

Representative Jeffrey D. Stenquist proposes the following substitute bill:

ALCOHOL EDUCATION AMENDMENTS

2021 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Jeffrey D. Stenquist

Senate Sponsor: Jacob L. Anderegg

LONG TITLE

General Description:

This bill creates the Drinking While Pregnant Prevention Media and Education Campaign Restricted Account and provides for the use and oversight of account funds.

Highlighted Provisions:

This bill:

- ▶ amends provisions regarding what the Drinking While Pregnant Prevention Media and Education Campaign Restricted Account consists of;
- ▶ requires deposits into the Drinking While Pregnant Prevention Media and Education Campaign Restricted Account of a percentage of the total gross revenue from the sale of liquor;
- ▶ moves the Drinking While Pregnant Prevention Media and Education Campaign Restricted Account from the Department of Health to the Division of Substance Abuse and Mental Health;
- ▶ requires the Utah Substance Use and Mental Health Advisory Council to provide oversight of the Drinking While Pregnant Prevention Media and Education Campaign;
- ▶ requires the Division of Substance Abuse and Mental health to provide an annual report to the Utah Substance Use and Mental Health Advisory Council; and



26 ▶ makes technical and conforming changes.

27 **Money Appropriated in this Bill:**

28 None

29 **Other Special Clauses:**

30 None

31 **Utah Code Sections Affected:**

32 AMENDS:

33 **32B-2-308**, as enacted by Laws of Utah 2020, Chapter 186

34 **63J-1-602.1**, as last amended by Laws of Utah 2020, Fifth Special Session, Chapter 4

35 **63M-7-303**, as last amended by Laws of Utah 2018, Chapter 414

36 RENUMBERS AND AMENDS:

37 **62A-15-403**, (Renumbered from 26-7-12, as enacted by Laws of Utah 2020, Chapter
38 186)

39

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

41 Section 1. Section **32B-2-308** is amended to read:

42 **32B-2-308. Drinking While Pregnant Prevention Media and Education**

43 **Campaign Restricted Account.**

44 (1) As used in this section [~~:(a) "Department of Health" means the Department of~~
45 ~~Health created in Section 26-1-4.~~ (b) "Restricted"], "restricted account" means the Drinking
46 While Pregnant Prevention Media and Education Campaign Restricted Account created in this
47 section.

48 (2) (a) There is created a restricted account within the General Fund known as the
49 "Drinking While Pregnant Prevention Media and Education Campaign Restricted Account."

50 (b) The restricted account consists of:

51 (i) [~~money the Legislature appropriates to the restricted account~~] deposits made under
52 Subsection (3); and

53 (ii) interest earned on the restricted account.

54 (3) (a) The department shall deposit the amounts described in Subsection (3)(b) of the
55 total gross revenue from sales of liquor with the state treasurer, as determined by the total gross
56 revenue collected for the fiscal year two years preceding the fiscal year for which the deposit is

57 made, to be credited to the restricted account and to be used by the Department of Substance
58 Abuse and Mental Health as provided in Section [62A-15-403](#).

59 (b) In accordance with Subsection (3)(a), the department shall deposit during the fiscal
60 years:

61 (i) beginning July 1, 2021, and ending June 30, 2023, .2% of the total gross revenue;

62 (ii) beginning July 1, 2023, and ending June 30, 2025, .3% of the total gross revenue;

63 and

64 (iii) beginning after June 30, 2025, .4% of the total gross revenue.

65 Section 2. Section **62A-15-403**, which is renumbered from Section 26-7-12 is
66 renumbered and amended to read:

67 **[26-7-12]. 62A-15-403. 26-7-12. Drinking while pregnant prevention media**
68 **and education campaign.**

69 (1) As used in this section~~["restricted"]~~:

70 (a) "Advisory council" means the Utah Substance Use and Mental Health Advisory
71 Council created in Section [63M-7-301](#).

72 (b) "Restricted account" means the Drinking While Pregnant Prevention Media and
73 Education Campaign Restricted Account created in Section [32B-2-308](#).

74 ~~[(2) The department shall:]~~

75 ~~[(a) create guidelines for how money in the restricted account for a media and~~
76 ~~education campaign can be used;]~~

77 ~~[(b) include in the guidelines established under this Subsection (2) that a media and~~
78 ~~education campaign is:]~~

79 ~~[(i) carefully researched and developed; and]~~

80 ~~[(ii) appropriate for target groups.]~~

81 (2) The advisory council shall:

82 (a) provide ongoing oversight of a media and education campaign funded through the
83 restricted account;

84 (b) create a drinking while pregnant prevention workgroup consistent with guidelines
85 the advisory council proposes related to the membership and duties of the drinking while
86 pregnant prevention workgroup;

87 (c) create guidelines for how money appropriated for a media and education campaign

88 can be used;

89 (d) include in the guidelines established under this subsection (2) that a media and
90 education campaign funded through the restricted account is carefully researched and
91 developed and appropriate for target groups; and

92 (e) approve plans the division submits in accordance with Subsection (3).

93 (3) (a) Subject to appropriation from the Legislature and in cooperation with the
94 advisory council, the ~~[department]~~ division shall expend money from the restricted account to
95 direct and fund one or more media and education campaigns designed to reduce the
96 consumption of alcohol while pregnant.

97 (b) The ~~[department]~~ division shall:

98 (i) in cooperation with the drinking while pregnant prevention workgroup created
99 under Subsection (2), prepare and submit a plan to the advisory council detailing the intended
100 use of the money in the restricted account;

101 ~~[(i)]~~ (ii) upon receiving approval from the advisory council for the plan submitted
102 under Subsection (3)(b)(i), conduct the media and education campaign in accordance with the
103 guidelines established under Subsection (2); and

104 ~~[(i)]~~ (iii) submit to the Health and Human Services Interim Committee and the Utah
105 Substance Use and Mental Health Advisory Council created in Section [63M-7-301](#) annually by
106 no later than October 1, a written report detailing:

107 (A) the use of the money for the media and education campaigns conducted under this
108 Subsection (3); and

109 (B) the impact and result of the use of the money during the previous fiscal year ending
110 June 30.

111 Section 3. Section **63J-1-602.1** is amended to read:

112 **63J-1-602.1. List of nonlapsing appropriations from accounts and funds.**

113 Appropriations made from the following accounts or funds are nonlapsing:

114 (1) The Utah Intracurricular Student Organization Support for Agricultural Education
115 and Leadership Restricted Account created in Section [4-42-102](#).

116 (2) The Native American Repatriation Restricted Account created in Section [9-9-407](#).

117 (3) The Martin Luther King, Jr. Civil Rights Support Restricted Account created in
118 Section [9-18-102](#).

- 119 (4) The National Professional Men's Soccer Team Support of Building Communities
120 Restricted Account created in Section 9-19-102.
- 121 (5) Funds collected for directing and administering the C-PACE district created in
122 Section 11-42a-106.
- 123 (6) Money received by the Utah Inland Port Authority, as provided in Section
124 11-58-105.
- 125 (7) The "Latino Community Support Restricted Account" created in Section 13-1-16.
- 126 (8) The Clean Air Support Restricted Account created in Section 19-1-109.
- 127 (9) The "Support for State-Owned Shooting Ranges Restricted Account" created in
128 Section 23-14-13.5.
- 129 (10) Award money under the State Asset Forfeiture Grant Program, as provided under
130 Section 24-4-117.
- 131 (11) Funds collected from the program fund for local health department expenses
132 incurred in responding to a local health emergency under Section 26-1-38.
- 133 (12) The Children with Cancer Support Restricted Account created in Section
134 26-21a-304.
- 135 (13) State funds for matching federal funds in the Children's Health Insurance Program
136 as provided in Section 26-40-108.
- 137 (14) The Children with Heart Disease Support Restricted Account created in Section
138 26-58-102.
- 139 (15) The Nurse Home Visiting Restricted Account created in Section 26-63-601.
- 140 (16) The Technology Development Restricted Account created in Section 31A-3-104.
- 141 (17) The Criminal Background Check Restricted Account created in Section
142 31A-3-105.
- 143 (18) The Captive Insurance Restricted Account created in Section 31A-3-304, except
144 to the extent that Section 31A-3-304 makes the money received under that section free revenue.
- 145 (19) The Title Licensee Enforcement Restricted Account created in Section
146 31A-23a-415.
- 147 (20) The Health Insurance Actuarial Review Restricted Account created in Section
148 31A-30-115.
- 149 (21) The Insurance Fraud Investigation Restricted Account created in Section

150 31A-31-108.

151 (22) The Underage Drinking Prevention Media and Education Campaign Restricted
152 Account created in Section 32B-2-306.

153 (23) The School Readiness Restricted Account created in Section 35A-15-203.

154 (24) Money received by the Utah State Office of Rehabilitation for the sale of certain
155 products or services, as provided in Section 35A-13-202.

156 (25) The Oil and Gas Administrative Penalties Account created in Section 40-6-11.

157 (26) The Oil and Gas Conservation Account created in Section 40-6-14.5.

158 (27) The Electronic Payment Fee Restricted Account created by Section 41-1a-121 to
159 the Motor Vehicle Division.

160 (28) The Motor Vehicle Enforcement Division Temporary Permit Restricted Account
161 created by Section 41-3-110 to the State Tax Commission.

162 (29) The Utah Law Enforcement Memorial Support Restricted Account created in
163 Section 53-1-120.

164 (30) The State Disaster Recovery Restricted Account to the Division of Emergency
165 Management, as provided in Section 53-2a-603.

166 (31) The Department of Public Safety Restricted Account to the Department of Public
167 Safety, as provided in Section 53-3-106.

168 (32) The Utah Highway Patrol Aero Bureau Restricted Account created in Section
169 53-8-303.

170 (33) The DNA Specimen Restricted Account created in Section 53-10-407.

171 (34) The Canine Body Armor Restricted Account created in Section 53-16-201.

172 (35) The Technical Colleges Capital Projects Fund created in Section 53B-2a-118.

173 (36) The Higher Education Capital Projects Fund created in Section 53B-22-202.

174 (37) A certain portion of money collected for administrative costs under the School
175 Institutional Trust Lands Management Act, as provided under Section 53C-3-202.

176 (38) The Public Utility Regulatory Restricted Account created in Section 54-5-1.5,
177 subject to Subsection 54-5-1.5(4)(d).

178 (39) Funds collected from a surcharge fee to provide certain licensees with access to an
179 electronic reference library, as provided in Section 58-3a-105.

180 (40) Certain fines collected by the Division of Occupational and Professional Licensing

181 for violation of unlawful or unprofessional conduct that are used for education and enforcement
182 purposes, as provided in Section [58-17b-505](#).

183 (41) Funds collected from a surcharge fee to provide certain licensees with access to an
184 electronic reference library, as provided in Section [58-22-104](#).

185 (42) Funds collected from a surcharge fee to provide certain licensees with access to an
186 electronic reference library, as provided in Section [58-55-106](#).

187 (43) Funds collected from a surcharge fee to provide certain licensees with access to an
188 electronic reference library, as provided in Section [58-56-3.5](#).

189 (44) Certain fines collected by the Division of Occupational and Professional Licensing
190 for use in education and enforcement of the Security Personnel Licensing Act, as provided in
191 Section [58-63-103](#).

192 (45) The Relative Value Study Restricted Account created in Section [59-9-105](#).

193 (46) The Cigarette Tax Restricted Account created in Section [59-14-204](#).

194 (47) Funds paid to the Division of Real Estate for the cost of a criminal background
195 check for a mortgage loan license, as provided in Section [61-2c-202](#).

196 (48) Funds paid to the Division of Real Estate for the cost of a criminal background
197 check for principal broker, associate broker, and sales agent licenses, as provided in Section
198 [61-2f-204](#).

199 (49) Certain funds donated to the Department of Human Services, as provided in
200 Section [62A-1-111](#).

201 (50) The National Professional Men's Basketball Team Support of Women and
202 Children Issues Restricted Account created in Section [62A-1-202](#).

203 (51) Certain funds donated to the Division of Child and Family Services, as provided
204 in Section [62A-4a-110](#).

205 (52) The Choose Life Adoption Support Restricted Account created in Section
206 [62A-4a-608](#).

207 (53) Funds collected by the Office of Administrative Rules for publishing, as provided
208 in Section [63G-3-402](#).

209 (54) The Immigration Act Restricted Account created in Section [63G-12-103](#).

210 (55) Money received by the military installation development authority, as provided in
211 Section [63H-1-504](#).

- 212 (56) The Computer Aided Dispatch Restricted Account created in Section [63H-7a-303](#).
- 213 (57) The Unified Statewide 911 Emergency Service Account created in Section
- 214 [63H-7a-304](#).
- 215 (58) The Utah Statewide Radio System Restricted Account created in Section
- 216 [63H-7a-403](#).
- 217 (59) The Employability to Careers Program Restricted Account created in Section
- 218 [63J-4-703](#).
- 219 (60) The Motion Picture Incentive Account created in Section [63N-8-103](#).
- 220 (61) Certain money payable for expenses of the Pete Suazo Utah Athletic Commission,
- 221 as provided under Section [63N-10-301](#).
- 222 (62) Funds collected by the housing of state probationary inmates or state parole
- 223 inmates, as provided in Subsection [64-13e-104\(2\)](#).
- 224 (63) Certain forestry and fire control funds utilized by the Division of Forestry, Fire,
- 225 and State Lands, as provided in Section [65A-8-103](#).
- 226 (64) The Transportation of Veterans to Memorials Support Restricted Account created
- 227 in Section [71-14-102](#).
- 228 (65) The Amusement Ride Safety Restricted Account, as provided in Section
- 229 [72-16-204](#).
- 230 (66) Certain funds received by the Office of the State Engineer for well drilling fines or
- 231 bonds, as provided in Section [73-3-25](#).
- 232 (67) The Water Resources Conservation and Development Fund, as provided in
- 233 Section [73-23-2](#).
- 234 (68) Funds donated or paid to a juvenile court by private sources, as provided in
- 235 Subsection [78A-6-203\(1\)\(c\)](#).
- 236 (69) Fees for certificate of admission created under Section [78A-9-102](#).
- 237 (70) Funds collected for adoption document access as provided in Sections [78B-6-141](#),
- 238 [78B-6-144](#), and [78B-6-144.5](#).
- 239 (71) Funds collected for indigent defense as provided in Title 78B, Chapter 22, Part 4,
- 240 Utah Indigent Defense Commission.
- 241 (72) Revenue for golf user fees at the Wasatch Mountain State Park, Palisades State
- 242 Park, Jordan River State Park, and Green River State Park, as provided under Section

243 79-4-403.

244 (73) Certain funds received by the Division of Parks and Recreation from the sale or
245 disposal of buffalo, as provided under Section 79-4-1001.

246 [~~(74) The Drinking While Pregnant Prevention Media and Education Campaign~~
247 ~~Restricted Account created in Section 32B-2-308.~~]

248 Section 4. Section 63M-7-303 is amended to read:

249 **63M-7-303. Duties of council.**

250 (1) The Utah Substance Use and Mental Health Advisory Council shall:

251 (a) provide leadership and generate unity for Utah's ongoing efforts to reduce and
252 eliminate the impact of substance use and mental health disorders in Utah through a
253 comprehensive and evidence-based prevention, treatment, and justice strategy;

254 (b) recommend and coordinate the creation, dissemination, and implementation of
255 statewide policies to address substance use and mental health disorders;

256 (c) facilitate planning for a balanced continuum of substance use and mental health
257 disorder prevention, treatment, and justice services;

258 (d) promote collaboration and mutually beneficial public and private partnerships;

259 (e) coordinate recommendations made by any committee created under Section
260 63M-7-302;

261 (f) analyze and provide an objective assessment of all proposed legislation concerning
262 substance use, mental health, and related issues;

263 (g) coordinate the implementation of Section 77-18-1.1 and related provisions in
264 Subsections 77-18-1(5)(b)(iii) and (iv), as provided in Section 63M-7-305;

265 (h) comply with ~~[Section]~~ Sections 32B-2-306 and 62A-15-403; and

266 (i) oversee coordination for the funding, implementation, and evaluation of suicide
267 prevention efforts described in Section 62A-15-1101.

268 (2) The council shall meet quarterly or more frequently as determined necessary by the
269 chair.

270 (3) The council shall report its recommendations annually to the commission,
271 governor, the Legislature, and the Judicial Council.