

**DRUG DIVERSION REPORTING REQUIREMENTS**

2018 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Steve Eliason**

Senate Sponsor: Evan J. Vickers

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**LONG TITLE**

**General Description:**

This bill relates to the duty to report drug diversion.

**Highlighted Provisions:**

This bill:

- ▶ defines terms; and
- ▶ makes it a class B misdemeanor to knowingly fail to report known or suspected drug diversion to law enforcement, unless reporting would violate HIPAA.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

ENACTS:

**76-10-2203**, Utah Code Annotated 1953

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

Section 1. Section **76-10-2203** is enacted to read:

**76-10-2203. Duty to report drug diversion.**

(1) As used in this section:

(a) "Diversion" means a practitioner's transfer of a significant amount of drugs to



28 another for an unlawful purpose.

29 (b) "Drug" or "drugs" means a Schedule II or Schedule III controlled substance, as  
30 defined in Section 58-37-4, that is an opiate.

31 (c) "HIPAA" means the same as that term is defined in Section 26-18-17.

32 (d) "Opiate" means the same as that term is defined in Section 58-37-2.

33 (e) "Practitioner" means an individual:

34 (i) licensed, registered, or otherwise authorized by the appropriate jurisdiction to  
35 administer, dispense, distribute, or prescribe a drug in the course of professional practice; or

36 (ii) employed by an individual who is licensed, registered, or otherwise authorized by  
37 the appropriate jurisdiction to administer, dispense, distribute, or prescribe a drug in the course  
38 of professional practice.

39 (f) "Significant amount" means an aggregate amount equal to, or more than, 50  
40 morphine milligram equivalents calculated in accordance with guidelines developed by the  
41 Centers for Disease Control and Prevention (CDC).

42 (2) An individual is guilty of a class B misdemeanor if the individual:

43 (a) knows or has reason to believe that a practitioner is involved in diversion; and

44 (b) knowingly fails to report the diversion to a peace officer or law enforcement  
45 agency.

46 (3) Subsection (2) does not apply to the extent that an individual is prohibited from  
47 reporting by HIPAA.

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**Legislative Review Note**  
**Office of Legislative Research and General Counsel**