

Representative Steve Eliason proposes the following substitute bill:

OPIOID ABUSE PREVENTION AND TREATMENT AMENDMENTS

2018 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Steve Eliason

Senate Sponsor: Evan J. Vickers

LONG TITLE

General Description:

This bill requires a warning label and informational pamphlet to be distributed with an opiate prescription.

Highlighted Provisions:

This bill:

- requires the Department of Health to develop a pamphlet with information about opiates; and
- requires a pharmacist who is dispensing certain prescriptions for an opiate to affix a warning label and to display an informational brochure.

Money Appropriated in this Bill:

~~None~~ This bill appropriates in fiscal year 2019:

~~to the Department of Health - Division of Disease Control and Prevention, as an ongoing appropriation:~~

~~from the General Fund, \$9,300.~~

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

58-37-7, as last amended by Laws of Utah 2004, Chapter 241

ENACTS:

26-55-109, Utah Code Annotated 1953



26

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

28 Section 1. Section **26-55-109** is enacted to read:

29 **26-55-109. Opiate abuse prevention pamphlet.**

30 (1) ~~§~~ **→ [The] As funding is available, the** ~~←~~ **§** department shall produce and distribute, in
30a conjunction with the Division of
31 Substance Abuse and Mental Health, a pamphlet about opiates that includes information
32 regarding:

33 (a) the risk of dependency and addiction;

34 (b) methods for proper storage and disposal;

35 (c) alternative options for pain management;

36 (d) the benefits of and ways to obtain naloxone; and

37 (e) resources if the patient believes that the patient has a substance abuse disorder.

38 (2) The pamphlet described in Subsection (1) shall be:

39 (a) evaluated periodically for effectiveness at conveying necessary information and
40 revised accordingly;

41 (b) written in simple and understandable language; and

42 (c) available in English and other languages that the department determines to be
43 appropriate and necessary.

44 Section 2. Section **58-37-7** is amended to read:

45 **58-37-7. Labeling and packaging controlled substance.**

46 (1) A person licensed pursuant to this act may not distribute a controlled substance
47 unless it is packaged and labeled in compliance with the requirements of Section 305 of the
48 Federal Comprehensive Drug Abuse Prevention and Control Act of 1970.

49 (2) No person except a pharmacist for the purpose of filling a prescription shall alter,
50 deface, or remove any label affixed by the manufacturer.

51 (3) Whenever a pharmacist sells or dispenses any controlled substance on a
52 prescription issued by a practitioner, ~~he~~ the pharmacist shall affix to the container in which
53 the substance is sold or dispensed:

54 (a) a label showing the:

55 (i) pharmacy name and address;

56 (ii) serial number; and

57 (iii) date of initial filling;

58 (b) the prescription number, the name of the patient, or if the patient is an animal, the
59 name of the owner of the animal and the species of the animal;

60 (c) the name of the practitioner by whom the prescription was written;

61 (d) any directions stated on the prescription; and

62 (e) any directions required by rules and regulations promulgated by the department.

63 (4) Whenever a pharmacist sells or dispenses a Schedule II or Schedule III controlled
64 substance that is an opiate, a pharmacist shall affix a warning to the container or the lid for the
65 container in which the substance is sold or dispensed that contains the following text ~~H~~→ **[in-not-less**
66 **than 14-point font]** ←~~H~~ :

67 (a) "Caution: Opioid. Risk of overdose and addiction"; or

68 (b) any other language that is approved by the Department of Health.

69 (5) (a) A pharmacist who sells or dispenses a Schedule II or Schedule III controlled
70 substance that is an opiate shall ~~S~~→ , **if available from the Department of Health,** ←~~S~~
70a prominently display at the point of sale the informational
71 pamphlet developed by the Department of Health under Section [26-55-109](#).

72 (b) The board and the Department of Health shall encourage pharmacists to use the
73 informational pamphlet to engage in patient counseling regarding the risks associated with
74 taking opiates.

74a ~~S~~→ **(c) The requirement in Subsection (5)(a) does not apply to a pharmacist if the**
74b **pharmacist is unable to obtain the informational pamphlet from the Department of Health for**
74c **any reason.** ←~~S~~

75 [~~(4)~~] (6) A person may not alter the face or remove any label so long as any of the
76 original contents remain.

77 [~~(5)~~] (7) (a) An individual to whom or for whose use any controlled substance has been
78 prescribed, sold, or dispensed by a practitioner and the owner of any animal for which any
79 controlled substance has been prescribed, sold, or dispensed by a veterinarian may lawfully
80 possess it only in the container in which it was delivered to [him] the individual by the person
81 selling or dispensing it.

82 (b) It is a defense to a prosecution under this subsection that the person being
83 prosecuted produces in court a valid prescription for the controlled substance or the original
84 container with the label attached.

84a ~~S~~→ **Section 3. Appropriation.** ←~~S~~

84b ~~S~~→ **The following sums of money are appropriated for the fiscal year beginning July 1,** ⊕

84c **2018, and ending June 30, 2019. These are additions to amounts previously appropriated for**
84d **fiscal year 2019. Under the terms and conditions of Title 63J, Chapter 1, Budgetary**
84e **Procedures Act, the Legislature appropriates the following sums of money from the funds or**
84f **accounts indicated for the use and support of the government of the state of Utah. ←\$**

84g **\$→ ITEM 1**

84h **To Department of Health - Division of Disease Control and Prevention**

84i **From General Fund \$9,300**

84j **Schedule of Programs:**

84k **Health Promotion \$9,300**

84l **The Legislature intends that the Division of Disease Control and Prevention expend**

84m **appropriations provided under this item to print, produce, and distribute the informational**

84n **pamphlet described in Section 26-55-109 and the warning label described in Section 58-37-7.**

84o **←\$**