

IN THE SENATE

SENATE BILL NO. 1301

BY HEALTH AND WELFARE COMMITTEE

AN ACT

1 RELATING TO PHARMACEUTICALS; AMENDING SECTION 54-1721, IDAHO CODE, TO  
2 PROVIDE FOR THE LABELING AND DELIVERY OF CERTAIN PREPACKAGED ITEMS BY  
3 LICENSED PRACTICAL OR PROFESSIONAL NURSES WHEN SUCH ITEMS HAVE BEEN  
4 PRESCRIBED BY CERTAIN LICENSED PROFESSIONAL HEALTH CARE PROVIDERS AND  
5 TO MAKE A TECHNICAL CORRECTION.  
6

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

8 SECTION 1. That Section 54-1721, Idaho Code, be, and the same is hereby  
9 amended to read as follows:

10 54-1721. UNLAWFUL PRACTICE. (1) It shall be unlawful for any person  
11 to engage in the practice of pharmacy unless licensed to so practice under  
12 the provisions of this act; provided, however, physicians, dentists,  
13 veterinarians, osteopaths or other practitioners of the healing arts  
14 who are licensed under the laws of this state may deliver and administer  
15 prescription drugs to their patients in the practice of their respective  
16 professions where specifically authorized to do so by statute of this state.

17 (2) Notwithstanding the provisions of subsection (1) of this section  
18 and any statute or rule to the contrary, persons who hold a valid and  
19 current license to practice practical or professional nursing in this state  
20 pursuant to sections 54-1407, 54-1408 and 54-1418, Idaho Code, and who  
21 are employed by one (1) of the public health districts established under  
22 section 39-408, Idaho Code, shall be permitted to engage in the labeling and  
23 delivery of refills of the following prepackaged items when such items have  
24 been prescribed to a patient by a licensed physician, licensed physician's  
25 assistant or licensed advanced practice nurse:

26 (a) Prenatal vitamins;

27 (b) Contraceptive medications approved by the United States food and  
28 drug administration;

29 (c) Antiviral medications approved by the United States centers for  
30 disease control and prevention for treatment of sexually transmitted  
31 infection; and

32 (d) Medications approved by the United States centers for disease  
33 control and prevention for treatment of active and latent tuberculosis.

34 (3) It shall be unlawful for any person, not legally licensed as a  
35 pharmacist, to take, use or exhibit the title of pharmacist or the title of  
36 druggist or apothecary, or any other title or description of like import.

37 (34) Any person who shall be found to have unlawfully engaged in the  
38 practice of pharmacy shall be subject to a fine not to exceed three thousand  
39 dollars (\$3,000) for each offense. Each such violation of this act or  
40 the rules ~~and regulations~~ promulgated hereunder pertaining to unlawfully  
41 engaging in the practice of pharmacy shall also constitute a misdemeanor  
42 punishable upon conviction as provided in the criminal code of this state.