

1 **OFFICE OF AMERICAN INDIAN-ALASKA NATIVE**
2 **HEALTH AND FAMILY SERVICES**

3 2022 GENERAL SESSION

4 STATE OF UTAH

5 **Chief Sponsor: Jani Iwamoto**

6 House Sponsor: Christine F. Watkins

8 **LONG TITLE**

9 **General Description:**

10 This bill creates the Office of American Indian-Alaska Native Health and Family
11 Services within the Department of Health and Human Services.

12 **Highlighted Provisions:**

13 This bill:

- 14 ▶ defines terms;
- 15 ▶ creates the Office of American Indian-Alaska Native Health and Family Services
16 within the Department of Health and Human Services;
- 17 ▶ moves the American Indian-Alaska Native Health Office and the American
18 Indian-Alaska Native Health Liaison to the Office of American Indian-Alaska
19 Native Health and Family Services;
- 20 ▶ requires the executive directors of the Department of Health and the Department of
21 Human Services to jointly appoint:
 - 22 • a director of the Office of American Indian-Alaska Native Health and Family
23 Services;
 - 24 • an Indian Child Welfare Act Liaison; and
 - 25 • an American Indian-Alaska Native Health Liaison;
- 26 ▶ requires the Indian Child Welfare Act Liaison and the director of the Office of
27 American Indian-Alaska Native Health and Family Services to meet certain
28 qualifications;

- 29 ▶ defines the duties of the Office of American Indian-Alaska Native Health and
- 30 Family Services and the Indian Child Welfare Act Liaison;
- 31 ▶ modifies the duties of the American Indian-Alaska Native Health Liaison;
- 32 ▶ creates reporting requirements; and
- 33 ▶ makes technical and conforming changes.

34 Money Appropriated in this Bill:

35 None

36 Other Special Clauses:

37 This bill provides a special effective date.

38 This bill provides a coordination clause.

39 Utah Code Sections Affected:

40 AMENDS:

41 **9-9-104.6**, as last amended by Laws of Utah 2021, Chapters 184 and 282

42 ENACTS:

43 **26B-1-301**, Utah Code Annotated 1953

44 **26B-1-302**, Utah Code Annotated 1953

45 **26B-1-303**, Utah Code Annotated 1953

46 **26B-1-304**, Utah Code Annotated 1953

47 **26B-1-306**, Utah Code Annotated 1953

48 **26B-1-307**, Utah Code Annotated 1953

49 RENUMBERS AND AMENDS:

50 **26B-1-305**, (Renumbered from 26-7-2.5, as last amended by Laws of Utah 2020,
51 Chapter 236)

52 Utah Code Sections Affected by Coordination Clause:

53 **26B-1-303**, Utah Code Annotated 1953

54 **26B-1-305**, Utah Code Annotated 1953

55 **26B-1-306**, Utah Code Annotated 1953

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

Section 1. Section **9-9-104.6** is amended to read:

9-9-104.6. Participation of state agencies in meetings with tribal leaders --

Contact information.

(1) For at least three of the joint meetings described in Subsection [9-9-104.5\(2\)\(a\)](#), the division shall coordinate with representatives of tribal governments and the entities listed in Subsection (2) to provide for the broadest participation possible in the joint meetings.

(2) The following may participate in all meetings described in Subsection (1):

(a) the chairs of the Native American Legislative Liaison Committee created in Section [36-22-1](#);

(b) the governor or the governor's designee;

(c) the American Indian-Alaska Native Health Liaison appointed in accordance with Section ~~[[26-7-2.5](#)]~~ [26B-1-305](#);

(d) the American Indian-Alaska Native Public Education Liaison appointed in accordance with Section [53F-5-604](#); and

(e) a representative appointed by the chief administrative officer of the following:

(i) the Department of Human Services;

(ii) the Department of Natural Resources;

(iii) the Department of Workforce Services;

(iv) the Governor's Office of Economic Opportunity;

(v) the State Board of Education; and

(vi) the Utah Board of Higher Education.

(3) (a) The chief administrative officer of the agencies listed in Subsection (3)(b) shall:

(i) designate the name of a contact person for that agency that can assist in coordinating the efforts of state and tribal governments in meeting the needs of the Native Americans residing in the state; and

83 (ii) notify the division:
84 (A) who is the designated contact person described in Subsection (3)(a)(i); and
85 (B) of any change in who is the designated contact person described in Subsection
86 (3)(a)(i).

87 (b) This Subsection (3) applies to:
88 (i) the Department of Agriculture and Food;
89 (ii) the Department of Cultural and Community Engagement;
90 (iii) the Department of Corrections;
91 (iv) the Department of Environmental Quality;
92 (v) the Department of Public Safety;
93 (vi) the Department of Transportation;
94 (vii) the Office of the Attorney General;
95 (viii) the State Tax Commission; and
96 (ix) any agency described in Subsections (2)(c) through (e).

97 (c) At the request of the division, a contact person listed in Subsection (3)(b) may
98 participate in a meeting described in Subsection (1).

99 (4) (a) A participant under this section who is not a legislator may not receive
100 compensation or benefits for the participant's service, but may receive per diem and travel
101 expenses as allowed in:

102 (i) Section 63A-3-106;
103 (ii) Section 63A-3-107; and
104 (iii) rules made by the Division of Finance according to Sections 63A-3-106 and
105 63A-3-107.

106 (b) Compensation and expenses of a participant who is a legislator are governed by
107 Section 36-2-2 and Legislative Joint Rules, Title 5, Legislative Compensation and Expenses.

108 Section 2. Section 26B-1-301 is enacted to read:

109 **Part 3. Office of American Indian-Alaska Native Health and Family Services**

110 **26B-1-301. Definitions.**

111 As used in this part:

112 (1) "Director" means the director of the office appointed under Section 26B-1-303.

113 (2) "Health care" means care, treatment, service, or a procedure to improve, maintain,
114 diagnose, or otherwise affect an individual's physical or mental condition.

115 (3) "Health liaison" means the American Indian-Alaska Native Health Liaison
116 appointed under Section 26B-1-305.

117 (4) "ICWA liaison" means the Indian Child Welfare Act Liaison appointed under
118 Section 26B-1-306.

119 (5) "Office" means the Office of American Indian-Alaska Native Health and Family
120 Services created in Section 26B-1-302.

121 Section 3. Section **26B-1-302** is enacted to read:

122 **26B-1-302. Office of American Indian-Alaska Native Health and Family Services**
123 **-- Creation -- Purpose.**

124 (1) There is created within the department the Office of American Indian-Alaska
125 Native Health and Family Services.

126 (2) The purpose of the office is to oversee and coordinate department services for
127 Utah's American Indian-Alaska Native populations.

128 Section 4. Section **26B-1-303** is enacted to read:

129 **26B-1-303. Director of the office -- Appointment -- Qualifications -- Staff.**

130 (1) The executive director of the Department of Health and the executive director of
131 the Department of Human Services shall jointly appoint a director of the office who:

132 (a) has a bachelor's degree from an accredited university or college;

133 (b) is experienced in administration; and

134 (c) is knowledgeable about the areas of American Indian-Alaska Native practices.

135 (2) The director is the administrative head of the office and shall serve under the joint
136 supervision of the executive directors.

137 (3) The executive directors may hire staff as necessary to carry out the duties of the
138 office described in Section 26B-1-304.

139 Section 5. Section **26B-1-304** is enacted to read:

140 **26B-1-304. Duties of the office.**

141 The office shall:

142 (1) oversee and coordinate department services for Utah's American Indian-Alaska
143 Native populations;

144 (2) conduct regular and meaningful consultation with Indian tribes when there is a
145 proposed department action that has an impact on an Indian tribe as a sovereign entity;

146 (3) monitor agreements between the department and Utah's American Indian-Alaska
147 Native populations; and

148 (4) oversee the health liaison and ICWA liaison.

149 Section 6. Section **26B-1-305**, which is renumbered from Section 26-7-2.5 is
150 renumbered and amended to read:

151 ~~[26-7-2.5].~~ **26B-1-305. American Indian-Alaska Native Health Liaison --**
152 **Appointment -- Duties.**

153 ~~[(1) As used in this section:]~~

154 ~~[(a) "Health care" means care, treatment, service, or a procedure to improve, maintain,~~
155 ~~diagnose, or otherwise affect an individual's physical or mental condition.]~~

156 ~~[(b) "Liaison" means the American Indian-Alaska Native Health Liaison appointed~~
157 ~~under this section.]~~

158 ~~[(2) The executive director shall:]~~

159 ~~[(a) establish an office to address health care of Utah's American Indian-Alaska Native~~
160 ~~population on and off reservations; and]~~

161 ~~[(b) appoint an individual as the American Indian-Alaska Native Health Liaison who~~
162 ~~serves as the administrative head of the office under the supervision of the executive director.]~~

163 ~~[(3) The office shall on behalf of the executive director and the department:]~~

164 (1) (a) The executive director of the Department of Health and the executive director of
165 the Department of Human Services shall jointly appoint an individual as the American
166 Indian-Alaska Native Health Liaison.

167 (b) The health liaison shall serve under the supervision of the director.

168 (2) The health liaison shall:

169 (a) promote and coordinate collaborative efforts between the department and Utah's
170 American Indian-Alaska Native population to improve the availability and accessibility of
171 quality health care impacting Utah's American Indian-Alaska Native populations on and off
172 reservations;

173 (b) interact with the following to improve health disparities for Utah's American
174 Indian-Alaska Native populations:

- 175 (i) tribal health programs;
- 176 (ii) local health departments;
- 177 (iii) state agencies and officials; and
- 178 (iv) providers of health care in the private sector;

179 (c) facilitate education, training, and technical assistance regarding public health and
180 medical assistance programs to Utah's American Indian-Alaska Native populations; and

181 (d) staff an advisory board by which Utah's tribes may consult with state and local
182 agencies for the development and improvement of public health programs designed to address
183 improved health care for Utah's American Indian-Alaska Native populations on and off the
184 reservation.

185 ~~[(4) The liaison shall annually report the office's activities and accomplishments to the~~
186 ~~Native American Legislative Liaison Committee created in Section 36-22-1.]~~

187 Section 7. Section **26B-1-306** is enacted to read:

188 **26B-1-306. Indian Child Welfare Act Liaison -- Appointment -- Qualifications --**

189 **Duties.**

190 (1) (a) The executive director of the Department of Health and the executive director of

191 the Department of Human Services shall jointly appoint an individual as the Indian Child
192 Welfare Act Liaison who:

193 (i) has a bachelor's degree from an accredited university or college; and
194 (ii) is knowledgeable about the areas of child and family services and Indian tribal
195 child rearing practices.

196 (b) The ICWA liaison shall serve under the supervision of the director.

197 (2) The ICWA liaison shall:

198 (a) act as a liaison between the department and Utah's American Indian populations
199 regarding child and family services;

200 (b) provide training to department employees regarding the requirements and
201 implementation of the Indian Child Welfare Act, 25 U.S.C. Secs. 1901-1963;

202 (c) develop and facilitate education and technical assistance programs for Utah's
203 American Indian populations regarding available child and family services;

204 (d) promote and coordinate collaborative efforts between the department and Utah's
205 American Indian population to improve the availability and accessibility of quality child and
206 family services for Utah's American Indian populations; and

207 (e) interact with the following to improve delivery and accessibility of child and family
208 services for Utah's American Indian populations:

209 (i) state agencies and officials; and

210 (ii) providers of child and family services in the public and private sector.

211 Section 8. Section **26B-1-307** is enacted to read:

212 **26B-1-307. Liaison reporting.**

213 The health liaison and the ICWA liaison shall annually report the liaisons' respective
214 activities and accomplishments to the Native American Legislative Liaison Committee created
215 in Section [36-22-1](#).

216 Section 9. **Effective date.**

217 This bill takes effect on July 1, 2022.

218 Section 10. **Coordinating S.B. 28 with S.B. 45 -- Technical amendments.**
219 If this S.B. 28 and S.B. 45, Department of Health and Human Services Amendments,
220 both pass and become law, it is the intent of the Legislature that the Office of Legislative
221 Research and General Counsel prepare the Utah Code database for publication by:
222 (1) on July 1, 2022, amending Section 26B-1-303 in this S.B. 28 to read:
223 "(1) The executive director shall appoint a director of the office who:
224 (a) has a bachelor's degree from an accredited university or college;
225 (b) is experienced in administration; and
226 (c) is knowledgeable about the areas of American Indian-Alaska Native practices.
227 (2) The director is the administrative head of the office and shall serve under the
228 supervision of the executive director.
229 (3) The executive director may hire staff as necessary to carry out the duties of the
230 office described in Section 26B-1-304.";
231 (2) on July 1, 2022, amending Subsection 26B-1-305(1)(a) in this S.B. 28 to read:
232 "(1) (a) The executive director shall appoint an individual as the American
233 Indian-Alaska Native Health Liaison."; and
234 (3) on July 1, 2022, amending Subsection 26B-1-306(1)(a) in this S.B. 28 to read:
235 "(1) (a) The executive director shall appoint an individual as the Indian Child Welfare
236 Act Liaison who:
237 (i) has a bachelor's degree from an accredited university or college; and
238 (ii) is knowledgeable about the areas of child and family services and Indian tribal
239 child rearing practices.".