

SB0102S01 compared with SB0102

~~deleted text~~ shows text that was in SB0102 but was deleted in SB0102S01.

inserted text shows text that was not in SB0102 but was inserted into SB0102S01.

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Senator Curtis S. Bramble proposes the following substitute bill:

ONLINE PHARMACY AMENDMENTS

2015 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Curtis S. Bramble

House Sponsor: ~~_____~~ Val L. Peterson

LONG TITLE

General Description:

This bill amends the Online Prescribing, Dispensing, and Facilitation Licensing Act.

Highlighted Provisions:

This bill:

- ▶ amends certain provisions related to online prescribing and dispensing of drugs;
- ▶ amends the definition of "unprofessional conduct"; and
- ▶ deletes outdated, transitional language.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

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AMENDS:

58-83-306, as enacted by Laws of Utah 2010, Chapter 180

58-83-502, as last amended by Laws of Utah 2014, Chapter 72

REPEALS:

58-83-304, as enacted by Laws of Utah 2010, Chapter 180

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

Section 1. Section 58-83-306 is amended to read:

**58-83-306. Drugs approved for online prescribing, dispensing, and facilitation --
Delivery of prescription drugs.**

(1) An online prescriber may only prescribe, an online contract pharmacy may only dispense, and an Internet facilitator may only facilitate the prescribing and dispensing of, non-controlled, legend drugs ~~[that have been]~~:

(a) that have been approved by the Food and Drug Administration;

(b) that are prescribed to treat the condition for which the drug was approved~~[, and]~~
within the drug manufacturer's guidelines;

(c) that are specifically approved by the division for online prescribing by administrative rule adopted in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act~~[-]~~;

(d) that are prescribed for a person who is:

(i) 18 years of age or older;

(ii) at least 16 years of age, if permitted by the state or country in which the patient will receive the drug; or

(iii) at least 16 years of age and with parental consent, if required by the state or country in which the patient will receive the drug; and

(e) to a person who is located in another country, if the country is designated by the division, by administrative rule, as a country with a regulatory framework for prescribing and dispensing of drugs.

(2) If, after January 1, 2010, the Food and Drug Administration issues a clinical black box warning with respect to any drug approved by the board under Subsection (1), the division shall determine what action, if any, is necessary to protect the public health or welfare as a

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result of the black box warning.

Section ~~{1}~~2. Section **58-83-502** is amended to read:

58-83-502. Unprofessional conduct.

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

(1) except as provided in Section 58-83-306, online prescribing, dispensing, or facilitation with respect to a person under the age of 18 years ~~{1}~~; ~~{2}~~

~~{~~ (a) except as permitted by the state or country in which the patient will receive the drug; and

~~——~~ (b) unless the prescribing, dispensing, and facilitation is done within the drug manufacturer's guidelines;

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

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

(a) an audit of the website; or

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

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

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

(6) failing to keep the division informed of the name and contact information of the Internet facilitator or online contract pharmacy; and

(7) violating the dispensing and labeling requirements of Chapter 17b, Part 8, Dispensing Medical Practitioner and Dispensing Medical Practitioner Clinic Pharmacy.

Section ~~{2}~~3. **Repealer.**

This bill repeals:

Section **58-83-304, Existing written agreements for online prescribing -- Pending applications.**

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Legislative Review Note

~~as of 1-7-15 9:59 AM~~

~~Office of Legislative Research and General Counsel~~