

CONTROLLED SUBSTANCE AMENDMENTS

2021 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Raymond P. Ward

Senate Sponsor: Michael S. Kennedy

LONG TITLE

Committee Note:

The Health and Human Services Interim Committee recommended this bill.

Legislative Vote: 16 voting for 0 voting against 1 absent

General Description:

This bill modifies the Utah Controlled Substances Act.

Highlighted Provisions:

This bill:

- removes an exception to the 7-day limit on prescriptions for certain controlled substances after a surgery ~~H~~ → [;] ; and

- requires a practitioner to check the controlled substance database and consult with other practitioners when issuing a long-term prescription for an opiate or a benzodiazepine under certain circumstances. ←~~H~~

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

58-37-6, as last amended by Laws of Utah 2020, Chapter 81

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

Section 1. Section **58-37-6** is amended to read:

58-37-6. License to manufacture, produce, distribute, dispense, administer, or



338 (v) A court shall award reasonable attorney fees and costs to the prevailing party in an
339 action brought by the division to collect a penalty.

340 (b) Any person who knowingly and intentionally violates Subsections (7)(h) through (j)
341 or Subsection (10) is:

342 (i) upon first conviction, guilty of a class B misdemeanor;

343 (ii) upon second conviction, guilty of a class A misdemeanor; and

344 (iii) on third or subsequent conviction, guilty of a third degree felony.

345 (c) Any person who knowingly and intentionally violates Subsections (7)(k) through
346 (o) shall upon conviction be guilty of a third degree felony.

347 (9) Any information communicated to any licensed practitioner in an attempt to
348 unlawfully procure, or to procure the administration of, a controlled substance is not considered
349 to be a privileged communication.

350 (10) A person holding a valid license under this chapter who is engaged in medical
351 research may produce, possess, administer, prescribe, or dispense a controlled substance for
352 research purposes as licensed under Subsection (2) but may not otherwise prescribe or dispense
353 a controlled substance listed in Section 58-37-4.2.

353a **H→ (11) (a) As used in this Subsection (11):**

353b **(i) "High risk prescription" means a prescription for an opiate or a benzodiazepine that**
353c **is written to continue for longer than 30 consecutive days.**

353d **(ii) "Database" means the controlled substance database created in Section 58-37f-201.**

353e **(b) A practitioner who issues a high risk prescription to a patient shall, before issuing**
353f **the high risk prescription to the patient, verify in the database that the patient does not have a**
353g **high risk prescription from a different practitioner that is currently active.**

353h **(c) If the database shows that the patient has received a high risk prescription that is**
353i **currently active from a different practitioner, the practitioner may not issue a high risk**
353j **prescription to the patient unless the practitioner:**

353k **(i) contacts and consults with each practitioner who issued a high risk prescription that**
353l **is currently active to the patient;**

353m **(ii) documents in the patient's medical record that the practitioner made contact with**
353n **each practitioner in accordance with Subsection (11)(c)(i); and**

353o **(iii) documents in the patient's medical record the reason why the practitioner believes**
353p **that the patient needs multiple high risk prescriptions from different practitioners.**

353q **(d) A practitioner shall satisfy the requirement described in Subsection (11)(c) in a**
353r **timely manner, which may be after the practitioner issues the high risk prescription to**

353s ~~the~~ the patient.

353t ~~Failure to comply with the requirements in this Subsection (11) is unprofessional~~

353u conduct.] ←~~Failure to comply with the requirements in this Subsection (11) is unprofessional~~ ←~~Failure to comply with the requirements in this Subsection (11) is unprofessional~~