

CONTROLLED SUBSTANCES MODIFICATIONS

2019 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Jennifer Dailey-Provost

Senate Sponsor: _____

LONG TITLE

General Description:

This bill modifies the Utah Controlled Substances Act.

Highlighted Provisions:

This bill:

- ▶ modifies provisions of the Utah Controlled Substances Act relating to prescriptions;

and

- ▶ makes technical and conforming changes.

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 2018, Chapter 318

58-37f-502, as last amended by Laws of Utah 2010, Chapter 391 and renumbered and amended by Laws of Utah 2010, Chapter 287

58-37f-702, as last amended by Laws of Utah 2016, Chapters 99 and 104

58-37f-703, as last amended by Laws of Utah 2016, Chapter 99

63I-1-258, as last amended by Laws of Utah 2018, Third Special Session, Chapter 1



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

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

30 **58-37-6. License to manufacture, produce, distribute, dispense, administer, or**
 31 **conduct research -- Issuance by division -- Denial, suspension, or revocation -- Records**
 32 **required -- Prescriptions.**

33 (1) As used in this section, "child" means the same as that term is defined in Section
 34 78A-6-105.

35 ~~[(+)]~~ (2) (a) The division may adopt rules relating to the licensing and control of the
 36 manufacture, distribution, production, prescription, administration, dispensing, conducting of
 37 research with, and performing of laboratory analysis upon controlled substances within this
 38 state.

39 (b) The division may assess reasonable fees to defray the cost of issuing original and
 40 renewal licenses under this chapter pursuant to Section 63J-1-504.

41 ~~[(2)]~~ (3) (a) (i) Every person who manufactures, produces, distributes, prescribes,
 42 dispenses, administers, conducts research with, or performs laboratory analysis upon ~~[any]~~ a
 43 controlled substance in Schedules I through V within this state, or who proposes to engage in
 44 manufacturing, producing, distributing, prescribing, dispensing, administering, conducting
 45 research with, or performing laboratory analysis upon a controlled ~~[substances included]~~
 46 substance in Schedules I through V within this state shall obtain a license issued by the
 47 division.

48 (ii) The division shall issue each license under this chapter in accordance with a
 49 two-year renewal cycle established by rule. The division may by rule extend or shorten a
 50 renewal period by as much as one year to stagger the renewal cycles ~~[it]~~ the division
 51 administers.

52 (b) ~~[Persons]~~ A person licensed to manufacture, produce, distribute, prescribe,
 53 dispense, administer, conduct research with, or perform laboratory analysis upon a controlled
 54 ~~[substances]~~ substance in Schedules I through V within this state may possess, manufacture,
 55 produce, distribute, prescribe, dispense, administer, conduct research with, or perform
 56 laboratory analysis upon ~~[those substances]~~ the controlled substance to the extent authorized by
 57 ~~[their]~~ the person's license and in conformity with this chapter.

58 (c) ~~[The following persons are]~~ A person described in this Subsection (3)(c) is not

59 required to obtain a license and may lawfully possess a controlled [~~substances included~~]
60 substance in Schedules II through V under this section:

61 (i) an agent or employee, except a sales representative, of [~~any~~] a registered
62 manufacturer, distributor, or dispenser of [~~any~~] a controlled substance, if the agent or employee
63 is acting in the usual course of the person's business or employment; [~~however, nothing in this~~
64 ~~subsection shall be interpreted to permit an agent, employee, sales representative, or detail man~~
65 ~~to maintain an inventory of controlled substances separate from the location of the person's~~
66 ~~employer's registered and licensed place of business;~~]

67 (ii) a motor carrier or warehouseman, or an employee of a motor carrier or
68 warehouseman, who possesses [~~any~~] a controlled substance in the usual course of the person's
69 business or employment; [~~and~~] or

70 (iii) an ultimate user, or [~~any~~] a person who possesses [~~any~~] a controlled substance
71 pursuant to a lawful order of a practitioner.

72 (d) Subsection (3)(c)(i) does not permit an agent, employee, sales representative, or
73 detail man to maintain an inventory of a controlled substance separate from the location of the
74 person's employer's registered and licensed place of business.

75 [~~(d)~~] (e) The division may enact rules waiving the license requirement for certain
76 manufacturers, producers, distributors, prescribers, dispensers, administrators, research
77 practitioners, or laboratories performing analysis if consistent with the public health and safety.

78 [~~(e)~~] (f) A separate license is required at each principal place of business or
79 professional practice where the applicant manufactures, produces, distributes, dispenses,
80 conducts research with, or performs laboratory analysis upon a controlled [~~substances~~]
81 substance.

82 [~~(f)~~] (g) The division may enact rules providing for the inspection of a [~~licensee~~]
83 licensee's or applicant's establishment, and may inspect the establishment according to [~~those~~]
84 the division's rules.

85 [~~(3)~~] (4) (a) (i) Upon proper application, the division shall license a qualified applicant
86 to manufacture, produce, distribute, conduct research with, or perform laboratory analysis upon
87 a controlled [~~substances included~~] substance in Schedules I through V, unless [~~it~~] the division
88 determines that issuance of a license is inconsistent with the public interest.

89 (ii) The division may not issue a license to [~~any~~] a person to prescribe, dispense, or

90 administer a Schedule I controlled substance except under Subsection ~~[(3)]~~ (4)(a)(i).

91 (iii) In determining public interest under this Subsection ~~[(3)]~~ (4)(a), the division shall
92 consider whether ~~[or not]~~ the applicant has:

93 (A) maintained effective controls against diversion of controlled substances and any
94 Schedule I or II substance compounded from ~~[any]~~ a controlled substance into other than
95 legitimate medical, scientific, or industrial channels;

96 (B) complied with applicable state and local law;

97 (C) been convicted under a federal or state ~~[laws]~~ law relating to the manufacture,
98 distribution, or dispensing of ~~[substances]~~ a substance;

99 (D) past experience in the manufacture of controlled dangerous substances;

100 (E) established effective controls against diversion; and

101 (F) complied with ~~[any]~~ other factors that the division ~~[establishes that]~~ has established
102 to promote the public health and safety.

103 (b) ~~[Licenses]~~ A license granted under Subsection ~~[(3)]~~ (4)(a) ~~[do]~~ does not entitle a
104 licensee to manufacture, produce, distribute, conduct research with, or perform laboratory
105 analysis upon a controlled ~~[substances]~~ substance in Schedule I other than ~~[those]~~ the
106 controlled substances specified in the license.

107 (c) (i) ~~[Practitioners]~~ A practitioner shall be licensed to administer, dispense, or
108 conduct research with substances in Schedules II through V if ~~[they are]~~ the practitioner is
109 authorized to administer, dispense, or conduct research under the laws of this state.

110 (ii) The division need not require a separate license for ~~[practitioners]~~ a practitioner
111 engaging in research with nonnarcotic controlled substances in Schedules II through V ~~[where]~~
112 if the licensee is already licensed under this chapter in another capacity.

113 (iii) With respect to research involving narcotic substances in Schedules II through V,
114 or ~~[where]~~ when the division by rule requires a separate license for research of nonnarcotic
115 substances in Schedules II through V, a practitioner shall apply to the division prior to
116 conducting research.

117 (iv) Licensing for purposes of bona fide research with controlled substances by a
118 practitioner considered qualified may be denied only on a ground specified in Subsection ~~[(4)]~~
119 (5), or upon evidence that the applicant will abuse or unlawfully transfer or fail to safeguard
120 adequately the practitioner's supply of substances against diversion from medical or scientific

121 use.

122 (v) [~~Practitioners~~] A practitioner registered under federal law to conduct research in
123 Schedule I substances may conduct research in Schedule I substances within this state upon
124 furnishing the division evidence of federal registration.

125 (d) Compliance by [~~manufacturers, producers, and distributors with the provisions of~~] a
126 manufacturer, producer, or distributor with federal law respecting registration, excluding fees,
127 entitles [~~them~~] the manufacturer, producer, or distributor to be licensed under this chapter.

128 (e) The division shall initially license [~~those persons who own or operate~~] a person
129 who owns or operates an establishment engaged in the manufacture, production, distribution,
130 dispensation, or administration of controlled substances prior to April 3, 1980, and who are
131 licensed by the state.

132 [~~(4)~~] (5) (a) [~~Any license pursuant to Subsection (2) or (3)~~] A license described in
133 Subsection (3) or (4) may be denied, suspended, placed on probation, or revoked by the
134 division upon finding that the applicant or licensee has:

135 (i) materially falsified [~~any~~] an application filed or required pursuant to this chapter;

136 (ii) been convicted of an offense under this chapter or [~~any~~] a law of the United States,
137 or any state, relating to [~~any~~] a substance defined as a controlled substance;

138 (iii) been convicted of a felony under any other law of the United States or any state
139 within five years of the date of the issuance of the license;

140 (iv) had a federal registration or license denied, suspended, or revoked by competent
141 federal authority and is no longer authorized to manufacture, distribute, prescribe, or dispense
142 controlled substances;

143 (v) had the licensee's license suspended or revoked by competent authority of another
144 state for violation of laws or regulations comparable to those of this state relating to the
145 manufacture, distribution, or dispensing of controlled substances;

146 (vi) violated [~~any~~] a division rule that reflects adversely on the licensee's reliability and
147 integrity with respect to controlled substances;

148 (vii) refused inspection of records required to be maintained under this chapter by a
149 person authorized to inspect [~~them~~] the records; or

150 (viii) prescribed, dispensed, administered, or injected an anabolic steroid for the
151 purpose of manipulating human hormonal structure so as to:

152 (A) increase muscle mass, strength, or weight without medical necessity and without a
153 written prescription by [~~any~~] a practitioner in the course of the practitioner's professional
154 practice; or

155 (B) improve performance in any form of human exercise, sport, or game.

156 (b) The division may limit revocation or suspension of a license to a particular
157 controlled substance with respect to which grounds for revocation or suspension exist.

158 (c) (i) Proceedings to deny, revoke, or suspend a license shall be conducted pursuant to
159 this section and in accordance with [~~the procedures set forth in~~] Title 58, Chapter 1, Division of
160 Occupational and Professional Licensing Act, and conducted in conjunction with the
161 appropriate representative committee designated by the director of the department.

162 (ii) Nothing in this Subsection [~~(4)~~] (5)(c) gives the [~~Division of Occupational and~~
163 ~~Professional Licensing~~] division exclusive authority in proceedings to deny, revoke, or suspend
164 [~~licenses~~] a license, except [~~where~~] when the division is designated by law to perform those
165 functions, or, when not designated by law, is designated by the executive director of the
166 [~~Department of Commerce~~] department to conduct the proceedings.

167 (d) (i) The division may suspend [~~any~~] a license simultaneously with the institution of
168 proceedings under this section if [~~it~~] the division finds there is an imminent danger to the
169 public health or safety.

170 (ii) Suspension shall continue in effect until the conclusion of proceedings, including
171 judicial review, unless withdrawn by the division or dissolved by a court of competent
172 jurisdiction.

173 (e) (i) If a license is suspended or revoked under this Subsection [~~(4)~~] (5), all controlled
174 substances owned or possessed by the licensee may be placed under seal in the discretion of the
175 division.

176 (ii) Disposition may not be made of substances under seal until the time for taking an
177 appeal has lapsed, or until all appeals have been concluded, unless a court, upon application,
178 orders the sale of perishable substances and the proceeds deposited with the court.

179 (iii) If a revocation order becomes final, all controlled substances shall be forfeited.

180 (f) The division shall notify promptly the Drug Enforcement Administration of all
181 orders suspending or revoking a license and all forfeitures of controlled substances.

182 (g) If an individual's Drug Enforcement Administration registration is denied, revoked,

183 surrendered, or suspended, the division shall immediately suspend the individual's controlled
184 substance license, which shall only be reinstated by the division upon reinstatement of the
185 federal registration, unless the division has taken further administrative action under
186 Subsection ~~[(4)]~~ (5)(a)(iv), which would be grounds for the continued denial of the controlled
187 substance license.

188 ~~[(5)]~~ (6) (a) ~~[Persons]~~ A person licensed under Subsection ~~[(2) or]~~ (3) or (4) shall
189 maintain records and inventories in conformance with the record keeping and inventory
190 requirements of federal and state law and any additional rules issued by the division.

191 (b) (i) Every physician, dentist, naturopathic physician, veterinarian, practitioner, or
192 other person who is authorized to administer or professionally use a controlled substance shall
193 keep a record of the drugs received by him and a record of all drugs administered, dispensed, or
194 professionally used by him otherwise than by a prescription.

195 (ii) A person using small quantities or solutions or other preparations of those drugs for
196 local application has complied with this Subsection ~~[(5)]~~ (6)(b) if the person keeps a record of
197 the quantity, character, and potency of those solutions or preparations purchased or prepared by
198 ~~[him]~~ the person, and of the dates when purchased or prepared.

199 ~~[(6)]~~ (7) ~~[Controlled substances]~~ A controlled substance in Schedules I through V may
200 be distributed only by a licensee and ~~[pursuant to]~~ in accordance with an order form prepared in
201 compliance with division rules or a lawful order under the rules and regulations of the United
202 States.

203 ~~[(7)]~~ (8) (a) A person may not write or authorize a prescription for a controlled
204 substance unless the person is:

205 (i) a practitioner authorized to prescribe drugs and medicine under the laws of this state
206 or under the laws of another state having similar standards; and

207 (ii) licensed under this chapter or under the laws of another state having similar
208 standards.

209 (b) A person other than a pharmacist licensed under the laws of this state, or the
210 pharmacist's licensed intern, as required by Sections 58-17b-303 and 58-17b-304, may not
211 dispense a controlled substance.

212 (c) (i) A controlled substance may not be dispensed without the written prescription of
213 a practitioner, if the written prescription is required by the federal Controlled Substances Act.

214 (ii) ~~[That]~~ A written prescription under Subsection (8)(c)(i) shall be made in
215 accordance with Subsection ~~[(7)]~~ (8)(a) and in conformity with Subsection ~~[(7)]~~ (8)(d).

216 (iii) In emergency situations, as defined by division rule, controlled substances may be
217 dispensed upon oral prescription of a practitioner, if reduced promptly to writing on forms
218 designated by the division and filed by the pharmacy.

219 (iv) Prescriptions reduced to writing by a pharmacist shall be in conformity with
220 Subsection ~~[(7)]~~ (8)(d).

221 (d) Except for emergency situations designated by the division, a person may not issue,
222 fill, compound, or dispense a prescription for a controlled substance unless the prescription is
223 signed by the prescriber in ink or indelible pencil or is signed with an electronic signature of
224 the prescriber as authorized by division rule, and contains the following information:

225 (i) the name, address, and registry number of the prescriber;

226 (ii) the name, address, and age of the person to whom or for whom the prescription is
227 issued;

228 (iii) the date of issuance of the prescription; and

229 (iv) the name, quantity, and specific directions for use by the ultimate user of the
230 controlled substance.

231 (e) A prescription may not be written, issued, filled, or dispensed for a Schedule I
232 controlled substance unless:

233 (i) the person who writes the prescription is licensed under Subsection ~~[(2)]~~ (3); and

234 (ii) the prescribed controlled substance is to be used in research.

235 (f) Except when administered directly to an ultimate user by a licensed practitioner,
236 controlled substances are subject to the restrictions of this Subsection ~~[(7)]~~ (8)(f).

237 (i) A prescription for a Schedule II substance may not be refilled.

238 (ii) A Schedule II controlled substance may not be filled in a quantity to exceed a
239 one-month's supply, as directed on the daily dosage rate of the ~~[prescriptions]~~ prescription.

240 (iii) (A) Except as provided in Subsection ~~[(7)]~~ (8)(f)(iii)(B), a prescription for a
241 Schedule II or Schedule III controlled substance that is an opiate and that is issued for an acute
242 condition shall be completely or partially filled in a quantity not to exceed a seven-day supply
243 as directed on the daily dosage rate of the prescription.

244 (B) Subsection ~~[(7)]~~ (8)(f)(iii)(A) does not apply to a prescription issued for a surgery

245 when the practitioner [~~determined~~] determines that a quantity exceeding seven days is needed,
246 in which case the practitioner may prescribe up to a [~~30-day~~] 14-day supply[~~, with a partial fill~~
247 ~~at the discretion of the practitioner~~].

248 (C) Subsection [~~(7)~~] (8)(f)(iii)(A) does not apply to [~~prescriptions~~] a prescription issued
249 for a complex or chronic [~~conditions which are~~] condition that is documented as being complex
250 or chronic in the medical record.

251 (D) A pharmacist is not required to verify that a prescription is in compliance with
252 Subsection [~~(7)~~] (8)(f)(iii).

253 (iv) A prescription for a Schedule III or IV controlled substance may not be:

254 (A) filled [~~only within~~] later than six months after the day of issuance[~~, and may not~~
255 ~~be~~];

256 (B) refilled [~~more than~~] later than six months after the date of [~~its~~] the prescription's
257 original issuance; or [~~be~~]

258 (C) refilled more than five times after the date of the prescription unless renewed by
259 the practitioner.

260 (v) [~~All other~~] A prescription for a controlled [~~substances~~] substance in Schedule V
261 may be refilled as the prescriber's prescription directs, but [~~they~~] the prescription may not be
262 refilled later than one year after the date the prescription was issued unless renewed by the
263 practitioner.

264 (vi) [~~Any~~] A prescription for a Schedule II substance may not be dispensed if [~~it~~] the
265 prescription is not presented to a pharmacist for dispensing by a pharmacist or a pharmacy
266 intern within 30 days after the date the prescription was issued, or 30 days after the dispensing
267 date, if that date is specified separately from the date of issue.

268 (vii) A practitioner may issue more than one prescription at the same time for the same
269 Schedule II controlled substance, but only under the following conditions:

270 (A) no more than three prescriptions for the same Schedule II controlled substance may
271 be issued at the same time;

272 (B) no one prescription may exceed a 30-day supply; and

273 (C) a second or third prescription shall include the date of issuance and the date for
274 dispensing.

275 (g) An order for a controlled substance in Schedules II through V for use by an

276 inpatient or an outpatient of a licensed hospital is exempt from all requirements of this
277 Subsection ~~[(7)]~~ (8) if the order is:

278 (i) issued or made by a:

279 (A) prescribing practitioner who holds an unrestricted registration with the federal
280 Drug Enforcement Administration~~[-]~~ and an active Utah controlled substance license in good
281 standing issued by the division under this section~~[-]~~; or [a]

282 (B) medical resident who is exempted from licensure under Subsection 58-1-307(1)(c);

283 (ii) authorized by the prescribing practitioner treating the patient and the prescribing
284 practitioner designates the quantity ordered;

285 (iii) entered upon the record of the patient, the record is signed by the prescriber
286 affirming the prescriber's authorization of the order within 48 hours after filling or
287 administering the order, and the patient's record reflects the quantity actually administered; and

288 (iv) filled and dispensed by a pharmacist practicing the pharmacist's profession within
289 the physical structure of the hospital, or the order is taken from a supply lawfully maintained by
290 the hospital and the amount taken from the supply is administered directly to the patient
291 authorized to receive [it] the controlled substance.

292 (h) (i) As used in this Subsection (8)(h), "emergency" means any physical condition
293 requiring the administration of a controlled substance for immediate relief of pain or suffering.

294 (ii) A practitioner licensed under this chapter may not prescribe, administer, or
295 dispense a controlled substance to a child, without first obtaining the consent required in
296 Section 78B-3-406 of a parent, guardian, or person standing in loco parentis of the child except
297 in cases of an emergency. [~~For purposes of this Subsection (7)(h), "child" has the same~~
298 ~~meaning as defined in Section 78A-6-105, and "emergency" means any physical condition~~
299 ~~requiring the administration of a controlled substance for immediate relief of pain or suffering.~~]

300 (i) A practitioner licensed under this chapter may not prescribe or administer dosages
301 of a controlled substance in excess of medically recognized quantities necessary to treat the
302 ailment, malady, or condition of the ultimate user.

303 (j) A practitioner licensed under this chapter may not prescribe, administer, or dispense
304 [any] a controlled substance to another person knowing that the other person is using a false
305 name, address, or other personal information for the purpose of securing the controlled
306 substance.

307 (k) A person who is licensed under this chapter to manufacture, distribute, or dispense
308 a controlled substance may not manufacture, distribute, or dispense a controlled substance to
309 another licensee or any other ~~[authorized]~~ person not authorized by ~~[this]~~ the person's license.

310 (l) A person licensed under this chapter may not omit, remove, alter, or obliterate a
311 symbol required by this chapter or by a rule issued under this chapter.

312 (m) A person licensed under this chapter may not refuse or fail to make, keep, or
313 furnish any record notification, order form, statement, invoice, or information required under
314 this chapter.

315 (n) A person licensed under this chapter may not refuse entry into ~~[any premises]~~ a
316 premise for inspection as authorized by this chapter.

317 (o) A person licensed under this chapter may not furnish false or fraudulent material
318 information in ~~[any]~~ an application, report, or other document required to be kept by this
319 chapter or willfully make ~~[any]~~ a false statement in ~~[any]~~ a prescription, order, report, or record
320 required by this chapter.

321 ~~[(8)]~~ (9) (a) (i) ~~[Any]~~ A person licensed under this chapter who is found by the division
322 to have violated ~~[any of the provisions]~~ a provision of Subsections ~~[(7)]~~ (8)(k) through (o) or
323 Subsection ~~[(10)]~~ (11) is subject to a penalty not to exceed \$5,000. The division shall
324 determine the procedure for adjudication of ~~[any violations]~~ a violation in accordance with
325 Sections [58-1-106](#) and [58-1-108](#).

326 (ii) The division shall deposit all penalties collected under Subsection ~~[(8)]~~ (9)(a)(i) in
327 the General Fund as a dedicated credit to be used by the division under Subsection
328 [58-37f-502\(1\)](#).

329 (iii) The director may collect a penalty that is not paid by:

330 (A) referring the matter to a collection agency; or

331 (B) bringing an action in the district court of the county where the person against
332 whom the penalty is imposed resides or in the county where the office of the director is located.

333 (iv) A county attorney or the attorney general of the state shall provide legal assistance
334 and advice to the director in an action to collect a penalty.

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

337 (b) ~~[Any]~~ A person who knowingly and intentionally violates a provision of

338 Subsections ~~[(7)]~~ (8)(h) through (j) or Subsection ~~[(10)]~~ (11) is:

- 339 (i) upon first conviction, guilty of a class B misdemeanor;
- 340 (ii) upon second conviction, guilty of a class A misdemeanor; and
- 341 (iii) on third or subsequent conviction, guilty of a third degree felony.

342 (c) ~~[Any]~~ A person who knowingly and intentionally violates Subsections ~~[(7)]~~ (8)(k)
343 through (o) ~~[shall upon conviction be]~~ is guilty of a third degree felony.

344 ~~[(9)]~~ (10) Any information communicated to ~~[any]~~ a licensed practitioner in an attempt
345 to unlawfully procure, or to procure the administration of, a controlled substance is not
346 considered to be a privileged communication.

347 ~~[(10)]~~ (11) A person holding a valid license under this chapter who is engaged in
348 medical research may produce, possess, administer, prescribe, or dispense a controlled
349 substance for research purposes as licensed under Subsection ~~[(2)]~~ (3) but may not otherwise
350 prescribe or dispense a controlled substance listed in Section 58-37-4.2.

351 Section 2. Section 58-37f-502 is amended to read:

352 **58-37f-502. Use of dedicated credits -- Controlled Substance Database --**
353 **Collection of penalties.**

354 (1) The director may use the money deposited in the General Fund as a dedicated credit
355 under Subsections 58-37-6~~[(8)]~~(9)(a), 58-37f-601(3)(d), and 58-37f-602(2) for the following
356 purposes:

- 357 (a) maintenance and replacement of the database equipment, including hardware and
358 software;
- 359 (b) training of staff; and
- 360 (c) pursuit of external grants and matching funds.

361 (2) The director of the division may collect any penalty imposed under Subsections
362 58-37-6~~[(8)]~~(9)(a), 58-37f-601(3)(d), and 58-37f-602(2) and which is not paid by:

- 363 (a) referring the matter to the Office of State Debt Collection or a collection agency; or
- 364 (b) bringing an action in the district court of the county in which the person owing the
365 debt resides or in the county where the office of the director is located.

366 (3) The director may seek legal assistance from the attorney general or the county or
367 district attorney of the district in which the action is brought to collect the fine.

368 (4) The court shall award reasonable attorney fees and costs to the division for

369 successful collection actions under Subsection (2)(b).

370 Section 3. Section **58-37f-702** is amended to read:

371 **58-37f-702. Reporting prescribed controlled substance poisoning or overdose to a**
372 **practitioner.**

373 (1) The division shall take the actions described in Subsection (2) if the division
374 receives a report from:

375 (a) a medical examiner under Section **26-4-10.5** regarding a death caused by poisoning
376 or overdose involving a prescribed controlled substance; or

377 (b) a general acute hospital under Section **26-21-26** regarding admission to a general
378 acute hospital for poisoning or overdose involving a prescribed controlled substance.

379 (2) The division shall, within three business days after the day on which a report in
380 Subsection (1) is received:

381 (a) attempt to identify, through the database, each practitioner who may have
382 prescribed the controlled substance to the patient; and

383 (b) provide each practitioner identified under Subsection (2)(a) with:

384 (i) a copy of the report provided by the medical examiner under Section **26-4-10.5** or
385 the general acute hospital under Section **26-21-26**; and

386 (ii) the information obtained from the database that led the division to determine that
387 the practitioner receiving the information may have prescribed the controlled substance to the
388 person named in the report.

389 (3) It is the intent of the Legislature that the information provided under Subsection
390 (2)(b) is provided for the purpose of assisting the practitioner in:

391 (a) discussing with the patient or others issues relating to the poisoning or overdose;

392 (b) advising the patient or others of measures that may be taken to avoid a future
393 poisoning or overdose; and

394 (c) making decisions regarding future prescriptions written for the patient or others.

395 (4) Beginning on July 1, 2010, the division shall, in accordance with Section
396 **63J-1-504**, increase the licensing fee described in Subsection **58-37-6**~~(1)~~**(2)(b)** to pay the
397 startup and ongoing costs of the division for complying with the requirements of this section.

398 Section 4. Section **58-37f-703** is amended to read:

399 **58-37f-703. Entering certain convictions into the database and reporting them to**

400 **practitioners.**

401 (1) When the division receives a report from a court under Subsection 41-6a-502(4) or
402 41-6a-502.5(5)(b) relating to a conviction for driving under the influence of, or while impaired
403 by, a prescribed controlled substance, the division shall:

404 (a) daily enter into the database the information supplied in the report, including the
405 date on which the person was convicted;

406 (b) attempt to identify, through the database, each practitioner who may have
407 prescribed the controlled substance to the convicted person; and

408 (c) provide each practitioner identified under Subsection (1)(b) with:

409 (i) a copy of the information provided by the court; and

410 (ii) the information obtained from the database that led the division to determine that
411 the practitioner receiving the information may have prescribed the controlled substance to the
412 convicted person.

413 (2) It is the intent of the Legislature that the information provided under Subsection
414 (1)(b) is provided for the purpose of assisting the practitioner in:

415 (a) discussing the manner in which the controlled substance may impact the convicted
416 person's driving;

417 (b) advising the convicted person on measures that may be taken to avoid adverse
418 impacts of the controlled substance on future driving; and

419 (c) making decisions regarding future prescriptions written for the convicted person.

420 (3) Beginning on July 1, 2010, the division shall, in accordance with Section
421 63J-1-504, increase the licensing fee described in Subsection 58-37-6~~(1)~~(2)(b) to pay the
422 startup and ongoing costs of the division for complying with the requirements of this section.

423 Section 5. Section **63I-1-258** is amended to read:

424 **63I-1-258. Repeal dates, Title 58.**

425 (1) Title 58, Chapter 13, Health Care Providers Immunity from Liability Act, is
426 repealed July 1, 2026.

427 (2) Title 58, Chapter 15, Health Facility Administrator Act, is repealed July 1, 2025.

428 (3) Title 58, Chapter 20b, Environmental Health Scientist Act, is repealed July 1, 2028.

429 (4) Section 58-37-4.3 is repealed January 1, 2020.

430 (5) Subsection 58-37-6~~(7)~~(8)(f)(iii) is repealed July 1, 2022, and the Office of

431 Legislative Research and General Counsel is authorized to renumber the remaining subsections
432 accordingly.

433 (6) Title 58, Chapter 40, Recreational Therapy Practice Act, is repealed July 1, 2023.

434 (7) Title 58, Chapter 41, Speech-Language Pathology and Audiology Licensing Act, is
435 repealed July 1, 2019.

436 (8) Title 58, Chapter 42a, Occupational Therapy Practice Act, is repealed July 1, 2025.

437 (9) Title 58, Chapter 46a, Hearing Instrument Specialist Licensing Act, is repealed July
438 1, 2023.

439 (10) Title 58, Chapter 47b, Massage Therapy Practice Act, is repealed July 1, 2024.

440 (11) Title 58, Chapter 61, Part 7, Behavior Analyst Licensing Act, is repealed July 1,
441 2026.

442 (12) Title 58, Chapter 72, Acupuncture Licensing Act, is repealed July 1, 2027.

443 (13) Title 58, Chapter 86, State Certification of Commercial Interior Designers Act, is
444 repealed July 1, 2021.

445 (14) The following sections are repealed on July 1, 2019:

446 (a) Section [58-5a-502](#);

447 (b) Section [58-31b-502.5](#);

448 (c) Section [58-67-502.5](#);

449 (d) Section [58-68-502.5](#); and

450 (e) Section [58-69-502.5](#).