

**HEALTH AND HUMAN SERVICES RECODIFICATION -
HEALTH CARE DELIVERY AND REPEALS**

2023 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Jacob L. Anderegg

House Sponsor: Raymond P. Ward

LONG TITLE

Committee Note:

The Health and Human Services Interim Committee recommended this bill.

Legislative Vote: 14 voting for 0 voting against 4 absent

General Description:

This bill recodifies and repeals portions of the Utah Health Code and Utah Human Services Code.

Highlighted Provisions:

This bill:

- ▶ recodifies provisions regarding health care delivery and access;
- ▶ repeals certain sections in the Utah Health Code and Utah Human Services Code that are no longer needed following the recodification; and
- ▶ makes technical and corresponding changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

This bill provides revisor instructions.

Utah Code Sections Affected:

AMENDS:

26B-4-101, as enacted by Laws of Utah 2022, Chapter 255



28 RENUMBERS AND AMENDS:

29 **26B-4-102**, (Renumbered from 26-8a-105, as last amended by Laws of Utah 2019,
30 Chapter 265)

31 **26B-4-103**, (Renumbered from 26-8a-106, as last amended by Laws of Utah 2017,
32 Chapter 326)

33 **26B-4-104**, (Renumbered from 26-8a-201, as enacted by Laws of Utah 1999, Chapter
34 141)

35 **26B-4-105**, (Renumbered from 26-8a-202, as enacted by Laws of Utah 1999, Chapter
36 141)

37 **26B-4-106**, (Renumbered from 26-8a-203, as last amended by Laws of Utah 2022,
38 Chapter 387)

39 **26B-4-107**, (Renumbered from 26-8a-207, as last amended by Laws of Utah 2020,
40 Chapters 215 and 230)

41 **26B-4-108**, (Renumbered from 26-8a-208, as last amended by Laws of Utah 2022,
42 Chapter 255)

43 **26B-4-109**, (Renumbered from 26-8a-210, as enacted by Laws of Utah 2020, Chapter
44 215)

45 **26B-4-110**, (Renumbered from 26-8a-212, as enacted by Laws of Utah 2022, Chapter
46 404)

47 **26B-4-111**, (Renumbered from 26-8a-250, as enacted by Laws of Utah 2000, Chapter
48 305)

49 **26B-4-112**, (Renumbered from 26-8a-252, as enacted by Laws of Utah 2000, Chapter
50 305)

51 **26B-4-113**, (Renumbered from 26-8a-253, as last amended by Laws of Utah 2011,
52 Chapter 297)

53 **26B-4-114**, (Renumbered from 26-8a-254, as enacted by Laws of Utah 2000, Chapter
54 305)

55 **26B-4-115**, (Renumbered from 26-8a-301, as last amended by Laws of Utah 2021,
56 Chapter 237)

57 **26B-4-116**, (Renumbered from 26-8a-302, as last amended by Laws of Utah 2022,
58 Chapters 255 and 460)

- 59 **26B-4-117**, (Renumbered from 26-8a-303, as last amended by Laws of Utah 2019,
60 Chapter 265)
- 61 **26B-4-118**, (Renumbered from 26-8a-304, as last amended by Laws of Utah 2019,
62 Chapter 265)
- 63 **26B-4-119**, (Renumbered from 26-8a-305, as enacted by Laws of Utah 1999, Chapter
64 141)
- 65 **26B-4-120**, (Renumbered from 26-8a-306, as last amended by Laws of Utah 2021,
66 Chapter 237)
- 67 **26B-4-121**, (Renumbered from 26-8a-307, as last amended by Laws of Utah 2021,
68 Chapter 208)
- 69 **26B-4-122**, (Renumbered from 26-8a-308, as last amended by Laws of Utah 2017,
70 Chapter 326)
- 71 **26B-4-123**, (Renumbered from 26-8a-309, as enacted by Laws of Utah 1999, Chapter
72 141)
- 73 **26B-4-124**, (Renumbered from 26-8a-310, as last amended by Laws of Utah 2022,
74 Chapters 255, 335, and 415)
- 75 **26B-4-125**, (Renumbered from 26-8a-310.5, as enacted by Laws of Utah 2021, Chapter
76 237)
- 77 **26B-4-126**, (Renumbered from 26-8a-501, as last amended by Laws of Utah 2017,
78 Chapter 326)
- 79 **26B-4-127**, (Renumbered from 26-8a-502, as last amended by Laws of Utah 2021,
80 Chapter 237)
- 81 **26B-4-128**, (Renumbered from 26-8a-502.1, as enacted by Laws of Utah 2022, Chapter
82 457)
- 83 **26B-4-129**, (Renumbered from 26-8a-503, as last amended by Laws of Utah 2019,
84 Chapter 346)
- 85 **26B-4-130**, (Renumbered from 26-8a-504, as last amended by Laws of Utah 2008,
86 Chapter 382)
- 87 **26B-4-131**, (Renumbered from 26-8a-505, as enacted by Laws of Utah 1999, Chapter
88 141)
- 89 **26B-4-132**, (Renumbered from 26-8a-506, as last amended by Laws of Utah 2017,

90 Chapter 326)
91 **26B-4-133**, (Renumbered from 26-8a-507, as enacted by Laws of Utah 1999, Chapter
92 141)
93 **26B-4-134**, (Renumbered from 26-8a-601, as last amended by Laws of Utah 2021,
94 Chapter 237)
95 **26B-4-135**, (Renumbered from 26-8a-602, as enacted by Laws of Utah 2019, Chapter
96 262)
97 **26B-4-136**, (Renumbered from 26-8a-603, as enacted by Laws of Utah 2022, Chapter
98 347)
99 **26B-4-137**, (Renumbered from 26-8c-102, as enacted by Laws of Utah 2016, Chapter
100 97)
101 **26B-4-150**, (Renumbered from 26-8a-401, as last amended by Laws of Utah 2021,
102 Chapter 265)
103 **26B-4-151**, (Renumbered from 26-8a-402, as last amended by Laws of Utah 2021,
104 Chapter 265)
105 **26B-4-152**, (Renumbered from 26-8a-403, as last amended by Laws of Utah 2006,
106 Chapter 209)
107 **26B-4-153**, (Renumbered from 26-8a-404, as last amended by Laws of Utah 2022,
108 Chapter 351)
109 **26B-4-154**, (Renumbered from 26-8a-405, as last amended by Laws of Utah 2019,
110 Chapter 390)
111 **26B-4-155**, (Renumbered from 26-8a-405.1, as last amended by Laws of Utah 2021,
112 Chapter 265)
113 **26B-4-156**, (Renumbered from 26-8a-405.2, as last amended by Laws of Utah 2011,
114 Chapter 297)
115 **26B-4-157**, (Renumbered from 26-8a-405.3, as last amended by Laws of Utah 2021,
116 Chapter 355)
117 **26B-4-158**, (Renumbered from 26-8a-405.4, as last amended by Laws of Utah 2021,
118 Chapter 265)
119 **26B-4-159**, (Renumbered from 26-8a-405.5, as last amended by Laws of Utah 2021,
120 Chapter 265)

- 121 **26B-4-160**, (Renumbered from 26-8a-406, as last amended by Laws of Utah 2011,
122 Chapter 297)
- 123 **26B-4-161**, (Renumbered from 26-8a-407, as last amended by Laws of Utah 2008,
124 Chapter 382)
- 125 **26B-4-162**, (Renumbered from 26-8a-408, as last amended by Laws of Utah 2017,
126 Chapter 326)
- 127 **26B-4-163**, (Renumbered from 26-8a-409, as last amended by Laws of Utah 2017,
128 Chapter 326)
- 129 **26B-4-164**, (Renumbered from 26-8a-410, as last amended by Laws of Utah 2011,
130 Chapter 297)
- 131 **26B-4-165**, (Renumbered from 26-8a-411, as last amended by Laws of Utah 2003,
132 Chapter 213)
- 133 **26B-4-166**, (Renumbered from 26-8a-412, as enacted by Laws of Utah 1999, Chapter
134 141)
- 135 **26B-4-167**, (Renumbered from 26-8a-413, as last amended by Laws of Utah 2022,
136 Chapter 274)
- 137 **26B-4-168**, (Renumbered from 26-8a-414, as last amended by Laws of Utah 2008,
138 Chapter 382)
- 139 **26B-4-169**, (Renumbered from 26-8a-415, as enacted by Laws of Utah 1999, Chapter
140 141)
- 141 **26B-4-170**, (Renumbered from 26-8a-416, as last amended by Laws of Utah 2022,
142 Chapter 351)
- 143 **26B-4-201**, (Renumbered from 26-61a-102, as last amended by Laws of Utah 2022,
144 Chapters 290 and 452)
- 145 **26B-4-202**, (Renumbered from 26-61a-103, as last amended by Laws of Utah 2022,
146 Chapters 290 and 415)
- 147 **26B-4-203**, (Renumbered from 26-61a-104, as last amended by Laws of Utah 2022,
148 Chapters 277 and 452)
- 149 **26B-4-204**, (Renumbered from 26-61a-106, as last amended by Laws of Utah 2022,
150 Chapters 415 and 452)
- 151 **26B-4-205**, (Renumbered from 26-61a-107, as last amended by Laws of Utah 2021,

152 Chapter 337)
153 **26B-4-206**, (Renumbered from 26-61a-108, as enacted by Laws of Utah 2018, Third
154 Special Session, Chapter 1)
155 **26B-4-207**, (Renumbered from 26-61a-111, as last amended by Laws of Utah 2022,
156 Chapters 174, 256, and 290)
157 **26B-4-208**, (Renumbered from 26-61a-112, as enacted by Laws of Utah 2018, Third
158 Special Session, Chapter 1)
159 **26B-4-209**, (Renumbered from 26-61a-113, as last amended by Laws of Utah 2020,
160 Chapters 12 and 354)
161 **26B-4-210**, (Renumbered from 26-61a-114, as enacted by Laws of Utah 2018, Third
162 Special Session, Chapter 1)
163 **26B-4-211**, (Renumbered from 26-61a-115, as enacted by Laws of Utah 2019, First
164 Special Session, Chapter 5)
165 **26B-4-212**, (Renumbered from 26-61-103, as enacted by Laws of Utah 2017, Chapter
166 398)
167 **26B-4-213**, (Renumbered from 26-61a-201, as last amended by Laws of Utah 2022,
168 Chapters 198, 290, and 452)
169 **26B-4-214**, (Renumbered from 26-61a-202, as last amended by Laws of Utah 2022,
170 Chapters 290 and 452)
171 **26B-4-215**, (Renumbered from 26-61a-203, as last amended by Laws of Utah 2019,
172 First Special Session, Chapter 5)
173 **26B-4-216**, (Renumbered from 26-61a-204, as last amended by Laws of Utah 2022,
174 Chapters 198 and 290)
175 **26B-4-217**, (Renumbered from 26-61a-401, as last amended by Laws of Utah 2022,
176 Chapters 290 and 415)
177 **26B-4-218**, (Renumbered from 26-61a-402, as renumbered and amended by Laws of
178 Utah 2018, Third Special Session, Chapter 1)
179 **26B-4-219**, (Renumbered from 26-61a-403, as last amended by Laws of Utah 2022,
180 Chapters 415 and 452)
181 **26B-4-220**, (Renumbered from 26-61a-701, as enacted by Laws of Utah 2018, Third
182 Special Session, Chapter 1)

183 **26B-4-221**, (Renumbered from 26-61a-702, as last amended by Laws of Utah 2022,
184 Chapter 452)
185 **26B-4-222**, (Renumbered from 26-61a-703, as last amended by Laws of Utah 2022,
186 Chapter 97)
187 **26B-4-223**, (Renumbered from 26-61a-116, as enacted by Laws of Utah 2022, Chapter
188 452)
189 **26B-4-224**, (Renumbered from 26-61a-301, as last amended by Laws of Utah 2022,
190 Chapter 290)
191 **26B-4-225**, (Renumbered from 26-61a-302, as last amended by Laws of Utah 2019,
192 First Special Session, Chapter 5)
193 **26B-4-226**, (Renumbered from 26-61a-303, as last amended by Laws of Utah 2022,
194 Chapters 290 and 415)
195 **26B-4-227**, (Renumbered from 26-61a-304, as last amended by Laws of Utah 2019,
196 First Special Session, Chapter 5)
197 **26B-4-228**, (Renumbered from 26-61a-305, as last amended by Laws of Utah 2022,
198 Chapter 290)
199 **26B-4-229**, (Renumbered from 26-61a-501, as last amended by Laws of Utah 2022,
200 Chapters 290 and 415)
201 **26B-4-230**, (Renumbered from 26-61a-502, as last amended by Laws of Utah 2022,
202 Chapter 290)
203 **26B-4-231**, (Renumbered from 26-61a-503, as last amended by Laws of Utah 2022,
204 Chapter 415)
205 **26B-4-232**, (Renumbered from 26-61a-504, as last amended by Laws of Utah 2021,
206 Chapter 350)
207 **26B-4-233**, (Renumbered from 26-61a-505, as last amended by Laws of Utah 2022,
208 Chapter 452 and last amended by Coordination Clause, Laws of Utah 2022, Chapter
209 290)
210 **26B-4-234**, (Renumbered from 26-61a-506, as last amended by Laws of Utah 2022,
211 Chapter 415)
212 **26B-4-235**, (Renumbered from 26-61a-507, as last amended by Laws of Utah 2020,
213 Chapter 12)

- 214 **26B-4-236**, (Renumbered from 26-61a-601, as last amended by Laws of Utah 2021,
215 Chapter 337)
- 216 **26B-4-237**, (Renumbered from 26-61a-602, as last amended by Laws of Utah 2020,
217 Chapter 354)
- 218 **26B-4-238**, (Renumbered from 26-61a-603, as last amended by Laws of Utah 2020,
219 Chapter 12)
- 220 **26B-4-239**, (Renumbered from 26-61a-604, as last amended by Laws of Utah 2022,
221 Chapters 290 and 452)
- 222 **26B-4-240**, (Renumbered from 26-61a-605, as last amended by Laws of Utah 2022,
223 Chapter 415)
- 224 **26B-4-241**, (Renumbered from 26-61a-606, as last amended by Laws of Utah 2022,
225 Chapters 290 and 415)
- 226 **26B-4-242**, (Renumbered from 26-61a-607, as last amended by Laws of Utah 2022,
227 Chapter 452)
- 228 **26B-4-301**, (Renumbered from 26-10b-101, as last amended by Laws of Utah 2022,
229 Chapter 255)
- 230 **26B-4-302**, (Renumbered from 26-8b-201, as enacted by Laws of Utah 2009, Chapter
231 22)
- 232 **26B-4-303**, (Renumbered from 26-8b-202, as enacted by Laws of Utah 2009, Chapter
233 22)
- 234 **26B-4-304**, (Renumbered from 26-8b-301, as last amended by Laws of Utah 2013,
235 Chapter 98)
- 236 **26B-4-305**, (Renumbered from 26-8b-302, as enacted by Laws of Utah 2009, Chapter
237 22)
- 238 **26B-4-306**, (Renumbered from 26-8b-303, as last amended by Laws of Utah 2013,
239 Chapter 98)
- 240 **26B-4-307**, (Renumbered from 26-8b-401, as enacted by Laws of Utah 2009, Chapter
241 22)
- 242 **26B-4-308**, (Renumbered from 26-8b-402, as enacted by Laws of Utah 2013, Chapter
243 98)
- 244 **26B-4-309**, (Renumbered from 26-8b-501, as enacted by Laws of Utah 2013, Chapter

245 98)
246 **26B-4-310**, (Renumbered from 26-10b-102, as last amended by Laws of Utah 2014,
247 Chapter 384)
248 **26B-4-311**, (Renumbered from 26-10b-103, as last amended by Laws of Utah 2014,
249 Chapter 384)
250 **26B-4-312**, (Renumbered from 26-10b-104, as last amended by Laws of Utah 2014,
251 Chapter 384)
252 **26B-4-313**, (Renumbered from 26-10b-107, as enacted by Laws of Utah 2014, Chapter
253 384)
254 **26B-4-314**, (Renumbered from 26-9-1, as enacted by Laws of Utah 1981, Chapter 126)
255 **26B-4-315**, (Renumbered from 26-9-2, as enacted by Laws of Utah 1981, Chapter 126)
256 **26B-4-316**, (Renumbered from 26-9-3, as last amended by Laws of Utah 2001, Chapter
257 95)
258 **26B-4-317**, (Renumbered from 26-9-5, as enacted by Laws of Utah 2012, Chapter 408)
259 **26B-4-318**, (Renumbered from 26-10-2, as last amended by Laws of Utah 2011,
260 Chapters 147, 366 and last amended by Coordination Clause, Laws of Utah 2011,
261 Chapter 366)
262 **26B-4-319**, (Renumbered from 26-10-6, as last amended by Laws of Utah 2022,
263 Chapter 255)
264 **26B-4-320**, (Renumbered from 26-10-7, as enacted by Laws of Utah 1981, Chapter
265 126)
266 **26B-4-321**, (Renumbered from 26-10-9, as last amended by Laws of Utah 2022,
267 Chapter 430)
268 **26B-4-322**, (Renumbered from 26-10-11, as last amended by Laws of Utah 2021,
269 Chapter 50)
270 **26B-4-323**, (Renumbered from 26-10-13, as enacted by Laws of Utah 2017, Chapter
271 351)
272 **26B-4-401**, (Renumbered from 26-53-102, as last amended by Laws of Utah 2013,
273 Chapter 18)
274 **26B-4-402**, (Renumbered from 26-10-5, as last amended by Laws of Utah 2016,
275 Chapter 144)

276 **26B-4-403**, (Renumbered from 26-53-201, as enacted by Laws of Utah 2011, Chapter
277 97)

278 **26B-4-404**, (Renumbered from 26-53-301, as enacted by Laws of Utah 2011, Chapter
279 97)

280 **26B-4-405**, (Renumbered from 26-53-401, as last amended by Laws of Utah 2014,
281 Chapter 165)

282 **26B-4-406**, (Renumbered from 26-41-103, as last amended by Laws of Utah 2019,
283 Chapter 236)

284 **26B-4-407**, (Renumbered from 26-41-104, as last amended by Laws of Utah 2019,
285 Chapter 236)

286 **26B-4-408**, (Renumbered from 26-41-104.1, as enacted by Laws of Utah 2019, Chapter
287 236)

288 **26B-4-409**, (Renumbered from 26-41-105, as last amended by Laws of Utah 2020,
289 Chapter 372)

290 **26B-4-410**, (Renumbered from 26-41-106, as last amended by Laws of Utah 2019,
291 Chapter 236)

292 **26B-4-411**, (Renumbered from 26-41-107, as last amended by Laws of Utah 2019,
293 Chapter 236)

294 **26B-4-501**, (Renumbered from 26-64-102, as last amended by Laws of Utah 2022,
295 Chapter 415)

296 **26B-4-502**, (Renumbered from 26-21b-201, as last amended by Laws of Utah 2010,
297 Chapter 140)

298 **26B-4-503**, (Renumbered from 26-64-103, as enacted by Laws of Utah 2018, Chapter
299 295)

300 **26B-4-504**, (Renumbered from 26-64-104, as enacted by Laws of Utah 2018, Chapter
301 295)

302 **26B-4-505**, (Renumbered from 26-64-105, as enacted by Laws of Utah 2018, Chapter
303 295)

304 **26B-4-506**, (Renumbered from 26-64-106, as enacted by Laws of Utah 2018, Chapter
305 295)

306 **26B-4-507**, (Renumbered from 26-64-107, as enacted by Laws of Utah 2018, Chapter

307 295)
308 **26B-4-508**, (Renumbered from 26-55-103, as enacted by Laws of Utah 2014, Chapter
309 130)
310 **26B-4-509**, (Renumbered from 26-55-104, as last amended by Laws of Utah 2017,
311 Chapters 181 and 392)
312 **26B-4-510**, (Renumbered from 26-55-105, as last amended by Laws of Utah 2022,
313 Chapter 415)
314 **26B-4-511**, (Renumbered from 26-55-106, as last amended by Laws of Utah 2017,
315 Chapter 392)
316 **26B-4-512**, (Renumbered from 26-55-107, as enacted by Laws of Utah 2016, Chapter
317 202 and last amended by Coordination Clause, Laws of Utah 2016, Chapter 207)
318 **26B-4-513**, (Renumbered from 26-55-108, as last amended by Laws of Utah 2022,
319 Chapter 415)
320 **26B-4-514**, (Renumbered from 26-55-109, as enacted by Laws of Utah 2018, Chapter
321 145)
322 **26B-4-601**, (Renumbered from 26-67-102, as last amended by Laws of Utah 2022,
323 Chapter 255)
324 **26B-4-602**, (Renumbered from 26-67-201, as enacted by Laws of Utah 2020, Chapter
325 169)
326 **26B-4-603**, (Renumbered from 26-67-203, as enacted by Laws of Utah 2020, Chapter
327 169)
328 **26B-4-604**, (Renumbered from 26-67-204, as last amended by Laws of Utah 2020,
329 Fifth Special Session, Chapter 4)
330 **26B-4-701**, (Renumbered from 26-46a-102, as last amended by Laws of Utah 2018,
331 Chapter 330)
332 **26B-4-702**, (Renumbered from 26-46-102, as last amended by Laws of Utah 2020,
333 Chapter 56)
334 **26B-4-703**, (Renumbered from 26-46a-103, as enacted by Laws of Utah 2015, Chapter
335 136)
336 **26B-4-704**, (Renumbered from 26-60-103, as last amended by Laws of Utah 2021,
337 Chapter 64)

338 **26B-4-705**, (Renumbered from 26-69-301, as enacted by Laws of Utah 2022, Chapter
339 224)

340 **26B-4-706**, (Renumbered from 26-69-402, as renumbered and amended by Laws of
341 Utah 2022, Chapter 224)

342 **26B-4-707**, (Renumbered from 26-69-403, as renumbered and amended by Laws of
343 Utah 2022, Chapter 224)

344 **26B-4-708**, (Renumbered from 26-69-404, as renumbered and amended by Laws of
345 Utah 2022, Chapter 224)

346 **26B-4-709**, (Renumbered from 26-69-405, as last amended by Laws of Utah 2022,
347 Chapter 415 and renumbered and amended by Laws of Utah 2022, Chapter 224 and
348 last amended by Coordination Clause, Laws of Utah 2022, Chapter 415)

349 **26B-4-710**, (Renumbered from 26-69-406, as renumbered and amended by Laws of
350 Utah 2022, Chapter 224)

351 **26B-4-711**, (Renumbered from 26-69-407, as enacted by Laws of Utah 2022, Chapter
352 154 and last amended by Coordination Clause, Laws of Utah 2022, Chapter 154)

353 **26B-4-712**, (Renumbered from 26-69-408, as enacted by Laws of Utah 2022, Chapter
354 154 and last amended by Coordination Clause, Laws of Utah 2022, Chapter 154)

355 **26B-4-801**, (Renumbered from 26-49-102, as last amended by Laws of Utah 2022,
356 Chapter 255)

357 **26B-4-802**, (Renumbered from 26-49-103, as last amended by Laws of Utah 2021,
358 Chapter 188)

359 **26B-4-803**, (Renumbered from 26-49-201, as last amended by Laws of Utah 2021,
360 Chapter 188)

361 **26B-4-804**, (Renumbered from 26-49-202, as last amended by Laws of Utah 2021,
362 Chapter 188)

363 **26B-4-805**, (Renumbered from 26-49-203, as last amended by Laws of Utah 2021,
364 Chapter 188)

365 **26B-4-806**, (Renumbered from 26-49-204, as last amended by Laws of Utah 2021,
366 Chapter 188)

367 **26B-4-807**, (Renumbered from 26-49-205, as last amended by Laws of Utah 2022,
368 Chapter 415)

- 369 **26B-4-808**, (Renumbered from 26-49-301, as enacted by Laws of Utah 2008, Chapter
- 370 242)
- 371 **26B-4-809**, (Renumbered from 26-49-401, as enacted by Laws of Utah 2008, Chapter
- 372 242)
- 373 **26B-4-810**, (Renumbered from 26-49-501, as enacted by Laws of Utah 2008, Chapter
- 374 242)
- 375 **26B-4-811**, (Renumbered from 26-49-601, as enacted by Laws of Utah 2008, Chapter
- 376 242)
- 377 **26B-4-812**, (Renumbered from 26-49-701, as last amended by Laws of Utah 2011,
- 378 Chapter 297)
- 379 REPEALS:
- 380 **26-1-2**, as last amended by Laws of Utah 2022, Chapter 255
- 381 **26-1-7.5**, as last amended by Laws of Utah 2011, Chapter 297
- 382 **26-2-1**, as last amended by Laws of Utah 1995, Chapter 202
- 383 **26-2-2**, as last amended by Laws of Utah 2022, Chapter 415
- 384 **26-4-1**, as enacted by Laws of Utah 1981, Chapter 126
- 385 **26-5-2**, as enacted by Laws of Utah 1981, Chapter 126
- 386 **26-5-3**, as last amended by Laws of Utah 2004, Chapter 197
- 387 **26-5-4**, as enacted by Laws of Utah 1981, Chapter 126
- 388 **26-6-1**, as enacted by Laws of Utah 1981, Chapter 126
- 389 **26-6-12**, as enacted by Laws of Utah 1981, Chapter 126
- 390 **26-6-13**, as enacted by Laws of Utah 1981, Chapter 126
- 391 **26-6-14**, as enacted by Laws of Utah 1981, Chapter 126
- 392 **26-6b-2**, as last amended by Laws of Utah 2006, Chapter 185
- 393 **26-8a-101**, as enacted by Laws of Utah 1999, Chapter 141
- 394 **26-8a-102**, as last amended by Laws of Utah 2022, Chapters 255, 351, and 404
- 395 **26-8a-104**, as last amended by Laws of Utah 2021, Chapters 237 and 265
- 396 **26-8a-204**, as enacted by Laws of Utah 1999, Chapter 141
- 397 **26-8a-205**, as enacted by Laws of Utah 1999, Chapter 141
- 398 **26-8a-206**, as last amended by Laws of Utah 2021, Chapter 208
- 399 **26-8a-211**, as enacted by Laws of Utah 2020, Chapter 215

- 400 **26-8b-101**, as enacted by Laws of Utah 2009, Chapter 22
- 401 **26-8b-102**, as last amended by Laws of Utah 2015, Chapter 411
- 402 **26-8b-601**, as enacted by Laws of Utah 2013, Chapter 99
- 403 **26-8c-101**, as enacted by Laws of Utah 2016, Chapter 97
- 404 **26-8d-101**, as enacted by Laws of Utah 2018, Chapter 104
- 405 **26-9f-101**, as last amended by Laws of Utah 2004, Chapter 33
- 406 **26-9f-102**, as last amended by Laws of Utah 2008, Chapter 46
- 407 **26-9f-104**, as last amended by Laws of Utah 2018, Chapter 125
- 408 **26-10-1**, as last amended by Laws of Utah 2019, Chapter 124
- 409 **26-15-1**, as last amended by Laws of Utah 2020, Chapter 311
- 410 **26-15-5.1**, as enacted by Laws of Utah 2014, Chapter 327
- 411 **26-15-12**, as last amended by Laws of Utah 1994, Chapter 281
- 412 **26-15a-101**, as enacted by Laws of Utah 1998, Chapter 345
- 413 **26-15a-103**, as enacted by Laws of Utah 1998, Chapter 345
- 414 **26-15a-107**, as enacted by Laws of Utah 1998, Chapter 345
- 415 **26-15b-101**, as enacted by Laws of Utah 2020, Chapter 189
- 416 **26-15b-102**, as last amended by Laws of Utah 2020, Fifth Special Session, Chapter 4
- 417 **26-15b-103**, as enacted by Laws of Utah 2020, Chapter 189
- 418 **26-15b-104**, as enacted by Laws of Utah 2020, Chapter 189
- 419 **26-15c-101**, as enacted by Laws of Utah 2021, Chapter 417
- 420 **26-15c-102**, as enacted by Laws of Utah 2021, Chapter 417
- 421 **26-15c-103**, as enacted by Laws of Utah 2021, Chapter 417
- 422 **26-15c-104**, as enacted by Laws of Utah 2021, Chapter 417
- 423 **26-18-1**, as enacted by Laws of Utah 1981, Chapter 126
- 424 **26-18-2**, as last amended by Laws of Utah 2019, Chapter 393
- 425 **26-18-402.5**, as last amended by Laws of Utah 2022, Chapter 40
- 426 **26-18-501**, as last amended by Laws of Utah 2019, Chapter 393
- 427 **26-18-601**, as enacted by Laws of Utah 2011, Chapter 362
- 428 **26-18-602**, as last amended by Laws of Utah 2015, Chapter 135
- 429 **26-18-701**, as enacted by Laws of Utah 2022, Chapter 334
- 430 **26-18-702**, as enacted by Laws of Utah 2022, Chapter 334

- 431 [26-18a-1](#), as last amended by Laws of Utah 2010, Chapter 278
432 [26-18a-3](#), as last amended by Laws of Utah 2013, Chapter 167
433 [26-19-101](#), as renumbered and amended by Laws of Utah 2018, Chapter 443
434 [26-20-1](#), as last amended by Laws of Utah 2007, Chapter 48
435 [26-21-1](#), as last amended by Laws of Utah 1997, Chapter 209
436 [26-21-4](#), as last amended by Laws of Utah 2010, Chapter 286
437 [26-21-5](#), as last amended by Laws of Utah 2016, Chapter 74
438 [26-21-100](#), as enacted by Laws of Utah 2012, Chapter 328
439 [26-21-203](#), as enacted by Laws of Utah 2012, Chapter 328
440 [26-21-205](#), as enacted by Laws of Utah 2012, Chapter 328
441 [26-21-206](#), as enacted by Laws of Utah 2012, Chapter 328
442 [26-21-207](#), as enacted by Laws of Utah 2012, Chapter 328
443 [26-21-208](#), as enacted by Laws of Utah 2012, Chapter 328
444 [26-21-210](#), as enacted by Laws of Utah 2012, Chapter 328
445 [26-21-301](#), as last amended by Laws of Utah 2018, Chapter 220
446 [26-21-302](#), as last amended by Laws of Utah 2018, Chapter 220
447 [26-21-304](#), as enacted by Laws of Utah 2016, Chapter 141
448 [26-21a-201](#), as enacted by Laws of Utah 1991, Chapter 126
449 [26-21b-101](#), as enacted by Laws of Utah 2009, Chapter 266
450 [26-21b-102](#), as last amended by Laws of Utah 2010, Chapter 140
451 [26-21b-301](#), as enacted by Laws of Utah 2009, Chapter 266
452 [26-21c-101](#), as enacted by Laws of Utah 2020, Chapter 406
453 [26-21c-102](#), as enacted by Laws of Utah 2020, Chapter 406
454 [26-21c-104](#), as enacted by Laws of Utah 2020, Chapter 406
455 [26-23a-1](#), as last amended by Laws of Utah 1996, Chapter 23
456 [26-23a-3](#), as enacted by Laws of Utah 1988, Chapter 238
457 [26-23b-101](#), as enacted by Laws of Utah 2002, Chapter 155
458 [26-25-2](#), as last amended by Laws of Utah 2008, Chapter 382
459 [26-25-3](#), as last amended by Laws of Utah 1996, Chapter 201
460 [26-25-4](#), as last amended by Laws of Utah 2003, Chapter 242
461 [26-25-5](#), as last amended by Laws of Utah 2011, Chapter 297

462 **26-26-1**, as enacted by Laws of Utah 1981, Chapter 126
463 **26-26-2**, as enacted by Laws of Utah 1981, Chapter 126
464 **26-26-4**, as last amended by Laws of Utah 1989, Chapter 80
465 **26-26-5**, as enacted by Laws of Utah 1981, Chapter 126
466 **26-26-6**, as enacted by Laws of Utah 1981, Chapter 126
467 **26-26-7**, as last amended by Laws of Utah 1989, Chapter 80
468 **26-28-101**, as enacted by Laws of Utah 2007, Chapter 60
469 **26-31-101**, as enacted by Laws of Utah 2011, Chapter 90
470 **26-31-102**, as enacted by Laws of Utah 2011, Chapter 90
471 **26-31-202**, as enacted by Laws of Utah 2011, Chapter 90
472 **26-33a-101**, as enacted by Laws of Utah 1990, Chapter 305
473 **26-33a-103**, as last amended by Laws of Utah 2022, Chapter 255
474 **26-34-1**, as enacted by Laws of Utah 1989, Chapter 276
475 **26-34-2**, as last amended by Laws of Utah 2020, Chapter 353
476 **26-35a-101**, as enacted by Laws of Utah 2004, Chapter 284
477 **26-36b-101**, as enacted by Laws of Utah 2016, Chapter 279
478 **26-36c-101**, as enacted by Laws of Utah 2018, Chapter 468
479 **26-36d-101**, as repealed and reenacted by Laws of Utah 2019, Chapter 455
480 **26-37a-101**, as enacted by Laws of Utah 2015, Chapter 440
481 **26-38-1**, as enacted by Laws of Utah 1994, Chapter 281
482 **26-38-2**, as last amended by Laws of Utah 2020, Chapter 347
483 **26-38-3.5**, as enacted by Laws of Utah 1995, Chapter 125
484 **26-38-6**, as last amended by Laws of Utah 2007, Chapter 44
485 **26-38-7**, as last amended by Laws of Utah 2012, Chapter 171
486 **26-38-8**, as last amended by Laws of Utah 2010, Chapter 218
487 **26-38-9**, as last amended by Laws of Utah 2008, Chapter 382
488 **26-39-101**, as enacted by Laws of Utah 1997, Chapter 196
489 **26-39-203**, as last amended by Laws of Utah 2016, Chapter 74
490 **26-40-101**, as enacted by Laws of Utah 1998, Chapter 360
491 **26-41-101**, as last amended by Laws of Utah 2019, Chapter 236
492 **26-41-102**, as last amended by Laws of Utah 2020, Chapter 372

493 **26-43-101**, as enacted by Laws of Utah 1998, Chapter 73
494 **26-43-103**, as last amended by Laws of Utah 2008, Chapter 382
495 **26-46-101**, as last amended by Laws of Utah 2020, Chapter 56
496 **26-46a-101**, as enacted by Laws of Utah 2015, Chapter 136
497 **26-47-101**, as enacted by Laws of Utah 2005, Chapter 273
498 **26-47-102**, as last amended by Laws of Utah 2013, Chapter 167
499 **26-47-103**, as last amended by Laws of Utah 2017, Chapter 181
500 **26-49-101**, as enacted by Laws of Utah 2008, Chapter 242
501 **26-50-101**, as enacted by Laws of Utah 2008, Chapter 325
502 **26-50-102**, as enacted by Laws of Utah 2008, Chapter 325
503 **26-51-101**, as enacted by Laws of Utah 2008, Chapter 38
504 **26-51-202**, as enacted by Laws of Utah 2008, Chapter 38
505 **26-53-101**, as enacted by Laws of Utah 2011, Chapter 97
506 **26-54-101**, as last amended by Laws of Utah 2019, Chapter 405
507 **26-55-101**, as last amended by Laws of Utah 2016, Chapters 202, 207, and 208
508 **26-55-102**, as last amended by Laws of Utah 2017, Chapter 392
509 **26-57-101**, as last amended by Laws of Utah 2021, First Special Session, Chapter 12
510 **26-57-102**, as last amended by Laws of Utah 2021, First Special Session, Chapter 12
511 **26-57-104**, as enacted by Laws of Utah 2020, Chapter 347
512 **26-58-101**, as enacted by Laws of Utah 2016, Chapter 71
513 **26-60-101**, as enacted by Laws of Utah 2017, Chapter 241
514 **26-60-102**, as last amended by Laws of Utah 2020, Chapter 119
515 **26-60-104**, as last amended by Laws of Utah 2022, Chapters 255 and 415
516 **26-60-105**, as last amended by Laws of Utah 2019, Chapter 249
517 **26-61-101**, as enacted by Laws of Utah 2017, Chapter 398
518 **26-61-102**, as last amended by Laws of Utah 2022, Chapter 452
519 **26-61-202**, as last amended by Laws of Utah 2022, Chapter 415
520 **26-61a-101**, as renumbered and amended by Laws of Utah 2018, Third Special Session,
521 Chapter 1
522 **26-62-101**, as last amended by Laws of Utah 2020, Chapter 347
523 **26-64-101**, as enacted by Laws of Utah 2018, Chapter 295

524 **26-66-101**, as enacted by Laws of Utah 2019, Chapter 34
525 **26-66-102**, as enacted by Laws of Utah 2019, Chapter 34
526 **26-66-201**, as enacted by Laws of Utah 2019, Chapter 34
527 **26-66-203**, as enacted by Laws of Utah 2019, Chapter 34
528 **26-67-101**, as enacted by Laws of Utah 2020, Chapter 169
529 **26-68-101**, as enacted by Laws of Utah 2021, Chapter 182
530 **26-69-101**, as enacted by Laws of Utah 2022, Chapter 224
531 **26-69-202**, as enacted by Laws of Utah 2022, Chapter 224
532 **26-69-203**, as enacted by Laws of Utah 2022, Chapter 224
533 **26-69-401**, as renumbered and amended by Laws of Utah 2022, Chapter 224
534 **26-70-101**, as enacted by Laws of Utah 2022, Chapter 327
535 **26A-1-101**, as renumbered and amended by Laws of Utah 1991, Chapter 269
536 **26B-1-201.1**, as last amended by Laws of Utah 2022, Chapter 255
537 **26B-1a-101**, as enacted by Laws of Utah 2022, Chapter 245
538 **26B-1a-102**, as enacted by Laws of Utah 2022, Chapter 245
539 **26B-1a-103**, as enacted by Laws of Utah 2022, Chapter 245 and last amended by
540 Coordination Clause, Laws of Utah 2022, Chapter 245
541 **26B-1a-107**, as enacted by Laws of Utah 2022, Chapter 245
542 **62A-1-104**, as last amended by Laws of Utah 2022, Chapter 255
543 **62A-1-123**, as enacted by Laws of Utah 2022, Chapter 36
544 **62A-1-201**, as enacted by Laws of Utah 2014, Chapter 37
545 **62A-2-101**, as last amended by Laws of Utah 2022, Chapters 334 and 468
546 **62A-3-101**, as last amended by Laws of Utah 2005, Chapter 107
547 **62A-4a-101.5**, as enacted by Laws of Utah 2022, Chapter 334
548 **62A-4a-210**, as enacted by Laws of Utah 2014, Chapter 67
549 **62A-5-206.8**, as enacted by Laws of Utah 2018, Chapter 404
550 **62A-5-401**, as enacted by Laws of Utah 1991, Chapter 207
551 **62A-5-403**, as last amended by Laws of Utah 1996, Chapters 179 and 318
552 **62A-5a-101**, as enacted by Laws of Utah 1991, Chapter 207
553 **62A-5a-102**, as last amended by Laws of Utah 2019, Chapter 187
554 **62A-5a-104**, as last amended by Laws of Utah 2013, Chapters 167 and 413

555 **62A-5a-105**, as last amended by Laws of Utah 2019, Chapter 187
556 **62A-5b-101**, as last amended by Laws of Utah 2019, Chapter 190
557 **62A-6-101**, as last amended by Laws of Utah 2011, Chapter 366
558 **62A-11-103**, as last amended by Laws of Utah 2012, Chapter 41
559 **62A-11-301**, as last amended by Laws of Utah 2000, Chapter 161
560 **62A-11-601**, as enacted by Laws of Utah 2007, Chapter 338
561 **62A-11-701**, as enacted by Laws of Utah 2008, Chapter 73
562 **62A-11-702**, as enacted by Laws of Utah 2008, Chapter 73
563 **62A-14-101**, as enacted by Laws of Utah 1999, Chapter 69
564 **62A-15-101**, as last amended by Laws of Utah 2009, Chapter 75
565 **62A-15-102**, as last amended by Laws of Utah 2022, Chapter 255
566 **62A-15-201**, as renumbered and amended by Laws of Utah 2002, Fifth Special Session,
567 Chapter 8
568 **62A-15-645**, as renumbered and amended by Laws of Utah 2002, Fifth Special Session,
569 Chapter 8
570 **62A-15-1001**, as renumbered and amended by Laws of Utah 2002, Fifth Special
571 Session, Chapter 8
572 **62A-15-1100**, as enacted by Laws of Utah 2018, Chapter 414
573 **62A-15-1301**, as last amended by Laws of Utah 2020, Chapter 303
574 **62A-15-1303**, as last amended by Laws of Utah 2020, Chapter 303
575 **62A-15-1401**, as last amended by Laws of Utah 2020, Chapter 303
576 **62A-15-1501**, as last amended by Laws of Utah 2021, Chapter 277
577 **62A-15-1601**, as last amended by Laws of Utah 2021, Chapter 278
578 **62A-15-1701**, as enacted by Laws of Utah 2020, Chapter 358
579 **62A-15-1801**, as enacted by Laws of Utah 2020, Chapter 304
580 **62A-16-101**, as enacted by Laws of Utah 2010, Chapter 239
581 **62A-17-101**, as enacted by Laws of Utah 2013, Chapter 24
582 **62A-18-101**, as enacted by Laws of Utah 2019, Chapter 139
583 **62A-18-102**, as enacted by Laws of Utah 2019, Chapter 139
584 **62A-18-103**, as enacted by Laws of Utah 2019, Chapter 139
585 **62A-18-104**, as enacted by Laws of Utah 2019, Chapter 139

586
587
588
589
590
591
592
593
594
595
596
597
598
599
600
601
602
603
604
605
606
607
608
609
610
611
612
613
614
615
616

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

Section 1. Section **26B-4-101** is amended to read:

CHAPTER 4. HEALTH CARE - DELIVERY AND ACCESS

Part 1. Utah Emergency Medical Services System

26B-4-101. Definitions.

[Reserved]

As used in this part:

(1) (a) "911 ambulance or paramedic services" means:

(i) either:

(A) 911 ambulance service;

(B) 911 paramedic service; or

(C) both 911 ambulance and paramedic service; and

(ii) a response to a 911 call received by a designated dispatch center that receives 911 or E911 calls.

(b) "911 ambulance or paramedic services" does not mean a seven or 10 digit telephone call received directly by an ambulance provider licensed under this part.

(2) "Ambulance" means a ground, air, or water vehicle that:

(a) transports patients and is used to provide emergency medical services; and

(b) is required to obtain a permit under Section [26-8a-304](#) to operate in the state.

(3) "Ambulance provider" means an emergency medical service provider that:

(a) transports and provides emergency medical care to patients; and

(b) is required to obtain a license under Part 4, Ambulance and Paramedic Providers.

(4) (a) "Behavioral emergency services" means delivering a behavioral health intervention to a patient in an emergency context within a scope and in accordance with guidelines established by the department.

(b) "Behavioral emergency services" does not include engaging in the:

(i) practice of mental health therapy as defined in Section [58-60-102](#);

(ii) practice of psychology as defined in Section [58-61-102](#);

(iii) practice of clinical social work as defined in Section [58-60-202](#);

(iv) practice of certified social work as defined in Section [58-60-202](#);

- 617 (v) practice of marriage and family therapy as defined in Section 58-60-302;
618 (vi) practice of clinical mental health counseling as defined in Section 58-60-402; or
619 (vii) practice as a substance use disorder counselor as defined in Section 58-60-502.
620 (5) "Committee" means the State Emergency Medical Services Committee created by
621 Section 26B-1-204.
622 (6) "Community paramedicine" means medical care:
623 (a) provided by emergency medical service personnel; and
624 (b) provided to a patient who is not:
625 (i) in need of ambulance transportation; or
626 (ii) located in a health care facility as defined in Section 26B-2-201.
627 (7) "Direct medical observation" means in-person observation of a patient by a
628 physician, registered nurse, physician's assistant, or individual licensed under Section 26B-4-
629 116.
630 (8) "Emergency medical condition" means:
631 (a) a medical condition that manifests itself by symptoms of sufficient severity,
632 including severe pain, that a prudent layperson, who possesses an average knowledge of health
633 and medicine, could reasonably expect the absence of immediate medical attention to result in:
634 (i) placing the individual's health in serious jeopardy;
635 (ii) serious impairment to bodily functions; or
636 (iii) serious dysfunction of any bodily organ or part; or
637 (b) a medical condition that in the opinion of a physician or the physician's designee
638 requires direct medical observation during transport or may require the intervention of an
639 individual licensed under Section 26B-4-116 during transport.
640 (9) (a) "Emergency medical service personnel" means an individual who provides
641 emergency medical services or behavioral emergency services to a patient and is required to be
642 licensed or certified under Section 26B-4-116.
643 (b) "Emergency medical service personnel" includes a paramedic, medical director of a
644 licensed emergency medical service provider, emergency medical service instructor, behavioral
645 emergency services technician, other categories established by the committee, and a certified
646 emergency medical dispatcher.
647 (10) "Emergency medical service providers" means:

- 648 (a) licensed ambulance providers and paramedic providers;
- 649 (b) a facility or provider that is required to be designated under Subsection [26B-4-](#)
- 650 [117\(1\)\(a\)](#); and
- 651 (c) emergency medical service personnel.
- 652 (11) "Emergency medical services" means:
- 653 (a) medical services;
- 654 (b) transportation services;
- 655 (c) behavioral emergency services; or
- 656 (d) any combination of the services described in Subsections (11)(a) through (c).
- 657 (12) "Emergency medical service vehicle" means a land, air, or water vehicle that is:
- 658 (a) maintained and used for the transportation of emergency medical personnel,
- 659 equipment, and supplies to the scene of a medical emergency; and
- 660 (b) required to be permitted under Section [26B-4-118](#).
- 661 (13) "Governing body":
- 662 (a) means the same as that term is defined in Section [11-42-102](#); and
- 663 (b) for purposes of a "special service district" under Section [11-42-102](#), means a
- 664 special service district that has been delegated the authority to select a provider under this part
- 665 by the special service district's legislative body or administrative control board.
- 666 (14) "Interested party" means:
- 667 (a) a licensed or designated emergency medical services provider that provides
- 668 emergency medical services within or in an area that abuts an exclusive geographic service area
- 669 that is the subject of an application submitted pursuant to Sections [26B-4-150](#) through [26B-4-](#)
- 670 [170](#);
- 671 (b) any municipality, county, or fire district that lies within or abuts a geographic
- 672 service area that is the subject of an application submitted pursuant to Sections [26B-4-150](#)
- 673 through [26B-4-170](#); or
- 674 (c) the department when acting in the interest of the public.
- 675 (15) "Level of service" means the level at which an ambulance provider type of service
- 676 is licensed as:
- 677 (a) emergency medical technician;
- 678 (b) advanced emergency medical technician; or

- 679 (c) paramedic.
- 680 (16) "Medical control" means a person who provides medical supervision to an
- 681 emergency medical service provider.
- 682 (17) "Non-911 service" means transport of a patient that is not 911 transport under
- 683 Subsection (1).
- 684 (18) "Nonemergency secured behavioral health transport" means an entity that:
- 685 (a) provides nonemergency secure transportation services for an individual who:
- 686 (i) is not required to be transported by an ambulance under Section [26B-4-119](#); and
- 687 (ii) requires behavioral health observation during transport between any of the
- 688 following facilities:
- 689 (A) a licensed acute care hospital;
- 690 (B) an emergency patient receiving facility;
- 691 (C) a licensed mental health facility; and
- 692 (D) the office of a licensed health care provider; and
- 693 (b) is required to be designated under Section [26B-4-117](#).
- 694 (19) "Paramedic provider" means an entity that:
- 695 (a) employs emergency medical service personnel; and
- 696 (b) is required to obtain a license under Sections [26B-4-150](#) through [26B-4-170](#).
- 697 (20) "Patient" means an individual who, as the result of illness, injury, or a behavioral
- 698 emergency condition, meets any of the criteria in Section [26B-4-119](#).
- 699 (21) "Political subdivision" means:
- 700 (a) a city, town, or metro township;
- 701 (b) a county;
- 702 (c) a special service district created under Title 17D, Chapter 1, Special Service
- 703 District Act, for the purpose of providing fire protection services under Subsection
- 704 [17D-1-201\(9\)](#);
- 705 (d) a local district created under Title 17B, Limited Purpose Local Government Entities
- 706 - Local Districts, for the purpose of providing fire protection, paramedic, and emergency
- 707 services;
- 708 (e) areas coming together as described in Subsection [26B-4-156\(2\)\(b\)\(ii\)](#); or
- 709 (f) an interlocal entity under Title 11, Chapter 13, Interlocal Cooperation Act.

710 (22) "Trauma" means an injury requiring immediate medical or surgical intervention.

711 (23) "Trauma system" means a single, statewide system that:

712 (a) organizes and coordinates the delivery of trauma care within defined geographic
713 areas from the time of injury through transport and rehabilitative care; and

714 (b) is inclusive of all prehospital providers, hospitals, and rehabilitative facilities in
715 delivering care for trauma patients, regardless of severity.

716 (24) "Triage" means the sorting of patients in terms of disposition, destination, or
717 priority. For prehospital trauma victims, triage requires a determination of injury severity to
718 assess the appropriate level of care according to established patient care protocols.

719 (25) "Triage, treatment, transportation, and transfer guidelines" means written
720 procedures that:

721 (a) direct the care of patients; and

722 (b) are adopted by the medical staff of an emergency patient receiving facility, trauma
723 center, or an emergency medical service provider.

724 (26) "Type of service" means the category at which an ambulance provider is licensed
725 as:

726 (a) ground ambulance transport;

727 (b) ground ambulance interfacility transport; or

728 (c) both ground ambulance transport and ground ambulance interfacility transport.

729 Section 2. Section **26B-4-102**, which is renumbered from Section 26-8a-105 is
730 renumbered and amended to read:

731 ~~**[26-8a-105].**~~ **26B-4-102. Department powers.**

732 The department shall:

733 (1) coordinate the emergency medical services within the state;

734 (2) administer this ~~[chapter]~~ part and the rules established pursuant to it;

735 (3) establish a voluntary task force representing a diversity of emergency medical
736 service providers to advise the department and the committee on rules;

737 (4) establish an emergency medical service personnel peer review board to advise the
738 department concerning discipline of emergency medical service personnel under this ~~[chapter]~~
739 part; ~~[and]~~

740 (5) adopt rules in accordance with Title 63G, Chapter 3, Utah Administrative

741 Rulemaking Act, to:

742 (a) license ambulance providers and paramedic providers;

743 (b) permit ambulances, emergency medical response vehicles, and nonemergency

744 secured behavioral health transport vehicles, including approving an emergency vehicle

745 operator's course in accordance with Section [~~26-8a-304~~] [26B-4-118](#);

746 (c) establish:

747 (i) the qualifications for membership of the peer review board created by this section;

748 (ii) a process for placing restrictions on a license while an investigation is pending;

749 (iii) the process for the investigation and recommendation by the peer review board;

750 and

751 (iv) the process for determining the status of a license while a peer review board

752 investigation is pending;

753 (d) establish application, submission, and procedural requirements for licenses,

754 designations, and permits; and

755 (e) establish and implement the programs, plans, and responsibilities as specified in

756 other sections of this [~~chapter~~] part;

757 (6) develop and implement, in cooperation with state, federal, and local agencies

758 empowered to oversee disaster response activities, plans to provide emergency medical

759 services during times of disaster or emergency;

760 (7) establish a pediatric quality improvement resource program; and

761 (8) develop and implement a statewide program to provide support and counseling for

762 personnel who have been exposed to one or more stressful incidents in the course of providing

763 emergency services which shall include:

764 (a) ongoing training for agencies providing emergency services and counseling

765 program volunteers;

766 (b) critical incident stress debriefing for personnel at no cost to the emergency

767 provider; and

768 (c) advising the department on training requirements for licensure as a behavioral

769 emergency services technician.

770 Section 3. Section **26B-4-103**, which is renumbered from Section 26-8a-106 is

771 renumbered and amended to read:

772 ~~[26-8a-106]~~. 26B-4-103. **Waiver of rules and education and licensing**
773 **requirements.**

774 (1) Upon application, the department, or the committee with the concurrence of the
775 department, may waive the requirements of a rule the department, or the committee with the
776 concurrence of the department, has adopted if:

777 (a) the person applying for the waiver satisfactorily demonstrates that:

778 (i) the waiver is necessary for a pilot project to be undertaken by the applicant;
779 (ii) in the particular situation, the requirement serves no beneficial public purpose; or
780 (iii) circumstances warrant that waiver of the requirement outweighs the public benefit
781 to be gained by adherence to the rule; and

782 (b) for a waiver granted under Subsection (1)(a)(ii) or (iii):

783 (i) the committee or department extends the waiver to similarly situated persons upon
784 application; or

785 (ii) the department, or the committee with the concurrence of the department, amends
786 the rule to be consistent with the waiver.

787 (2) A waiver of education or licensing requirements may be granted to a veteran, as
788 defined in Section [68-3-12.5](#), if the veteran:

789 (a) provides to the committee or department documentation showing military education
790 and training in the field in which licensure is sought; and

791 (b) successfully passes any examination required.

792 (3) No waiver may be granted under this section that is inconsistent with the provisions
793 of this ~~[chapter]~~ part.

794 Section 4. Section **26B-4-104**, which is renumbered from Section 26-8a-201 is
795 renumbered and amended to read:

796 ~~[26-8a-201]~~. 26B-4-104. **Public awareness efforts.**

797 The department may:

798 (1) develop programs to inform the public of the emergency medical service system;
799 and

800 (2) develop and disseminate emergency medical training programs for the public,
801 which emphasize the prevention and treatment of injuries and illnesses.

802 Section 5. Section **26B-4-105**, which is renumbered from Section 26-8a-202 is

803 renumbered and amended to read:

804 ~~[26-8a-202].~~ **26B-4-105. Emergency medical communications.**

805 Consistent with federal law, the department is the lead agency for coordinating the
806 statewide emergency medical service communication systems under which emergency medical
807 personnel, dispatch centers, and treatment facilities provide medical control and coordination
808 between emergency medical service providers.

809 Section 6. Section **26B-4-106**, which is renumbered from Section 26-8a-203 is
810 renumbered and amended to read:

811 ~~[26-8a-203].~~ **26B-4-106. Data collection.**

812 (1) The committee shall specify the information that shall be collected for the
813 emergency medical services data system established pursuant to Subsection (2).

814 (2) (a) The department shall establish an emergency medical services data system,
815 which shall provide for the collection of information, as defined by the committee, relating to
816 the treatment and care of patients who use or have used the emergency medical services
817 system.

818 (b) The committee shall coordinate with the Health Data Authority created in Chapter
819 ~~[33a] 8, Part 5, Utah Health Data Authority [Act]~~, to create a report of data collected by the
820 Health Data Committee under Section ~~[26-33a-106.1]~~ 26B-8-504 regarding:

821 (i) appropriate analytical methods;

822 (ii) the total amount of air ambulance flight charges in the state for a one-year period;

823 and

824 (iii) of the total number of flights in a one-year period under Subsection (2)(b)(ii):

825 (A) the number of flights for which a patient had no personal responsibility for paying
826 part of the flight charges;

827 (B) the number of flights for which a patient had personal responsibility to pay all or
828 part of the flight charges;

829 (C) the range of flight charges for which patients had personal responsibility under
830 Subsection (2)(b)(iii)(B), including the median amount for paid patient personal responsibility;

831 and

832 (D) the name of any air ambulance provider that received a median paid amount for
833 patient responsibility in excess of the median amount for all paid patient personal responsibility

834 during the reporting year.

835 (c) The department may share, with the Department of Public Safety, information from
836 the emergency medical services data system that:

- 837 (i) relates to traffic incidents;
- 838 (ii) is for the improvement of traffic safety;
- 839 (iii) may not be used for the prosecution of criminal matters; and
- 840 (iv) may not include any personally identifiable information.

841 (3) (a) On or before October 1, the department shall make the information in Subsection
842 (2)(b) public and send the information in Subsection (2)(b) to public safety dispatchers and first
843 responders in the state.

844 (b) Before making the information in Subsection (2)(b) public, the committee shall
845 provide the air ambulance providers named in the report with the opportunity to respond to the
846 accuracy of the information in the report under Section [~~26-33a-107~~] [26B-8-506](#).

847 (4) Persons providing emergency medical services:

848 (a) shall provide information to the department for the emergency medical services
849 data system established pursuant to Subsection (2)(a);

850 (b) are not required to provide information to the department under Subsection (2)(b);
851 and

852 (c) may provide information to the department under Subsection (2)(b) or (3)(b).

853 Section 7. Section **26B-4-107**, which is renumbered from Section 26-8a-207 is
854 renumbered and amended to read:

855 ~~[26-8a-207]~~. **26B-4-107. Emergency Medical Services Grant Program.**

856 (1) Funds appropriated to the department for the Emergency Medical Services Grant
857 Program shall be used for improvement of delivery of emergency medical services and
858 administrative costs as described in Subsection (2)(a).

859 (2) From the total amount of funds appropriated to the department under Subsection
860 (1), the department shall use:

- 861 (a) an amount equal to 50% of the funds:
 - 862 (i) to provide staff support; and
 - 863 (ii) for other expenses incurred in:
 - 864 (A) administration of grant funds; and

865 (B) other department administrative costs under this [~~chapter~~] part; and

866 (b) an amount equal to 50% of the funds to provide emergency medical services grants
867 in accordance with Subsection (3).

868 (3) (a) A recipient of a grant under this section shall actively provide emergency
869 medical services within the state.

870 (b) (i) From the total amount of funds used to provide grants under Subsection (3), the
871 department shall distribute an amount equal to 21% as per capita block grants for use
872 specifically related to the provision of emergency medical services to nonprofit prehospital
873 emergency medical services providers that are either licensed or designated and to emergency
874 medical services that are the primary emergency medical services for a service area.

875 (ii) The department shall determine the grant amounts by prorating available funds on a
876 per capita basis by county as described in department rule.

877 (c) Subject to Subsections (3)(d) through (f), the committee shall use the remaining
878 grant funds to award competitive grants to licensed emergency medical services providers that
879 provide emergency medical services within counties of the third through sixth class, in
880 accordance with rules made by the committee.

881 (d) A grant awarded under Subsection (3)(c) shall be used:

882 (i) for the purchase of equipment, subject to Subsection (3)(e); or

883 (ii) for the recruitment, training, or retention of licensed emergency medical services
884 providers.

885 (e) A recipient of a grant under Subsection (3)(c) may not use more than \$100,000 in
886 grant proceeds for the purchase of vehicles.

887 (f) A grant awarded for the purpose described in Subsection (3)(d)(ii) is ongoing for a
888 period of up to three years.

889 (g) (i) If, after providing grants under Subsections (3)(c) through (f), any grant funds
890 are unallocated at the end of the fiscal year, the committee shall distribute the unallocated grant
891 funds as per capita block grants as described in Subsection (3)(b).

892 (ii) Any grant funds distributed as per capita grants under Subsection (3)(g)(i) are in
893 addition to the amount described in Subsection (3)(b).

894 Section 8. Section **26B-4-108**, which is renumbered from Section 26-8a-208 is
895 renumbered and amended to read:

896 ~~[26-8a-208]~~. 26B-4-108. Fees for training equipment rental, testing, and
897 **quality assurance reviews.**

898 (1) The department may charge fees, established [~~pursuant to~~] in accordance with
899 Section 26B-1-209:

900 (a) for the use of department-owned training equipment;

901 (b) to administer tests and conduct quality assurance reviews; and

902 (c) to process an application for a designation, permit, or license.

903 (2) (a) Fees collected under Subsections (1)(a) and (b) shall be separate dedicated
904 credits.

905 (b) Fees under Subsection (1)(a) may be used to purchase training equipment.

906 (c) Fees under Subsection (1)(b) may be used to administer tests and conduct quality
907 assurance reviews.

908 Section 9. Section **26B-4-109**, which is renumbered from Section 26-8a-210 is
909 renumbered and amended to read:

910 ~~[26-8a-210]~~. 26B-4-109. Regional Emergency Medical Services Liaisons --
911 **Qualifications -- Duties.**

912 (1) As used in this section:

913 (a) "Liaison" means a regional emergency medical services liaison hired under this
914 section.

915 (b) "Rural county" means a county of the third, fourth, fifth, or sixth class.

916 (2) The department shall hire five individuals to serve as regional emergency medical
917 services liaisons to:

918 (a) serve the needs of rural counties in providing emergency medical services in
919 accordance with this [~~chapter~~] part;

920 (b) act as a liaison between the department and individuals or entities responsible for
921 emergency medical services in rural counties, including:

922 (i) emergency medical services providers;

923 (ii) local officials; and

924 (iii) local health departments or agencies;

925 (c) provide support and training to emergency medical services providers in rural
926 counties;

927 (d) assist rural counties in utilizing state and federal grant programs for financing
928 emergency medical services; and

929 (e) serve as emergency medical service personnel to assist licensed providers with
930 ambulance staffing needs within rural counties.

931 (3) Each liaison hired under Subsection (2):

932 (a) shall reside in a rural county; and

933 (b) shall be licensed as:

934 (i) an advanced emergency medical technician as defined in Section ~~[26-8c-102]~~

935 [26B-4-137](#); or

936 (ii) a paramedic as defined in Section ~~[26-8c-102]~~ [26B-4-137](#).

937 (4) The department shall provide each liaison with a vehicle and other equipment in
938 accordance with rules established by the department.

939 Section 10. Section **26B-4-110**, which is renumbered from Section 26-8a-212 is
940 renumbered and amended to read:

941 ~~[26-8a-212]~~. **26B-4-110. Community paramedicine program.**

942 (1) A ground ambulance provider or a designated quick response provider, as
943 designated in accordance with Section ~~[26-8a-303]~~ [26B-4-117](#), may develop and implement a
944 community paramedicine program.

945 (2) (a) Before providing services, a community paramedicine program shall:

946 (i) implement training requirements as determined by the committee; and

947 (ii) submit a written community paramedicine operational plan to the department that
948 meets requirements established by the committee.

949 (b) A community paramedicine program shall report data, as determined by the
950 committee, related to community paramedicine to the department.

951 (3) A service provided as part of a community paramedicine program may not be billed
952 to an individual or a health benefit plan as defined in Section [31A-1-301](#) unless:

953 (a) the service is provided in partnership with a health care facility as defined in
954 Section ~~[26-21-2]~~ [26B-2-201](#); and

955 (b) the partnering health care facility is the person that bills the individual or health
956 benefit plan.

957 (4) Nothing in this section affects any billing authorized under Section ~~[26-8a-403]~~

958 [26B-4-152](#).

959 (5) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
960 committee shall make rules to implement this section.

961 Section 11. Section **26B-4-111**, which is renumbered from Section 26-8a-250 is
962 renumbered and amended to read:

963 ~~[26-8a-250]~~. **26B-4-111. Establishment of statewide trauma system.**

964 The department shall establish and actively supervise a statewide trauma system to:

- 965 (1) promote optimal care for trauma patients;
- 966 (2) alleviate unnecessary death and disability from trauma and emergency illness;
- 967 (3) inform health care providers about trauma system capabilities;
- 968 (4) encourage the efficient and effective continuum of patient care, including
969 prevention, prehospital care, hospital care, and rehabilitative care; and
- 970 (5) minimize the overall cost of trauma care.

971 Section 12. Section **26B-4-112**, which is renumbered from Section 26-8a-252 is
972 renumbered and amended to read:

973 ~~[26-8a-252]~~. **26B-4-112. Statewide trauma system -- Department duties.**

974 In connection with the statewide trauma system established in Section ~~[26-8a-250]~~
975 [26B-4-111](#), the department shall:

- 976 (1) establish a statewide trauma system plan that:
 - 977 (a) identifies statewide trauma care needs, objectives, and priorities;
 - 978 (b) identifies the equipment, facilities, personnel training, and other things necessary to
979 create and maintain a statewide trauma system; and
 - 980 (c) organizes and coordinates trauma care within defined geographic areas;
- 981 (2) support the statewide trauma system by:
 - 982 (a) facilitating the coordination of prehospital, acute care, and rehabilitation services
983 and providers through state regulation and oversight;
 - 984 (b) facilitating the ongoing evaluation and refinement of the statewide trauma system;
 - 985 (c) providing educational programs;
 - 986 (d) encouraging cooperation between community organizations, health care facilities,
987 public health officials, emergency medical service providers, and rehabilitation facilities for the
988 development of a statewide trauma system;

989 (e) implementing a quality assurance program using information from the statewide
990 trauma registry established pursuant to Section [~~26-8a-253~~] [26B-4-113](#);

991 (f) establishing trauma center designation requirements in accordance with Section
992 [~~26-8a-254~~] [26B-4-114](#); and

993 (g) developing standards so that:

994 (i) trauma centers are categorized according to their capability to provide care;

995 (ii) trauma victims are triaged at the initial point of patient contact; and

996 (iii) trauma patients are sent to appropriate health care facilities.

997 Section 13. Section **26B-4-113**, which is renumbered from Section 26-8a-253 is
998 renumbered and amended to read:

999 [~~26-8a-253~~]. **26B-4-113. Statewide trauma system -- Registry and quality**
1000 **assurance program.**

1001 (1) The department shall:

1002 (a) establish and fund a statewide trauma registry to collect and analyze information on
1003 the incidence, severity, causes, and outcomes of trauma;

1004 (b) establish, by rule, the data elements, the medical care providers that shall report,
1005 and the time frame and format for reporting;

1006 (c) use the data collected to:

1007 (i) improve the availability and delivery of prehospital and hospital trauma care;

1008 (ii) assess trauma care delivery, patient care outcomes, and compliance with the
1009 requirements of this [~~chapter~~] part and applicable department rules; and

1010 (iii) regularly produce and disseminate reports to data providers, state government, and
1011 the public; and

1012 (d) support data collection and abstraction by providing:

1013 (i) a data collection system and technical assistance to each hospital that submits data;
1014 and

1015 (ii) funding or, at the discretion of the department, personnel for collection and
1016 abstraction for each hospital not designated as a trauma center under the standards established
1017 pursuant to Section [~~26-8a-254~~] [26B-4-114](#).

1018 (2) (a) Each hospital shall submit trauma data in accordance with rules established
1019 under Subsection (1).

1020 (b) A hospital designated as a trauma center shall submit data as part of the ongoing
1021 quality assurance program established in Section [~~26-8a-252~~] 26B-4-112.

1022 (3) The department shall assess:

1023 (a) the effectiveness of the data collected pursuant to Subsection (1); and

1024 (b) the impact of the statewide trauma system on the provision of trauma care.

1025 (4) Data collected under this section shall be subject to Chapter [3] 8, Part 4, Health
1026 Statistics.

1027 (5) No person may be held civilly liable for having provided data to the department in
1028 accordance with this section.

1029 Section 14. Section **26B-4-114**, which is renumbered from Section 26-8a-254 is
1030 renumbered and amended to read:

1031 [~~26-8a-254~~]. **26B-4-114. Statewide trauma system -- Trauma center**
1032 **designations and guidelines.**

1033 (1) The department, after seeking the advice of the trauma system advisory committee,
1034 shall establish by rule:

1035 (a) trauma center designation requirements; and

1036 (b) model state guidelines for triage, treatment, transportation, and transfer of trauma
1037 patients to the most appropriate health care facility.

1038 (2) The department shall designate as a trauma center each hospital that:

1039 (a) voluntarily requests a trauma center designation; and

1040 (b) meets the applicable requirements established pursuant to Subsection (1).

1041 Section 15. Section **26B-4-115**, which is renumbered from Section 26-8a-301 is
1042 renumbered and amended to read:

1043 [~~26-8a-301~~]. **26B-4-115. Certificates, Designations, Permits, and Licenses**
1044 **-- General requirement.**

1045 (1) Except as provided in Section [~~26-8a-308 or 26-8b-201~~] 26B-4-104 or 26B-4-122:

1046 (a) an individual may not provide emergency medical services without a license or
1047 certification issued under Section [~~26-8a-302~~] 26B-4-116;

1048 (b) a facility or provider may not hold itself out as a designated emergency medical
1049 service provider or nonemergency secured behavioral health transport provider without a
1050 designation issued under Section [~~26-8a-303~~] 26B-4-117;

1051 (c) a vehicle may not operate as an ambulance, emergency response vehicle, or
1052 nonemergency secured behavioral health transport vehicle without a permit issued under
1053 Section [~~26-8a-304~~] [26B-4-118](#); and

1054 (d) an entity may not respond as an ambulance or paramedic provider without the
1055 appropriate license issued under [~~Part 4, Ambulance and Paramedic Providers~~] Sections [26B-4-](#)
1056 [150](#) through [26B-4-170](#) for ambulance and paramedic providers.

1057 (2) Section [~~26-8a-502~~] [26B-4-127](#) applies to violations of this section.

1058 Section 16. Section **26B-4-116**, which is renumbered from Section 26-8a-302 is
1059 renumbered and amended to read:

1060 [~~26-8a-302~~]. **26B-4-116. Licensure of emergency medical service**
1061 **personnel.**

1062 (1) To promote the availability of comprehensive emergency medical services
1063 throughout the state, the committee shall establish:

1064 (a) initial and ongoing licensure and training requirements for emergency medical
1065 service personnel in the following categories:

1066 (i) paramedic;

1067 (ii) advanced emergency medical services technician;

1068 (iii) emergency medical services technician;

1069 (iv) behavioral emergency services technician; and

1070 (v) advanced behavioral emergency services technician;

1071 (b) a method to monitor the certification status and continuing medical education hours
1072 for emergency medical dispatchers; and

1073 (c) guidelines for giving credit for out-of-state training and experience.

1074 (2) The department shall, based on the requirements established in Subsection (1):

1075 (a) develop, conduct, and authorize training and testing for emergency medical service
1076 personnel;

1077 (b) issue a license and license renewals to emergency medical service personnel other
1078 than emergency medical dispatchers; and

1079 (c) verify the certification of emergency medical dispatchers.

1080 (3) The department shall coordinate with local mental health authorities described in
1081 Section [17-43-301](#) to develop and authorize initial and ongoing licensure and training

1082 requirements for licensure as a:

1083 (a) behavioral emergency services technician; and

1084 (b) advanced behavioral emergency services technician.

1085 (4) As provided in Section [~~26-8a-502~~] [26B-4-127](#), an individual issued a license or
1086 certified under this section may only provide emergency medical services to the extent allowed
1087 by the license or certification.

1088 (5) An individual may not be issued or retain a license under this section unless the
1089 individual obtains and retains background clearance under Section [~~26-8a-310~~] [26B-4-124](#).

1090 (6) An individual may not be issued or retain a certification under this section unless
1091 the individual obtains and retains background clearance in accordance with Section
1092 [~~26-8a-310.5~~] [26B-4-125](#).

1093 Section 17. Section **26B-4-117**, which is renumbered from Section 26-8a-303 is
1094 renumbered and amended to read:

1095 [~~26-8a-303~~]. **26B-4-117. Designation of emergency medical service**
1096 **providers and nonemergency secured behavioral health transport providers.**

1097 (1) To ensure quality emergency medical services, the committee shall establish
1098 designation requirements for:

1099 (a) emergency medical service providers in the following categories:

1100 (i) quick response provider;

1101 (ii) resource hospital for emergency medical providers;

1102 (iii) emergency medical service dispatch center;

1103 (iv) emergency patient receiving facilities; and

1104 (v) other types of emergency medical service providers as the committee considers
1105 necessary; and

1106 (b) nonemergency secured behavioral health transport providers.

1107 (2) The department shall, based on the requirements in Subsection (1), issue
1108 designations to emergency medical service providers and nonemergency secured behavioral
1109 health transport providers listed in Subsection (1).

1110 (3) As provided in Section [~~26-8a-502~~] [26B-4-127](#), an entity issued a designation under
1111 Subsection (2) may only function and hold itself out in accordance with its designation.

1112 Section 18. Section **26B-4-118**, which is renumbered from Section 26-8a-304 is

1113 renumbered and amended to read:

1114 ~~[26-8a-304]~~. **26B-4-118. Permits for emergency medical service vehicles**
1115 **and nonemergency secured behavioral health transport vehicles.**

1116 (1) (a) To ensure that emergency medical service vehicles and nonemergency secured
1117 behavioral health transport vehicles are adequately staffed, safe, maintained, properly
1118 equipped, and safely operated, the committee shall establish permit requirements at levels it
1119 considers appropriate in the following categories:

- 1120 (i) ambulance;
1121 (ii) emergency medical response vehicle; and
1122 (iii) nonemergency secured behavioral health transport vehicle.

1123 (b) The permit requirements under Subsections (1)(a)(i) and (ii) shall include a
1124 requirement that beginning on or after January 31, 2014, every operator of an ambulance or
1125 emergency medical response vehicle annually provide proof of the successful completion of an
1126 emergency vehicle operator's course approved by the department for all ambulances and
1127 emergency medical response vehicle operators.

1128 (2) The department shall, based on the requirements established in Subsection (1),
1129 issue permits to emergency medical service vehicles and nonemergency secured behavioral
1130 health transport vehicles.

1131 Section 19. Section **26B-4-119**, which is renumbered from Section 26-8a-305 is
1132 renumbered and amended to read:

1133 ~~[26-8a-305]~~. **26B-4-119. Ambulance license required for emergency**
1134 **medical transport.**

1135 Except as provided in Section ~~[26-8a-308]~~ [26B-4-122](#), only an ambulance operating
1136 under a permit issued under Section ~~[26-8a-304]~~ [26B-4-118](#) may transport an individual who:

- 1137 (1) is in an emergency medical condition;
1138 (2) is medically or mentally unstable, requiring direct medical observation during
1139 transport;
1140 (3) is physically incapacitated because of illness or injury and in need of immediate
1141 transport by emergency medical service personnel;
1142 (4) is likely to require medical attention during transport;
1143 (5) is being maintained on any type of emergency medical electronic monitoring;

1144 (6) is receiving or has recently received medications that could cause a sudden change
1145 in medical condition that might require emergency medical services;

1146 (7) requires IV administration or maintenance, oxygen that is not patient-operated, or
1147 other emergency medical services during transport;

1148 (8) needs to be immobilized during transport to a hospital, an emergency patient
1149 receiving facility, or mental health facility due to a mental or physical condition, unless the
1150 individual is in the custody of a peace officer and the primary purpose of the restraint is to
1151 prevent escape;

1152 (9) needs to be immobilized due to a fracture, possible fracture, or other medical
1153 condition; or

1154 (10) otherwise requires or has the potential to require a level of medical care that the
1155 committee establishes as requiring direct medical observation.

1156 Section 20. Section **26B-4-120**, which is renumbered from Section 26-8a-306 is
1157 renumbered and amended to read:

1158 ~~**[26-8a-306].**~~ **26B-4-120. Medical control.**

1159 (1) The committee shall establish requirements for the coordination of emergency
1160 medical services rendered by emergency medical service providers, including the coordination
1161 between prehospital providers, hospitals, emergency patient receiving facilities, and other
1162 appropriate destinations.

1163 (2) The committee shall establish requirements for the medical supervision of
1164 emergency medical service providers to assure adequate physician oversight of emergency
1165 medical services and quality improvement.

1166 Section 21. Section **26B-4-121**, which is renumbered from Section 26-8a-307 is
1167 renumbered and amended to read:

1168 ~~**[26-8a-307].**~~ **26B-4-121. Patient destination.**

1169 (1) If an individual being transported by a ground or air ambulance is in a critical or
1170 unstable medical condition, the ground or air ambulance shall transport the patient to the
1171 trauma center or closest emergency patient receiving facility appropriate to adequately treat the
1172 patient.

1173 (2) If the patient's condition is not critical or unstable as determined by medical
1174 control, the ground or air ambulance may transport the patient to the:

1175 (a) hospital, emergency patient receiving facility, licensed mental health facility, or
1176 other medical provider chosen by the patient and approved by medical control as appropriate
1177 for the patient's condition and needs; or

1178 (b) nearest hospital, emergency patient receiving facility, licensed mental health
1179 facility, or other medical provider approved by medical control as appropriate for the patient's
1180 condition and needs if the patient expresses no preference.

1181 Section 22. Section **26B-4-122**, which is renumbered from Section 26-8a-308 is
1182 renumbered and amended to read:

1183 ~~[26-8a-308]~~. **26B-4-122. Exemptions.**

1184 (1) The following persons may provide emergency medical services to a patient
1185 without being licensed under this ~~[chapter]~~ part:

1186 (a) out-of-state emergency medical service personnel and providers in time of disaster;

1187 (b) an individual who gratuitously acts as a Good Samaritan;

1188 (c) a family member;

1189 (d) a private business if emergency medical services are provided only to employees at
1190 the place of business and during transport;

1191 (e) an agency of the United States government if compliance with this ~~[chapter]~~ part
1192 would be inconsistent with federal law; and

1193 (f) police, fire, and other public service personnel if:

1194 (i) emergency medical services are rendered in the normal course of the person's duties;

1195 and

1196 (ii) medical control, after being apprised of the circumstances, directs immediate
1197 transport.

1198 (2) An ambulance or emergency response vehicle may operate without a permit issued
1199 under Section ~~[26-8a-304]~~ 26B-4-118 in time of disaster.

1200 (3) Nothing in this ~~[chapter]~~ part or Title 58, Occupations and Professions, may be
1201 construed as requiring a license for an individual to administer cardiopulmonary resuscitation
1202 or to use a fully automated external defibrillator under Section ~~[26-8b-201]~~ 26B-4-302.

1203 (4) Nothing in this ~~[chapter]~~ part may be construed as requiring a license, permit, or
1204 designation for an acute care hospital, medical clinic, physician's office, or other fixed medical
1205 facility that:

1206 (a) is staffed by a physician, physician's assistant, nurse practitioner, or registered
1207 nurse; and

1208 (b) treats an individual who has presented himself or was transported to the hospital,
1209 clinic, office, or facility.

1210 Section 23. Section **26B-4-123**, which is renumbered from Section 26-8a-309 is
1211 renumbered and amended to read:

1212 ~~[26-8a-309].~~ **26B-4-123. Out-of-state vehicles.**

1213 (1) An ambulance or emergency response vehicle from another state may not pick up a
1214 patient in Utah to transport that patient to another location in Utah or to another state without a
1215 permit issued under Section ~~[26-8a-304]~~ [26B-2-318](#) and, in the case of an ambulance, a license
1216 issued under ~~[Part 4, Ambulance and Paramedic Providers]~~ this part for ambulance and
1217 paramedic providers.

1218 (2) Notwithstanding Subsection (1), an ambulance or emergency response vehicle from
1219 another state may, without a permit or license:

1220 (a) transport a patient into Utah; and

1221 (b) provide assistance in time of disaster.

1222 (3) The department may enter into agreements with ambulance and paramedic
1223 providers and their respective licensing agencies from other states to assure the expeditious
1224 delivery of emergency medical services beyond what may be reasonably provided by licensed
1225 ambulance and paramedic providers, including the transportation of patients between states.

1226 Section 24. Section **26B-4-124**, which is renumbered from Section 26-8a-310 is
1227 renumbered and amended to read:

1228 ~~[26-8a-310].~~ **26B-4-124. Background clearance for emergency medical**
1229 **service personnel.**

1230 (1) Subject to Section ~~[26-8a-310.5]~~ [26B-4-125](#), the department shall determine
1231 whether to grant background clearance for an individual seeking licensure or certification under
1232 Section ~~[26-8a-302]~~ [26B-4-116](#) from whom the department receives:

1233 (a) the individual's social security number, fingerprints, and other personal
1234 identification information specified by the department under Subsection (4); and

1235 (b) any fees established by the department under Subsection (10).

1236 (2) The department shall determine whether to deny or revoke background clearance

1237 for individuals for whom the department has previously granted background clearance.

1238 (3) The department shall determine whether to grant, deny, or revoke background
1239 clearance for an individual based on an initial and ongoing evaluation of information the
1240 department obtains under Subsections (5) and (11), which, at a minimum, shall include an
1241 initial criminal background check of state, regional, and national databases using the
1242 individual's fingerprints.

1243 (4) The department shall make rules, in accordance with Title 63G, Chapter 3, Utah
1244 Administrative Rulemaking Act, that specify:

1245 (a) the criteria the department will use under Subsection (3) to determine whether to
1246 grant, deny, or revoke background clearance; and

1247 (b) the other personal identification information an individual seeking licensure or
1248 certification under Section [~~26-8a-302~~] [26B-4-116](#) must submit under Subsection (1).

1249 (5) To determine whether to grant, deny, or revoke background clearance, the
1250 department may access and evaluate any of the following:

1251 (a) Department of Public Safety arrest, conviction, and disposition records described in
1252 Title 53, Chapter 10, Criminal Investigations and Technical Services Act, including
1253 information in state, regional, and national records files;

1254 (b) adjudications by a juvenile court of committing an act that if committed by an adult
1255 would be a felony or misdemeanor, if:

1256 (i) the applicant is under 28 years old; or

1257 (ii) the applicant:

1258 (A) is over 28 years old; and

1259 (B) has been convicted of, has pleaded no contest to, or is currently subject to a plea in
1260 abeyance or diversion agreement for a felony or misdemeanor;

1261 (c) juvenile court arrest, adjudication, and disposition records, other than those under
1262 Subsection (5)(b), as allowed under Section [78A-6-209](#);

1263 (d) child abuse or neglect findings described in Section [80-3-404](#);

1264 (e) the department's Licensing Information System described in Section [80-2-1002](#);

1265 (f) the department's database of reports of vulnerable adult abuse, neglect, or
1266 exploitation, described in Section [~~62A-3-311.1~~] [26B-6-210](#);

1267 (g) Division of Professional Licensing records of licensing and certification under Title

1268 58, Occupations and Professions;

1269 (h) records in other federal criminal background databases available to the state; and

1270 (i) any other records of arrests, warrants for arrest, convictions, pleas in abeyance,
1271 pending diversion agreements, or dispositions.

1272 (6) Except for the Department of Public Safety, an agency may not charge the
1273 department for information accessed under Subsection (5).

1274 (7) When evaluating information under Subsection (3), the department shall classify a
1275 crime committed in another state according to the closest matching crime under Utah law,
1276 regardless of how the crime is classified in the state where the crime was committed.

1277 (8) The department shall adopt measures to protect the security of information the
1278 department accesses under Subsection (5), which shall include limiting access by department
1279 employees to those responsible for acquiring, evaluating, or otherwise processing the
1280 information.

1281 (9) The department may disclose personal identification information the department
1282 receives under Subsection (1) to the department to verify that the subject of the information is
1283 not identified as a perpetrator or offender in the information sources described in Subsections
1284 (5)(d) through (f).

1285 (10) The department may charge fees, in accordance with Section [63J-1-504](#), to pay
1286 for:

1287 (a) the cost of obtaining, storing, and evaluating information needed under Subsection
1288 (3), both initially and on an ongoing basis, to determine whether to grant, deny, or revoke
1289 background clearance; and

1290 (b) other department costs related to granting, denying, or revoking background
1291 clearance.

1292 (11) The Criminal Investigations and Technical Services Division within the
1293 Department of Public Safety shall:

1294 (a) retain, separate from other division records, personal information under Subsection
1295 (1), including any fingerprints sent to it by the department; and

1296 (b) notify the department upon receiving notice that an individual for whom personal
1297 information has been retained is the subject of:

1298 (i) a warrant for arrest;

- 1299 (ii) an arrest;
1300 (iii) a conviction, including a plea in abeyance; or
1301 (iv) a pending diversion agreement.

1302 (12) The department shall use the Direct Access Clearance System database created
1303 under Section [~~26-21-209~~] [26B-2-241](#) to manage information about the background clearance
1304 status of each individual for whom the department is required to make a determination under
1305 Subsection (1).

1306 (13) Clearance granted for an individual licensed or certified under Section
1307 [~~26-8a-302~~] [26B-4-123](#) is valid until two years after the day on which the individual is no
1308 longer licensed or certified in Utah as emergency medical service personnel.

1309 Section 25. Section **26B-4-125**, which is renumbered from Section 26-8a-310.5 is
1310 renumbered and amended to read:

1311 [~~26-8a-310.5~~]. **26B-4-125. Background check requirements for emergency**
1312 **medical dispatchers.**

1313 An emergency medical dispatcher seeking certification under Section [~~26-8a-302~~] [26B-](#)
1314 [4-116](#) shall undergo the background clearance process described in Section [~~26-8a-310~~] [26B-4-](#)
1315 [124](#) unless the emergency medical dispatcher can demonstrate that the emergency medical
1316 dispatcher has received and currently holds an approved Department of Public Safety
1317 background clearance.

1318 Section 26. Section **26B-4-126**, which is renumbered from Section 26-8a-501 is
1319 renumbered and amended to read:

1320 [~~26-8a-501~~]. **26B-4-126. Discrimination prohibited.**

1321 (1) No person licensed or designated pursuant to this [~~chapter~~] part may discriminate in
1322 the provision of emergency medical services on the basis of race, sex, color, creed, or prior
1323 inquiry as to ability to pay.

1324 (2) This [~~chapter~~] part does not authorize or require medical assistance or
1325 transportation over the objection of an individual on religious grounds.

1326 Section 27. Section **26B-4-127**, which is renumbered from Section 26-8a-502 is
1327 renumbered and amended to read:

1328 [~~26-8a-502~~]. **26B-4-127. Illegal activity.**

1329 (1) Except as provided in Section [~~26-8a-308 or 26-8b-201~~] [26B-4-104](#) or [26B-4-122](#),

1330 a person may not:

1331 (a) practice or engage in the practice, represent that the person is practicing or engaging
1332 in the practice, or attempt to practice or engage in the practice of any activity that requires a
1333 license, certification, or designation under this ~~[chapter]~~ part unless that person is licensed,
1334 certified, or designated under this ~~[chapter]~~ part; or

1335 (b) offer an emergency medical service that requires a license, certification, or
1336 designation under this ~~[chapter]~~ part unless the person is licensed, certified, or designated
1337 under this ~~[chapter]~~ part.

1338 (2) A person may not advertise or represent that the person holds a license,
1339 certification, or designation required under this ~~[chapter]~~ part, unless that person holds the
1340 license, certification, or designation under this ~~[chapter]~~ part.

1341 (3) A person may not employ or permit any employee to perform any service for which
1342 a license or certification is required by this ~~[chapter]~~ part, unless the person performing the
1343 service possesses the required license or certification under this ~~[chapter]~~ part.

1344 (4) A person may not wear, display, sell, reproduce, or otherwise use any Utah
1345 Emergency Medical Services insignia without authorization from the department.

1346 (5) A person may not reproduce or otherwise use materials developed by the
1347 department for licensure or certification testing or examination without authorization from the
1348 department.

1349 (6) A person may not willfully summon an ambulance or emergency response vehicle
1350 or report that one is needed when the person knows that the ambulance or emergency response
1351 vehicle is not needed.

1352 (7) A person who violates this section is subject to Section ~~[26-23-6]~~ 26B-1-224,
1353 Section 28. Section **26B-4-128**, which is renumbered from Section 26-8a-502.1 is
1354 renumbered and amended to read:

1355 ~~[26-8a-502.1]~~. **26B-4-128. Prohibition on the use of "911"**.

1356 (1) As used in this section:

1357 (a) "Emergency services" means services provided by a person in response to an
1358 emergency.

1359 (b) "Emergency services" includes:

1360 (i) fire protection services;

- 1361 (ii) paramedic services;
- 1362 (iii) law enforcement services;
- 1363 (iv) 911 ambulance or paramedic services~~[, as defined in Section 26-8a-102]~~; and
- 1364 (v) any other emergency services.

1365 (2) A person may not use "911" or other similar sequence of numbers in the person's
 1366 name with the purpose to deceive the public that the person operates or represents emergency
 1367 services, unless the person is authorized to provide emergency services.

- 1368 (3) A violation of Subsection (2) is:
- 1369 (a) a class C misdemeanor; and
- 1370 (b) subject to a fine of up to \$500 per violation.

1371 Section 29. Section **26B-4-129**, which is renumbered from Section 26-8a-503 is
 1372 renumbered and amended to read:

1373 ~~[26-8a-503].~~ **26B-4-129. Discipline of emergency medical services**
 1374 **personnel.**

1375 (1) The department may refuse to issue a license or renewal, or revoke, suspend,
 1376 restrict, or place on probation an individual's license if:

- 1377 (a) the individual does not meet the qualifications for licensure under Section
 1378 ~~[26-8a-302]~~ 26B-4-116;
- 1379 (b) the individual has engaged in conduct, as defined by committee rule, that:
 - 1380 (i) is unprofessional;
 - 1381 (ii) is adverse to the public health, safety, morals, or welfare; or
 - 1382 (iii) would adversely affect public trust in the emergency medical service system;
- 1383 (c) the individual has violated Section ~~[26-8a-502]~~ 26B-4-127 or other provision of this
 1384 ~~[chapter]~~ part;
- 1385 (d) the individual has violated Section 58-1-509;
- 1386 (e) a court of competent jurisdiction has determined the individual to be mentally
 1387 incompetent for any reason; or
- 1388 (f) the individual is unable to provide emergency medical services with reasonable skill
 1389 and safety because of illness, drunkenness, use of drugs, narcotics, chemicals, or any other type
 1390 of material, or as a result of any other mental or physical condition, when the individual's
 1391 condition demonstrates a clear and unjustifiable threat or potential threat to oneself, coworkers,

1392 or the public health, safety, or welfare that cannot be reasonably mitigated.

1393 (2) (a) An action to revoke, suspend, restrict, or place a license on probation shall be
1394 done in:

1395 (i) consultation with the peer review board created in Section [~~26-8a-105~~] [26B-4-102](#);
1396 and

1397 (ii) accordance with Title 63G, Chapter 4, Administrative Procedures Act.

1398 (b) Notwithstanding Subsection (2)(a), the department may issue a cease and desist
1399 order under Section [~~26-8a-507~~] [26B-4-133](#) to immediately suspend an individual's license
1400 pending an administrative proceeding to be held within 30 days if there is evidence to show
1401 that the individual poses a clear, immediate, and unjustifiable threat or potential threat to the
1402 public health, safety, or welfare.

1403 (3) An individual whose license has been suspended, revoked, or restricted may apply
1404 for reinstatement of the license at reasonable intervals and upon compliance with any
1405 conditions imposed upon the license by statute, committee rule, or the terms of the suspension,
1406 revocation, or restriction.

1407 (4) In addition to taking disciplinary action under Subsection (1), the department may
1408 impose sanctions in accordance with Section [~~26-23-6~~] [26B-1-224](#).

1409 Section 30. Section **26B-4-130**, which is renumbered from Section 26-8a-504 is
1410 renumbered and amended to read:

1411 [~~26-8a-504~~]. **26B-4-130. Discipline of designated and licensed providers.**

1412 (1) The department may refuse to issue a license or designation or a renewal, or revoke,
1413 suspend, restrict, or place on probation, an emergency medical service provider's license or
1414 designation if the provider has:

1415 (a) failed to abide by terms of the license or designation;

1416 (b) violated statute or rule;

1417 (c) failed to provide services at the level or in the exclusive geographic service area
1418 required by the license or designation;

1419 (d) failed to submit a renewal application in a timely fashion as required by department
1420 rule;

1421 (e) failed to follow operational standards established by the committee; or

1422 (f) committed an act in the performance of a professional duty that endangered the

1423 public or constituted gross negligence.

1424 (2) (a) An action to revoke, suspend, restrict, or place a license or designation on
1425 probation shall be done in accordance with Title 63G, Chapter 4, Administrative Procedures
1426 Act.

1427 (b) Notwithstanding Subsection (2)(a), the department may issue a cease and desist
1428 order under Section [~~26-8a-507~~] [26B-4-133](#) to immediately suspend a license or designation
1429 pending an administrative proceeding to be held within 30 days if there is evidence to show
1430 that the provider or facility poses a clear, immediate, and unjustifiable threat or potential threat
1431 to the public health, safety, or welfare.

1432 (3) In addition to taking disciplinary action under Subsection (1), the department may
1433 impose sanctions in accordance with Section [~~26-23-6~~] [26B-1-224](#).

1434 Section 31. Section **26B-4-131**, which is renumbered from Section 26-8a-505 is
1435 renumbered and amended to read:

1436 [~~26-8a-505~~]. **26B-4-131. Service interruption or cessation -- Receivership**
1437 **-- Default coverage -- Notice.**

1438 (1) Acting in the public interest, the department may petition the district court where an
1439 ambulance or paramedic provider operates or the district court with jurisdiction in Salt Lake
1440 County to appoint the department or an independent receiver to continue the operations of a
1441 provider upon any one of the following conditions:

1442 (a) the provider ceases or intends to cease operations;

1443 (b) the provider becomes insolvent;

1444 (c) the department has initiated proceedings to revoke the provider's license and has
1445 determined that the lives, health, safety, or welfare of the population served within the
1446 provider's exclusive geographic service area are endangered because of the provider's action or
1447 inaction pending a full hearing on the license revocation; or

1448 (d) the department has revoked the provider's license and has been unable to adequately
1449 arrange for another provider to take over the provider's exclusive geographic service area.

1450 (2) If a licensed or designated provider ceases operations or is otherwise unable to
1451 provide services, the department may arrange for another licensed provider to provide services
1452 on a temporary basis until a license is issued.

1453 (3) A licensed provider shall give the department 30 days notice of its intent to cease

1454 operations.

1455 Section 32. Section **26B-4-132**, which is renumbered from Section 26-8a-506 is
1456 renumbered and amended to read:

1457 ~~[26-8a-506]~~. **26B-4-132. Investigations for enforcement of part.**

1458 (1) The department may, for the purpose of ascertaining compliance with the
1459 provisions of this ~~[chapter]~~ part, enter and inspect on a routine basis the business premises and
1460 equipment of a person:

1461 (a) with a designation, permit, or license; or

1462 (b) who holds himself out to the general public as providing a service for which a
1463 designation, permit, or license is required under Section ~~[26-8a-301]~~ 26B-4-115.

1464 (2) Before conducting an inspection under Subsection (1), the department shall, after
1465 identifying the person in charge:

1466 (a) give proper identification;

1467 (b) describe the nature and purpose of the inspection; and

1468 (c) if necessary, explain the authority of the department to conduct the inspection.

1469 (3) In conducting an inspection under Subsection (1), the department may, after
1470 meeting the requirements of Subsection (2):

1471 (a) inspect records, equipment, and vehicles; and

1472 (b) interview personnel.

1473 (4) An inspection conducted under Subsection (1) shall be during regular operational
1474 hours.

1475 Section 33. Section **26B-4-133**, which is renumbered from Section 26-8a-507 is
1476 renumbered and amended to read:

1477 ~~[26-8a-507]~~. **26B-4-133. Cease and desist orders.**

1478 The department may issue a cease and desist order to any person who:

1479 (1) may be disciplined under Section ~~[26-8a-503 or 26-8a-504]~~ 26B-4-129 or
1480 26B-4-130; or

1481 (2) otherwise violates this ~~[chapter]~~ part or any rules adopted under this ~~[chapter]~~ part.

1482 Section 34. Section **26B-4-134**, which is renumbered from Section 26-8a-601 is
1483 renumbered and amended to read:

1484 ~~[26-8a-601]~~. **26B-4-134. Persons and activities exempt from civil liability.**

1485 (1) (a) Except as provided in Subsection (1)(b), a licensed physician, physician's
1486 assistant, or licensed registered nurse who, gratuitously and in good faith, gives oral or written
1487 instructions to any of the following is not liable for any civil damages as a result of issuing the
1488 instructions:

1489 (i) an individual licensed or certified under Section [~~26-8a-302~~] [26B-4-116](#);
1490 (ii) an individual who uses a fully automated external defibrillator, as defined in Section
1491 [~~26-8b-102~~] [26B-4-301](#); or
1492 (iii) an individual who administers CPR, as defined in Section [~~26-8b-102~~] [26B-4-301](#).

1493 (b) The liability protection described in Subsection (1)(a) does not apply if the
1494 instructions given were the result of gross negligence or willful misconduct.

1495 (2) An individual licensed or certified under Section [~~26-8a-302~~] [26B-4-116](#), during
1496 either training or after licensure or certification, a licensed physician, a physician assistant, or a
1497 registered nurse who, gratuitously and in good faith, provides emergency medical instructions
1498 or renders emergency medical care authorized by this [~~chapter~~] part is not liable for any civil
1499 damages as a result of any act or omission in providing the emergency medical instructions or
1500 medical care, unless the act or omission is the result of gross negligence or willful misconduct.

1501 (3) An individual licensed or certified under Section [~~26-8a-302~~] [26B-4-116](#) is not
1502 subject to civil liability for failure to obtain consent in rendering emergency medical services
1503 authorized by this [~~chapter~~] part to any individual who is unable to give his consent, regardless
1504 of the individual's age, where there is no other person present legally authorized to consent to
1505 emergency medical care, provided that the licensed individual acted in good faith.

1506 (4) A principal, agent, contractor, employee, or representative of an agency,
1507 organization, institution, corporation, or entity of state or local government that sponsors,
1508 authorizes, supports, finances, or supervises any functions of an individual licensed or certified
1509 under Section [~~26-8a-302~~] [26B-4-116](#) is not liable for any civil damages for any act or
1510 omission in connection with the sponsorship, authorization, support, finance, or supervision of
1511 the licensed or certified individual where the act or omission occurs in connection with the
1512 licensed or certified individual's training or occurs outside a hospital where the life of a patient
1513 is in immediate danger, unless the act or omission is inconsistent with the training of the
1514 licensed or certified individual, and unless the act or omission is the result of gross negligence
1515 or willful misconduct.

1516 (5) A physician or physician assistant who gratuitously and in good faith arranges for,
1517 requests, recommends, or initiates the transfer of a patient from a hospital to a critical care unit
1518 in another hospital is not liable for any civil damages as a result of such transfer where:

1519 (a) sound medical judgment indicates that the patient's medical condition is beyond the
1520 care capability of the transferring hospital or the medical community in which that hospital is
1521 located; and

1522 (b) the physician or physician assistant has secured an agreement from the receiving
1523 facility to accept and render necessary treatment to the patient.

1524 (6) An individual who is a registered member of the National Ski Patrol System (NSPS)
1525 or a member of a ski patrol who has completed a course in winter emergency care offered by
1526 the NSPS combined with CPR for medical technicians offered by the American Red Cross or
1527 American Heart Association, or an equivalent course of instruction, and who in good faith
1528 renders emergency care in the course of ski patrol duties is not liable for civil damages as a
1529 result of any act or omission in rendering the emergency care, unless the act or omission is the
1530 result of gross negligence or willful misconduct.

1531 (7) An emergency medical service provider who, in good faith, transports an individual
1532 against his will but at the direction of a law enforcement officer pursuant to Section
1533 [~~62A-15-629~~] 26B-5-331 is not liable for civil damages for transporting the individual.

1534 Section 35. Section **26B-4-135**, which is renumbered from Section 26-8a-602 is
1535 renumbered and amended to read:

1536 [~~26-8a-602~~]. **26B-4-135. Notification of air ambulance policies and**
1537 **charges.**

1538 (1) For any patient who is in need of air medical transport provider services, an
1539 emergency medical service provider shall:

1540 (a) provide the patient or the patient's representative with the information described in
1541 Subsection [~~26-8a-107~~] 26B-1-405(7)(a) before contacting an air medical transport provider;
1542 and

1543 (b) if multiple air medical transport providers are capable of providing the patient with
1544 services, provide the patient or the patient's representative an opportunity to choose the air
1545 medical transport provider.

1546 (2) Subsection (1) does not apply if the patient:

1547 (a) is unconscious and the patient's representative is not physically present with the
1548 patient; or

1549 (b) is unable, due to a medical condition, to make an informed decision about the
1550 choice of an air medical transport provider, and the patient's representative is not physically
1551 present with the patient.

1552 Section 36. Section **26B-4-136**, which is renumbered from Section 26-8a-603 is
1553 renumbered and amended to read:

1554 ~~[26-8a-603]~~. **26B-4-136. Volunteer Emergency Medical Service Personnel**
1555 **Health Insurance Program -- Creation -- Administration -- Eligibility -- Benefits --**
1556 **Rulemaking -- Advisory board.**

1557 (1) As used in this section:

1558 (a) "Health benefit plan" means the same as that term is defined in Section [31A-1-301](#).

1559 (b) "Local government entity" means a political subdivision that:

1560 (i) is licensed as a ground ambulance provider under Part 4, Ambulance and Paramedic
1561 Providers; and

1562 (ii) as of January 1, 2022, does not offer health insurance benefits to volunteer
1563 emergency medical service personnel.

1564 (c) "PEHP" means the Public Employees' Benefit and Insurance Program created in
1565 Section [49-20-103](#).

1566 (d) "Political subdivision" means a county, a municipality, a limited purpose
1567 government entity described in Title 17B, Limited Purpose Local Government Entities - Local
1568 Districts, or Title 17D, Limited Purpose Local Government Entities - Other Entities, or an
1569 entity created by an interlocal agreement under Title 11, Chapter 13, Interlocal Cooperation
1570 Act.

1571 (e) "Qualifying association" means an association that represents two or more political
1572 subdivisions in the state.

1573 (2) The Volunteer Emergency Medical Service Personnel Health Insurance Program
1574 shall promote recruitment and retention of volunteer emergency medical service personnel by
1575 making health insurance available to volunteer emergency medical service personnel.

1576 (3) The department shall contract with a qualifying association to create, implement,
1577 and administer the Volunteer Emergency Medical Service Personnel Health Insurance Program

1578 described in this section.

1579 (4) Participation in the program is limited to emergency medical service personnel
1580 who:

1581 (a) are licensed under Section [~~26-8a-302~~] [26B-4-116](#) and are able to perform all
1582 necessary functions associated with the license;

1583 (b) provide emergency medical services under the direction of a local governmental
1584 entity:

1585 (i) by responding to 20% of calls for emergency medical services in a rolling
1586 twelve-month period;

1587 (ii) within a county of the third, fourth, fifth, or sixth class; and

1588 (iii) as a volunteer under the Fair Labor Standards Act, in accordance with 29 C.F.R.
1589 Sec. 553.106;

1590 (c) are not eligible for a health benefit plan through an employer or a spouse's
1591 employer;

1592 (d) are not eligible for medical coverage under a government sponsored healthcare
1593 program; and

1594 (e) reside in the state.

1595 (5) (a) A participant in the program is eligible to participate in PEHP in accordance
1596 with Subsection (5)(b) and Subsection [49-20-201\(3\)](#).

1597 (b) Benefits available to program participants under PEHP are limited to health
1598 insurance that:

1599 (i) covers the program participant and the program participant's eligible dependents on
1600 a July 1 plan year;

1601 (ii) accepts enrollment during an open enrollment period or for a special enrollment
1602 event, including the initial eligibility of a program participant;

1603 (iii) if the program participant is no longer eligible for benefits, terminates on the last
1604 day of the last month for which the individual is a participant in the Volunteer Emergency
1605 Medical Service Personnel Health Insurance Program; and

1606 (iv) is not subject to continuation rights under state or federal law.

1607 (6) (a) The department may make rules in accordance with Title 63G, Chapter 3, Utah
1608 Administrative Rulemaking Act, to define additional criteria regarding benefit design and

1609 eligibility for the program.

1610 (b) The department shall convene an advisory board:

1611 (i) to advise the department on making rules under Subsection (6)(a); and

1612 (ii) that includes representation from at least the following entities:

1613 (A) the qualifying association that receives the contract under Subsection (3); and

1614 (B) PEHP.

1615 (7) For purposes of this section, the qualifying association that receives the contract

1616 under Subsection (3) shall be considered the public agency for whom the program participant is

1617 volunteering under 29 C.F.R. Sec. 553.101.

1618 Section 37. Section **26B-4-137**, which is renumbered from Section 26-8c-102 is

1619 renumbered and amended to read:

1620 ~~[26-8c-102]~~. **26B-4-137. EMS Personnel Licensure Interstate Compact.**

1621 EMS PERSONNEL LICENSURE INTERSTATE COMPACT

1622 SECTION 1. PURPOSE

1623 In order to protect the public through verification of competency and ensure

1624 accountability for patient care related activities all states license emergency medical services

1625 (EMS) personnel, such as emergency medical technicians (EMTs), advanced EMTs and

1626 paramedics. This Compact is intended to facilitate the day to day movement of EMS personnel

1627 across state boundaries in the performance of their EMS duties as assigned by an appropriate

1628 authority and authorize state EMS offices to afford immediate legal recognition to EMS

1629 personnel licensed in a member state. This Compact recognizes that states have a vested

1630 interest in protecting the public's health and safety through their licensing and regulation of

1631 EMS personnel and that such state regulation shared among the member states will best protect

1632 public health and safety. This Compact is designed to achieve the following purposes and

1633 objectives:

1634 1. Increase public access to EMS personnel;

1635 2. Enhance the states' ability to protect the public's health and safety, especially patient

1636 safety;

1637 3. Encourage the cooperation of member states in the areas of EMS personnel licensure

1638 and regulation;

1639 4. Support licensing of military members who are separating from an active duty tour

1640 and their spouses;

1641 5. Facilitate the exchange of information between member states regarding EMS
1642 personnel licensure, adverse action and significant investigatory information;

1643 6. Promote compliance with the laws governing EMS personnel practice in each
1644 member state; and

1645 7. Invest all member states with the authority to hold EMS personnel accountable
1646 through the mutual recognition of member state licenses.

1647 SECTION 2. DEFINITIONS

1648 In this compact:

1649 A. "Advanced Emergency Medical Technician (AEMT)" means: an individual licensed
1650 with cognitive knowledge and a scope of practice that corresponds to that level in the National
1651 EMS Education Standards and National EMS Scope of Practice Model.

1652 B. "Adverse Action" means: any administrative, civil, equitable or criminal action
1653 permitted by a state's laws which may be imposed against licensed EMS personnel by a state
1654 EMS authority or state court, including, but not limited to, actions against an individual's
1655 license such as revocation, suspension, probation, consent agreement, monitoring or other
1656 limitation or encumbrance on the individual's practice, letters of reprimand or admonition,
1657 fines, criminal convictions and state court judgments enforcing adverse actions by the state
1658 EMS authority.

1659 C. "Alternative program" means: a voluntary, non-disciplinary substance abuse
1660 recovery program approved by a state EMS authority.

1661 D. "Certification" means: the successful verification of entry-level cognitive and
1662 psychomotor competency using a reliable, validated, and legally defensible examination.

1663 E. "Commission" means: the national administrative body of which all states that have
1664 enacted the compact are members.

1665 F. "Emergency Medical Technician (EMT)" means: an individual licensed with
1666 cognitive knowledge and a scope of practice that corresponds to that level in the National EMS
1667 Education Standards and National EMS Scope of Practice Model.

1668 G. "Home State" means: a member state where an individual is licensed to practice
1669 emergency medical services.

1670 H. "License" means: the authorization by a state for an individual to practice as an

1671 EMT, AEMT, paramedic, or a level in between EMT and paramedic.

1672 I. "Medical Director" means: a physician licensed in a member state who is
1673 accountable for the care delivered by EMS personnel.

1674 J. "Member State" means: a state that has enacted this compact.

1675 K. "Privilege to Practice" means: an individual's authority to deliver emergency
1676 medical services in remote states as authorized under this compact.

1677 L. "Paramedic" means: an individual licensed with cognitive knowledge and a scope of
1678 practice that corresponds to that level in the National EMS Education Standards and National
1679 EMS Scope of Practice Model.

1680 M. "Remote State" means: a member state in which an individual is not licensed.

1681 N. "Restricted" means: the outcome of an adverse action that limits a license or the
1682 privilege to practice.

1683 O. "Rule" means: a written statement by the interstate Commission promulgated
1684 pursuant to Section 12 of this compact that is of general applicability; implements, interprets,
1685 or prescribes a policy or provision of the compact; or is an organizational, procedural, or
1686 practice requirement of the Commission and has the force and effect of statutory law in a
1687 member state and includes the amendment, repeal, or suspension of an existing rule.

1688 P. "Scope of Practice" means: defined parameters of various duties or services that may
1689 be provided by an individual with specific credentials. Whether regulated by rule, statute, or
1690 court decision, it tends to represent the limits of services an individual may perform.

1691 Q. "Significant Investigatory Information" means:

1692 1. investigative information that a state EMS authority, after a preliminary inquiry that
1693 includes notification and an opportunity to respond if required by state law, has reason to
1694 believe, if proved true, would result in the imposition of an adverse action on a license or
1695 privilege to practice; or

1696 2. investigative information that indicates that the individual represents an immediate
1697 threat to public health and safety regardless of whether the individual has been notified and had
1698 an opportunity to respond.

1699 R. "State" means: means any state, commonwealth, district, or territory of the United
1700 States.

1701 S. "State EMS Authority" means: the board, office, or other agency with the legislative

1702 mandate to license EMS personnel.

1703 SECTION 3. HOME STATE LICENSURE

1704 A. Any member state in which an individual holds a current license shall be deemed a
1705 home state for purposes of this compact.

1706 B. Any member state may require an individual to obtain and retain a license to be
1707 authorized to practice in the member state under circumstances not authorized by the privilege
1708 to practice under the terms of this compact.

1709 C. A home state's license authorizes an individual to practice in a remote state under
1710 the privilege to practice only if the home state:

1711 1. Currently requires the use of the National Registry of Emergency Medical
1712 Technicians (NREMT) examination as a condition of issuing initial licenses at the EMT and
1713 paramedic levels;

1714 2. Has a mechanism in place for receiving and investigating complaints about
1715 individuals;

1716 3. Notifies the Commission, in compliance with the terms herein, of any adverse action
1717 or significant investigatory information regarding an individual;

1718 4. No later than five years after activation of the Compact, requires a criminal
1719 background check of all applicants for initial licensure, including the use of the results of
1720 fingerprint or other biometric data checks compliant with the requirements of the Federal
1721 Bureau of Investigation with the exception of federal employees who have suitability
1722 determination in accordance with 5 C.F.R. Sec. 731.202 and submit documentation of such as
1723 promulgated in the rules of the Commission; and

1724 5. Complies with the rules of the Commission.

1725 SECTION 4. COMPACT PRIVILEGE TO PRACTICE

1726 A. Member states shall recognize the privilege to practice of an individual licensed in
1727 another member state that is in conformance with Section 3.

1728 B. To exercise the privilege to practice under the terms and provisions of this compact,
1729 an individual must:

1730 1. Be at least 18 years of age;

1731 2. Possess a current unrestricted license in a member state as an EMT, AEMT,
1732 paramedic, or state recognized and licensed level with a scope of practice and authority

1733 between EMT and paramedic; and

1734 3. Practice under the supervision of a medical director.

1735 C. An individual providing patient care in a remote state under the privilege to practice
1736 shall function within the scope of practice authorized by the home state unless and until
1737 modified by an appropriate authority in the remote state as may be defined in the rules of the
1738 commission.

1739 D. Except as provided in Section 4 subsection C, an individual practicing in a remote
1740 state will be subject to the remote state's authority and laws. A remote state may, in accordance
1741 with due process and that state's laws, restrict, suspend, or revoke an individual's privilege to
1742 practice in the remote state and may take any other necessary actions to protect the health and
1743 safety of its citizens. If a remote state takes action it shall promptly notify the home state and
1744 the Commission.

1745 E. If an individual's license in any home state is restricted or suspended, the individual
1746 shall not be eligible to practice in a remote state under the privilege to practice until the
1747 individual's home state license is restored.

1748 F. If an individual's privilege to practice in any remote state is restricted, suspended, or
1749 revoked the individual shall not be eligible to practice in any remote state until the individual's
1750 privilege to practice is restored.

1751 SECTION 5. CONDITIONS OF PRACTICE IN A REMOTE STATE

1752 An individual may practice in a remote state under a privilege to practice only in the
1753 performance of the individual's EMS duties as assigned by an appropriate authority, as defined
1754 in the rules of the Commission, and under the following circumstances:

1755 1. The individual originates a patient transport in a home state and transports the
1756 patient to a remote state;

1757 2. The individual originates in the home state and enters a remote state to pick up a
1758 patient and provide care and transport of the patient to the home state;

1759 3. The individual enters a remote state to provide patient care and/or transport within
1760 that remote state;

1761 4. The individual enters a remote state to pick up a patient and provide care and
1762 transport to a third member state;

1763 5. Other conditions as determined by rules promulgated by the commission.

1764 SECTION 6. RELATIONSHIP TO EMERGENCY
1765 MANAGEMENT ASSISTANCE COMPACT

1766 Upon a member state's governor's declaration of a state of emergency or disaster that
1767 activates the Emergency Management Assistance Compact (EMAC), all relevant terms and
1768 provisions of EMAC shall apply and to the extent any terms or provisions of this Compact
1769 conflicts with EMAC, the terms of EMAC shall prevail with respect to any individual
1770 practicing in the remote state in response to such declaration.

1771 SECTION 7. VETERANS, SERVICE MEMBERS SEPARATING
1772 FROM ACTIVE DUTY MILITARY, AND THEIR SPOUSES

1773 A. Member states shall consider a veteran, active military service member, and
1774 member of the National Guard and Reserves separating from an active duty tour, and a spouse
1775 thereof, who holds a current valid and unrestricted NREMT certification at or above the level
1776 of the state license being sought as satisfying the minimum training and examination
1777 requirements for such licensure.

1778 B. Member states shall expedite the processing of licensure applications submitted by
1779 veterans, active military service members, and members of the National Guard and Reserves
1780 separating from an active duty tour, and their spouses.

1781 C. All individuals functioning with a privilege to practice under this Section remain
1782 subject to the Adverse Actions provisions of Section VIII.

1783 SECTION 8. ADVERSE ACTIONS

1784 A. A home state shall have exclusive power to impose adverse action against an
1785 individual's license issued by the home state.

1786 B. If an individual's license in any home state is restricted or suspended, the individual
1787 shall not be eligible to practice in a remote state under the privilege to practice until the
1788 individual's home state license is restored.

1789 1. All home state adverse action orders shall include a statement that the individual's
1790 compact privileges are inactive. The order may allow the individual to practice in remote states
1791 with prior written authorization from both the home state and remote state's EMS authority.

1792 2. An individual currently subject to adverse action in the home state shall not practice
1793 in any remote state without prior written authorization from both the home state and remote
1794 state's EMS authority.

1795 C. A member state shall report adverse actions and any occurrences that the
1796 individual's compact privileges are restricted, suspended, or revoked to the Commission in
1797 accordance with the rules of the Commission.

1798 D. A remote state may take adverse action on an individual's privilege to practice
1799 within that state.

1800 E. Any member state may take adverse action against an individual's privilege to
1801 practice in that state based on the factual findings of another member state, so long as each
1802 state follows its own procedures for imposing such adverse action.

1803 F. A home state's EMS authority shall investigate and take appropriate action with
1804 respect to reported conduct in a remote state as it would if such conduct had occurred within
1805 the home state. In such cases, the home state's law shall control in determining the appropriate
1806 adverse action.

1807 G. Nothing in this Compact shall override a member state's decision that participation
1808 in an alternative program may be used in lieu of adverse action and that such participation shall
1809 remain non-public if required by the member state's laws. Member states must require
1810 individuals who enter any alternative programs to agree not to practice in any other member
1811 state during the term of the alternative program without prior authorization from such other
1812 member state.

1813 SECTION 9. ADDITIONAL POWERS INVESTED
1814 IN A MEMBER STATE'S EMS AUTHORITY

1815 A member state's EMS authority, in addition to any other powers granted under state
1816 law, is authorized under this compact to:

1817 1. Issue subpoenas for both hearings and investigations that require the attendance and
1818 testimony of witnesses and the production of evidence. Subpoenas issued by a member state's
1819 EMS authority for the attendance and testimony of witnesses, and/or the production of
1820 evidence from another member state, shall be enforced in the remote state by any court of
1821 competent jurisdiction, according to that court's practice and procedure in considering
1822 subpoenas issued in its own proceedings. The issuing state EMS authority shall pay any
1823 witness fees, travel expenses, mileage, and other fees required by the service statutes of the
1824 state where the witnesses and/or evidence are located; and

1825 2. Issue cease and desist orders to restrict, suspend, or revoke an individual's privilege

1826 to practice in the state.

1827 SECTION 10. ESTABLISHMENT OF THE INTERSTATE

1828 COMMISSION FOR EMS PERSONNEL PRACTICE

1829 A. The Compact states hereby create and establish a joint public agency known as the
1830 Interstate Commission for EMS Personnel Practice.

1831 1. The Commission is a body politic and an instrumentality of the Compact states.

1832 2. Venue is proper and judicial proceedings by or against the Commission shall be
1833 brought solely and exclusively in a court of competent jurisdiction where the principal office of
1834 the Commission is located. The Commission may waive venue and jurisdictional defenses to
1835 the extent it adopts or consents to participate in alternative dispute resolution proceedings.

1836 3. Nothing in this Compact shall be construed to be a waiver of sovereign immunity.

1837 B. Membership, Voting, and Meetings

1838 1. Each member state shall have and be limited to one (1) delegate. The responsible
1839 official of the state EMS authority or his designee shall be the delegate to this Compact for
1840 each member state. Any delegate may be removed or suspended from office as provided by the
1841 law of the state from which the delegate is appointed. Any vacancy occurring in the
1842 Commission shall be filled in accordance with the laws of the member state in which the
1843 vacancy exists. In the event that more than one board, office, or other agency with the
1844 legislative mandate to license EMS personnel at and above the level of EMT exists, the
1845 Governor of the state will determine which entity will be responsible for assigning the delegate.

1846 2. Each delegate shall be entitled to one (1) vote with regard to the promulgation of
1847 rules and creation of bylaws and shall otherwise have an opportunity to participate in the
1848 business and affairs of the Commission. A delegate shall vote in person or by such other
1849 means as provided in the bylaws. The bylaws may provide for delegates' participation in
1850 meetings by telephone or other means of communication.

1851 3. The Commission shall meet at least once during each calendar year. Additional
1852 meetings shall be held as set forth in the bylaws.

1853 4. All meetings shall be open to the public, and public notice of meetings shall be
1854 given in the same manner as required under the rulemaking provisions in Section XII.

1855 5. The Commission may convene in a closed, non-public meeting if the Commission
1856 must discuss:

- 1857 a. Non-compliance of a member state with its obligations under the Compact;
1858 b. The employment, compensation, discipline or other personnel matters, practices or
1859 procedures related to specific employees or other matters related to the Commission's internal
1860 personnel practices and procedures;
- 1861 c. Current, threatened, or reasonably anticipated litigation;
1862 d. Negotiation of contracts for the purchase or sale of goods, services, or real estate;
1863 e. Accusing any person of a crime or formally censuring any person;
1864 f. Disclosure of trade secrets or commercial or financial information that is privileged
1865 or confidential;
- 1866 g. Disclosure of information of a personal nature where disclosure would constitute a
1867 clearly unwarranted invasion of personal privacy;
- 1868 h. Disclosure of investigatory records compiled for law enforcement purposes;
1869 i. Disclosure of information related to any investigatory reports prepared by or on
1870 behalf of or for use of the Commission or other committee charged with responsibility of
1871 investigation or determination of compliance issues pursuant to the compact; or
1872 j. Matters specifically exempted from disclosure by federal or member state statute.
- 1873 6. If a meeting, or portion of a meeting, is closed pursuant to this provision, the
1874 Commission's legal counsel or designee shall certify that the meeting may be closed and shall
1875 reference each relevant exempting provision. The Commission shall keep minutes that fully
1876 and clearly describe all matters discussed in a meeting and shall provide a full and accurate
1877 summary of actions taken, and the reasons therefore, including a description of the views
1878 expressed. All documents considered in connection with an action shall be identified in such
1879 minutes. All minutes and documents of a closed meeting shall remain under seal, subject to
1880 release by a majority vote of the Commission or order of a court of competent jurisdiction.
- 1881 C. The Commission shall, by a majority vote of the delegates, prescribe bylaws and/or
1882 rules to govern its conduct as may be necessary or appropriate to carry out the purposes and
1883 exercise the powers of the compact, including but not limited to:
- 1884 1. Establishing the fiscal year of the Commission;
1885 2. Providing reasonable standards and procedures:
1886 a. for the establishment and meetings of other committees; and
1887 b. governing any general or specific delegation of any authority or function of the

1888 Commission;

1889 3. Providing reasonable procedures for calling and conducting meetings of the
1890 Commission, ensuring reasonable advance notice of all meetings, and providing an opportunity
1891 for attendance of such meetings by interested parties, with enumerated exceptions designed to
1892 protect the public's interest, the privacy of individuals, and proprietary information, including
1893 trade secrets. The Commission may meet in closed session only after a majority of the
1894 membership votes to close a meeting in whole or in part. As soon as practicable, the
1895 Commission must make public a copy of the vote to close the meeting revealing the vote of
1896 each member with no proxy votes allowed;

1897 4. Establishing the titles, duties and authority, and reasonable procedures for the
1898 election of the officers of the Commission;

1899 5. Providing reasonable standards and procedures for the establishment of the
1900 personnel policies and programs of the Commission. Notwithstanding any civil service or
1901 other similar laws of any member state, the bylaws shall exclusively govern the personnel
1902 policies and programs of the Commission;

1903 6. Promulgating a code of ethics to address permissible and prohibited activities of
1904 Commission members and employees;

1905 7. Providing a mechanism for winding up the operations of the Commission and the
1906 equitable disposition of any surplus funds that may exist after the termination of the Compact
1907 after the payment and/or reserving of all of its debts and obligations;

1908 8. The Commission shall publish its bylaws and file a copy thereof, and a copy of any
1909 amendment thereto, with the appropriate agency or officer in each of the member states, if any.

1910 9. The Commission shall maintain its financial records in accordance with the bylaws.

1911 10. The Commission shall meet and take such actions as are consistent with the
1912 provisions of this Compact and the bylaws.

1913 D. The Commission shall have the following powers:

1914 1. The authority to promulgate uniform rules to facilitate and coordinate
1915 implementation and administration of this Compact. The rules shall have the force and effect
1916 of law and shall be binding in all member states;

1917 2. To bring and prosecute legal proceedings or actions in the name of the Commission,
1918 provided that the standing of any state EMS authority or other regulatory body responsible for

- 1919 EMS personnel licensure to sue or be sued under applicable law shall not be affected;
- 1920 3. To purchase and maintain insurance and bonds;
- 1921 4. To borrow, accept, or contract for services of personnel, including, but not limited
- 1922 to, employees of a member state;
- 1923 5. To hire employees, elect or appoint officers, fix compensation, define duties, grant
- 1924 such individuals appropriate authority to carry out the purposes of the compact, and to establish
- 1925 the Commission's personnel policies and programs relating to conflicts of interest,
- 1926 qualifications of personnel, and other related personnel matters;
- 1927 6. To accept any and all appropriate donations and grants of money, equipment,
- 1928 supplies, materials and services, and to receive, utilize and dispose of the same; provided that
- 1929 at all times the Commission shall strive to avoid any appearance of impropriety and/or conflict
- 1930 of interest;
- 1931 7. To lease, purchase, accept appropriate gifts or donations of, or otherwise to own,
- 1932 hold, improve or use, any property, real, personal or mixed; provided that at all times the
- 1933 Commission shall strive to avoid any appearance of impropriety;
- 1934 8. To sell convey, mortgage, pledge, lease, exchange, abandon, or otherwise dispose of
- 1935 any property real, personal, or mixed;
- 1936 9. To establish a budget and make expenditures;
- 1937 10. To borrow money;
- 1938 11. To appoint committees, including advisory committees comprised of members,
- 1939 state regulators, state legislators or their representatives, and consumer representatives, and
- 1940 such other interested persons as may be designated in this compact and the bylaws;
- 1941 12. To provide and receive information from, and to cooperate with, law enforcement
- 1942 agencies;
- 1943 13. To adopt and use an official seal; and
- 1944 14. To perform such other functions as may be necessary or appropriate to achieve the
- 1945 purposes of this Compact consistent with the state regulation of EMS personnel licensure and
- 1946 practice.
- 1947 E. Financing of the Commission
- 1948 1. The Commission shall pay, or provide for the payment of, the reasonable expenses
- 1949 of its establishment, organization, and ongoing activities.

1950 2. The Commission may accept any and all appropriate revenue sources, donations, and
1951 grants of money, equipment, supplies, materials, and services.

1952 3. The Commission may levy on and collect an annual assessment from each member
1953 state or impose fees on other parties to cover the cost of the operations and activities of the
1954 Commission and its staff, which must be in a total amount sufficient to cover its annual budget
1955 as approved each year for which revenue is not provided by other sources. The aggregate
1956 annual assessment amount shall be allocated based upon a formula to be determined by the
1957 Commission, which shall promulgate a rule binding upon all member states.

1958 4. The Commission shall not incur obligations of any kind prior to securing the funds
1959 adequate to meet the same; nor shall the Commission pledge the credit of any of the member
1960 states, except by and with the authority of the member state.

1961 5. The Commission shall keep accurate accounts of all receipts and disbursements.
1962 The receipts and disbursements of the Commission shall be subject to the audit and accounting
1963 procedures established under its bylaws. However, all receipts and disbursements of funds
1964 handled by the Commission shall be audited yearly by a certified or licensed public accountant,
1965 and the report of the audit shall be included in and become part of the annual report of the
1966 Commission.

1967 F. Qualified Immunity, Defense, and Indemnification

1968 1. The members, officers, executive director, employees and representatives of the
1969 Commission shall be immune from suit and liability, either personally or in their official
1970 capacity, for any claim for damage to or loss of property or personal injury or other civil
1971 liability caused by or arising out of any actual or alleged act, error or omission that occurred, or
1972 that the person against whom the claim is made had a reasonable basis for believing occurred
1973 within the scope of Commission employment, duties or responsibilities; provided that nothing
1974 in this paragraph shall be construed to protect any such person from suit and/or liability for any
1975 damage, loss, injury, or liability caused by the intentional or willful or wanton misconduct of
1976 that person.

1977 2. The Commission shall defend any member, officer, executive director, employee or
1978 representative of the Commission in any civil action seeking to impose liability arising out of
1979 any actual or alleged act, error, or omission that occurred within the scope of Commission
1980 employment, duties, or responsibilities, or that the person against whom the claim is made had

1981 a reasonable basis for believing occurred within the scope of Commission employment, duties,
1982 or responsibilities; provided that nothing herein shall be construed to prohibit that person from
1983 retaining his or her own counsel; and provided further, that the actual or alleged act, error, or
1984 omission did not result from that person's intentional or willful or wanton misconduct.

1985 3. The Commission shall indemnify and hold harmless any member, officer, executive
1986 director, employee, or representative of the Commission for the amount of any settlement or
1987 judgment obtained against that person arising out of any actual or alleged act, error or omission
1988 that occurred within the scope of Commission employment, duties, or responsibilities, or that
1989 such person had a reasonable basis for believing occurred within the scope of Commission
1990 employment, duties, or responsibilities, provided that the actual or alleged act, error, or
1991 omission did not result from the intentional or willful or wanton misconduct of that person.

1992 SECTION 11. COORDINATED DATABASE

1993 A. The Commission shall provide for the development and maintenance of a
1994 coordinated database and reporting system containing licensure, adverse action, and significant
1995 investigatory information on all licensed individuals in member states.

1996 B. Notwithstanding any other provision of state law to the contrary, a member state
1997 shall submit a uniform data set to the coordinated database on all individuals to whom this
1998 compact is applicable as required by the rules of the Commission, including:

- 1999 1. Identifying information;
- 2000 2. Licensure data;
- 2001 3. Significant investigatory information;
- 2002 4. Adverse actions against an individual's license;
- 2003 5. An indicator that an individual's privilege to practice is restricted, suspended or
2004 revoked;
- 2005 6. Non-confidential information related to alternative program participation;
- 2006 7. Any denial of application for licensure, and the reason(s) for such denial; and
- 2007 8. Other information that may facilitate the administration of this Compact, as
2008 determined by the rules of the Commission.

2009 C. The coordinated database administrator shall promptly notify all member states of
2010 any adverse action taken against, or significant investigative information on, any individual in a
2011 member state.

2012 D. Member states contributing information to the coordinated database may designate
2013 information that may not be shared with the public without the express permission of the
2014 contributing state.

2015 E. Any information submitted to the coordinated database that is subsequently required
2016 to be expunged by the laws of the member state contributing the information shall be removed
2017 from the coordinated database.

2018 SECTION 12. RULEMAKING

2019 A. The Commission shall exercise its rulemaking powers pursuant to the criteria set
2020 forth in this Section and the rules adopted thereunder. Rules and amendments shall become
2021 binding as of the date specified in each rule or amendment.

2022 B. If a majority of the legislatures of the member states rejects a rule, by enactment of a
2023 statute or resolution in the same manner used to adopt the Compact, then such rule shall have
2024 no further force and effect in any member state.

2025 C. Rules or amendments to the rules shall be adopted at a regular or special meeting of
2026 the Commission.

2027 D. Prior to promulgation and adoption of a final rule or rules by the Commission, and
2028 at least sixty (60) days in advance of the meeting at which the rule will be considered and voted
2029 upon, the Commission shall file a Notice of Proposed Rulemaking:

- 2030 1. On the website of the Commission; and
2031 2. On the website of each member state EMS authority or the publication in which each
2032 state would otherwise publish proposed rules.

2033 E. The Notice of Proposed Rulemaking shall include:

- 2034 1. The proposed time, date, and location of the meeting in which the rule will be
2035 considered and voted upon;
2036 2. The text of the proposed rule or amendment and the reason for the proposed rule;
2037 3. A request for comments on the proposed rule from any interested person; and
2038 4. The manner in which interested persons may submit notice to the Commission of
2039 their intention to attend the public hearing and any written comments.

2040 F. Prior to adoption of a proposed rule, the Commission shall allow persons to submit
2041 written data, facts, opinions, and arguments, which shall be made available to the public.

2042 G. The Commission shall grant an opportunity for a public hearing before it adopts a

2043 rule or amendment if a hearing is requested by:

- 2044 1. At least twenty-five (25) persons;
- 2045 2. A governmental subdivision or agency; or
- 2046 3. An association having at least twenty-five (25) members.

2047 H. If a hearing is held on the proposed rule or amendment, the Commission shall
2048 publish the place, time, and date of the scheduled public hearing.

2049 1. All persons wishing to be heard at the hearing shall notify the executive director of
2050 the Commission or other designated member in writing of their desire to appear and testify at
2051 the hearing not less than five (5) business days before the scheduled date of the hearing.

2052 2. Hearings shall be conducted in a manner providing each person who wishes to
2053 comment a fair and reasonable opportunity to comment orally or in writing.

2054 3. No transcript of the hearing is required, unless a written request for a transcript is
2055 made, in which case the person requesting the transcript shall bear the cost of producing the
2056 transcript. A recording may be made in lieu of a transcript under the same terms and
2057 conditions as a transcript. This subsection shall not preclude the Commission from making a
2058 transcript or recording of the hearing if it so chooses.

2059 4. Nothing in this section shall be construed as requiring a separate hearing on each
2060 rule. Rules may be grouped for the convenience of the Commission at hearings required by
2061 this section.

2062 I. Following the scheduled hearing date, or by the close of business on the scheduled
2063 hearing date if the hearing was not held, the Commission shall consider all written and oral
2064 comments received.

2065 J. The Commission shall, by majority vote of all members, take final action on the
2066 proposed rule and shall determine the effective date of the rule, if any, based on the rulemaking
2067 record and the full text of the rule.

2068 K. If no written notice of intent to attend the public hearing by interested parties is
2069 received, the Commission may proceed with promulgation of the proposed rule without a
2070 public hearing.

2071 L. Upon determination that an emergency exists, the Commission may consider and
2072 adopt an emergency rule without prior notice, opportunity for comment, or hearing, provided
2073 that the usual rulemaking procedures provided in the Compact and in this section shall be

2074 retroactively applied to the rule as soon as reasonably possible, in no event later than ninety
2075 (90) days after the effective date of the rule. For the purposes of this provision, an emergency
2076 rule is one that must be adopted immediately in order to:

- 2077 1. Meet an imminent threat to public health, safety, or welfare;
- 2078 2. Prevent a loss of Commission or member state funds;
- 2079 3. Meet a deadline for the promulgation of an administrative rule that is established by
2080 federal law or rule; or
- 2081 4. Protect public health and safety.

2082 M. The Commission or an authorized committee of the Commission may direct
2083 revisions to a previously adopted rule or amendment for purposes of correcting typographical
2084 errors, errors in format, errors in consistency, or grammatical errors. Public notice of any
2085 revisions shall be posted on the website of the Commission. The revision shall be subject to
2086 challenge by any person for a period of thirty (30) days after posting. The revision may be
2087 challenged only on grounds that the revision results in a material change to a rule. A challenge
2088 shall be made in writing, and delivered to the chair of the Commission prior to the end of the
2089 notice period. If no challenge is made, the revision will take effect without further action. If
2090 the revision is challenged, the revision may not take effect without the approval of the
2091 Commission.

2092 SECTION 13. OVERSIGHT, DISPUTE RESOLUTION, AND ENFORCEMENT

2093 A. Oversight

2094 1. The executive, legislative, and judicial branches of state government in each
2095 member state shall enforce this compact and take all actions necessary and appropriate to
2096 effectuate the compact's purposes and intent. The provisions of this compact and the rules
2097 promulgated hereunder shall have standing as statutory law.

2098 2. All courts shall take judicial notice of the compact and the rules in any judicial or
2099 administrative proceeding in a member state pertaining to the subject matter of this compact
2100 which may affect the powers, responsibilities or actions of the Commission.

2101 3. The Commission shall be entitled to receive service of process in any such
2102 proceeding, and shall have standing to intervene in such a proceeding for all purposes. Failure
2103 to provide service of process to the Commission shall render a judgment or order void as to the
2104 Commission, this Compact, or promulgated rules.

2105 B. Default, Technical Assistance, and Termination

2106 1. If the Commission determines that a member state has defaulted in the performance
2107 of its obligations or responsibilities under this compact or the promulgated rules, the
2108 Commission shall:

2109 a. Provide written notice to the defaulting state and other member states of the nature
2110 of the default, the proposed means of curing the default and/or any other action to be taken by
2111 the Commission; and

2112 b. Provide remedial training and specific technical assistance regarding the default.

2113 2. If a state in default fails to cure the default, the defaulting state may be terminated
2114 from the Compact upon an affirmative vote of a majority of the member states, and all rights,
2115 privileges and benefits conferred by this compact may be terminated on the effective date of
2116 termination. A cure of the default does not relieve the offending state of obligations or
2117 liabilities incurred during the period of default.

2118 3. Termination of membership in the compact shall be imposed only after all other
2119 means of securing compliance have been exhausted. Notice of intent to suspend or terminate
2120 shall be given by the Commission to the governor, the majority and minority leaders of the
2121 defaulting state's legislature, and each of the member states.

2122 4. A state that has been terminated is responsible for all assessments, obligations, and
2123 liabilities incurred through the effective date of termination, including obligations that extend
2124 beyond the effective date of termination.

2125 5. The Commission shall not bear any costs related to a state that is found to be in
2126 default or that has been terminated from the compact, unless agreed upon in writing between
2127 the Commission and the defaulting state.

2128 6. The defaulting state may appeal the action of the Commission by petitioning the
2129 U.S. District Court for the District of Columbia or the federal district where the Commission
2130 has its principal offices. The prevailing member shall be awarded all costs of such litigation,
2131 including reasonable attorney's fees.

2132 C. Dispute Resolution

2133 1. Upon request by a member state, the Commission shall attempt to resolve disputes
2134 related to the compact that arise among member states and between member and non-member
2135 states.

2136 2. The Commission shall promulgate a rule providing for both mediation and binding
2137 dispute resolution for disputes as appropriate.

2138 D. Enforcement

2139 1. The Commission, in the reasonable exercise of its discretion, shall enforce the
2140 provisions and rules of this compact.

2141 2. By majority vote, the Commission may initiate legal action in the United States
2142 District Court for the District of Columbia or the federal district where the Commission has its
2143 principal offices against a member state in default to enforce compliance with the provisions of
2144 the compact and its promulgated rules and bylaws. The relief sought may include both
2145 injunctive relief and damages. In the event judicial enforcement is necessary, the prevailing
2146 member shall be awarded all costs of such litigation, including reasonable attorney's fees.

2147 3. The remedies herein shall not be the exclusive remedies of the Commission. The
2148 Commission may pursue any other remedies available under federal or state law.

2149 SECTION 14. DATE OF IMPLEMENTATION OF THE INTERSTATE
2150 COMMISSION FOR EMS PERSONNEL PRACTICE AND
2151 ASSOCIATED RULES, WITHDRAWAL, AND AMENDMENT

2152 A. The compact shall come into effect on the date on which the compact statute is
2153 enacted into law in the tenth member state. The provisions, which become effective at that
2154 time, shall be limited to the powers granted to the Commission relating to assembly and the
2155 promulgation of rules. Thereafter, the Commission shall meet and exercise rulemaking powers
2156 necessary to the implementation and administration of the compact.

2157 B. Any state that joins the compact subsequent to the Commission's initial adoption of
2158 the rules shall be subject to the rules as they exist on the date on which the compact becomes
2159 law in that state. Any rule that has been previously adopted by the Commission shall have the
2160 full force and effect of law on the day the compact becomes law in that state.

2161 C. Any member state may withdraw from this compact by enacting a statute repealing
2162 the same.

2163 1. A member state's withdrawal shall not take effect until six (6) months after
2164 enactment of the repealing statute.

2165 2. Withdrawal shall not affect the continuing requirement of the withdrawing state's
2166 EMS authority to comply with the investigative and adverse action reporting requirements of

2167 this act prior to the effective date of withdrawal.

2168 D. Nothing contained in this compact shall be construed to invalidate or prevent any
2169 EMS personnel licensure agreement or other cooperative arrangement between a member state
2170 and a non-member state that does not conflict with the provisions of this compact.

2171 E. This Compact may be amended by the member states. No amendment to this
2172 Compact shall become effective and binding upon any member state until it is enacted into the
2173 laws of all member states.

2174 SECTION 15. CONSTRUCTION AND SEVERABILITY

2175 This Compact shall be liberally construed so as to effectuate the purposes thereof. If
2176 this compact shall be held contrary to the constitution of any state member thereto, the compact
2177 shall remain in full force and effect as to the remaining member states. Nothing in this
2178 compact supersedes state law or rules related to licensure of EMS agencies.

2179 Section 38. Section **26B-4-150**, which is renumbered from Section 26-8a-401 is
2180 renumbered and amended to read:

2181 ~~[26-8a-401].~~ **26B-4-150. State regulation of emergency medical services**
2182 **market -- License term.**

2183 (1) To ensure emergency medical service quality and minimize unnecessary
2184 duplication, the department shall regulate the emergency medical services market by creating
2185 and operating a statewide system that:

2186 (a) consists of exclusive geographic service areas as provided in Section ~~[26-8a-402]~~
2187 [26B-4-151](#); and

2188 (b) establishes maximum rates as provided in Section ~~[26-8a-403]~~ [26B-4-152](#).

2189 (2) A license issued or renewed under this part is valid for four years.

2190 Section 39. Section **26B-4-151**, which is renumbered from Section 26-8a-402 is
2191 renumbered and amended to read:

2192 ~~[26-8a-402].~~ **26B-4-151. Exclusive geographic service areas.**

2193 (1) Each ground ambulance provider license issued under this part shall be for an
2194 exclusive geographic service area as described in the license. Only the licensed ground
2195 ambulance provider may respond to an ambulance request that originates within the provider's
2196 exclusive geographic service area, except as provided in Subsection (5) and Section
2197 ~~[26-8a-416]~~ [26B-4-170](#).

2198 (2) Each paramedic provider license issued under this part shall be for an exclusive
2199 geographic service area as described in the license. Only the licensed paramedic provider may
2200 respond to a paramedic request that originates within the exclusive geographic service area,
2201 except as provided in Subsection (6) and Section [~~26-8a-416~~] [26B-4-170](#).

2202 (3) Nothing in this section may be construed as either requiring or prohibiting that the
2203 formation of boundaries in a given location be the same for a licensed paramedic provider and
2204 a licensed ambulance provider.

2205 (4) (a) A licensed ground ambulance or paramedic provider may, as necessary, enter
2206 into a mutual aid agreement to allow another licensed provider to give assistance in times of
2207 unusual demand, as that term is defined by the committee in rule.

2208 (b) A mutual aid agreement shall include a formal written plan detailing the type of
2209 assistance and the circumstances under which it would be given.

2210 (c) The parties to a mutual aid agreement shall submit a copy of the agreement to the
2211 department.

2212 (d) Notwithstanding this Subsection (4), a licensed provider may not subcontract with
2213 another entity to provide services in the licensed provider's exclusive geographic service area.

2214 (5) Notwithstanding Subsection (1), a licensed ground ambulance provider may
2215 respond to an ambulance request that originates from the exclusive geographic area of another
2216 provider:

2217 (a) pursuant to a mutual aid agreement;

2218 (b) to render assistance on a case-by-case basis to that provider; and

2219 (c) as necessary to meet needs in time of disaster or other major emergency.

2220 (6) Notwithstanding Subsection (2), a licensed paramedic provider may respond to a
2221 paramedic request that originates from the exclusive geographic area of another provider:

2222 (a) pursuant to a mutual aid agreement;

2223 (b) to render assistance on a case-by-case basis to that provider; and

2224 (c) as necessary to meet needs in time of disaster or other major emergency.

2225 (7) The department may, upon the renewal of a license, align the boundaries of an
2226 exclusive geographic area with the boundaries of a political subdivision:

2227 (a) if the alignment is practical and in the public interest;

2228 (b) if each licensed provider that would be affected by the alignment agrees to the

2229 alignment; and

2230 (c) taking into consideration the requirements of:

2231 (i) Section 11-48-103; and

2232 (ii) Section [~~26-8a-408~~] 26B-4-162.

2233 Section 40. Section **26B-4-152**, which is renumbered from Section 26-8a-403 is
2234 renumbered and amended to read:

2235 ~~[26-8a-403]~~. **26B-4-152. Establishment of maximum rates.**

2236 (1) The department shall, after receiving recommendations under Subsection (2),
2237 establish maximum rates for ground ambulance providers and paramedic providers that are just
2238 and reasonable.

2239 (2) The committee may make recommendations to the department on the maximum
2240 rates that should be set under Subsection (1).

2241 (3) (a) The department shall prohibit ground ambulance providers and paramedic
2242 providers from charging fees for transporting a patient when the provider does not transport the
2243 patient.

2244 (b) The provisions of Subsection (3)(a) do not apply to ambulance providers or
2245 paramedic providers in a geographic service area which contains a town as defined in
2246 Subsection 10-2-301(2)(f).

2247 Section 41. Section **26B-4-153**, which is renumbered from Section 26-8a-404 is
2248 renumbered and amended to read:

2249 ~~[26-8a-404]~~. **26B-4-153. Ground ambulance and paramedic licenses --**
2250 **Application and department review.**

2251 (1) Except as provided in Section [~~26-8a-413~~] 26B-4-167, an applicant for a ground
2252 ambulance or paramedic license shall apply to the department for a license only by:

2253 (a) submitting a completed application;

2254 (b) providing information in the format required by the department; and

2255 (c) paying the required fees, including the cost of the hearing officer.

2256 (2) The department shall make rules establishing minimum qualifications and
2257 requirements for:

2258 (a) personnel;

2259 (b) capital reserves;

- 2260 (c) equipment;
- 2261 (d) a business plan;
- 2262 (e) operational procedures;
- 2263 (f) medical direction agreements;
- 2264 (g) management and control; and
- 2265 (h) other matters that may be relevant to an applicant's ability to provide ground
- 2266 ambulance or paramedic service.

2267 (3) An application for a license to provide ground ambulance service or paramedic
2268 service shall be for all ground ambulance services or paramedic services arising within the
2269 geographic service area, except that an applicant may apply for a license for less than all
2270 ground ambulance services or all paramedic services arising within an exclusive geographic
2271 area if it can demonstrate how the remainder of that area will be served.

2272 (4) (a) A ground ambulance service licensee may apply to the department for a license
2273 to provide a higher level of service as defined by department rule if the application includes:

- 2274 (i) a copy of the new treatment protocols for the higher level of service approved by the
- 2275 off-line medical director;
- 2276 (ii) an assessment of field performance by the applicant's off-line director; and
- 2277 (iii) an updated plan of operation demonstrating the ability of the applicant to provide
- 2278 the higher level of service.

2279 (b) If the department determines that the applicant has demonstrated the ability to
2280 provide the higher level of service in accordance with Subsection (4)(a), the department shall
2281 issue a revised license reflecting the higher level of service and the requirements of Section
2282 ~~[26-8a-408]~~ [26B-4-162](#) do not apply.

2283 (c) A revised license issued under Subsection (4)(b):

- 2284 (i) may only affect the level of service that the licensee may provide; and
- 2285 (ii) may not affect any other terms, conditions, or limitations of the original license.

2286 (5) Upon receiving a completed application and the required fees, the department shall
2287 review the application and determine whether the application meets the minimum
2288 qualifications and requirements for licensure.

2289 (6) The department may deny an application if it finds that it contains any materially
2290 false or misleading information, is incomplete, or if the application demonstrates that the

2291 applicant fails to meet the minimum qualifications and requirements for licensure under
2292 Subsection (2).

2293 (7) If the department denies an application, it shall notify the applicant in writing
2294 setting forth the grounds for the denial. A denial may be appealed under Title 63G, Chapter 4,
2295 Administrative Procedures Act.

2296 Section 42. Section **26B-4-154**, which is renumbered from Section 26-8a-405 is
2297 renumbered and amended to read:

2298 ~~[26-8a-405].~~ **26B-4-154. Ground ambulance and paramedic licenses --**
2299 **Agency notice of approval.**

2300 (1) Beginning January 1, 2004, if the department determines that the application meets
2301 the minimum requirements for licensure under Section ~~[26-8a-404]~~ 26B-4-153, the department
2302 shall issue a notice of the approved application to the applicant.

2303 (2) A current license holder responding to a request for proposal under Section
2304 ~~[26-8a-405.2]~~ 26B-4-156 is considered an approved applicant for purposes of Section
2305 ~~[26-8a-405.2]~~ 26B-4-156 if the current license holder, prior to responding to the request for
2306 proposal, submits the following to the department:

2307 (a) the information described in Subsections ~~[26-8a-404]~~ 26B-4-153(4)(a)(i) through
2308 (iii); and

2309 (b) (i) if the license holder is a private entity, a financial statement, a pro forma budget
2310 and necessary letters of credit demonstrating a financial ability to expand service to a new
2311 service area; or

2312 (ii) if the license holder is a governmental entity, a letter from the governmental entity's
2313 governing body demonstrating the governing body's willingness to financially support the
2314 application.

2315 Section 43. Section **26B-4-155**, which is renumbered from Section 26-8a-405.1 is
2316 renumbered and amended to read:

2317 ~~[26-8a-405.1].~~ **26B-4-155. Selection of provider by political subdivision.**

2318 (1) (a) Only an applicant approved under Section ~~[26-8a-405]~~ 26B-4-154 may respond
2319 to a request for a proposal issued in accordance with Section ~~[26-8a-405.2]~~ 26B-4-156 or
2320 Section ~~[26-8a-405.4]~~ 26B-4-158 by a political subdivision.

2321 (b) A response to a request for proposal is subject to the maximum rates established by

2322 the department under Section ~~[26-8a-403]~~ [26B-4-152](#).

2323 (c) A political subdivision may award a contract to an applicant in response to a
2324 request for proposal:

2325 (i) in accordance with Section ~~[26-8a-405.2]~~ [26B-4-156](#); and

2326 (ii) subject to Subsections (2) and (3).

2327 (2) (a) The department shall issue a license to an applicant selected by a political
2328 subdivision under Subsection (1) unless the department finds that issuing a license to that
2329 applicant would jeopardize the health, safety, and welfare of the citizens of the geographic
2330 service area.

2331 (b) A license issued under this Subsection (2):

2332 (i) is for the exclusive geographic service area approved by the department in
2333 accordance with Subsection ~~[26-8a-405.2]~~ [26B-4-156](#)(2);

2334 (ii) is valid for four years;

2335 (iii) is not subject to a request for license from another applicant under the provisions
2336 of Sections ~~[26-8a-406 through 26-8a-409]~~ [26B-4-160](#) through [26B-4-163](#) during the four-year
2337 term, unless the applicant's license is revoked under Section ~~[26-8a-504]~~ [26B-4-130](#);

2338 (iv) is subject to revocation or revision under Subsection (3)(d); and

2339 (v) is subject to supervision by the department under Sections ~~[26-8a-503 and~~
2340 ~~26-8a-504]~~ [26B-4-129](#) and [26B-4-130](#).

2341 (3) Notwithstanding Subsection (2)(b), a political subdivision may terminate a contract
2342 described in Subsection (1)(c), with or without cause, if:

2343 (a) the contract:

2344 (i) is entered into on or after May 5, 2021; and

2345 (ii) allows an applicant to provide 911 ambulance services;

2346 (b) the political subdivision provides written notice to the applicant described in
2347 Subsection (3)(a)(ii) and the department:

2348 (i) at least 18 months before the day on which the contract is terminated; or

2349 (ii) within a period of time shorter than 18 months before the day on which the contract
2350 is terminated, if otherwise agreed to by the applicant and the department;

2351 (c) the political subdivision selects another applicant to provide 911 ambulance
2352 services for the political subdivision in accordance with Section ~~[26-8a-405.2]~~ [26B-4-156](#);

2353 (d) the department:

2354 (i) revokes the license of the applicant described in Subsection (3)(a)(ii), or issues a
2355 new or revised license for the applicant described in Subsection (3)(a)(ii):

2356 (A) in order to remove the area that is subject to the contract from the applicant's
2357 exclusive geographic service area; and

2358 (B) to take effect the day on which the contract is terminated; and

2359 (ii) issues a new or revised license for the applicant described in Subsection (3)(c):

2360 (A) in order to allow the applicant to provide 911 ambulance services for the area
2361 described in Subsection (3)(d)(i)(A); and

2362 (B) to take effect the day on which the contract is terminated; and

2363 (e) the termination does not create an orphaned area.

2364 (4) Except as provided in Subsection [~~26-8a-405.3~~] [26B-4-157](#)(4)(a), the provisions of
2365 Sections [~~26-8a-406 through 26-8a-409~~] [26B-4-160 through 26B-4-163](#) do not apply to a
2366 license issued under this section.

2367 Section 44. Section **26B-4-156**, which is renumbered from Section 26-8a-405.2 is
2368 renumbered and amended to read:

2369 ~~[26-8a-405.2]~~. **26B-4-156. Selection of provider -- Request for competitive**
2370 **sealed proposal -- Public convenience and necessity.**

2371 (1) (a) A political subdivision may contract with an applicant approved under Section
2372 [~~26-8a-404~~] [26B-4-153](#) to provide services for the geographic service area that is approved by
2373 the department in accordance with Subsection (2), if:

2374 (i) the political subdivision complies with the provisions of this section and Section
2375 [~~26-8a-405.3~~] [26B-4-157](#) if the contract is for 911 ambulance or paramedic services; or

2376 (ii) the political subdivision complies with Sections [~~26-8a-405.3 and 26-8a-405.4~~]
2377 [26B-4-157](#) and [26B-4-158](#), if the contract is for non-911 services.

2378 (b) (i) The provisions of this section and Sections [~~26-8a-405.1, 26-8a-405.3, and~~
2379 ~~26-8a-405.4~~] [26B-4-155](#), [26B-4-157](#), and [26B-4-158](#) do not require a political subdivision to
2380 issue a request for proposal for ambulance or paramedic services or non-911 services.

2381 (ii) If a political subdivision does not contract with an applicant in accordance with this
2382 section and Section [~~26-8a-405.3~~] [26B-4-157](#), the provisions of Sections [~~26-8a-406 through~~
2383 ~~26-8a-409~~] [26B-4-160 through 26B-4-163](#) apply to the issuance of a license for ambulance or

2384 paramedic services in the geographic service area that is within the boundaries of the political
2385 subdivision.

2386 (iii) If a political subdivision does not contract with an applicant in accordance with
2387 this section, Section [~~26-8a-405.3~~] [26B-4-157](#) and Section [~~26-8a-405.4~~] [26B-4-158](#), a license
2388 for the non-911 services in the geographic service area that is within the boundaries of the
2389 political subdivision may be issued:

2390 (A) under the public convenience and necessity provisions of Sections [~~26-8a-406~~
2391 ~~through 26-8a-409~~] [26B-4-160](#) through [26B-4-163](#); or

2392 (B) by a request for proposal issued by the department under Section [~~26-8a-405.5~~]
2393 [26B-4-159](#).

2394 (c) (i) [~~For purposes of~~] As used in this Subsection (1)(c):

2395 (A) "Fire district" means a local district under Title 17B, Limited Purpose Local
2396 Government Entities - Local Districts, that:

2397 (I) is located in a county of the first or second class; and

2398 (II) provides fire protection, paramedic, and emergency services.

2399 (B) "Participating municipality" means a city or town whose area is partly or entirely
2400 included within a county service area or fire district.

2401 (C) "Participating county" means a county whose unincorporated area is partly or
2402 entirely included within a fire district.

2403 (ii) A participating municipality or participating county may as provided in this section
2404 and Section [~~26-8a-405.3~~] [26B-4-157](#), contract with a provider for 911 ambulance or
2405 paramedic service.

2406 (iii) If the participating municipality or participating county contracts with a provider
2407 for services under this section and Section [~~26-8a-405.3~~] [26B-4-157](#):

2408 (A) the fire district is not obligated to provide the services that are included in the
2409 contract between the participating municipality or the participating county and the provider;

2410 (B) the fire district may impose taxes and obligations within the fire district in the same
2411 manner as if the participating municipality or participating county were receiving all services
2412 offered by the fire district; and

2413 (C) the participating municipality's and participating county's obligations to the fire
2414 district are not diminished.

2415 (2) (a) The political subdivision shall submit the request for proposal and the exclusive
 2416 geographic service area to be included in a request for proposal issued under Subsections
 2417 (1)(a)(i) or (ii) to the department for approval prior to issuing the request for proposal. The
 2418 department shall approve the request for proposal and the exclusive geographic service area:

2419 (i) unless the geographic service area creates an orphaned area; and

2420 (ii) in accordance with Subsections (2)(b) and (c).

2421 (b) The exclusive geographic service area may:

2422 (i) include the entire geographic service area that is within the political subdivision's
 2423 boundaries;

2424 (ii) include islands within or adjacent to other peripheral areas not included in the
 2425 political subdivision that governs the geographic service area; or

2426 (iii) exclude portions of the geographic service area within the political subdivision's
 2427 boundaries if another political subdivision or licensed provider agrees to include the excluded
 2428 area within their license.

2429 (c) The proposed geographic service area for 911 ambulance or paramedic service shall
 2430 demonstrate that non-911 ambulance or paramedic service will be provided in the geographic
 2431 service area, either by the current provider, the applicant, or some other method acceptable to
 2432 the department. The department may consider the effect of the proposed geographic service
 2433 area on the costs to the non-911 provider and that provider's ability to provide only non-911
 2434 services in the proposed area.

2435 Section 45. Section **26B-4-157**, which is renumbered from Section 26-8a-405.3 is
 2436 renumbered and amended to read:

2437 ~~[26-8a-405.3].~~ **26B-4-157. Use of competitive sealed proposals -- Procedure**
 2438 **-- Appeal rights.**

2439 (1) (a) Competitive sealed proposals for paramedic or 911 ambulance services under
 2440 Section [~~26-8a-405.2~~] 26B-4-156, or for non-911 services under Section [~~26-8a-405.4~~]
 2441 26B-4-158, shall be solicited through a request for proposal and the provisions of this section.

2442 (b) The governing body of the political subdivision shall approve the request for
 2443 proposal prior to the notice of the request for proposals under Subsection (1)(c).

2444 (c) Notice of the request for proposals shall be published:

2445 (i) by posting the notice for at least 20 days in at least five public places in the county;

2446 and

2447 (ii) by posting the notice on the Utah Public Notice Website, created in Section
2448 [63A-16-601](#), for at least 20 days.

2449 (2) (a) Proposals shall be opened so as to avoid disclosure of contents to competing
2450 offerors during the process of negotiations.

2451 (b) (i) Subsequent to the published notice, and prior to selecting an applicant, the
2452 political subdivision shall hold a presubmission conference with interested applicants for the
2453 purpose of assuring full understanding of, and responsiveness to, solicitation requirements.

2454 (ii) A political subdivision shall allow at least 90 days from the presubmission
2455 conference for the proposers to submit proposals.

2456 (c) Subsequent to the presubmission conference, the political subdivision may issue
2457 addenda to the request for proposals. An addenda to a request for proposal shall be finalized
2458 and posted by the political subdivision at least 45 days before the day on which the proposal
2459 must be submitted.

2460 (d) Offerors to the request for proposals shall be accorded fair and equal treatment with
2461 respect to any opportunity for discussion and revisions of proposals, and revisions may be
2462 permitted after submission and before a contract is awarded for the purpose of obtaining best
2463 and final offers.

2464 (e) In conducting discussions, there shall be no disclosures of any information derived
2465 from proposals submitted by competing offerors.

2466 (3) (a) (i) A political subdivision may select an applicant approved by the department
2467 under Section [~~26-8a-404~~] [26B-4-153](#) to provide 911 ambulance or paramedic services by
2468 contract to the most responsible offeror as defined in Section [63G-6a-103](#).

2469 (ii) An award under Subsection (3)(a)(i) shall be made to the responsible offeror whose
2470 proposal is determined in writing to be the most advantageous to the political subdivision,
2471 taking into consideration price and the evaluation factors set forth in the request for proposal.

2472 (b) The applicants who are approved under Section [~~26-8a-405~~] [26B-4-154](#) and who
2473 are selected under this section may be the political subdivision issuing the request for
2474 competitive sealed proposals, or any other public entity or entities, any private person or entity,
2475 or any combination thereof.

2476 (c) A political subdivision may reject all of the competitive proposals.

2477 (4) In seeking competitive sealed proposals and awarding contracts under this section,
2478 a political subdivision:

2479 (a) shall apply the public convenience and necessity factors listed in Subsections
2480 ~~[26-8a-408]~~ 26B-4-162(2) through (6);

2481 (b) shall require the applicant responding to the proposal to disclose how the applicant
2482 will meet performance standards in the request for proposal;

2483 (c) may not require or restrict an applicant to a certain method of meeting the
2484 performance standards, including:

2485 (i) requiring ambulance medical personnel to also be a firefighter; or

2486 (ii) mandating that offerors use fire stations or dispatch services of the political
2487 subdivision;

2488 (d) shall require an applicant to submit the proposal:

2489 (i) based on full cost accounting in accordance with generally accepted accounting
2490 principals; and

2491 (ii) if the applicant is a governmental entity, in addition to the requirements of
2492 Subsection (4)(e)(i), in accordance with generally accepted government auditing standards and
2493 in compliance with the State of Utah Legal Compliance Audit Guide; and

2494 (e) shall set forth in the request for proposal:

2495 (i) the method for determining full cost accounting in accordance with generally
2496 accepted accounting principles, and require an applicant to submit the proposal based on such
2497 full cost accounting principles;

2498 (ii) guidelines established to further competition and provider accountability; and

2499 (iii) a list of the factors that will be considered by the political subdivision in the award
2500 of the contract, including by percentage, the relative weight of the factors established under this
2501 Subsection (4)(e), which may include such things as:

2502 (A) response times;

2503 (B) staging locations;

2504 (C) experience;

2505 (D) quality of care; and

2506 (E) cost, consistent with the cost accounting method in Subsection (4)(e)(i).

2507 (5) (a) Notwithstanding any provision of Title 63G, Chapter 6a, Utah Procurement

2508 Code, to the contrary, the provisions of Title 63G, Chapter 6a, Utah Procurement Code, apply
2509 to the procurement process required by this section, except as provided in Subsection (5)(c).

2510 (b) A procurement appeals panel described in Section 63G-6a-1702 shall have
2511 jurisdiction to review and determine an appeal of an offeror under this section.

2512 (c) (i) An offeror may appeal the solicitation or award as provided by the political
2513 subdivision's procedures. After all political subdivision appeal rights are exhausted, the offeror
2514 may appeal under the provisions of Subsections (5)(a) and (b).

2515 (ii) A procurement appeals panel described in Section 63G-6a-1702 shall determine
2516 whether the solicitation or award was made in accordance with the procedures set forth in this
2517 section and Section ~~[26-8a-405.2]~~ 26B-4-156.

2518 (d) The determination of an issue of fact by the appeals board shall be final and
2519 conclusive unless arbitrary and capricious or clearly erroneous as provided in Section
2520 63G-6a-1705.

2521 Section 46. Section **26B-4-158**, which is renumbered from Section 26-8a-405.4 is
2522 renumbered and amended to read:

2523 ~~[26-8a-405.4]~~. **26B-4-158. Non-911 provider -- Finding of meritorious**
2524 **complaint -- Request for proposals.**

2525 (1) (a) This section applies to a non-911 provider license under this ~~[chapter]~~ part.

2526 (b) The department shall, in accordance with Subsections (3) and (4):

2527 (i) receive a complaint about a non-911 provider;

2528 (ii) determine whether the complaint has merit;

2529 (iii) issue a finding of:

2530 (A) a meritorious complaint; or

2531 (B) a non-meritorious complaint; and

2532 (iv) forward a finding of a meritorious complaint to the governing body of the political
2533 subdivision:

2534 (A) in which the non-911 provider is licensed; or

2535 (B) that provides the non-911 services, if different from Subsection (1)(b)(iv)(A).

2536 (2) (a) A political subdivision that receives a finding of a meritorious complaint from
2537 the department:

2538 (i) shall take corrective action that the political subdivision determines is appropriate;

2539 and

2540 (ii) shall, if the political subdivision determines corrective action will not resolve the
2541 complaint or is not appropriate:

2542 (A) issue a request for proposal for non-911 service in the geographic service area if
2543 the political subdivision will not respond to the request for proposal; or

2544 (B) (I) make a finding that a request for proposal for non-911 services is appropriate
2545 and the political subdivision intends to respond to a request for proposal; and

2546 (II) submit the political subdivision's findings to the department with a request that the
2547 department issue a request for proposal in accordance with Section ~~[26-8a-405.5]~~ [26B-4-159](#).

2548 (b) (i) If Subsection (2)(a)(ii)(A) applies, the political subdivision shall issue the
2549 request for proposal in accordance with Sections ~~[26-8a-405.1 through 26-8a-405.3]~~ [26B-4-155](#)
2550 through 26B-4-157.

2551 (ii) If Subsection (2)(a)(ii)(B) applies, the department shall issue a request for proposal
2552 for non-911 services in accordance with Section ~~[26-8a-405.5]~~ [26B-4-159](#).

2553 (3) The department shall make a determination under Subsection (1)(b) if:

2554 (a) the department receives a written complaint from any of the following in the
2555 geographic service area:

2556 (i) a hospital;

2557 (ii) a health care facility;

2558 (iii) a political subdivision; or

2559 (iv) an individual; and

2560 (b) the department determines, in accordance with Subsection (1)(b), that the complaint
2561 has merit.

2562 (4) (a) If the department receives a complaint under Subsection (1)(b), the department
2563 shall request a written response from the non-911 provider concerning the complaint.

2564 (b) The department shall make a determination under Subsection (1)(b) based on:

2565 (i) the written response from the non-911 provider; and

2566 (ii) other information that the department may have concerning the quality of service of
2567 the non-911 provider.

2568 (c) (i) The department's determination under Subsection (1)(b) is not subject to an
2569 adjudicative proceeding under Title 63G, Chapter 4, Administrative Procedures Act.

2570 (ii) The department shall adopt administrative rules in accordance with Title 63G,
2571 Chapter 3, Utah Administrative Rulemaking Act, to implement the provisions of Subsection
2572 (1)(b).

2573 Section 47. Section **26B-4-159**, which is renumbered from Section 26-8a-405.5 is
2574 renumbered and amended to read:

2575 ~~[26-8a-405.5]~~. **26B-4-159. Use of competitive sealed proposals -- Procedure**
2576 **-- Appeal rights.**

2577 (1) (a) The department shall issue a request for proposal for non-911 services in a
2578 geographic service area if the department receives a request from a political subdivision under
2579 Subsection ~~[26-8a-405.4]~~ 26B-4-158(2)(a)(ii)(B) to issue a request for proposal for non-911
2580 services.

2581 (b) Competitive sealed proposals for non-911 services under Subsection (1)(a) shall be
2582 solicited through a request for proposal and the provisions of this section.

2583 (c) (i) Notice of the request for proposals shall be published:

2584 (A) at least once a week for three consecutive weeks in a newspaper of general
2585 circulation published in the county; or

2586 (B) if there is no such newspaper, then notice shall be posted for at least 20 days in at
2587 least five public places in the county; and

2588 (ii) in accordance with Section 45-1-101 for at least 20 days.

2589 (2) (a) Proposals shall be opened so as to avoid disclosure of contents to competing
2590 offerors during the process of negotiations.

2591 (b) (i) Subsequent to the published notice, and prior to selecting an applicant, the
2592 department shall hold a presubmission conference with interested applicants for the purpose of
2593 assuring full understanding of, and responsiveness to, solicitation requirements.

2594 (ii) The department shall allow at least 90 days from the presubmission conference for
2595 the proposers to submit proposals.

2596 (c) Subsequent to the presubmission conference, the department may issue addenda to
2597 the request for proposals. An addenda to a request for proposal shall be finalized and posted by
2598 the department at least 45 days before the day on which the proposal must be submitted.

2599 (d) Offerors to the request for proposals shall be accorded fair and equal treatment with
2600 respect to any opportunity for discussion and revisions of proposals, and revisions may be

2601 permitted after submission and before a contract is awarded for the purpose of obtaining best
2602 and final offers.

2603 (e) In conducting discussions, there shall be no disclosures of any information derived
2604 from proposals submitted by competing offerors.

2605 (3) (a) (i) The department may select an applicant approved by the department under
2606 Section [~~26-8a-404~~] [26B-4-153](#) to provide non-911 services by contract to the most responsible
2607 offeror as defined in Section [63G-6a-103](#).

2608 (ii) An award under Subsection (3)(a)(i) shall be made to the responsible offeror whose
2609 proposal is determined in writing to be the most advantageous to the public, taking into
2610 consideration price and the evaluation factors set forth in the request for proposal.

2611 (b) The applicants who are approved under Section [~~26-8a-405~~] [26B-4-154](#) and who
2612 are selected under this section may be the political subdivision responding to the request for
2613 competitive sealed proposals, or any other public entity or entities, any private person or entity,
2614 or any combination thereof.

2615 (c) The department may reject all of the competitive proposals.

2616 (4) In seeking competitive sealed proposals and awarding contracts under this section,
2617 the department:

2618 (a) shall consider the public convenience and necessity factors listed in Subsections
2619 [~~26-8a-408~~] [26B-4-162](#)(2) through (6);

2620 (b) shall require the applicant responding to the proposal to disclose how the applicant
2621 will meet performance standards in the request for proposal;

2622 (c) may not require or restrict an applicant to a certain method of meeting the
2623 performance standards, including:

2624 (i) requiring ambulance medical personnel to also be a firefighter; or

2625 (ii) mandating that offerors use fire stations or dispatch services of the political
2626 subdivision;

2627 (d) shall require an applicant to submit the proposal:

2628 (i) based on full cost accounting in accordance with generally accepted accounting
2629 principals; and

2630 (ii) if the applicant is a governmental entity, in addition to the requirements of
2631 Subsection (4)(e)(i), in accordance with generally accepted government auditing standards and

2632 in compliance with the State of Utah Legal Compliance Audit Guide; and

2633 (e) shall set forth in the request for proposal:

2634 (i) the method for determining full cost accounting in accordance with generally
2635 accepted accounting principles, and require an applicant to submit the proposal based on such
2636 full cost accounting principles;

2637 (ii) guidelines established to further competition and provider accountability; and

2638 (iii) a list of the factors that will be considered by the department in the award of the
2639 contract, including by percentage, the relative weight of the factors established under this

2640 Subsection (4)(e), which may include:

2641 (A) response times;

2642 (B) staging locations;

2643 (C) experience;

2644 (D) quality of care; and

2645 (E) cost, consistent with the cost accounting method in Subsection (4)(e)(i).

2646 (5) A license issued under this section:

2647 (a) is for the exclusive geographic service area approved by the department;

2648 (b) is valid for four years;

2649 (c) is not subject to a request for license from another applicant under the provisions of

2650 Sections [~~26-8a-406 through 26-8a-409~~] 26B-4-160 through 26B-4-163 during the four-year

2651 term, unless the applicant's license is revoked under Section [~~26-8a-504~~] 26B-4-130;

2652 (d) is subject to supervision by the department under Sections [~~26-8a-503 and~~

2653 ~~26-8a-504~~] 26B-4-129 and 26B-4-130; and

2654 (e) except as provided in Subsection (4)(a), is not subject to the provisions of Sections

2655 [~~26-8a-406 through 26-8a-409~~] 26B-4-160 through 26B-4-163.

2656 Section 48. Section **26B-4-160**, which is renumbered from Section 26-8a-406 is

2657 renumbered and amended to read:

2658 [~~26-8a-406~~]. **26B-4-160. Ground ambulance and paramedic licenses --**

2659 **Parties.**

2660 (1) When an applicant approved under Section [~~26-8a-404~~] 26B-4-153 seeks licensure

2661 under the provisions of Sections [~~26-8a-406 through 26-8a-409~~] 26B-4-160 through

2662 26B-4-163, the department shall:

- 2663 (a) issue a notice of agency action to the applicant to commence an informal
 2664 administrative proceeding;
- 2665 (b) provide notice of the application to all interested parties; and
- 2666 (c) publish notice of the application, at the applicant's expense:
- 2667 (i) once a week for four consecutive weeks, in a newspaper of general circulation in the
 2668 geographic service area that is the subject of the application; and
- 2669 (ii) in accordance with Section [45-1-101](#) for four weeks.
- 2670 (2) An interested party has 30 days to object to an application.
- 2671 (3) If an interested party objects, the presiding officer shall join the interested party as
 2672 an indispensable party to the proceeding.
- 2673 (4) The department may join the proceeding as a party to represent the public interest.
- 2674 (5) Others who may be affected by the grant of a license to the applicant may join the
 2675 proceeding, if the presiding officer determines that they meet the requirement of legal standing.
- 2676 Section 49. Section **26B-4-161**, which is renumbered from Section 26-8a-407 is
 2677 renumbered and amended to read:
- 2678 ~~[26-8a-407]~~. **26B-4-161. Ground ambulance and paramedic licenses --**
 2679 **Proceedings.**
- 2680 (1) The presiding officer shall:
- 2681 (a) commence an informal adjudicative proceeding within 120 days of receiving a
 2682 completed application;
- 2683 (b) meet with the applicant and objecting interested parties and provide no less than
 2684 120 days for a negotiated resolution, consistent with the criteria in Section [~~26-8a-408~~]
 2685 [26B-4-162](#);
- 2686 (c) set aside a separate time during the proceedings to accept public comment on the
 2687 application; and
- 2688 (d) present a written decision to the executive director if a resolution has been reached
 2689 that satisfies the criteria in Section [~~26-8a-408~~] [26B-4-162](#).
- 2690 (2) At any time during an informal adjudicative proceeding under Subsection (1), any
 2691 party may request conversion of the informal adjudicative proceeding to a formal adjudicative
 2692 proceeding in accordance with Section [63G-4-202](#).
- 2693 (3) Upon conversion to a formal adjudicative proceeding, a hearing officer shall be

2694 assigned to the application as provided in Section [~~26-8a-409~~] [26B-4-163](#). The hearing office
2695 shall:

2696 (a) set aside a separate time during the proceedings to accept public comment on the
2697 application;

2698 (b) apply the criteria established in Section [~~26-8a-408~~] [26B-4-162](#); and

2699 (c) present a recommended decision to the executive director in writing.

2700 (4) The executive director may, as set forth in a final written order, accept, modify,
2701 reject, or remand the decision of a presiding or hearing officer after:

2702 (a) reviewing the record;

2703 (b) giving due deference to the officer's decision; and

2704 (c) determining whether the criteria in Section [~~26-8a-408~~] [26B-4-162](#) have been
2705 satisfied.

2706 Section 50. Section **26B-4-162**, which is renumbered from Section 26-8a-408 is
2707 renumbered and amended to read:

2708 ~~[26-8a-408]~~. **26B-4-162. Criteria for determining public convenience and**
2709 **necessity.**

2710 (1) The criteria for determining public convenience and necessity is set forth in
2711 Subsections (2) through (6).

2712 (2) Access to emergency medical services shall be maintained or improved. The
2713 officer shall consider the impact on existing services, including the impact on response times,
2714 call volumes, populations and exclusive geographic service areas served, and the ability of
2715 surrounding licensed providers to service their exclusive geographic service areas. The
2716 issuance or amendment of a license may not create an orphaned area.

2717 (3) The quality of service in the area shall be maintained or improved. The officer
2718 shall consider the:

2719 (a) staffing and equipment standards of the current licensed provider and the applicant;

2720 (b) training and licensure levels of the current licensed provider's staff and the
2721 applicant's staff;

2722 (c) continuing medical education provided by the current licensed provider and the
2723 applicant;

2724 (d) levels of care as defined by department rule;

- 2725 (e) plan of medical control; and
- 2726 (f) the negative or beneficial impact on the regional emergency medical service system
- 2727 to provide service to the public.
- 2728 (4) The cost to the public shall be justified. The officer shall consider:
- 2729 (a) the financial solvency of the applicant;
- 2730 (b) the applicant's ability to provide services within the rates established under Section
- 2731 ~~[26-8a-403]~~ [26B-4-152](#);
- 2732 (c) the applicant's ability to comply with cost reporting requirements;
- 2733 (d) the cost efficiency of the applicant; and
- 2734 (e) the cost effect of the application on the public, interested parties, and the emergency
- 2735 medical services system.
- 2736 (5) Local desires concerning cost, quality, and access shall be considered. The officer
- 2737 shall assess and consider:
- 2738 (a) the existing provider's record of providing services and the applicant's record and
- 2739 ability to provide similar or improved services;
- 2740 (b) locally established emergency medical services goals, including those established in
- 2741 Subsection (7);
- 2742 (c) comment by local governments on the applicant's business and operations plans;
- 2743 (d) comment by interested parties that are providers on the impact of the application on
- 2744 the parties' ability to provide emergency medical services;
- 2745 (e) comment by interested parties that are local governments on the impact of the
- 2746 application on the citizens it represents; and
- 2747 (f) public comment on any aspect of the application or proposed license.
- 2748 (6) Other related criteria:
- 2749 (a) the officer considers necessary; or
- 2750 (b) established by department rule.
- 2751 (7) Local governments shall establish cost, quality, and access goals for the ground
- 2752 ambulance and paramedic services that serve their areas.
- 2753 (8) In a formal adjudicative proceeding, the applicant bears the burden of establishing
- 2754 that public convenience and necessity require the approval of the application for all or part of
- 2755 the exclusive geographic service area requested.

2756 Section 51. Section **26B-4-163**, which is renumbered from Section 26-8a-409 is
2757 renumbered and amended to read:

2758 ~~[26-8a-409]~~. **26B-4-163. Ground ambulance and paramedic licenses --**
2759 **Hearing and presiding officers.**

2760 (1) The department shall set training standards for hearing officers and presiding
2761 officers.

2762 (2) At a minimum, a presiding officer shall:

2763 (a) be familiar with the theory and application of public convenience and necessity; and

2764 (b) have a working knowledge of the emergency medical service system in the state.

2765 (3) In addition to the requirements in Subsection (2), a hearing officer shall also be
2766 licensed to practice law in the state.

2767 (4) The department shall provide training for hearing officer and presiding officer
2768 candidates in the theory and application of public convenience and necessity and on the
2769 emergency medical system in the state.

2770 (5) The department shall maintain a roster of no less than five individuals who meet
2771 the minimum qualifications for both presiding and hearing officers and the standards set by the
2772 department.

2773 (6) The parties may mutually select an officer from the roster if the officer is available.

2774 (7) If the parties cannot agree upon an officer under Subsection (4), the department
2775 shall randomly select an officer from the roster or from a smaller group of the roster agreed
2776 upon by the applicant and the objecting interested parties.

2777 Section 52. Section **26B-4-164**, which is renumbered from Section 26-8a-410 is
2778 renumbered and amended to read:

2779 ~~[26-8a-410]~~. **26B-4-164. Local approvals.**

2780 (1) Licensed ambulance providers and paramedic providers shall meet all local zoning
2781 and business licensing standards generally applicable to businesses operating within the
2782 jurisdiction.

2783 (2) Publicly subsidized providers shall demonstrate approval of the taxing authority
2784 that will provide the subsidy.

2785 (3) A publicly operated service shall demonstrate that the governing body has approved
2786 the provision of services to the entire exclusive geographic service area that is the subject of

2787 the license, including those areas that may lie outside the territorial or jurisdictional boundaries
2788 of the governing body.

2789 Section 53. Section **26B-4-165**, which is renumbered from Section 26-8a-411 is
2790 renumbered and amended to read:

2791 ~~[26-8a-411]~~. **26B-4-165. Limitation on repetitive applications.**

2792 A person who has previously applied for a license under Sections ~~[26-8a-406 through~~
2793 ~~26-8a-409]~~ 26B-4-160 through 26B-4-163 may not apply for a license for the same service that
2794 covers any exclusive geographic service area that was the subject of the prior application
2795 unless:

2796 (1) one year has passed from the date of the issuance of a final decision under Section
2797 ~~[26-8a-407]~~ 26B-4-161; or

2798 (2) all interested parties and the department agree that a new application is in the public
2799 interest.

2800 Section 54. Section **26B-4-166**, which is renumbered from Section 26-8a-412 is
2801 renumbered and amended to read:

2802 ~~[26-8a-412]~~. **26B-4-166. License for air ambulance providers.**

2803 (1) An applicant for an air ambulance provider shall apply to the department for a
2804 license only by:

2805 (a) submitting a complete application;

2806 (b) providing information in the format required by the department; and

2807 (c) paying the required fees.

2808 (2) The department may make rules establishing minimum qualifications and
2809 requirements for:

2810 (a) personnel;

2811 (b) capital reserves;

2812 (c) equipment;

2813 (d) business plan;

2814 (e) operational procedures;

2815 (f) resource hospital and medical direction agreements;

2816 (g) management and control qualifications and requirements; and

2817 (h) other matters that may be relevant to an applicant's ability to provide air ambulance

2818 services.

2819 (3) Upon receiving a completed application and the required fees, the department shall
2820 review the application and determine whether the application meets the minimum requirements
2821 for licensure.

2822 (4) The department may deny an application for an air ambulance if:

2823 (a) the department finds that the application contains any materially false or misleading
2824 information or is incomplete;

2825 (b) the application demonstrates that the applicant fails to meet the minimum
2826 requirements for licensure; or

2827 (c) the department finds after inspection that the applicant does not meet the minimum
2828 requirements for licensure.

2829 (5) If the department denies an application under this section, it shall notify the
2830 applicant in writing setting forth the grounds for the denial.

2831 Section 55. Section **26B-4-167**, which is renumbered from Section 26-8a-413 is
2832 renumbered and amended to read:

2833 ~~[26-8a-413]~~. **26B-4-167. License renewals.**

2834 (1) A licensed provider desiring to renew its license shall meet the renewal
2835 requirements established by department rule.

2836 (2) The department shall issue a renewal license for a ground ambulance provider or a
2837 paramedic provider upon the licensee's application for a renewal and without a public hearing
2838 if:

2839 (a) the applicant was licensed under the provisions of Sections ~~[26-8a-406 through~~
2840 ~~26-8a-409]~~ 26B-4-160 through 26B-4-163; and

2841 (b) there has been:

2842 (i) no change in controlling interest in the ownership of the licensee as defined in
2843 Section ~~[26-8a-415]~~ 26B-4-169;

2844 (ii) no serious, substantiated public complaints filed with the department against the
2845 licensee during the term of the previous license;

2846 (iii) no material or substantial change in the basis upon which the license was
2847 originally granted;

2848 (iv) no reasoned objection from the committee or the department; and

2849 (v) no change to the license type.

2850 (3) (a) (i) The provisions of this Subsection (3) apply to a provider licensed under the
2851 provisions of Sections [~~26-8a-405.1 and 26-8a-405.2~~] 26B-4-155 and 26B-4-156.

2852 (ii) A provider may renew its license if the provisions of Subsections (1) and (2) and
2853 this Subsection (3) are met.

2854 (b) (i) The department shall issue a renewal license to a provider upon the provider's
2855 application for renewal for one additional four-year term if the political subdivision certifies to
2856 the department that the provider has met all of the specifications of the original bid.

2857 (ii) If the political subdivision does not certify to the department that the provider has
2858 met all of the specifications of the original bid, the department may not issue a renewal license
2859 and the political subdivision shall enter into a public bid process under Sections [~~26-8a-405.1~~
2860 ~~and 26-8a-405.2~~] 26B-4-155 and 26B-4-156.

2861 (c) (i) The department shall issue an additional renewal license to a provider who has
2862 already been issued a one-time renewal license under the provisions of Subsection (3)(b)(i) if
2863 the department and the political subdivision do not receive, prior to the expiration of the
2864 provider's license, written notice from an approved applicant informing the political
2865 subdivision of the approved applicant's desire to submit a bid for ambulance or paramedic
2866 service.

2867 (ii) If the department and the political subdivision receive the notice in accordance with
2868 Subsection (3)(c)(i), the department may not issue a renewal license and the political
2869 subdivision shall enter into a public bid process under Sections [~~26-8a-405.1 and 26-8a-405.2~~]
2870 26B-4-155 and 26B-4-156.

2871 (4) The department shall issue a renewal license for an air ambulance provider upon
2872 the licensee's application for renewal and completion of the renewal requirements established
2873 by department rule.

2874 Section 56. Section **26B-4-168**, which is renumbered from Section 26-8a-414 is
2875 renumbered and amended to read:

2876 [~~26-8a-414~~]. **26B-4-168. Annexations.**

2877 (1) A municipality shall comply with the provisions of this section if the municipality
2878 is licensed under this [~~chapter~~] part and desires to provide service to an area that is:

2879 (a) included in a petition for annexation under Title 10, Chapter 2, Part 4, Annexation;

2880 and

2881 (b) currently serviced by another provider licensed under this ~~[chapter]~~ part.

2882 (2) (a) (i) At least 45 days prior to approving a petition for annexation, the municipality
2883 shall certify to the department that by the time of the approval of the annexation the
2884 municipality can meet or exceed the current level of service provided by the existing licensee
2885 for the annexed area by meeting the requirements of Subsections (2)(b)(ii)(A) through (D); and

2886 (ii) no later than three business days after the municipality files a petition for
2887 annexation in accordance with Section 10-2-403, provide written notice of the petition for
2888 annexation to:

2889 (A) the existing licensee providing service to the area included in the petition of
2890 annexation; and

2891 (B) the department.

2892 (b) (i) After receiving a certification under Subsection (2)(a), but prior to the
2893 municipality approving a petition for annexation, the department may audit the municipality
2894 only to verify the requirements of Subsections (2)(b)(ii)(A) through (D).

2895 (ii) If the department elects to conduct an audit, the department shall make a finding
2896 that the municipality can meet or exceed the current level of service provided by the existing
2897 licensee for the annexed area if the department finds that the municipality has or will have by
2898 the time of the approval of the annexation:

2899 (A) adequate trained personnel to deliver basic and advanced life support services;

2900 (B) adequate apparatus and equipment to deliver emergency medical services;

2901 (C) adequate funding for personnel and equipment; and

2902 (D) appropriate medical controls, such as a medical director and base hospital.

2903 (iii) The department shall submit the results of the audit in writing to the municipal
2904 legislative body.

2905 (3) (a) If the department audit finds that the municipality meets the requirements of
2906 Subsection (2)(b)(ii), the department shall issue an amended license to the municipality and all
2907 other affected licensees to reflect the municipality's new boundaries after the department
2908 receives notice of the approval of the petition for annexation from the municipality in
2909 accordance with Section 10-2-425.

2910 (b) (i) Notwithstanding the provisions of Subsection 63G-4-102(2)(k), if the

2911 department audit finds that the municipality fails to meet the requirements of Subsection
2912 (2)(b)(ii), the municipality may request an adjudicative proceeding under the provisions of
2913 Title 63G, Chapter 4, Administrative Procedures Act. The municipality may approve the
2914 petition for annexation while an adjudicative proceeding requested under this Subsection
2915 (3)(b)(i) is pending.

2916 (ii) The department shall conduct an adjudicative proceeding when requested under
2917 Subsection (3)(b)(i).

2918 (iii) Notwithstanding the provisions of Sections [~~26-8a-404 through 26-8a-409~~]
2919 [26B-4-153](#) through [26B-4-163](#), in any adjudicative proceeding held under the provisions of
2920 Subsection (3)(b)(i), the department bears the burden of establishing that the municipality
2921 cannot, by the time of the approval of the annexation, meet the requirements of Subsection
2922 (2)(b)(ii).

2923 (c) If, at the time of the approval of the annexation, an adjudicative proceeding is
2924 pending under the provisions of Subsection (3)(b)(i), the department shall issue amended
2925 licenses if the municipality prevails in the adjudicative proceeding.

2926 Section 57. Section **26B-4-169**, which is renumbered from Section 26-8a-415 is
2927 renumbered and amended to read:

2928 [~~26-8a-415~~]. **26B-4-169. Changes in ownership.**

2929 (1) A licensed provider whose ownership or controlling ownership interest has changed
2930 shall submit information to the department, as required by department rule:

2931 (a) to establish whether the new owner or new controlling party meets minimum
2932 requirements for licensure; and

2933 (b) except as provided in Subsection (2), to commence an administrative proceeding to
2934 determine whether the new owner meets the requirement of public convenience and necessity
2935 under Section [~~26-8a-408~~] [26B-4-162](#).

2936 (2) An administrative proceeding is not required under Subsection (1)(b) if:

2937 (a) the change in ownership interest is among existing owners of a closely held
2938 corporation and the change does not result in a change in the management of the licensee or in
2939 the name of the licensee;

2940 (b) the change in ownership in a closely held corporation results in the introduction of
2941 new owners, provided that:

2942 (i) the new owners are limited to individuals who would be entitled to the equity in the
2943 closely held corporation by the laws of intestate succession had the transferor died intestate at
2944 the time of the transfer;

2945 (ii) the majority owners on January 1, 1999, have been disclosed to the department by
2946 October 1, 1999, and the majority owners on January 1, 1999, retain a majority interest in the
2947 closely held corporation; and

2948 (iii) the name of the licensed provider remains the same;

2949 (c) the change in ownership is the result of one or more owners transferring their
2950 interests to a trust, limited liability company, partnership, or closely held corporation so long as
2951 the transferors retain control over the receiving entity;

2952 (d) the change in ownership is the result of a distribution of an estate or a trust upon the
2953 death of the testator or the trustor and the recipients are limited to individuals who would be
2954 entitled to the interest by the laws of intestate succession had the transferor died intestate at the
2955 time of the transfer; or

2956 (e) other similar changes that the department establishes, by rule, as having no
2957 significant impact on the cost, quality, or access to emergency medical services.

2958 Section 58. Section **26B-4-170**, which is renumbered from Section 26-8a-416 is
2959 renumbered and amended to read:

2960 ~~[26-8a-416]~~. **26B-4-170. Overlapping licenses.**

2961 (1) As used in this section:

2962 (a) "Overlap" means two ground ambulance interfacility transport providers that are
2963 licensed at the same level of service in all or part of a single geographic service area.

2964 (b) "Overlay" means two ground ambulance interfacility transport providers that are
2965 licensed at a different level of service in all or part of a single geographic service area.

2966 (2) Notwithstanding the exclusive geographic service requirement of Section
2967 ~~[26-8a-402]~~ 26B-4-151, the department shall recognize overlap and overlay ground ambulance
2968 interfacility transport licenses that existed on or before May 4, 2022.

2969 (3) The department may, without an adjudicative proceeding but with at least 30 days
2970 notice to providers in the same geographic service area, amend an existing overlay ground
2971 ambulance interfacility transport license solely to convert an overlay into an overlap if the
2972 existing ground ambulance interfacility transport licensed provider meets the requirements

2973 described in Subsection [~~26-8a-404~~] [26B-4-153](#)(4).

2974 (4) An amendment of a license under this section may not alter:

2975 (a) other terms of the original license, including the applicable geographic service area;

2976 or

2977 (b) the license of other providers that provide interfacility transport services in the
2978 geographic service area.

2979 (5) Notwithstanding Subsection (2), any license for an overlap area terminates upon:

2980 (a) relinquishment by the provider; or

2981 (b) revocation by the department.

2982 Section 59. Section **26B-4-201**, which is renumbered from Section 26-61a-102 is
2983 renumbered and amended to read:

2984 **Part 2. Cannabinoid Research and Medical Cannabis**

2985 [~~26-61a-102~~]. **26B-4-201. Definitions.**

2986 As used in this [~~chapter~~] part:

2987 (1) "Active tetrahydrocannabinol" means THC, any THC analog, and
2988 tetrahydrocannabinolic acid.

2989 (2) "Cannabis Research Review Board" means the Cannabis Research Review Board
2990 created in Section [26-61-201](#).

2991 (3) "Cannabis" means marijuana.

2992 (4) "Cannabis cultivation facility" means the same as that term is defined in Section
2993 [4-41a-102](#).

2994 (5) "Cannabis processing facility" means the same as that term is defined in Section
2995 [4-41a-102](#).

2996 (6) "Cannabis product" means a product that:

2997 (a) is intended for human use; and

2998 (b) contains cannabis or any tetrahydrocannabinol or THC analog in a total
2999 concentration of 0.3% or greater on a dry weight basis.

3000 (7) "Cannabis production establishment" means the same as that term is defined in
3001 Section [4-41a-102](#).

3002 (8) "Cannabis production establishment agent" means the same as that term is defined
3003 in Section [4-41a-102](#).

3004 (9) "Cannabis production establishment agent registration card" means the same as that
3005 term is defined in Section [4-41a-102](#).

3006 (10) "Community location" means a public or private elementary or secondary school,
3007 a church, a public library, a public playground, or a public park.

3008 (11) "Conditional medical cannabis card" means an electronic medical cannabis card
3009 that the department issues in accordance with Subsection ~~[26-61a-201]~~ [26B-4-213](#)(1)(b) to
3010 allow an applicant for a medical cannabis card to access medical cannabis during the
3011 department's review of the application.

3012 (12) "Controlled substance database" means the controlled substance database created
3013 in Section [58-37f-201](#).

3014 (13) "Department" means the Department of Health.

3015 (14) "Designated caregiver" means:

3016 (a) an individual:

3017 (i) whom an individual with a medical cannabis patient card or a medical cannabis
3018 guardian card designates as the patient's caregiver; and

3019 (ii) who registers with the department under Section ~~[26-61a-202]~~ [26B-4-214](#); or

3020 (b) (i) a facility that an individual designates as a designated caregiver in accordance
3021 with Subsection ~~[26-61a-202]~~ [26B-4-214](#)(1)(b); or

3022 (ii) an assigned employee of the facility described in Subsection ~~[26-61a-202]~~ [26B-4-](#)
3023 [214](#)(1)(b)(ii).

3024 (15) "Directions of use" means recommended routes of administration for a medical
3025 cannabis treatment and suggested usage guidelines.

3026 (16) "Dosing guidelines" means a quantity range and frequency of administration for a
3027 recommended treatment of medical cannabis.

3028 (17) "Financial institution" means a bank, trust company, savings institution, or credit
3029 union, chartered and supervised under state or federal law.

3030 (18) "Home delivery medical cannabis pharmacy" means a medical cannabis pharmacy
3031 that the department authorizes, as part of the pharmacy's license, to deliver medical cannabis
3032 shipments to a medical cannabis cardholder's home address to fulfill electronic orders that the
3033 state central patient portal facilitates.

3034 (19) "Inventory control system" means the system described in Section [4-41a-103](#).

- 3035 (20) "Legal dosage limit" means an amount that:
- 3036 (a) is sufficient to provide 30 days of treatment based on the dosing guidelines that the
- 3037 relevant recommending medical provider or the state central patient portal or pharmacy
- 3038 medical provider, in accordance with Subsection [~~26-61a-502~~] [26B-4-230](#)(4) or (5),
- 3039 recommends; and
- 3040 (b) may not exceed:
- 3041 (i) for unprocessed cannabis in a medicinal dosage form, 113 grams by weight; and
- 3042 (ii) for a cannabis product in a medicinal dosage form, a quantity that contains, in total,
- 3043 greater than 20 grams of active tetrahydrocannabinol.
- 3044 (21) "Legal use termination date" means a date on the label of a container of
- 3045 unprocessed cannabis flower:
- 3046 (a) that is 60 days after the date of purchase of the cannabis; and
- 3047 (b) after which, the cannabis is no longer in a medicinal dosage form outside of the
- 3048 primary residence of the relevant medical cannabis patient cardholder.
- 3049 (22) "Limited medical provider" means an individual who:
- 3050 (a) meets the recommending qualifications; and
- 3051 (b) has no more than 15 patients with a valid medical cannabis patient card or
- 3052 provisional patient card as a result of the individual's recommendation, in accordance with
- 3053 Subsection [~~26-61a-106~~] [26B-4-204](#)(1)(b).
- 3054 (23) "Marijuana" means the same as that term is defined in Section [58-37-2](#).
- 3055 (24) "Medical cannabis" means cannabis in a medicinal dosage form or a cannabis
- 3056 product in a medicinal dosage form.
- 3057 (25) "Medical cannabis card" means a medical cannabis patient card, a medical
- 3058 cannabis guardian card, a medical cannabis caregiver card, or a conditional medical cannabis
- 3059 card.
- 3060 (26) "Medical cannabis cardholder" means:
- 3061 (a) a holder of a medical cannabis card; or
- 3062 (b) a facility or assigned employee, described in Subsection(14)(b), only:
- 3063 (i) within the scope of the facility's or assigned employee's performance of the role of a
- 3064 medical cannabis patient cardholder's caregiver designation under Subsection [~~26-61a-202~~]
- 3065 [26B-4-214](#)(1)(b); and

- 3066 (ii) while in possession of documentation that establishes:
- 3067 (A) a caregiver designation described in Subsection [~~26-61a-202~~] [26B-4-214\(1\)\(b\)](#);
- 3068 (B) the identity of the individual presenting the documentation; and
- 3069 (C) the relation of the individual presenting the documentation to the caregiver
- 3070 designation.
- 3071 (27) "Medical cannabis caregiver card" means an electronic document that a cardholder
- 3072 may print or store on an electronic device or a physical card or document that:
- 3073 (a) the department issues to an individual whom a medical cannabis patient cardholder
- 3074 or a medical cannabis guardian cardholder designates as a designated caregiver; and
- 3075 (b) is connected to the electronic verification system.
- 3076 (28) "Medical cannabis courier" means a courier that:
- 3077 (a) the department licenses in accordance with Section [~~26-61a-604~~] [26B-4-239](#); and
- 3078 (b) contracts with a home delivery medical cannabis pharmacy to deliver medical
- 3079 cannabis shipments to fulfill electronic orders that the state central patient portal facilitates.
- 3080 (29) "Medical cannabis courier agent" means an individual who:
- 3081 (a) is an employee of a medical cannabis courier; and
- 3082 (b) who holds a valid medical cannabis courier agent registration card.
- 3083 (30) (a) "Medical cannabis device" means a device that an individual uses to ingest or
- 3084 inhale cannabis in a medicinal dosage form or a cannabis product in a medicinal dosage form.
- 3085 (b) "Medical cannabis device" does not include a device that:
- 3086 (i) facilitates cannabis combustion; or
- 3087 (ii) an individual uses to ingest substances other than cannabis.
- 3088 (31) "Medical cannabis guardian card" means an electronic document that a cardholder
- 3089 may print or store on an electronic device or a physical card or document that:
- 3090 (a) the department issues to the parent or legal guardian of a minor with a qualifying
- 3091 condition; and
- 3092 (b) is connected to the electronic verification system.
- 3093 (32) "Medical cannabis patient card" means an electronic document that a cardholder
- 3094 may print or store on an electronic device or a physical card or document that:
- 3095 (a) the department issues to an individual with a qualifying condition; and
- 3096 (b) is connected to the electronic verification system.

- 3097 (33) "Medical cannabis pharmacy" means a person that:
3098 (a) (i) acquires or intends to acquire medical cannabis or a cannabis product in a
3099 medicinal dosage form from a cannabis processing facility or another medical cannabis
3100 pharmacy or a medical cannabis device; or
3101 (ii) possesses medical cannabis or a medical cannabis device; and
3102 (b) sells or intends to sell medical cannabis or a medical cannabis device to a medical
3103 cannabis cardholder.
- 3104 (34) "Medical cannabis pharmacy agent" means an individual who:
3105 (a) is an employee of a medical cannabis pharmacy; and
3106 (b) who holds a valid medical cannabis pharmacy agent registration card.
- 3107 (35) "Medical cannabis pharmacy agent registration card" means a registration card
3108 issued by the department that authorizes an individual to act as a medical cannabis pharmacy
3109 agent.
- 3110 (36) "Medical cannabis shipment" means a shipment of medical cannabis or a medical
3111 cannabis product that a home delivery medical cannabis pharmacy or a medical cannabis
3112 courier delivers to a medical cannabis cardholder's home address to fulfill an electronic medical
3113 cannabis order that the state central patient portal facilitates.
- 3114 (37) "Medical cannabis treatment" means cannabis in a medicinal dosage form, a
3115 cannabis product in a medicinal dosage form, or a medical cannabis device.
- 3116 (38) (a) "Medicinal dosage form" means:
3117 (i) for processed medical cannabis or a medical cannabis product, the following with a
3118 specific and consistent cannabinoid content:
3119 (A) a tablet;
3120 (B) a capsule;
3121 (C) a concentrated liquid or viscous oil;
3122 (D) a liquid suspension that, after December 1, 2022, does not exceed 30 ml;
3123 (E) a topical preparation;
3124 (F) a transdermal preparation;
3125 (G) a sublingual preparation;
3126 (H) a gelatinous cube, gelatinous rectangular cuboid, or lozenge in a cube or
3127 rectangular cuboid shape;

3128 (I) a resin or wax; or
3129 (J) an aerosol; or
3130 (ii) for unprocessed cannabis flower, a container described in Section [4-41a-602](#) that:
3131 (A) contains cannabis flowers in a quantity that varies by no more than 10% from the
3132 stated weight at the time of packaging;
3133 (B) at any time the medical cannabis cardholder transports or possesses the container in
3134 public, is contained within an opaque bag or box that the medical cannabis pharmacy provides;
3135 and
3136 (C) is labeled with the container's content and weight, the date of purchase, the legal
3137 use termination date, and after December 31, 2020, a barcode that provides information
3138 connected to an inventory control system; and
3139 (iii) a form measured in grams, milligrams, or milliliters.
3140 (b) "Medicinal dosage form" includes a portion of unprocessed cannabis flower that:
3141 (i) the medical cannabis cardholder has recently removed from the container described
3142 in Subsection (38)(a)(ii) for use; and
3143 (ii) does not exceed the quantity described in Subsection (38)(a)(ii).
3144 (c) "Medicinal dosage form" does not include:
3145 (i) any unprocessed cannabis flower outside of the container described in Subsection
3146 (38)(a)(ii), except as provided in Subsection (38)(b);
3147 (ii) any unprocessed cannabis flower in a container described in Subsection (38)(a)(ii)
3148 after the legal use termination date;
3149 (iii) a process of vaporizing and inhaling concentrated cannabis by placing the cannabis
3150 on a nail or other metal object that is heated by a flame, including a blowtorch; or
3151 (iv) a liquid suspension that is branded as a beverage.
3152 (39) "Nonresident patient" means an individual who:
3153 (a) is not a resident of Utah or has been a resident of Utah for less than 45 days;
3154 (b) has a currently valid medical cannabis card or the equivalent of a medical cannabis
3155 card under the laws of another state, district, territory, commonwealth, or insular possession of
3156 the United States; and
3157 (c) has been diagnosed with a qualifying condition as described in Section
3158 [\[26-61a-104\]](#) [26B-4-203](#).

3159 (40) "Payment provider" means an entity that contracts with a cannabis production
3160 establishment or medical cannabis pharmacy to facilitate transfers of funds between the
3161 establishment or pharmacy and other businesses or individuals.

3162 (41) "Pharmacy medical provider" means the medical provider required to be on site at
3163 a medical cannabis pharmacy under Section [~~26-61a-403~~] [26B-4-219](#).

3164 (42) "Provisional patient card" means a card that:

3165 (a) the department issues to a minor with a qualifying condition for whom:

3166 (i) a recommending medical provider has recommended a medical cannabis treatment;

3167 and

3168 (ii) the department issues a medical cannabis guardian card to the minor's parent or
3169 legal guardian; and

3170 (b) is connected to the electronic verification system.

3171 (43) "Qualified medical provider" means an individual:

3172 (a) who meets the recommending qualifications; and

3173 (b) whom the department registers to recommend treatment with cannabis in a
3174 medicinal dosage form under Section [~~26-61a-106~~] [26B-4-204](#).

3175 (44) "Qualified Patient Enterprise Fund" means the enterprise fund created in Section
3176 [~~26-61a-109~~] [26B-1-310](#).

3177 (45) "Qualifying condition" means a condition described in Section [~~26-61a-104~~] [26B-](#)
3178 [4-203](#).

3179 (46) "Recommend" or "recommendation" means, for a recommending medical
3180 provider, the act of suggesting the use of medical cannabis treatment, which:

3181 (a) certifies the patient's eligibility for a medical cannabis card; and

3182 (b) may include, at the recommending medical provider's discretion, directions of use,
3183 with or without dosing guidelines.

3184 (47) "Recommending medical provider" means a qualified medical provider or a
3185 limited medical provider.

3186 (48) "Recommending qualifications" means that an individual:

3187 (a) (i) has the authority to write a prescription;

3188 (ii) is licensed to prescribe a controlled substance under Title 58, Chapter 37, Utah
3189 Controlled Substances Act; and

3190 (iii) possesses the authority, in accordance with the individual's scope of practice, to
3191 prescribe a Schedule II controlled substance; and

3192 (b) is licensed as:

3193 (i) a podiatrist under Title 58, Chapter 5a, Podiatric Physician Licensing Act;

3194 (ii) an advanced practice registered nurse under Title 58, Chapter 31b, Nurse Practice
3195 Act;

3196 (iii) a physician under Title 58, Chapter 67, Utah Medical Practice Act, or Title 58,
3197 Chapter 68, Utah Osteopathic Medical Practice Act; or

3198 (iv) a physician assistant under Title 58, Chapter 70a, Utah Physician Assistant Act.

3199 (49) "State central patient portal" means the website the department creates, in
3200 accordance with Section [~~26-61a-601~~] [26B-4-236](#), to facilitate patient safety, education, and an
3201 electronic medical cannabis order.

3202 (50) "State central patient portal medical provider" means a physician or pharmacist
3203 that the department employs in relation to the state central patient portal to consult with
3204 medical cannabis cardholders in accordance with Section [~~26-61a-602~~] [26B-4-237](#).

3205 (51) "State electronic verification system" means the system described in Section
3206 [~~26-61a-103~~] [26B-4-202](#).

3207 (52) "Tetrahydrocannabinol" or "THC" means a substance derived from cannabis or a
3208 synthetic equivalent as described in Subsection [58-37-4\(2\)\(a\)\(iii\)\(AA\)](#).

3209 (53) "THC analog" means the same as that term is defined in Section [4-41-102](#).

3210 (54) "Valid form of photo identification" means any of the following forms of
3211 identification that is either current or has expired within the previous six months:

3212 (a) a valid state-issued driver license or identification card;

3213 (b) a valid United States federal-issued photo identification, including:

3214 (i) a United States passport;

3215 (ii) a United States passport card;

3216 (iii) a United States military identification card; or

3217 (iv) a permanent resident card or alien registration receipt card; or

3218 (c) a passport that another country issued.

3219 Section 60. Section **26B-4-202**, which is renumbered from Section 26-61a-103 is
3220 renumbered and amended to read:

3221 ~~[26-61a-103]~~. 26B-4-202. Electronic verification system.

3222 (1) The Department of Agriculture and Food, the department, the Department of Public
3223 Safety, and the Division of Technology Services shall:

3224 (a) enter into a memorandum of understanding in order to determine the function and
3225 operation of the state electronic verification system in accordance with Subsection (2);

3226 (b) coordinate with the Division of Purchasing, under Title 63G, Chapter 6a, Utah
3227 Procurement Code, to develop a request for proposals for a third-party provider to develop and
3228 maintain the state electronic verification system in coordination with the Division of
3229 Technology Services; and

3230 (c) select a third-party provider who:

3231 (i) meets the requirements contained in the request for proposals issued under
3232 Subsection (1)(b); and

3233 (ii) may not have any commercial or ownership interest in a cannabis production
3234 establishment or a medical cannabis pharmacy.

3235 (2) The Department of Agriculture and Food, the department, the Department of Public
3236 Safety, and the Division of Technology Services shall ensure that, on or before March 1, 2020,
3237 the state electronic verification system described in Subsection (1):

3238 (a) allows an individual to apply for a medical cannabis patient card or, if applicable, a
3239 medical cannabis guardian card, provided that the card may not become active until:

3240 (i) the relevant qualified medical provider completes the associated medical cannabis
3241 recommendation; or

3242 (ii) for a medical cannabis card related to a limited medical provider's
3243 recommendation, the medical cannabis pharmacy completes the recording described in
3244 Subsection (2)(d);

3245 (b) allows an individual to apply to renew a medical cannabis patient card or a medical
3246 cannabis guardian card in accordance with Section ~~[26-61a-201]~~ [26B-4-213](#);

3247 (c) allows a qualified medical provider, or an employee described in Subsection (3)
3248 acting on behalf of the qualified medical provider, to:

3249 (i) access dispensing and card status information regarding a patient:

3250 (A) with whom the qualified medical provider has a provider-patient relationship; and

3251 (B) for whom the qualified medical provider has recommended or is considering

3252 recommending a medical cannabis card;

3253 (ii) electronically recommend, after an initial face-to-face visit with a patient described
3254 in Subsection [~~26-61a-201~~] [26B-4-213](#)(4)(a)(iii), treatment with cannabis in a medicinal
3255 dosage form or a cannabis product in a medicinal dosage form and optionally recommend
3256 dosing guidelines; and

3257 (iii) electronically renew a recommendation to a medical cannabis patient cardholder or
3258 medical cannabis guardian cardholder:

3259 (A) using telehealth services, for the qualified medical provider who originally
3260 recommended a medical cannabis treatment during a face-to-face visit with the patient; or

3261 (B) during a face-to-face visit with the patient, for a qualified medical provider who
3262 did not originally recommend the medical cannabis treatment during a face-to-face visit.

3263 (d) beginning on the earlier of September 1, 2021, or the date on which the electronic
3264 verification system is functionally capable of facility medical cannabis pharmacy recording,
3265 allows a medical cannabis pharmacy medical provider or medical cannabis pharmacy agent, in
3266 accordance with Subsection [~~26-61a-501~~] [26B-4-229](#)(10)(a), to:

3267 (i) access the electronic verification system to review the history within the system of a
3268 patient with whom the provider or agent is interacting, limited to read-only access for medical
3269 cannabis pharmacy agents unless the medical cannabis pharmacy's pharmacist in charge
3270 authorizes add and edit access;

3271 (ii) record a patient's recommendation from a limited medical provider, including any
3272 directions of use, dosing guidelines, or caregiver indications from the limited medical provider;
3273 and

3274 (iii) record a limited medical provider's renewal of the provider's previous
3275 recommendation;

3276 (e) connects with:

3277 (i) an inventory control system that a medical cannabis pharmacy uses to track in real
3278 time and archive purchases of any cannabis in a medicinal dosage form, cannabis product in a
3279 medicinal dosage form, or a medical cannabis device, including:

3280 (A) the time and date of each purchase;

3281 (B) the quantity and type of cannabis, cannabis product, or medical cannabis device
3282 purchased;

3283 (C) any cannabis production establishment, any medical cannabis pharmacy, or any
3284 medical cannabis courier associated with the cannabis, cannabis product, or medical cannabis
3285 device; and

3286 (D) the personally identifiable information of the medical cannabis cardholder who
3287 made the purchase; and

3288 (ii) any commercially available inventory control system that a cannabis production
3289 establishment utilizes in accordance with Section 4-41a-103 to use data that the Department of
3290 Agriculture and Food requires by rule, in accordance with Title 63G, Chapter 3, Utah
3291 Administrative Rulemaking Act, from the inventory tracking system that a licensee uses to
3292 track and confirm compliance;

3293 (f) provides access to:

3294 (i) the department to the extent necessary to carry out the department's functions and
3295 responsibilities under this ~~chapter~~ part;

3296 (ii) the Department of Agriculture and Food to the extent necessary to carry out the
3297 functions and responsibilities of the Department of Agriculture and Food under Title 4, Chapter
3298 41a, Cannabis Production Establishments; and

3299 (iii) the Division of Professional Licensing to the extent necessary to carry out the
3300 functions and responsibilities related to the participation of the following in the
3301 recommendation and dispensing of medical cannabis:

3302 (A) a podiatrist licensed under Title 58, Chapter 5a, Podiatric Physician Licensing Act;

3303 (B) a pharmacist licensed under Title 58, Chapter 17b, Pharmacy Practice Act;

3304 (C) an advanced practice registered nurse licensed under Title 58, Chapter 31b, Nurse
3305 Practice Act;

3306 (D) a physician licensed under Title 58, Chapter 67, Utah Medical Practice Act, or
3307 Title 58, Chapter 68, Utah Osteopathic Medical Practice Act; or

3308 (E) a physician assistant licensed under Title 58, Chapter 70a, Utah Physician Assistant
3309 Act;

3310 (g) provides access to and interaction with the state central patient portal;

3311 (h) communicates dispensing information from a record that a medical cannabis
3312 pharmacy submits to the state electronic verification system under Subsection ~~[26-61a-502]~~

3313 26B-4-230(6)(a)(ii) to the controlled substance database;

- 3314 (i) provides access to state or local law enforcement:
- 3315 (i) during a law enforcement encounter, without a warrant, using the individual's driver
- 3316 license or state ID, only for the purpose of determining if the individual subject to the law
- 3317 enforcement encounter has a valid medical cannabis card; or
- 3318 (ii) after obtaining a warrant; and
- 3319 (j) creates a record each time a person accesses the system that identifies the person
- 3320 who accesses the system and the individual whose records the person accesses.
- 3321 (3) (a) Beginning on the earlier of September 1, 2021, or the date on which the
- 3322 electronic verification system is functionally capable of allowing employee access under this
- 3323 Subsection (3), an employee of a qualified medical provider may access the electronic
- 3324 verification system for a purpose described in Subsection (2)(c) on behalf of the qualified
- 3325 medical provider if:
- 3326 (i) the qualified medical provider has designated the employee as an individual
- 3327 authorized to access the electronic verification system on behalf of the qualified medical
- 3328 provider;
- 3329 (ii) the qualified medical provider provides written notice to the department of the
- 3330 employee's identity and the designation described in Subsection (3)(a)(i); and
- 3331 (iii) the department grants to the employee access to the electronic verification system.
- 3332 (b) An employee of a business that employs a qualified medical provider may access
- 3333 the electronic verification system for a purpose described in Subsection (2)(c) on behalf of the
- 3334 qualified medical provider if:
- 3335 (i) the qualified medical provider has designated the employee as an individual
- 3336 authorized to access the electronic verification system on behalf of the qualified medical
- 3337 provider;
- 3338 (ii) the qualified medical provider and the employing business jointly provide written
- 3339 notice to the department of the employee's identity and the designation described in Subsection
- 3340 (3)(b)(i); and
- 3341 (iii) the department grants to the employee access to the electronic verification system.
- 3342 (4) (a) As used in this Subsection (4), "prescribing provider" means:
- 3343 (i) a podiatrist licensed under Title 58, Chapter 5a, Podiatric Physician Licensing Act;
- 3344 (ii) an advanced practice registered nurse licensed under Title 58, Chapter 31b, Nurse

3345 Practice Act;

3346 (iii) a physician licensed under Title 58, Chapter 67, Utah Medical Practice Act, or
3347 Title 58, Chapter 68, Utah Osteopathic Medical Practice Act; or

3348 (iv) a physician assistant licensed under Title 58, Chapter 70a, Utah Physician
3349 Assistant Act.

3350 (b) Beginning on the earlier of September 1, 2021, or the date on which the electronic
3351 verification system is functionally capable of allowing provider access under this Subsection
3352 (4), a prescribing provider may access information in the electronic verification system

3353 regarding a patient the prescribing provider treats.

3354 (5) The department may release limited data that the system collects for the purpose of:

3355 (a) conducting medical and other department approved research;

3356 (b) providing the report required by Section [~~26-61a-703~~] [26B-4-222](#); and

3357 (c) other official department purposes.

3358 (6) The department shall make rules, in accordance with Title 63G, Chapter 3, Utah
3359 Administrative Rulemaking Act, to establish:

3360 (a) the limitations on access to the data in the state electronic verification system as
3361 described in this section; and

3362 (b) standards and procedures to ensure accurate identification of an individual
3363 requesting information or receiving information in this section.

3364 (7) (a) Any person who knowingly and intentionally releases any information in the
3365 state electronic verification system in violation of this section is guilty of a third degree felony.

3366 (b) Any person who negligently or recklessly releases any information in the state
3367 electronic verification system in violation of this section is guilty of a class C misdemeanor.

3368 (8) (a) Any person who obtains or attempts to obtain information from the state
3369 electronic verification system by misrepresentation or fraud is guilty of a third degree felony.

3370 (b) Any person who obtains or attempts to obtain information from the state electronic
3371 verification system for a purpose other than a purpose this ~~chapter~~ part authorizes is guilty of
3372 a third degree felony.

3373 (9) (a) Except as provided in Subsection (9)(e), a person may not knowingly and
3374 intentionally use, release, publish, or otherwise make available to any other person information
3375 obtained from the state electronic verification system for any purpose other than a purpose

3376 specified in this section.

3377 (b) Each separate violation of this Subsection (9) is:

3378 (i) a third degree felony; and

3379 (ii) subject to a civil penalty not to exceed \$5,000.

3380 (c) The department shall determine a civil violation of this Subsection (9) in
3381 accordance with Title 63G, Chapter 4, Administrative Procedures Act.

3382 (d) Civil penalties assessed under this Subsection (9) shall be deposited into the
3383 General Fund.

3384 (e) This Subsection (9) does not prohibit a person who obtains information from the
3385 state electronic verification system under Subsection (2)(a), (c), or (f) from:

3386 (i) including the information in the person's medical chart or file for access by a person
3387 authorized to review the medical chart or file;

3388 (ii) providing the information to a person in accordance with the requirements of the
3389 Health Insurance Portability and Accountability Act of 1996; or

3390 (iii) discussing or sharing that information about the patient with the patient.

3391 Section 61. Section **26B-4-203**, which is renumbered from Section 26-61a-104 is
3392 renumbered and amended to read:

3393 ~~[26-61a-104]~~. **26B-4-203. Qualifying condition.**

3394 (1) By designating a particular condition under Subsection (2) for which the use of
3395 medical cannabis to treat symptoms is decriminalized, the Legislature does not conclusively
3396 state that:

3397 (a) current scientific evidence clearly supports the efficacy of a medical cannabis
3398 treatment for the condition; or

3399 (b) a medical cannabis treatment will treat, cure, or positively affect the condition.

3400 (2) For the purposes of this ~~chapter~~ part, each of the following conditions is a
3401 qualifying condition:

3402 (a) HIV or acquired immune deficiency syndrome;

3403 (b) Alzheimer's disease;

3404 (c) amyotrophic lateral sclerosis;

3405 (d) cancer;

3406 (e) cachexia;

3407 (f) persistent nausea that is not significantly responsive to traditional treatment, except
3408 for nausea related to:

3409 (i) pregnancy;

3410 (ii) cannabis-induced cyclical vomiting syndrome; or

3411 (iii) cannabinoid hyperemesis syndrome;

3412 (g) Crohn's disease or ulcerative colitis;

3413 (h) epilepsy or debilitating seizures;

3414 (i) multiple sclerosis or persistent and debilitating muscle spasms;

3415 (j) post-traumatic stress disorder that is being treated and monitored by a licensed
3416 mental health therapist, as that term is defined in Section 58-60-102, and that:

3417 (i) has been diagnosed by a healthcare provider or mental health provider employed or
3418 contracted by the United States Veterans Administration, evidenced by copies of medical
3419 records from the United States Veterans Administration that are included as part of the
3420 qualified medical provider's pre-treatment assessment and medical record documentation; or

3421 (ii) has been diagnosed or confirmed, through face-to-face or telehealth evaluation of
3422 the patient, by a provider who is:

3423 (A) a licensed board-eligible or board-certified psychiatrist;

3424 (B) a licensed psychologist with a master's-level degree;

3425 (C) a licensed clinical social worker with a master's-level degree; or

3426 (D) a licensed advanced practice registered nurse who is qualified to practice within
3427 the psychiatric mental health nursing specialty and who has completed the clinical practice
3428 requirements in psychiatric mental health nursing, including in psychotherapy, in accordance
3429 with Subsection 58-31b-302(5)(g);

3430 (k) autism;

3431 (l) a terminal illness when the patient's remaining life expectancy is less than six
3432 months;

3433 (m) a condition resulting in the individual receiving hospice care;

3434 (n) a rare condition or disease that:

3435 (i) affects less than 200,000 individuals in the United States, as defined in Section 526
3436 of the Federal Food, Drug, and Cosmetic Act; and

3437 (ii) is not adequately managed despite treatment attempts using:

- 3438 (A) conventional medications other than opioids or opiates; or
- 3439 (B) physical interventions;
- 3440 (c) pain lasting longer than two weeks that is not adequately managed, in the qualified
- 3441 medical provider's opinion, despite treatment attempts using:
- 3442 (i) conventional medications other than opioids or opiates; or
- 3443 (ii) physical interventions;
- 3444 (p) pain that is expected to last for two weeks or longer for an acute condition,
- 3445 including a surgical procedure, for which a medical professional may generally prescribe
- 3446 opioids for a limited duration, subject to Subsection ~~[26-61a-201]~~ [26B-4-213](#)(5)(c); and
- 3447 (q) a condition that the Compassionate Use Board approves under Section
- 3448 ~~[26-61a-105]~~ [26B-1-421](#), on an individual, case-by-case basis.

3449 Section 62. Section **26B-4-204**, which is renumbered from Section 26-61a-106 is

3450 renumbered and amended to read:

3451 ~~[26-61a-106]~~. **26B-4-204. Qualified medical provider registration --**

3452 **Continuing education -- Treatment recommendation -- Limited medical provider.**

3453 (1) (a) (i) Except as provided in Subsection (1)(b), an individual may not recommend a

3454 medical cannabis treatment unless the department registers the individual as a qualified

3455 medical provider in accordance with this section.

3456 (ii) Notwithstanding Subsection (1)(a)(i), a qualified medical provider who is podiatrist

3457 licensed under Title 58, Chapter 5a, Podiatric Physician Licensing Act, may not recommend a

3458 medical cannabis treatment except within the course and scope of a practice of podiatry, as that

3459 term is defined in Section [58-5a-102](#).

3460 (b) Beginning on the earlier of September 1, 2021, or the date on which the department

3461 gives notice that the electronic verification system is functionally capable as described in

3462 Subsection ~~[26-61a-103]~~ [26B-4-202](#)(2)(d), an individual who meets the recommending

3463 qualifications may recommend a medical cannabis treatment as a limited medical provider

3464 without registering under Subsection (1)(a) if:

3465 (i) the individual recommends the use of medical cannabis to the patient through an

3466 order described in Subsection (1)(c) after:

3467 (A) a face-to-face visit for an initial recommendation or the renewal of a

3468 recommendation for a patient for whom the limited medical provider did not make the patient's

3469 original recommendation; or

3470 (B) a visit using telehealth services for a renewal of a recommendation for a patient for
3471 whom the limited medical provider made the patient's original recommendation; and

3472 (ii) the individual's recommendation or renewal would not cause the total number of
3473 the individual's patients who have a valid medical cannabis patient card or provisional patient
3474 card resulting from the individual's recommendation to exceed 15.

3475 (c) The individual described in Subsection (1)(b) shall communicate the individual's
3476 recommendation through an order for the medical cannabis pharmacy to record the individual's
3477 recommendation or renewal in the state electronic verification system under the individual's
3478 recommendation that:

3479 (i) (A) that the individual or the individual's employee sends electronically to a medical
3480 cannabis pharmacy; or

3481 (B) that the individual gives to the patient in writing for the patient to deliver to a
3482 medical cannabis pharmacy; and

3483 (ii) may include:

3484 (A) directions of use or dosing guidelines; and

3485 (B) an indication of a need for a caregiver in accordance with Subsection [~~26-61a-201~~]
3486 [26B-4-213](#)(3)(c).

3487 (d) If the limited medical provider gives the patient a written recommendation to
3488 deliver to a medical cannabis pharmacy under Subsection (1)(c)(i)(B), the limited medical
3489 provider shall ensure that the document includes all of the information that is included on a
3490 prescription the provider would issue for a controlled substance, including:

3491 (i) the date of issuance;

3492 (ii) the provider's name, address and contact information, controlled substance license
3493 information, and signature; and

3494 (iii) the patient's name, address and contact information, age, and diagnosed qualifying
3495 condition.

3496 (e) In considering making a recommendation as a limited medical provider, an
3497 individual may consult information that the department makes available on the department's
3498 website for recommending providers.

3499 (2) (a) The department shall, within 15 days after the day on which the department

3500 receives an application from an individual, register and issue a qualified medical provider
3501 registration card to the individual if the individual:

- 3502 (i) provides to the department the individual's name and address;
- 3503 (ii) provides to the department a report detailing the individual's completion of the
3504 applicable continuing education requirement described in Subsection (3);
- 3505 (iii) provides to the department evidence that the individual meets the recommending
3506 qualifications;

3507 (iv) for an applicant on or after November 1, 2021, provides to the department the
3508 information described in Subsection (10)(a); and

3509 (v) pays the department a fee in an amount that:

- 3510 (A) the department sets, in accordance with Section [63J-1-504](#); and
- 3511 (B) does not exceed \$300 for an initial registration.

3512 (b) The department may not register an individual as a qualified medical provider if the
3513 individual is:

- 3514 (i) a pharmacy medical provider; or
- 3515 (ii) an owner, officer, director, board member, employee, or agent of a cannabis
3516 production establishment, a medical cannabis pharmacy, or a medical cannabis courier.

3517 (3) (a) An individual shall complete the continuing education described in this
3518 Subsection (3) in the following amounts:

- 3519 (i) for an individual as a condition precedent to registration, four hours; and
- 3520 (ii) for a qualified medical provider as a condition precedent to renewal, four hours
3521 every two years.

3522 (b) In accordance with Subsection (3)(a), a qualified medical provider shall:

3523 (i) complete continuing education:

3524 (A) regarding the topics described in Subsection (3)(d); and

3525 (B) offered by the department under Subsection (3)(c) or an accredited or approved
3526 continuing education provider that the department recognizes as offering continuing education
3527 appropriate for the recommendation of cannabis to patients; and

3528 (ii) make a continuing education report to the department in accordance with a process
3529 that the department establishes by rule, in accordance with Title 63G, Chapter 3, Utah
3530 Administrative Rulemaking Act, and in collaboration with the Division of Professional

3531 Licensing and:

3532 (A) for a podiatrist licensed under Title 58, Chapter 5a, Podiatric Physician Licensing
3533 Act, the Podiatric Physician Board;

3534 (B) for an advanced practice registered nurse licensed under Title 58, Chapter 31b,
3535 Nurse Practice Act, the Board of Nursing;

3536 (C) for a qualified medical provider licensed under Title 58, Chapter 67, Utah Medical
3537 Practice Act, the Physicians Licensing Board;

3538 (D) for a qualified medical provider licensed under Title 58, Chapter 68, Utah
3539 Osteopathic Medical Practice Act, the Osteopathic Physician and Surgeon's Licensing Board;
3540 and

3541 (E) for a physician assistant licensed under Title 58, Chapter 70a, Utah Physician
3542 Assistant Act, the Physician Assistant Licensing Board.

3543 (c) The department may, in consultation with the Division of Professional Licensing,
3544 develop the continuing education described in this Subsection (3).

3545 (d) The continuing education described in this Subsection (3) may discuss:

3546 (i) the provisions of this ~~chapter~~ part;

3547 (ii) general information about medical cannabis under federal and state law;

3548 (iii) the latest scientific research on the endocannabinoid system and medical cannabis,
3549 including risks and benefits;

3550 (iv) recommendations for medical cannabis as it relates to the continuing care of a
3551 patient in pain management, risk management, potential addiction, or palliative care; and

3552 (v) best practices for recommending the form and dosage of medical cannabis products
3553 based on the qualifying condition underlying a medical cannabis recommendation.

3554 (4) (a) Except as provided in Subsection (4)(b), a qualified medical provider may not
3555 recommend a medical cannabis treatment to more than 275 of the qualified medical provider's
3556 patients at the same time, as determined by the number of medical cannabis cards under the
3557 qualified medical provider's name in the state electronic verification system.

3558 (b) A qualified medical provider may recommend a medical cannabis treatment to up to
3559 600 of the qualified medical provider's patients at any given time, as determined by the number
3560 of medical cannabis cards under the qualified medical provider's name in the state electronic
3561 verification system, if:

3562 (i) the appropriate American medical board has certified the qualified medical provider
3563 in the specialty of anesthesiology, gastroenterology, neurology, oncology, pain, hospice and
3564 palliative medicine, physical medicine and rehabilitation, rheumatology, endocrinology, or
3565 psychiatry; or

3566 (ii) a licensed business employs or contracts with the qualified medical provider for the
3567 specific purpose of providing hospice and palliative care.

3568 (5) A recommending medical provider may recommend medical cannabis to an
3569 individual under this ~~[chapter]~~ part only in the course of a provider-patient relationship after
3570 the recommending medical provider has completed and documented in the patient's medical
3571 record a thorough assessment of the patient's condition and medical history based on the
3572 appropriate standard of care for the patient's condition.

3573 (6) (a) Except as provided in Subsection (6)(b), an individual may not advertise that the
3574 individual recommends a medical cannabis treatment.

3575 (b) Notwithstanding Subsection (6)(a) and subject to Section ~~[26-61a-116]~~ 26B-4-223,
3576 a qualified medical provider or clinic or office that employs a qualified medical provider may
3577 advertise the following:

3578 (i) a green cross;

3579 (ii) the provider's or clinic's name and logo;

3580 (iii) a qualifying condition that the individual treats;

3581 (iv) that the individual is registered as a qualified medical provider and recommends
3582 medical cannabis; or

3583 (v) a scientific study regarding medical cannabis use.

3584 (7) (a) A qualified medical provider registration card expires two years after the day on
3585 which the department issues the card.

3586 (b) The department shall renew a qualified medical provider's registration card if the
3587 provider:

3588 (i) applies for renewal;

3589 (ii) is eligible for a qualified medical provider registration card under this section,
3590 including maintaining an unrestricted license under the recommending qualifications;

3591 (iii) certifies to the department in a renewal application that the information in
3592 Subsection (2)(a) is accurate or updates the information;

3593 (iv) submits a report detailing the completion of the continuing education requirement
3594 described in Subsection (3); and

3595 (v) pays the department a fee in an amount that:

3596 (A) the department sets, in accordance with Section 63J-1-504; and

3597 (B) does not exceed \$50 for a registration renewal.

3598 (8) The department may revoke the registration of a qualified medical provider who
3599 fails to maintain compliance with the requirements of this section.

3600 (9) A recommending medical provider may not receive any compensation or benefit for
3601 the qualified medical provider's medical cannabis treatment recommendation from:

3602 (a) a cannabis production establishment or an owner, officer, director, board member,
3603 employee, or agent of a cannabis production establishment;

3604 (b) a medical cannabis pharmacy or an owner, officer, director, board member,
3605 employee, or agent of a medical cannabis pharmacy; or

3606 (c) a recommending medical provider or pharmacy medical provider.

3607 (10) (a) On or before November 1, 2021, a qualified medical provider shall report to
3608 the department, in a manner designated by the department:

3609 (i) if applicable, that the qualified medical provider or the entity that employs the
3610 qualified medical provider represents online or on printed material that the qualified medical
3611 provider is a qualified medical provider or offers medical cannabis recommendations to
3612 patients; and

3613 (ii) the fee amount that the qualified medical provider or the entity that employs the
3614 qualified medical provider charges a patient for a medical cannabis recommendation, either as
3615 an actual cash rate or, if the provider or entity bills insurance, an average cash rate.

3616 (b) The department shall:

3617 (i) ensure that the following information related to qualified medical providers and
3618 entities described in Subsection (10)(a)(i) is available on the department's website or on the
3619 health care price transparency tool under Subsection (10)(b)(ii):

3620 (A) the name of the qualified medical provider and, if applicable, the name of the
3621 entity that employs the qualified medical provider;

3622 (B) the address of the qualified medical provider's office or, if applicable, the entity
3623 that employs the qualified medical provider; and

3624 (C) the fee amount described in Subsection (10)(a)(ii); and
3625 (ii) share data collected under this Subsection (10) with the state auditor for use in the
3626 health care price transparency tool described in Section [67-3-11](#).

3627 Section 63. Section **26B-4-205**, which is renumbered from Section 26-61a-107 is
3628 renumbered and amended to read:

3629 ~~[26-61a-107]~~. **26B-4-205. Standard of care -- Physicians and pharmacists**
3630 **not liable -- No private right of action.**

3631 (1) An individual described in Subsection (2) is not subject to the following solely for
3632 violating a federal law or regulation that would otherwise prohibit recommending, prescribing,
3633 or dispensing medical cannabis, a medical cannabis product, or a cannabis-based drug that the
3634 United States Food and Drug Administration has not approved:

3635 (a) civil or criminal liability; or

3636 (b) licensure sanctions under Title 58, Chapter 17b, Pharmacy Practice Act, Title 58,
3637 Chapter 31b, Nurse Practice Act, Title 58, Chapter 67, Utah Medical Practice Act, Title 58,
3638 Chapter 68, Utah Osteopathic Medical Practice Act, or Title 58, Chapter 70a, Utah Physician
3639 Assistant Act.

3640 (2) The limitations of liability described in Subsection (1) apply to:

3641 (a) a podiatrist licensed under Title 58, Chapter 5a, Podiatric Physician Licensing Act,
3642 an advanced practice registered nurse licensed under Title 58, Chapter 31b, Nurse Practice Act,
3643 a physician licensed under Title 58, Chapter 67, Utah Medical Practice Act, or Title 58,
3644 Chapter 68, Utah Osteopathic Medical Practice Act, or a physician assistant licensed under
3645 Title 58, Chapter 70a, Utah Physician Assistant Act:

3646 (i) (A) whom the department has registered as a qualified medical provider; or

3647 (B) who makes a recommendation as a limited medical provider; and

3648 (ii) who recommends treatment with cannabis in a medicinal dosage form or a cannabis
3649 product in a medicinal dosage form to a patient in accordance with this ~~[chapter]~~ part; and

3650 (b) a pharmacist licensed under Title 58, Chapter 17b, Pharmacy Practice Act:

3651 (i) whom the department has registered as a pharmacy medical provider; and

3652 (ii) who dispenses, in a medical cannabis pharmacy, treatment with cannabis in a
3653 medicinal dosage form or a cannabis product in a medicinal dosage form to a medical cannabis
3654 cardholder in accordance with this ~~[chapter]~~ part.

3655 (3) Nothing in this section or ~~[chapter]~~ part reduces or in any way negates the duty of
3656 an individual described in Subsection (2) to use reasonable and ordinary care in the treatment
3657 of a patient:

3658 (a) who may have a qualifying condition; and

3659 (b) (i) for whom the individual described in Subsection (2)(a)(i) or (ii) has
3660 recommended or might consider recommending a treatment with cannabis or a cannabis
3661 product; or

3662 (ii) with whom the pharmacist described in Subsection (2)(b) has interacted in the
3663 dosing or dispensing of cannabis or a cannabis product.

3664 (4) (a) As used in this Subsection (4), "healthcare facility" means ~~[the same as that~~
3665 ~~term]~~ health care facility as is defined in Section ~~[26-21-2]~~ 26B-2-201.

3666 (b) A healthcare facility may adopt restrictions on the possession, use, and storage of
3667 medical cannabis on the premises of the healthcare facility by a medical cannabis cardholder
3668 who resides at or is actively receiving treatment or care at the healthcare facility.

3669 (c) An employee or agent of a healthcare facility described in this Subsection (4) is not
3670 subject to civil or criminal liability for carrying out employment duties, including:

3671 (i) providing or supervising care to a medical cannabis cardholder; or

3672 (ii) in accordance with a caregiver designation under Section ~~[26-61a-202]~~ 26B-4-214
3673 for a medical cannabis cardholder residing at the healthcare facility, purchasing, transporting,
3674 or possessing medical cannabis for the relevant patient and in accordance with the designation.

3675 (d) Nothing in this section requires a healthcare facility to adopt a restriction under
3676 Subsection (4)(b).

3677 Section 64. Section **26B-4-206**, which is renumbered from Section 26-61a-108 is
3678 renumbered and amended to read:

3679 ~~[26-61a-108]~~. **26B-4-206. Agreement with a tribe.**

3680 (1) As used in this section, "tribe" means a federally recognized Indian tribe or Indian
3681 band.

3682 (2) (a) In accordance with this section, the governor may enter into an agreement with a
3683 tribe to allow for the operation of a medical cannabis pharmacy on tribal land located within
3684 the state.

3685 (b) An agreement described in Subsection (2)(a) may not exempt any person from the

3686 requirements of this [~~chapter~~] part.

3687 (c) The governor shall ensure that an agreement described in Subsection (2)(a):

3688 (i) is in writing;

3689 (ii) is signed by:

3690 (A) the governor; and

3691 (B) the governing body of the tribe that the tribe designates and has the authority to
3692 bind the tribe to the terms of the agreement;

3693 (iii) states the effective date of the agreement;

3694 (iv) provides that the governor shall renegotiate the agreement if the agreement is or
3695 becomes inconsistent with a state statute; and

3696 (v) includes any accommodation that the tribe makes:

3697 (A) to which the tribe agrees; and

3698 (B) that is reasonably related to the agreement.

3699 (d) Before executing an agreement under this Subsection (2), the governor shall consult
3700 with the department.

3701 (e) At least 30 days before the execution of an agreement described in this Subsection
3702 (2), the governor or the governor's designee shall provide a copy of the agreement in the form
3703 in which the agreement will be executed to:

3704 (i) the chairs of the Native American Legislative Liaison Committee; and

3705 (ii) the Office of Legislative Research and General Counsel.

3706 Section 65. Section ~~26B-4-207~~, which is renumbered from Section 26-61a-111 is
3707 renumbered and amended to read:

3708 ~~[26-61a-111]~~. 26B-4-207. Nondiscrimination for medical care or
3709 government employment -- Notice to prospective and current public employees -- No
3710 effect on private employers.

3711 (1) For purposes of medical care, including an organ or tissue transplant, a patient's
3712 use, in accordance with this [~~chapter~~] part, of cannabis in a medicinal dosage form or a
3713 cannabis product in a medicinal dosage form:

3714 (a) is considered the equivalent of the authorized use of any other medication used at
3715 the discretion of a physician; and

3716 (b) does not constitute the use of an illicit substance or otherwise disqualify an

3717 individual from needed medical care.

3718 (2) (a) Notwithstanding any other provision of law and except as provided in
3719 Subsection (2)(b), the state or any political subdivision shall treat:

3720 (i) an employee's use of medical cannabis in accordance with this [chapter] part or
3721 Section 58-37-3.7 in the same way the state or political subdivision treats employee use of any
3722 prescribed controlled substance; and

3723 (ii) an employee's status as a medical cannabis cardholder or an employee's medical
3724 cannabis recommendation from a qualified medical provider or limited provider in the same
3725 way the state or political subdivision treats an employee's prescriptions for any prescribed
3726 controlled substance.

3727 (b) A state or political subdivision employee who has a valid medical cannabis card is
3728 not subject to retaliatory action, as that term is defined in Section 67-19a-101, for failing a drug
3729 test due to marijuana or tetrahydrocannabinol without evidence that the employee was impaired
3730 or otherwise adversely affected in the employee's job performance due to the use of medical
3731 cannabis.

3732 (c) Subsections (2)(a) and (b) do not apply:

3733 (i) where the application of Subsection (2)(a) or (b) would jeopardize federal funding, a
3734 federal security clearance, or any other federal background determination required for the
3735 employee's position;

3736 (ii) if the employee's position is dependent on a license or peace officer certification
3737 that is subject to federal regulations, including 18 U.S.C. Sec. 922(g)(3); or

3738 (iii) if an employee described in Subsections 34A-2-102(1)(h)(ii) through (vi) uses
3739 medical cannabis during the 12 hours immediately preceding the employee's shift or during the
3740 employee's shift.

3741 (3) (a) (i) A state employer or a political subdivision employer shall take the action
3742 described in Subsection (3)(a)(ii) before:

3743 (A) giving to a current employee an assignment or duty that arises from or directly
3744 relates to an obligation under this [chapter] part; or

3745 (B) hiring a prospective employee whose assignments or duties would include an
3746 assignment or duty that arises from or directly relates to an obligation under this [chapter] part.

3747 (ii) The employer described in Subsection (3)(a)(i) shall give the employee or

3748 prospective employee described in Subsection (3)(a)(i) a written notice that notifies the
3749 employee or prospective employee:

3750 (A) that the employee's or prospective employee's job duties may require the employee
3751 or prospective employee to engage in conduct which is in violation of the criminal laws of the
3752 United States; and

3753 (B) that in accepting a job or undertaking a duty described in Subsection (3)(a)(i),
3754 although the employee or prospective employee is entitled to the protections of Title 67,
3755 Chapter 21, Utah Protection of Public Employees Act, the employee may not object or refuse to
3756 carry out an assignment or duty that may be a violation of the criminal laws of the United
3757 States with respect to the manufacture, sale, or distribution of cannabis.

3758 (b) The Division of Human Resource Management shall create, revise, and publish the
3759 form of the notice described in Subsection (3)(a).

3760 (c) Notwithstanding Subsection 67-21-3(3), an employee who has signed the notice
3761 described in Subsection (3)(a) may not:

3762 (i) claim in good faith that the employee's actions violate or potentially violate the laws
3763 of the United States with respect to the manufacture, sale, or distribution of cannabis; or

3764 (ii) refuse to carry out a directive that the employee reasonably believes violates the
3765 criminal laws of the United States with respect to the manufacture, sale, or distribution of
3766 cannabis.

3767 (d) An employer may not take retaliatory action as defined in Section 67-19a-101
3768 against a current employee who refuses to sign the notice described in Subsection (3)(a).

3769 (4) Nothing in this section requires a private employer to accommodate the use of
3770 medical cannabis or affects the ability of a private employer to have policies restricting the use
3771 of medical cannabis by applicants or employees.

3772 Section 66. Section **26B-4-208**, which is renumbered from Section 26-61a-112 is
3773 renumbered and amended to read:

3774 ~~[26-61a-112]~~. **26B-4-208**. **No insurance requirement.**

3775 Nothing in this [~~chapter~~] part requires an insurer, a third-party administrator, or an
3776 employer to pay or reimburse for cannabis, a cannabis product, or a medical cannabis device.

3777 Section 67. Section **26B-4-209**, which is renumbered from Section 26-61a-113 is
3778 renumbered and amended to read:

3779 ~~[26-61a-113]~~. **26B-4-209**. No effect on use of hemp extract -- Cannabidiol --
3780 **Approved drugs.**

3781 (1) Nothing in this ~~[chapter]~~ part prohibits an individual from purchasing, selling,
3782 possessing, or using a cannabinoid product in accordance with Section ~~4-41-402~~.

3783 (2) Nothing in this ~~[chapter]~~ part restricts or otherwise affects the prescription,
3784 distribution, or dispensing of a product that the United States Food and Drug Administration
3785 has approved.

3786 Section 68. Section **26B-4-210**, which is renumbered from Section 26-61a-114 is
3787 renumbered and amended to read:

3788 ~~[26-61a-114]~~. **26B-4-210**. Severability clause.

3789 (1) If any provision of this title or Laws of Utah 2018, Third Special Session, Chapter 1
3790 or the application of any provision of this title or Laws of Utah 2018, Third Special Session,
3791 Chapter 1 to any person or circumstance is held invalid by a final decision of a court of
3792 competent jurisdiction, the remaining provisions of this title and Laws of Utah 2018, Third
3793 Special Session, Chapter 1 remain effective without the invalidated provision or application.

3794 (2) The provisions of this title and Laws of Utah 2018, Third Special Session, Chapter
3795 1 are severable.

3796 Section 69. Section **26B-4-211**, which is renumbered from Section 26-61a-115 is
3797 renumbered and amended to read:

3798 ~~[26-61a-115]~~. **26B-4-211**. Analogous to prescribed controlled substances.

3799 When an employee, officer, or agent of the state or a political subdivision makes a
3800 finding, determination, or otherwise considers an individual's possession or use of cannabis, a
3801 cannabis product, or a medical cannabis device, the employee, officer, or agent may not
3802 consider the individual's possession or use any differently than the lawful possession or use of
3803 any prescribed controlled substance, if the individual's possession or use complies with:

3804 (1) this ~~[chapter]~~ part;

3805 (2) Title 4, Chapter 41a, Cannabis Production Establishments; or

3806 (3) Subsection ~~58-37-3.7~~(2) or (3).

3807 Section 70. Section **26B-4-212**, which is renumbered from Section 26-61-103 is
3808 renumbered and amended to read:

3809 ~~[26-61-103]~~. **26B-4-212**. Institutional review board -- Approved study of

3810 **cannabis, a cannabinoid product, or an expanded cannabinoid product.**

3811 (1) As used in this section:

3812 (a) "Approved study" means a medical research study:

3813 (i) the purpose of which is to investigate the medical benefits and risks of cannabinoid

3814 products; and

3815 (ii) that is approved by an IRB.

3816 (b) "Board" means the Cannabis Research Review Board created in Section [26B-1-](#)

3817 [420](#).

3818 (c) "Cannabinoid product" means the same as that term is defined in Section [58-37-3.6](#).

3819 (d) "Cannabis" means the same as that term is defined in Section [58-37-3.6](#).

3820 (e) "Expanded cannabinoid product" means the same as that term is defined in Section

3821 [58-37-3.6](#).

3822 (f) "Institutional review board" or "IRB" means an institutional review board that is

3823 registered for human subject research by the United States Department of Health and Human

3824 Services.

3825 ~~[(1)]~~ (2) A person conducting an approved study may, for the purposes of the study:

3826 (a) process a cannabinoid product or an expanded cannabinoid product;

3827 (b) possess a cannabinoid product or an expanded cannabinoid product; and

3828 (c) administer a cannabinoid product, or an expanded cannabinoid product to an

3829 individual in accordance with the approved study.

3830 ~~[(2)]~~ (3) A person conducting an approved study may:

3831 (a) import cannabis, a cannabinoid product, or an expanded cannabinoid product from
3832 another state if:

3833 (i) the importation complies with federal law; and

3834 (ii) the person uses the cannabis, cannabinoid product, or expanded cannabinoid

3835 product in accordance with the approved study; or

3836 (b) obtain cannabis, a cannabinoid product, or an expanded cannabinoid product from

3837 the National Institute on Drug Abuse.

3838 ~~[(3)]~~ (4) A person conducting an approved study may distribute cannabis, a

3839 cannabinoid product, or an expanded cannabinoid product outside the state if:

3840 (a) the distribution complies with federal law; and

3841 (b) the distribution is for the purposes of, and in accordance with, the approved study.

3842 Section 71. Section **26B-4-213**, which is renumbered from Section 26-61a-201 is
3843 renumbered and amended to read:

3844 ~~[26-61a-201]~~. **26B-4-213**. **Medical cannabis patient card -- Medical**
3845 **cannabis guardian card -- Conditional medical cannabis card -- Application -- Fees --**
3846 **Studies.**

3847 (1) (a) The department shall, within 15 days after the day on which an individual who
3848 satisfies the eligibility criteria in this section or Section ~~[26-61a-202]~~ [26B-4-214](#) submits an
3849 application in accordance with this section or Section ~~[26-61a-202]~~ [26B-4-214](#):

3850 (i) issue a medical cannabis patient card to an individual described in Subsection
3851 (2)(a);

3852 (ii) issue a medical cannabis guardian card to an individual described in Subsection
3853 (2)(b);

3854 (iii) issue a provisional patient card to a minor described in Subsection (2)(c); and

3855 (iv) issue a medical cannabis caregiver card to an individual described in Subsection
3856 ~~[26-61a-202]~~ [26B-4-214](#)(4).

3857 (b) (i) Beginning on the earlier of September 1, 2021, or the date on which the
3858 electronic verification system is functionally capable of facilitating a conditional medical
3859 cannabis card under this Subsection (1)(b), upon the entry of a recommending medical
3860 provider's medical cannabis recommendation for a patient in the state electronic verification
3861 system, either by the provider or the provider's employee or by a medical cannabis pharmacy
3862 medical provider or medical cannabis pharmacy in accordance with Subsection ~~[26-61a-501]~~
3863 [26B-4-229](#)(10)(a), the department shall issue to the patient an electronic conditional medical
3864 cannabis card, in accordance with this Subsection (1)(b).

3865 (ii) A conditional medical cannabis card is valid for the lesser of:

3866 (A) 60 days; or

3867 (B) the day on which the department completes the department's review and issues a
3868 medical cannabis card under Subsection (1)(a), denies the patient's medical cannabis card
3869 application, or revokes the conditional medical cannabis card under Subsection (8).

3870 (iii) The department may issue a conditional medical cannabis card to an individual
3871 applying for a medical cannabis patient card for which approval of the Compassionate Use

3872 Board is not required.

3873 (iv) An individual described in Subsection (1)(b)(iii) has the rights, restrictions, and
3874 obligations under law applicable to a holder of the medical cannabis card for which the
3875 individual applies and for which the department issues the conditional medical cannabis card.

3876 (2) (a) An individual is eligible for a medical cannabis patient card if:

3877 (i) (A) the individual is at least 21 years old; or

3878 (B) the individual is 18, 19, or 20 years old, the individual petitions the Compassionate

3879 Use Board under Section [~~26-61a-105~~] [26B-1-421](#), and the Compassionate Use Board

3880 recommends department approval of the petition;

3881 (ii) the individual is a Utah resident;

3882 (iii) the individual's recommending medical provider recommends treatment with
3883 medical cannabis in accordance with Subsection (4);

3884 (iv) the individual signs an acknowledgment stating that the individual received the
3885 information described in Subsection (9); and

3886 (v) the individual pays to the department a fee in an amount that, subject to Subsection
3887 [~~26-61a-109~~] [26B-1-310](#)(5), the department sets in accordance with Section [63J-1-504](#).

3888 (b) (i) An individual is eligible for a medical cannabis guardian card if the individual:

3889 (A) is at least 18 years old;

3890 (B) is a Utah resident;

3891 (C) is the parent or legal guardian of a minor for whom the minor's qualified medical
3892 provider recommends a medical cannabis treatment, the individual petitions the Compassionate
3893 Use Board under Section [~~26-61a-105~~] [26B-1-421](#), and the Compassionate Use Board
3894 recommends department approval of the petition;

3895 (D) the individual signs an acknowledgment stating that the individual received the
3896 information described in Subsection (9);

3897 (E) pays to the department a fee in an amount that, subject to Subsection [~~26-61a-109~~]
3898 [26B-1-310](#)(5), the department sets in accordance with Section [63J-1-504](#), plus the cost of the
3899 criminal background check described in Section [~~26-61a-203~~] [26B-4-215](#); and

3900 (F) the individual has not been convicted of a misdemeanor or felony drug distribution
3901 offense under either state or federal law, unless the individual completed any imposed sentence
3902 six months or more before the day on which the individual applies for a medical cannabis

3903 guardian card.

3904 (ii) The department shall notify the Department of Public Safety of each individual that
3905 the department registers for a medical cannabis guardian card.

3906 (c) (i) A minor is eligible for a provisional patient card if:

3907 (A) the minor has a qualifying condition;

3908 (B) the minor's qualified medical provider recommends a medical cannabis treatment
3909 to address the minor's qualifying condition;

3910 (C) one of the minor's parents or legal guardians petitions the Compassionate Use
3911 Board under Section ~~26-61a-105~~, and the Compassionate Use Board recommends department
3912 approval of the petition; and

3913 (D) the minor's parent or legal guardian is eligible for a medical cannabis guardian card
3914 under Subsection (2)(b) or designates a caregiver under Subsection (2)(d) who is eligible for a
3915 medical cannabis caregiver card under Section [~~26-61a-202~~] [26B-4-214](#).

3916 (ii) The department shall automatically issue a provisional patient card to the minor
3917 described in Subsection (2)(c)(i) at the same time the department issues a medical cannabis
3918 guardian card to the minor's parent or legal guardian.

3919 (d) Beginning on the earlier of September 1, 2021, or the date on which the electronic
3920 verification system is functionally capable of servicing the designation, if the parent or legal
3921 guardian of a minor described in Subsections (2)(c)(i)(A) through (C) does not qualify for a
3922 medical cannabis guardian card under Subsection (2)(b), the parent or legal guardian may
3923 designate up to two caregivers in accordance with Subsection [~~26-61a-202~~] [26B-4-214](#)(1)(c) to
3924 ensure that the minor has adequate and safe access to the recommended medical cannabis
3925 treatment.

3926 (3) (a) An individual who is eligible for a medical cannabis card described in
3927 Subsection (2)(a) or (b) shall submit an application for a medical cannabis card to the
3928 department:

3929 (i) through an electronic application connected to the state electronic verification
3930 system;

3931 (ii) with the recommending medical provider; and

3932 (iii) with information including:

3933 (A) the applicant's name, gender, age, and address;

3934 (B) the number of the applicant's valid form of photo identification;
3935 (C) for a medical cannabis guardian card, the name, gender, and age of the minor
3936 receiving a medical cannabis treatment under the cardholder's medical cannabis guardian card;
3937 and

3938 (D) for a provisional patient card, the name of the minor's parent or legal guardian who
3939 holds the associated medical cannabis guardian card.

3940 (b) The department shall ensure that a medical cannabis card the department issues
3941 under this section contains the information described in Subsection (3)(a)(iii).

3942 (c) (i) If a recommending medical provider determines that, because of age, illness, or
3943 disability, a medical cannabis patient cardholder requires assistance in administering the
3944 medical cannabis treatment that the recommending medical provider recommends, the
3945 recommending medical provider may indicate the cardholder's need in the state electronic
3946 verification system, either directly or, for a limited medical provider, through the order
3947 described in Subsections [~~26-61a-106~~] [26B-4-204](#)(1)(c) and (d).

3948 (ii) If a recommending medical provider makes the indication described in Subsection
3949 (3)(c)(i):

3950 (A) the department shall add a label to the relevant medical cannabis patient card
3951 indicating the cardholder's need for assistance;

3952 (B) any adult who is 18 years old or older and who is physically present with the
3953 cardholder at the time the cardholder needs to use the recommended medical cannabis
3954 treatment may handle the medical cannabis treatment and any associated medical cannabis
3955 device as needed to assist the cardholder in administering the recommended medical cannabis
3956 treatment; and

3957 (C) an individual of any age who is physically present with the cardholder in the event
3958 of an emergency medical condition, as that term is defined in Section [31A-1-301](#), may handle
3959 the medical cannabis treatment and any associated medical cannabis device as needed to assist
3960 the cardholder in administering the recommended medical cannabis treatment.

3961 (iii) A non-cardholding individual acting under Subsection (3)(c)(i)(B) or (C) may not:

3962 (A) ingest or inhale medical cannabis;

3963 (B) possess, transport, or handle medical cannabis or a medical cannabis device outside
3964 of the immediate area where the cardholder is present or with an intent other than to provide

3965 assistance to the cardholder; or

3966 (C) possess, transport, or handle medical cannabis or a medical cannabis device when
3967 the cardholder is not in the process of being dosed with medical cannabis.

3968 (4) To recommend a medical cannabis treatment to a patient or to renew a
3969 recommendation, a recommending medical provider shall:

3970 (a) before recommending or renewing a recommendation for medical cannabis in a
3971 medicinal dosage form or a cannabis product in a medicinal dosage form:

3972 (i) verify the patient's and, for a minor patient, the minor patient's parent or legal
3973 guardian's valid form of identification described in Subsection (3)(a);

3974 (ii) review any record related to the patient and, for a minor patient, the patient's parent
3975 or legal guardian in:

3976 (A) for a qualified medical provider, the state electronic verification system; and

3977 (B) the controlled substance database created in Section [58-37f-201](#); and

3978 (iii) consider the recommendation in light of the patient's qualifying condition, history
3979 of substance use or opioid use disorder, and history of medical cannabis and controlled
3980 substance use during an initial face-to-face visit with the patient; and

3981 (b) state in the recommending medical provider's recommendation that the patient:

3982 (i) suffers from a qualifying condition, including the type of qualifying condition; and

3983 (ii) may benefit from treatment with cannabis in a medicinal dosage form or a cannabis
3984 product in a medicinal dosage form.

3985 (5) (a) Except as provided in Subsection (5)(b) or (c), a medical cannabis card that the
3986 department issues under this section is valid for the lesser of:

3987 (i) an amount of time that the recommending medical provider determines; or

3988 (ii) (A) six months for the first issuance, and, except as provided in Subsection
3989 (5)(a)(ii)(B), for a renewal; or

3990 (B) for a renewal, one year if, after at least one year following the issuance of the
3991 original medical cannabis card, the recommending medical provider determines that the patient
3992 has been stabilized on the medical cannabis treatment and a one-year renewal period is
3993 justified.

3994 (b) (i) A medical cannabis card that the department issues in relation to a terminal
3995 illness described in Section [\[26-61a-104\]](#) [26B-4-203](#) expires after one year.

3996 (ii) The recommending medical provider may revoke a recommendation that the
3997 provider made in relation to a terminal illness described in Section ~~26-61a-104~~ if the medical
3998 cannabis cardholder no longer has the terminal illness.

3999 (c) A medical cannabis card that the department issues in relation to acute pain as
4000 described in Section [~~26-61a-104~~] 26B-4-203 expires 30 days after the day on which the
4001 department first issues a conditional or full medical cannabis card.

4002 (6) (a) A medical cannabis patient card or a medical cannabis guardian card is
4003 renewable if:

4004 (i) at the time of renewal, the cardholder meets the requirements of Subsection (2)(a) or
4005 (b); or

4006 (ii) the cardholder received the medical cannabis card through the recommendation of
4007 the Compassionate Use Board under Section [~~26-61a-105~~] 26B-1-421.

4008 (b) The recommending medical provider who made the underlying recommendation for
4009 the card of a cardholder described in Subsection (6)(a) may renew the cardholder's card through
4010 phone or video conference with the cardholder, at the recommending medical provider's
4011 discretion.

4012 (c) Before having access to a renewed card, a cardholder under Subsection (2)(a) or (b)
4013 shall pay to the department a renewal fee in an amount that:

4014 (i) subject to Subsection [~~26-61a-109~~] 26B-1-310(5), the department sets in accordance
4015 with Section 63J-1-504; and

4016 (ii) may not exceed the cost of the relatively lower administrative burden of renewal in
4017 comparison to the original application process.

4018 (d) If a minor meets the requirements of Subsection (2)(c), the minor's provisional
4019 patient card renews automatically at the time the minor's parent or legal guardian renews the
4020 parent or legal guardian's associated medical cannabis guardian card.

4021 (7) (a) A cardholder under this section shall carry the cardholder's valid medical
4022 cannabis card with the patient's name.

4023 (b) (i) A medical cannabis patient cardholder or a provisional patient cardholder may
4024 purchase, in accordance with this [~~chapter~~] part and the recommendation underlying the card,
4025 cannabis in a medicinal dosage form, a cannabis product in a medicinal dosage form, or a
4026 medical cannabis device.

4027 (ii) A cardholder under this section may possess or transport, in accordance with this
4028 [~~chapter~~] part and the recommendation underlying the card, cannabis in a medicinal dosage
4029 form, a cannabis product in a medicinal dosage form, or a medical cannabis device.

4030 (iii) To address the qualifying condition underlying the medical cannabis treatment
4031 recommendation:

4032 (A) a medical cannabis patient cardholder or a provisional patient cardholder may use
4033 cannabis in a medicinal dosage form, a medical cannabis product in a medicinal dosage form,
4034 or a medical cannabis device; and

4035 (B) a medical cannabis guardian cardholder may assist the associated provisional
4036 patient cardholder with the use of cannabis in a medicinal dosage form, a medical cannabis
4037 product in a medicinal dosage form, or a medical cannabis device.

4038 (8) The department may revoke a medical cannabis card that the department issues
4039 under this section if the cardholder:

4040 (a) violates this [~~chapter~~] part; or

4041 (b) is convicted under state or federal law of, after March 17, 2021, a drug distribution
4042 offense.

4043 (9) The department shall establish by rule, in accordance with Title 63G, Chapter 3,
4044 Utah Administrative Rulemaking Act, a process to provide information regarding the following
4045 to an individual receiving a medical cannabis card:

4046 (a) risks associated with medical cannabis treatment;

4047 (b) the fact that a condition's listing as a qualifying condition does not suggest that
4048 medical cannabis treatment is an effective treatment or cure for that condition, as described in
4049 Subsection [~~26-61a-104~~] [26B-4-203](#)(1); and

4050 (c) other relevant warnings and safety information that the department determines.

4051 (10) The department may establish procedures by rule, in accordance with Title 63G,
4052 Chapter 3, Utah Administrative Rulemaking Act, to implement the application and issuance
4053 provisions of this section.

4054 (11) (a) On or before September 1, 2021, the department shall establish by rule, in
4055 accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, a process to allow
4056 an individual from another state to register with the department in order to purchase medical
4057 cannabis or a medical cannabis device from a medical cannabis pharmacy while the individual

4058 is visiting the state.

4059 (b) The department may only provide the registration process described in Subsection
4060 (11)(a):

4061 (i) to a nonresident patient; and

4062 (ii) for no more than two visitation periods per calendar year of up to 21 calendar days
4063 per visitation period.

4064 (12) (a) A person may submit to the department a request to conduct a research study
4065 using medical cannabis cardholder data that the state electronic verification system contains.

4066 (b) The department shall review a request described in Subsection (12)(a) to determine
4067 whether an institutional review board, as that term is defined in Section [~~26-61-102~~] 26B-4-
4068 201, could approve the research study.

4069 (c) At the time an individual applies for a medical cannabis card, the department shall
4070 notify the individual:

4071 (i) of how the individual's information will be used as a cardholder;

4072 (ii) that by applying for a medical cannabis card, unless the individual withdraws
4073 consent under Subsection (12)(d), the individual consents to the use of the individual's
4074 information for external research; and

4075 (iii) that the individual may withdraw consent for the use of the individual's
4076 information for external research at any time, including at the time of application.

4077 (d) An applicant may, through the medical cannabis card application, and a medical
4078 cannabis cardholder may, through the state central patient portal, withdraw the applicant's or
4079 cardholder's consent to participate in external research at any time.

4080 (e) The department may release, for the purposes of a study described in this
4081 Subsection (12), information about a cardholder under this section who consents to participate
4082 under Subsection (12)(c).

4083 (f) If an individual withdraws consent under Subsection (12)(d), the withdrawal of
4084 consent:

4085 (i) applies to external research that is initiated after the withdrawal of consent; and

4086 (ii) does not apply to research that was initiated before the withdrawal of consent.

4087 (g) The department may establish standards for a medical research study's validity, by
4088 rule made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

4089 (13) The department shall record the issuance or revocation of a medical cannabis card
4090 under this section in the controlled substance database.

4091 Section 72. Section **26B-4-214**, which is renumbered from Section 26-61a-202 is
4092 renumbered and amended to read:

4093 ~~[26-61a-202]~~. **26B-4-214. Medical cannabis caregiver card -- Registration**
4094 **-- Renewal -- Revocation.**

4095 (1) (a) A cardholder described in Section ~~26-61a-201~~ may designate, through the state
4096 central patient portal, up to two individuals, or an individual and a facility in accordance with
4097 Subsection (1)(b), to serve as a designated caregiver for the cardholder.

4098 (b) (i) Beginning on the earlier of September 1, 2021, or the date on which the
4099 electronic verification system is functionally capable of servicing the designation, a cardholder
4100 described in Section ~~26-61a-201~~ may designate one of the following types of facilities as one of
4101 the caregivers described in Subsection (1)(a):

4102 (A) for a patient or resident, an assisted living facility, as that term is defined in Section
4103 ~~26-21-2~~;

4104 (B) for a patient or resident, a nursing care facility, as that term is defined in Section
4105 ~~26-21-2~~; or

4106 (C) for a patient, a general acute hospital, as that term is defined in Section ~~26-21-2~~.

4107 (ii) A facility may:

4108 (A) assign one or more employees to assist patients with medical cannabis treatment
4109 under the caregiver designation described in this Subsection (1)(b); and

4110 (B) receive a medical cannabis shipment from a medical cannabis pharmacy or a
4111 medical cannabis courier on behalf of the medical cannabis cardholder within the facility who
4112 designated the facility as a caregiver.

4113 (iii) The department shall make rules to regulate the practice of facilities and facility
4114 employees serving as designated caregivers under this Subsection (1)(b).

4115 (c) A parent or legal guardian described in Subsection ~~26-61a-201~~(2)(d), in
4116 consultation with the minor and the minor's qualified medical provider, may designate, through
4117 the state central patient portal, up to two individuals to serve as a designated caregiver for the
4118 minor, if the department determines that the parent or legal guardian is not eligible for a
4119 medical cannabis guardian card under Section ~~26-61a-201~~.

4120 (d) (i) Beginning on the earlier of September 1, 2022, or the date on which the
4121 electronic verification system is functionally capable of facilitating a conditional medical
4122 cannabis caregiver card under this Subsection (1)(d), upon the entry of a caregiver designation
4123 under Subsection (1) by a patient with a terminal illness described in Section 26-61a-104, the
4124 department shall issue to the designated caregiver an electronic conditional medical cannabis
4125 caregiver card, in accordance with this Subsection (1)(d).

4126 (ii) A conditional medical cannabis caregiver card is valid for the lesser of:

4127 (A) 60 days; or

4128 (B) the day on which the department completes the department's review and issues a
4129 medical cannabis caregiver card under Subsection (1)(a), denies the patient's medical cannabis
4130 caregiver card application, or revokes the conditional medical cannabis caregiver card under
4131 Subsection (8).

4132 (iii) The department may issue a conditional medical cannabis card to an individual
4133 applying for a medical cannabis patient card for which approval of the Compassionate Use
4134 Board is not required.

4135 (iv) An individual described in Subsection (1)(b)(iii) has the rights, restrictions, and
4136 obligations under law applicable to a holder of the medical cannabis card for which the
4137 individual applies and for which the department issues the conditional medical cannabis card.

4138 (2) An individual that the department registers as a designated caregiver under this
4139 section and a facility described in Subsection (1)(b):

4140 (a) for an individual designated caregiver, may carry a valid medical cannabis caregiver
4141 card;

4142 (b) in accordance with this ~~chapter~~ part, may purchase, possess, transport, or assist
4143 the patient in the use of cannabis in a medicinal dosage form, a cannabis product in a medicinal
4144 dosage form, or a medical cannabis device on behalf of the designating medical cannabis
4145 cardholder;

4146 (c) may not charge a fee to an individual to act as the individual's designated caregiver
4147 or for a service that the designated caregiver provides in relation to the role as a designated
4148 caregiver; and

4149 (d) may accept reimbursement from the designating medical cannabis cardholder for
4150 direct costs the designated caregiver incurs for assisting with the designating cardholder's

4151 medicinal use of cannabis.

4152 (3) (a) The department shall:

4153 (i) within 15 days after the day on which an individual submits an application in
4154 compliance with this section, issue a medical cannabis card to the applicant if the applicant:

4155 (A) is designated as a caregiver under Subsection (1);

4156 (B) is eligible for a medical cannabis caregiver card under Subsection (4); and

4157 (C) complies with this section; and

4158 (ii) notify the Department of Public Safety of each individual that the department
4159 registers as a designated caregiver.

4160 (b) The department shall ensure that a medical cannabis caregiver card contains the
4161 information described in Subsections (5)(b) and (3)(c)(i).

4162 (c) If a cardholder described in Section 26-61a-201 designates an individual as a
4163 caregiver who already holds a medical cannabis caregiver card, the individual with the medical
4164 cannabis caregiver card:

4165 (i) shall report to the department the information required of applicants under
4166 Subsection (5)(b) regarding the new designation;

4167 (ii) if the individual makes the report described in Subsection (3)(c)(i), is not required
4168 to file an application for another medical cannabis caregiver card;

4169 (iii) may receive an additional medical cannabis caregiver card in relation to each
4170 additional medical cannabis patient who designates the caregiver; and

4171 (iv) is not subject to an additional background check.

4172 (4) An individual is eligible for a medical cannabis caregiver card if the individual:

4173 (a) is at least 21 years old;

4174 (b) is a Utah resident;

4175 (c) pays to the department a fee in an amount that, subject to Subsection

4176 26-61a-109(5), the department sets in accordance with Section 63J-1-504, plus the cost of the
4177 criminal background check described in Section 26-61a-203;

4178 (d) signs an acknowledgment stating that the applicant received the information
4179 described in Subsection 26-61a-201(9); and

4180 (e) has not been convicted of a misdemeanor or felony drug distribution offense that is
4181 a felony under either state or federal law, unless the individual completes any imposed sentence

4182 two or more years before the day on which the individual submits the application.

4183 (5) An eligible applicant for a medical cannabis caregiver card shall:

4184 (a) submit an application for a medical cannabis caregiver card to the department
4185 through an electronic application connected to the state electronic verification system; and

4186 (b) submit the following information in the application described in Subsection (5)(a):

4187 (i) the applicant's name, gender, age, and address;

4188 (ii) the name, gender, age, and address of the cardholder described in Section

4189 [26-61a-201](#) who designated the applicant;

4190 (iii) if a medical cannabis guardian cardholder designated the caregiver, the name,
4191 gender, and age of the minor receiving a medical cannabis treatment in relation to the medical
4192 cannabis guardian cardholder; and

4193 (iv) any additional information that the department requests to assist in matching the
4194 application with the designating medical cannabis patient.

4195 (6) Except as provided in Subsection (6)(b), a medical cannabis caregiver card that the
4196 department issues under this section is valid for the lesser of:

4197 (a) an amount of time that the cardholder described in Section [26-61a-201](#) who
4198 designated the caregiver determines; or

4199 (b) the amount of time remaining before the card of the cardholder described in Section
4200 [26-61a-201](#) expires.

4201 (7) (a) If a designated caregiver meets the requirements of Subsection (4), the
4202 designated caregiver's medical cannabis caregiver card renews automatically at the time the
4203 cardholder described in Section [26-61a-201](#) who designated the caregiver:

4204 (i) renews the cardholder's card; and

4205 (ii) renews the caregiver's designation, in accordance with Subsection (7)(b).

4206 (b) The department shall provide a method in the card renewal process to allow a
4207 cardholder described in Section [26-61a-201](#) who has designated a caregiver to:

4208 (i) signify that the cardholder renews the caregiver's designation;

4209 (ii) remove a caregiver's designation; or

4210 (iii) designate a new caregiver.

4211 (8) The department may revoke a medical cannabis caregiver card if the designated
4212 caregiver:

- 4213 (a) violates this ~~[chapter]~~ part; or
 4214 (b) is convicted under state or federal law of:
 4215 (i) a felony drug distribution offense; or
 4216 (ii) after December 3, 2018, a misdemeanor drug distribution offense.
 4217 (9) The department shall record the issuance or revocation of a medical cannabis card
 4218 under this section in the controlled substance database.

4219 Section 73. Section **26B-4-215**, which is renumbered from Section 26-61a-203 is
 4220 renumbered and amended to read:

4221 ~~[26-61a-203]~~. **26B-4-215. Designated caregiver -- Guardian -- Criminal**
 4222 **background check.**

4223 (1) Except for an applicant reapplying for a medical cannabis card within less than one
 4224 year after the expiration of the applicant's previous medical cannabis card, each applicant for a
 4225 medical cannabis guardian card under Section ~~[26-61a-201]~~ 26B-4-213 or a medical cannabis
 4226 caregiver card under Section ~~[26-61a-202]~~ 26B-4-214 shall:

4227 (a) submit to the department, at the time of application:
 4228 (i) a fingerprint card in a form acceptable to the Department of Public Safety; and
 4229 (ii) a signed waiver in accordance with Subsection 53-10-108(4) acknowledging the
 4230 registration of the applicant's fingerprints in the Federal Bureau of Investigation Next

4231 Generation Identification System's Rap Back Service; and

4232 (b) consent to a fingerprint background check by:

4233 (i) the Bureau of Criminal Identification; and
 4234 (ii) the Federal Bureau of Investigation.

4235 (2) The Bureau of Criminal Identification shall:

4236 (a) check the fingerprints the applicant submits under Subsection (1)(a) against the
 4237 applicable state, regional, and national criminal records databases, including the Federal
 4238 Bureau of Investigation Next Generation Identification System;

4239 (b) report the results of the background check to the department;

4240 (c) maintain a separate file of fingerprints that applicants submit under Subsection
 4241 (1)(a) for search by future submissions to the local and regional criminal records databases,
 4242 including latent prints;

4243 (d) request that the fingerprints be retained in the Federal Bureau of Investigation Next

4244 Generation Identification System's Rap Back Service for search by future submissions to
4245 national criminal records databases, including the Next Generation Identification System and
4246 latent prints; and

4247 (e) establish a privacy risk mitigation strategy to ensure that the department only
4248 receives notifications for an individual with whom the department maintains an authorizing
4249 relationship.

4250 (3) The department shall:

4251 (a) assess an applicant who submits fingerprints under Subsection (1)(a) a fee in an
4252 amount that the department sets in accordance with Section 63J-1-504 for the services that the
4253 Bureau of Criminal Identification or another authorized agency provides under this section; and

4254 (b) remit the fee described in Subsection (3)(a) to the Bureau of Criminal
4255 Identification.

4256 Section 74. Section **26B-4-216**, which is renumbered from Section 26-61a-204 is
4257 renumbered and amended to read:

4258 ~~[26-61a-204]~~. **26B-4-216. Medical cannabis card -- Patient and designated**
4259 **caregiver requirements -- Rebuttable presumption.**

4260 (1) (a) A medical cannabis cardholder who possesses medical cannabis that the
4261 cardholder purchased under this ~~[chapter]~~ part:

4262 (i) shall carry:

4263 (A) at all times the cardholder's medical cannabis card; and

4264 (B) with the medical cannabis, a label that identifies that the medical cannabis was sold
4265 from a licensed medical cannabis pharmacy and includes an identification number that links the
4266 medical cannabis to the inventory control system;

4267 (ii) may possess up to the legal dosage limit of:

4268 (A) unprocessed cannabis in medicinal dosage form; and

4269 (B) a cannabis product in medicinal dosage form;

4270 (iii) may not possess more medical cannabis than described in Subsection (1)(a)(ii);

4271 (iv) may only possess the medical cannabis in the container in which the cardholder
4272 received the medical cannabis from the medical cannabis pharmacy; and

4273 (v) may not alter or remove any label described in Section 4-41a-602 from the
4274 container described in Subsection (1)(a)(iv).

4275 (b) Except as provided in Subsection (1)(c) or (e), a medical cannabis cardholder who
4276 possesses medical cannabis in violation of Subsection (1)(a) is:

- 4277 (i) guilty of an infraction; and
- 4278 (ii) subject to a \$100 fine.

4279 (c) A medical cannabis cardholder or a nonresident patient who possesses medical
4280 cannabis in an amount that is greater than the legal dosage limit and equal to or less than twice
4281 the legal dosage limit is:

- 4282 (i) for a first offense:
 - 4283 (A) guilty of an infraction; and
 - 4284 (B) subject to a fine of up to \$100; and
- 4285 (ii) for a second or subsequent offense:
 - 4286 (A) guilty of a class B misdemeanor; and
 - 4287 (B) subject to a fine of \$1,000.

4288 (d) An individual who is guilty of a violation described in Subsection (1)(b) or (c) is
4289 not guilty of a violation of Title 58, Chapter 37, Utah Controlled Substances Act, for the
4290 conduct underlying the penalty described in Subsection (1)(b) or (c).

4291 (e) A nonresident patient who possesses medical cannabis that is not in a medicinal
4292 dosage form is:

- 4293 (i) for a first offense:
 - 4294 (A) guilty of an infraction; and
 - 4295 (B) subject to a fine of up to \$100; and
- 4296 (ii) for a second or subsequent offense, is subject to the penalties described in Title 58,
4297 Chapter 37, Utah Controlled Substances Act.

4298 (f) A medical cannabis cardholder or a nonresident patient who possesses medical
4299 cannabis in an amount that is greater than twice the legal dosage limit is subject to the penalties
4300 described in Title 58, Chapter 37, Utah Controlled Substances Act.

4301 (2) (a) As used in this Subsection (2), "emergency medical condition" means the same
4302 as that term is defined in Section [31A-1-301](#).

4303 (b) Except as described in Subsection (2)(c), a medical cannabis patient cardholder, a
4304 provisional patient cardholder, or a nonresident patient may not use, in public view, medical
4305 cannabis or a cannabis product.

4306 (c) In the event of an emergency medical condition, an individual described in
4307 Subsection (2)(b) may use, and the holder of a medical cannabis guardian card or a medical
4308 cannabis caregiver card may administer to the cardholder's charge, in public view, cannabis in a
4309 medicinal dosage form or a cannabis product in a medicinal dosage form.

4310 (d) An individual described in Subsection (2)(b) who violates Subsection (2)(b) is:

4311 (i) for a first offense:

4312 (A) guilty of an infraction; and

4313 (B) subject to a fine of up to \$100; and

4314 (ii) for a second or subsequent offense:

4315 (A) guilty of a class B misdemeanor; and

4316 (B) subject to a fine of \$1,000.

4317 (3) If a medical cannabis cardholder carrying the cardholder's card possesses cannabis
4318 in a medicinal dosage form or a cannabis product in compliance with Subsection (1), or a
4319 medical cannabis device that corresponds with the cannabis or cannabis product:

4320 (a) there is a rebuttable presumption that the cardholder possesses the cannabis,
4321 cannabis product, or medical cannabis device legally; and

4322 (b) there is no probable cause, based solely on the cardholder's possession of the
4323 cannabis in medicinal dosage form, cannabis product in medicinal dosage form, or medical
4324 cannabis device, to believe that the cardholder is engaging in illegal activity.

4325 (4) (a) If a law enforcement officer stops an individual who possesses cannabis in a
4326 medicinal dosage form, a cannabis product in a medicinal dosage form, or a medical cannabis
4327 device, and the individual represents to the law enforcement officer that the individual holds a
4328 valid medical cannabis card, but the individual does not have the medical cannabis card in the
4329 individual's possession at the time of the stop by the law enforcement officer, the law
4330 enforcement officer shall attempt to access the state electronic verification system to determine
4331 whether the individual holds a valid medical cannabis card.

4332 (b) If the law enforcement officer is able to verify that the individual described in
4333 Subsection (4)(a) is a valid medical cannabis cardholder, the law enforcement officer:

4334 (i) may not arrest or take the individual into custody for the sole reason that the
4335 individual is in possession of cannabis in a medicinal dosage form, a cannabis product in a
4336 medicinal dosage form, or a medical cannabis device; and

4337 (ii) may not seize the cannabis, cannabis product, or medical cannabis device.

4338 Section 75. Section **26B-4-217**, which is renumbered from Section 26-61a-401 is
4339 renumbered and amended to read:

4340 ~~[26-61a-401]~~. **26B-4-217**. **Medical cannabis pharmacy agent --**

4341 **Registration.**

4342 (1) An individual may not serve as a medical cannabis pharmacy agent of a medical
4343 cannabis pharmacy unless the department registers the individual as a medical cannabis
4344 pharmacy agent.

4345 (2) A recommending medical provider may not act as a medical cannabis pharmacy
4346 agent, have a financial or voting interest of 2% or greater in a medical cannabis pharmacy, or
4347 have the power to direct or cause the management or control of a medical cannabis pharmacy.

4348 (3) (a) The department shall, within 15 days after the day on which the department
4349 receives a complete application from a medical cannabis pharmacy on behalf of a prospective
4350 medical cannabis pharmacy agent, register and issue a medical cannabis pharmacy agent
4351 registration card to the prospective agent if the medical cannabis pharmacy:

4352 (i) provides to the department:

4353 (A) the prospective agent's name and address;

4354 (B) the name and location of the licensed medical cannabis pharmacy where the
4355 prospective agent seeks to act as the medical cannabis pharmacy agent; and

4356 (C) the submission required under Subsection (3)(b); and

4357 (ii) pays a fee to the department in an amount that, subject to Subsection ~~[26-61a-109]~~
4358 26B-1-310(5), the department sets in accordance with Section 63J-1-504.

4359 (b) Except for an applicant reapplying for a medical cannabis pharmacy agent
4360 registration card within less than one year after the expiration of the applicant's previous
4361 medical cannabis pharmacy agent registration card, each prospective agent described in
4362 Subsection (3)(a) shall:

4363 (i) submit to the department:

4364 (A) a fingerprint card in a form acceptable to the Department of Public Safety; and

4365 (B) a signed waiver in accordance with Subsection 53-10-108(4) acknowledging the
4366 registration of the prospective agent's fingerprints in the Federal Bureau of Investigation Next
4367 Generation Identification System's Rap Back Service; and

- 4368 (ii) consent to a fingerprint background check by:
- 4369 (A) the Bureau of Criminal Identification; and
- 4370 (B) the Federal Bureau of Investigation.
- 4371 (c) The Bureau of Criminal Identification shall:
- 4372 (i) check the fingerprints the prospective agent submits under Subsection (3)(b) against
- 4373 the applicable state, regional, and national criminal records databases, including the Federal
- 4374 Bureau of Investigation Next Generation Identification System;
- 4375 (ii) report the results of the background check to the department;
- 4376 (iii) maintain a separate file of fingerprints that prospective agents submit under
- 4377 Subsection (3)(b) for search by future submissions to the local and regional criminal records
- 4378 databases, including latent prints;
- 4379 (iv) request that the fingerprints be retained in the Federal Bureau of Investigation Next
- 4380 Generation Identification System's Rap Back Service for search by future submissions to
- 4381 national criminal records databases, including the Next Generation Identification System and
- 4382 latent prints; and
- 4383 (v) establish a privacy risk mitigation strategy to ensure that the department only
- 4384 receives notifications for an individual with whom the department maintains an authorizing
- 4385 relationship.
- 4386 (d) The department shall:
- 4387 (i) assess an individual who submits fingerprints under Subsection (3)(b) a fee in an
- 4388 amount that the department sets in accordance with Section [63J-1-504](#) for the services that the
- 4389 Bureau of Criminal Identification or another authorized agency provides under this section; and
- 4390 (ii) remit the fee described in Subsection (3)(d)(i) to the Bureau of Criminal
- 4391 Identification.
- 4392 (4) The department shall designate, on an individual's medical cannabis pharmacy
- 4393 agent registration card the name of the medical cannabis pharmacy where the individual is
- 4394 registered as an agent.
- 4395 (5) A medical cannabis pharmacy agent shall comply with a certification standard that
- 4396 the department develops in collaboration with the Division of Professional Licensing and the
- 4397 Board of Pharmacy, or a third-party certification standard that the department designates by
- 4398 rule, in collaboration with the Division of Professional Licensing and the Board of Pharmacy

4399 and in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

4400 (6) The department shall ensure that the certification standard described in Subsection

4401 (5) includes training in:

4402 (a) Utah medical cannabis law; and

4403 (b) medical cannabis pharmacy best practices.

4404 (7) The department may revoke the medical cannabis pharmacy agent registration card

4405 of, or refuse to issue a medical cannabis pharmacy agent registration card to, an individual

4406 who:

4407 (a) violates the requirements of this [~~chapter~~] part; or

4408 (b) is convicted under state or federal law of:

4409 (i) a felony within the preceding 10 years; or

4410 (ii) after December 3, 2018, a misdemeanor for drug distribution.

4411 (8) (a) A medical cannabis pharmacy agent registration card expires two years after the
4412 day on which the department issues or renews the card.

4413 (b) A medical cannabis pharmacy agent may renew the agent's registration card if the
4414 agent:

4415 (i) is eligible for a medical cannabis pharmacy agent registration card under this
4416 section;

4417 (ii) certifies to the department in a renewal application that the information in
4418 Subsection (3)(a) is accurate or updates the information; and

4419 (iii) pays to the department a renewal fee in an amount that:

4420 (A) subject to Subsection [~~26-61a-109~~] 26B-1-310(5), the department sets in
4421 accordance with Section 63J-1-504; and

4422 (B) may not exceed the cost of the relatively lower administrative burden of renewal in
4423 comparison to the original application process.

4424 (9) (a) As a condition precedent to registration and renewal of a medical cannabis
4425 pharmacy agent registration card, a medical cannabis pharmacy agent shall:

4426 (i) complete at least one hour of continuing education regarding patient privacy and
4427 federal health information privacy laws that is offered by the department under Subsection
4428 (9)(b) or an accredited or approved continuing education provider that the department
4429 recognizes as offering continuing education appropriate for the medical cannabis pharmacy

4430 practice; and

4431 (ii) make a continuing education report to the department in accordance with a process
4432 that the department establishes by rule, in accordance with Title 63G, Chapter 3, Utah
4433 Administrative Rulemaking Act, and in collaboration with the Division of Professional
4434 Licensing and the Board of Pharmacy.

4435 (b) The department may, in consultation with the Division of Professional Licensing,
4436 develop the continuing education described in this Subsection (9).

4437 (c) The pharmacist-in-charge described in Section [~~26-61a-403~~] 26B-4-219 shall
4438 ensure that each medical cannabis pharmacy agent working in the medical cannabis pharmacy
4439 who has access to the state electronic verification system is in compliance with this Subsection
4440 (9).

4441 Section 76. Section **26B-4-218**, which is renumbered from Section 26-61a-402 is
4442 renumbered and amended to read:

4443 [~~26-61a-402~~]. **26B-4-218. Medical cannabis pharmacy agent registration**
4444 **card -- Rebuttable presumption.**

4445 (1) A medical cannabis pharmacy agent shall carry the individual's medical cannabis
4446 pharmacy agent registration card with the individual at all times when:

4447 (a) the individual is on the premises of a medical cannabis pharmacy; and

4448 (b) the individual is transporting cannabis in a medicinal dosage form, a cannabis
4449 product in a medicinal dosage form, or a medical cannabis device between a cannabis
4450 production establishment and a medical cannabis pharmacy.

4451 (2) If an individual handling, at a medical cannabis pharmacy, cannabis in a medicinal
4452 dosage form, a cannabis product in a medicinal dosage form, or a medical cannabis device or
4453 transporting cannabis in a medicinal dosage form, a cannabis product in a medicinal dosage
4454 form, or a medical cannabis device, possesses the cannabis, cannabis product, or medical
4455 cannabis device in compliance with Subsection (1):

4456 (a) there is a rebuttable presumption that the individual possesses the cannabis,
4457 cannabis product, or medical cannabis device legally; and

4458 (b) there is no probable cause, based solely on the individual's possession of the
4459 cannabis in medicinal dosage form, cannabis product in medicinal dosage form, or medical
4460 cannabis device in compliance with Subsection (1), that the individual is engaging in illegal

4461 activity.

4462 (3) (a) A medical cannabis pharmacy agent who fails to carry the agent's medical
4463 cannabis pharmacy agent registration card in accordance with Subsection (1) is:

4464 (i) for a first or second offense in a two-year period:

4465 (A) guilty of an infraction; and

4466 (B) is subject to a \$100 fine; or

4467 (ii) for a third or subsequent offense in a two-year period:

4468 (A) guilty of a class C misdemeanor; and

4469 (B) subject to a \$750 fine.

4470 (b) (i) The prosecuting entity shall notify the department and the relevant medical
4471 cannabis pharmacy of each conviction under Subsection (3)(a).

4472 (ii) For each violation described in Subsection (3)(a)(ii), the department may assess the
4473 relevant medical cannabis pharmacy a fine of up to \$5,000, in accordance with a fine schedule
4474 that the department establishes by rule in accordance with Title 63G, Chapter 3, Utah
4475 Administrative Rulemaking Act.

4476 (c) An individual who is guilty of a violation described in Subsection (3)(a) is not
4477 guilty of a violation of Title 58, Chapter 37, Utah Controlled Substances Act, for the conduct
4478 underlying the violation described in Subsection (3)(a).

4479 Section 77. Section **26B-4-219**, which is renumbered from Section 26-61a-403 is
4480 renumbered and amended to read:

4481 ~~[26-61a-403]~~. **26B-4-219. Pharmacy medical providers -- Registration --**
4482 **Continuing education.**

4483 (1) (a) A medical cannabis pharmacy:

4484 (i) shall employ a pharmacist who is licensed under Title 58, Chapter 17b, Pharmacy
4485 Practice Act, as a pharmacy medical provider;

4486 (ii) may employ a physician who has the authority to write a prescription and is
4487 licensed under Title 58, Chapter 67, Utah Medical Practice Act, or Title 58, Chapter 68, Utah
4488 Osteopathic Medical Practice Act, as a pharmacy medical provider;

4489 (iii) shall ensure that a pharmacy medical provider described in Subsection (1)(a)(i)
4490 works onsite during all business hours; and

4491 (iv) shall designate one pharmacy medical provider described in Subsection (1)(a)(i) as

4492 the pharmacist-in-charge to oversee the operation of and generally supervise the medical
4493 cannabis pharmacy.

4494 (b) An individual may not serve as a pharmacy medical provider unless the department
4495 registers the individual as a pharmacy medical provider in accordance with Subsection (2).

4496 (2) (a) The department shall, within 15 days after the day on which the department
4497 receives an application from a medical cannabis pharmacy on behalf of a prospective pharmacy
4498 medical provider, register and issue a pharmacy medical provider registration card to the
4499 prospective pharmacy medical provider if the medical cannabis pharmacy:

4500 (i) provides to the department:

4501 (A) the prospective pharmacy medical provider's name and address;

4502 (B) the name and location of the licensed medical cannabis pharmacy where the
4503 prospective pharmacy medical provider seeks to act as a pharmacy medical provider;

4504 (C) a report detailing the completion of the continuing education requirement described
4505 in Subsection (3); and

4506 (D) evidence that the prospective pharmacy medical provider is a pharmacist who is
4507 licensed under Title 58, Chapter 17b, Pharmacy Practice Act, or a physician who has the
4508 authority to write a prescription and is licensed under Title 58, Chapter 67, Utah Medical
4509 Practice Act, or Title 58, Chapter 68, Utah Osteopathic Medical Practice Act; and

4510 (ii) pays a fee to the department in an amount that, subject to Subsection [~~26-61a-109~~]
4511 [26B-1-310](#)(5), the department sets in accordance with Section [63J-1-504](#).

4512 (b) The department may not register a recommending medical provider or a state
4513 central patient portal medical provider as a pharmacy medical provider.

4514 (3) (a) A pharmacy medical provider shall complete the continuing education described
4515 in this Subsection (3) in the following amounts:

4516 (i) as a condition precedent to registration, four hours; and

4517 (ii) as a condition precedent to renewal of the registration, four hours every two years.

4518 (b) In accordance with Subsection (3)(a), the pharmacy medical provider shall:

4519 (i) complete continuing education:

4520 (A) regarding the topics described in Subsection (3)(d); and

4521 (B) offered by the department under Subsection (3)(c) or an accredited or approved
4522 continuing education provider that the department recognizes as offering continuing education

4523 appropriate for the medical cannabis pharmacy practice; and
4524 (ii) make a continuing education report to the department in accordance with a process
4525 that the department establishes by rule, in accordance with Title 63G, Chapter 3, Utah
4526 Administrative Rulemaking Act, and in collaboration with the Division of Professional
4527 Licensing and:
4528 (A) for a pharmacy medical provider who is licensed under Title 58, Chapter 17b,
4529 Pharmacy Practice Act, the Board of Pharmacy;
4530 (B) for a pharmacy medical provider licensed under Title 58, Chapter 67, Utah Medical
4531 Practice Act, the Physicians Licensing Board; and
4532 (C) for a pharmacy medical provider licensed under Title 58, Chapter 68, Utah
4533 Osteopathic Medical Practice Act, the Osteopathic Physician and Surgeon's Licensing Board.
4534 (c) The department may, in consultation with the Division of Professional Licensing,
4535 develop the continuing education described in this Subsection (3).
4536 (d) The continuing education described in this Subsection (3) may discuss:
4537 (i) the provisions of this [chapter] part;
4538 (ii) general information about medical cannabis under federal and state law;
4539 (iii) the latest scientific research on the endocannabinoid system and medical cannabis,
4540 including risks and benefits;
4541 (iv) recommendations for medical cannabis as it relates to the continuing care of a
4542 patient in pain management, risk management, potential addiction, and palliative care; or
4543 (v) best practices for recommending the form and dosage of a medical cannabis
4544 product based on the qualifying condition underlying a medical cannabis recommendation.
4545 (4) (a) A pharmacy medical provider registration card expires two years after the day
4546 on which the department issues or renews the card.
4547 (b) A pharmacy medical provider may renew the provider's registration card if the
4548 provider:
4549 (i) is eligible for a pharmacy medical provider registration card under this section;
4550 (ii) certifies to the department in a renewal application that the information in
4551 Subsection (2)(a) is accurate or updates the information;
4552 (iii) submits a report detailing the completion of the continuing education requirement
4553 described in Subsection (3); and

4554 (iv) pays to the department a renewal fee in an amount that:

4555 (A) subject to Subsection [~~26-61a-109~~] [26B-1-310\(5\)](#), the department sets in
4556 accordance with Section [63J-1-504](#); and

4557 (B) may not exceed the cost of the relatively lower administrative burden of renewal in
4558 comparison to the original application process.

4559 (5) (a) Except as provided in Subsection (5)(b), a person may not advertise that the
4560 person or another person dispenses medical cannabis.

4561 (b) Notwithstanding Subsection (5)(a) and subject to Section [~~26-61a-116~~] [26B-4-223](#),
4562 a registered pharmacy medical provider may advertise the following:

4563 (i) a green cross;

4564 (ii) that the person is registered as a pharmacy medical provider and dispenses medical
4565 cannabis; or

4566 (iii) a scientific study regarding medical cannabis use.

4567 Section 78. Section **26B-4-220**, which is renumbered from Section 26-61a-701 is
4568 renumbered and amended to read:

4569 [~~26-61a-701~~]. **26B-4-220. Enforcement -- Misdemeanor.**

4570 (1) Except as provided in Title 4, Chapter 41a, Cannabis Production Establishments,
4571 and Sections [~~26-61a-502, 26-61a-605, and 26-61a-607~~] [26B-4-230](#), [26B-4-240](#), and [26B-4-](#)
4572 [242](#), it is unlawful for a medical cannabis cardholder to sell or otherwise give to another
4573 medical cannabis cardholder cannabis in a medicinal dosage form, a cannabis product in a
4574 medicinal dosage form, a medical cannabis device, or any cannabis residue remaining in or
4575 from a medical cannabis device.

4576 (2) (a) Except as provided in Subsection (2)(b), a medical cannabis cardholder who
4577 violates Subsection (1) is:

4578 (i) guilty of a class B misdemeanor; and

4579 (ii) subject to a \$1,000 fine.

4580 (b) An individual is not guilty under Subsection (2)(a) if the individual:

4581 (i) (A) is a designated caregiver; and

4582 (B) gives the product described in Subsection (1) to the medical cannabis cardholder
4583 who designated the individual as a designated caregiver; or

4584 (ii) (A) is a medical cannabis guardian cardholder; and

4585 (B) gives the product described in Subsection (1) to the relevant provisional patient
4586 cardholder.

4587 (c) An individual who is guilty of a violation described in Subsection (2)(a) is not
4588 guilty of a violation of Title 58, Chapter 37, Utah Controlled Substances Act, for the conduct
4589 underlying the violation described in Subsection (2)(a).

4590 Section 79. Section **26B-4-221**, which is renumbered from Section 26-61a-702 is
4591 renumbered and amended to read:

4592 ~~[26-61a-702]~~. **26B-4-221. Enforcement -- Fine -- Citation.**

4593 (1) (a) The department may, for a medical cannabis pharmacy's or a medical cannabis
4594 courier's violation of this ~~[chapter]~~ part or an applicable administrative rule:

4595 (i) revoke the medical cannabis pharmacy or medical cannabis courier license;

4596 (ii) refuse to renew the medical cannabis pharmacy or medical cannabis courier
4597 license; or

4598 (iii) assess the medical cannabis pharmacy or medical cannabis courier an
4599 administrative penalty.

4600 (b) The department may, for a medical cannabis pharmacy agent's or medical cannabis
4601 courier agent's violation of this ~~[chapter]~~ part:

4602 (i) revoke the medical cannabis pharmacy agent or medical cannabis courier agent
4603 registration card;

4604 (ii) refuse to renew the medical cannabis pharmacy agent or medical cannabis courier
4605 agent registration card; or

4606 (iii) assess the medical cannabis pharmacy agent or medical cannabis courier agent an
4607 administrative penalty.

4608 (2) The department shall deposit an administrative penalty imposed under this section
4609 into the General Fund.

4610 (3) For a person subject to an uncontested citation, a stipulated settlement, or a finding
4611 of a violation in an adjudicative proceeding under this section, the department may:

4612 (a) for a fine amount not already specified in law, assess the person a fine of up to
4613 \$5,000 per violation, in accordance with a fine schedule that the department establishes by rule
4614 in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act; or

4615 (b) order the person to cease and desist from the action that creates a violation.

4616 (4) The department may not revoke a medical cannabis pharmacy's license or a medical
4617 cannabis courier's license without first directing the medical cannabis pharmacy or the medical
4618 cannabis courier to appear before an adjudicative proceeding conducted under Title 63G,
4619 Chapter 4, Administrative Procedures Act.

4620 (5) If, within 20 calendar days after the day on which the department issues a citation
4621 for a violation of this chapter, the person that is the subject of the citation fails to request a
4622 hearing to contest the citation, the citation becomes the department's final order.

4623 (6) The department may, for a person who fails to comply with a citation under this
4624 section:

- 4625 (a) refuse to issue or renew the person's license or agent registration card; or
- 4626 (b) suspend, revoke, or place on probation the person's license or agent registration
4627 card.

4628 (7) (a) Except where a criminal penalty is expressly provided for a specific violation of
4629 this ~~[chapter]~~ part, if an individual violates a provision of this ~~[chapter]~~ part, the individual is:

- 4630 (i) guilty of an infraction; and
- 4631 (ii) subject to a \$100 fine.
- 4632 (b) An individual who is guilty of a violation described in Subsection (7)(a) is not
4633 guilty of a violation of Title 58, Chapter 37, Utah Controlled Substances Act, for the conduct
4634 underlying the violation described in Subsection (7)(a).

4635 Section 80. Section **26B-4-222**, which is renumbered from Section 26-61a-703 is
4636 renumbered and amended to read:

4637 ~~[26-61a-703]~~. **26B-4-222. Report.**

4638 (1) By the November interim meeting each year beginning in 2020, the department
4639 shall report to the Health and Human Services Interim Committee on:

- 4640 (a) the number of applications and renewal applications filed for medical cannabis
4641 cards;
- 4642 (b) the number of qualifying patients and designated caregivers;
- 4643 (c) the nature of the debilitating medical conditions of the qualifying patients;
- 4644 (d) the age and county of residence of cardholders;
- 4645 (e) the number of medical cannabis cards revoked;
- 4646 (f) the number of practitioners providing recommendations for qualifying patients;

- 4647 (g) the number of license applications and renewal license applications received;
- 4648 (h) the number of licenses the department has issued in each county;
- 4649 (i) the number of licenses the department has revoked;
- 4650 (j) the quantity of medical cannabis shipments that the state central patient portal
- 4651 facilitates;
- 4652 (k) the number of overall purchases of medical cannabis and medical cannabis products
- 4653 from each medical cannabis pharmacy;
- 4654 (l) the expenses incurred and revenues generated from the medical cannabis program;
- 4655 and
- 4656 (m) an analysis of product availability in medical cannabis pharmacies.
- 4657 (2) The department may not include personally identifying information in the report
- 4658 described in this section.
- 4659 (3) During the 2022 legislative interim, the department shall report to the working
- 4660 group described in Section 36-12-8.2 as requested by the working group.
- 4661 Section 81. Section **26B-4-223**, which is renumbered from Section 26-61a-116 is
- 4662 renumbered and amended to read:
- 4663 **[26-61a-116]. 26B-4-223. Advertising.**
- 4664 (1) Except as provided in this [~~chapter~~] part, a person may not advertise regarding the
- 4665 recommendation, sale, dispensing, or transportation of medical cannabis.
- 4666 (2) Notwithstanding any authorization to advertise regarding medical cannabis under
- 4667 this [~~chapter~~] part, the person advertising may not advertise:
- 4668 (a) using promotional discounts or incentives;
- 4669 (b) a particular medical cannabis product, medical cannabis device, or medicinal
- 4670 dosage form; or
- 4671 (c) an assurance regarding an outcome related to medical cannabis treatment.
- 4672 (3) Notwithstanding Subsection (1):
- 4673 (a) a nonprofit organization that offers financial assistance for medical cannabis
- 4674 treatment to low-income patients may advertise the organization's assistance if the
- 4675 advertisement does not relate to a specific medical cannabis pharmacy or a specific medical
- 4676 cannabis product; and
- 4677 (b) a medical cannabis pharmacy may provide information regarding subsidies for the

4678 cost of medical cannabis treatment to patients who affirmatively accept receipt of the subsidy
4679 information.

4680 (4) To ensure that the name and logo of a licensee under this ~~chapter~~ part have a
4681 medical rather than a recreational disposition, the name and logo of the licensee:

4682 (a) may include terms and images associated with:

4683 (i) a medical disposition, including "medical," "medicinal," "medicine," "pharmacy,"
4684 "apothecary," "wellness," "therapeutic," "health," "care," "cannabis," "clinic," "compassionate,"
4685 "relief," "treatment," and "patient;" or

4686 (ii) the plant form of cannabis, including "leaf," "flower," and "bloom";

4687 (b) may not include:

4688 (i) any term, statement, design representation, picture, or illustration that is associated
4689 with a recreational disposition or that appeals to children;

4690 (ii) an emphasis on a psychoactive ingredient;

4691 (iii) a specific cannabis strain; or

4692 (iv) terms related to recreational marijuana, including "weed," "pot," "reefer," "grass,"
4693 "hash," "ganga," "Mary Jane," "high," "buzz," "haze," "stoned," "joint," "bud," "smoke,"
4694 "euphoria," "dank," "doobie," "kush," "frost," "cookies," "rec," "bake," "blunt," "combust,"
4695 "bong," "budtender," "dab," "blaze," "toke," or "420."

4696 (5) The department shall define standards for advertising authorized under this chapter,
4697 including names and logos in accordance with Subsection (4), to ensure a medical rather than
4698 recreational disposition.

4699 Section 82. Section **26B-4-224**, which is renumbered from Section 26-61a-301 is
4700 renumbered and amended to read:

4701 ~~[26-61a-301]~~. **26B-4-224**. **Medical cannabis pharmacy -- License --**
4702 **Eligibility.**

4703 (1) A person may not operate as a medical cannabis pharmacy without a license that
4704 the department issues under this part.

4705 (2) (a) (i) Subject to Subsections (4) and (5) and to Section ~~[26-61a-305]~~ 26B-4-228,
4706 the department shall issue a license to operate a medical cannabis pharmacy in accordance with
4707 Title 63G, Chapter 6a, Utah Procurement Code.

4708 (ii) The department may not issue a license to operate a medical cannabis pharmacy to

4709 an applicant who is not eligible for a license under this section.

4710 (b) An applicant is eligible for a license under this section if the applicant submits to
4711 the department:

4712 (i) subject to Subsection (2)(c), a proposed name and address where the applicant will
4713 operate the medical cannabis pharmacy;

4714 (ii) the name and address of an individual who:

4715 (A) for a publicly traded company, has a financial or voting interest of 2% or greater in
4716 the proposed medical cannabis pharmacy;

4717 (B) for a privately held company, a financial or voting interest in the proposed medical
4718 cannabis pharmacy; or

4719 (C) has the power to direct or cause the management or control of a proposed medical
4720 cannabis pharmacy;

4721 (iii) a statement that the applicant will obtain and maintain a performance bond that a
4722 surety authorized to transact surety business in the state issues in an amount of at least
4723 \$100,000 for each application that the applicant submits to the department;

4724 (iv) an operating plan that:

4725 (A) complies with Section [~~26-61a-304~~] [26B-4-227](#);

4726 (B) includes operating procedures to comply with the operating requirements for a
4727 medical cannabis pharmacy described in this [~~chapter~~] part and with a relevant municipal or
4728 county law that is consistent with Section [~~26-61a-507~~] [26B-4-235](#); and

4729 (C) the department approves;

4730 (v) an application fee in an amount that, subject to Subsection [~~26-61a-109~~] [26B-1-](#)
4731 [310\(5\)](#), the department sets in accordance with Section [63J-1-504](#); and

4732 (vi) a description of any investigation or adverse action taken by any licensing
4733 jurisdiction, government agency, law enforcement agency, or court in any state for any
4734 violation or detrimental conduct in relation to any of the applicant's cannabis-related operations
4735 or businesses.

4736 (c) (i) A person may not locate a medical cannabis pharmacy:

4737 (A) within 200 feet of a community location; or

4738 (B) in or within 600 feet of a district that the relevant municipality or county has zoned
4739 as primarily residential.

4740 (ii) The proximity requirements described in Subsection (2)(c)(i) shall be measured
4741 from the nearest entrance to the medical cannabis pharmacy establishment by following the
4742 shortest route of ordinary pedestrian travel to the property boundary of the community location
4743 or residential area.

4744 (iii) The department may grant a waiver to reduce the proximity requirements in
4745 Subsection (2)(c)(i) by up to 20% if the department determines that it is not reasonably feasible
4746 for the applicant to site the proposed medical cannabis pharmacy without the waiver.

4747 (iv) An applicant for a license under this section shall provide evidence of compliance
4748 with the proximity requirements described in Subsection (2)(c)(i).

4749 (d) The department may not issue a license to an eligible applicant that the department
4750 has selected to receive a license until the selected eligible applicant obtains the performance
4751 bond described in Subsection (2)(b)(iii).

4752 (e) If the department receives more than one application for a medical cannabis
4753 pharmacy within the same city or town, the department shall consult with the local land use
4754 authority before approving any of the applications pertaining to that city or town.

4755 (3) If the department selects an applicant for a medical cannabis pharmacy license
4756 under this section, the department shall:

4757 (a) charge the applicant an initial license fee in an amount that, subject to Subsection
4758 ~~[26-61a-109]~~ [26B-1-310\(5\)](#), the department sets in accordance with Section [63J-1-504](#);

4759 (b) notify the Department of Public Safety of the license approval and the names of
4760 each individual described in Subsection (2)(b)(ii); and

4761 (c) charge the licensee a fee in an amount that, subject to Subsection ~~[26-61a-109]~~
4762 [26B-1-310\(5\)](#), the department sets in accordance with Section [63J-1-504](#), for any change in
4763 location, ownership, or company structure.

4764 (4) The department may not issue a license to operate a medical cannabis pharmacy to
4765 an applicant if an individual described in Subsection (2)(b)(ii):

4766 (a) has been convicted under state or federal law of:

4767 (i) a felony; or

4768 (ii) after December 3, 2018, a misdemeanor for drug distribution;

4769 (b) is younger than 21 years old; or

4770 (c) after September 23, 2019, until January 1, 2023, is actively serving as a legislator.

4771 (5) (a) If an applicant for a medical cannabis pharmacy license under this section holds
4772 a license under Title 4, Chapter 41, Hemp and Cannabinoid Act, the department may not give
4773 preference to the applicant based on the applicant's status as a holder of the license.

4774 (b) If an applicant for a medical cannabis pharmacy license under this section holds a
4775 license to operate a cannabis cultivation facility under Title 4, Chapter 41a, Cannabis
4776 Production Establishments, the department:

4777 (i) shall consult with the Department of Agriculture and Food regarding the applicant;
4778 and

4779 (ii) may give consideration to the applicant based on the applicant's status as a holder
4780 of a license to operate a cannabis cultivation facility if:

4781 (A) the applicant demonstrates that a decrease in costs to patients is more likely to
4782 result from the applicant's vertical integration than from a more competitive marketplace; and

4783 (B) the department finds multiple other factors, in addition to the existing license, that
4784 support granting the new license.

4785 (6) (a) The department may revoke a license under this part:

4786 (i) if the medical cannabis pharmacy does not begin operations within one year after
4787 the day on which the department issues an announcement of the department's intent to award a
4788 license to the medical cannabis pharmacy;

4789 (ii) after the third the same violation of this [~~chapter~~] part in any of the licensee's
4790 licensed cannabis production establishments or medical cannabis pharmacies;

4791 (iii) if an individual described in Subsection (2)(b)(ii) is convicted, while the license is
4792 active, under state or federal law of:

4793 (A) a felony; or

4794 (B) after December 3, 2018, a misdemeanor for drug distribution;

4795 (iv) if the licensee fails to provide the information described in Subsection (2)(b)(vi) at
4796 the time of application, or fails to supplement the information described in Subsection
4797 (2)(b)(vi) with any investigation or adverse action that occurs after the submission of the
4798 application within 14 calendar days after the licensee receives notice of the investigation or
4799 adverse action;

4800 (v) if the medical cannabis pharmacy demonstrates a willful or reckless disregard for
4801 the requirements of this [~~chapter~~] part or the rules the department makes in accordance with

4802 this ~~[chapter]~~ part; or

4803 (vi) if, after a change of ownership described in Subsection (11)(c), the department
4804 determines that the medical cannabis pharmacy no longer meets the minimum standards for
4805 licensure and operation of the medical cannabis pharmacy described in this ~~[chapter]~~ part.

4806 (b) The department shall rescind a notice of an intent to issue a license under this part
4807 to an applicant or revoke a license issued under this part if the associated medical cannabis
4808 pharmacy does not begin operation on or before June 1, 2021.

4809 (7) (a) A person who receives a medical cannabis pharmacy license under this ~~[chapter]~~
4810 part, if the municipality or county where the licensed medical cannabis pharmacy will be
4811 located requires a local land use permit, shall submit to the department a copy of the licensee's
4812 approved application for the land use permit within 120 days after the day on which the
4813 department issues the license.

4814 (b) If a licensee fails to submit to the department a copy the licensee's approved land
4815 use permit application in accordance with Subsection (7)(a), the department may revoke the
4816 licensee's license.

4817 (8) The department shall deposit the proceeds of a fee imposed by this section into the
4818 Qualified Patient Enterprise Fund.

4819 (9) The department shall begin accepting applications under this part on or before
4820 March 1, 2020.

4821 (10) (a) The department's authority to issue a license under this section is plenary and is
4822 not subject to review.

4823 (b) Notwithstanding Subsection (2), the decision of the department to award a license
4824 to an applicant is not subject to:

4825 (i) Title 63G, Chapter 6a, Part 16, Protests; or

4826 (ii) Title 63G, Chapter 6a, Part 17, Procurement Appeals Board.

4827 (11) (a) A medical cannabis pharmacy license is not transferrable or assignable.

4828 (b) A medical cannabis pharmacy shall report in writing to the department no later than
4829 10 business days before the date of any change of ownership of the medical cannabis
4830 pharmacy.

4831 (c) If the ownership of a medical cannabis pharmacy changes by 50% or more:

4832 (i) concurrent with the report described in Subsection (11)(b), the medical cannabis

4833 pharmacy shall submit a new application described in Subsection (2)(b), subject to Subsection
4834 (2)(c);

4835 (ii) within 30 days of the submission of the application, the department shall:

4836 (A) conduct an application review; and

4837 (B) award a license to the medical cannabis pharmacy for the remainder of the term of
4838 the medical cannabis pharmacy's license before the ownership change if the medical cannabis
4839 pharmacy meets the minimum standards for licensure and operation of the medical cannabis
4840 pharmacy described in this ~~chapter~~ part; and

4841 (iii) if the department approves the license application, notwithstanding Subsection (3),
4842 the medical cannabis pharmacy shall pay a license fee that the department sets in accordance
4843 with Section 63J-1-504 in an amount that covers the board's cost of conducting the application
4844 review.

4845 Section 83. Section **26B-4-225**, which is renumbered from Section 26-61a-302 is
4846 renumbered and amended to read:

4847 ~~[26-61a-302]~~. **26B-4-225**. **Medical cannabis pharmacy owners and**
4848 **directors -- Criminal background checks.**

4849 (1) Each applicant to whom the department issues a notice of intent to award a license
4850 to operate as a medical cannabis pharmacy shall submit, before the department may award the
4851 license, from each individual who has a financial or voting interest of 2% or greater in the
4852 applicant or who has the power to direct or cause the management or control of the applicant:

4853 (a) a fingerprint card in a form acceptable to the Department of Public Safety;

4854 (b) a signed waiver in accordance with Subsection 53-10-108(4) acknowledging the
4855 registration of the individual's fingerprints in the Federal Bureau of Investigation Next
4856 Generation Identification System's Rap Back Service; and

4857 (c) consent to a fingerprint background check by:

4858 (i) the Bureau of Criminal Identification; and

4859 (ii) the Federal Bureau of Investigation.

4860 (2) The Bureau of Criminal Identification shall:

4861 (a) check the fingerprints the applicant submits under Subsection (1) against the
4862 applicable state, regional, and national criminal records databases, including the Federal
4863 Bureau of Investigation Next Generation Identification System;

- 4864 (b) report the results of the background check to the department;
- 4865 (c) maintain a separate file of fingerprints that applicants submit under Subsection (1)
- 4866 for search by future submissions to the local and regional criminal records databases, including
- 4867 latent prints;
- 4868 (d) request that the fingerprints be retained in the Federal Bureau of Investigation Next
- 4869 Generation Identification System's Rap Back Service for search by future submissions to
- 4870 national criminal records databases, including the Next Generation Identification System and
- 4871 latent prints; and
- 4872 (e) establish a privacy risk mitigation strategy to ensure that the department only
- 4873 receives notifications for an individual with whom the department maintains an authorizing
- 4874 relationship.

4875 (3) The department shall:

- 4876 (a) assess an individual who submits fingerprints under Subsection (1) a fee in an
- 4877 amount that the department sets in accordance with Section [63J-1-504](#) for the services that the
- 4878 Bureau of Criminal Identification or another authorized agency provides under this section; and
- 4879 (b) remit the fee described in Subsection (3)(a) to the Bureau of Criminal
- 4880 Identification.

4881 Section 84. Section **26B-4-226**, which is renumbered from Section 26-61a-303 is

4882 renumbered and amended to read:

4883 ~~[26-61a-303]~~. **26B-4-226. Renewal.**

4884 (1) The department shall renew a license under this part every year if, at the time of

4885 renewal:

- 4886 (a) the licensee meets the requirements of Section ~~[26-61a-301]~~ [26B-4-224](#);
- 4887 (b) the licensee pays the department a license renewal fee in an amount that, subject to
- 4888 Subsection ~~[26-61a-109]~~ [26B-1-310\(5\)](#), the department sets in accordance with Section
- 4889 [63J-1-504](#); and

4890 (c) if the medical cannabis pharmacy changes the operating plan described in Section

4891 ~~[26-61a-304]~~ [26B-4-227](#) that the department approved under Subsection ~~[26-61a-301]~~ [26B-4-](#)

4892 [224\(2\)\(b\)\(iv\)](#), the department approves the new operating plan.

4893 (2) (a) If a licensed medical cannabis pharmacy abandons the medical cannabis

4894 pharmacy's license, the department shall publish notice of an available license:

4895 (i) in a newspaper of general circulation for the geographic area in which the medical
4896 cannabis pharmacy license is available; or

4897 (ii) on the Utah Public Notice Website established in Section [63A-16-601](#).

4898 (b) The department may establish criteria, in collaboration with the Division of
4899 Professional Licensing and the Board of Pharmacy and in accordance with Title 63G, Chapter
4900 3, Utah Administrative Rulemaking Act, to identify the medical cannabis pharmacy actions that
4901 constitute abandonment of a medical cannabis pharmacy license.

4902 (3) If the department has not completed the necessary processes to make a
4903 determination on a license renewal under Subsections (1)(a) and (c) before the expiration of a
4904 license, the department may issue a conditional medical cannabis pharmacy license to a
4905 licensed medical cannabis pharmacy that has applied for license renewal under this section and
4906 paid the fee described in Subsection (1)(b).

4907 Section 85. Section **26B-4-227**, which is renumbered from Section 26-61a-304 is
4908 renumbered and amended to read:

4909 ~~[26-61a-304]~~. **26B-4-227. Operating plan.**

4910 A person applying for a medical cannabis pharmacy license shall submit to the
4911 department a proposed operation plan for the medical cannabis pharmacy that complies with
4912 this section and that includes:

4913 (1) a description of the physical characteristics of the proposed facility, including a
4914 floor plan and an architectural elevation;

4915 (2) a description of the credentials and experience of:

4916 (a) each officer, director, or owner of the proposed medical cannabis pharmacy; and

4917 (b) any highly skilled or experienced prospective employee;

4918 (3) the medical cannabis pharmacy's employee training standards;

4919 (4) a security plan;

4920 (5) a description of the medical cannabis pharmacy's inventory control system,
4921 including a plan to make the inventory control system compatible with the state electronic
4922 verification system;

4923 (6) storage protocols, both short- and long-term, to ensure that cannabis is stored in a
4924 manner that is sanitary and preserves the integrity of the cannabis; and

4925 (7) a description of the proposed medical cannabis pharmacy's strategic plan for

4926 opening the medical cannabis pharmacy, including gauging appropriate timing based on:

4927 (a) the supply of medical cannabis and medical cannabis products, in consultation with
4928 the Department of Agriculture and Food; and

4929 (b) the quantity and condition of the population of medical cannabis cardholders, in
4930 consultation with the department.

4931 Section 86. Section **26B-4-228**, which is renumbered from Section 26-61a-305 is
4932 renumbered and amended to read:

4933 ~~[26-61a-305]~~. **26B-4-228. Maximum number of licenses -- Home delivery**
4934 **medical cannabis pharmacies.**

4935 (1) (a) Except as provided in Subsections (1)(b) or (d), if a sufficient number of
4936 applicants apply, the department shall issue up to 15 medical cannabis pharmacy licenses in
4937 accordance with this section.

4938 (b) If an insufficient number of qualified applicants apply for the available number of
4939 medical cannabis pharmacy licenses, the department shall issue a medical cannabis pharmacy
4940 license to each qualified applicant.

4941 (c) The department may issue the licenses described in Subsection (1)(a) in accordance
4942 with this Subsection (1)(c).

4943 (i) Using one procurement process, the department may issue eight licenses to an initial
4944 group of medical cannabis pharmacies and six licenses to a second group of medical cannabis
4945 pharmacies.

4946 (ii) If the department issues licenses in two phases in accordance with Subsection
4947 (1)(c)(i), the department shall:

4948 (A) divide the state into no less than four geographic regions;

4949 (B) issue at least one license in each geographic region during each phase of issuing
4950 licenses; and

4951 (C) complete the process of issuing medical cannabis pharmacy licenses no later than
4952 July 1, 2020.

4953 (iii) In issuing a 15th license under Subsection (1), the department shall ensure that the
4954 license recipient will locate the medical cannabis pharmacy within Dagget, Duchesne, Uintah,
4955 Carbon, Sevier, Emery, Grand, or San Juan County.

4956 (d) (i) The department may issue licenses to operate a medical cannabis pharmacy in

4957 addition to the licenses described in Subsection (1)(a) if the department determines, in
4958 consultation with the Department of Agriculture and Food and after an annual or more frequent
4959 analysis of the current and anticipated market for medical cannabis, that each additional license
4960 is necessary to provide an adequate supply, quality, or variety of medical cannabis to medical
4961 cannabis cardholders.

4962 (ii) The department shall:

4963 (A) in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,
4964 make rules to establish criteria and processes for the consultation, analysis, and application for
4965 a license described in Subsection (1)(d)(i); and

4966 (B) report to the Executive Appropriations Committee of the Legislature before each
4967 time the department issues an additional license under Subsection (1)(d)(i) regarding the results
4968 of the consultation and analysis described in Subsection (1)(d)(i) and the application of the
4969 criteria described in Subsection (1)(d)(ii)(A).

4970 (2) (a) If there are more qualified applicants than there are available licenses for
4971 medical cannabis pharmacies, the department shall:

4972 (i) evaluate each applicant and award the license to the applicant that best
4973 demonstrates:

4974 (A) experience with establishing and successfully operating a business that involves
4975 complying with a regulatory environment, tracking inventory, and training, evaluating, and
4976 monitoring employees;

4977 (B) an operating plan that will best ensure the safety and security of patrons and the
4978 community;

4979 (C) positive connections to the local community;

4980 (D) the suitability of the proposed location and the location's accessibility for
4981 qualifying patients;

4982 (E) the extent to which the applicant can increase efficiency and reduce the cost of
4983 medical cannabis for patients; and

4984 (F) a strategic plan described in Subsection [~~26-61a-304~~] [26B-4-227\(7\)](#) that has a
4985 comparatively high likelihood of success; and

4986 (ii) ensure a geographic dispersal among licensees that is sufficient to reasonably
4987 maximize access to the largest number of medical cannabis cardholders.

4988 (b) In making the evaluation described in Subsection (2)(a), the department may give
4989 increased consideration to applicants who indicate a willingness to:

4990 (i) operate as a home delivery medical cannabis pharmacy that accepts electronic
4991 medical cannabis orders that the state central patient portal facilitates; and

4992 (ii) accept payments through:

4993 (A) a payment provider that the Division of Finance approves, in consultation with the
4994 state treasurer, in accordance with Section [~~26-61a-603~~] [26B-4-238](#); or

4995 (B) a financial institution in accordance with Subsection [~~26-61a-603~~] [26B-4-238](#)(4).

4996 (3) The department may conduct a face-to-face interview with an applicant for a
4997 license that the department evaluates under Subsection (2).

4998 (4) (a) The department may designate a medical cannabis pharmacy as a home delivery
4999 medical cannabis pharmacy if the department determines that the medical cannabis pharmacy's
5000 operating plan demonstrates the functional and technical ability to:

5001 (i) safely conduct transactions for medical cannabis shipments;

5002 (ii) accept electronic medical cannabis orders that the state central patient portal
5003 facilitates; and

5004 (iii) accept payments through:

5005 (A) a payment provider that the Division of Finance approves, in consultation with the
5006 state treasurer, in accordance with Section [~~26-61a-603~~] [26B-4-238](#); or

5007 (B) a financial institution in accordance with Subsection [~~26-61a-603~~] [26B-4-238](#)(4).

5008 (b) An applicant seeking a designation as a home delivery medical cannabis pharmacy
5009 shall identify in the applicant's operating plan any information relevant to the department's
5010 evaluation described in Subsection (4)(a), including:

5011 (i) the name and contact information of the payment provider;

5012 (ii) the nature of the relationship between the prospective licensee and the payment
5013 provider;

5014 (iii) the processes of the following to safely and reliably conduct transactions for
5015 medical cannabis shipments:

5016 (A) the prospective licensee; and

5017 (B) the electronic payment provider or the financial institution described in Subsection
5018 (4)(a)(iii); and

5019 (iv) the ability of the licensee to comply with the department's rules regarding the
5020 secure transportation and delivery of medical cannabis or medical cannabis product to a
5021 medical cannabis cardholder.

5022 (c) Notwithstanding any county or municipal ordinance, a medical cannabis pharmacy
5023 that the department designates as a home delivery medical cannabis pharmacy may deliver
5024 medical cannabis shipments in accordance with this ~~chapter~~ part.

5025 Section 87. Section **26B-4-229**, which is renumbered from Section 26-61a-501 is
5026 renumbered and amended to read:

5027 ~~[26-61a-501]~~. **26B-4-229. Operating requirements -- General.**

5028 (1) (a) A medical cannabis pharmacy shall operate:

5029 (i) at the physical address provided to the department under Section ~~[26-61a-301]~~ [26B-](#)
5030 [4-224](#); and

5031 (ii) in accordance with the operating plan provided to the department under Section
5032 ~~[26-61a-301]~~ [26B-4-224](#) and, if applicable, Section ~~[26-61a-304]~~ [26B-4-227](#).

5033 (b) A medical cannabis pharmacy shall notify the department before a change in the
5034 medical cannabis pharmacy's physical address or operating plan.

5035 (2) An individual may not enter a medical cannabis pharmacy unless the individual:

5036 (a) is at least 18 years old or is an emancipated minor under Section [80-7-105](#); and

5037 (b) except as provided in Subsection (4):

5038 (i) possesses a valid:

5039 (A) medical cannabis pharmacy agent registration card;

5040 (B) pharmacy medical provider registration card; or

5041 (C) medical cannabis card;

5042 (ii) is an employee of the department or the Department of Agriculture and Food
5043 performing an inspection under Section ~~[26-61a-504]~~ [26B-4-232](#); or

5044 (iii) is another individual as the department provides.

5045 (3) A medical cannabis pharmacy may not employ an individual who is younger than
5046 21 years old.

5047 (4) Notwithstanding Subsection (2)(a), a medical cannabis pharmacy may authorize an
5048 individual who is not a medical cannabis pharmacy agent or pharmacy medical provider to
5049 access the medical cannabis pharmacy if the medical cannabis pharmacy tracks and monitors

5050 the individual at all times while the individual is at the medical cannabis pharmacy and
5051 maintains a record of the individual's access.

5052 (5) A medical cannabis pharmacy shall operate in a facility that has:

5053 (a) a single, secure public entrance;

5054 (b) a security system with a backup power source that:

5055 (i) detects and records entry into the medical cannabis pharmacy; and

5056 (ii) provides notice of an unauthorized entry to law enforcement when the medical
5057 cannabis pharmacy is closed; and

5058 (c) a lock on each area where the medical cannabis pharmacy stores cannabis or a
5059 cannabis product.

5060 (6) A medical cannabis pharmacy shall post, both clearly and conspicuously in the
5061 medical cannabis pharmacy, the limit on the purchase of cannabis described in Subsection
5062 ~~[26-61a-502]~~ 26B-4-230(2).

5063 (7) Except for an emergency situation described in Subsection ~~[26-61a-201]~~ 26B-4-
5064 213(3)(c), a medical cannabis pharmacy may not allow any individual to consume cannabis on
5065 the property or premises of the medical cannabis pharmacy.

5066 (8) A medical cannabis pharmacy may not sell cannabis or a cannabis product without
5067 first indicating on the cannabis or cannabis product label the name of the medical cannabis
5068 pharmacy.

5069 (9) (a) Each medical cannabis pharmacy shall retain in the pharmacy's records the
5070 following information regarding each recommendation underlying a transaction:

5071 (i) the recommending medical provider's name, address, and telephone number;

5072 (ii) the patient's name and address;

5073 (iii) the date of issuance;

5074 (iv) directions of use and dosing guidelines or an indication that the recommending
5075 medical provider did not recommend specific directions of use or dosing guidelines; and

5076 (v) if the patient did not complete the transaction, the name of the medical cannabis
5077 cardholder who completed the transaction.

5078 (b) (i) Except as provided in Subsection (9)(b)(iii), a medical cannabis pharmacy may
5079 not sell medical cannabis unless the medical cannabis has a label securely affixed to the
5080 container indicating the following minimum information:

- 5081 (A) the name, address, and telephone number of the medical cannabis pharmacy;
- 5082 (B) the unique identification number that the medical cannabis pharmacy assigns;
- 5083 (C) the date of the sale;
- 5084 (D) the name of the patient;
- 5085 (E) the name of the recommending medical provider who recommended the medical
- 5086 cannabis treatment;

- 5087 (F) directions for use and cautionary statements, if any;
- 5088 (G) the amount dispensed and the cannabinoid content;
- 5089 (H) the suggested use date;
- 5090 (I) for unprocessed cannabis flower, the legal use termination date; and
- 5091 (J) any other requirements that the department determines, in consultation with the
- 5092 Division of Professional Licensing and the Board of Pharmacy.

5093 (ii) A medical cannabis pharmacy is exempt from the requirement to provide the
5094 following information under Subsection (9)(b)(i) if the information is already provided on the
5095 product label that a cannabis production establishment affixes:

- 5096 (A) a unique identification number;
- 5097 (B) directions for use and cautionary statements;
- 5098 (C) amount and cannabinoid content; and
- 5099 (D) a suggested use date.

5100 (iii) If the size of a medical cannabis container does not allow sufficient space to
5101 include the labeling requirements described in Subsection (9)(b)(i), the medical cannabis
5102 pharmacy may provide the following information described in Subsection (9)(b)(i) on a
5103 supplemental label attached to the container or an informational enclosure that accompanies the
5104 container:

- 5105 (A) the cannabinoid content;
- 5106 (B) the suggested use date; and
- 5107 (C) any other requirements that the department determines.

5108 (iv) A medical cannabis pharmacy may sell medical cannabis to another medical
5109 cannabis pharmacy without a label described in Subsection (9)(b)(i).

5110 (10) A pharmacy medical provider or medical cannabis pharmacy agent shall:

- 5111 (a) upon receipt of an order from a limited medical provider in accordance with

5112 Subsections [~~26-61a-106~~] 26B-4-204(1)(b) through (d):

5113 (i) for a written order or an electronic order under circumstances that the department
5114 determines, contact the limited medical provider or the limited medical provider's office to
5115 verify the validity of the recommendation; and

5116 (ii) for an order that the pharmacy medical provider or medical cannabis pharmacy
5117 agent verifies under Subsection (10)(a)(i) or an electronic order that is not subject to
5118 verification under Subsection (10)(a)(i), enter the limited medical provider's recommendation
5119 or renewal, including any associated directions of use, dosing guidelines, or caregiver
5120 indication, in the state electronic verification system;

5121 (b) in processing an order for a holder of a conditional medical cannabis card described
5122 in Subsection [~~26-61a-201~~] 26B-4-213(1)(b) that appears irregular or suspicious in the
5123 judgment of the pharmacy medical provider or medical cannabis pharmacy agent, contact the
5124 recommending medical provider or the recommending medical provider's office to verify the
5125 validity of the recommendation before processing the cardholder's order;

5126 (c) unless the medical cannabis cardholder has had a consultation under Subsection
5127 [~~26-61a-502~~] 26B-4-230(4) or (5), verbally offer to a medical cannabis cardholder at the time
5128 of a purchase of cannabis, a cannabis product, or a medical cannabis device, personal
5129 counseling with the pharmacy medical provider; and

5130 (d) provide a telephone number or website by which the cardholder may contact a
5131 pharmacy medical provider for counseling.

5132 (11) (a) A medical cannabis pharmacy may create a medical cannabis disposal program
5133 that allows an individual to deposit unused or excess medical cannabis, cannabis residue from a
5134 medical cannabis device, or medical cannabis product in a locked box or other secure
5135 receptacle within the medical cannabis pharmacy.

5136 (b) A medical cannabis pharmacy with a disposal program described in Subsection
5137 (11)(a) shall ensure that only a medical cannabis pharmacy agent or pharmacy medical provider
5138 can access deposited medical cannabis or medical cannabis products.

5139 (c) A medical cannabis pharmacy shall dispose of any deposited medical cannabis or
5140 medical cannabis products by:

5141 (i) rendering the deposited medical cannabis or medical cannabis products unusable
5142 and unrecognizable before transporting deposited medical cannabis or medical cannabis

5143 products from the medical cannabis pharmacy; and

5144 (ii) disposing of the deposited medical cannabis or medical cannabis products in
5145 accordance with:

5146 (A) federal and state law, rules, and regulations related to hazardous waste;

5147 (B) the Resource Conservation and Recovery Act, 42 U.S.C. Sec. 6991 et seq.;

5148 (C) Title 19, Chapter 6, Part 5, Solid Waste Management Act; and

5149 (D) other regulations that the department makes in accordance with Title 63G, Chapter
5150 3, Utah Administrative Rulemaking Act.

5151 (12) The department shall establish by rule, in accordance with Title 63G, Chapter 3,
5152 Utah Administrative Rulemaking Act, protocols for a recall of cannabis and cannabis products
5153 by a medical cannabis pharmacy.

5154 Section 88. Section **26B-4-230**, which is renumbered from Section 26-61a-502 is
5155 renumbered and amended to read:

5156 ~~[26-61a-502]~~. **26B-4-230. Dispensing -- Amount a medical cannabis**
5157 **pharmacy may dispense -- Reporting -- Form of cannabis or cannabis product.**

5158 (1) (a) A medical cannabis pharmacy may not sell a product other than, subject to this
5159 ~~[chapter]~~ part:

5160 (i) cannabis in a medicinal dosage form that the medical cannabis pharmacy acquired
5161 from another medical cannabis pharmacy or a cannabis processing facility that is licensed
5162 under Section 4-41a-201;

5163 (ii) a cannabis product in a medicinal dosage form that the medical cannabis pharmacy
5164 acquired from another medical cannabis pharmacy or a cannabis processing facility that is
5165 licensed under Section 4-41a-201;

5166 (iii) a medical cannabis device; or

5167 (iv) educational material related to the medical use of cannabis.

5168 (b) A medical cannabis pharmacy may only sell an item listed in Subsection (1)(a) to
5169 an individual with:

5170 (i) (A) a medical cannabis card;

5171 (B) a department registration described in ~~[Section 26-61a-201]~~ Subsection 26B-4-
5172 213(10); and

5173 (ii) a corresponding valid form of photo identification.

5174 (c) Notwithstanding Subsection (1)(a), a medical cannabis pharmacy may not sell a
5175 cannabis-based drug that the United States Food and Drug Administration has approved.

5176 (d) Notwithstanding Subsection (1)(b), a medical cannabis pharmacy may not sell a
5177 medical cannabis device to an individual described in Subsection [~~26-61a-201~~] 26B-4-
5178 213(2)(a)(i)(B) or to a minor described in Subsection [~~26-61a-201~~] 26B-4-213(2)(c) unless the
5179 individual or minor has the approval of the Compassionate Use Board in accordance with
5180 Subsection [~~26-61a-105~~] 26B-1-421(5).

5181 (2) A medical cannabis pharmacy:

5182 (a) may dispense to a medical cannabis cardholder, in any one 28-day period, up to the
5183 legal dosage limit of:

5184 (i) unprocessed cannabis that:

5185 (A) is in a medicinal dosage form; and

5186 (B) carries a label clearly displaying the amount of tetrahydrocannabinol and
5187 cannabidiol in the cannabis; and

5188 (ii) a cannabis product that is in a medicinal dosage form; and

5189 (b) may not dispense:

5190 (i) more medical cannabis than described in Subsection (2)(a); or

5191 (ii) to an individual whose recommending medical provider did not recommend
5192 directions of use and dosing guidelines, until the individual consults with the pharmacy
5193 medical provider in accordance with Subsection (4), any medical cannabis.

5194 (3) An individual with a medical cannabis card:

5195 (a) may purchase, in any one 28-day period, up to the legal dosage limit of:

5196 (i) unprocessed cannabis in a medicinal dosage form; and

5197 (ii) a cannabis product in a medicinal dosage form;

5198 (b) may not purchase:

5199 (i) more medical cannabis than described in Subsection (3)(a); or

5200 (ii) if the relevant recommending medical provider did not recommend directions of
5201 use and dosing guidelines, until the individual consults with the pharmacy medical provider in
5202 accordance with Subsection (4), any medical cannabis; and

5203 (c) may not use a route of administration that the relevant recommending medical
5204 provider or the pharmacy medical provider, in accordance with Subsection (4) or (5), has not

5205 recommended.

5206 (4) If a recommending medical provider recommends treatment with medical cannabis
5207 but wishes for the pharmacy medical provider to determine directions of use and dosing
5208 guidelines:

5209 (a) the recommending medical provider shall provide to the pharmacy medical
5210 provider, either through the state electronic verification system or through a medical cannabis
5211 pharmacy's recording of a recommendation under the order of a limited medical provider, any
5212 of the following information that the recommending medical provider feels would be needed to
5213 provide appropriate directions of use and dosing guidelines:

5214 (i) information regarding the qualifying condition underlying the recommendation;

5215 (ii) information regarding prior treatment attempts with medical cannabis; and

5216 (iii) portions of the patient's current medication list; and

5217 (b) before the relevant medical cannabis cardholder may obtain medical cannabis, the
5218 pharmacy medical provider shall:

5219 (i) review pertinent medical records, including the recommending medical provider
5220 documentation described in Subsection (4)(a); and

5221 (ii) unless the pertinent medical records show directions of use and dosing guidelines
5222 from a state central patient portal medical provider in accordance with Subsection (5), after
5223 completing the review described in Subsection (4)(b)(i) and consulting with the recommending
5224 medical provider as needed, determine the best course of treatment through consultation with
5225 the cardholder regarding:

5226 (A) the patient's qualifying condition underlying the recommendation from the
5227 recommending medical provider;

5228 (B) indications for available treatments;

5229 (C) directions of use and dosing guidelines; and

5230 (D) potential adverse reactions.

5231 (5) (a) A state central patient portal medical provider may provide the consultation and
5232 make the determination described in Subsection (4)(b) for a medical cannabis patient
5233 cardholder regarding an electronic order that the state central patient portal facilitates.

5234 (b) The state central patient portal medical provider described in Subsection (5)(a)
5235 shall document the directions of use and dosing guidelines, determined under Subsection (5)(a)

5236 in the pertinent medical records.

5237 (6) (a) A medical cannabis pharmacy shall:

5238 (i) (A) access the state electronic verification system before dispensing cannabis or a
5239 cannabis product to a medical cannabis cardholder in order to determine if the cardholder or,
5240 where applicable, the associated patient has met the maximum amount of medical cannabis
5241 described in Subsection (2); and

5242 (B) if the verification in Subsection (6)(a)(i) indicates that the individual has met the
5243 maximum amount described in Subsection (2), decline the sale, and notify the recommending
5244 medical provider who made the underlying recommendation;

5245 (ii) submit a record to the state electronic verification system each time the medical
5246 cannabis pharmacy dispenses medical cannabis to a medical cannabis cardholder;

5247 (iii) ensure that the pharmacy medical provider who is a licensed pharmacist reviews
5248 each medical cannabis transaction before dispensing the medical cannabis to the cardholder in
5249 accordance with pharmacy practice standards;

5250 (iv) package any medical cannabis that is in a container that:

5251 (A) complies with Subsection [4-41a-602\(1\)\(b\)](#) or, if applicable, provisions related to a
5252 container for unprocessed cannabis flower in the definition of "medicinal dosage form" in
5253 Section ~~[26-61a-102]~~ [26B-4-201](#);

5254 (B) is tamper-resistant and tamper-evident; and

5255 (C) provides an opaque bag or box for the medical cannabis cardholder's use in
5256 transporting the container in public; and

5257 (v) for a product that is a cube that is designed for ingestion through chewing or
5258 holding in the mouth for slow dissolution, include a separate, off-label warning about the risks
5259 of over-consumption.

5260 (b) A medical cannabis cardholder transporting or possessing the container described
5261 in Subsection (6)(a)(iv) in public shall keep the container within the opaque bag or box that the
5262 medical cannabis pharmacist provides.

5263 (7) (a) Except as provided in Subsection (7)(b), a medical cannabis pharmacy may not
5264 sell medical cannabis in the form of a cigarette or a medical cannabis device that is
5265 intentionally designed or constructed to resemble a cigarette.

5266 (b) A medical cannabis pharmacy may sell a medical cannabis device that warms

5267 cannabis material into a vapor without the use of a flame and that delivers cannabis to an
5268 individual's respiratory system.

5269 (8) (a) A medical cannabis pharmacy may not give, at no cost, a product that the
5270 medical cannabis pharmacy is allowed to sell under Subsection (1)(a)(i), (ii), or (iii).

5271 (b) A medical cannabis pharmacy may give, at no cost, educational material related to
5272 the medical use of cannabis.

5273 (9) The department may impose a uniform fee on each medical cannabis transaction in
5274 a medical cannabis pharmacy in an amount that, subject to Subsection [~~26-61a-109~~] [26B-1-](#)
5275 [310\(5\)](#), the department sets in accordance with Section [63J-1-504](#).

5276 (10) A medical cannabis pharmacy may purchase and store medical cannabis devices
5277 regardless of whether the seller has a cannabis-related license under this title or Title 4, Chapter
5278 41a, Cannabis Production Establishments.

5279 Section 89. Section **26B-4-231**, which is renumbered from Section 26-61a-503 is
5280 renumbered and amended to read:

5281 [~~26-61a-503~~]. **26B-4-231. Partial filling.**

5282 (1) As used in this section, "partially fill" means to provide less than the full amount of
5283 cannabis or cannabis product that the recommending medical provider recommends, if the
5284 recommending medical provider recommended specific dosing parameters.

5285 (2) A pharmacy medical provider may partially fill a recommendation for a medical
5286 cannabis treatment at the request of the recommending medical provider who issued the
5287 medical cannabis treatment recommendation or the medical cannabis cardholder.

5288 (3) The department shall make rules, in collaboration with the Division of Professional
5289 Licensing and the Board of Pharmacy and in accordance with Title 63G, Chapter 3, Utah
5290 Administrative Rulemaking Act, specifying how to record the date, quantity supplied, and
5291 quantity remaining of a partially filled medical cannabis treatment recommendation.

5292 (4) A pharmacy medical provider who is a pharmacist may, upon the request of a
5293 medical cannabis cardholder, determine different dosing parameters, subject to the dosing
5294 limits in Subsection [~~26-61a-502~~] [26B-4-230\(2\)](#), to fill the quantity remaining of a partially
5295 filled medical cannabis treatment recommendation if:

5296 (a) the pharmacy medical provider determined dosing parameters for the partial fill
5297 under Subsection [~~26-61a-502~~] [26B-4-230\(4\)](#) or (5); and

5298 (b) the medical cannabis cardholder reports that:

5299 (i) the partial fill did not substantially affect the qualifying condition underlying the
5300 medical cannabis recommendation; or

5301 (ii) the patient experienced an adverse reaction to the partial fill or was otherwise
5302 unable to successfully use the partial fill.

5303 Section 90. Section **26B-4-232**, which is renumbered from Section 26-61a-504 is
5304 renumbered and amended to read:

5305 ~~[26-61a-504]~~. **26B-4-232. Inspections.**

5306 (1) Each medical cannabis pharmacy shall maintain the pharmacy's medical cannabis
5307 treatment recommendation files and other records in accordance with this ~~[chapter]~~ part,
5308 department rules, and the federal Health Insurance Portability and Accountability Act of 1996,
5309 Pub. L. No. 104-191, 110 Stat. 1936, as amended.

5310 (2) The department or the Department of Agriculture and Food may inspect the
5311 records, facility, and inventory of a medical cannabis pharmacy at any time during business
5312 hours in order to determine if the medical cannabis pharmacy complies with this ~~[chapter]~~ part
5313 and Title 4, Chapter 41a, Cannabis Production Establishments.

5314 (3) An inspection under this section may include:

5315 (a) inspection of a site, facility, vehicle, book, record, paper, document, data, or other
5316 physical or electronic information, or any combination of the above;

5317 (b) questioning of any relevant individual;

5318 (c) inspection of equipment, an instrument, a tool, or machinery, including a container
5319 or label;

5320 (d) random sampling of medical cannabis by the Department of Agriculture and Food
5321 in accordance with rules described in Section ~~4-41a-701~~; or

5322 (e) seizure of medical cannabis, medical cannabis devices, or educational material as
5323 evidence in a department investigation or inspection or in instances of compliance failure.

5324 (4) In making an inspection under this section, the department or the Department of
5325 Agriculture and Food may freely access any area and review and make copies of a book,
5326 record, paper, document, data, or other physical or electronic information, including financial
5327 data, sales data, shipping data, pricing data, and employee data.

5328 (5) Failure to provide the department, the Department of Agriculture and Food, or the

5329 authorized agents of the department or the Department of Agriculture and Food immediate
5330 access to records and facilities during business hours in accordance with this section may result
5331 in:

5332 (a) the imposition of a civil monetary penalty that the department sets in accordance
5333 with Title 63G, Chapter 3, Utah Administrative Rulemaking Act;

5334 (b) license or registration suspension or revocation; or

5335 (c) an immediate cessation of operations under a cease and desist order that the
5336 department issues.

5337 (6) Notwithstanding any other provision of law, the department may temporarily store
5338 in any department facility the items the department seizes under Subsection (3)(e) until the
5339 department:

5340 (a) determines that sufficient compliance justifies the return of the seized items; or

5341 (b) disposes of the items in the same manner as a cannabis production establishment in
5342 accordance with Section [4-41a-405](#).

5343 Section 91. Section **26B-4-233**, which is renumbered from Section 26-61a-505 is
5344 renumbered and amended to read:

5345 ~~[26-61a-505]~~. **26B-4-233. Advertising.**

5346 (1) Except as provided in this section, a person may not advertise in any medium
5347 regarding a medical cannabis pharmacy or the dispensing of medical cannabis within the state.

5348 (2) Subject to Section [26-61a-116](#), a medical cannabis pharmacy may:

5349 (a) advertise an employment opportunity at the medical cannabis pharmacy;

5350 (b) notwithstanding any municipal or county ordinance prohibiting signage, use
5351 signage on the outside of the medical cannabis pharmacy that:

5352 (i) includes only:

5353 (A) in accordance with Subsection ~~[26-61a-116]~~ [26B-4-223](#)(4), the medical cannabis
5354 pharmacy's name, logo, and hours of operation; and

5355 (B) a green cross; and

5356 (ii) complies with local ordinances regulating signage;

5357 (c) advertise in any medium:

5358 (i) the pharmacy's name and logo;

5359 (ii) the location and hours of operation of the medical cannabis pharmacy;

- 5360 (iii) a service available at the medical cannabis pharmacy;
- 5361 (iv) personnel affiliated with the medical cannabis pharmacy;
- 5362 (v) whether the medical cannabis pharmacy is licensed as a home delivery medical
5363 cannabis pharmacy;
- 5364 (vi) best practices that the medical cannabis pharmacy upholds; and
- 5365 (vii) educational material related to the medical use of cannabis, as defined by the
5366 department;
- 5367 (d) hold an educational event for the public or medical providers in accordance with
5368 Subsection (3) and the rules described in Subsection (4); and
- 5369 (e) maintain on the medical cannabis pharmacy's website non-promotional information
5370 regarding the medical cannabis pharmacy's inventory.
- 5371 (3) A medical cannabis pharmacy may not include in an educational event described in
5372 Subsection (2)(d):
- 5373 (a) any topic that conflicts with this chapter or Title 4, Chapter 41a, Cannabis
5374 Production Establishments;
- 5375 (b) any gift items or merchandise other than educational materials, as those terms are
5376 defined by the department;
- 5377 (c) any marketing for a specific product from the medical cannabis pharmacy or any
5378 other statement, claim, or information that would violate the federal Food, Drug, and Cosmetic
5379 Act, 21 U.S.C. Sec. 301, et seq.; or
- 5380 (d) a presenter other than the following:
- 5381 (i) a pharmacist licensed under Title 58, Chapter 17b, Pharmacy Practice Act;
- 5382 (ii) an advanced practice registered nurse licensed under Title 58, Chapter 31b, Nurse
5383 Practice Act;
- 5384 (iii) a physician licensed under Title 58, Chapter 67, Utah Medical Practice Act, or
5385 Title 58, Chapter 68, Utah Osteopathic Medical Practice Act;
- 5386 (iv) a physician assistant licensed under Title 58, Chapter 70a, Utah Physician
5387 Assistant Act;
- 5388 (v) a medical practitioner, similar to the practitioners described in this Subsection
5389 (3)(d)(v), who is licensed in another state or country;
- 5390 (vi) a state employee; or

5391 (vii) if the presentation relates to a cannabis topic other than medical treatment or
5392 medical conditions, an individual whom the department approves based on the individual's
5393 background and credentials in the presented topic.

5394 (4) The department shall make rules, in accordance with Title 63G, Chapter 3, Utah
5395 Administrative Rulemaking Act, to define:

5396 (a) the educational material described in Subsection (2)(c)(vii); and

5397 (b) the elements of and restrictions on the educational event described in Subsection
5398 (3), including:

5399 (i) a minimum age of 21 years old for attendees; and

5400 (ii) an exception to the minimum age for a medical cannabis patient cardholder who is
5401 at least 18 years old.

5402 Section 92. Section **26B-4-234**, which is renumbered from Section 26-61a-506 is
5403 renumbered and amended to read:

5404 ~~[26-61a-506]~~. **26B-4-234. Medical cannabis transportation.**

5405 (1) Only the following individuals may transport medical cannabis under this [chapter]
5406 part:

5407 (a) a registered medical cannabis pharmacy agent;

5408 (b) a registered medical cannabis courier agent;

5409 (c) a registered pharmacy medical provider; or

5410 (d) a medical cannabis cardholder who is transporting a medical cannabis treatment
5411 that the cardholder is authorized to transport.

5412 (2) Except for an individual with a valid medical cannabis card under this [chapter]
5413 part who is transporting a medical cannabis treatment that the cardholder is authorized to

5414 transport, an individual described in Subsection (1) shall possess a transportation manifest that:

5415 (a) includes a unique identifier that links the cannabis or cannabis product to a relevant
5416 inventory control system;

5417 (b) includes origin and destination information for the medical cannabis that the
5418 individual is transporting; and

5419 (c) identifies the departure and arrival times and locations of the individual
5420 transporting the medical cannabis.

5421 (3) (a) In addition to the requirements in Subsections (1) and (2), the department may

5422 establish by rule, in collaboration with the Division of Professional Licensing and the Board of
5423 Pharmacy and in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,
5424 requirements for transporting medical cannabis to ensure that the medical cannabis remains
5425 safe for human consumption.

5426 (b) The transportation described in Subsection (1)(a) is limited to transportation
5427 between a medical cannabis pharmacy and:

- 5428 (i) another medical cannabis pharmacy; or
- 5429 (ii) for a medical cannabis shipment, a medical cannabis cardholder's home address.

5430 (4) (a) It is unlawful for an individual described in Subsection (1) to make a transport
5431 described in this section with a manifest that does not meet the requirements of this section.

5432 (b) Except as provided in Subsection (4)(d), an individual who violates Subsection
5433 (4)(a) is:

- 5434 (i) guilty of an infraction; and
- 5435 (ii) subject to a \$100 fine.

5436 (c) An individual who is guilty of a violation described in Subsection (4)(b) is not
5437 guilty of a violation of Title 58, Chapter 37, Utah Controlled Substances Act, for the conduct
5438 underlying the violation described in Subsection (4)(b).

5439 (d) If the individual described in Subsection (4)(a) is transporting more medical
5440 cannabis than the manifest identifies, except for a de minimis administrative error:

- 5441 (i) this ~~chapter~~ part does not apply; and
- 5442 (ii) the individual is subject to penalties under Title 58, Chapter 37, Utah Controlled
5443 Substances Act.

5444 (5) An individual other than an individual described in Subsection (1) may transport a
5445 medical cannabis device within the state if the transport does not also contain medical
5446 cannabis.

5447 Section 93. Section **26B-4-235**, which is renumbered from Section 26-61a-507 is
5448 renumbered and amended to read:

5449 ~~[26-61a-507]~~. **26B-4-235. Local control.**

5450 (1) The operation of a medical cannabis pharmacy:

5451 (a) shall be a permitted use:

- 5452 (i) in any zone, overlay, or district within the municipality or county except for a

5453 primarily residential zone; and

5454 (ii) on land that the municipality or county has not zoned; and

5455 (b) is subject to the land use regulations, as defined in Sections [~~10-9a-103~~] [26B-7-506](#)

5456 and [17-27a-103](#), that apply in the underlying zone.

5457 (2) A municipality or county may not:

5458 (a) on the sole basis that the applicant or medical cannabis pharmacy violates federal

5459 law regarding the legal status of cannabis, deny or revoke:

5460 (i) a land use permit, as that term is defined in Sections [10-9a-103](#) and [17-27a-103](#), to

5461 operate a medical cannabis pharmacy; or

5462 (ii) a business license to operate a medical cannabis pharmacy;

5463 (b) require a certain distance between a medical cannabis pharmacy and:

5464 (i) another medical cannabis pharmacy;

5465 (ii) a cannabis production establishment;

5466 (iii) a retail tobacco specialty business, as that term is defined in Section [26-62-103](#); or

5467 (iv) an outlet, as that term is defined in Section [32B-1-202](#); or

5468 (c) in accordance with Subsections [10-9a-509\(1\)](#) and [17-27a-508\(1\)](#), enforce a land use

5469 regulation against a medical cannabis pharmacy that was not in effect on the day on which the

5470 medical cannabis pharmacy submitted a complete land use application.

5471 (3) (a) A municipality or county may enact an ordinance that:

5472 (i) is not in conflict with this [~~chapter~~] part; and

5473 (ii) governs the time, place, or manner of medical cannabis pharmacy operations in the

5474 municipality or county.

5475 (b) An ordinance that a municipality or county enacts under Subsection (3)(a) may not

5476 restrict the hours of operation from 7 a.m. to 10 p.m.

5477 (4) An applicant for a land use permit to operate a medical cannabis pharmacy shall

5478 comply with the land use requirements and application process described in:

5479 (a) Title 10, Chapter 9a, Municipal Land Use, Development, and Management Act,

5480 including Section [10-9a-528](#); and

5481 (b) Title 17, Chapter 27a, County Land Use, Development, and Management Act,

5482 including Section [17-27a-525](#).

5483 Section 94. Section **26B-4-236**, which is renumbered from Section 26-61a-601 is

5484 renumbered and amended to read:

5485 ~~[26-61a-601]~~. **26B-4-236. State central patient portal -- Department duties.**

5486 (1) On or before July 1, 2020, the department shall establish or contract to establish, in
5487 accordance with Title 63G, Chapter 6a, Utah Procurement Code, a state central patient portal as
5488 described in this section.

5489 (2) The state central patient portal shall:

5490 (a) authenticate each user to ensure the user is a valid medical cannabis patient
5491 cardholder;

5492 (b) allow a medical cannabis patient cardholder to:

5493 (i) obtain and download the cardholder's medical cannabis card;

5494 (ii) review the cardholder's medical cannabis purchase history; and

5495 (iii) manage the cardholder's personal information, including withdrawing consent for
5496 the use of the cardholder's information for a study described in Subsection ~~[26-61a-201]~~ 26B-4-
5497 213(12);

5498 (c) if the cardholder's recommending medical provider recommended the use of
5499 medical cannabis without providing directions of use and dosing guidelines and the cardholder
5500 has not yet received the counseling or consultation required in Subsection ~~26-61a-502~~(4):

5501 (i) alert the cardholder of the outstanding need for consultation; and

5502 (ii) provide the cardholder with access to the contact information for each state central
5503 patient portal medical provider and each pharmacy medical provider;

5504 (d) except as provided in Subsection (2)(e), facilitate an electronic medical cannabis
5505 order:

5506 (i) to a home delivery medical cannabis pharmacy for a medical cannabis shipment; or

5507 (ii) to a medical cannabis pharmacy for a medical cannabis cardholder to obtain in
5508 person from the pharmacy;

5509 (e) prohibit a patient from completing an electronic medical cannabis order described
5510 in Subsection (2)(d) if the purchase would exceed the limitations described in Subsection
5511 ~~[26-61a-502]~~ 26B-4-230(2)(a) or (b);

5512 (f) provide educational information to medical cannabis patient cardholders regarding
5513 the state's medical cannabis laws and regulatory programs and other relevant information
5514 regarding medical cannabis; and

5515 (g) allow the patient to designate up to two caregivers who may receive a medical
5516 cannabis caregiver card to purchase and transport medical cannabis on behalf of the patient in
5517 accordance with this ~~[chapter]~~ part.

5518 (3) The department may make rules in accordance with Title 63G, Chapter 3, Utah
5519 Administrative Rulemaking Act, to implement the state central patient portal.

5520 Section 95. Section ~~26B-4-237~~, which is renumbered from Section 26-61a-602 is
5521 renumbered and amended to read:

5522 ~~[26-61a-602]~~. **26B-4-237. State central patient portal medical provider.**

5523 (1) In relation to the state central patient portal:

5524 (a) the department may only employ, as a state central patient portal medical provider:

5525 (i) a pharmacist who is licensed under Title 58, Chapter 17b, Pharmacy Practice Act; or

5526 (ii) a physician licensed under Title 58, Chapter 67, Utah Medical Practice Act, or Title

5527 58, Chapter 68, Utah Osteopathic Medical Practice Act; and

5528 (b) if the department employs a state central patient portal medical provider, the
5529 department shall ensure that a state central patient portal medical provider is available during
5530 normal business hours.

5531 (2) A state central patient portal medical provider may:

5532 (a) provide consultations to medical cannabis cardholders and qualified medical
5533 providers; and

5534 (b) determine dosing parameters in accordance with Subsection ~~[26-61a-502]~~ 26B-4-
5535 230(5).

5536 Section 96. Section ~~26B-4-238~~, which is renumbered from Section 26-61a-603 is
5537 renumbered and amended to read:

5538 ~~[26-61a-603]~~. **26B-4-238. Payment provider for electronic medical**
5539 **cannabis transactions.**

5540 (1) A cannabis production establishment, a medical cannabis pharmacy, or a
5541 prospective home delivery medical cannabis pharmacy seeking to use a payment provider shall
5542 submit to the Division of Finance and the state treasurer information regarding the payment
5543 provider the prospective licensee will use to conduct financial transactions related to medical
5544 cannabis, including:

5545 (a) the name and contact information of the payment provider;

5546 (b) the nature of the relationship between the establishment, pharmacy, or prospective
5547 pharmacy and the payment provider; and

5548 (c) for a prospective home delivery medical cannabis pharmacy, the processes the
5549 prospective licensee and the payment provider have in place to safely and reliably conduct
5550 financial transactions for medical cannabis shipments.

5551 (2) The Division of Finance shall, in consultation with the state treasurer:

5552 (a) in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,
5553 make rules to establish standards for identifying payment providers that demonstrate the
5554 functional and technical ability to safely conduct financial transactions related to medical
5555 cannabis, including medical cannabis shipments;

5556 (b) review submissions the Division of Finance and the state treasurer receive under
5557 Subsection (1);

5558 (c) approve a payment provider that meets the standards described in Subsection (2)(a);
5559 and

5560 (d) establish a list of approved payment providers.

5561 (3) Any licensed cannabis production establishment, licensed medical cannabis
5562 pharmacy, or medical cannabis courier may use a payment provider that the Division of
5563 Finance approves, in consultation with the state treasurer, to conduct transactions related to the
5564 establishment's, pharmacy's, or courier's respective medical cannabis business.

5565 (4) If Congress passes legislation that allows a cannabis-related business to facilitate
5566 payments through or deposit funds in a financial institution, a cannabis production
5567 establishment or a medical cannabis pharmacy may facilitate payments through or deposit
5568 funds in a financial institution in addition to or instead of a payment provider that the Division
5569 of Finance approves, in consultation with the state treasurer, under this section.

5570 Section 97. Section **26B-4-239**, which is renumbered from Section 26-61a-604 is
5571 renumbered and amended to read:

5572 ~~[26-61a-604]~~. **26B-4-239**. **Home delivery of medical cannabis shipments --**
5573 **Medical cannabis couriers -- License.**

5574 (1) The department shall make rules, in accordance with Title 63G, Chapter 3, Utah
5575 Administrative Rulemaking Act, to ensure the safety, security, and efficiency of a home
5576 delivery medical cannabis pharmacy's fulfillment of electronic medical cannabis orders that the

5577 state central patient portal facilitates, including rules regarding the safe and controlled delivery
5578 of medical cannabis shipments.

5579 (2) A person may not operate as a medical cannabis courier without a license that the
5580 department issues under this section.

5581 (3) (a) Subject to Subsections (5) and (6), the department shall issue a license to
5582 operate as a medical cannabis courier to an applicant who is eligible for a license under this
5583 section.

5584 (b) An applicant is eligible for a license under this section if the applicant submits to
5585 the department:

5586 (i) the name and address of an individual who:

5587 (A) has a financial or voting interest of 2% or greater in the proposed medical cannabis
5588 pharmacy; or

5589 (B) has the power to direct or cause the management or control of a proposed cannabis
5590 production establishment;

5591 (ii) an operating plan that includes operating procedures to comply with the operating
5592 requirements for a medical cannabis courier described in this ~~chapter~~ part; and

5593 (iii) an application fee in an amount that, subject to Subsection ~~[26-61a-109]~~ 26B-1-
5594 310(5), the department sets in accordance with Section 63J-1-504.

5595 (4) If the department determines that an applicant is eligible for a license under this
5596 section, the department shall:

5597 (a) charge the applicant an initial license fee in an amount that, subject to Subsection
5598 26-61a-109(5), the department sets in accordance with Section 63J-1-504; and

5599 (b) notify the Department of Public Safety of the license approval and the names of
5600 each individual described in Subsection (3)(b)(ii).

5601 (5) The department may not issue a license to operate as a medical cannabis courier to
5602 an applicant if an individual described in Subsection (3)(b)(ii):

5603 (a) has been convicted under state or federal law of:

5604 (i) a felony; or

5605 (ii) after September 23, 2019, a misdemeanor for drug distribution; or

5606 (b) is younger than 21 years old.

5607 (6) The department may revoke a license under this part if:

5608 (a) the medical cannabis courier does not begin operations within one year after the day
5609 on which the department issues the initial license;

5610 (b) the medical cannabis courier makes the same violation of this ~~chapter~~ part three
5611 times;

5612 (c) an individual described in Subsection (3)(b)(ii) is convicted, while the license is
5613 active, under state or federal law of:

5614 (i) a felony; or

5615 (ii) after September 23, 2019, a misdemeanor for drug distribution; or

5616 (d) after a change of ownership described in Subsection (15)(c), the department
5617 determines that the medical cannabis courier no longer meets the minimum standards for
5618 licensure and operation of the medical cannabis courier described in this ~~chapter~~ part.

5619 (7) The department shall deposit the proceeds of a fee imposed by this section in the
5620 Qualified Patient Enterprise Fund.

5621 (8) The department shall begin accepting applications under this section on or before
5622 July 1, 2020.

5623 (9) The department's authority to issue a license under this section is plenary and is not
5624 subject to review.

5625 (10) Each applicant for a license as a medical cannabis courier shall submit, at the time
5626 of application, from each individual who has a financial or voting interest of 2% or greater in
5627 the applicant or who has the power to direct or cause the management or control of the
5628 applicant:

5629 (a) a fingerprint card in a form acceptable to the Department of Public Safety;

5630 (b) a signed waiver in accordance with Subsection 53-10-108(4) acknowledging the
5631 registration of the individual's fingerprints in the Federal Bureau of Investigation Next
5632 Generation Identification System's Rap Back Service; and

5633 (c) consent to a fingerprint background check by:

5634 (i) the Bureau of Criminal Identification; and

5635 (ii) the Federal Bureau of Investigation.

5636 (11) The Bureau of Criminal Identification shall:

5637 (a) check the fingerprints the applicant submits under Subsection (10) against the
5638 applicable state, regional, and national criminal records databases, including the Federal

- 5639 Bureau of Investigation Next Generation Identification System;
- 5640 (b) report the results of the background check to the department;
- 5641 (c) maintain a separate file of fingerprints that applicants submit under Subsection (10)
- 5642 for search by future submissions to the local and regional criminal records databases, including
- 5643 latent prints;
- 5644 (d) request that the fingerprints be retained in the Federal Bureau of Investigation Next
- 5645 Generation Identification System's Rap Back Service for search by future submissions to
- 5646 national criminal records databases, including the Next Generation Identification System and
- 5647 latent prints; and
- 5648 (e) establish a privacy risk mitigation strategy to ensure that the department only
- 5649 receives notifications for an individual with whom the department maintains an authorizing
- 5650 relationship.
- 5651 (12) The department shall:
- 5652 (a) assess an individual who submits fingerprints under Subsection (10) a fee in an
- 5653 amount that the department sets in accordance with Section [63J-1-504](#) for the services that the
- 5654 Bureau of Criminal Identification or another authorized agency provides under this section; and
- 5655 (b) remit the fee described in Subsection (12)(a) to the Bureau of Criminal
- 5656 Identification.
- 5657 (13) The department shall renew a license under this section every year if, at the time
- 5658 of renewal:
- 5659 (a) the licensee meets the requirements of this section; and
- 5660 (b) the licensee pays the department a license renewal fee in an amount that, subject to
- 5661 Subsection [~~26-61a-109~~] [26B-1-310](#)(5), the department sets in accordance with Section
- 5662 [63J-1-504](#).
- 5663 (14) A person applying for a medical cannabis courier license shall submit to the
- 5664 department a proposed operating plan that complies with this section and that includes:
- 5665 (a) a description of the physical characteristics of any proposed facilities, including a
- 5666 floor plan and an architectural elevation, and delivery vehicles;
- 5667 (b) a description of the credentials and experience of each officer, director, or owner of
- 5668 the proposed medical cannabis courier;
- 5669 (c) the medical cannabis courier's employee training standards;

5670 (d) a security plan; and
5671 (e) storage and delivery protocols, both short and long term, to ensure that medical
5672 cannabis shipments are stored and delivered in a manner that is sanitary and preserves the
5673 integrity of the cannabis.

5674 (15) (a) A medical cannabis courier license is not transferrable or assignable.
5675 (b) A medical cannabis courier shall report in writing to the department no later than
5676 10 business days before the date of any change of ownership of the medical cannabis courier.
5677 (c) If the ownership of a medical cannabis courier changes by 50% or more:
5678 (i) concurrent with the report described in Subsection (15)(b), the medical cannabis
5679 courier shall submit a new application described in Subsection (3)(b);
5680 (ii) within 30 days of the submission of the application, the department shall:
5681 (A) conduct an application review; and
5682 (B) award a license to the medical cannabis courier for the remainder of the term of the
5683 medical cannabis courier's license before the ownership change if the medical cannabis courier
5684 meets the minimum standards for licensure and operation of the medical cannabis courier
5685 described in this [chapter] part; and
5686 (iii) if the department approves the license application, notwithstanding Subsection (4),
5687 the medical cannabis courier shall pay a license fee that the department sets in accordance with
5688 Section [63J-1-504](#) in an amount that covers the board's cost of conducting the application
5689 review.

5690 (16) (a) Except as provided in Subsection (15)(b), a person may not advertise regarding
5691 the transportation of medical cannabis.
5692 (b) Notwithstanding Subsection (15)(a) and subject to Section [\[26-61a-116\]](#) [26B-4-](#)
5693 [223](#), a licensed home delivery medical cannabis pharmacy or a licensed medical cannabis
5694 courier may advertise:
5695 (i) a green cross;
5696 (ii) the pharmacy's or courier's name and logo; and
5697 (iii) that the pharmacy or courier is licensed to transport medical cannabis shipments.
5698 Section 98. Section [26B-4-240](#), which is renumbered from Section 26-61a-605 is
5699 renumbered and amended to read:
5700 ~~[\[26-61a-605\]](#)~~. **[26B-4-240](#). Medical cannabis shipment transportation.**

5701 (1) The department shall ensure that each home delivery medical cannabis pharmacy is
5702 capable of delivering, directly or through a medical cannabis courier, medical cannabis
5703 shipments in a secure manner.

5704 (2) (a) A home delivery medical cannabis pharmacy may contract with a licensed
5705 medical cannabis courier to deliver medical cannabis shipments to fulfill electronic medical
5706 cannabis orders that the state central patient portal facilitates.

5707 (b) If a home delivery medical cannabis pharmacy enters into a contract described in
5708 Subsection (2)(a), the pharmacy shall:

5709 (i) impose security and personnel requirements on the medical cannabis courier
5710 sufficient to ensure the security and safety of medical cannabis shipments; and

5711 (ii) provide regular oversight of the medical cannabis courier.

5712 (3) Except for an individual with a valid medical cannabis card who transports a
5713 shipment the individual receives, an individual may not transport a medical cannabis shipment
5714 unless the individual is:

5715 (a) a registered pharmacy medical provider;

5716 (b) a registered medical cannabis pharmacy agent; or

5717 (c) a registered agent of the medical cannabis courier described in Subsection (2).

5718 (4) An individual transporting a medical cannabis shipment under Subsection (3) shall
5719 possess a physical or electronic transportation manifest that:

5720 (a) includes a unique identifier that links the medical cannabis shipment to a relevant
5721 inventory control system;

5722 (b) includes origin and destination information for the medical cannabis shipment the
5723 individual is transporting; and

5724 (c) indicates the departure and estimated arrival times and locations of the individual
5725 transporting the medical cannabis shipment.

5726 (5) In addition to the requirements in Subsections (3) and (4), the department may
5727 establish by rule, in collaboration with the Division of Professional Licensing and the Board of
5728 Pharmacy and in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,
5729 requirements for transporting medical cannabis shipments that are related to safety for human
5730 consumption of cannabis or a cannabis product.

5731 (6) (a) It is unlawful for an individual to transport a medical cannabis shipment with a

5732 manifest that does not meet the requirements of Subsection (4).

5733 (b) Except as provided in Subsection (6)(d), an individual who violates Subsection
5734 (6)(a) is:

5735 (i) guilty of an infraction; and

5736 (ii) subject to a \$100 fine.

5737 (c) An individual who is guilty of a violation described in Subsection (6)(b) is not
5738 guilty of a violation of Title 58, Chapter 37, Utah Controlled Substances Act, for the conduct
5739 underlying the violation described in Subsection (6)(b).

5740 (d) If the individual described in Subsection (6)(a) is transporting more cannabis,
5741 cannabis product, or medical cannabis devices than the manifest identifies, except for a de
5742 minimis administrative error:

5743 (i) this [~~chapter~~] part does not apply; and

5744 (ii) the individual is subject to penalties under Title 58, Chapter 37, Utah Controlled
5745 Substances Act.

5746 Section 99. Section **26B-4-241**, which is renumbered from Section 26-61a-606 is
5747 renumbered and amended to read:

5748 ~~[26-61a-606]~~. **26B-4-241. Medical cannabis courier agent -- Background**
5749 **check -- Registration card -- Rebuttable presumption.**

5750 (1) An individual may not serve as a medical cannabis courier agent unless:

5751 (a) the individual is an employee of a licensed medical cannabis courier; and

5752 (b) the department registers the individual as a medical cannabis courier agent.

5753 (2) (a) The department shall, within 15 days after the day on which the department
5754 receives a complete application from a medical cannabis courier on behalf of a medical
5755 cannabis courier agent, register and issue a medical cannabis courier agent registration card to
5756 the prospective agent if the medical cannabis courier:

5757 (i) provides to the department:

5758 (A) the prospective agent's name and address;

5759 (B) the name and address of the medical cannabis courier;

5760 (C) the name and address of each home delivery medical cannabis pharmacy with
5761 which the medical cannabis courier contracts to deliver medical cannabis shipments; and

5762 (D) the submission required under Subsection (2)(b);

5763 (ii) as reported under Subsection (2)(c), has not been convicted under state or federal
5764 law of:

5765 (A) a felony; or

5766 (B) after December 3, 2018, a misdemeanor for drug distribution; and

5767 (iii) pays the department a fee in an amount that, subject to Subsection [~~26-61a-109~~]
5768 [26B-1-310](#)(5), the department sets in accordance with Section [63J-1-504](#).

5769 (b) Except for an applicant reapplying for a medical cannabis courier agent registration
5770 card within less than one year after the expiration of the applicant's previous medical cannabis
5771 courier agent registration card, each prospective agent described in Subsection (2)(a) shall:

5772 (i) submit to the department:

5773 (A) a fingerprint card in a form acceptable to the Department of Public Safety; and

5774 (B) a signed waiver in accordance with Subsection [53-10-108](#)(4) acknowledging the
5775 registration of the prospective agent's fingerprints in the Federal Bureau of Investigation Next
5776 Generation Identification System's Rap Back Service; and

5777 (ii) consent to a fingerprint background check by:

5778 (A) the Bureau of Criminal Identification; and

5779 (B) the Federal Bureau of Investigation.

5780 (c) The Bureau of Criminal Identification shall:

5781 (i) check the fingerprints the prospective agent submits under Subsection (2)(b) against
5782 the applicable state, regional, and national criminal records databases, including the Federal
5783 Bureau of Investigation Next Generation Identification System;

5784 (ii) report the results of the background check to the department;

5785 (iii) maintain a separate file of fingerprints that prospective agents submit under
5786 Subsection (2)(b) for search by future submissions to the local and regional criminal records
5787 databases, including latent prints;

5788 (iv) request that the fingerprints be retained in the Federal Bureau of Investigation Next
5789 Generation Identification System's Rap Back Service for search by future submissions to
5790 national criminal records databases, including the Next Generation Identification System and
5791 latent prints; and

5792 (v) establish a privacy risk mitigation strategy to ensure that the department only
5793 receives notifications for an individual with whom the department maintains an authorizing

5794 relationship.

5795 (d) The department shall:

5796 (i) assess an individual who submits fingerprints under Subsection (2)(b) a fee in an
5797 amount that the department sets in accordance with Section [63J-1-504](#) for the services that the
5798 Bureau of Criminal Identification or another authorized agency provides under this section; and

5799 (ii) remit the fee described in Subsection (2)(d)(i) to the Bureau of Criminal
5800 Identification.

5801 (3) The department shall designate on an individual's medical cannabis courier agent
5802 registration card the name of the medical cannabis pharmacy where the individual is registered
5803 as an agent and each home delivery medical cannabis courier for which the medical cannabis
5804 courier delivers medical cannabis shipments.

5805 (4) (a) A medical cannabis courier agent shall comply with a certification standard that
5806 the department develops, in collaboration with the Division of Professional Licensing and the
5807 Board of Pharmacy, or a third-party certification standard that the department designates by
5808 rule in collaboration with the Division of Professional Licensing and the Board of Pharmacy
5809 and in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

5810 (b) The department shall ensure that the certification standard described in Subsection
5811 (4)(a) includes training in:

- 5812 (i) Utah medical cannabis law;
- 5813 (ii) the medical cannabis shipment process; and
- 5814 (iii) medical cannabis courier agent best practices.

5815 (5) (a) A medical cannabis courier agent registration card expires two years after the
5816 day on which the department issues or renews the card.

5817 (b) A medical cannabis courier agent may renew the agent's registration card if the
5818 agent:

- 5819 (i) is eligible for a medical cannabis courier agent registration card under this section;
- 5820 (ii) certifies to the department in a renewal application that the information in
5821 Subsection (2)(a) is accurate or updates the information; and
- 5822 (iii) pays to the department a renewal fee in an amount that:

5823 (A) subject to Subsection [~~26-61a-109~~] [26B-1-310\(5\)](#), the department sets in
5824 accordance with Section [63J-1-504](#); and

5825 (B) may not exceed the cost of the relatively lower administrative burden of renewal in
5826 comparison to the original application process.

5827 (6) The department may revoke or refuse to issue or renew the medical cannabis
5828 courier agent registration card of an individual who:

5829 (a) violates the requirements of this ~~chapter~~ part; or

5830 (b) is convicted under state or federal law of:

5831 (i) a felony within the preceding 10 years; or

5832 (ii) after December 3, 2018, a misdemeanor for drug distribution.

5833 (7) A medical cannabis courier agent whom the department has registered under this
5834 section shall carry the agent's medical cannabis courier agent registration card with the agent at
5835 all times when:

5836 (a) the agent is on the premises of the medical cannabis courier, a medical cannabis
5837 pharmacy, or a medical cannabis cardholder's home address; and

5838 (b) the agent is handling a medical cannabis shipment.

5839 (8) If a medical cannabis courier agent handling a medical cannabis shipment possesses
5840 the shipment in compliance with Subsection (7):

5841 (a) there is a rebuttable presumption that the agent possesses the shipment legally; and

5842 (b) there is no probable cause, based solely on the agent's possession of the medical
5843 cannabis shipment that the agent is engaging in illegal activity.

5844 (9) (a) A medical cannabis courier agent who violates Subsection (7) is:

5845 (i) guilty of an infraction; and

5846 (ii) subject to a \$100 fine.

5847 (b) An individual who is guilty of a violation described in Subsection (9)(a) is not
5848 guilty of a violation of Title 58, Chapter 37, Utah Controlled Substances Act, for the conduct
5849 underlying the violation described in Subsection (9)(a).

5850 Section 100. Section **26B-4-242**, which is renumbered from Section 26-61a-607 is
5851 renumbered and amended to read:

5852 ~~[26-61a-607]~~. **26B-4-242. Home delivery of medical cannabis shipments.**

5853 (1) An individual may not receive and a medical cannabis pharmacy agent or a medical
5854 cannabis courier agent may not deliver a medical cannabis shipment from a home delivery
5855 medical cannabis pharmacy unless:

- 5856 (a) the individual receiving the shipment presents:
- 5857 (i) a valid form of photo identification; and
- 5858 (ii) (A) a valid medical cannabis card under the same name that appears on the valid
- 5859 form of photo identification; or
- 5860 (B) for a facility that a medical cannabis cardholder has designated as a caregiver under
- 5861 Subsection [~~26-61a-202~~] [26B-4-214](#)(1)(b), evidence of the facility caregiver designation; and
- 5862 (b) the delivery occurs at:
- 5863 (i) the medical cannabis cardholder's home address that is on file in the state electronic
- 5864 verification system; or
- 5865 (ii) the facility that the medical cannabis cardholder has designated as a caregiver under
- 5866 Subsection [~~26-61a-202~~] [26B-4-214](#)(1)(b).
- 5867 (2) Before a medical cannabis pharmacy agent or a medical cannabis courier agent
- 5868 distributes a medical cannabis shipment to a medical cannabis cardholder, the agent shall:
- 5869 (a) verify the shipment information using the state electronic verification system;
- 5870 (b) ensure that the individual satisfies the identification requirements in Subsection (1);
- 5871 (c) verify that payment is complete; and
- 5872 (d) record the completion of the shipment transaction in a manner such that the
- 5873 delivery of the shipment will later be recorded within a reasonable period in the electronic
- 5874 verification system.
- 5875 (3) The medical cannabis courier shall:
- 5876 (a) (i) store each medical cannabis shipment in a secure manner until the recipient
- 5877 medical cannabis cardholder receives the shipment or the medical cannabis courier returns the
- 5878 shipment to the home delivery medical cannabis pharmacy in accordance with Subsection (4);
- 5879 and
- 5880 (ii) ensure that only a medical cannabis courier agent is able to access the medical
- 5881 cannabis shipment until the recipient medical cannabis cardholder receives the shipment;
- 5882 (b) return any undelivered medical cannabis shipment to the home delivery medical
- 5883 cannabis pharmacy, in accordance with Subsection (4), after the medical cannabis courier has
- 5884 possessed the shipment for 10 business days; and
- 5885 (c) return any medical cannabis shipment to the home delivery medical cannabis
- 5886 pharmacy, in accordance with Subsection (4), if a medical cannabis cardholder refuses to

5887 accept the shipment.

5888 (4) (a) If a medical cannabis courier or home delivery medical cannabis pharmacy
5889 agent returns an undelivered medical cannabis shipment that remains unopened, the home
5890 delivery medical cannabis pharmacy may repackage or otherwise reuse the shipment.

5891 (b) If a medical cannabis courier or home delivery medical cannabis pharmacy agent
5892 returns an undelivered or refused medical cannabis shipment under Subsection (3) that appears
5893 to be opened in any way, the home delivery medical cannabis pharmacy shall dispose of the
5894 shipment by:

5895 (i) rendering the shipment unusable and unrecognizable before transporting the
5896 shipment from the home delivery medical cannabis pharmacy; and

5897 (ii) disposing of the shipment in accordance with:

5898 (A) federal and state laws, rules, and regulations related to hazardous waste;

5899 (B) the Resource Conservation and Recovery Act, 42 U.S.C. Sec. 6991 et seq.;

5900 (C) Title 19, Chapter 6, Part 5, Solid Waste Management Act; and

5901 (D) other regulations that the department makes in accordance with Title 63G, Chapter
5902 3, Utah Administrative Rulemaking Act.

5903 Section 101. Section **26B-4-301**, which is renumbered from Section 26-10b-101 is
5904 renumbered and amended to read:

5905 **Part 3. Health Care Access**

5906 ~~[26-10b-101]~~. **26B-4-301. Definitions.**

5907 As used in this [chapter] part:

5908 (1) "Account" means the Automatic External Defibrillator Restricted Account, created
5909 in Section 26B-1-307.

5910 (2) "Automatic external defibrillator" or "AED" means an automated or automatic
5911 computerized medical device that:

5912 (a) has received pre-market notification approval from the United States Food and
5913 Drug Administration, pursuant to 21 U.S.C. Sec. 360(k);

5914 (b) is capable of recognizing the presence or absence of ventricular fibrillation or rapid
5915 ventricular tachycardia;

5916 (c) is capable of determining, without intervention by an operator, whether
5917 defibrillation should be performed; and

5918 (d) upon determining that defibrillation should be performed, automatically charges,
5919 enabling delivery of, or automatically delivers, an electrical impulse through the chest wall and
5920 to a person's heart.

5921 (3) "Bureau" means the Bureau of Emergency Medical Services within the department.

5922 (4) "Cardiopulmonary resuscitation" or "CPR" means artificial ventilation or external
5923 chest compression applied to a person who is unresponsive and not breathing.

5924 ~~[(1)]~~ (5) "Committee" means the Primary Care Grant Committee described in Section
5925 ~~[26-10b-106]~~ [26B-1-410](#).

5926 ~~[(2)]~~ (6) "Community based organization":

5927 (a) means a private entity; and

5928 (b) includes for profit and not for profit entities.

5929 ~~[(3)]~~ (7) "Cultural competence" means a set of congruent behaviors, attitudes, and
5930 policies that come together in a system, agency, or profession and enables that system, agency,
5931 or profession to work effectively in cross-cultural situations.

5932 ~~[(4) "Executive director" means the executive director of the department.]~~

5933 (8) "Emergency medical dispatch center" means a public safety answering point, as
5934 defined in Section [63H-7a-103](#), that is designated as an emergency medical dispatch center by
5935 the bureau.

5936 ~~[(5)]~~ (9) "Health literacy" means the degree to which an individual has the capacity to
5937 obtain, process, and understand health information and services needed to make appropriate
5938 health decisions.

5939 ~~[(6)]~~ (10) "Institutional capacity" means the ability of a community based organization
5940 to implement public and private contracts.

5941 ~~[(7)]~~ (11) "Medically underserved population" means the population of an urban or
5942 rural area or a population group that the committee determines has a shortage of primary health
5943 care.

5944 ~~[(8)]~~ (12) "Primary care grant" means a grant awarded by the department under
5945 Subsection ~~[26-10b-102]~~ [26B-4-310](#)(1).

5946 ~~[(9)]~~ (13) (a) "Primary health care" means:

5947 (i) basic and general health care services given when a person seeks assistance to
5948 screen for or to prevent illness and disease, or for simple and common illnesses and injuries;

5949 and

5950 (ii) care given for the management of chronic diseases.

5951 (b) "Primary health care" includes:

5952 (i) services of physicians, nurses, physician's assistants, and dentists licensed to

5953 practice in this state under Title 58, Occupations and Professions;

5954 (ii) diagnostic and radiologic services;

5955 (iii) preventive health services including perinatal services, well-child services, and

5956 other services that seek to prevent disease or its consequences;

5957 (iv) emergency medical services;

5958 (v) preventive dental services; and

5959 (vi) pharmaceutical services.

5960 [~~(10) "Program" means the primary care grant program created under this chapter.~~]

5961 (14) "Sudden cardiac arrest" means a life-threatening condition that results when a
5962 person's heart stops or fails to produce a pulse.

5963 Section 102. Section **26B-4-302**, which is renumbered from Section 26-8b-201 is
5964 renumbered and amended to read:

5965 ~~[26-8b-201].~~ **26B-4-302. Authority to administer CPR or use an AED.**

5966 (1) A person may administer CPR on another person without a license, certificate, or
5967 other governmental authorization if the person reasonably believes that the other person is in
5968 sudden cardiac arrest.

5969 (2) A person may use an AED on another person without a license, certificate, or other
5970 governmental authorization if the person reasonably believes that the other person is in sudden
5971 cardiac arrest.

5972 Section 103. Section **26B-4-303**, which is renumbered from Section 26-8b-202 is
5973 renumbered and amended to read:

5974 ~~[26-8b-202].~~ **26B-4-303. Immunity.**

5975 (1) Except as provided in Subsection (3), the following persons are not subject to civil
5976 liability for any act or omission relating to preparing to care for, responding to care for, or
5977 providing care to, another person who reasonably appears to be in sudden cardiac arrest:

5978 (a) a person authorized, under Section [~~26-8b-201~~] 26B-4-302, to administer CPR,
5979 who:

5980 (i) gratuitously and in good faith attempts to administer or administers CPR to another
5981 person; or

5982 (ii) fails to administer CPR to another person;

5983 (b) a person authorized, under Section [~~26-8b-201~~] [26B-4-302](#), to use an AED who:

5984 (i) gratuitously and in good faith attempts to use or uses an AED; or

5985 (ii) fails to use an AED;

5986 (c) a person that teaches or provides a training course in administering CPR or using an
5987 AED;

5988 (d) a person that acquires an AED;

5989 (e) a person that owns, manages, or is otherwise responsible for the premises or
5990 conveyance where an AED is located;

5991 (f) a person who retrieves an AED in response to a perceived or potential sudden
5992 cardiac arrest;

5993 (g) a person that authorizes, directs, or supervises the installation or provision of an
5994 AED;

5995 (h) a person involved with, or responsible for, the design, management, or operation of
5996 a CPR or AED program;

5997 (i) a person involved with, or responsible for, reporting, receiving, recording, updating,
5998 giving, or distributing information relating to the ownership or location of an AED under [~~Part~~
5999 ~~3, Automatic External Defibrillator Databases~~] [Sections 26B-4-304 through 26B-4-306](#); or

6000 (j) a physician who gratuitously and in good faith:

6001 (i) provides medical oversight for a public AED program; or

6002 (ii) issues a prescription for a person to acquire or use an AED.

6003 (2) This section does not relieve a manufacturer, designer, developer, marketer, or
6004 commercial distributor of an AED, or an accessory for an AED, of any liability.

6005 (3) The liability protection described in Subsection (1) does not apply to an act or
6006 omission that constitutes gross negligence or willful misconduct.

6007 Section 104. Section **26B-4-304**, which is renumbered from Section 26-8b-301 is
6008 renumbered and amended to read:

6009 ~~[26-8b-301]~~. **26B-4-304. Reporting location of automatic external**
6010 **defibrillators.**

6011 (1) In accordance with Subsection (2) and except as provided in Subsection (3):

6012 (a) a person who owns or leases an AED shall report the person's name, address, and
6013 telephone number, and the exact location of the AED, in writing or by a web-based AED
6014 registration form, if available, to the emergency medical dispatch center that provides
6015 emergency dispatch services for the location where the AED is installed, if the person:

6016 (i) installs the AED;

6017 (ii) causes the AED to be installed; or

6018 (iii) allows the AED to be installed; and

6019 (b) a person who owns or leases an AED that is removed from a location where it is
6020 installed shall report the person's name, address, and telephone number, and the exact location
6021 from which the AED is removed, in writing or by a web-based AED registration form, if
6022 available, to the emergency medical dispatch center that provides emergency dispatch services
6023 for the location from which the AED is removed, if the person:

6024 (i) removes the AED;

6025 (ii) causes the AED to be removed; or

6026 (iii) allows the AED to be removed.

6027 (2) A report required under Subsection (1) shall be made within 14 days after the day
6028 on which the AED is installed or removed.

6029 (3) Subsection (1) does not apply to an AED:

6030 (a) at a private residence; or

6031 (b) in a vehicle or other mobile or temporary location.

6032 (4) A person who owns or leases an AED that is installed in, or removed from, a
6033 private residence may voluntarily report the location of, or removal of, the AED to the
6034 emergency medical dispatch center that provides emergency dispatch services for the location
6035 where the private residence is located.

6036 (5) The department may not impose a penalty on a person for failing to comply with
6037 the requirements of this section.

6038 Section 105. Section **26B-4-305**, which is renumbered from Section 26-8b-302 is
6039 renumbered and amended to read:

6040 ~~[26-8b-302]~~. **26B-4-305. Distributors to notify of reporting requirements.**

6041 A person in the business of selling or leasing an AED shall, at the time the person

6042 provides, sells, or leases an AED to another person, notify the other person, in writing, of the
6043 reporting requirements described in Section [~~26-8b-301~~] [26B-4-304](#).

6044 Section 106. Section **26B-4-306**, which is renumbered from Section 26-8b-303 is
6045 renumbered and amended to read:

6046 [~~26-8b-303~~]. **26B-4-306. Duties of emergency medical dispatch centers.**

6047 An emergency medical dispatch center shall:

- 6048 (1) implement a system to receive and manage the information reported to the
6049 emergency medical dispatch center under Section [~~26-8b-301~~] [26B-4-304](#);
6050 (2) record in the system described in Subsection (1), all information received under
6051 Section [~~26-8b-301~~] [26B-4-304](#) within 14 days after the day on which the information is
6052 received;
6053 (3) inform a person who calls to report a potential incident of sudden cardiac arrest of
6054 the location of an AED located at the address of the potential sudden cardiac arrest;
6055 (4) provide verbal instructions to a person described in Subsection (3) to:
6056 (a) help a person determine if a patient is in cardiac arrest; and
6057 (b) if needed:
6058 (i) provide direction to start CPR;
6059 (ii) offer instructions on how to perform CPR; or
6060 (iii) offer instructions on how to use an AED, if one is available; and
6061 (5) provide the information contained in the system described in Subsection (1), upon
6062 request, to the bureau.

6063 Section 107. Section **26B-4-307**, which is renumbered from Section 26-8b-401 is
6064 renumbered and amended to read:

6065 [~~26-8b-401~~]. **26B-4-307. Education and training.**

6066 (1) The bureau shall work in cooperation with federal, state, and local agencies and
6067 schools, to encourage individuals to complete courses on the administration of CPR and the use
6068 of an AED.

6069 (2) A person who owns or leases an AED shall encourage each person who is likely to
6070 use the AED to complete courses on the administration of CPR and the use of an AED.

6071 Section 108. Section **26B-4-308**, which is renumbered from Section 26-8b-402 is
6072 renumbered and amended to read:

6073 ~~[26-8b-402]~~. **26B-4-308. AEDs for demonstration purposes.**

6074 (1) Any AED used solely for demonstration or training purposes, which is not
6075 operational for emergency use is, except for the provisions of this section, exempt from the
6076 provisions of this ~~[chapter]~~ part.

6077 (2) The owner of an AED described in Subsection (1) shall clearly mark on the exterior
6078 of the AED that the AED is for demonstration or training use only.

6079 Section 109. Section **26B-4-309**, which is renumbered from Section 26-8b-501 is
6080 renumbered and amended to read:

6081 ~~[26-8b-501]~~. **26B-4-309. Tampering with an AED prohibited -- Penalties.**

6082 A person is guilty of a class C misdemeanor if the person removes, tampers with, or
6083 otherwise disturbs an AED, AED cabinet or enclosure, or AED sign, unless:

6084 (1) the person is authorized by the AED owner for the purpose of:

6085 (a) inspecting the AED or AED cabinet or enclosure; or

6086 (b) performing maintenance or repairs on the AED, the AED cabinet or enclosure, a
6087 wall or structure that the AED cabinet or enclosure is directly attached to, or an AED sign;

6088 (2) the person is responding to, or providing care to, a potential sudden cardiac arrest
6089 patient; or

6090 (3) the person acts in good faith with the intent to support, and not to violate, the
6091 recognized purposes of the AED.

6092 Section 110. Section **26B-4-310**, which is renumbered from Section 26-10b-102 is
6093 renumbered and amended to read:

6094 ~~[26-10b-102]~~. **26B-4-310. Department to award grants -- Applications.**

6095 (1) Within appropriations specified by the Legislature for this purpose, the department
6096 may, in accordance with the recommendation of the committee, award a grant to a public or
6097 nonprofit entity to provide primary health care to a medically underserved population.

6098 (2) When awarding a grant under Subsection (1), the department shall, in accordance
6099 with the committee's recommendation, consider:

6100 (a) the content of a grant application submitted to the department;

6101 (b) whether an application is submitted in the manner and form prescribed by the
6102 department; and

6103 (c) the criteria established in Section ~~[26-10b-103]~~ 26B-4-311.

- 6104 (3) The application for a grant under Subsection (2)(a) shall contain:
6105 (a) a requested award amount;
6106 (b) a budget; and
6107 (c) a narrative plan of the manner in which the applicant intends to provide the primary
6108 health care described in Subsection (1).

6109 Section 111. Section **26B-4-311**, which is renumbered from Section 26-10b-103 is
6110 renumbered and amended to read:

6111 ~~[26-10b-103]~~. **26B-4-311. Content of grant applications.**

6112 An applicant for a grant under ~~[this chapter]~~ Section 26B-4-310 shall include, in an
6113 application:

- 6114 (1) a statement of specific, measurable objectives, and the methods the applicant will
6115 use to assess the achievement of those objectives;
6116 (2) the precise boundaries of the area the applicant will serve, including a description
6117 of the medically underserved population the applicant will serve using the grant;
6118 (3) the results of a need assessment that demonstrates that the population the applicant
6119 will serve has a need for the services provided by the applicant;
6120 (4) a description of the personnel responsible for carrying out the activities of the grant
6121 along with a statement justifying the use of any grant funds for the personnel;
6122 (5) evidence that demonstrates the applicant's existing financial and professional
6123 assistance and any attempts by the applicant to obtain financial and professional assistance;
6124 (6) a list of services the applicant will provide;
6125 (7) the schedule of fees, if any, the applicant will charge;
6126 (8) the estimated number of individuals the applicant will serve with the grant award;
6127 and
6128 (9) any other information required by the department in consultation with the
6129 committee.

6130 Section 112. Section **26B-4-312**, which is renumbered from Section 26-10b-104 is
6131 renumbered and amended to read:

6132 ~~[26-10b-104]~~. **26B-4-312. Process and criteria for awarding primary care**
6133 **grants.**

- 6134 (1) The department shall review and rank applications based on the criteria in this

6135 section and transmit the applications to the committee for review.

6136 (2) The committee shall, after reviewing the applications transferred to the committee
6137 under Subsection (1), make recommendations to the executive director.

6138 (3) The executive director shall, in accordance with the committee's recommendations,
6139 decide which applications to award grants under Subsection [~~26-10b-102~~] 26B-4-310(1).

6140 (4) The department shall establish rules in accordance with Title 63G, Chapter 3, Utah
6141 Administrative Rulemaking Act, governing the application form, the process, and the criteria
6142 the department will use in reviewing, ranking, and awarding grants and contracts under this
6143 chapter.

6144 (5) When reviewing, ranking, and awarding a primary care grant under Subsection
6145 [~~26-10b-102~~] 26B-4-310(1), the department shall consider the extent to which an applicant:

6146 (a) demonstrates that the area or a population group the applicant will serve under the
6147 application has a shortage of primary health care and that the primary health care will be
6148 located so that it provides assistance to the greatest number of individuals in the population
6149 group;

6150 (b) utilizes other sources of funding, including private funding, to provide primary
6151 health care;

6152 (c) demonstrates the ability and expertise to serve a medically underserved population;

6153 (d) agrees to submit a report to the committee annually; and

6154 (e) meets other criteria determined by the department in consultation with the
6155 committee.

6156 (6) The department may use up to 5% of the funds appropriated by the Legislature to
6157 the primary care grant program [~~under this chapter~~] to pay the costs of administering the
6158 program.

6159 Section 113. Section **26B-4-313**, which is renumbered from Section 26-10b-107 is
6160 renumbered and amended to read:

6161 [~~26-10b-107~~]. **26B-4-313. Community education and outreach contracts.**

6162 (1) The department may, as funding permits, contract with community based
6163 organizations for the purpose of developing culturally and linguistically appropriate programs
6164 and services for low income and medically underserved populations to accomplish one or more
6165 of the following:

- 6166 (a) to educate individuals:
- 6167 (i) to use private and public health care coverage programs, products, services, and
- 6168 resources in a timely, effective, and responsible manner;
- 6169 (ii) to pursue preventive health care, health screenings, and disease management; and
- 6170 (iii) to locate health care programs and services;
- 6171 (b) to assist individuals to develop:
- 6172 (i) personal health management;
- 6173 (ii) self-sufficiency in daily care; and
- 6174 (iii) life and disease management skills;
- 6175 (c) to support translation of health materials and information;
- 6176 (d) to facilitate an individual's access to primary care and providers, including mental
- 6177 health services; and
- 6178 (e) to measure and report empirical results of the pilot project.
- 6179 (2) When awarding a contract for community based services under Subsection (1), the
- 6180 department shall consider the extent to which the applicant:
- 6181 (a) demonstrates that the area or a population group to be served under the application
- 6182 is a medically underserved population and that the services will be located to provide
- 6183 assistance to the greatest number of individuals residing in the area or included in the
- 6184 population group;
- 6185 (b) utilizes other sources of funding, including private funding, to provide the services
- 6186 described in Subsection (1);
- 6187 (c) demonstrates the ability and expertise to serve medically underserved populations,
- 6188 including individuals with limited English-speaking ability, single heads of households, the
- 6189 elderly, individuals with low income, and individuals with a chronic disease;
- 6190 (d) meets other criteria determined by the department; and
- 6191 (e) demonstrates the ability to empirically measure and report the results of all contract
- 6192 supported activities.
- 6193 (3) The department may only award a contract under Subsection (1):
- 6194 (a) in accordance with Title 63G, Chapter 6a, Utah Procurement Code;
- 6195 (b) that contains the information described in Section [~~26-10b-103~~] 26B-4-311,
- 6196 relating to grants; and

6197 (c) that complies with Subsections (4) and (5).

6198 (4) An applicant under this chapter shall demonstrate to the department that the
6199 applicant will not deny services to a person because of the person's inability to pay for the
6200 services.

6201 (5) Subsection (4) does not preclude an applicant from seeking payment from the
6202 person receiving services, a third party, or a government agency if:

6203 (a) the applicant is authorized to charge for the services; and

6204 (b) the person, third party, or government agency is under legal obligation to pay for
6205 the services.

6206 (6) The department shall maximize the use of federal matching funds received for
6207 services under Subsection (1) to fund additional contracts under Subsection (1).

6208 Section 114. Section **26B-4-314**, which is renumbered from Section 26-9-1 is
6209 renumbered and amended to read:

6210 ~~[26-9-1]~~. **26B-4-314. Assistance to rural communities by department.**

6211 The department shall assist rural communities in dealing with primary health care needs
6212 relating to recruiting health professionals, planning, and technical assistance. The department
6213 shall assist the communities, at their request, at any stage of development of new or expanded
6214 primary health care services and shall work with them to improve primary health care by
6215 providing information to increase the effectiveness of their systems, to decrease duplication
6216 and fragmentation of services, and to maximize community use of private gifts, and local, state,
6217 and federal grants and contracts.

6218 Section 115. Section **26B-4-315**, which is renumbered from Section 26-9-2 is
6219 renumbered and amended to read:

6220 ~~[26-9-2]~~. **26B-4-315. Responsibility of department for coordinating rural
6221 health programs.**

6222 The department shall be the lead agency responsible for coordinating rural health
6223 programs and shall insure that resources available for rural health are efficiently and effectively
6224 used.

6225 Section 116. Section **26B-4-316**, which is renumbered from Section 26-9-3 is
6226 renumbered and amended to read:

6227 ~~[26-9-3]~~. **26B-4-316. Rural health development initiatives.**

6228 (1) (a) The University of Utah Health Science Center shall use any appropriations it
6229 receives for developing area health education centers to establish and maintain an area health
6230 education center program in accordance with this section.

6231 (b) Implementation and execution of the area health education center program is
6232 contingent upon appropriations from the Legislature.

6233 (2) (a) The area health education center program shall consist of a central program
6234 office at the University of Utah Health Science Center. The program office shall establish and
6235 operate a statewide, decentralized, regional program with emphasis on addressing rural health
6236 professions workforce education and training needs.

6237 (b) The area health education center program shall have five regional centers serving
6238 the following geographic areas:

6239 (i) the northern center serving Box Elder, Cache, Rich, Weber, and Morgan counties;

6240 (ii) the crossroads center serving Salt Lake, Wasatch, Summit, Tooele, Utah, and Davis
6241 counties;

6242 (iii) the central center serving Juab, Millard, Piute, Sanpete, Sevier, and Wayne
6243 counties;

6244 (iv) the eastern center serving Carbon, Daggett, Duchesne, Emery, Grand, San Juan,
6245 and Uintah counties; and

6246 (v) the southwest center serving Beaver, Garfield, Iron, Kane, and Washington
6247 counties.

6248 (3) The area health education center program shall attempt to acquire funding from
6249 state, local, federal, and private sources.

6250 (4) Each area health education center shall provide community-based health
6251 professions education programming for the geographic area described in Subsection (2)(b) of
6252 this section.

6253 Section 117. Section **26B-4-317**, which is renumbered from Section 26-9-5 is
6254 renumbered and amended to read:

6255 **[26-9-5]. 26B-4-317. Rural County Health Care Special Service District**
6256 **Retirement Grant Program.**

6257 (1) As used in this section:

6258 (a) "Participating employer" means an employer that was required to participate in the

6259 Utah State Retirement System under Section [49-12-201](#), [49-12-202](#), [49-13-201](#), or [49-13-202](#).

6260 (b) "Retirement liability" means an obligation in excess of \$750,000 owed to the Utah
6261 State Retirement Office by a rural county health care special service district as a participating
6262 employer.

6263 (c) "Rural county health care special service district" means a special service district
6264 formed to provide health care in a third, fourth, fifth, or sixth class county as defined in Section
6265 [17-50-501](#).

6266 (2) Because there is a compelling statewide public purpose in promoting health care in
6267 Utah's rural counties, and particularly in ensuring the continued existence and financial
6268 viability of hospital services provided by rural county health care special service districts, there
6269 is created a grant program to assist rural county health care special service districts in meeting a
6270 retirement liability.

6271 (3) (a) Subject to legislative appropriation and this Subsection (3), the department shall
6272 make grants to rural county health care special service districts.

6273 (b) To qualify for a grant, a rural county health care special service district shall:

6274 (i) file a grant application with the department detailing:

6275 (A) the name of the rural county health care special service district;

6276 (B) the estimated total amount of the retirement liability;

6277 (C) the grant amount that the rural county health care special service district is
6278 requesting; and

6279 (D) the amount of matching funds to be provided by the rural county health care
6280 special service district to help fund the retirement liability as required by Subsection (3)(d); and

6281 (ii) commit to provide matching funds as required by Subsection (3)(d).

6282 (c) The department shall review each grant application and, subject to legislative
6283 appropriation, award grants to each rural health care special service district that qualifies for a
6284 grant under Subsection (3)(b).

6285 (d) The department may not award a grant to a rural county health care special service
6286 district unless the rural county health care special service district commits to provide matching
6287 funds to the grant equal to at least 40% of the amount of the grant.

6288 Section 118. Section **26B-4-318**, which is renumbered from Section 26-10-2 is
6289 renumbered and amended to read:

6290 ~~[26-10-2]~~. **26B-4-318**. **Maternal and child health provided by department.**

6291 The department shall, as funding permits, provide for maternal and child health services
6292 and services for children with a disability if the individual needs the services and the individual
6293 cannot reasonably obtain the services from other sources.

6294 Section 119. Section **26B-4-319**, which is renumbered from Section 26-10-6 is
6295 renumbered and amended to read:

6296 ~~[26-10-6]~~. **26B-4-319**. **Testing of newborn infants.**

6297 (1) Except in the case where parents object on the grounds that they are members of a
6298 specified, well-recognized religious organization whose teachings are contrary to the tests
6299 required by this section, a newborn infant shall be tested for:

6300 (a) phenylketonuria (PKU);

6301 (b) other heritable disorders which may result in an intellectual or physical disability or
6302 death and for which:

6303 (i) a preventive measure or treatment is available; and

6304 (ii) there exists a reliable laboratory diagnostic test method;

6305 (c) (i) an infant born in a hospital with 100 or more live births annually, hearing loss;

6306 and

6307 (ii) an infant born in a setting other than a hospital with 100 or more live births

6308 annually, hearing loss; and

6309 (d) critical congenital heart defects using pulse oximetry.

6310 (2) In accordance with Section [26B-1-209](#), the department may charge fees for:

6311 (a) materials supplied by the department to conduct tests required under Subsection (1);

6312 (b) tests required under Subsection (1) conducted by the department;

6313 (c) laboratory analyses by the department of tests conducted under Subsection (1); and

6314 (d) the administrative cost of follow-up contacts with the parents or guardians of tested
6315 infants.

6316 (3) Tests for hearing loss described in Subsection (1) shall be based on one or more
6317 methods approved by the Newborn Hearing Screening Committee, including:

6318 (a) auditory brainstem response;

6319 (b) automated auditory brainstem response; and

6320 (c) evoked otoacoustic emissions.

6321 (4) Results of tests for hearing loss described in Subsection (1) shall be reported to:
6322 (a) the department; and
6323 (b) when results of tests for hearing loss under Subsection (1) suggest that additional
6324 diagnostic procedures or medical interventions are necessary:
6325 (i) a parent or guardian of the infant;
6326 (ii) an early intervention program administered by the department in accordance with
6327 Part C of the Individuals with Disabilities Education Act, 20 U.S.C. Sec. 1431 et seq.; and
6328 (iii) the Utah Schools for the Deaf and the Blind, created in Section [53E-8-201](#).
6329 ~~[(5)(a) There is established the Newborn Hearing Screening Committee.]~~
6330 ~~[(b) The committee shall advise the department on:]~~
6331 ~~[(i) the validity and cost of newborn infant hearing loss testing procedures; and]~~
6332 ~~[(ii) rules promulgated by the department to implement this section.]~~
6333 ~~[(c) The committee shall be composed of at least 11 members appointed by the~~
6334 ~~executive director, including:]~~
6335 ~~[(i) one representative of the health insurance industry;]~~
6336 ~~[(ii) one pediatrician;]~~
6337 ~~[(iii) one family practitioner;]~~
6338 ~~[(iv) one ear, nose, and throat specialist nominated by the Utah Medical Association;]~~
6339 ~~[(v) two audiologists nominated by the Utah Speech-Language-Hearing Association;]~~
6340 ~~[(vi) one representative of hospital neonatal nurseries;]~~
6341 ~~[(vii) one representative of the Early Intervention Baby Watch Program administered~~
6342 ~~by the department;]~~
6343 ~~[(viii) one public health nurse;]~~
6344 ~~[(ix) one consumer; and]~~
6345 ~~[(x) the executive director or the executive director's designee.]~~
6346 ~~[(d) Of the initial members of the committee, the executive director shall appoint as~~
6347 ~~nearly as possible half to two-year terms and half to four-year terms. Thereafter, appointments~~
6348 ~~shall be for four-year terms except:]~~
6349 ~~[(i) for those members who have been appointed to complete an unexpired term; and]~~
6350 ~~[(ii) as necessary to ensure that as nearly as possible the terms of half the appointments~~
6351 ~~expire every two years.]~~

6352 ~~[(e) A majority of the members constitute a quorum, and a vote of the majority of the~~
6353 ~~members present constitutes an action of the committee.]~~

6354 ~~[(f) The committee shall appoint a chairman from the committee's membership.]~~

6355 ~~[(g) The committee shall meet at least quarterly.]~~

6356 ~~[(h) A member may not receive compensation or benefits for the member's service, but~~
6357 ~~may receive per diem and travel expenses in accordance with:]~~

6358 ~~[(i) Section [63A-3-106](#);~~

6359 ~~[(ii) Section [63A-3-107](#); and]~~

6360 ~~[(iii) rules made by the Division of Finance pursuant to Sections [63A-3-106](#) and~~
6361 ~~[63A-3-107](#).]~~

6362 ~~[(i) The department shall provide staff for the committee.]~~

6363 ~~[(6)]~~ (5) Before implementing the test required by Subsection (1)(d), the department
6364 shall conduct a pilot program for testing newborns for critical congenital heart defects using
6365 pulse oximetry. The pilot program shall include the development of:

6366 (a) appropriate oxygen saturation levels that would indicate a need for further medical
6367 follow-up; and

6368 (b) the best methods for implementing the pulse oximetry screening in newborn care
6369 units.

6370 Section 120. Section **26B-4-320**, which is renumbered from Section 26-10-7 is
6371 renumbered and amended to read:

6372 ~~[26-10-7].~~ **26B-4-320. Dental health programs -- Appointment of director.**

6373 The department shall establish and promote programs to protect and improve the dental
6374 health of the public. The executive director shall appoint a director of the dental health program
6375 who shall be a dentist licensed in the state with at least one year of training in an accredited
6376 school of public health or not less than two years of experience in public health dentistry.

6377 Section 121. Section **26B-4-321**, which is renumbered from Section 26-10-9 is
6378 renumbered and amended to read:

6379 ~~[26-10-9].~~ **26B-4-321. Immunizations -- Consent of minor to treatment.**

6380 (1) This section:

6381 (a) is not intended to interfere with the integrity of the family or to minimize the rights
6382 of parents or children; and

6383 (b) applies to a minor, who at the time care is sought is:
6384 (i) married or has been married;
6385 (ii) emancipated as provided for in Section [80-7-105](#);
6386 (iii) a parent with custody of a minor child; or
6387 (iv) pregnant.

6388 (2) (a) A minor described in Subsections (1)(b)(i) and (ii) may consent to:
6389 (i) vaccinations against epidemic infections and communicable diseases as defined in
6390 Section ~~[26-6-2]~~ [26B-7-201](#); and
6391 (ii) examinations and vaccinations required to attend school as provided in Title 53G,
6392 Public Education System -- Local Administration.

6393 (b) A minor described in Subsections (1)(b)(iii) and (iv) may consent to the
6394 vaccinations described in Subsections (2)(a)(i) and (ii), and the vaccine for human
6395 papillomavirus only if:
6396 (i) the minor represents to the health care provider that the minor is an abandoned
6397 minor as defined in Section [76-5-109.3](#); and
6398 (ii) the health care provider makes a notation in the minor's chart that the minor
6399 represented to the health care provider that the minor is an abandoned minor under Section
6400 [76-5-109.3](#).

6401 (c) Nothing in Subsection (2)(a) or (b) requires a health care provider to immunize a
6402 minor.

6403 (3) The consent of the minor pursuant to this section:
6404 (a) is not subject to later disaffirmance because of the minority of the person receiving
6405 the medical services;
6406 (b) is not voidable because of minority at the time the medical services were provided;
6407 (c) has the same legal effect upon the minor and the same legal obligations with regard
6408 to the giving of consent as consent given by a person of full age and capacity; and
6409 (d) does not require the consent of any other person or persons to authorize the medical
6410 services described in Subsections (2)(a) and (b).

6411 (4) A health care provider who provides medical services to a minor in accordance
6412 with the provisions of this section is not subject to civil or criminal liability for providing the
6413 services described in Subsections (2)(a) and (b) without obtaining the consent of another

6414 person prior to rendering the medical services.

6415 (5) This section does not remove the requirement for parental consent or notice when
6416 required by Section [76-7-304](#) or [76-7-304.5](#).

6417 (6) The parents, parent, or legal guardian of a minor who receives medical services
6418 pursuant to Subsections (2)(a) and (b) are not liable for the payment for those services unless
6419 the parents, parent, or legal guardian consented to the medical services.

6420 Section 122. Section **26B-4-322**, which is renumbered from Section 26-10-11 is
6421 renumbered and amended to read:

6422 ~~[26-10-11].~~ **26B-4-322. Children's Hearing Aid Program -- Rulemaking.**

6423 (1) The department shall offer a program to provide hearing aids to children who
6424 qualify under this section.

6425 (2) The department shall provide hearing aids to a child who:

6426 (a) is younger than six years old;

6427 (b) is a resident of Utah;

6428 (c) has been diagnosed with hearing loss by:

6429 (i) an audiologist with pediatric expertise; and

6430 (ii) a physician or physician assistant;

6431 (d) provides documentation from an audiologist with pediatric expertise certifying that
6432 the child needs hearing aids;

6433 (e) has obtained medical clearance by a medical provider for hearing aid fitting;

6434 (f) does not qualify to receive a contribution that equals the full cost of a hearing aid
6435 from the state's Medicaid program or the Utah Children's Health Insurance Program; and

6436 (g) meets the financial need qualification criteria established by the department by rule,
6437 made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, for
6438 participation in the program.

6439 ~~[(3)(a) There is established the Children's Hearing Aid Advisory Committee.]~~

6440 ~~[(b) The committee shall be composed of five members appointed by the executive
6441 director, and shall include:]~~

6442 ~~[(i) one audiologist with pediatric expertise;]~~

6443 ~~[(ii) one speech language pathologist;]~~

6444 ~~[(iii) one teacher, certified under Title 53E, Public Education System -- State~~

6445 Administration, as a teacher of the deaf or a listening and spoken language therapist;]
6446 [~~(iv) one ear, nose, and throat specialist; and]~~
6447 [~~(v) one parent whose child:]~~
6448 [~~(A) is six years old or older; and]~~
6449 [~~(B) has hearing loss.]~~
6450 [~~(c) A majority of the members constitutes a quorum.]~~
6451 [~~(d) A vote of the majority of the members, with a quorum present, constitutes an~~
6452 ~~action of the committee.]~~
6453 [~~(e) The committee shall elect a chair from its members.]~~
6454 [~~(f) The committee shall:]~~
6455 [~~(i) meet at least quarterly;]~~
6456 [~~(ii) recommend to the department medical criteria and procedures for selecting~~
6457 ~~children who may qualify for assistance from the account; and]~~
6458 [~~(iii) review rules developed by the department.]~~
6459 [~~(g) A member may not receive compensation or benefits for the member's service, but~~
6460 ~~may receive per diem and travel expenses in accordance with Sections [63A-3-106](#) and~~
6461 ~~[63A-3-107](#) and rules made by the Division of Finance, pursuant to Sections [63A-3-106](#) and~~
6462 ~~[63A-3-107](#).]~~
6463 [~~(h) The department shall provide staff to the committee.]~~
6464 [~~(4) (a) There is created within the General Fund a restricted account known as the~~
6465 ~~"Children's Hearing Aid Program Restricted Account."]~~
6466 [~~(b) The Children's Hearing Aid Program Restricted Account shall consist of:]~~
6467 [~~(i) amounts appropriated to the account by the Legislature; and]~~
6468 [~~(ii) gifts, grants, devises, donations, and bequests of real property, personal property,~~
6469 ~~or services, from any source, or any other conveyance that may be made to the account from~~
6470 ~~private sources.]~~
6471 [~~(c) Upon appropriation, all actual and necessary operating expenses for the committee~~
6472 ~~described in Subsection (3) shall be paid by the account.]~~
6473 [~~(d) Upon appropriation, no more than 9% of the account money may be used for the~~
6474 ~~department's expenses.]~~
6475 [~~(e) If this account is repealed in accordance with Section [63I-1-226](#), any remaining~~

6476 ~~assets in the account shall be deposited into the General Fund.]~~

6477 ~~[(5)]~~ (3) (a) For each child who receives a hearing aid under Subsection (2), the
6478 department shall maintain a record of the cost of providing services to the child under this
6479 section.

6480 (b) No more than six months after services are provided to a child under this section,
6481 the department shall send a letter to the family of the child who received services that includes
6482 information regarding:

6483 (i) the total amount paid by the department to provide services to the child under this
6484 section; and

6485 (ii) the process by which the family may donate all or part of the amount paid to
6486 provide services to the child to fund the Children's Hearing Aid Program.

6487 (c) All donations made under Subsection ~~[(6)]~~ (4)(c) shall be deposited into the
6488 Children's Hearing Aid Program Restricted Account created in ~~[Subsection (4)(a)]~~ Section
6489 26B-1-333.

6490 ~~[(6)]~~ (4) The department shall make rules, in accordance with Title 63G, Chapter 3,
6491 Utah Administrative Rulemaking Act, to establish procedures for:

6492 (a) identifying the children who are financially eligible to receive services under the
6493 program;

6494 (b) reviewing and paying for services provided to a child under the program; and

6495 (c) an individual to donate to the program all or part of the cost of providing services to
6496 a child under this section, without regard to whether the donation is made in response to the
6497 letter described in Subsection ~~[(5)]~~ (3)(b).

6498 Section 123. Section **26B-4-323**, which is renumbered from Section 26-10-13 is
6499 renumbered and amended to read:

6500 ~~[26-10-13]~~. **26B-4-323. Reporting results of a test for hearing loss.**

6501 (1) As used in this section, "health care provider" means the same as that term is
6502 defined in Section 78B-3-403.

6503 (2) Except as provided in Subsection (3), a health care provider shall report results of a
6504 test for hearing loss to the Utah Schools for the Deaf and the Blind if:

6505 (a) the results suggest that additional diagnostic procedures or medical interventions
6506 are necessary; and

6507 (b) the individual tested for hearing loss is under the age of 22.

6508 (3) A health care provider may not make the report of an individual's results described
6509 in Subsection (2) if the health care provider receives a request to not make the report from:

6510 (a) the individual, if the individual is not a minor; or

6511 (b) the individual's parent or guardian, if the individual is a minor.

6512 Section 124. Section **26B-4-401**, which is renumbered from Section 26-53-102 is
6513 renumbered and amended to read:

6514 **Part 4. School Health**

6515 ~~[26-53-102]~~. **26B-4-401. Definitions.**

6516 As used in this ~~[chapter]~~ part:

6517 (1) "Agent" means a coach, teacher, employee, representative, or volunteer.

6518 (2) (a) "Amateur sports organization" means, except as provided in Subsection (2)(b):

6519 (i) a sports team;

6520 (ii) a public or private school;

6521 (iii) a public or private sports league;

6522 (iv) a public or private sports camp; or

6523 (v) any other public or private organization that organizes, manages, or sponsors a
6524 sporting event for its members, enrollees, or attendees.

6525 (b) "Amateur sports organization" does not include a professional:

6526 (i) team;

6527 (ii) league; or

6528 (iii) sporting event.

6529 (3) "Anaphylaxis" means a potentially life-threatening hypersensitivity to a substance.

6530 (a) Symptoms of anaphylaxis may include shortness of breath, wheezing, difficulty
6531 breathing, difficulty talking or swallowing, hives, itching, swelling, shock, or asthma.

6532 (b) Causes of anaphylaxis may include insect sting, food allergy, drug reaction, and
6533 exercise.

6534 (4) "Asthma action plan" means a written plan:

6535 (a) developed with a school nurse, a student's parent or guardian, and the student's
6536 health care provider to help control the student's asthma; and

6537 (b) signed by the student's:

- 6538 (i) parent or guardian; and
6539 (ii) health care provider.
6540 (5) "Asthma emergency" means an episode of respiratory distress that may include
6541 symptoms such as wheezing, shortness of breath, coughing, chest tightness, or breathing
6542 difficulty.
6543 ~~[(3)]~~ (6) "Child" means an individual who is under the age of 18.
6544 (7) "Epinephrine auto-injector" means a portable, disposable drug delivery device that
6545 contains a measured, single dose of epinephrine that is used to treat a person suffering a
6546 potentially fatal anaphylactic reaction.
6547 (8) "Health care provider" means an individual who is licensed as:
6548 (a) a physician under Title 58, Chapter 67, Utah Medical Practice Act;
6549 (b) a physician under Title 58, Chapter 68, Utah Osteopathic Medical Practice Act;
6550 (c) an advanced practice registered nurse under Section [58-31b-302](#); or
6551 (d) a physician assistant under Title 58, Chapter 70a, Utah Physician Assistant Act.
6552 (9) "Pharmacist" means the same as that term is defined in Section [58-17b-102](#).
6553 (10) "Pharmacy intern" means the same as that term is defined in Section [58-17b-102](#).
6554 (11) "Physician" means the same as that term is defined in Section [58-67-102](#).
6555 (12) "Qualified adult" means a person who:
6556 (a) is 18 years of age or older; and
6557 (b) (i) for purposes of administering an epinephrine auto-injector, has successfully
6558 completed the training program established in Section [26B-4-407](#); and
6559 (ii) for purposes of administering stock albuterol, has successfully completed the
6560 training program established in Section [26B-4-408](#).
6561 (13) "Qualified epinephrine auto-injector entity":
6562 (a) means a facility or organization that employs, contracts with, or has a similar
6563 relationship with a qualified adult who is likely to have contact with another person who may
6564 experience anaphylaxis; and
6565 (b) includes:
6566 (i) recreation camps;
6567 (ii) an education facility, school, or university;
6568 (iii) a day care facility;

- 6569 (iv) youth sports leagues;
- 6570 (v) amusement parks;
- 6571 (vi) food establishments;
- 6572 (vii) places of employment; and
- 6573 (viii) recreation areas.

6574 ~~[(4)]~~ (14) "Qualified health care provider" means a health care provider who:

6575 (a) is licensed under Title 58, Occupations and Professions; and

6576 (b) may evaluate and manage a concussion within the health care provider's scope of

6577 practice.

6578 (15) "Qualified stock albuterol entity" means a public or private school that employs,

6579 contracts with, or has a similar relationship with a qualified adult who is likely to have contact

6580 with another person who may experience an asthma emergency.

6581 ~~[(5)]~~ (16) (a) "Sporting event" means any of the following athletic activities that is

6582 organized, managed, or sponsored by an organization:

- 6583 (i) a game;
- 6584 (ii) a practice;
- 6585 (iii) a sports camp;
- 6586 (iv) a physical education class;
- 6587 (v) a competition; or
- 6588 (vi) a tryout.

6589 (b) "Sporting event" does not include:

6590 (i) the issuance of a lift ticket or pass by a ski resort, the use of the ticket or pass, or a

6591 ski or snowboarding class or school at a ski resort, unless the skiing or snowboarding is part of

6592 a camp, team, or competition that is organized, managed, or sponsored by the ski resort;

6593 (ii) as applied to a government entity, merely making available a field, facility, or other

6594 location owned, leased, or controlled by the government entity to an amateur sports

6595 organization or a child, regardless of whether the government entity charges a fee for the use;

6596 or

6597 (iii) free play or recess taking place during school hours.

6598 (17) "Stock albuterol" means a prescription inhaled medication:

6599 (a) used to treat asthma; and

6600 (b) that may be delivered through a device, including:

6601 (i) an inhaler; or

6602 (ii) a nebulizer with a mouthpiece or mask.

6603 (iii) free play or recess taking place during school hours.

6604 ~~[(6)]~~ (18) "Traumatic head injury" means an injury to the head arising from blunt
6605 trauma, an acceleration force, or a deceleration force, with one of the following observed or
6606 self-reported conditions attributable to the injury:

6607 (a) transient confusion, disorientation, or impaired consciousness;

6608 (b) dysfunction of memory;

6609 (c) loss of consciousness; or

6610 (d) signs of other neurological or neuropsychological dysfunction, including:

6611 (i) seizures;

6612 (ii) irritability;

6613 (iii) lethargy;

6614 (iv) vomiting;

6615 (v) headache;

6616 (vi) dizziness; or

6617 (vii) fatigue.

6618 Section 125. Section **26B-4-402**, which is renumbered from Section 26-10-5 is
6619 renumbered and amended to read:

6620 ~~[26-10-5]~~. **26B-4-402. Plan for school health services.**

6621 The department shall establish a plan for school health services for pupils in elementary
6622 and secondary schools. The department shall cooperate with the State Board of Education and
6623 local health departments in developing such plan and shall coordinate activities between these
6624 agencies. The plan may provide for the delivery of health services by and through intermediate
6625 and local school districts and local health departments.

6626 Section 126. Section **26B-4-403**, which is renumbered from Section 26-53-201 is
6627 renumbered and amended to read:

6628 ~~[26-53-201]~~. **26B-4-403. Adoption and enforcement of concussion and**
6629 **head injury policy -- Notice of policy to parent or guardian.**

6630 Each amateur sports organization shall:

- 6631 (1) adopt and enforce a concussion and head injury policy that:
- 6632 (a) is consistent with the requirements of Section [~~26-53-301~~] [26B-4-404](#); and
- 6633 (b) describes the nature and risk of:
- 6634 (i) a concussion or a traumatic head injury; and
- 6635 (ii) continuing to participate in a sporting event after sustaining a concussion or a
- 6636 traumatic head injury;
- 6637 (2) ensure that each agent of the amateur sports organization is familiar with, and has a
- 6638 copy of, the concussion and head injury policy; and
- 6639 (3) before permitting a child to participate in a sporting event of the amateur sports
- 6640 organization:
- 6641 (a) provide a written copy of the concussion and head injury policy to a parent or legal
- 6642 guardian of a child; and
- 6643 (b) obtain the signature of a parent or legal guardian of the child, acknowledging that
- 6644 the parent or legal guardian has read, understands, and agrees to abide by, the concussion and
- 6645 head injury policy.

6646 Section 127. Section **26B-4-404**, which is renumbered from Section 26-53-301 is

6647 renumbered and amended to read:

6648 ~~[26-53-301]~~. **26B-4-404. Removal of child suspected of sustaining**

6649 **concussion or a traumatic head injury -- Medical clearance required before return to**

6650 **participation.**

- 6651 (1) An amateur sports organization, and each agent of the amateur sports organization,
- 6652 shall:
- 6653 (a) immediately remove a child from participating in a sporting event of the amateur
- 6654 sports organization if the child is suspected of sustaining a concussion or a traumatic head
- 6655 injury; and
- 6656 (b) prohibit the child described in Subsection (1)(a) from participating in a sporting
- 6657 event of the amateur sports organization until the child:
- 6658 (i) is evaluated by a qualified health care provider who is trained in the evaluation and
- 6659 management of a concussion; and
- 6660 (ii) provides the amateur sports organization with a written statement from the
- 6661 qualified health care provider described in Subsection (1)(b)(i) stating that:

6662 (A) the qualified health care provider has, within three years before the day on which
6663 the written statement is made, successfully completed a continuing education course in the
6664 evaluation and management of a concussion; and

6665 (B) the child is cleared to resume participation in the sporting event of the amateur
6666 sports organization.

6667 (2) This section does not create a new cause of action.

6668 Section 128. Section **26B-4-405**, which is renumbered from Section 26-53-401 is
6669 renumbered and amended to read:

6670 ~~[26-53-401]~~. **26B-4-405. School nurses evaluating student injuries.**

6671 (1) A school nurse may assess a child who is suspected of sustaining a concussion or a
6672 traumatic head injury during school hours on school property regardless of whether the nurse
6673 has received specialized training in the evaluation and management of a concussion.

6674 (2) A school nurse who does not meet the requirements of Subsections ~~[26-53-301]~~
6675 26B-4-404(1)(b)(i) and (1)(b)(ii)(A), but who assesses a child who is suspected of sustaining a
6676 concussion or traumatic head injury under Subsection (1):

6677 (a) shall refer the child to a qualified health care provider who is trained in the
6678 evaluation and management of a concussion; and

6679 (b) may not provide a written statement permitting the child to resume participation in
6680 free play or physical education class under Subsection ~~[26-53-301]~~ 26B-4-404(1)(b)(ii).

6681 (3) A school nurse shall undergo training in the evaluation and management of a
6682 concussion, as funding allows.

6683 Section 129. Section **26B-4-406**, which is renumbered from Section 26-41-103 is
6684 renumbered and amended to read:

6685 ~~[26-41-103]~~. **26B-4-406. Voluntary participation.**

6686 (1) ~~[This chapter does]~~ Sections 26B-4-406 through 26B-4-411 do not create a duty or
6687 standard of care for:

6688 (a) a person to be trained in the use and storage of epinephrine auto-injectors or stock
6689 albuterol; or

6690 (b) except as provided in Subsection (5), a qualified epinephrine auto-injector entity to
6691 store epinephrine auto-injectors or a qualified stock albuterol entity to store stock albuterol on
6692 its premises.

6693 (2) Except as provided in Subsections (3) and (5), a decision by a person to
6694 successfully complete a training program under Section [~~26-41-104 or 26-41-104.1~~] [26B-4-407](#)
6695 [or 26B-4-408](#) and to make emergency epinephrine auto-injectors or stock albuterol available
6696 under the provisions of this chapter is voluntary.

6697 (3) A school, school board, or school official may not prohibit or dissuade a teacher or
6698 other school employee at a primary or secondary school in the state, either public or private,
6699 from:

6700 (a) completing a training program under Section [~~26-41-104 or 26-41-104.1~~] [26B-4-](#)
6701 [407 or 26B-4-408](#);

6702 (b) possessing or storing an epinephrine auto-injector or stock albuterol on school
6703 property if:

6704 (i) the teacher or school employee is a qualified adult; and

6705 (ii) the possession and storage is in accordance with the training received under Section
6706 [~~26-41-104 or 26-41-104.1~~] [26B-4-407 or 26B-4-408](#); or

6707 (c) administering an epinephrine auto-injector or stock albuterol to any person, if:

6708 (i) the teacher or school employee is a qualified adult; and

6709 (ii) the administration is in accordance with the training received under Section
6710 [~~26-41-104 or 26-41-104.1~~] [26B-4-407 or 26B-4-408](#).

6711 (4) A school, school board, or school official may encourage a teacher or other school
6712 employee to volunteer to become a qualified adult.

6713 (5) (a) Each primary or secondary school in the state, both public and private, shall
6714 make an emergency epinephrine auto-injector available to any teacher or other school
6715 employee who:

6716 (i) is employed at the school; and

6717 (ii) is a qualified adult.

6718 (b) This section does not require a school described in Subsection (5)(a) to keep more
6719 than one emergency epinephrine auto-injector on the school premises, so long as it may be
6720 quickly accessed by a teacher or other school employee, who is a qualified adult, in the event of
6721 an emergency.

6722 (6) (a) Each primary or secondary school in the state, both public and private, may
6723 make stock albuterol available to any school employee who:

- 6724 (i) is employed at the school; and
- 6725 (ii) is a qualified adult.
- 6726 (b) A qualified adult may administer stock albuterol to a student who:
- 6727 (i) has a diagnosis of asthma by a health care provider;
- 6728 (ii) has a current asthma action plan on file with the school; and
- 6729 (iii) is showing symptoms of an asthma emergency as described in the student's asthma
- 6730 action plan.

6731 (c) This Subsection (6) may not be interpreted to relieve a student's parent or guardian
6732 of providing a student's medication or create an expectation that a school will have stock
6733 albuterol available.

6734 (7) No school, school board, or school official shall retaliate or otherwise take adverse
6735 action against a teacher or other school employee for:

- 6736 (a) volunteering under Subsection (2);
- 6737 (b) engaging in conduct described in Subsection (3); or
- 6738 (c) failing or refusing to become a qualified adult.

6739 Section 130. Section **26B-4-407**, which is renumbered from Section 26-41-104 is
6740 renumbered and amended to read:

6741 ~~[26-41-104]~~. **26B-4-407. Training in use and storage of epinephrine**
6742 **auto-injector.**

6743 (1) (a) Each primary and secondary school in the state, both public and private, shall
6744 make initial and annual refresher training, regarding the storage and emergency use of an
6745 epinephrine auto-injector, available to any teacher or other school employee who volunteers to
6746 become a qualified adult.

6747 (b) The training described in Subsection (1)(a) may be provided by the school nurse, or
6748 other person qualified to provide such training, designated by the school district physician, the
6749 medical director of the local health department, or the local emergency medical services
6750 director.

6751 (2) A person who provides training under Subsection (1) or (6) shall include in the
6752 training:

- 6753 (a) techniques for recognizing symptoms of anaphylaxis;
- 6754 (b) standards and procedures for the storage and emergency use of epinephrine

6755 auto-injectors;

6756 (c) emergency follow-up procedures, including calling the emergency 911 number and
6757 contacting, if possible, the student's parent and physician; and

6758 (d) written materials covering the information required under this Subsection (2).

6759 (3) A qualified adult shall retain for reference the written materials prepared in
6760 accordance with Subsection (2)(d).

6761 (4) A public school shall permit a student to possess an epinephrine auto-injector or
6762 possess and self-administer an epinephrine auto-injector if:

6763 (a) the student's parent or guardian signs a statement:

6764 (i) authorizing the student to possess or possess and self-administer an epinephrine
6765 auto-injector; and

6766 (ii) acknowledging that the student is responsible for, and capable of, possessing or
6767 possessing and self-administering an epinephrine auto-injector; and

6768 (b) the student's health care provider provides a written statement that states that:

6769 (i) it is medically appropriate for the student to possess or possess and self-administer
6770 an epinephrine auto-injector; and

6771 (ii) the student should be in possession of the epinephrine auto-injector at all times.

6772 (5) The department, in cooperation with the state superintendent of public instruction,
6773 shall design forms to be used by public and private schools for the parental and health care
6774 providers statements described in Subsection (4).

6775 (6) (a) The department:

6776 (i) shall approve educational programs conducted by other persons, to train:

6777 (A) people under Subsection (6)(b) of this section, regarding the proper use and storage
6778 of emergency epinephrine auto-injectors; and

6779 (B) a qualified epinephrine auto-injector entity regarding the proper storage and
6780 emergency use of epinephrine auto-injectors; and

6781 (ii) may, as funding is available, conduct educational programs to train people
6782 regarding the use of and storage of emergency epinephrine auto-injectors.

6783 (b) A person who volunteers to receive training as a qualified adult to administer an
6784 epinephrine auto-injector under the provisions of this Subsection (6) shall demonstrate a need
6785 for the training to the department, which may be based upon occupational, volunteer, or family

6786 circumstances, and shall include:

6787 (i) camp counselors;

6788 (ii) scout leaders;

6789 (iii) forest rangers;

6790 (iv) tour guides; and

6791 (v) other persons who have or reasonably expect to have contact with at least one other
6792 person as a result of the person's occupational or volunteer status.

6793 Section 131. Section **26B-4-408**, which is renumbered from Section 26-41-104.1 is
6794 renumbered and amended to read:

6795 ~~[26-41-104.1]~~. **26B-4-408. Training in use and storage of stock albuterol.**

6796 (1) (a) Each primary and secondary school in the state, both public and private, shall
6797 make initial and annual refresher training regarding the storage and emergency use of stock
6798 albuterol available to a teacher or school employee who volunteers to become a qualified adult.

6799 (b) The training described in Subsection (1)(a) shall be provided by the department.

6800 (2) A person who provides training under Subsection (1) or (6) shall include in the
6801 training:

6802 (a) techniques for recognizing symptoms of an asthma emergency;

6803 (b) standards and procedures for the storage and emergency use of stock albuterol;

6804 (c) emergency follow-up procedures, and contacting, if possible, the student's parent;

6805 and

6806 (d) written materials covering the information required under this Subsection (2).

6807 (3) A qualified adult shall retain for reference the written materials prepared in
6808 accordance with Subsection (2)(d).

6809 (4) (a) A public or private school shall permit a student to possess and self-administer
6810 asthma medication if:

6811 (i) the student's parent or guardian signs a statement:

6812 (A) authorizing the student to self-administer asthma medication; and

6813 (B) acknowledging that the student is responsible for, and capable of,

6814 self-administering the asthma medication; and

6815 (ii) the student's health care provider provides a written statement that states:

6816 (A) it is medically appropriate for the student to self-administer asthma medication and

6817 be in possession of asthma medication at all times; and

6818 (B) the name of the asthma medication prescribed or authorized for the student's use.

6819 (b) Section [53G-8-205](#) does not apply to the possession and self-administration of
6820 asthma medication in accordance with this section.

6821 (5) The department, in cooperation with the state superintendent of public instruction,
6822 shall design forms to be used by public and private schools for the parental and health care
6823 provider statements described in Subsection (4).

6824 (6) The department:

6825 (a) shall approve educational programs conducted by other persons to train:

6826 (i) people under Subsection (6)(b), regarding the proper use and storage of stock
6827 albuterol; and

6828 (ii) a qualified stock albuterol entity regarding the proper storage and emergency use of
6829 stock albuterol; and

6830 (b) may conduct educational programs to train people regarding the use of and storage
6831 of stock albuterol.

6832 Section 132. Section **26B-4-409**, which is renumbered from Section 26-41-105 is
6833 renumbered and amended to read:

6834 ~~[26-41-105]~~. **26B-4-409. Authority to obtain and use an epinephrine**
6835 **auto-injector or stock albuterol.**

6836 (1) A qualified adult who is a teacher or other school employee at a public or private
6837 primary or secondary school in the state, or a school nurse, may obtain from the school district
6838 physician, the medical director of the local health department, or the local emergency medical
6839 services director a prescription for:

6840 (a) epinephrine auto-injectors for use in accordance with this ~~[chapter]~~ part; or

6841 (b) stock albuterol for use in accordance with this ~~[chapter]~~ part.

6842 (2) (a) A qualified adult may obtain an epinephrine auto-injector for use in accordance
6843 with this ~~[chapter]~~ part that is dispensed by:

6844 (i) a pharmacist as provided under Section [58-17b-1004](#); or

6845 (ii) a pharmacy intern as provided under Section [58-17b-1004](#).

6846 (b) A qualified adult may obtain stock albuterol for use in accordance with this
6847 ~~[chapter]~~ part that is dispensed by:

- 6848 (i) a pharmacist as provided under Section [58-17b-1004](#); or
- 6849 (ii) a pharmacy intern as provided under Section [58-17b-1004](#).
- 6850 (3) A qualified adult:
- 6851 (a) may immediately administer an epinephrine auto-injector to a person exhibiting
- 6852 potentially life-threatening symptoms of anaphylaxis when a physician is not immediately
- 6853 available; and
- 6854 (b) shall initiate emergency medical services or other appropriate medical follow-up in
- 6855 accordance with the training materials retained under Section [26-41-104](#) after administering an
- 6856 epinephrine auto-injector.
- 6857 (4) If a school nurse is not immediately available, a qualified adult:
- 6858 (a) may immediately administer stock albuterol to an individual who:
- 6859 (i) has a diagnosis of asthma by a health care provider;
- 6860 (ii) has a current asthma action plan on file with the school; and
- 6861 (iii) is showing symptoms of an asthma emergency as described in the student's asthma
- 6862 action plan; and
- 6863 (b) shall initiate appropriate medical follow-up in accordance with the training
- 6864 materials retained under Section [~~26-41-104.1~~] [26B-4-408](#) after administering stock albuterol.
- 6865 (5) (a) A qualified entity that complies with Subsection (5)(b) or (c), may obtain a
- 6866 supply of epinephrine auto-injectors or stock albuterol, respectively, from a pharmacist under
- 6867 Section [58-17b-1004](#), or a pharmacy intern under Section [58-17b-1004](#) for:
- 6868 (i) storing:
- 6869 (A) the epinephrine auto-injectors on the qualified epinephrine auto-injector entity's
- 6870 premises; and
- 6871 (B) stock albuterol on the qualified stock albuterol entity's premises; and
- 6872 (ii) use by a qualified adult in accordance with Subsection (3) or (4).
- 6873 (b) A qualified epinephrine auto-injector entity shall:
- 6874 (i) designate an individual to complete an initial and annual refresher training program
- 6875 regarding the proper storage and emergency use of an epinephrine auto-injector available to a
- 6876 qualified adult; and
- 6877 (ii) store epinephrine auto-injectors in accordance with the standards established by the
- 6878 department in Section [~~26-41-107~~] [26B-4-411](#).

6879 (c) A qualified stock albuterol entity shall:

6880 (i) designate an individual to complete an initial and annual refresher training program
6881 regarding the proper storage and emergency use of stock albuterol available to a qualified
6882 adult; and

6883 (ii) store stock albuterol in accordance with the standards established by the department
6884 in Section [~~26-41-107~~] [26B-4-411](#).

6885 Section 133. Section **26B-4-410**, which is renumbered from Section 26-41-106 is
6886 renumbered and amended to read:

6887 [~~26-41-106~~]. **26B-4-410. Immunity from liability.**

6888 (1) The following, if acting in good faith, are not liable in any civil or criminal action
6889 for any act taken or not taken under the authority of this chapter with respect to an anaphylactic
6890 reaction or asthma emergency:

6891 (a) a qualified adult;

6892 (b) a physician, pharmacist, or any other person or entity authorized to prescribe or
6893 dispense prescription drugs;

6894 (c) a person who conducts training described in Section [~~26-41-104 or 26-41-104.1~~]
6895 [26B-4-407](#) or [26B-4-408](#)

6896 (d) a qualified epinephrine auto-injector entity; and

6897 (e) a qualified stock albuterol entity.

6898 (2) Section [53G-9-502](#) does not apply to the administration of an epinephrine
6899 auto-injector or stock albuterol in accordance with this [~~chapter~~] part.

6900 (3) This section does not eliminate, limit, or reduce any other immunity from liability
6901 or defense against liability that may be available under state law.

6902 Section 134. Section **26B-4-411**, which is renumbered from Section 26-41-107 is
6903 renumbered and amended to read:

6904 [~~26-41-107~~]. **26B-4-411. Administrative rulemaking authority.**

6905 The department shall adopt rules in accordance with Title 63G, Chapter 3, Utah
6906 Administrative Rulemaking Act, to:

6907 (1) establish and approve training programs in accordance with Sections [~~26-41-104~~
6908 and ~~26-41-104.1~~] [26B-4-407](#) and [26B-4-408](#);

6909 (2) establish a procedure for determining who is eligible for training as a qualified

6910 adult under Subsection ~~[26-41-104]~~ [26B-4-407](#)(6)(b)(v); and

6911 (3) establish standards for storage of:

6912 (a) emergency auto-injectors by a qualified epinephrine auto-injector entity under
6913 Section ~~[26-41-104]~~ [26B-4-407](#); and

6914 (b) stock albuterol by a qualified stock albuterol entity under Section ~~[26-41-104.1]~~
6915 [26B-4-408](#).

6916 Section 135. Section **26B-4-501**, which is renumbered from Section 26-64-102 is
6917 renumbered and amended to read:

6918 **Part 5. Treatment Access**

6919 ~~[26-64-102]~~. **26B-4-501. Definitions.**

6920 As used in this ~~[chapter]~~ part:

6921 (1) "Controlled substance" means the same as that term is defined in Title 58, Chapter
6922 37, Utah Controlled Substances Act.

6923 (2) "Critical access hospital" means a critical access hospital that meets the criteria of
6924 42 U.S.C. Sec. 1395i-4(c)(2) (1998).

6925 (3) "Designated facility" means:

6926 (a) a freestanding urgent care center;

6927 (b) a general acute hospital; or

6928 (c) a critical access hospital.

6929 ~~[(1)]~~ (4) "Dispense" means the same as that term is defined in Section [58-17b-102](#).

6930 ~~[(2)]~~ (5) "Division" means the Division of Professional Licensing created in Section
6931 [58-1-103](#).

6932 ~~[(3)]~~ "Local health department" means:]

6933 ~~[(a)]~~ a local health department, as defined in Section [26A-1-102](#); or]

6934 ~~[(b)]~~ a multicounty local health department, as defined in Section [26A-1-102](#);

6935 (6) "Emergency contraception" means the use of a substance, approved by the United
6936 States Food and Drug Administration, to prevent pregnancy after sexual intercourse.

6937 (7) "Freestanding urgent care center" means the same as that term is defined in Section
6938 [59-12-801](#).

6939 (8) "General acute hospital" means the same as that term is defined in Section [26B-2-](#)
6940 [201](#).

6941 (9) "Health care facility" means a hospital, a hospice inpatient residence, a nursing
6942 facility, a dialysis treatment facility, an assisted living residence, an entity that provides home-
6943 and community-based services, a hospice or home health care agency, or another facility that
6944 provides or contracts to provide health care services, which facility is licensed under Chapter 2,
6945 Part 2, Health Care Facility Licensing and Inspection.

6946 (10) "Health care provider" means:

6947 (a) a physician, as defined in Section [58-67-102](#);

6948 (b) an advanced practice registered nurse, as defined in Section [58-31b-102](#);

6949 (c) a physician assistant, as defined in Section [58-70a-102](#); or

6950 (d) an individual licensed to engage in the practice of dentistry, as defined in Section
6951 [58-69-102](#).

6952 (11) "Increased risk" means risk exceeding the risk typically experienced by an
6953 individual who is not using, and is not likely to use, an opiate.

6954 (12) "Opiate" means the same as that term is defined in Section [58-37-2](#).

6955 (13) "Opiate antagonist" means naloxone hydrochloride or any similarly acting drug
6956 that is not a controlled substance and that is approved by the federal Food and Drug
6957 Administration for the diagnosis or treatment of an opiate-related drug overdose.

6958 (14) "Opiate-related drug overdose event" means an acute condition, including a
6959 decreased level of consciousness or respiratory depression resulting from the consumption or
6960 use of a controlled substance, or another substance with which a controlled substance was
6961 combined, and that a person would reasonably believe to require medical assistance.

6962 (15) "Overdose outreach provider" means:

6963 (a) a law enforcement agency;

6964 (b) a fire department;

6965 (c) an emergency medical service provider, as defined in Section [26B-4-101](#);

6966 (d) emergency medical service personnel, as defined in Section [26B-4-101](#);

6967 (e) an organization providing treatment or recovery services for drug or alcohol use;

6968 (f) an organization providing support services for an individual, or a family of an
6969 individual, with a substance use disorder;

6970 (g) an organization providing substance use or mental health services under contract
6971 with a local substance abuse authority, as defined in Section [26B-5-101](#), or a local mental

6972 health authority, as defined in Section 26B-5-101;

6973 (h) an organization providing services to the homeless;

6974 (i) a local health department;

6975 (j) an individual licensed to practice pharmacy under Title 58, Chapter 17b, Pharmacy

6976 Practice Act; or

6977 (k) an individual.

6978 ~~[(4)]~~ (16) "Patient counseling" means the same as that term is defined in Section
6979 58-17b-102.

6980 ~~[(5)]~~ (17) "Pharmacist" means the same as that term is defined in Section 58-17b-102.

6981 ~~[(6)]~~ (18) "Pharmacy intern" means the same as that term is defined in Section
6982 58-17b-102.

6983 ~~[(7)]~~ (19) "Physician" means the same as that term is defined in Section 58-67-102.

6984 (20) "Practitioner" means:

6985 (a) a physician; or

6986 (b) any other person who is permitted by law to prescribe emergency contraception.

6987 ~~[(8)]~~ (21) "Prescribe" means the same as that term is defined in Section 58-17b-102.

6988 ~~[(9)]~~ (22) (a) "Self-administered hormonal contraceptive" means a self-administered
6989 hormonal contraceptive that is approved by the United States Food and Drug Administration to
6990 prevent pregnancy.

6991 (b) "Self-administered hormonal contraceptive" includes an oral hormonal
6992 contraceptive, a hormonal vaginal ring, and a hormonal contraceptive patch.

6993 (c) "Self-administered hormonal contraceptive" does not include any drug intended to
6994 induce an abortion, as that term is defined in Section 76-7-301.

6995 (23) "Sexual assault" means any criminal conduct described in Title 76, Chapter 5, Part
6996 4, Sexual Offenses, that may result in a pregnancy.

6997 (24) "Victim of sexual assault" means any person who presents to receive, or receives,
6998 medical care in consequence of being subjected to sexual assault.

6999 Section 136. Section **26B-4-502**, which is renumbered from Section 26-21b-201 is
7000 renumbered and amended to read:

7001 ~~[26-21b-201].~~ **26B-4-502.** **Emergency contraception services for a victim of**
7002 **sexual assault.**

7003 (1) Except as provided in Subsection (2), a designated facility shall provide the
7004 following services to a victim of sexual assault:

7005 (a) provide the victim with written and oral medical information regarding emergency
7006 contraception that is unbiased, accurate, and generally accepted by the medical community as
7007 being scientifically valid;

7008 (b) orally inform the victim of sexual assault that the victim may obtain emergency
7009 contraception at the designated facility;

7010 (c) offer a complete regimen of emergency contraception to a victim of sexual assault;

7011 (d) provide, at the designated facility, emergency contraception to the victim of sexual
7012 assault upon her request;

7013 (e) maintain a protocol, prepared by a physician, for the administration of emergency
7014 contraception at the designated facility to a victim of sexual assault; and

7015 (f) develop and implement a written policy to ensure that a person is present at the
7016 designated facility, or on-call, who:

7017 (i) has authority to dispense or prescribe emergency contraception, independently, or
7018 under the protocol described in Subsection (1)(e), to a victim of sexual assault; and

7019 (ii) is trained to comply with the requirements of this section.

7020 (2) A freestanding urgent care center is exempt from the requirements of Subsection
7021 (1) if:

7022 (a) there is a general acute hospital or a critical access hospital within 30 miles of the
7023 freestanding urgent care center; and

7024 (b) an employee of the freestanding urgent care center provides the victim with:

7025 (i) written and oral medical information regarding emergency contraception that is
7026 unbiased, accurate, and generally accepted by the medical community as being scientifically
7027 valid; and

7028 (ii) the name and address of the general acute hospital or critical access hospital
7029 described in Subsection (2)(a).

7030 (3) A practitioner shall comply with Subsection (4) with regard to a person who is a
7031 victim of sexual assault, if the person presents to receive medical care, or receives medical
7032 care, from the practitioner at a location that is not a designated facility.

7033 (4) A practitioner described in Subsection (3) shall:

7034 (a) provide the victim with written and oral medical information regarding emergency
7035 contraception that is unbiased, accurate, and generally accepted by the medical community as
7036 being scientifically valid; and

7037 (b) (i) (A) orally inform the victim of sexual assault that the victim may obtain
7038 emergency contraception at the facility where the practitioner is located; and

7039 (B) provide emergency contraception to the victim of sexual assault, if she requests
7040 emergency contraception; or

7041 (ii) inform the victim of sexual assault of the nearest location where she may obtain
7042 emergency contraception.

7043 (5) (a) The department may make rules, in accordance with Title 63G, Chapter 3, Utah
7044 Administrative Rulemaking Act, to enforce the provisions of this section.

7045 (b) The department shall, in an expeditious manner, investigate any complaint received
7046 by the department regarding the failure of a health care facility to comply with a requirement of
7047 this section.

7048 (c) If the department finds a violation of this section or any rules adopted under this
7049 section, the department may take one or more of the actions described in Section [26-21-11](#).

7050 Section 137. Section **26B-4-503**, which is renumbered from Section 26-64-103 is
7051 renumbered and amended to read:

7052 ~~[26-64-103].~~ **26B-4-503. Voluntary participation.**

7053 ~~[This chapter does]~~ Sections [26B-4-504](#) through [26B-4-507](#) do not create a duty or
7054 standard of care for a person to prescribe or dispense a self-administered hormonal
7055 contraceptive.

7056 Section 138. Section **26B-4-504**, which is renumbered from Section 26-64-104 is
7057 renumbered and amended to read:

7058 ~~[26-64-104].~~ **26B-4-504. Authorization to dispense self-administered**
7059 **hormonal contraceptives.**

7060 Notwithstanding Title 58, Chapter 17b, Pharmacy Practice Act, a person licensed under
7061 Title 58, Chapter 17b, Pharmacy Practice Act, to dispense a self-administered hormonal
7062 contraceptive may dispense the self-administered hormonal contraceptive:

7063 (1) to a patient who is 18 years old or older;

7064 (2) pursuant to a standing prescription drug order made in accordance with Section

7065 [~~26-64-105~~] [26B-4-505](#);

7066 (3) without any other prescription drug order from a person licensed to prescribe a
7067 self-administered hormonal contraceptive; and

7068 (4) in accordance with the dispensing guidelines in Section [~~26-64-106~~] [26B-4-506](#).

7069 Section 139. Section **26B-4-505**, which is renumbered from Section 26-64-105 is
7070 renumbered and amended to read:

7071 ~~[26-64-105]~~. **26B-4-505**. **Standing prescription drug orders for a**
7072 **self-administered hormonal contraceptive.**

7073 A physician who is licensed to prescribe a self-administered hormonal contraceptive,
7074 including a physician acting in the physician's capacity as an employee of the department, or a
7075 medical director of a local health department, may issue a standing prescription drug order
7076 authorizing the dispensing of the self-administered hormonal contraceptive under Section
7077 [~~26-64-104~~] [26B-4-504](#) in accordance with a protocol that:

7078 (1) requires the physician to specify the persons, by professional license number,
7079 authorized to dispense the self-administered hormonal contraceptive;

7080 (2) requires the physician to review at least annually the dispensing practices of those
7081 authorized by the physician to dispense the self-administered hormonal contraceptive;

7082 (3) requires those authorized by the physician to dispense the self-administered
7083 hormonal contraceptive to make and retain a record of each person to whom the
7084 self-administered hormonal contraceptive is dispensed, including:

7085 (a) the name of the person;

7086 (b) the drug dispensed; and

7087 (c) other relevant information; and

7088 (4) is approved by the department by administrative rule made in accordance with Title
7089 63G, Chapter 3, Utah Administrative Rulemaking Act.

7090 Section 140. Section **26B-4-506**, which is renumbered from Section 26-64-106 is
7091 renumbered and amended to read:

7092 ~~[26-64-106]~~. **26B-4-506**. **Guidelines for dispensing a self-administered**
7093 **hormonal contraceptive.**

7094 (1) A pharmacist or pharmacist intern who dispenses a self-administered hormonal
7095 contraceptive under [~~this chapter~~] Section [26B-4-504](#):

7096 (a) shall obtain a completed self-screening risk assessment questionnaire, that has been
7097 approved by the division in collaboration with the Board of Pharmacy and the Physicians
7098 Licensing Board, from the patient before dispensing the self-administered hormonal
7099 contraceptive;

7100 (b) if the results of the evaluation in Subsection (1)(a) indicate that it is unsafe to
7101 dispense a self-administered hormonal contraceptive to a patient:

7102 (i) may not dispense a self-administered hormonal contraceptive to the patient; and

7103 (ii) shall refer the patient to a primary care or women's health care practitioner;

7104 (c) may not continue to dispense a self-administered hormonal contraceptive to a
7105 patient for more than 24 months after the date of the initial prescription without evidence that
7106 the patient has consulted with a primary care or women's health care practitioner during the
7107 preceding 24 months; and

7108 (d) shall provide the patient with:

7109 (i) written information regarding:

7110 (A) the importance of seeing the patient's primary care practitioner or women's health
7111 care practitioner to obtain recommended tests and screening; and

7112 (B) the effectiveness and availability of long-acting reversible contraceptives as an
7113 alternative to self-administered hormonal contraceptives; and

7114 (ii) a copy of the record of the encounter with the patient that includes:

7115 (A) the patient's completed self-assessment tool; and

7116 (B) a description of the contraceptives dispensed, or the basis for not dispensing a
7117 contraceptive.

7118 (2) If a pharmacist dispenses a self-administered hormonal contraceptive to a patient,
7119 the pharmacist shall, at a minimum, provide patient counseling to the patient regarding:

7120 (a) the appropriate administration and storage of the self-administered hormonal
7121 contraceptive;

7122 (b) potential side effects and risks of the self-administered hormonal contraceptive;

7123 (c) the need for backup contraception;

7124 (d) when to seek emergency medical attention; and

7125 (e) the risk of contracting a sexually transmitted infection or disease, and ways to
7126 reduce the risk of contraction.

7127 (3) The division, in collaboration with the Board of Pharmacy and the Physicians
 7128 Licensing Board, shall make rules in accordance with Title 63G, Chapter 3, Utah
 7129 Administrative Rulemaking Act, establishing the self-screening risk assessment questionnaire
 7130 described in Subsection (1)(a).

7131 Section 141. Section **26B-4-507**, which is renumbered from Section 26-64-107 is
 7132 renumbered and amended to read:

7133 ~~[26-64-107]~~. **26B-4-507. Limited civil liability.**

7134 A physician who issues a standing prescription drug order in accordance with Section
 7135 ~~[26-64-105]~~ 26B-4-505 is not liable for any civil damages for acts or omissions resulting from
 7136 the dispensing of a self-administered hormonal contraceptive under ~~[this chapter]~~ Sections
 7137 26B-4-504 through 26B-4-506.

7138 Section 142. Section **26B-4-508**, which is renumbered from Section 26-55-103 is
 7139 renumbered and amended to read:

7140 ~~[26-55-103]~~. **26B-4-508. Voluntary participation.**

7141 ~~[This chapter does]~~ Sections 26B-4-509 through 26B-4-514 do not create a duty or
 7142 standard of care for a person to prescribe or administer an opiate antagonist.

7143 Section 143. Section **26B-4-509**, which is renumbered from Section 26-55-104 is
 7144 renumbered and amended to read:

7145 ~~[26-55-104]~~. **26B-4-509. Prescribing, dispensing, and administering an**
 7146 **opiate antagonist -- Immunity from liability.**

7147 (1) (a) (i) For purposes of Subsection (1)(a)(ii), "a person other than a health care
 7148 facility or health care provider" includes the following, regardless of whether the person has
 7149 received funds from the department through the Opiate Overdose Outreach Pilot Program
 7150 created in Section ~~[26-55-107]~~ 26B-4-512:

7151 (A) a person described in Subsections ~~[26-55-107]~~ 26B-4-512(1)(a)(i)(A) through
 7152 (1)(a)(i)(F); or

7153 (B) an organization, defined by department rule made under Subsection ~~[26-55-107]~~
 7154 26B-4-512(7)(e), that is in a position to assist an individual who is at increased risk of
 7155 experiencing an opiate-related drug overdose event.

7156 (ii) Except as provided in Subsection (1)(b), the following persons are not liable for
 7157 any civil damages for acts or omissions made as a result of administering an opiate antagonist

7158 when the person acts in good faith to administer the opiate antagonist to an individual whom
7159 the person believes to be experiencing an opiate-related drug overdose event:

7160 (A) an overdose outreach provider; or

7161 (B) a person other than a health care facility or health care provider.

7162 (b) A health care provider:

7163 (i) is not immune from liability under Subsection (1)(a) when the health care provider is
7164 acting within the scope of the health care provider's responsibilities or duty of care; and

7165 (ii) is immune from liability under Subsection (1)(a) if the health care provider is under
7166 no legal duty to respond and otherwise complies with Subsection (1)(a).

7167 (2) Notwithstanding Sections [58-1-501](#), [58-17b-501](#), and [58-17b-502](#), a health care
7168 provider who is licensed to prescribe an opiate antagonist may prescribe, including by a
7169 standing prescription drug order issued in accordance with Subsection [~~26-55-105~~] [26B-4-](#)
7170 [510](#)(2), or dispense an opiate antagonist:

7171 (a) (i) to an individual who is at increased risk of experiencing an opiate-related drug
7172 overdose event;

7173 (ii) for an individual described in Subsection (2)(a)(i), to a family member, friend, or
7174 other person, including a person described in Subsections [~~26-55-107~~] [26B-4-512](#)(1)(a)(i)(A)
7175 through (1)(a)(i)(F), that is in a position to assist the individual; or

7176 (iii) to an overdose outreach provider for:

7177 (A) furnishing the opiate antagonist to an individual described in Subsection (2)(a)(i)
7178 or (ii), as provided in Section [~~26-55-106~~] [26B-4-511](#); or

7179 (B) administering to an individual experiencing an opiate-related drug overdose event;

7180 (b) without a prescriber-patient relationship; and

7181 (c) without liability for any civil damages for acts or omissions made as a result of
7182 prescribing or dispensing the opiate antagonist in good faith.

7183 (3) A health care provider who dispenses an opiate antagonist to an individual or an
7184 overdose outreach provider under Subsection (2)(a) shall provide education to the individual or
7185 overdose provider that includes written instruction on how to:

7186 (a) recognize an opiate-related drug overdose event; and

7187 (b) respond appropriately to an opiate-related drug overdose event, including how to:

7188 (i) administer an opiate antagonist; and

7189 (ii) ensure that an individual to whom an opiate antagonist has been administered
7190 receives, as soon as possible, additional medical care and a medical evaluation.

7191 Section 144. Section **26B-4-510**, which is renumbered from Section 26-55-105 is
7192 renumbered and amended to read:

7193 ~~[26-55-105]~~. **26B-4-510**. **Standing prescription drug orders for an opiate**
7194 **antagonist.**

7195 (1) Notwithstanding Title 58, Chapter 17b, Pharmacy Practice Act, a person licensed
7196 under Title 58, Chapter 17b, Pharmacy Practice Act, to dispense an opiate antagonist may
7197 dispense the opiate antagonist:

7198 (a) pursuant to a standing prescription drug order made in accordance with Subsection
7199 (2); and

7200 (b) without any other prescription drug order from a person licensed to prescribe an
7201 opiate antagonist.

7202 (2) A physician who is licensed to prescribe an opiate antagonist, including a physician
7203 acting in the physician's capacity as an employee of the department, or a medical director of a
7204 local health department, as defined in Section ~~[26A-1-102]~~ 26B-4-512, may issue a standing
7205 prescription drug order authorizing the dispensing of the opiate antagonist under Subsection (1)
7206 in accordance with a protocol that:

7207 (a) limits dispensing of the opiate antagonist to:

7208 (i) an individual who is at increased risk of experiencing an opiate-related drug
7209 overdose event;

7210 (ii) a family member of, friend of, or other person, including a person described in
7211 Subsections ~~26-55-107~~(1)(a)(i)(A) through (1)(a)(i)(F), that is in a position to assist an
7212 individual who is at increased risk of experiencing an opiate-related drug overdose event; or

7213 (iii) an overdose outreach provider for:

7214 (A) furnishing to an individual who is at increased risk of experiencing an
7215 opiate-related drug overdose event, or to a family member of, friend of, or other individual who
7216 is in a position to assist an individual who is at increased risk of experiencing an opiate-related
7217 drug overdose event, as provided in Section ~~[26-55-106]~~ 26B-4-511; or

7218 (B) administering to an individual experiencing an opiate-related drug overdose event;

7219 (b) requires the physician to specify the persons, by professional license number,

7220 authorized to dispense the opiate antagonist;

7221 (c) requires the physician to review at least annually the dispensing practices of those
7222 authorized by the physician to dispense the opiate antagonist;

7223 (d) requires those authorized by the physician to dispense the opiate antagonist to make
7224 and retain a record of each person to whom the opiate antagonist is dispensed, which shall
7225 include:

7226 (i) the name of the person;

7227 (ii) the drug dispensed; and

7228 (iii) other relevant information; and

7229 (e) is approved by the Division of Professional Licensing within the Department of
7230 Commerce by administrative rule made in accordance with Title 63G, Chapter 3, Utah
7231 Administrative Rulemaking Act.

7232 Section 145. Section **26B-4-511**, which is renumbered from Section 26-55-106 is
7233 renumbered and amended to read:

7234 ~~[26-55-106]~~. **26B-4-511. Overdose outreach providers.**

7235 Notwithstanding Sections [58-1-501](#), [58-17b-501](#), and [58-17b-502](#):

7236 (1) an overdose outreach provider may:

7237 (a) obtain an opiate antagonist dispensed on prescription by:

7238 (i) a health care provider, in accordance with Subsections ~~[26-55-104]~~ [26B-4-509](#)(2)
7239 and (3); or

7240 (ii) a pharmacist or pharmacy intern, as otherwise authorized by Title 58, Chapter 17b,
7241 Pharmacy Practice Act;

7242 (b) store the opiate antagonist; and

7243 (c) furnish the opiate antagonist:

7244 (i) (A) to an individual who is at increased risk of experiencing an opiate-related drug
7245 overdose event; or

7246 (B) to a family member, friend, overdose outreach provider, or other individual who is
7247 in a position to assist an individual who is at increased risk of experiencing an opiate-related
7248 drug overdose event; and

7249 (ii) without liability for any civil damages for acts or omissions made as a result of
7250 furnishing the opiate antagonist in good faith; and

7251 (2) when furnishing an opiate antagonist under Subsection (1), an overdose outreach
7252 provider:

7253 (a) shall also furnish to the recipient of the opiate antagonist:

7254 (i) the written instruction under Subsection [~~26-55-104~~] 26B-4-504(3) received by the
7255 overdose outreach provider from the health care provider at the time the opiate antagonist was
7256 dispensed to the overdose outreach provider; or

7257 (ii) if the opiate antagonist was dispensed to the overdose outreach provider by a
7258 pharmacist or pharmacy intern, any written patient counseling under Section 58-17b-613
7259 received by the overdose outreach provider at the time of dispensing; and

7260 (b) may provide additional instruction on how to recognize and respond appropriately
7261 to an opiate-related drug overdose event.

7262 Section 146. Section **26B-4-512**, which is renumbered from Section 26-55-107 is
7263 renumbered and amended to read:

7264 [~~26-55-107~~]. **26B-4-512. Opiate Overdose Outreach Pilot Program --**
7265 **Grants -- Annual reporting by grantees -- Rulemaking -- Annual reporting by**
7266 **department.**

7267 (1) As used in this section:

7268 (a) "Persons that are in a position to assist an individual who is at increased risk of
7269 experiencing an opiate-related drug overdose event":

7270 (i) means the following organizations:

7271 (A) a law enforcement agency;

7272 (B) the department or a local health department, as defined in Section 26A-1-102;

7273 (C) an organization that provides drug or alcohol treatment services;

7274 (D) an organization that provides services to the homeless;

7275 (E) an organization that provides training on the proper administration of an opiate
7276 antagonist in response to an opiate-related drug overdose event;

7277 (F) a school; or

7278 (G) except as provided in Subsection (1)(a)(ii), any other organization, as defined by
7279 department rule made under Subsection (7)(e), that is in a position to assist an individual who
7280 is at increased risk of experiencing an opiate-related drug overdose event; and

7281 (ii) does not mean:

- 7282 (A) a person licensed under Title 58, Chapter 17b, Pharmacy Practice Act;
- 7283 (B) a health care facility; or
- 7284 (C) an individual.
- 7285 (b) "School" means:
- 7286 (i) a public school:
- 7287 (A) for elementary or secondary education, including a charter school; or
- 7288 (B) for other purposes;
- 7289 (ii) a private school:
- 7290 (A) for elementary or secondary education; or
- 7291 (B) accredited for other purposes, including higher education or specialty training; or
- 7292 (iii) an institution within the state system of higher education, as described in Section
- 7293 [53B-1-102](#).
- 7294 (2) There is created within the department the "Opiate Overdose Outreach Pilot
- 7295 Program."
- 7296 (3) The department may use funds appropriated for the program to:
- 7297 (a) provide grants under Subsection (4);
- 7298 (b) promote public awareness of the signs, symptoms, and risks of opioid misuse and
- 7299 overdose;
- 7300 (c) increase the availability of educational materials and other resources designed to
- 7301 assist individuals at increased risk of opioid overdose, their families, and others in a position to
- 7302 help prevent or respond to an overdose event;
- 7303 (d) increase public awareness of, access to, and use of opiate antagonist;
- 7304 (e) update the department's Utah Clinical Guidelines on Prescribing Opioids and
- 7305 promote its use by prescribers and dispensers of opioids;
- 7306 (f) develop a directory of substance misuse treatment programs and promote its
- 7307 dissemination to and use by opioid prescribers, dispensers, and others in a position to assist
- 7308 individuals at increased risk of opioid overdose;
- 7309 (g) coordinate a multi-agency coalition to address opioid misuse and overdose; and
- 7310 (h) maintain department data collection efforts designed to guide the development of
- 7311 opioid overdose interventions and track their effectiveness.
- 7312 (4) No later than September 1, 2016, and with available funding, the department shall

7313 grant funds through the program to persons that are in a position to assist an individual who is
7314 at increased risk of experiencing an opiate-related drug overdose event.

7315 (5) Funds granted by the program:

7316 (a) may be used by a grantee to:

7317 (i) pay for the purchase by the grantee of an opiate antagonist; or

7318 (ii) pay for the grantee's cost of providing training on the proper administration of an
7319 opiate antagonist in response to an opiate-related drug overdose event; and

7320 (b) may not be used:

7321 (i) to pay for costs associated with the storage or dispensing of an opiate antagonist; or

7322 (ii) for any other purposes.

7323 (6) Grantees shall report annually to the department on the use of granted funds in
7324 accordance with department rules made under Subsection (7)(d).

7325 (7) No later than July 1, 2016, the department shall, in accordance with Title 63G,
7326 Chapter 3, Utah Administrative Rulemaking Act, make rules specifying:

7327 (a) how to apply for a grant from the program;

7328 (b) the criteria used by the department to determine whether a grant request is
7329 approved, including criteria providing that:

7330 (i) grants are awarded to areas of the state, including rural areas, that would benefit
7331 most from the grant; and

7332 (ii) no more than 15% of the total amount granted by the program is used to pay for
7333 grantees' costs of providing training on the proper administration of an opiate antagonist in
7334 response to an opiate-related drug overdose event;

7335 (c) the criteria used by the department to determine the amount of a grant;

7336 (d) the information a grantee shall report annually to the department under Subsection
7337 (6), including:

7338 (i) the amount of opiate antagonist purchased and dispensed by the grantee during the
7339 reporting period;

7340 (ii) the number of individuals to whom the opiate antagonist was dispensed by the
7341 grantee;

7342 (iii) the number of lives known to have been saved during the reporting period as a
7343 result of opiate antagonist dispensed by the grantee; and

7344 (iv) the manner in which the grantee shall record, preserve, and make available for
7345 audit by the department the information described in Subsections (7)(d)(i) through (7)(d)(iii);
7346 and

7347 (e) as required by Subsection (1)(a)(i)(G), any other organization that is in a position to
7348 assist an individual who is at increased risk of experiencing an opiate-related drug overdose
7349 event.

7350 Section 147. Section **26B-4-513**, which is renumbered from Section 26-55-108 is
7351 renumbered and amended to read:

7352 ~~[26-55-108]~~. **26B-4-513. Coprescription guidelines.**

7353 (1) As used in this section:

7354 (a) "Controlled substance prescriber" means the same as that term is defined in Section
7355 [58-37-6.5](#).

7356 (b) "Coprescribe" means to issue a prescription for an opiate antagonist with a
7357 prescription for an opiate.

7358 (2) The department shall, in consultation with the Physicians Licensing Board created
7359 in Section [58-67-201](#), the Osteopathic Physician and Surgeon's Licensing Board created in
7360 Section [58-68-201](#), and the Division of Professional Licensing created in Section [58-1-103](#),
7361 establish by rule, made in accordance with Title 63G, Chapter 3, Utah Administrative
7362 Rulemaking Act, scientifically based guidelines for controlled substance prescribers to
7363 coprescribe an opiate antagonist to a patient.

7364 Section 148. Section **26B-4-514**, which is renumbered from Section 26-55-109 is
7365 renumbered and amended to read:

7366 ~~[26-55-109]~~. **26B-4-514. Opiate abuse prevention pamphlet.**

7367 (1) As funding is available, the department shall produce and distribute, in conjunction
7368 with the Division of Substance Abuse and Mental Health, a pamphlet about opiates that
7369 includes information regarding:

7370 (a) the risk of dependency and addiction;

7371 (b) methods for proper storage and disposal;

7372 (c) alternative options for pain management;

7373 (d) the benefits of and ways to obtain naloxone; and

7374 (e) resources if the patient believes that the patient has a substance abuse disorder.

- 7375 (2) The pamphlet described in Subsection (1) shall be:
- 7376 (a) evaluated periodically for effectiveness at conveying necessary information and
- 7377 revised accordingly;
- 7378 (b) written in simple and understandable language; and
- 7379 (c) available in English and other languages that the department determines to be
- 7380 appropriate and necessary.

7381 Section 149. Section **26B-4-601**, which is renumbered from Section 26-67-102 is

7382 renumbered and amended to read:

7383 **Part 6. Adult Autism Treatment Program**

7384 ~~[26-67-102]~~. **26B-4-601. Definitions.**

7385 As used in this ~~[chapter]~~ part:

- 7386 (1) "Adult Autism Treatment Account" means the Adult Autism Treatment Account
- 7387 created in Section ~~[26-67-205]~~ 26B-1-322.
- 7388 (2) "Advisory committee" means the Adult Autism Treatment Program Advisory
- 7389 Committee created in Section ~~[26B-1-204]~~ 26B-1-424.
- 7390 (3) "Applied behavior analysis" means the same as that term is defined in Section
- 7391 31A-22-642.
- 7392 (4) "Autism spectrum disorder" means the same as that term is defined in Section
- 7393 31A-22-642.
- 7394 (5) "Program" means the Adult Autism Treatment Program created in Section
- 7395 ~~[26-67-201]~~ 26B-4-602.
- 7396 (6) "Qualified individual" means an individual who:
- 7397 (a) is at least 22 years old;
- 7398 (b) is a resident of the state;
- 7399 (c) has been diagnosed by a qualified professional as having:
- 7400 (i) an autism spectrum disorder; or
- 7401 (ii) another neurodevelopmental disorder requiring significant supports through
- 7402 treatment using applied behavior analysis; and
- 7403 (d) needs significant supports for a condition described in Subsection (6)(c), as
- 7404 demonstrated by formal assessments of the individual's:
- 7405 (i) cognitive ability;

7406 (ii) adaptive ability;

7407 (iii) behavior; and

7408 (iv) communication ability.

7409 (7) "Qualified provider" means a provider that is qualified under Section ~~[26-67-202]~~

7410 26B-4-603 to provide services for the program.

7411 Section 150. Section **26B-4-602**, which is renumbered from Section 26-67-201 is

7412 renumbered and amended to read:

7413 ~~[26-67-201]~~. **26B-4-602. Adult Autism Treatment Program -- Creation --**

7414 **Requirements -- Reporting.**

7415 (1) There is created within the department the Adult Autism Treatment Program.

7416 (2) (a) The program shall be administered by the department in collaboration with the
7417 advisory committee.

7418 (b) The program shall be funded only with money from the Adult Autism Treatment
7419 Account.

7420 (3) (a) An individual may apply for a grant from the program by submitting to a
7421 qualified provider the information specified by the department under Subsection ~~[26-67-204]~~
7422 26B-4-604(5).

7423 (b) As funding permits, the department shall award a grant from the program on behalf
7424 of an applicant in accordance with criteria established by the department, in collaboration with
7425 the advisory committee, by rule made in accordance with Title 63G, Chapter 3, Utah
7426 Administrative Rulemaking Act.

7427 (c) A grant shall:

7428 (i) be for a specific amount;

7429 (ii) cover a specific period, not to exceed five years; and

7430 (iii) be disbursed incrementally, if appropriate.

7431 (d) The department shall transmit a grant awarded on behalf of an applicant to a
7432 qualified provider designated by the applicant.

7433 (4) A qualified provider that receives a grant for the treatment of a qualified individual
7434 shall:

7435 (a) use the grant only for treatment of the qualified individual;

7436 (b) submit any reports that are required by the department; and

- 7437 (c) notify the department within seven days if:
- 7438 (i) the qualified individual:
- 7439 (A) has not received treatment from the qualified provider for 10 consecutive days;
- 7440 (B) is no longer receiving treatment from the qualified provider; or
- 7441 (C) is no longer a qualified individual; or
- 7442 (ii) the qualified provider is no longer a qualified provider.
- 7443 (5) A qualified provider that receives a grant for the treatment of a qualified individual

7444 shall refund any amount to the department on a prorated basis for each day that:

- 7445 (a) the qualified provider is no longer a qualified provider;
- 7446 (b) the individual is no longer a qualified individual; or
- 7447 (c) the qualified provider does not provide services to a qualified individual.

7448 Section 151. Section **26B-4-603**, which is renumbered from Section 26-67-203 is
7449 renumbered and amended to read:

7450 ~~[26-67-203]~~. **26B-4-603. Provider qualifications.**

7451 The department shall designate a provider as a qualified provider if the provider:

- 7452 (1) is able to treat a qualified individual's condition through:
- 7453 (a) one or more evidence-based treatments, including applied behavior analysis;
- 7454 (b) individualized, client-centered treatment;
- 7455 (c) any method that engages the qualified individual's family members in the treatment
7456 process; and

- 7457 (d) measured development of the qualified individual's pre-vocational, vocational, and
7458 daily-living skills; and

7459 (2) provides treatment to a qualified individual through:

- 7460 (a) a behavior analyst licensed under Title 58, Chapter 61, Part 7, Behavior Analyst
7461 Licensing Act; or
- 7462 (b) a psychologist who is licensed under Title 58, Chapter 61, Psychologist Licensing
7463 Act.

7464 Section 152. Section **26B-4-604**, which is renumbered from Section 26-67-204 is
7465 renumbered and amended to read:

7466 ~~[26-67-204]~~. **26B-4-604. Department rulemaking.**

7467 The department, in collaboration with the advisory committee, shall make rules in

7468 accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, to:

- 7469 (1) specify assessment tools and outcomes that a qualified provider may use to
- 7470 determine the types of supports that a qualified individual needs;
- 7471 (2) define evidence-based treatments that a qualified individual may pay for with grant
- 7472 funding;
- 7473 (3) establish criteria for awarding a grant under this ~~[chapter]~~ part;
- 7474 (4) specify the information that an individual shall submit to demonstrate that the
- 7475 individual is a qualified individual;
- 7476 (5) specify the information a provider shall submit to demonstrate that the provider is a
- 7477 qualified provider; and
- 7478 (6) specify the content and timing of reports required from a qualified provider,
- 7479 including a report on actual and projected treatment outcomes for a qualified individual.

7480 Section 153. Section **26B-4-701**, which is renumbered from Section 26-46a-102 is
7481 renumbered and amended to read:

7482 **Part 7. Health Care Workforce**

7483 ~~[26-46a-102]~~. **26B-4-701. Definitions.**

7484 As used in this ~~[chapter]~~ part:

- 7485 (1) "Accredited clinical education program" means a clinical education program for a
- 7486 health care profession that is accredited by the Accreditation Council on Graduate Medical
- 7487 Education.
- 7488 (2) "Accredited clinical training program" means a clinical training program that is
- 7489 accredited by an entity recognized within medical education circles as an accrediting body for
- 7490 medical education, advanced practice nursing education, physician assistance education, doctor
- 7491 of pharmacy education, dental education, or registered nursing education.
- 7492 (3) "Centers for Medicare and Medicaid Services" means the Centers for Medicare and
- 7493 Medicaid Services within the United States Department of Health and Human Services.
- 7494 (4) "Health care professionals in training" means medical students and residents,
- 7495 advance practice nursing students, physician assistant students, doctor of pharmacy students,
- 7496 dental students, and registered nursing students.
- 7497 (5) "Health sector" means any place of employment where the primary function is the
- 7498 delivery of health care services.

7499 (6) (a) "Health workforce" means the individuals, collectively and by profession, who
 7500 deliver health care services or assist in the delivery of health care services.

7501 (b) "Health workforce" includes any health care professional who does not work in the
 7502 health sector and any non-health care professional who works in the health sector.

7503 ~~[(1)]~~ (7) "Hospital" means a general acute hospital, as defined in [Title 26, Chapter 21,
 7504 Health Care Facility Licensing and Inspection Act.] Section 26B-2-201.

7505 ~~[(2)]~~ (8) "Physician" means a person:

7506 (a) licensed as a physician under Title 58, Chapter 67, Utah Medical Practice Act; or

7507 (b) licensed as a physician under Title 58, Chapter 68, Utah Osteopathic Medical
 7508 Practice Act.

7509 ~~[(3)]~~ (9) "Rural county" means a county with a population of less than 50,000, as
 7510 determined by:

7511 (a) the most recent official census or census estimate of the United States Bureau of the
 7512 Census; or

7513 (b) the most recent population estimate for the county from the Utah Population
 7514 Committee, if a population figure for the county is not available under Subsection (3)(a).

7515 ~~[(4)]~~ (10) "Rural hospital" means a hospital located within a rural county.

7516 (11) "UMEC" means the Utah Medical Education Council created in Section 26B-4-
 7517 706.

7518 Section 154. Section **26B-4-702**, which is renumbered from Section 26-46-102 is
 7519 renumbered and amended to read:

7520 ~~[26-46-102].~~ **26B-4-702. Creation of Utah Health Care Workforce**

7521 **Financial Assistance Program -- Duties of department.**

7522 (1) As used in this section:

7523 (a) "Eligible professional" means a geriatric professional or a health care professional
 7524 who is eligible to participate in the program.

7525 (b) "Geriatric professional" means a person who:

7526 (i) is a licensed:

7527 (A) health care professional;

7528 (B) social worker;

7529 (C) occupational therapist;

7530 (D) pharmacist;
7531 (E) physical therapist; or
7532 (F) psychologist; and
7533 (ii) is determined by the department to have adequate advanced training in geriatrics to
7534 prepare the person to provide specialized geriatric care within the scope of the person's
7535 profession.

7536 (b) "Health care professional" means:
7537 (i) a licensed:
7538 (A) physician;
7539 (B) physician assistant;
7540 (C) nurse;
7541 (D) dentist; or
7542 (E) mental health therapist; or
7543 (ii) another licensed health care professional designated by the department by rule.

7544 (d) "Program" means the Utah Health Care Workforce Financial Assistance Program
7545 created in this section.

7546 (e) "Underserved area" means an area designated by the department as underserved by
7547 health care professionals, based upon the results of a needs assessment developed by the
7548 department in consultation with the Utah Health Care Workforce Financial Assistance Program
7549 Advisory Committee created under Section [26B-1-419](#).

7550 ~~[(1)]~~ (2) There is created within the department the Utah Health Care Workforce
7551 Financial Assistance Program to provide, within funding appropriated by the Legislature for the
7552 following purposes:

- 7553 (a) professional education scholarships and loan repayment assistance to health care
7554 professionals who locate or continue to practice in underserved areas; and
- 7555 (b) loan repayment assistance to geriatric professionals who locate or continue to
7556 practice in underserved areas.

7557 ~~[(2)]~~ (3) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking
7558 Act, the department shall make rules governing the administration of the program, including
7559 rules that address:

- 7560 (a) application procedures;

7561 (b) eligibility criteria;
7562 (c) selection criteria;
7563 (d) service conditions, which at a minimum shall include professional service in an
7564 underserved area for a minimum period of time by any person receiving a scholarship or loan
7565 repayment assistance;

7566 (e) penalties for failure to comply with service conditions or other terms of a
7567 scholarship or loan repayment contract;

7568 (f) criteria for modifying or waiving service conditions or penalties in case of extreme
7569 hardship or other good cause; and

7570 (g) administration of contracts entered into before the effective date of this act,
7571 between the department and scholarship or loan repayment recipients, as authorized by law.

7572 ~~[(3)]~~ (4) The department may provide education loan repayment assistance to an
7573 eligible professional if the eligible professional:

7574 (a) agrees to practice in an underserved area for the duration of the eligible
7575 professional's participation in the program; and

7576 (b) submits a written commitment from the health care facility employing the eligible
7577 professional that the health care facility will provide education loan repayment assistance to the
7578 eligible professional in an amount equal to 20% of the total award amount provided to the
7579 eligible professional.

7580 ~~[(4)]~~ (5) The department shall seek and consider the recommendations of the Utah
7581 Health Care Workforce Financial Assistance Program Advisory Committee created under
7582 Section ~~[26-46-103]~~ [26B-1-419](#) as it develops and modifies rules to administer the program.

7583 ~~[(5)]~~ (6) Funding for the program:

7584 (a) shall be a line item within the appropriations act;

7585 (b) shall be nonlapsing unless designated otherwise by the Legislature; and

7586 (c) may be used to cover administrative costs of the program, including reimbursement
7587 expenses of the Utah Health Care Workforce Financial Assistance Program Advisory
7588 Committee created under Section ~~[26-46-103]~~ [26B-1-419](#).

7589 ~~[(6)]~~ (7) Refunds for loan repayment assistance, penalties for breach of contract, and
7590 other payments to the program are dedicated credits to the program.

7591 ~~[(7)]~~ (8) The department shall prepare an annual report on the revenues, expenditures,

7592 and outcomes of the program.

7593 Section 155. Section **26B-4-703**, which is renumbered from Section 26-46a-103 is
7594 renumbered and amended to read:

7595 ~~[26-46a-103]~~. **26B-4-703. Rural Physician Loan Repayment Program --**
7596 **Purpose -- Repayment limit -- Funding -- Reporting -- Rulemaking -- Advisory**
7597 **committee.**

7598 (1) There is created within the department the Rural Physician Loan Repayment
7599 Program to provide, within funding appropriated by the Legislature for this purpose, education
7600 loan repayment assistance to physicians in accordance with Subsection (2).

7601 (2) The department may enter into an education loan repayment assistance contract
7602 with a physician if:

7603 (a) the physician:

7604 (i) locates or continues to practice in a rural county; and

7605 (ii) has a written commitment from a rural hospital that the hospital will provide
7606 education loan repayment assistance to the physician;

7607 (b) the assistance provided by the program does not exceed the assistance provided by
7608 the rural hospital; and

7609 (c) the physician is otherwise eligible for assistance under administrative rules adopted
7610 under Subsection (6).

7611 (3) Funding for the program:

7612 (a) shall be a line item within an appropriations act;

7613 (b) may be used to pay for the per diem and travel expenses of the Rural Physician
7614 Loan Repayment Program Advisory Committee under Subsection ~~[26-46a-104]~~ [26B-1-423\(5\)](#);
7615 and

7616 (c) may be used to pay for department expenses incurred in the administration of the
7617 program:

7618 (i) including administrative support provided to the Rural Physician Loan Repayment
7619 Program Advisory Committee created under Subsection ~~[26-46a-104]~~ [26B-1-423\(7\)](#); and

7620 (ii) in an amount not exceeding 10% of funding for the program.

7621 (4) Refunds of loan repayment assistance, penalties for breach of contract, and other
7622 payments to the program are dedicated credits to the program.

7623 (5) The department shall prepare an annual report of the program's revenues,
7624 expenditures, and outcomes.

7625 (6) (a) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,
7626 the department shall make rules governing the administration of the program, including rules
7627 that address:

7628 (i) application procedures;

7629 (ii) eligibility criteria;

7630 (iii) verification of the amount provided by a rural hospital to a physician for
7631 repayment of the physician's education loans;

7632 (iv) service conditions, which at a minimum shall include professional service by the
7633 physician in the rural hospital providing loan repayment assistance to the physician;

7634 (v) selection criteria and assistance amounts;

7635 (vi) penalties for failure to comply with service conditions or other terms of a loan
7636 repayment assistance contract; and

7637 (vii) criteria for modifying or waiving service conditions or penalties in the case of
7638 extreme hardship or for other good cause.

7639 (b) The department shall seek and consider the recommendations of the Rural
7640 Physician Loan Repayment Program Advisory Committee created [~~under Section 26-46a-104~~]
7641 in Section 26B-1-423 as it develops and modifies rules to administer the program.

7642 Section 156. Section **26B-4-704**, which is renumbered from Section 26-60-103 is
7643 renumbered and amended to read:

7644 ~~[26-60-103]~~. **26B-4-704. Scope of telehealth practice -- Enforcement.**

7645 (1) As used in this section:

7646 (a) "Asynchronous store and forward transfer" means the transmission of a patient's
7647 health care information from an originating site to a provider at a distant site.

7648 (b) "Distant site" means the physical location of a provider delivering telemedicine
7649 services.

7650 (c) "Originating site" means the physical location of a patient receiving telemedicine
7651 services.

7652 (d) "Patient" means an individual seeking telemedicine services.

7653 (e) (i) "Patient-generated medical history" means medical data about a patient that the

7654 patient creates, records, or gathers.

7655 (ii) "Patient-generated medical history" does not include a patient's medical record that
7656 a healthcare professional creates and the patient personally delivers to a different healthcare
7657 professional.

7658 (f) "Provider" means an individual who is:

7659 (i) licensed under Chapter 2, Part 2, Health Care Facility Licensing and Inspection;

7660 (ii) licensed under Title 58, Occupations and Professions, to provide health care; or

7661 (iii) licensed under Chapter 2, Part 1, Human Services Programs and Facilities.

7662 (g) "Synchronous interaction" means real-time communication through interactive
7663 technology that enables a provider at a distant site and a patient at an originating site to interact
7664 simultaneously through two-way audio and video transmission.

7665 (h) "Telehealth services" means the transmission of health-related services or
7666 information through the use of electronic communication or information technology.

7667 (i) "Telemedicine services" means telehealth services:

7668 (i) including:

7669 (A) clinical care;

7670 (B) health education;

7671 (C) health administration;

7672 (D) home health;

7673 (E) facilitation of self-managed care and caregiver support; or

7674 (F) remote patient monitoring occurring incidentally to general supervision; and

7675 (ii) provided by a provider to a patient through a method of communication that:

7676 (A) uses asynchronous store and forward transfer or synchronous interaction; and

7677 (B) meets industry security and privacy standards, including compliance with the

7678 federal Health Insurance Portability and Accountability Act of 1996, Pub. L. No. 104-191, 110

7679 Stat. 1936, as amended, and the federal Health Information Technology for Economic and

7680 Clinical Health Act, Pub. L. No. 111-5, 123 Stat. 226, 467, as amended.

7681 [(+)] (2) A provider offering telehealth services shall:

7682 (a) at all times:

7683 (i) act within the scope of the provider's license under Title 58, Occupations and

7684 Professions, in accordance with the provisions of this chapter and all other applicable laws and

7685 rules; and

7686 (ii) be held to the same standards of practice as those applicable in traditional health
7687 care settings;

7688 (b) if the provider does not already have a provider-patient relationship with the
7689 patient, establish a provider-patient relationship during the patient encounter in a manner
7690 consistent with the standards of practice, determined by the Division of Professional Licensing
7691 in rule made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,
7692 including providing the provider's licensure and credentials to the patient;

7693 (c) before providing treatment or prescribing a prescription drug, establish a diagnosis
7694 and identify underlying conditions and contraindications to a recommended treatment after:

7695 (i) obtaining from the patient or another provider the patient's relevant clinical history;
7696 and

7697 (ii) documenting the patient's relevant clinical history and current symptoms;

7698 (d) be available to a patient who receives telehealth services from the provider for
7699 subsequent care related to the initial telemedicine services, in accordance with community
7700 standards of practice;

7701 (e) be familiar with available medical resources, including emergency resources near
7702 the originating site, in order to make appropriate patient referrals when medically indicated;

7703 (f) in accordance with any applicable state and federal laws, rules, and regulations,
7704 generate, maintain, and make available to each patient receiving telehealth services the patient's
7705 medical records; and

7706 (g) if the patient has a designated health care provider who is not the telemedicine
7707 provider:

7708 (i) consult with the patient regarding whether to provide the patient's designated health
7709 care provider a medical record or other report containing an explanation of the treatment
7710 provided to the patient and the telemedicine provider's evaluation, analysis, or diagnosis of the
7711 patient's condition;

7712 (ii) collect from the patient the contact information of the patient's designated health
7713 care provider; and

7714 (iii) within two weeks after the day on which the telemedicine provider provides
7715 services to the patient, and to the extent allowed under HIPAA as that term is defined in

7716 Section ~~[26-18-17]~~ [26B-3-126](#), provide the medical record or report to the patient's designated
7717 health care provider, unless the patient indicates that the patient does not want the telemedicine
7718 provider to send the medical record or report to the patient's designated health care provider.

7719 ~~[(2)]~~ (3) Subsection ~~[(1)]~~ (2)(g) does not apply to prescriptions for eyeglasses or
7720 contacts.

7721 ~~[(3)]~~ (4) Except as specifically provided in Title 58, Chapter 83, Online Prescribing,
7722 Dispensing, and Facilitation Licensing Act, and unless a provider has established a
7723 provider-patient relationship with a patient, a provider offering telemedicine services may not
7724 diagnose a patient, provide treatment, or prescribe a prescription drug based solely on one of
7725 the following:

- 7726 (a) an online questionnaire;
- 7727 (b) an email message; or
- 7728 (c) a patient-generated medical history.

7729 ~~[(4)]~~ (5) A provider may not offer telehealth services if:

7730 (a) the provider is not in compliance with applicable laws, rules, and regulations
7731 regarding the provider's licensed practice; or

7732 (b) the provider's license under Title 58, Occupations and Professions, is not active and
7733 in good standing.

7734 (6) (a) The Division of Professional Licensing created in Section [58-1-103](#) is
7735 authorized to enforce the provisions of this section as it relates to providers licensed under Title
7736 58, Occupations and Professions.

7737 (b) The department is authorized to enforce the provisions of:

7738 (i) this section as it relates to providers licensed under this title; and

7739 (ii) this section as it relates to providers licensed under Chapter 2, Part 1, Human
7740 Services Programs and Facilities.

7741 Section 157. Section **26B-4-705**, which is renumbered from Section 26-69-301 is
7742 renumbered and amended to read:

7743 ~~[26-69-301]~~. **26B-4-705. Utah Health Workforce Information Center.**

7744 (1) As used in this section:

7745 (a) "Council" means the Utah Health Workforce Advisory Council created in Section
7746 [26B-1-425](#).

7747 (b) "Health sector" means any place of employment where the primary function is the
 7748 delivery of health care services.

7749 (c) (i) "Health workforce" means the individuals, collectively and by profession, who
 7750 deliver health care services or assist in the delivery of health care services.

7751 (ii) "Health workforce" includes any health care professional who does not work in the
 7752 health sector and any non-health care professional who works in the health sector.

7753 [~~1~~] (2) There is created within the department the Utah Health Workforce
 7754 Information Center.

7755 [~~2~~] (3) The information center shall:

7756 (a) under the guidance of the council, work with the Department of Commerce to
 7757 collect data described in Section [58-1-112](#);

7758 (b) analyze data from any available source regarding Utah's health workforce including
 7759 data collected by the Department of Commerce under Section [58-1-112](#);

7760 (c) send a report to the council regarding any analysis of health workforce data;

7761 (d) conduct research on Utah's health workforce as directed by the council;

7762 (e) notwithstanding the provisions of Subsection [35A-4-312](#)(3), receive information
 7763 obtained by the Department of Workforce Services under the provisions of Section [35A-4-312](#)
 7764 for purposes consistent with the information center's duties, including identifying changes in
 7765 Utah's health workforce numbers, types, and geographic distribution;

7766 (f) project the demand for individuals to enter health care professions, including the
 7767 nursing profession in accordance with Section [53B-26-202](#);

7768 (g) subject to Section [~~26-3-7~~] [26B-8-406](#), share data with any appropriate person as
 7769 determined by the information center; and

7770 (h) conduct research and provide analysis for any state agency as approved by the
 7771 executive director or the executive director's designee.

7772 [~~3~~] (4) Notwithstanding any other provision of state law, the information center is
 7773 authorized to obtain data from any state agency if:

7774 (a) the council and the information center deem receiving the data necessary to perform
 7775 a duty listed under Subsection [~~26-69-202~~](1) [~~2~~] (3) or [~~26-69-202~~](1) [26B-1-425](#)(7); and

7776 (b) the information center's access to the data will not:

7777 (i) violate any federal statute or federal regulation; or

7778 (ii) violate a condition a state agency must follow:

7779 (A) to participate in a federal program; or

7780 (B) to receive federal funds.

7781 Section 158. Section **26B-4-706**, which is renumbered from Section 26-69-402 is

7782 renumbered and amended to read:

7783 ~~[26-69-402]~~. **26B-4-706. Utah Medical Education Council.**

7784 (1) (a) There is created the Utah Medical Education Council, which is a subcommittee
7785 of the Utah Health Workforce Advisory Council.

7786 (b) The membership of UMEC shall consist of the following appointed by the
7787 governor:

7788 (i) the dean of the school of medicine at the University of Utah;

7789 (ii) an individual who represents graduate medical education at the University of Utah;

7790 (iii) an individual from each institution, other than the University of Utah, that

7791 sponsors an accredited clinical education program;

7792 (iv) an individual from the health care insurance industry; and

7793 (v) (A) three members of the general public who are not employed by or affiliated with
7794 any institution that offers, sponsors, or finances health care or medical education; and

7795 (B) if the number of individuals appointed under Subsection (1)(b)(iii) is more than

7796 two, the governor may appoint an additional member of the public under this Subsection

7797 (1)(b)(v) for each individual the governor appoints under Subsection (1)(b)(iii) beyond two.

7798 (2) Except as provided in Subsections (1)(b)(i) and (ii), no two council members may
7799 be employed by or affiliated with the same:

7800 (a) institution of higher education;

7801 (b) state agency outside of higher education; or

7802 (c) private entity.

7803 (3) The dean of the school of medicine at the University of Utah:

7804 (a) shall chair UMEC;

7805 (b) may not be counted in determining the existence of a quorum; and

7806 (c) may only cast a vote on a matter before the council if the vote of the other council
7807 members results in a tied vote.

7808 (4) UMEC shall annually elect a vice chair from UMEC's members.

7809 (5) (a) Consistent with Subsection (6)(b), a majority of the members constitute a
7810 quorum.

7811 (b) The action of a majority of a quorum is the action of UMEC.

7812 (6) (a) Except as provided in Subsection (6)(b), members are appointed to four-year
7813 terms of office.

7814 (b) Notwithstanding Subsection (6)(a), the governor shall, at the time of the initial
7815 appointment, adjust the length of terms to ensure that the terms of council members are
7816 staggered so that approximately half of the members are appointed every two years.

7817 (c) If a vacancy occurs in the membership for any reason, the replacement shall be
7818 appointed by the governor for the unexpired term in the same manner as the original
7819 appointment was made.

7820 (7) A member may not receive compensation or benefits for the member's service, but
7821 may receive per diem and travel expenses in accordance with:

7822 (a) Section [63A-3-106](#);

7823 (b) Section [63A-3-107](#); and

7824 (c) rules made by the Division of Finance pursuant to Sections [63A-3-106](#) and
7825 [63A-3-107](#).

7826 (8) The council shall provide staff for UMEC.

7827 Section 159. Section **26B-4-707**, which is renumbered from Section 26-69-403 is
7828 renumbered and amended to read:

7829 ~~[26-69-403]~~. **26B-4-707. Medical Education Program.**

7830 (1) There is created a Medical Education Program to be administered by UMEC in
7831 cooperation with the Division of Finance.

7832 (2) The program shall be funded from money received for graduate medical education
7833 from:

7834 (a) the federal Centers for Medicare and Medicaid Services or other federal agency;

7835 (b) state appropriations; and

7836 (c) donation or private contributions.

7837 (3) All funding for this program shall be nonlapsing.

7838 (4) Program money may only be expended if:

7839 (a) approved by UMEC; and

7840 (b) used for graduate medical education in accordance with Subsection [~~26-69-404~~]
7841 [26B-4-708](#)(4).

7842 Section 160. Section **26B-4-708**, which is renumbered from Section 26-69-404 is
7843 renumbered and amended to read:

7844 [~~26-69-404~~]. **26B-4-708. Duties of UMEC.**

7845 UMEC shall:

7846 (1) seek private and public contributions for the program;

7847 (2) determine the method for reimbursing institutions that sponsor health care

7848 professionals in training;

7849 (3) determine the number and type of positions for health care professionals in training

7850 for which program money may be used;

7851 (4) distribute program money for graduate medical education in a manner that:

7852 (a) prepares postgraduate medical residents, as defined by the accreditation council on
7853 graduate medical education, for inpatient, outpatient, hospital, community, and geographically
7854 diverse settings;

7855 (b) encourages the coordination of interdisciplinary clinical training among health care
7856 professionals in training;

7857 (c) promotes stable funding for the clinical training of health care professionals in
7858 training; and

7859 (d) only funds accredited clinical training programs; and

7860 (5) advise on the implementation of the program.

7861 Section 161. Section **26B-4-709**, which is renumbered from Section 26-69-405 is
7862 renumbered and amended to read:

7863 [~~26-69-405~~]. **26B-4-709. Powers of UMEC.**

7864 The UMEC may:

7865 (1) appoint advisory committees of broad representation on interdisciplinary clinical
7866 education, workforce mix planning and projections, funding mechanisms, and other topics as is
7867 necessary;

7868 (2) use federal money for necessary administrative expenses to carry out UMEC's
7869 duties and powers as permitted by federal law;

7870 (3) distribute program money in accordance with Subsection [~~26-69-404~~] [26B-4-](#)

708(4); and

7872 (4) as is necessary to carry out UMEC's duties under Section [~~26-69-404~~] [26B-4-708](#),
7873 adopt rules in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

7874 Section 162. Section **26B-4-710**, which is renumbered from Section 26-69-406 is
7875 renumbered and amended to read:

7876 ~~[26-69-406]~~. **26B-4-710. Rural residency training program.**

7877 (1) As used in this section:

7878 (a) "Physician" means:

7879 (i) an individual licensed to practice medicine under Title 58, Chapter 67, Utah Medical
7880 Practice Act or Title 58, Chapter 68, Utah Osteopathic Medical Practice Act; and

7881 (ii) an individual licensed to practice dentistry under Title 58, Chapter 69, Dentist and
7882 Dental Hygienist Practice Act.

7883 (b) "Rural residency training program" means an accredited clinical training program
7884 that places a physician into a rural county for a part or all of the physician's clinical training.

7885 (2) Subject to appropriations from the Legislature, UMEC shall establish a pilot
7886 program to place physicians into rural residency training programs.

7887 Section 163. Section **26B-4-711**, which is renumbered from Section 26-69-407 is
7888 renumbered and amended to read:

7889 ~~[26-69-407]~~. **26B-4-711. Residency grant program.**

7890 (1) As used in this section:

7891 (a) "D.O. program" means an osteopathic medical program that prepares a graduate to
7892 obtain licensure as a doctor of osteopathic medicine upon completing a state's licensing
7893 requirements.

7894 (b) "M.D. program" means a medical education program that prepares a graduate to
7895 obtain licensure as a doctor of medicine upon completing a state's licensing requirements.

7896 (c) "Residency program" means a program that provides training for graduates of a
7897 D.O. program or an M.D. program.

7898 (2) UMEC shall develop a grant program where a sponsoring institution in Utah may
7899 apply for a grant to establish a new residency program or expand a current residency program.

7900 (3) An applicant for a grant shall:

7901 (a) provide the proposed specialty area for each grant funded residency position;

- 7902 (b) identify where the grant funded residency position will provide care;
- 7903 (c) (i) provide proof that the residency program is accredited by the Accreditation
- 7904 Council for Graduate Medical Education; or
- 7905 (ii) identify what actions need to occur for the proposed residency program to become
- 7906 accredited by the Accreditation Council for Graduate Medical Education;
- 7907 (d) identify how a grant funded residency position will be funded once the residency
- 7908 program exhausts the grant money;
- 7909 (e) agree to implement selection processes for a residency position that treat applicants
- 7910 from D.O. programs and applicants from M.D. programs equally;
- 7911 (f) agree to provide information identified by UMEC that relates to post-residency
- 7912 employment outcomes for individuals who work in grant funded residency positions; and
- 7913 (g) provide any other information related to the grant application UMEC deems
- 7914 necessary.
- 7915 (4) UMEC shall prioritize awarding grants to new or existing residency programs that
- 7916 will:
 - 7917 (a) address a workforce shortage, occurring in Utah, for a specialty; or
 - 7918 (b) serve an underserved population, including a rural population.
- 7919 (5) Before November 1, 2023, and each November 1 thereafter, UMEC shall provide a
- 7920 written report to the Higher Education Appropriations Subcommittee describing:
 - 7921 (a) which sponsoring institutions received a grant;
 - 7922 (b) the number of residency positions created; and
 - 7923 (c) for each residency position created:
 - 7924 (i) the type of specialty;
 - 7925 (ii) where the residency position provides care; and
 - 7926 (iii) an estimated date of when a grant funded residency position will no longer need
 - 7927 grant funding.

7928 Section 164. Section **26B-4-712**, which is renumbered from Section 26-69-408 is

7929 renumbered and amended to read:

7930 ~~[26-69-408]~~. **26B-4-712. Forensic psychiatrist fellowship grant.**

7931 (1) As used in this section, "forensic psychiatry" means the provision of services by an

7932 individual who:

7933 (a) is a licensed physician;
7934 (b) is board certified for a psychiatry specialization recognized by the American Board
7935 of Medical Specialists or the American Osteopathic Association's Bureau of Osteopathic
7936 Specialists; and
7937 (c) uses scientific and clinical expertise in legal contexts involving the mental health of
7938 individuals.

7939 (2) UMEC shall establish a grant program that will facilitate the creation of a single
7940 forensic psychiatrist fellowship program.

7941 (3) An applicant for the grant shall:

7942 (a) demonstrate how the applicant is best suited for developing a forensic psychiatry
7943 fellowship program, including:

7944 (i) a description of resources that would be available to the program; and

7945 (ii) any resources or staff that need to be acquired for the program;

7946 (b) identify what needs to occur for the proposed residency program to become
7947 accredited by the Accreditation Council for Graduate Medical Education;

7948 (c) provide an estimate of how many individuals would be trained in the program at
7949 any one time;

7950 (d) provide any information related to the grant application UMEC deems necessary for
7951 awarding the grant; and

7952 (e) if awarded the grant, agree to:

7953 (i) enter into a contract with the Department of Corrections that the applicant will
7954 provide for the provision of forensic psychiatry services to an individual:

7955 (A) who needs psychiatric services; and

7956 (B) is under the Department of Corrections' jurisdiction;

7957 (ii) ensure that any individual hired to provide forensic psychiatry services will comply
7958 with all relevant:

7959 (A) national licensing requirements; and

7960 (B) state licensing requirements under Title 58, Occupations and Professions.

7961 Section 165. Section **26B-4-801**, which is renumbered from Section 26-49-102 is
7962 renumbered and amended to read:

7963 **Part 8. Uniform Emergency Volunteer Health Practitioners Act**

7964 ~~[26-49-102]~~. 26B-4-801. Definitions.

7965 As used in this [chapter] part:

7966 (1) "Disaster relief organization" means an entity that:

7967 (a) provides emergency or disaster relief services that include health or veterinary
7968 services provided by volunteer health practitioners;

7969 (b) is designated or recognized as a provider of the services described in Subsection
7970 (1)(a) under a disaster response and recovery plan adopted by:

7971 (i) an agency of the federal government;

7972 (ii) the department; or

7973 (iii) a local health department; and

7974 (c) regularly plans and conducts its activities in coordination with:

7975 (i) an agency of the federal government;

7976 (ii) the department; or

7977 (iii) a local health department.

7978 (2) "Emergency" means:

7979 (a) a state of emergency declared by:

7980 (i) the president of the United States;

7981 (ii) the governor in accordance with Title 53, Chapter 2a, Part 2, Disaster Response and
7982 Recovery Act; and

7983 (iii) the chief executive officer of a political subdivision in accordance with Title 53,
7984 Chapter 2a, Part 2, Disaster Response and Recovery Act, for a local emergency; or

7985 (b) a public health emergency declared by:

7986 (i) the executive director through a public health order in accordance with Title 26,
7987 Utah Health Code; or

7988 (ii) a local health department for a location under the local health department's
7989 jurisdiction.

7990 (3) "Emergency Management Assistance Compact" means the interstate compact
7991 approved by Congress by Public [Law] L. No. 104-321, 110 Stat. 3877 and adopted by Utah in
7992 Title 53, Chapter 2a, Part 4, Emergency Management Assistance Compact.

7993 (4) "Entity" means a person other than an individual.

7994 (5) "Health facility" means an entity licensed under the laws of this or another state to

7995 provide health or veterinary services.

7996 (6) "Health practitioner" means an individual licensed under Utah law or another state
7997 to provide health or veterinary services.

7998 (7) "Health services" means the provision of treatment, care, advice, guidance, other
7999 services, or supplies related to the health or death of individuals or human populations, to the
8000 extent necessary to respond to an emergency, including:

8001 (a) the following, concerning the physical or mental condition or functional status of an
8002 individual or affecting the structure or function of the body:

8003 (i) preventive, diagnostic, therapeutic, rehabilitative, maintenance, or palliative care; or

8004 (ii) counseling, assessment, procedures, or other services;

8005 (b) selling or dispensing a drug, a device, equipment, or another item to an individual
8006 in accordance with a prescription; and

8007 (c) funeral, cremation, cemetery, or other mortuary services.

8008 (8) "Host entity":

8009 (a) means an entity operating in Utah that:

8010 (i) uses volunteer health practitioners to respond to an emergency; and

8011 (ii) is responsible during an emergency, for actually delivering health services to
8012 individuals or human populations, or veterinary services to animals or animal populations; and

8013 (b) may include disaster relief organizations, hospitals, clinics, emergency shelters,
8014 health care provider offices, or any other place where volunteer health practitioners may
8015 provide health or veterinary services.

8016 (9) (a) "License" means authorization by a state to engage in health or veterinary
8017 services that are unlawful without authorization.

8018 (b) "License" includes authorization under this title to an individual to provide health
8019 or veterinary services based upon a national or state certification issued by a public or private
8020 entity.

8021 (10) "Local emergency" means the same as that term is defined in Section [53-2a-203](#).

8022 (11) "Local health department" means the same as that term is defined in Section
8023 [26A-1-102](#).

8024 (12) "Public health emergency" means the same as that term is defined in Section
8025 [\[26-23b-102\]](#) [26B-7-301](#).

8026 (13) "Scope of practice" means the extent of the authorization to provide health or
8027 veterinary services granted to a health practitioner by a license issued to the practitioner in the
8028 state in which the principal part of the practitioner's services are rendered, including any
8029 conditions imposed by the licensing authority.

8030 (14) "State" means:

8031 (a) a state of the United States;

8032 (b) the District of Columbia;

8033 (c) Puerto Rico;

8034 (d) the United States Virgin Islands; or

8035 (e) any territory or insular possession subject to the jurisdiction of the United States.

8036 (15) "Veterinary services" shall have the meaning provided for in Subsection
8037 [58-28-102\(11\)](#).

8038 (16) (a) "Volunteer health practitioner" means a health practitioner who provides health
8039 or veterinary services, whether or not the practitioner receives compensation for those services.

8040 (b) "Volunteer health practitioner" does not include a practitioner who receives
8041 compensation under a preexisting employment relationship with a host entity or affiliate that
8042 requires the practitioner to provide health services in Utah, unless the practitioner is:

8043 (i) not a Utah resident; and

8044 (ii) employed by a disaster relief organization providing services in Utah during an
8045 emergency.

8046 Section 166. Section **26B-4-802**, which is renumbered from Section 26-49-103 is
8047 renumbered and amended to read:

8048 ~~[26-49-103]~~. **26B-4-802. Applicability to volunteer health practitioners.**

8049 This ~~[chapter]~~ part applies to volunteer health practitioners who:

8050 (1) are registered with a registration system that complies with Section ~~[26-49-202]~~
8051 [26B-4-804](#); and

8052 (2) provide health or veterinary services in Utah for a host entity during an emergency.

8053 Section 167. Section **26B-4-803**, which is renumbered from Section 26-49-201 is
8054 renumbered and amended to read:

8055 ~~[26-49-201]~~. **26B-4-803. Regulation of services during emergency.**

8056 (1) During an emergency, the ~~[Department of Health]~~ department or a local health

8057 department may limit, restrict, or otherwise regulate:

- 8058 (a) the duration of practice by volunteer health practitioners;
- 8059 (b) the geographical areas in which volunteer health practitioners may practice;
- 8060 (c) the types of volunteer health practitioners who may practice; and
- 8061 (d) any other matters necessary to coordinate effectively the provision of health or
- 8062 veterinary services during the emergency.

8063 (2) An order issued under Subsection (1) takes effect immediately, without prior notice
 8064 or comment, and is not a rule within the meaning of Title 63G, Chapter 3, Utah Administrative
 8065 Rulemaking Act, or an adjudication within the meaning of Title 63G, Chapter 4,
 8066 Administrative Procedures Act.

8067 (3) A host entity that uses volunteer health practitioners to provide health or veterinary
 8068 services in Utah shall:

8069 (a) to the extent practicable and in order to provide for the efficient and effective use of
 8070 volunteer health practitioners, consult and coordinate its activities with:

- 8071 (i) the ~~[Department of Health]~~ department;
- 8072 (ii) local health departments; or
- 8073 (iii) the Department of Agriculture and Food; ~~[or]~~ and
- 8074 ~~[(iv) the Department of Human Services; and]~~

8075 (b) comply with all state and federal laws relating to the management of emergency
 8076 health or veterinary services.

8077 Section 168. Section ~~26B-4-804~~, which is renumbered from Section 26-49-202 is
 8078 renumbered and amended to read:

8079 ~~[26-49-202]~~. 26B-4-804. Volunteer health practitioner registration
 8080 systems.

8081 (1) To qualify as a volunteer health practitioner registration system, the registration
 8082 system shall:

- 8083 (a) accept applications for the registration of volunteer health practitioners before or
- 8084 during an emergency;
- 8085 (b) include information about the licensure and good standing of health practitioners
- 8086 that is accessible by authorized persons;
- 8087 (c) be capable of confirming the accuracy of information concerning whether a health

8088 practitioner is licensed and in good standing before health services or veterinary services are
8089 provided under this chapter; and

8090 (d) meet one of the following conditions:

8091 (i) be an emergency system for advance registration of volunteer health practitioners
8092 established by a state and funded through the United States Department of Health and Human
8093 Services under Section 319I of the Public Health Services Act, 42 U.S.C. Sec. 247d-7b, as
8094 amended;

8095 (ii) be a local unit consisting of trained and equipped emergency response, public
8096 health, and medical personnel formed under Section 2801 of the Public Health Services Act, 42
8097 U.S.C. Sec. 300hh as amended;

8098 (iii) be operated by a:

8099 (A) disaster relief organization;

8100 (B) licensing board;

8101 (C) national or regional association of licensing boards or health practitioners;

8102 (D) health facility that provides comprehensive inpatient and outpatient healthcare
8103 services, including tertiary care; or

8104 (E) governmental entity; or

8105 (iv) be designated by the [~~Department of Health~~] department as a registration system
8106 for purposes of this chapter.

8107 (2) (a) Subject to Subsection (2)(b), during an emergency, the [~~Department of Health~~]
8108 department, a person authorized to act on behalf of the [~~Department of Health~~] department, or a
8109 host entity shall confirm whether a volunteer health practitioner in Utah is registered with a
8110 registration system that complies with Subsection (1).

8111 (b) The confirmation authorized under this Subsection (2) is limited to obtaining the
8112 identity of the practitioner from the system and determining whether the system indicates that
8113 the practitioner is licensed and in good standing.

8114 (3) Upon request of a person authorized under Subsection (2), or a similarly authorized
8115 person in another state, a registration system located in Utah shall notify the person of the
8116 identity of a volunteer health practitioner and whether or not the volunteer health practitioner is
8117 licensed and in good standing.

8118 (4) A host entity is not required to use the services of a volunteer health practitioner

8119 even if the volunteer health practitioner is registered with a registration system that indicates
8120 that the practitioner is licensed and in good standing.

8121 Section 169. Section **26B-4-805**, which is renumbered from Section 26-49-203 is
8122 renumbered and amended to read:

8123 ~~[26-49-203]~~. **26B-4-805**. **Recognition of volunteer health practitioners**
8124 **licensed in other states.**

8125 (1) During an emergency, a volunteer health practitioner registered with a registration
8126 system that complies with Section [~~26-49-202~~] 26B-4-804 and licensed and in good standing in
8127 the state upon which the practitioner's registration is based:

8128 (a) may practice in Utah to the extent authorized by this chapter as if the practitioner
8129 were licensed in Utah; and

8130 (b) is exempt from:

8131 (i) licensure in Utah; or

8132 (ii) operating under modified scope of practice provisions in accordance with
8133 Subsections 58-1-307(4) and (5).

8134 (2) A volunteer health practitioner qualified under Subsection (1) is not entitled to the
8135 protections of this chapter if the practitioner is licensed in more than one state and any license
8136 of the practitioner:

8137 (a) is suspended, revoked, or subject to an agency order limiting or restricting practice
8138 privileges; or

8139 (b) has been voluntarily terminated under threat of sanction.

8140 Section 170. Section **26B-4-806**, which is renumbered from Section 26-49-204 is
8141 renumbered and amended to read:

8142 ~~[26-49-204]~~. **26B-4-806**. **No effect on credentialing and privileging.**

8143 (1) For purposes of this section:

8144 (a) "Credentialing" means obtaining, verifying, and assessing the qualifications of a
8145 health practitioner to provide treatment, care, or services.

8146 (b) "Privileging" means the authorizing by an appropriate authority of a health
8147 practitioner to provide specific treatment, care, or services at a health facility subject to limits
8148 based on factors that include license, education, training, experience, competence, health status,
8149 and specialized skill.

8150 (2) This [~~chapter~~] part does not affect credentialing or privileging standards of a health
8151 facility, and does not preclude a health facility from waiving or modifying those standards
8152 during an emergency.

8153 Section 171. Section **26B-4-807**, which is renumbered from Section 26-49-205 is
8154 renumbered and amended to read:

8155 ~~[26-49-205]~~. **26B-4-807. Provision of volunteer health or veterinary**
8156 **services -- Administrative sanctions -- Authority of Division of Professional Licensing.**

8157 (1) Subject to Subsections (2) and (3), a volunteer health practitioner shall comply with
8158 the scope of practice for a similarly licensed practitioner established by the licensing
8159 provisions, practice acts, or other Utah laws.

8160 (2) Except as otherwise provided in Subsection (3), this [~~chapter~~] part does not
8161 authorize a volunteer health practitioner to provide services that are outside the volunteer
8162 health practitioner's scope of practice, even if a similarly licensed practitioner in Utah would be
8163 permitted to provide the services.

8164 (3) (a) In accordance with this section and Section **58-1-405**, the Division of
8165 Professional Licensing may issue an order modifying or restricting the health or veterinary
8166 services that volunteer health practitioners may provide pursuant to this [~~chapter~~] part.

8167 (b) An order under this subsection takes effect immediately, without prior notice or
8168 comment, and is not a rule within the meaning of Title 63G, Chapter 3, Utah Administrative
8169 Rulemaking Act, or a directive within the meaning of Title 63G, Chapter 4, Administrative
8170 Procedures Act.

8171 (4) A host entity may restrict the health or veterinary services that a volunteer health
8172 practitioner may provide under this [~~chapter~~] part.

8173 (5) (a) A volunteer health practitioner does not engage in unauthorized practice unless
8174 the volunteer health practitioner has reason to know of any limitation, modification, or
8175 restriction under this chapter, Title 58, Chapter 1, Division of Occupational and Professional
8176 Licensing Act, or that a similarly licensed practitioner in Utah would not be permitted to
8177 provide the services.

8178 (b) A volunteer health practitioner has reason to know of a limitation, modification, or
8179 restriction, or that a similarly licensed practitioner in Utah would not be permitted to provide a
8180 service, if:

8181 (i) the volunteer health practitioner knows the limitation, modification, or restriction
8182 exists or that a similarly licensed practitioner in Utah would not be permitted to provide the
8183 service; or

8184 (ii) from all the facts and circumstances known to the volunteer health practitioner at
8185 the relevant time, a reasonable person would conclude that:

8186 (A) the limitation, modification, or restriction exists; or

8187 (B) a similarly licensed practitioner in Utah would not be permitted to provide the
8188 service.

8189 (6) In addition to the authority granted by law of Utah other than this chapter to
8190 regulate the conduct of volunteer health practitioners, the Division of Professional Licensing
8191 Act or other disciplinary authority in Utah:

8192 (a) may impose administrative sanctions upon a volunteer health practitioner licensed
8193 in Utah for conduct outside of Utah in response to an out-of-state emergency;

8194 (b) may impose administrative sanctions upon a volunteer health practitioner not
8195 licensed in Utah for conduct in Utah in response to an in-state emergency; and

8196 (c) shall report any administrative sanctions imposed upon a volunteer health
8197 practitioner licensed in another state to the appropriate licensing board or other disciplinary
8198 authority in any other state in which the volunteer health practitioner is known to be licensed.

8199 (7) In determining whether or not to impose administrative sanctions under Subsection
8200 (6), the Division of Professional Licensing Act or other disciplinary authority shall consider the
8201 circumstances in which the conduct took place, including:

8202 (a) any exigent circumstances; and

8203 (b) the volunteer health practitioner's scope of practice, education, training, experience,
8204 and specialized skill.

8205 Section 172. Section **26B-4-808**, which is renumbered from Section 26-49-301 is
8206 renumbered and amended to read:

8207 ~~[26-49-301]~~. **26B-4-808**. **Relation to other laws.**

8208 (1) (a) This ~~[chapter]~~ part does not limit rights, privileges, or immunities provided to
8209 volunteer health practitioners by laws other than this ~~[chapter]~~ part.

8210 (b) Except as otherwise provided in Subsection (2), this ~~[chapter]~~ part does not affect
8211 requirements for the use of health practitioners pursuant to Title 53, Chapter 2a, Part 4,

8212 Emergency Management Assistance Compact.

8213 (2) An authorized representative of a party state may incorporate volunteer health
8214 practitioners into the emergency forces of Utah even if those volunteer health practitioners are
8215 not officers or employees of Utah, a political subdivision of Utah, or a municipality or other
8216 local government within Utah.

8217 Section 173. Section **26B-4-809**, which is renumbered from Section 26-49-401 is
8218 renumbered and amended to read:

8219 ~~[26-49-401]~~. **26B-4-809. Regulatory authority.**

8220 (1) The [~~Department of Health~~] department shall make rules by following the
8221 procedures and requirements of Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

8222 (2) Before adopting rules under Subsection (1), the [~~Department of Health~~] department
8223 shall consult and consider:

8224 (a) the recommendations of the entity established to coordinate the implementation of
8225 the Emergency Management Assistance Compact; and

8226 (b) rules adopted by similarly empowered agencies in other states in order to promote
8227 uniformity of application of this [~~chapter~~] part and make the emergency response systems in
8228 the various states reasonably compatible.

8229 Section 174. Section **26B-4-810**, which is renumbered from Section 26-49-501 is
8230 renumbered and amended to read:

8231 ~~[26-49-501]~~. **26B-4-810. Limitations on civil liability for volunteer health**
8232 **practitioners.**

8233 Volunteer health practitioners who provide health or veterinary services pursuant to this
8234 chapter are immune from liability and civil damages as set forth in Section [58-13-2](#).

8235 Section 175. Section **26B-4-811**, which is renumbered from Section 26-49-601 is
8236 renumbered and amended to read:

8237 ~~[26-49-601]~~. **26B-4-811. Workers' compensation coverage.**

8238 (1) For purposes of this section, "injury" means a physical or mental injury or disease
8239 for which an employee of Utah who is injured or contracts the disease in the course of the
8240 employee's employment would be entitled to benefits under Title 34A, Chapter 2, Workers'
8241 Compensation Act.

8242 (2) A volunteer health practitioner is considered a state employee for purposes of

8243 receiving workers' compensation medical benefits under Title 34A, Chapter 2, Workers'
8244 Compensation Act, and Chapter 3, Utah Occupational Disease Act.

8245 (3) The state shall provide workers' compensation benefits for a volunteer health
8246 practitioner under:

8247 (a) Title 34A, Chapter 2, Workers' Compensation Act; and

8248 (b) Title 34A, Chapter 3, Utah Occupational Disease Act.

8249 (4) (a) In accordance with Section [34A-2-105](#), the workers' compensation benefits
8250 described in Subsection (3) are the exclusive remedy against the state or an officer, agent, or
8251 employee of the state, for all injuries and occupational diseases resulting from the volunteer
8252 health practitioner's services for the state.

8253 (b) For purposes of Subsection (4)(a), the state is considered the employer of the
8254 volunteer health practitioner.

8255 (5) To compute the workers' compensation benefits for a volunteer health practitioner
8256 described in Subsection (3), the average weekly wage of the volunteer health practitioner shall
8257 be the state's average weekly wage at the time of the emergency that is the basis for the
8258 volunteer health practitioner's workers' compensation claim.

8259 (6) (a) The Labor Commission shall:

8260 (i) adopt rules, enter into agreements with other states, or take other measures to
8261 facilitate the receipt of benefits for injury or death by volunteer health practitioners who reside
8262 in other states; and

8263 (ii) consult with and consider the practices for filing, processing, and paying claims by
8264 agencies with similar authority in other states to promote uniformity of application of this
8265 chapter with other states that enact similar legislation.

8266 (b) The Labor Commission may waive or modify requirements for filing, processing,
8267 and paying claims that unreasonably burden the volunteer health practitioners.

8268 Section 176. Section **26B-4-812**, which is renumbered from Section 26-49-701 is
8269 renumbered and amended to read:

8270 ~~[26-49-701]~~. **26B-4-812. Uniformity of application and construction.**

8271 In applying and construing this [~~chapter~~] part, consideration shall be given to the need
8272 to promote uniformity of the law with respect to its subject matter among states that enact it.

8273 Section 177. **Repealer.**

- 8274 This bill repeals:
- 8275 Section **26-1-2, Definitions.**
- 8276 Section **26-1-7.5, Health advisory council.**
- 8277 Section **26-2-1, Short title.**
- 8278 Section **26-2-2, Definitions.**
- 8279 Section **26-4-1, Short title.**
- 8280 Section **26-5-2, Establishment of prevention programs by department.**
- 8281 Section **26-5-3, System for detecting and monitoring diseases established by**
- 8282 **department.**
- 8283 Section **26-5-4, Programs of community and professional education established by**
- 8284 **department.**
- 8285 Section **26-6-1, Short title.**
- 8286 Section **26-6-12, Rabies or other animal disease -- Investigation following order of**
- 8287 **quarantine.**
- 8288 Section **26-6-13, Rabies or other animal disease -- Authority of peace officer to kill**
- 8289 **or capture animals.**
- 8290 Section **26-6-14, Rabies or other animal disease -- Quarantine defined.**
- 8291 Section **26-6b-2, Definitions.**
- 8292 Section **26-8a-101, Title.**
- 8293 Section **26-8a-102, Definitions.**
- 8294 Section **26-8a-104, Committee advisory duties.**
- 8295 Section **26-8a-204, Disaster coordination plan.**
- 8296 Section **26-8a-205, Pediatric quality improvement program.**
- 8297 Section **26-8a-206, Personnel stress management program.**
- 8298 Section **26-8a-211, Report.**
- 8299 Section **26-8b-101, Title.**
- 8300 Section **26-8b-102, Definitions.**
- 8301 Section **26-8b-601, Title.**
- 8302 Section **26-8c-101, Title.**
- 8303 Section **26-8d-101, Title.**
- 8304 Section **26-9f-101, Title.**

- 8305 Section **26-9f-102, Definitions.**
- 8306 Section **26-9f-104, Duties and responsibilities.**
- 8307 Section **26-10-1, Definitions.**
- 8308 Section **26-15-1, Definitions.**
- 8309 Section **26-15-5.1, Exemptions to food handler requirements.**
- 8310 Section **26-15-12, Rules to implement statutes on smoking.**
- 8311 Section **26-15a-101, Title.**
- 8312 Section **26-15a-103, Duties.**
- 8313 Section **26-15a-107, Duties.**
- 8314 Section **26-15b-101, Title.**
- 8315 Section **26-15b-102, Definitions.**
- 8316 Section **26-15b-103, Permitting -- Fees.**
- 8317 Section **26-15b-104, Permits.**
- 8318 Section **26-15c-101, Title.**
- 8319 Section **26-15c-102, Definitions.**
- 8320 Section **26-15c-103, Permitting -- Fees.**
- 8321 Section **26-15c-104, Safety and health inspections and permits.**
- 8322 Section **26-18-1, Short title.**
- 8323 Section **26-18-2, Definitions.**
- 8324 Section **26-18-402.5, Nonlapsing Medicaid funds.**
- 8325 Section **26-18-501, Definitions.**
- 8326 Section **26-18-601, Title.**
- 8327 Section **26-18-602, Definitions.**
- 8328 Section **26-18-701, Definitions.**
- 8329 Section **26-18-702, Division and Department of Workforce Services compliance**
- 8330 **with adoption assistance interstate compact.**
- 8331 Section **26-18a-1, Definitions.**
- 8332 Section **26-18a-3, Purpose of committee.**
- 8333 Section **26-19-101, Title.**
- 8334 Section **26-20-1, Title.**
- 8335 Section **26-21-1, Title.**

- 8336 Section **26-21-4**, Per diem and travel expenses of committee members.
- 8337 Section **26-21-5**, Duties of committee.
- 8338 Section **26-21-100**, Reserved.
- 8339 Section **26-21-203**, Department authorized to grant, deny, or revoke clearance --
- 8340 **Department may limit direct patient access.**
- 8341 Section **26-21-205**, Department of Public Safety -- Retention of information --
- 8342 **Notification of Department of Health.**
- 8343 Section **26-21-206**, Covered providers and covered contractors required to apply
- 8344 **for clearance of certain individuals.**
- 8345 Section **26-21-207**, Covered providers required to apply for clearance for certain
- 8346 **individuals other than residents residing in residential settings -- Certain individuals**
- 8347 **other than residents prohibited from residing in residential settings without clearance.**
- 8348 Section **26-21-208**, Application for clearance by individuals.
- 8349 Section **26-21-210**, No civil liability.
- 8350 Section **26-21-301**, Title.
- 8351 Section **26-21-302**, Definitions.
- 8352 Section **26-21-304**, Monitoring device -- Facility admission, patient discharge, and
- 8353 **posted notice.**
- 8354 Section **26-21a-201**, Short title.
- 8355 Section **26-21b-101**, Title.
- 8356 Section **26-21b-102**, Definitions.
- 8357 Section **26-21b-301**, Investigation and enforcement.
- 8358 Section **26-21c-101**, Title.
- 8359 Section **26-21c-102**, Definitions.
- 8360 Section **26-21c-104**, Presenting protocols upon inspection.
- 8361 Section **26-23a-1**, Definitions.
- 8362 Section **26-23a-3**, Penalties.
- 8363 Section **26-23b-101**, Title.
- 8364 Section **26-25-2**, Restrictions on use of data.
- 8365 Section **26-25-3**, Information considered privileged communications.
- 8366 Section **26-25-4**, Information held in confidence -- Protection of identities.

- 8367 Section **26-25-5**, Violation of chapter a misdemeanor -- Civil liability.
- 8368 Section **26-26-1**, "Institution" defined.
- 8369 Section **26-26-2**, Authorization for institutions to obtain impounded animals.
- 8370 Section **26-26-4**, Institution to pay transportation expense -- Restrictions on use of
- 8371 **animals -- Fee.**
- 8372 Section **26-26-5**, Records of animals required.
- 8373 Section **26-26-6**, Revocation of authorization.
- 8374 Section **26-26-7**, Adoption of rules by department -- Inspection and investigation of
- 8375 **institutions.**
- 8376 Section **26-28-101**, Title.
- 8377 Section **26-31-101**, Title.
- 8378 Section **26-31-102**, Definitions.
- 8379 Section **26-31-202**, Blood donation by a minor.
- 8380 Section **26-33a-101**, Short title.
- 8381 Section **26-33a-103**, Committee membership -- Terms -- Chair -- Compensation.
- 8382 Section **26-34-1**, Short title.
- 8383 Section **26-34-2**, Definition of death -- Determination of death.
- 8384 Section **26-35a-101**, Title.
- 8385 Section **26-36b-101**, Title.
- 8386 Section **26-36c-101**, Title.
- 8387 Section **26-36d-101**, Title.
- 8388 Section **26-37a-101**, Title.
- 8389 Section **26-38-1**, Title.
- 8390 Section **26-38-2**, Definitions.
- 8391 Section **26-38-3.5**, Smoking ban exemption for Native American ceremony.
- 8392 Section **26-38-6**, Local ordinances.
- 8393 Section **26-38-7**, Enforcement action by proprietors.
- 8394 Section **26-38-8**, Penalties.
- 8395 Section **26-38-9**, Enforcement of chapter.
- 8396 Section **26-39-101**, Title.
- 8397 Section **26-39-203**, Duties of the Child Care Center Licensing Committee.

- 8398 Section 26-40-101, Title.
- 8399 Section 26-41-101, Title.
- 8400 Section 26-41-102, Definitions.
- 8401 Section 26-43-101, Title.
- 8402 Section 26-43-103, Disclosure of information.
- 8403 Section 26-46-101, Definitions.
- 8404 Section 26-46a-101, Title.
- 8405 Section 26-47-101, Title.
- 8406 Section 26-47-102, Prescription Drug Assistance Program.
- 8407 Section 26-47-103, Department to award grants for assistance to persons with
- 8408 **bleeding disorders.**
- 8409 Section 26-49-101, Title.
- 8410 Section 26-50-101, Title.
- 8411 Section 26-50-102, Definitions.
- 8412 Section 26-51-101, Title.
- 8413 Section 26-51-202, Public education concerning methamphetamine contamination.
- 8414 Section 26-53-101, Title.
- 8415 Section 26-54-101, Title.
- 8416 Section 26-55-101, Title.
- 8417 Section 26-55-102, Definitions.
- 8418 Section 26-57-101, Title.
- 8419 Section 26-57-102, Definitions.
- 8420 Section 26-57-104, Labeling of nicotine products containing nicotine.
- 8421 Section 26-58-101, Title.
- 8422 Section 26-60-101, Title.
- 8423 Section 26-60-102, Definitions.
- 8424 Section 26-60-104, Enforcement.
- 8425 Section 26-60-105, Study by Public Utilities, Energy, and Technology Interim
- 8426 **Committee and Health Reform Task Force.**
- 8427 Section 26-61-101, Title.
- 8428 Section 26-61-102, Definitions.

- 8429 Section **26-61-202**, Duties.
- 8430 Section **26-61a-101**, Title.
- 8431 Section **26-62-101**, Title.
- 8432 Section **26-64-101**, Title.
- 8433 Section **26-66-101**, Title.
- 8434 Section **26-66-102**, Definitions.
- 8435 Section **26-66-201**, Early Childhood Utah Advisory Council.
- 8436 Section **26-66-203**, Compensation.
- 8437 Section **26-67-101**, Title.
- 8438 Section **26-68-101**, Title.
- 8439 Section **26-69-101**, Definitions.
- 8440 Section **26-69-202**, Council and executive director duties.
- 8441 Section **26-69-203**, Members serve without pay -- Reimbursement for expenses.
- 8442 Section **26-69-401**, Definitions.
- 8443 Section **26-70-101**, Definitions.
- 8444 Section **26A-1-101**, Short title.
- 8445 Section **26B-1-201.1**, Transition to single state agency -- Transition plan.
- 8446 Section **26B-1a-101**, Definitions.
- 8447 Section **26B-1a-102**, Office of American Indian-Alaska Native Health and Family
- 8448 **Services -- Creation -- Purpose.**
- 8449 Section **26B-1a-103**, Director of the office -- Appointment -- Qualifications -- Staff.
- 8450 Section **26B-1a-107**, Liaison reporting.
- 8451 Section **62A-1-104**, Definitions.
- 8452 Section **62A-1-123**, Intergenerational poverty mitigation reporting.
- 8453 Section **62A-1-201**, Title.
- 8454 Section **62A-2-101**, Definitions.
- 8455 Section **62A-3-101**, Definitions.
- 8456 Section **62A-4a-101.5**, Juvenile services.
- 8457 Section **62A-4a-210**, Definitions.
- 8458 Section **62A-5-206.8**, Management of the Utah State Developmental Center
- 8459 **Sustainability Fund.**

- 8460 Section [62A-5-401](#), Purpose.
- 8461 Section [62A-5-403](#), Services for persons under 11 years of age.
- 8462 Section [62A-5a-101](#), Policy statement.
- 8463 Section [62A-5a-102](#), Definitions.
- 8464 Section [62A-5a-104](#), Powers of council.
- 8465 Section [62A-5a-105](#), Coordination of services for school-age children.
- 8466 Section [62A-5b-101](#), Title.
- 8467 Section [62A-6-101](#), Definitions.
- 8468 Section [62A-11-103](#), Definitions.
- 8469 Section [62A-11-301](#), Title.
- 8470 Section [62A-11-601](#), Title.
- 8471 Section [62A-11-701](#), Title.
- 8472 Section [62A-11-702](#), Definitions.
- 8473 Section [62A-14-101](#), Title.
- 8474 Section [62A-15-101](#), Title.
- 8475 Section [62A-15-102](#), Definitions.
- 8476 Section [62A-15-201](#), Title.
- 8477 Section [62A-15-645](#), Retrospective effect of provisions.
- 8478 Section [62A-15-1001](#), Definitions.
- 8479 Section [62A-15-1100](#), Definitions.
- 8480 Section [62A-15-1301](#), Definitions.
- 8481 Section [62A-15-1303](#), Statewide mental health crisis line and statewide warm line
- 8482 **operational standards.**
- 8483 Section [62A-15-1401](#), Definitions.
- 8484 Section [62A-15-1501](#), Definitions.
- 8485 Section [62A-15-1601](#), Definitions.
- 8486 Section [62A-15-1701](#), Definitions.
- 8487 Section [62A-15-1801](#), Definitions.
- 8488 Section [62A-16-101](#), Title.
- 8489 Section [62A-17-101](#), Title.
- 8490 Section [62A-18-101](#), Title.

8491 Section **62A-18-102, Definitions.**

8492 Section **62A-18-103, Office of Quality and Design -- Creation.**

8493 Section **62A-18-104, Director of the office -- Appointment -- Qualifications.**

8494 Section 178. **Revisor instructions.**

8495 The Legislature intends that the Office of Legislative Research and General Counsel, in
8496 preparing the Utah Code database for publication:

8497 (1) not enroll this bill if any of the following bills do not pass:

8498 (a) S.B. 38, Health and Human Services Recodification Administration, Licensing, and
8499 Recovery Services;

8500 (b) S.B. 39, Health and Human Services Recodification Prevention, Supports,
8501 Substance Use and Mental Health; or

8502 (c) S.B. 41, Health and Human Services Recodification - Health Care Delivery and
8503 Repeals; and

8504 (2) in any new language added to the Utah Code by legislation passed during the 2023
8505 General Session, replace any references to Titles 26 or 62A with the renumbered reference as it
8506 is renumbered in this bill.