AN ACT
RELATING TO PHARMACISTS; AMENDING SECTION 54-1704, IDAHO CODE, TO PROVIDE
THAT PRESCRIBING ANY TOBACCO CESSION PRODUCT IS WITHIN THE PRACTICE
OF PHARMACY; AND AMENDING CHAPTER 17, TITLE 54, IDAHO CODE, BY THE ADDI-
TION OF A NEW SECTION 54-1733E, IDAHO CODE, TO PROVIDE THAT PHARMACISTS
MAY PRESCRIBE TOBACCO CESSION PRODUCTS UNDER CERTAIN CIRCUMSTANCES.

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

SECTION 1. That Section 54-1704, Idaho Code, be, and the same is hereby
amended to read as follows:

54-1704. PRACTICE OF PHARMACY. "Practice of pharmacy" means:
(1) The interpretation, evaluation and dispensing of prescription drug
orders;
(2) Participation in drug and device selection, drug administration,
prospective and retrospective drug reviews and drug or drug-related re-
search;
(3) The provision of patient counseling and the provision of those acts
or services necessary to provide pharmaceutical care;
(4) The responsibility for:
   (a) Compounding and labeling of drugs and devices, except labeling by
a manufacturer, repackager or distributor of nonprescription drugs and
commercially packaged legend drugs and devices;
   (b) Proper and safe storage of drugs and devices, and maintenance of
proper records for them; and
   (c) The offering or performing of those acts, services, operations or
transactions necessary to the conduct, operation, management and con-
trol of pharmacy;
(5) The prescribing of:
   (a) Dietary fluoride supplements when prescribed according to the Amer-
ican dental association's recommendations for persons whose drinking
water is proven to have a fluoride content below the United States de-
partment of health and human services' recommended concentration;
   (b) Agents for active immunization when prescribed for susceptible per-
sons six (6) years of age or older for the protection from communicable
disease;
   (c) Opioid antagonists pursuant to section 54-1733B, Idaho Code; and
   (d) Epinephrine auto-injectors pursuant to sections 54-1733C and
54-1733D, Idaho Code; and
   (e) Tobacco cessation products pursuant to section 54-1733E, Idaho
Code.
SECTION 2. That Chapter 17, Title 54, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 54-1733E, Idaho Code, and to read as follows:

54-1733E. TOBACCO CESSATION PRODUCTS -- PRESCRIPTION. Notwithstanding any other provision of law, a pharmacist acting in good faith and exercising reasonable care may prescribe any tobacco cessation product approved by the federal food and drug administration, provided the following conditions are met:

(1) Prior to prescribing tobacco cessation products, the pharmacist must successfully complete a course on tobacco cessation therapy taught by a provider accredited by the accreditation council for pharmacy education or by a comparable provider recognized by the board;

(2) When a patient requests a tobacco cessation product, the pharmacist shall use a screening procedure based on clinical guidelines to identify appropriate candidates for treatment by the pharmacist. The pharmacist shall refer high-risk patients or patients with a contraindication to the patient's primary care provider, as applicable, or to another provider, as appropriate; and

(3) When a pharmacist prescribes a tobacco cessation product:
   (a) Documentation of the patient screening and the prescription record shall be maintained in the records of the pharmacy and a copy shall be made available to the patient or the patient's provider, or both, upon request;
   (b) A follow-up care plan shall be developed and implemented in accordance with clinical guidelines;
   (c) Notification of the patient screening, the prescription record and the follow-up care plan shall be provided to the patient's primary care provider, as applicable, within five (5) business days following the prescribing of a tobacco cessation product; and
   (d) The pharmacist shall recommend that the patient seek additional assistance for behavior change including, but not limited to, the Idaho QuitLine.