

SOFTWARE VENDOR AMENDMENTS

2018 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Brad M. Daw

Senate Sponsor: _____

LONG TITLE

General Description:

This bill modifies provisions related to the controlled substance database administered by the Division of Occupational and Professional Licensing (DOPL).

Highlighted Provisions:

This bill:

- ▶ modifies who may be penalized for failing to submit information to the controlled substance database as required by state statute; and
- ▶ makes technical changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

58-37f-602, as enacted by Laws of Utah 2010, Chapter 287

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

Section 1. Section **58-37f-602** is amended to read:

58-37f-602. Failure by pharmacist to submit information -- Penalties.

(1) The failure of a ~~[pharmacist in charge]~~ pharmacist-in-charge, as that term is defined



28 in Section 58-17b-102, or of a third party under contract with a pharmacist-in-charge to submit
29 information to the database [as required under] in accordance with the requirements of Section
30 58-37f-203, after the division has submitted a specific written request for the information or
31 when the division determines the [individual] pharmacist-in-charge or third party has a
32 demonstrable pattern of failing to submit the information as required, is grounds for the
33 division to take the following actions in accordance with Section 58-1-401:

- 34 (a) refuse to issue a license to the [individual] pharmacist-in-charge;
- 35 (b) refuse to renew the [individual's] license of the pharmacist-in-charge;
- 36 (c) revoke, suspend, restrict, or place on probation the license of the
37 pharmacist-in-charge;
- 38 (d) issue a public reprimand to the [individual] pharmacist-in-charge or the third party;
- 39 (e) issue a cease and desist order to the pharmacist-in-charge or the third party; and
- 40 (f) impose a civil penalty on the pharmacist-in-charge or the third party of [not more
41 than] up to \$1,000 for each dispensed prescription regarding which the required information is
42 not submitted in accordance with the requirements of Section 58-37f-203.

43 (2) Civil penalties assessed under Subsection (1)(f) shall be deposited in the General
44 Fund as a dedicated credit to be used by the division under Subsection 58-37f-502(1).

45 (3) The procedure for determining a civil violation of this section shall be in
46 accordance with Section 58-1-108, regarding adjudicative proceedings within the division.