

**MEDICATION DISPENSER AMENDMENTS**

2022 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Raymond P. Ward**

Senate Sponsor: \_\_\_\_\_

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**LONG TITLE**

**General Description:**

This bill amends provisions relating to dispensing medical practitioners and dispensing medical practitioner clinic pharmacies.

**Highlighted Provisions:**

This bill:

- ▶ amends requirements for a dispensing medical practitioner and dispensing medical practitioner clinic pharmacy; and
- ▶ makes technical and corresponding changes.

**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 2021, Chapters 127 and 340

**58-17b-802**, as last amended by Laws of Utah 2016, Chapter 159

**58-17b-803**, as last amended by Laws of Utah 2015, Chapter 206

**58-17b-804**, as enacted by Laws of Utah 2014, Chapter 72

**58-17b-805**, as last amended by Laws of Utah 2019, Chapter 343

**58-17b-806**, as enacted by Laws of Utah 2014, Chapter 72



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

Section 1. Section **58-17b-102** 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. 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

59 beyond which the contents of the prescription are not recommended to be used.

60 (7) "Board of pharmacy" or "board" means the Utah State Board of Pharmacy created  
61 in Section [58-17b-201](#).

62 (8) "Branch pharmacy" means a pharmacy or other facility in a rural or medically  
63 underserved area, used for the storage and dispensing of prescription drugs, which is dependent  
64 upon, stocked by, and supervised by a pharmacist in another licensed pharmacy designated and  
65 approved by the division as the parent pharmacy.

66 (9) "Centralized prescription processing" means the processing by a pharmacy of a  
67 request from another pharmacy to fill or refill a prescription drug order or to perform  
68 processing functions such as dispensing, drug utilization review, claims adjudication, refill  
69 authorizations, and therapeutic interventions.

70 (10) "Class A pharmacy" means a pharmacy located in Utah that is authorized as a  
71 retail pharmacy to compound or dispense a drug or dispense a device to the public under a  
72 prescription order.

73 (11) "Class B pharmacy":

74 (a) means a pharmacy located in Utah:

75 (i) that is authorized to provide pharmaceutical care for patients in an institutional  
76 setting; and

77 (ii) whose primary purpose is to provide a physical environment for patients to obtain  
78 health care services; and

79 (b) (i) includes closed-door, hospital, clinic, nuclear, and branch pharmacies; and

80 (ii) pharmaceutical administration and sterile product preparation facilities.

81 (12) "Class C pharmacy" means a pharmacy that engages in the manufacture,  
82 production, wholesale, or distribution of drugs or devices in Utah.

83 (13) "Class D pharmacy" means a nonresident pharmacy.

84 (14) "Class E pharmacy" means all other pharmacies.

85 (15) (a) "Closed-door pharmacy" means a pharmacy that:

86 (i) provides pharmaceutical care to a defined and exclusive group of patients who have  
87 access to the services of the pharmacy because they are treated by or have an affiliation with a  
88 specific entity, including a health maintenance organization or an infusion company; or

89 (ii) engages exclusively in the practice of telepharmacy and does not serve walk-in

90 retail customers.

91 (b) "Closed-door pharmacy" does not include a hospital pharmacy, a retailer of goods  
92 to the general public, or the office of a practitioner.

93 (16) "Collaborative pharmacy practice" means a practice of pharmacy whereby one or  
94 more pharmacists have jointly agreed, on a voluntary basis, to work in conjunction with one or  
95 more practitioners under protocol whereby the pharmacist may perform certain pharmaceutical  
96 care functions authorized by the practitioner or practitioners under certain specified conditions  
97 or limitations.

98 (17) "Collaborative pharmacy practice agreement" means a written and signed  
99 agreement between one or more pharmacists and one or more practitioners that provides for  
100 collaborative pharmacy practice for the purpose of drug therapy management of patients and  
101 prevention of disease of human subjects.

102 (18) (a) "Compounding" means the preparation, mixing, assembling, packaging, or  
103 labeling of a limited quantity drug, sterile product, or device:

104 (i) as the result of a practitioner's prescription order or initiative based on the  
105 practitioner, patient, or pharmacist relationship in the course of professional practice;

106 (ii) for the purpose of, or as an incident to, research, teaching, or chemical analysis and  
107 not for sale or dispensing; or

108 (iii) in anticipation of prescription drug orders based on routine, regularly observed  
109 prescribing patterns.

110 (b) "Compounding" does not include:

111 (i) the preparation of prescription drugs by a pharmacist or pharmacy intern for sale to  
112 another pharmacist or pharmaceutical facility;

113 (ii) the preparation by a pharmacist or pharmacy intern of any prescription drug in a  
114 dosage form which is regularly and commonly available from a manufacturer in quantities and  
115 strengths prescribed by a practitioner; or

116 (iii) the preparation of a prescription drug, sterile product, or device which has been  
117 withdrawn from the market for safety reasons.

118 (19) "Confidential information" has the same meaning as "protected health  
119 information" under the Standards for Privacy of Individually Identifiable Health Information,  
120 45 C.F.R. Parts 160 and 164.

121 (20) "Controlled substance" means the same as that term is defined in Section [58-37-2](#).

122 (21) "Dietary supplement" has the same meaning as Public Law Title 103, Chapter  
123 417, Sec. 3a(ff) which is incorporated by reference.

124 (22) "Dispense" means the interpretation, evaluation, and implementation of a  
125 prescription drug order or device or nonprescription drug or device under a lawful order of a  
126 practitioner in a suitable container appropriately labeled for subsequent administration to or use  
127 by a patient, research subject, or an animal.

128 (23) "Dispensing medical practitioner" means an individual who is ~~[(a) currently~~  
129 ~~licensed as: (i) a physician and surgeon under Chapter 67, Utah Medical Practice Act; (ii) an~~  
130 ~~osteopathic physician and surgeon under Chapter 68, Utah Osteopathic Medical Practice Act;~~  
131 ~~(iii) a physician assistant under Chapter 70a, Utah Physician Assistant Act; (iv) a nurse~~  
132 ~~practitioner under Chapter 31b, Nurse Practice Act; or (v) an optometrist under Chapter 16a,~~  
133 ~~Utah Optometry Practice Act, if the optometrist is acting within the scope of practice for an~~  
134 ~~optometrist; and (b) licensed by the division under the Pharmacy Practice Act] authorized to~~  
135 ~~engage in [the practice of] practice as a dispensing medical practitioner under Section~~  
136 ~~[58-17b-80](#).~~

137 (24) "Dispensing medical practitioner clinic pharmacy" means a closed-door pharmacy  
138 located within a licensed dispensing medical practitioner's place of practice.

139 (25) "Distribute" means to deliver a drug or device other than by administering or  
140 dispensing.

141 (26) (a) "Drug" means:

142 (i) a substance recognized in the official United States Pharmacopoeia, official  
143 Homeopathic Pharmacopoeia of the United States, or official National Formulary, or any  
144 supplement to any of them, intended for use in the diagnosis, cure, mitigation, treatment, or  
145 prevention of disease in humans or animals;

146 (ii) a substance that is required by any applicable federal or state law or rule to be  
147 dispensed by prescription only or is restricted to administration by practitioners only;

148 (iii) a substance other than food intended to affect the structure or any function of the  
149 body of humans or other animals; and

150 (iv) substances intended for use as a component of any substance specified in  
151 Subsections (26)(a)(i), (ii), (iii), and (iv).

- 152 (b) "Drug" does not include dietary supplements.
- 153 (27) "Drug regimen review" includes the following activities:
- 154 (a) evaluation of the prescription drug order and patient record for:
- 155 (i) known allergies;
- 156 (ii) rational therapy-contraindications;
- 157 (iii) reasonable dose and route of administration; and
- 158 (iv) reasonable directions for use;
- 159 (b) evaluation of the prescription drug order and patient record for duplication of
- 160 therapy;
- 161 (c) evaluation of the prescription drug order and patient record for the following
- 162 interactions:
- 163 (i) drug-drug;
- 164 (ii) drug-food;
- 165 (iii) drug-disease; and
- 166 (iv) adverse drug reactions; and
- 167 (d) evaluation of the prescription drug order and patient record for proper utilization,
- 168 including over- or under-utilization, and optimum therapeutic outcomes.
- 169 (28) "Drug sample" means a prescription drug packaged in small quantities consistent
- 170 with limited dosage therapy of the particular drug, which is marked "sample", is not intended to
- 171 be sold, and is intended to be provided to practitioners for the immediate needs of patients for
- 172 trial purposes or to provide the drug to the patient until a prescription can be filled by the
- 173 patient.
- 174 (29) "Electronic signature" means a trusted, verifiable, and secure electronic sound,
- 175 symbol, or process attached to or logically associated with a record and executed or adopted by
- 176 a person with the intent to sign the record.
- 177 (30) "Electronic transmission" means transmission of information in electronic form or
- 178 the transmission of the exact visual image of a document by way of electronic equipment.
- 179 (31) "Hospital pharmacy" means a pharmacy providing pharmaceutical care to
- 180 inpatients of a general acute hospital or specialty hospital licensed by the Department of Health
- 181 under Title 26, Chapter 21, Health Care Facility Licensing and Inspection Act.
- 182 (32) "Legend drug" has the same meaning as prescription drug.

183 (33) "Licensed pharmacy technician" means an individual licensed with the division,  
184 that may, under the supervision of a pharmacist, perform the activities involved in the  
185 technician practice of pharmacy.

186 (34) "Manufacturer" means a person or business physically located in Utah licensed to  
187 be engaged in the manufacturing of drugs or devices.

188 (35) (a) "Manufacturing" means:

189 (i) the production, preparation, propagation, conversion, or processing of a drug or  
190 device, either directly or indirectly, by extraction from substances of natural origin or  
191 independently by means of chemical or biological synthesis, or by a combination of extraction  
192 and chemical synthesis, and includes any packaging or repackaging of the substance or labeling  
193 or relabeling of its container; and

194 (ii) the promotion and marketing of such drugs or devices.

195 (b) "Manufacturing" includes the preparation and promotion of commercially available  
196 products from bulk compounds for resale by pharmacies, practitioners, or other persons.

197 (c) "Manufacturing" does not include the preparation or compounding of a drug by a  
198 pharmacist, pharmacy intern, or practitioner for that individual's own use or the preparation,  
199 compounding, packaging, labeling of a drug, or incident to research, teaching, or chemical  
200 analysis.

201 (36) "Medical order" means a lawful order of a practitioner which may include a  
202 prescription drug order.

203 (37) "Medication profile" or "profile" means a record system maintained as to drugs or  
204 devices prescribed for a pharmacy patient to enable a pharmacist or pharmacy intern to analyze  
205 the profile to provide pharmaceutical care.

206 (38) "Misbranded drug or device" means a drug or device considered misbranded under  
207 21 U.S.C. Sec. 352 (2003).

208 (39) (a) "Nonprescription drug" means a drug which:

209 (i) may be sold without a prescription; and

210 (ii) is labeled for use by the consumer in accordance with federal law.

211 (b) "Nonprescription drug" includes homeopathic remedies.

212 (40) "Nonresident pharmacy" means a pharmacy located outside of Utah that sells to a  
213 person in Utah.

214 (41) "Nuclear pharmacy" means a pharmacy providing radio-pharmaceutical service.

215 (42) "Out-of-state mail service pharmacy" means a pharmaceutical facility located

216 outside the state that is licensed and in good standing in another state, that:

217 (a) ships, mails, or delivers by any lawful means a dispensed legend drug to a patient in  
218 this state pursuant to a lawfully issued prescription;

219 (b) provides information to a patient in this state on drugs or devices which may  
220 include, but is not limited to, advice relating to therapeutic values, potential hazards, and uses;  
221 or

222 (c) counsels pharmacy patients residing in this state concerning adverse and therapeutic  
223 effects of drugs.

224 (43) "Patient counseling" means the written and oral communication by the pharmacist  
225 or pharmacy intern of information, to the patient or caregiver, in order to ensure proper use of  
226 drugs, devices, and dietary supplements.

227 (44) "Pharmaceutical administration facility" means a facility, agency, or institution in  
228 which:

229 (a) prescription drugs or devices are held, stored, or are otherwise under the control of  
230 the facility or agency for administration to patients of that facility or agency;

231 (b) prescription drugs are dispensed to the facility or agency by a licensed pharmacist  
232 or pharmacy intern with whom the facility has established a prescription drug supervising  
233 relationship under which the pharmacist or pharmacy intern provides counseling to the facility  
234 or agency staff as required, and oversees drug control, accounting, and destruction; and

235 (c) prescription drugs are professionally administered in accordance with the order of a  
236 practitioner by an employee or agent of the facility or agency.

237 (45) (a) "Pharmaceutical care" means carrying out the following in collaboration with a  
238 prescribing practitioner, and in accordance with division rule:

239 (i) designing, implementing, and monitoring a therapeutic drug plan intended to  
240 achieve favorable outcomes related to a specific patient for the purpose of curing or preventing  
241 the patient's disease;

242 (ii) eliminating or reducing a patient's symptoms; or

243 (iii) arresting or slowing a disease process.

244 (b) "Pharmaceutical care" does not include prescribing of drugs without consent of a



245 prescribing practitioner.

246 (46) "Pharmaceutical facility" means a business engaged in the dispensing, delivering,  
247 distributing, manufacturing, or wholesaling of prescription drugs or devices within or into this  
248 state.

249 (47) (a) "Pharmaceutical wholesaler or distributor" means a pharmaceutical facility  
250 engaged in the business of wholesale vending or selling of a prescription drug or device to  
251 other than a consumer or user of the prescription drug or device that the pharmaceutical facility  
252 has not produced, manufactured, compounded, or dispensed.

253 (b) "Pharmaceutical wholesaler or distributor" does not include a pharmaceutical  
254 facility carrying out the following business activities:

255 (i) intracompany sales;

256 (ii) the sale, purchase, or trade of a prescription drug or device, or an offer to sell,  
257 purchase, or trade a prescription drug or device, if the activity is carried out between one or  
258 more of the following entities under common ownership or common administrative control, as  
259 defined by division rule:

260 (A) hospitals;

261 (B) pharmacies;

262 (C) chain pharmacy warehouses, as defined by division rule; or

263 (D) other health care entities, as defined by division rule;

264 (iii) the sale, purchase, or trade of a prescription drug or device, or an offer to sell,  
265 purchase, or trade a prescription drug or device, for emergency medical reasons, including  
266 supplying another pharmaceutical facility with a limited quantity of a drug, if:

267 (A) the facility is unable to obtain the drug through a normal distribution channel in  
268 sufficient time to eliminate the risk of harm to a patient that would result from a delay in  
269 obtaining the drug; and

270 (B) the quantity of the drug does not exceed an amount reasonably required for  
271 immediate dispensing to eliminate the risk of harm;

272 (iv) the distribution of a prescription drug or device as a sample by representatives of a  
273 manufacturer; and

274 (v) the distribution of prescription drugs, if:

275 (A) the facility's total distribution-related sales of prescription drugs does not exceed

276 5% of the facility's total prescription drug sales; and

277 (B) the distribution otherwise complies with 21 C.F.R. Sec. 1307.11.

278 (48) "Pharmacist" means an individual licensed by this state to engage in the practice  
279 of pharmacy.

280 (49) "Pharmacist-in-charge" means a pharmacist currently licensed in good standing  
281 who accepts responsibility for the operation of a pharmacy in conformance with all laws and  
282 rules pertinent to the practice of pharmacy and the distribution of drugs, and who is personally  
283 in full and actual charge of the pharmacy and all personnel.

284 (50) "Pharmacist preceptor" means a licensed pharmacist in good standing with one or  
285 more years of licensed experience. The preceptor serves as a teacher, example of professional  
286 conduct, and supervisor of interns in the professional practice of pharmacy.

287 (51) "Pharmacy" means any place where:

288 (a) drugs are dispensed;

289 (b) pharmaceutical care is provided;

290 (c) drugs are processed or handled for eventual use by a patient; or

291 (d) drugs are used for the purpose of analysis or research.

292 (52) "Pharmacy benefits manager or coordinator" means a person or entity that  
293 provides a pharmacy benefits management service as defined in Section [31A-46-102](#) on behalf  
294 of a self-insured employer, insurance company, health maintenance organization, or other plan  
295 sponsor, as defined by rule.

296 (53) "Pharmacy intern" means an individual licensed by this state to engage in practice  
297 as a pharmacy intern.

298 (54) "Pharmacy technician training program" means an approved technician training  
299 program providing education for pharmacy technicians.

300 (55) (a) "Practice as a dispensing medical practitioner" means the practice of pharmacy,  
301 specifically relating to the dispensing of a prescription drug in accordance with Part 8,  
302 Dispensing Medical Practitioner and Dispensing Medical Practitioner Clinic Pharmacy, and  
303 division rule adopted after consultation with the Board of pharmacy and the governing boards  
304 of the practitioners described in [~~Subsection (23)(a)~~] [Section 58-17b-802](#).

305 (b) "Practice as a dispensing medical practitioner" does not include:

306 (i) using a vending type of dispenser as defined by the division by administrative rule;

307 or

308 (ii) except as permitted by Section 58-17b-805, dispensing of a controlled substance as  
309 defined in Section 58-37-2.

310 (56) "Practice as a licensed pharmacy technician" means engaging in practice as a  
311 pharmacy technician under the general supervision of a licensed pharmacist and in accordance  
312 with a scope of practice defined by division rule made in collaboration with the board.

313 (57) "Practice of pharmacy" includes the following:

314 (a) providing pharmaceutical care;

315 (b) collaborative pharmacy practice in accordance with a collaborative pharmacy  
316 practice agreement;

317 (c) compounding, packaging, labeling, dispensing, administering, and the coincident  
318 distribution of prescription drugs or devices, provided that the administration of a prescription  
319 drug or device is:

320 (i) pursuant to a lawful order of a practitioner when one is required by law; and

321 (ii) in accordance with written guidelines or protocols:

322 (A) established by the licensed facility in which the prescription drug or device is to be  
323 administered on an inpatient basis; or

324 (B) approved by the division, in collaboration with the board and, when appropriate,  
325 the Physicians Licensing Board, created in Section 58-67-201, if the prescription drug or device  
326 is to be administered on an outpatient basis solely by a licensed pharmacist;

327 (d) participating in drug utilization review;

328 (e) ensuring proper and safe storage of drugs and devices;

329 (f) maintaining records of drugs and devices in accordance with state and federal law  
330 and the standards and ethics of the profession;

331 (g) providing information on drugs or devices, which may include advice relating to  
332 therapeutic values, potential hazards, and uses;

333 (h) providing drug product equivalents;

334 (i) supervising pharmacist's supportive personnel, pharmacy interns, and pharmacy  
335 technicians;

336 (j) providing patient counseling, including adverse and therapeutic effects of drugs;

337 (k) providing emergency refills as defined by rule;

- 338 (l) telepharmacy;
- 339 (m) formulary management intervention;
- 340 (n) prescribing and dispensing a self-administered hormonal contraceptive in  
341 accordance with Title 26, Chapter 64, Family Planning Access Act; and
- 342 (o) issuing a prescription in accordance with Section [58-17b-627](#).
- 343 (58) "Practice of telepharmacy" means the practice of pharmacy through the use of  
344 telecommunications and information technologies.
- 345 (59) "Practice of telepharmacy across state lines" means the practice of pharmacy  
346 through the use of telecommunications and information technologies that occurs when the  
347 patient is physically located within one jurisdiction and the pharmacist is located in another  
348 jurisdiction.
- 349 (60) "Practitioner" means an individual currently licensed, registered, or otherwise  
350 authorized by the appropriate jurisdiction to prescribe and administer drugs in the course of  
351 professional practice.
- 352 (61) "Prescribe" means to issue a prescription:
  - 353 (a) orally or in writing; or
  - 354 (b) by telephone, facsimile transmission, computer, or other electronic means of  
355 communication as defined by division rule.
- 356 (62) "Prescription" means an order issued:
  - 357 (a) by a licensed practitioner in the course of that practitioner's professional practice or  
358 by collaborative pharmacy practice agreement; and
  - 359 (b) for a controlled substance or other prescription drug or device for use by a patient  
360 or an animal.
- 361 (63) "Prescription device" means an instrument, apparatus, implement, machine,  
362 contrivance, implant, in vitro reagent, or other similar or related article, and any component  
363 part or accessory, which is required under federal or state law to be prescribed by a practitioner  
364 and dispensed by or through a person or entity licensed under this chapter or exempt from  
365 licensure under this chapter.
- 366 (64) "Prescription drug" means a drug that is required by federal or state law or rule to  
367 be dispensed only by prescription or is restricted to administration only by practitioners.
- 368 (65) "Repackage":

369 (a) means changing the container, wrapper, or labeling to further the distribution of a  
370 prescription drug; and

371 (b) does not include:

372 (i) Subsection (65)(a) when completed by the pharmacist responsible for dispensing the  
373 product to a patient; or

374 (ii) changing or altering a label as necessary for a dispensing practitioner under Part 8,  
375 Dispensing Medical Practitioner and Dispensing Medical Practitioner Clinic Pharmacy, for  
376 dispensing a product to a patient.

377 (66) "Research using pharmaceuticals" means research:

378 (a) conducted in a research facility, as defined by division rule, that is associated with a  
379 university or college in the state accredited by the Northwest Commission on Colleges and  
380 Universities;

381 (b) requiring the use of a controlled substance, prescription drug, or prescription  
382 device;

383 (c) that uses the controlled substance, prescription drug, or prescription device in  
384 accordance with standard research protocols and techniques, including, if required, those  
385 approved by an institutional review committee; and

386 (d) that includes any documentation required for the conduct of the research and the  
387 handling of the controlled substance, prescription drug, or prescription device.

388 (67) "Retail pharmacy" means a pharmaceutical facility dispensing prescription drugs  
389 and devices to the general public.

390 (68) (a) "Self-administered hormonal contraceptive" means a self-administered  
391 hormonal contraceptive that is approved by the United States Food and Drug Administration to  
392 prevent pregnancy.

393 (b) "Self-administered hormonal contraceptive" includes an oral hormonal  
394 contraceptive, a hormonal vaginal ring, and a hormonal contraceptive patch.

395 (c) "Self-administered hormonal contraceptive" does not include any drug intended to  
396 induce an abortion, as that term is defined in Section [76-7-301](#).

397 (69) "Self-audit" means an internal evaluation of a pharmacy to determine compliance  
398 with this chapter.

399 (70) "Supervising pharmacist" means a pharmacist who is overseeing the operation of

400 the pharmacy during a given day or shift.

401 (71) "Supportive personnel" means unlicensed individuals who:

402 (a) may assist a pharmacist, pharmacist preceptor, pharmacy intern, or licensed  
403 pharmacy technician in nonjudgmental duties not included in the definition of the practice of  
404 pharmacy, practice of a pharmacy intern, or practice of a licensed pharmacy technician, and as  
405 those duties may be further defined by division rule adopted in collaboration with the board;  
406 and

407 (b) are supervised by a pharmacist in accordance with rules adopted by the division in  
408 collaboration with the board.

409 (72) "Unlawful conduct" means the same as that term is defined in Sections [58-1-501](#)  
410 and [58-17b-501](#).

411 (73) "Unprofessional conduct" means the same as that term is defined in Sections  
412 [58-1-501](#) and [58-17b-502](#) and may be further defined by rule.

413 (74) "Veterinary pharmaceutical facility" means a pharmaceutical facility that  
414 dispenses drugs intended for use by animals or for sale to veterinarians for the administration  
415 for animals.

416 Section 2. Section **58-17b-802** is amended to read:

417 **58-17b-802. Definitions.**

418 As used in this part:

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

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

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

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

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

427 (i) a controlled substance;

428 (ii) compounded by the physician; or

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

431 (2) "Employer sponsored clinic" means:

432 (a) an entity that has a medical director who is licensed as a physician as defined in  
433 Section [58-67-102](#) and offers health care, as defined in Section [31A-1-301](#), only to the  
434 employees of an exclusive group of employers and the employees' dependents; or

435 (b) a clinic designated as a clinic for state employees and their dependents by the  
436 Public Employees' Benefit and Insurance Program under the pilot program created by Section  
437 [49-20-413](#) including all the patients at that clinic, regardless of the patients' participation in the  
438 pilot program.

439 [~~(3) "Health care" is as defined in Section [31A-1-301](#).]~~

440 [~~(4)~~] (3) (a) "Injectable weight loss drug" means an injectable prescription drug:

441 (i) prescribed to promote weight loss; and

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

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

446 (4) "Physician" means an individual who holds a valid license as:

447 (a) a physician and surgeon under Chapter 67, Utah Medical Practice Act; or

448 (b) an osteopathic physician and surgeon under Chapter 68, Utah Osteopathic Medical  
449 Practice Act.

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

451 (a) is not listed under federal or state law as a Schedule I, II, III, IV, or V drug; and

452 (b) is packaged in a fixed quantity per package by:

453 (i) the drug manufacturer;

454 (ii) a pharmaceutical wholesaler or distributor; or

455 (iii) a pharmacy licensed under this title.

456 Section 3. Section **58-17b-803** is amended to read:

457 **58-17b-803. Qualifications to practice as a dispensing medical practitioner --**

458 **Scope of practice.**

459 (1) An individual may practice as a dispensing medical practitioner if the individual  
460 holds a valid license as:

461 (a) a physician;

462 (b) a physician assistant under Chapter 70a, Utah Physician Assistant Act;  
463 (c) a nurse practitioner under Chapter 31b, Nurse Practice Act; or  
464 (d) an optometrist under Chapter 16a, Utah Optometry Practice Act, if the optometrist  
465 is acting within the scope of practice of an optometrist.

466 [~~(1) An applicant for a license as a dispensing medical practitioner shall:~~]  
467 [~~(a) be licensed in good standing under at least one of the chapters listed in Subsection~~  
468 ~~58-17b-102(23)(a); and]~~

469 [~~(b) submit an application for a license as a dispensing medical practitioner in a form~~  
470 ~~prescribed by the division and pay a fee established by the division.]~~

471 (2) The division shall accept the [~~licensing in good standing under~~] qualifications  
472 described in Subsection (1) in lieu of requiring an applicant for a license under this part to  
473 comply with Sections 58-17b-303 and 58-17b-307.

474 (3) A dispensing medical practitioner may dispense, at a dispensing medical  
475 practitioner clinic pharmacy and in accordance with this part:

476 (a) a cosmetic drug and an injectable weight loss drug if:

477 (i) the drug was prescribed by the dispensing medical practitioner to the dispensing  
478 medical practitioner's patient; and

479 (ii) the dispensing medical practitioner complies with administrative rules adopted by  
480 the division under Section 58-17b-802;

481 (b) a cancer drug treatment regimen if the dispensing medical practitioner complies  
482 with Section 58-17b-805; and

483 (c) a pre-packaged drug to an employee or a dependent of an employee at an employer  
484 sponsored clinic if the dispensing medical practitioner:

485 (i) treats an employee, or the dependent of an employee, of one of an exclusive group  
486 of employers at an employer sponsored clinic;

487 (ii) prescribes a prepackaged drug to the employee or the employee's dependent;

488 (iii) dispenses the prepackaged drug at the employer sponsored clinic; and

489 (iv) complies with administrative rules adopted by the division in consultation with the  
490 [~~Board of Pharmacy~~] board that establish labeling, record keeping, patient counseling,  
491 purchasing and distribution, operating, treatment, quality of care, and storage requirements.

492 (4) A dispensing medical practitioner:



493 (a) shall inform the patient:

494 (i) that the drug dispensed by the practitioner may be obtained from a pharmacy  
495 unaffiliated with the practitioner;

496 (ii) of the directions for appropriate use of the dispensed drug;

497 (iii) of potential side effects to the use of the dispensed drug; and

498 (iv) how to contact the dispensing medical practitioner if the patient has questions or  
499 concerns regarding the drug;

500 (b) shall report to the controlled substance database in the same manner as required in  
501 Section 58-37f-203; and

502 (c) may delegate the dispensing of the drug if the individual to whom the dispensing  
503 was delegated is:

504 (i) employed by the dispensing medical practitioner or the outpatient clinic setting in  
505 which the dispensing medical practitioner works; and

506 (ii) acting under the direction of a dispensing medical practitioner who is immediately  
507 available on site for any necessary consultation.

508 (5) If the chapter that governs the license of a dispensing medical practitioner[~~as~~  
509 ~~listed in Subsection 58-17b-102(23),~~] requires physician supervision in its scope of practice  
510 requirements, the dispensing medical practitioner shall only dispense a drug under the  
511 supervision of [~~an individual licensed under Chapter 67, Utah Medical Practice Act, or Chapter~~  
512 ~~68, Utah Osteopathic Medical Practice Act]~~ a physician.

513 (6) A dispensing medical practitioner may not dispense a drug under this part for  
514 outpatient use if:

515 (a) the claim is for a workers' compensation or automobile insurance claim; and

516 (b) the dispensing medical practitioner is not contracted with a pharmacy network  
517 established by the claim payor.

518 Section 4. Section 58-17b-804 is amended to read:

519 **58-17b-804. Qualifications for licensure as a dispensing medical practitioner**  
520 **clinic pharmacy.**

521 (1) An applicant for a license as a dispensing medical practitioner clinic pharmacy shall  
522 comply with Section 58-17b-306.

523 (2) (a) Notwithstanding Section 58-17b-302, a pharmacy licensed under this part is not

524 required to have a pharmacist-in-charge if:

525 (i) the pharmacy has designated a dispensing medical practitioner as responsible for all  
526 activities of the pharmacy; and

527 (ii) the pharmacy complies with administrative rules adopted by the division in  
528 consultation with the Board of Pharmacy and the practitioners' respective governing bodies [~~of~~  
529 ~~the practitioners described in Subsection 58-17b-102(23)(a)~~].

530 (b) Notwithstanding Subsection 58-17b-306(1)(e), the division, in consultation with  
531 the Board of Pharmacy and the practitioners' respective governing boards [~~of the practitioners~~  
532 ~~described in Subsection 58-17b-102(23)(a)~~], may modify the operating standards for a  
533 dispensing medical practitioner clinic pharmacy.

534 Section 5. Section 58-17b-805 is amended to read:

535 **58-17b-805. Dispensing medical practitioner -- Cancer drug treatment regimen.**

536 (1) For purposes of this section:

537 (a) "Cancer drug treatment regimen" means a prescription drug used to treat cancer,  
538 manage its symptoms, or provide continuity of care for a cancer patient.

539 (b) "Cancer drug treatment regimen" includes:

540 (i) a chemotherapy drug administered intravenously, orally, rectally, or by dermal  
541 methods; and

542 (ii) a drug used to support cancer treatment, including a drug used to treat, alleviate, or  
543 minimize physical and psychological symptoms or pain, to improve patient tolerance of cancer  
544 treatments, or to prepare a patient for a subsequent course of therapy.

545 (c) "Cancer drug treatment regimen" does not mean a drug listed under federal law as a  
546 Schedule I, II, or III drug.

547 (2) [~~An individual may be licensed as a dispensing medical practitioner with a scope of~~  
548 ~~practice that permits the dispensing medical practitioner to~~] A dispensing medical practitioner  
549 may prescribe and dispense a cancer drug treatment regimen if the individual:

550 (a) is [~~licensed as described in Subsections 58-17b-102(23)(a)(i) and (ii)~~] a physician;  
551 and

552 (b) is certified or eligible to be certified by:

553 (i) the American Board of Internal Medicine in medical oncology; or

554 (ii) the American Board of Urology.

555 (3) A dispensing medical practitioner authorized to prescribe and dispense a cancer  
556 drug treatment regimen under this section may prescribe and dispense a cancer drug treatment  
557 regimen:

558 (a) to the dispensing medical practitioner's patient who is currently undergoing  
559 chemotherapy in an outpatient clinic setting; and

560 (b) if the dispensing medical practitioner determines that providing the cancer drug  
561 treatment regimen to the patient in the outpatient clinic setting is in the best interest of the  
562 patient or provides better access to care for the patient.

563 Section 6. Section **58-17b-806** is amended to read:

564 **58-17b-806. Enforcement of dispensing medical practitioner and dispensing**  
565 **medical practitioner clinic pharmacy compliance with Pharmacy Practice Act.**

566 (1) (a) The division shall consult with the dispensing medical practitioner's appropriate  
567 licensing board [~~as designated in Subsection 58-17b-102(23)(a)~~] regarding a violation of this  
568 chapter[~~; and~~

569 (b) [~~the Pharmacy Board~~] The board shall, if requested by the licensing board of the  
570 dispensing medical practitioner, assist the licensing board for the dispensing medical  
571 practitioner with reviewing the violations of the provisions of this chapter.

572 (2) The division may take appropriate action against a dispensing medical practitioner,  
573 in accordance with this chapter, if the dispensing medical practitioner's appropriate licensing  
574 board [~~designated in Subsection 58-17b-102(23)(a)~~] recommends to the division that action be  
575 taken under this chapter.

576 (3) The division, in consultation with the board, is the primary enforcer under this  
577 chapter for a dispensing medical practitioner clinic pharmacy licensed under Section  
578 58-17b-804.