

**Representative LaVar Christensen** proposes the following substitute bill:

**PRESCRIPTION DRUG ABUSE AMENDMENTS**

2016 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: LaVar Christensen**

Senate Sponsor: \_\_\_\_\_

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**LONG TITLE**

**General Description:**

This bill requires prescribers and dispensers to use the controlled substance database to determine whether a patient may be abusing opioids.

**Highlighted Provisions:**

This bill:

- ▶ defines terms;
- ▶ amends the Controlled Substances Database Act to promote utilization of the controlled substances database to prevent opioid abuse;
- ▶ requires a dispenser to contact the prescriber if the controlled substance database suggests potential prescription drug abuse;
- ▶ limits liability for prescribers and dispensers who contribute to and use the database; and
- ▶ makes technical changes.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**



26 AMENDS:

27 [58-37f-701](#), as enacted by Laws of Utah 2010, Chapter 287

28 ENACTS:

29 [58-37f-303](#), Utah Code Annotated 1953

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

32 Section 1. Section [58-37f-303](#) is enacted to read:

33 **Part 3. Access and Utilization**

34 **[58-37f-303](#). Database utilization.**

35 (1) As used in this section:

36 (a) "Dispenser" means a licensed pharmacist, as described in Section [58-17b-303](#), or  
37 the pharmacist's licensed intern, as described in Section [58-17b-304](#), who is also licensed to  
38 dispense a controlled substance under Title 58, Chapter 37, Utah Controlled Substances Act.

39 (b) "Opioid" means those substances listed in Subsection [58-37-4\(2\)\(b\)\(i\)](#) or [\(2\)\(b\)\(ii\)](#).

40 (c) "Prescriber" means an individual authorized to prescribe a controlled substance  
41 under Title 58, Chapter 37, Utah Controlled Substances Act.

42 (2) To address the serious public concern of life-altering and life-threatening opioid  
43 abuse and overdose, and to achieve the purposes of this chapter and as described in Section  
44 [58-37f-201](#), which includes identifying and reducing the prescribing and dispensing of opioids  
45 in an unprofessional or unlawful manner or in quantities or frequencies inconsistent with  
46 generally recognized standards of dosage for an opioid, through utilization of the carefully  
47 developed and highly respected database.

48 (3) A prescriber or dispenser of an opioid for outpatient usage shall diligently access  
49 and review the database to achieve the purpose of this chapter and as described in Section  
50 [58-37f-201](#).

51 (4) The division shall, in collaboration with the licensing boards for prescribers and  
52 dispensers:

53 (a) develop a monitoring system that gathers and reports to prescribers and dispensers  
54 the progress and results of their individual access and review of the database, as provided in  
55 this section; and

56 (b) reduce or waive the division's continuing education requirements regarding opioid

57 prescriptions for prescribers and dispensers whose individual utilization of the database  
58 contribute to the life-saving and public safety purposes of this section and as described in  
59 Subsection (2).

60 (5) If the dispenser's access and review of the database suggest that the individual  
61 seeking an opioid may be obtaining opioids in quantities or frequencies inconsistent with  
62 generally recognized standards as provided in this section and Section 58-37f-201, the  
63 dispenser shall reasonably attempt to contact the prescriber to obtain the prescriber's informed,  
64 current, and professional decision regarding whether the prescribed opioid is medically  
65 justified, notwithstanding the results of the database search.

66 Section 2. Section 58-37f-701 is amended to read:

67 **58-37f-701. Immunity from liability.**

68 An individual who has submitted information to or accessed and reviewed the database  
69 in accordance with this ~~[section]~~ chapter may not be held civilly liable for ~~[having submitted~~  
70 ~~the information]~~ such actions, which are protected and are not subject to civil discovery, as  
71 provided in Section 58-37f-302.