

HB0375S03 compared with HB0375S02

~~deleted text~~ shows text that was in HB0375S02 but was deleted in HB0375S03.

inserted text shows text that was not in HB0375S02 but was inserted into HB0375S03.

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.

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

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- ▶ makes technical changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

58-37f-701, as enacted by Laws of Utah 2010, Chapter 287

ENACTS:

58-37f-303, Utah Code Annotated 1953

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

Section 1. Section **58-37f-303** is enacted to read:

Part 3. Access and Utilization

58-37f-303. Database utilization.

(1) As used in this section:

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

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

(c) "Outpatient" means a setting in which an individual visits a licensed healthcare facility or a healthcare provider's office for a diagnosis or treatment but is not admitted to a licensed healthcare facility for an overnight stay.

(~~f~~~~e~~~~r~~~~d~~) "Prescriber" means an individual authorized to prescribe a controlled substance under Title 58, Chapter 37, Utah Controlled Substances Act.

(2) To address the serious public **health** concern of life-altering and life-threatening opioid abuse and overdose, and to achieve the purposes of this chapter and as described in Section 58-37f-201, which includes identifying and reducing the prescribing and dispensing of opioids in an unprofessional or unlawful manner or in quantities or frequencies inconsistent with generally recognized standards of dosage for an opioid, through utilization of the carefully developed and highly respected database~~f~~~~e~~~~r~~~~d~~:

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

(b) a prescriber may assign the access and review required under Subsection (3)(a) to an employees, in accordance with Subsections 58-37f-301(2)(g) and (h).

(4)3) The division shall, in collaboration with the licensing boards for prescribers and dispensers:

(a) develop a ~~monitoring~~ system that gathers and reports to prescribers and dispensers the progress and results of ~~their~~ the prescriber's and dispenser's individual access and review of the database, as provided in this section; and

(b) reduce or waive the division's continuing education requirements regarding opioid prescriptions, described in Section 58-37-6.5, including the online tutorial and test relating to the database, for prescribers and dispensers whose individual utilization of the database contribute to the life-saving and public safety purposes of this section and as described in Subsection (2).

(5)4) If the dispenser's access and review of the database suggest that the individual seeking an opioid may be obtaining opioids in quantities or frequencies inconsistent with generally recognized standards as provided in this section and Section 58-37f-201, the dispenser shall reasonably attempt to contact the prescriber to obtain the prescriber's informed, current, and professional decision regarding whether the prescribed opioid is medically justified, notwithstanding the results of the database search.

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

58-37f-701. Immunity from liability.

(1) An individual who has submitted information to or accessed and reviewed the database in accordance with this [section] chapter may not be held civilly liable ~~[for ~~the~~ having submitted the information]~~ , including under Title 78B, Chapter 3, Part 4, Utah Health Care Malpractice Act, for such actions, or a lack of action, which are protected and are not subject to civil discovery, as provided in Section 58-37f-302.

(2) Notwithstanding any other provision of law, any action or lack of action by a prescriber or dispenser to meet the requirements of Section 58-37f-303 may not be used by the division in any action against the prescriber or dispenser.

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(3) Nothing in Section 58-37f-303 establishes a minimum standard of care for prescribers.