

1 **Prescription Medication Amendments**

2026 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Raymond P. Ward**

Senate Sponsor:

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2 **LONG TITLE**

3 **General Description:**

4 This bill address prescription requirements.

5 **Highlighted Provisions:**

6 This bill:

7 ▶ removes a requirement that a pharmacy notify a provider if the pharmacy substitutes the  
8 medication as authorized by the prescription;

9 ▶ allows a prescription refill to remain valid for two years; and

10 ▶ makes technical and conforming changes.

11 **Money Appropriated in this Bill:**

12 None

13 **Other Special Clauses:**

14 None

15 **Utah Code Sections Affected:**

16 AMENDS:

17 **58-17b-605**, as last amended by Laws of Utah 2024, Chapter 507

18 **58-17b-609**, as last amended by Laws of Utah 2020, Chapter 310

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

20 Section 1. Section **58-17b-605** is amended to read:

21 **58-17b-605 . Drug product equivalents and similar drug products.**

22 (1) For the purposes of this section:

23 (a)(i) "Drug" is as defined in Section 58-17b-102.

24 (ii) "Drug" includes a "biological product" as defined in Section 58-17b-605.5.

25 (b) "Drug product equivalent" means[a] a drug product that is designated as the  
26 therapeutic equivalent of another drug product in the Approved Drug Products with  
27 Therapeutic Equivalence Evaluations prepared by the Center for Drug Evaluation and  
28 Research of the United States Food and Drug Administration.  
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- 31 (c) "Osteopathic Physician and Surgeon's Licensing Board" means the board created in  
32 Section 58-68-201.
- 33 (d) "Medical Licensing Board" means the board created in Section 58-67-201.
- 34 (e) "Therapeutically similar drug product" means a drug product that:  
35 (i) provides a similar level of therapeutic benefit and risk to a patient as another drug  
36 product; and  
37 (ii) is on the list of therapeutically similar drugs created by the division in accordance  
38 with Subsection (9).
- 39 (2) A pharmacist or pharmacy intern dispensing a prescription order for a specific drug by  
40 brand or proprietary name may substitute:
- 41 (a) a drug product equivalent for the prescribed drug if:  
42 (i) the purchaser specifically requests or consents to the substitution of a drug product  
43 equivalent;  
44 (ii) the drug product equivalent is of the same generic type and is designated the  
45 therapeutic equivalent in the approved drug products with therapeutic equivalence  
46 evaluations prepared by the Center for Drug Evaluation and Research of the  
47 Federal Food and Drug Administration;  
48 (iii) the drug product equivalent is permitted to move in interstate commerce;  
49 (iv) the pharmacist or pharmacy intern counsels the patient on the use and the  
50 expected response to the prescribed drug, whether a substitute or not;  
51 (v) the substitution is not otherwise prohibited by law; and  
52 (vi) the prescribing practitioner has not indicated that a drug product equivalent may  
53 not be substituted for the drug, as provided in Subsection (6); or
- 54 (b) a therapeutically similar drug product if:  
55 (i) the prescriber has written "similar substitution authorized" on the prescription for  
56 the prescribed drug;  
57 (ii) the therapeutically similar drug product is listed on the therapeutically similar  
58 drug list described in Subsection (9) as a drug that can be substituted for the  
59 prescribed drug;  
60 (iii) the purchaser specifically requests or consents to the substitution of the  
61 therapeutically similar drug;  
62 (iv) the dispensed therapeutically similar drug product is permitted to move in  
63 interstate commerce;  
64 (v) the pharmacist or pharmacy intern counsels the patient on the use and the

- 65 expected response to the therapeutically similar drug product;
- 66 (vi) the substitution is not otherwise prohibited by law; and
- 67 (vii) the substitution:
- 68 (A) results in a decreased cost to the patient;
- 69 (B) is covered on the patient's health benefit plan formulary as a preferred drug or
- 70 at the same or lower payment tier;
- 71 (C) is necessary because the pharmacist does not have the originally prescribed
- 72 medication available to dispense to the patient; or
- 73 (D) would be beneficial to the patient for any reason if the patient and pharmacist
- 74 mutually agree that the substitution would benefit the patient.
- 75 (3)(a) Each out-of-state mail service pharmacy dispensing a drug product equivalent or a
- 76 therapeutically similar drug product as a substitute for another drug into this state
- 77 shall notify the patient of the substitution either by telephone or in writing.
- 78 (b) Each out-of-state mail service pharmacy shall comply with the requirements of this
- 79 chapter with respect to a drug product equivalent or a therapeutically similar drug
- 80 product substituted for another drug, including labeling and record keeping.
- 81 (4)[(a)] Pharmacists or pharmacy interns may not substitute without the prescriber's
- 82 authorization on trade name drug product prescriptions unless the product is currently
- 83 categorized in the approved drug products with therapeutic equivalence evaluations
- 84 prepared by the Center for Drug Evaluation and Research of the [Federal] United
- 85 States Food and Drug Administration as a drug product considered to be
- 86 therapeutically equivalent to another drug product.
- 87 [~~(b) A pharmacist or pharmacy intern that substitutes a drug product for a therapeutically~~
- 88 ~~similar drug product under Subsection (2)(b), for any prescription intended to last~~
- 89 ~~longer than 30 days, shall notify the prescriber that the pharmacist or pharmacy intern~~
- 90 ~~substituted the drug.]~~
- 91 (5) A pharmacist or pharmacy intern who dispenses a prescription with a drug product
- 92 equivalent or a therapeutically similar drug product under this section assumes no
- 93 greater liability than would be incurred had the pharmacist or pharmacy intern dispensed
- 94 the prescription with the drug product prescribed.
- 95 (6)(a) If, in the opinion of the prescribing practitioner, it is in the best interest of the
- 96 patient that a drug product equivalent not be substituted for a prescribed drug, the
- 97 practitioner may indicate a prohibition on substitution either by writing "dispense as
- 98 written" or signing in the appropriate space where two lines have been preprinted on

- 99 a prescription order and captioned "dispense as written" or "substitution permitted".
- 100 (b) If the prescription is communicated orally by the prescribing practitioner to the  
101 pharmacist or pharmacy intern, the practitioner shall indicate the prohibition on  
102 substitution and that indication shall be noted in writing by the pharmacist or  
103 pharmacy intern with the name of the practitioner and the words "orally by" and the  
104 initials of the pharmacist or pharmacy intern written after it.
- 105 (7)(a) A pharmacist or pharmacy intern who substitutes a drug product equivalent or  
106 therapeutically similar drug product for a prescribed drug shall communicate the  
107 substitution to the purchaser.
- 108 (b) The drug product equivalent or therapeutically similar drug product container shall  
109 be labeled with the name of the drug dispensed.
- 110 (c) The pharmacist, pharmacy intern, or pharmacy technician shall indicate on the file  
111 copy of the prescription both the name of the prescribed drug and the name of the  
112 drug product equivalent or the therapeutically similar drug product dispensed in place  
113 of the prescribed drug.
- 114 (8)(a) For purposes of this Subsection (8), "substitutes" means to substitute:
- 115 (i) a generic drug for another generic drug;
- 116 (ii) a generic drug for a nongeneric drug;
- 117 (iii) a nongeneric drug for another nongeneric drug; or
- 118 (iv) a nongeneric drug for a generic drug.
- 119 (b) A prescribing practitioner who makes a finding under Subsection (6)(a) for a patient  
120 with a seizure disorder shall indicate a prohibition on substitution of a drug product  
121 equivalent in the manner provided in Subsection (6)(a) or (b).
- 122 (c) Except as provided in Subsection (8)(d), a pharmacist or pharmacy intern who cannot  
123 dispense the prescribed drug as written, and who needs to substitute a drug product  
124 equivalent for the drug prescribed to the patient to treat or prevent seizures shall  
125 notify the prescribing practitioner [~~prior to~~] before the substitution.
- 126 (d) Notification under Subsection (8)(c) is not required if the drug product equivalent is  
127 paid for in whole or in part by Medicaid.
- 128 (9)(a) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,  
129 and in consultation with the board and the Medical Licensing Board , the division  
130 shall create a therapeutically similar drug product list that contains lists of drug  
131 products that are therapeutically similar to each other.
- 132 (b) The division may not add a drug product to the therapeutically similar drug product

- 133 list if the addition is opposed by:
- 134 (i) the board; or
- 135 (ii) the Medical Licensing Board.
- 136 (c) When considering a drug to be added to the therapeutically similar drug product list,
- 137 the division shall consult with each board described in Subsection (9)(b).
- 138 (d) When consulting with the division under Subsection (9)(c), a board described in
- 139 Subsection (9)(b) may:
- 140 (i) review clinical practice guidelines;
- 141 (ii) review peer-reviewed studies; and
- 142 (iii) consult with medical specialists who are familiar with the drug under
- 143 consideration.
- 144 (e) When creating the therapeutically similar drug product list, before considering any
- 145 other types of drugs, the division shall consider:
- 146 (i) albuterol inhalers;
- 147 (ii) injectable forms of insulin; and
- 148 (iii) diabetic test strips.
- 149 (f) The division may, in consultation with each board described in Subsection (9)(b),
- 150 create standards in rule for considering drug products that should be added to the
- 151 therapeutically similar drug product list.
- 152 (10) Failure of a licensed medical practitioner to specify that no substitution is authorized
- 153 does not constitute evidence of negligence.

154 Section 2. Section **58-17b-609** is amended to read:

155 **58-17b-609 . Limitation on prescriptions and refills -- Controlled Substances Act**  
 156 **not affected -- Legend drugs.**

- 157 (1) Except as provided in Sections 58-16a-102 and 58-17b-608.2, a prescription for any
- 158 prescription drug or device may not be dispensed after one year from the date it was
- 159 initiated except as otherwise provided in Chapter 37, Utah Controlled Substances Act.
- 160 (2) Except as provided in Section 58-17b-608.2, a prescription authorized to be refilled may
- 161 not be refilled after [~~one year~~] two years from the original issue date.
- 162 (3) A practitioner may not be prohibited from issuing a new prescription for the same drug
- 163 orally, in writing, or by electronic transmission.
- 164 (4) Nothing in this chapter affects Chapter 37, Utah Controlled Substances Act.
- 165 (5) A prescription for a legend drug written by a licensed prescribing practitioner in another
- 166 state may be filled or refilled by a pharmacist or pharmacy intern in this state if the

167 pharmacist or pharmacy intern verifies that the prescription is valid.

168 Section 3. **Effective Date.**

169 This bill takes effect on May 6, 2026.