

1 **EMS Controlled Substance Licensing Amendments**

2026 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Ryan D. Wilcox

Senate Sponsor:

LONG TITLE**General Description:**

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

Highlighted Provisions:

This bill:

- ▶ creates a controlled substance license for an emergency medical services agency;
- ▶ authorizes the Division of Professional Licensing to:
 - make rules relating to the licensing and control of the distribution, dispensing, and administration of controlled substances by an emergency medical services agency;
 - collect fees and penalties; and
 - deny, suspend, revoke, or place on probation the license of a licensee that violates certain provisions;
- ▶ defines term; and
- ▶ makes technical and conforming changes.

Money Appropriated in this Bill:

None

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

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

29 Section 1. Section **58-37-24** is enacted to read:

30 **58-37-24 . Emergency medical services agency license to distribute, dispense, and**

31 **administer.**

32 (1) As used in this section:

- 33 (a) "Authorizing medical professional" means a practitioner:
 - 34 (i) who is licensed under Section 58-37-6;
 - 35 (ii) who is acting within the scope of the license described in Section 58-37-6; and
 - 36 (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.
- 37 (b) "Emergency medical service personnel" means the same as that term is defined in
Section 53-2d-101.
- 38 (c) "Emergency medical services" means the same as that term is defined in Section
53-2d-101.
- 39 (d)(i) "Emergency medical services agency" means an organization that provides
emergency medical services.
 - 40 (ii) "Emergency medical services agency" includes emergency medical service
providers as that term is defined in Section 53-2d-101.
- 41 (e) "Emergency medical service vehicle" means the same as that term is defined in
Section 53-2d-101.
- 42 (f) "Licensee" means a registered agency that is issued a controlled substance license in
accordance with this section.
- 43 (g) "Medical director" means a physician who:
 - 44 (i) is registered under 21 U.S.C. Sec. 823(g);
 - 45 (ii) provides oversight to an emergency medical services agency; and
 - 46 (iii) is an authorizing medical professional.
- 47 (h) "Physician" means an individual licensed under:
 - 48 (i) Chapter 67, Utah Medical Practice Act; or
 - 49 (ii) Chapter 68, Utah Osteopathic Medical Practice Act.
- 50 (i) "Registered agency" means an emergency medical services agency that is registered
under 21 U.S.C. Sec. 823(k).
- 51 (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.
- 52 (k) "Standing order" means a written medical protocol that:
 - 53 (i) a medical director issues;

- (ii) establishes the medical criteria that must be met before controlled substances are administered to an individual who needs emergency medical services; and
- (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.

(1) "Stationhouse" means an enclosed structure that:

- (i) houses one or more emergency medical service vehicles of a registered agency;
and
- (ii) the registered agency is actively using for emergency response.

(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.

(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.

(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.

(c) The rules the division makes under this section shall include rules addressing:

- (i) the storage of controlled substances by a registered agency;
- (ii) restocking controlled substances in a registered agency's emergency medical service vehicle at a hospital;
- (iii) creating and maintaining records and inventories of controlled substances distributed, dispensed, and administered by a registered agency and emergency medical service personnel;

(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:

(A) deny, revoke, or suspend a license; and

(B) appeal a decision to deny, revoke, or suspend a license; and

(v) procedures for adjudication of violations of this section in accordance with

99 Sections 58-1-106 and 58-1-108.

100 (d) The division may assess reasonable fees to defray the cost of issuing original and
101 renewal licenses under this section in accordance with Section 63J-1-504.

102 (3) A registered agency shall obtain a license for each registered location.

103 (4) A registered agency licensed under this section:

104 (a) shall maintain records and inventories in accordance with the record keeping and
105 inventory requirements of federal and state law and rules the division makes; and

106 (b) may not:

107 (i) acquire or store controlled substances at a stationhouse that is not a registered
108 location;

109 (ii) distribute or dispense a controlled substance to any other person unless authorized
110 in division rule;

111 (iii) omit, remove, alter, or obliterate a symbol required by this chapter or by division
112 rule;

113 (iv) refuse or fail to make, keep, or furnish any record notification, order form,
114 statement, invoice, or information required under this chapter or division rule;

115 (v) refuse entry into any premises for inspection as authorized by this chapter or
116 division rule;

117 (vi) provide false or fraudulent material information in any application, report, or
118 other document that this section or division rule requires; or

119 (vii) willfully make any false statement in any report or record this section or division
120 rule requires.

121 (5) If a registered agency obtains a license issued by the division, emergency medical
122 service personnel employed by the registered agency may dispense, distribute, or
123 administer controlled substances:

124 (a) to the extent authorized by the license;

125 (b) in compliance with applicable provisions of state and federal law; and

126 (c) according to:

127 (i) a standing order or a verbal order issued by the medical director of the registered
128 agency for the registered agency; or

129 (ii) a verbal order issued by an authorizing medical professional.

130 (6)(a) The division shall issue each license under this chapter according to a two-year
131 renewal cycle the division establishes in rule.

132 (b) The division may by rule extend or shorten a renewal period by as much as one year

133 to stagger the renewal cycles the division administers.

134 (7)(a) The division may deny, suspend, place on probation, or revoke a license if the
135 division finds that an applicant or licensee has:

- 136 (i) materially falsified any application filed or required under this chapter;
- 137 (ii) violated any state or federal law relating to a controlled substance;
- 138 (iii) violated a division rule that reflects adversely on the applicant's or licensee's
139 reliability and integrity with respect to controlled substances;
- 140 (iv) had a federal registration or license denied, suspended, or revoked by competent
141 federal authority and is no longer authorized to dispense, distribute, or administer
142 controlled substances;
- 143 (v) had the licensee's license suspended or revoked by competent authority of another
144 state for violation of laws or regulations comparable to those of this state relating
145 to the dispensing, distribution, or administration of controlled substances; or
- 146 (vi) refused inspection of records required to be maintained under this chapter by a
147 person authorized to inspect the records.

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

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

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

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

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

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

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

167 (i) if the division issues an order suspending or revoking a license; and
168 (ii) of a forfeiture of controlled substances under Subsection (7)(d)(iii).

169 (f)(i) If a registered agency's United States Drug Enforcement Administration
170 registration is denied, revoked, surrendered, or suspended, the division shall
171 immediately suspend the registered agency's controlled substance license.
172 (ii)(A) Except as provided in Subsection (7)(f)(ii)(B), the division may only
173 reinstate a license suspended as described in Subsection (7)(f)(i) if the
174 registered agency's United States Drug Enforcement Administration
175 registration is reinstated.

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

179 (8)(a) The division may impose a fine for a violation of Subsection (4)(b) not to exceed
180 \$5,000.

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

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

185 **58-37f-502 . Use of dedicated credits -- Controlled Substance Database --**

186 **Collection of penalties.**

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

190 (a) maintenance and replacement of the database equipment, including hardware and
191 software;
192 (b) training of staff; and
193 (c) pursuit of external grants and matching funds.

194 (2) The director of the division may collect any penalty imposed under Subsections
195 58-37-6(8)(a), 58-37-24(8)(a), 58-37f-601(3)(d), and 58-37f-602(2) and which is not
196 paid by:

197 (a) referring the matter to the Office of State Debt Collection or a collection agency; or
198 (b) bringing an action in the district court of the county in which the person owing the
199 debt resides or in the county where the office of the director is located.

200 (3) The director may seek legal assistance from the attorney general or the county or district

201 attorney of the district in which the action is brought to collect the fine.

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

204 **Section 3. Effective Date.**

205 This bill takes effect on May 6, 2026.