

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 5

BY HEALTH AND WELFARE COMMITTEE

AN ACT

1 RELATING TO PHARMACISTS; REPEALING SECTION 54-1739, IDAHO CODE, RELATING TO  
2 SEVERABILITY; AMENDING CHAPTER 17, TITLE 54, IDAHO CODE, BY THE ADDI-  
3 TION OF A NEW SECTION 54-1739, IDAHO CODE, TO PROVIDE FOR PROSPECTIVE  
4 DRUG REVIEW AND COUNSELING IN THE IDAHO PHARMACY ACT; REPEALING SECTION  
5 54-1749, IDAHO CODE, RELATING TO PROSPECTIVE DRUG REVIEW AND COUNSEL-  
6 ING; REPEALING SECTION 54-1750, IDAHO CODE, RELATING TO SEVERABILITY;  
7 AND AMENDING CHAPTER 17, TITLE 54, IDAHO CODE, BY THE ADDITION OF A NEW  
8 SECTION 54-1771, IDAHO CODE, TO PROVIDE SEVERABILITY.  
9

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

11 SECTION 1. That Section [54-1739](#), Idaho Code, be, and the same is hereby  
12 repealed.

13 SECTION 2. That Chapter 17, Title 54, Idaho Code, be, and the same is  
14 hereby amended by the addition thereto of a NEW SECTION, to be known and des-  
15 ignated as Section 54-1739, Idaho Code, and to read as follows:

16 54-1739. PROSPECTIVE DRUG REVIEW AND COUNSELING. (1) Before dispens-  
17 ing any prescription, a pharmacist shall complete a prospective drug review  
18 as defined in section 54-1705, Idaho Code.

19 (2) Before dispensing a prescription for a new medication, or when  
20 otherwise deemed necessary or appropriate, a pharmacist shall counsel the  
21 patient or caregiver. In addition to the counseling requirements provided  
22 in section 54-1705, Idaho Code, counseling shall include such supplemental  
23 written materials as required by law or as are customary in that practice  
24 setting. For refills or renewed prescriptions, a pharmacist or a technician  
25 shall extend an offer to counsel the patient or caregiver. If such offer is  
26 accepted, a pharmacist shall provide such counseling as necessary or ap-  
27 propriate in the professional judgment of the pharmacist. All counseling  
28 and offers to counsel shall be face to face with the patient or caregiver  
29 when possible, but if not possible, then a reasonable effort shall be made  
30 to contact the patient or caregiver. Nothing in this section shall require  
31 a pharmacist to provide counseling when a patient or caregiver refuses such  
32 counseling or when counseling is otherwise impossible. Patient counseling  
33 shall not be required for inpatients of a hospital or institutional facility  
34 when licensed health care professionals administer the medication.

35 (3) This section shall apply to all registered and licensed pharmacies,  
36 including mail service pharmacies. In cases of prescriber dispensing, the  
37 prescriber shall perform the prospective drug review and counseling consis-  
38 tent with the provisions of this section.

39 SECTION 3. That Section [54-1749](#), Idaho Code, be, and the same is hereby  
40 repealed.

1           SECTION 4. That Section [54-1750](#), Idaho Code, be, and the same is hereby  
2 repealed.

3           SECTION 5. That Chapter 17, Title 54, Idaho Code, be, and the same is  
4 hereby amended by the addition thereto of a NEW SECTION, to be known and des-  
5 ignated as Section 54-1771, Idaho Code, and to read as follows:

6           54-1771. SEVERABILITY. The provisions of this chapter are hereby de-  
7 clared to be severable and if any provision of this chapter or the applica-  
8 tion of such provision to any person or circumstance is declared invalid for  
9 any reason, such declaration shall not affect the validity of remaining por-  
10 tions of this chapter.