

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 527

BY HEALTH AND WELFARE COMMITTEE

AN ACT

1 RELATING TO PHARMACISTS; AMENDING SECTION 54-1705, IDAHO CODE, TO REDESIG-  
2 NATE THE SECTION; AMENDING CHAPTER 17, TITLE 54, IDAHO CODE, BY THE AD-  
3 DITION OF A NEW SECTION 54-1705, IDAHO CODE, TO PROVIDE FOR THE PRACTICE  
4 OF PHARMACY; AMENDING CHAPTER 17, TITLE 54, IDAHO CODE, BY THE ADDITION  
5 OF A NEW SECTION 54-1705A, IDAHO CODE, TO PROVIDE FOR PRESCRIBER PER-  
6 FORMANCE OF PHARMACY FUNCTIONS; AMENDING SECTION 54-1707, IDAHO CODE,  
7 TO REVISE PROVISIONS REGARDING THE BOARD OF PHARMACY; AMENDING SECTION  
8 54-1710, IDAHO CODE, TO REVISE A PROVISION REGARDING TERMS OF OFFICE OF  
9 THE BOARD OF PHARMACY; REPEALING SECTION 54-1711, IDAHO CODE, RELAT-  
10 ING TO VACANCIES OF THE BOARD OF PHARMACY; REPEALING SECTION 54-1712,  
11 IDAHO CODE, RELATING TO REMOVAL OF MEMBERS OF THE BOARD OF PHARMACY;  
12 AMENDING SECTION 54-1713, IDAHO CODE, TO PROVIDE FOR MEETINGS OF THE  
13 BOARD OF PHARMACY TO BE CONDUCTED IN CERTAIN COMPLIANCE; REPEALING SEC-  
14 TION 54-1715, IDAHO CODE, RELATING TO MEETINGS OF THE BOARD; AMENDING  
15 SECTION 54-1718, IDAHO CODE, TO REMOVE A PROVISION REGARDING CERTAIN  
16 RESPONSIBILITIES OF THE BOARD OF PHARMACY; AMENDING SECTION 54-1721,  
17 IDAHO CODE, TO PROVIDE A CORRECT CODE REFERENCE; REPEALING SECTION  
18 54-1722, IDAHO CODE, RELATING TO QUALIFICATIONS FOR LICENSURE BY EX-  
19 AMINATION; AMENDING CHAPTER 17, TITLE 54, IDAHO CODE, BY THE ADDITION  
20 OF A NEW SECTION 54-1722, IDAHO CODE, TO ESTABLISH QUALIFICATIONS FOR  
21 LICENSURE BY EXAMINATION; AMENDING SECTION 54-1723, IDAHO CODE, TO RE-  
22 MOVE A REQUIREMENT; AMENDING SECTION 54-1732, IDAHO CODE, TO PROVIDE  
23 CORRECT REFERENCES; AMENDING SECTION 54-1733, IDAHO CODE, TO PROVIDE  
24 A CORRECT REFERENCE AND TO REMOVE A PROVISION REGARDING EPINEPHRINE  
25 AUTO-INJECTORS; AMENDING SECTION 54-1733A, IDAHO CODE, TO REDESIGNATE  
26 THE SECTION; REPEALING SECTION 54-1733B, IDAHO CODE, RELATING TO OPIOID  
27 ANTAGONISTS; REPEALING SECTION 54-1733D, IDAHO CODE, RELATING TO EPI-  
28 NEPHRINE AUTO-INJECTORS; AMENDING CHAPTER 17, TITLE 54, IDAHO CODE, BY  
29 THE ADDITION OF A NEW SECTION 54-1735, IDAHO CODE, TO PROVIDE FOR CER-  
30 TAIN EMERGENCY MEDICATIONS; AMENDING SECTION 54-1762A, IDAHO CODE, TO  
31 PROVIDE A CORRECT CODE REFERENCE; AMENDING SECTION 37-2726, IDAHO CODE,  
32 TO PROVIDE A CORRECT CODE REFERENCE; AMENDING SECTION 37-3404, IDAHO  
33 CODE, TO PROVIDE A CORRECT REFERENCE; AMENDING SECTION 54-716, IDAHO  
34 CODE, TO PROVIDE A CORRECT CODE REFERENCE; AMENDING SECTION 54-4702,  
35 IDAHO CODE, TO PROVIDE A CORRECT CODE REFERENCE; AMENDING SECTION  
36 63-3622N, IDAHO CODE, TO PROVIDE A CORRECT CODE REFERENCE; PROVIDING  
37 THAT CERTAIN ADMINISTRATIVE RULES SHALL BE NULL, VOID, AND OF NO FORCE  
38 AND EFFECT; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.  
39

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

41 SECTION 1. That Section 54-1705, Idaho Code, be, and the same is hereby  
42 amended to read as follows:

1           54-17054. DEFINITIONS. In this chapter:

2           (1) "Accredited school or college of pharmacy" means a school or col-  
3           lege that meets the minimum standards of the accreditation council for phar-  
4           macy education and appears on its list of accredited schools or colleges of  
5           pharmacy.

6           (2) "Board of pharmacy" or "board" means the Idaho state board of phar-  
7           macy.

8           (3) "Certificate" means a license or registration issued by the board  
9           unless specifically stated.

10          (4) "Chain pharmacy warehouse" means a physical location for prescrip-  
11          tion drugs that acts as a central warehouse and performs intracompany sales  
12          or transfers of such drugs to a group of chain pharmacies that have the same  
13          common ownership and control.

14          (5) "Colicensed partner or product" means an instance where two (2) or  
15          more parties have the right to engage in the manufacturing or marketing of  
16          a prescription drug, consistent with the federal food and drug administra-  
17          tion's implementation of the prescription drug marketing act.

18          (6) "Collaborative pharmacy practice" means a pharmacy practice where  
19          one (1) or more pharmacists or pharmacies jointly agree to work under a pro-  
20          tocol authorized by one (1) or more prescribers to provide patient care and  
21          drug therapy management services not otherwise permitted to be performed by  
22          a pharmacist under specified conditions.

23          (7) "Compounding" means the practice in which a pharmacist, a pre-  
24          scriber, or, in the case of an outsourcing facility, a person under the  
25          supervision of a pharmacist combines, mixes or alters ingredients of a drug  
26          to create a medication tailored to the needs of an individual patient.

27          (8) "Counseling" or "counsel" means the effective communication by  
28          the pharmacist of information, as set out in this chapter, to the patient or  
29          caregiver in order to improve therapeutic outcomes by maximizing proper use  
30          of prescription drugs and devices.

31          (9) "Deliver" or "delivery" means the actual, constructive or at-  
32          tempted transfer of a drug or device from one person to another, whether or  
33          not for a consideration.

34          (10) "Device" means an instrument, apparatus, implement, machine, con-  
35          trivance, implant, in vitro reagent or other similar related article, in-  
36          cluding any component part or accessory that is:

37               (a) Recognized in the official United States Pharmacopoeia or official  
38               National Formulary, other drug compendia or any supplement to them;

39               (b) Intended for use in the diagnosis of disease or other conditions or  
40               the cure, mitigation, treatment or prevention of disease in man or other  
41               animal;

42               (c) Intended to affect the structure or any function of the body of man  
43               or other animal, does not achieve any of its principal intended purposes  
44               through chemical action within or on the body of man or other animal, and  
45               is not dependent upon being metabolized for the achievement of any of  
46               its principal intended purposes.

47          (11) "Dispense" or "dispensing" means the preparation and delivery of  
48          a drug pursuant to a lawful prescription drug order of a practitioner in a  
49          suitable container appropriately labeled for subsequent administration to  
50          or use by a patient or other individual entitled to receive the prescription.

1 (12) "Distribute" means the delivery of a drug other than by administer-  
2 ing or dispensing.

3 (13) "Distributor" means a supplier of drugs manufactured, produced, or  
4 prepared by others to persons other than the ultimate consumer.

5 (14) "Donation repository" means:

6 (a) A community health center as defined in section 39-3203, Idaho  
7 Code;

8 (b) A free medical clinic as defined in section 39-7702, Idaho Code;

9 (c) A designated regional behavioral health center as described in  
10 chapter 31, title 39, Idaho Code;

11 (d) A state charitable institution as described in chapter 1, title 66,  
12 Idaho Code; or

13 (e) A drug outlet as defined in this section.

14 (15) "Drug" means:

15 (a) Articles recognized as drugs in the official United States Phar-  
16 macopoeia, official National Formulary, official Homeopathic Pharma-  
17 copoeia, other drug compendia or any supplement to any of them;

18 (b) Articles intended for use in the diagnosis, cure, mitigation,  
19 treatment or prevention of disease in man or other animal;

20 (c) Articles, other than food, intended to affect the structure or any  
21 function of the body of man or other animal; and

22 (d) Articles intended for use as a component of any articles specified  
23 in paragraph (a), (b) or (c) of this subsection.

24 (16) "Drug outlet" means a resident or nonresident pharmacy, business  
25 entity or other facility subject to registration by the board, pursuant to  
26 section 54-1729, Idaho Code, where employees or personnel are engaged in the  
27 practice of pharmacy, in the provision of pharmaceutical care, or in the dis-  
28 pensing, delivering, distributing or manufacturing of drugs or devices in or  
29 into Idaho.

30 (17) "Drug therapy management" means selecting, initiating, or modify-  
31 ing drug treatment pursuant to a collaborative pharmacy practice agreement.

32 (18) "Epinephrine auto-injector" means a single-use device for the au-  
33 tomatic injection of a premeasured dose of epinephrine into the human body.

34 (19) "Institutional drug order" means a prescription drug order issued  
35 in the unique form and manner permitted for a patient or resident of an in-  
36 stitutional facility or as permitted for other purposes as defined in rule.  
37 Unless specifically differentiated, state law applicable to a prescription  
38 drug order is also applicable to an institutional drug order.

39 (20) "Institutional facility" means a facility whose primary purpose is  
40 to provide a physical environment for patients to obtain health care ser-  
41 vices and in which patients spend a majority of their time, as may be further  
42 defined by board rule.

43 (21) "Internship" means a practical experience program under the super-  
44 vision of a preceptor.

45 (22) "Investigational or new drug" means any drug limited by state or  
46 federal law to use under professional supervision of a practitioner autho-  
47 rized by law to prescribe or administer such drug.

48 (23) "Labeling" means the process of preparing and affixing a label to  
49 any drug container, exclusive however of the labeling by a manufacturer,  
50 packer or distributor of a nonprescription drug or commercially packaged

1 legend drug or device. Any such label shall include all information required  
2 by federal and state law.

3 (24) "Manufacture" means the production, preparation, propagation,  
4 compounding, conversion or processing of a device or a drug, either directly  
5 or indirectly by extraction from substances of natural origin or independ-  
6 dently by means of chemical synthesis or by a combination of extraction and  
7 chemical synthesis, and includes any packaging or repackaging of the sub-  
8 stance or labeling or relabeling of its container, except that this term does  
9 not include the preparation or compounding of a drug by an individual for his  
10 own use or the preparation, compounding, packaging or labeling of a drug:

11 (a) By a pharmacist or practitioner as an incident to his administer-  
12 ing, dispensing or, as authorized by board rule, distributing of a drug  
13 in the course of his professional practice; or

14 (b) By a practitioner or by his authorization under his supervision  
15 for the purpose of or as an incident to research, teaching, or chemical  
16 analysis and not for sale.

17 (25) "Manufacturer" means a person who is licensed or approved by the  
18 federal food and drug administration to engage in the manufacture of drugs,  
19 including a colicensed partner or affiliate of that person, who compounds,  
20 cultivates, derives, harvests, mixes, or by other process produces or pre-  
21 pares legend drugs and includes persons who prepare such drugs in dosage  
22 forms by mixing, compounding, encapsulating, entableting, or other process,  
23 or who packages or repackages such drugs, but does not include pharmacists or  
24 practitioners in the practice of their profession.

25 (26) "Medically indigent patient" means a resident of Idaho who:

26 (a) Is not eligible for medicaid or medicare;

27 (b) Cannot afford private prescription drug insurance; or

28 (c) Does not have income and other resources available sufficient to  
29 pay for a legend drug.

30 (27) "Multistate license" means a license, registration, or other cre-  
31 dential for the practice of pharmacy issued by the pharmacy licensing agency  
32 of a state.

33 (28) "Multistate licensee" means a multistate pharmacist, multistate  
34 pharmacist intern, or multistate technician.

35 (29) "Multistate pharmacist" means a nonresident pharmacist who is li-  
36 censed by a party state and is not otherwise licensed by the board.

37 (30) "Multistate pharmacist intern" means a nonresident pharmacist in-  
38 tern who is registered by a party state and is not otherwise licensed by the  
39 board.

40 (31) "Multistate practice of pharmacy" means the practice of pharmacy  
41 in or into Idaho for a patient located in Idaho by a multistate licensee pur-  
42 suant to the requirements of this section and the terms of a mutual recogni-  
43 tion agreement.

44 (32) "Multistate technician" means a nonresident technician who is li-  
45 censed by a party state and is not otherwise registered by the board.

46 (33) "Mutual recognition agreement" means a written agreement entered  
47 into between the board and a party state allowing for the multistate prac-  
48 tice of pharmacy, subject to the requirements of this section and any other  
49 reasonable and supplemental contract terms negotiated by the board and the  
50 party state.

1 (34) "Nonprescription drugs" means medicines or drugs that may be sold  
2 without a prescription drug order and that are prepackaged for use by the  
3 consumer and labeled in accordance with state and federal law.

4 (35) "Nonresident" means a person or business entity located in the Dis-  
5 trict of Columbia or a state or territory other than Idaho that practices  
6 pharmacy including, but not limited to, pharmaceutical care services into  
7 Idaho.

8 (36) "Off-site pharmacy services" means services provided by a central  
9 drug outlet or an off-site pharmacist or technician. Services may include,  
10 but are not limited to: processing a request from another pharmacy to fill,  
11 refill or dispense a prescription drug order; performance of processing  
12 functions; or providing cognitive or pharmaceutical care services. Each  
13 function may be performed by the same or different persons and at the same or  
14 different locations.

15 (37) "Opioid antagonist" means naloxone hydrochloride or any other sim-  
16 ilarly acting and equally safe drug approved by the federal food and drug ad-  
17 ministration for the treatment of drug overdose.

18 (38) "Outsourcing facility" means a pharmacy or facility that is regis-  
19 tered by the federal food and drug administration pursuant to 21 U.S.C. 353b  
20 and either registered or endorsed by the board.

21 (39) "Party state" means any pharmacy licensing agency of a state that  
22 has entered into a mutual recognition agreement with the board.

23 (40) "Person" means an individual, corporation, partnership, associa-  
24 tion or any other legal entity.

25 (41) "Person in charge" or "PIC" means a person whose qualifications,  
26 responsibilities, and reporting requirements are defined in rule.

27 (42) "Pharmaceutical care" means drug therapy and other pharmaceutical  
28 patient care services intended to achieve outcomes related to the cure or  
29 prevention of a disease, elimination or reduction of a patient's symptoms,  
30 or arresting or slowing of a disease process as defined in the rules of the  
31 board.

32 (43) "Pharmacist" means an individual licensed by this state to engage  
33 in the practice of pharmacy or a pharmacist registered by this state who is  
34 located in another state, territory or the District of Columbia and is en-  
35 gaged in the practice of pharmacy into Idaho, unless exempted.

36 (44) "Pharmacist intern" means a person who is enrolled in or who has  
37 completed a course of study at an accredited school or college of pharmacy  
38 and is registered with the board as a pharmacist intern prior to commencement  
39 of an internship.

40 (45) "Pharmacy" means any drug outlet, facility, department, or other  
41 place where prescription drug orders are filled or compounded and where  
42 prescriptions are sold, dispensed, offered, or displayed for sale and that  
43 has, as its principal purpose, the dispensing of drug and health supplies  
44 intended for the general health, welfare, and safety of the public.

45 (46) "Practice of pharmacy" means the safe interpretation, evaluation,  
46 compounding, administration, and dispensing of prescription drug orders,  
47 patient counseling, collaborative pharmacy practice, provision of pharma-  
48 ceutical care services, proper storage of drugs and devices, and prescribing  
49 of drugs and devices as may be further defined in this chapter.

1 (47) "Practitioner" means a person licensed in this state and permitted  
2 by such license to dispense, conduct research with respect to or administer  
3 drugs in the course of professional practice or research in this state.

4 (48) "Preceptor" means a pharmacist or other health professional li-  
5 censed and in good standing who supervises the internship training of a  
6 registered pharmacist intern.

7 (49) "Precursor" means a substance, other than a legend drug, that is an  
8 immediate chemical intermediate that can be processed or synthesized into a  
9 legend drug and is used or produced primarily for use in the manufacture of a  
10 legend drug.

11 (50) "Prepackaging" means the act of transferring a drug, manually or  
12 using an automated system, from a manufacturer's original container to an-  
13 other container prior to receiving a prescription drug order.

14 (51) "Prescriber" means an individual currently licensed, registered  
15 or otherwise authorized to prescribe and administer drugs in the course of  
16 professional practice.

17 (52) "Prescriber drug outlet" means a drug outlet in which prescription  
18 drugs or devices are dispensed directly to patients under the supervision of  
19 a prescriber, except where delivery is accomplished only through on-site ad-  
20 ministration or the provision of drug samples, patient assistance program  
21 drugs, or investigational drugs as permitted in chapter 94, title 39, Idaho  
22 Code.

23 (53) "Prescription drug or legend drug" means a drug that under federal  
24 law is required, prior to being dispensed or delivered, to be labeled with  
25 one (1) of the following statements:

26 (a) "Caution: Federal law prohibits dispensing without a prescrip-  
27 tion"; or

28 (b) "Rx Only"; or

29 (c) "Caution: Federal law restricts this drug to use by or on the order  
30 of a licensed veterinarian";

31 or a drug that is required by any applicable federal or state law or rule to be  
32 dispensed on prescription drug order only or is restricted to use by practi-  
33 tioners only.

34 (54) "Prescription drug order" means a valid order of a prescriber for a  
35 drug or device for an ultimate user of the drug or device.

36 (55) "Primary state of residence" means the multistate licensee's de-  
37 clared primary state of residence as evidenced by a valid state or federal  
38 identification card with a home address or another form of identification  
39 accepted by the board.

40 (56) "Prospective drug review" includes, but is not limited to, the fol-  
41 lowing activities:

42 (a) Evaluation of the prescription drug order for known allergies, rati-  
43 onal therapy contraindications, reasonable dose and route of admin-  
44 istration, and reasonable directions for use;

45 (b) Evaluation of the prescription drug order for duplication of ther-  
46 apy;

47 (c) Evaluation of the prescription drug order for drug, food, or dis-  
48 ease interactions; and

49 (d) Evaluation of the prescription drug order for proper utilization.

50 (57) "Qualified donor" means:

1 (a) Any entity that meets the definition of "donation repository" as  
2 provided in this section; or

3 (b) Any member of the public in accordance with section 54-1762, Idaho  
4 Code.

5 (58) "Record" means all papers, letters, memoranda, notes, prescrip-  
6 tions, drug orders, invoices, statements, patient medication charts or  
7 files, computerized records or other written indicia, documents or objects  
8 that are used in any way in connection with the purchase, sale or handling of  
9 any drug or device.

10 (59) "Repackage" means repackaging or otherwise changing the con-  
11 tainer, wrapper, or labeling to further the distribution of a prescription  
12 drug, excluding such actions when completed by the pharmacist responsible  
13 for dispensing product to the patient.

14 (60) "Reverse distributor" means a drug outlet that receives nonsalable  
15 prescription drugs from persons or their agents, who may lawfully possess  
16 prescription drugs without being issued a valid prescription drug order, and  
17 that processes for credit or disposes of such prescription drugs.

18 (61) "Sale" means every sale and includes:

19 (a) Manufacturing, processing, transporting, handling, packaging or  
20 any other production, preparation or repackaging;

21 (b) Exposure, offer, or any other proffer;

22 (c) Holding, storing or any other possession;

23 (d) Dispensing, giving, delivering or any other supplying; and

24 (e) Applying, administering or any other usage.

25 (62) "Technician" means an individual authorized by registration with  
26 the board to perform pharmacy support services under the direction of a phar-  
27 macist.

28 (63) "Ultimate user" means a person who lawfully possesses a drug for  
29 his own use or for the use of a member of his household or for administering to  
30 an animal owned by him or by a member of his household.

31 (64) "USP" means United States pharmacopoeia.

32 (65) "Veterinary drug outlet" means a prescriber drug outlet that dis-  
33 penses drugs or devices intended for animal patients.

34 (66) "Wholesale distribution" means distribution of prescription drugs  
35 to persons other than a consumer or patient, but does not include:

36 (a) Drug returns, when conducted by a hospital, health care entity, or  
37 charitable institution in accordance with 21 CFR 203.23;

38 (b) The sale, purchase, or trade of a drug, an offer to sell, purchase,  
39 or trade a drug, or the dispensing of a drug pursuant to a prescription;

40 (c) The delivery of, or offer to deliver, a prescription drug by a  
41 common carrier solely in the common carrier's usual course of business  
42 of transporting prescription drugs when such common carrier does not  
43 store, warehouse, or take legal ownership of the prescription drug; or

44 (d) The sale or transfer from a community pharmacy or chain pharmacy  
45 warehouse of expired, damaged, mispicked, returned, or recalled pre-  
46 scription drugs to the original manufacturer, original wholesaler, or  
47 third-party returns processor, including a reverse distributor.

48 (67) "Wholesaler" means a person who, in the usual course of business,  
49 lawfully distributes drugs or devices in or into Idaho to persons other than  
50 the ultimate user.

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 54-1705, Idaho Code, and to read as follows:

4 54-1705. PRACTICE OF PHARMACY -- GENERAL APPROACH. To evaluate  
5 whether a specific act is within the practice of pharmacy in or into Idaho, or  
6 whether an act can be delegated to other individuals under his supervision,  
7 a licensee or registrant of the board of pharmacy shall independently deter-  
8 mine whether:

9 (1) The act is expressly prohibited by:

10 (a) This chapter;

11 (b) The uniform controlled substances act, chapter 27, title 37, Idaho  
12 Code;

13 (c) The rules of the board of pharmacy; or

14 (d) Any other applicable state or federal laws or regulations;

15 (2) The act is consistent with the individual's education, training,  
16 and experience; and

17 (3) Performance of the act is within the accepted standard of care that  
18 would be provided in a similar setting by a reasonable and prudent individual  
19 with similar education, training, and experience.

20 SECTION 3. That Chapter 17, Title 54, Idaho Code, be, and the same is  
21 hereby amended by the addition thereto of a NEW SECTION, to be known and des-  
22 ignated as Section 54-1705A, Idaho Code, and to read as follows:

23 54-1705A. PRESCRIBER PERFORMANCE OF PHARMACY FUNCTIONS. For the  
24 purposes of this chapter, any function that a pharmacist may perform may  
25 similarly be performed by an Idaho prescriber or may be delegated by an Idaho  
26 prescriber to appropriate support personnel in accordance with the pre-  
27 scriber's practice act.

28 SECTION 4. That Section 54-1707, Idaho Code, be, and the same is hereby  
29 amended to read as follows:

30 54-1707. MEMBERSHIP. The board of pharmacy shall consist of five (5)  
31 members who shall be appointed by and serve at the pleasure of the governor.  
32 One (1) member shall be a representative of the public, and four (4) members  
33 shall be licensed pharmacists who possess the qualifications specified in  
34 section 54-1708, Idaho Code. The board of pharmacy shall have diverse phar-  
35 macy practice experience, with at least one (1) member having substantial  
36 experience in community pharmacy and at least one (1) member having substan-  
37 tial experience in hospital pharmacy.

38 SECTION 5. That Section 54-1710, Idaho Code, be, and the same is hereby  
39 amended to read as follows:

40 54-1710. TERMS OF OFFICE. (1) Except as provided in subsection (2) of  
41 this section, members of the board of pharmacy shall be appointed for a term  
42 of five (5) years, except that members of the board who are appointed to fill  
43 vacancies that occur prior to the expiration of a former member's full term  
44 shall serve the unexpired portion of such term.



1 (2) The terms of the members of the board shall be staggered, so that the  
2 term of no more than one (1) member shall expire in any year.

3 (3) No member of the board shall serve more than two (2) consecutive  
4 full terms. The completion of the unexpired portion of a full term shall not  
5 constitute a full term for purposes of this section.

6 (4) An appointee to a full term on the board shall ~~be appointed by the~~  
7 ~~governor as provided in section 54-1709, Idaho Code, and be effective~~ become  
8 a member on July 1 of the year of appointment. Appointees to unexpired por-  
9 tions of full terms shall become members of the board upon appointment.

10 SECTION 6. That Section 54-1711, Idaho Code, be, and the same is hereby  
11 repealed.

12 SECTION 7. That Section 54-1712, Idaho Code, be, and the same is hereby  
13 repealed.

14 SECTION 8. That Section 54-1713, Idaho Code, be, and the same is hereby  
15 amended to read as follows:

16 54-1713. ORGANIZATION OF THE BOARD. (1) The board of pharmacy shall  
17 elect from its members a chairman and such other officers as it deems ap-  
18 propriate and necessary to the conduct of its business. The chairman of the  
19 board of pharmacy shall preside at all meetings of the board and shall be re-  
20 sponsible for the performance of all of the duties and functions of the board  
21 required or permitted by this chapter. Each additional officer elected by  
22 the board shall perform those duties normally associated with his position  
23 and such other duties assigned to him from time to time by the board.

24 (2) Officers elected by the board shall serve terms of one (1) year,  
25 commencing with the day of their election and ending upon election of their  
26 successors.

27 (3) The administrator of the division of occupational and professional  
28 licenses shall carry out the duties set forth in chapter 26, title 67, Idaho  
29 Code, on behalf of the board.

30 (4) All meetings and hearings of the board shall be conducted in compli-  
31 ance with the provisions of chapter 2, title 74, Idaho Code.

32 SECTION 9. That Section 54-1715, Idaho Code, be, and the same is hereby  
33 repealed.

34 SECTION 10. That Section 54-1718, Idaho Code, be, and the same is hereby  
35 amended to read as follows:

36 54-1718. LICENSURE AND DISCIPLINE. (1) The board of pharmacy shall be  
37 responsible for the control and regulation of the practice of pharmacy in  
38 this state including, but not limited to, the following:

39 (a) The licensing by examination or by reciprocity of applicants who  
40 are qualified to engage in the practice of pharmacy under the provisions  
41 of this chapter;

42 (b) The renewal of licenses to engage in the practice of pharmacy;

43 ~~(c) The determination and issuance of standards for recognition and ap-~~  
44 ~~proval of schools and colleges of pharmacy whose graduates shall be el-~~

1 ~~igible for licensure in this state, and the specification and enforce-~~  
2 ~~ment of requirements for practical training, including internship;~~

3 ~~(d) (c)~~ The enforcement of the provisions of this chapter relating to  
4 the conduct or competence of pharmacists practicing in this state, and  
5 the suspension, revocation or restriction of licenses to practice phar-  
6 macy; and

7 ~~(e) (d)~~ The regulation of the training, qualifications and employment  
8 of pharmacist interns.

9 (2) The board of pharmacy shall require the following applicants to  
10 submit to a fingerprint-based criminal history check of the Idaho central  
11 criminal history database and the federal bureau of investigation criminal  
12 history database:

13 (a) Original applicants for a certificate, unless exempted by board  
14 rule; and

15 (b) Applicants for reinstatement of a certificate.

16 Each applicant shall submit a completed ten (10) finger fingerprint card or  
17 scan to the board of pharmacy at the time of application and shall pay the  
18 cost of the criminal history check.

19 SECTION 11. That Section 54-1721, Idaho Code, be, and the same is hereby  
20 amended to read as follows:

21 54-1721. UNLAWFUL PRACTICE. (1) It shall be unlawful for any person or  
22 business entity to engage in the practice of pharmacy including, but not lim-  
23 ited to, pharmaceutical care services in or into Idaho unless licensed or  
24 registered to so practice under the provisions of this chapter, except as  
25 provided in this subsection:

26 (a) Practitioners who are licensed under the laws of this state and  
27 their agents or employees may deliver and administer prescription drugs  
28 to their patients in the practice of their respective professions where  
29 specifically authorized to do so by statute of this state;

30 (b) Nonresident pharmacists who are actively licensed in their state  
31 of residence may practice pharmacy into Idaho if employed by or affili-  
32 ated with and practicing for an Idaho-registered nonresident drug out-  
33 let. Only the PIC of a registered nonresident facility must be regis-  
34 tered to practice into Idaho;

35 (c) Multistate licensees permitted to engage in the multistate prac-  
36 tice of pharmacy in or into Idaho pursuant to section 54-1723B, Idaho  
37 Code;

38 (d) A veterinary drug outlet, as defined in section ~~54-1705~~, 54-1704,  
39 Idaho Code, does not need to register with the board if the outlet does  
40 not dispense for outpatient use any controlled substances listed in  
41 chapter 27, title 37, Idaho Code, euthanasia drugs, tranquilizer drugs,  
42 neuromuscular paralyzing drugs or general anesthesia drugs;

43 (e) Employees of the public health districts established under section  
44 39-408, Idaho Code, shall be permitted to engage in the labeling and de-  
45 livery of prepackaged items pursuant to a valid prescription drug order  
46 and in accordance with a formulary established by the district health  
47 director; and

48 (f) Researchers may possess legend drugs for use in their usual and law-  
49 ful research projects.

1 (2) It shall be unlawful for any person not legally licensed as a phar-  
2 macist to take, use or exhibit the title of pharmacist or any other title or  
3 description of like import.

4 (3) Any person who shall be found to have unlawfully engaged in the  
5 practice of pharmacy shall be subject to a fine not to exceed three thousand  
6 dollars (\$3,000) for each offense. Each such violation of this chapter or  
7 the rules promulgated hereunder pertaining to unlawfully engaging in the  
8 practice of pharmacy shall also constitute a misdemeanor punishable upon  
9 conviction as provided in the criminal code of this state.

10 SECTION 12. That Section 54-1722, Idaho Code, be, and the same is hereby  
11 repealed.

12 SECTION 13. That Chapter 17, Title 54, Idaho Code, be, and the same is  
13 hereby amended by the addition thereto of a NEW SECTION, to be known and des-  
14 ignated as Section 54-1722, Idaho Code, and to read as follows:

15 54-1722. QUALIFICATIONS FOR LICENSURE BY EXAMINATION. (1) To obtain a  
16 license to engage in the practice of pharmacy, an applicant for licensure by  
17 examination shall:

18 (a) Submit a written application in the form prescribed by the board of  
19 pharmacy;

20 (b) Graduate and receive the first professional degree from an accred-  
21 ited school or college of pharmacy;

22 (c) Pass the North American pharmacist licensure examination by the  
23 national association of boards of pharmacy or submit a passing score  
24 transfer into Idaho within ninety (90) days after application; and

25 (d) Pay the fees specified by the board of pharmacy for examination and  
26 issuance of license.

27 (2) Any applicant who is a graduate of a school or college of pharmacy  
28 located outside of the United States may substitute the following for sub-  
29 section (1) (b) of this section:

30 (a) Graduate from a school or college of pharmacy located outside of the  
31 United States;

32 (b) Submit certification by the foreign pharmacy graduate examination  
33 committee; and

34 (c) Complete a minimum of one thousand seven hundred forty (1,740)  
35 experiential hours as verified on an employer's affidavit, signed by a  
36 pharmacist licensed and practicing in the United States.

37 SECTION 14. That Section 54-1723, Idaho Code, be, and the same is hereby  
38 amended to read as follows:

39 54-1723. QUALIFICATIONS FOR LICENSURE BY RECIPROCITY. (1) To obtain a  
40 license as a pharmacist by reciprocity, an applicant for licensure shall:

41 (a) ~~Have submitted~~ Submit a written application in the form prescribed  
42 by the board of pharmacy;

43 ~~(b) Have attained the age of majority;~~

44 ~~(c) (b) Have possessed~~ Possess at the time of initial licensure as a  
45 pharmacist such other qualifications necessary to have been eligible  
46 for licensure at that time in this state;

1 ~~(d)~~ (c) ~~Have presented~~ Present to the board proof of initial licensure  
 2 by examination and proof that such license and any other certificate  
 3 granted to the applicant by any other state or states is not at the time  
 4 of application suspended, revoked, canceled or otherwise restricted in  
 5 a manner preventing the applicant from practicing as a pharmacist for  
 6 any reason except nonrenewal or the failure to obtain required continu-  
 7 ing education credits in any state where the applicant is licensed but  
 8 not engaged in the practice of pharmacy; and

9 ~~(e)~~ (d) ~~Have paid~~ Pay the fees specified by the board of pharmacy for  
 10 issuance of a license.

11 (2) Eligibility. No applicant shall be eligible for licensure by reci-  
 12 procity unless the state in which the applicant was initially licensed as a  
 13 pharmacist also grants reciprocal licensure to pharmacists duly licensed by  
 14 examination in this state, under like circumstances and conditions.

15 SECTION 15. That Section 54-1732, Idaho Code, be, and the same is hereby  
 16 amended to read as follows:

17 54-1732. VIOLATIONS AND PENALTIES. (1) No drug outlet designated in  
 18 section 54-1729, Idaho Code, shall be operated until a certificate has been  
 19 issued to said facility by the board. Upon the finding of a violation of this  
 20 subsection, the board may impose one (1) or more of the penalties enumerated  
 21 in section 54-1728, Idaho Code.

22 (2) Reinstatement of a certificate that has been suspended, revoked  
 23 or restricted by the board may be granted in accordance with the procedures  
 24 specified in section 54-1728(7), Idaho Code.

25 (3) The following acts, or the failure to act, and the causing of any  
 26 such act or failure are unlawful:

27 (a) The sale, delivery or administration of any prescription drug or  
 28 legend drug, except an ~~opioid antagonist pursuant to section 54-1733B,~~  
 29 ~~Idaho Code, or an epinephrine auto-injector pursuant to section~~  
 30 ~~54-1733D, emergency medication pursuant to section 54-1735,~~ Idaho  
 31 Code, unless:

32 (i) Such legend drug is dispensed or delivered by a pharmacist or  
 33 prescriber upon an original prescription, drug order or prescrip-  
 34 tion drug order by a practitioner in good faith in the course of his  
 35 practice. Any person violating the provisions of this subpara-  
 36 graph shall be guilty of a felony and on conviction thereof shall  
 37 be imprisoned in the state penitentiary for a term not to exceed  
 38 three (3) years, or punished by a fine of not more than five thou-  
 39 sand dollars (\$5,000), or by both such fine and imprisonment; or

40 (ii) In the case of a legend drug dispensed to a person, there is  
 41 a label affixed to the immediate container in which such drug is  
 42 dispensed. Any person violating this subparagraph shall be guilty  
 43 of a misdemeanor and upon conviction thereof shall be fined not  
 44 more than five hundred dollars (\$500). Nothing in this subpara-  
 45 graph prohibits a practitioner from delivering professional sam-  
 46 ples of legend drugs in their original containers in the course of  
 47 his practice when oral directions for use are given at the time of  
 48 such delivery.

1 (b) The refilling of any prescription or drug order for a legend drug,  
2 except as designated on the prescription or drug order or by the autho-  
3 rization of the practitioner, or in accordance with board rule. Any  
4 person guilty of violating the provisions of this paragraph shall be  
5 guilty of a misdemeanor and upon conviction thereof shall be incarcer-  
6 ated in the county jail for a term not to exceed one (1) year or punished  
7 by a fine of not more than one thousand dollars (\$1,000), or by both such  
8 fine and incarceration.

9 (c) The possession or use of a legend drug or a precursor, except an  
10 ~~opioid antagonist pursuant to section 54-1733B, Idaho Code, or an epi-~~  
11 ~~nephrine auto-injector pursuant to section 54-1733D, emergency medica-~~  
12 ~~tion pursuant to section 54-1735, Idaho Code, by any person unless such~~  
13 ~~person obtains such drug on the prescription or drug order of a practi-~~  
14 ~~tioner. Any person guilty of violating the provisions of this paragraph~~  
15 ~~shall be guilty of a misdemeanor and upon conviction thereof shall be~~  
16 ~~incarcerated in the county jail for a term not to exceed one (1) year or~~  
17 ~~punished by a fine of not more than one thousand dollars (\$1,000), or by~~  
18 ~~both such fine and incarceration.~~

19 (d) The wholesale distribution of drugs or devices by a pharmacy except  
20 for:

21 (i) The sale, transfer, merger or consolidation of all or part of  
22 the business of a pharmacy or pharmacies from or with another phar-  
23 macy or pharmacies, whether accomplished as a purchase and sale of  
24 stock or business assets;

25 (ii) The sale of minimal quantities of prescription drugs to prac-  
26 titioners for office use or to dispensing drug outlets for a spe-  
27 cific patient need;

28 (iii) The sale of a prescription drug for emergency medical rea-  
29 sons, but never to a wholesale distributor;

30 (iv) Intracompany sales of prescription drugs, meaning any trans-  
31 action or transfer between any division, subsidiary, parent or af-  
32 filiated or related company under common ownership and control of  
33 a corporate entity, or any transaction or transfer between colli-  
34 censees or a colicensed product, but never to a wholesale distrib-  
35 utor; or

36 (v) Other exemptions as permitted by federal law.

37 (e) The failure to keep records as required by the board. Any person  
38 guilty of violating the provisions of this paragraph shall be guilty of  
39 a misdemeanor and upon conviction thereof shall be incarcerated in the  
40 county jail for a term not to exceed one (1) year or punished by a fine  
41 of not more than one thousand dollars (\$1,000), or by both such fine and  
42 incarceration.

43 (f) The refusal to make available and to accord full opportunity to  
44 check any record, as required by the board. Any person guilty of vio-  
45 lating the provisions of this paragraph shall be guilty of a misdemeanor  
46 and upon conviction thereof shall be incarcerated in the county jail for  
47 a term not to exceed one (1) year or punished by a fine of not more than  
48 one thousand dollars (\$1,000), or by both such fine and incarceration.

49 (g) It is unlawful to:

1 (i) Obtain or attempt to obtain a legend drug or procure or at-  
 2 tempt to procure the administration of a legend drug: by fraud,  
 3 deceit, misrepresentation or subterfuge; by the forgery or alter-  
 4 ation of a prescription, drug order, or of any written order; by  
 5 the concealment of a material fact; or by the use of a false name or  
 6 the giving of a false address;

7 (ii) Communicate information to a practitioner in an effort un-  
 8 lawfully to procure a legend drug, or unlawfully to procure the ad-  
 9 ministration of any such drug. Any such communication shall not be  
 10 deemed a privileged communication;

11 (iii) Intentionally make a false statement in any prescription,  
 12 drug order, order, report or record required by this chapter;

13 (iv) For the purpose of obtaining a legend drug to falsely assume  
 14 the title of, or represent himself to be, a manufacturer, whole-  
 15 saler, dispenser, prescriber, or other person;

16 (v) Make or utter any false or forged prescription or false drug  
 17 order or forged written order;

18 (vi) Affix any false or forged label to a package or receptacle  
 19 containing legend drugs. This subparagraph does not apply to law  
 20 enforcement agencies or their representatives while engaged in  
 21 enforcing state and federal drug laws; or

22 (vii) Wholesale or retail any prescription or legend drug to any  
 23 person in this state not entitled by law to deliver such drug to  
 24 another.

25 Every violation of paragraph (g) (i) through (vi) of this subsection shall  
 26 be a misdemeanor, and any person convicted thereof shall be incarcerated in  
 27 the county jail for a term not to exceed one (1) year or fined not more than  
 28 one thousand dollars (\$1,000), or punished by both such fine and imprison-  
 29 ment. Any person violating paragraph (g) (vii) of this subsection is guilty  
 30 of a felony and on conviction thereof shall be imprisoned in the state peni-  
 31 tentiary for a term not to exceed three (3) years or punished by a fine of not  
 32 more than five thousand dollars (\$5,000), or by both such fine and imprison-  
 33 ment.

34 (4) The ultimate user of a legend drug who has lawfully obtained such  
 35 legend drug may deliver, without being registered, the legend drug to an-  
 36 other person for the purpose of disposal of the legend drug if the person re-  
 37 ceiving the legend drug for purposes of disposal is authorized under a state  
 38 or federal law or regulation to engage in such activity.

39 SECTION 16. That Section 54-1733, Idaho Code, be, and the same is hereby  
 40 amended to read as follows:

41 54-1733. VALIDITY OF PRESCRIPTION DRUG ORDERS. (1) A prescription  
 42 drug order for a legend drug is valid only if it is issued by a prescriber for  
 43 a legitimate medical purpose arising from a prescriber-patient relation-  
 44 ship that includes a documented patient evaluation adequate to establish  
 45 diagnoses, if applicable, and identify underlying conditions and/or con-  
 46 traindications to the treatment. A valid prescriber-patient relationship  
 47 may be established through virtual care technologies, provided that the ap-  
 48 plicable Idaho community standard of care must be satisfied.

1 (2) A prescriber who is otherwise authorized to perform any of the ac-  
 2 tivities listed in this section may prescribe or perform any of the follow-  
 3 ing activities for a patient with whom the prescriber does not have a pre-  
 4 scriber-patient relationship under the following circumstances:

5 (a) Writing initial admission orders for a newly hospitalized patient;

6 (b) Writing a prescription drug order for a patient of another pre-  
 7 scriber for whom the prescriber is taking call;

8 (c) Writing a prescription drug order for a patient examined by a physi-  
 9 cian assistant, advanced practice registered nurse or other licensed  
 10 practitioner with whom the prescriber has a supervisory or collabora-  
 11 tive relationship;

12 (d) Writing a prescription drug order for a medication on a short-term  
 13 basis for a new patient prior to the patient's first appointment;

14 (e) Writing a prescription for an opioid antagonist emergency medica-  
 15 tion pursuant to section ~~54-1733B~~ 54-1735, Idaho Code;

16 (f) In emergency situations where the life or health of the patient is  
 17 in imminent danger;

18 (g) In emergencies that constitute an immediate threat to the public  
 19 health including, but not limited to, empiric treatment or prophylaxis  
 20 to prevent or control an infectious disease outbreak; and

21 ~~(h) Epinephrine auto-injectors in the name of a school pursuant to sec-~~  
 22 ~~tion 33-520A, Idaho Code; and~~

23 ~~(i)~~ (h) If a prescriber makes a diagnosis of an infectious disease in  
 24 a patient, prescribe or dispense antimicrobials to an individual who  
 25 has been exposed to the infectious person in accordance with clinical  
 26 guidelines.

27 (3) Treatment, including issuing a prescription drug order, based  
 28 solely on a static online questionnaire does not constitute a legitimate  
 29 medical purpose.

30 (4) A prescription drug order shall be issued only by a prescriber in-  
 31 cluding a prescriber who is licensed in a jurisdiction other than the state  
 32 of Idaho and is permitted by such license to prescribe legend drugs in the  
 33 course of his professional practice as long as the individual is acting  
 34 within the jurisdiction, scope and authority of his license when issuing the  
 35 prescription drug order.

36 (5) The following acts shall be unlawful:

37 (a) To knowingly issue an invalid prescription drug order for a legend  
 38 drug;

39 (b) To knowingly dispense a legend drug pursuant to an invalid pre-  
 40 scription drug order; or

41 (c) To prescribe drugs to individuals without a prescriber-patient re-  
 42 lationship, unless excepted in this section.

43 Such acts shall constitute unprofessional conduct and the prescriber or  
 44 dispenser shall be subject to discipline according to the provisions of  
 45 the Idaho Code chapter pursuant to which the prescriber or dispenser is li-  
 46 censed, certified or registered.

47 SECTION 17. That Section 54-1733A, Idaho Code, be, and the same is  
 48 hereby amended to read as follows:

1           54-1733A4. TRANSMISSION OF PRESCRIPTION DRUG ORDERS. A valid pre-  
2     scription drug order may be transmitted to a registered pharmacy in accor-  
3     dance with federal law by the following means:

4           (1) By delivery of the original signed written prescription drug order  
5     or a digital image of the order; or

6           (2) By a prescriber, prescriber's agent, or representative of a state-  
7     licensed or federally certified provider community:

8           (a) Electronically in compliance with the uniform electronic transac-  
9     tions act, chapter 50, title 28, Idaho Code, or via a secure, interoper-  
10    able information technology system that exchanges data accurately and  
11    in compliance with applicable laws;

12          (b) Verbally; or

13          (c) Via facsimile.

14           SECTION 18. That Section [54-1733B](#), Idaho Code, be, and the same is  
15     hereby repealed.

16           SECTION 19. That Section [54-1733D](#), Idaho Code, be, and the same is  
17     hereby repealed.

18           SECTION 20. That Chapter 17, Title 54, Idaho Code, be, and the same is  
19     hereby amended by the addition thereto of a NEW SECTION, to be known and des-  
20     ignated as Section 54-1735, Idaho Code, and to read as follows:

21           54-1735. EMERGENCY MEDICATIONS. (1) Notwithstanding any other provi-  
22     sion of law, any health professional licensed or registered under this ti-  
23     tle acting in good faith and exercising reasonable care may prescribe, dis-  
24     tribute, dispense, and administer an emergency medication to any person or  
25     entity. Any person who prescribes, distributes, dispenses, or administers  
26     an emergency medication pursuant to this subsection shall not be liable in a  
27     civil or administrative action or subject to criminal prosecution for such  
28     acts.

29           (2) Notwithstanding any other provision of law, any person acting in  
30     good faith and exercising reasonable care may distribute or dispense emer-  
31     gency medication to any person or entity and may administer emergency medi-  
32     cation to any person who appears to be experiencing anaphylaxis or an opiate-  
33     related overdose. The administering person shall contact emergency medical  
34     services as soon as possible. Any person who distributes, dispenses, or ad-  
35     ministers emergency medication pursuant to this subsection shall not be li-  
36     able in a civil or administrative action or subject to criminal prosecution  
37     for such acts.

38           (3) For the purposes of this section, "emergency medication" includes:

39          (a) Opioid antagonists; and

40          (b) Epinephrine auto-injectors.

41           SECTION 21. That Section 54-1762A, Idaho Code, be, and the same is  
42     hereby amended to read as follows:

43           54-1762A. DRUG DONATION FOR ANIMALS. Notwithstanding any other pro-  
44     vision of law:



1 (1) An owner or a legal caretaker of an animal may donate a drug that is  
2 dispensed for the animal, but will not be used by that animal, to a licensed  
3 veterinarian of a veterinary medical facility, as that term is defined in  
4 section 54-2103, Idaho Code, if the veterinarian or facility chooses to ac-  
5 cept the drug.

6 (2) A licensed veterinarian or a veterinary medical facility may accept  
7 and reissue drugs donated pursuant to this section and from qualified donors  
8 listed in section ~~54-1705~~, 54-1704, Idaho Code, if:

9 (a) The drug is not expired;

10 (b) There is no reason to believe the drug has been adulterated;

11 (c) The drug is not a controlled substance; and

12 (d) The drug is not a compounded drug.

13 (3) A licensed veterinarian or a veterinary medical facility may not  
14 resell the donated drug.

15 (4) A licensed veterinarian or a veterinary medical facility may, how-  
16 ever, reissue the donated drug, without charge, for proper administration to  
17 an animal by:

18 (a) Another client of the veterinarian or facility who appears to be fi-  
19 nancially unable to pay for the drug;

20 (b) A nonprofit animal shelter; or

21 (c) A pound, as that term is defined in section 25-3502, Idaho Code.

22 SECTION 22. That Section 37-2726, Idaho Code, be, and the same is hereby  
23 amended to read as follows:

24 37-2726. FILING PRESCRIPTIONS -- DATABASE. (1) All controlled sub-  
25 stances and opioid antagonists as defined in section ~~54-1705~~, 54-1704,  
26 Idaho Code, dispensed for humans shall be filed with the division electron-  
27 ically in a format established by the division. The division may require  
28 the filing of other prescriptions by rule. The division shall establish the  
29 information to be submitted pursuant to the purposes of this section and the  
30 purposes set forth in section 37-2730A, Idaho Code.

31 (2) The division shall create, operate and maintain a controlled  
32 substances prescriptions database containing the information submitted  
33 pursuant to subsection (1) of this section to be used for the purposes  
34 and subject to the terms, conditions and immunities described in section  
35 37-2730A, Idaho Code. The division shall retain the information submitted  
36 pursuant to subsection (1) of this section for a period of five (5) years from  
37 the date the controlled substance was dispensed. The database information  
38 must be made available only to the following:

39 (a) Authorized individuals employed by the division, Idaho's boards,  
40 or other states' licensing entities charged with the licensing and dis-  
41 cipline of practitioners;

42 (b) Peace officers employed by federal, state and local law enforcement  
43 agencies engaged as a specified duty of their employment in enforcing  
44 law regulating controlled substances;

45 (c) Authorized individuals under the direction of the department of  
46 health and welfare for the purpose of monitoring and enforcing that  
47 department's responsibilities under the public health, medicare and  
48 medicaid laws;

1 (d) A practitioner, licensed in Idaho or another state, having author-  
2 ity to prescribe controlled substances, or a delegate under the prac-  
3 titioner's supervision, to the extent the information relates specifi-  
4 cally to a current patient of the practitioner to whom the practitioner  
5 is prescribing or considering prescribing any controlled substance;

6 (e) A pharmacist, licensed in Idaho or another state, having author-  
7 ity to dispense controlled substances, or a delegate under the pharma-  
8 cist's supervision, to the extent the information relates specifically  
9 to a current patient to whom that pharmacist is dispensing or consid-  
10 ering dispensing any controlled substance, or providing pharmaceutical  
11 care as defined in the Idaho pharmacy act;

12 (f) An individual who is the recipient of a dispensed controlled sub-  
13 stance entered into the database may access records that pertain to that  
14 individual, upon the production of positive identification, or that in-  
15 dividual's designee upon production of a notarized release of informa-  
16 tion by that individual;

17 (g) Upon a lawful order issued by the presiding judge in a court of com-  
18 petent jurisdiction for the release of prescription monitoring program  
19 records of a named individual;

20 (h) Prosecuting attorneys, deputy prosecuting attorneys and special  
21 prosecutors of a county or city and special assistant attorneys general  
22 from the office of the attorney general engaged in enforcing law regu-  
23 lating controlled substances; and

24 (i) A medical examiner or coroner who is an officer of or employed by a  
25 state or local government, for determining a cause of death or for per-  
26 forming other duties authorized by law.

27 (3) The division shall require pharmacists and prescribers, except  
28 veterinarians, to register with the division to obtain online access to the  
29 controlled substances prescriptions database.

30 (4) The division must maintain records on the information disclosed  
31 from the database, including:

32 (a) The identification of each individual who requests or receives in-  
33 formation from the database and who that individual represents;

34 (b) The information provided to each such individual; and

35 (c) The date and time the information is requested or provided.

36 (5) The division shall ensure that only authorized individuals have ac-  
37 cess to the database.

38 (6) Any person who knowingly misrepresents to the division that he is  
39 a person entitled under subsection (2) of this section to receive informa-  
40 tion from the controlled substances prescriptions database under the con-  
41 ditions therein provided, and who receives information from the controlled  
42 substances prescriptions database resulting from that misrepresentation,  
43 shall be guilty of a misdemeanor, punishable by imprisonment in a county jail  
44 not to exceed six (6) months, or by a fine not to exceed two thousand dollars  
45 (\$2,000), or both. The foregoing criminal penalty is in addition to, and not  
46 in lieu of, any other civil or administrative penalty or sanction authorized  
47 by law.

48 (7) Any person in possession, whether lawfully or unlawfully, of infor-  
49 mation from the controlled substances prescriptions database that identi-  
50 fies an individual patient and who knowingly discloses such information to a

1 person not authorized to receive or use such information under any state or  
2 federal law or rule or regulation, or the lawful order of a court of competent  
3 jurisdiction, or without written authorization of the individual patient  
4 shall be guilty of a misdemeanor, punishable by imprisonment in a county jail  
5 not to exceed six (6) months, or by a fine not to exceed two thousand dollars  
6 (\$2,000), or both. The foregoing criminal penalty is in addition to, and not  
7 in lieu of, any other civil or administrative penalty or sanction authorized  
8 by law. The provisions of this subsection shall not apply to disclosure of  
9 individual patient information by the patient himself. The provisions of  
10 this subsection shall not apply to disclosure of information by a prosecut-  
11 ing attorney, deputy prosecuting attorney or special prosecutor of a county  
12 or city or by a special assistant attorney general from the office of the at-  
13 torney general in the course of a criminal proceeding, whether preconviction  
14 or postconviction.

15 (8) Any person with access to the division's online prescription mon-  
16 itoring program pursuant to a division-issued user account, login name and  
17 password who intentionally shares or recklessly fails to safeguard his user  
18 account, login name and password, resulting in another person not authorized  
19 to receive or use such information under the provisions of any state or fed-  
20 eral law, rule or regulation obtaining information from the controlled sub-  
21 stances prescriptions database, shall be guilty of a misdemeanor, punish-  
22 able by imprisonment in a county jail not to exceed six (6) months or by a fine  
23 not to exceed two thousand dollars (\$2,000), or both. The foregoing criminal  
24 penalty is in addition to, and not in lieu of, any other civil or administra-  
25 tive penalty or sanction authorized by law.

26 (9) The division may, at its discretion, block access to certain con-  
27 trolled substances prescriptions database data if the division has reason to  
28 believe that access to the data is or may be used illegally.

29 (10) All costs associated with recording and submitting data as re-  
30 quired in this section are assumed by the dispensing practitioner recording  
31 and submitting the data.

32 (11) For purposes of this section, "delegate" means a nurse, medical or  
33 office assistant, current student of a health profession if a licensed prac-  
34 titioner or registered graduate of such profession who may access the data-  
35 base, or a registered pharmacy technician who is designated by a supervis-  
36 ing practitioner or pharmacist to access the database according to the pro-  
37 visions of this section and who must register with the division for such ac-  
38 cess.

39 SECTION 23. That Section 37-3404, Idaho Code, be, and the same is hereby  
40 amended to read as follows:

41 37-3404. SYRINGE AND NEEDLE EXCHANGE PROGRAM. (1) Notwithstanding any  
42 provision of law to the contrary:

43 (a) An entity may operate a syringe and needle exchange program in this  
44 state if such entity complies with the provisions of this section and  
45 with rules promulgated by the department;

46 (b) An entity may procure supplies needed to operate a syringe and nee-  
47 dle exchange program in this state if such entity complies with the pro-  
48 visions of this section and with rules promulgated by the department;  
49 and

1 (c) An entity may supply a syringe and needle exchange program with ma-  
 2 terials necessary to operate the program if such entity complies with  
 3 rules promulgated by the department.

4 (2) An entity operating a syringe and needle exchange program must:

5 (a) Facilitate the exchange of used syringes or needles for new sy-  
 6 ringes or needles in sealed sterile packaging; and

7 (b) Ensure that the recipient of a new syringe or needle is given verbal  
 8 and written instruction on:

9 (i) Methods for preventing the transmission of blood-borne dis-  
 10 eases, including hepatitis C and human immunodeficiency virus;  
 11 and

12 (ii) Options for obtaining:

13 1. Services for the treatment of a substance use disorder;

14 2. Testing for a blood-borne disease; and

15 3. An ~~opioid antagonist~~ emergency medication pursuant to  
 16 section ~~54-1733B~~, 54-1735, Idaho Code.

17 (3) An entity operating a syringe and needle exchange program must re-  
 18 port annually to the department on the following information about the pro-  
 19 gram:

20 (a) The number of individuals who have exchanged syringes or needles;

21 (b) The number of used syringes or needles exchanged for new syringes or  
 22 needles; and

23 (c) The number of new syringes or needles provided in exchange for used  
 24 syringes or needles.

25 SECTION 24. That Section 54-716, Idaho Code, be, and the same is hereby  
 26 amended to read as follows:

27 54-716. ADMINISTERING PRESCRIPTION DRUG PRODUCTS. (1) A licensee un-  
 28 der this chapter who is certified in clinical nutrition may obtain and in-  
 29 dependently administer, during chiropractic practice, the following pre-  
 30 scription drug products:

31 (a) Vitamins:

32 (i) Vitamin A;

33 (ii) All B vitamins; and

34 (iii) Vitamin C;

35 (b) Minerals:

36 (i) Ammonium molybdate;

37 (ii) Calcium;

38 (iii) Chromium;

39 (iv) Copper;

40 (v) Iodine;

41 (vi) Magnesium;

42 (vii) Manganese;

43 (viii) Potassium;

44 (ix) Selenium;

45 (x) Sodium; and

46 (xi) Zinc;

47 (c) Fluids:

48 (i) Dextrose;

49 (ii) Lactated ringers;

1 (iii) Plasma lyte;  
2 (iv) Saline; and  
3 (v) Sterile water;

4 (d) Epinephrine; and  
5 (e) Oxygen for use during an emergency or allergic reaction.

6 (2) The prescription drug products listed in subsection (1) of this  
7 section may be administered through oral, topical, intravenous, intramuscu-  
8 lar or subcutaneous routes. The route of administration and dosing shall be  
9 in accordance with the product's labeling as approved by the federal food and  
10 drug administration or with the manufacturer's instructions.

11 (3) The prescription drug products listed in subsection (1) of this  
12 section shall be obtained from a wholesale distributor, manufacturer, phar-  
13 macy or outsourcing facility licensed under chapter 17, title 54, Idaho  
14 Code.

15 (4) No vitamin or mineral may be compounded, as defined in section  
16 ~~54-1705~~, 54-1704, Idaho Code, by a chiropractic physician. A compounded  
17 drug product containing two (2) or more of the approved vitamins or minerals  
18 shall be obtained for office use from either an outsourcing facility or a  
19 compounding pharmacy licensed under chapter 17, title 54, Idaho Code.

20 (5) Nothing herein would remove or impact the ability of a chiropractic  
21 physician who does not obtain a clinical nutrition certification to continue  
22 to utilize nonprescriptive nutritional supplements.

23 SECTION 25. That Section 54-4702, Idaho Code, be, and the same is hereby  
24 amended to read as follows:

25 54-4702. DEFINITIONS. As used in this chapter:

26 (1) "Acupuncture" means that theory of health care developed from tra-  
27 ditional and modern Oriental medical philosophies that employs diagnosis  
28 and treatment of conditions of the human body based upon stimulation of spe-  
29 cific acupuncture points on meridians of the human body for the promotion,  
30 maintenance, and restoration of health and for the prevention of disease.  
31 Therapies within the scope of acupuncture include manual, mechanical, ther-  
32 mal, electrical and electromagnetic treatment of such specific indicated  
33 points. Adjunctive therapies included in, but not exclusive to, acupuncture  
34 include herbal and nutritional treatments, therapeutic exercise and other  
35 therapies based on traditional and modern Oriental medical theory.

36 (2) "Board" means the Idaho state board of acupuncture.

37 (3) "NCCAOM" means "National Certification Commission for Acupuncture  
38 and Oriental Medicine."

39 (4) "Practice of acupuncture" means the insertion of acupuncture nee-  
40 dles and use of similar devices and therapies, including application of mox-  
41 ibustion, to specific indicated points on the skin of the human body as indi-  
42 cated pursuant to traditional and modern theories of Oriental medicine. The  
43 "practice of acupuncture" does not include:

44 (a) Surgery; or

45 (b) Prescribing, dispensing or administering any prescription drug or  
46 legend drug as defined in section ~~54-1705~~, 54-1704, Idaho Code.

47 SECTION 26. That Section 63-3622N, Idaho Code, be, and the same is  
48 hereby amended to read as follows:

1           63-3622N. PRESCRIPTIONS. (a) There are exempted from the taxes im-  
2 posed by this chapter the following when administered or distributed by a  
3 practitioner or when purchased by or on behalf of an individual for use by  
4 such individual under a prescription or work order of a practitioner:

5           (1) Drugs, hypodermic syringes, insulin, insulin syringes, artificial  
6 eyes, eyeglasses and eyeglass component parts, contact lenses, hearing  
7 aids, hearing aid parts and hearing aid accessories;

8           (2) Drugs and supplies used in hemodialysis and peritoneal dialysis;

9           (3) Braces and other orthopedic appliances;

10          (4) Dental prostheses and other orthodontic appliances, including  
11 fillings;

12          (5) Catheters, urinary accessories, colostomy supplies, and other  
13 prosthetic devices which shall include, but are not limited to, enteral  
14 and parenteral feeding equipment and supplies, (tubing, pumps, con-  
15 tainers) catheter devices and supplies;

16          (6) Equipment and devices or chemical reagents which are used to test or  
17 monitor blood or urine of a diabetic;

18          (7) Other durable medical equipment and devices and related parts and  
19 supplies specifically designed for those products which shall include,  
20 but are not limited to: oxygen equipment, oxygen cylinders, cylinder  
21 transport devices (sheaths, carts), cylinder stands, support devices,  
22 regulators, flowmeters, tank wrench, oxygen concentrators, liquid oxy-  
23 gen base dispenser, liquid oxygen portable dispenser, oxygen tubing,  
24 nasal cannulas, face masks, oxygen humidifiers, oxygen fittings and  
25 accessories, respiratory therapy equipment, room humidifiers, aspira-  
26 tors, aerosol compressors (stationary and portable), ultrasonic nebu-  
27 lizers, volume ventilators, respirators and related device supplies,  
28 percussors, vibrators, IPPB, circuits, devices and supplies, air oxy-  
29 gen mixers, manual resuscitators, nebulizers, tubing, emergency oxygen  
30 delivery units, patient care equipment, physical and occupational  
31 therapy items, hospital beds, trapeze bars and bar stand, bed rails,  
32 geriatric chairs, lift recliners, bedside commodes, overbed tables,  
33 patient lifts, patient lift slings, traction stands and pulleys, shower  
34 seating, shower grip bars, raised toilet seats, toilet safety frames,  
35 walking canes, quad canes and accessories, walkers, wheeled walkers,  
36 walker accessories, I.V. stands, crawlers, posture back supports for  
37 seating, posture back supports, wheelchairs, crutches, crutch pads,  
38 tips, grips, restraints, standing frame devices and accessories, hand  
39 exercise equipment and putty, specially designed hand utensils, leg  
40 weights, paraffin baths, hydrocollators, hydrotherm heating pads, com-  
41 munication aids for physically impaired, specialized seating, desks,  
42 work stations, foam wedges, writing and speech aids for the impaired,  
43 dressing aids, button loops and zipper aids, grooming aids, dental  
44 aids, eating and drinking aids, splints, holders, household aids for  
45 the impaired, shampoo trays, reaching aids, foam seating pads, decu-  
46 bitus seating pads, bed pads, fitted stroller, alternating pressure  
47 pads and pumps, stethoscope, sphygmomanometers, otoscopes, sitting and  
48 sleeping cushions, patient transport devices, boards, stairglides,  
49 lifts in home, transcutaneous nerve stimulators, muscle stimulators  
50 and bone fracture therapy devices.

1 (b) The term "practitioner" means a physician, physician assistant,  
 2 surgeon, podiatrist, chiropractor, dentist, optometrist, psychologist,  
 3 ophthalmologist, nurse practitioner, denturist, orthodontist, audiolo-  
 4 gist, hearing aid dealer or fitter or any person licensed by the state under  
 5 title 54, Idaho Code, to prescribe, administer or distribute items identi-  
 6 fied in subsection (a) of this section.

7 (c) (1) The term "drug" means a drug which is:

8 ~~(1)~~ (i) Defined in section ~~54-1705, 54-1704~~, Idaho Code; and

9 ~~(2)~~ (ii) Either:

10 ~~(i)~~ 1. Listed in a drug compendia which the state board of  
 11 pharmacy requires to be maintained by Idaho licensed pharma-  
 12 cies; or

13 ~~(ii)~~ 2. The use of which requires a prescription under state  
 14 or federal law.

15 (2) The term shall not include articles intended for use in the diag-  
 16 nosis, cure, mitigation, treatment or prevention of disease in animals  
 17 other than man.

18 (d) The term "durable medical equipment" means equipment which:

19 (1) Can withstand repeated use;

20 (2) Is primarily and customarily used to serve a medical purpose;

21 (3) Generally is not useful to a person in the absence of illness or in-  
 22 jury; and

23 (4) Is appropriate for use in the home.

24 (e) The term "prosthetic device" means a device which replaces a miss-  
 25 ing part or function of the human body and shall include any supplies physi-  
 26 cally connected to such devices.

27 SECTION 27. The rules contained in IDAPA 24.36.01, relating to Rules  
 28 of the State Board of Pharmacy, Section 010., Subsection 14.; Section 010.,  
 29 Subsection 18.; Section 100.; Section 101.; Section 211.; and Section 212.  
 30 shall be null, void, and of no force and effect on and after July 1, 2024.

31 SECTION 28. An emergency existing therefor, which emergency is hereby  
 32 declared to exist, this act shall be in full force and effect on and after  
 33 July 1, 2024.