

**CONTROLLED SUBSTANCE REPORTING**

2016 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Raymond P. Ward**

Senate Sponsor: Evan J. Vickers

**LONG TITLE**

**General Description:**

This bill amends the Utah Health Code, the Utah Controlled Substances Act, and the Controlled Substance Database Act.

**Highlighted Provisions:**

This bill:

- ▶ amends the requirement for a general acute hospital to report to the Division of Occupational and Professional Licensing admissions for poisoning or overdose involving a prescribed controlled substance;
- ▶ requires courts to report to the division certain violations of the Utah Controlled Substances Act;
- ▶ amends the purposes of the division's controlled substance database;
- ▶ requires the division to enter into the database information it receives in reports by hospitals concerning persons admitted for poisoning involving a prescribed controlled substance; and
- ▶ requires the division to enter into the database information it receives in reports by courts concerning persons convicted for:
  - driving under the influence of a prescribed controlled substance that renders the person incapable of safely operating a vehicle;
  - driving while impaired, in whole or in part, by a prescribed controlled substance; or
  - certain violations of the Utah Controlled Substances Act.

**Money Appropriated in this Bill:**

30 None

31 **Other Special Clauses:**

32 This bill coordinates with H.B. 149, Reporting Death Involving Controlled Substance  
33 Amendments, by providing substantive amendments.

34 **Utah Code Sections Affected:**

35 AMENDS:

36 **26-21-26**, as enacted by Laws of Utah 2010, Chapter 290

37 **58-37-8**, as last amended by Laws of Utah 2015, Chapters 165 and 412

38 **58-37f-201**, as enacted by Laws of Utah 2010, Chapter 287

39 **58-37f-702**, as enacted by Laws of Utah 2010, Chapter 290 and renumbered and  
40 amended by Coordination Clause, Laws of Utah 2010, Chapter 290

41 **58-37f-703**, as enacted by Laws of Utah 2010, Chapter 109 and renumbered and  
42 amended by Coordination Clause, Laws of Utah 2010, Chapter 109

43 ENACTS:

44 **58-37f-704**, Utah Code Annotated 1953

45 **Utah Code Sections Affected by Coordination Clause:**

46 **58-37f-702**, as enacted by Laws of Utah 2010, Chapter 290 and renumbered and  
47 amended by Coordination Clause, Laws of Utah 2010, Chapter 290



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

50 Section 1. Section **26-21-26** is amended to read:

51 **26-21-26. General acute hospital to report prescribed controlled substance**  
52 **poisoning or overdose.**

53 (1) [~~Beginning on July 1, 2012, if~~] If a person who is 12 years of age or older is  
54 admitted to a general acute hospital for poisoning or overdose involving a prescribed controlled  
55 substance, the general acute hospital shall, within three business days after the day on which  
56 the person is admitted, send a written report to the Division of Occupational and Professional  
57 Licensing, created in Section **58-1-103**, that includes:

- 58 (a) the patient's name and date of birth;
- 59 (b) each drug or other substance found in the person's system that may have
- 60 contributed to the poisoning or overdose, if known; [~~and~~]
- 61 (c) the name of each person who the general acute hospital has reason to believe may
- 62 have prescribed a controlled substance described in Subsection (1)(b) to the person, if
- 63 known[~~;~~]; and
- 64 (d) the name of the hospital and the date of admission.

65 (2) Nothing in this section may be construed as creating a new cause of action.

66 Section 2. Section **58-37-8** is amended to read:

67 **58-37-8. Prohibited acts -- Penalties.**

68 (1) Prohibited acts A -- Penalties and reporting:

69 (a) Except as authorized by this chapter, it is unlawful for any person to knowingly and

70 intentionally:

71 (i) produce, manufacture, or dispense, or to possess with intent to produce,

72 manufacture, or dispense, a controlled or counterfeit substance;

73 (ii) distribute a controlled or counterfeit substance, or to agree, consent, offer, or

74 arrange to distribute a controlled or counterfeit substance;

75 (iii) possess a controlled or counterfeit substance with intent to distribute; or

76 (iv) engage in a continuing criminal enterprise where:

77 (A) the person participates, directs, or engages in conduct [~~which~~] that results in any

78 violation of any provision of Title 58, Chapters 37, Utah Controlled Substances Act, 37a, Utah

79 Drug Paraphernalia Act, 37b, Imitation Controlled Substances Act, 37c, Utah Controlled

80 Substance Precursor Act, or 37d, Clandestine Drug Lab Act, that is a felony; and

81 (B) the violation is a part of a continuing series of two or more violations of Title 58,

82 Chapters 37, Utah Controlled Substances Act, 37a, Utah Drug Paraphernalia Act, 37b,

83 Imitation Controlled Substances Act, 37c, Utah Controlled Substance Precursor Act, or 37d,

84 Clandestine Drug Lab Act, on separate occasions that are undertaken in concert with five or

85 more persons with respect to whom the person occupies a position of organizer, supervisor, or

86 any other position of management.

87 (b) Any person convicted of violating Subsection (1)(a) with respect to:

88 (i) a substance or a counterfeit of a substance classified in Schedule I or II, a controlled  
89 substance analog, or gammahydroxybutyric acid as listed in Schedule III is guilty of a second  
90 degree felony, punishable by imprisonment for not more than 15 years, and upon a second or  
91 subsequent conviction is guilty of a first degree felony;

92 (ii) a substance or a counterfeit of a substance classified in Schedule III or IV, or  
93 marijuana, or a substance listed in Section 58-37-4.2 is guilty of a third degree felony, and  
94 upon a second or subsequent conviction is guilty of a second degree felony; or

95 (iii) a substance or a counterfeit of a substance classified in Schedule V is guilty of a  
96 class A misdemeanor and upon a second or subsequent conviction is guilty of a third degree  
97 felony.

98 (c) Any person who has been convicted of a violation of Subsection (1)(a)(ii) or (iii)  
99 may be sentenced to imprisonment for an indeterminate term as provided by law, but if the trier  
100 of fact finds a firearm as defined in Section 76-10-501 was used, carried, or possessed on his  
101 person or in his immediate possession during the commission or in furtherance of the offense,  
102 the court shall additionally sentence the person convicted for a term of one year to run  
103 consecutively and not concurrently; and the court may additionally sentence the person  
104 convicted for an indeterminate term not to exceed five years to run consecutively and not  
105 concurrently.

106 (d) Any person convicted of violating Subsection (1)(a)(iv) is guilty of a first degree  
107 felony punishable by imprisonment for an indeterminate term of not less than seven years and  
108 which may be for life. Imposition or execution of the sentence may not be suspended, and the  
109 person is not eligible for probation.

110 (e) The Administrative Office of the Courts shall report to the Division of  
111 Occupational and Professional Licensing the name, case number, date of conviction, and if  
112 known, the date of birth of each person convicted of violating Subsection (2)(a).

113 (2) Prohibited acts B -- Penalties and reporting:

- 114 (a) It is unlawful:
- 115 (i) for any person knowingly and intentionally to possess or use a controlled substance  
116 analog or a controlled substance, unless it was obtained under a valid prescription or order,  
117 directly from a practitioner while acting in the course of the person's professional practice, or as  
118 otherwise authorized by this chapter;
- 119 (ii) for any owner, tenant, licensee, or person in control of any building, room,  
120 tenement, vehicle, boat, aircraft, or other place knowingly and intentionally to permit them to  
121 be occupied by persons unlawfully possessing, using, or distributing controlled substances in  
122 any of those locations; or
- 123 (iii) for any person knowingly and intentionally to possess an altered or forged  
124 prescription or written order for a controlled substance.
- 125 (b) Any person convicted of violating Subsection (2)(a)(i) with respect to:
- 126 (i) marijuana, if the amount is 100 pounds or more, is guilty of a second degree felony;  
127 or
- 128 (ii) a substance classified in Schedule I or II, or a controlled substance analog, is guilty  
129 of a class A misdemeanor on a first or second conviction, and on a third or subsequent  
130 conviction is guilty of a third degree felony.
- 131 (c) Upon a person's conviction of a violation of this Subsection (2) subsequent to a  
132 conviction under Subsection (1)(a), that person shall be sentenced to a one degree greater  
133 penalty than provided in this Subsection (2).
- 134 (d) Any person who violates Subsection (2)(a)(i) with respect to all other controlled  
135 substances not included in Subsection (2)(b)(i) or (ii), including a substance listed in Section  
136 58-37-4.2, or marijuana, is guilty of a class B misdemeanor. Upon a third conviction the  
137 person is guilty of a class A misdemeanor, and upon a fourth or subsequent conviction the  
138 person is guilty of a third degree felony.
- 139 (e) Any person convicted of violating Subsection (2)(a)(i) while inside the exterior  
140 boundaries of property occupied by any correctional facility as defined in Section 64-13-1 or  
141 any public jail or other place of confinement shall be sentenced to a penalty one degree greater

142 than provided in Subsection (2)(b), and if the conviction is with respect to controlled  
143 substances as listed in:

144 (i) Subsection (2)(b), the person may be sentenced to imprisonment for an  
145 indeterminate term as provided by law, and:

146 (A) the court shall additionally sentence the person convicted to a term of one year to  
147 run consecutively and not concurrently; and

148 (B) the court may additionally sentence the person convicted for an indeterminate term  
149 not to exceed five years to run consecutively and not concurrently; and

150 (ii) Subsection (2)(d), the person may be sentenced to imprisonment for an  
151 indeterminate term as provided by law, and the court shall additionally sentence the person  
152 convicted to a term of six months to run consecutively and not concurrently.

153 (f) Any person convicted of violating Subsection (2)(a)(ii) or(iii) is:

154 (i) on a first conviction, guilty of a class B misdemeanor;

155 (ii) on a second conviction, guilty of a class A misdemeanor; and

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

157 (g) A person is subject to the penalties under Subsection (2)(h) who, in an offense not  
158 amounting to a violation of Section [76-5-207](#):

159 (i) violates Subsection (2)(a)(i) by knowingly and intentionally having in the person's  
160 body any measurable amount of a controlled substance; and

161 (ii) operates a motor vehicle as defined in Section [76-5-207](#) in a negligent manner,  
162 causing serious bodily injury as defined in Section [76-1-601](#) or the death of another.

163 (h) A person who violates Subsection (2)(g) by having in the person's body:

164 (i) a controlled substance classified under Schedule I, other than those described in  
165 Subsection (2)(h)(ii), or a controlled substance classified under Schedule II is guilty of a second  
166 degree felony;

167 (ii) marijuana, tetrahydrocannabinols, or equivalents described in Subsection  
168 [58-37-4\(2\)\(a\)\(iii\)\(S\)](#) or (AA), or a substance listed in Section [58-37-4.2](#) is guilty of a third  
169 degree felony; or

170 (iii) any controlled substance classified under Schedules III, IV, or V is guilty of a class  
171 A misdemeanor.

172 (i) A person is guilty of a separate offense for each victim suffering serious bodily  
173 injury or death as a result of the person's negligent driving in violation of Subsection  
174 [58-37-8\(2\)\(g\)](#) whether or not the injuries arise from the same episode of driving.

175 (j) The Administrative Office of the Courts shall report to the Division of Occupational  
176 and Professional Licensing the name, case number, date of conviction, and if known, the date  
177 of birth of each person convicted of violating Subsection (2)(a).

178 (3) Prohibited acts C -- Penalties:

179 (a) It is unlawful for any person knowingly and intentionally:

180 (i) to use in the course of the manufacture or distribution of a controlled substance a  
181 license number which is fictitious, revoked, suspended, or issued to another person or, for the  
182 purpose of obtaining a controlled substance, to assume the title of, or represent oneself to be, a  
183 manufacturer, wholesaler, apothecary, physician, dentist, veterinarian, or other authorized  
184 person;

185 (ii) to acquire or obtain possession of, to procure or attempt to procure the  
186 administration of, to obtain a prescription for, to prescribe or dispense to any person known to  
187 be attempting to acquire or obtain possession of, or to procure the administration of any  
188 controlled substance by misrepresentation or failure by the person to disclose receiving any  
189 controlled substance from another source, fraud, forgery, deception, subterfuge, alteration of a  
190 prescription or written order for a controlled substance, or the use of a false name or address;

191 (iii) to make any false or forged prescription or written order for a controlled substance,  
192 or to utter the same, or to alter any prescription or written order issued or written under the  
193 terms of this chapter; or

194 (iv) to make, distribute, or possess any punch, die, plate, stone, or other thing designed  
195 to print, imprint, or reproduce the trademark, trade name, or other identifying mark, imprint, or  
196 device of another or any likeness of any of the foregoing upon any drug or container or labeling  
197 so as to render any drug a counterfeit controlled substance.

198 (b) (i) A first or second conviction under Subsection (3)(a)(i), (ii), or (iii) is a class A  
199 misdemeanor.

200 (ii) A third or subsequent conviction under Subsection (3)(a)(i), (ii), or (iii) is a third  
201 degree felony.

202 (c) A violation of Subsection (3)(a)(iv) is a third degree felony.

203 (4) Prohibited acts D -- Penalties:

204 (a) Notwithstanding other provisions of this section, a person not authorized under this  
205 chapter who commits any act that is unlawful under Subsection (1)(a), Section 58-37a-5, or  
206 Section 58-37b-4 is upon conviction subject to the penalties and classifications under this  
207 Subsection (4) if the trier of fact finds the act is committed:

208 (i) in a public or private elementary or secondary school or on the grounds of any of  
209 those schools during the hours of 6 a.m. through 10 p.m.;

210 (ii) in a public or private vocational school or postsecondary institution or on the  
211 grounds of any of those schools or institutions during the hours of 6 a.m. through 10 p.m.;

212 (iii) in or on the grounds of a preschool or child-care facility during the preschool's or  
213 facility's hours of operation;

214 (iv) in a public park, amusement park, arcade, or recreation center when the public or  
215 amusement park, arcade, or recreation center is open to the public;

216 (v) in or on the grounds of a house of worship as defined in Section 76-10-501;

217 (vi) in or on the grounds of a library when the library is open to the public;

218 (vii) within any area that is within 100 feet of any structure, facility, or grounds  
219 included in Subsections (4)(a)(i), (ii), (iii), (iv), (v), and (vi);

220 (viii) in the presence of a person younger than 18 years of age, regardless of where the  
221 act occurs; or

222 (ix) for the purpose of facilitating, arranging, or causing the transport, delivery, or  
223 distribution of a substance in violation of this section to an inmate or on the grounds of any  
224 correctional facility as defined in Section 76-8-311.3.

225 (b) (i) A person convicted under this Subsection (4) is guilty of a first degree felony



226 and shall be imprisoned for a term of not less than five years if the penalty that would  
227 otherwise have been established but for this Subsection (4) would have been a first degree  
228 felony.

229 (ii) Imposition or execution of the sentence may not be suspended, and the person is  
230 not eligible for probation.

231 (c) If the classification that would otherwise have been established would have been  
232 less than a first degree felony but for this Subsection (4), a person convicted under this  
233 Subsection (4) is guilty of one degree more than the maximum penalty prescribed for that  
234 offense. This Subsection (4)(c) does not apply to a violation of Subsection (2)(g).

235 (d) (i) If the violation is of Subsection (4)(a)(ix):

236 (A) the person may be sentenced to imprisonment for an indeterminate term as  
237 provided by law, and the court shall additionally sentence the person convicted for a term of  
238 one year to run consecutively and not concurrently; and

239 (B) the court may additionally sentence the person convicted for an indeterminate term  
240 not to exceed five years to run consecutively and not concurrently; and

241 (ii) the penalties under this Subsection (4)(d) apply also to any person who, acting with  
242 the mental state required for the commission of an offense, directly or indirectly solicits,  
243 requests, commands, coerces, encourages, or intentionally aids another person to commit a  
244 violation of Subsection (4)(a)(ix).

245 (e) It is not a defense to a prosecution under this Subsection (4) that the actor  
246 mistakenly believed the individual to be 18 years of age or older at the time of the offense or  
247 was unaware of the individual's true age; nor that the actor mistakenly believed that the  
248 location where the act occurred was not as described in Subsection (4)(a) or was unaware that  
249 the location where the act occurred was as described in Subsection (4)(a).

250 (5) Any violation of this chapter for which no penalty is specified is a class B  
251 misdemeanor.

252 (6) (a) For purposes of penalty enhancement under Subsections (1) and (2), a plea of  
253 guilty or no contest to a violation or attempted violation of this section or a plea which is held

254 in abeyance under Title 77, Chapter 2a, Pleas in Abeyance, is the equivalent of a conviction,  
255 even if the charge has been subsequently reduced or dismissed in accordance with the plea in  
256 abeyance agreement.

257 (b) A prior conviction used for a penalty enhancement under Subsection (2) shall be a  
258 conviction that is:

259 (i) from a separate criminal episode than the current charge; and

260 (ii) from a conviction that is separate from any other conviction used to enhance the  
261 current charge.

262 (7) A person may be charged and sentenced for a violation of this section,  
263 notwithstanding a charge and sentence for a violation of any other section of this chapter.

264 (8) (a) Any penalty imposed for violation of this section is in addition to, and not in  
265 lieu of, any civil or administrative penalty or sanction authorized by law.

266 (b) Where violation of this chapter violates a federal law or the law of another state,  
267 conviction or acquittal under federal law or the law of another state for the same act is a bar to  
268 prosecution in this state.

269 (9) In any prosecution for a violation of this chapter, evidence or proof which shows a  
270 person or persons produced, manufactured, possessed, distributed, or dispensed a controlled  
271 substance or substances, is prima facie evidence that the person or persons did so with  
272 knowledge of the character of the substance or substances.

273 (10) This section does not prohibit a veterinarian, in good faith and in the course of the  
274 veterinarian's professional practice only and not for humans, from prescribing, dispensing, or  
275 administering controlled substances or from causing the substances to be administered by an  
276 assistant or orderly under the veterinarian's direction and supervision.

277 (11) Civil or criminal liability may not be imposed under this section on:

278 (a) any person registered under this chapter who manufactures, distributes, or possesses  
279 an imitation controlled substance for use as a placebo or investigational new drug by a  
280 registered practitioner in the ordinary course of professional practice or research; or

281 (b) any law enforcement officer acting in the course and legitimate scope of the

282 officer's employment.

283 (12) (a) Civil or criminal liability may not be imposed under this section on any Indian,  
284 as defined in Subsection 58-37-2(1)(v), who uses, possesses, or transports peyote for bona fide  
285 traditional ceremonial purposes in connection with the practice of a traditional Indian religion  
286 as defined in Subsection 58-37-2(1)(w).

287 (b) In a prosecution alleging violation of this section regarding peyote as defined in  
288 Subsection 58-37-4(2)(a)(iii)(V), it is an affirmative defense that the peyote was used,  
289 possessed, or transported by an Indian for bona fide traditional ceremonial purposes in  
290 connection with the practice of a traditional Indian religion.

291 (c) (i) The defendant shall provide written notice of intent to claim an affirmative  
292 defense under this Subsection (12) as soon as practicable, but not later than 10 days prior to  
293 trial.

294 (ii) The notice shall include the specific claims of the affirmative defense.

295 (iii) The court may waive the notice requirement in the interest of justice for good  
296 cause shown, if the prosecutor is not unfairly prejudiced by the lack of timely notice.

297 (d) The defendant shall establish the affirmative defense under this Subsection (12) by  
298 a preponderance of the evidence. If the defense is established, it is a complete defense to the  
299 charges.

300 (13) (a) It is an affirmative defense that the person produced, possessed, or  
301 administered a controlled substance listed in Section 58-37-4.2 if the person:

302 (i) was engaged in medical research; and

303 (ii) was a holder of a valid license to possess controlled substances under Section  
304 58-37-6.

305 (b) It is not a defense under Subsection (13)(a) that the person prescribed or dispensed  
306 a controlled substance listed in Section 58-37-4.2.

307 (14) It is an affirmative defense that the person possessed, in the person's body, a  
308 controlled substance listed in Section 58-37-4.2 if:

309 (a) the person was the subject of medical research conducted by a holder of a valid

310 license to possess controlled substances under Section 58-37-6; and

311 (b) the substance was administered to the person by the medical researcher.

312 (15) The application of any increase in penalty under this section to a violation of  
313 Subsection (2)(a)(i) may not result in any greater penalty than a second degree felony. This  
314 Subsection (15) takes precedence over any conflicting provision of this section.

315 (16) (a) It is an affirmative defense to an allegation of the commission of an offense  
316 listed in Subsection (16)(b) that the person:

317 (i) reasonably believes that the person or another person is experiencing an overdose  
318 event due to the ingestion, injection, inhalation, or other introduction into the human body of a  
319 controlled substance or other substance;

320 (ii) reports in good faith the overdose event to a medical provider, an emergency  
321 medical service provider as defined in Section 26-8a-102, a law enforcement officer, a 911  
322 emergency call system, or an emergency dispatch system, or the person is the subject of a  
323 report made under this Subsection (16);

324 (iii) provides in the report under Subsection (16)(a)(ii) a functional description of the  
325 actual location of the overdose event that facilitates responding to the person experiencing the  
326 overdose event;

327 (iv) remains at the location of the person experiencing the overdose event until a  
328 responding law enforcement officer or emergency medical service provider arrives, or remains  
329 at the medical care facility where the person experiencing an overdose event is located until a  
330 responding law enforcement officer arrives;

331 (v) cooperates with the responding medical provider, emergency medical service  
332 provider, and law enforcement officer, including providing information regarding the person  
333 experiencing the overdose event and any substances the person may have injected, inhaled, or  
334 otherwise introduced into the person's body; and

335 (vi) is alleged to have committed the offense in the same course of events from which  
336 the reported overdose arose.

337 (b) The offenses referred to in Subsection (16)(a) are:

338 (i) the possession or use of less than 16 ounces of marijuana;  
339 (ii) the possession or use of a scheduled or listed controlled substance other than  
340 marijuana; and

341 (iii) any violation of Chapter 37a, Utah Drug Paraphernalia Act, or Chapter 37b,  
342 Imitation Controlled Substances Act.

343 (c) As used in this Subsection (16) and in Section 76-3-203.11, "good faith" does not  
344 include seeking medical assistance under this section during the course of a law enforcement  
345 agency's execution of a search warrant, execution of an arrest warrant, or other lawful search.

346 (17) If any provision of this chapter, or the application of any provision to any person  
347 or circumstances, is held invalid, the remainder of this chapter shall be given effect without the  
348 invalid provision or application.

349 (18) A legislative body of a political subdivision may not enact an ordinance that is  
350 less restrictive than any provision of this chapter.

351 (19) (a) If a minor who is under 18 years of age is found by a court to have violated this  
352 section and the violation is the minor's first violation of this section, the court may:

353 (i) order the minor to complete a screening as defined in Section 41-6a-501;  
354 (ii) order the minor to complete an assessment as defined in Section 41-6a-501 if the  
355 screening indicates an assessment to be appropriate; and

356 (iii) order the minor to complete an educational series as defined in Section 41-6a-501  
357 or substance abuse treatment as indicated by an assessment.

358 (b) If a minor who is under 18 years of age is found by a court to have violated this  
359 section and the violation is the minor's second or subsequent violation of this section, the court  
360 shall:

361 (i) order the minor to complete a screening as defined in Section 41-6a-501;  
362 (ii) order the minor to complete an assessment as defined in Section 41-6a-501 if the  
363 screening indicates an assessment to be appropriate; and

364 (iii) order the minor to complete an educational series as defined in Section 41-6a-501  
365 or substance abuse treatment as indicated by an assessment.

366 Section 3. Section **58-37f-201** is amended to read:

367 **58-37f-201. Controlled substance database -- Creation -- Purpose.**

368 (1) There is created within the division a controlled substance database.

369 (2) The division shall administer and direct the functioning of the database in  
370 accordance with this chapter.

371 (3) The division may, under state procurement laws, contract with another state agency  
372 or a private entity to establish, operate, or maintain the database.

373 (4) The division shall, in collaboration with the board, determine whether to operate  
374 the database within the division or contract with another entity to operate the database, based  
375 on an analysis of costs and benefits.

376 (5) The purpose of the database is to contain:

377 (a) the data described in Section [58-37f-203](#) regarding every prescription for a  
378 controlled substance dispensed in the state to any individual other than an inpatient in a  
379 licensed health care facility[-];

380 (b) data reported to the division under Section [26-21-26](#) regarding poisoning or  
381 overdose;

382 (c) data reported to the division under Subsection [41-6a-502\(4\)](#) or [41-6a-502.5\(5\)\(b\)](#)  
383 regarding convictions for driving under the influence of a prescribed controlled substance or  
384 impaired driving; and

385 (d) data reported to the division under Subsection [58-37-8\(1\)\(e\)](#) or [58-37-8\(2\)\(j\)](#)  
386 regarding certain violations of the Utah Controlled Substances Act.

387 (6) The division shall maintain the database in an electronic file or by other means  
388 established by the division to facilitate use of the database for identification of:

389 (a) prescribing practices and patterns of prescribing and dispensing controlled  
390 substances;

391 (b) practitioners prescribing controlled substances in an unprofessional or unlawful  
392 manner;

393 (c) individuals receiving prescriptions for controlled substances from licensed

394 practitioners, and who subsequently obtain dispensed controlled substances from a drug outlet  
395 in quantities or with a frequency inconsistent with generally recognized standards of dosage for  
396 that controlled substance; ~~and~~

397 (d) individuals presenting forged or otherwise false or altered prescriptions for  
398 controlled substances to a pharmacy[-];

399 (e) individuals admitted to a general acute hospital for poisoning or overdose involving  
400 a prescribed controlled substance; and

401 (f) individuals convicted for:

402 (i) driving under the influence of a prescribed controlled substance that renders the  
403 individual incapable of safely operating a vehicle;

404 (ii) driving while impaired, in whole or in part, by a prescribed controlled substance; or

405 (iii) certain violations of the Utah Controlled Substances Act.

406 Section 4. Section **58-37f-702** is amended to read:

407 **58-37f-702. Entering prescribed controlled substance poisonings and overdoses**  
408 **into the database and reporting them to practitioners.**

409 (1) [~~Beginning on July 1, 2012, if the division~~] When the database receives a report  
410 from a general acute hospital under Section **26-21-26**, regarding admission to a general acute  
411 hospital for poisoning or overdose involving a prescribed controlled substance, the division  
412 shall, within three business days after the day on which the report is received:

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

415 (b) provide each practitioner identified under Subsection (1)(a) with:

416 (i) a copy of the report provided by the general acute hospital under Section **26-21-26**;  
417 and

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

421 (2) It is the intent of the Legislature that the information provided under Subsection

422 (1)(b) is provided for the purpose of assisting the practitioner in:

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

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

426 (c) making decisions regarding future prescriptions written for the patient.

427 (3) Beginning on July 1, 2010, the division shall, in accordance with Section  
428 63J-1-504, increase the licensing fee described in Subsection 58-37-6(1)(b) to pay the startup  
429 and ongoing costs of the division for complying with the requirements of this section.

430 Section 5. Section 58-37f-703 is amended to read:

431 **58-37f-703. Entering certain convictions into the database and reporting them to**  
432 **practitioners.**

433 (1) [~~Beginning on July 1, 2012, if~~] When the division receives a report from a court  
434 under Subsection 41-6a-502(4) or 41-6a-502.5(5)(b) relating to a conviction for driving under  
435 the influence of, or while impaired by, a prescribed controlled substance, the division shall:

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

438 [~~(a)~~] (b) attempt to identify, through the database, each practitioner who may have  
439 prescribed the controlled substance to the convicted person; and

440 [~~(b)~~] (c) provide each practitioner identified under Subsection (1)[~~(a)~~](b) with:

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

442 (ii) the information obtained from the database that led the division to determine that  
443 the practitioner receiving the information may have prescribed the controlled substance to the  
444 convicted person.

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

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

449 (b) advising the convicted person on measures that may be taken to avoid adverse



450 impacts of the controlled substance on future driving; and

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

452 (3) Beginning on July 1, 2010, the division shall, in accordance with Section

453 [63J-1-504](#), increase the licensing fee described in Subsection [58-37-6\(1\)\(b\)](#) to pay the startup

454 and ongoing costs of the division for complying with the requirements of this section.

455 Section 6. Section **58-37f-704** is enacted to read:

456 **58-37f-704. Entering certain convictions into the database.**

457 Beginning October 1, 2016, if the division receives a report from a court under

458 Subsection [58-37-8\(1\)\(e\)](#) or [58-37-8\(2\)\(j\)](#), the division shall daily enter into the database the

459 information supplied in the report.

460 Section 7. **Coordinating H.B. 114 with H.B. 149 -- Superseding technical and**  
461 **substantive amendments.**

462 If this H.B. 114 and H.B. 149, Reporting Death Involving Controlled Substance

463 Amendments, both pass and become law, it is the intent of the Legislature that the amendments

464 to Subsection [58-37f-702\(1\)](#) in H.B. 149 supersede the amendments to Subsection

465 [58-37f-702\(1\)](#) in this bill when the Office of Legislative Research and General Counsel

466 prepares the Utah Code database for publication.