

Part 2 **Controlled Substance Database**

58-37f-201 Controlled substance database -- Creation -- Purpose.

- (1) There is created within the division a controlled substance database.
- (2) The division shall administer and direct the functioning of the database in accordance with this chapter.
- (3) The division may, under state procurement laws, contract with another state agency or a private entity to establish, operate, or maintain the database.
- (4) The division shall, in collaboration with the board, determine whether to operate the database within the division or contract with another entity to operate the database, based on an analysis of costs and benefits.
- (5) The purpose of the database is to contain:
 - (a) the data described in Section 58-37f-203 regarding prescriptions for dispensed controlled substances;
 - (b) data reported to the division under Section 26B-2-225 regarding poisoning or overdose;
 - (c) data reported to the division under Subsection 41-6a-502(5) or 41-6a-502.5(5)(b) regarding convictions for driving under the influence of a prescribed controlled substance or impaired driving; and
 - (d) data reported to the division under Subsection 58-37-8(1)(e) or 58-37-8(2)(g) regarding certain violations of Chapter 37, Utah Controlled Substances Act.
- (6) The division shall maintain the database in an electronic file or by other means established by the division to facilitate use of the database for identification of:
 - (a) prescribing practices and patterns of prescribing and dispensing controlled substances;
 - (b) practitioners prescribing controlled substances in an unprofessional or unlawful manner;
 - (c) individuals receiving prescriptions for controlled substances from licensed practitioners, and who subsequently obtain dispensed controlled substances from a drug outlet in quantities or with a frequency inconsistent with generally recognized standards of dosage for that controlled substance;
 - (d) individuals presenting forged or otherwise false or altered prescriptions for controlled substances to a pharmacy;
 - (e) individuals admitted to a general acute hospital for poisoning or overdose involving a prescribed controlled substance; and
 - (f) individuals convicted for:
 - (i) driving under the influence of a prescribed controlled substance that renders the individual incapable of safely operating a vehicle;
 - (ii) driving while impaired, in whole or in part, by a prescribed controlled substance; or
 - (iii) certain violations of Chapter 37, Utah Controlled Substances Act.

Amended by Chapter 329, 2023 General Session

Amended by Chapter 415, 2023 General Session

58-37f-202 Duties of board in relation to the database.

The board shall advise the division regarding:

- (1) establishing, maintaining, and operating the database;
- (2) access to the database and how access is obtained; and
- (3) control of information contained in the database.

Enacted by Chapter 287, 2010 General Session

58-37f-203 Submission, collection, and maintenance of data.

- (1)
 - (a) The division shall implement on a statewide basis, including non-resident pharmacies as defined in Section 58-17b-102, the following two options for a pharmacist to submit information:
 - (i) real-time submission of the information required to be submitted under this part to the controlled substance database; and
 - (ii) 24-hour daily or next business day, whichever is later, batch submission of the information required to be submitted under this part to the controlled substance database.
 - (b) A pharmacist shall comply with either:
 - (i) the submission time requirements established by the division under Subsection (1)(a)(i); or
 - (ii) the submission time requirements established by the division under Subsection (1)(a)(ii).
 - (c) Notwithstanding the time requirements described in Subsection (1)(a), a pharmacist may submit corrections to data that the pharmacist has submitted to the controlled substance database within seven business days after the day on which the division notifies the pharmacist that data is incomplete or corrections to the data are otherwise necessary.
 - (d) The division shall comply with Title 63G, Chapter 6a, Utah Procurement Code.
- (2)
 - (a) The pharmacist-in-charge and the pharmacist of the drug outlet where a controlled substance is dispensed shall submit the data described in this section to the division in accordance with:
 - (i) the requirements of this section;
 - (ii) the procedures established by the division;
 - (iii) additional types of information or data fields established by the division; and
 - (iv) the format established by the division.
 - (b) A dispensing medical practitioner licensed under Chapter 17b, Part 8, Dispensing Medical Practitioner and Dispensing Medical Practitioner Clinic Pharmacy, shall comply with the provisions of this section and the dispensing medical practitioner shall assume the duties of the pharmacist under this chapter.
- (3)
 - (a) Except as provided in Subsection (3)(b), the pharmacist-in-charge and the pharmacist described in Subsection (2)(a) shall, for each controlled substance dispensed by a pharmacist under the pharmacist's supervision, submit to the division any type of information or data field established by the division by rule in accordance with Subsection (6) regarding:
 - (i) each controlled substance that is dispensed by the pharmacist or under the pharmacist's supervision; and
 - (ii) each noncontrolled substance that is:
 - (A) designated by the division under Subsection (8)(a); and
 - (B) dispensed by the pharmacist or under the pharmacist's supervision.
 - (b) Subsection (3)(a) does not apply to a drug that is dispensed for administration to, or use by, a patient at a health care facility, including a patient in an outpatient setting at the health care facility.
- (4) An individual whose records are in the database may obtain those records upon submission of a written request to the division.
- (5)

- (a) A patient whose record is in the database may contact the division in writing to request correction of any of the patient's database information that is incorrect.
- (b) The division shall grant or deny the request within 30 days from receipt of the request and shall advise the requesting patient of its decision within 35 days of receipt of the request.
- (c) If the division denies a request under this Subsection (5) or does not respond within 35 days, the patient may submit an appeal to the Department of Commerce, within 60 days after the patient's written request for a correction under this Subsection (5).

(6) The division shall make rules, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, to establish submission requirements under this part, including:

- (a) electronic format;
- (b) submission procedures; and
- (c) required information and data fields.

(7) The division shall ensure that the database system records and maintains for reference:

- (a) the identification of each individual who requests or receives information from the database;
- (b) the information provided to each individual; and
- (c) the date and time that the information is requested or provided.

(8)

- (a) The division, in collaboration with the Utah Controlled Substance Advisory Committee created in Section 58-38a-201, shall designate a list of noncontrolled substances described in Subsection (8)(b) by rule made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.
- (b) To determine whether a prescription drug should be designated in the schedules of controlled substances under this chapter, the division may collect information about a prescription drug as defined in Section 58-17b-102 that is not designated in the schedules of controlled substances under this chapter.

Amended by Chapter 340, 2021 General Session