

HB0402S01 compared with HB0402

~~{Omitted text}~~ shows text that was in HB0402 but was omitted in HB0402S01

inserted text shows text that was not in HB0402 but was inserted into HB0402S01

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.

1 **EMS Controlled Substance Licensing Amendments**
 2026 GENERAL SESSION
 STATE OF UTAH
 Chief Sponsor: Ryan D. Wilcox
 Senate Sponsor:

2
3 **LONG TITLE**

4 **General Description:**

5 This bill creates a controlled substance license for an emergency medical services agency.

6 **Highlighted Provisions:**

7 This bill:

- 8 ▸ creates a controlled substance license for an emergency medical services agency;
- 9 ▸ authorizes the Division of Professional Licensing to:
 - 10 • make rules relating to the licensing and control of the distribution, dispensing, and
 - 11 administration of controlled substances by an emergency medical services agency;
 - 12 • collect fees and penalties; and
 - 13 • deny, suspend, revoke, or place on probation the license of a licensee that violates certain
 - 14 provisions;
- 15 ▸ defines ~~{term}~~ terms; and
- 16 ▸ makes technical and conforming changes.

17 **Money Appropriated in this Bill:**

18 None

HB0402

HB0402 compared with HB0402S01

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

58-37f-502 , as last amended by Laws of Utah 2010, Chapter 391 and renumbered and amended by Laws of Utah 2010, Chapter 287

ENACTS:

58-37-24 , Utah Code Annotated 1953

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

Section 1. Section **1** is enacted to read:

58-37-24. Emergency medical services agency license to distribute, dispense, and administer.

(1) As used in this section:

(a) "Authorizing medical professional" means a practitioner:

(i) who is licensed under Section 58-37-6;

(ii) who is acting within the scope of the license described in Section 58-37-6; and

(iii) whose scope of practice under the license described in Section 58-37-6, as described in this title and rules the division makes, includes the ability to provide verbal orders.

(b) "Emergency medical service personnel" means the same as that term is defined in Section 53-2d-101.

(c) "Emergency medical services" means the same as that term is defined in Section 53-2d-101.

(d)

(i) "Emergency medical services agency" means an organization that provides emergency medical services.

(ii) "Emergency medical services agency" includes emergency medical service providers as that term is defined in Section 53-2d-101.

(e) "Emergency medical service vehicle" means the same as that term is defined in Section 53-2d-101.

(f) "Licensee" means a registered agency that is issued a controlled substance license in accordance with this section.

(g) "Medical director" means a physician who:

(i) is registered under 21 U.S.C. Sec. 823(g);

HB0402 compared with HB0402S01

- 53 (ii) provides oversight to an emergency medical services agency; and
54 (iii) is an authorizing medical professional.
- 55 (h) "Physician" means an individual licensed under:
56 (i) Chapter 67, Utah Medical Practice Act; or
57 (ii) Chapter 68, Utah Osteopathic Medical Practice Act.
- 58 (i) "Registered agency" means an emergency medical services agency that is registered under 21 U.S.C.
Sec. 823(k).
- 60 (j) "Registered location" means a location on a United States Drug Enforcement Administration
certificate of registration issued to an emergency medical services agency where the agency receives
controlled substances from a distributor.
- 63 (k) "Standing order" means a written medical protocol that:
64 (i) a medical director issues;
65 (ii) establishes the medical criteria that {must-} shall be met before controlled substances are
administered to an individual who needs emergency medical services; and
67 (iii) authorizes emergency medical service personnel to administer a controlled substance in Schedules
II through V to an individual who needs emergency medical services outside the physical presence
of the medical director or other authorizing medical professional.
- 71 (l) "Stationhouse" means an enclosed structure that:
72 (i) houses one or more emergency medical service vehicles of a registered agency; and
74 (ii) the registered agency is actively using for emergency response.
- 75 (m) "Verbal order" means an oral directive that is given through any method of communication directly
to emergency medical service personnel to contemporaneously administer a controlled substance to
an individual who needs emergency medical services outside the physical presence of the medical
director or other authorizing medical professional.
- 80 (2)
(a) The division may make rules in accordance with Title 63G, Chapter 3, Utah Administrative
Rulemaking Act, relating to the licensing and control of the distribution, dispensing, and
administration of controlled substances within this state by a registered agency.
- 84 (b) In making the rules described in this Subsection (2), the division shall consult with the Bureau of
Emergency Medical Services created in Section 53-2d-102.
- 86 (c) The rules the division makes under this section shall include rules addressing:

HB0402 compared with HB0402S01

- 87 (i) the storage of controlled substances by a registered agency;
88 (ii) restocking controlled substances in a registered agency's emergency medical service vehicle at a
hospital;
90 (iii) creating and maintaining records and inventories of controlled substances distributed, dispensed,
and administered by a registered agency and emergency medical service personnel;
93 (iv) procedures for proceedings, not inconsistent with this section and substantially similar to the
procedures described in Chapter 1, Division of Professional Licensing Act, to:
96 (A) deny, revoke, or suspend a license; and
97 (B) appeal a decision to deny, revoke, or suspend a license; and
98 (v) procedures for adjudication of violations of this section in accordance with Sections 58-1-106 and
58-1-108.
100 (d) The division may assess reasonable fees to defray the cost of issuing original and renewal licenses
under this section in accordance with Section 63J-1-504.
102 (3)
102 (3){ (a) } A registered agency shall obtain a license for each registered location.
103 (b) A registered agency:
104 (i) shall have at least one registered location; and
105 (ii) is not required to obtain a separate United States Drug Enforcement Administration certificate of
registration for each of the registered agency's stationhouses or other locations.
103 (4) A registered agency licensed under this section:
109 (a) shall maintain records and inventories:
104 (a){ (i) } {~~shall maintain records and inventories~~} in accordance with the record keeping and inventory
requirements of federal and state law and rules the division makes; and
112 (ii) at a registered location; and
106 (b) may not:
107 {~~(i) acquire or store controlled substances at a stationhouse that is not a registered location;~~}
109 (ii){ (i) } distribute or dispense a controlled substance to any other person unless authorized in division
rule;
111 (iii){ (ii) } omit, remove, alter, or obliterate a symbol required by this chapter or by division rule;
113 (iv){ (iii) } refuse or fail to make, keep, or furnish any record notification, order form, statement, invoice,
or information required under this chapter or division rule;

HB0402 compared with HB0402S01

- (v){(iv)} refuse entry into any premises for inspection as authorized by this chapter or division rule;
- (vi){(v)} provide false or fraudulent material information in any application, report, or other document that this section or division rule requires; or
- (vii){(vi)} willfully make any false statement in any report or record this section or division rule requires.
- (5) If a registered agency obtains a license issued by the division, emergency medical service personnel employed by the registered agency may dispense, distribute, or administer controlled substances:
- (a) to the extent authorized by the license;
- (b) in compliance with applicable provisions of state and federal law; and
- (c) according to:
- (i) a standing order or a verbal order issued by the medical director of the registered agency for the registered agency; or
- (ii) a verbal order issued by an authorizing medical professional.
- (6)
- (a) The division shall issue each license under this chapter according to a two-year renewal cycle the division establishes in rule.
- (b) The division may by rule extend or shorten a renewal period by as much as one year to stagger the renewal cycles the division administers.
- (7)
- (a) The division may deny, suspend, place on probation, or revoke a license if the division finds that an applicant or licensee has:
- (i) materially falsified any application filed or required under this chapter;
- (ii) violated any state or federal law relating to a controlled substance;
- (iii) violated a division rule that reflects adversely on the applicant's or licensee's reliability and integrity with respect to controlled substances;
- (iv) had a federal registration or license denied, suspended, or revoked by competent federal authority and is no longer authorized to dispense, distribute, or administer controlled substances;
- (v) had the licensee's license suspended or revoked by competent authority of another state for violation of laws or regulations comparable to those of this state relating to the dispensing, distribution, or administration of controlled {substances;or} substances; or

HB0402 compared with HB0402S01

(vi) refused inspection of records required to be maintained under this chapter by a person authorized to inspect the records.

(b) The division may limit revocation or suspension of a license to a particular controlled substance with respect to which there are grounds for revocation or suspension.

(c)

(i) The division may suspend a license simultaneously with instituting proceedings to deny, suspend, place on probation, or revoke a license if the division finds there is an imminent danger to the public health or safety.

(ii) If the division suspends a license under Subsection (7)(c)(i), the suspension is effective until the conclusion of proceedings, including judicial review, unless withdrawn by the division or dissolved by a court.

(d)

(i) If the division suspends a license under this Subsection (7), all controlled substances the licensee owns or possesses may be placed under seal in the discretion of the division.

(ii) Controlled substances under seal may not be disposed until the time appeal has expired, or until all appeals have been exhausted, unless a court, upon application, orders the sale of perishable substances and the proceeds deposited with the court.

(iii) If a revocation order under this Subsection (7) becomes final, the licensee shall forfeit all controlled substances the licensee owns or possesses.

(e) The division shall promptly notify the United States Drug Enforcement Administration:

(i) if the division issues an order suspending or revoking a license; and

(ii) of a forfeiture of controlled substances under Subsection (7)(d)(iii).

(f)

(i) If a registered agency's United States Drug Enforcement Administration registration is denied, revoked, surrendered, or suspended, the division shall immediately suspend the registered agency's controlled substance license.

(ii)

(A) Except as provided in Subsection (7)(f)(ii)(B), the division may only reinstate a license suspended as described in Subsection (7)(f)(i) if the registered agency's United States Drug Enforcement Administration registration is reinstated.

HB0402 compared with HB0402S01

(B) The division may not reinstate a license as described in Subsection (7)(f)(ii)(A), if the division has taken further administrative action under Subsection (7)(a)(iv).

(8)

(a) The division may impose a fine for a violation of Subsection (4)(b) not to exceed \$5,000.

(b) The division shall deposit all penalties collected under Subsection (8)(a) into the General Fund as a dedicated credit to be used by the division in accordance with Subsection 58-37f-502(1).

Section 2. Section **58-37f-502** is amended to read:

58-37f-502. Use of dedicated credits -- Controlled Substance Database -- Collection of penalties.

(1) The director may use the money deposited in the General Fund as a dedicated credit under Subsections 58-37-6(8)(a), 58-37-24(8)(a), 58-37f-601(3)(d), and 58-37f-602(2) for the following purposes:

(a) maintenance and replacement of the database equipment, including hardware and software;

(b) training of staff; and

(c) pursuit of external grants and matching funds.

(2) The director of the division may collect any penalty imposed under Subsections 58-37-6(8)(a), 58-37-24(8)(a), 58-37f-601(3)(d), and 58-37f-602(2) and which is not paid by:

(a) referring the matter to the Office of State Debt Collection or a collection agency; or

(b) bringing an action in the district court of the county in which the person owing the debt resides or in the county where the office of the director is located.

(3) The director may seek legal assistance from the attorney general or the county or district attorney of the district in which the action is brought to collect the fine.

(4) The court shall award reasonable attorney fees and costs to the division for successful collection actions under Subsection (2)(b).

Section 3. **Effective date.**

Effective Date.

This bill takes effect on May 6, 2026.

2-3-26 10:11 AM