

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 4

BY HEALTH AND WELFARE COMMITTEE

AN ACT

1 RELATING TO PHARMACISTS; AMENDING SECTION 54-1704, IDAHO CODE, TO PROVIDE
2 THAT PRESCRIBING ANY TOBACCO CESSATION PRODUCT IS WITHIN THE PRACTICE
3 OF PHARMACY; AND AMENDING CHAPTER 17, TITLE 54, IDAHO CODE, BY THE ADDI-
4 TION OF A NEW SECTION 54-1733E, IDAHO CODE, TO PROVIDE THAT PHARMACISTS
5 MAY PRESCRIBE TOBACCO CESSATION PRODUCTS UNDER CERTAIN CIRCUMSTANCES.
6

7 Be It Enacted by the Legislature of the State of Idaho:

8 SECTION 1. That Section 54-1704, Idaho Code, be, and the same is hereby
9 amended to read as follows:

10 54-1704. PRACTICE OF PHARMACY. "Practice of pharmacy" means:

11 (1) The interpretation, evaluation and dispensing of prescription drug
12 orders;

13 (2) Participation in drug and device selection, drug administration,
14 prospective and retrospective drug reviews and drug or drug-related re-
15 search;

16 (3) The provision of patient counseling and the provision of those acts
17 or services necessary to provide pharmaceutical care;

18 (4) The responsibility for:

19 (a) Compounding and labeling of drugs and devices, except labeling by
20 a manufacturer, repackager or distributor of nonprescription drugs and
21 commercially packaged legend drugs and devices;

22 (b) Proper and safe storage of drugs and devices, and maintenance of
23 proper records for them; and

24 (c) The offering or performing of those acts, services, operations or
25 transactions necessary to the conduct, operation, management and con-
26 trol of pharmacy;

27 (5) The prescribing of:

28 (a) Dietary fluoride supplements when prescribed according to the Amer-
29 ican dental association's recommendations for persons whose drinking
30 water is proven to have a fluoride content below the United States de-
31 partment of health and human services' recommended concentration;

32 (b) Agents for active immunization when prescribed for susceptible per-
33 sons six (6) years of age or older for the protection from communicable
34 disease;

35 (c) Opioid antagonists pursuant to section 54-1733B, Idaho Code; ~~and~~

36 (d) Epinephrine auto-injectors pursuant to sections 54-1733C and
37 54-1733D, Idaho Code; and

38 (e) Tobacco cessation products pursuant to section 54-1733E, Idaho
39 Code.

1 SECTION 2. That Chapter 17, Title 54, Idaho Code, be, and the same is
2 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
3 ignated as Section 54-1733E, Idaho Code, and to read as follows:

4 54-1733E. TOBACCO CESSATION PRODUCTS -- PRESCRIPTION. Notwithstand-
5 ing any other provision of law, a pharmacist acting in good faith and exer-
6 cising reasonable care may prescribe any tobacco cessation product approved
7 by the federal food and drug administration, provided the following condi-
8 tions are met:

9 (1) Prior to prescribing tobacco cessation products, the pharmacist
10 must successfully complete a course on tobacco cessation therapy taught by a
11 provider accredited by the accreditation council for pharmacy education or
12 by a comparable provider recognized by the board;

13 (2) When a patient requests a tobacco cessation product, the pharma-
14 cist shall use a screening procedure based on clinical guidelines to iden-
15 tify appropriate candidates for treatment by the pharmacist. The pharmacist
16 shall refer high-risk patients or patients with a contraindication to the
17 patient's primary care provider, as applicable, or to another provider, as
18 appropriate; and

19 (3) When a pharmacist prescribes a tobacco cessation product:

20 (a) Documentation of the patient screening and the prescription record
21 shall be maintained in the records of the pharmacy and a copy shall be
22 made available to the patient or the patient's provider, or both, upon
23 request;

24 (b) A follow-up care plan shall be developed and implemented in accor-
25 dance with clinical guidelines;

26 (c) Notification of the patient screening, the prescription record and
27 the follow-up care plan shall be provided to the patient's primary care
28 provider, as applicable, within five (5) business days following the
29 prescribing of a tobacco cessation product; and

30 (d) The pharmacist shall recommend that the patient seek additional as-
31 sistance for behavior change including, but not limited to, the Idaho
32 QuitLine.