

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

LONG TITLE

General Description:

This bill concerns mental health services for first responders and 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 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;
- ▶ 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



- 26 mental health resources grant program;
- 27 ▶ adds a dispatch executive director to the list of those who may designate a member
- 28 of a peer support team;
- 29 ▶ allows a public safety answering point to create a peer support team; and
- 30 ▶ makes technical and conforming changes.

31 **Money Appropriated in this Bill:**

32 None

33 **Other Special Clauses:**

34 This bill provides a special effective date.

35 **Utah Code Sections Affected:**

36 AMENDS:

37 **26-8a-206**, as last amended by Laws of Utah 2021, Chapter 208

38 **53-21-101**, as enacted by Laws of Utah 2022, Chapter 114

39 **53-21-102**, as enacted by Laws of Utah 2022, Chapter 114

40 **53-21-103**, as enacted by Laws of Utah 2022, Chapter 114

41 **78B-5-902**, as last amended by Laws of Utah 2022, Chapter 255

42 **78B-5-903**, as last amended by Laws of Utah 2022, Chapter 255

43 REPEALS:

44 **78B-5-901**, as last amended by Laws of Utah 2021, Chapter 208



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

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

48 **26-8a-206. Personnel stress management program.**

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

52 (2) This program shall include:

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

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

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

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

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

63 **53-21-101. Definitions.**

64 As used in this chapter:

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

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

69 (3) "First responder" means:

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

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

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

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

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

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

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

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

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

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

82 ~~[(j)]~~ (k) a credentialed criminal justice system victim advocate as defined in Section
83 77-38-403 who responds to incidents with a law enforcement officer;

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

85 ~~[(l)]~~ (m) a wildland firefighter; or

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

87 (4) "First responder agency" means:

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

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

92 (5) "Mental health resources" means:

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

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

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

98 (6) "Mental health therapist" means the same as that term is defined in Section
99 58-60-102.

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

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

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

107 Section 3. Section 53-21-102 is amended to read:

108 **53-21-102. Mental health services -- Requirement to provide --- Confidentiality.**

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

111 (a) all first responders;

112 (b) the spouse and children of first responders;

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

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

118 (e) spouses of retired or separated first responders for a least three years from the date

119 that the spouse of the retired or separated first responder requests mental health resources.

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

122 Section 4. Section **53-21-103** is amended to read:

123 **53-21-103. Grants to first responder agencies -- Rulemaking.**

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

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

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

- 133 (a) regular periodic screenings for all employees within the first responder agency;
- 134 (b) assessments and availability to mental health services for personnel directly
135 involved in a critical incident within 12 hours of the incident; and
- 136 (c) regular and continuing access to the mental health program for:
 - 137 (i) spouses and children of first responders; [~~and~~]
 - 138 (ii) first responders who have retired or separated from the agency; and
 - 139 (iii) spouses of first responders who have retired or separated from the agency.

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

- 142 (a) a proposed plan to provide mental health resources to first responders in the first
143 responder agency;
- 144 (b) the number of first responders to be served by the proposed plan;
- 145 (c) how the proposed plan will ensure timely and effective provision of mental health
146 resources to first responders in the first responder agency;
- 147 (d) the cost of the proposed plan; and
- 148 (e) the sustainability of the proposed plan.

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

150 consider:

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

153 (b) the cost of the proposed plan; and

154 (c) the viability of the proposed plan.

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

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

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

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

162 (6) The department shall prioritize grant funding for:

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

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

165 (c) towns.

166 (7) The department may adopt rules in accordance with Title 63G, Chapter 3, Utah
167 Administrative Rulemaking Act, to~~[(a) set parameters for services for retirees; and (b)]~~
168 administer this chapter.

169 (8) The department shall:

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

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

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

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

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

178 **78B-5-902. Definitions.**

179 As used in this part:

180 (1) "Behavioral emergency services technician" means an individual who is licensed

181 under Section [26-8a-302](#) as:

182 (a) a behavioral emergency services technician; or

183 (b) an advanced behavioral emergency services technician.

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

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

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

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

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

194 (a) an emergency medical service provider as defined in Section [26-8a-102](#), a regular
195 or volunteer member of a rescue unit acting as an emergency responder as defined in Section
196 [53-2a-502](#), or another ~~[person]~~ individual who has been trained in peer support skills; and

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

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

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

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

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

212 (a) employed by a public safety answering point as defined in Section 63H-7a-103; and
213 (b) designated by the chief executive of a public safety answering point as a member of
214 a public safety answering point's peer support team.

215 [(5)] (6) "Trained" means a person who has successfully completed a peer support
216 training program approved by the Peace Officer Standards and Training Division, the State Fire
217 Marshal's Office, or the Department of Health and Human Services, as applicable.

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

219 **78B-5-903. Creation -- Training -- Communications -- Exclusions.**

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

222 (a) may create a peer support team; and

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

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

228 (3) In accordance with the Utah Rules of Evidence, a peer support team member may
229 refuse to disclose communications made by ~~a person~~ an individual participating in peer
230 support services, including group therapy sessions.

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

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

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

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

236 or

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

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

241 (5) This part does not apply if:

242 (a) a ~~[law enforcement or firefighter peer support team member or emergency medical~~

243 ~~service provider or rescue unit]~~ peer support team member was a witness or a party to the
244 incident that prompted the delivery of peer support services;

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

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

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

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

255 Section 7. **Repealer.**

256 This bill repeals:

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

259 Section 8. **Effective date.**

260 If approved by two-thirds of all the members elected to each house, this bill takes effect
261 upon approval by the governor, or the day following the constitutional time limit of Utah
262 Constitution, Article VII, Section 8, without the governor's signature, or in the case of a veto,
263 the date of veto override.