

**Representative Steve Eliason** proposes the following substitute bill:

**DRUG DIVERSION REPORTING REQUIREMENTS**

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 relates to the duty to report drug diversion.

**Highlighted Provisions:**

This bill:

- ▶ defines terms; and
- ▶ makes it a class B misdemeanor for a practitioner to knowingly fail to report known

or suspected drug diversion to law enforcement, unless reporting would violate

HIPAA.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

ENACTS:

**76-10-2203**, Utah Code Annotated 1953

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

Section 1. Section **76-10-2203** is enacted to read:



26 76-10-2203. Duty to report drug diversion.

27 (1) As used in this section:

28 (a) "Diversion" means a practitioner's transfer of a significant amount of drugs to  
29 another for an unlawful purpose.

30 (b) "Drug" or "drugs" means a Schedule II or Schedule III controlled substance, as  
31 defined in Section 58-37-4, that is an opiate.

32 (c) "Facility" means a location where a practitioner administers, dispenses, distributes,  
33 or prescribes a drug in the course of professional practice.

34 (d) "HIPAA" means the same as that term is defined in Section 26-18-17.

35 (e) "Opiate" means the same as that term is defined in Section 58-37-2.

36 (f) "Practitioner" means an individual:

37 (i) licensed, registered, or otherwise authorized by the appropriate jurisdiction to  
38 administer, dispense, distribute, or prescribe a drug in the course of professional practice; or

39 (ii) employed by an individual who is licensed, registered, or otherwise authorized by  
40 the appropriate jurisdiction to administer, dispense, distribute, or prescribe a drug in the course  
41 of professional practice.

42 (g) "Significant amount" means an aggregate amount equal to, or more than, 50  
43 morphine milligram equivalents calculated in accordance with guidelines developed by the  
44 Centers for Disease Control and Prevention (CDC).

45 (2) A practitioner is guilty of a class B misdemeanor if the practitioner:

46 (a) knows or has reason to believe that another practitioner in the practitioner's facility  
47 is involved in drug diversion; and

48 (b) knowingly fails to report the diversion to a peace officer or law enforcement  
49 agency.

50 (3) Subsection (2) does not apply to the extent that a practitioner:

51 (a) does not have enough information to determine whether another practitioner is  
52 involved in diversion; or

53 (b) is prohibited from reporting by HIPAA.