LEGISLATIVE GENERAL COUNSEL
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₵ 02-20-17 3:30 PM ₵

PHARMACY PRACTICE ACT AMENDMENTS

2017 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Evan J. Vickers

House Sponsor: _____

LONG TITLE

General Description:

This bill amends the Pharmacy Practice Act.

Highlighted Provisions:

This bill:

- requires certain Utah-licensed nonresident pharmacies to submit to an inspection as a prerequisite for licensure;
- permits certain pharmacists to administer long-acting injectable drugs intramuscularly under certain conditions; and
- makes technical changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

58-17b-306, as last amended by Laws of Utah 2009, Chapter 183

58-17b-308, as last amended by Laws of Utah 2015, Chapter 258

ENACTS:

58-17b-625, Utah Code Annotated 1953

S.B. 246

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

Section 1. Section **58-17b-306** is amended to read:

58-17b-306. Qualifications for licensure as a pharmacy.

(1) Each applicant for licensure under this section, except for those applying for a class D license, shall:

(a) submit a written application in the form prescribed by the division;

(b) pay a fee as determined by the department under Section 63J-1-504;

(c) satisfy the division that the applicant, and each owner, officer, or manager of the applicant have not engaged in any act, practice, or omission, which when considered with the duties and responsibilities of a licensee under this section indicates there is cause to believe that issuing a license to the applicant is inconsistent with the interest of the public's health, safety, or welfare;

(d) demonstrate the licensee's operations will be in accordance with all federal, state, and local laws relating to the type of activity engaged in by the licensee, including regulations of the Federal Drug Enforcement Administration and Food and Drug Administration;

(e) maintain operating standards established by division rule made in collaboration with the board; and

(f) acknowledge the division's authority to inspect the licensee's business premises pursuant to Section 58-17b-103.

(2) Each applicant applying for a class D license shall:

(a) submit a written application in the form prescribed by the division;

(b) pay a fee as determined by the department under Section 63J-1-504;

(c) present to the division verification of licensure in the state where physically located and verification that such license is in good standing;

(d) provide a statement of the scope of pharmacy services that will be provided and a detailed description of the protocol as described by rule by which pharmacy care will be provided, including any collaborative practice arrangements with other health care practitioners;

(e) sign an affidavit attesting that any healthcare practitioners employed by the applicant and physically located in Utah have the appropriate license issued by the division and in good standing; [~~and~~]

(f) sign an affidavit attesting that the applicant will abide by the pharmacy laws and regulations of the jurisdiction in which the pharmacy is located[.]; and

(g) if an applicant engages in compounding, submit the most recent inspection report:

(i) conducted within two years before the application for licensure; and

(ii) (A) conducted as part of the National Association of Boards of Pharmacy Verified Pharmacy Program; or

(B) performed by the state licensing agency of the state in which the applicant is a resident and in accordance with the National Association of Boards of Pharmacy multiple inspection blueprint program.

(3) Each license issued under this section shall be issued for a single, specific address, and is not transferable or assignable.

Section 2. Section **58-17b-308** is amended to read:

58-17b-308. Term of license -- Expiration -- Renewal.

(1) Except as provided in Subsection (2), each license issued under this chapter shall be issued in accordance with a two-year renewal cycle established by rule. A renewal period may be extended or shortened by as much as one year to maintain established renewal cycles or to change an established renewal cycle. Each license automatically expires on the expiration date shown on the license unless renewed by the licensee in accordance with Section 58-1-308.

(2) The duration of a pharmacy intern license may be no longer than:

(a) one year for a license issued under Subsection 58-17b-304(7)(b); or

(b) five years for a license issued under Subsection 58-17b-304(7)(a).

(3) A pharmacy intern license issued under this chapter may not be renewed, but may be extended by the division in collaboration with the board.

(4) As a prerequisite for renewal of a class D pharmacy license of a pharmacy that engages in compounding, a licensee shall submit the most recent inspection report:

(a) conducted within two years before the application for renewal; and

(b) (i) conducted as part of the National Association of Boards of Pharmacy Verified Pharmacy Program; or

(ii) performed by the state licensing agency of the state in which the applicant is a resident and in accordance with the National Association of Boards of Pharmacy multiple inspection blueprint program.

Section 3. Section **58-17b-625** is enacted to read:

58-17b-625. Administration of a long-acting injectable drug therapy.

(1) A pharmacist may, in accordance with this section, administer a drug described in Subsection (2).

(2) Notwithstanding the provisions of Subsection 58-17b-102(57)(c)(ii)(B), the division shall make rules, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, establishing training for a pharmacist to administer the following long-acting injectables intramuscularly:

(a) aripiprazole;

(b) paliperidone;

(c) risperidone;

(d) olanzapine;

(e) naltrexone;

(f) naloxone; and

(g) drugs approved and regulated by the United States Food and Drug Administration for the treatment of the Human Immunodeficiency Virus.

(3) A pharmacist may not administer a drug listed under Subsection (2) unless the pharmacist:

(a) completes the training described in Subsection (2);

(b) administers the drug at a clinic or community pharmacy, as those terms are defined by the division, by administrative rule made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act; and

(c) is directed by the practitioner who issues the prescription to administer the drug.

Legislative Review Note
Office of Legislative Research and General Counsel