58-37f-301, as last amended by Laws of Utah 2016, Third Special Session, Chapter 5

58-37f-304, as enacted by Laws of Utah 2016, Chapter 275

Ĥ→ **63I-1-258, as last amended by Laws of Utah 2016, Chapters 89 and 294** ←Ĥ

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

Section 1. Section **58-37-6** is amended to read:

58-37-6. License to manufacture, produce, distribute, dispense, administer, or conduct research -- Issuance by division -- Denial, suspension, or revocation -- Records required -- Prescriptions.

(1) (a) The division may adopt rules relating to the licensing and control of the manufacture, distribution, production, prescription, administration, dispensing, conducting of research with, and performing of laboratory analysis upon controlled substances within this state.

(b) The division may assess reasonable fees to defray the cost of issuing original and renewal licenses under this chapter pursuant to Section 63J-1-504.

(2) (a) (i) Every person who manufactures, produces, distributes, prescribes, dispenses, administers, conducts research with, or performs laboratory analysis upon any controlled substance in Schedules I through V within this state, or who proposes to engage in manufacturing, producing, distributing, prescribing, dispensing, administering, conducting research with, or performing laboratory analysis upon controlled substances included in Schedules I through V within this state shall obtain a license issued by the division.

(ii) The division shall issue each license under this chapter in accordance with a two-year renewal cycle established by rule. The division may by rule extend or shorten a renewal period by as much as one year to stagger the renewal cycles it administers.

(b) Persons licensed to manufacture, produce, distribute, prescribe, dispense, administer, conduct research with, or perform laboratory analysis upon controlled substances in Schedules I through V within this state may possess, manufacture, produce, distribute, prescribe, dispense, administer, conduct research with, or perform laboratory analysis upon those substances to the extent authorized by their license and in conformity with this chapter.

(c) The following persons are not required to obtain a license and may lawfully possess controlled substances included in Schedules II through V under this section:

(i) an agent or employee, except a sales representative, of any registered manufacturer,

(i) the name, address, and registry number of the prescriber;

(ii) the name, address, and age of the person to whom or for whom the prescription is issued;

(iii) the date of issuance of the prescription; and

(iv) the name, quantity, and specific directions for use by the ultimate user of the controlled substance.

(e) A prescription may not be written, issued, filled, or dispensed for a Schedule I controlled substance unless:

(i) the person who writes the prescription is licensed under Subsection (2); and

(ii) the prescribed controlled substance is to be used in research.

(f) Except when administered directly to an ultimate user by a licensed practitioner, controlled substances are subject to the [~~following~~] restrictions[~~:~~] of this Subsection (7)(f).

(i) [~~(A)~~] A prescription for a Schedule II substance may not be refilled.

[~~(B)~~] (ii) A Schedule II controlled substance may not be filled in a quantity to exceed a one-month's supply, as directed on the daily dosage rate of the prescriptions.

(iii) (A) Except as provided in Subsection (7)(f)(iii)(B), a prescription for a Schedule II or Schedule III controlled substance that is an opiate and that is issued for an acute condition shall be completely or partially filled in a quantity not to exceed a 7 day supply as directed on the daily dosage rate of the prescription.

(B) Subsection (7)(f)(iii)(A) does not apply to a Ĥ→ **[~~postsurgical~~]** ←Ĥ prescription issued for

Ĥ→ **[~~surgeries~~] a surgery** ←Ĥ when the practitioner Ĥ→ **[~~records in the patient's medical record that the practitioner has~~]** ←Ĥ determined that a quantity exceeding 7 days is needed, in which case the practitioner may prescribe up to a thirty day supply, with a partial fill at the discretion of the practitioner.

(C) Subsection (7)(f)(iii)(A) does not apply to prescriptions issued for complex or chronic conditions which are documented as being complex or chronic in the medical record.

Ĥ→ **(D) A pharmacist is not required to verify that a prescription is in compliance with Subsection (7)(f)(iii).** ←Ĥ

[~~(ii)~~] (iv) A Schedule III or IV controlled substance may be filled only within six months of issuance, and may not be refilled more than six months after the date of its original issuance or be refilled more than five times after the date of the prescription unless renewed by the practitioner.

[~~(iii)~~] (v) All other controlled substances in Schedule V may be refilled as the prescriber's prescription directs, but they may not be refilled one year after the date the

(d) "Schedule II opioid" means those substances listed in Subsection 58-37-4(2)(b)(i) or (2)(b)(ii).

(e) "Schedule III opioid" means those substances listed in Subsection 58-37-4(2)(c) that are opioids.

(2) (a) A prescriber shall substantially comply with this Subsection (2).

(b) Except as provided in Subsection (2)(b), a prescriber shall check the database for information about a patient before the first time the prescriber gives a prescription to a patient for a Schedule II opioid or a Schedule III opioid.

(c) A prescriber is not required to check the database under Subsection (2)(b) if:

(i) the prescription for a Schedule II opioid or a Schedule III opioid is for three days or fewer on the daily dosage instructions on the prescription; Ĥ→ [~~or~~] ←Ĥ

(ii) the prescriber has prior knowledge of the patient's prescription history based on the prescriber's review of the patient's health record Ĥ→ **; or**

(iii) the prescription for a Schedule II opioid or a Schedule III opioid is a post surgical prescription and the total duration of opioid written after the surgery has been for thirty days or fewer ←Ĥ .

(d) If a prescriber is repeatedly prescribing a Schedule II opioid or Schedule III opioid to a patient, the prescriber shall periodically review information about the patient in:

(i) the database, or

(ii) other similar records of controlled substances the patient has filled.

(e) A prescriber may assign the access and review required under [~~Subsection (2)(a) to an employee, in accordance with Subsections~~ 58-37f-301~~(2)(g) and (h)~~] Subsections (2)(b) and (2)(c) to one or more employees in accordance with Subsections 58-37f-301(2)(i) and (j).

(f) The division shall not take action against the license of a prescriber for failure to follow this Subsection (2) if the prescriber demonstrates substantial compliance with the requirements of this Subsection (2).

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

(a) develop a system that gathers and reports to prescribers and dispensers the progress and results of the prescriber's and dispenser's individual access and review of the database, as provided in this section; and

(b) reduce or waive the division's continuing education requirements regarding opioid prescriptions, described in Section 58-37-6.5, including the online tutorial and test relating to the database, for prescribers and dispensers whose individual utilization of the database

[~~contribute to the life-saving and public safety purposes of this section and as described in Subsection (2).~~], as determined by the division, demonstrates substantial compliance with this section.

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

Ĥ→ Section 4. Section 63I-1-258 is amended to read:

63I-1-258. Repeal dates, Title 58.

(1) Title 58, Chapter 13, Health Care Providers Immunity from Liability Act, is repealed July 1, 2026.

(2) Title 58, Chapter 15, Health Facility Administrator Act, is repealed July 1, 2025.

(3) Title 58, Chapter 20a, Environmental Health Scientist Act, is repealed July 1, 2018 .

(4) Section 58-37-4.3 is repealed July 1, 2021.

(5) Subsection 58-37-6(7)(f)(iii) is repealed July 1, 2022, and the Office Of Legislative Research and General Counsel is authorized to renumber the remaining subsections accordingly.

[~~(5)~~] (6) Title 58, Chapter 40, Recreational Therapy Practice Act, is repealed July 1, 2023.

[~~(6)~~] (7) Title 58, Chapter 41, Speech-Language Pathology and Audiology Licensing Act, is repealed July 1, 2019.

[~~(7)~~] (8) Title 58, Chapter 42a, Occupational Therapy Practice Act, is repealed July 1, 2025.

[~~(8)~~] (9) Title 58, Chapter 46a, Hearing Instrument Specialist Licensing Act, is repealed July 1, 2023.

[~~(9)~~] (10) Title 58, Chapter 47b, Massage Therapy Practice Act, is repealed July 1, 2024.

[~~(10)~~] (11) Title 58, Chapter 61, Part 7, Behavior Analyst Licensing Act, is repealed July 1, 2026.

[~~(11)~~] (12) Title 58, Chapter 72, Acupuncture Licensing Act, is repealed July 1, 2017.

[~~(12)~~] (13) Title 58, Chapter 86, State Certification of Commercial Interior Designers Act, is repealed July 1, 2021. ←Ĥ