

Representative LaVar Christensen proposes the following substitute bill:

PRESCRIPTION DRUG ABUSE AMENDMENTS

2016 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: LaVar Christensen

Senate Sponsor: _____

LONG TITLE

General Description:

This bill requires prescribers and dispensers to use the controlled substance database to determine whether a patient may be abusing opioids.

Highlighted Provisions:

This bill:

- ▶ defines terms;
- ▶ amends the Controlled Substances Database Act to promote utilization of the controlled substances database to prevent opioid abuse;
- ▶ requires a dispenser to contact the prescriber if the controlled substance database suggests potential prescription drug abuse;
- ▶ limits liability for prescribers and dispensers who contribute to and use the database; and
- ▶ makes technical changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:



26 AMENDS:

27 [58-37f-701](#), as enacted by Laws of Utah 2010, Chapter 287

28 ENACTS:

29 [58-37f-303](#), Utah Code Annotated 1953

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

32 Section 1. Section [58-37f-303](#) is enacted to read:

33 **Part 3. Access and Utilization**

34 **58-37f-303. Database utilization.**

35 (1) As used in this section:

36 (a) "Dispenser" means a licensed pharmacist, as described in Section [58-17b-303](#), or
37 the pharmacist's licensed intern, as described in Section [58-17b-304](#), who is also licensed to
38 dispense a controlled substance under Title 58, Chapter 37, Utah Controlled Substances Act.

39 (b) "Opioid" means those substances listed in Subsection [58-37-4\(2\)\(b\)\(i\)](#) or [\(2\)\(b\)\(ii\)](#).

40 (c) "Prescriber" means an individual authorized to prescribe a controlled substance
41 under Title 58, Chapter 37, Utah Controlled Substances Act.

42 (2) To address the serious public ~~Ĥ~~→ **health** ←~~Ĥ~~ concern of life-altering and
42a life-threatening opioid
43 abuse and overdose, and to achieve the purposes of this chapter and as described in Section
44 [58-37f-201](#), which includes identifying and reducing the prescribing and dispensing of opioids
45 in an unprofessional or unlawful manner or in quantities or frequencies inconsistent with
46 generally recognized standards of dosage for an opioid, through utilization of the carefully
47 developed and highly respected database.

48 (3) A prescriber or dispenser of an opioid for outpatient usage shall diligently access
49 and review the database to achieve the purpose of this chapter and as described in Section
50 [58-37f-201](#).

51 (4) The division shall, in collaboration with the licensing boards for prescribers and
52 dispensers:

53 (a) develop a ~~Ĥ~~→ **[monitoring]** ←~~Ĥ~~ system that gathers and reports to prescribers
53a and dispensers
54 the progress and results of their individual access and review of the database, as provided in
55 this section; and

56 (b) reduce or waive the division's continuing education requirements regarding opioid

57 prescriptions for prescribers and dispensers whose individual utilization of the database
58 contribute to the life-saving and public safety purposes of this section and as described in
59 Subsection (2).

60 (5) If the dispenser's access and review of the database suggest that the individual
61 seeking an opioid may be obtaining opioids in quantities or frequencies inconsistent with
62 generally recognized standards as provided in this section and Section 58-37f-201, the
63 dispenser shall reasonably attempt to contact the prescriber to obtain the prescriber's informed,
64 current, and professional decision regarding whether the prescribed opioid is medically
65 justified, notwithstanding the results of the database search.

66 Section 2. Section 58-37f-701 is amended to read:

67 **58-37f-701. Immunity from liability.**

68 An individual who has submitted information to or accessed and reviewed the database
69 in accordance with this [section] chapter may not be held civilly liable for [~~having submitted~~
70 ~~the information~~] such actions, $\hat{H}\rightarrow$ or lack of action, $\leftarrow\hat{H}$ which are protected and are not
70a subject to civil discovery, as
71 provided in Section 58-37f-302.