

## HB0399S02 compared with HB0399S01

~~{deleted text}~~ shows text that was in HB0399S01 but was deleted in HB0399S02.

Inserted text shows text that was not in HB0399S01 but was inserted into HB0399S02.

**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 Steve Eliason}~~Senator Evan J. Vickers 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 }

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#### 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:

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- ▶ 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

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

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

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

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

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

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

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

(b) written in simple and understandable language; and

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

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

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

(1) A person licensed pursuant to this act may not distribute a controlled substance

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unless it is packaged and labeled in compliance with the requirements of Section 305 of the Federal Comprehensive Drug Abuse Prevention and Control Act of 1970.

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

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

(a) a label showing the:

(i) pharmacy name and address;

(ii) serial number; and

(iii) date of initial filling;

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

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

(d) any directions stated on the prescription; and

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

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

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

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

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

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

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

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any reason.

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

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

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

### Section 3. Appropriation.

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

#### ITEM 1

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

<u>From General Fund</u>	<u>\$9,300</u>
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##### Schedule of Programs:

<u>Health Promotion</u>	<u>\$9,300</u>
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The Legislature intends that the Division of Disease Control and Prevention expend appropriations provided under this item to print, produce, and distribute the informational pamphlet described in Section 26-55-109 and the warning label described in Section 58-37-7.