

1                                   **DRUG DIVERSION REPORTING REQUIREMENTS**

2   2019 GENERAL SESSION

3   STATE OF UTAH

4   **Chief Sponsor: Steve Eliason**

5   Senate Sponsor: Curtis S. Bramble

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7   **LONG TITLE**

8   **General Description:**

9           This bill relates to the duty to report drug diversion.

10 **Highlighted Provisions:**

11           This bill:

- 12           ▶ defines terms; and
- 13           ▶ makes it a class B misdemeanor to knowingly fail to report known or suspected
- 14 drug diversion to law enforcement, unless reporting would violate HIPAA.

15 **Money Appropriated in this Bill:**

16           None

17 **Other Special Clauses:**

18           None

19 **Utah Code Sections Affected:**

20 ENACTS:

21           **76-10-2203**, Utah Code Annotated 1953

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

24           Section 1. Section **76-10-2203** is enacted to read:

25           **76-10-2203. Duty to report drug diversion.**

26           (1) As used in this section:

27           (a) "Diversion" means a practitioner's transfer of a significant amount of drugs to  
28 another for an unlawful purpose.

29           (b) "Drug" means a Schedule II or Schedule III controlled substance, as defined in

30 Section 58-37-4, that is an opiate.

31 (c) "HIPAA" means the same as that term is defined in Section 26-18-17.

32 (d) "Opiate" means the same as that term is defined in Section 58-37-2.

33 (e) "Practitioner" means an individual:

34 (i) licensed, registered, or otherwise authorized by the appropriate jurisdiction to  
35 administer, dispense, distribute, or prescribe a drug in the course of professional practice; or

36 (ii) employed by a person who is licensed, registered, or otherwise authorized by the  
37 appropriate jurisdiction to administer, dispense, distribute, or prescribe a drug in the course of  
38 professional practice or standard operations.

39 (f) "Significant amount" means an aggregate amount equal to, or more than, 500  
40 morphine milligram equivalents calculated in accordance with guidelines developed by the  
41 Centers for Disease Control and Prevention (CDC).

42 (2) An individual is guilty of a class B misdemeanor if the individual:

43 (a) knows that a practitioner is involved in diversion; and

44 (b) knowingly fails to report the diversion to a peace officer or law enforcement  
45 agency.

46 (3) Subsection (2) does not apply to the extent that an individual is prohibited from  
47 reporting by 42 C.F.R. Part 2 or HIPAA.