

HB0446S01 compared with HB0446

~~text~~ shows text that was in HB0446 but was deleted in HB0446S01.

Inserted text shows text that was not in HB0446 but was inserted into HB0446S01.

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 proposes the following substitute bill:

DRUG DIVERSION REPORTING REQUIREMENTS

2018 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Steve Eliason

Senate Sponsor: Evan J. Vickers

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

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Utah Code Sections Affected:

ENACTS:

76-10-2203, Utah Code Annotated 1953

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

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

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

(1) As used in this section:

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

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

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

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

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

~~(e)~~f "Practitioner" means an individual:

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

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

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

(2) ~~An individual}~~A practitioner is guilty of a class B misdemeanor if the ~~individual}~~practitioner:

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

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

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(3) Subsection (2) does not apply to the extent that ~~an individual~~a practitioner:

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

(b) is prohibited from reporting by ~~HIPAA~~HIPAA.

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Legislative Review Note

~~Office of Legislative Research and General Counsel~~