

Senator Evan J. Vickers proposes the following substitute bill:

1 **OPIOID ABUSE PREVENTION AND TREATMENT AMENDMENTS**

2 2018 GENERAL SESSION

3 STATE OF UTAH

4 **Chief Sponsor: Steve Eliason**

5 Senate Sponsor: Evan J. Vickers

7 **LONG TITLE**

8 **General Description:**

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

11 **Highlighted Provisions:**

12 This bill:

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

17 **Money Appropriated in this Bill:**

18 This bill appropriates in fiscal year 2019:

- 19 ▶ to the Department of Health - Division of Disease Control and Prevention, as an
20 ongoing appropriation:
21 • from the General Fund, \$9,300.

22 **Other Special Clauses:**

23 None

24 **Utah Code Sections Affected:**

25 AMENDS:



26 **58-37-7**, as last amended by Laws of Utah 2004, Chapter 241

27 ENACTS:

28 **26-55-109**, Utah Code Annotated 1953

29

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

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

32 **26-55-109. Opiate abuse prevention pamphlet.**

33 (1) As funding is available, the department shall produce and distribute, in conjunction
34 with the Division of Substance Abuse and Mental Health, a pamphlet about opiates that
35 includes information regarding:

- 36 (a) the risk of dependency and addiction;
- 37 (b) methods for proper storage and disposal;
- 38 (c) alternative options for pain management;
- 39 (d) the benefits of and ways to obtain naloxone; and
- 40 (e) resources if the patient believes that the patient has a substance abuse disorder.

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

- 42 (a) evaluated periodically for effectiveness at conveying necessary information and
43 revised accordingly;
- 44 (b) written in simple and understandable language; and
- 45 (c) available in English and other languages that the department determines to be
46 appropriate and necessary.

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

48 **58-37-7. Labeling and packaging controlled substance.**

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

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

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

- 57 (a) a label showing the:
- 58 (i) pharmacy name and address;
- 59 (ii) serial number; and
- 60 (iii) date of initial filling;
- 61 (b) the prescription number, the name of the patient, or if the patient is an animal, the
- 62 name of the owner of the animal and the species of the animal;
- 63 (c) the name of the practitioner by whom the prescription was written;
- 64 (d) any directions stated on the prescription; and
- 65 (e) any directions required by rules and regulations promulgated by the department.

66 (4) Whenever a pharmacist sells or dispenses a Schedule II or Schedule III controlled
67 substance that is an opiate, a pharmacist shall affix a warning to the container or the lid for the
68 container in which the substance is sold or dispensed that contains the following text:

- 69 (a) "Caution: Opioid. Risk of overdose and addiction"; or
- 70 (b) any other language that is approved by the Department of Health.

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

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

78 (c) The requirement in Subsection (5)(a) does not apply to a pharmacist if the
79 pharmacist is unable to obtain the informational pamphlet from the Department of Health for
80 any reason.

81 [~~4~~] (6) A person may not alter the face or remove any label so long as any of the
82 original contents remain.

83 [~~5~~] (7) (a) An individual to whom or for whose use any controlled substance has been
84 prescribed, sold, or dispensed by a practitioner and the owner of any animal for which any
85 controlled substance has been prescribed, sold, or dispensed by a veterinarian may lawfully
86 possess it only in the container in which it was delivered to [him] the individual by the person
87 selling or dispensing it.

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

91 Section 3. **Appropriation.**

92 The following sums of money are appropriated for the fiscal year beginning July 1,
93 2018, and ending June 30, 2019. These are additions to amounts previously appropriated for
94 fiscal year 2019. Under the terms and conditions of Title 63J, Chapter 1, Budgetary Procedures
95 Act, the Legislature appropriates the following sums of money from the funds or accounts
96 indicated for the use and support of the government of the state of Utah.

97 ITEM 1

98 To Department of Health -- Division of Disease Control and Prevention

99 From General Fund \$9,300

100 Schedule of Programs:

101 Health Promotion \$9,300

102 The Legislature intends that the Division of Disease Control and Prevention expend
103 appropriations provided under this item to print, produce, and distribute the informational
104 pamphlet described in Section [26-55-109](#) and the warning label described in Section [58-37-7](#).