

Senator Todd Weiler proposes the following substitute bill:

1 **DEATH REPORTING AND INVESTIGATION INFORMATION**
2 **REGARDING CONTROLLED SUBSTANCES**

3 2016 GENERAL SESSION

4 STATE OF UTAH

5 **Chief Sponsor: Brad M. Daw**

6 Senate Sponsor: Curtis S. Bramble

8 **LONG TITLE**

9 **General Description:**

10 This bill provides for the notification of a practitioner when the medical examiner
11 determines that a death resulted from poisoning or overdose involving a controlled
12 substance that the practitioner may have prescribed to the decedent.

13 **Highlighted Provisions:**

14 This bill:

15 ▶ requires the medical examiner to provide a report to the Division of Occupational
16 and Professional Licensing (DOPL) when the medical examiner determines that a
17 death resulted from poisoning or overdose involving a prescribed controlled
18 substance;

19 ▶ requires that, when DOPL receives a report described in the preceding paragraph,
20 DOPL shall notify each practitioner who may have written a prescription for the
21 controlled substance involved in the poisoning or overdose;

22 ~~§→ [→ amends the Controlled Substance Database Act to allow a person for whom a~~
23 ~~controlled substance is prescribed to designate a third party who is to be notified~~
24 ~~when a controlled substance prescription is dispensed to the person;~~

25 → authorizes the Division of Occupational and Professional Licensing to make ☉



26 ~~☛ administrative rules to facilitate implementation of this provision;]~~ ←§

27 ▶ allows probation and parole officers to obtain information in the controlled
28 substance database without a warrant;

29 ▶ allows the division to provide information to law enforcement officers engaged in
30 specified types of investigations; and

31 ▶ makes technical changes.

32 **Money Appropriated in this Bill:**

33 None

34 **Other Special Clauses:**

35 None

36 **Utah Code Sections Affected:**

37 AMENDS:

38 **58-37f-301**, as last amended by Laws of Utah 2015, Chapters 89, 326, and 336

39 **58-37f-702**, as enacted by Laws of Utah 2010, Chapter 290 and renumbered and
40 amended by Coordination Clause, Laws of Utah 2010, Chapter 290

41 ENACTS:

42 **26-4-10.5**, Utah Code Annotated 1953

43

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

45 Section 1. Section **26-4-10.5** is enacted to read:

46 **26-4-10.5. Medical examiner to report death caused by prescribed controlled**
47 **substance poisoning or overdose.**

48 (1) If a medical examiner determines that the death of a person who is 12 years of age
49 or older at the time of death resulted from poisoning or overdose involving a prescribed
50 controlled substance, the medical examiner shall, within three business days after the day on
51 which the medical examiner determines the cause of death, send a written report to the
52 Division of Occupational and Professional Licensing, created in Section **58-1-103**, that
53 includes:

54 (a) the decedent's name;

55 (b) each drug or other substance found in the decedent's system that may have
56 contributed to the poisoning or overdose, if known; and

57 (c) the name of each person the medical examiner has reason to believe may have
58 prescribed a controlled substance described in Subsection (1)(b) to the decedent.

59 (2) This section does not create a new cause of action.

60 Section 2. Section **58-37f-301** is amended to read:

61 **58-37f-301. Access to database.**

62 (1) The division shall make rules, in accordance with Title 63G, Chapter 3, Utah
63 Administrative Rulemaking Act, to:

64 (a) effectively enforce the limitations on access to the database as described in this
65 part; and

66 (b) establish standards and procedures to ensure accurate identification of individuals
67 requesting information or receiving information without request from the database.

68 (2) The division shall make information in the database and information obtained from
69 other state or federal prescription monitoring programs by means of the database available only
70 to the following individuals, in accordance with the requirements of this chapter and division
71 rules:

72 (a) (i) personnel of the division specifically assigned to conduct investigations related
73 to controlled substance laws under the jurisdiction of the division;

74 (ii) the following law enforcement officers, but the division may only provide
75 nonidentifying information, ~~§~~→ [such as] limited to ←~~§~~ gender, year of birth, and postal ZIP code,
76a regarding
76 individuals for whom a controlled substance has been prescribed or to whom a controlled
77 substance has been dispensed:

78 (A) a law enforcement agency officer who is engaged in a joint investigation with the
79 division; and

80 (B) a law enforcement agency officer to whom the division has referred a suspected
81 criminal violation of controlled substance laws.

82 (b) authorized division personnel engaged in analysis of controlled substance
83 prescription information as a part of the assigned duties and responsibilities of their
84 employment;

85 (c) in accordance with a written agreement entered into with the department,
86 employees of the Department of Health:

87 (i) whom the director of the Department of Health assigns to conduct scientific studies