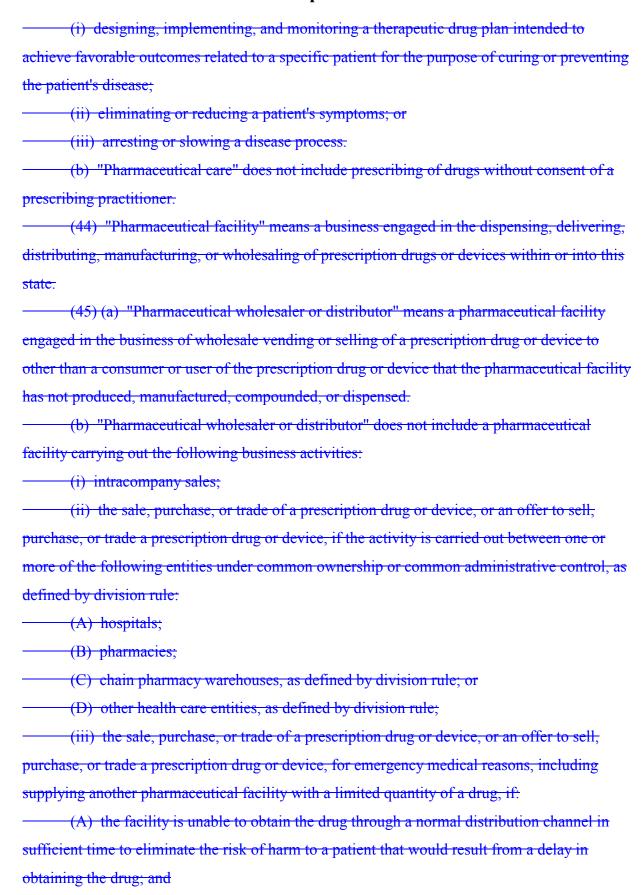


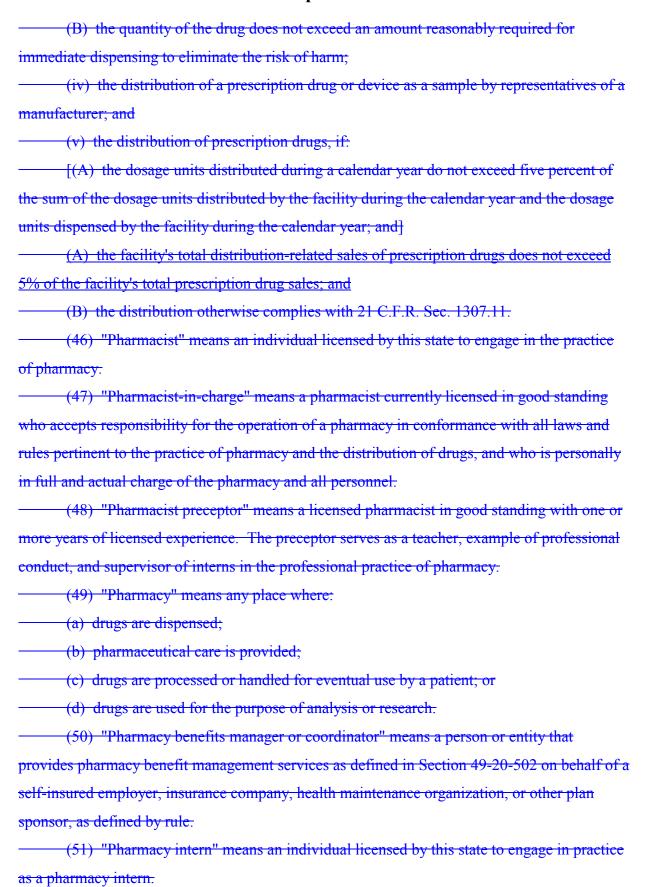


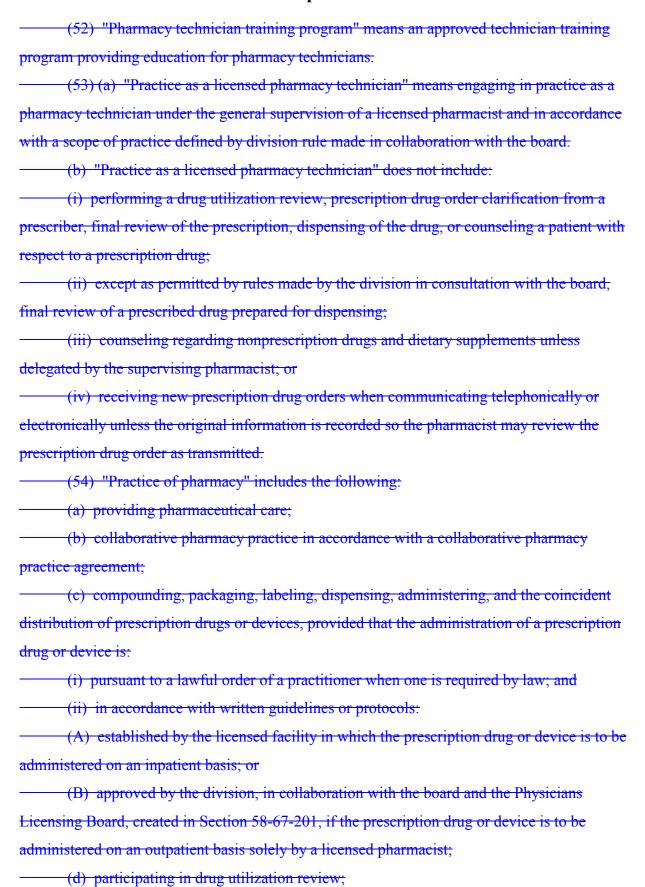
(28) "Electronic transmission" means transmission of information in electronic form or the transmission of the exact visual image of a document by way of electronic equipment. (29) "Hospital pharmacy" means a pharmacy providing pharmaceutical care to inpatients of a general acute hospital or specialty hospital licensed by the Department of Health under Title 26, Chapter 21, Health Care Facility Licensing and Inspection Act. (30) "Legend drug" has the same meaning as prescription drug. (31) "Licensed pharmacy technician" means an individual licensed with the division, that may, under the supervision of a pharmacist, perform the activities involved in the technician practice of pharmacy. (32) "Manufacturer" means a person or business physically located in Utah licensed to be engaged in the manufacturing of drugs or devices. (33) (a) "Manufacturing" means: (i) the production, preparation, propagation, conversion, or processing of a drug or device, either directly or indirectly, by extraction from substances of natural origin or independently by means of chemical or biological synthesis, or by a combination of extraction and chemical synthesis, and includes any packaging or repackaging of the substance or labeling or relabeling of its container; and (ii) the promotion and marketing of such drugs or devices. (b) "Manufacturing" includes the preparation and promotion of commercially available products from bulk compounds for resale by pharmacies, practitioners, or other persons. (c) "Manufacturing" does not include the preparation or compounding of a drug by a pharmacist, pharmacy intern, or practitioner for that individual's own use or the preparation, compounding, packaging, labeling of a drug, or incident to research, teaching, or chemical analysis. (34) "Medical order" means a lawful order of a practitioner which may include a prescription drug order. (35) "Medication profile" or "profile" means a record system maintained as to drugs or devices prescribed for a pharmacy patient to enable a pharmacist or pharmacy intern to analyze the profile to provide pharmaceutical care. (36) "Misbranded drug or device" means a drug or device considered misbranded under

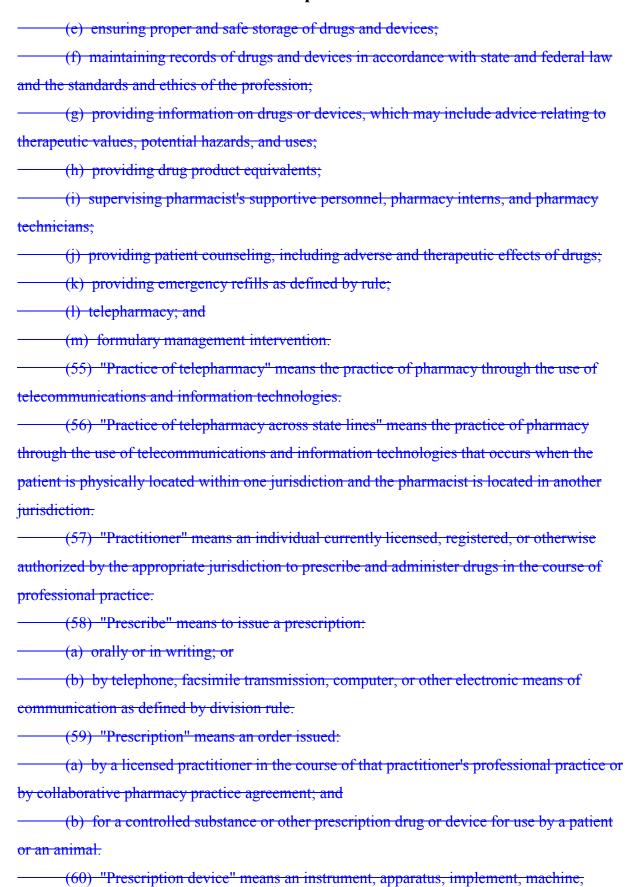
21 U.S.C.S. Sec. 352 (2003).











contrivance, implant, in vitro reagent, or other similar or related article, and any component part or accessory, which is required under federal or state law to be prescribed by a practitioner and dispensed by or through a person or entity licensed under this chapter or exempt from licensure under this chapter. (61) "Prescription drug" means a drug that is required by federal or state law or rule to be dispensed only by prescription or is restricted to administration only by practitioners. (62) "Research using pharmaceuticals" means research: (a) conducted in a research facility, as defined by division rule, that is associated with a university or college in the state accredited by the Northwest Commission on Colleges and Universities; (b) requiring the use of a controlled substance, prescription drug, or prescription device; (c) that uses the controlled substance, prescription drug, or prescription device in accordance with standard research protocols and techniques, including, if required, those approved by an institutional review committee; and (d) that includes any documentation required for the conduct of the research and the handling of the controlled substance, prescription drug, or prescription device. (63) "Retail pharmacy" means a pharmaceutical facility dispensing prescription drugs and devices to the general public. (64) "Self-audit" means an internal evaluation of a pharmacy to determine compliance with this chapter. (65) "Supervising pharmacist" means a pharmacist who is overseeing the operation of the pharmacy during a given day or shift. (66) "Supportive personnel" means unlicensed individuals who: (a) may assist a pharmacist, pharmacist preceptor, pharmacy intern, or licensed pharmacy technician in nonjudgmental duties not included in the definition of the practice of pharmacy, practice of a pharmacy intern, or practice of a licensed pharmacy technician, and as those duties may be further defined by division rule adopted in collaboration with the board; and (b) are supervised by a pharmacist in accordance with rules adopted by the division in

collaboration with the board.

- (67) "Unlawful conduct" is as defined in Sections 58-1-501 and 58-17b-501.
- (68) "Unprofessional conduct" is as defined in Sections 58-1-501 and 58-17b-502 and may be further defined by rule.
- (69) "Veterinary pharmaceutical facility" means a pharmaceutical facility that dispenses drugs intended for use by animals or for sale to veterinarians for the administration for animals.

Section 2. Section 58-17b-301 is amended to read:

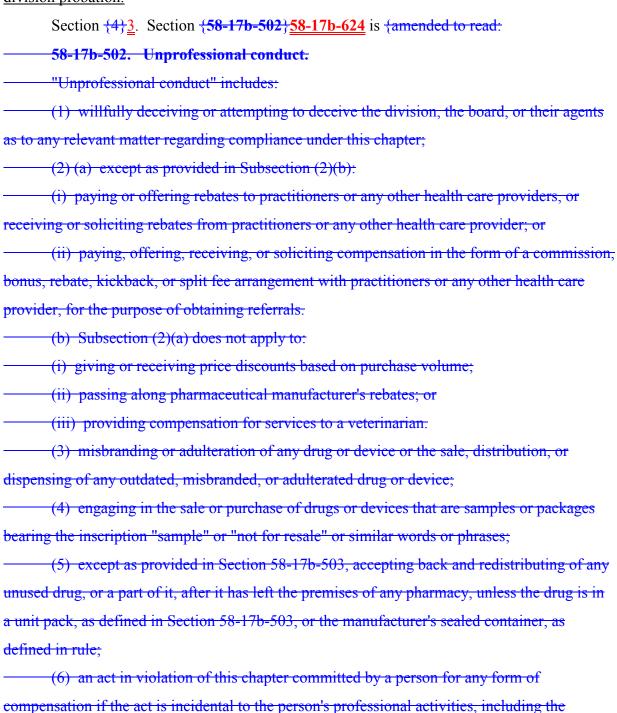
- 58-17b-301. License required -- License classifications for individuals.
- (1) A license is required to engage in the practice of pharmacy, telepharmacy, or the practice of a pharmacy technician, except as specifically provided in Section 58-1-307, 58-17b-309, or 58-17-309.6.
- (2) The division shall issue to an individual who qualifies under this chapter a license in the classification of:
  - (a) pharmacist;
  - (b) pharmacy intern; [or]
  - (c) pharmacy technician[-]; or
  - (d) pharmacy technician trainee.

Section  $\{3\}$ 2. Section **58-17b-305.1** is enacted to read:

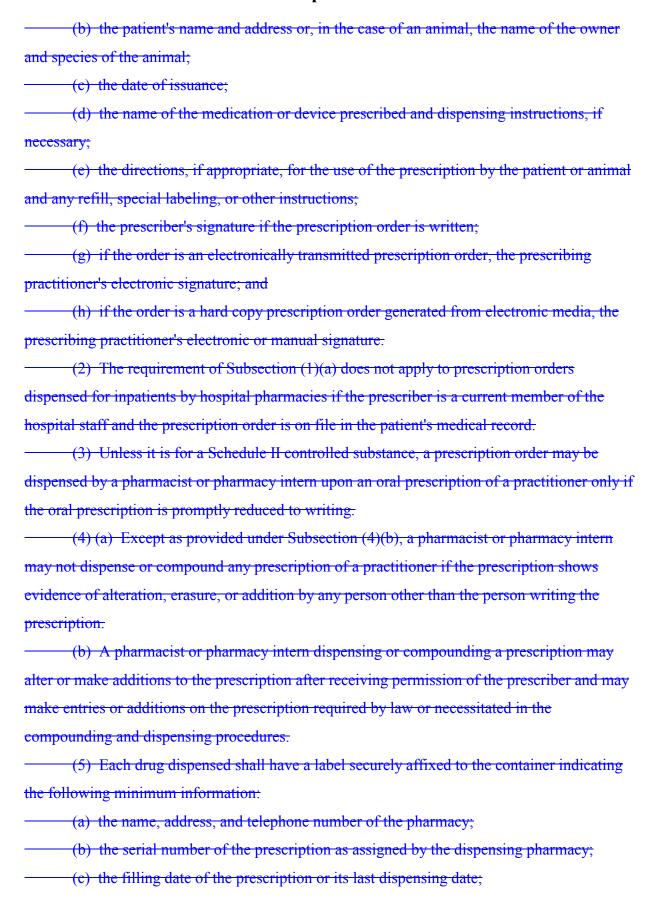
#### 58-17b-305.1. Qualifications for licensure of pharmacy technician trainee.

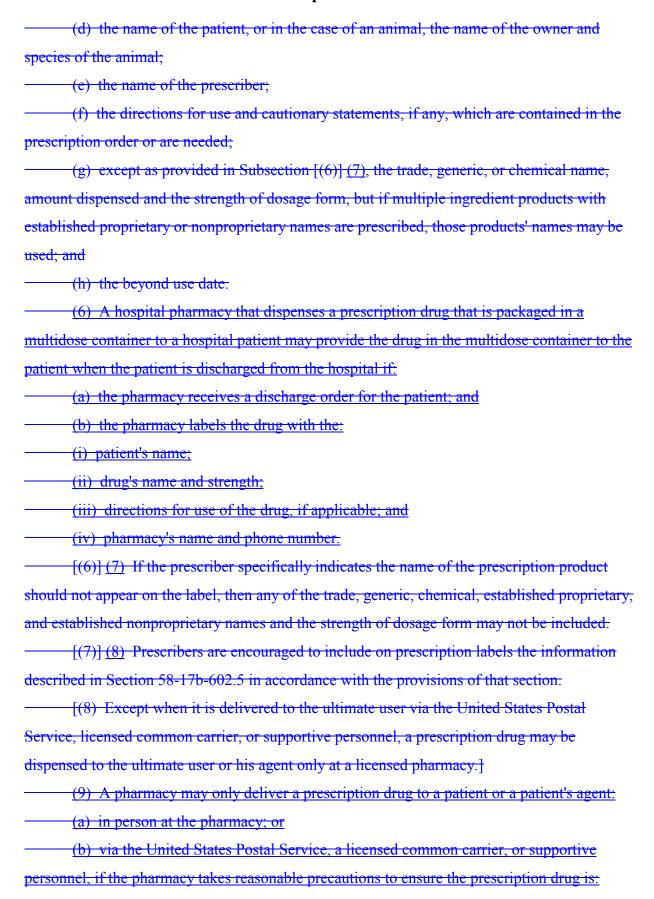
- (1) An applicant for licensure as a pharmacy technician trainee shall:
- (a) submit an application to the division on a form created by the division;
- (b) pay a fee established by the department in accordance with Section 63J-1-504;
- (c) submit satisfactory evidence, as determined by the department, of good moral character as it relates to the applicant's ability to practice pharmacy;
  - (d) submit a completed criminal background check;
- (e) submit evidence that the applicant has not engaged in conduct that is considered unlawful conduct or unprofessional conduct under Section 58-1-501, 58-17b-501, or 58-17b-502;
- (f) demonstrate, as determined by the department, that the applicant does not have a physical or mental condition that would prevent the applicant from engaging in practice as a pharmacy technician with reasonable skill, competency, and safety to the public;

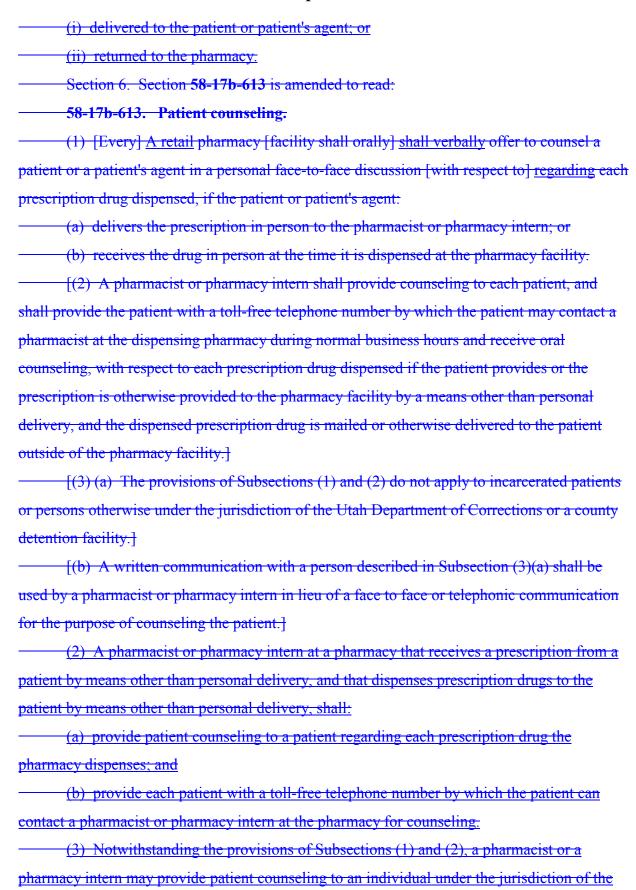
- (g) have completed training that meets the standards established by the division in collaboration with the board; and
  - (h) pass an examination designated by the division in collaboration with the board.
- (2) A pharmacist whose license has been denied, revoked, suspended, or restricted for disciplinary purposes is not eligible to be licensed as a pharmacy technician trainee during division probation.



activities of a pharmacist, pharmacy intern, or pharmacy technician; (7) violating Federal Title II, P.L. 91, Controlled Substances Act, Title 58, Chapter 37, Utah Controlled Substances Act, or rules or regulations adopted under either act; (8) requiring or permitting pharmacy interns or technicians to engage in activities outside the scope of practice for their respective license classifications, as defined in this chapter and division rules made in collaboration with the board, or beyond their scope of training and ability; (9) administering: (a) without appropriate training, as defined by rule; (b) without a physician's order, when one is required by law; and (c) in conflict with a practitioner's written guidelines or written protocol for administering; (10) disclosing confidential patient information in violation of the provisions of the Health Insurance Portability and Accountability Act of 1996 or other applicable law; (11) engaging in the practice of pharmacy without a licensed pharmacist designated as the pharmacist-in-charge; (12) failing to report to the division any adverse action taken by another licensing jurisdiction, government agency, law enforcement agency, or court for conduct that in substance would be considered unprofessional conduct under this section; and (13) as a pharmacist or pharmacy intern, preparing a prescription drug for sale to another pharmacist or pharmaceutical facility; and] [(14)] (13) as a pharmacist or pharmacy intern, preparing a prescription drug in a dosage form which is regularly and commonly available from a manufacturer in quantities and strengths prescribed by a practitioner. Section 5. Section 58-17b-602 is amended to read: 58-17b-602. Prescription orders -- Information required -- Alteration -- Labels --Signatures -- Dispensing in pharmacies. (1) Except as provided in Section 58-1-501.3, the minimum information that shall be included in a prescription order, and that may be defined by rule, is: (a) the prescriber's name, address, and telephone number, and, if the order is for a controlled substance, the patient's age and the prescriber's DEA number;







<u>Utah Department of Corrections or a county detention facility via a written, telephone, or electronic communication.</u>

Section 7. Section 58-17b-624 is }enacted to read:

58-17b-624. Prescription drugs -- Sale to a practitioner for office use.

- (1) A pharmacy licensed under this chapter may, subject to rules established by the division, repackage or compound a prescription drug for sale to a practitioner if:
  - (a) the prescription drug is not a controlled substance;
  - (b) the pharmacy labels the prescription drug "for office use only";
- (c) the practitioner administers the drug to a patient in the practitioner's office or facility; and
  - (d) the practitioner does not dispense the drug to the patient.
- (2) The division shall establish, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, prescription drug labeling and control standards for a prescription drug a pharmacy provides to a practitioner under this section.

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**Legislative Review Note** 

as of 2-27-14 3:55 PM

Office of Legislative Research and General Counsel