12-30-108. [Formerly 12-36-117.6.] Prescribing opioids - limitations - definition - repeal. (1) (a) A physician or physician assistant AN OPIOID PRESCRIBER shall not prescribe more than a seven-day supply of an opioid to a patient who has not had an opioid prescription in the last twelve months by that physician or physician assistant OPIOID PRESCRIBER, and may exercise discretion to include a second fill for a seven-day supply. The limits on initial prescribing do not apply if, in the judgment of the physician or physician assistant OPIOID PRESCRIBER, the patient:

(I) Has chronic pain that typically lasts longer than ninety days or past the time of normal healing, as determined by the physician or physician assistant HEALTH CARE PROFESSIONAL WITH PRESCRIPTIVE AUTHORITY, or following transfer of care from another physician or physician assistant OPIOID PRESCRIBER who prescribed an opioid to the patient;

(II) Has been diagnosed with cancer and is experiencing cancer-related pain;

(III) Is experiencing post-surgical pain that, because of the nature of the procedure, is expected to last more than fourteen days; or

(IV) Is undergoing palliative care or hospice care focused on providing the patient with relief from symptoms, pain, and stress resulting from a serious illness in order to improve quality of life.

(b) Prior to prescribing the second fill of any opioid prescription pursuant to this section, a physician or physician assistant AN OPIOID PRESCRIBER must comply with the requirements of section 12-42.5-404 (3.6) 12-280-404 (4). Failure to comply with section 12-42.5-404 (3.6) 12-280-404 (4) constitutes unprofessional conduct OR GROUNDS FOR DISCIPLINE, AS APPLICABLE, under section 12-36-117, 12-220-130, 12-240-121, 12-255-120, 12-275-120, 12-290-108, or 12-315-112, AS APPLICABLE TO THE PARTICULAR OPIOID PRESCRIBER, only if the physician or physician assistant OPIOID PRESCRIBER repeatedly fails to comply.

(2) A physician or physician assistant AN OPIOID PRESCRIBER licensed pursuant to this article 36 ARTICLE 220, 240, 255, 275, 290, OR 315 OF THIS TITLE 12 may prescribe opioids electronically.

(3) A violation of this section does not create a private right of action or serve as the basis of a cause of action. A violation of this section does not constitute negligence per se or contributory negligence per se and does not alone establish a standard of care. Compliance with this section does not alone establish an absolute defense to any alleged breach of the standard of care.

(4) AS USED IN THIS SECTION, "OPIOID PRESCRIBER" MEANS:
(a) A DENTIST LICENSED PURSUANT TO ARTICLE 220 OF THIS TITLE 12;
(b) A PHYSICIAN OR PHYSICIAN ASSISTANT LICENSED PURSUANT TO ARTICLE 240 OF THIS TITLE 12;
(c) AN ADVANCED PRACTICE NURSE WITH PRESCRIPTIVE AUTHORITY PURSUANT TO SECTION 12-255-112;
(d) AN OPTOMETRIST LICENSED PURSUANT TO ARTICLE 275 OF THIS TITLE 12;
(e) A PODIATRIST LICENSED PURSUANT TO ARTICLE 290 OF THIS TITLE 12; OR
(f) A VETERINARIAN LICENSED PURSUANT TO ARTICLE 315 OF THIS TITLE 12.

(4) (5) This section is repealed, effective September 1, 2021.

Note: We will modify the following sections in the dental, medical, nurse, optometrist, podiatrist, and veterinary practice acts to refer to this common provision:

12-32-107.5 (3) - podiatrists
12-35-114 (2) - dentists
12-36-117.6 - physicians & PAs
12-38-111.6 (7.5) - APNs
12-40-109.5 (4) - optometrists
12-64-127 - vets