

ELECTRONIC PRESCRIBING ACT

58-82-101. Title.

This chapter is known as the "Electronic Prescribing Act."

58-82-102. Definitions.

As used in this chapter:

- (1) "Drug" is as defined in Section 58-37-2.
- (2) "Electronic prescribing" means the electronic generation and transmission of a prescription between a practitioner and a pharmacy.
- (3) "Existing patient" means a person who a practitioner has:
 - (a) obtained information regarding, in the usual course of professional practice, that is sufficient to:
 - (i) establish a diagnoses;
 - (ii) identify conditions; and
 - (iii) identify contraindications to potential treatment; and
 - (b) accepted as a patient.
- (4) (a) "Federal controlled substance" means a drug or substance included in Schedules I, II, III, IV, or V of the federal Controlled Substances Act, Title II, P.L. 91-513, or any federal controlled substance analog.
 - (b) "Federal controlled substance" does not include:
 - (i) distilled spirits, wine, or malt beverages, as those terms are defined or used in Title 32A, Alcoholic Beverage Control Act, regarding tobacco or food;
 - (ii) any drug intended for lawful use in the diagnosis, cure, mitigation, treatment, or prevention of disease in man or other animals, which contains ephedrine, pseudoephedrine, norpseudoephedrine, or phenylpropanolamine if the drug is lawfully purchased, sold, transferred, or furnished as an over-the-counter medication without prescription; or
 - (iii) dietary supplements, vitamins, minerals, herbs, or other similar substances including concentrates or extracts, which are not otherwise regulated by law, which may contain naturally occurring amounts of chemicals or substances listed in this chapter, or in rules adopted pursuant to Title 63G, Chapter 3, Utah Administrative Rulemaking Act.
- (5) (a) "Federal controlled substance analog" means a substance the chemical structure of which is substantially similar to the chemical structure of a controlled substance listed in Schedules I and II of the federal Controlled Substances Act, Title II, P.L. 91-513:
 - (i) which has a stimulant, depressant, or hallucinogenic effect on the central nervous system substantially similar to the stimulant, depressant, or hallucinogenic effect on the central nervous system of controlled substances in the schedules set forth in Subsection (4); or
 - (ii) which, with respect to a particular individual, is represented or intended to have a stimulant, depressant, or hallucinogenic effect on the central nervous system substantially similar to the stimulant, depressant, or hallucinogenic effect on the central nervous system of controlled substances in the schedules set forth in Subsection (4).
- (b) "Federal controlled substance analog" does not include:
 - (i) a controlled substance currently scheduled in Schedules I through V of Section 58-37-4;
 - (ii) a substance for which there is an approved new drug application;
 - (iii) a substance with respect to which an exemption is in effect for investigational use by a particular person under Section 505 of

the Food, Drug, and Cosmetic Act, 21 U.S.C. 355, to the extent the conduct with respect to the substance is permitted by the exemption;

- (iv) any substance to the extent not intended for human consumption before an exemption takes effect with respect to the substance;
 - (v) any drug intended for lawful use in the diagnosis, cure, mitigation, treatment, or prevention of disease in man or other animals, which contains ephedrine, pseudoephedrine, norpseudoephedrine, or phenylpropanolamine if the drug is lawfully purchased, sold, transferred, or furnished as an over-the-counter medication without prescription; or
 - (vi) dietary supplements, vitamins, minerals, herbs, or other similar substances including concentrates or extracts, which are not otherwise regulated by law, which may contain naturally occurring amounts of chemicals or substances listed in this chapter, or in rules adopted pursuant to Title 63G, Chapter 3, Utah Administrative Rulemaking Act.
- (6) "Pharmacy" is as defined in Section 58-17b-102.
 - (7) "Practitioner" means an individual currently licensed, registered, or otherwise authorized by the state to prescribe and administer a drug in the course of professional practice.
 - (8) "Prescription" is as defined in Section 58-37-2.

Part 2 - Electronic Prescribing

58-82-201. Electronic prescriptions - Restrictions - Rulemaking authority.

- (1) Subject to the provisions of this section, a practitioner shall provide each existing patient of the practitioner with the option of participating in electronic prescribing for prescriptions issued for the patient, if the practitioner prescribes a drug or device for the patient on or after July 1, 2012.
- (2) A practitioner may not issue a prescription through electronic prescribing for a drug, device, or federal controlled substance that the practitioner is prohibited by federal law or federal rule from issuing through electronic prescribing.
- (3) A pharmacy shall:
 - (a) accept an electronic prescription that is transmitted in accordance with the requirements of this section and division rules; and
 - (b) dispense a drug or device as directed in an electronic prescription described in Subsection (3)(a).
- (4) The division shall make rules to ensure that:
 - (a) except as provided in Subsection (5), practitioners and pharmacies comply with this section;
 - (b) electronic prescribing is conducted in a secure manner, consistent with industry standards; and
 - (c) each patient is fully informed of the patient's rights, restrictions, and obligations pertaining to electronic prescribing.
- (5) The division may, by rule, grant an exemption from the requirements of this section to a pharmacy or a practitioner to the extent that the pharmacy or practitioner can establish, to the satisfaction of the division, that compliance with the requirements of this section would impose an extreme financial hardship on the pharmacy or practitioner.

This chapter becomes effective on July 1, 2012

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Utah Code Annotated 1953
As Enacted by
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