

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 338

BY HEALTH AND WELFARE COMMITTEE

AN ACT

RELATING TO LEGEND DRUGS; AMENDING SECTION 54-1734, IDAHO CODE, TO CLARIFY WHICH PERSONS MAY POSSESS LEGEND DRUGS.

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

SECTION 1. That Section 54-1734, Idaho Code, be, and the same is hereby amended to read as follows:

54-1734. POSSESSION OF LEGEND DRUGS. (1) The following persons or their agents or employees may possess legend drugs for use in the usual and lawful course of their business or practice or in the performance of their lawful official duties, without a valid prescription drug order:

(a) Pharmacists;

(b) Prescribers;

(c) Researchers who are prohibited from further distribution;

(d) Hospitals and other institutional facilities;

(e) Manufacturers and wholesalers;

(f) Common carriers solely in the usual course of business of transporting prescription drugs;

(g) Schools possessing stock supplies of epinephrine auto-injectors pursuant to section 33-520A, Idaho Code; and

(h) Persons, agencies and organizations possessing opioid antagonists pursuant to section 54-1733B, Idaho Code;

(i) Midwives licensed pursuant to section 54-5507, Idaho Code, limited to formulary drugs consistent with rules promulgated by the Idaho board of midwifery; and

(j) Home health nurses or agencies, or hospice agencies possessing emergency kits pursuant to rules of the board.

(2) Veterinary drug outlets or their agents or employees may possess legend drugs, excluding controlled substances, for use in the usual and lawful course of their business or practice or in the performance of their lawful official duties, without a valid prescription drug order.