

# HB0097S02 compared with HB0097

~~{Omitted text}~~ shows text that was in HB0097 but was omitted in HB0097S02

inserted text shows text that was not in HB0097 but was inserted into HB0097S02

**DISCLAIMER:** This document is provided to assist you in your comparison of the two bills. Sometimes this automated comparison will NOT be completely accurate. Therefore, you need to read the actual bills. This automatically generated document could contain inaccuracies caused by: limitations of the compare program; bad input data; or other causes.

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## Medical Waste Amendments

2026 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Bridger Bolinder

Senate Sponsor:

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### LONG TITLE

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#### General Description:

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This bill addresses the distribution of facility-provided medication to patients under certain circumstances{:-}

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#### Highlighted Provisions:

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This bill:

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- ~~{defines terms;}~~

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- ~~{requires-}~~ permits certain health facilities to offer the unused portion of a facility-owned medication to the patient under certain circumstances;

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- requires that a facility-provided medication be labeled in accordance with the Pharmacy Practice Act;

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- addresses counseling to patients regarding facility-provided medication; {and}

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- defines terms; and

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- makes technical and conforming changes.

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#### Money Appropriated in this Bill:

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None

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### Other Special Clauses:

This bill provides a coordination clause.

### Utah Code Sections Affected:

AMENDS:

**26B-4-501** , as last amended by Laws of Utah 2025, Chapters 173, 340 and 470

ENACTS:

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

### Utah Code Sections affected by Coordination Clause:

**26B-4-501 (05/06/26)** , as last amended by Laws of Utah 2025, Chapters 173, 340 and 470

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

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

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

As used in this part:

(1) "Ambulatory surgical facility" means the same as that term is defined in Section 26B-2-201.

(2) "Controlled substance" means the same as that term is defined in [Title 58, Chapter 37] Title 58, Chapter 37c, Utah Controlled [Substances Act] Substance Precursor Act.

[(2)] (3) "Critical access hospital" means a critical access hospital that meets the criteria of 42 U.S.C. Sec. 1395i-4(c)(2).

[(3)] (4) "Designated facility" means:

(a) a freestanding urgent care center;

(b) a general acute hospital; or

(c) a critical access hospital.

[(4)] (5) "Dispense" means the same as that term is defined in Section 58-17b-102.

[(5)] (6) "Division" means the Division of Professional Licensing created in Section 58-1-103.

[(6)] (7) "Emergency contraception" means the use of a substance, approved by the United States Food and Drug Administration, to prevent pregnancy after sexual intercourse.

(8) "Facility-provided medication" means a topical antibiotic, anti-inflammatory, dilation, or glaucoma drop or ointment that is:

(a) provided in an operating room, emergency department, or ambulatory surgical facility; and

(b)

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(i) retrieved from a dispensing system during a procedure or visit; or

(ii) ordered at least 24 hours in advance and kept on standby for a specific patient's procedure or visit.

~~[(7)]~~ (9) "Freestanding urgent care center" means the same as that term is defined in Section 59-12-801.

~~[(8)]~~ (10) "General acute hospital" means the same as that term is defined in Section 26B-2-201.

~~[(9)]~~ (11) "Health care facility" means a hospital, a hospice inpatient residence, a nursing facility, a dialysis treatment facility, an assisted living residence, an entity that provides home- and community-based services, a hospice or home health care agency, or another facility that provides or contracts to provide health care services, which facility is licensed under Chapter 2, Part 2, Health Care Facility Licensing and Inspection.

~~[(10)]~~ (12) "Health care provider" means:

(a) a physician, as defined in Section 58-67-102;

(b) an advanced practice registered nurse, as defined in Section 58-31b-102;

(c) a physician assistant, as defined in Section 58-70a-102; or

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

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

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

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

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

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

(a) a law enforcement agency;

(b) a fire department;

(c) an emergency medical service provider, as defined in Section 53-2d-101;

(d) emergency medical service personnel, as defined in Section 53-2d-101;

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

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(f) an organization providing support services for an individual, or a family of an 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 with a local substance abuse authority, as defined in Section 26B-5-101, or a local 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 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 hormonal contraceptive that is approved by the United States Food and Drug Administration to prevent pregnancy.

109 (b) "Self-administered hormonal contraceptive" includes an oral hormonal contraceptive, a hormonal vaginal ring, and a hormonal contraceptive patch.

111 (c) "Self-administered hormonal contraceptive" does not include any drug intended to induce an abortion, as that term is defined in Section 76-7-301.

113 ~~[(23)]~~ (25)

(a) "Sexual assault" means any criminal conduct described in Title 76, Chapter 5, Part 4, Sexual Offenses, that may result in a pregnancy.

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(b) "Sexual assault" does not include criminal conduct described in:

(i) Section 76-5-417, enticing a minor;

(ii) Section 76-5-418, sexual battery;

(iii) Section 76-5-419, lewdness; or

(iv) Section 76-5-420, lewdness involving a child.

[(24)] (26) "Victim of sexual assault" means any person who presents to receive, or receives, medical care in consequence of being subjected to sexual assault.

Section 2. Section 2 is enacted to read:

### **26B-4-516. Facility-provided medication -- Use and distribution.**

- (1) When a {~~facility provided~~} facility-provided medication is administered to a patient, any unused portion of the facility-provided medication {~~shall~~} may be offered to the patient upon discharge if the medication is required for continued treatment.
- (2) A facility-provided medication offered to a patient under this section shall be labeled in compliance with Title 58, Chapter 17b, Pharmacy Practice Act.
- (3) If a facility-provided medication is used in an operating room or emergency department, the {~~prescriber~~} facility is responsible for providing the patient with counseling on the medication's proper use and administration.
- (4) The pharmacist counseling requirement described in Section 58-17b-613 does not apply to a facility-provided medication dispensed in accordance with this section.

Section 3. **Effective date.**

Effective Date.

This bill takes effect on May 6, 2026.

Section 4. **Coordinating H.B. 97 with H.B. 301**

If this H.B. 97, Medical Waste Amendments, and H.B. 301, Drug Recodification, both pass and become law, the Legislature intends that, on May 6, 2026, the amendments to Subsection 26B-4-501(2) in H.B. 97 shall supersede the amendments to Subsection 26B-4-501(1) in H.B. 301.

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