OPIOID DISPENSING REQUIREMENTS

2023 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Douglas R. Welton

Senate Sponsor: Jen Plumb

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;
- requires a health care provider who prescribes opioids to include a prescription for an opioid antagonist under certain circumstances; and
- implements these requirements on January 1, 2024.

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:

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

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

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

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

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

(a) a label showing the:

(i) pharmacy name and address;

(ii) serial number; and

(iii) date of initial filling;

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

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

(d) any directions stated on the prescription; and

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

(4) Whenever a [~~pharmacist~~] pharmacy sells or dispenses a Schedule II or Schedule III controlled substance that is an opiate, [~~a pharmacist~~] the pharmacy shall:

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

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

[~~(b)~~] (ii) any other language that is approved by the Department of Health[~~.~~] and Human Services;

(b) beginning January 1, 2024:

(i) offer to counsel the patient or the patient's representative on the use and availability of an opioid antagonist as defined in Section 26-55-102; and

(ii) offer to dispense an opioid antagonist as defined in Section 26-55-102 to the patient or the patient's representative, under a prescription from a practitioner or under Section 26-55-105, if the patient:

(A) receives a single prescription for 50 morphine milligram equivalents or more per day, calculated in accordance with guidelines developed by the United States Centers for Disease Control and Prevention;

(B) is being dispensed an opioid and the pharmacy dispensed a benzodiazepine to the patient in the previous 30 day period; or

(C) is being dispensed a benzodiazepine and the pharmacy dispensed an opioid to the patient in the previous 30 day period.

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

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

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

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

(7) (a) An individual to whom or for whose use any controlled substance has been prescribed, sold, or dispensed by a practitioner and the owner of any animal for which any

controlled substance has been prescribed, sold, or dispensed by a veterinarian may lawfully possess it only in the container in which it was delivered to the individual by the person selling or dispensing it.

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

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

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

(1) As used in this section:

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

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

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

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

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

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

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

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

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

(c) the reasons why the prescription is necessary;

(d) alternative treatments that may be available; and

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

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

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

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

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

(4) (a) Beginning January 1, 2024, a prescriber shall offer to prescribe or dispense an opioid antagonist to a patient if the patient receives an initial opiate prescription for:

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

(ii) any opiate if the practitioner is also prescribing a benzodiazepine to the patient.

(b) Subsection (4)(a) does not apply if the initial opiate prescription:

(i) is administered directly to an ultimate user by a licensed practitioner; or

(ii) is for a three-day supply or less.

(c) This Subsection (4) does not require a patient to purchase or obtain an opioid antagonist as a condition of receiving the patient's initial opiate prescription.