

OPIOID DISPENSING REQUIREMENTS

2023 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Douglas R. Welton

Senate Sponsor: _____

LONG TITLE

General Description:

This bill creates certain requirements for the dispensing of opioids.

Highlighted Provisions:

This bill:

- ▶ requires a pharmacist who dispenses opioids to a patient to:
 - provide patient counseling on the use and availability of opioid antagonists; and
 - offer an opioid antagonist to the patient or the patient's representative for certain

opiate prescriptions; and

- ▶ requires a health care provider who prescribes opioids to include a prescription for an opioid antagonist under certain circumstances.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

58-37-7, as last amended by Laws of Utah 2018, Chapter 145

58-37-19, as enacted by Laws of Utah 2019, Chapter 130

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



28 Section 1. Section **58-37-7** is amended to read:

29 **58-37-7. Labeling and packaging controlled substance -- Informational pamphlet**
30 **for opiates - Naloxone education and offer to dispense.**

31 (1) A person licensed pursuant to this act may not distribute a controlled substance
32 unless it is packaged and labeled in compliance with the requirements of Section 305 of the
33 Federal Comprehensive Drug Abuse Prevention and Control Act of 1970.

34 (2) No person except a pharmacist for the purpose of filling a prescription shall alter,
35 deface, or remove any label affixed by the manufacturer.

36 (3) Whenever a pharmacist sells or dispenses any controlled substance on a
37 prescription issued by a practitioner, the pharmacist shall affix to the container in which the
38 substance is sold or dispensed:

39 (a) a label showing the:

40 (i) pharmacy name and address;

41 (ii) serial number; and

42 (iii) date of initial filling;

43 (b) the prescription number, the name of the patient, or if the patient is an animal, the
44 name of the owner of the animal and the species of the animal;

45 (c) the name of the practitioner by whom the prescription was written;

46 (d) any directions stated on the prescription; and

47 (e) any directions required by rules and regulations promulgated by the department.

48 (4) Whenever a pharmacist sells or dispenses a Schedule II or Schedule III controlled
49 substance that is an opiate, a pharmacist shall:

50 (a) affix a warning to the container or the lid for the container in which the substance is
51 sold or dispensed that contains the following text:

52 ~~[(a)]~~ (i) "Caution: Opioid. Risk of overdose and addiction"; or

53 ~~[(b)]~~ (ii) any other language that is approved by the Department of Health~~[-]~~ and

54 Human Services;

55 (b) provide counseling to the patient or the patient's representative on the use and
56 availability of an opioid antagonist as defined in Section [26-55-102](#); and

57 (c) offer to dispense an opioid antagonist as defined in Section [26-55-102](#) to the patient
58 or the patient's representative, under a prescription from a practitioner or under Section

59 [26-55-105](#), if the patient:

60 (i) receives a single prescription for 50 morphine milligram equivalents calculated in
61 accordance with guidelines developed by the United States Centers for Disease Control and
62 Prevention;

63 (ii) is being dispensed an opioid and the patient has been prescribed a benzodiazepine
64 in the previous 30 day period; or

65 (iii) is being dispensed a benzodiazepine and the patient has been prescribed an opioid
66 in the previous 30 day period.

67 (5) (a) A pharmacist who sells or dispenses a Schedule II or Schedule III controlled
68 substance that is an opiate shall, if available from the Department of Health and Human
69 Services, prominently display at the point of sale the informational pamphlet developed by the
70 Department of Health and Human Services under Section [26-55-109](#).

71 (b) The board and the Department of Health and Human Services shall encourage
72 pharmacists to use the informational pamphlet to engage in patient counseling regarding the
73 risks associated with taking opiates.

74 (c) The requirement in Subsection (5)(a) does not apply to a pharmacist if the
75 pharmacist is unable to obtain the informational pamphlet from the Department of Health and
76 Human Services for any reason.

77 (6) A person may not alter the face or remove any label so long as any of the original
78 contents remain.

79 (7) (a) An individual to whom or for whose use any controlled substance has been
80 prescribed, sold, or dispensed by a practitioner and the owner of any animal for which any
81 controlled substance has been prescribed, sold, or dispensed by a veterinarian may lawfully
82 possess it only in the container in which it was delivered to the individual by the person selling
83 or dispensing it.

84 (b) It is a defense to a prosecution under this subsection that the person being
85 prosecuted produces in court a valid prescription for the controlled substance or the original
86 container with the label attached.

87 Section 2. Section **58-37-19** is amended to read:

88 **58-37-19. Opiate prescription consultation -- Prescription for opioid antagonist**
89 **required.**

90 (1) As used in this section:

91 [~~(a) "Hospice" means the same as that term is defined in Section 26-21-2.~~]

92 [~~(b)~~] (a) "Initial opiate prescription" means a prescription for an opiate to a patient
93 who:

94 (i) has never previously been issued a prescription for an opiate; or

95 (ii) was previously issued a prescription for an opiate, but the date on which the current
96 prescription is being issued is more than one year after the date on which an opiate was
97 previously prescribed or administered to the patient.

98 (b) "Opioid antagonist" means the same as that term is defined in Section 26-55-102.

99 (c) "Prescriber" means an individual authorized to prescribe a controlled substance
100 under this chapter.

101 (2) Except as provided in Subsection (3), a prescriber may not issue an initial opiate
102 prescription without discussing with the patient, or the patient's parent or guardian if the patient
103 is under 18 years of age and is not an emancipated minor:

104 (a) the risks of addiction and overdose associated with opiate drugs;

105 (b) the dangers of taking opiates with alcohol, benzodiazepines, and other central
106 nervous system depressants;

107 (c) the reasons why the prescription is necessary;

108 (d) alternative treatments that may be available; and

109 (e) other risks associated with the use of the drugs being prescribed.

110 (3) [~~This section~~] Subsection (2) does not apply to a prescription for:

111 (a) a patient who is currently in active treatment for cancer;

112 (b) a patient who is receiving hospice care from a licensed hospice as defined in
113 Section 26-21-2; or

114 (c) a medication that is being prescribed to a patient for the treatment of the patient's
115 substance abuse or opiate dependence.

116 (4) (a) Except when administered directly to an ultimate user by a licensed practitioner,
117 a prescriber shall prescribe an opioid antagonist to a patient if the patient receives an initial
118 opiate prescription for:

119 (i) 50 morphine milligram equivalents calculated in accordance with guidelines
120 developed by the United States Centers for Disease Control and Prevention; or

121 (ii) any opiate if the practitioner is also prescribing a benzodiazepine to the patient.
122 (b) This Subsection (4) does not require a patient to purchase or obtain an opioid
123 antagonist as a condition of receiving the patient's initial opiate prescription.