

1 **ONLINE PHARMACY AMENDMENTS**

2 2015 GENERAL SESSION

3 STATE OF UTAH

4 **Chief Sponsor: Curtis S. Bramble**

5 House Sponsor: Michael S. Kennedy

7 **LONG TITLE**

8 **General Description:**

9 This bill amends the Online Prescribing, Dispensing, and Facilitation Licensing Act.

10 **Highlighted Provisions:**

11 This bill:

- 12 ▶ amends certain provisions related to online prescribing and dispensing of drugs;
- 13 ▶ amends the definition of "unprofessional conduct"; and
- 14 ▶ deletes outdated, transitional language.

15 **Money Appropriated in this Bill:**

16 None

17 **Other Special Clauses:**

18 None

19 **Utah Code Sections Affected:**

20 AMENDS:

21 **58-83-306**, as enacted by Laws of Utah 2010, Chapter 180

22 **58-83-502**, as last amended by Laws of Utah 2014, Chapter 72

23 REPEALS:

24 **58-83-304**, as enacted by Laws of Utah 2010, Chapter 180

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

27 Section 1. Section **58-83-306** is amended to read:

28 **58-83-306. Drugs approved for online prescribing, dispensing, and facilitation --**

29 **Delivery of prescription drugs.**

30 (1) An online prescriber may only prescribe, an online contract pharmacy may only
31 dispense, and an Internet facilitator may only facilitate the prescribing and dispensing of,
32 non-controlled, legend drugs [~~that have been~~]:

33 (a) that have been approved by the Food and Drug Administration;

34 (b) that are prescribed to treat the condition for which the drug was approved[~~;~~and],
35 within the drug manufacturer's guidelines;

36 (c) that are specifically approved by the division for online prescribing by
37 administrative rule adopted in accordance with Title 63G, Chapter 3, Utah Administrative
38 Rulemaking Act[~~;~~];

39 (d) that are prescribed for a person who is:

40 (i) 18 years of age or older; or

41 (ii) at least 16 years of age:

42 (A) if permitted by the state or country in which the patient will receive the drug;

43 (B) with parental consent, if required by the state or country in which the patient will
44 receive the drug; and

45 (C) only if the prescription is for a hormonal based contraceptive; and

46 (e) to a person who is located in another country, if the country is designated by the
47 division, by administrative rule, as a country with a regulatory framework for prescribing and
48 dispensing of drugs.

49 (2) If, after January 1, 2010, the Food and Drug Administration issues a clinical black
50 box warning with respect to any drug approved by the board under Subsection (1), the division
51 shall determine what action, if any, is necessary to protect the public health or welfare as a
52 result of the black box warning.

53 Section 2. Section **58-83-502** is amended to read:

54 **58-83-502. Unprofessional conduct.**

55 "Unprofessional conduct" includes, in addition to the definition in Section **58-1-501** and
56 as may be further defined by administrative rule:

57 (1) except as provided in Section **58-83-306**, online prescribing, dispensing, or

- 58 facilitation with respect to a person under the age of 18 years;
- 59 (2) using the name or official seal of the state, the Utah Department of Commerce, or
60 the Utah Division of Occupational and Professional Licensing, or their boards, in an
61 unauthorized manner;
- 62 (3) failing to respond promptly to a request by the division for information including:
63 (a) an audit of the website; or
64 (b) records of the online prescriber, the Internet facilitator, or the online contract
65 pharmacy;
- 66 (4) using an online prescriber, online contract pharmacy, or Internet facilitator without
67 approval of the division;
- 68 (5) failing to inform a patient of the patient's freedom of choice in selecting who will
69 dispense a prescription in accordance with Subsection [58-83-305\(1\)\(n\)](#);
- 70 (6) failing to keep the division informed of the name and contact information of the
71 Internet facilitator or online contract pharmacy; and
- 72 (7) violating the dispensing and labeling requirements of Chapter 17b, Part 8,
73 Dispensing Medical Practitioner and Dispensing Medical Practitioner Clinic Pharmacy.

74 Section 3. **Repealer.**

75 This bill repeals:

76 Section [58-83-304](#), **Existing written agreements for online prescribing -- Pending**
77 **applications.**