

Senator Evan J. Vickers proposes the following substitute bill:

PHARMACEUTICAL AMENDMENTS

2023 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Evan J. Vickers

House Sponsor: Steve Eliason

LONG TITLE

General Description:

This bill addresses certain prescription drugs.

Highlighted Provisions:

This bill:

- ▶ defines terms;
- ▶ prohibits a health insurer from taking certain actions with respect to a clinician-administered drug; and
- ▶ authorizes a physician to issue orders regarding methadone under certain circumstances.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

ENACTS:

31A-22-658, Utah Code Annotated 1953

58-37-23, Utah Code Annotated 1953



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

27 Section 1. Section **31A-22-658** is enacted to read:

28 **31A-22-658. Provider administered drugs.**

29 (1) As used in this section:

30 (a) "Clinician-administered drug" means an outpatient prescription drug as defined in
31 Section [58-17b-102](#) that:

32 (i) cannot reasonably be self-administered by the patient to whom the drug is
33 prescribed or by an individual assisting the patient with self-administration;

34 (ii) is typically administered:

35 (A) by a health care provider; and

36 (B) in a physician's office or a health care facility as defined in Section [26-21-2](#); and

37 (iii) is not a vaccine.

38 (b) "Health insurer" means a person who offers health care insurance, including a
39 health maintenance organization as defined in Section [31A-8-101](#).

40 (2) A health insurer may not require ~~§~~ [:

41 ~~(a) a clinician-administered drug dispensed by a third-party pharmacy selected by the~~
42 ~~health insurer to be delivered to a health care entity that is a network provider that is able to~~
43 ~~provide the clinician-administered drug; or~~

44 ~~(b)] ~~←~~ a pharmacy to dispense a clinician-administered drug directly to an enrollee with~~
45 ~~the intention that the enrollee will transport the drug to a health care provider for administering.~~

46 ~~←~~ [(3) Subsection (2)(a) does not apply if the health insurer has offered a network provider
47 ~~that is administering a clinician-administered prescription drug the ability to participate on the~~
48 ~~same terms and conditions that the health insurer offers to other similarly situated network~~
49 ~~providers.] ←~~ ←

50 Section 2. Section **58-37-23** is enacted to read:

51 **58-37-23. Methadone orders authorized.**

52 (1) As used in this section:

53 (a) "Emergency medical order" means a medical order as defined in Section
54 [58-17b-102](#) for up to a 72-hour supply of methadone.

55 (b) "General acute hospital" means the same as that term is defined in Section [26-21-2](#).

56 (c) "Qualified pharmacy" means a pharmacy that is located on the premises of a general

57 acute hospital that is licensed as a:

58 (i) class A pharmacy as defined in Section 58-17b-102; or

59 (ii) class B pharmacy as defined in Section 58-17b-102.

60 (d) "Qualified practitioner" means a practitioner who:

61 (i) is registered with the United States Drug Enforcement Administration to issue an
62 emergency medical order; and

63 (ii) is working at a general acute hospital.

64 (2) A qualified practitioner may issue an emergency medical order to a qualified
65 pharmacy to dispense up to a 72-hour supply of methadone on behalf of the qualified
66 practitioner:

67 (a) to relieve acute withdrawal symptoms while the qualified practitioner makes
68 arrangements to refer the patient for substance use disorder treatment; and

69 (b) in accordance with 21 C.F.R. Sec. 1306.07 and applicable regulation or guidance
70 issued by the United States Drug Enforcement Administration regarding an emergency medical
71 order.