

## HB0059S03 compared with HB0059

~~{deleted text}~~ shows text that was in HB0059 but was deleted in HB0059S03.

inserted text shows text that was not in HB0059 but was inserted into HB0059S03.

**DISCLAIMER:** This document is provided to assist you in your comparison of the two bills. Sometimes this automated comparison will NOT be completely accurate. Therefore, you need to read the actual bills. This automatically generated document could contain inaccuracies caused by: limitations of the compare program; bad input data; or other causes.

Senator Don L. Ipson proposes the following substitute bill:

### FIRST RESPONDER MENTAL HEALTH AMENDMENTS

2023 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Ryan D. Wilcox**

Senate Sponsor: ~~{\_\_\_\_\_}~~ Don L. Ipson

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#### LONG TITLE

##### ~~{Committee Note:~~

~~\_\_\_\_\_The Law Enforcement and Criminal Justice Interim Committee recommended this bill.~~

~~\_\_\_\_\_Legislative Vote: 13 voting for 0 voting against \_\_\_\_\_ 4 absent~~

##### ~~}~~General Description:

This bill ~~{adds provisions relating to spouses of retired}~~ concerns mental health services for first responders and ~~{addresses access to mental health services}~~ spouses of first responders.

##### Highlighted Provisions:

This bill:

- ▶ creates and modifies definitions;
- ▶ requires the Department of Health and Human Services to reimburse certain expenses incurred by volunteers who provide critical incident stress management

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services to emergency service workers;

- ▶ broadens the scope of individuals who are considered to be eligible for mental health services;
- ▶ modifies the entities that are included as first responder agencies;
- ▶ modifies provisions regarding mental health services for retired first responders;
- ▶ adds spouses of retired first responders and certain other first responders to the list of those who qualify for mental health services; ~~{and}~~
- ▶ provides that mental health services shall be provided on a regular and continuing basis ~~{~~

~~{~~

- ▶ requires the Department of Public Safety to provide certain information about the mental health resources grant program;
- ▶ adds a dispatch executive director to the list of those who may designate a member of a peer support team;
- ▶ allows a public safety answering point to create a peer support team; and
- ▶ makes technical and conforming changes.

### Money Appropriated in this Bill:

None

### Other Special Clauses:

~~{None}~~ This bill provides a special effective date.

### Utah Code Sections Affected:

AMENDS:

26-8a-206, as last amended by Laws of Utah 2021, Chapter 208

53-21-101, as enacted by Laws of Utah 2022, Chapter 114

53-21-102, as enacted by Laws of Utah 2022, Chapter 114

53-21-103, as enacted by Laws of Utah 2022, Chapter 114

78B-5-902, as last amended by Laws of Utah 2022, Chapter 255

78B-5-903, as last amended by Laws of Utah 2022, Chapter 255

REPEALS:

78B-5-901, as last amended by Laws of Utah 2021, Chapter 208

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

Section 1. Section 26-8a-206 is amended to read:

### **26-8a-206. Personnel stress management program.**

(1) The department shall develop and implement a statewide program to provide support and counseling for personnel who have been exposed to one or more stressful incidents in the course of providing emergency services.

(2) This program shall include:

(a) ongoing training for agencies providing emergency services and counseling program volunteers;

(b) critical incident stress debriefing for personnel at no cost to the emergency provider; and

(c) advising the department on training requirements for licensure as a behavioral emergency services technician.

(3) The department shall reimburse reasonable actual expenses, including mileage, incurred by a volunteer during the course of the volunteer's provision of critical incident stress services under this section.

Section 2. Section 53-21-101 is amended to read:

### **53-21-101. Definitions.**

As used in this chapter:

(1) "Crime scene investigator technician" means an individual employed by a law enforcement agency to collect and analyze evidence from crime scenes and crime-related incidents.

(2) "Department" means the Department of Public Safety.

(3) "First responder" means:

(a) a law enforcement officer, as defined in Section 53-13-103;

(b) an emergency medical technician, as defined in Section 26-8c-102;

(c) an advanced emergency medical technician, as defined in Section 26-8c-102;

(d) a paramedic, as defined in Section 26-8c-102;

(e) a firefighter, as defined in Section 34A-3-113;

(f) a dispatcher, as defined in Section 53-6-102;

(g) a correctional officer, as defined in Section 53-13-104;

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(h) a special function officer, as defined in Section 53-13-105, employed by a local sheriff;

(i) a search and rescue worker under the supervision of a local sheriff;

(j) a forensic interviewer or victim advocate employed by a children's justice center established in accordance with Section 67-5b-102;

~~(j)~~ (k) a credentialed criminal justice system victim advocate as defined in Section 77-38-403 who responds to incidents with a law enforcement officer;

~~(k)~~ (l) a crime scene investigator technician; ~~or~~

~~(l)~~ (m) a wildland firefighter; or

(n) an investigator or prosecutor of cases involving sexual crimes against children.

(4) "First responder agency" means:

(a) a local district, municipality, interlocal entity, or other political subdivision that employs a first responder to provide fire protection, paramedic, law enforcement, or emergency services ~~(j)~~; or

(b) a certified private law enforcement agency as defined in Section 53-19-102.

(5) "Mental health resources" means:

(a) an assessment to determine appropriate mental health treatment that is performed by a mental health therapist;

(b) outpatient mental health treatment provided by a mental health therapist; or

(c) peer support services provided by a peer support specialist who is qualified to provide peer support services under Subsection 62A-15-103(2)(h).

(6) "Mental health therapist" means the same as that term is defined in Section 58-60-102.

(7) "Plan" means a plan to implement or expand a program that provides mental health resources to first responders for which the division awards a grant under this chapter.

(8) "Retired" means the status of an individual who has become eligible, applies for, and may receive an allowance under Title 49, Utah State Retirement and Insurance Benefit Act.

(9) "Separated" means the status of an individual who has separated from employment as a first responder from a first responder agency as a result of a critical incident involving the first responder.

Section ~~(1)~~3. Section **53-21-102** is amended to read:

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### 53-21-102. Mental health services -- Requirement to provide --- Confidentiality.

(1) Every first responder agency within the state shall provide or make available mental health resources to:

- (a) all first responders;
- (b) the spouse and children of first responders;
- (c) surviving spouses of first responders whose death is classified as a line-of-duty death under Title 49, Utah State Retirement and Insurance Benefit Act; ~~[and]~~

(d) retired or separated first responders ~~[who have retired from the agency]~~ for at least three years from the date that the retired or separated first responder requests mental health resources; and

(e) spouses of retired or separated first responders for a least three years from the date that the spouse of the retired or separated first responder requests mental health resources.

(2) All access by first responders and their families to mental health resources shall be kept confidential.

Section ~~{2}~~4. Section **53-21-103** is amended to read:

### 53-21-103. Grants to first responder agencies -- Rulemaking.

(1) The department may award grants to first responder agencies to provide mental health resources in response to a:

- (a) request for proposal;
- (b) request for qualifications; or
- (c) program description that meets the criteria in Subsection (2).

(2) The request for proposal, request for qualifications, or program description received by the department shall require mental health providers contracted or employed by the first responder agency to have training and experience in working with first responders and provide, at a minimum, the following services:

- (a) regular periodic screenings for all employees within the first responder agency;
- (b) assessments and availability to mental health services for personnel directly

involved in a critical incident within 12 hours of the incident; and

(c) regular and continuing access to the mental health program for:

- (i) spouses and children of first responders; ~~[and]~~
- (ii) first responders who have retired or separated from the agency ~~{and their spouses.}~~

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~~};~~ and

(iii) spouses of first responders who have retired or separated from the agency.

(3) An application from a first responder agency for a grant under this chapter shall provide the following details:

(a) a proposed plan to provide mental health resources to first responders in the first responder agency;

(b) the number of first responders to be served by the proposed plan;

(c) how the proposed plan will ensure timely and effective provision of mental health resources to first responders in the first responder agency;

(d) the cost of the proposed plan; and

(e) the sustainability of the proposed plan.

(4) In evaluating a project proposal for a grant under this section, the department shall consider:

(a) the extent to which the first responders that will be served by the proposed plan are likely to benefit from the proposed plan;

(b) the cost of the proposed plan; and

(c) the viability of the proposed plan.

(5) A first responder agency may not apply for a grant to fund a program already in place. However, a request for proposal to fund an expansion of an already existing program shall, in addition to the requirements of Subsection (4), provide:

(a) the scope and cost of the agency's current program;

(b) the number of additional first responders the expansion will serve; and

(c) whether the expansion will provide services under Subsection (2) that the current program does not provide.

(6) The department shall prioritize grant funding for:

(a) counties of the 3rd, 4th, 5th, and 6th class;

(b) cities of the 3rd, 4th, and 5th class; and

(c) towns.

(7) The department may adopt rules in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, to~~;~~

~~}(a) set parameters for services for retirees { and their spouses }; and {~~

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~~} (b) { }~~ administer this chapter.

(8) The department shall:

(a) notify entities that may be eligible for a grant under this section about the grant program; and

(b) on or before October 1, 2023, provide a report to the Law Enforcement and Criminal Justice Interim Committee that describes:

(i) the number of entities that have been notified by the department about the grant program under this section; and

(ii) the number of grant applications that the department has received.

Section 5. Section 78B-5-902 is amended to read:

**78B-5-902. Definitions.**

As used in this part:

(1) "Behavioral emergency services technician" means an individual who is licensed under Section 26-8a-302 as:

(a) a behavioral emergency services technician; or

(b) an advanced behavioral emergency services technician.

(2) "Communication" means an oral statement, written statement, note, record, report, or document made during, or arising out of, a meeting between a law enforcement officer, firefighter, emergency medical service provider, or rescue provider and a peer support team member.

~~[(2) "Behavioral emergency services technician" means an individual who is licensed under Section 26-8a-302 as:]~~

~~[(a) a behavioral emergency services technician; or]~~

~~[(b) an advanced behavioral emergency services technician.]~~

(3) "Emergency medical service provider or rescue unit peer support team member" means ~~[a person]~~ an individual who is:

(a) an emergency medical service provider as defined in Section 26-8a-102, a regular or volunteer member of a rescue unit acting as an emergency responder as defined in Section 53-2a-502, or another ~~[person]~~ individual who has been trained in peer support skills; and

(b) designated by the chief executive of an emergency medical service agency or the chief of a rescue unit as a member of an emergency medical service provider's peer support

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team or as a member of a rescue unit's peer support team.

(4) "Law enforcement or firefighter peer support team member" means [a person] an individual who is:

(a) a peace officer, [law enforcement] dispatcher as defined in Section 53-6-102, civilian employee, or volunteer member of a law enforcement agency, a regular or volunteer member of a fire department, or another [person] individual who has been trained in peer support skills; and

(b) designated by the commissioner of the Department of Public Safety, the executive director of the Department of Corrections, a sheriff, a police chief, a dispatch executive director, or a fire chief as a member of a law enforcement agency's peer support team or a fire department's peer support team.

(5) "Public safety answering point peer support team member" means an individual who is:

(a) employed by a public safety answering point as defined in Section 63H-7a-103; and

(b) designated by the chief executive of a public safety answering point as a member of a public safety answering point's peer support team.

[5] (6) "Trained" means a person who has successfully completed a peer support training program approved by the Peace Officer Standards and Training Division, the State Fire Marshal's Office, or the Department of Health and Human Services, as applicable.

Section 6. Section 78B-5-903 is amended to read:

### 78B-5-903. Creation -- Training -- Communications -- Exclusions.

(1) A law enforcement agency, fire department, emergency medical service agency, [or] rescue unit, or public safety answering point:

(a) may create a peer support team; and

(b) if a peer support team is created, shall develop guidelines for the peer support team and its members.

(2) A peer support team member shall complete a peer support training program approved by the Peace Officer Standards and Training Division, the State Fire Marshal's Office, or the Department of Health and Human Services, as applicable.

(3) In accordance with the Utah Rules of Evidence, a peer support team member may refuse to disclose communications made by [a person] an individual participating in peer



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support services, including group therapy sessions.

(4) Subsection (3) applies only to communications made during individual interactions conducted by a peer support team member who is:

(a) acting in the member's capacity as:

(i) a law enforcement or firefighter peer support team member [or];

(ii) an emergency medical service provider or rescue unit peer support team member;

or

(iii) a public safety answering point peer support team member; and

(b) functioning within the written peer support guidelines that are in effect for the member's respective law enforcement agency, fire department, emergency medical service agency, [or] rescue unit, or public safety answering point.

(5) This part does not apply if:

(a) a [law enforcement or firefighter peer support team member or emergency medical service provider or rescue unit] peer support team member was a witness or a party to the incident that prompted the delivery of peer support services;

(b) information received by a peer support team member is indicative of actual or suspected child abuse, or actual or suspected child neglect;

(c) the [person] individual receiving peer support is a clear and immediate danger to the [person's] individual's self or others;

(d) communication to a peer support team member establishes reasonable cause for the peer support team member to believe that the [person] individual receiving peer support services is mentally or emotionally unfit for duty; or

(e) communication to the peer support team member provides evidence that the [person] individual who is receiving the peer support services has committed a crime, plans to commit a crime, or intends to conceal a crime.

Section 7. **Repealer.**

This bill repeals:

Section 78B-5-901, **Public safety peer counseling and behavioral emergency services technicians.**

Section 8. **Effective date.**

If approved by two-thirds of all the members elected to each house, this bill takes effect

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upon approval by the governor, or the day following the constitutional time limit of Utah Constitution, Article VII, Section 8, without the governor's signature, or in the case of a veto, the date of veto override.