

Representative Stewart E. Barlow proposes the following substitute bill:

PUBLIC HEALTH ORDERS AMENDMENTS

2024 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Stewart E. Barlow

Senate Sponsor: Evan J. Vickers

LONG TITLE

General Description:

This bill amends provisions related to prescriptions issued within the public health system.

Highlighted Provisions:

This bill:

- ▶ removes the requirement that the physician who writes and signs a prescription for a prescription drug, other than a controlled substance, approve a written health department protocol governing prescriptions issued within the public health system; and

- ▶ grants authority to the medical director of a local health department to approve a written health department protocol under which prescriptions may be issued within the public health system, which is in addition to the same existing authority granted to the medical director of the Department of Health and Human Services.

Money Appropriated in this Bill:

None

Other Special Clauses:

This bill provides a coordination clause.

Utah Code Sections Affected:



26 AMENDS:

27 **58-17b-620**, as last amended by Laws of Utah 2023, Chapter 328

28 **Utah Code Sections Affected By Coordination Clause:**

29 **58-17b-620**, as last amended by Laws of Utah 2023, Chapter 328

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

32 *The following section is affected by a coordination clause at the end of this bill.*

33 Section 1. Section **58-17b-620** is amended to read:

34 **58-17b-620. Prescriptions issued within the public health system.**

35 (1) As used in this section:

36 (a) "Department of Health and Human Services" means the Department of Health and
37 Human Services created in Section **26B-1-201**.

38 (b) "Health department" means either the Department of Health and Human Services or
39 a local health department.

40 (c) "Local health departments" mean the local health departments created in Title 26A,
41 Chapter 1, Local Health Departments.

42 (2) When it is necessary to treat a reportable disease or non-emergency condition that
43 has a direct impact on public health, a health department may implement the prescription
44 procedure described in Subsection (3) for a prescription drug that is not a controlled substance
45 for use in:

46 (a) a clinic; or

47 (b) a remote or temporary off-site location, including a triage facility established in the
48 community, that provides:

49 (i) treatment for sexually transmitted infections;

50 (ii) fluoride treatment;

51 (iii) travel immunization;

52 (iv) preventative treatment for an individual with latent tuberculosis infection;

53 (v) preventative treatment for an individual at risk for an infectious disease that has a
54 direct impact on public health when the treatment is indicated to prevent the spread of disease
55 or to mitigate the seriousness of infection in the exposed individual; or

56 (vi) other treatment as defined by the Department of Health and Human Services by

57 rule made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

58 (3) In a circumstance described in Subsection (2), an individual with prescriptive
59 authority may write a prescription for each contact, as defined in Section 26B-7-201, of a
60 patient of the individual with prescriptive authority without a face-to-face exam, if:

61 (a) the individual with prescriptive authority is treating the patient for a reportable
62 disease or non-emergency condition having a direct impact on public health; and

63 (b) the contact's condition is the same as the patient of the individual with prescriptive
64 authority.

65 (4) The following prescription procedure shall be carried out in accordance with the
66 requirements of Subsection (5) and may be used only in the circumstances described under
67 Subsections (2) and (3):

68 (a) a physician writes and signs a prescription for a prescription drug, other than a
69 controlled substance, without the name and address of the patient and without the date the
70 prescription is provided to the patient; and

71 (b) the physician authorizes a registered nurse employed by the health department to
72 complete the prescription written under this Subsection (4) by inserting the patient's name and
73 address, and the date the prescription is provided to the patient, in accordance with:

74 (i) the physician's standing written orders; and

75 (ii) a written health department protocol approved by [~~the physician and~~] the medical
76 director of the local health department or the [state] medical director of the Department of
77 Health and Human Services.

78 (5) A physician assumes responsibility for all prescriptions issued under this section in
79 the physician's name.

80 (6) (a) All prescription forms to be used by a physician and health department in
81 accordance with this section shall be serially numbered according to a numbering system
82 assigned to that health department.

83 (b) All prescriptions issued shall contain all information required under this chapter
84 and rules adopted under this chapter.

85 (7) Notwithstanding Sections 58-17b-302 and 58-17b-309, a nurse who is employed by
86 a health department and licensed under Chapter 31b, Nurse Practice Act, may dispense a drug
87 to treat a sexually transmitted infection if the drug is:

- 88 (a) a prepackaged drug as defined in Section [58-17b-802](#);
- 89 (b) dispensed under a prescription authorized by this section;
- 90 (c) provided at a location that is described in Subsection (2)(a) or (b) and operated by
- 91 the health department;
- 92 (d) provided in accordance with a dispensing standard that is issued by a physician who
- 93 is employed by the health department; and
- 94 (e) if applicable, in accordance with requirements established by the division in
- 95 collaboration with the board under Subsection (8).
- 96 (8) The division may make rules in collaboration with the board and in accordance
- 97 with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, to establish specific
- 98 requirements regarding the dispensing of a drug under Subsection (7).

99 **Section 2. Effective date.**

100 This bill takes effect on May 1, 2024.

101 **Section 3. Coordinating H.B. 422 with S.B. 46.**

102 If H.B. 422, Public Health Orders Amendments, and S.B. 46, Health and Human

103 Services Amendments, both pass and become law, the Legislature intends that, on May 1,

104 2024, the amendments to Section [58-17b-620](#) in H.B. 422 supersede the amendments to

105 Section [58-17b-620](#) in S.B. 46.