

1 **BEHAVIORAL HEALTH SYSTEM AMENDMENTS**
2 2024 GENERAL SESSION
3 STATE OF UTAH
4 **Chief Sponsor: Evan J. Vickers**
5 House Sponsor: Steve Eliason

6
7 **LONG TITLE**

8 **General Description:**

9 This bill creates the Utah Behavioral Health Commission.

10 **Highlighted Provisions:**

11 This bill:

- 12 ▶ creates the Utah Behavioral Health Commission (commission) within the Department of
- 13 Health and Human Services;
- 14 ▶ describes the commission's purpose and duties;
- 15 ▶ creates certain subcommittees under the commission, including moving certain existing
- 16 behavioral health entities under the direction of the commission;
- 17 ▶ creates the Legislative Policy Committee under the direction of the commission, and
- 18 describes that committee's duties;
- 19 ▶ provides a sunset date for the commission;
- 20 ▶ rennumbers and amends provisions relating to the Utah Substance Use and Mental Health
- 21 Advisory Committee, moves that committee within the Department of Health and Human
- 22 Services, and removes the State Commission on Criminal and Juvenile Justice as staff to that
- 23 committee;
- 24 ▶ modifies the membership of certain existing behavioral health entities;
- 25 ▶ amends the sunset date for the Education and Mental Health Coordinating Committee;
- 26 ▶ repeals the Behavioral Health Delivery Working Group;
- 27 ▶ repeals the Drug-related Offenses Reform Act; and
- 28 ▶ makes technical and conforming changes.

29 **Money Appropriated in this Bill:**

30 None

31 **Other Special Clauses:**

28 This bill provides a special effective date.

29 **Utah Code Sections Affected:**

30 AMENDS:

31 **17-22-32 (Effective 05/01/24)**, as last amended by Laws of Utah 2023, Chapter 408

32 **26B-1-324 (Effective 05/01/24)**, as last amended by Laws of Utah 2023, Chapter 270 and
33 renumbered and amended by Laws of Utah 2023, Chapter 305

34 **26B-1-329 (Effective 05/01/24)**, as renumbered and amended by Laws of Utah 2023,
35 Chapter 305

36 **26B-1-425 (Effective 05/01/24)**, as last amended by Laws of Utah 2023, Chapter 139 and
37 renumbered and amended by Laws of Utah 2023, Chapter 305

38 **26B-1-427 (Effective 05/01/24)**, as renumbered and amended by Laws of Utah 2023,
39 Chapter 305

40 **26B-1-428 (Effective 05/01/24)**, as last amended by Laws of Utah 2023, Chapter 300 and
41 renumbered and amended by Laws of Utah 2023, Chapter 305

42 **26B-3-213 (Effective 05/01/24)**, as renumbered and amended by Laws of Utah 2023,
43 Chapter 306

44 **26B-3-223 (Effective 05/01/24)**, as renumbered and amended by Laws of Utah 2023,
45 Chapter 306

46 **26B-5-112 (Effective 05/01/24)**, as renumbered and amended by Laws of Utah 2023,
47 Chapter 308

48 **26B-5-112.5 (Effective 05/01/24)**, as enacted by Laws of Utah 2023, Chapter 270

49 **26B-5-114 (Effective 05/01/24)**, as last amended by Laws of Utah 2023, Chapter 270 and
50 renumbered and amended by Laws of Utah 2023, Chapter 308

51 **26B-5-120 (Effective 05/01/24)**, as enacted by Laws of Utah 2023, Chapter 270

52 **26B-5-403 (Effective 05/01/24)**, as renumbered and amended by Laws of Utah 2023,
53 Chapter 308

54 **26B-5-609 (Effective 05/01/24)**, as renumbered and amended by Laws of Utah 2023,
55 Chapter 308

56 **26B-5-610 (Effective 05/01/24)**, as renumbered and amended by Laws of Utah 2023,
57 Chapter 308

58 **26B-5-611 (Effective 05/01/24)**, as renumbered and amended by Laws of Utah 2023,
59 Chapter 308

60 **32B-2-210 (Effective 05/01/24)**, as last amended by Laws of Utah 2022, Chapter 447

61 **32B-2-306 (Effective 05/01/24)**, as last amended by Laws of Utah 2021, Chapter 291

62 **32B-2-402 (Effective 05/01/24)**, as last amended by Laws of Utah 2022, Chapter 255
63 **32B-2-404 (Effective 05/01/24)**, as last amended by Laws of Utah 2014, Chapter 119
64 **32B-2-405 (Effective 05/01/24)**, as last amended by Laws of Utah 2016, Chapter 144
65 **32B-7-305 (Effective 05/01/24)**, as last amended by Laws of Utah 2022, Chapter 447
66 **53F-2-522 (Effective 05/01/24)**, as last amended by Laws of Utah 2023, Chapters 193, 328
67 **63C-18-102 (Effective 05/01/24)**, as last amended by Laws of Utah 2023, Chapter 329
68 **63C-18-202 (Effective 05/01/24)**, as last amended by Laws of Utah 2023, Chapters 270, 329
69 **63C-18-203 (Effective 05/01/24)**, as last amended by Laws of Utah 2023, Chapters 270, 329
70 **63C-23-102 (Effective 05/01/24)**, as last amended by Laws of Utah 2022, Chapter 274
71 **63C-23-201 (Effective 05/01/24)**, as enacted by Laws of Utah 2021, Chapter 171
72 **63C-23-202 (Effective 05/01/24)**, as enacted by Laws of Utah 2021, Chapter 171
73 **63I-1-226 (Effective 05/01/24) (Superseded 07/01/24)**, as last amended by Laws of Utah
74 2023, Chapters 249, 269, 270, 275, 332, 335, 420, and 495 and repealed and reenacted by
75 Laws of Utah 2023, Chapter 329
76 **63I-1-226 (Effective 07/01/24)**, as last amended by Laws of Utah 2023, Chapters 249, 269,
77 270, 275, 310, 332, 335, 420, and 495 and repealed and reenacted by Laws of Utah 2023,
78 Chapter 329 and last amended by Coordination Clause, Laws of Utah 2023, Chapters 329, 332
79 **63I-1-232 (Effective 05/01/24)**, as last amended by Laws of Utah 2022, Chapter 34
80 **63I-1-263 (Effective 05/01/24)**, as last amended by Laws of Utah 2023, Chapters 33, 47,
81 104, 109, 139, 155, 212, 218, 249, 270, 448, 489, and 534
82 **63M-7-202 (Effective 05/01/24)**, as last amended by Laws of Utah 2023, Chapter 150
83 **64-13-45 (Effective 05/01/24)**, as last amended by Laws of Utah 2019, Chapters 311, 385
84 **77-18-102 (Effective 05/01/24)**, as last amended by Laws of Utah 2023, Chapter 330
85 **77-18-103 (Effective 05/01/24)**, as last amended by Laws of Utah 2023, Chapter 155

86 ENACTS:

87 **26B-5-701 (Effective 05/01/24)**, as Utah Code Annotated 1953
88 **26B-5-702 (Effective 05/01/24)**, as Utah Code Annotated 1953
89 **26B-5-703 (Effective 05/01/24)**, as Utah Code Annotated 1953
90 **26B-5-704 (Effective 05/01/24)**, as Utah Code Annotated 1953
91 **26B-5-705 (Effective 05/01/24)**, as Utah Code Annotated 1953
92 **26B-5-706 (Effective 05/01/24)**, as Utah Code Annotated 1953

93 RENUMBERS AND AMENDS:

94 **26B-5-801 (Effective 05/01/24)**, (Renumbered from 63M-7-301, as last amended by
95 Laws of Utah 2023, Chapters 150, 266 and 330)

96 **26B-5-802 (Effective 05/01/24)**, (Renumbered from 63M-7-302, as last amended by
 97 Laws of Utah 2019, Chapter 246)
 98 **26B-5-803 (Effective 05/01/24)**, (Renumbered from 63M-7-303, as last amended by
 99 Laws of Utah 2023, Chapters 266, 330 and 534 and last amended by Coordination Clause,
 100 Laws of Utah 2023, Chapter 330)
 101 **26B-5-804 (Effective 05/01/24)**, (Renumbered from 63M-7-304, as last amended by
 102 Laws of Utah 2010, Chapters 39, 286)

103 REPEALS:

104 **26B-3-138 (Effective 05/01/24)**, as renumbered and amended by Laws of Utah 2023,
 105 Chapter 306
 106 **63C-18-101 (Effective 05/01/24)**, as last amended by Laws of Utah 2020, Chapter 303
 107 **63C-23-101 (Effective 05/01/24)**, as enacted by Laws of Utah 2021, Chapter 171
 108 **63M-7-305 (Effective 05/01/24)**, as last amended by Laws of Utah 2021, Chapter 260
 109 **63M-7-306 (Effective 05/01/24)**, as last amended by Laws of Utah 2010, Chapter 39
 110 **77-18-104 (Effective 05/01/24)**, as renumbered and amended by Laws of Utah 2021,
 111 Chapter 260

112

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

114 Section 1. Section **17-22-32** is amended to read:

115 **17-22-32 (Effective 05/01/24). County jail reporting requirements.**

116 (1) As used in this section:

117 (a) "Commission" means the State Commission on Criminal and Juvenile Justice created
 118 in Section 63M-7-201.

119 (b) (i) "In-custody death" means an inmate death that occurs while the inmate is in
 120 the custody of a county jail.

121 (ii) "In-custody death" includes an inmate death that occurs while the inmate is:

122 (A) being transported for medical care; or

123 (B) receiving medical care outside of a county jail.

124 (c) "Inmate" means an individual who is processed or booked into custody or housed in
 125 a county jail in the state.

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

127 (2) Each county jail shall submit a report to the commission before June 15 of each year
 128 that includes, for the preceding calendar year:

129 (a) the average daily inmate population each month;

- 130 (b) the number of inmates in the county jail on the last day of each month who identify
131 as each race or ethnicity included in the Standards for Transmitting Race and
132 Ethnicity published by the United States Federal Bureau of Investigation;
- 133 (c) the number of inmates booked into the county jail;
- 134 (d) the number of inmates held in the county jail each month on behalf of each of the
135 following entities:
- 136 (i) the Bureau of Indian Affairs;
- 137 (ii) a state prison;
- 138 (iii) a federal prison;
- 139 (iv) the United States Immigration and Customs Enforcement;
- 140 (v) any other entity with which a county jail has entered a contract to house inmates
141 on the entity's behalf;
- 142 (e) the number of inmates that are denied pretrial release and held in the custody of the
143 county jail while the inmate awaited final disposition of the inmate's criminal charges;
- 144 (f) for each inmate booked into the county jail:
- 145 (i) the name of the agency that arrested the inmate;
- 146 (ii) the date and time the inmate was booked into and released from the custody of
147 the county jail;
- 148 (iii) if the inmate was released from the custody of the county jail, the reason the
149 inmate was released from the custody of the county jail;
- 150 (iv) if the inmate was released from the custody of the county jail on a financial
151 condition, whether the financial condition was set by a county sheriff or a court;
- 152 (v) the number of days the inmate was held in the custody of the county jail before
153 disposition of the inmate's criminal charges;
- 154 (vi) whether the inmate was released from the custody of the county jail before final
155 disposition of the inmate's criminal charges; and
- 156 (vii) the state identification number of the inmate;
- 157 (g) the number of in-custody deaths that occurred at the county jail;
- 158 (h) for each in-custody death[;] :
- 159 (i) the name, gender, race, ethnicity, age, and known or suspected medical diagnosis
160 or disability, if any, of the deceased;
- 161 (ii) the date, time, and location of death;
- 162 (iii) the law enforcement agency that detained, arrested, or was in the process of
163 arresting the deceased; and

- 164 (iv) a brief description of the circumstances surrounding the death;
- 165 (i) the known, or discoverable on reasonable inquiry, causes and contributing factors of
- 166 each of the in-custody deaths described in Subsection (2)(g);
- 167 (j) the county jail's policy for notifying an inmate's next of kin after the inmate's
- 168 in-custody death;
- 169 (k) the county jail policies, procedures, and protocols:
- 170 (i) for treatment of an inmate experiencing withdrawal from alcohol or substance use,
- 171 including use of opiates;
- 172 (ii) that relate to the county jail's provision, or lack of provision, of medications used
- 173 to treat, mitigate, or address an inmate's symptoms of withdrawal, including
- 174 methadone and all forms of buprenorphine and naltrexone; and
- 175 (iii) that relate to screening, assessment, and treatment of an inmate for a substance
- 176 use or mental health disorder; and
- 177 (l) any report the county jail provides or is required to provide under federal law or
- 178 regulation relating to inmate deaths.
- 179 (3) (a) Subsection (2) does not apply to a county jail if the county jail:
- 180 (i) collects and stores the data described in Subsection (2); and
- 181 (ii) enters into a memorandum of understanding with the commission that allows the
- 182 commission to access the data described in Subsection (2).
- 183 (b) The memorandum of understanding described in Subsection (3)(a)(ii) shall include a
- 184 provision to protect any information related to an ongoing investigation and comply
- 185 with all applicable federal and state laws.
- 186 (c) If the commission accesses data from a county jail in accordance with Subsection
- 187 (3)(a), the commission may not release a report prepared from that data, unless:
- 188 (i) the commission provides the report for review to:
- 189 (A) the county jail; and
- 190 (B) any arresting agency that is named in the report; and
- 191 (ii) (A) the county jail approves the report for release;
- 192 (B) the county jail reviews the report and prepares a response to the report to be
- 193 published with the report; or
- 194 (C) the county jail fails to provide a response to the report within four weeks after
- 195 the day on which the commission provides the report to the county jail.
- 196 (4) The commission shall:
- 197 (a) compile the information from the reports described in Subsection (2);

- 198 (b) omit or redact any identifying information of an inmate in the compilation to the
 199 extent omission or redaction is necessary to comply with state and federal law;
 200 (c) submit the compilation to the Law Enforcement and Criminal Justice Interim
 201 Committee and the Utah Substance Use and Mental Health Advisory [~~Council~~]
 202 Committee before November 1 of each year; and
 203 (d) submit the compilation to the protection and advocacy agency designated by the
 204 governor before November 1 of each year.
- 205 (5) The commission may not provide access to or use a county jail's policies, procedures, or
 206 protocols submitted under this section in a manner or for a purpose not described in this
 207 section.
- 208 (6) A report including only the names and causes of death of deceased inmates and the
 209 facility in which they were being held in custody shall be made available to the public.

210 Section 2. Section **26B-1-324** is amended to read:

211 **26B-1-324 (Effective 05/01/24). Statewide Behavioral Health Crisis Response**
 212 **Account -- Creation -- Administration -- Permitted uses -- Reporting.**

- 213 (1) There is created a restricted account within the General Fund known as the "Statewide
 214 Behavioral Health Crisis Response Account," consisting of:
 215 (a) money appropriated or otherwise made available by the Legislature; and
 216 (b) contributions of money, property, or equipment from federal agencies, political
 217 subdivisions of the state, or other persons.
- 218 (2) (a) Subject to appropriations by the Legislature and any contributions to the account
 219 described in Subsection (1)(b), the division shall disburse funds in the account only
 220 for the purpose of support or implementation of services or enhancements of those
 221 services in order to rapidly, efficiently, and effectively deliver 988 services in the
 222 state.
- 223 (b) Funds distributed from the account to county local mental health and substance
 224 abuse authorities for the provision of crisis services are not subject to the 20% county
 225 match described in Sections 17-43-201 and 17-43-301.
- 226 (c) After consultation with the Behavioral Health Crisis Response [~~Commission~~]
 227 Committee created in Section 63C-18-202, and local substance use authorities and
 228 local mental health authorities described in Sections 17-43-201 and 17-43-301, the
 229 division shall expend funds from the account on any of the following programs:
 230 (i) the Statewide Mental Health Crisis Line, as defined in Section 26B-5-610,
 231 including coordination with 911 emergency service, as defined in Section 69-2-102,

- 232 and coordination with local substance abuse authorities as described in Section
233 17-43-201, and local mental health authorities, described in Section 17-43-301;
- 234 (ii) mobile crisis outreach teams as defined in Section 26B-5-609, distributed in
235 accordance with rules made by the division in accordance with Title 63G, Chapter
236 3, Utah Administrative Rulemaking Act;
- 237 (iii) behavioral health receiving centers as defined in Section 26B-5-114;
- 238 (iv) stabilization services as described in Section [~~26B-1-102~~] 26B-5-101;
- 239 (v) mental health crisis services, as defined in Section 26B-5-101, provided by local
240 substance abuse authorities as described in Section 17-43-201 and local mental
241 health authorities described in Section 17-43-301 to provide prolonged mental
242 health services for up to 90 days after the day on which an individual experiences
243 a mental health crisis as defined in Section 26B-5-101;
- 244 (vi) crisis intervention training for first responders, as that term is defined in Section
245 78B-4-501;
- 246 (vii) crisis worker certification training for first responders, as that term is defined in
247 Section 78B-4-501;
- 248 (viii) frontline support for the SafeUT Crisis Line; or
- 249 (ix) suicide prevention gatekeeper training for first responders, as that term is defined
250 in Section 78B-4-501.
- 251 (d) If the Legislature appropriates money to the account for a purpose described in
252 Subsection (2)(c), the division shall use the appropriation for that purpose.
- 253 (3) Subject to appropriations by the Legislature and any contributions to the account
254 described in Subsection (1)(b), the division may expend funds in the account for
255 administrative costs that the division incurs related to administering the account.
- 256 (4) The division director shall submit and make available to the public a report before
257 December of each year to the Behavioral Health Crisis Response [~~Commission~~]
258 Committee, as defined in Section 63C-18-202, the Social Services Appropriations
259 Subcommittee, and the Legislative Management Committee that includes:
- 260 (a) the amount of each disbursement from the account;
- 261 (b) the recipient of each disbursement, the goods and services received, and a
262 description of the project funded by the disbursement;
- 263 (c) any conditions placed by the division on the disbursements from the account;
- 264 (d) the anticipated expenditures from the account for the next fiscal year;
- 265 (e) the amount of any unexpended funds carried forward;

- 266 (f) the number of Statewide Mental Health Crisis Line calls received;
- 267 (g) the progress towards accomplishing the goals of providing statewide mental health
- 268 crisis service; and
- 269 (h) other relevant justification for ongoing support from the account.
- 270 (5) Notwithstanding Subsection (2)(c), allocations made to local substance use authorities
- 271 and local mental health authorities for behavioral health receiving centers or mobile
- 272 crisis outreach teams before the end of fiscal year 2023 shall be maintained through
- 273 fiscal year 2027, subject to appropriation.
- 274 (6) (a) As used in this Subsection (6):
- 275 (i) "Health benefit plan" means the same as that term is defined in Section 31A-1-301.
- 276 (ii) "Mental health service provider" means a behavioral health receiving center or
- 277 mobile crisis outreach team.
- 278 (b) The department shall coordinate with each mental health service provider that
- 279 receives state funds to determine which health benefit plans, if any, have not
- 280 contracted or have refused to contract with the mental health service provider at usual
- 281 and customary rates for the services provided by the mental health service provider.
- 282 (c) In each year that the department identifies a health benefit plan that meets the
- 283 description in Subsection (6)(b), the department shall provide a report on the
- 284 information gathered under Subsection (6)(b) to the Health and Human Services
- 285 Interim Committee at or before the committee's October meeting.

286 Section 3. Section **26B-1-329** is amended to read:

287 **26B-1-329 (Effective 05/01/24). Mental Health Services Donation Fund.**

- 288 (1) As used in this section:
- 289 (a) "Mental health therapist" means the same as that term is defined in Section 58-60-102.
- 290 (b) "Mental health therapy" means treatment or prevention of a mental illness, including:
- 291 (i) conducting a professional evaluation of an individual's condition of mental health,
- 292 mental illness, or emotional disorder consistent with standards generally
- 293 recognized by mental health therapists;
- 294 (ii) establishing a diagnosis in accordance with established written standards
- 295 generally recognized by mental health therapists;
- 296 (iii) prescribing a plan or medication for the prevention or treatment of a condition of
- 297 a mental illness or an emotional disorder; and
- 298 (iv) engaging in the conduct of professional intervention, including psychotherapy by
- 299 the application of established methods and procedures generally recognized by

- 300 mental health therapists.
- 301 (c) "Qualified individual" means an individual who:
- 302 (i) is experiencing a mental health crisis; and
- 303 (ii) calls a local mental health crisis line as defined in Section 26B-5-610 or the
- 304 statewide mental health crisis line as defined in Section 26B-5-610.
- 305 (2) There is created an expendable special revenue fund known as the "Mental Health
- 306 Services Donation Fund."
- 307 (3) (a) The fund shall consist of:
- 308 (i) gifts, grants, donations, or any other conveyance of money that may be made to
- 309 the fund from public or private individuals or entities; and
- 310 (ii) interest earned on money in the fund.
- 311 (b) The Office of Substance Use and Mental Health shall administer the fund in
- 312 accordance with this section.
- 313 (4) The Office of Substance Use and Mental Health shall award fund money to an entity in
- 314 the state that provides mental health and substance use treatment for the purpose of:
- 315 (a) providing through telehealth or in-person services, mental health therapy to qualified
- 316 individuals;
- 317 (b) providing access to evaluations and coordination of short-term care to assist a
- 318 qualified individual in identifying services or support needs, resources, or benefits for
- 319 which the qualified individual may be eligible; and
- 320 (c) developing a system for a qualified individual and a qualified individual's family to
- 321 access information and referrals for mental health therapy.
- 322 (5) Fund money may only be used for the purposes described in Subsection (4).
- 323 (6) The Office of Substance Use and Mental Health shall provide an annual report to the
- 324 Behavioral Health Crisis Response [~~Commission~~] Committee, created in Section
- 325 63C-18-202, regarding:
- 326 (a) the entity that is awarded a grant under Subsection (4);
- 327 (b) the number of qualified individuals served by the entity with fund money; and
- 328 (c) any costs or benefits as a result of the award of the grant.

329 Section 4. Section **26B-1-425** is amended to read:

330 **26B-1-425 (Effective 05/01/24). Utah Health Workforce Advisory Council --**

331 **Creation and membership.**

- 332 (1) There is created within the department the Utah Health Workforce Advisory Council.
- 333 (2) The council shall be comprised of at least 14 but not more than 19 members.

- 334 (3) The following are members of the council:
- 335 (a) the executive director or that individual's designee;
- 336 (b) the executive director of the Department of Workforce Services or that individual's
- 337 designee;
- 338 (c) the commissioner of higher education of the Utah System of Higher Education or
- 339 that individual's designee;
- 340 (d) the state superintendent of the State Board of Education or that individual's designee;
- 341 (e) the executive director of the Department of Commerce or that individual's designee;
- 342 (f) the director of the Division of Multicultural Affairs or that individual's designee;
- 343 (g) the director of the Utah Substance Use and Mental Health Advisory [~~Council~~
- 344 Committee] or that individual's designee;
- 345 (h) the chair of the Utah Indian Health Advisory Board; and
- 346 (i) the chair of the Utah Medical Education Council created in Section 26B-4-706.
- 347 (4) The executive director shall appoint at least five but not more than ten additional
- 348 members that represent diverse perspectives regarding Utah's health workforce as
- 349 defined in Section [~~26B-4-704~~] 26B-4-705.
- 350 (5) (a) A member appointed by the executive director under Subsection (4) shall serve a
- 351 four-year term.
- 352 (b) Notwithstanding Subsection (5)(a) for the initial appointments of members described
- 353 in Subsection (4) the executive director shall appoint at least three but not more than
- 354 five members to a two-year appointment to ensure that approximately half of the
- 355 members appointed by the executive director rotate every two years.
- 356 (6) The executive director or the executive director's designee shall chair the council.
- 357 (7) (a) As used in this Subsection (7), "health workforce" means the same as that term is
- 358 defined in Section [~~26B-4-706~~] 26B-4-705.
- 359 (b) The council shall:
- 360 (i) meet at least once each quarter;
- 361 (ii) study and provide recommendations to an entity described in Subsection (8)
- 362 regarding:
- 363 (A) health workforce supply;
- 364 (B) health workforce employment trends and demand;
- 365 (C) options for training and educating the health workforce;
- 366 (D) the implementation or improvement of strategies that entities in the state are
- 367 using or may use to address health workforce needs including shortages,

- 368 recruitment, retention, and other Utah health workforce priorities as determined
369 by the council;
- 370 (iii) provide guidance to an entity described in Subsection (8) regarding health
371 workforce related matters;
- 372 (iv) review and comment on legislation relevant to Utah's health workforce; and
373 (v) advise the Utah Board of Higher Education and the Legislature on the status and
374 needs of the health workforce who are in training.
- 375 (8) The council shall provide information described in Subsections (7)(b)(ii) and (iii) to:
376 (a) the Legislature;
377 (b) the department;
378 (c) the Department of Workforce Services;
379 (d) the Department of Commerce;
380 (e) the Utah Medical Education Council; and
381 (f) any other entity the council deems appropriate upon the entity's request.
- 382 (9) (a) The Utah Medical Education Council created in Section 26B-4-706 is a
383 subcommittee of the council.
384 (b) The council may establish subcommittees to support the work of the council.
385 (c) A member of the council shall chair a subcommittee created by the council.
386 (d) Except for the Utah Medical Education Council, the chair of the subcommittee may
387 appoint any individual to the subcommittee.
- 388 (10) For any report created by the council that pertains to any duty described in Subsection
389 (7), the council shall:
390 (a) provide the report to:
391 (i) the department; and
392 (ii) any appropriate legislative committee; and
393 (b) post the report on the council's website.
- 394 (11) The executive director shall:
395 (a) ensure the council has adequate staff to support the council and any subcommittee
396 created by the council; and
397 (b) provide any available information upon the council's request if:
398 (i) that information is necessary for the council to fulfill a duty described in
399 Subsection (7); and
400 (ii) the department has access to the information.
- 401 (12) A member of the council or a subcommittee created by the council may not receive

402 compensation or benefits for the member's service but may receive per diem and travel
403 expenses as allowed in:

404 (a) Section 63A-3-106;

405 (b) Section 63A-3-107; and

406 (c) rules made by the Division of Finance according to Sections 63A-3-106 and
407 63A-3-107.

408 Section 5. Section **26B-1-427** is amended to read:

409 **26B-1-427 (Effective 05/01/24). Alcohol Abuse Tracking Committee --Tracking**
410 **effects of abuse of alcoholic products.**

411 (1) There is created a committee within the department known as the Alcohol Abuse
412 Tracking Committee that consists of:

413 (a) the executive director or the executive director's designee;

414 (b) the commissioner of the Department of Public Safety or the commissioner's designee;

415 (c) the director of the Department of Alcoholic Beverage Services or that director's
416 designee;

417 (d) the executive director of the Department of Workforce Services or that executive
418 director's designee;

419 (e) the chair of the Utah Substance Use and Mental Health Advisory [~~Council~~]
420 Committee or the chair's designee;

421 (f) the state court administrator or the state court administrator's designee; and

422 (g) the director of the Division of Technology Services or that director's designee.

423 (2) The executive director or the executive director's designee shall chair the committee.

424 (3) (a) Four members of the committee constitute a quorum.

425 (b) A vote of the majority of the committee members present when a quorum is present
426 is an action of the committee.

427 (4) The committee shall meet at the call of the chair, except that the chair shall call a
428 meeting at least twice a year:

429 (a) with one meeting held each year to develop the report required under Subsection (7);
430 and

431 (b) with one meeting held to review and finalize the report before the report is issued.

432 (5) The committee may adopt additional procedures or requirements for:

433 (a) voting, when there is a tie of the committee members;

434 (b) how meetings are to be called; and

435 (c) the frequency of meetings.

- 436 (6) The committee shall establish a process to collect for each calendar year the following
 437 information:
- 438 (a) the number of individuals statewide who are convicted of, plead guilty to, plead no
 439 contest to, plead guilty in a similar manner to, or resolve by diversion or its
 440 equivalent to a violation related to underage drinking of alcohol;
- 441 (b) the number of individuals statewide who are convicted of, plead guilty to, plead no
 442 contest to, plead guilty in a similar manner to, or resolve by diversion or its
 443 equivalent to a violation related to driving under the influence of alcohol;
- 444 (c) the number of violations statewide of Title 32B, Alcoholic Beverage Control Act,
 445 related to over-serving or over-consumption of an alcoholic product;
- 446 (d) the cost of social services provided by the state related to abuse of alcohol, including
 447 services provided by the Division of Child and Family Services;
- 448 (e) the location where the alcoholic products that result in the violations or costs
 449 described in Subsections (6)(a) through (d) are obtained; and
- 450 (f) any information the committee determines can be collected and relates to the abuse of
 451 alcoholic products.
- 452 (7) The committee shall report the information collected under Subsection (6) annually to
 453 the governor and the Legislature by no later than the July 1 immediately following the
 454 calendar year for which the information is collected.

455 Section 6. Section **26B-1-428** is amended to read:

456 **26B-1-428 (Effective 05/01/24). Youth Electronic Cigarette, Marijuana, and**
 457 **Other Drug Prevention Committee and Program -- Creation -- Membership --**
 458 **Duties.**

- 459 (1) As used in this section:
- 460 (a) "Committee" means the Youth Electronic Cigarette, Marijuana, and Other Drug
 461 Prevention Committee created in Section 26B-1-204.
- 462 (b) "Program" means the Youth Electronic Cigarette, Marijuana, and Other Drug
 463 Prevention Program created in this section.
- 464 (2) (a) There is created within the department the Youth Electronic Cigarette, Marijuana,
 465 and Other Drug Prevention Program.
- 466 (b) In consultation with the committee, the department shall:
- 467 (i) establish guidelines for the use of funds appropriated to the program;
- 468 (ii) ensure that guidelines developed under Subsection (2)(b)(i) are evidence-based
 469 and appropriate for the population targeted by the program; and

- 470 (iii) subject to appropriations from the Legislature, fund statewide initiatives to
471 prevent use of electronic cigarettes, nicotine products, marijuana, and other drugs
472 by youth.
- 473 (3) (a) The committee shall advise the department on:
- 474 (i) preventing use of electronic cigarettes, marijuana, and other drugs by youth in the
475 state;
- 476 (ii) developing the guidelines described in Subsection (2)(b)(i); and
477 (iii) implementing the provisions of the program.
- 478 (b) The executive director shall:
- 479 (i) appoint members of the committee; and
480 (ii) consult with the Utah Substance Use and Mental Health Advisory [~~Council~~]
481 Committee created in Section [~~63M-7-301~~] 26B-5-801 when making the
482 appointments under Subsection (3)(b)(i).
- 483 (c) The committee shall include, at a minimum:
- 484 (i) the executive director of a local health department as defined in Section 26A-1-102,
485 or the local health department executive director's designee;
- 486 (ii) one designee from the department;
- 487 (iii) one representative from the Department of Public Safety;
- 488 (iv) one representative from the behavioral health community; and
489 (v) one representative from the education community.
- 490 (d) A member of the committee may not receive compensation or benefits for the
491 member's service on the committee, but may receive per diem and travel expenses in
492 accordance with:
- 493 (i) Section 63A-3-106;
494 (ii) Section 63A-3-107; and
495 (iii) rules made by the Division of Finance under Sections 63A-3-106 and 63A-3-107.
- 496 (e) The department shall provide staff support to the committee.
- 497 (4) On or before October 31 of each year, the department shall report to:
- 498 (a) the Health and Human Services Interim Committee regarding:
- 499 (i) the use of funds appropriated to the program;
- 500 (ii) the impact and results of the program, including the effectiveness of each
501 program funded under Subsection (2)(b)(iii), during the previous fiscal year;
- 502 (iii) a summary of the impacts and results on reducing youth use of electronic
503 cigarettes and nicotine products by entities represented by members of the

504 committee, including those entities who receive funding through the Electronic
 505 Cigarette Substance and Nicotine Product Proceeds Restricted Account created in
 506 Section 59-14-807; and

507 (iv) any recommendations for legislation; and

508 (b) the Utah Substance Use and Mental Health Advisory [~~Council~~] Committee created in
 509 Section [~~63M-7-301~~] 26B-5-801, regarding:

510 (i) the effectiveness of each program funded under Subsection (2)(b)(iii) in
 511 preventing youth use of electronic cigarettes, nicotine products, marijuana, and
 512 other drugs; and

513 (ii) any collaborative efforts and partnerships established by the program with public
 514 and private entities to prevent youth use of electronic cigarettes, marijuana, and
 515 other drugs.

516 Section 7. Section **26B-3-213** is amended to read:

517 **26B-3-213 (Effective 05/01/24). Medicaid waiver for mental health crisis lines**

518 **and mobile crisis outreach teams.**

519 (1) As used in this section:

520 (a) "Local mental health crisis line" means the same as that term is defined in Section
 521 26B-5-610.

522 (b) "Mental health crisis" means:

523 (i) a mental health condition that manifests itself in an individual by symptoms of
 524 sufficient severity that a prudent layperson who possesses an average knowledge
 525 of mental health issues could reasonably expect the absence of immediate
 526 attention or intervention to result in:

527 (A) serious danger to the individual's health or well-being; or

528 (B) a danger to the health or well-being of others; or

529 (ii) a mental health condition that, in the opinion of a mental health therapist or the
 530 therapist's designee, requires direct professional observation or the intervention of
 531 a mental health therapist.

532 (c) (i) "Mental health crisis services" means direct mental health services and on-site
 533 intervention that a mobile crisis outreach team provides to an individual suffering
 534 from a mental health crisis, including the provision of safety and care plans,
 535 prolonged mental health services for up to 90 days, and referrals to other
 536 community resources.

537 (ii) "Mental health crisis services" includes:

- 538 (A) local mental health crisis lines; and
539 (B) the statewide mental health crisis line.
- 540 (d) "Mental health therapist" means the same as that term is defined in Section 58-60-102.
541 (e) "Mobile crisis outreach team" or "MCOT" means a mobile team of medical and
542 mental health professionals that, in coordination with local law enforcement and
543 emergency medical service personnel, provides mental health crisis services.
544 (f) "Statewide mental health crisis line" means the same as that term is defined in
545 Section 26B-5-610.

- 546 (2) In consultation with the Behavioral Health Crisis Response [~~Commission~~] Committee
547 created in Section 63C-18-202, the department shall develop a proposal to amend the
548 state Medicaid plan to include mental health crisis services, including the statewide
549 mental health crisis line, local mental health crisis lines, and mobile crisis outreach
550 teams.
- 551 (3) By January 1, 2019, the department shall apply for a Medicaid waiver with CMS, if
552 necessary to implement, within the state Medicaid program, the mental health crisis
553 services described in Subsection (2).

554 Section 8. Section **26B-3-223** is amended to read:

555 **26B-3-223 (Effective 05/01/24). Delivery system adjustments for the targeted**
556 **adult Medicaid program.**

- 557 (1) As used in this section, "targeted adult Medicaid program" means the same as that term
558 is defined in Section 26B-3-207.
- 559 (2) The department may implement the delivery system adjustments authorized under
560 Subsection (3) only on the later of:
- 561 (a) July 1, 2023; and
562 (b) the department determining that the Medicaid program, including providers and
563 managed care organizations, are satisfying the metrics established in collaboration
564 with the [~~working group convened under Subsection 26B-3-138(2)~~] Behavioral
565 Health Delivery Working Group.
- 566 (3) The department may, for individuals who are enrolled in the targeted adult Medicaid
567 program:
- 568 (a) integrate the delivery of behavioral and physical health in certain counties; and
569 (b) deliver behavioral health services through an accountable care organization where
570 implemented.
- 571 (4) Before implementing the delivery system adjustments described in Subsection (3) in a

- 572 county, the department shall, at a minimum, seek input from:
- 573 (a) individuals who qualify for the targeted adult Medicaid program who reside in the
- 574 county;
- 575 (b) the county's executive officer, legislative body, and other county officials who are
- 576 involved in the delivery of behavioral health services;
- 577 (c) the local mental health authority and local substance abuse authority that serves the
- 578 county;
- 579 (d) Medicaid managed care organizations operating in the state, including Medicaid
- 580 accountable care organizations;
- 581 (e) providers of physical or behavioral health services in the county who provide
- 582 services to enrollees in the targeted adult Medicaid program in the county; and
- 583 (f) other individuals that the department deems necessary.
- 584 (5) If the department provides Medicaid coverage through a managed care delivery system
- 585 under this section, the department shall include language in the department's managed
- 586 care contracts that require the managed care plan to:
- 587 (a) be in compliance with federal Medicaid managed care requirements;
- 588 (b) timely and accurately process authorizations and claims in accordance with Medicaid
- 589 policy and contract requirements;
- 590 (c) adequately reimburse providers to maintain adequacy of access to care;
- 591 (d) provide care management services sufficient to meet the needs of Medicaid eligible
- 592 individuals enrolled in the managed care plan's plan; and
- 593 (e) timely resolve any disputes between a provider or enrollee with the managed care
- 594 plan.
- 595 (6) The department may take corrective action if the managed care organization fails to
- 596 comply with the terms of the managed care organization's contract.

597 Section 9. Section **26B-5-112** is amended to read:

598 **26B-5-112 (Effective 05/01/24). Mobile crisis outreach team expansion.**

- 599 (1) In consultation with the Behavioral Health Crisis Response [~~Commission~~] Committee,
- 600 established in Section 63C-18-202, the division shall award grants for the development
- 601 of:
- 602 (a) five mobile crisis outreach teams:
- 603 (i) in counties of the second, third, fourth, fifth, or sixth class; or
- 604 (ii) in counties of the first class, if no more than two mobile crisis outreach teams are
- 605 operating or have been awarded a grant to operate in the county; and

- 606 (b) at least three mobile crisis outreach teams in counties of the third, fourth, fifth, or
607 sixth class.
- 608 (2) A mobile crisis outreach team awarded a grant under Subsection (1) shall provide
609 mental health crisis services 24 hours per day, 7 days per week, and every day of the
610 year.
- 611 (3) The division shall prioritize the award of a grant described in Subsection (1) to entities,
612 based on:
- 613 (a) the number of individuals the proposed mobile crisis outreach team will serve; and
614 (b) the percentage of matching funds the entity will provide to develop the proposed
615 mobile crisis outreach team.
- 616 (4) An entity does not need to have resources already in place to be awarded a grant
617 described in Subsection (1).
- 618 (5) In consultation with the Behavioral Health Crisis Response [~~Commission~~] Committee,
619 established in Section 63C-18-202, the division shall make rules, in accordance with
620 Title 63G, Chapter 3, Utah Administrative Rulemaking Act, for the application and
621 award of the grants described in Subsection (1).
- 622 Section 10. Section **26B-5-112.5** is amended to read:
- 623 **26B-5-112.5 (Effective 05/01/24). Mobile Crisis Outreach Team Grant Program.**
- 624 (1) As used in this section, [~~commission~~] "committee" means the Behavioral Health Crisis
625 Response [~~Commission~~] Committee established in Section 63C-18-202.
- 626 (2) The [~~commission~~] committee shall provide recommendations and the division shall
627 award grants for the development of up to five mobile crisis outreach teams.
- 628 (3) A mobile crisis outreach team that is awarded a grant under Subsection (2) shall provide
629 mental health crisis services 24 hours per day, seven days per week, and every day of the
630 year.
- 631 (4) The division shall prioritize the award of a grant described in Subsection (2) to entities
632 based on:
- 633 (a) the outstanding need for crisis outreach services within the area the proposed mobile
634 crisis outreach team will serve; and
635 (b) the capacity for implementation of the proposed mobile crisis outreach team in
636 accordance with the division's established standards and requirements for mobile
637 crisis outreach teams.
- 638 (5) (a) In consultation with the [~~commission~~] committee, the division shall make rules, in
639 accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, for the

640 application and award of the grants described in Subsection (2).

641 (b) (i) The rules created under Subsection (5)(a) shall implement a funding structure
642 for a mobile crisis outreach team developed using a grant awarded under this
643 section.

644 (ii) The funding structure described in Subsection (5)(b)(i) shall provide for tiers and
645 phases of shared funding coverage between the state and counties.

646 Section 11. Section **26B-5-114** is amended to read:

647 **26B-5-114 (Effective 05/01/24). Behavioral Health Receiving Center Grant**

648 **Program.**

649 (1) As used in this section:

650 (a) "Behavioral health receiving center" means a 23-hour nonsecure program or facility
651 that is responsible for, and provides mental health crisis services to, an individual
652 experiencing a mental health crisis.

653 (b) [~~Commission~~] "Committee" means the Behavioral Health Crisis Response [
654 ~~Commission~~] Committee established in Section 63C-18-202.

655 (c) "Project" means a behavioral health receiving center project described in Subsection
656 (2) or (3)(a).

657 (2) Before July 1, 2020, the division shall issue a request for proposals in accordance with
658 this section to award a grant to one or more counties of the first or second class, as
659 classified in Section 17-50-501, to develop and implement a behavioral health receiving
660 center.

661 (3) (a) Before July 1, 2023, the division shall issue a request for proposals in accordance
662 with this section to award a grant to one county of the third class, as classified in
663 Section 17-50- 501, to develop and implement a behavioral health receiving center.

664 (b) Subject to appropriations by the Legislature, the division shall award grants under
665 this Subsection (3) before December 31, 2023.

666 (c) The [~~commission~~] committee shall provide recommendations to the division
667 regarding the development and implementation of a behavioral health receiving
668 center.

669 (4) The purpose of a project is to:

670 (a) increase access to mental health crisis services for individuals in the state who are
671 experiencing a mental health crisis; and

672 (b) reduce the number of individuals in the state who are incarcerated or in a hospital
673 emergency room while experiencing a mental health crisis.

- 674 (5) An application for a grant under this section shall:
- 675 (a) identify the population to which the behavioral health receiving center will provide
- 676 mental health crisis services;
- 677 (b) identify the type of mental health crisis services the behavioral health receiving
- 678 center will provide;
- 679 (c) explain how the population described in Subsection (5)(a) will benefit from the
- 680 provision of mental health crisis services;
- 681 (d) provide details regarding:
- 682 (i) how the proposed project plans to provide mental health crisis services;
- 683 (ii) how the proposed project will ensure that consideration is given to the capacity of
- 684 the behavioral health receiving center;
- 685 (iii) how the proposed project will ensure timely and effective provision of mental
- 686 health crisis services;
- 687 (iv) the cost of the proposed project;
- 688 (v) any existing or planned contracts or partnerships between the applicant and other
- 689 individuals or entities to develop and implement the proposed project;
- 690 (vi) any plan to use funding sources in addition to a grant under this section for the
- 691 proposed project;
- 692 (vii) the sustainability of the proposed project; and
- 693 (viii) the methods the proposed project will use to:
- 694 (A) protect the privacy of each individual who receives mental health crisis
- 695 services from the behavioral health receiving center;
- 696 (B) collect nonidentifying data relating to the proposed project; and
- 697 (C) provide transparency on the costs and operation of the proposed project; and
- 698 (e) provide other information requested by the division to ensure that the proposed
- 699 project satisfies the criteria described in Subsection (7).
- 700 (6) A recipient of a grant under this section shall enroll as a Medicaid provider and meet
- 701 minimum standards of care for behavioral health receiving centers established by the
- 702 division.
- 703 (7) In evaluating an application for the grant, the division shall consider:
- 704 (a) the extent to which the proposed project will fulfill the purposes described in
- 705 Subsection (4);
- 706 (b) the extent to which the population described in Subsection (5)(a) is likely to benefit
- 707 from the proposed project;

- 708 (c) the cost of the proposed project;
- 709 (d) the extent to which any existing or planned contracts or partnerships between the
710 applicant and other individuals or entities to develop and implement the project, or
711 additional funding sources available to the applicant for the proposed project, are
712 likely to benefit the proposed project; and
- 713 (e) the viability and innovation of the proposed project.
- 714 (8) Before June 30, 2023, the division shall report to the Health and Human Services
715 Interim Committee regarding:
- 716 (a) data gathered in relation to each project described in Subsection (2);
- 717 (b) knowledge gained relating to the provision of mental health crisis services in a
718 behavioral health receiving center;
- 719 (c) recommendations for the future use of mental health crisis services in behavioral
720 health receiving centers;
- 721 (d) obstacles encountered in the provision of mental health crisis services in a behavioral
722 health receiving center; and
- 723 (e) recommendations for appropriate Medicaid reimbursement for rural behavioral
724 health receiving centers.
- 725 (9) (a) In consultation with the [~~commission~~] committee, the division shall make rules, in
726 accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, for the
727 application and award of a grant under this section.
- 728 (b) (i) The rules created under Subsection (9)(a) shall:
- 729 (A) implement a funding structure for a behavioral health receiving center
730 developed using a grant awarded under this section;
- 731 (B) include implementation standards and minimum program requirements for a
732 behavioral health receiving center developed using a grant awarded under this
733 section, including minimum guidelines and standards of care, and minimum
734 staffing requirements; and
- 735 (C) require a behavioral health receiving center developed using a grant awarded
736 under this section to operate 24 hours per day, seven days per week, and every
737 day of the year.
- 738 (ii) The funding structure described in Subsection (9)(b)(i)(A) shall provide for tiers
739 and phases of shared funding coverage between the state and counties.
- 740 (10) Before June 30, 2024, the division shall report to the Health and Human Services
741 Interim Committee regarding:

- 742 (a) grants awarded under Subsection (3)(a); and
743 (b) the details of each project described in Subsection (3)(a).
- 744 (11) Before June 30, 2026, the division shall provide a report to the Health and Human
745 Services Interim Committee that includes:
- 746 (a) data gathered in relation to each project described in Subsection (3)(a); and
747 (b) an update on the items described in Subsections (8)(b) through (d).
- 748 Section 12. Section **26B-5-120** is amended to read:
- 749 **26B-5-120 (Effective 05/01/24). Virtual crisis outreach team grant program.**
- 750 (1) As used in this section:
- 751 (a) "Certified peer support specialist" means the same as that term is defined in Section
752 26B-5-610.
- 753 (b) [~~"Commission"~~] "Committee" means the Behavioral Health Crisis Response [
754 ~~Commission~~] Committee established in Section 63C-18-202.
- 755 [~~(e)~~] "~~Committee~~" means the ~~Health and Human Services Interim Committee.~~]
- 756 [~~(d)~~] (c) "Mobile crisis outreach team" means the same as that term is defined in Section
757 26B-5-609.
- 758 [~~(e)~~] (d) "Virtual crisis outreach program" means a program that provides the following
759 real-time services 24 hours per day, seven days per week, and every day of the year:
- 760 (i) crisis support, by a qualified mental or behavioral health professional, to law
761 enforcement officers; and
- 762 (ii) peer support services, by a certified peer support specialist, to individuals
763 experiencing behavioral health crises.
- 764 (2) In consultation with the [~~commission~~] committee and in accordance with the
765 requirements of this section, the division shall award a grant for the development of a
766 virtual crisis outreach program that primarily serves counties of the third, fourth, fifth, or
767 sixth class.
- 768 (3) The division shall prioritize the award of the grant described in Subsection (2) based on
769 the extent to which providing the grant to the applicant will increase the provision of
770 crisis support and peer support services in areas:
- 771 (a) with frequent mental or behavioral health provider shortages; and
772 (b) where only one mobile crisis outreach team is available to serve multiple counties of
773 the third, fourth, fifth, or sixth class.
- 774 (4) When not providing crisis support or peer support services to law enforcement or
775 individuals in a county of the third, fourth, fifth, or sixth class, the virtual crisis outreach

776 program developed using a grant under this section shall provide support services as
777 needed to mobile crisis outreach teams in counties of the first or second class.

778 (5) In consultation with the [~~commission~~] committee, the division may make rules, in
779 accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, for the
780 application and award of the grant described in Subsection (2).

781 (6) Before June 30, 2024, the division shall submit a written report to the [~~committee~~]
782 Health and Human Services Interim Committee regarding the virtual crisis outreach
783 program developed using the grant awarded under this section.

784 (7) Before June 30, 2026, the division shall submit a written report to the [~~committee~~]
785 Health and Human Services Interim Committee regarding:

786 (a) data gathered in relation to the rural virtual crisis outreach team developed using the
787 grant awarded under this section;

788 (b) knowledge gained relating to the provision of virtual crisis outreach services;

789 (c) recommendations for the future use of virtual crisis outreach services; and

790 (d) obstacles encountered in the provision of virtual crisis outreach services.

791 Section 13. Section **26B-5-403** is amended to read:

792 **26B-5-403 (Effective 05/01/24). Residential and inpatient settings -- Commitment**
793 **proceeding -- Child in physical custody of local mental health authority.**

794 (1) A child may receive services from a local mental health authority in an inpatient or
795 residential setting only after a commitment proceeding, for the purpose of transferring
796 physical custody, has been conducted in accordance with the requirements of this
797 section.

798 (2) That commitment proceeding shall be initiated by a petition for commitment, and shall
799 be a careful, diagnostic inquiry, conducted by a neutral and detached fact finder,
800 pursuant to the procedures and requirements of this section. If the findings described in
801 Subsection (4) exist, the proceeding shall result in the transfer of physical custody to the
802 appropriate local mental health authority, and the child may be placed in an inpatient or
803 residential setting.

804 (3) The neutral and detached fact finder who conducts the inquiry:

805 (a) shall be a designated examiner; and

806 (b) may not profit, financially or otherwise, from the commitment or physical placement
807 of the child in that setting.

808 (4) Upon determination by a fact finder that the following circumstances clearly exist, the
809 fact finder may order that the child be committed to the physical custody of a local

- 810 mental health authority:
- 811 (a) the child has a mental illness;
- 812 (b) the child demonstrates a reasonable fear of the risk of substantial danger to self or
- 813 others;
- 814 (c) the child will benefit from care and treatment by the local mental health authority;
- 815 and
- 816 (d) there is no appropriate less-restrictive alternative.
- 817 (5) (a) The commitment proceeding before the neutral and detached fact finder shall be
- 818 conducted in as informal manner as possible and in a physical setting that is not
- 819 likely to have a harmful effect on the child.
- 820 (b) The child, the child's parent or legal guardian, the petitioner, and a representative of
- 821 the appropriate local mental health authority:
- 822 (i) shall receive informal notice of the date and time of the proceeding; and
- 823 (ii) may appear and address the petition for commitment.
- 824 (c) The neutral and detached fact finder may, in the fact finder's discretion, receive the
- 825 testimony of any other person.
- 826 (d) The fact finder may allow a child to waive the child's right to be present at the
- 827 commitment proceeding, for good cause shown. If that right is waived, the purpose of
- 828 the waiver shall be made a matter of record at the proceeding.
- 829 (e) At the time of the commitment proceeding, the appropriate local mental health
- 830 authority, its designee, or the psychiatrist who has been in charge of the child's care
- 831 prior to the commitment proceeding, shall provide the neutral and detached fact
- 832 finder with the following information, as it relates to the period of current admission:
- 833 (i) the petition for commitment;
- 834 (ii) the admission notes;
- 835 (iii) the child's diagnosis;
- 836 (iv) physicians' orders;
- 837 (v) progress notes;
- 838 (vi) nursing notes; and
- 839 (vii) medication records.
- 840 (f) The information described in Subsection (5)(e) shall also be provided to the child's
- 841 parent or legal guardian upon written request.
- 842 (g) (i) The neutral and detached fact finder's decision of commitment shall state the
- 843 duration of the commitment. Any commitment to the physical custody of a local

- 844 mental health authority may not exceed 180 days. Prior to expiration of the
845 commitment, and if further commitment is sought, a hearing shall be conducted in
846 the same manner as the initial commitment proceeding, in accordance with the
847 requirements of this section.
- 848 (ii) At the conclusion of the hearing and subsequently in writing, when a decision for
849 commitment is made, the neutral and detached fact finder shall inform the child
850 and the child's parent or legal guardian of that decision and of the reasons for
851 ordering commitment.
- 852 (iii) The neutral and detached fact finder shall state in writing the basis of the
853 decision, with specific reference to each of the criteria described in Subsection (4),
854 as a matter of record.
- 855 (6) A child may be temporarily committed for a maximum of 72 hours, excluding
856 Saturdays, Sundays, and legal holidays, to the physical custody of a local mental health
857 authority in accordance with the procedures described in Section 26B-5-331 and upon
858 satisfaction of the risk factors described in Subsection (4). A child who is temporarily
859 committed shall be released at the expiration of the 72 hours unless the procedures and
860 findings required by this section for the commitment of a child are satisfied.
- 861 (7) A local mental health authority shall have physical custody of each child committed to it
862 under this section. The parent or legal guardian of a child committed to the physical
863 custody of a local mental health authority under this section, retains legal custody of the
864 child, unless legal custody has been otherwise modified by a court of competent
865 jurisdiction. In cases when the Division of Child and Family Services or the Division of
866 Juvenile Justice and Youth Services has legal custody of a child, that division shall
867 retain legal custody for purposes of this part.
- 868 (8) The cost of caring for and maintaining a child in the physical custody of a local mental
869 health authority shall be assessed to and paid by the child's parents, according to their
870 ability to pay. For purposes of this section, the Division of Child and Family Services or
871 the Division of Juvenile Justice and Youth Services shall be financially responsible, in
872 addition to the child's parents, if the child is in the legal custody of either of those
873 divisions at the time the child is committed to the physical custody of a local mental
874 health authority under this section, unless Medicaid regulation or contract provisions
875 specify otherwise. The Office of Recovery Services shall assist those divisions in
876 collecting the costs assessed pursuant to this section.
- 877 (9) Whenever application is made for commitment of a minor to a local mental health

878 authority under any provision of this section by a person other than the child's parent or
879 guardian, the local mental health authority or its designee shall notify the child's parent
880 or guardian. The parents shall be provided sufficient time to prepare and appear at any
881 scheduled proceeding.

882 (10) (a) Each child committed pursuant to this section is entitled to an appeal within 30
883 days after any order for commitment. The appeal may be brought on the child's own
884 petition or on petition of the child's parent or legal guardian, to the juvenile court in
885 the district where the child resides or is currently physically located. With regard to a
886 child in the custody of the Division of Child and Family Services or the Division of
887 Juvenile Justice and Youth Services, the attorney general's office shall handle the
888 appeal, otherwise the appropriate county attorney's office is responsible for appeals
889 brought pursuant to this Subsection (10)(a).

890 (b) Upon receipt of the petition for appeal, the court shall appoint a designated examiner
891 previously unrelated to the case, to conduct an examination of the child in accordance
892 with the criteria described in Subsection (4), and file a written report with the court.
893 The court shall then conduct an appeal hearing to determine whether the findings
894 described in Subsection (4) exist by clear and convincing evidence.

895 (c) Prior to the time of the appeal hearing, the appropriate local mental health authority,
896 its designee, or the mental health professional who has been in charge of the child's
897 care prior to commitment, shall provide the court and the designated examiner for the
898 appeal hearing with the following information, as it relates to the period of current
899 admission:

- 900 (i) the original petition for commitment;
- 901 (ii) admission notes;
- 902 (iii) diagnosis;
- 903 (iv) physicians' orders;
- 904 (v) progress notes;
- 905 (vi) nursing notes; and
- 906 (vii) medication records.

907 (d) Both the neutral and detached fact finder and the designated examiner appointed for
908 the appeal hearing shall be provided with an opportunity to review the most current
909 information described in Subsection (10)(c) prior to the appeal hearing.

910 (e) The child, the child's parent or legal guardian, the person who submitted the original
911 petition for commitment, and a representative of the appropriate local mental health

912 authority shall be notified by the court of the date and time of the appeal hearing.
913 Those persons shall be afforded an opportunity to appear at the hearing. In reaching
914 its decision, the court shall review the record and findings of the neutral and detached
915 fact finder, the report of the designated examiner appointed pursuant to Subsection
916 (10)(b), and may, in its discretion, allow or require the testimony of the neutral and
917 detached fact finder, the designated examiner, the child, the child's parent or legal
918 guardian, the person who brought the initial petition for commitment, or any other
919 person whose testimony the court deems relevant. The court may allow the child to
920 waive the right to appear at the appeal hearing, for good cause shown. If that waiver
921 is granted, the purpose shall be made a part of the court's record.

922 (11) Each local mental health authority has an affirmative duty to conduct periodic
923 evaluations of the mental health and treatment progress of every child committed to its
924 physical custody under this section, and to release any child who has sufficiently
925 improved so that the criteria justifying commitment no longer exist.

926 (12) (a) A local mental health authority or its designee, in conjunction with the child's
927 current treating mental health professional may release an improved child to a less
928 restrictive environment, as they determine appropriate. Whenever the local mental
929 health authority or its designee, and the child's current treating mental health
930 professional, determine that the conditions justifying commitment no longer exist, the
931 child shall be discharged and released to the child's parent or legal guardian. With
932 regard to a child who is in the physical custody of the State Hospital, the treating
933 psychiatrist or clinical director of the State Hospital shall be the child's current
934 treating mental health professional.

935 (b) A local mental health authority or its designee, in conjunction with the child's current
936 treating mental health professional, is authorized to issue a written order for the
937 immediate placement of a child not previously released from an order of commitment
938 into a more restrictive environment, if the local authority or its designee and the
939 child's current treating mental health professional has reason to believe that the less
940 restrictive environment in which the child has been placed is exacerbating the child's
941 mental illness, or increasing the risk of harm to self or others.

942 (c) The written order described in Subsection (12)(b) shall include the reasons for
943 placement in a more restrictive environment and shall authorize any peace officer to
944 take the child into physical custody and transport the child to a facility designated by
945 the appropriate local mental health authority in conjunction with the child's current

946 treating mental health professional. Prior to admission to the more restrictive
947 environment, copies of the order shall be personally delivered to the child, the child's
948 parent or legal guardian, the administrator of the more restrictive environment, or the
949 administrator's designee, and the child's former treatment provider or facility.

950 (d) If the child has been in a less restrictive environment for more than 30 days and is
951 aggrieved by the change to a more restrictive environment, the child or the child's
952 representative may request a review within 30 days of the change, by a neutral and
953 detached fact finder as described in Subsection (3). The fact finder shall determine
954 whether:

955 (i) the less restrictive environment in which the child has been placed is exacerbating
956 the child's mental illness or increasing the risk of harm to self or others; or

957 (ii) the less restrictive environment in which the child has been placed is not
958 exacerbating the child's mental illness or increasing the risk of harm to self or
959 others, in which case the fact finder shall designate that the child remain in the
960 less restrictive environment.

961 (e) Nothing in this section prevents a local mental health authority or its designee, in
962 conjunction with the child's current mental health professional, from discharging a
963 child from commitment or from placing a child in an environment that is less
964 restrictive than that designated by the neutral and detached fact finder.

965 (13) Each local mental health authority or its designee, in conjunction with the child's
966 current treating mental health professional shall discharge any child who, in the opinion
967 of that local authority, or its designee, and the child's current treating mental health
968 professional, no longer meets the criteria specified in Subsection (4), except as provided
969 by Section 26B-5-405. The local authority and the mental health professional shall
970 assure that any further supportive services required to meet the child's needs upon
971 release will be provided.

972 (14) Even though a child has been committed to the physical custody of a local mental
973 health authority under this section, the child is still entitled to additional due process
974 proceedings, in accordance with Section [~~26B-5-704~~] 26B-5-404, before any treatment
975 that may affect a constitutionally protected liberty or privacy interest is administered.
976 Those treatments include, but are not limited to, antipsychotic medication, electroshock
977 therapy, and psychosurgery.

978 Section 14. Section **26B-5-609** is amended to read:

979 **26B-5-609 (Effective 05/01/24). Department and division duties -- MCOT license**

980 **creation.**

981 (1) As used in this section:

982 (a) [~~"Commission"~~] "Committee" means the Behavioral Health Crisis Response [
983 ~~Commission~~] Committee created in Section 63C-18-202.

984 (b) "Emergency medical service personnel" means the same as that term is defined in
985 Section 26B-4-101.

986 (c) "Emergency medical services" means the same as that term is defined in Section
987 26B-4-101.

988 (d) "MCOT certification" means the certification created in this part for MCOT
989 personnel and mental health crisis outreach services.

990 (e) "MCOT personnel" means a licensed mental health therapist or other mental health
991 professional, as determined by the division, who is a part of a mobile crisis outreach
992 team.

993 (f) "Mental health crisis" means a mental health condition that manifests itself by
994 symptoms of sufficient severity that a prudent layperson who possesses an average
995 knowledge of mental health issues could reasonably expect the absence of immediate
996 attention or intervention to result in:

997 (i) serious jeopardy to the individual's health or well-being; or

998 (ii) a danger to others.

999 (g) (i) "Mental health crisis services" means mental health services and on-site
1000 intervention that a person renders to an individual suffering from a mental health
1001 crisis.

1002 (ii) "Mental health crisis services" includes the provision of safety and care plans,
1003 stabilization services offered for a minimum of 60 days, and referrals to other
1004 community resources.

1005 (h) "Mental health therapist" means the same as that term is defined in Section 58-60-102.

1006 (i) "Mobile crisis outreach team" or "MCOT" means a mobile team of medical and
1007 mental health professionals that provides mental health crisis services and, based on
1008 the individual circumstances of each case, coordinates with local law enforcement,
1009 emergency medical service personnel, and other appropriate state or local resources.

1010 (2) To promote the availability of comprehensive mental health crisis services throughout
1011 the state, the division shall make rules, in accordance with Title 63G, Chapter 3, Utah
1012 Administrative Rulemaking Act, that create a certificate for MCOT personnel and
1013 MCOTs, including:

- 1014 (a) the standards the division establishes under Subsection (3); and
 1015 (b) guidelines for:
 1016 (i) credit for training and experience; and
 1017 (ii) the coordination of:
 1018 (A) emergency medical services and mental health crisis services;
 1019 (B) law enforcement, emergency medical service personnel, and mobile crisis
 1020 outreach teams; and
 1021 (C) temporary commitment in accordance with Section 26B-5-331.
- 1022 (3) (a) With recommendations from the [~~eommission~~] committee, the division shall:
 1023 (i) in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,
 1024 make rules that establish standards that an applicant is required to meet to qualify
 1025 for the MCOT certification described in Subsection (2); and
 1026 (ii) create a statewide MCOT plan that:
 1027 (A) identifies statewide mental health crisis services needs, objectives, and
 1028 priorities; and
 1029 (B) identifies the equipment, facilities, personnel training, and other resources
 1030 necessary to provide mental health crisis services.
- 1031 (b) The division may delegate the MCOT plan requirement described in Subsection
 1032 (3)(a)(ii) to a contractor with which the division contracts to provide mental health
 1033 crisis services.
- 1034 Section 15. Section **26B-5-610** is amended to read:
 1035 **26B-5-610 (Effective 05/01/24). Contracts for statewide mental health crisis line**
 1036 **and statewide warm line -- Crisis worker and certified peer support specialist**
 1037 **qualification or certification -- Operational standards.**
- 1038 (1) As used in this section:
 1039 (a) "Certified peer support specialist" means an individual who:
 1040 (i) meets the standards of qualification or certification that the division sets, in
 1041 accordance with Subsection (3); and
 1042 (ii) staffs the statewide warm line under the supervision of at least one mental health
 1043 therapist.
- 1044 (b) [~~"Commission"~~] "Committee" means the Behavioral Health Crisis Response [~~C~~
 1045 ~~ommission~~] Committee created in Section 63C-18-202.
- 1046 (c) "Crisis worker" means an individual who:
 1047 (i) meets the standards of qualification or certification that the division sets, in

- 1048 accordance with Subsection (3); and
- 1049 (ii) staffs the statewide mental health crisis line, the statewide warm line, or a local
- 1050 mental health crisis line under the supervision of at least one mental health
- 1051 therapist.
- 1052 (d) "Local mental health crisis line" means a phone number or other response system
- 1053 that is:
- 1054 (i) accessible within a particular geographic area of the state; and
- 1055 (ii) intended to allow an individual to contact and interact with a qualified mental or
- 1056 behavioral health professional.
- 1057 (e) "Mental health crisis" means the same as that term is defined in Section 26B-5-609.
- 1058 (f) "Mental health therapist" means the same as that term is defined in Section 58-60-102.
- 1059 (g) "Statewide mental health crisis line" means a statewide phone number or other
- 1060 response system that allows an individual to contact and interact with a qualified
- 1061 mental or behavioral health professional 24 hours per day, 365 days per year.
- 1062 (h) "Statewide warm line" means a statewide phone number or other response system
- 1063 that allows an individual to contact and interact with a qualified mental or behavioral
- 1064 health professional or a certified peer support specialist.
- 1065 (2) (a) The division shall enter into a new contract or modify an existing contract to
- 1066 manage and operate, in accordance with this part, the statewide mental health crisis
- 1067 line and the statewide warm line.
- 1068 (b) Through the contracts described in Subsection (2)(a) and in consultation with the [~~commission~~]
- 1069 committee, the division shall set standards of care and practice for:
- 1070 (i) the mental health therapists and crisis workers who staff the statewide mental
- 1071 health crisis line; and
- 1072 (ii) the mental health therapists, crisis workers, and certified peer support specialists
- 1073 who staff the statewide warm line.
- 1074 (3) (a) The division shall establish training and minimum standards for the qualification
- 1075 or certification of:
- 1076 (i) crisis workers who staff the statewide mental health crisis line, the statewide warm
- 1077 line, and local mental health crisis lines; and
- 1078 (ii) certified peer support specialists who staff the statewide warm line.
- 1079 (b) The division may make rules, in accordance with Title 63G, Chapter 3, Utah
- 1080 Administrative Rulemaking Act, necessary to establish the training and minimum
- 1081 standards described in Subsection (3)(a).

- 1082 (4) In consultation with the [~~commission~~] committee, the division shall ensure that:
- 1083 (a) the following individuals are available to staff and answer calls to the statewide
- 1084 mental health crisis line 24 hours per day, 365 days per calendar year:
- 1085 (i) mental health therapists; or
- 1086 (ii) crisis workers;
- 1087 (b) a sufficient amount of staff is available to ensure that when an individual calls the
- 1088 statewide mental health crisis line, regardless of the time, date, or number of
- 1089 individuals trying to simultaneously access the statewide mental health crisis line, an
- 1090 individual described in Subsection (4)(a) answers the call without the caller first:
- 1091 (i) waiting on hold; or
- 1092 (ii) being screened by an individual other than a mental health therapist or crisis
- 1093 worker;
- 1094 (c) the statewide mental health crisis line has capacity to accept all calls that local mental
- 1095 health crisis lines route to the statewide mental health crisis line;
- 1096 (d) the following individuals are available to staff and answer calls to the statewide
- 1097 warm line during the hours and days of operation set by the division under
- 1098 Subsection (5):
- 1099 (i) mental health therapists;
- 1100 (ii) crisis workers; or
- 1101 (iii) certified peer support specialists;
- 1102 (e) when an individual calls the statewide mental health crisis line, the individual's call
- 1103 may be transferred to the statewide warm line if the individual is not experiencing a
- 1104 mental health crisis; and
- 1105 (f) when an individual calls the statewide warm line, the individual's call may be
- 1106 transferred to the statewide mental health crisis line if the individual is experiencing a
- 1107 mental health crisis.
- 1108 (5) The division shall make rules, in accordance with Title 63G, Chapter 3, Utah
- 1109 Administrative Rulemaking Act, to establish the hours and days of operation for the
- 1110 statewide warm line.
- 1111 Section 16. Section **26B-5-611** is amended to read:
- 1112 **26B-5-611 (Effective 05/01/24). Suicide prevention -- Reporting requirements.**
- 1113 (1) As used in this section:
- 1114 [(a) "Advisory Council" means the Utah Substance Use and Mental Health Advisory
- 1115 Council created in Section 63M-7-301.]

- 1116 [(b)] (a) "Bureau" means the Bureau of Criminal Identification created in Section
 1117 53-10-201 within the Department of Public Safety.
- 1118 [(e)] (b) "Coalition" means the Statewide Suicide Prevention Coalition created under
 1119 Subsection (3).
- 1120 (c) "Commission" means the Utah Behavioral Health Commission created in Section
 1121 26B-5-702.
- 1122 (d) "Coordinator" means the state suicide prevention coordinator appointed under
 1123 Subsection (2).
- 1124 (e) "Fund" means the Governor's Suicide Prevention Fund created in Section 26B-1-325.
- 1125 (f) "Intervention" means an effort to prevent a person from attempting suicide.
- 1126 (g) "Legal intervention" means an incident in which an individual is shot by another
 1127 individual who has legal authority to use deadly force.
- 1128 (h) "Postvention" means intervention after a suicide attempt or a suicide death to reduce
 1129 risk and promote healing.
- 1130 (i) "Shooter" means an individual who uses a gun in an act that results in the death of the
 1131 actor or another individual, whether the act was a suicide, homicide, legal
 1132 intervention, act of self-defense, or accident.
- 1133 (2) The division shall appoint a state suicide prevention coordinator to, under the direction
 1134 of the commission, administer a state suicide prevention program composed of suicide
 1135 prevention, intervention, and postvention programs, services, and efforts.
- 1136 (3) The coordinator shall:
- 1137 (a) establish a Statewide Suicide Prevention [~~Coalition~~] Committee with membership
 1138 from public and private organizations and Utah citizens; and
- 1139 (b) appoint a chair and co-chair from among the membership of the coalition to lead the
 1140 coalition.
- 1141 (4) The state suicide prevention program may include the following components:
- 1142 (a) delivery of resources, tools, and training to community-based coalitions;
- 1143 (b) evidence-based suicide risk assessment tools and training;
- 1144 (c) town hall meetings for building community-based suicide prevention strategies;
- 1145 (d) suicide prevention gatekeeper training;
- 1146 (e) training to identify warning signs and to manage an at-risk individual's crisis;
- 1147 (f) evidence-based intervention training;
- 1148 (g) intervention skills training;
- 1149 (h) postvention training; or

- 1150 (i) a public education campaign to improve public awareness about warning signs of
1151 suicide and suicide prevention resources.
- 1152 (5) The coordinator shall coordinate with the following to gather statistics, among other
1153 duties:
- 1154 (a) local mental health and substance abuse authorities;
- 1155 (b) the State Board of Education, including the public education suicide prevention
1156 coordinator described in Section 53G-9-702;
- 1157 (c) applicable divisions and offices within the department;
- 1158 (d) health care providers, including emergency rooms;
- 1159 (e) federal agencies, including the Federal Bureau of Investigation;
- 1160 (f) other unbiased sources; and
- 1161 (g) other public health suicide prevention efforts.
- 1162 (6) The coordinator shall provide [a] an annual written report to the [~~Health and Human~~
1163 ~~Services Interim Committee, at or before the October meeting every year,~~] commission
1164 on:
- 1165 (a) implementation of the state suicide prevention program, as described in Subsections
1166 (2) and (4);
- 1167 (b) data measuring the effectiveness of each component of the state suicide prevention
1168 program;
- 1169 (c) funds appropriated for each component of the state suicide prevention program; [~~and~~]
- 1170 (d) five-year trends of suicides in Utah, including subgroups of youths and adults and
1171 other subgroups identified by the state suicide prevention coordinator[-] ; and
- 1172 (e) the previous fiscal year's activities to fund, implement, and evaluate suicide
1173 prevention activities described in this section.
- 1174 (7) The coordinator shall, in consultation with the bureau, implement and manage the
1175 operation of the firearm safety program described in Subsection 26B-5-102(3).
- 1176 (8) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
1177 division shall make rules:
- 1178 (a) governing the implementation of the state suicide prevention program, consistent
1179 with this section; and
- 1180 (b) in conjunction with the bureau, defining the criteria for employers to apply for grants
1181 under the Suicide Prevention Education Program described in Section 26B-5-110,
1182 which shall include:
- 1183 (i) attendance at the suicide prevention education course described in Subsection

- 1184 26B-5-102(3); and
- 1185 (ii) distribution of the firearm safety brochures or packets created in Subsection
- 1186 26B-5-102(3), but does not require the distribution of a cable-style gun lock with a
- 1187 firearm if the firearm already has a trigger lock or comparable safety mechanism.
- 1188 (9) As funding by the Legislature allows, the coordinator shall award grants, not to exceed a
- 1189 total of \$100,000 per fiscal year, to suicide prevention programs that focus on the needs
- 1190 of children who have been served by the Division of Juvenile Justice and Youth Services.
- 1191 [~~(10) The coordinator and the coalition shall submit to the advisory council, no later than~~
- 1192 ~~October 1 each year, a written report detailing the previous fiscal year's activities to~~
- 1193 ~~fund, implement, and evaluate suicide prevention activities described in this section.]~~
- 1194 Section 17. Section **26B-5-701** is enacted to read:

1195 **Part 7. Utah Behavioral Health Commission**

1196 **26B-5-701 (Effective 05/01/24). Definitions.**

1197 As used in this part:

- 1198 (1) "Commission" means the Utah Behavioral Health Commission created in Section
- 1199 26B-5-702.
- 1200 (2) "Master plan" means the Utah Behavioral Health Assessment and Master Plan.
- 1201 (3) "Mental disorder" means the same as that term is defined in the current edition of the
- 1202 Diagnostic and Statistical Manual of Mental Disorders published by the American
- 1203 Psychiatric Association.
- 1204 (4) "Substance use disorder" means the same as that term is defined in the current edition of
- 1205 the Diagnostic and Statistical Manual of Mental Disorders published by the American
- 1206 Psychiatric Association.

1207 Section 18. Section **26B-5-702** is enacted to read:

1208 **26B-5-702 (Effective 05/01/24). Utah Behavioral Health Commission -- Creation**

1209 **-- Members -- Chair.**

- 1210 (1) There is created within the department the Utah Behavioral Health Commission.
- 1211 (2) The commission is composed of the following 11 members:
- 1212 (a) one individual who has lived experience with a substance use disorder, appointed by
- 1213 the governor with the advice and consent of the Senate;
- 1214 (b) one individual who has lived experience with a mental disorder, appointed by the
- 1215 governor with the advice and consent of the Senate;
- 1216 (c) one individual who represents families of individuals with behavioral health issues,

- 1217 appointed by the governor with the advice and consent of the Senate;
- 1218 (d) one individual who represents state behavioral health agencies, appointed by the
- 1219 governor with the advice and consent of the Senate;
- 1220 (e) one individual who represents major healthcare systems, appointed by the governor
- 1221 with the advice and consent of the Senate;
- 1222 (f) one individual who represents private acute care providers, appointed by the
- 1223 governor with the advice and consent of the Senate;
- 1224 (g) one individual who represents private outpatient providers, appointed by the
- 1225 governor with the advice and consent of the Senate;
- 1226 (h) one individual who represents county behavioral health authorities, appointed by the
- 1227 chair of the Utah Behavioral Healthcare Committee with the advice and consent of
- 1228 the Senate;
- 1229 (i) one individual who represents rural communities, appointed by the speaker of the
- 1230 House of Representatives;
- 1231 (j) one individual who represents large employers, appointed by the president of the
- 1232 Senate; and
- 1233 (k) one individual who represents historically underrepresented populations, appointed
- 1234 by the joint minority caucus leaders.
- 1235 (3) (a) After all 11 members of the commission have been appointed, the governor shall
- 1236 appoint the chair of the commission from among the membership of the commission
- 1237 to serve a two-year term.
- 1238 (b) A commission member may not serve as chair of the commission for more than two
- 1239 consecutive terms.
- 1240 (4) (a) A member appointed by the governor shall serve a four-year term, except as
- 1241 provided in Subsection (4)(b).
- 1242 (b) The governor shall stagger the initial terms of appointees so that approximately half
- 1243 of the members appointed by the governor are appointed every two years.
- 1244 (c) The terms of members appointed under Subsections (2)(h) through (k) shall be
- 1245 staggered so that:
- 1246 (i) members appointed under Subsections (2)(h) and (i) shall serve four-year terms;
- 1247 (ii) the initial members appointed under Subsections (2)(j) and (k) shall serve an
- 1248 initial two-year term; and
- 1249 (iii) after the initial members appointed under Subsections (2)(j) and (k) serve an
- 1250 initial two-year term, members appointed under Subsections (2)(j) and (k) shall

- 1251 serve four-year terms.
- 1252 (d) (i) The commission may remove a member of the commission for cause by a
 1253 majority vote of the commission.
- 1254 (ii) The person who appointed a member of the commission may remove that
 1255 member for cause.
- 1256 (e) If a vacancy occurs in the membership of the commission for any reason, a
 1257 replacement shall be appointed for the unexpired term in the same manner as the
 1258 original appointment.
- 1259 (5) (a) A majority of the members of the commission constitutes a quorum.
- 1260 (b) The action of a majority of a quorum of the commission constitutes the action of the
 1261 commission.
- 1262 (6) A member of the commission may not receive compensation or benefits for the
 1263 member's service, but may receive per diem and travel expenses in accordance with:
- 1264 (a) Section 63A-3-106;
- 1265 (b) Section 63A-3-107; and
- 1266 (c) rules made by the Division of Finance under Sections 63A-3-106 and 63A-3-107.
- 1267 (7) Consistent with the provisions of this part, the commission may adopt bylaws to govern
 1268 the commission's operation.
- 1269 Section 19. Section **26B-5-703** is enacted to read:
- 1270 **26B-5-703 (Effective 05/01/24). Purpose -- Duties -- Reporting.**
- 1271 (1) The purpose of the commission is to be the central authority for coordinating behavioral
 1272 health initiatives between state and local governments, health systems, and other
 1273 interested persons, to ensure that Utah's behavioral health systems are comprehensive,
 1274 aligned, effective, and efficient.
- 1275 (2) To fulfill the commission's purpose, the commission shall:
- 1276 (a) establish a shared vision across public and private sectors for improving Utah's
 1277 behavioral health systems;
- 1278 (b) make recommendations, including policy recommendations, and advise the
 1279 governor, executive branch agencies, and the Legislature on matters pertaining to
 1280 behavioral health;
- 1281 (c) provide feedback on proposed bills, rules, policies, and budgets relating to behavioral
 1282 health;
- 1283 (d) encourage participation in the commission's work by individuals and populations
 1284 directly impacted by behavioral health issues, including family members of

- 1285 individuals with behavioral health issues;
- 1286 (e) engage private sector payers, providers, and business and employer groups in the
- 1287 commission's work;
- 1288 (f) continually review and revise the master plan as appropriate;
- 1289 (g) identify priorities and lead efforts to implement and advance those priorities by
- 1290 coordinating and collaborating closely with public and private persons throughout the
- 1291 state;
- 1292 (h) identify areas where innovation is necessary to improve behavioral health access and
- 1293 care;
- 1294 (i) cooperate with the Utah System of Higher Education, the State Board of Education,
- 1295 the Division of Professional Licensing, the Utah Health Workforce Advisory
- 1296 Council, and the department to oversee the creation and implementation of
- 1297 behavioral health workforce initiatives for the state;
- 1298 (j) collaborate with the Utah State Hospital, the Department of Corrections, county jails,
- 1299 and the department;
- 1300 (k) oversee coordination for the funding, implementation, and evaluation of suicide
- 1301 prevention efforts described in Section 26B-5-611;
- 1302 (l) develop methods or models for implementing and coherently communicating
- 1303 cross-sector strategies;
- 1304 (m) hold the state's behavioral health systems accountable for clear, measurable
- 1305 outcomes; and
- 1306 (n) maintain independence from the department and the governor such that the
- 1307 commission and its committees are able to provide independent advice and
- 1308 recommendations, especially regarding proposed bills and policy considerations.
- 1309 (3) (a) The commission shall meet at least quarterly, but may meet at other times as
- 1310 scheduled by the chair.
- 1311 (b) The chair of the commission shall set the agenda for each commission meeting with
- 1312 input from commission members and staff.
- 1313 (c) Notice of the time and place of a commission meeting shall be given to each member
- 1314 and to the public in compliance with Title 52, Chapter 4, Open and Public Meetings
- 1315 Act.
- 1316 (d) A commission meeting is open to the public unless the meeting or a portion of a
- 1317 meeting is closed by the commission pursuant to Section 52-4-204 or Section
- 1318 52-4-205.

- 1319 (4) On or before December 31, 2024, the commission shall provide a report to the
 1320 Legislature that includes:
- 1321 (a) recommendations for behavioral health measures and targets to be included in the
 1322 next update to the master plan;
- 1323 (b) recommendations for consolidating into the commission other commissions,
 1324 committees, subcommittees, task forces, working groups, or other bodies pertaining
 1325 to behavioral health;
- 1326 (c) recommendations on the next steps for reviewing and potentially redefining state law
 1327 and program options regarding county-based behavioral health services; and
- 1328 (d) recommendations on key budget priorities and key legislative policies for the 2025
 1329 General Session and thereafter.
- 1330 (5) (a) Beginning in 2025, by no later than September 30 of each year, the commission
 1331 shall provide a report to the Health and Human Services Interim Committee that
 1332 describes the commission's work during the preceding year and includes, in
 1333 accordance with Section 26B-5-705, any legislative recommendations from the
 1334 commission.
- 1335 (b) Before the commission submits a legislative recommendation to the Health and
 1336 Human Services Interim Committee or the Legislature, the Legislative Policy
 1337 Committee created in Section 26B-5-705 shall review the recommendation.
- 1338 (6) Neither the commission nor a committee of the commission may obtain any individual's
 1339 health or medical information, whether identifiable or deidentified, without first
 1340 obtaining the consent of the individual or the individual's legal representative.
- 1341 Section 20. Section **26B-5-704** is enacted to read:
- 1342 **26B-5-704 (Effective 05/01/24). Committees -- Creation -- Duties.**
- 1343 (1) Each committee created under this part or formed by the commission in accordance
 1344 with this section serves under the direction of the commission.
- 1345 (2) In addition to the committees created under this part or formed by the commission, the
 1346 following are committees of the commission and shall serve under the direction of the
 1347 commission to assist the commission in performing the commission's duties:
- 1348 (a) the Behavioral Health Crisis Response Committee created in Section 63C-18-202;
 1349 (b) the Education and Mental Health Coordinating Committee created in Section
 1350 63C-23-201;
- 1351 (c) the Utah Substance Use and Mental Health Advisory Committee created in Section
 1352 26B-5-801; and

- 1353 (d) the Statewide Suicide Prevention Committee created under Section 26B-5-611.
- 1354 (3) (a) In addition to the committees described in Subsection (2) or created under this
- 1355 part, the commission may form committees to support the commission in fulfilling
- 1356 the commission's duties.
- 1357 (b) When forming a committee, the commission shall:
- 1358 (i) appoint members to the committee who represent a range of views and expertise;
- 1359 and
- 1360 (ii) adopt procedures and directives for the committee.
- 1361 (c) Unless otherwise provided for in statute, a member of a committee may not receive
- 1362 compensation or benefits for the member's service on the committee, but may receive
- 1363 per diem and travel expenses in accordance with:
- 1364 (i) Section 63A-3-106;
- 1365 (ii) Section 63A-3-107; and
- 1366 (iii) rules made by the Division of Finance under Sections 63A-3-106 and 63A-3-107.
- 1367 (d) Compensation and expenses of a committee member who is a legislator are governed
- 1368 by Section 36-2-2 and Legislative Joint Rules, Title 5, Legislative Compensation and
- 1369 Expenses.

1370 Section 21. Section **26B-5-705** is enacted to read:

1371 **26B-5-705 (Effective 05/01/24). Legislative Policy Committee -- Creation --**

1372 **Duties -- Staff.**

- 1373 (1) As used in this section, "committee" means the Legislative Policy Committee created in
- 1374 Subsection (2).
- 1375 (2) Under the commission, there is created the Legislative Policy Committee.
- 1376 (3) (a) The committee is composed of five legislators, appointed as follows:
- 1377 (i) the speaker of the House of Representatives shall appoint one member of the
- 1378 House of Representatives;
- 1379 (ii) the minority leader of the House of Representatives shall appoint one member of
- 1380 the House of Representatives;
- 1381 (iii) the president of the Senate shall appoint one member of the Senate;
- 1382 (iv) the minority leader of the Senate shall appoint one member of the Senate; and
- 1383 (v) the speaker of the House of Representatives and the president of the Senate shall
- 1384 jointly appoint one legislator.
- 1385 (b) The speaker, president, and minority leaders:
- 1386 (i) shall make the appointments described in Subsection (3)(a) after consulting with

1387 the chairs of the Health and Human Services Interim Committee and the chairs of
 1388 the Social Services Appropriations Subcommittee; and

1389 (ii) are encouraged but not required to appoint to the committee legislators who are
 1390 members of one or more of the following:

1391 (A) the Health and Human Services Interim Committee; or

1392 (B) the Social Services Appropriations Subcommittee.

1393 (4) The speaker of the House of Representatives and the president of the Senate shall each
 1394 designate one of their appointees as a co-chair of the committee.

1395 (5) The individual who appoints a member of the committee may change the appointment
 1396 at any time.

1397 (6) The committee shall:

1398 (a) assist the commission and any of the commission's other committees with developing
 1399 policy and legislative recommendations; and

1400 (b) review any legislative recommendation proposed by the commission before the
 1401 legislative recommendation is provided to the Health and Human Services Interim
 1402 Committee or the Legislature.

1403 (7) The committee may:

1404 (a) submit its own proposed legislation to the commission for consideration; and

1405 (b) provide other services as requested by the commission.

1406 (8) (a) A majority of the members of the committee constitutes a quorum.

1407 (b) The action of a majority of a quorum constitutes the action of the committee.

1408 (9) The Office of Legislative Research and General Counsel shall provide staff support to
 1409 the committee.

1410 Section 22. Section **26B-5-706** is enacted to read:

1411 **26B-5-706 (Effective 05/01/24). Staff.**

1412 (1) The Office of Substance Use and Mental Health within the Department of Health and
 1413 Human Services shall provide staff support to the commission and, unless otherwise
 1414 specified by statute, to each of the commission's committees.

1415 (2) The Office of Legislative Research and General Counsel may provide additional staff
 1416 support to the commission.

1417 Section 23. Section **26B-5-801**, which is renumbered from Section 63M-7-301 is renumbered
 1418 and amended to read:

1419 **Part 8. Utah Substance Use and Mental Health Advisory Committee**

1420 ~~[63M-7-301]~~ **26B-5-801. (Effective 05/01/24). Definitions -- Creation of committee --**
1421 **Membership -- Terms.**

1422 (1) (a) As used in this part, [~~council~~] "committee" means the Utah Substance Use and
1423 Mental Health Advisory [~~Council~~] Committee created in this section.

1424 (b) There is created within the [~~governor's office~~] department the Utah Substance Use
1425 and Mental Health Advisory [~~Council~~] Committee, which serves under the direction
1426 of the Utah Behavioral Health Commission created in Section 26B-5-702.

1427 (2) The [~~council~~] committee shall be comprised of the following voting members:

1428 (a) the attorney general or the attorney general's designee;

1429 (b) one elected county official appointed by the Utah Association of Counties;

1430 (c) the commissioner of public safety or the commissioner's designee;

1431 (d) the director of the Division of Integrated Healthcare or the director's designee;

1432 (e) the state superintendent of public instruction or the superintendent's designee;

1433 (f) the executive director of the Department of Health and Human Services or the
1434 executive director's designee;

1435 (g) the executive director of the State Commission on Criminal and Juvenile Justice or
1436 the executive director's designee;

1437 (h) the executive director of the Department of Corrections or the executive director's
1438 designee;

1439 (i) the director of the Division of Juvenile Justice and Youth Services or the director's
1440 designee;

1441 (j) the director of the Division of Child and Family Services or the director's designee;

1442 (k) the chair of the Board of Pardons and Parole or the chair's designee;

1443 (l) the director of the Office of Multicultural Affairs or the director's designee;

1444 (m) the director of the Division of Indian Affairs or the director's designee;

1445 (n) the state court administrator or the state court administrator's designee;

1446 (o) one district court judge who presides over a drug court and who is appointed by the
1447 chief justice of the Utah Supreme Court;

1448 (p) one district court judge who presides over a mental health court and who is
1449 appointed by the chief justice of the Utah Supreme Court;

1450 (q) one juvenile court judge who presides over a drug court and who is appointed by the
1451 chief justice of the Utah Supreme Court;

1452 (r) one prosecutor appointed by the Statewide Association of Prosecutors;

1453 (s) the chair or co-chair of each [~~committee~~] subcommittee established by the [~~council~~]

- 1454 committee;
- 1455 (t) the chair or co-chair of the Statewide Suicide Prevention [~~Coalition~~] Committee
- 1456 created under Subsection 26B-5-611(3);
- 1457 (u) one representative appointed by the Utah League of Cities and Towns to serve a
- 1458 four-year term;
- 1459 (v) the chair of the Utah Victim Services Commission or the chair's designee;
- 1460 (w) the superintendent of the Utah State Hospital or the superintendent's designee;
- 1461 (x) the following members appointed by the governor to serve four-year terms:
- 1462 (i) one resident of the state who has been personally affected by a substance use or
- 1463 mental health disorder; and
- 1464 (ii) one citizen representative; and
- 1465 (y) in addition to the voting members described in Subsections (2)(a) through (x), the
- 1466 following voting members appointed by a majority of the members described in
- 1467 Subsections (2)(a) through (x) to serve four-year terms:
- 1468 (i) one resident of the state who represents a statewide advocacy organization for
- 1469 recovery from substance use disorders;
- 1470 (ii) one resident of the state who represents a statewide advocacy organization for
- 1471 recovery from mental illness;
- 1472 (iii) one resident of the state who represents a statewide advocacy organization for
- 1473 protection of rights of individuals with a disability;
- 1474 (iv) one resident of the state who represents prevention professionals;
- 1475 (v) one resident of the state who represents treatment professionals;
- 1476 (vi) one resident of the state who represents the physical health care field;
- 1477 (vii) one resident of the state who is a criminal defense attorney;
- 1478 (viii) one resident of the state who is a military servicemember or military veteran
- 1479 under Section 53B-8-102;
- 1480 (ix) one resident of the state who represents local law enforcement agencies;
- 1481 (x) one representative of private service providers that serve youth with substance use
- 1482 disorders or mental health disorders; and
- 1483 (xi) one resident of the state who is certified by the Division of Integrated Healthcare
- 1484 as a peer support specialist as described in Subsection 26B-5-102(2)(h).
- 1485 (3) An individual other than an individual described in Subsection (2) may not be appointed
- 1486 as a voting member of the [~~council~~] committee.
- 1487 Section 24. Section **26B-5-802**, which is renumbered from Section 63M-7-302 is renumbered

1488 and amended to read:

1489 ~~[63M-7-302]~~ **26B-5-802.** (Effective 05/01/24). Chair -- Vacancies -- Quorum -- Expenses.

- 1490 (1) The Utah Substance Use and Mental Health Advisory [~~Council~~] Committee shall
1491 annually select one of its members to serve as chair and one of its members to serve as
1492 vice chair.
- 1493 (2) When a vacancy occurs in the membership for any reason, the replacement shall be
1494 appointed for the unexpired term in the same manner as the position was originally filled.
- 1495 (3) A majority of the members of the [~~council~~] committee constitutes a quorum.
- 1496 (4) A member may not receive compensation or benefits for the member's service, but may
1497 receive per diem and travel expenses as allowed in:
- 1498 (a) Section 63A-3-106;
1499 (b) Section 63A-3-107; and
1500 (c) rules made by the Division of Finance according to Sections 63A-3-106 and
1501 63A-3-107.
- 1502 (5) The [~~council~~] committee may establish [~~committees~~] subcommittees as needed to assist
1503 in accomplishing its duties under Section [~~63M-7-303~~] 26B-5-803.

1504 Section 25. Section **26B-5-803**, which is renumbered from Section 63M-7-303 is renumbered
1505 and amended to read:

1506 ~~[63M-7-303]~~ **26B-5-803.** (Effective 05/01/24). Duties of council.

- 1507 (1) [~~The~~] Under the direction of the Utah Behavioral Health Commission created in Section
1508 26B-5-702, the Utah Substance Use and Mental Health Advisory [~~Council~~] Committee
1509 shall:
- 1510 (a) provide leadership and generate unity for Utah's ongoing efforts to reduce and
1511 eliminate the impact of substance use and mental health disorders in Utah through a
1512 comprehensive and evidence-based prevention, treatment, and justice strategy;
- 1513 (b) recommend and coordinate the creation, dissemination, and implementation of
1514 statewide policies to address substance use and mental health disorders;
- 1515 (c) facilitate planning for a balanced continuum of substance use and mental health
1516 disorder prevention, treatment, and justice services;
- 1517 (d) promote collaboration and mutually beneficial public and private partnerships;
- 1518 (e) coordinate recommendations made by any [~~committee~~] subcommittee created under
1519 Section [~~63M-7-302~~] 26B-5-802;
- 1520 (f) analyze and provide an objective assessment of all proposed legislation concerning
1521 substance use, mental health, forensic mental health, and related issues;

- 1522 [~~(g)~~] coordinate the implementation of Section 77-18-104 and related provisions in
 1523 Subsections 77-18-103(2)(c) and (d), as provided in Section 63M-7-305;]
- 1524 [~~(h)~~] (g) comply with Section 32B-2-306;
- 1525 [~~(i)~~] oversee coordination for the funding, implementation, and evaluation of suicide
 1526 prevention efforts described in Section 26B-5-611;]
- 1527 [~~(j)~~] (h) advise the Department of Health and Human Services regarding the state hospital
 1528 admissions policy for individuals in the custody of the Department of Corrections;
- 1529 [~~(k)~~] (i) regarding the interaction between an individual with a mental illness or an
 1530 intellectual disability and the civil commitment system, criminal justice system, or
 1531 juvenile justice system:
- 1532 (i) promote communication between and coordination among all agencies interacting
 1533 with the individual;
- 1534 (ii) study, evaluate, and recommend changes to laws and procedures;
- 1535 (iii) identify and promote the implementation of specific policies and programs to
 1536 deal fairly and efficiently with the individual; and
- 1537 (iv) promote judicial education;
- 1538 [~~(l)~~] (j) study the long-term need for adult patient staffed beds at the state hospital,
 1539 including:
- 1540 (i) the total number of staffed beds currently in use at the state hospital;
- 1541 (ii) the current staffed bed capacity at the state hospital;
- 1542 (iii) the projected total number of staffed beds needed in the adult general psychiatric
 1543 unit of the state hospital over the next three, five, and 10 years based on:
- 1544 (A) the state's current and projected population growth;
- 1545 (B) current access to mental health resources in the community; and
- 1546 (C) any other factors the [~~council~~] committee finds relevant to projecting the total
 1547 number of staffed beds; and
- 1548 (iv) the cost associated with the projected total number of staffed beds described in
 1549 Subsection [~~(l)(i)(ii)~~] (1)(j)(iii); and
- 1550 [~~(m)~~] (k) each year report on whether the pay of the state hospital's employees is
 1551 adequate based on market conditions.
- 1552 (2) The [~~council~~] committee shall meet quarterly or more frequently as determined
 1553 necessary by the chair.
- 1554 (3) The [~~council~~] committee shall report:
- 1555 (a) with the assistance and staff support from the state hospital, regarding the items

1556 described in Subsections ~~[(1)(f)]~~ (1)(j) and ~~[(m)]~~ (k), including any recommendations,
 1557 to the ~~[Health and Human Services Interim Committee before October 1 of each year]~~
 1558 Utah Behavioral Health Commission on or before July 31 of each year; and

1559 (b) any other recommendations annually to the commission, the governor, the
 1560 Legislature, and the Judicial Council.

1561 Section 26. Section **26B-5-804**, which is renumbered from Section 63M-7-304 is renumbered
 1562 and amended to read:

1563 ~~[63M-7-304]~~**26B-5-804. (Effective 05/01/24). Chair -- Vacancies -- Quorum -- Expenses.**

1564 (1) The members of each ~~[committee]~~ subcommittee established by the ~~[council]~~ committee
 1565 shall annually select a chair or co-chairs from among the members of the ~~[committee]~~
 1566 subcommittee.

1567 (2) When a vacancy occurs in the membership for any reason, the replacement shall be
 1568 appointed for the unexpired term in the same manner as the position was originally filled.

1569 (3) A majority of the members of a ~~[committee]~~ subcommittee constitutes a quorum for the
 1570 transaction of business by the ~~[committee]~~ subcommittee.

1571 (4) A member may not receive compensation or benefits for the member's service, but may
 1572 receive per diem and travel expenses in accordance with:

1573 (a) Section 63A-3-106;

1574 (b) Section 63A-3-107; and

1575 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
 1576 63A-3-107.

1577 Section 27. Section **32B-2-210** is amended to read:

1578 **32B-2-210 (Effective 05/01/24). Alcoholic Beverage Services Advisory Board.**

1579 (1) There is created within the department an advisory board known as the "Alcoholic
 1580 Beverage Services Advisory Board."

1581 (2) The advisory board shall consist of eight voting members and one nonvoting member as
 1582 follows:

1583 (a) four voting members appointed by the commission:

1584 (i) one of whom represents the retail alcohol industry;

1585 (ii) one of whom represents the wholesale alcohol industry;

1586 (iii) one of whom represents the alcohol manufacturing industry; and

1587 (iv) one of whom represents the restaurant industry;

1588 (b) two voting members appointed by the commission, each of whom represents an
 1589 organization that addresses alcohol or drug abuse prevention, alcohol or drug related

- 1590 enforcement, or alcohol or drug related education;
- 1591 (c) the director of the Division of Substance Abuse and Mental Health or the director's
1592 designee who serves as a voting member;
- 1593 (d) the chair of the Utah Substance Use and Mental Health Advisory [~~Council~~
1594 Committee, or the chair's designee, who serves as a voting member; and
- 1595 (e) the chair of the commission or the chair's designee from the members of the
1596 commission, who serves as a nonvoting member.
- 1597 (3) (a) Except as required by Subsection (3)(b), as terms of current voting members of
1598 the advisory board expire, the commission shall appoint each new member or
1599 reappointed member to a four-year term beginning July 1 and ending June 30.
- 1600 (b) Notwithstanding the requirements of Subsection (3)(a), the commission shall, at the
1601 time of appointment or reappointment, adjust the length of terms to ensure that the
1602 terms of voting advisory board members are staggered so that approximately half of
1603 the advisory board is appointed every two years.
- 1604 (c) No two members of the board may be employed by the same company or nonprofit
1605 organization.
- 1606 (4) (a) When a vacancy occurs in the membership for any reason, the commission shall
1607 appoint a replacement for the unexpired term.
- 1608 (b) The commission shall terminate the term of a voting advisory board member who
1609 ceases to be representative as designated by the member's original appointment.
- 1610 (5) The advisory board shall meet as called by the chair for the purpose of advising the
1611 commission and the department, with discussion limited to administrative rules made
1612 under this title.
- 1613 (6) The chair of the commission or the chair's designee shall serve as the chair of the
1614 advisory board and call the necessary meetings.
- 1615 (7) (a) Five members of the board constitute a quorum of the board.
1616 (b) An action of the majority when a quorum is present is the action of the board.
- 1617 (8) The department shall provide staff support to the advisory board.
- 1618 (9) A member may not receive compensation or benefits for the member's service, but may
1619 receive per diem and travel expenses in accordance with:
- 1620 (a) Section 63A-3-106;
1621 (b) Section 63A-3-107; and
1622 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
1623 63A-3-107.

1624 Section 28. Section **32B-2-306** is amended to read:

1625 **32B-2-306 (Effective 05/01/24). Underage drinking prevention media and**
1626 **education campaign.**

1627 (1) As used in this section:

1628 (a) "Advisory [~~e~~o~~u~~n~~e~~i~~t~~] committee" means the Utah Substance Use and Mental Health
1629 Advisory [~~C~~o~~u~~n~~c~~i~~l~~] Committee created in Section [~~63M-7-304~~] 26B-5-801.

1630 (b) "Restricted account" means the Underage Drinking Prevention Media and Education
1631 Campaign Restricted Account created in this section.

1632 (2) (a) There is created a restricted account within the General Fund known as the
1633 "Underage Drinking Prevention Media and Education Campaign Restricted Account."

1634 (b) The restricted account consists of:

1635 (i) deposits made under Subsection (3); and

1636 (ii) interest earned on the restricted account.

1637 (3) The department shall deposit 0.6% of the total gross revenue from sales of liquor with
1638 the state treasurer, as determined by the total gross revenue collected for the fiscal year
1639 two years preceding the fiscal year for which the deposit is made, to be credited to the
1640 restricted account and to be used by the department as provided in Subsection (5).

1641 (4) The advisory [~~e~~o~~u~~n~~e~~i~~t~~] committee shall:

1642 (a) provide ongoing oversight of a media and education campaign funded under this
1643 section;

1644 (b) create an underage drinking prevention workgroup consistent with guidelines
1645 proposed by the advisory [~~e~~o~~u~~n~~e~~i~~t~~] committee related to the membership and duties of
1646 the underage drinking prevention workgroup;

1647 (c) create guidelines for how money appropriated for a media and education campaign
1648 can be used;

1649 (d) include in the guidelines established pursuant to this Subsection (4) that a media and
1650 education campaign funded under this section is carefully researched and developed,
1651 and appropriate for target groups; and

1652 (e) approve plans submitted by the department in accordance with Subsection (5).

1653 (5) (a) Subject to appropriation from the Legislature, the department shall expend money
1654 from the restricted account to direct and fund one or more media and education
1655 campaigns designed to reduce underage drinking in cooperation with the advisory [
1656 ~~e~~o~~u~~n~~e~~i~~t~~] committee.

1657 (b) The department shall:

- 1658 (i) in cooperation with the underage drinking prevention workgroup created under
 1659 Subsection (4), prepare and submit a plan to the advisory [~~council~~] committee
 1660 detailing the intended use of the money appropriated under this section;
 1661 (ii) upon approval of the plan by the advisory [~~council~~] committee, conduct the media
 1662 and education campaign in accordance with the guidelines made by the advisory [~~council~~]
 1663 committee; and
 1664 (iii) submit to the advisory [~~council~~] committee annually by no later than October 1, a
 1665 written report detailing the use of the money for the media and education
 1666 campaigns conducted under this Subsection (5) and the impact and results of the
 1667 use of the money during the prior fiscal year ending June 30.

1668 Section 29. Section **32B-2-402** is amended to read:

1669 **32B-2-402 (Effective 05/01/24). Definitions -- Calculations.**

- 1670 (1) As used in this part:
- 1671 (a) "Account" means the Alcoholic Beverage and Substance Abuse Enforcement and
 1672 Treatment Restricted Account created in Section 32B-2-403.
- 1673 (b) "Advisory [~~council~~] committee" means the Utah Substance Use and Mental Health
 1674 Advisory [~~Council~~] Committee created in Section [~~63M-7-301~~] 26B-5-801.
- 1675 (c) "Alcohol-related offense" means:
- 1676 (i) a violation of:
- 1677 (A) Section 41-6a-502; or
- 1678 (B) an ordinance that complies with the requirements of:
- 1679 (I) Subsection 41-6a-510(1); or
- 1680 (II) Section 76-5-207; or
- 1681 (ii) an offense involving the illegal:
- 1682 (A) sale of an alcoholic product;
- 1683 (B) consumption of an alcoholic product;
- 1684 (C) distribution of an alcoholic product;
- 1685 (D) transportation of an alcoholic product; or
- 1686 (E) possession of an alcoholic product.
- 1687 (d) "Annual conviction time period" means the time period that:
- 1688 (i) begins on July 1 and ends on June 30; and
- 1689 (ii) immediately precedes the fiscal year for which an appropriation under this part is
 1690 made.
- 1691 (e) "Municipality" means:

- 1692 (i) a city;
- 1693 (ii) a town; or
- 1694 (iii) a metro township.
- 1695 (f) (i) "Prevention" is as defined by rule, in accordance with Title 63G, Chapter 3,
- 1696 Utah Administrative Rulemaking Act, by the Division of Integrated Healthcare
- 1697 within the Department of Health and Human Services.
- 1698 (ii) In defining the term "prevention," the Division of Substance Abuse and Mental
- 1699 Health shall:
- 1700 (A) include only evidence-based or evidence-informed programs; and
- 1701 (B) provide for coordination with local substance abuse authorities designated to
- 1702 provide substance abuse services in accordance with Section 17-43-201.
- 1703 (2) For purposes of Subsection 32B-2-404(1)(b)(iii), the number of premises located within
- 1704 the limits of a municipality or county:
- 1705 (a) is the number determined by the department to be so located;
- 1706 (b) includes the aggregate number of premises of the following:
- 1707 (i) a state store;
- 1708 (ii) a package agency; and
- 1709 (iii) a retail licensee; and
- 1710 (c) for a county, consists only of the number located within an unincorporated area of
- 1711 the county.
- 1712 (3) The department shall determine:
- 1713 (a) a population figure according to the most current population estimate prepared by the
- 1714 Utah Population Committee;
- 1715 (b) a county's population for the 25% distribution to municipalities and counties under
- 1716 Subsection 32B-2-404(1)(b)(i) only with reference to the population in the
- 1717 unincorporated areas of the county; and
- 1718 (c) a county's population for the 25% distribution to counties under Subsection
- 1719 32B-2-404(1)(b)(iv) only with reference to the total population in the county,
- 1720 including that of a municipality.
- 1721 (4) (a) A conviction occurs in the municipality or county that actually prosecutes the
- 1722 offense to judgment.
- 1723 (b) If a conviction is based upon a guilty plea, the conviction is considered to occur in
- 1724 the municipality or county that, except for the guilty plea, would have prosecuted the
- 1725 offense.

1726 Section 30. Section **32B-2-404** is amended to read:

1727 **32B-2-404 (Effective 05/01/24). Alcoholic Beverage and Substance Abuse**

1728 **Enforcement and Treatment Restricted Account distribution.**

1729 (1) (a) The money deposited into the account under Section 32B-2-403 shall be
1730 distributed to municipalities and counties:

1731 (i) to the extent appropriated by the Legislature, except that the Legislature shall
1732 appropriate each fiscal year an amount equal to at least the amount deposited in
1733 the account in accordance with Section 59-15-109; and

1734 (ii) as provided in this Subsection (1).

1735 (b) The amount appropriated from the account shall be distributed as follows:

1736 (i) 25% to municipalities and counties on the basis of the percentage of the state
1737 population residing in each municipality and county;

1738 (ii) 30% to municipalities and counties on the basis of each municipality's and
1739 county's percentage of the statewide convictions for all alcohol-related offenses;

1740 (iii) 20% to municipalities and counties on the basis of the percentage of the
1741 following in the state that are located in each municipality and county:

1742 (A) state stores;

1743 (B) package agencies;

1744 (C) retail licensees; and

1745 (D) off-premise beer retailers; and

1746 (iv) 25% to the counties for confinement and treatment purposes authorized by this
1747 part on the basis of the percentage of the state population located in each county.

1748 (c) (i) Except as provided in Subsection (1)(c)(ii), if a municipality does not have a
1749 law enforcement agency:

1750 (A) the municipality may not receive money under this part; and

1751 (B) the State Tax Commission:

1752 (I) may not distribute the money the municipality would receive but for the
1753 municipality not having a law enforcement agency to that municipality; and

1754 (II) shall distribute the money that the municipality would have received but
1755 for it not having a law enforcement agency to the county in which the
1756 municipality is located for use by the county in accordance with this part.

1757 (ii) If the advisory [eouneit] committee finds that a municipality described in
1758 Subsection (1)(c)(i) demonstrates that the municipality can use the money that the
1759 municipality is otherwise eligible to receive in accordance with this part, the

- 1760 advisory [~~eo~~neit] committee may direct the State Tax Commission to distribute
1761 the money to the municipality.
- 1762 (2) To determine the distribution required by Subsection (1)(b)(ii), the State Tax
1763 Commission shall annually:
- 1764 (a) for an annual conviction time period:
- 1765 (i) multiply by two the total number of convictions in the state obtained during the
1766 annual conviction time period for violation of:
- 1767 (A) Section 41-6a-502; or
1768 (B) an ordinance that complies with the requirements of Subsection 41-6a-510(1)
1769 or Section 76-5-207; and
- 1770 (ii) add to the number calculated under Subsection (2)(a)(i) the number of
1771 convictions obtained during the annual conviction time period for the
1772 alcohol-related offenses other than the alcohol-related offenses described in
1773 Subsection (2)(a)(i);
- 1774 (b) divide an amount equal to 30% of the appropriation for that fiscal year by the sum
1775 obtained in Subsection (2)(a); and
- 1776 (c) multiply the amount calculated under Subsection (2)(b), by the number of
1777 convictions obtained in each municipality and county during the annual conviction
1778 time period for alcohol-related offenses.
- 1779 (3) By not later than September 1 each year:
- 1780 (a) the state court administrator shall certify to the State Tax Commission the number of
1781 convictions obtained for alcohol-related offenses in each municipality or county in
1782 the state during the annual conviction time period; and
- 1783 (b) the advisory [~~eo~~neit] committee shall notify the State Tax Commission of any
1784 municipality that does not have a law enforcement agency.
- 1785 (4) By not later than December 1 of each year, the advisory [~~eo~~neit] committee shall notify
1786 the State Tax Commission for the fiscal year of appropriation of:
- 1787 (a) a municipality that may receive a distribution under Subsection (1)(c)(ii);
1788 (b) a county that may receive a distribution allocated to a municipality described in
1789 Subsection (1)(c)(i);
- 1790 (c) a municipality or county that may not receive a distribution because the advisory [
1791 ~~eo~~neit] committee has suspended the payment under Subsection 32B-2-405(2)(a);
1792 and
- 1793 (d) a municipality or county that receives a distribution because the suspension of

1794 payment has been cancelled under Subsection 32B-2-405(2).

1795 (5) (a) By not later than January 1 of the fiscal year of appropriation, the State Tax
 1796 Commission shall annually distribute to each municipality and county the portion of
 1797 the appropriation that the municipality or county is eligible to receive under this part,
 1798 except for any municipality or county that the advisory [eouneih] committee notifies
 1799 the State Tax Commission in accordance with Subsection (4) may not receive a
 1800 distribution in that fiscal year.

1801 (b) (i) The advisory [eouneih] committee shall prepare forms for use by a municipality
 1802 or county in applying for a distribution under this part.

1803 (ii) A form described in this Subsection (5) may require the submission of
 1804 information the advisory [eouneih] committee considers necessary to enable the
 1805 State Tax Commission to comply with this part.

1806 Section 31. Section **32B-2-405** is amended to read:

1807 **32B-2-405 (Effective 05/01/24). Reporting by municipalities and counties --**

1808 **Grants.**

1809 (1) A municipality or county that receives money under this part during a fiscal year shall
 1810 by no later than October 1 following the fiscal year:

1811 (a) report to the advisory [eouneih] committee:

1812 (i) the programs or projects of the municipality or county that receive money under
 1813 this part;

1814 (ii) if the money for programs or projects were exclusively used as required by
 1815 Subsection 32B-2-403(2);

1816 (iii) indicators of whether the programs or projects that receive money under this part
 1817 are effective; and

1818 (iv) if money received under this part was not expended by the municipality or
 1819 county; and

1820 (b) provide the advisory [eouneih] committee a statement signed by the chief executive
 1821 officer of the county or municipality attesting that the money received under this part
 1822 was used in addition to money appropriated or otherwise available for the county's or
 1823 municipality's law enforcement and was not used to supplant that money.

1824 (2) The advisory [eouneih] committee may, by a majority vote:

1825 (a) suspend future payments under Subsection 32B-2-404(4) to a municipality or county
 1826 that:

1827 (i) does not file a report that meets the requirements of Subsection (1); or

- 1828 (ii) the advisory [eouneih] committee finds does not use the money as required by
 1829 Subsection 32B-2-403(2) on the basis of the report filed by the municipality or
 1830 county under Subsection (1); and
- 1831 (b) cancel a suspension under Subsection (2)(a).
- 1832 (3) The State Tax Commission shall notify the advisory [eouneih] committee of the balance
 1833 of any undistributed money after the annual distribution under Subsection 32B-2-404(5).
- 1834 (4) (a) Subject to the requirements of this Subsection (4), the advisory [eouneih]
 1835 committee shall award the balance of undistributed money under Subsection (3):
- 1836 (i) as prioritized by majority vote of the advisory [eouneih] committee; and
 1837 (ii) as grants to:
- 1838 (A) a county;
 1839 (B) a municipality;
 1840 (C) the department;
 1841 (D) the Department of Human Services;
 1842 (E) the Department of Public Safety; or
 1843 (F) the State Board of Education.
- 1844 (b) By not later than May 30 of the fiscal year of the appropriation, the advisory [eouneih]
 1845 committee shall notify the State Tax Commission of grants awarded under this
 1846 Subsection (4).
- 1847 (c) The State Tax Commission shall make payments of a grant:
- 1848 (i) upon receiving notice as provided under Subsection (4)(b); and
 1849 (ii) by not later than June 30 of the fiscal year of the appropriation.
- 1850 (d) An entity that receives a grant under this Subsection (4) shall use the grant money
 1851 exclusively for programs or projects described in Subsection 32B-2-403(2).
- 1852 Section 32. Section **32B-7-305** is amended to read:
- 1853 **32B-7-305 (Effective 05/01/24). Tracking of enforcement actions -- Costs of**
 1854 **enforcement actions.**
- 1855 (1) The Department of Public Safety shall administer a program to reimburse a municipal
 1856 or county law enforcement agency:
- 1857 (a) for the actual costs of an alcohol-related compliance check investigation conducted
 1858 pursuant to Section 77-39-101 on the premises of an off-premise beer retailer;
 1859 (b) for administrative costs associated with reporting the compliance check investigation
 1860 described in Subsection (1)(a);
 1861 (c) if the municipal or county law enforcement agency completes and submits to the

1862 Department of Public Safety a report within 90 days after the day on which the
 1863 compliance check investigation described in Subsection (1)(a) occurs in a format
 1864 required by the Department of Public Safety; and
 1865 (d) in the order that the municipal or county law enforcement agency submits the report
 1866 required by Subsection (1)(c) until the amount allocated by the Department of Public
 1867 Safety to reimburse a municipal or county law enforcement agency is spent.

1868 (2) By no later than October 1 of each year, the Department of Public Safety shall report to
 1869 the Utah Substance Use and Mental Health Advisory [~~Council~~] Committee on the
 1870 compliance check investigations:

1871 (a) funded during the previous fiscal year; and

1872 (b) reimbursed under Subsection (1).

1873 Section 33. Section **53F-2-522** is amended to read:

1874 **53F-2-522 (Effective 05/01/24). Public education mental health screening.**

1875 (1) As used in this section:

1876 (a) "Division" means the Division of Integrated Healthcare within the Department of
 1877 Health and Human Services.

1878 (b) "Non-participating LEA" means an LEA that does not administer an approved
 1879 mental health screening program described in this section.

1880 (c) "Participating LEA" means an LEA that has an approved screening program
 1881 described in this section.

1882 (d) "Participating student" means a student in a participating LEA who participates in a
 1883 mental health screening program.

1884 (e) "Qualifying parent" means a parent:

1885 (i) of a participating student who, based on the results of a screening program, would
 1886 benefit from resources that cannot be provided to the participating student in the
 1887 school setting; and

1888 (ii) who qualifies for financial assistance to pay for the resources under rules made by
 1889 the state board.

1890 (f) "Screening program" means a student mental health screening program selected by a
 1891 participating LEA and approved by the state board in consultation with the division.

1892 (2) (a) On or before July 1, 2023, an LEA governing board shall determine whether the
 1893 LEA will be a participating LEA or a non-participating LEA for the 2023-24 school
 1894 year.

1895 (b) (i) During the 2023-24 school year, and each year after, a participating LEA may

- 1896 change the LEA's participation status and become a non-participating LEA for the
1897 next school year by reporting the status change to the state board by the end of the
1898 current school year.
- 1899 (ii) An LEA that changed the LEA's status from participating to non-participating in
1900 Subsection (2)(b)(i) is subject to the requirements of a non-participating LEA
1901 described in Subsection (2)(c).
- 1902 (c) (i) During the 2023-24 school year, and each year after, a non-participating LEA's
1903 governing board shall submit a record of determination to the state board by the
1904 end of the school year, which record shall state whether the non-participating LEA
1905 will:
- 1906 (A) maintain the LEA's non-participating status; or
1907 (B) change the LEA's status to be a participating LEA.
- 1908 (ii) If the non-participating LEA determines the LEA will change participation status
1909 and become a participating LEA, the LEA's status of participation will change at
1910 the end of the current school year.
- 1911 (3) The state board shall:
- 1912 (a) make rules in accordance with Title 63G, Chapter 3, Utah Administrative
1913 Rulemaking Act, to:
- 1914 (i) establish a process for a participating LEA to submit a selected screening program
1915 to the state board for approval;
- 1916 (ii) in accordance with Title 53E, Chapter 9, Student Privacy and Data Protection,
1917 and the Family Educational Rights and Privacy Act, 20 U.S.C. 1232g, establish
1918 who may access and use a participating student's screening data;
- 1919 (iii) establish a requirement and a process for appropriate LEA or school personnel to
1920 attend annual training related to administering the screening program;
- 1921 (iv) determine whether a parent is eligible to receive the financial support described
1922 in Subsection (5)(a) as a qualifying parent; and
- 1923 (v) apply for and distribute the financial support described in Subsection (5)(a);
- 1924 (b) in consultation with the division, approve an evidence-based student mental health
1925 screening program selected by a participating LEA that:
- 1926 (i) is age appropriate for each grade in which the screening program is administered;
1927 (ii) screens for the mental health conditions determined by the state board and
1928 division; and
- 1929 (iii) is an effective tool for identifying whether a student has a mental health

- 1930 condition that requires intervention; and
- 1931 (c) on or before November 30 of each year, submit a report on the screening programs to
- 1932 the State Suicide Prevention [~~Coalition~~] Committee created under [~~Subsection 26B-5-611(2)~~]
- 1933 Section 26B-5-611 and
- 1934 the Education Interim Committee in accordance with Section 53E-1-201 that contains the
- 1935 following:
- 1936 (i) the approximate number of participating students that were screened in each
- 1937 participating LEA the previous school year;
- 1938 (ii) the names and number of:
- 1939 (A) participating LEAs; and
- 1940 (B) non-participating LEAs;
- 1941 (iii) an overview of how participating LEAs utilized distributed funds; and
- 1942 (iv) whether the amount of distributed funds to each participating LEA was sufficient
- 1943 for the participating LEA's needs.
- 1944 (4) A participating LEA shall:
- 1945 (a) in accordance with rules made by the state board under Subsection (3)(a), submit a
- 1946 selected evidence-based screening program to the state board for approval;
- 1947 (b) implement and administer a state board-approved mental health screening program
- 1948 to participating students in the participating LEA by:
- 1949 (i) annually notifying each parent with a student in the participating LEA that the
- 1950 parent may have the student screened for mental health conditions;
- 1951 (ii) obtaining prior written consent from a student's parent, that complies with Section
- 1952 53E-9-203, and the Family Educational Rights and Privacy Act, 20 U.S.C. Sec.
- 1953 1232g, before the participating LEA screens a participating student;
- 1954 (iii) screening the student for mental health conditions; and
- 1955 (iv) if results of a participating student's screening indicate a potential mental health
- 1956 condition, notifying the parent of the participating student of:
- 1957 (A) the participating student's results; and
- 1958 (B) resources available to the participating student, including any services that can
- 1959 be provided by the school mental health provider or by a partnering entity;
- 1960 (c) use state board-distributed funds for the purposes described in Subsection (5)(a); and
- 1961 (d) provide the state board with necessary information and data for the state board to
- 1962 complete the report described in Subsection (3)(c).
- 1963 (5) (a) Within appropriations made by the Legislature for this purpose, the state board

- 1964 may distribute funds to a participating LEA to use to:
- 1965 (i) implement and administer a mental health screening for participating students as
- 1966 described in Subsection (4)(b); and
- 1967 (ii) assist a qualifying parent to pay for resources described in Subsection
- 1968 (4)(b)(iv)(B) that cannot be provided by a school mental health professional in the
- 1969 school setting.
- 1970 (b) The state board may not distribute funds described in Subsection (5)(a) to a
- 1971 non-participating LEA.
- 1972 (6) A school employee trained in accordance with rules made by the state board under
- 1973 Subsection (3)(a)(iii), who administers an approved mental health screening in
- 1974 accordance with this section in good faith, is not liable in a civil action for an act taken
- 1975 or not taken under this section.
- 1976 Section 34. Section **63C-18-102** is amended to read:

1977 **CHAPTER 18. BEHAVIORAL HEALTH CRISIS RESPONSE COMMITTEE**

1978 **63C-18-102 (Effective 05/01/24). Definitions.**

1979 As used in this chapter:

- 1980 (1) [~~"Commission"~~] "Committee" means the Behavioral Health Crisis Response [~~Commission~~]
- 1981 Committee created in Section 63C-18-202.
- 1982 (2) "Local mental health crisis line" means the same as that term is defined in Section
- 1983 26B-5-610.
- 1984 (3) "Statewide mental health crisis line" means the same as that term is defined in Section
- 1985 26B-5-610.
- 1986 (4) "Statewide warm line" means the same as that term is defined in Section 26B-5-610.

1987 Section 35. Section **63C-18-202** is amended to read:

1988 **Part 2. Committee Creation**

1989 **63C-18-202 (Effective 05/01/24). Committee established -- Members.**

- 1990 (1) [~~There~~] Under the Utah Behavioral Health Commission created in Section 26B-5-702,
- 1991 there is created the Behavioral Health Crisis Response [~~Commission~~] Committee,
- 1992 composed of the following members:
- 1993 (a) the executive director of the Huntsman Mental Health Institute;
- 1994 (b) the governor or the governor's designee;
- 1995 (c) the director of the Office of Substance Use and Mental Health;
- 1996 (d) one representative of the Office of the Attorney General, appointed by the attorney

- 1997 general;
- 1998 (e) the executive director of the Department of Health and Human Services or the
- 1999 executive director's designee;
- 2000 (f) one member of the public, appointed by the chair of the [~~commission~~] committee and
- 2001 approved by the [~~commission~~] committee;
- 2002 (g) two individuals who are mental or behavioral health clinicians licensed to practice in
- 2003 the state, appointed by the chair of the [~~commission~~] committee and approved by the [~~commission~~]
- 2004 committee, at least one of whom is an individual who:
- 2005 (i) is licensed as a physician under:
- 2006 (A) Title 58, Chapter 67, Utah Medical Practice Act;
- 2007 (B) Title 58, Chapter 67b, Interstate Medical Licensure Compact; or
- 2008 (C) Title 58, Chapter 68, Utah Osteopathic Medical Practice Act; and
- 2009 (ii) is board eligible for a psychiatry specialization recognized by the American
- 2010 Board of Medical Specialists or the American Osteopathic Association's Bureau of
- 2011 Osteopathic Specialists;
- 2012 (h) one individual who represents a county of the first or second class, appointed by the
- 2013 Utah Association of Counties;
- 2014 (i) one individual who represents a county of the third, fourth, or fifth class, appointed
- 2015 by the Utah Association of Counties;
- 2016 (j) one individual who represents the Utah Hospital Association, appointed by the chair
- 2017 of the [~~commission~~] committee;
- 2018 (k) one individual who represents law enforcement, appointed by the chair of the [~~commission~~]
- 2019 committee;
- 2020 (l) one individual who has lived with a mental health disorder, appointed by the chair of
- 2021 the [~~commission~~] committee;
- 2022 (m) one individual who represents an integrated health care system that:
- 2023 (i) is not affiliated with the chair of the [~~commission~~] committee; and
- 2024 (ii) provides inpatient behavioral health services and emergency room services to
- 2025 individuals in the state;
- 2026 (n) one individual who represents an accountable care organization, as defined in
- 2027 Section 26B-3-219, with a statewide membership base;
- 2028 (o) one individual who represents 911 call centers and public safety answering points,
- 2029 appointed by the chair of the [~~commission~~] committee;
- 2030 (p) one individual who represents Emergency Medical Services, appointed by the chair

- 2031 of the [~~commission~~] committee;
- 2032 (q) one individual who represents the mobile wireless service provider industry,
2033 appointed by the chair of the [~~commission~~] committee;
- 2034 (r) one individual who represents rural telecommunications providers, appointed by the
2035 chair of the [~~commission~~] committee;
- 2036 (s) one individual who represents voice over internet protocol and land line providers,
2037 appointed by the chair of the [~~commission~~;] committee; and
- 2038 (t) one individual who represents the Utah League of Cities and Towns, appointed by the
2039 Utah League of Cities and Towns[; and] .
- 2040 [~~(u) three or six legislative members, the number of which shall be decided jointly by~~
2041 ~~the speaker of the House of Representatives and the president of the Senate,~~
2042 ~~appointed as follows:]~~
- 2043 [~~(i) if the speaker of the House of Representatives and the president of the Senate~~
2044 ~~jointly decide to appoint three legislative members to the commission, the speaker~~
2045 ~~shall appoint one member of the House of Representatives, the president shall~~
2046 ~~appoint one member of the Senate, and the speaker and the president shall jointly~~
2047 ~~appoint one legislator from the minority party; or]~~
- 2048 [~~(ii) if the speaker of the House of Representatives and the president of the Senate~~
2049 ~~jointly decide to appoint six legislative members to the commission:]~~
- 2050 [~~(A) the speaker of the House of Representatives shall appoint three members of the~~
2051 ~~House of Representatives, no more than two of whom may be from the same political~~
2052 ~~party; and]~~
- 2053 [~~(B) the president of the Senate shall appoint three members of the Senate, no more~~
2054 ~~than two of whom may be from the same political party.]~~
- 2055 (2) (a) Except as provided in Subsection (2)(d), the executive director of the Huntsman
2056 Mental Health Institute is the chair of the [~~commission~~] committee.
- 2057 (b) The chair of the [~~commission~~] committee shall appoint a member of the [~~commission~~]
2058 committee to serve as the vice chair of the [~~commission~~] committee, with the approval
2059 of the [~~commission~~] committee.
- 2060 (c) The chair of the [~~commission~~] committee shall set the agenda for each [~~commission~~]
2061 committee meeting.
- 2062 (d) If the executive director of the Huntsman Mental Health Institute is not available to
2063 serve as the chair of the [~~commission~~] committee, the [~~commission~~] committee shall
2064 elect a chair from among the [~~commission's~~] committee's members.

- 2065 (3) (a) A majority of the members of the [~~e~~ommission] committee constitutes a quorum.
- 2066 (b) The action of a majority of a quorum constitutes the action of the [~~e~~ommission]
- 2067 committee.
- 2068 (4) [~~(a) Except as provided in Subsection (4)(b), a]~~ A member may not receive
- 2069 compensation, benefits, per diem, or travel expenses for the member's service on the [~~e~~ommission] committee.
- 2070
- 2071 [~~(b) Compensation and expenses of a member who is a legislator are governed by~~
- 2072 ~~Section 36-2-2 and Legislative Joint Rules, Title 5, Legislative Compensation and~~
- 2073 ~~Expenses.]~~
- 2074 (5) The Office of the Attorney General shall provide staff support to the [~~e~~ommission]
- 2075 committee.
- 2076 Section 36. Section **63C-18-203** is amended to read:
- 2077 **63C-18-203 (Effective 05/01/24). Committee duties -- Reporting requirements.**
- 2078 (1) [~~The e~~ommission] Under the direction of the Utah Behavioral Health Commission
- 2079 created in Section 26B-5-702, the committee shall:
- 2080 (a) identify a method to integrate existing local mental health crisis lines to ensure each
- 2081 individual who accesses a local mental health crisis line is connected to a qualified
- 2082 mental or behavioral health professional, regardless of the time, date, or number of
- 2083 individuals trying to simultaneously access the local mental health crisis line;
- 2084 (b) study how to establish and implement a statewide mental health crisis line and a
- 2085 statewide warm line, including identifying:
- 2086 (i) a statewide phone number or other means for an individual to easily access the
- 2087 statewide mental health crisis line, including a short code for text messaging and a
- 2088 three-digit number for calls;
- 2089 (ii) a statewide phone number or other means for an individual to easily access the
- 2090 statewide warm line, including a short code for text messaging and a three-digit
- 2091 number for calls;
- 2092 (iii) a supply of:
- 2093 (A) qualified mental or behavioral health professionals to staff the statewide
- 2094 mental health crisis line; and
- 2095 (B) qualified mental or behavioral health professionals or certified peer support
- 2096 specialists to staff the statewide warm line; and
- 2097 (iv) a funding mechanism to operate and maintain the statewide mental health crisis
- 2098 line and the statewide warm line;

- 2099 (c) coordinate with local mental health authorities in fulfilling the [~~commission's~~
2100 committee's duties described in Subsections (1)(a) and (b);
- 2101 (d) recommend standards for the certifications described in Section 26B-5-610; and
- 2102 (e) coordinate services provided by local mental health crisis lines and mobile crisis
2103 outreach teams, as defined in Section 62A-15-1401.
- 2104 (2) The [~~commission~~] committee shall study and make recommendations regarding:
- 2105 (a) crisis line practices and needs, including:
- 2106 (i) quality and timeliness of service;
- 2107 (ii) service volume projections;
- 2108 (iii) a statewide assessment of crisis line staffing needs, including required
2109 certifications; and
- 2110 (iv) a statewide assessment of technology needs;
- 2111 (b) primary duties performed by crisis line workers;
- 2112 (c) coordination or redistribution of secondary duties performed by crisis line workers,
2113 including responding to non-emergency calls;
- 2114 (d) operating the statewide 988 hotline:
- 2115 (i) in accordance with federal law;
- 2116 (ii) to ensure the efficient and effective routing of calls to an appropriate crisis center;
2117 and
- 2118 (iii) to directly respond to calls with trained personnel and the provision of acute
2119 mental health, crisis outreach, and stabilization services;
- 2120 (e) opportunities to increase operational and technological efficiencies and effectiveness
2121 between 988 and 911, utilizing current technology;
- 2122 (f) needs for interoperability partnerships and policies related to 911 call transfers and
2123 public safety responses;
- 2124 (g) standards for statewide mobile crisis outreach teams, including:
- 2125 (i) current models and projected needs;
- 2126 (ii) quality and timeliness of service;
- 2127 (iii) hospital and jail diversions; and
- 2128 (iv) staffing and certification;
- 2129 (h) resource centers, including:
- 2130 (i) current models and projected needs; and
- 2131 (ii) quality and timeliness of service;
- 2132 (i) policy considerations related to whether the state should:

- 2133 (i) manage, operate, and pay for a complete behavioral health system; or
 2134 (ii) create partnerships with private industry; and
 2135 (j) sustainable funding source alternatives, including:
 2136 (i) charging a 988 fee, including a recommendation on the fee amount;
 2137 (ii) General Fund appropriations;
 2138 (iii) other government funding options;
 2139 (iv) private funding sources;
 2140 (v) grants;
 2141 (vi) insurance partnerships, including coverage for support and treatment after initial
 2142 call and triage; and
 2143 (vii) other funding resources.
- 2144 (3) The ~~[commission]~~ committee may conduct other business related to the ~~[commission's]~~
 2145 committee's duties described in this section.
- 2146 (4) The ~~[commission]~~ committee shall consult with the Office of Substance Use and Mental
 2147 Health regarding:
 2148 (a) the standards and operation of the statewide mental health crisis line and the
 2149 statewide warm line, in accordance with Section 26B-5-610; and
 2150 (b) the incorporation of the statewide mental health crisis line and the statewide warm
 2151 line into behavioral health systems throughout the state.
- 2152 (5) ~~[Beginning in 2023, by no later than the last interim meeting of the Health and Human~~
 2153 ~~Services Interim Committee each year, the commission]~~ The committee shall report to
 2154 the ~~[Health and Human Services Interim Committee]~~ Utah Behavioral Health
 2155 Commission on the matters described in Subsections (1) and (2), including any
 2156 recommendations, legislation proposals, and opportunities for behavioral health crisis
 2157 response system improvement.

2158 Section 37. Section **63C-23-102** is amended to read:

2159 **CHAPTER 23. EDUCATION AND MENTAL HEALTH COORDINATING COMMITTEE**

2161 **63C-23-102 (Effective 05/01/24). Definitions.**

2162 As used in this chapter:

- 2163 (1) ~~["Council"]~~ "Committee" means the Education and Mental Health Coordinating ~~[Council]~~
 2164 Committee created in Section 63C-23-201.
- 2165 (2) "Local education agency" or "LEA" means the same as that term is defined in Section
 2166 53E-1-102.

- 2167 (3) "Local mental health authority" means a local mental health authority described in
 2168 Section 17-43-301.
- 2169 (4) "Local substance abuse authority" means a local substance abuse authority described in
 2170 Section 17-43-201.

2171 Section 38. Section **63C-23-201** is amended to read:

2172

Part 2. Education and Mental Health Coordinating Committee

2173 **63C-23-201 (Effective 05/01/24). Education and Mental Health Coordinating**
 2174 **Committee -- Membership -- Quorum and voting requirements -- Compensation --**
 2175 **Staff support.**

2176 (1) [There] Under the direction of the Utah Behavioral Health Commission created in
 2177 Section 26B-5-702, there is created the Education and Mental Health Coordinating [
 2178 Council] Committee to:

2179 (a) provide action-oriented guidance to legislative and other state leaders on how to meet
 2180 the behavioral health needs, including mental health and substance use issues, facing
 2181 youth and families within the state; and

2182 (b) ensure close collaboration and alignment with existing statewide behavioral health
 2183 efforts and groups, including:

2184 (i) the Behavioral Health Crisis Response [~~Commission~~] Committee created in
 2185 Section 63C-18-202; and

2186 (ii) the Utah Substance Use and Mental Health Advisory [~~Council~~] Committee created
 2187 in Section [~~63M-7-301~~] 26B-5-801.

2188 (2) The [~~council~~] committee consists of the following members:

2189 (a) a member of the House of Representatives whom the speaker of the House of
 2190 Representatives appoints;

2191 (b) a member of the Senate whom the president of the Senate appoints;

2192 (c) an individual with expertise in behavioral health whom the governor appoints;

2193 (d) the state superintendent of public instruction appointed under Section 53E-3-301 or
 2194 the state superintendent's designee;

2195 (e) the chief executive officer of the Huntsman Mental Health Institute at the University
 2196 of Utah or the chief executive officer's designee;

2197 (f) the director of the Division of Substance Abuse and Mental Health or the director's
 2198 designee;

2199 (g) the commissioner of higher education appointed under Section 53B-1-408 or the

- 2200 commissioner's designee; and
- 2201 (h) the following individuals whom the president of the Senate and the speaker of the
- 2202 House of Representatives jointly appoint:
- 2203 (i) a community-oriented behavioral health leader from the private sector;
- 2204 (ii) the president or chief executive officer of an association that represents hospitals
- 2205 within the state;
- 2206 (iii) a community health executive from an academic medical system;
- 2207 (iv) a community health executive from an integrated healthcare system;
- 2208 (v) the president or chief executive officer of a nonprofit organization that provides
- 2209 comprehensive mental health care to children and families across the
- 2210 socioeconomic spectrum; and
- 2211 (vi) a mental health research expert.
- 2212 (3) (a) The members described in Subsections (2)(a) and (2)(h)(i) shall serve as
- 2213 co-chairs of the [eouneih] committee.
- 2214 (b) A [eouneih] committee member whom the speaker of the House of Representatives
- 2215 and the president of the Senate jointly appoint under Subsection (2)(h), and the [
- 2216 eouneih] committee member whom the governor appoints under Subsection (2)(c),
- 2217 shall serve a term of two years.
- 2218 (c) The speaker of the House of Representatives, the president of the Senate, and the
- 2219 governor shall:
- 2220 (i) make the initial appointments described in Subsection (2) before July 1, 2021; and
- 2221 (ii) make appointments for subsequent terms for the [eouneih] committee positions
- 2222 described in Subsection (2)(b) before July 1 of each odd-numbered year, by:
- 2223 (A) reappointing the [eouneih] committee member whose term expires under
- 2224 Subsection (3)(b); or
- 2225 (B) appointing a new [eouneih] committee member.
- 2226 (d) The speaker of the House of Representatives and the president of the Senate may
- 2227 change the appointment described in Subsections (2)(a) and (b) at any time.
- 2228 (4) (a) The salary and expenses of a [eouneih] committee member who is a legislator shall
- 2229 be paid in accordance with Section 36-2-2 and Legislative Joint Rules, Title 5,
- 2230 Chapter 3, Legislator Compensation.
- 2231 (b) A [eouneih] committee member who is not a legislator:
- 2232 (i) may not receive compensation or benefits for the member's service on the [eouneih]
- 2233 committee; and

- 2234 (ii) may receive per diem and reimbursement for travel expenses that the [council]
 2235 committee member incurs as a [council] committee member at the rates that the
 2236 Division of Finance establishes under:
- 2237 (A) Sections 63A-3-106 and 63A-3-107; and
 2238 (B) rules that the Division of Finance makes under Sections 63A-3-106 and
 2239 63A-3-107.
- 2240 (5) (a) A majority of the [council] committee members constitutes a quorum.
 2241 (b) The action of a majority of a quorum constitutes an action of the [council] committee.
- 2242 (6) The Office of Legislative Research and General Counsel shall provide staff support to
 2243 the [council] committee.
- 2244 Section 39. Section **63C-23-202** is amended to read:
 2245 **63C-23-202 (Effective 05/01/24). Committee duties -- Reporting requirements.**
- 2246 (1) The [council] committee shall:
- 2247 (a) meet at least twice per quarter; and
 2248 (b) make findings and recommendations to:
- 2249 (i) generate a common framework for preventing and addressing mild, moderate, and
 2250 serious behavioral health concerns that youth within the state face;
- 2251 (ii) clarify roles among LEAs, local mental health authorities, local substance abuse
 2252 authorities, and other behavioral health partners regarding the practical and legal
 2253 obligations of screening, assessment, and the provision of care; and
- 2254 (iii) facilitate joint development of state and local plans among LEAs, local mental
 2255 health authorities, local substance abuse authorities, and other behavioral health
 2256 partners that:
- 2257 (A) describe how the entities will collaborate to meet the behavioral health needs
 2258 of youth within the state; and
 2259 (B) provide clarity and consistency in the standardization, collection, analysis, and
 2260 application of behavioral health-related data to drive improvement.
- 2261 (2) At least once per quarter, the [council] committee co-chairs shall report to the speaker of
 2262 the House of Representatives and the president of the Senate regarding the findings and
 2263 recommendations described in Subsection (1)(b).
- 2264 (3) ~~[At or before the November interim meeting, the council]~~ On or before July 31 of each
 2265 year, the committee shall report the [council's] committee's findings and
 2266 recommendations described in Subsection (1)(b) to the ~~[Education Interim Committee~~
 2267 ~~and the Health and Human Services Interim Committee]~~ Utah Behavioral Health

- 2268 Commission.
- 2269 Section 40. Section **63I-1-226** is amended to read:
- 2270 **63I-1-226 (Effective 05/01/24) (Superseded 07/01/24). Repeal dates: Titles 26A**
- 2271 **through 26B.**
- 2272 (1) Subsection 26B-1-204(2)(i), related to the Primary Care Grant Committee, is repealed
- 2273 July 1, 2025.
- 2274 (2) Section 26B-1-315, which creates the Medicaid Expansion Fund, is repealed July 1,
- 2275 2024.
- 2276 (3) Section 26B-1-319, which creates the Neuro-Rehabilitation Fund, is repealed January 1,
- 2277 2025.
- 2278 (4) Section 26B-1-320, which creates the Pediatric Neuro-Rehabilitation Fund, is repealed
- 2279 January 1, 2025.
- 2280 (5) Subsection 26B-1-324(4), the language that states "the Behavioral Health Crisis
- 2281 Response [~~Commission~~] Committee, as defined in Section 63C-18-202," is repealed
- 2282 December 31, 2026.
- 2283 (6) Subsection 26B-1-329(6), related to the Behavioral Health Crisis Response [~~Commission~~]
- 2284 Committee, is repealed December 31, 2026.
- 2285 (7) Section 26B-1-402, related to the Rare Disease Advisory Council Grant Program, is
- 2286 repealed July 1, 2026.
- 2287 (8) Section 26B-1-409, which creates the Utah Digital Health Service Commission, is
- 2288 repealed July 1, 2025.
- 2289 (9) Section 26B-1-410, which creates the Primary Care Grant Committee, is repealed July
- 2290 1, 2025.
- 2291 (10) Section 26B-1-416, which creates the Utah Children's Health Insurance Program
- 2292 Advisory Council, is repealed July 1, 2025.
- 2293 (11) Section 26B-1-417, which creates the Brain Injury Advisory Committee, is repealed
- 2294 July 1, 2025.
- 2295 (12) Section 26B-1-418, which creates the Neuro-Rehabilitation Fund and Pediatric
- 2296 Neuro-Rehabilitation Fund Advisory Committee, is repealed January 1, 2025.
- 2297 (13) Section 26B-1-422, which creates the Early Childhood Utah Advisory Council, is
- 2298 repealed July 1, 2029.
- 2299 (14) Section 26B-1-428, which creates the Youth Electronic Cigarette, Marijuana, and
- 2300 Other Drug Prevention Program, is repealed July 1, 2025.
- 2301 (15) Section 26B-1-430, which creates the Coordinating Council for Persons with

- 2302 Disabilities, is repealed July 1, 2027.
- 2303 (16) Section 26B-1-431, which creates the Forensic Mental Health Coordinating Council, is
2304 repealed July 1, 2023.
- 2305 (17) Section 26B-1-432, which creates the Newborn Hearing Screening Committee, is
2306 repealed July 1, 2026.
- 2307 (18) Section 26B-1-434, regarding the Correctional Postnatal and Early Childhood
2308 Advisory Board, is repealed July 1, 2026.
- 2309 (19) Section 26B-2-407, related to drinking water quality in child care centers, is repealed
2310 July 1, 2027.
- 2311 (20) Subsection 26B-3-107(9), which addresses reimbursement for dental hygienists, is
2312 repealed July 1, 2028.
- 2313 (21) Section 26B-3-136, which creates the Children's Health Care Coverage Program, is
2314 repealed July 1, 2025.
- 2315 (22) Section 26B-3-137, related to reimbursement for the National Diabetes Prevention
2316 Program, is repealed June 30, 2027.
- 2317 (23) Subsection 26B-3-213(2), the language that states "~~and~~ In consultation with the
2318 Behavioral Health Crisis Response [~~Commission~~] Committee created in Section
2319 63C-18-202" is repealed December 31, 2026.
- 2320 (24) Sections 26B-3-302 through 26B-3-309, regarding the Drug Utilization Review Board,
2321 are repealed July 1, 2027.
- 2322 (25) Title 26B, Chapter 3, Part 5, Inpatient Hospital Assessment, is repealed July 1, 2024.
- 2323 (26) Title 26B, Chapter 3, Part 6, Medicaid Expansion Hospital Assessment, is repealed
2324 July 1, 2024.
- 2325 (27) Title 26B, Chapter 3, Part 7, Hospital Provider Assessment, is repealed July 1, 2028.
- 2326 (28) Section 26B-3-910, regarding alternative eligibility, is repealed July 1, 2028.
- 2327 (29) Section 26B-4-136, related to the Volunteer Emergency Medical Service Personnel
2328 Health Insurance Program, is repealed July 1, 2027.
- 2329 (30) Section 26B-4-710, related to rural residency training programs, is repealed July 1,
2330 2025.
- 2331 (31) Subsections 26B-5-112(1) and (5), the language that states "In consultation with the
2332 Behavioral Health Crisis Response [~~Commission~~] Committee, established in Section
2333 63C-18-202," is repealed December 31, 2026.
- 2334 (32) Section 26B-5-112.5 is repealed December 31, 2026.
- 2335 (33) Section 26B-5-114, related to the Behavioral Health Receiving Center Grant Program,

- 2336 is repealed December 31, 2026.
- 2337 (34) Section 26B-5-118, related to collaborative care grant programs, is repealed December
2338 31, 2024.
- 2339 (35) Section 26B-5-120 is repealed December 31, 2026.
- 2340 (36) In relation to the Utah Assertive Community Treatment Act, on July 1, 2024:
- 2341 (a) Subsection 26B-5-606(2)(a)(i), the language that states "and" is repealed; and
- 2342 (b) Subsections 26B-5-606(2)(a)(ii), 26B-5-606(2)(b), and 26B-5-606(2)(c) are repealed.
- 2343 (37) In relation to the Behavioral Health Crisis Response [~~Commission~~] Committee, on
2344 December 31, 2026:
- 2345 (a) Subsection 26B-5-609(1)(a) is repealed;
- 2346 (b) Subsection 26B-5-609(3)(a), the language that states "With recommendations from
2347 the [~~commission~~] committee," is repealed;
- 2348 (c) Subsection 26B-5-610(1)(b) is repealed;
- 2349 (d) Subsection 26B-5-610(2)(b), the language that states "and in consultation with the [
2350 ~~commission~~] committee," is repealed; [~~and~~]
- 2351 (e) Subsection 26B-5-610(4), the language that states "In consultation with the [
2352 ~~commission~~] committee," is repealed[~~;~~] ; and
- 2353 (f) Subsection 26B-5-704(2)(a) is repealed.
- 2354 [~~(38) Subsections 26B-5-611(1)(a) and (10), in relation to the Utah Substance Use and
2355 Mental Health Advisory Council, are repealed January 1, 2033.~~]
- 2356 [~~(39)~~] (38) Section 26B-5-612, related to integrated behavioral health care grant programs,
2357 is repealed December 31, 2025.
- 2358 (39) Title 26B, Chapter 5, Part 7, Utah Behavioral Health Commission, is repealed July 1,
2359 2029.
- 2360 (40) Subsection 26B-5-704(2)(b), related to the Education and Mental Health Coordinating
2361 Committee, is repealed December 31, 2024.
- 2362 (41) In relation to the Utah Substance Use and Mental Health Advisory Committee, on
2363 January 1, 2033, Sections 26B-5-801, 26B-5-802, 26B-5-803, and 26B-5-804 are
2364 repealed.
- 2365 [~~(40)~~] (42) Subsection 26B-7-119(5), related to reports to the Legislature on the outcomes of
2366 the Hepatitis C Outreach Pilot Program, is repealed July 1, 2028.
- 2367 [~~(41)~~] (43) Section 26B-7-224, related to reports to the Legislature on violent incidents and
2368 fatalities involving substance abuse, is repealed December 31, 2027.
- 2369 [~~(42)~~] (44) Title 26B, Chapter 8, Part 5, Utah Health Data Authority, is repealed July 1,

- 2370 2024.
- 2371 [(43)] (45) Section 26B-8-513, related to identifying overuse of non-evidence-based health
2372 care, is repealed December 31, 2023.
- 2373 Section 41. Section **63I-1-226** is amended to read:
- 2374 **63I-1-226 (Effective 07/01/24). Repeal dates: Titles 26A through 26B.**
- 2375 (1) Subsection 26B-1-204(2)(i), related to the Primary Care Grant Committee, is repealed
2376 July 1, 2025.
- 2377 (2) Section 26B-1-315, which creates the Medicaid Expansion Fund, is repealed July 1,
2378 2024.
- 2379 (3) Section 26B-1-319, which creates the Neuro-Rehabilitation Fund, is repealed January 1,
2380 2025.
- 2381 (4) Section 26B-1-320, which creates the Pediatric Neuro-Rehabilitation Fund, is repealed
2382 January 1, 2025.
- 2383 (5) Subsection 26B-1-324(4), the language that states "the Behavioral Health Crisis
2384 Response [~~Commission~~] Committee, as defined in Section 63C-18-202," is repealed
2385 December 31, 2026.
- 2386 (6) Subsection 26B-1-329(6), related to the Behavioral Health Crisis Response [
2387 ~~Commission~~] Committee, is repealed December 31, 2026.
- 2388 (7) Section 26B-1-402, related to the Rare Disease Advisory Council Grant Program, is
2389 repealed July 1, 2026.
- 2390 (8) Section 26B-1-409, which creates the Utah Digital Health Service Commission, is
2391 repealed July 1, 2025.
- 2392 (9) Section 26B-1-410, which creates the Primary Care Grant Committee, is repealed July
2393 1, 2025.
- 2394 (10) Section 26B-1-416, which creates the Utah Children's Health Insurance Program
2395 Advisory Council, is repealed July 1, 2025.
- 2396 (11) Section 26B-1-417, which creates the Brain Injury Advisory Committee, is repealed
2397 July 1, 2025.
- 2398 (12) Section 26B-1-418, which creates the Neuro-Rehabilitation Fund and Pediatric
2399 Neuro-Rehabilitation Fund Advisory Committee, is repealed January 1, 2025.
- 2400 (13) Section 26B-1-422, which creates the Early Childhood Utah Advisory Council, is
2401 repealed July 1, 2029.
- 2402 (14) Section 26B-1-428, which creates the Youth Electronic Cigarette, Marijuana, and
2403 Other Drug Prevention Program, is repealed July 1, 2025.

- 2404 (15) Section 26B-1-430, which creates the Coordinating Council for Persons with
2405 Disabilities, is repealed July 1, 2027.
- 2406 (16) Section 26B-1-431, which creates the Forensic Mental Health Coordinating Council, is
2407 repealed July 1, 2023.
- 2408 (17) Section 26B-1-432, which creates the Newborn Hearing Screening Committee, is
2409 repealed July 1, 2026.
- 2410 (18) Section 26B-1-434, regarding the Correctional Postnatal and Early Childhood
2411 Advisory Board, is repealed July 1, 2026.
- 2412 (19) Section 26B-2-407, related to drinking water quality in child care centers, is repealed
2413 July 1, 2027.
- 2414 (20) Subsection 26B-3-107(9), which addresses reimbursement for dental hygienists, is
2415 repealed July 1, 2028.
- 2416 (21) Section 26B-3-136, which creates the Children's Health Care Coverage Program, is
2417 repealed July 1, 2025.
- 2418 (22) Section 26B-3-137, related to reimbursement for the National Diabetes Prevention
2419 Program, is repealed June 30, 2027.
- 2420 (23) Subsection 26B-3-213(2), the language that states "[and] In consultation with the
2421 Behavioral Health Crisis Response [Commission] Committee created in Section
2422 63C-18-202" is repealed December 31, 2026.
- 2423 (24) Sections 26B-3-302 through 26B-3-309, regarding the Drug Utilization Review Board,
2424 are repealed July 1, 2027.
- 2425 (25) Title 26B, Chapter 3, Part 5, Inpatient Hospital Assessment, is repealed July 1, 2024.
- 2426 (26) Title 26B, Chapter 3, Part 6, Medicaid Expansion Hospital Assessment, is repealed
2427 July 1, 2024.
- 2428 (27) Title 26B, Chapter 3, Part 7, Hospital Provider Assessment, is repealed July 1, 2028.
- 2429 (28) Section 26B-3-910, regarding alternative eligibility, is repealed July 1, 2028.
- 2430 (29) Section 26B-4-710, related to rural residency training programs, is repealed July 1,
2431 2025.
- 2432 (30) Subsections 26B-5-112(1) and (5), the language that states "In consultation with the
2433 Behavioral Health Crisis Response [Commission] Committee, established in Section
2434 63C-18-202," is repealed December 31, 2026.
- 2435 (31) Section 26B-5-112.5 is repealed December 31, 2026.
- 2436 (32) Section 26B-5-114, related to the Behavioral Health Receiving Center Grant Program,
2437 is repealed December 31, 2026.

- 2438 (33) Section 26B-5-118, related to collaborative care grant programs, is repealed December
2439 31, 2024.
- 2440 (34) Section 26B-5-120 is repealed December 31, 2026.
- 2441 (35) In relation to the Utah Assertive Community Treatment Act, on July 1, 2024:
- 2442 (a) Subsection 26B-5-606(2)(a)(i), the language that states "and" is repealed; and
- 2443 (b) Subsections 26B-5-606(2)(a)(ii), 26B-5-606(2)(b), and 26B-5-606(2)(c) are repealed.
- 2444 (36) In relation to the Behavioral Health Crisis Response [~~Commission~~] Committee, on
2445 December 31, 2026:
- 2446 (a) Subsection 26B-5-609(1)(a) is repealed;
- 2447 (b) Subsection 26B-5-609(3)(a), the language that states "With recommendations from
2448 the [~~commission~~] committee," is repealed;
- 2449 (c) Subsection 26B-5-610(1)(b) is repealed;
- 2450 (d) Subsection 26B-5-610(2)(b), the language that states "and in consultation with the [
2451 ~~commission~~] committee," is repealed; [~~and~~]
- 2452 (e) Subsection 26B-5-610(4), the language that states "In consultation with the [
2453 ~~commission~~] committee," is repealed[.] ; and
- 2454 (f) Subsection 26B-5-704(2)(a) is repealed.
- 2455 [~~(37) Subsections 26B-5-611(1)(a) and (10), in relation to the Utah Substance Use and
2456 Mental Health Advisory Council, are repealed January 1, 2033.~~]
- 2457 [~~(38)~~] (37) Section 26B-5-612, related to integrated behavioral health care grant programs,
2458 is repealed December 31, 2025.
- 2459 (38) Title 26B, Chapter 5, Part 7, Utah Behavioral Health Commission, is repealed July 1,
2460 2029.
- 2461 (39) Subsection 26B-5-704(2)(b), related to the Education and Mental Health Coordinating
2462 Committee, is repealed December 31, 2024.
- 2463 (40) In relation to the Utah Substance Use and Mental Health Advisory Committee, on
2464 January 1, 2033, Sections 26B-5-801, 26B-5-802, 26B-5-803, and 26B-5-804 are
2465 repealed.
- 2466 [~~(39)~~] (41) Subsection 26B-7-119(5), related to reports to the Legislature on the outcomes of
2467 the Hepatitis C Outreach Pilot Program, is repealed July 1, 2028.
- 2468 [~~(40)~~] (42) Section 26B-7-224, related to reports to the Legislature on violent incidents and
2469 fatalities involving substance abuse, is repealed December 31, 2027.
- 2470 [~~(41)~~] (43) Title 26B, Chapter 8, Part 5, Utah Health Data Authority, is repealed July 1,
2471 2024.

2472 [(42)] (44) Section 26B-8-513, related to identifying overuse of non-evidence-based health
 2473 care, is repealed December 31, 2023.

2474 Section 42. Section **63I-1-232** is amended to read:

2475 **63I-1-232 (Effective 05/01/24). Repeal dates: Title 32A through 32B.**

2476 In relation to the Utah Substance Use and Mental Health Advisory [Council]
 2477 Committee, on January 1, 2033:

2478 (1) Subsection 32B-2-306(1)(a) is repealed;

2479 (2) Subsection 32B-2-306(4), the language that states "advisory [council] committee" is
 2480 repealed and replaced with "department";

2481 (3) Subsections 32B-2-306(4)(b) and (e) are repealed;

2482 (4) Subsection 32B-2-306(5)(a), the language that states "in cooperation with the advisory [
 2483 council] committee" is repealed;

2484 (5) Subsection 32B-2-306(5)(b) is amended to read:

2485 "(b) The department shall:

2486 (i) prepare a plan detailing the intended use of the money appropriated under this section; and

2487 (ii) conduct the media and education campaign in accordance with the guidelines created by
 2488 the department under Subsection (4)(c).";

2489 (6) Subsection 32B-2-402(1)(b) is repealed;

2490 (7) Sections 32B-2-404 and 32B-2-405, the language that states "advisory [council]
 2491 committee" is repealed and replaced with "department";

2492 (8) Subsection 32B-2-405(2), the language that states "by a majority vote" is repealed; and

2493 (9) Subsection 32B-2-405(4)(a)(i), the language that states "majority vote of" is repealed.

2494 Section 43. Section **63I-1-263** is amended to read:

2495 **63I-1-263 (Effective 05/01/24). Repeal dates: Titles 63A to 63N.**

2496 (1) Subsection 63A-5b-405(5), relating to prioritizing and allocating capital improvement
 2497 funding, is repealed July 1, 2024.

2498 (2) Section 63A-5b-1003, State Facility Energy Efficiency Fund, is repealed July 1, 2023.

2499 (3) Sections 63A-9-301 and 63A-9-302, related to the Motor Vehicle Review Committee,
 2500 are repealed July 1, 2023.

2501 (4) Title 63C, Chapter 4a, Constitutional and Federalism Defense Act, is repealed July 1,
 2502 2028.

2503 (5) Title 63C, Chapter 6, Utah Seismic Safety Commission, is repealed January 1, 2025.

2504 (6) Title 63C, Chapter 12, Snake Valley Aquifer Advisory Council, is repealed July 1, 2024.

2505 (7) Title 63C, Chapter 17, Point of the Mountain Development Commission Act, is

- 2506 repealed July 1, 2023.
- 2507 (8) ~~[Title 63C, Chapter 18, Behavioral Health Crisis Response Commission]~~ Title 63C,
 2508 Chapter 18, Behavioral Health Crisis Response Committee, is repealed December 31,
 2509 2026.
- 2510 (9) ~~[Title 63C, Chapter 23, Education and Mental Health Coordinating Council]~~ Title 63C,
 2511 Chapter 23, Education and Mental Health Coordinating Committee, is repealed ~~[July 1,~~
 2512 ~~2026]~~ December 31, 2024.
- 2513 (10) Title 63C, Chapter 27, Cybersecurity Commission, is repealed July 1, 2032.
- 2514 (11) Title 63C, Chapter 28, Ethnic Studies Commission, is repealed July 1, 2026.
- 2515 (12) Title 63C, Chapter 29, Domestic Violence Data Task Force, is repealed December 31,
 2516 2024.
- 2517 (13) Title 63C, Chapter 31, State Employee Benefits Advisory Commission, is repealed on
 2518 July 1, 2028.
- 2519 (14) Section 63G-6a-805, which creates the Purchasing from Persons with Disabilities
 2520 Advisory Board, is repealed July 1, 2026.
- 2521 (15) Title 63G, Chapter 21, Agreements to Provide State Services, is repealed July 1, 2028.
- 2522 (16) Title 63H, Chapter 4, Heber Valley Historic Railroad Authority, is repealed July 1,
 2523 2024.
- 2524 (17) Title 63H, Chapter 8, Utah Housing Corporation Act, is repealed July 1, 2026.
- 2525 (18) Subsection 63J-1-602.2(25), related to the Utah Seismic Safety Commission, is
 2526 repealed January 1, 2025.
- 2527 (19) Section 63L-11-204, creating a canyon resource management plan to Provo Canyon, is
 2528 repealed July 1, 2025.
- 2529 (20) Title 63L, Chapter 11, Part 4, Resource Development Coordinating Committee, is
 2530 repealed July 1, 2027.
- 2531 ~~[(21) In relation to the Utah Substance Use and Mental Health Advisory Council, on~~
 2532 ~~January 1, 2033:]~~
- 2533 ~~[(a) Sections 63M-7-301, 63M-7-302, 63M-7-303, 63M-7-304, and 63M-7-306 are~~
 2534 ~~repealed;]~~
- 2535 ~~[(b) Section 63M-7-305, the language that states "council" is replaced with "commission"; (c)~~
 2536 ~~Subsection 63M-7-305(1)(a) is repealed and replaced with:~~
- 2537 ~~"(1) "Commission" means the Commission on Criminal and Juvenile Justice."; and (d)~~
 2538 ~~Subsection 63M-7-305(2) is repealed and replaced with:~~
- 2539 ~~"(2) The commission shall:~~

2540 (a) provide ongoing oversight of the implementation, functions, and evaluation of the
 2541 Drug-Related Offenses Reform Act; and

2542 (b) coordinate the implementation of Section 77-18-104 and related provisions in
 2543 Subsections 77-18-103(2)(c) and (d)."]

2544 [(22)] (21) The Crime Victim Reparations and Assistance Board, created in Section
 2545 63M-7-504, is repealed July 1, 2027.

2546 [(23)] (22) Title 63M, Chapter 7, Part 8, Sex Offense Management Board, is repealed July 1,
 2547 2026.

2548 [(24)] (23) Title 63M, Chapter 11, Utah Commission on Aging, is repealed July 1, 2026.

2549 [(25)] (24) Title 63N, Chapter 1b, Part 4, Women in the Economy Subcommittee, is
 2550 repealed January 1, 2025.

2551 [(26)] (25) Title 63N, Chapter 2, Part 2, Enterprise Zone Act, is repealed July 1, 2028.

2552 [(27)] (26) Section 63N-2-512, related to the Hotel Impact Mitigation Fund, is repealed July
 2553 1, 2028.

2554 [(28)] (27) Title 63N, Chapter 3, Part 9, Strategic Innovation Grant Pilot Program, is
 2555 repealed July 1, 2027.

2556 [(29)] (28) Title 63N, Chapter 3, Part 11, Manufacturing Modernization Grant Program, is
 2557 repealed July 1, 2025.

2558 [(30)] (29) In relation to the Rural Employment Expansion Program, on July 1, 2028:

2559 (a) Title 63N, Chapter 4, Part 4, Rural Employment Expansion Program, is repealed; and

2560 (b) Subsection 63N-4-805(5)(b), referring to the Rural Employment Expansion Program,
 2561 is repealed.

2562 [(31)] (30) In relation to the Board of Tourism Development, on July 1, 2025:

2563 (a) Subsection 63N-2-511(1)(b), which defines "tourism board," is repealed;

2564 (b) Subsections 63N-2-511(3)(a) and (5), the language that states "tourism board" is
 2565 repealed and replaced with "Utah Office of Tourism";

2566 (c) Subsection 63N-7-101(1), which defines "board," is repealed;

2567 (d) Subsection 63N-7-102(3)(c), which requires the Utah Office of Tourism to receive
 2568 approval from the Board of Tourism Development, is repealed; and

2569 (e) Title 63N, Chapter 7, Part 2, Board of Tourism Development, is repealed.

2570 [(32)] (31) Subsection 63N-8-103(3)(c), which allows the Governor's Office of Economic
 2571 Opportunity to issue an amount of tax credit certificates only for rural productions, is
 2572 repealed on July 1, 2024.

2573 Section 44. Section **63M-7-202** is amended to read:

- 2574 **63M-7-202 (Effective 05/01/24). Composition -- Appointments -- Ex officio**
2575 **members -- Terms -- United States Attorney as nonvoting member.**
- 2576 (1) The State Commission on Criminal and Juvenile Justice is composed of 26 voting
2577 members as follows:
- 2578 (a) the chief justice of the supreme court, as the presiding officer of the judicial council,
2579 or a judge designated by the chief justice;
 - 2580 (b) the state court administrator or the state court administrator's designee;
 - 2581 (c) the executive director of the Department of Corrections or the executive director's
2582 designee;
 - 2583 (d) the executive director of the Department of Health and Human Services or the
2584 executive director's designee;
 - 2585 (e) the commissioner of the Department of Public Safety or the commissioner's designee;
 - 2586 (f) the attorney general or an attorney designated by the attorney general;
 - 2587 (g) the president of the chiefs of police association or a chief of police designated by the
2588 association's president;
 - 2589 (h) the president of the sheriffs' association or a sheriff designated by the association's
2590 president;
 - 2591 (i) the chair of the Board of Pardons and Parole or a member of the Board of Pardons
2592 and Parole designated by the chair;
 - 2593 (j) the chair of the Utah Sentencing Commission or a member of the Utah Sentencing
2594 Commission designated by the chair;
 - 2595 (k) the chair of the Utah Substance Use and Mental Health Advisory [~~Council~~
2596 Committee or a member of the Utah Substance Use and Mental Health Advisory [
2597 ~~Council~~] Committee designated by the chair;
 - 2598 (l) the chair of the Utah Board of Juvenile Justice or a member of the Utah Board of
2599 Juvenile Justice designated by the chair;
 - 2600 (m) the chair of the Utah Victim Services Commission or a member of the Utah Victim
2601 Services Commission designated by the chair;
 - 2602 (n) the chair of the Utah Council on Victims of Crime or a member of the Utah Council
2603 on Victims of Crime designated by the chair;
 - 2604 (o) the executive director of the Salt Lake Legal Defender Association or an attorney
2605 designated by the executive director;
 - 2606 (p) the chair of the Utah Indigent Defense Commission or a member of the Indigent
2607 Defense Commission designated by the chair;

- 2608 (q) the Salt Lake County District Attorney or an attorney designated by the district
 2609 attorney; and
- 2610 (r) the following members designated to serve four-year terms:
- 2611 (i) a juvenile court judge, appointed by the chief justice, as presiding officer of the
 2612 Judicial Council;
- 2613 (ii) a representative of the statewide association of public attorneys designated by the
 2614 association's officers;
- 2615 (iii) one member of the House of Representatives who is appointed by the speaker of
 2616 the House of Representatives; and
- 2617 (iv) one member of the Senate who is appointed by the president of the Senate.
- 2618 (2) The governor shall appoint the remaining five members to four-year staggered terms as
 2619 follows:
- 2620 (a) one criminal defense attorney appointed from a list of three nominees submitted by
 2621 the Utah State Bar Association;
- 2622 (b) one attorney who primarily represents juveniles in delinquency matters appointed
 2623 from a list of three nominees submitted by the Utah Bar Association;
- 2624 (c) one representative of public education;
- 2625 (d) one citizen representative; and
- 2626 (e) a representative from a local faith who has experience with the criminal justice
 2627 system.
- 2628 (3) In addition to the members designated under Subsections (1) and (2), the United States
 2629 Attorney for the district of Utah or an attorney designated by the United States Attorney
 2630 may serve as a nonvoting member.
- 2631 (4) In appointing the members under Subsection (2), the governor shall take into account
 2632 the geographical makeup of the commission.
- 2633 Section 45. Section **64-13-45** is amended to read:
- 2634 **64-13-45 (Effective 05/01/24). Department reporting requirements.**
- 2635 (1) As used in this section:
- 2636 (a) (i) "In-custody death" means an inmate death that occurs while the inmate is in
 2637 the custody of the department.
- 2638 (ii) "In-custody death" includes an inmate death that occurs while the inmate is:
- 2639 (A) being transported for medical care; or
- 2640 (B) receiving medical care outside of a correctional facility, other than a county
 2641 jail.

- 2642 (b) "Inmate" means an individual who is processed or booked into custody or housed in
2643 the department or a correctional facility other than a county jail.
- 2644 (c) "Opiate" means the same as that term is defined in Section 58-37-2.
- 2645 (2) The department shall submit a report to the Commission on Criminal and Juvenile
2646 Justice, created in Section 63M-7-201, before June 15 of each year that includes:
- 2647 (a) the number of in-custody deaths that occurred during the preceding calendar year,
2648 including:
- 2649 (i) the known, or discoverable on reasonable inquiry, causes and contributing factors
2650 of each of the in-custody deaths described in Subsection (2)(a); and
- 2651 (ii) the department's policy for notifying an inmate's next of kin after the inmate's
2652 in-custody death;
- 2653 (b) the department policies, procedures, and protocols:
- 2654 (i) for treatment of an inmate experiencing withdrawal from alcohol or substance use,
2655 including use of opiates;
- 2656 (ii) that relate to the department's provision, or lack of provision, of medications used
2657 to treat, mitigate, or address an inmate's symptoms of withdrawal, including
2658 methadone and all forms of buprenorphine and naltrexone; and
- 2659 (iii) that relate to screening, assessment, and treatment of an inmate for a substance
2660 use disorder or mental health disorder;
- 2661 (c) the number of inmates who gave birth and were restrained in accordance with
2662 Section 64-13-46, including:
- 2663 (i) the types of restraints used; and
- 2664 (ii) whether the use of restraints was to prevent escape or to ensure the safety of the
2665 inmate, medical or corrections staff, or the public; and
- 2666 (d) any report the department provides or is required to provide under federal law or
2667 regulation relating to inmate deaths.
- 2668 (3) The Commission on Criminal and Juvenile Justice shall:
- 2669 (a) compile the information from the reports described in Subsection (2);
- 2670 (b) omit or redact any identifying information of an inmate in the compilation to the
2671 extent omission or redaction is necessary to comply with state and federal law ; and
- 2672 (c) submit the compilation to the Law Enforcement and Criminal Justice Interim
2673 Committee and the Utah Substance Use and Mental Health Advisory [Council]
2674 Committee before November 1 of each year.
- 2675 (4) The Commission on Criminal and Juvenile Justice may not provide access to or use the

2676 department's policies, procedures, or protocols submitted under this section in a manner
2677 or for a purpose not described in this section.

2678 Section 46. Section **77-18-102** is amended to read:

2679 **77-18-102 (Effective 05/01/24). Definitions.**

2680 As used in this chapter:

2681 (1) "Assessment" means~~[, except as provided in Section 77-18-104,]~~ the same as the term
2682 "risk and needs assessment" in Section 77-1-3.

2683 (2) "Board" means the Board of Pardons and Parole.

2684 (3) "Civil accounts receivable" means the same as that term is defined in Section
2685 77-32b-102.

2686 (4) "Civil judgment of restitution" means the same as that term is defined in Section
2687 77-32b-102.

2688 (5) "Convicted" means the same as that term is defined in Section 76-3-201.

2689 (6) "Criminal accounts receivable" means the same as that term is defined in Section
2690 77-32b-102.

2691 (7) "Default" means the same as that term is defined in Section 77-32b-102.

2692 (8) "Delinquent" means the same as that term is defined in Section 77-32b-102.

2693 (9) "Department" means the Department of Corrections created in Section 64-13-2.

2694 (10) "Payment schedule" means the same as that term is defined in Section 77-32b-102.

2695 (11) "Restitution" means the same as that term is defined in Section 77-38b-102.

2696 (12) "Screening" means~~[, except as provided in Section 77-18-104,]~~ a tool or questionnaire
2697 that is designed to determine whether an individual needs further assessment or any
2698 additional resource or referral for treatment.

2699 (13) "Substance use disorder treatment" means treatment obtained through a substance use
2700 disorder program that is licensed by the Office of Licensing within the Department of
2701 Health and Human Services.

2702 Section 47. Section **77-18-103** is amended to read:

2703 **77-18-103 (Effective 05/01/24). Presentence investigation report -- Classification**
2704 **of presentence investigation report -- Evidence or other information at sentencing.**

2705 (1) Before the imposition of a sentence, the court may:

2706 (a) upon agreement of the defendant, continue the date for the imposition of the sentence
2707 for a reasonable period of time for the purpose of obtaining a presentence
2708 investigation report from the department or a law enforcement agency, or information
2709 from any other source about the defendant; and

- 2710 (b) if the defendant is convicted of a felony or a class A misdemeanor, request that the
2711 department or a law enforcement agency prepare a presentence investigation report
2712 for the defendant.
- 2713 (2) If a presentence investigation report is required under the standards established by the
2714 department described in Section 77-18-109, the presentence investigation report under
2715 Subsection (1) shall include:
- 2716 (a) any impact statement provided by a victim as described in Subsection 77-38b-203
2717 (3)(c);
- 2718 (b) information on restitution as described in Subsections 77-38b-203(3)(a) and (b);
2719 ~~[(c) findings from any screening and any assessment of the defendant conducted under
2720 Section 77-18-104;]~~
- 2721 ~~[(d)] (c)~~ recommendations for treatment for the defendant; and
2722 ~~[(e)] (d)~~ the number of days since the commission of the offense that the defendant has
2723 spent in the custody of the jail and the number of days, if any, the defendant was
2724 released to a supervised release program or an alternative incarceration program
2725 under Section 17-22-5.5.
- 2726 (3) The department or law enforcement agency shall provide the presentence investigation
2727 report to the defendant's attorney, or the defendant if the defendant is not represented by
2728 counsel, the prosecuting attorney, and the court for review within three working days
2729 before the day on which the defendant is sentenced.
- 2730 (4) (a) (i) If there is an alleged inaccuracy in the presentence investigation report that
2731 is not resolved by the parties and the department or law enforcement agency
2732 before sentencing:
- 2733 (A) the alleged inaccuracy shall be brought to the attention of the court at
2734 sentencing; and
- 2735 (B) the court may grant an additional 10 working days after the day on which the
2736 alleged inaccuracy is brought to the court's attention to allow the parties and
2737 the department to resolve the alleged inaccuracy in the presentence
2738 investigation report.
- 2739 (ii) If the court does not grant additional time under Subsection (4)(a)(i)(B), or the
2740 alleged inaccuracy cannot be resolved after 10 working days, and if the court finds
2741 that there is an inaccuracy in the presentence investigation report, the court shall:
- 2742 (A) enter a written finding as to the relevance and accuracy of the challenged
2743 portion of the presentence investigation report; and

- 2744 (B) provide the written finding to the Division of Adult Probation and Parole or
2745 the law enforcement agency.
- 2746 (b) The Division of Adult Probation and Parole shall attach the written finding to the
2747 presentence investigation report as an addendum.
- 2748 (c) If a party fails to challenge the accuracy of the presentence investigation report at the
2749 time of sentencing, the matter shall be considered waived.
- 2750 (5) The contents of the presentence investigation report are protected and not available
2751 except by court order for purposes of sentencing as provided by rule of the Judicial
2752 Council or for use by the department or law enforcement agency.
- 2753 (6) (a) A presentence investigation report is classified as protected in accordance with
2754 Title 63G, Chapter 2, Government Records Access and Management Act.
- 2755 (b) Notwithstanding Sections 63G-2-403 and 63G-2-404, the State Records Committee
2756 may not order the disclosure of a presentence investigation report.
- 2757 (7) Except for disclosure at the time of sentencing in accordance with this section, the
2758 department or law enforcement agency may disclose a presentence investigation only
2759 when:
- 2760 (a) ordered by the court in accordance with Subsection 63G-2-202(7);
- 2761 (b) requested by a law enforcement agency or other agency approved by the department
2762 for purposes of supervision, confinement, and treatment of a defendant;
- 2763 (c) requested by the board;
- 2764 (d) requested by the subject of the presentence investigation report or the subject's
2765 authorized representative;
- 2766 (e) requested by the victim of the offense discussed in the presentence investigation
2767 report, or the victim's authorized representative, if the disclosure is only information
2768 relating to:
- 2769 (i) statements or materials provided by the victim;
- 2770 (ii) the circumstances of the offense, including statements by the defendant; or
- 2771 (iii) the impact of the offense on the victim or the victim's household; or
- 2772 (f) requested by a sex offender treatment provider:
- 2773 (i) who is certified to provide treatment under the certification program established in
2774 Subsection 64-13-25(2);
- 2775 (ii) who is providing, at the time of the request, sex offender treatment to the offender
2776 who is the subject of the presentence investigation report; and
- 2777 (iii) who provides written assurance to the department that the report:

- 2778 (A) is necessary for the treatment of the defendant;
- 2779 (B) will be used solely for the treatment of the defendant; and
- 2780 (C) will not be disclosed to an individual or entity other than the defendant.
- 2781 (8) (a) At the time of sentence, the court shall receive any testimony, evidence, or
- 2782 information that the defendant or the prosecuting attorney desires to present
- 2783 concerning the appropriate sentence.
- 2784 (b) Testimony, evidence, or information under Subsection (8)(a) shall be presented in
- 2785 open court on record and in the presence of the defendant.
- 2786 **Section 48. Repealer.**
- 2787 This bill repeals:
- 2788 **Section 26B-3-138, (Effective 05/01/24)Behavioral health delivery working group.**
- 2789 **Section 63C-18-101, (Effective 05/01/24)Title.**
- 2790 **Section 63C-23-101, (Effective 05/01/24)Title.**
- 2791 **Section 63M-7-305, (Effective 05/01/24)Drug-Related Offenses Reform Act --**
- 2792 **Coordination.**
- 2793 **Section 63M-7-306, (Effective 05/01/24)Staffing.**
- 2794 **Section 77-18-104, (Effective 05/01/24)Screening, assessment, and treatment.**
- 2795 **Section 49. Effective date.**
- 2796 (1) Except as provided in Subsection (2), this bill takes effect on May 1, 2024.
- 2797 (2) The actions affecting Section 63I-1-226 (Effective 07/01/24) take effect on July 1, 2024.