

1 **CLINIC DEFINITION AMENDMENTS**

2 2016 GENERAL SESSION

3 STATE OF UTAH

4 **Chief Sponsor: Stewart Barlow**

5 Senate Sponsor: Evan J. Vickers

7 **LONG TITLE**

8 **General Description:**

9 This bill amends the Pharmacy Practice Act to clarify that certain clinics qualify as
10 employer sponsored clinics.

11 **Highlighted Provisions:**

12 This bill:

13 ▶ amends the definition of employer sponsored clinic to include a clinic designated as
14 an employer sponsored clinic under a pilot program created by the Public
15 Employees' Benefit and Insurance Program; and

16 ▶ permits a prescriber to dispense to any patient at a clinic designated as an employer
17 sponsored clinic under the Public Employees' Benefit and Insurance Program pilot
18 program.

19 **Money Appropriated in this Bill:**

20 None

21 **Other Special Clauses:**

22 None

23 **Utah Code Sections Affected:**

24 AMENDS:

25 **58-17b-802**, as enacted by Laws of Utah 2014, Chapter 72

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



28 Section 1. Section **58-17b-802** is amended to read:

29 **58-17b-802. Definitions.**

30 As used in this part:

31 (1) (a) "Cosmetic drug" means a prescription drug that:

32 (i) is for the purpose of promoting attractiveness or altering the appearance of an
33 individual; and

34 (ii) (A) is listed as a cosmetic drug subject to the exemption under this section by the
35 division by administrative rule; or

36 (B) has been expressly approved for online dispensing, whether or not it is dispensed
37 online or through a physician's office.

38 (b) "Cosmetic drug" does not include a prescription drug that is:

39 (i) a controlled substance;

40 (ii) compounded by the physician; or

41 (iii) prescribed for or used by the patient for the purpose of diagnosing, curing, or
42 preventing a disease.

43 (2) "Employer sponsored clinic" means:

44 (a) an entity that has a medical director who is licensed as a physician as defined in
45 Section **58-67-102** and offers health care only to the employees of an exclusive group of
46 employers and the employees' dependents[-]; or

47 (b) a clinic designated as a clinic for state employees and their dependents by the
48 Public Employees' Benefit and Insurance Program under the pilot program created by Section
49 49-20-413 including all the patients at that clinic, regardless of the patients' participation in the
50 pilot program.

51 (3) "Health care" is as defined in Section **31A-1-301**.

52 (4) (a) "Injectable weight loss drug" means an injectable prescription drug:

53 (i) prescribed to promote weight loss; and

54 (ii) listed as an injectable prescription drug subject to exemption under this section by
55 the division by administrative rule.

56 (b) "Injectable weight loss drug" does not include a prescription drug that is a
57 controlled substance.

58 (5) "Prepackaged drug" means a prescription drug that:

- 59 (a) is not listed under federal or state law as a Schedule I, II, III, IV, or V drug; and
60 (b) is packaged in a fixed quantity per package by:
61 (i) the drug manufacturer;
62 (ii) a pharmaceutical wholesaler or distributor; or
63 (iii) a pharmacy licensed under this title.
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Legislative Review Note
Office of Legislative Research and General Counsel