

1 **REPORTING DEATH INVOLVING CONTROLLED**
2 **SUBSTANCE AMENDMENTS**

3 2016 GENERAL SESSION

4 STATE OF UTAH

5 **Chief Sponsor: Brad M. Daw**

6 Senate Sponsor: Curtis S. Bramble

8 **LONG TITLE**

9 **General Description:**

10 This bill provides for the notification of a practitioner when the medical examiner
11 determines that a death resulted from poisoning or overdose involving a controlled
12 substance that the practitioner may have prescribed to the decedent.

13 **Highlighted Provisions:**

14 This bill:

- 15 ▶ requires the medical examiner to provide a report to the Division of Occupational
16 and Professional Licensing (DOPL) when the medical examiner determines that a
17 death resulted from poisoning or overdose involving a prescribed controlled
18 substance;
- 19 ▶ requires that, when DOPL receives a report described in the preceding paragraph,
20 DOPL shall notify each practitioner who may have written a prescription for the
21 controlled substance involved in the poisoning or overdose; and
- 22 ▶ makes technical changes.

23 **Money Appropriated in this Bill:**

24 None

25 **Other Special Clauses:**

26 None

27 **Utah Code Sections Affected:**



28 AMENDS:

29 **58-37f-702**, as enacted by Laws of Utah 2010, Chapter 290 and renumbered and
30 amended by Coordination Clause, Laws of Utah 2010, Chapter 290

31 ENACTS:

32 **26-4-10.5**, Utah Code Annotated 1953



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

35 Section 1. Section **26-4-10.5** is enacted to read:

36 **26-4-10.5. Medical examiner to report death caused by prescribed controlled**
37 **substance poisoning or overdose.**

38 (1) If a medical examiner determines that the death of a person who is 12 years of age
39 or older at the time of death resulted from poisoning or overdose involving a prescribed
40 controlled substance, the medical examiner shall, within three business days after the day on
41 which the medical examiner determines the cause of death, send a written report to the
42 Division of Occupational and Professional Licensing, created in Section 58-1-103, that
43 includes:

44 (a) the decedent's name;

45 (b) each drug or other substance found in the decedent's system that may have
46 contributed to the poisoning or overdose, if known; and

47 (c) the name of each person the medical examiner has reason to believe may have
48 prescribed a controlled substance described in Subsection (1)(b) to the decedent.

49 (2) This section does not create a new cause of action.

50 Section 2. Section **58-37f-702** is amended to read:

51 **58-37f-702. Reporting prescribed controlled substance poisoning or overdose to a**
52 **practitioner.**

53 (1) [Beginning on July 1, 2012,] The division shall take the actions described in
54 Subsection (2) if the division receives a report from:

55 (a) a medical examiner under Section 26-4-10.5 regarding a death caused by poisoning
56 or overdose involving a prescribed controlled substance; or

57 (b) a general acute hospital under Section 26-21-26[;] regarding admission to a general
58 acute hospital for poisoning or overdose involving a prescribed controlled substance[;the].

59 (2) The division shall, within three business days after the day on which ~~[the]~~ a report
60 in Subsection (1) is received:

61 (a) attempt to identify, through the database, each practitioner who may have
62 prescribed the controlled substance to the patient; and

63 (b) provide each practitioner identified under Subsection ~~[†]~~ (2)(a) with:

64 (i) a copy of the report provided by the medical examiner under Section 26-4-10.5 or
65 the general acute hospital under Section 26-21-26; and

66 (ii) the information obtained from the database that led the division to determine that
67 the practitioner receiving the information may have prescribed the controlled substance to the
68 person named in the report.

69 ~~[(2)]~~ (3) It is the intent of the Legislature that the information provided under
70 Subsection ~~[†]~~ (2)(b) is provided for the purpose of assisting the practitioner in:

71 (a) discussing with the patient or others issues relating to the poisoning or overdose;

72 (b) advising the patient or others of measures that may be taken to avoid a future
73 poisoning or overdose; and

74 (c) making decisions regarding future prescriptions written for the patient or others.

75 ~~[(3)]~~ (4) Beginning on July 1, 2010, the division shall, in accordance with Section
76 63J-1-504, increase the licensing fee described in Subsection 58-37-6(1)(b) to pay the startup
77 and ongoing costs of the division for complying with the requirements of this section.

Legislative Review Note
Office of Legislative Research and General Counsel