

1 **Medical Waste Amendments**

2025 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Bridger Bolinder

Senate Sponsor:

3 **LONG TITLE**

4 **General Description:**

5 This bill addresses the distribution of facility-provided medication to patients under certain
6 circumstances.

7 **Highlighted Provisions:**

8 This bill:

- 9 ▶ defines terms;
- 10 ▶ requires certain health facilities to offer the unused portion of a facility-provided
11 medication to the patient under certain circumstances;
- 12 ▶ requires that a facility-provided medication be labeled in accordance with the Pharmacy
13 Practice Act;
- 14 ▶ addresses counseling to patients regarding facility-provided medication; and
- 15 ▶ makes technical and conforming changes.

16 **Money Appropriated in this Bill:**

17 None

18 **Other Special Clauses:**

19 None

20 **Utah Code Sections Affected:**

21 AMENDS:

22 **26B-4-501**, as last amended by Laws of Utah 2024, Chapter 257

23 ENACTS:

24 **26B-4-516**, Utah Code Annotated 1953

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

27 Section 1. Section **26B-4-501** is amended to read:

28 **26B-4-501 . Definitions.**

29 As used in this part:

30 (1) "Ambulatory surgical facility" means the same as that term is defined in Section

- 31 26B-2-201.
- 32 (2) "Controlled substance" means the same as that term is defined in Title 58, Chapter 37,
33 Utah Controlled Substances Act.
- 34 [(2)] (3) "Critical access hospital" means a critical access hospital that meets the criteria of
35 42 U.S.C. Sec. 1395i-4(c)(2) (1998).
- 36 [(3)] (4) "Designated facility" means:
37 (a) a freestanding urgent care center;
38 (b) a general acute hospital; or
39 (c) a critical access hospital.
- 40 [(4)] (5) "Dispense" means the same as that term is defined in Section 58-17b-102.
- 41 [(5)] (6) "Division" means the Division of Professional Licensing created in Section
42 58-1-103.
- 43 [(6)] (7) "Emergency contraception" means the use of a substance, approved by the United
44 States Food and Drug Administration, to prevent pregnancy after sexual intercourse.
- 45 (8) "Facility-provided medication" means a topical antibiotic, anti-inflammatory, dilation,
46 or glaucoma drop or ointment that is:
47 (a) provided in an operating room, emergency department, or ambulatory surgical
48 facility; and
49 (b)(i) retrieved from a dispensing system during a procedure or visit; or
50 (ii) ordered at least 24 hours in advance and kept on standby for a specific patient's
51 procedure or visit.
- 52 [(7)] (9) "Freestanding urgent care center" means the same as that term is defined in Section
53 59-12-801.
- 54 [(8)] (10) "General acute hospital" means the same as that term is defined in Section
55 26B-2-201.
- 56 [(9)] (11) "Health care facility" means a hospital, a hospice inpatient residence, a nursing
57 facility, a dialysis treatment facility, an assisted living residence, an entity that provides
58 home- and community-based services, a hospice or home health care agency, or another
59 facility that provides or contracts to provide health care services, which facility is
60 licensed under Chapter 2, Part 2, Health Care Facility Licensing and Inspection.
- 61 [(10)] (12) "Health care provider" means:
62 (a) a physician, as defined in Section 58-67-102;
63 (b) an advanced practice registered nurse, as defined in Section 58-31b-102;
64 (c) a physician assistant, as defined in Section 58-70a-102; or

65 (d) an individual licensed to engage in the practice of dentistry, as defined in Section
66 58-69-102.

67 ~~[(11)]~~ (13) "Increased risk" means risk exceeding the risk typically experienced by an
68 individual who is not using, and is not likely to use, an opiate.

69 ~~[(12)]~~ (14) "Opiate" means the same as that term is defined in Section 58-37-2.

70 ~~[(13)]~~ (15) "Opiate antagonist" means naloxone hydrochloride or any similarly acting drug
71 that is not a controlled substance and that is approved by the federal Food and Drug
72 Administration for the diagnosis or treatment of an opiate-related drug overdose.

73 ~~[(14)]~~ (16) "Opiate-related drug overdose event" means an acute condition, including a
74 decreased level of consciousness or respiratory depression resulting from the
75 consumption or use of a controlled substance, or another substance with which a
76 controlled substance was combined, and that a person would reasonably believe to
77 require medical assistance.

78 ~~[(15)]~~ (17) "Overdose outreach provider" means:

79 (a) a law enforcement agency;

80 (b) a fire department;

81 (c) an emergency medical service provider, as defined in Section 26B-4-101;

82 (d) emergency medical service personnel, as defined in Section 26B-4-101;

83 (e) an organization providing treatment or recovery services for drug or alcohol use;

84 (f) an organization providing support services for an individual, or a family of an
85 individual, with a substance use disorder;

86 (g) a certified peer support specialist, as defined in Section 26B-5-610;

87 (h) an organization providing substance use or mental health services under contract
88 with a local substance abuse authority, as defined in Section 26B-5-101, or a local
89 mental health authority, as defined in Section 26B-5-101;

90 (i) an organization providing services to the homeless;

91 (j) a local health department;

92 (k) an individual licensed to practice under:

93 (i) Title 58, Chapter 17b, Pharmacy Practice Act;

94 (ii) Title 58, Chapter 60, Part 2, Social Worker Licensing Act; or

95 (iii) Title 58, Chapter 60, Part 5, Substance Use Disorder Counselor Act; or

96 (l) an individual.

97 ~~[(16)]~~ (18) "Patient counseling" means the same as that term is defined in Section
98 58-17b-102.

- 99 ~~[(17)]~~ (19) "Pharmacist" means the same as that term is defined in Section 58-17b-102.
- 100 ~~[(18)]~~ (20) "Pharmacy intern" means the same as that term is defined in Section 58-17b-102.
- 101 ~~[(19)]~~ (21) "Physician" means the same as that term is defined in Section 58-67-102.
- 102 ~~[(20)]~~ (22) "Practitioner" means:
- 103 (a) a physician; or
- 104 (b) any other person who is permitted by law to prescribe emergency contraception.
- 105 ~~[(21)]~~ (23) "Prescribe" means the same as that term is defined in Section 58-17b-102.
- 106 ~~[(22)]~~ (24)(a) "Self-administered hormonal contraceptive" means a self-administered
- 107 hormonal contraceptive that is approved by the United States Food and Drug
- 108 Administration to prevent pregnancy.
- 109 (b) "Self-administered hormonal contraceptive" includes an oral hormonal contraceptive,
- 110 a hormonal vaginal ring, and a hormonal contraceptive patch.
- 111 (c) "Self-administered hormonal contraceptive" does not include any drug intended to
- 112 induce an abortion, as that term is defined in Section 76-7-301.
- 113 ~~[(23)]~~ (25) "Sexual assault" means any criminal conduct described in Title 76, Chapter 5,
- 114 Part 4, Sexual Offenses, that may result in a pregnancy.
- 115 ~~[(24)]~~ (26) "Victim of sexual assault" means any person who presents to receive, or
- 116 receives, medical care in consequence of being subjected to sexual assault.
- 117 Section 2. Section **26B-4-516** is enacted to read:
- 118 **26B-4-516 . Facility-provided medication -- Use and distribution.**
- 119 (1) When a facility-provided medication is administered to a patient, any unused portion of
- 120 the facility-provided medication shall be offered to the patient upon discharge if the
- 121 medication is required for continued treatment.
- 122 (2) A facility-provided medication offered to a patient under this section shall be labeled in
- 123 compliance with Title 58, Chapter 17b, Pharmacy Practice Act.
- 124 (3) If a facility-provided medication is used in an operating room or emergency department,
- 125 the prescriber is responsible for providing the patient with counseling on the
- 126 medication's proper use and administration.
- 127 (4) The pharmacist counseling requirement described in Section 58-17b-613 does not apply
- 128 to a facility-provided medication dispensed in accordance with this section.
- 129 Section 3. **Effective Date.**
- 130 This bill takes effect on May 7, 2025.