

1                    **DEPARTMENT OF HEALTH AND HUMAN SERVICES**

2                                    **AMENDMENTS**

3    2022 GENERAL SESSION

4    STATE OF UTAH

5                                    **Chief Sponsor: Jacob L. Anderegg**

6                                    House Sponsor: Norman K. Thurston

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8   **LONG TITLE**

9   **General Description:**

10            This bill implements the reorganization of the Department of Health and Human  
11   Services.

12   **Highlighted Provisions:**

13            This bill:

- 14            ▶ implements the reorganization of the Department of Health and Human Services;
- 15            ▶ specifies the duties and responsibilities of the newly combined agency;
- 16            ▶ harmonizes conflicting provisions of the Utah Health Code and the Utah Human  
17   Services Code;
- 18            ▶ amends the responsibilities of the Department of Workforce Services;
- 19            ▶ updates cross references throughout the Utah Code; and
- 20            ▶ makes technical and corresponding changes.

21   **Money Appropriated in this Bill:**

22            None

23   **Other Special Clauses:**

24            This bill provides a special effective date.

25            This bill provides revisor instructions.

26   **Utah Code Sections Affected:**

27   AMENDS:

28            **10-8-41.6**, as last amended by Laws of Utah 2021, Chapter 348

29            **17-43-102**, as last amended by Laws of Utah 2009, Chapter 75

- 30 **17-43-201**, as last amended by Laws of Utah 2018, Chapter 68
- 31 **17-43-301**, as last amended by Laws of Utah 2020, Chapter 303
- 32 **17-50-333**, as last amended by Laws of Utah 2021, Chapter 348
- 33 **26-1-2**, as last amended by Laws of Utah 2012, Chapter 391
- 34 **26-1-10**, as last amended by Laws of Utah 2021, Chapter 437
- 35 **26-1-11**, as last amended by Laws of Utah 2011, Chapter 297
- 36 **26-2-12.5**, as last amended by Laws of Utah 2010, Chapter 278
- 37 **26-2-12.6**, as last amended by Laws of Utah 2021, Chapter 284
- 38 **26-4-17**, as last amended by Laws of Utah 2020, Chapter 201
- 39 **26-7-10**, as enacted by Laws of Utah 2020, Chapter 347
- 40 **26-8a-102**, as last amended by Laws of Utah 2021, Chapters 208, 237, and 265
- 41 **26-8a-103**, as last amended by Laws of Utah 2021, Chapters 208 and 237
- 42 **26-8a-107**, as last amended by Laws of Utah 2019, Chapter 262
- 43 **26-8a-208**, as last amended by Laws of Utah 2017, Chapter 326
- 44 **26-8a-302**, as last amended by Laws of Utah 2021, Chapters 208 and 237
- 45 **26-8a-310**, as last amended by Laws of Utah 2021, Chapters 237 and 262
- 46 **26-9f-103**, as last amended by Laws of Utah 2020, Chapter 352
- 47 **26-10-6**, as last amended by Laws of Utah 2018, Chapter 415
- 48 **26-10b-101**, as last amended by Laws of Utah 2014, Chapter 384
- 49 **26-10b-106**, as last amended by Laws of Utah 2016, Chapter 74
- 50 **26-18-2.4**, as last amended by Laws of Utah 2016, Chapters 168 and 279
- 51 **26-21-2**, as last amended by Laws of Utah 2020, Chapter 222
- 52 **26-21-3**, as last amended by Laws of Utah 2021, Chapter 64
- 53 **26-23b-102**, as last amended by Laws of Utah 2021, Chapter 437
- 54 **26-25-1**, as last amended by Laws of Utah 2008, Chapter 3
- 55 **26-33a-102**, as last amended by Laws of Utah 2019, Chapter 349
- 56 **26-33a-103**, as last amended by Laws of Utah 2020, Chapters 352 and 373
- 57 **26-39-102**, as last amended by Laws of Utah 2015, Chapter 220

- 58            **26-39-200**, as last amended by Laws of Utah 2020, Chapters 154 and 352
- 59            **26-39-201**, as last amended by Laws of Utah 2020, Chapter 154
- 60            **26-39-301**, as last amended by Laws of Utah 2018, Chapter 58
- 61            **26-39-402**, as last amended by Laws of Utah 2018, Chapter 415
- 62            **26-49-102**, as last amended by Laws of Utah 2021, Chapter 188
- 63            **26-54-103**, as last amended by Laws of Utah 2019, Chapter 405
- 64            **26-60-104**, as enacted by Laws of Utah 2017, Chapter 241
- 65            **26-67-102**, as last amended by Laws of Utah 2020, Fifth Special Session, Chapter 4
- 66            **26-67-202**, as enacted by Laws of Utah 2020, Chapter 169
- 67            **26A-1-102**, as last amended by Laws of Utah 2021, Chapter 437
- 68            **26A-1-121**, as last amended by Laws of Utah 2021, Chapter 437
- 69            **26B-1-102**, as enacted by Laws of Utah 2021, Chapter 422
- 70            **26B-1-103**, as enacted by Laws of Utah 2021, Chapter 422
- 71            **26B-1-201**, as enacted by Laws of Utah 2021, Chapter 422
- 72            **26B-1-201.1**, as enacted by Laws of Utah 2021, Chapter 422
- 73            **32B-2-308**, as enacted by Laws of Utah 2020, Chapter 186
- 74            **32B-2-402**, as last amended by Laws of Utah 2018, Chapter 330
- 75            **35A-3-103 (Effective 07/01/22)**, as last amended by Laws of Utah 2021, Chapter 422
- 76            **41-1a-422**, as last amended by Laws of Utah 2021, Chapters 219, 280, and 378
- 77            **53-3-106**, as last amended by Laws of Utah 2018, Chapter 417
- 78            **53-5-707.6**, as enacted by Laws of Utah 2019, Chapter 440
- 79            **53-10-108**, as last amended by Laws of Utah 2021, Chapters 344 and 357
- 80            **53G-9-301**, as last amended by Laws of Utah 2019, Chapter 293
- 81            **53G-9-309**, as renumbered and amended by Laws of Utah 2018, Chapter 3
- 82            **58-1-601**, as enacted by Laws of Utah 2019, Chapter 447
- 83            **58-17b-620**, as last amended by Laws of Utah 2012, Chapter 150
- 84            **58-17b-627**, as enacted by Laws of Utah 2021, Chapter 127
- 85            **58-17b-902**, as last amended by Laws of Utah 2021, Chapter 397

- 86           **58-17b-907**, as last amended by Laws of Utah 2021, Chapter 397
- 87           **62A-1-104**, as last amended by Laws of Utah 2020, Chapter 303
- 88           **62A-1-107**, as last amended by Laws of Utah 2020, Chapters 352 and 373
- 89           **62A-2-121**, as last amended by Laws of Utah 2021, Chapter 262
- 90           **62A-4a-412**, as last amended by Laws of Utah 2021, Chapters 29, 231, 262, and 419
- 91           **62A-14-108**, as last amended by Laws of Utah 2008, Chapter 382
- 92           **62A-15-102**, as last amended by Laws of Utah 2020, Chapter 303
- 93           **62A-15-103**, as last amended by Laws of Utah 2021, Chapters 231 and 277
- 94           **62A-15-104**, as last amended by Laws of Utah 2009, Chapter 75
- 95           **63A-13-102**, as last amended by Laws of Utah 2019, Chapters 286 and 393
- 96           **63I-1-226**, as last amended by Laws of Utah 2021, Chapters 13, 50, 64, 163, 182, 234,
- 97 and 417
- 98           **63I-2-226**, as last amended by Laws of Utah 2021, Chapters 277, 422, and 433
- 99           **63J-1-315**, as last amended by Laws of Utah 2019, Chapter 393
- 100          **63J-1-602.1**, as last amended by Laws of Utah 2021, Chapters 280, 382, 401, and 438
- 101          **63M-7-301**, as last amended by Laws of Utah 2020, Chapter 304
- 102          **67-3-11**, as last amended by Laws of Utah 2021, Chapter 337
- 103          **76-5-413**, as last amended by Laws of Utah 2021, Chapter 262
- 104          **76-5-501**, as last amended by Laws of Utah 2015, Chapter 39
- 105          **78B-5-902**, as last amended by Laws of Utah 2021, Chapter 208
- 106          **78B-5-903**, as enacted by Laws of Utah 2018, Chapter 109
- 107          **80-1-102**, as last amended by Laws of Utah 2021, First Special Session, Chapter 2
- 108          **80-3-404**, as renumbered and amended by Laws of Utah 2021, Chapter 261
- 109          **80-5-102**, as enacted by Laws of Utah 2021, Chapter 261

110 ENACTS:

- 111          **26B-1-305**, Utah Code Annotated 1953
- 112          **26B-2-101**, Utah Code Annotated 1953
- 113          **26B-3-101**, Utah Code Annotated 1953

- 114            **26B-4-101**, Utah Code Annotated 1953
- 115            **26B-5-101**, Utah Code Annotated 1953
- 116            **26B-6-101**, Utah Code Annotated 1953
- 117            **26B-7-101**, Utah Code Annotated 1953
- 118            **26B-8-101**, Utah Code Annotated 1953
- 119            **26B-9-101**, Utah Code Annotated 1953
- 120    RENUMBERS AND AMENDS:
- 121            **26B-1-104**, (Renumbered from 26-1-32, as last amended by Laws of Utah 2011,
- 122    Chapter 297)
- 123            **26B-1-105**, (Renumbered from 26-1-33, as enacted by Laws of Utah 1981, Chapter
- 124    126)
- 125            **26B-1-202**, (Renumbered from 62A-1-111, as last amended by Laws of Utah 2021,
- 126    Chapters 22 and 262)
- 127            **26B-1-203**, (Renumbered from 62A-1-108, as last amended by Laws of Utah 2020,
- 128    Chapter 352)
- 129            **26B-1-204**, (Renumbered from 62A-1-105, as last amended by Laws of Utah 2019,
- 130    Chapters 139 and 246)
- 131            **26B-1-205**, (Renumbered from 62A-1-109, as last amended by Laws of Utah 2021,
- 132    Chapter 345)
- 133            **26B-1-206**, (Renumbered from 62A-1-107.5, as enacted by Laws of Utah 2003,
- 134    Chapter 246)
- 135            **26B-1-207**, (Renumbered from 26-1-4, as last amended by Laws of Utah 2013, Chapter
- 136    167)
- 137            **26B-1-208**, (Renumbered from 62A-1-112, as last amended by Laws of Utah 2008,
- 138    Chapter 382)
- 139            **26B-1-209**, (Renumbered from 26-1-6, as last amended by Laws of Utah 2018, Chapter
- 140    469)
- 141            **26B-1-210**, (Renumbered from 62A-1-113, as enacted by Laws of Utah 1988, Chapter

- 142 1)  
143 **26B-1-211**, (Renumbered from 26-1-17.1, as enacted by Laws of Utah 2018, Chapter  
144 427)  
145 **26B-1-212**, (Renumbered from 26-1-17.5, as last amended by Laws of Utah 2018,  
146 Chapter 415)  
147 **26B-1-213**, (Renumbered from 26-1-5, as last amended by Laws of Utah 2016, Chapter  
148 74)  
149 **26B-1-301**, (Renumbered from 26-1-16, as enacted by Laws of Utah 1981, Chapter  
150 126)  
151 **26B-1-302**, (Renumbered from 62A-1-202, as last amended by Laws of Utah 2021,  
152 Chapter 356)  
153 **26B-1-303**, (Renumbered from 62A-1-119, as last amended by Laws of Utah 2016,  
154 Chapter 168)  
155 **26B-1-304**, (Renumbered from 26-1-34, as enacted by Laws of Utah 1998, Chapter  
156 247)  
157 REPEALS:  
158 **26-1-1**, as enacted by Laws of Utah 1981, Chapter 126  
159 **26-1-3**, as last amended by Laws of Utah 1991, Chapter 112  
160 **26-1-4.1**, as last amended by Laws of Utah 2008, Chapter 382  
161 **26-1-7**, as last amended by Laws of Utah 2020, Chapters 169 and 347  
162 **26-1-7.1**, as last amended by Laws of Utah 2008, Chapter 382  
163 **26-1-8**, as last amended by Laws of Utah 2020, Chapter 352  
164 **26-1-9**, as last amended by Laws of Utah 2020, Sixth Special Session, Chapter 16  
165 **26-1-13**, as enacted by Laws of Utah 1981, Chapter 126  
166 **26-1-14**, as last amended by Laws of Utah 1988, Chapter 169  
167 **26-1-15**, as enacted by Laws of Utah 1981, Chapter 126  
168 **26-1-17**, as enacted by Laws of Utah 1981, Chapter 126  
169 **26-1-18**, as last amended by Laws of Utah 2011, Chapter 366

- 170            **26-1-20**, as enacted by Laws of Utah 1981, Chapter 126
- 171            **26-1-21**, as last amended by Laws of Utah 2011, Chapter 207
- 172            **26-1-22**, as enacted by Laws of Utah 1981, Chapter 126
- 173            **26-1-23**, as last amended by Laws of Utah 2012, Chapter 307
- 174            **26-1-24**, as enacted by Laws of Utah 1981, Chapter 126
- 175            **26-1-25**, as last amended by Laws of Utah 2011, Chapter 297
- 176            **26-1-30**, as last amended by Laws of Utah 2021, Chapters 378 and 437
- 177            **26B-1-101**, as enacted by Laws of Utah 2021, Chapter 422
- 178            **62A-1-101**, as last amended by Laws of Utah 1992, Chapter 30
- 179            **62A-1-102**, as last amended by Laws of Utah 1990, Chapter 183
- 180            **62A-1-106**, as last amended by Laws of Utah 2008, Chapter 382
- 181            **62A-1-110**, as last amended by Laws of Utah 1991, Chapter 292
- 182            **62A-1-114**, as last amended by Laws of Utah 1997, Chapter 375
- 183            **62A-1-118**, as last amended by Laws of Utah 2019, Chapter 335
- 184            **62A-5-304**, as last amended by Laws of Utah 2011, Chapter 366

**Utah Code Sections Affected by Revisor Instructions:**

- 186            **26B-1-103**, as enacted by Laws of Utah 2021, Chapter 422
- 187            **26B-1-201**, as enacted by Laws of Utah 2021, Chapter 422
- 188            **26B-1-201.1**, as enacted by Laws of Utah 2021, Chapter 422

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

Section 1. Section **10-8-41.6** is amended to read:

**10-8-41.6. Regulation of retail tobacco specialty business.**

(1) As used in this section:

(a) "Community location" means:

- (i) a public or private kindergarten, elementary, middle, junior high, or high school;
- (ii) a licensed child-care facility or preschool;
- (iii) a trade or technical school;

- 198 (iv) a church;
- 199 (v) a public library;
- 200 (vi) a public playground;
- 201 (vii) a public park;
- 202 (viii) a youth center or other space used primarily for youth oriented activities;
- 203 (ix) a public recreational facility;
- 204 (x) a public arcade; or
- 205 (xi) for a new license issued on or after July 1, 2018, a homeless shelter.
- 206 (b) "Department" means the Department of Health~~;~~ and Human Services created in
- 207 Section ~~[26-1-4]~~ 26B-1-201.
- 208 (c) "Electronic cigarette product" means the same as that term is defined in Section
- 209 76-10-101.
- 210 (d) "Flavored electronic cigarette product" means the same as that term is defined in
- 211 Section 76-10-101.
- 212 (e) "Licensee" means a person licensed under this section to conduct business as a
- 213 retail tobacco specialty business.
- 214 (f) "Local health department" means the same as that term is defined in Section
- 215 26A-1-102.
- 216 (g) "Nicotine product" means the same as that term is defined in Section 76-10-101.
- 217 (h) "Retail tobacco specialty business" means a commercial establishment in which:
- 218 (i) sales of tobacco products, electronic cigarette products, and nicotine products
- 219 account for more than 35% of the total quarterly gross receipts for the establishment;
- 220 (ii) 20% or more of the public retail floor space is allocated to the offer, display, or
- 221 storage of tobacco products, electronic cigarette products, or nicotine products;
- 222 (iii) 20% or more of the total shelf space is allocated to the offer, display, or storage of
- 223 tobacco products, electronic cigarette products, or nicotine products;
- 224 (iv) the commercial establishment:
- 225 (A) holds itself out as a retail tobacco specialty business; and



226 (B) causes a reasonable person to believe the commercial establishment is a retail  
227 tobacco specialty business;

228 (v) any flavored electronic cigarette product is sold; or

229 (vi) the retail space features a self-service display for tobacco products, electronic  
230 cigarette products, or nicotine products.

231 (i) "Self-service display" means the same as that term is defined in Section  
232 76-10-105.1.

233 (j) "Tobacco product" means:

234 (i) a tobacco product as defined in Section 76-10-101; or

235 (ii) tobacco paraphernalia as defined in Section 76-10-101.

236 (2) The regulation of a retail tobacco specialty business is an exercise of the police  
237 powers of the state by the state or by delegation of the state's police powers to other  
238 governmental entities.

239 (3) (a) A person may not operate a retail tobacco specialty business in a municipality  
240 unless the person obtains a license from the municipality in which the retail tobacco specialty  
241 business is located.

242 (b) A municipality may only issue a retail tobacco specialty business license to a  
243 person if the person complies with the provisions of Subsections (4) and (5).

244 (4) (a) Except as provided in Subsection (7), a municipality may not issue a license for  
245 a person to conduct business as a retail tobacco specialty business if the retail tobacco specialty  
246 business is located within:

247 (i) 1,000 feet of a community location;

248 (ii) 600 feet of another retail tobacco specialty business; or

249 (iii) 600 feet from property used or zoned for:

250 (A) agriculture use; or

251 (B) residential use.

252 (b) For purposes of Subsection (4)(a), the proximity requirements shall be measured in  
253 a straight line from the nearest entrance of the retail tobacco specialty business to the nearest

254 property boundary of a location described in Subsections (4)(a)(i) through (iii), without regard  
255 to intervening structures or zoning districts.

256 (5) A municipality may not issue or renew a license for a person to conduct business as  
257 a retail tobacco specialty business until the person provides the municipality with proof that the  
258 retail tobacco specialty business has:

259 (a) a valid permit for a retail tobacco specialty business issued under Title 26, Chapter  
260 62, Tobacco, Electronic Cigarette, and Nicotine Product Retail Permit, by the local health  
261 department having jurisdiction over the area in which the retail tobacco specialty business is  
262 located; and

263 (b) (i) for a retailer that sells a tobacco product, a valid license issued by the State Tax  
264 Commission in accordance with Section 59-14-201 or 59-14-301 to sell a tobacco product; and

265 (ii) for a retailer that sells an electronic cigarette product or a nicotine product, a valid  
266 license issued by the State Tax Commission in accordance with Section 59-14-803 to sell an  
267 electronic cigarette product or a nicotine product.

268 (6) (a) Nothing in this section:

269 (i) requires a municipality to issue a retail tobacco specialty business license; or

270 (ii) prohibits a municipality from adopting more restrictive requirements on a person  
271 seeking a license or renewal of a license to conduct business as a retail tobacco specialty  
272 business.

273 (b) A municipality may suspend or revoke a retail tobacco specialty business license  
274 issued under this section:

275 (i) if a licensee engages in a pattern of unlawful activity under Title 76, Chapter 10,  
276 Part 16, Pattern of Unlawful Activity Act;

277 (ii) if a licensee violates federal law or federal regulations restricting the sale and  
278 distribution of tobacco products or electronic cigarette products to protect children and  
279 adolescents;

280 (iii) upon the recommendation of the department or a local health department under  
281 Title 26, Chapter 62, Tobacco, Electronic Cigarette, and Nicotine Product Retail Permit; or

282 (iv) under any other provision of state law or local ordinance.

283 (7) (a) A retail tobacco specialty business is exempt from Subsection (4) if:

284 (i) on or before December 31, 2018, the retail tobacco specialty business was issued a  
285 license to conduct business as a retail tobacco specialty business;

286 (ii) the retail tobacco specialty business is operating in a municipality in accordance  
287 with all applicable laws except for the requirement in Subsection (4); and

288 (iii) beginning July 1, 2022, the retail tobacco specialty business is not located within  
289 1,000 feet of a public or private kindergarten, elementary, middle, junior high, or high school.

290 (b) A retail tobacco specialty business may maintain an exemption under Subsection  
291 (7)(a) if:

292 (i) the license described in Subsection (7)(a)(i) is renewed continuously without lapse  
293 or permanent revocation;

294 (ii) the retail tobacco specialty business does not close for business or otherwise  
295 suspend the sale of tobacco products, electronic cigarette products, or nicotine products for  
296 more than 60 consecutive days;

297 (iii) the retail tobacco specialty business does not substantially change the business  
298 premises or business operation; and

299 (iv) the retail tobacco specialty business maintains the right to operate under the terms  
300 of other applicable laws, including:

301 (A) Title 26, Chapter 38, Utah Indoor Clean Air Act;

302 (B) zoning ordinances;

303 (C) building codes; and

304 (D) the requirements of the license described in Subsection (7)(a)(i).

305 (c) A retail tobacco specialty business that does not qualify for an exemption under  
306 Subsection (7)(a) is exempt from Subsection (4) if:

307 (i) on or before December 31, 2018, the retail tobacco specialty business was issued a  
308 general tobacco retailer permit or a retail tobacco specialty business permit under Title 26,  
309 Chapter 62, Tobacco, Electronic Cigarette, and Nicotine Product Retail Permit, by the local

310 health department having jurisdiction over the area in which the retail tobacco specialty  
311 business is located;

312 (ii) the retail tobacco specialty business is operating in the municipality in accordance  
313 with all applicable laws except for the requirement in Subsection (4); and

314 (iii) beginning July 1, 2022, the retail tobacco specialty business is not located within  
315 1,000 feet of a public or private kindergarten, elementary, middle, junior high, or high school.

316 (d) Except as provided in Subsection (7)(e), a retail tobacco specialty business may  
317 maintain an exemption under Subsection (7)(c) if:

318 (i) on or before December 31, 2020, the retail tobacco specialty business receives a  
319 retail tobacco specialty business permit from the local health department having jurisdiction  
320 over the area in which the retail tobacco specialty business is located;

321 (ii) the permit described in Subsection (7)(d)(i) is renewed continuously without lapse  
322 or permanent revocation;

323 (iii) the retail tobacco specialty business does not close for business or otherwise  
324 suspend the sale of tobacco products, electronic cigarette products, or nicotine products for  
325 more than 60 consecutive days;

326 (iv) the retail tobacco specialty business does not substantially change the business  
327 premises or business operation as the business existed when the retail tobacco specialty  
328 business received a permit under Subsection (7)(d)(i); and

329 (v) the retail tobacco specialty business maintains the right to operate under the terms  
330 of other applicable laws, including:

331 (A) Title 26, Chapter 38, Utah Indoor Clean Air Act;

332 (B) zoning ordinances;

333 (C) building codes; and

334 (D) the requirements of the retail tobacco permit described in Subsection (7)(d)(i).

335 (e) A retail tobacco specialty business described in Subsection (7)(a) or (b) that is  
336 located within 1,000 feet of a public or private kindergarten, elementary, middle, junior high,  
337 or high school before July 1, 2022, is exempt from Subsection (4)(a)(iii)(B) if the retail tobacco

338 specialty business:

339 (i) relocates, before July 1, 2022, to a property that is used or zoned for commercial use  
340 and located within a group of architecturally unified commercial establishments built on a site  
341 that is planned, developed, owned, and managed as an operating unit; and

342 (ii) continues to meet the requirements described in Subsection (7)(b) that are not  
343 directly related to the relocation described in this Subsection (7)(e).

344 Section 2. Section **17-43-102** is amended to read:

345 **17-43-102. Definitions.**

346 As used in this chapter:

347 (1) "Department" means the Department of Health and Human Services created in  
348 Section [~~62A-1-102~~] 26B-1-201.

349 (2) "Division" means the Division of [~~Substance Abuse and Mental Health created~~]  
350 Integrated Healthcare within the [~~Department of Human Services in Section 62A-1-105~~]  
351 department.

352 Section 3. Section **17-43-201** is amended to read:

353 **17-43-201. Local substance abuse authorities -- Responsibilities.**

354 (1) (a) (i) In each county operating under a county executive-council form of  
355 government under Section 17-52a-203, the county legislative body is the local substance abuse  
356 authority, provided however that any contract for plan services shall be administered by the  
357 county executive.

358 (ii) In each county operating under a council-manager form of government under  
359 Section 17-52a-204, the county manager is the local substance abuse authority.

360 (iii) In each county other than a county described in Subsection (1)(a)(i) or (ii), the  
361 county legislative body is the local substance abuse authority.

362 (b) Within legislative appropriations and county matching funds required by this  
363 section, and under the direction of the division, each local substance abuse authority shall:

364 (i) develop substance abuse prevention and treatment services plans;

365 (ii) provide substance abuse services to residents of the county; and

366 (iii) cooperate with efforts of the [~~Division of Substance Abuse and Mental Health~~]  
367 division to promote integrated programs that address an individual's substance abuse, mental  
368 health, and physical healthcare needs, as described in Section [62A-15-103](#).

369 (c) Within legislative appropriations and county matching funds required by this  
370 section, each local substance abuse authority shall cooperate with the efforts of the  
371 [~~Department of Human Services~~] department to promote a system of care, as defined in Section  
372 [~~62A-1-104~~] [26B-1-102](#), for minors with or at risk for complex emotional and behavioral  
373 needs, as described in Section [~~62A-1-111~~] [26B-1-202](#).

374 (2) (a) By executing an interlocal agreement under Title 11, Chapter 13, Interlocal  
375 Cooperation Act, two or more counties may join to:

- 376 (i) provide substance abuse prevention and treatment services; or
- 377 (ii) create a united local health department that provides substance abuse treatment  
378 services, mental health services, and local health department services in accordance with  
379 Subsection (3).

380 (b) The legislative bodies of counties joining to provide services may establish  
381 acceptable ways of apportioning the cost of substance abuse services.

382 (c) Each agreement for joint substance abuse services shall:

383 (i) (A) designate the treasurer of one of the participating counties or another person as  
384 the treasurer for the combined substance abuse authorities and as the custodian of money  
385 available for the joint services; and

386 (B) provide that the designated treasurer, or other disbursing officer authorized by the  
387 treasurer, may make payments from the money for the joint services upon audit of the  
388 appropriate auditing officer or officers representing the participating counties;

389 (ii) provide for the appointment of an independent auditor or a county auditor of one of  
390 the participating counties as the designated auditing officer for the combined substance abuse  
391 authorities;

392 (iii) (A) provide for the appointment of the county or district attorney of one of the  
393 participating counties as the designated legal officer for the combined substance abuse

394 authorities; and

395 (B) authorize the designated legal officer to request and receive the assistance of the  
396 county or district attorneys of the other participating counties in defending or prosecuting  
397 actions within their counties relating to the combined substance abuse authorities; and

398 (iv) provide for the adoption of management, clinical, financial, procurement,  
399 personnel, and administrative policies as already established by one of the participating  
400 counties or as approved by the legislative body of each participating county or interlocal board.

401 (d) An agreement for joint substance abuse services may provide for joint operation of  
402 services and facilities or for operation of services and facilities under contract by one  
403 participating local substance abuse authority for other participating local substance abuse  
404 authorities.

405 (3) A county governing body may elect to combine the local substance abuse authority  
406 with the local mental health authority created in Part 3, Local Mental Health Authorities, and  
407 the local health department created in Title 26A, Chapter 1, Part 1, Local Health Department  
408 Act, to create a united local health department under Section 26A-1-105.5. A local substance  
409 abuse authority that joins a united local health department shall comply with this part.

410 (4) (a) Each local substance abuse authority is accountable to the department [~~the~~  
411 ~~Department of Health,~~] and the state with regard to the use of state and federal funds received  
412 from those departments for substance abuse services, regardless of whether the services are  
413 provided by a private contract provider.

414 (b) Each local substance abuse authority shall comply, and require compliance by its  
415 contract provider, with all directives issued by the department [~~and the Department of Health~~]  
416 regarding the use and expenditure of state and federal funds received from those departments  
417 for the purpose of providing substance abuse programs and services. The department [~~and~~  
418 ~~Department of Health~~] shall ensure that those directives are not duplicative or conflicting, and  
419 shall consult and coordinate with local substance abuse authorities with regard to programs and  
420 services.

421 (5) Each local substance abuse authority shall:

- 422 (a) review and evaluate substance abuse prevention and treatment needs and services,  
423 including substance abuse needs and services for individuals incarcerated in a county jail or  
424 other county correctional facility;
- 425 (b) annually prepare and submit to the division a plan approved by the county  
426 legislative body for funding and service delivery that includes:
- 427 (i) provisions for services, either directly by the substance abuse authority or by  
428 contract, for adults, youth, and children, including those incarcerated in a county jail or other  
429 county correctional facility; and
- 430 (ii) primary prevention, targeted prevention, early intervention, and treatment services;
- 431 (c) establish and maintain, either directly or by contract, programs licensed under Title  
432 62A, Chapter 2, Licensure of Programs and Facilities;
- 433 (d) appoint directly or by contract a full or part time director for substance abuse  
434 programs, and prescribe the director's duties;
- 435 (e) provide input and comment on new and revised rules established by the division;
- 436 (f) establish and require contract providers to establish administrative, clinical,  
437 procurement, personnel, financial, and management policies regarding substance abuse services  
438 and facilities, in accordance with the rules of the division, and state and federal law;
- 439 (g) establish mechanisms allowing for direct citizen input;
- 440 (h) annually contract with the division to provide substance abuse programs and  
441 services in accordance with the provisions of Title 62A, Chapter 15, Substance Abuse and  
442 Mental Health Act;
- 443 (i) comply with all applicable state and federal statutes, policies, audit requirements,  
444 contract requirements, and any directives resulting from those audits and contract requirements;
- 445 (j) promote or establish programs for the prevention of substance abuse within the  
446 community setting through community-based prevention programs;
- 447 (k) provide funding equal to at least 20% of the state funds that it receives to fund  
448 services described in the plan;
- 449 (l) comply with the requirements and procedures of Title 11, Chapter 13, Interlocal



450 Cooperation Act, Title 17B, Chapter 1, Part 6, Fiscal Procedures for Local Districts, and Title  
451 51, Chapter 2a, Accounting Reports from Political Subdivisions, Interlocal Organizations, and  
452 Other Local Entities Act;

453 (m) for persons convicted of driving under the influence in violation of Section  
454 41-6a-502 or 41-6a-517, conduct the following as defined in Section 41-6a-501:

- 455 (i) a screening;
- 456 (ii) an assessment;
- 457 (iii) an educational series; and
- 458 (iv) substance abuse treatment; and

459 (n) utilize proceeds of the accounts described in Subsection 62A-15-503(1) to  
460 supplement the cost of providing the services described in Subsection (5)(m).

461 (6) Before disbursing any public funds, each local substance abuse authority shall  
462 require that each entity that receives any public funds from the local substance abuse authority  
463 agrees in writing that:

464 (a) the entity's financial records and other records relevant to the entity's performance  
465 of the services provided to the local substance abuse authority shall be subject to examination  
466 by:

- 467 (i) the division;
- 468 (ii) the local substance abuse authority director;
- 469 (iii) (A) the county treasurer and county or district attorney; or
- 470 (B) if two or more counties jointly provide substance abuse services under an  
471 agreement under Subsection (2), the designated treasurer and the designated legal officer;
- 472 (iv) the county legislative body; and
- 473 (v) in a county with a county executive that is separate from the county legislative  
474 body, the county executive;

475 (b) the county auditor may examine and audit the entity's financial and other records  
476 relevant to the entity's performance of the services provided to the local substance abuse  
477 authority; and

478 (c) the entity will comply with the provisions of Subsection (4)(b).

479 (7) A local substance abuse authority may receive property, grants, gifts, supplies,  
480 materials, contributions, and any benefit derived therefrom, for substance abuse services. If  
481 those gifts are conditioned upon their use for a specified service or program, they shall be so  
482 used.

483 (8) (a) As used in this section, "public funds" means the same as that term is defined in  
484 Section [17-43-203](#).

485 (b) Public funds received for the provision of services pursuant to the local substance  
486 abuse plan may not be used for any other purpose except those authorized in the contract  
487 between the local substance abuse authority and the provider for the provision of plan services.

488 (9) Subject to the requirements of the federal Substance Abuse Prevention and  
489 Treatment Block Grant, Pub. L. No. 102-321, a local substance abuse authority shall ensure  
490 that all substance abuse treatment programs that receive public funds:

491 (a) accept and provide priority for admission to a pregnant woman or a pregnant minor;  
492 and

493 (b) if admission of a pregnant woman or a pregnant minor is not possible within 24  
494 hours of the time that a request for admission is made, provide a comprehensive referral for  
495 interim services that:

496 (i) are accessible to the pregnant woman or pregnant minor;

497 (ii) are best suited to provide services to the pregnant woman or pregnant minor;

498 (iii) may include:

499 (A) counseling;

500 (B) case management; or

501 (C) a support group; and

502 (iv) shall include a referral for:

503 (A) prenatal care; and

504 (B) counseling on the effects of alcohol and drug use during pregnancy.

505 (10) If a substance abuse treatment program described in Subsection (9) is not able to

506 accept and admit a pregnant woman or pregnant minor under Subsection (9) within 48 hours of  
507 the time that request for admission is made, the local substance abuse authority shall contact  
508 the Division of [~~Substance Abuse and Mental Health~~] Integrated Healthcare for assistance in  
509 providing services to the pregnant woman or pregnant minor.

510 Section 4. Section **17-43-301** is amended to read:

511 **17-43-301. Local mental health authorities -- Responsibilities.**

512 (1) As used in this section:

513 (a) "Assisted outpatient treatment" means the same as that term is defined in Section  
514 [62A-15-602](#).

515 (b) "Crisis worker" means the same as that term is defined in Section [62A-15-1301](#).

516 (c) "Local mental health crisis line" means the same as that term is defined in Section  
517 [62A-15-1301](#).

518 (d) "Mental health therapist" means the same as that term is defined in Section  
519 [58-60-102](#).

520 (e) "Public funds" means the same as that term is defined in Section [17-43-303](#).

521 (f) "Statewide mental health crisis line" means the same as that term is defined in  
522 Section [62A-15-1301](#).

523 (2) (a) (i) In each county operating under a county executive-council form of  
524 government under Section [17-52a-203](#), the county legislative body is the local mental health  
525 authority, provided however that any contract for plan services shall be administered by the  
526 county executive.

527 (ii) In each county operating under a council-manager form of government under  
528 Section [17-52a-204](#), the county manager is the local mental health authority.

529 (iii) In each county other than a county described in Subsection (2)(a)(i) or (ii), the  
530 county legislative body is the local mental health authority.

531 (b) Within legislative appropriations and county matching funds required by this  
532 section, under the direction of the division, each local mental health authority shall:

533 (i) provide mental health services to individuals within the county; and

534 (ii) cooperate with efforts of the [~~Division of Substance Abuse and Mental Health~~]  
535 division to promote integrated programs that address an individual's substance abuse, mental  
536 health, and physical healthcare needs, as described in Section [62A-15-103](#).

537 (c) Within legislative appropriations and county matching funds required by this  
538 section, each local mental health authority shall cooperate with the efforts of the [~~Department~~  
539 ~~of Human Services~~] department to promote a system of care, as defined in Section [~~62A-1-104~~]  
540 [26B-1-102](#), for minors with or at risk for complex emotional and behavioral needs, as  
541 described in Section [~~62A-1-111~~] [26B-1-202](#).

542 (3) (a) By executing an interlocal agreement under Title 11, Chapter 13, Interlocal  
543 Cooperation Act, two or more counties may join to:

544 (i) provide mental health prevention and treatment services; or

545 (ii) create a united local health department that combines substance abuse treatment  
546 services, mental health services, and local health department services in accordance with  
547 Subsection (4).

548 (b) The legislative bodies of counties joining to provide services may establish  
549 acceptable ways of apportioning the cost of mental health services.

550 (c) Each agreement for joint mental health services shall:

551 (i) (A) designate the treasurer of one of the participating counties or another person as  
552 the treasurer for the combined mental health authorities and as the custodian of money  
553 available for the joint services; and

554 (B) provide that the designated treasurer, or other disbursing officer authorized by the  
555 treasurer, may make payments from the money available for the joint services upon audit of the  
556 appropriate auditing officer or officers representing the participating counties;

557 (ii) provide for the appointment of an independent auditor or a county auditor of one of  
558 the participating counties as the designated auditing officer for the combined mental health  
559 authorities;

560 (iii) (A) provide for the appointment of the county or district attorney of one of the  
561 participating counties as the designated legal officer for the combined mental health

562 authorities; and

563 (B) authorize the designated legal officer to request and receive the assistance of the  
564 county or district attorneys of the other participating counties in defending or prosecuting  
565 actions within their counties relating to the combined mental health authorities; and

566 (iv) provide for the adoption of management, clinical, financial, procurement,  
567 personnel, and administrative policies as already established by one of the participating  
568 counties or as approved by the legislative body of each participating county or interlocal board.

569 (d) An agreement for joint mental health services may provide for:

570 (i) joint operation of services and facilities or for operation of services and facilities  
571 under contract by one participating local mental health authority for other participating local  
572 mental health authorities; and

573 (ii) allocation of appointments of members of the mental health advisory council  
574 between or among participating counties.

575 (4) A county governing body may elect to combine the local mental health authority  
576 with the local substance abuse authority created in Part 2, Local Substance Abuse Authorities,  
577 and the local health department created in Title 26A, Chapter 1, Part 1, Local Health  
578 Department Act, to create a united local health department under Section 26A-1-105.5. A local  
579 mental health authority that joins with a united local health department shall comply with this  
580 part.

581 (5) (a) Each local mental health authority is accountable to the department~~[, the~~  
582 ~~Department of Health,~~] and the state with regard to the use of state and federal funds received  
583 from those departments for mental health services, regardless of whether the services are  
584 provided by a private contract provider.

585 (b) Each local mental health authority shall comply, and require compliance by its  
586 contract provider, with all directives issued by the department ~~[and the Department of Health]~~  
587 regarding the use and expenditure of state and federal funds received from those departments  
588 for the purpose of providing mental health programs and services. The department ~~[and~~  
589 ~~Department of Health]~~ shall ensure that those directives are not duplicative or conflicting, and

590 shall consult and coordinate with local mental health authorities with regard to programs and  
591 services.

592 (6) (a) Each local mental health authority shall:

593 (i) review and evaluate mental health needs and services, including mental health needs  
594 and services for:

595 (A) an individual incarcerated in a county jail or other county correctional facility; and

596 (B) an individual who is a resident of the county and who is court ordered to receive  
597 assisted outpatient treatment under Section [62A-15-630.5](#);

598 (ii) in accordance with Subsection (6)(b), annually prepare and submit to the division a  
599 plan approved by the county legislative body for mental health funding and service delivery,  
600 either directly by the local mental health authority or by contract;

601 (iii) establish and maintain, either directly or by contract, programs licensed under Title  
602 62A, Chapter 2, Licensure of Programs and Facilities;

603 (iv) appoint, directly or by contract, a full-time or part-time director for mental health  
604 programs and prescribe the director's duties;

605 (v) provide input and comment on new and revised rules established by the division;

606 (vi) establish and require contract providers to establish administrative, clinical,  
607 personnel, financial, procurement, and management policies regarding mental health services  
608 and facilities, in accordance with the rules of the division, and state and federal law;

609 (vii) establish mechanisms allowing for direct citizen input;

610 (viii) annually contract with the division to provide mental health programs and  
611 services in accordance with the provisions of Title 62A, Chapter 15, Substance Abuse and  
612 Mental Health Act;

613 (ix) comply with all applicable state and federal statutes, policies, audit requirements,  
614 contract requirements, and any directives resulting from those audits and contract requirements;

615 (x) provide funding equal to at least 20% of the state funds that it receives to fund  
616 services described in the plan;

617 (xi) comply with the requirements and procedures of Title 11, Chapter 13, Interlocal

618 Cooperation Act, Title 17B, Chapter 1, Part 6, Fiscal Procedures for Local Districts, and Title  
619 51, Chapter 2a, Accounting Reports from Political Subdivisions, Interlocal Organizations, and  
620 Other Local Entities Act; and

621 (xii) take and retain physical custody of minors committed to the physical custody of  
622 local mental health authorities by a judicial proceeding under Title 62A, Chapter 15, Part 7,  
623 Commitment of Persons Under Age 18 [~~to Division of Substance Abuse and Mental Health~~].

624 (b) Each plan under Subsection (6)(a)(ii) shall include services for adults, youth, and  
625 children, which shall include:

- 626 (i) inpatient care and services;
- 627 (ii) residential care and services;
- 628 (iii) outpatient care and services;
- 629 (iv) 24-hour crisis care and services;
- 630 (v) psychotropic medication management;
- 631 (vi) psychosocial rehabilitation, including vocational training and skills development;
- 632 (vii) case management;
- 633 (viii) community supports, including in-home services, housing, family support  
634 services, and respite services;
- 635 (ix) consultation and education services, including case consultation, collaboration  
636 with other county service agencies, public education, and public information; and  
637 (x) services to persons incarcerated in a county jail or other county correctional facility.

638 (7) (a) If a local mental health authority provides for a local mental health crisis line  
639 under the plan for 24-hour crisis care and services described in Subsection (6)(b)(iv), the local  
640 mental health authority shall:

- 641 (i) collaborate with the statewide mental health crisis line described in Section  
642 [62A-15-1302](#);
- 643 (ii) ensure that each individual who answers calls to the local mental health crisis line:  
644 (A) is a mental health therapist or a crisis worker; and  
645 (B) meets the standards of care and practice established by the Division of [~~Substance~~

646 ~~Abuse and Mental Health]~~ Integrated Healthcare, in accordance with Section 62A-15-1302;  
647 and

648 (iii) ensure that when necessary, based on the local mental health crisis line's capacity,  
649 calls are immediately routed to the statewide mental health crisis line to ensure that when an  
650 individual calls the local mental health crisis line, regardless of the time, date, or number of  
651 individuals trying to simultaneously access the local mental health crisis line, a mental health  
652 therapist or a crisis worker answers the call without the caller first:

653 (A) waiting on hold; or

654 (B) being screened by an individual other than a mental health therapist or crisis  
655 worker.

656 (b) If a local mental health authority does not provide for a local mental health crisis  
657 line under the plan for 24-hour crisis care and services described in Subsection (6)(b)(iv), the  
658 local mental health authority shall use the statewide mental health crisis line as a local crisis  
659 line resource.

660 (8) Before disbursing any public funds, each local mental health authority shall require  
661 that each entity that receives any public funds from a local mental health authority agrees in  
662 writing that:

663 (a) the entity's financial records and other records relevant to the entity's performance  
664 of the services provided to the mental health authority shall be subject to examination by:

665 (i) the division;

666 (ii) the local mental health authority director;

667 (iii) (A) the county treasurer and county or district attorney; or

668 (B) if two or more counties jointly provide mental health services under an agreement  
669 under Subsection (3), the designated treasurer and the designated legal officer;

670 (iv) the county legislative body; and

671 (v) in a county with a county executive that is separate from the county legislative  
672 body, the county executive;

673 (b) the county auditor may examine and audit the entity's financial and other records



674 relevant to the entity's performance of the services provided to the local mental health  
675 authority; and

676 (c) the entity will comply with the provisions of Subsection (5)(b).

677 (9) A local mental health authority may receive property, grants, gifts, supplies,  
678 materials, contributions, and any benefit derived therefrom, for mental health services. If those  
679 gifts are conditioned upon their use for a specified service or program, they shall be so used.

680 (10) Public funds received for the provision of services pursuant to the local mental  
681 health plan may not be used for any other purpose except those authorized in the contract  
682 between the local mental health authority and the provider for the provision of plan services.

683 (11) A local mental health authority shall provide assisted outpatient treatment  
684 services, as described in Section 62A-15-630.4, to a resident of the county who has been  
685 ordered under Section 62A-15-630.5 to receive assisted outpatient treatment.

686 Section 5. Section 17-50-333 is amended to read:

687 **17-50-333. Regulation of retail tobacco specialty business.**

688 (1) As used in this section:

689 (a) "Community location" means:

690 (i) a public or private kindergarten, elementary, middle, junior high, or high school;

691 (ii) a licensed child-care facility or preschool;

692 (iii) a trade or technical school;

693 (iv) a church;

694 (v) a public library;

695 (vi) a public playground;

696 (vii) a public park;

697 (viii) a youth center or other space used primarily for youth oriented activities;

698 (ix) a public recreational facility;

699 (x) a public arcade; or

700 (xi) for a new license issued on or after July 1, 2018, a homeless shelter.

701 (b) "Department" means the Department of Health[;] and Human Services created in

702 Section [~~26-1-4~~] [26B-1-201](#).

703 (c) "Electronic cigarette product" means the same as that term is defined in Section  
704 [76-10-101](#).

705 (d) "Flavored electronic cigarette product" means the same as that term is defined in  
706 Section [76-10-101](#).

707 (e) "Licensee" means a person licensed under this section to conduct business as a  
708 retail tobacco specialty business.

709 (f) "Local health department" means the same as that term is defined in Section  
710 [26A-1-102](#).

711 (g) "Nicotine product" means the same as that term is defined in Section [76-10-101](#).

712 (h) "Retail tobacco specialty business" means a commercial establishment in which:

713 (i) sales of tobacco products, electronic cigarette products, and nicotine products  
714 account for more than 35% of the total quarterly gross receipts for the establishment;

715 (ii) 20% or more of the public retail floor space is allocated to the offer, display, or  
716 storage of tobacco products, electronic cigarette products, or nicotine products;

717 (iii) 20% or more of the total shelf space is allocated to the offer, display, or storage of  
718 tobacco products, electronic cigarette products, or nicotine products;

719 (iv) the commercial establishment:

720 (A) holds itself out as a retail tobacco specialty business; and

721 (B) causes a reasonable person to believe the commercial establishment is a retail  
722 tobacco specialty business;

723 (v) any flavored electronic cigarette product is sold; or

724 (vi) the retail space features a self-service display for tobacco products, electronic  
725 cigarette products, or nicotine products.

726 (i) "Self-service display" means the same as that term is defined in Section  
727 [76-10-105.1](#).

728 (j) "Tobacco product" means:

729 (i) the same as that term is defined in Section [76-10-101](#); or

730 (ii) tobacco paraphernalia as defined in Section 76-10-101.

731 (2) The regulation of a retail tobacco specialty business is an exercise of the police  
732 powers of the state by the state or by the delegation of the state's police power to other  
733 governmental entities.

734 (3) (a) A person may not operate a retail tobacco specialty business in a county unless  
735 the person obtains a license from the county in which the retail tobacco specialty business is  
736 located.

737 (b) A county may only issue a retail tobacco specialty business license to a person if  
738 the person complies with the provisions of Subsections (4) and (5).

739 (4) (a) Except as provided in Subsection (7), a county may not issue a license for a  
740 person to conduct business as a retail tobacco specialty business if the retail tobacco specialty  
741 business is located within:

- 742 (i) 1,000 feet of a community location;
- 743 (ii) 600 feet of another retail tobacco specialty business; or
- 744 (iii) 600 feet from property used or zoned for:
  - 745 (A) agriculture use; or
  - 746 (B) residential use.

747 (b) For purposes of Subsection (4)(a), the proximity requirements shall be measured in  
748 a straight line from the nearest entrance of the retail tobacco specialty business to the nearest  
749 property boundary of a location described in Subsections (4)(a)(i) through (iii), without regard  
750 to intervening structures or zoning districts.

751 (5) A county may not issue or renew a license for a person to conduct business as a  
752 retail tobacco specialty business until the person provides the county with proof that the retail  
753 tobacco specialty business has:

- 754 (a) a valid permit for a retail tobacco specialty business issued under Title 26, Chapter  
755 62, Tobacco, Electronic Cigarette, and Nicotine Product Retail Permit, by the local health  
756 department having jurisdiction over the area in which the retail tobacco specialty business is  
757 located; and

758 (b) (i) for a retailer that sells a tobacco product, a valid license issued by the State Tax  
759 Commission in accordance with Section 59-14-201 or 59-14-301 to sell a tobacco product; or

760 (ii) for a retailer that sells an electronic cigarette product or a nicotine product, a valid  
761 license issued by the State Tax Commission in accordance with Section 59-14-803 to sell an  
762 electronic cigarette product or a nicotine product.

763 (6) (a) Nothing in this section:

764 (i) requires a county to issue a retail tobacco specialty business license; or

765 (ii) prohibits a county from adopting more restrictive requirements on a person seeking  
766 a license or renewal of a license to conduct business as a retail tobacco specialty business.

767 (b) A county may suspend or revoke a retail tobacco specialty business license issued  
768 under this section:

769 (i) if a licensee engages in a pattern of unlawful activity under Title 76, Chapter 10,  
770 Part 16, Pattern of Unlawful Activity Act;

771 (ii) if a licensee violates federal law or federal regulations restricting the sale and  
772 distribution of tobacco products or electronic cigarette products to protect children and  
773 adolescents;

774 (iii) upon the recommendation of the department or a local health department under  
775 Title 26, Chapter 62, Tobacco, Electronic Cigarette, and Nicotine Product Retail Permit; or

776 (iv) under any other provision of state law or local ordinance.

777 (7) (a) Except as provided in Subsection (7)(e), a retail tobacco specialty business is  
778 exempt from Subsection (4) if:

779 (i) on or before December 31, 2018, the retail tobacco specialty business was issued a  
780 license to conduct business as a retail tobacco specialty business;

781 (ii) the retail tobacco specialty business is operating in a county in accordance with all  
782 applicable laws except for the requirement in Subsection (4); and

783 (iii) beginning July 1, 2022, the retail tobacco specialty business is not located within  
784 1,000 feet of a public or private kindergarten, elementary, middle, junior high, or high school.

785 (b) A retail tobacco specialty business may maintain an exemption under Subsection

786 (7)(a) if:

787 (i) the license described in Subsection (7)(a)(i) is renewed continuously without lapse

788 or permanent revocation;

789 (ii) the retail tobacco specialty business does not close for business or otherwise

790 suspend the sale of tobacco products, electronic cigarette products, or nicotine products for

791 more than 60 consecutive days;

792 (iii) the retail tobacco specialty business does not substantially change the business

793 premises or business operation; and

794 (iv) the retail tobacco specialty business maintains the right to operate under the terms

795 of other applicable laws, including:

796 (A) Title 26, Chapter 38, Utah Indoor Clean Air Act;

797 (B) zoning ordinances;

798 (C) building codes; and

799 (D) the requirements of the license described in Subsection (7)(a)(i).

800 (c) A retail tobacco specialty business that does not qualify for an exemption under

801 Subsection (7)(a) is exempt from Subsection (4) if:

802 (i) on or before December 31, 2018, the retail tobacco specialty business was issued a

803 general tobacco retailer permit or a retail tobacco specialty business permit under Title 26,

804 Chapter 62, Tobacco, Electronic Cigarette, and Nicotine Product Retail Permit, by the local

805 health department having jurisdiction over the area in which the retail tobacco specialty

806 business is located;

807 (ii) the retail tobacco specialty business is operating in the county in accordance with

808 all applicable laws except for the requirement in Subsection (4); and

809 (iii) beginning July 1, 2022, the retail tobacco specialty business is not located within

810 1,000 feet of a public or private kindergarten, elementary, middle, junior high, or high school.

811 (d) A retail tobacco specialty business may maintain an exemption under Subsection

812 (7)(c) if:

813 (i) on or before December 31, 2020, the retail tobacco specialty business receives a

814 retail tobacco specialty business permit from the local health department having jurisdiction  
815 over the area in which the retail tobacco specialty business is located;

816 (ii) the permit described in Subsection (7)(d)(i) is renewed continuously without lapse  
817 or permanent revocation;

818 (iii) the retail tobacco specialty business does not close for business or otherwise  
819 suspend the sale of tobacco products, electronic cigarette products, or nicotine products for  
820 more than 60 consecutive days;

821 (iv) the retail tobacco specialty business does not substantially change the business  
822 premises or business operation as the business existed when the retail tobacco specialty  
823 business received a permit under Subsection (7)(d)(i); and

824 (v) the retail tobacco specialty business maintains the right to operate under the terms  
825 of other applicable laws, including:

826 (A) Title 26, Chapter 38, Utah Indoor Clean Air Act;

827 (B) zoning ordinances;

828 (C) building codes; and

829 (D) the requirements of the retail tobacco permit described in Subsection (7)(d)(i).

830 (e) A retail tobacco specialty business described in Subsection (7)(a) or (b) that is  
831 located within 1,000 feet of a public or private kindergarten, elementary, middle, junior high,  
832 or high school before July 1, 2022, is exempt from Subsection (4)(a)(iii)(B) if the retail tobacco  
833 specialty business:

834 (i) relocates, before July 1, 2022, to a property that is used or zoned for commercial use  
835 and located within a group of architecturally unified commercial establishments built on a site  
836 that is planned, developed, owned, and managed as an operating unit; and

837 (ii) continues to meet the requirements described in Subsection (7)(b) that are not  
838 directly related to the relocation described in this Subsection (7)(e).

839 Section 6. Section **26-1-2** is amended to read:

840 **26-1-2. Definitions.**

841 [~~Subject to additional definitions contained in the chapters of this title which are~~

842 applicable to specific chapters, as] As used in this title:

843 (1) "Council" means the Utah Health Advisory Council.

844 (2) "Department" means the Department of Health and Human Services created in  
845 Section [~~26-1-4~~] 26B-1-201.

846 (3) "Executive director" means the executive director of the department appointed  
847 [~~pursuant to Section 26-1-8~~] under Section 26B-1-203.

848 (4) "Public health authority" means an agency or authority of the United States, a state,  
849 a territory, a political subdivision of a state or territory, an Indian tribe, or a person acting under  
850 a grant of authority from or contract with such an agency, that is responsible for public health  
851 matters as part of its official mandate.

852 Section 7. Section **26-1-10** is amended to read:

853 **26-1-10. Executive director -- Enforcement powers.**

854 Subject to the restrictions in this title and to the extent permitted by state law, the  
855 executive director is empowered to issue orders to enforce state laws and rules established by  
856 the department except where the enforcement power is given to a committee created [~~pursuant~~  
857 ~~to Section 26-1-7~~] under Section 26B-1-204.

858 Section 8. Section **26-1-11** is amended to read:

859 **26-1-11. Executive director -- Power to amend, modify, or rescind committee**  
860 **rules.**

861 The executive director pursuant to the requirements of the Administrative Rulemaking  
862 Act may amend, modify, or rescind any rule of any committee created [~~pursuant to Section~~  
863 ~~26-1-7~~] under Section 26B-1-204 if the rule creates a clear present hazard or clear potential  
864 hazard to the public health except that the executive director may not act until after discussion  
865 with the appropriate committee.

866 Section 9. Section **26-2-12.5** is amended to read:

867 **26-2-12.5. Certified copies of birth certificates -- Fees credited to Children's**  
868 **Account.**

869 (1) In addition to the fees provided for in Section [~~26-1-6~~] 26B-1-209, the department

870 and local registrars authorized to issue certified copies shall charge an additional \$3 fee for  
871 each certified copy of a birth certificate, including certified copies of supplementary and  
872 amended birth certificates, under Sections 26-2-8 through 26-2-11. This additional fee may be  
873 charged only for the first copy requested at any one time.

874 (2) The fee shall be transmitted monthly to the state treasurer and credited to the  
875 Children's Account established in Section 62A-4a-309.

876 Section 10. Section 26-2-12.6 is amended to read:

877 **26-2-12.6. Fee waived for certified copy of birth certificate.**

878 (1) Notwithstanding Section [~~26-1-6~~] 26B-1-209 and Section 26-2-12.5, the  
879 department shall waive a fee that would otherwise be charged for a certified copy of a birth  
880 certificate, if the individual whose birth is confirmed by the birth certificate is:

881 (a) the individual requesting the certified copy of the birth certificate; and

882 (b) (i) homeless, as defined in Section 26-18-411;

883 (ii) a person who is homeless, as defined in Section 35A-5-302;

884 (iii) an individual whose primary nighttime residence is a location that is not designed  
885 for or ordinarily used as a sleeping accommodation for an individual;

886 (iv) a homeless service provider as verified by the Department of Workforce Services;

887 or

888 (v) a homeless child or youth, as defined in 42 U.S.C. Sec. 11434a.

889 (2) To satisfy the requirement in Subsection (1)(b), the department shall accept written  
890 verification that the individual is homeless or a person, child, or youth who is homeless from:

891 (a) a homeless shelter, as defined in Section 10-9a-526;

892 (b) a permanent housing, permanent, supportive, or transitional facility, as defined in  
893 Section 35A-5-302;

894 (c) the Department of Workforce Services;

895 (d) a homeless service provider as verified by the Department of Workforce Services;

896 or

897 (e) a local educational agency liaison for homeless children and youth designated under



898 42 U.S.C. Sec. 11432(g)(1)(J)(ii).

899 Section 11. Section **26-4-17** is amended to read:

900 **26-4-17. Records of medical examiner -- Confidentiality.**

901 (1) The medical examiner shall maintain complete, original records for the medical  
902 examiner record, which shall:

903 (a) be properly indexed, giving the name, if known, or otherwise identifying every  
904 individual whose death is investigated;

905 (b) indicate the place where the body was found;

906 (c) indicate the date of death;

907 (d) indicate the cause and manner of death;

908 (e) indicate the occupation of the decedent, if available;

909 (f) include all other relevant information concerning the death; and

910 (g) include a full report and detailed findings of the autopsy or report of the  
911 investigation.

912 (2) (a) Upon written request from an individual described in Subsections (2)(a)(i)  
913 through (iv), the medical examiner shall provide a copy of the medical examiner's final report  
914 of examination for the decedent, including the autopsy report, toxicology report, lab reports,  
915 and investigative reports to any of the following:

916 (i) a decedent's immediate relative;

917 (ii) a decedent's legal representative;

918 (iii) a physician or physician assistant who attended the decedent during the year before  
919 the decedent's death; or

920 (iv) a county attorney, a district attorney, a criminal defense attorney, or other law  
921 enforcement official with jurisdiction, as necessary for the performance of the attorney or  
922 official's professional duties.

923 (b) Upon written request from the director or a designee of the director of an entity  
924 described in Subsections (2)(b)(i) through (iv), the medical examiner may provide a copy of the  
925 of the medical examiner's final report of examination for the decedent, including any other

926 reports described in Subsection (2)(a), to any of the following entities as necessary for  
927 performance of the entity's official purposes:

- 928 (i) a local health department;
- 929 (ii) a local mental health authority;
- 930 (iii) a public health authority; or
- 931 (iv) another state or federal governmental agency.

932 (c) The medical examiner may provide a copy of the medical examiner's final report of  
933 examination, including any other reports described in Subsection (2)(a), if the final report  
934 relates to an issue of public health or safety, as further defined by rule made by the department  
935 in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

936 (3) Reports provided under Subsection (2) may not include records that the medical  
937 examiner obtains from a third party in the course of investigating the decedent's death.

938 (4) The medical examiner may provide a medical examiner record to a researcher who:

- 939 (a) has an advanced degree;
- 940 (b) (i) is affiliated with an accredited college or university, a hospital, or another  
941 system of care, including an emergency medical response or a local health agency; or  
942 (ii) is part of a research firm contracted with an accredited college or university, a  
943 hospital, or another system of care;

944 (c) requests a medical examiner record for a research project or a quality improvement  
945 initiative that will have a public health benefit, as determined by the [~~Department of Health~~  
946 department]; and

- 947 (d) provides to the medical examiner an approval from:
  - 948 (i) the researcher's sponsoring organization; and
  - 949 (ii) the Utah Department of Health and Human Services Institutional Review Board.

950 (5) Records provided under Subsection (4) may not include a third party record, unless:

- 951 (a) a court has ordered disclosure of the third party record; and
- 952 (b) disclosure is conducted in compliance with state and federal law.

953 (6) A person who obtains a medical examiner record under Subsection (4) shall:

954 (a) maintain the confidentiality of the medical examiner record by removing personally  
955 identifying information about a decedent or the decedent's family and any other information  
956 that may be used to identify a decedent before using the medical examiner record in research;

957 (b) conduct any research within and under the supervision of the Office of the Medical  
958 Examiner, if the medical examiner record contains a third party record with personally  
959 identifiable information;

960 (c) limit the use of a medical examiner record to the purpose for which the person  
961 requested the medical examiner record;

962 (d) destroy a medical examiner record and the data abstracted from the medical  
963 examiner record at the conclusion of the research for which the person requested the medical  
964 examiner record;

965 (e) reimburse the medical examiner, as provided in Section [~~26-1-6~~] [26B-1-209](#), for  
966 any costs incurred by the medical examiner in providing a medical examiner record;

967 (f) allow the medical examiner to review, before public release, a publication in which  
968 data from a medical examiner record is referenced or analyzed; and

969 (g) provide the medical examiner access to the researcher's database containing data  
970 from a medical examiner record, until the day on which the researcher permanently destroys  
971 the medical examiner record and all data obtained from the medical examiner record.

972 (7) The department may make rules, in accordance with Title 63G, Chapter 3, Utah  
973 Administrative Rulemaking Act, and in consideration of applicable state and federal law, to  
974 establish permissible uses and disclosures of a medical examiner record or other record  
975 obtained under this section.

976 (8) Except as provided in this chapter or ordered by a court, the medical examiner may  
977 not disclose any part of a medical examiner record.

978 (9) A person who obtains a medical examiner record under Subsection (4) is guilty of a  
979 class B misdemeanor, if the person fails to comply with the requirements of Subsections (6)(a)  
980 through (d).

981 Section 12. Section **26-7-10** is amended to read:

982           **26-7-10. Youth Electronic Cigarette, Marijuana, and Other Drug Prevention**  
983 **Program.**

984           (1) As used in this section:

985           (a) "Committee" means the Youth Electronic Cigarette, Marijuana, and Other Drug  
986 Prevention Committee created in Section [~~26-1-7~~] [26B-1-204](#).

987           (b) "Program" means the Youth Electronic Cigarette, Marijuana, and Other Drug  
988 Prevention Program created in this section.

989           (2) (a) There is created within the department the Youth Electronic Cigarette,  
990 Marijuana, and Other Drug Prevention Program.

991           (b) In consultation with the committee, the department shall:

992           (i) establish guidelines for the use of funds appropriated to the program;

993           (ii) ensure that guidelines developed under Subsection (2)(b)(i) are evidence-based and  
994 appropriate for the population targeted by the program; and

995           (iii) subject to appropriations from the Legislature, fund statewide initiatives to prevent  
996 use of electronic cigarettes, nicotine products, marijuana, and other drugs by youth.

997           (3) (a) The committee shall advise the department on:

998           (i) preventing use of electronic cigarettes, marijuana, and other drugs by youth in the  
999 state;

1000           (ii) developing the guidelines described in Subsection (2)(b)(i); and

1001           (iii) implementing the provisions of the program.

1002           (b) The executive director shall:

1003           (i) appoint members of the committee; and

1004           (ii) consult with the Utah Substance Use and Mental Health Advisory Council created  
1005 in Section [63M-7-301](#) when making the appointments under Subsection (3)(b)(i).

1006           (c) The committee shall include, at a minimum:

1007           (i) the executive director of a local health department as defined in Section [26A-1-102](#),  
1008 or the local health department executive director's designee;

1009           (ii) one designee from the department;

1010 (iii) one representative from the Department of Public Safety;  
1011 (iv) one representative from the behavioral health community; and  
1012 (v) one representative from the education community.

1013 (d) A member of the committee may not receive compensation or benefits for the  
1014 member's service on the committee, but may receive per diem and travel expenses in  
1015 accordance with:

1016 (i) Section 63A-3-106;  
1017 (ii) Section 63A-3-107; and  
1018 (iii) rules made by the Division of Finance under Sections 63A-3-106 and 63A-3-107.

1019 (e) The department shall provide staff support to the committee.

1020 (4) On or before October 31 of each year, the department shall report to:

1021 (a) the Health and Human Services Interim Committee regarding:

1022 (i) the use of funds appropriated to the program;  
1023 (ii) the impact and results of the program, including the effectiveness of each program  
1024 funded under Subsection (2)(b)(iii), during the previous fiscal year;

1025 (iii) a summary of the impacts and results on reducing youth use of electronic cigarettes  
1026 and nicotine products by entities represented by members of the committee, including those  
1027 entities who receive funding through the Electronic Cigarette Substance and Nicotine Product  
1028 Tax Restricted Account created in Section 59-14-807; and

1029 (iv) any recommendations for legislation; and

1030 (b) the Utah Substance Use and Mental Health Advisory Council created in Section  
1031 63M-7-301, regarding:

1032 (i) the effectiveness of each program funded under Subsection (2)(b)(iii) in preventing  
1033 youth use of electronic cigarettes, nicotine products, marijuana, and other drugs; and  
1034 (ii) any collaborative efforts and partnerships established by the program with public  
1035 and private entities to prevent youth use of electronic cigarettes, marijuana, and other drugs.

1036 Section 13. Section 26-8a-102 is amended to read:  
1037 **26-8a-102. Definitions.**

1038 As used in this chapter:

1039 (1) (a) "911 ambulance or paramedic services" means:

1040 (i) either:

1041 (A) 911 ambulance service;

1042 (B) 911 paramedic service; or

1043 (C) both 911 ambulance and paramedic service; and

1044 (ii) a response to a 911 call received by a designated dispatch center that receives 911  
1045 or E911 calls.

1046 (b) "911 ambulance or paramedic services" does not mean a seven or ~~ten~~ 10 digit  
1047 telephone call received directly by an ambulance provider licensed under this chapter.

1048 (2) "Ambulance" means a ground, air, or water vehicle that:

1049 (a) transports patients and is used to provide emergency medical services; and

1050 (b) is required to obtain a permit under Section [26-8a-304](#) to operate in the state.

1051 (3) "Ambulance provider" means an emergency medical service provider that:

1052 (a) transports and provides emergency medical care to patients; and

1053 (b) is required to obtain a license under Part 4, Ambulance and Paramedic Providers.

1054 (4) (a) "Behavioral emergency services" means delivering a behavioral health  
1055 intervention to a patient in an emergency context within a scope and in accordance with  
1056 guidelines established by the department.

1057 (b) "Behavioral emergency services" does not include engaging in the:

1058 (i) practice of mental health therapy as defined in Section [58-60-102](#);

1059 (ii) practice of psychology as defined in Section [58-61-102](#);

1060 (iii) practice of clinical social work as defined in Section [58-60-202](#);

1061 (iv) practice of certified social work as defined in Section [58-60-202](#);

1062 (v) practice of marriage and family therapy as defined in Section [58-60-302](#); ~~or~~

1063 (vi) practice of clinical mental health counseling as defined in Section [58-60-402](#);

1064 ~~and~~ or

1065 (vii) practice as a substance use disorder counselor as defined in Section [58-60-502](#).

1066 (5) "Committee" means the State Emergency Medical Services Committee created by  
1067 Section ~~[26-1-7]~~ [26B-1-204](#).

1068 (6) "Direct medical observation" means in-person observation of a patient by a  
1069 physician, registered nurse, physician's assistant, or individual licensed under Section  
1070 [26-8a-302](#).

1071 (7) "Emergency medical condition" means:

1072 (a) a medical condition that manifests itself by symptoms of sufficient severity,  
1073 including severe pain, that a prudent layperson, who possesses an average knowledge of health  
1074 and medicine, could reasonably expect the absence of immediate medical attention to result in:

1075 (i) placing the individual's health in serious jeopardy;

1076 (ii) serious impairment to bodily functions; or

1077 (iii) serious dysfunction of any bodily organ or part; or

1078 (b) a medical condition that in the opinion of a physician or the physician's designee  
1079 requires direct medical observation during transport or may require the intervention of an  
1080 individual licensed under Section [26-8a-302](#) during transport.

1081 (8) (a) "Emergency medical service personnel" means an individual who provides  
1082 emergency medical services or behavioral emergency services to a patient and is required to be  
1083 licensed or certified under Section [26-8a-302](#).

1084 (b) "Emergency medical service personnel" includes a paramedic, medical director of a  
1085 licensed emergency medical service provider, emergency medical service instructor, behavioral  
1086 emergency services technician, other categories established by the committee, and a certified  
1087 emergency medical dispatcher.

1088 (9) "Emergency medical service providers" means:

1089 (a) licensed ambulance providers and paramedic providers;

1090 (b) a facility or provider that is required to be designated under Subsection  
1091 [26-8a-303\(1\)\(a\)](#); and

1092 (c) emergency medical service personnel.

1093 (10) "Emergency medical services" means:

- 1094 (a) medical services;
- 1095 (b) transportation services;
- 1096 (c) behavioral emergency services; or
- 1097 (d) any combination of the services described in Subsections (10)(a) through (c).
- 1098 (11) "Emergency medical service vehicle" means a land, air, or water vehicle that is:
- 1099 (a) maintained and used for the transportation of emergency medical personnel,
- 1100 equipment, and supplies to the scene of a medical emergency; and
- 1101 (b) required to be permitted under Section [26-8a-304](#).
- 1102 (12) "Governing body":
- 1103 (a) means the same as that term is defined in Section [11-42-102](#); and
- 1104 (b) for purposes of a "special service district" under Section [11-42-102](#), means a
- 1105 special service district that has been delegated the authority to select a provider under this
- 1106 chapter by the special service district's legislative body or administrative control board.
- 1107 (13) "Interested party" means:
- 1108 (a) a licensed or designated emergency medical services provider that provides
- 1109 emergency medical services within or in an area that abuts an exclusive geographic service area
- 1110 that is the subject of an application submitted pursuant to Part 4, Ambulance and Paramedic
- 1111 Providers;
- 1112 (b) any municipality, county, or fire district that lies within or abuts a geographic
- 1113 service area that is the subject of an application submitted pursuant to Part 4, Ambulance and
- 1114 Paramedic Providers; or
- 1115 (c) the department when acting in the interest of the public.
- 1116 (14) "Medical control" means a person who provides medical supervision to an
- 1117 emergency medical service provider.
- 1118 (15) "Non-911 service" means transport of a patient that is not 911 transport under
- 1119 Subsection (1).
- 1120 (16) "Nonemergency secured behavioral health transport" means an entity that:
- 1121 (a) provides nonemergency secure transportation services for an individual who:



- 1122 (i) is not required to be transported by an ambulance under Section 26-8a-305; and
- 1123 (ii) requires behavioral health observation during transport between any of the
- 1124 following facilities:
- 1125 (A) a licensed acute care hospital;
- 1126 (B) an emergency patient receiving facility;
- 1127 (C) a licensed mental health facility; and
- 1128 (D) the office of a licensed health care provider; and
- 1129 (b) is required to be designated under Section 26-8a-303.
- 1130 (17) "Paramedic provider" means an entity that:
- 1131 (a) employs emergency medical service personnel; and
- 1132 (b) is required to obtain a license under Part 4, Ambulance and Paramedic Providers.
- 1133 (18) "Patient" means an individual who, as the result of illness, injury, or a behavioral
- 1134 emergency condition, meets any of the criteria in Section 26-8a-305.
- 1135 (19) "Political subdivision" means:
- 1136 (a) a city, town, or metro township;
- 1137 (b) a county;
- 1138 (c) a special service district created under Title 17D, Chapter 1, Special Service
- 1139 District Act, for the purpose of providing fire protection services under Subsection
- 1140 17D-1-201(9);
- 1141 (d) a local district created under Title 17B, Limited Purpose Local Government Entities
- 1142 - Local Districts, for the purpose of providing fire protection, paramedic, and emergency
- 1143 services;
- 1144 (e) areas coming together as described in Subsection 26-8a-405.2(2)(b)(ii); or
- 1145 (f) an interlocal entity under Title 11, Chapter 13, Interlocal Cooperation Act.
- 1146 (20) "Trauma" means an injury requiring immediate medical or surgical intervention.
- 1147 (21) "Trauma system" means a single, statewide system that:
- 1148 (a) organizes and coordinates the delivery of trauma care within defined geographic
- 1149 areas from the time of injury through transport and rehabilitative care; and

1150 (b) is inclusive of all prehospital providers, hospitals, and rehabilitative facilities in  
1151 delivering care for trauma patients, regardless of severity.

1152 (22) "Triage" means the sorting of patients in terms of disposition, destination, or  
1153 priority. For prehospital trauma victims, triage requires a determination of injury severity to  
1154 assess the appropriate level of care according to established patient care protocols.

1155 (23) "Triage, treatment, transportation, and transfer guidelines" means written  
1156 procedures that:

1157 (a) direct the care of patients; and

1158 (b) are adopted by the medical staff of an emergency patient receiving facility, trauma  
1159 center, or an emergency medical service provider.

1160 Section 14. Section **26-8a-103** is amended to read:

1161 **26-8a-103. State Emergency Medical Services Committee -- Membership --**  
1162 **Expenses.**

1163 (1) The State Emergency Medical Services Committee created by Section [~~26-1-7~~]  
1164 [26B-1-204](#) shall be composed of the following 19 members appointed by the governor, at least  
1165 six of whom shall reside in a county of the third, fourth, fifth, or sixth class:

1166 (a) five physicians licensed under Title 58, Chapter 67, Utah Medical Practice Act, or  
1167 Title 58, Chapter 68, Utah Osteopathic Medical Practice Act, as follows:

1168 (i) one surgeon who actively provides trauma care at a hospital;

1169 (ii) one rural physician involved in emergency medical care;

1170 (iii) two physicians who practice in the emergency department of a general acute  
1171 hospital; and

1172 (iv) one pediatrician who practices in the emergency department or critical care unit of  
1173 a general acute hospital or a children's specialty hospital;

1174 (b) two representatives from private ambulance providers;

1175 (c) one representative from an ambulance provider that is neither privately owned nor  
1176 operated by a fire department;

1177 (d) two chief officers from fire agencies operated by the following classes of licensed

1178 or designated emergency medical services providers: municipality, county, and fire district,  
1179 provided that no class of medical services providers may have more than one representative  
1180 under this Subsection (1)(d);

1181 (e) one director of a law enforcement agency that provides emergency medical  
1182 services;

1183 (f) one hospital administrator;

1184 (g) one emergency care nurse;

1185 (h) one paramedic in active field practice;

1186 (i) one emergency medical technician in active field practice;

1187 (j) one certified emergency medical dispatcher affiliated with an emergency medical  
1188 dispatch center;

1189 (k) one licensed mental health professional with experience as a first responder;

1190 (l) one licensed behavioral emergency services technician; and

1191 (m) one consumer.

1192 (2) (a) Except as provided in Subsection (2)(b), members shall be appointed to a  
1193 four-year term beginning July 1.

1194 (b) Notwithstanding Subsection (2)(a), the governor:

1195 (i) shall, at the time of appointment or reappointment, adjust the length of terms to  
1196 ensure that the terms of committee members are staggered so that approximately half of the  
1197 committee is appointed every two years;

1198 (ii) may not reappoint a member for more than two consecutive terms; and

1199 (iii) shall:

1200 (A) initially appoint the second member under Subsection (1)(b) from a different  
1201 private provider than the private provider currently serving under Subsection (1)(b); and

1202 (B) thereafter stagger each replacement of a member in Subsection (1)(b) so that the  
1203 member positions under Subsection (1)(b) are not held by representatives of the same private  
1204 provider.

1205 (c) When a vacancy occurs in the membership for any reason, the replacement shall be

1206 appointed by the governor for the unexpired term.

1207 (3) (a) (i) Each January, the committee shall organize and select one of the committee's  
1208 members as chair and one member as vice chair.

1209 (ii) The committee may organize standing or ad hoc subcommittees, which shall  
1210 operate in accordance with guidelines established by the committee.

1211 (b) (i) The chair shall convene a minimum of four meetings per year.

1212 (ii) The chair may call special meetings.

1213 (iii) The chair shall call a meeting upon request of five or more members of the  
1214 committee.

1215 (c) (i) Nine members of the committee constitute a quorum for the transaction of  
1216 business.

1217 (ii) The action of a majority of the members present is the action of the committee.

1218 (4) A member may not receive compensation or benefits for the member's service, but  
1219 may receive per diem and travel expenses in accordance with:

1220 (a) Section [63A-3-106](#);

1221 (b) Section [63A-3-107](#); and

1222 (c) rules made by the Division of Finance pursuant to Sections [63A-3-106](#) and  
1223 [63A-3-107](#).

1224 (5) Administrative services for the committee shall be provided by the department.

1225 Section 15. Section **26-8a-107** is amended to read:

1226 **26-8a-107. Air Ambulance Committee -- Membership -- Duties.**

1227 (1) The Air Ambulance Committee created by Section [~~26-1-7~~] [26B-1-204](#) shall be  
1228 composed of the following members:

1229 (a) the state emergency medical services medical director;

1230 (b) one physician who:

1231 (i) is licensed under:

1232 (A) Title 58, Chapter 67, Utah Medical Practice Act;

1233 (B) Title 58, Chapter 67b, Interstate Medical Licensure Compact; or

- 1234 (C) Title 58, Chapter 68, Utah Osteopathic Medical Practice Act;
- 1235 (ii) actively provides trauma or emergency care at a Utah hospital; and
- 1236 (iii) has experience and is actively involved in state and national air medical transport
- 1237 issues;
- 1238 (c) one member from each level 1 and level 2 trauma center in the state of Utah,
- 1239 selected by the trauma center the member represents;
- 1240 (d) one registered nurse who:
- 1241 (i) is licensed under Title 58, Chapter 31b, Nurse Practice Act; and
- 1242 (ii) currently works as a flight nurse for an air medical transport provider in the state of
- 1243 Utah;
- 1244 (e) one paramedic who:
- 1245 (i) is licensed under [~~Title 26, Chapter 8a, Utah Emergency Medical Services System~~
- 1246 ~~Act~~] this chapter; and
- 1247 (ii) currently works for an air medical transport provider in the state of Utah; and
- 1248 (f) two members, each from a different for-profit air medical transport company
- 1249 operating in the state of Utah.
- 1250 (2) The state emergency medical services medical director shall appoint the physician
- 1251 member under Subsection (1)(b), and the physician shall serve as the chair of the Air
- 1252 Ambulance Committee.
- 1253 (3) The chair of the Air Ambulance Committee shall:
- 1254 (a) appoint the Air Ambulance Committee members under Subsections (1)(c) through
- 1255 (f);
- 1256 (b) designate the member of the Air Ambulance Committee to serve as the vice chair
- 1257 of the committee; and
- 1258 (c) set the agenda for Air Ambulance Committee meetings.
- 1259 (4) (a) Except as provided in Subsection (4)(b), members shall be appointed to a
- 1260 two-year term.
- 1261 (b) Notwithstanding Subsection (4)(a), the Air Ambulance Committee chair shall, at

1262 the time of appointment or reappointment, adjust the length of the terms of committee  
1263 members to ensure that the terms of the committee members are staggered so that  
1264 approximately half of the committee is reappointed every two years.

1265 (5) (a) A majority of the members of the Air Ambulance Committee constitutes a  
1266 quorum.

1267 (b) The action of a majority of a quorum constitutes the action of the Air Ambulance  
1268 Committee.

1269 (6) The Air Ambulance Committee shall, before November 30, 2019, and before  
1270 November 30 of every odd-numbered year thereafter, provide recommendations to the Health  
1271 and Human Services Interim Committee regarding the development of state standards and  
1272 requirements related to:

1273 (a) air medical transport provider licensure and accreditation;

1274 (b) air medical transport medical personnel qualifications and training; and

1275 (c) other standards and requirements to ensure patients receive appropriate and  
1276 high-quality medical attention and care by air medical transport providers operating in the state  
1277 of Utah.

1278 (7) (a) The committee shall prepare an annual report, using any data available to the  
1279 department and in consultation with the Insurance Department, that includes the following  
1280 information for each air medical transport provider that operates in the state:

1281 (i) which health insurers in the state the air medical transport provider contracts with;

1282 (ii) if sufficient data is available to the committee, the average charge for air medical  
1283 transport services for a patient who is uninsured or out of network; and

1284 (iii) whether the air medical transport provider balance bills a patient for any charge  
1285 not paid by the patient's health insurer.

1286 (b) When calculating the average charge under Subsection (7)(a)(ii), the committee  
1287 shall distinguish between:

1288 (i) a rotary wing provider and a fixed wing provider; and

1289 (ii) any other differences between air medical transport service providers that may

1290 substantially affect the cost of the air medical transport service, as determined by the  
1291 committee.

1292 (c) The department shall:

1293 (i) post the committee's findings under Subsection (7)(a) on the department's website;  
1294 and

1295 (ii) send the committee's findings under Subsection (7)(a) to each emergency medical  
1296 service provider, health care facility, and other entity that has regular contact with patients in  
1297 need of air medical transport provider services.

1298 (8) An Air Ambulance Committee member may not receive compensation, benefits,  
1299 per diem, or travel expenses for the member's service on the committee.

1300 (9) The Office of the Attorney General shall provide staff support to the Air  
1301 Ambulance Committee.

1302 (10) The Air Ambulance Committee shall report to the Health and Human Services  
1303 Interim Committee before November 30, 2023, regarding the sunset of this section in  
1304 accordance with Section [63I-2-226](#).

1305 Section 16. Section **26-8a-208** is amended to read:

1306 **26-8a-208. Fees for training equipment rental, testing, and quality assurance**  
1307 **reviews.**

1308 (1) The department may charge fees, established pursuant to Section [~~26-1-6~~]  
1309 [26B-1-209](#):

1310 (a) for the use of department-owned training equipment;

1311 (b) to administer tests and conduct quality assurance reviews; and

1312 (c) to process an application for a designation, permit, or license.

1313 (2) (a) Fees collected under Subsections (1)(a) and (b) shall be separate dedicated  
1314 credits.

1315 (b) Fees under Subsection (1)(a) may be used to purchase training equipment.

1316 (c) Fees under Subsection (1)(b) may be used to administer tests and conduct quality  
1317 assurance reviews.

1318 Section 17. Section **26-8a-302** is amended to read:

1319 **26-8a-302. Licensure of emergency medical service personnel.**

1320 (1) To promote the availability of comprehensive emergency medical services  
1321 throughout the state, the committee shall establish:

1322 (a) initial and ongoing licensure and training requirements for emergency medical  
1323 service personnel in the following categories:

1324 (i) paramedic;

1325 (ii) medical director;

1326 (iii) emergency medical service instructor;

1327 (iv) behavioral emergency services technician;

1328 (v) advanced behavioral emergency services technician; and

1329 (vi) except emergency medical dispatchers, other types of emergency medical service  
1330 personnel as the committee considers necessary;

1331 (b) a method to monitor the certification status and continuing medical education hours  
1332 for emergency medical dispatchers; and

1333 (c) guidelines for giving credit for out-of-state training and experience.

1334 (2) The department shall, based on the requirements established in Subsection (1):

1335 (a) develop, conduct, and authorize training and testing for emergency medical service  
1336 personnel;

1337 (b) issue a license and license renewals to emergency medical service personnel other  
1338 than emergency medical dispatchers; and

1339 (c) verify the certification of emergency medical dispatchers.

1340 (3) The department shall coordinate with [~~the Department of Human Services~~

1341 ~~established in Section 62A-1-102, and~~] local mental health authorities described in Section

1342 17-43-301[;] to develop and authorize initial and ongoing licensure and training requirements

1343 for licensure as a:

1344 (a) behavioral emergency services technician; and

1345 (b) advanced behavioral emergency services technician.



1346 (4) As provided in Section 26-8a-502, an individual issued a license or certified under  
1347 this section may only provide emergency medical services to the extent allowed by the license  
1348 or certification.

1349 (5) An individual may not be issued or retain a license under this section unless the  
1350 individual obtains and retains background clearance under Section 26-8a-310.

1351 (6) An individual may not be issued or retain a certification under this section unless  
1352 the individual obtains and retains background clearance in accordance with Section  
1353 26-8a-310.5.

1354 Section 18. Section 26-8a-310 is amended to read:

1355 **26-8a-310. Background clearance for emergency medical service personnel.**

1356 (1) Subject to Section 26-8a-310.5, the department shall determine whether to grant  
1357 background clearance for an individual seeking licensure or certification under Section  
1358 26-8a-302 from whom the department receives:

1359 (a) the individual's social security number, fingerprints, and other personal  
1360 identification information specified by the department under Subsection (4); and

1361 (b) any fees established by the department under Subsection (10).

1362 (2) The department shall determine whether to deny or revoke background clearance  
1363 for individuals for whom the department has previously granted background clearance.

1364 (3) The department shall determine whether to grant, deny, or revoke background  
1365 clearance for an individual based on an initial and ongoing evaluation of information the  
1366 department obtains under Subsections (5) and (11), which, at a minimum, shall include an  
1367 initial criminal background check of state, regional, and national databases using the  
1368 individual's fingerprints.

1369 (4) The department shall make rules, in accordance with Title 63G, Chapter 3, Utah  
1370 Administrative Rulemaking Act, that specify:

1371 (a) the criteria the department will use under Subsection (3) to determine whether to  
1372 grant, deny, or revoke background clearance; and

1373 (b) the other personal identification information an individual seeking licensure or

1374 certification under Section [26-8a-302](#) must submit under Subsection (1).

1375 (5) To determine whether to grant, deny, or revoke background clearance, the  
1376 department may access and evaluate any of the following:

1377 (a) Department of Public Safety arrest, conviction, and disposition records described in  
1378 Title 53, Chapter 10, Criminal Investigations and Technical Services Act, including  
1379 information in state, regional, and national records files;

1380 (b) adjudications by a juvenile court of committing an act that if committed by an adult  
1381 would be a felony or misdemeanor, if:

1382 (i) the applicant is under 28 years old; or

1383 (ii) the applicant:

1384 (A) is over 28 years old; and

1385 (B) has been convicted of, has pleaded no contest to, or is currently subject to a plea in  
1386 abeyance or diversion agreement for a felony or misdemeanor;

1387 (c) juvenile court arrest, adjudication, and disposition records, other than those under  
1388 Subsection (5)(b), as allowed under Section [78A-6-209](#);

1389 (d) child abuse or neglect findings described in Section [80-3-404](#);

1390 (e) the [~~Department of Human Services' Division of Child and Family Services~~]  
1391 department's Licensing Information System described in Section [62A-4a-1006](#);

1392 (f) the [~~Department of Human Services' Division of Aging and Adult Services~~]  
1393 department's database of reports of vulnerable adult abuse, neglect, or exploitation, described  
1394 in Section [62A-3-311.1](#);

1395 (g) Division of Occupational and Professional Licensing records of licensing and  
1396 certification under Title 58, Occupations and Professions;

1397 (h) records in other federal criminal background databases available to the state; and

1398 (i) any other records of arrests, warrants for arrest, convictions, pleas in abeyance,  
1399 pending diversion agreements, or dispositions.

1400 (6) Except for the Department of Public Safety, an agency may not charge the  
1401 department for information accessed under Subsection (5).

1402 (7) When evaluating information under Subsection (3), the department shall classify a  
1403 crime committed in another state according to the closest matching crime under Utah law,  
1404 regardless of how the crime is classified in the state where the crime was committed.

1405 (8) The department shall adopt measures to protect the security of information the  
1406 department accesses under Subsection (5), which shall include limiting access by department  
1407 employees to those responsible for acquiring, evaluating, or otherwise processing the  
1408 information.

1409 (9) The department may disclose personal identification information the department  
1410 receives under Subsection (1) to the [~~Department of Human Services~~] department to verify that  
1411 the subject of the information is not identified as a perpetrator or offender in the information  
1412 sources described in Subsections (5)(d) through (f).

1413 (10) The department may charge fees, in accordance with Section [63J-1-504](#), to pay  
1414 for:

1415 (a) the cost of obtaining, storing, and evaluating information needed under Subsection  
1416 (3), both initially and on an ongoing basis, to determine whether to grant, deny, or revoke  
1417 background clearance; and

1418 (b) other department costs related to granting, denying, or revoking background  
1419 clearance.

1420 (11) The Criminal Investigations and Technical Services Division within the  
1421 Department of Public Safety shall:

1422 (a) retain, separate from other division records, personal information under Subsection  
1423 (1), including any fingerprints sent to it by the [~~Department of Health~~] department; and

1424 (b) notify the [~~Department of Health~~] department upon receiving notice that an  
1425 individual for whom personal information has been retained is the subject of:

1426 (i) a warrant for arrest;

1427 (ii) an arrest;

1428 (iii) a conviction, including a plea in abeyance; or

1429 (iv) a pending diversion agreement.

1430 (12) The department shall use the Direct Access Clearance System database created  
1431 under Section 26-21-209 to manage information about the background clearance status of each  
1432 individual for whom the department is required to make a determination under Subsection (1).

1433 (13) Clearance granted for an individual licensed or certified under Section 26-8a-302  
1434 is valid until two years after the day on which the individual is no longer licensed or certified in  
1435 Utah as emergency medical service personnel.

1436 Section 19. Section 26-9f-103 is amended to read:

1437 **26-9f-103. Utah Digital Health Service Commission.**

1438 (1) There is created within the department the Utah Digital Health Service  
1439 Commission.

1440 (2) The governor shall appoint 13 members to the commission with the advice and  
1441 consent of the Senate, as follows:

1442 (a) a physician who is involved in digital health service;

1443 (b) a representative of a health care system or a licensed health care facility as that term  
1444 is defined in Section 26-21-2;

1445 (c) a representative of rural Utah, which may be a person nominated by an advisory  
1446 committee on rural health issues [~~created pursuant to Section 26-1-20~~];

1447 (d) a member of the public who is not involved with digital health service;

1448 (e) a nurse who is involved in digital health service; and

1449 (f) eight members who fall into one or more of the following categories:

1450 (i) individuals who use digital health service in a public or private institution;

1451 (ii) individuals who use digital health service in serving medically underserved  
1452 populations;

1453 (iii) nonphysician health care providers involved in digital health service;

1454 (iv) information technology professionals involved in digital health service;

1455 (v) representatives of the health insurance industry;

1456 (vi) telehealth digital health service consumer advocates; and

1457 (vii) individuals who use digital health service in serving mental or behavioral health

1458 populations.

1459           (3) (a) The commission shall annually elect a chairperson from its membership. The  
1460 chairperson shall report to the executive director of the department.

1461           (b) The commission shall hold meetings at least once every three months. Meetings  
1462 may be held from time to time on the call of the chair or a majority of the board members.

1463           (c) Seven commission members are necessary to constitute a quorum at any meeting  
1464 and, if a quorum exists, the action of a majority of members present shall be the action of the  
1465 commission.

1466           (4) (a) Except as provided in Subsection (4)(b), a commission member shall be  
1467 appointed for a three-year term and eligible for two reappointments.

1468           (b) Notwithstanding Subsection (4)(a), the governor shall, at the time of appointment  
1469 or reappointment, adjust the length of terms to ensure that the terms of commission members  
1470 are staggered so that approximately 1/3 of the commission is appointed each year.

1471           (c) A commission member shall continue in office until the expiration of the member's  
1472 term and until a successor is appointed, which may not exceed 90 days after the formal  
1473 expiration of the term.

1474           (d) Notwithstanding Subsection (4)(c), a commission member who fails to attend 75%  
1475 of the scheduled meetings in a calendar year shall be disqualified from serving.

1476           (e) When a vacancy occurs in membership for any reason, the replacement shall be  
1477 appointed for the unexpired term.

1478           (5) A member may not receive compensation or benefits for the member's service, but,  
1479 at the executive director's discretion, may receive per diem and travel expenses in accordance  
1480 with:

1481           (a) Section [63A-3-106](#);

1482           (b) Section [63A-3-107](#); and

1483           (c) rules made by the Division of Finance pursuant to Sections [63A-3-106](#) and  
1484 [63A-3-107](#).

1485           (6) The department shall provide informatics staff support to the commission.

1486 (7) The funding of the commission shall be a separate line item to the department in  
1487 the annual appropriations act.

1488 Section 20. Section **26-10-6** is amended to read:

1489 **26-10-6. Testing of newborn infants.**

1490 (1) Except in the case where parents object on the grounds that they are members of a  
1491 specified, well-recognized religious organization whose teachings are contrary to the tests  
1492 required by this section, a newborn infant shall be tested for:

1493 (a) phenylketonuria (PKU);

1494 (b) other heritable disorders which may result in an intellectual or physical disability or  
1495 death and for which:

1496 (i) a preventive measure or treatment is available; and

1497 (ii) there exists a reliable laboratory diagnostic test method;

1498 (c) (i) an infant born in a hospital with 100 or more live births annually, hearing loss;

1499 and

1500 (ii) an infant born in a setting other than a hospital with 100 or more live births  
1501 annually, hearing loss; and

1502 (d) critical congenital heart defects using pulse oximetry.

1503 (2) In accordance with Section [~~26-1-6~~] [26B-1-209](#), the department may charge fees  
1504 for:

1505 (a) materials supplied by the department to conduct tests required under Subsection (1);

1506 (b) tests required under Subsection (1) conducted by the department;

1507 (c) laboratory analyses by the department of tests conducted under Subsection (1); and

1508 (d) the administrative cost of follow-up contacts with the parents or guardians of tested  
1509 infants.

1510 (3) Tests for hearing loss described in Subsection (1) shall be based on one or more  
1511 methods approved by the Newborn Hearing Screening Committee, including:

1512 (a) auditory brainstem response;

1513 (b) automated auditory brainstem response; and

- 1514 (c) evoked otoacoustic emissions.
- 1515 (4) Results of tests for hearing loss described in Subsection (1) shall be reported to:
- 1516 (a) the department; and
- 1517 (b) when results of tests for hearing loss under Subsection (1) suggest that additional
- 1518 diagnostic procedures or medical interventions are necessary:
- 1519 (i) a parent or guardian of the infant;
- 1520 (ii) an early intervention program administered by the department in accordance with
- 1521 Part C of the Individuals with Disabilities Education Act, 20 U.S.C. Sec. 1431 et seq.; and
- 1522 (iii) the Utah Schools for the Deaf and the Blind, created in Section [53E-8-201](#).
- 1523 (5) (a) There is established the Newborn Hearing Screening Committee.
- 1524 (b) The committee shall advise the department on:
- 1525 (i) the validity and cost of newborn infant hearing loss testing procedures; and
- 1526 (ii) rules promulgated by the department to implement this section.
- 1527 (c) The committee shall be composed of at least 11 members appointed by the
- 1528 executive director, including:
- 1529 (i) one representative of the health insurance industry;
- 1530 (ii) one pediatrician;
- 1531 (iii) one family practitioner;
- 1532 (iv) one ear, nose, and throat specialist nominated by the Utah Medical Association;
- 1533 (v) two audiologists nominated by the Utah Speech-Language-Hearing Association;
- 1534 (vi) one representative of hospital neonatal nurseries;
- 1535 (vii) one representative of the Early Intervention Baby Watch Program administered by
- 1536 the department;
- 1537 (viii) one public health nurse;
- 1538 (ix) one consumer; and
- 1539 (x) the executive director or the executive director's designee.
- 1540 (d) Of the initial members of the committee, the executive director shall appoint as
- 1541 nearly as possible half to two-year terms and half to four-year terms. Thereafter, appointments

1542 shall be for four-year terms except:

1543 (i) for those members who have been appointed to complete an unexpired term; and

1544 (ii) as necessary to ensure that as nearly as possible the terms of half the appointments  
1545 expire every two years.

1546 (e) A majority of the members constitute a quorum, and a vote of the majority of the  
1547 members present constitutes an action of the committee.

1548 (f) The committee shall appoint a chairman from the committee's membership.

1549 (g) The committee shall meet at least quarterly.

1550 (h) A member may not receive compensation or benefits for the member's service, but  
1551 may receive per diem and travel expenses in accordance with:

1552 (i) Section 63A-3-106;

1553 (ii) Section 63A-3-107; and

1554 (iii) rules made by the Division of Finance pursuant to Sections 63A-3-106 and  
1555 63A-3-107.

1556 (i) The department shall provide staff for the committee.

1557 (6) Before implementing the test required by Subsection (1)(d), the department shall  
1558 conduct a pilot program for testing newborns for critical congenital heart defects using pulse  
1559 oximetry. The pilot program shall include the development of:

1560 (a) appropriate oxygen saturation levels that would indicate a need for further medical  
1561 follow-up; and

1562 (b) the best methods for implementing the pulse oximetry screening in newborn care  
1563 units.

1564 Section 21. Section **26-10b-101** is amended to read:

1565 **26-10b-101. Definitions.**

1566 As used in this chapter:

1567 (1) "Committee" means the Primary Care Grant Committee [~~created in Section 26-1-7~~  
1568 ~~and~~] described in Section 26-10b-106.

1569 (2) "Community based organization":



- 1570 (a) means a private entity; and
- 1571 (b) includes for profit and not for profit entities.
- 1572 (3) "Cultural competence" means a set of congruent behaviors, attitudes, and policies
- 1573 that come together in a system, agency, or profession and enables that system, agency, or
- 1574 profession to work effectively in cross-cultural situations.
- 1575 (4) "Executive director" means the executive director of the department.
- 1576 (5) "Health literacy" means the degree to which an individual has the capacity to
- 1577 obtain, process, and understand health information and services needed to make appropriate
- 1578 health decisions.
- 1579 (6) "Institutional capacity" means the ability of a community based organization to
- 1580 implement public and private contracts.
- 1581 (7) "Medically underserved population" means the population of an urban or rural area
- 1582 or a population group that the committee determines has a shortage of primary health care.
- 1583 (8) "Primary care grant" means a grant awarded by the department under Subsection
- 1584 [26-10b-102\(1\)](#).
- 1585 (9) (a) "Primary health care" means:
- 1586 (i) basic and general health care services given when a person seeks assistance to
- 1587 screen for or to prevent illness and disease, or for simple and common illnesses and injuries;
- 1588 and
- 1589 (ii) care given for the management of chronic diseases.
- 1590 (b) "Primary health care" includes:
- 1591 (i) services of physicians, nurses, physician's assistants, and dentists licensed to
- 1592 practice in this state under Title 58, Occupations and Professions;
- 1593 (ii) diagnostic and radiologic services;
- 1594 (iii) preventive health services including perinatal services, well-child services, and
- 1595 other services that seek to prevent disease or its consequences;
- 1596 (iv) emergency medical services;
- 1597 (v) preventive dental services; and

1598 (vi) pharmaceutical services.

1599 (10) "Program" means the primary care grant program created under this chapter.

1600 Section 22. Section **26-10b-106** is amended to read:

1601 **26-10b-106. Primary Care Grant Committee.**

1602 (1) The [~~Primary Care Grant Committee created in Section 26-1-7~~] committee shall:

1603 (a) review grant applications forwarded to the committee by the department under

1604 Subsection ~~26-10b-104~~(1);

1605 (b) recommend, to the executive director, grant applications to award under Subsection

1606 ~~26-10b-102~~(1);

1607 (c) evaluate:

1608 (i) the need for primary health care in different areas of the state;

1609 (ii) how the program is addressing those needs; and

1610 (iii) the overall effectiveness and efficiency of the program;

1611 (d) review annual reports from primary care grant recipients;

1612 (e) meet as necessary to carry out its duties, or upon a call by the committee chair or by

1613 a majority of committee members; and

1614 (f) make rules, with the concurrence of the department, in accordance with Title 63G,

1615 Chapter 3, Utah Administrative Rulemaking Act, that govern the committee, including the

1616 committee's grant selection criteria.

1617 (2) The committee shall consist of:

1618 (a) as chair, the executive director or an individual designated by the executive

1619 director; and

1620 (b) six members appointed by the governor to serve up to two consecutive, two-year

1621 terms of office, including:

1622 (i) four licensed health care professionals; and

1623 (ii) two community advocates who are familiar with a medically underserved

1624 population and with health care systems, where at least one is familiar with a rural medically

1625 underserved population.

- 1626 (3) The executive director may remove a committee member:
- 1627 (a) if the member is unable or unwilling to carry out the member's assigned
- 1628 responsibilities; or
- 1629 (b) for a rational reason.
- 1630 (4) A committee member may not receive compensation or benefits for the member's
- 1631 service, except a committee member who is not an employee of the department may receive per
- 1632 diem and travel expenses in accordance with:
- 1633 (a) Section 63A-3-106;
- 1634 (b) Section 63A-3-107; and
- 1635 (c) rules made by the Division of Finance in accordance with Sections 63A-3-106 and
- 1636 63A-3-107.
- 1637 Section 23. Section 26-18-2.4 is amended to read:
- 1638 **26-18-2.4. Medicaid drug program -- Preferred drug list.**
- 1639 (1) A Medicaid drug program developed by the department under Subsection
- 1640 26-18-2.3(2)(f):
- 1641 (a) shall, notwithstanding Subsection 26-18-2.3(1)(b), be based on clinical and
- 1642 cost-related factors which include medical necessity as determined by a provider in accordance
- 1643 with administrative rules established by the Drug Utilization Review Board;
- 1644 (b) may include therapeutic categories of drugs that may be exempted from the drug
- 1645 program;
- 1646 (c) may include placing some drugs, except the drugs described in Subsection (2), on a
- 1647 preferred drug list:
- 1648 (i) to the extent determined appropriate by the department; and
- 1649 (ii) in the manner described in Subsection (3) for psychotropic drugs;
- 1650 (d) notwithstanding the requirements of Part 2, Drug Utilization Review Board, and
- 1651 except as provided in Subsection (3), shall immediately implement the prior authorization
- 1652 requirements for a nonpreferred drug that is in the same therapeutic class as a drug that is:
- 1653 (i) on the preferred drug list on the date that this act takes effect; or

1654 (ii) added to the preferred drug list after this act takes effect; and  
1655 (e) except as prohibited by Subsections 58-17b-606(4) and (5), shall establish the prior  
1656 authorization requirements established under Subsections (1)(c) and (d) which shall permit a  
1657 health care provider or the health care provider's agent to obtain a prior authorization override  
1658 of the preferred drug list through the department's pharmacy prior authorization review process,  
1659 and which shall:

1660 (i) provide either telephone or fax approval or denial of the request within 24 hours of  
1661 the receipt of a request that is submitted during normal business hours of Monday through  
1662 Friday from 8 a.m. to 5 p.m.;

1663 (ii) provide for the dispensing of a limited supply of a requested drug as determined  
1664 appropriate by the department in an emergency situation, if the request for an override is  
1665 received outside of the department's normal business hours; and

1666 (iii) require the health care provider to provide the department with documentation of  
1667 the medical need for the preferred drug list override in accordance with criteria established by  
1668 the department in consultation with the Pharmacy and Therapeutics Committee.

1669 (2) (a) For purposes of this Subsection (2):

1670 (i) "Immunosuppressive drug":

1671 (A) means a drug that is used in immunosuppressive therapy to inhibit or prevent  
1672 activity of the immune system to aid the body in preventing the rejection of transplanted organs  
1673 and tissue; and

1674 (B) does not include drugs used for the treatment of autoimmune disease or diseases  
1675 that are most likely of autoimmune origin.

1676 (ii) "Stabilized" means a health care provider has documented in the patient's medical  
1677 chart that a patient has achieved a stable or steadfast medical state within the past 90 days using  
1678 a particular psychotropic drug.

1679 (b) A preferred drug list developed under the provisions of this section may not include  
1680 an immunosuppressive drug.

1681 (c) The state Medicaid program shall reimburse for a prescription for an

1682 immunosuppressive drug as written by the health care provider for a patient who has undergone  
1683 an organ transplant. For purposes of Subsection 58-17b-606(4), and with respect to patients  
1684 who have undergone an organ transplant, the prescription for a particular immunosuppressive  
1685 drug as written by a health care provider meets the criteria of demonstrating to the [~~Department~~  
1686 ~~of Health~~] department a medical necessity for dispensing the prescribed immunosuppressive  
1687 drug.

1688 (d) Notwithstanding the requirements of Part 2, Drug Utilization Review Board, the  
1689 state Medicaid drug program may not require the use of step therapy for immunosuppressive  
1690 drugs without the written or oral consent of the health care provider and the patient.

1691 (e) The department may include a sedative hypnotic on a preferred drug list in  
1692 accordance with Subsection (2)(f).

1693 (f) The department shall grant a prior authorization for a sedative hypnotic that is not  
1694 on the preferred drug list under Subsection (2)(e), if the health care provider has documentation  
1695 related to one of the following conditions for the Medicaid client:

1696 (i) a trial and failure of at least one preferred agent in the drug class, including the  
1697 name of the preferred drug that was tried, the length of therapy, and the reason for the  
1698 discontinuation;

1699 (ii) detailed evidence of a potential drug interaction between current medication and  
1700 the preferred drug;

1701 (iii) detailed evidence of a condition or contraindication that prevents the use of the  
1702 preferred drug;

1703 (iv) objective clinical evidence that a patient is at high risk of adverse events due to a  
1704 therapeutic interchange with a preferred drug;

1705 (v) the patient is a new or previous Medicaid client with an existing diagnosis  
1706 previously stabilized with a nonpreferred drug; or

1707 (vi) other valid reasons as determined by the department.

1708 (g) A prior authorization granted under Subsection (2)(f) is valid for one year from the  
1709 date the department grants the prior authorization and shall be renewed in accordance with

1710 Subsection (2)(f).

1711 (3) (a) For purposes of this Subsection (3), "psychotropic drug" means the following  
1712 classes of drugs:

- 1713 (i) atypical anti-psychotic;
- 1714 (ii) anti-depressant;
- 1715 (iii) anti-convulsant/mood stabilizer;
- 1716 (iv) anti-anxiety; and
- 1717 (v) attention deficit hyperactivity disorder stimulant.

1718 (b) The department shall develop a preferred drug list for psychotropic drugs. Except  
1719 as provided in Subsection (3)(d), a preferred drug list for psychotropic drugs developed under  
1720 this section shall allow a health care provider to override the preferred drug list by writing  
1721 "dispense as written" on the prescription for the psychotropic drug. A health care provider may  
1722 not override Section [58-17b-606](#) by writing "dispense as written" on a prescription.

1723 (c) The department, and a Medicaid accountable care organization that is responsible  
1724 for providing behavioral health, shall:

- 1725 (i) establish a system to:
  - 1726 (A) track health care provider prescribing patterns for psychotropic drugs;
  - 1727 (B) educate health care providers who are not complying with the preferred drug list;

1728 and

1729 (C) implement peer to peer education for health care providers whose prescribing  
1730 practices continue to not comply with the preferred drug list; and

1731 (ii) determine whether health care provider compliance with the preferred drug list is at  
1732 least:

- 1733 (A) 55% of prescriptions by July 1, 2017;
- 1734 (B) 65% of prescriptions by July 1, 2018; and
- 1735 (C) 75% of prescriptions by July 1, 2019.

1736 (d) Beginning October 1, 2019, the department shall eliminate the dispense as written  
1737 override for the preferred drug list, and shall implement a prior authorization system for

1738 psychotropic drugs, in accordance with Subsection (2)(f), if by July 1, 2019, the department has  
1739 not realized annual savings from implementing the preferred drug list for psychotropic drugs of  
1740 at least \$750,000 General Fund savings.

1741 ~~[(e) The department shall report to the Health and Human Services Interim Committee~~  
1742 ~~and the Social Services Appropriations Subcommittee before November 30, 2016, and before~~  
1743 ~~each November 30 thereafter regarding compliance with and savings from implementation of~~  
1744 ~~this Subsection (3).]~~

1745 Section 24. Section **26-21-2** is amended to read:

1746 **26-21-2. Definitions.**

1747 As used in this chapter:

1748 (1) "Abortion clinic" means a type I abortion clinic or a type II abortion clinic.

1749 (2) "Activities of daily living" means essential activities including:

1750 (a) dressing;

1751 (b) eating;

1752 (c) grooming;

1753 (d) bathing;

1754 (e) toileting;

1755 (f) ambulation;

1756 (g) transferring; and

1757 (h) self-administration of medication.

1758 (3) "Ambulatory surgical facility" means a freestanding facility, which provides  
1759 surgical services to patients not requiring hospitalization.

1760 (4) "Assistance with activities of daily living" means providing of or arranging for the  
1761 provision of assistance with activities of daily living.

1762 (5) (a) "Assisted living facility" means:

1763 (i) a type I assisted living facility, which is a residential facility that provides assistance  
1764 with activities of daily living and social care to two or more residents who:

1765 (A) require protected living arrangements; and

1766 (B) are capable of achieving mobility sufficient to exit the facility without the  
1767 assistance of another person; and

1768 (ii) a type II assisted living facility, which is a residential facility with a home-like  
1769 setting that provides an array of coordinated supportive personal and health care services  
1770 available 24 hours per day to residents who have been assessed under department rule to need  
1771 any of these services.

1772 (b) Each resident in a type I or type II assisted living facility shall have a service plan  
1773 based on the assessment, which may include:

1774 (i) specified services of intermittent nursing care;

1775 (ii) administration of medication; and

1776 (iii) support services promoting residents' independence and self sufficiency.

1777 (6) "Birthing center" means a facility that:

1778 (a) receives maternal clients and provides care during pregnancy, delivery, and  
1779 immediately after delivery; and

1780 (b) (i) is freestanding; or

1781 (ii) is not freestanding, but meets the requirements for an alongside midwifery unit  
1782 described in Subsection [26-21-29\(7\)](#).

1783 (7) "Committee" means the Health Facility Committee created in Section [~~26-1-7~~]  
1784 [26B-1-204](#).

1785 (8) "Consumer" means any person not primarily engaged in the provision of health care  
1786 to individuals or in the administration of facilities or institutions in which such care is provided  
1787 and who does not hold a fiduciary position, or have a fiduciary interest in any entity involved in  
1788 the provision of health care, and does not receive, either directly or through his spouse, more  
1789 than 1/10 of his gross income from any entity or activity relating to health care.

1790 (9) "End stage renal disease facility" means a facility which furnishes staff-assisted  
1791 kidney dialysis services, self-dialysis services, or home-dialysis services on an outpatient basis.

1792 (10) "Freestanding" means existing independently or physically separated from another  
1793 health care facility by fire walls and doors and administrated by separate staff with separate



1794 records.

1795 (11) "General acute hospital" means a facility which provides diagnostic, therapeutic,  
1796 and rehabilitative services to both inpatients and outpatients by or under the supervision of  
1797 physicians.

1798 (12) "Governmental unit" means the state, or any county, municipality, or other  
1799 political subdivision or any department, division, board, or agency of the state, a county,  
1800 municipality, or other political subdivision.

1801 (13) (a) "Health care facility" means general acute hospitals, specialty hospitals, home  
1802 health agencies, hospices, nursing care facilities, residential-assisted living facilities, birthing  
1803 centers, ambulatory surgical facilities, small health care facilities, abortion clinics, facilities  
1804 owned or operated by health maintenance organizations, end stage renal disease facilities, and  
1805 any other health care facility which the committee designates by rule.

1806 (b) "Health care facility" does not include the offices of private physicians or dentists,  
1807 whether for individual or group practice, except that it does include an abortion clinic.

1808 (14) "Health maintenance organization" means an organization, organized under the  
1809 laws of any state which:

1810 (a) is a qualified health maintenance organization under 42 U.S.C. Sec. 300e-9; or

1811 (b) (i) provides or otherwise makes available to enrolled participants at least the  
1812 following basic health care services: usual physician services, hospitalization, laboratory, x-ray,  
1813 emergency, and preventive services and out-of-area coverage;

1814 (ii) is compensated, except for copayments, for the provision of the basic health  
1815 services listed in Subsection (14)(b)(i) to enrolled participants by a payment which is paid on a  
1816 periodic basis without regard to the date the health services are provided and which is fixed  
1817 without regard to the frequency, extent, or kind of health services actually provided; and

1818 (iii) provides physicians' services primarily directly through physicians who are either  
1819 employees or partners of such organizations, or through arrangements with individual  
1820 physicians or one or more groups of physicians organized on a group practice or individual  
1821 practice basis.

1822 (15) (a) "Home health agency" means an agency, organization, or facility or a  
1823 subdivision of an agency, organization, or facility which employs two or more direct care staff  
1824 persons who provide licensed nursing services, therapeutic services of physical therapy, speech  
1825 therapy, occupational therapy, medical social services, or home health aide services on a  
1826 visiting basis.

1827 (b) "Home health agency" does not mean an individual who provides services under  
1828 the authority of a private license.

1829 (16) "Hospice" means a program of care for the terminally ill and their families which  
1830 occurs in a home or in a health care facility and which provides medical, palliative,  
1831 psychological, spiritual, and supportive care and treatment.

1832 (17) "Nursing care facility" means a health care facility, other than a general acute or  
1833 specialty hospital, constructed, licensed, and operated to provide patient living  
1834 accommodations, 24-hour staff availability, and at least two of the following patient services:

1835 (a) a selection of patient care services, under the direction and supervision of a  
1836 registered nurse, ranging from continuous medical, skilled nursing, psychological, or other  
1837 professional therapies to intermittent health-related or paraprofessional personal care services;

1838 (b) a structured, supportive social living environment based on a professionally  
1839 designed and supervised treatment plan, oriented to the individual's habilitation or  
1840 rehabilitation needs; or

1841 (c) a supervised living environment that provides support, training, or assistance with  
1842 individual activities of daily living.

1843 (18) "Person" means any individual, firm, partnership, corporation, company,  
1844 association, or joint stock association, and the legal successor thereof.

1845 (19) "Resident" means a person 21 years [~~of age~~] old or older who:

1846 (a) as a result of physical or mental limitations or age requires or requests services  
1847 provided in an assisted living facility; and

1848 (b) does not require intensive medical or nursing services as provided in a hospital or  
1849 nursing care facility.

1850 (20) "Small health care facility" means a four to 16 bed facility that provides licensed  
1851 health care programs and services to residents.

1852 (21) "Specialty hospital" means a facility which provides specialized diagnostic,  
1853 therapeutic, or rehabilitative services in the recognized specialty or specialties for which the  
1854 hospital is licensed.

1855 (22) "Substantial compliance" means in a department survey of a licensee, the  
1856 department determines there is an absence of deficiencies which would harm the physical  
1857 health, mental health, safety, or welfare of patients or residents of a licensee.

1858 (23) "Type I abortion clinic" means a facility, including a physician's office, but not  
1859 including a general acute or specialty hospital, that:

1860 (a) performs abortions, as defined in Section 76-7-301, during the first trimester of  
1861 pregnancy; and

1862 (b) does not perform abortions, as defined in Section 76-7-301, after the first trimester  
1863 of pregnancy.

1864 (24) "Type II abortion clinic" means a facility, including a physician's office, but not  
1865 including a general acute or specialty hospital, that:

1866 (a) performs abortions, as defined in Section 76-7-301, after the first trimester of  
1867 pregnancy; or

1868 (b) performs abortions, as defined in Section 76-7-301, during the first trimester of  
1869 pregnancy and after the first trimester of pregnancy.

1870 Section 25. Section 26-21-3 is amended to read:

1871 **26-21-3. Health Facility Committee -- Members -- Terms -- Organization --**

1872 **Meetings.**

1873 (1) (a) The [~~Health Facility Committee created by Section 26-1-7 consists~~] committee  
1874 shall consist of 12 members appointed by the governor in consultation with the executive  
1875 director.

1876 (b) The appointed members shall be knowledgeable about health care facilities and  
1877 issues.

- 1878 (2) The membership of the committee is:
- 1879 (a) one physician, licensed to practice medicine and surgery under Title 58, Chapter 67,
- 1880 Utah Medical Practice Act, or Title 58, Chapter 68, Utah Osteopathic Medical Practice Act,
- 1881 who is a graduate of a regularly chartered medical school;
- 1882 (b) one hospital administrator;
- 1883 (c) one hospital trustee;
- 1884 (d) one representative of a freestanding ambulatory surgical facility;
- 1885 (e) one representative of an ambulatory surgical facility that is affiliated with a
- 1886 hospital;
- 1887 (f) one representative of the nursing care facility industry;
- 1888 (g) one registered nurse, licensed to practice under Title 58, Chapter 31b, Nurse
- 1889 Practice Act;
- 1890 (h) one licensed architect or engineer with expertise in health care facilities;
- 1891 (i) one representative of assisted living facilities licensed under this chapter;
- 1892 (j) two consumers, one of whom has an interest in or expertise in geriatric care; and
- 1893 (k) one representative from either a home health care provider or a hospice provider.
- 1894 (3) (a) Except as required by Subsection (3)(b), members shall be appointed for a term
- 1895 of four years.
- 1896 (b) Notwithstanding the requirements of Subsection (3)(a), the governor shall, at the
- 1897 time of appointment or reappointment, adjust the length of terms to ensure that the terms of
- 1898 committee members are staggered so that approximately half of the committee is appointed
- 1899 every two years.
- 1900 (c) When a vacancy occurs in the membership for any reason, the replacement shall be
- 1901 appointed for the unexpired term by the governor, giving consideration to recommendations
- 1902 made by the committee, with the consent of the Senate.
- 1903 (d) A member may not serve more than two consecutive full terms or 10 consecutive
- 1904 years, whichever is less. However, a member may continue to serve as a member until the
- 1905 member is replaced.

1906 (e) The committee shall annually elect from its membership a chair and vice chair.

1907 (f) The committee shall meet at least quarterly, or more frequently as determined by the  
1908 chair or five members of the committee.

1909 (g) Six members constitute a quorum. A vote of the majority of the members present  
1910 constitutes action of the committee.

1911 Section 26. Section **26-23b-102** is amended to read:

1912 **26-23b-102. Definitions.**

1913 As used in this chapter:

1914 (1) "Bioterrorism" means:

1915 (a) the intentional use of any microorganism, virus, infectious substance, or biological  
1916 product to cause death, disease, or other biological malfunction in a human, an animal, a plant,  
1917 or another living organism in order to influence, intimidate, or coerce the conduct of  
1918 government or a civilian population; and

1919 (b) includes anthrax, botulism, small pox, plague, tularemia, and viral hemorrhagic  
1920 fevers.

1921 [~~(2) "Department" means the Department of Health created in Section 26-1-4 and a~~  
1922 ~~local health department as defined in Section 26A-1-102.]~~

1923 [~~(3)~~] (2) "Diagnostic information" means a clinical facility's record of individuals who  
1924 present for treatment, including the reason for the visit, chief complaint, presenting diagnosis,  
1925 final diagnosis, and any pertinent lab results.

1926 [~~(4)~~] (3) "Epidemic or pandemic disease":

1927 (a) means the occurrence in a community or region of cases of an illness clearly in  
1928 excess of normal expectancy; and

1929 (b) includes diseases designated by the [~~Department of Health~~] department which have  
1930 the potential to cause serious illness or death.

1931 [~~(5)~~] (4) "Exigent circumstances" means a significant change in circumstances  
1932 following the expiration of a public health emergency declared in accordance with this title  
1933 that:

1934 (a) substantially increases the threat to public safety or health relative to the  
1935 circumstances in existence when the public health emergency expired;  
1936 (b) poses an imminent threat to public safety or health; and  
1937 (c) was not known or foreseen and could not have been known or foreseen at the time  
1938 the public health emergency expired.

1939 [~~(6)~~] (5) "Health care provider" means the same as that term is defined in Section  
1940 78B-3-403.

1941 [~~(7)~~] (6) "Legislative emergency response committee" means the same as that term is  
1942 defined in Section 53-2a-203.

1943 [~~(8)~~] (7) (a) "Order of constraint" means an order, rule, or regulation issued in response  
1944 to a declared public health emergency under this chapter, that:

1945 (i) applies to all or substantially all:

1946 (A) individuals or a certain group of individuals; or

1947 (B) public places or certain types of public places; and

1948 (ii) for the protection of the public health and in response to the declared public health  
1949 emergency:

1950 (A) establishes, maintains, or enforces isolation or quarantine;

1951 (B) establishes, maintains, or enforces a stay-at-home order;

1952 (C) exercises physical control over property or individuals;

1953 (D) requires an individual to perform a certain action or engage in certain behavior; or

1954 (E) closes theaters, schools, or other public places or prohibits gatherings of people to  
1955 protect the public health.

1956 (b) "Order of constraint" includes a stay-at-home order.

1957 [~~(9)~~] (8) "Public health emergency" means an occurrence or imminent credible threat of  
1958 an illness or health condition, caused by bioterrorism, epidemic or pandemic disease, or novel  
1959 and highly fatal infectious agent or biological toxin, that poses a substantial risk of a significant  
1960 number of human fatalities or incidents of permanent or long-term disability. Such illness or  
1961 health condition includes an illness or health condition resulting from a natural disaster.

1962            [(H)] (9) "Reportable emergency illness and health condition" includes the diseases,  
1963 conditions, or syndromes designated by the ~~[Department of Health]~~ department.

1964            [(H)] (10) "Stay-at-home order" means an order of constraint that:

1965            (a) restricts movement of the general population to suppress or mitigate an epidemic or  
1966 pandemic disease by directing individuals within a defined geographic area to remain in their  
1967 respective residences; and

1968            (b) may include exceptions for certain essential tasks.

1969            Section 27. Section **26-25-1** is amended to read:

1970            **26-25-1. Authority to provide data on treatment and condition of persons to**  
1971 **designated agencies -- Immunity from liability.**

1972            (1) Any person, health facility, or other organization may, without incurring liability,  
1973 provide the following information to the persons and entities described in Subsection (2):

1974            (a) information as determined by the state registrar of vital records appointed under  
1975 Title 26, Chapter 2, Utah Vital Statistics Act;

1976            (b) interviews;

1977            (c) reports;

1978            (d) statements;

1979            (e) memoranda;

1980            (f) familial information; and

1981            (g) other data relating to the condition and treatment of any person.

1982            (2) The information described in Subsection (1) may be provided to:

1983            (a) the department and local health departments;

1984            (b) the Division of ~~[Substance Abuse and Mental Health]~~ Integrated Healthcare within  
1985 the Department of Health and Human Services;

1986            (c) scientific and health care research organizations affiliated with institutions of higher  
1987 education;

1988            (d) the Utah Medical Association or any of its allied medical societies;

1989            (e) peer review committees;

1990 (f) professional review organizations;  
1991 (g) professional societies and associations; and  
1992 (h) any health facility's in-house staff committee for the uses described in Subsection  
1993 (3).  
1994 (3) The information described in Subsection (1) may be provided for the following  
1995 purposes:  
1996 (a) study and advancing medical research, with the purpose of reducing the incidence  
1997 of disease, morbidity, or mortality; or  
1998 (b) the evaluation and improvement of hospital and health care rendered by hospitals,  
1999 health facilities, or health care providers.  
2000 (4) Any person may, without incurring liability, provide information, interviews,  
2001 reports, statements, memoranda, or other information relating to the ethical conduct of any  
2002 health care provider to peer review committees, professional societies and associations, or any  
2003 in-hospital staff committee to be used for purposes of intraprofessional society or association  
2004 discipline.  
2005 (5) No liability may arise against any person or organization as a result of:  
2006 (a) providing information or material authorized in this section;  
2007 (b) releasing or publishing findings and conclusions of groups referred to in this  
2008 section to advance health research and health education; or  
2009 (c) releasing or publishing a summary of these studies in accordance with this chapter.  
2010 (6) As used in this chapter:  
2011 (a) "health care provider" has the meaning set forth in Section [78B-3-403](#); and  
2012 (b) "health care facility" has the meaning set forth in Section [26-21-2](#).  
2013 Section 28. Section **26-33a-102** is amended to read:  
2014 **26-33a-102. Definitions.**  
2015 As used in this chapter:  
2016 (1) "Committee" means the Health Data Committee created by Section [[26-1-7](#)]  
2017 [26B-1-204](#).



2018 (2) "Control number" means a number assigned by the committee to an individual's  
2019 health data as an identifier so that the health data can be disclosed or used in research and  
2020 statistical analysis without readily identifying the individual.

2021 (3) "Data supplier" means a health care facility, health care provider, self-funded  
2022 employer, third-party payor, health maintenance organization, or government department which  
2023 could reasonably be expected to provide health data under this chapter.

2024 (4) "Disclosure" or "disclose" means the communication of health care data to any  
2025 individual or organization outside the committee, its staff, and contracting agencies.

2026 [~~(5) "Executive director" means the director of the department.~~]

2027 [~~(6)~~ (5) (a) "Health care facility" means a facility that is licensed by the department  
2028 under Title 26, Chapter 21, Health Care Facility Licensing and Inspection Act.

2029 (b) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the  
2030 committee, with the concurrence of the department, may by rule add, delete, or modify the list  
2031 of facilities that come within this definition for purposes of this chapter.

2032 [~~(7)~~ (6) "Health care provider" means any person, partnership, association,  
2033 corporation, or other facility or institution that renders or causes to be rendered health care or  
2034 professional services as a physician, physician assistant, registered nurse, licensed practical  
2035 nurse, nurse-midwife, dentist, dental hygienist, optometrist, clinical laboratory technologist,  
2036 pharmacist, physical therapist, podiatric physician, psychologist, chiropractic physician,  
2037 naturopathic physician, osteopathic physician, osteopathic physician and surgeon, audiologist,  
2038 speech pathologist, certified social worker, social service worker, social service aide, marriage  
2039 and family counselor, or practitioner of obstetrics, and others rendering similar care and  
2040 services relating to or arising out of the health needs of persons or groups of persons, and  
2041 officers, employees, or agents of any of the above acting in the course and scope of their  
2042 employment.

2043 [~~(8)~~ (7) "Health data" means information relating to the health status of individuals,  
2044 health services delivered, the availability of health manpower and facilities, and the use and  
2045 costs of resources and services to the consumer, except vital records as defined in Section

2046 26-2-2 shall be excluded.

2047 [~~9~~] (8) "Health maintenance organization" has the meaning set forth in Section  
2048 31A-8-101.

2049 [~~10~~] (9) "Identifiable health data" means any item, collection, or grouping of health  
2050 data that makes the individual supplying or described in the health data identifiable.

2051 [~~11~~] "Individual" means a natural person.]

2052 [~~12~~] (10) "Organization" means any corporation, association, partnership, agency,  
2053 department, unit, or other legally constituted institution or entity, or part thereof.

2054 [~~13~~] (11) "Research and statistical analysis" means activities using health data  
2055 analysis including:

2056 (a) describing the group characteristics of individuals or organizations;

2057 (b) analyzing the noncompliance among the various characteristics of individuals or  
2058 organizations;

2059 (c) conducting statistical procedures or studies to improve the quality of health data;

2060 (d) designing sample surveys and selecting samples of individuals or organizations;

2061 and

2062 (e) preparing and publishing reports describing these matters.

2063 [~~14~~] (12) "Self-funded employer" means an employer who provides for the payment  
2064 of health care services for employees directly from the employer's funds, thereby assuming the  
2065 financial risks rather than passing them on to an outside insurer through premium payments.

2066 [~~15~~] (13) "Plan" means the plan developed and adopted by the Health Data  
2067 Committee under Section 26-33a-104.

2068 [~~16~~] (14) "Third party payor" means:

2069 (a) an insurer offering a health benefit plan, as defined by Section 31A-1-301, to at  
2070 least 2,500 enrollees in the state;

2071 (b) a nonprofit health service insurance corporation licensed under Title 31A, Chapter  
2072 7, Nonprofit Health Service Insurance Corporations;

2073 (c) a program funded or administered by Utah for the provision of health care services,

2074 including the Medicaid and medical assistance programs described in Chapter 18, Medical  
2075 Assistance Act; and

2076 (d) a corporation, organization, association, entity, or person:

2077 (i) which administers or offers a health benefit plan to at least 2,500 enrollees in the  
2078 state; and

2079 (ii) which is required by administrative rule adopted by the department in accordance  
2080 with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, to supply health data to the  
2081 committee.

2082 Section 29. Section **26-33a-103** is amended to read:

2083 **26-33a-103. Committee membership -- Terms -- Chair -- Compensation.**

2084 (1) The [~~Health Data Committee created by Section 26-1-7~~] committee shall be  
2085 composed of 15 members.

2086 (2) (a) One member shall be:

2087 (i) the commissioner of the Utah Insurance Department; or

2088 (ii) the commissioner's designee who shall have knowledge regarding the health care  
2089 system and characteristics and use of health data.

2090 (b) Fourteen members shall be appointed by the governor with the advice and consent  
2091 of the Senate in accordance with Subsection (3) and in accordance with Title 63G, Chapter 24,  
2092 Part 2, Vacancies. No more than seven members of the committee appointed by the governor  
2093 may be members of the same political party.

2094 (3) The members of the committee appointed under Subsection (2)(b) shall:

2095 (a) be knowledgeable regarding the health care system and the characteristics and use  
2096 of health data;

2097 (b) be selected so that the committee at all times includes individuals who provide  
2098 care;

2099 (c) include one person employed by or otherwise associated with a general acute  
2100 hospital as defined by Section 26-21-2, who is knowledgeable about the collection, analysis,  
2101 and use of health care data;

- 2102 (d) include two physicians, as defined in Section 58-67-102:
- 2103 (i) who are licensed to practice in this state;
- 2104 (ii) who actively practice medicine in this state;
- 2105 (iii) who are trained in or have experience with the collection, analysis, and use of
- 2106 health care data; and
- 2107 (iv) one of whom is selected by the Utah Medical Association;
- 2108 (e) include three persons:
- 2109 (i) who are:
- 2110 (A) employed by or otherwise associated with a business that supplies health care
- 2111 insurance to its employees; and
- 2112 (B) knowledgeable about the collection and use of health care data; and
- 2113 (ii) at least one of whom represents an employer employing 50 or fewer employees;
- 2114 (f) include three persons representing health insurers:
- 2115 (i) at least one of whom is employed by or associated with a third-party payor that is
- 2116 not licensed under Title 31A, Chapter 8, Health Maintenance Organizations and Limited
- 2117 Health Plans;
- 2118 (ii) at least one of whom is employed by or associated with a third party payer that is
- 2119 licensed under Title 31A, Chapter 8, Health Maintenance Organizations and Limited Health
- 2120 Plans; and
- 2121 (iii) who are trained in, or experienced with the collection, analysis, and use of health
- 2122 care data;
- 2123 (g) include two consumer representatives:
- 2124 (i) from organized consumer or employee associations; and
- 2125 (ii) knowledgeable about the collection and use of health care data;
- 2126 (h) include one person:
- 2127 (i) representative of a neutral, non-biased entity that can demonstrate that it has the
- 2128 broad support of health care payers and health care providers; and
- 2129 (ii) who is knowledgeable about the collection, analysis, and use of health care data;

2130 and

2131 (i) include two persons representing public health who are trained in, or experienced  
2132 with the collection, use, and analysis of health care data.

2133 (4) (a) Except as required by Subsection (4)(b), as terms of current committee members  
2134 expire, the governor shall appoint each new member or reappointed member to a four-year  
2135 term.

2136 (b) Notwithstanding the requirements of Subsection (4)(a), the governor shall, at the  
2137 time of appointment or reappointment, adjust the length of terms to ensure that the terms of  
2138 committee members are staggered so that approximately half of the committee is appointed  
2139 every two years.

2140 (c) Members may serve after their terms expire until replaced.

2141 (5) When a vacancy occurs in the membership for any reason, the replacement shall be  
2142 appointed for the unexpired term.

2143 (6) Committee members shall annually elect a chair of the committee from among their  
2144 membership. The chair shall report to the executive director.

2145 (7) The committee shall meet at least once during each calendar quarter. Meeting dates  
2146 shall be set by the chair upon 10 working days notice to the other members, or upon written  
2147 request by at least four committee members with at least 10 working days notice to other  
2148 committee members.

2149 (8) Eight committee members constitute a quorum for the transaction of business.  
2150 Action may not be taken except upon the affirmative vote of a majority of a quorum of the  
2151 committee.

2152 (9) A member may not receive compensation or benefits for the member's service, but  
2153 may receive per diem and travel expenses in accordance with:

2154 (a) Section [63A-3-106](#);

2155 (b) Section [63A-3-107](#); and

2156 (c) rules made by the Division of Finance pursuant to Sections [63A-3-106](#) and  
2157 [63A-3-107](#).

2158 (10) All meetings of the committee shall be open to the public, except that the  
2159 committee may hold a closed meeting if the requirements of Sections [52-4-204](#), [52-4-205](#), and  
2160 [52-4-206](#) are met.

2161 (11) A member shall comply with the conflict of interest provisions described in Title  
2162 63G, Chapter 24, Part 3, Conflicts of Interest.

2163 Section 30. Section **26-39-102** is amended to read:

2164 **26-39-102. Definitions.**

2165 As used in this chapter:

2166 (1) "Advisory committee" means the Residential Child Care Licensing Advisory  
2167 Committee[;] created in Section [~~26-1-7~~] [26B-1-204](#).

2168 (2) (a) "Center based child care" means, except as provided in Subsection (2)(b), a  
2169 child care program licensed under this chapter.

2170 (b) "Center based child care" does not include:

2171 (i) a residential child care provider certified under Section [26-39-402](#); or

2172 (ii) a facility or program exempt under Section [26-39-403](#).

2173 (3) "Child care" means continuous care and supervision of five or more qualifying  
2174 children, that is:

2175 (a) in lieu of care ordinarily provided by a parent in the parent's home;

2176 (b) for less than 24 hours a day; and

2177 (c) for direct or indirect compensation.

2178 (4) "Child care program" means a child care facility or program operated by a person  
2179 who holds a license or certificate issued in accordance with this chapter.

2180 (5) "Exempt provider" means a person who provides care described in Subsection  
2181 [26-39-403](#)(2).

2182 (6) "Licensing committee" means the Child Care Center Licensing Committee created  
2183 in Section [~~26-1-7~~] [26B-1-204](#).

2184 (7) "Public school" means:

2185 (a) a school, including a charter school, that:

- 2186 (i) is directly funded at public expense; and
- 2187 (ii) provides education to qualifying children for any grade from first grade through
- 2188 twelfth grade; or
- 2189 (b) a school, including a charter school, that provides:
- 2190 (i) preschool or kindergarten to qualifying children, regardless of whether the preschool
- 2191 or kindergarten is funded at public expense; and
- 2192 (ii) education to qualifying children for any grade from first grade through twelfth
- 2193 grade, if each grade, from first grade to twelfth grade, that is provided at the school, is directly
- 2194 funded at public expense.
- 2195 (8) "Qualifying child" means an individual who is:
- 2196 (a) (i) under the age of 13 years old; or
- 2197 (ii) under the age of 18 years old, if the person has a disability; and
- 2198 (b) a child of:
- 2199 (i) a person other than the person providing care to the child;
- 2200 (ii) a licensed or certified residential child care provider, if the child is under the age of
- 2201 four; or
- 2202 (iii) an employee or owner of a licensed child care center, if the child is under the age
- 2203 of four.
- 2204 (9) "Residential child care" means child care provided in the home of a provider.
- 2205 Section 31. Section **26-39-200** is amended to read:
- 2206 **26-39-200. Child Care Center Licensing Committee.**
- 2207 (1) (a) The [~~Child Care Center Licensing Committee created in Section 26-1-7~~]
- 2208 licensing committee shall be comprised of seven members appointed by the governor and
- 2209 approved by the Senate in accordance with this subsection.
- 2210 (b) The governor shall appoint three members who:
- 2211 (i) have at least five years of experience as an owner in or director of a for profit or
- 2212 not-for-profit center based child care; and
- 2213 (ii) hold an active license as a child care center from the department to provide center

2214 based child care.

2215 (c) (i) The governor shall appoint one member to represent each of the following:

2216 (A) a parent with a child in center based child care;

2217 (B) a child development expert from the state system of higher education;

2218 (C) except as provided in Subsection (1)(e), a pediatrician licensed in the state; and

2219 (D) an architect licensed in the state.

2220 (ii) Except as provided in Subsection (1)(c)(i)(B), a member appointed under

2221 Subsection (1)(c)(i) may not be an employee of the state or a political subdivision of the state.

2222 (d) At least one member described in Subsection (1)(b) shall at the time of appointment  
2223 reside in a county that is not a county of the first class.

2224 (e) For the appointment described in Subsection (1)(c)(i)(C), the governor may appoint  
2225 a health care professional who specializes in pediatric health if:

2226 (i) the health care professional is licensed under:

2227 (A) Title 58, Chapter 31b, Nurse Practice Act, as an advanced practice nurse  
2228 practitioner; or

2229 (B) Title 58, Chapter 70a, Utah Physician Assistant Act; and

2230 (ii) before appointing a health care professional under this Subsection (1)(e), the  
2231 governor:

2232 (A) sends a notice to a professional physician organization in the state regarding the  
2233 opening for the appointment described in Subsection (1)(c)(i)(C); and

2234 (B) receives no applications from a pediatrician who is licensed in the state for the  
2235 appointment described in Subsection (1)(c)(i)(C) within 90 days after the day on which the  
2236 governor sends the notice described in Subsection (1)(e)(ii)(A).

2237 (2) (a) Except as required by Subsection (2)(b), as terms of current members expire, the  
2238 governor shall appoint each new member or reappointed member to a four-year term ending  
2239 June 30.

2240 (b) Notwithstanding the requirements of Subsection (2)(a), the governor shall, at the  
2241 time of appointment or reappointment, adjust the length of terms to ensure that the terms of



2242 members are staggered so that approximately half of the licensing committee is appointed  
 2243 every two years.

2244 (c) Upon the expiration of the term of a member of the licensing committee, the  
 2245 member shall continue to hold office until a successor is appointed and qualified.

2246 (d) A member may not serve more than two consecutive terms.

2247 (e) Members of the licensing committee shall annually select one member to serve as  
 2248 chair who shall establish the agenda for licensing committee meetings.

2249 (3) When a vacancy occurs in the membership for any reason, the governor, with the  
 2250 advice and consent of the Senate, shall appoint a replacement for the unexpired term.

2251 (4) (a) The licensing committee shall meet at least every two months.

2252 (b) The director may call additional meetings:

2253 (i) at the director's discretion;

2254 (ii) upon the request of the chair; or

2255 (iii) upon the written request of three or more members.

2256 (5) Three members of the licensing committee constitute a quorum for the transaction  
 2257 of business.

2258 (6) A member of the licensing committee may not receive compensation or benefits for  
 2259 the member's service, but may receive per diem and travel expenses as allowed in:

2260 (a) Section 63A-3-106;

2261 (b) Section 63A-3-107; and

2262 (c) rules made by the Division of Finance in accordance with Sections 63A-3-106 and  
 2263 63A-3-107.

2264 Section 32. Section 26-39-201 is amended to read:

2265 **26-39-201. Residential Child Care Licensing Advisory Committee.**

2266 (1) (a) The [~~Residential Child Care Licensing Advisory Committee created in Section~~  
 2267 ~~26-1-7~~] advisory committee shall advise the department on rules made by the department under  
 2268 this chapter for residential child care.

2269 (b) The advisory committee shall be composed of the following nine members who

2270 shall be appointed by the executive director:

2271 (i) two child care consumers;

2272 (ii) three licensed residential child care providers;

2273 (iii) one certified residential child care provider;

2274 (iv) one individual with expertise in early childhood development; and

2275 (v) two health care providers.

2276 (2) (a) Members of the advisory committee shall be appointed for four-year terms,  
2277 except for those members who have been appointed to complete an unexpired term.

2278 (b) Appointments and reappointments may be staggered so that 1/4 of the advisory  
2279 committee changes each year.

2280 (c) The advisory committee shall annually elect a chair from its membership.

2281 (3) The advisory committee shall meet at least quarterly, or more frequently as  
2282 determined by the executive director, the chair, or three or more members of the committee.

2283 (4) Five members constitute a quorum and a vote of the majority of the members  
2284 present constitutes an action of the advisory committee.

2285 (5) A member of the advisory committee may not receive compensation or benefits for  
2286 the member's service, but may receive per diem and travel expenses as allowed in:

2287 (a) Section 63A-3-106;

2288 (b) Section 63A-3-107; and

2289 (c) rules made by the Division of Finance in accordance with Sections 63A-3-106 and  
2290 63A-3-107.

2291 Section 33. Section 26-39-301 is amended to read:

2292 **26-39-301. Duties of the department -- Enforcement of chapter -- Licensing**  
2293 **committee requirements.**

2294 (1) With regard to residential child care licensed or certified under this chapter, the  
2295 department may:

2296 (a) make and enforce rules to implement this chapter and, as necessary to protect  
2297 qualifying children's common needs for a safe and healthy environment, to provide for:

2298 (i) adequate facilities and equipment; and  
2299 (ii) competent caregivers, considering the age of the children and the type of program  
2300 offered by the licensee; and

2301 (b) make and enforce rules necessary to carry out the purposes of this chapter, in the  
2302 following areas:

2303 (i) requirements for applications, the application process, and compliance with other  
2304 applicable statutes and rules;

2305 (ii) documentation and policies and procedures that providers shall have in place in  
2306 order to be licensed, in accordance with Subsection (1)(a);

2307 (iii) categories, classifications, and duration of initial and ongoing licenses;

2308 (iv) changes of ownership or name, changes in licensure status, and changes in  
2309 operational status;

2310 (v) license expiration and renewal, contents, and posting requirements;

2311 (vi) procedures for inspections, complaint resolution, disciplinary actions, and other  
2312 procedural measures to encourage and assure compliance with statute and rule; and

2313 (vii) guidelines necessary to assure consistency and appropriateness in the regulation  
2314 and discipline of licensees.

2315 (2) The department shall enforce the rules established by the licensing committee, with  
2316 the concurrence of the department, for center based child care.

2317 (3) Rules made under this chapter by the department, or the licensing committee with  
2318 the concurrence of the department, shall be made in accordance with Title 63G, Chapter 3,  
2319 Utah Administrative Rulemaking Act.

2320 (4) (a) The licensing committee and the department may not regulate educational  
2321 curricula, academic methods, or the educational philosophy or approach of the provider.

2322 (b) The licensing committee and the department shall allow for a broad range of  
2323 educational training and academic background in certification or qualification of child day care  
2324 directors.

2325 (5) In licensing and regulating child care programs, the licensing committee and the

2326 department shall reasonably balance the benefits and burdens of each regulation and, by rule,  
2327 provide for a range of licensure, depending upon the needs and different levels and types of  
2328 child care provided.

2329 (6) Notwithstanding the definition of "qualifying child" in Section [26-39-102](#), the  
2330 licensing committee and the department shall count children through age 12 and children with  
2331 disabilities through age 18 toward the minimum square footage requirement for indoor and  
2332 outdoor areas, including the child of:

- 2333 (a) a licensed residential child care provider; or
- 2334 (b) an owner or employee of a licensed child care center.

2335 (7) Notwithstanding Subsection (1)(a)(i), the licensing committee and the department  
2336 may not exclude floor space used for furniture, fixtures, or equipment from the minimum  
2337 square footage requirement for indoor and outdoor areas if the furniture, fixture, or equipment  
2338 is used:

- 2339 (a) by qualifying children;
- 2340 (b) for the care of qualifying children; or
- 2341 (c) to store classroom materials.

2342 (8) (a) A child care center constructed prior to January 1, 2004, and licensed and  
2343 operated as a child care center continuously since January 1, 2004, is exempt from the licensing  
2344 committee's and the department's group size restrictions, if the child to caregiver ratios are  
2345 maintained, and adequate square footage is maintained for specific classrooms.

2346 (b) An exemption granted under Subsection (7)(a) is transferrable to subsequent  
2347 licensed operators at the center if a licensed child care center is continuously maintained at the  
2348 center.

2349 (9) The licensing committee, with the concurrence of the department, shall develop, by  
2350 rule, a five-year phased-in compliance schedule for playground equipment safety standards.

2351 (10) The department shall set and collect licensing and other fees in accordance with  
2352 Section ~~[26-1-6]~~ [26-1-209](#).

2353 (11) Nothing in this chapter may be interpreted to grant a municipality or county the

2354 authority to license or certify a child care program.

2355 Section 34. Section **26-39-402** is amended to read:

2356 **26-39-402. Residential child care certificate.**

2357 (1) A residential child care provider of five to eight qualifying children shall obtain a  
2358 Residential Child Care Certificate from the department, unless Section **26-39-403** applies.

2359 (2) The minimum qualifications for a Residential Child Care Certificate are:

2360 (a) the submission of:

2361 (i) an application in the form prescribed by the department;

2362 (ii) a certification and criminal background fee established in accordance with Section  
2363 ~~[26-1-6]~~ 26B-1-209; and

2364 (iii) in accordance with Section **26-39-404**, identifying information for each adult  
2365 person and each juvenile age 12 through 17 years ~~[of age]~~ old who resides in the provider's  
2366 home:

2367 (A) for processing by the Department of Public Safety to determine whether any such  
2368 person has been convicted of a crime;

2369 (B) to screen for a substantiated finding of child abuse or neglect by a juvenile court;  
2370 and

2371 (C) to discover whether the person is listed in the Licensing Information System  
2372 described in Section **62A-4a-1006**;

2373 (b) an initial and annual inspection of the provider's home within 90 days of sending an  
2374 intent to inspect notice to:

2375 (i) check the immunization record, as defined in Section **53G-9-301**, of each qualifying  
2376 child who receives child care in the provider's home;

2377 (ii) identify serious sanitation, fire, and health hazards to qualifying children; and

2378 (iii) make appropriate recommendations; and

2379 (c) annual training consisting of 10 hours of department-approved training as specified  
2380 by the department by administrative rule, including a current department-approved CPR and  
2381 first aid course.

2382 (3) If a serious sanitation, fire, or health hazard has been found during an inspection  
2383 conducted pursuant to Subsection (2)(b), the department shall require corrective action for the  
2384 serious hazards found and make an unannounced follow up inspection to determine  
2385 compliance.

2386 (4) In addition to an inspection conducted pursuant to Subsection (2)(b), the  
2387 department may inspect the home of a residential care provider of five to eight qualifying  
2388 children in response to a complaint of:

- 2389 (a) child abuse or neglect;
- 2390 (b) serious health hazards in or around the provider's home; or
- 2391 (c) providing residential child care without the appropriate certificate or license.

2392 (5) Notwithstanding this section:

2393 (a) a license under Section 26-39-401 is required of a residential child care provider  
2394 who cares for nine or more qualifying children;

2395 (b) a certified residential child care provider may not provide care to more than two  
2396 qualifying children under the age of two; and

2397 (c) an inspection may be required of a residential child care provider in connection  
2398 with a federal child care program.

2399 (6) With respect to residential child care, the department may only make and enforce  
2400 rules necessary to implement this section.

2401 Section 35. Section 26-49-102 is amended to read:

2402 **26-49-102. Definitions.**

2403 As used in this chapter:

2404 [~~(1) "Department of Health" shall have the meaning provided for in Section 26-1-4.~~]

2405 [~~(2)~~] (1) "Disaster relief organization" means an entity that:

2406 (a) provides emergency or disaster relief services that include health or veterinary  
2407 services provided by volunteer health practitioners;

2408 (b) is designated or recognized as a provider of the services described in Subsection

2409 [~~(2)~~] (1)(a) under a disaster response and recovery plan adopted by:

- 2410 (i) an agency of the federal government;
- 2411 [~~(ii) the state Department of Health; or~~]
- 2412 (ii) the department; or
- 2413 (iii) a local health department; and
- 2414 (c) regularly plans and conducts its activities in coordination with:
- 2415 (i) an agency of the federal government;
- 2416 [~~(ii) the Department of Health; or~~]
- 2417 (ii) the department; or
- 2418 (iii) a local health department.
- 2419 [~~(3)~~] (2) "Emergency" means:
- 2420 (a) a state of emergency declared by:
- 2421 (i) the president of the United States;
- 2422 (ii) the governor in accordance with Title 53, Chapter 2a, Part 2, Disaster Response and
- 2423 Recovery Act; and
- 2424 (iii) the chief executive officer of a political subdivision in accordance with Title 53,
- 2425 Chapter 2a, Part 2, Disaster Response and Recovery Act, for a local emergency; or
- 2426 (b) a public health emergency declared by:
- 2427 (i) the executive director through a public health order in accordance with Title 26,
- 2428 Utah Health Code; or
- 2429 (ii) a local health department for a location under the local health department's
- 2430 jurisdiction.
- 2431 [~~(4)~~] (3) "Emergency Management Assistance Compact" means the interstate compact
- 2432 approved by Congress by Public Law No. 104-321, 110 Stat. 3877 and adopted by Utah in Title
- 2433 53, Chapter 2a, Part 4, Emergency Management Assistance Compact.
- 2434 [~~(5)~~] (4) "Entity" means a person other than an individual.
- 2435 [~~(6)~~] (5) "Health facility" means an entity licensed under the laws of this or another
- 2436 state to provide health or veterinary services.
- 2437 [~~(7)~~] (6) "Health practitioner" means an individual licensed under Utah law or another

2438 state to provide health or veterinary services.

2439 ~~[(8)]~~ (7) "Health services" means the provision of treatment, care, advice, guidance,  
2440 other services, or supplies related to the health or death of individuals or human populations, to  
2441 the extent necessary to respond to an emergency, including:

2442 (a) the following, concerning the physical or mental condition or functional status of an  
2443 individual or affecting the structure or function of the body:

2444 (i) preventive, diagnostic, therapeutic, rehabilitative, maintenance, or palliative care; or

2445 (ii) counseling, assessment, procedures, or other services;

2446 (b) selling or dispensing a drug, a device, equipment, or another item to an individual  
2447 in accordance with a prescription; and

2448 (c) funeral, cremation, cemetery, or other mortuary services.

2449 ~~[(9)]~~ (8) "Host entity":

2450 (a) means an entity operating in Utah that:

2451 (i) uses volunteer health practitioners to respond to an emergency; and

2452 (ii) is responsible during an emergency, for actually delivering health services to  
2453 individuals or human populations, or veterinary services to animals or animal populations; and

2454 (b) may include disaster relief organizations, hospitals, clinics, emergency shelters,  
2455 health care provider offices, or any other place where volunteer health practitioners may  
2456 provide health or veterinary services.

2457 ~~[(10)]~~ (9) (a) "License" means authorization by a state to engage in health or veterinary  
2458 services that are unlawful without authorization.

2459 (b) "License" includes authorization under this title to an individual to provide health  
2460 or veterinary services based upon a national or state certification issued by a public or private  
2461 entity.

2462 ~~[(11)]~~ (10) "Local emergency" means the same as that term is defined in Section  
2463 [53-2a-203](#).

2464 ~~[(12)]~~ (11) "Local health department" means the same as that term is defined in Section  
2465 [26A-1-102](#).



2466            [~~(13)~~] "Person" means an individual, corporation, business trust, trust, partnership,  
2467 limited liability company, association, joint venture, public corporation, government or  
2468 governmental subdivision, agency, or instrumentality, or any other legal or commercial entity.]

2469            [~~(14)~~] (12) "Public health emergency" means the same as that term is defined in  
2470 Section [26-23b-102](#).

2471            [~~(15)~~] (13) "Scope of practice" means the extent of the authorization to provide health  
2472 or veterinary services granted to a health practitioner by a license issued to the practitioner in  
2473 the state in which the principal part of the practitioner's services are rendered, including any  
2474 conditions imposed by the licensing authority.

2475            [~~(16)~~] (14) "State" means:

2476            (a) a state of the United States;

2477            (b) the District of Columbia;

2478            (c) Puerto Rico;

2479            (d) the United States Virgin Islands; or

2480            (e) any territory or insular possession subject to the jurisdiction of the United States.

2481            [~~(17)~~] (15) "Veterinary services" shall have the meaning provided for in Subsection  
2482 [58-28-102\(11\)](#).

2483            [~~(18)~~] (16) (a) "Volunteer health practitioner" means a health practitioner who provides  
2484 health or veterinary services, whether or not the practitioner receives compensation for those  
2485 services.

2486            (b) "Volunteer health practitioner" does not include a practitioner who receives  
2487 compensation under a preexisting employment relationship with a host entity or affiliate that  
2488 requires the practitioner to provide health services in Utah, unless the practitioner is:

2489            (i) not a Utah resident; and

2490            (ii) employed by a disaster relief organization providing services in Utah during an  
2491 emergency.

2492            Section 36. Section **26-54-103** is amended to read:

2493            **26-54-103. Spinal Cord and Brain Injury Rehabilitation Fund and Pediatric**

2494 **Neuro-Rehabilitation Fund Advisory Committee -- Creation -- Membership -- Terms --**  
2495 **Duties.**

2496 (1) There is created a Spinal Cord and Brain Injury Rehabilitation Fund and Pediatric  
2497 Neuro-Rehabilitation Fund Advisory Committee.

2498 (2) The advisory committee shall be composed of 11 members as follows:

2499 (a) the executive director, or the executive director's designee;

2500 (b) two survivors, or family members of a survivor, of a traumatic brain injury  
2501 appointed by the governor;

2502 (c) two survivors, or family members of a survivor, of a traumatic spinal cord injury  
2503 appointed by the governor;

2504 (d) one traumatic brain injury or spinal cord injury professional appointed by the  
2505 governor who, at the time of appointment and throughout the professional's term on the  
2506 committee, does not receive a financial benefit from the fund;

2507 (e) two parents of a child with a nonprogressive neurological condition appointed by  
2508 the governor;

2509 (f) (i) a physical therapist licensed under Title 58, Chapter 24b, Physical Therapy  
2510 Practice Act, with experience treating brain and spinal cord injuries, appointed by the governor;  
2511 or

2512 (ii) an occupational therapist licensed under Title 58, Chapter 42a, Occupational  
2513 Therapy Practice Act, with experience treating brain and spinal cord injuries, appointed by the  
2514 governor;

2515 (g) a member of the House of Representatives appointed by the speaker of the House of  
2516 Representatives; and

2517 (h) a member of the Senate appointed by the president of the Senate.

2518 (3) (a) The term of advisory committee members shall be four years. If a vacancy  
2519 occurs in the committee membership for any reason, a replacement shall be appointed for the  
2520 unexpired term in the same manner as the original appointment.

2521 (b) The committee shall elect a chairperson from the membership.

2522 (c) A majority of the committee constitutes a quorum at any meeting, and, if a quorum  
2523 is present at an open meeting, the action of the majority of members shall be the action of the  
2524 advisory committee.

2525 (d) The terms of the advisory committee shall be staggered so that members appointed  
2526 under Subsections (2)(b), (d), and (f) shall serve an initial two-year term and members  
2527 appointed under Subsections (2)(c), (e), and (g) shall serve four-year terms. Thereafter,  
2528 members appointed to the advisory committee shall serve four-year terms.

2529 (4) The advisory committee shall comply with the procedures and requirements of:

2530 (a) Title 52, Chapter 4, Open and Public Meetings Act;

2531 (b) Title 63G, Chapter 2, Government Records Access and Management Act; and

2532 (c) Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

2533 (5) (a) A member who is not a legislator may not receive compensation or benefits for  
2534 the member's service, but, at the executive director's discretion, may receive per diem and  
2535 travel expenses as allowed in:

2536 (i) Section 63A-3-106;

2537 (ii) Section 63A-3-107; and

2538 (iii) rules adopted by the Division of Finance according to Sections 63A-3-106 and  
2539 63A-3-107.

2540 (b) Compensation and expenses of a member who is a legislator are governed by  
2541 Section 36-2-2 and Legislative Joint Rules, Title 5, Legislative Compensation and Expenses.

2542 (6) The advisory committee shall:

2543 (a) adopt rules and procedures in accordance with Title 63G, Chapter 3, Utah  
2544 Administrative Rulemaking Act, that establish priorities and criteria for the advisory committee  
2545 to follow in recommending distribution of money from the fund to assist qualified IRC  
2546 501(c)(3) charitable clinics, as defined in Sections 26-54-102 and 26-54-102.5;

2547 (b) identify, evaluate, and review the quality of care available to:

2548 (i) individuals with spinal cord and brain injuries through qualified IRC 501(c)(3)  
2549 charitable clinics, as defined in Section 26-54-102; or

2550 (ii) children with nonprogressive neurological conditions through qualified IRC  
2551 501(c)(3) charitable clinics, as defined in Section [26-54-102.5](#); and

2552 (c) explore, evaluate, and review other possible funding sources and make a  
2553 recommendation to the Legislature regarding sources that would provide adequate funding for  
2554 the advisory committee to accomplish its responsibilities under this section~~;~~and].

2555 [~~(d) submit an annual report, not later than November 30 of each year, summarizing the~~  
2556 ~~activities of the advisory committee and making recommendations regarding the ongoing needs~~  
2557 ~~of individuals with spinal cord or brain injuries and children with nonprogressive neurological~~  
2558 ~~conditions to:~~]

2559 [(i) ~~the governor;~~]

2560 [(ii) ~~the Health and Human Services Interim Committee; and~~]

2561 [(iii) ~~the Social Services Appropriations Subcommittee.~~]

2562 (7) Operating expenses for the advisory committee, including the committee's staff,  
2563 shall be paid for only with money from:

2564 (a) the Spinal Cord and Brain Injury Rehabilitation Fund;

2565 (b) the Pediatric Neuro-Rehabilitation Fund; or

2566 (c) both funds.

2567 Section 37. Section **26-60-104** is amended to read:

2568 **26-60-104. Enforcement.**

2569 (1) The Division of Occupational and Professional Licensing created in Section  
2570 [58-1-103](#) is authorized to enforce the provisions of Section [26-60-103](#) as it relates to providers  
2571 licensed under Title 58, Occupations and Professions.

2572 (2) The department is authorized to enforce the provisions of:

2573 (a) Section [26-60-103](#) as it relates to providers licensed under this title~~[-];~~ and

2574 [~~(3) The Department of Human Services created in Section [62A-1-102](#) is authorized to~~  
2575 ~~enforce the provisions of]~~

2576 (b) Section [26-60-103](#) as it relates to providers licensed under Title 62A, Chapter 2,  
2577 Licensure of Programs and Facilities.

2578 Section 38. Section **26-67-102** is amended to read:

2579 **26-67-102. Definitions.**

2580 As used in this chapter:

2581 (1) "Adult Autism Treatment Account" means the Adult Autism Treatment Account  
2582 created in Section [26-67-205](#).

2583 (2) "Advisory committee" means the Adult Autism Treatment Program Advisory  
2584 Committee created in Section [~~26-1-7~~] [26B-1-204](#).

2585 (3) "Applied behavior analysis" means the same as that term is defined in Section  
2586 [31A-22-642](#).

2587 (4) "Autism spectrum disorder" means the same as that term is defined in Section  
2588 [31A-22-642](#).

2589 (5) "Program" means the Adult Autism Treatment Program created in Section  
2590 [26-67-201](#).

2591 (6) "Qualified individual" means an individual who:

2592 (a) is at least 22 years old;

2593 (b) is a resident of the state;

2594 (c) has been diagnosed by a qualified professional as having:

2595 (i) an autism spectrum disorder; or

2596 (ii) another neurodevelopmental disorder requiring significant supports through  
2597 treatment using applied behavior analysis; and

2598 (d) needs significant supports for a condition described in Subsection (6)(c), as  
2599 demonstrated by formal assessments of the individual's:

2600 (i) cognitive ability;

2601 (ii) adaptive ability;

2602 (iii) behavior; and

2603 (iv) communication ability.

2604 (7) "Qualified provider" means a provider that is qualified under Section [26-67-202](#) to  
2605 provide services for the program.

2606 Section 39. Section **26-67-202** is amended to read:

2607 **26-67-202. Adult Autism Treatment Program Advisory Committee --**  
2608 **Membership -- Procedures -- Compensation -- Duties -- Expenses.**

2609 (1) The Adult Autism Treatment Advisory Committee created in Section [~~26-1-7~~]  
2610 [26B-1-204](#) shall consist of six members appointed by the governor to two-year terms as  
2611 follows:

2612 (a) one individual who:

2613 (i) has a doctorate degree in psychology;

2614 (ii) is a licensed behavior analyst practicing in the state; and

2615 (iii) has treated adults with an autism spectrum disorder for at least three years;

2616 (b) one individual who is:

2617 (i) employed by the department; and

2618 (ii) has professional experience with the treatment of autism spectrum disorder;

2619 (c) three individuals who have firsthand experience with autism spectrum disorders and  
2620 the effects, diagnosis, treatment, and rehabilitation of autism spectrum disorders, including:

2621 (i) family members of an adult with an autism spectrum disorder;

2622 (ii) representatives of an association that advocates for adults with an autism spectrum  
2623 disorder; and

2624 (iii) specialists or professionals who work with adults with an autism spectrum  
2625 disorder; and

2626 (d) one individual who is:

2627 (i) a health insurance professional;

2628 (ii) holds a Doctor of Medicine or Doctor of Philosophy degree, with professional  
2629 experience relating to the treatment of autism spectrum disorder; and

2630 (iii) has a knowledge of autism benefits and therapy that are typically covered by the  
2631 health insurance industry.

2632 (2) (a) Notwithstanding Subsection (1), the governor shall, at the time of appointment  
2633 or reappointment, adjust the length of terms to ensure the terms of members are staggered so

2634 that approximately half of the advisory committee is appointed every year.

2635 (b) If a vacancy occurs in the membership of the advisory committee, the governor may  
2636 appoint a replacement for the unexpired term.

2637 (3) (a) The advisory committee shall annually elect a chair from its membership.

2638 (b) A majority of the advisory committee constitutes a quorum at any meeting and, if a  
2639 quorum exists, the action of the majority of members present is the action of the advisory  
2640 committee.

2641 (4) The advisory committee shall meet as necessary to:

2642 (a) advise the department regarding implementation of the program;

2643 (b) make recommendations to the department and the Legislature for improving the  
2644 program; and

2645 (c) before October 1 each year, provide a written report of the advisory committee's  
2646 activities and recommendations to:

2647 (i) the executive director;

2648 (ii) the Health and Human Services Interim Committee; and

2649 (iii) the Social Services Appropriations Subcommittee.

2650 (5) The advisory committee shall comply with the procedures and requirements of:

2651 (a) Title 52, Chapter 4, Open and Public Meetings Act; and

2652 (b) Title 63G, Chapter 2, Government Records Access and Management Act.

2653 (6) A member may not receive compensation or benefits for the member's service, but  
2654 may receive per diem and travel expenses in accordance with:

2655 (a) Section [63A-3-106](#);

2656 (b) Section [63A-3-107](#); and

2657 (c) rules made by the Division of Finance pursuant to Sections [63A-3-106](#) and  
2658 [63A-3-107](#).

2659 (7) (a) The department shall staff the advisory committee.

2660 (b) Expenses of the advisory committee, including the cost of advisory committee staff  
2661 if approved by the executive director, may be paid only with funds from the Adult Autism

2662 Treatment Account.

2663 Section 40. Section **26A-1-102** is amended to read:

2664 **26A-1-102. Definitions.**

2665 As used in this part:

2666 (1) "Board" means a local board of health established under Section [26A-1-109](#).

2667 (2) "County governing body" means one of the types of county government provided  
2668 for in Title 17, Chapter 52a, Part 2, Forms of County Government.

2669 (3) "County health department" means a local health department that serves a county  
2670 and municipalities located within that county.

2671 (4) "Department" means the Department of Health and Human Services created in  
2672 [~~Title 26, Chapter 1, Department of Health Organization~~] [Section 26B-1-201](#).

2673 (5) "Local health department" means:

2674 (a) a single county local health department;

2675 (b) a multicounty local health department;

2676 (c) a united local health department; or

2677 (d) a multicounty united local health department.

2678 (6) "Mental health authority" means a local mental health authority created in Section  
2679 [17-43-301](#).

2680 (7) "Multicounty local health department" means a local health department that is  
2681 formed under Section [26A-1-105](#) and that serves two or more contiguous counties and  
2682 municipalities within those counties.

2683 (8) "Multicounty united local health department" means a united local health  
2684 department that is formed under Section [26A-1-105.5](#) and that serves two or more contiguous  
2685 counties and municipalities within those counties.

2686 (9) (a) "Order of constraint" means an order, rule, or regulation issued by a local health  
2687 department in response to a declared public health emergency under this chapter that:

2688 (i) applies to all or substantially all:

2689 (A) individuals or a certain group of individuals; or



2690 (B) public places or certain types of public places; and  
2691 (ii) for the protection of the public health and in response to the declared public health  
2692 emergency:  
2693 (A) establishes, maintains, or enforces isolation or quarantine;  
2694 (B) establishes, maintains, or enforces a stay-at-home order;  
2695 (C) exercises physical control over property or individuals;  
2696 (D) requires an individual to perform a certain action or engage in a certain behavior;  
2697 or  
2698 (E) closes theaters, schools, or other public places or prohibits gatherings of people to  
2699 protect the public health.  
2700 (b) "Order of constraint" includes a stay-at-home order.  
2701 (10) "Public health emergency" means the same as that term is defined in Section  
2702 [26-23b-102](#).  
2703 (11) "Single county local health department" means a local health department that is  
2704 created by the governing body of one county to provide services to the county and the  
2705 municipalities within that county.  
2706 (12) "Stay-at-home order" means an order of constraint that:  
2707 (a) restricts movement of the general population to suppress or mitigate an epidemic or  
2708 pandemic disease by directing individuals within a defined geographic area to remain in their  
2709 respective residences; and  
2710 (b) may include exceptions for certain essential tasks.  
2711 (13) "Substance abuse authority" means a local substance abuse authority created in  
2712 Section [17-43-201](#).  
2713 (14) "United local health department":  
2714 (a) means a substance abuse authority, a mental health authority, and a local health  
2715 department that join together under Section [26A-1-105.5](#); and  
2716 (b) includes a multicounty united local health department.  
2717 Section 41. Section **26A-1-121** is amended to read:

2718           **26A-1-121. Standards and regulations adopted by local board -- Local standards**  
2719 **not more stringent than federal or state standards -- Administrative and judicial review**  
2720 **of actions.**

2721           (1) (a) Subject to Subsection (1)(g), the board may make standards and regulations:

2722           (i) not in conflict with rules of the [~~Departments of Health and~~] department or the  
2723 Department of Environmental Quality; and

2724           (ii) necessary for the promotion of public health, environmental health quality, injury  
2725 control, and the prevention of outbreaks and spread of communicable and infectious diseases.

2726           (b) The standards and regulations under Subsection (1)(a):

2727           (i) supersede existing local standards, regulations, and ordinances pertaining to similar  
2728 subject matter; [~~and~~]

2729           (ii) [~~except as provided under Subsection (1)(c) and~~] except where specifically allowed  
2730 by federal law or state statute, may not be more stringent than those established by federal law,  
2731 state statute, or administrative rules adopted by the [~~Department of Health~~] department in  
2732 accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act[~~;~~]; and

2733           [~~(c) (i) The board may make standards and regulations more stringent than~~  
2734 ~~corresponding federal law, state statute, or state administrative rules for the purposes described~~  
2735 ~~in Subsection (1)(a), only if the board makes a written finding after public comment and~~  
2736 ~~hearing and based on evidence in the record, that corresponding federal laws, state statutes, or~~  
2737 ~~state administrative rules are not adequate to protect public health and the environment of the~~  
2738 ~~state.~~]

2739           [~~(ii) The findings shall address the public health information and studies contained in~~  
2740 ~~the record, which form the basis for the board's conclusion.~~]

2741           (iii) notwithstanding Subsection (1)(b)(ii), may be more stringent than those  
2742 established by federal law, state statute, or administrative rule adopted by the department if the  
2743 standard or regulation is:

2744           (A) in effect on February 1, 2022; and

2745           (B) not modified or amended after February 1, 2022.

2746            [~~(d)~~] (c) The board shall provide public hearings prior to the adoption of any regulation  
2747 or standard.

2748            (d) Notice of any public hearing shall be published at least twice throughout the county  
2749 or counties served by the local health department. The publication may be in one or more  
2750 newspapers, if the notice is provided in accordance with this Subsection (1)(d).

2751            (e) The hearings may be conducted by the board at a regular or special meeting, or the  
2752 board may appoint hearing officers who may conduct hearings in the name of the board at a  
2753 designated time and place.

2754            (f) A record or summary of the proceedings of a hearing shall be taken and filed with  
2755 the board.

2756            (g) (i) During a declared public health emergency declared under this chapter or under  
2757 Title 26, Chapter 23b, Detection of Public Health Emergencies Act:

2758            (A) except as provided in Subsection (1)(h), a local health department may not issue an  
2759 order of constraint without approval of the chief executive officer of the relevant county;

2760            (B) the Legislature may at any time terminate by joint resolution an order of constraint  
2761 issued by a local health department in response to a declared public health emergency that has  
2762 been in effect for more than 30 days; and

2763            (C) a county governing body may at any time terminate, by majority vote of the  
2764 governing body, an order of constraint issued by a local health department in response to a  
2765 declared public health emergency.

2766            (ii) (A) For a local health department that serves more than one county, the approval  
2767 described in Subsection (1)(g)(i)(A) is required for the chief executive officer for which the  
2768 order of constraint is applicable.

2769            (B) For a local health department that serves more than one county, a county governing  
2770 body may only terminate an order of constraint as described in Subsection (1)(g)(i)(C) for the  
2771 county served by the county governing body.

2772            (h) (i) Notwithstanding Subsection (1)(g)(i)(A), a local health department may issue an  
2773 order of constraint without approval of the chief executive officer of the relevant county if the

2774 passage of time necessary to obtain approval of the chief executive officer of the relevant  
2775 county as required in Subsection (1)(g)(i)(A) would substantially increase the likelihood of loss  
2776 of life due to an imminent threat.

2777 (ii) If a local health department issues an order of constraint as described in Subsection  
2778 (1)(h)(i), the local health department shall notify the chief executive officer of the relevant  
2779 county before issuing the order of constraint.

2780 (iii) The chief executive officer of the relevant county may terminate an order of  
2781 constraint issued as described in Subsection (1)(h)(i) within 72 hours of issuance of the order  
2782 of constraint.

2783 (i) (i) During a public health emergency declared as described in this title:

2784 (A) a local health department may not impose an order of constraint on a public  
2785 gathering that applies to a religious gathering differently than the order of constraint applies to  
2786 any other relevantly similar gathering; and

2787 (B) an individual, while acting or purporting to act within the course and scope of the  
2788 individual's official local health department capacity, may not prevent a religious gathering that  
2789 is held in a manner consistent with any order of constraint issued pursuant to this title, or  
2790 impose a penalty for a previous religious gathering that was held in a manner consistent with  
2791 any order of constraint issued pursuant to this title.

2792 (ii) Upon proper grounds, a court of competent jurisdiction may grant an injunction to  
2793 prevent the violation of this Subsection (1)(i).

2794 (iii) During a public health emergency declared as described in this title, the  
2795 department or a local health department shall not issue a public health order or impose or  
2796 implement a regulation that substantially burdens an individual's exercise of religion unless the  
2797 department or local health department demonstrates that the application of the burden to the  
2798 individual:

2799 (A) is in furtherance of a compelling government interest; and

2800 (B) is the least restrictive means of furthering that compelling government interest.

2801 (iv) Notwithstanding Subsections (1)(i)(i) and (ii), the department or a local health

2802 department shall allow reasonable accommodations for an individual to perform or participate  
2803 in a religious practice or rite.

2804 (j) If a local health department declares a public health emergency as described in this  
2805 chapter, and the local health department finds that the public health emergency conditions  
2806 warrant an extension of the public health emergency beyond the 30-day term or another date  
2807 designated by the local legislative body, the local health department shall provide written  
2808 notice to the local legislative body at least 10 days before the expiration of the public health  
2809 emergency.

2810 (2) (a) A person aggrieved by an action or inaction of the local health department  
2811 relating to the public health shall have an opportunity for a hearing with the local health officer  
2812 or a designated representative of the local health department. The board shall grant a  
2813 subsequent hearing to the person upon the person's written request.

2814 (b) In an adjudicative hearing, a member of the board or the hearing officer may  
2815 administer oaths, examine witnesses, and issue notice of the hearings or subpoenas in the name  
2816 of the board requiring the testimony of witnesses and the production of evidence relevant to a  
2817 matter in the hearing. The local health department shall make a written record of the hearing,  
2818 including findings of facts and conclusions of law.

2819 (c) Judicial review of a final determination of the local board may be secured by a  
2820 person adversely affected by the final determination, or by the [~~Departments of Health or~~  
2821 department or the Department of Environmental Quality, by filing a petition in the district court  
2822 within 30 days after receipt of notice of the board's final determination.

2823 (d) The petition shall be served upon the secretary of the board and shall state the  
2824 grounds upon which review is sought.

2825 (e) The board's answer shall certify and file with the court all documents and papers  
2826 and a transcript of all testimony taken in the matter together with the board's findings of fact,  
2827 conclusions of law, and order.

2828 (f) The appellant and the board are parties to the appeal.

2829 (g) The [~~Departments of Health~~ department and the Department of Environmental

2830 Quality may become a party by intervention as in a civil action upon showing cause.

2831 (h) A further appeal may be taken to the Court of Appeals under Section 78A-4-103.

2832 (3) Nothing in the provisions of Subsection (1)(b)(ii) or (c), shall limit the ability of a  
2833 local health department board to make standards and regulations in accordance with Subsection  
2834 (1)(a) for:

2835 (a) emergency rules made in accordance with Section 63G-3-304; or

2836 (b) items not regulated under federal law, state statute, or state administrative rule.

2837 Section 42. Section 26B-1-102 is amended to read:

2838 **TITLE 26B. UTAH HEALTH AND HUMAN SERVICES CODE**

2839 **CHAPTER 1. DEPARTMENT OF HEALTH AND HUMAN SERVICES**

2840 **Part 1. General Provisions**

2841 **26B-1-102. Definitions.**

2842 As used in this title:

2843 (1) "Department" means the Department of Health and Human Services created in  
2844 Section 26B-1-201.

2845 [~~(2) "Department of Health" means the Department of Health created in Section~~  
2846 ~~26-1-4.~~]

2847 [~~(3) "Department of Human Services" means the Department of Human Services~~  
2848 ~~created in Section 62A-1-102.~~]

2849 (2) "Stabilization services" means in-home services provided to a child with, or who is  
2850 at risk for, complex emotional and behavioral needs, including teaching the child's parent or  
2851 guardian skills to improve family functioning.

2852 (3) "Public health authority" means an agency or authority of the United States, a state,  
2853 a territory, a political subdivision of a state or territory, an Indian tribe, or a person acting under  
2854 a grant of authority from or a contract with such an agency, that is responsible for public health  
2855 matters as part of the agency or authority's official mandate.

2856 (4) "System of care" means a broad, flexible array of services and supports that:

2857 (a) serve a child with or who is at risk for complex emotional and behavioral needs;

- 2858 (b) are community based;
- 2859 (c) are informed about trauma;
- 2860 (d) build meaningful partnerships with families and children;
- 2861 (e) integrate service planning, service coordination, and management across state and
- 2862 local entities;
- 2863 (f) include individualized case planning;
- 2864 (g) provide management and policy infrastructure that supports a coordinated network
- 2865 of interdepartmental service providers, contractors, and service providers who are outside of
- 2866 the department; and
- 2867 (h) are guided by the type and variety of services needed by a child with or who is at
- 2868 risk for complex emotional and behavioral needs and by the child's family.

2869 Section 43. Section **26B-1-103** is amended to read:

2870 **26B-1-103. Purpose of title -- Consolidation of functions into single state agency.**

2871 The purpose of this title is to consolidate into a single agency of state government all of

2872 the functions previously exercised by[:] the Department of Health and the Department of

2873 Human Services to more efficiently and effectively carry out the responsibilities delegated to

2874 the department by state law.

2875 ~~[(1) the Department of Health, including all of the powers and duties described in Title~~

2876 ~~26, Utah Health Code; and]~~

2877 ~~[(2) the Department of Human Services, including all of the powers and duties~~

2878 ~~described in Title 62A, Utah Human Services Code.]~~

2879 Section 44. Section **26B-1-104**, which is renumbered from Section 26-1-32 is

2880 renumbered and amended to read:

2881 ~~[26-1-32].~~ **26B-1-104. Severability of code provisions.**

2882 If ~~[any]~~ a provision of this ~~[code]~~ title or Title 26, Utah Health Code, or the application

2883 of any such provision to any person or circumstance is held invalid, the invalidity does not

2884 affect other provisions or applications of this ~~[code]~~ title or Title 26, Utah Health Code, which

2885 can be given effect without the invalid provision or application, and to this end the provisions

2886 of this ~~[code]~~ title or Title 26, Utah Health Code, are declared to be severable.

2887 Section 45. Section **26B-1-105**, which is renumbered from Section 26-1-33 is  
2888 renumbered and amended to read:

2889 ~~[26-1-33]~~. **26B-1-105. Individual rights protected.**

2890 Nothing in this title ~~[shall prohibit]~~ prohibits an individual from choosing the diet,  
2891 therapy, or mode of treatment to be administered to an individual or an individual's family.

2892 Section 46. Section **26B-1-201** is amended to read:

2893 **Part 2. General Organization and Duties**

2894 **26B-1-201. Department of Health and Human Services -- Creation -- Duties.**

2895 (1) There is created within state government the Department of Health and Human  
2896 Services, which has all of the policymaking functions, regulatory and enforcement powers,  
2897 rights, duties, and responsibilities outlined in this title and previously vested in the Department  
2898 of Health and the Department of Human Services.

2899 (2) Subject to the limitation and grants of authority in state law, the department shall  
2900 serve as the health, health planning, medical assistance, and social services authority of the  
2901 state, and for administration of federally assisted state programs or plans is designated as the  
2902 sole state agency for:

2903 (a) social service block grants;

2904 (b) alcohol, drug, and mental health programs, including block grants;

2905 (c) child welfare;

2906 (d) state programs supported under the Older Americans Act, 42 U.S.C. Sec. 3001, et  
2907 seq.;

2908 (e) public health;

2909 (f) health planning;

2910 (g) maternal and child health;

2911 (h) services for individuals with a disability; and

2912 (i) medical assistance.

2913 (3) A state plan or program administered by the department:



2914 (a) shall be developed in the appropriate divisions or offices of the department in  
 2915 accordance with applicable requirements of state and federal law; and

2916 (b) may be amended by the executive director to achieve coordination, efficiency, or  
 2917 economy.

2918 ~~[(2)] (4)~~ In addition to Subsection (1), ~~[during the transition period described in~~  
 2919 ~~Section 26B-1-201.1,]~~ from July 1, 2022, through June 30, 2023, the Department of Health and  
 2920 Human Services ~~[may exercise any of]~~ shall exercise the policymaking functions, regulatory  
 2921 and enforcement powers, rights, duties, and responsibilities of the Department of Health and  
 2922 the Department of Human Services under ~~[the joint direction of]:~~

2923 ~~[(a) the executive director of the Department of Health; and]~~

2924 ~~[(b) the executive director of the Department of Human Services.]~~

2925 (a) Title 26, Utah Health Code; and

2926 (b) Title 62A, Utah Human Services Code.

2927 Section 47. Section **26B-1-201.1** is amended to read:

2928 **26B-1-201.1. Transition to single state agency -- Transition plan.**

2929 (1) As used in this section:

2930 (a) "Transition agencies" means the:

2931 (i) Department of Health; and

2932 (ii) Department of Human Services.

2933 (b) "Transition period" means the period of time:

2934 (i) during which the transition of the department to the Department of Health and  
 2935 Human Services takes place; and

2936 (ii) beginning on ~~[the effective date of the bill,]~~ March 23, 2021, and ending on July 1,  
 2937 2022.

2938 ~~[(2) On or before December 1, 2021, the transition agencies shall develop a written~~  
 2939 ~~transition plan for merging the functions of the transition agencies into the Department of~~  
 2940 ~~Health and Human Services on July 1, 2022, in order to:]~~

2941 ~~[(a) more efficiently and effectively manage health and human services programs that~~

2942 are the responsibility of the state;]

2943 [~~(b) establish a health and human services policy for the state; and]~~

2944 [~~(c) promote health and the quality of life in the health and human services field.]~~

2945 [~~(3) The written transition plan described in Subsection (2) shall describe:]~~

2946 [~~(a) the tasks that need to be completed before the move on July 1, 2022, including a~~

2947 ~~description of:]~~

2948 [~~(i) how the transition agencies solicited comment from stakeholders, including:]~~

2949 [~~(A) employees of the transition agencies;]~~

2950 [~~(B) clients and partners of the transition agencies;]~~

2951 [~~(C) members of the public;]~~

2952 [~~(D) the Legislature; and]~~

2953 [~~(E) the executive office of the governor;]~~

2954 [~~(ii) the proposed organizational structure of the department, including the transition of~~

2955 ~~responsibilities of employees, by job title and classification, under the newly proposed~~

2956 ~~organizational structure and a plan for these transitions;]~~

2957 [~~(iii) office space and infrastructure requirements related to the transition;]~~

2958 [~~(iv) any work site location changes for transitioning employees;]~~

2959 [~~(v) the transition of service delivery sites;]~~

2960 [~~(vi) amendments needed to existing contracts, including grants;]~~

2961 [~~(vii) legislative changes needed to implement the transition described in this section;]~~

2962 [~~(viii) how the transition agencies will coordinate agency rules;]~~

2963 [~~(ix) procedures for the transfer and reconciliation of budgeting and funding of the~~

2964 ~~department as the transition agencies transition into the department; and]~~

2965 [~~(x) the transition of technology services to the department;]~~

2966 [~~(b) the tasks that may need to be completed after the transition on July 1, 2022; and]~~

2967 [~~(c) how the transition to the department will be funded, including details of:]~~

2968 [~~(i) how expenses associated with the transition will be managed;]~~

2969 [~~(ii) how funding for services provided by the transition agencies will be managed to~~

2970 ensure services will be provided by the transition agencies and the department without  
2971 interruption; and]

2972        ~~[(iii) how federal funds will be used by or transferred between the transition agencies~~  
2973 ~~and the department to ensure services will be provided by the transition agencies and the~~  
2974 ~~department without interruption.]~~

2975        ~~[(4) The written transition plan described in Subsection (2) shall:]~~

2976        ~~[(a) include a detailed timeline for the completion of the tasks described in Subsection~~  
2977 ~~(3)(a);]~~

2978        ~~[(b) be updated at least one time in every two week period until the transition is~~  
2979 ~~complete;]~~

2980        ~~[(c) describe how information will be provided to clients of the transition agencies and~~  
2981 ~~the department regarding any changes to where services will be provided and the hours services~~  
2982 ~~will be provided;]~~

2983        ~~[(d) be provided to the:]~~

2984        ~~[(i) Health and Human Services Interim Committee;]~~

2985        ~~[(ii) Social Services Appropriations Subcommittee;]~~

2986        ~~[(iii) the executive office of the governor;]~~

2987        ~~[(iv) Division of Finance; and]~~

2988        ~~[(v) Division of Technology Services; and]~~

2989        ~~[(e) be made available to employees that are transitioning or may potentially be~~  
2990 ~~transitioned.]~~

2991        ~~[(5)]~~ (2) The transition agencies shall publish information that provides a full overview  
2992 of ~~[the written transition plan and]~~ how the move may affect client services offered by the  
2993 transition agencies on the transition agencies' respective websites, including regular updates  
2994 regarding:

2995        (a) how the move may affect client services offered by the transition agencies;

2996        (b) information regarding the location where services are provided and the hours  
2997 services are provided; and

2998 (c) contact information so that clients of the transition agencies can contact  
2999 transitioning employees and obtain information regarding client services.

3000 ~~[(6)]~~ (3) The transition agencies may, separately or collectively, enter into a  
3001 memorandum of understanding regarding how costs and responsibilities will be shared to:

3002 (a) ensure that services provided under agreements with the federal government,  
3003 including new and ongoing grant programs, are fulfilled;

3004 (b) ensure that commitments made by the transition agencies are met;

3005 (c) provide ongoing or shared services as needed, including the provision of payments  
3006 to the department from the transition agencies; and

3007 (d) ensure that money from the Department of Health and Human Services Transition  
3008 Restricted Account created in~~[-Subsection(8)]~~ Section 26B-1-305 is used appropriately by the  
3009 transition agencies and the department.

3010 ~~[(7)]~~ (4) In implementing the written transition plan described in this section, the  
3011 transition agencies and the department shall protect existing services, programs, and access to  
3012 services provided by the transition agencies.

3013 ~~[(8)(a) There is created a restricted account within the General Fund known as the  
3014 "Department of Health and Human Services Transition Restricted Account."]~~

3015 ~~[(b) The restricted account shall consist of appropriations made by the Legislature.]~~

3016 ~~[(c) Subject to appropriation, the transition agencies and the department may spend  
3017 money from the restricted account to pay for expenses related to moving the transition agencies  
3018 into the department, including staff and legal services.]~~

3019 (5) (a) The department shall provide a written update to the entities described in  
3020 Subsection (5)(b):

3021 (i) at least one time after September 1, 2022, but before November 1, 2022;

3022 (ii) if the executive director adjusts the organizational structure of the department  
3023 under Subsection 26B-1-204(5) in a manner that conflicts with the organizational structure  
3024 described in statute; or

3025 (iii) at the request of one or more of the entities described in Subsection (5)(b).

3026 (b) The update described in Subsection (5)(a) shall be provided to:

3027 (i) the Health and Human Services Interim Committee;

3028 (ii) the Social Services Appropriations Subcommittee; and

3029 (iii) the executive office of the governor.

3030 (6) Before November 30 of each year from 2022 through 2025, the department shall  
3031 report to the Social Services Appropriations Subcommittee:

3032 (a) efficiencies and savings identified by the department as a result of the merger of the  
3033 transition agencies; and

3034 (b) programs to which the department recommends reinvesting savings identified under  
3035 Subsection (6)(a).

3036 Section 48. Section **26B-1-202**, which is renumbered from Section 62A-1-111 is  
3037 renumbered and amended to read:

3038 ~~[62A-1-111]~~. **26B-1-202. Department authority and duties.**

3039 The department may, subject to applicable restrictions in state law and in addition to all  
3040 other authority and responsibility granted to the department by law:

3041 (1) adopt rules, in accordance with Title 63G, Chapter 3, Utah Administrative  
3042 Rulemaking Act, and not inconsistent with law, as the department may consider necessary or  
3043 desirable for providing health and social services to the people of this state;

3044 (2) establish and manage client trust accounts in the department's institutions and  
3045 community programs, at the request of the client or the client's legal guardian or representative,  
3046 or in accordance with federal law;

3047 (3) purchase, as authorized or required by law, services that the department is  
3048 responsible to provide for legally eligible persons;

3049 (4) conduct adjudicative proceedings for clients and providers in accordance with the  
3050 procedures of Title 63G, Chapter 4, Administrative Procedures Act;

3051 (5) establish eligibility standards for ~~[its]~~ the department's programs, not inconsistent  
3052 with state or federal law or regulations;

3053 (6) take necessary steps, including legal action, to recover money or the monetary value

3054 of services provided to a recipient who was not eligible;

3055 (7) set and collect fees for the department's services;

3056 (8) license agencies, facilities, and programs, except as otherwise allowed, prohibited,

3057 or limited by law;

3058 (9) acquire, manage, and dispose of any real or personal property needed or owned by

3059 the department, not inconsistent with state law;

3060 (10) receive gifts, grants, devises, and donations; gifts, grants, devises, donations, or

3061 the proceeds thereof, may be credited to the program designated by the donor, and may be used

3062 for the purposes requested by the donor, as long as the request conforms to state and federal

3063 policy; all donated funds shall be considered private, nonlapsing funds and may be invested

3064 under guidelines established by the state treasurer;

3065 (11) accept and employ volunteer labor or services; the department is authorized to

3066 reimburse volunteers for necessary expenses, when the department considers that

3067 reimbursement to be appropriate;

3068 (12) carry out the responsibility assigned in the workforce services plan by the State

3069 Workforce Development Board;

3070 [~~(13) carry out the responsibility assigned by Section 35A-8-602 with respect to~~

3071 ~~coordination of services for the homeless;~~]

3072 [~~(14)~~ (13) carry out the responsibility assigned by Section 62A-5a-105 with respect to

3073 coordination of services for students with a disability;

3074 [~~(15)~~ (14) provide training and educational opportunities for the department's staff;

3075 [~~(16)~~ (15) collect child support payments and any other money due to the department;

3076 [~~(17)~~ (16) apply the provisions of Title 78B, Chapter 12, Utah Child Support Act, to

3077 parents whose child lives out of the home in a department licensed or certified setting;

3078 [~~(18)~~ (17) establish policy and procedures, within appropriations authorized by the

3079 Legislature, in cases where the Division of Child and Family Services or the Division of

3080 Juvenile Justice Services is given custody of a minor by the juvenile court under Title 80, Utah

3081 Juvenile Code, or the department is ordered to prepare an attainment plan for a minor found not

3082 competent to proceed under Section [80-6-403](#) [~~any policy and procedures shall include~~],  
 3083 including:

- 3084 (a) designation of interagency teams for each juvenile court district in the state;
- 3085 (b) delineation of assessment criteria and procedures;
- 3086 (c) minimum requirements, and timeframes, for the development and implementation  
 3087 of a collaborative service plan for each minor placed in department custody; and
- 3088 (d) provisions for submittal of the plan and periodic progress reports to the court;

3089 [~~(19)~~] (18) carry out the responsibilities assigned to the department by statute;

3090 [~~(20)~~] (19) examine and audit the expenditures of any public funds provided to a local  
 3091 substance abuse [~~authorities;~~] authority, a local mental health [~~authorities;~~] authority, a local  
 3092 area [~~agencies~~] agency on aging, and any person, agency, or organization that contracts with or  
 3093 receives funds from those authorities or agencies. Those local authorities, area agencies, and  
 3094 any person or entity that contracts with or receives funds from those authorities or area  
 3095 agencies, shall provide the department with any information the department considers  
 3096 necessary. The department is further authorized to issue directives resulting from any  
 3097 examination or audit to a local [~~authorities, area agencies~~] authority, an area agency, and  
 3098 persons or entities that contract with or receive funds from those authorities with regard to any  
 3099 public funds. If the department determines that it is necessary to withhold funds from a local  
 3100 mental health authority or local substance abuse authority based on failure to comply with state  
 3101 or federal law, policy, or contract provisions, [~~it~~] the department may take steps necessary to  
 3102 ensure continuity of services. For purposes of this Subsection [~~(20)~~] (19) "public funds" means  
 3103 the same as that term is defined in Section [62A-15-102](#);

- 3104 [~~(21)~~] (20) [~~pursuant to~~] in accordance with Subsection [62A-2-106\(1\)\(d\)](#), accredit one  
 3105 or more agencies and persons to provide intercountry adoption services;
- 3106 [~~(22)~~] (21) within legislative appropriations [~~authorized by the Legislature~~], promote  
 3107 and develop a system of care and stabilization services:
  - 3108 (a) in compliance with Title 63G, Chapter 6a, Utah Procurement Code; and
  - 3109 (b) that encompasses the department, department contractors, and the divisions,

3110 offices, or institutions within the department, to:

3111 (i) navigate services, funding resources, and relationships to the benefit of the children  
3112 and families whom the department serves;

3113 (ii) centralize department operations, including procurement and contracting;

3114 (iii) develop policies that govern business operations and that facilitate a system of care  
3115 approach to service delivery;

3116 (iv) allocate resources that may be used for the children and families served by the  
3117 department or the divisions, offices, or institutions within the department, subject to the  
3118 restrictions in Section [63J-1-206](#);

3119 (v) create performance-based measures for the provision of services; and

3120 (vi) centralize other business operations, including data matching and sharing among  
3121 the department's divisions, offices, and institutions;

3122 ~~[(23)]~~ (22) ensure that any training or certification required of a public official or  
3123 public employee, as those terms are defined in Section [63G-22-102](#), complies with Title 63G,  
3124 Chapter 22, State Training and Certification Requirements, if the training or certification is  
3125 required:

3126 (a) under this title;

3127 (b) by the department; or

3128 (c) by an agency or division within the department; ~~[and]~~

3129 ~~[(24) reallocate unexpended funds as provided in Section [62A-1-111.6](#).]~~

3130 (23) enter into cooperative agreements with the Department of Environmental Quality  
3131 to delineate specific responsibilities to assure that assessment and management of risk to  
3132 human health from the environment are properly administered;

3133 (24) consult with the Department of Environmental Quality and enter into cooperative  
3134 agreements, as needed, to ensure efficient use of resources and effective response to potential  
3135 health and safety threats from the environment, and to prevent gaps in protection from potential  
3136 risks from the environment to specific individuals or population groups;

3137 (25) to the extent authorized under state law or required by federal law, promote and



3138 protect the health and wellness of the people within the state;  
3139 (26) establish, maintain, and enforce rules authorized under state law or required by  
3140 federal law to promote and protect the public health or to prevent disease and illness;  
3141 (27) investigate the causes of epidemic, infectious, communicable, and other diseases  
3142 affecting the public health;  
3143 (28) provide for the detection and reporting of communicable, infectious, acute,  
3144 chronic, or any other disease or health hazard which the department considers to be dangerous,  
3145 important, or likely to affect the public health;  
3146 (29) collect and report information on causes of injury, sickness, death, and disability  
3147 and the risk factors that contribute to the causes of injury, sickness, death, and disability within  
3148 the state;  
3149 (30) collect, prepare, publish, and disseminate information to inform the public  
3150 concerning the health and wellness of the population, specific hazards, and risks that may affect  
3151 the health and wellness of the population and specific activities which may promote and protect  
3152 the health and wellness of the population;  
3153 (31) abate nuisances when necessary to eliminate sources of filth and infectious and  
3154 communicable diseases affecting the public health;  
3155 (32) make necessary sanitary and health investigations and inspections in cooperation  
3156 with local health departments as to any matters affecting the public health;  
3157 (33) establish laboratory services necessary to support public health programs and  
3158 medical services in the state;  
3159 (34) establish and enforce standards for laboratory services which are provided by any  
3160 laboratory in the state when the purpose of the services is to protect the public health;  
3161 (35) cooperate with the Labor Commission to conduct studies of occupational health  
3162 hazards and occupational diseases arising in and out of employment in industry, and make  
3163 recommendations for elimination or reduction of the hazards;  
3164 (36) cooperate with the local health departments, the Department of Corrections, the  
3165 Administrative Office of the Courts, the Division of Juvenile Justice Services, and the Crime

3166 Victim Reparations and Assistance Board to conduct testing for HIV infection of alleged  
3167 sexual offenders, convicted sexual offenders, and any victims of a sexual offense;  
3168 (37) investigate the causes of maternal and infant mortality;  
3169 (38) establish, maintain, and enforce a procedure requiring the blood of adult  
3170 pedestrians and drivers of motor vehicles killed in highway accidents be examined for the  
3171 presence and concentration of alcohol, and provide the Commissioner of Public Safety with  
3172 monthly statistics reflecting the results of these examinations, with necessary safeguards so that  
3173 information derived from the examinations is not used for a purpose other than the compilation  
3174 of these statistics;  
3175 (39) establish qualifications for individuals permitted to draw blood under Subsection  
3176 41-6a-523(1)(a)(vi), 53-10-405(2)(a)(vi), 72-10-502(5)(a)(vi), or 77-23-213(3)(a)(vi), and to  
3177 issue permits to individuals the department finds qualified, which permits may be terminated or  
3178 revoked by the department;  
3179 (40) establish a uniform public health program throughout the state which includes  
3180 continuous service, employment of qualified employees, and a basic program of disease  
3181 control, vital and health statistics, sanitation, public health nursing, and other preventive health  
3182 programs necessary or desirable for the protection of public health;  
3183 (41) conduct health planning for the state;  
3184 (42) monitor the costs of health care in the state and foster price competition in the  
3185 health care delivery system;  
3186 (43) establish methods or measures for health care providers, public health entities, and  
3187 health care insurers to coordinate among themselves to verify the identity of the individuals the  
3188 providers serve;  
3189 (44) designate Alzheimer's disease and related dementia as a public health issue and,  
3190 within budgetary limitations, implement a state plan for Alzheimer's disease and related  
3191 dementia by incorporating the plan into the department's strategic planning and budgetary  
3192 process;  
3193 (45) coordinate with other state agencies and other organizations to implement the state

3194 plan for Alzheimer's disease and related dementia;

3195 (46) ensure that any training or certification required of a public official or public  
 3196 employee, as those terms are defined in Section 63G-22-102, complies with Title 63G, Chapter  
 3197 22, State Training and Certification Requirements, if the training or certification is required by  
 3198 the agency or under this title, Title 26, Utah Health Code, or Title 62A, Utah Human Services  
 3199 Code; and

3200 (47) oversee public education vision screening as described in Section 53G-9-404.

3201 Section 49. Section **26B-1-203**, which is renumbered from Section 62A-1-108 is  
 3202 renumbered and amended to read:

3203 **~~[62A-1-108].~~ 26B-1-203. Executive director -- Appointment --**  
 3204 **Compensation -- Qualifications -- Deputy directors required -- Responsibilities.**

3205 (1) (a) The chief administrative officer of the department is the executive director, who  
 3206 shall be appointed by the governor with the advice and consent of the Senate.

3207 (b) The executive director may be removed at the will of the governor.

3208 (c) The executive director shall receive a salary established by the governor within the  
 3209 salary range fixed by the Legislature in Title 67, Chapter 22, State Officer Compensation.

3210 (2) The executive director shall be experienced in administration, management, and  
 3211 coordination of complex organizations.

3212 (3) If the executive director is not a physician, the executive director or a deputy  
 3213 director shall:

3214 (a) be informed and experienced in public health;

3215 (b) have successfully completed at least a master's degree of public health or public  
 3216 administration from an accredited school of public health or from an accredited program of  
 3217 public health or public administration; and

3218 (c) (i) have at least five years of professional full-time experience, of which at least two  
 3219 years have been in public health in a senior level administrative capacity; or

3220 (ii) have at least five years of professional full-time experience in public health  
 3221 programs, of which at least three years have been in a senior level administrative capacity.

- 3222           (4) The executive director shall appoint a deputy director of the department who:
- 3223           (a) shall have successfully completed at least one year's graduate work in an accredited
- 3224 school of public health or an accredited program of public health;
- 3225           (b) shall have at least five years of professional full-time experience in public health
- 3226 programs; and
- 3227           (c) is a physician licensed to practice medicine in the state with experience in public
- 3228 health.
- 3229           ~~[(2)]~~ (5) The executive director is responsible for:
- 3230           (a) administration and supervision of the department;
- 3231           (b) coordination of policies and program activities conducted through the boards,
- 3232 divisions, and offices of the department;
- 3233           (c) approval of the proposed budget of each board, division, and office within the
- 3234 department; and
- 3235           (d) ~~[such]~~ other duties as the Legislature or governor shall assign to ~~[him]~~ the
- 3236 executive director.
- 3237           ~~[(3)]~~ (6) The executive director may appoint deputy or assistant directors to assist
- 3238 ~~[him]~~ the executive director in carrying out the department's responsibilities.
- 3239           Section 50. Section **26B-1-204**, which is renumbered from Section 62A-1-105 is
- 3240 renumbered and amended to read:
- 3241           ~~[62A-1-105].~~           **26B-1-204. Creation of boards, divisions, and offices --**
- 3242 **Power to organize department.**
- 3243           (1) The executive director shall make rules in accordance with Title 63G, Chapter 3,
- 3244 Utah Administrative Rulemaking Act, and not inconsistent with law for:
- 3245           (a) the administration and government of the department;
- 3246           (b) the conduct of the department's employees; and
- 3247           (c) the custody, use, and preservation of the records, papers, books, documents, and
- 3248 property of the department.
- 3249           ~~[(1)]~~ (2) The following policymaking boards, councils, and committees are created

- 3250 within the Department of Health and Human Services:
- 3251 (a) [~~the~~] Board of Aging and Adult Services; [~~and~~]
- 3252 (b) [~~the~~] Utah State Developmental Center Board[-];
- 3253 (c) Health Advisory Council;
- 3254 (d) Health Facility Committee;
- 3255 (e) State Emergency Medical Services Committee;
- 3256 (f) Air Ambulance Committee;
- 3257 (g) Health Data Committee;
- 3258 (h) Utah Health Care Workforce Financial Assistance Program Advisory Committee;
- 3259 (i) Residential Child Care Licensing Advisory Committee;
- 3260 (j) Child Care Center Licensing Committee;
- 3261 (k) Primary Care Grant Committee;
- 3262 (l) Adult Autism Treatment Program Advisory Committee;
- 3263 (m) Youth Electronic Cigarette, Marijuana, and Other Drug Prevention Committee;
- 3264 and
- 3265 (n) any boards, councils, or committees that are created by statute in:
- 3266 (i) this title;
- 3267 (ii) Title 26, Utah Health Code; or
- 3268 (iii) Title 62A, Utah Human Services Code.
- 3269 [~~(2)~~] (3) The following divisions are created within the Department of Health and
- 3270 Human Services:
- 3271 (a) relating to operations:
- 3272 (i) the Division of Finance and Administration;
- 3273 (ii) the Division of Licensing and Background Checks;
- 3274 (iii) the Division of Customer Experience;
- 3275 (iv) the Division of Data, Systems, and Evaluation; and
- 3276 (v) the Division of Continuous Quality Improvement;
- 3277 (b) relating to healthcare administration:

- 3278 (i) the Division of Integrated Healthcare, which shall include responsibility for:  
3279 (A) the state's medical assistance programs; and  
3280 (B) behavioral health programs described in Title 62A, Chapter 15, Substance Abuse  
3281 and Mental Health Act;  
3282 (ii) the Division of Aging and Adult Services; and  
3283 (iii) the Division of Services for People with Disabilities; and  
3284 (c) relating to community health and well-being:  
3285 (i) the Division of Child and Family Services;  
3286 (ii) the Division of Family Health;  
3287 (iii) the Division of Population Health;  
3288 (iv) the Division of Juvenile Justice and Youth Services; and  
3289 (v) the Office of Recovery Services.  
3290 (4) The executive director may establish offices and bureaus to facilitate management  
3291 of the department as required by, and in accordance with:  
3292 (a) this title;  
3293 (b) Title 26, Utah Health Code; and  
3294 (c) Title 62A, Utah Human Services Code.  
3295 (5) From July 1, 2022, through June 30, 2023, the executive director may adjust the  
3296 organizational structure relating to the department, including the organization of the  
3297 department's divisions and offices, notwithstanding the organizational structure described in:  
3298 (a) this title;  
3299 (b) Title 26, Utah Health Code; or  
3300 (c) Title 62A, Utah Human Services Code.  
3301 ~~[(a) the Division of Aging and Adult Services;]~~  
3302 ~~[(b) the Division of Child and Family Services;]~~  
3303 ~~[(c) the Division of Services for People with Disabilities;]~~  
3304 ~~[(d) the Division of Substance Abuse and Mental Health; and]~~  
3305 ~~[(e) the Division of Juvenile Justice Services.]~~

3306 ~~[(3) The following offices are created within the Department of Human Services:]~~  
 3307 ~~[(a) the Office of Licensing;]~~  
 3308 ~~[(b) the Office of Public Guardian;]~~  
 3309 ~~[(c) the Office of Recovery Services; and]~~  
 3310 ~~[(d) the Office of Quality and Design.]~~

3311 Section 51. Section **26B-1-205**, which is renumbered from Section 62A-1-109 is  
 3312 renumbered and amended to read:

3313 ~~[62A-1-109].~~ **26B-1-205. Division directors -- Appointment --**  
 3314 **Compensation -- Qualifications.**

3315 (1) (a) The executive director of the department has administrative jurisdiction over  
 3316 each division and office director.

3317 (b) The executive director may make changes in personnel and service functions in the  
 3318 divisions and offices under the executive director's administrative jurisdiction, and authorize  
 3319 designees to perform appropriate responsibilities, to effectuate greater efficiency and economy  
 3320 in the operations of the department.

3321 (c) The executive director may establish offices and bureaus to perform functions such  
 3322 as budgeting, planning, data processing, and personnel administration, to facilitate management  
 3323 of the department.

3324 ~~[(1)]~~ (2) The chief officer of each division and office enumerated in Section  
 3325 ~~[62A-1-105]~~ 26B-1-204 shall be a director who shall serve as the executive and administrative  
 3326 head of the division or office.

3327 ~~[(2)]~~ (3) ~~[Each division director shall be appointed by the]~~ The executive director shall  
 3328 appoint each division director with the concurrence of the division's board, if the division has a  
 3329 board.

3330 ~~[(3)]~~ (4) The director of any division may be removed from that position at the will of  
 3331 the executive director after consultation with that division's board, if the division has a board.

3332 ~~[(4) Each office director shall be appointed by the executive director.]~~

3333 (5) Directors of divisions and offices shall receive compensation as provided by Title

3334 63A, Chapter 17, Utah State Personnel Management Act.

3335 (6) The director of each division and office shall be experienced in administration and  
3336 possess such additional qualifications as determined by the executive director, and as provided  
3337 by law.

3338 Section 52. Section **26B-1-206**, which is renumbered from Section 62A-1-107.5 is  
3339 renumbered and amended to read:

3340 ~~[62A-1-107.5].~~ **26B-1-206. Limitation on establishment of advisory bodies.**

3341 ~~[(1) Department divisions and boards:]~~

3342 (1) A department division or board:

3343 (a) may not establish permanent, ongoing advisory groups unless otherwise specifically  
3344 created in federal or state statute; and

3345 (b) shall comply with the provisions of this section ~~[with regard to any advisory groups~~  
3346 ~~created prior to or after July 1, 2003].~~

3347 (2) ~~(a) [Divisions and boards]~~ A division or board may establish subject-limited and  
3348 time-limited ad hoc advisory groups to provide input necessary to carry out ~~[their]~~ the  
3349 division's or board's assigned responsibilities.

3350 (b) When establishing such an advisory group, the board ~~[must]~~ shall establish in  
3351 writing a specific charge and time limit.

3352 (3) The department shall consolidate an advisory group or committee with another  
3353 committee or advisory group as appropriate to create greater efficiencies and budgetary savings  
3354 for the department.

3355 ~~[(3)]~~ (4) [Members] A member of any ad hoc advisory group shall receive no  
3356 compensation or benefits for their service.

3357 ~~[(4)]~~ (5) The provision of staffing and support to any ad hoc advisory group ~~[will be]~~ is  
3358 contingent on availability of human and financial resources.

3359 Section 53. Section **26B-1-207**, which is renumbered from Section 26-1-4 is  
3360 renumbered and amended to read:

3361 ~~[26-1-4].~~ **26B-1-207. Policymaking responsibilities -- Regulations for local**



3362 **health departments prescribed by department -- Local standards not more stringent than**  
3363 **federal or state standards -- Consultation with local health departments -- Committee to**  
3364 **evaluate health policies and to review federal grants.**

3365 ~~[(1) There is created the Department of Health, which has all of the policymaking~~  
3366 ~~functions, regulatory and enforcement powers, rights, duties, and responsibilities of the~~  
3367 ~~Division of Health, the Board of Health, the State Health Planning Development Agency, and~~  
3368 ~~the Office of Health Care Financing. Unless otherwise specifically provided, when reference is~~  
3369 ~~made in any statute of this state to the Board of Health, the Division of Health, the State Health~~  
3370 ~~Planning Development Agency, or the Office of Health Care Financing, it refers to the~~  
3371 ~~department. The department shall assume all of the policymaking functions, powers, rights,~~  
3372 ~~duties, and responsibilities over the division, agency, and office previously vested in the~~  
3373 ~~Department of Human Services and its executive director.]~~

3374 ~~[(2)]~~ (1) In establishing public health policy, the department shall consult with the local  
3375 health departments established under Title 26A, Chapter 1, Local Health Departments.

3376 (2) (a) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,  
3377 the department may prescribe by administrative rule made in accordance with Title 63G,  
3378 Chapter 3, Utah Administrative Rulemaking Act, reasonable requirements not inconsistent  
3379 with law for a local health department as defined in Section [26A-1-102](#).

3380 (b) Except where specifically allowed by federal law or state statute, a local health  
3381 department, as defined in Section [26A-1-102](#), may not establish standards or regulations that  
3382 are more stringent than those established by federal law, state statute, or administrative rule  
3383 adopted in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

3384 (c) Nothing in this Subsection (2), limits the ability of a local health department to  
3385 make standards and regulations in accordance with Subsection [26A-1-121\(1\)\(a\)](#) for:

3386 (i) emergency rules made in accordance with Section [63G-3-304](#); or  
3387 (ii) items not regulated under federal law, state statute, or state administrative rule.

3388 (3) (a) As used in this Subsection (3):

3389 (i) "Committee" means the committee established under Subsection (3)(b).

3390 (ii) "Exempt application" means an application for a federal grant that meets the  
3391 criteria established under Subsection (3)(c)(iii).

3392 (iii) "Expedited application" means an application for a federal grant that meets the  
3393 criteria established under Subsection (3)(c)(iv).

3394 (iv) "Federal grant" means a grant from the federal government that could provide  
3395 funds for local health departments to help them fulfill their duties and responsibilities.

3396 (v) "Reviewable application" means an application for a federal grant that is not an  
3397 exempt application.

3398 (b) The department shall establish a committee consisting of:

3399 (i) the executive director, or the executive director's designee;

3400 (ii) two representatives of the department, appointed by the executive director; and

3401 (iii) three representatives of local health departments, appointed by all local health  
3402 departments.

3403 (c) The committee shall:

3404 (i) evaluate:

3405 (A) the allocation of public health resources between the department and local health  
3406 departments; and

3407 (B) policies that affect local health departments;

3408 (ii) consider policy changes proposed by the department or local health departments;

3409 (iii) establish criteria by which an application for a federal grant may be judged to  
3410 determine whether it should be exempt from the requirements under Subsection (3)(d); and

3411 (iv) establish criteria by which an application for a federal grant may be judged to  
3412 determine whether committee review under Subsection (3)(d)(i) should be delayed until after  
3413 the application is submitted because the application is required to be submitted under a  
3414 timetable that makes committee review before it is submitted impracticable if the submission  
3415 deadline is to be met.

3416 (d) (i) The committee shall review the goals and budget for each reviewable  
3417 application:

3418 (A) before the application is submitted, except for an expedited application; and

3419 (B) for an expedited application, after the application is submitted but before funds  
3420 from the federal grant for which the application was submitted are disbursed or encumbered.

3421 (ii) Funds from a federal grant [~~pursuant to~~] under a reviewable application may not be  
3422 disbursed or encumbered before the goals and budget for the federal grant are established by:

3423 (A) a two-thirds vote of the committee, following the committee review under  
3424 Subsection (3)(d)(i); or

3425 (B) if two-thirds of the committee cannot agree on the goals and budget, the chair of  
3426 the health advisory council, after consultation with the committee in a manner that the  
3427 committee determines.

3428 (e) An exempt application is exempt from the requirements of Subsection (3)(d).

3429 (f) The department may use money from a federal grant to pay administrative costs  
3430 incurred in implementing this Subsection (3).

3431 Section 54. Section **26B-1-208**, which is renumbered from Section 62A-1-112 is  
3432 renumbered and amended to read:

3433 ~~[62A-1-112]~~. **26B-1-208. Participation in federal programs -- Federal**  
3434 **grants -- Authority of executive director.**

3435 (1) The executive director may, by following the procedures and requirements of Title  
3436 63J, Chapter 5, Federal Funds Procedures Act, seek federal grants, loans, or participation in  
3437 federal programs.

3438 (2) Wherever state law authorizes a board, director, division, or office of the  
3439 department to accept any grant, fund, or service which is to be advanced or contributed in  
3440 whole or in part by the federal government, that acceptance shall be subject to the approval or  
3441 disapproval of the executive director.

3442 (3) All applications for federal grants or other federal financial assistance for the  
3443 support of any department program is subject to the approval of the executive director.

3444 [~~3~~] (4) If any executive or legislative provision of the federal government so requires,  
3445 as a condition to participation by this state in any fund, property, or service, the executive

3446 director, with the governor's approval, shall expend whatever funds are necessary out of the  
3447 money provided by the Legislature for use and disbursement by that department.

3448 Section 55. Section **26B-1-209**, which is renumbered from Section 26-1-6 is  
3449 renumbered and amended to read:

3450 ~~[26-1-6]~~. **26B-1-209**. **Fee schedule adopted by department.**

3451 (1) The department may adopt a schedule of fees that may be assessed for services  
3452 rendered by the department, provided that the fees are:

- 3453 (a) reasonable and fair; and
- 3454 (b) submitted to the Legislature as part of the department's annual appropriations  
3455 request.

3456 (2) When the department submits a fee schedule to the Legislature, the Legislature, in  
3457 accordance with Section **63J-1-504**, may:

- 3458 (a) approve the fee;
- 3459 (b) increase or decrease and approve the fee; or
- 3460 (c) reject any fee submitted to it.

3461 (3) Fees approved by the Legislature ~~[pursuant to]~~ under this section shall be paid into  
3462 the state treasury.

3463 Section 56. Section **26B-1-210**, which is renumbered from Section 62A-1-113 is  
3464 renumbered and amended to read:

3465 ~~[62A-1-113]~~. **26B-1-210**. **Department budget -- Reports from divisions.**

3466 (1) The department shall prepare and submit to the governor, for inclusion in ~~[his]~~ the  
3467 governor's budget to be submitted to the Legislature, a budget of the department's financial  
3468 requirements needed to carry out ~~[its]~~ the department's responsibilities, as provided by law  
3469 during the fiscal year following the Legislature's next Annual General Session.

3470 (2) The executive director shall require a report from each of the divisions and offices  
3471 of the department, to aid in preparation of the departmental budget.

3472 Section 57. Section **26B-1-211**, which is renumbered from Section 26-1-17.1 is  
3473 renumbered and amended to read:

3474 ~~[26-1-17.1]~~. 26B-1-211. Background checks for employees -- Access to abuse  
3475 and neglect information to screen employees and volunteers.

3476 (1) As used in this section, "bureau" means the Bureau of Criminal Identification  
3477 created in Section 53-10-201.

3478 (2) Beginning July 1, 2018, the department may require a fingerprint-based local,  
3479 regional, and national criminal history background check and ongoing monitoring of:

3480 (a) all staff, contracted employees, and volunteers who:

3481 (i) have access to protected health information or personal identifying information;

3482 (ii) have direct ~~[contact with]~~ access to patients, children, or vulnerable adults as  
3483 defined in Section ~~[62A-2-120]~~ 62A-2-101;

3484 (iii) work in areas of privacy and data security;

3485 (iv) handle financial information, including receipt of funds, reviewing invoices,  
3486 making payments, and other types of financial information; and

3487 (v) perform audit functions, whether internal or external, on behalf of the department;  
3488 and

3489 (b) job applicants who have been offered a position with the department and the job  
3490 requirements include those described in Subsection (2)(a).

3491 (3) Beginning July 1, 2022, for the purposes described in Subsection (2), the  
3492 department may also access:

3493 (a) the department's Management Information System created in Section 62A-4a-1003;

3494 (b) the department's Licensing Information System created in Section 62A-4a-1006;

3495 (c) the statewide database of the Division of Aging and Adult Services created by  
3496 Section 62A-3-311.1; and

3497 (d) juvenile court records under Subsection 80-3-404(6).

3498 ~~[(3)]~~ (4) Each individual in a position listed in Subsection (2) shall provide a  
3499 completed fingerprint card to the department upon request.

3500 ~~[(4)]~~ (5) The department shall require that an individual required to submit to a  
3501 background check under Subsection ~~[(3)]~~ (4) provide a signed waiver on a form provided by

3502 the department that meets the requirements of Subsection 53-10-108(4).

3503 ~~[(5)]~~ (6) For a noncriminal justice background search and registration in accordance  
 3504 with Subsection 53-10-108(13), the department shall submit to the bureau:

3505 (a) the applicant's personal identifying information and fingerprints for a criminal  
 3506 history search of applicable local, regional, and national databases; and

3507 (b) a request for all information received as a result of the local, regional, and  
 3508 nationwide background check.

3509 ~~[(6)]~~ (7) The department is responsible for the payment of all fees required by  
 3510 Subsection 53-10-108(15) and any fees required to be submitted to the Federal Bureau of  
 3511 Investigation by the bureau.

3512 ~~[(7)]~~ (8) The department may make rules in accordance with Title 63G, Chapter 3,  
 3513 Utah Administrative Rulemaking Act, that:

3514 (a) determine how the department will assess the employment status of an individual  
 3515 upon receipt of background information;

3516 (b) determine ~~[the type of crimes and the severity that would disqualify]~~ when an  
 3517 individual would be disqualified from holding a position~~[; and]~~ based on:

3518 (i) the type of crimes and the severity of those crimes; or

3519 (ii) one or more substantiated or supported findings of abuse, neglect, or exploitation;

3520 and

3521 (c) identify the appropriate privacy risk mitigation strategy to be used in accordance  
 3522 with Subsection 53-10-108(13)(b).

3523 Section 58. Section **26B-1-212**, which is renumbered from Section 26-1-17.5 is  
 3524 renumbered and amended to read:

3525 ~~[26-1-17.5].~~ **26B-1-212. Confidential records.**

3526 (1) A record classified as confidential under this title shall remain confidential, and be  
 3527 released according to the provisions of this title, notwithstanding Section 63G-2-310.

3528 (2) In addition to ~~[those persons]~~ a person granted access to a private record described  
 3529 in Subsection 63G-2-302(1)(b), ~~[schools, school districts, and local and state health~~

3530 ~~departments and the state Department of Human Services]~~ a school, school district, local health  
3531 department, and the department may share an immunization record as defined in Section  
3532 53G-9-301 or any other record relating to a vaccination or immunization as necessary to ensure  
3533 compliance with Title 53G, Chapter 8, Part 3, Physical Restraint of Students, and to prevent,  
3534 investigate, and control the causes of epidemic, infectious, communicable, and other diseases  
3535 affecting the public health.

3536 Section 59. Section **26B-1-213**, which is renumbered from Section 26-1-5 is  
3537 renumbered and amended to read:

3538 ~~[26-1-5].~~ **26B-1-213. Department and committee rules and proceedings.**

3539 (1) (a) Except in areas subject to concurrence between the department and a committee  
3540 created under this title, Title 26, Utah Health Code, or Title 62A, Utah Human Services Code,  
3541 the department shall have the power to adopt, amend, or rescind rules necessary to carry out the  
3542 provisions of this title.

3543 (b) If the adoption of rules under a provision of this title is subject to concurrence  
3544 between the department and a committee created under this title and no concurrence can be  
3545 reached, the department has final authority to adopt, amend, or rescind rules necessary to carry  
3546 out the provisions of this title.

3547 (c) When the provisions of this title require concurrence between the department and a  
3548 committee created under this title:

3549 (i) the department shall report to and update the committee on a regular basis related to  
3550 matters requiring concurrence; and

3551 (ii) the committee shall review the report submitted by the department under this  
3552 Subsection (1)(c) and shall:

3553 (A) concur with the report; or

3554 (B) provide a reason for not concurring with the report and provide an alternative  
3555 recommendation to the department.

3556 (2) Rules shall have the force and effect of law and may deal with matters which  
3557 materially affect the security of health or the preservation and improvement of public health in

3558 the state, and any matters as to which jurisdiction is conferred upon the department by this title.

3559 (3) Every rule adopted by the department, or by the concurrence of the department and  
3560 a committee established under Section ~~[26-1-7 or 26-1-7.5, shall be]~~ 26B-1-204, is subject to  
3561 Title 63G, Chapter 3, Utah Administrative Rulemaking Act, and ~~[shall become]~~ is effective at  
3562 the time and in the manner provided in that act.

3563 (4) If, at the next general session of the Legislature following the filing of a rule with  
3564 the legislative research director, the Legislature passes a bill disapproving such rule, the rule  
3565 shall be null and void.

3566 (5) The department, or the department in concurrence with a committee created under  
3567 Section ~~[26-1-7 or 26-1-7.5]~~ 26B-1-204, may not adopt a rule identical to a rule disapproved  
3568 under Subsection (4) of this section before the beginning of the next general session of the  
3569 Legislature following the general session at which the rule was disapproved.

3570 (6) The department and all committees, boards, divisions, and offices created under  
3571 this title, Title 26, Utah Health Code, or Title 62A, Utah Human Services Code, shall comply  
3572 with the procedures and requirements of Title 63G, Chapter 4, Administrative Procedures Act,  
3573 in any adjudicative proceedings.

3574 (7) (a) The department may hold hearings, administer oaths, subpoena witnesses, and  
3575 take testimony in matters relating to the exercise and performance of the powers and duties  
3576 vested in or imposed upon the department.

3577 (b) The department may, at the department's sole discretion, contract with any other  
3578 agency or department of the state to conduct hearings in the name of the department.

3579 Section 60. Section **26B-1-301**, which is renumbered from Section 26-1-16 is  
3580 renumbered and amended to read:

3581 **Part 3. Funds and Accounts**

3582 ~~[26-1-16].~~ **26B-1-301. Executive director -- Power to accept funds and gifts.**

3583 The executive director may accept and receive such other funds and gifts as may be  
3584 made available from private and public groups for the purposes of promoting and protecting  
3585 the public health or for the provision of health services to the people of the state and shall



3586 expend the same as appropriated by the [~~legislature~~] Legislature.

3587 Section 61. Section **26B-1-302**, which is renumbered from Section 62A-1-202 is  
3588 renumbered and amended to read:

3589 ~~[62A-1-202]~~. **26B-1-302. National Professional Men's Basketball Team**  
3590 **Support of Women and Children Issues Restricted Account.**

3591 (1) There is created in the General Fund a restricted account known as the "National  
3592 Professional Men's Basketball Team Support of Women and Children Issues Restricted  
3593 Account."

3594 (2) The account shall be funded by:

3595 (a) contributions deposited into the account in accordance with Section ~~41-1a-422~~;

3596 (b) private contributions; and

3597 (c) donations or grants from public or private entities.

3598 (3) Upon appropriation by the Legislature, the department shall distribute funds in the  
3599 account to one or more charitable organizations that:

3600 (a) qualify as being tax exempt under Section 501(c)(3) of the Internal Revenue Code;

3601 (b) are selected by the owners that, either on an individual or joint basis, own a  
3602 controlling interest in a legal entity that is a franchised member of the internationally  
3603 recognized national governing body for professional men's basketball in the United States;

3604 (c) are headquartered within the state;

3605 (d) create or support programs that focus on issues affecting women and children  
3606 within the state, with an emphasis on health and education; and

3607 (e) have a board of directors that disperses all funds of the organization.

3608 (4) (a) An organization described in Subsection (3) may apply to the department to  
3609 receive a distribution in accordance with Subsection (3).

3610 (b) An organization that receives a distribution from the department in accordance with  
3611 Subsection (3) shall expend the distribution only to:

3612 (i) create or support programs that focus on issues affecting women and children, with  
3613 an emphasis on health and education;

3614 (ii) create or sponsor programs that will benefit residents within the state; and  
3615 (iii) pay the costs of issuing or reordering National Professional Men's Basketball  
3616 Team Support of Women and Children Issues support special group license plate decals.

3617 (c) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the  
3618 department may make rules providing procedures for an organization to apply to the  
3619 department to receive a distribution under this Subsection (4).

3620 (5) In accordance with Section [63J-1-602.1](#), appropriations from the account are  
3621 nonlapsing.

3622 Section 62. Section **26B-1-303**, which is renumbered from Section 62A-1-119 is  
3623 renumbered and amended to read:

3624 ~~[62A-1-119]~~. **26B-1-303. Respite Care Assistance Fund -- Use of money --**  
3625 **Restrictions.**

3626 (1) There is created an expendable special revenue fund known as the Respite Care  
3627 Assistance Fund.

3628 (2) The fund shall consist of:

3629 (a) gifts, grants, devises, donations, and bequests of real property, personal property, or  
3630 services, from any source, made to the fund; and

3631 (b) any additional amounts as appropriated by the Legislature.

3632 (3) The fund shall be administered by the director of the Utah Developmental  
3633 Disabilities Council.

3634 (4) The fund money shall be used for the following activities:

3635 (a) to support a respite care information and referral system;

3636 (b) to educate and train caregivers and respite care providers; and

3637 (c) to provide grants to caregivers.

3638 (5) An individual who receives services paid for from the fund shall:

3639 (a) be a resident of Utah; and

3640 (b) be a primary care giver for:

3641 (i) an aging individual; or

- 3642 (ii) an individual with a cognitive, mental, or physical disability.
- 3643 (6) The fund money may not be used for:
- 3644 (a) administrative expenses that are normally provided for by legislative appropriation;
- 3645 or
- 3646 (b) direct services or support mechanisms that are available from or provided by
- 3647 another government or private agency.
- 3648 (7) All interest and other earnings derived from the fund money shall be deposited into
- 3649 the fund.
- 3650 (8) The state treasurer shall invest the money in the fund under Title 51, Chapter 7,
- 3651 State Money Management Act.

3652 Section 63. Section **26B-1-304**, which is renumbered from Section 26-1-34 is

3653 renumbered and amended to read:

3654 ~~[26-1-34]~~. **26B-1-304**. **Restricted account created to fund drug testing for law**

3655 **enforcement agencies.**

3656 (1) There is created within the General Fund a restricted account known as the State

3657 Laboratory Drug Testing Account.

3658 (2) The account consists of a specified portion of fees generated under Subsection

3659 [53-3-106](#)(5) from the reinstatement of certain licenses, which shall be deposited in this

3660 account.

3661 (3) The [~~Department of Health~~] department shall use funds in this account solely for

3662 the costs of performing drug and alcohol analysis tests for state and local law enforcement

3663 agencies, and may not assess any charge or fee to the law enforcement agencies for whom the

3664 analysis tests are performed.

3665 Section 64. Section **26B-1-305** is enacted to read:

3666 **26B-1-305**. **Department of Health and Human Services Transition Restricted**

3667 **Account.**

3668 (1) There is created a restricted account within the General Fund known as the

3669 "Department of Health and Human Services Transition Restricted Account."

3670 (2) The restricted account shall consist of appropriations made by the Legislature.

3671 (3) Subject to appropriation, the transition agencies and the department may spend  
3672 money from the restricted account to pay for expenses related to moving the transition agencies  
3673 into the department, including staff and legal services.

3674 Section 65. Section **26B-2-101** is enacted to read:

3675 **26B-2-101. Clinical services -- Reserved.**

3676 Reserved

3677 Section 66. Section **26B-3-101** is enacted to read:

3678 **26B-3-101. Licensing and oversight -- Reserved.**

3679 Reserved

3680 Section 67. Section **26B-4-101** is enacted to read:

3681 **26B-4-101. Health care administration -- Reserved.**

3682 Reserved

3683 Section 68. Section **26B-5-101** is enacted to read:

3684 **26B-5-101. Health care services -- Reserved.**

3685 Reserved

3686 Section 69. Section **26B-6-101** is enacted to read:

3687 **26B-6-101. Long-term services and supports -- Reserved.**

3688 Reserved

3689 Section 70. Section **26B-7-101** is enacted to read:

3690 **26B-7-101. Public health, prevention, and epidemiology -- Reserved.**

3691 Reserved

3692 Section 71. Section **26B-8-101** is enacted to read:

3693 **26B-8-101. Children, youth, and families -- Reserved.**

3694 Reserved

3695 Section 72. Section **26B-9-101** is enacted to read:

3696 **26B-9-101. Miscellaneous provisions -- Reserved.**

3697 Reserved

3698 Section 73. Section **32B-2-308** is amended to read:

3699 **32B-2-308. Drinking while pregnant prevention media and education campaign**  
3700 **restricted account.**

3701 [~~(1) As used in this section:~~]

3702 [~~(a) "Department of Health" means the Department of Health created in Section~~  
3703 ~~26-1-4.~~]

3704 [~~(b) "Restricted account" means the Drinking While Pregnant Prevention Media and~~  
3705 ~~Education Campaign Restricted Account created in this section.~~]

3706 [(2)(a)] There is created a restricted account within the General Fund known as the  
3707 "Drinking While Pregnant Prevention Media and Education Campaign Restricted Account[.];"  
3708 which shall consist of:

3709 [~~(b) The restricted account consists of:~~]

3710 [(i)] (1) money the Legislature appropriates to the restricted account; and

3711 [(ii)] (2) interest earned on the restricted account.

3712 Section 74. Section **32B-2-402** is amended to read:

3713 **32B-2-402. Definitions -- Calculations.**

3714 (1) As used in this part:

3715 (a) "Account" means the Alcoholic Beverage and Substance Abuse Enforcement and  
3716 Treatment Restricted Account created in Section **32B-2-403**.

3717 (b) "Advisory council" means the Utah Substance Use and Mental Health Advisory  
3718 Council created in Section **63M-7-301**.

3719 (c) "Alcohol-related offense" means:

3720 (i) a violation of:

3721 (A) Section **41-6a-502**; or

3722 (B) an ordinance that complies with the requirements of:

3723 (I) Subsection **41-6a-510**(1); or

3724 (II) Section **76-5-207**; or

3725 (ii) an offense involving the illegal:

- 3726 (A) sale of an alcoholic product;
- 3727 (B) consumption of an alcoholic product;
- 3728 (C) distribution of an alcoholic product;
- 3729 (D) transportation of an alcoholic product; or
- 3730 (E) possession of an alcoholic product.
- 3731 (d) "Annual conviction time period" means the time period that:
- 3732 (i) begins on July 1 and ends on June 30; and
- 3733 (ii) immediately precedes the fiscal year for which an appropriation under this part is
- 3734 made.
- 3735 (e) "Municipality" means:
- 3736 (i) a city;
- 3737 (ii) a town; or
- 3738 (iii) a metro township.
- 3739 (f) (i) "Prevention" is as defined by rule, in accordance with Title 63G, Chapter 3, Utah
- 3740 Administrative Rulemaking Act, by the Division of [~~Substance Abuse and Mental Health~~]
- 3741 Integrated Healthcare within the Department of Health and Human Services.
- 3742 (ii) In defining the term "prevention," the Division of Substance Abuse and Mental
- 3743 Health shall:
- 3744 (A) include only evidence-based or evidence-informed programs; and
- 3745 (B) provide for coordination with local substance abuse authorities designated to
- 3746 provide substance abuse services in accordance with Section [17-43-201](#).
- 3747 (2) For purposes of Subsection [32B-2-404\(1\)\(b\)\(iii\)](#), the number of premises located
- 3748 within the limits of a municipality or county:
- 3749 (a) is the number determined by the department to be so located;
- 3750 (b) includes the aggregate number of premises of the following:
- 3751 (i) a state store;
- 3752 (ii) a package agency; and
- 3753 (iii) a retail licensee; and

3754 (c) for a county, consists only of the number located within an unincorporated area of  
3755 the county.

3756 (3) The department shall determine:

3757 (a) a population figure according to the most current population estimate prepared by  
3758 the Utah Population Committee;

3759 (b) a county's population for the 25% distribution to municipalities and counties under  
3760 Subsection 32B-2-404(1)(b)(i) only with reference to the population in the unincorporated  
3761 areas of the county; and

3762 (c) a county's population for the 25% distribution to counties under Subsection  
3763 32B-2-404(1)(b)(iv) only with reference to the total population in the county, including that of  
3764 a municipality.

3765 (4) (a) A conviction occurs in the municipality or county that actually prosecutes the  
3766 offense to judgment.

3767 (b) If a conviction is based upon a guilty plea, the conviction is considered to occur in  
3768 the municipality or county that, except for the guilty plea, would have prosecuted the offense.

3769 Section 75. Section 35A-3-103 (Effective 07/01/22) is amended to read:

3770 **35A-3-103 (Effective 07/01/22). Department responsibilities.**

3771 The department shall:

3772 (1) administer public assistance programs assigned by the Legislature and the  
3773 governor;

3774 (2) determine eligibility for public assistance programs in accordance with the  
3775 requirements of this chapter;

3776 (3) cooperate with the federal government in the administration of public assistance  
3777 programs;

3778 (4) administer state employment services;

3779 (5) provide for the compilation of necessary or desirable information, statistics, and  
3780 reports;

3781 (6) perform other duties and functions required by law;

- 3782 (7) monitor the application of eligibility policy;
- 3783 (8) develop personnel training programs for effective and efficient operation of the
- 3784 programs administered by the department;
- 3785 (9) provide refugee resettlement services in accordance with Section 35A-3-701;
- 3786 (10) provide child care assistance for children in accordance with Part 2, Office of
- 3787 Child Care;
- 3788 (11) provide services that enable an applicant or recipient to qualify for affordable
- 3789 housing in cooperation with:
  - 3790 (a) the Utah Housing Corporation;
  - 3791 (b) the Housing and Community Development Division; and
  - 3792 (c) local housing authorities;
- 3793 [~~(12) in accordance with 42 C.F.R. Sec. 431.10, develop non-clinical eligibility policy~~
- 3794 ~~and procedures to implement the eligibility state plan, waivers, and administrative rules~~
- 3795 ~~developed and issued by the Department of Health and Human Services for medical assistance~~
- 3796 ~~under:]~~
- 3797 [~~(a) Title 26, Chapter 18, Medical Assistance Act; and]~~
- 3798 [~~(b) Title 26, Chapter 40, Utah Children's Health Insurance Act;]~~
- 3799 [(13)] (12) administer the Medicaid Eligibility Quality Control function in accordance
- 3800 with 42 C.F.R. Sec. 431.812; and
- 3801 [(14)] (13) conduct non-clinical eligibility hearings and issue final decisions in
- 3802 adjudicative proceedings, including expedited appeals as defined in 42 C.F.R. Sec. 431.224, for
- 3803 medical assistance eligibility under:
  - 3804 (a) Title 26, Chapter 18, Medical Assistance Act; or
  - 3805 (b) Title 26, Chapter 40, Utah Children's Health Insurance Act.
- 3806 Section 76. Section **41-1a-422** is amended to read:
- 3807 **41-1a-422. Support special group license plates -- Contributor -- Voluntary**
- 3808 **contribution collection procedures.**
- 3809 (1) As used in this section:



3810 (a) (i) except as provided in Subsection (1)(a)(ii), "contributor" means a person who has  
3811 donated or in whose name at least \$25 has been donated to:

- 3812 (A) a scholastic scholarship fund of a single named institution;
- 3813 (B) the Department of Veterans and Military Affairs for veterans programs;
- 3814 (C) the Division of Wildlife Resources for the Wildlife Resources Account created in  
3815 Section [23-14-13](#), for conservation of wildlife and the enhancement, preservation, protection,  
3816 access, and management of wildlife habitat;
- 3817 (D) the Department of Agriculture and Food for the benefit of conservation districts;
- 3818 (E) the Division of Recreation for the benefit of snowmobile programs;
- 3819 (F) the Guardian Ad Litem Services Account and the Children's Museum of Utah, with  
3820 the donation evenly divided between the two;
- 3821 (G) the Boy Scouts of America for the benefit of a Utah Boy Scouts of America  
3822 council as specified by the contributor;
- 3823 (H) No More Homeless Pets in Utah for distribution to organizations or individuals  
3824 that provide spay and neuter programs that subsidize the sterilization of domestic animals;
- 3825 (I) the Utah Alliance of Boys and Girls Clubs, Inc. to provide and enhance youth  
3826 development programs;
- 3827 (J) the Utah Association of Public School Foundations to support public education;
- 3828 (K) the Utah Housing Opportunity Restricted Account created in Section [61-2-204](#) to  
3829 assist people who have severe housing needs;
- 3830 (L) the Public Safety Honoring Heroes Restricted Account created in Section [53-1-118](#)  
3831 to support the families of fallen Utah Highway Patrol troopers and other Department of Public  
3832 Safety employees;
- 3833 (M) the Division of State Parks for distribution to organizations that provide support  
3834 for Zion National Park;
- 3835 (N) the Firefighter Support Restricted Account created in Section [53-7-109](#) to support  
3836 firefighter organizations;
- 3837 (O) the Share the Road Bicycle Support Restricted Account created in Section

- 3838 [72-2-127](#) to support bicycle operation and safety awareness programs;
- 3839 (P) the Cancer Research Restricted Account created in Section [26-21a-302](#) to support
- 3840 cancer research programs;
- 3841 (Q) Autism Awareness Restricted Account created in Section [53F-9-401](#) to support
- 3842 autism awareness programs;
- 3843 (R) Humanitarian Service and Educational and Cultural Exchange Restricted Account
- 3844 created in Section [9-17-102](#) to support humanitarian service and educational and cultural
- 3845 programs;
- 3846 (S) Upon renewal of a prostate cancer support special group license plate, to the Cancer
- 3847 Research Restricted Account created in Section [26-21a-302](#) to support cancer research
- 3848 programs;
- 3849 (T) the Choose Life Adoption Support Restricted Account created in Section
- 3850 [62A-4a-608](#) to support programs that promote adoption;
- 3851 (U) the National Professional Men's Basketball Team Support of Women and Children
- 3852 Issues Restricted Account created in Section [~~[62A-1-202](#)~~] [26B-1-302](#);
- 3853 (V) the Utah Law Enforcement Memorial Support Restricted Account created in
- 3854 Section [53-1-120](#);
- 3855 (W) the Children with Cancer Support Restricted Account created in Section
- 3856 [26-21a-304](#) for programs that provide assistance to children with cancer;
- 3857 (X) the National Professional Men's Soccer Team Support of Building Communities
- 3858 Restricted Account created in Section [9-19-102](#);
- 3859 (Y) the Children with Heart Disease Support Restricted Account created in Section
- 3860 [26-58-102](#);
- 3861 (Z) the Utah Intracurricular Student Organization Support for Agricultural Education
- 3862 and Leadership Restricted Account created in Section [4-42-102](#);
- 3863 (AA) the Division of Wildlife Resources for the Support for State-Owned Shooting
- 3864 Ranges Restricted Account created in Section [23-14-13.5](#), for the creation of new, and
- 3865 operation and maintenance of existing, state-owned firearm shooting ranges;

3866 (BB) the Utah State Historical Society to further the mission and purpose of the Utah  
3867 State Historical Society;

3868 (CC) the Motorcycle Safety Awareness Support Restricted Account created in Section  
3869 72-2-130;

3870 (DD) the Transportation of Veterans to Memorials Support Restricted Account created  
3871 in Section 71-14-102;

3872 (EE) clean air support causes, with half of the donation deposited into the Clean Air  
3873 Support Restricted Account created in Section 19-1-109, and half of the donation deposited  
3874 into the Clean Air Fund created in Section 59-10-1319;

3875 (FF) the Latino Community Support Restricted Account created in Section 13-1-16;

3876 (GG) the Allyson Gamble Organ Donation Contribution Fund created in Section  
3877 26-18b-101; or

3878 (HH) public education on behalf of the Kiwanis International clubs, with the amount of  
3879 the donation required to cover the costs of issuing, ordering, or reordering Kiwanis support  
3880 special group plates, as determined by the State Tax Commission, deposited into the Kiwanis  
3881 Education Support Fund created in Section 53F-9-403, and all remaining donation amounts  
3882 deposited into the Education Fund.

3883 (ii) (A) For a veterans special group license plate described in Subsection  
3884 41-1a-421(1)(a)(v) or 41-1a-422(4), "contributor" means a person who has donated or in whose  
3885 name at least a \$25 donation at the time of application and \$10 annual donation thereafter has  
3886 been made.

3887 (B) For a Utah Housing Opportunity special group license plate, "contributor" means a  
3888 person who:

3889 (I) has donated or in whose name at least \$30 has been donated at the time of  
3890 application and annually after the time of application; and

3891 (II) is a member of a trade organization for real estate licensees that has more than  
3892 15,000 Utah members.

3893 (C) For an Honoring Heroes special group license plate, "contributor" means a person

3894 who has donated or in whose name at least \$35 has been donated at the time of application and  
3895 annually thereafter.

3896 (D) For a firefighter support special group license plate, "contributor" means a person  
3897 who:

3898 (I) has donated or in whose name at least \$15 has been donated at the time of  
3899 application and annually after the time of application; and

3900 (II) is a currently employed, volunteer, or retired firefighter.

3901 (E) For a cancer research special group license plate, "contributor" means a person who  
3902 has donated or in whose name at least \$35 has been donated at the time of application and  
3903 annually after the time of application.

3904 (F) For a Utah Law Enforcement Memorial Support special group license plate,  
3905 "contributor" means a person who has donated or in whose name at least \$35 has been donated  
3906 at the time of application and annually thereafter.

3907 (b) "Institution" means a state institution of higher education as defined under Section  
3908 [53B-3-102](#) or a private institution of higher education in the state accredited by a regional or  
3909 national accrediting agency recognized by the United States Department of Education.

3910 (2) (a) An applicant for original or renewal collegiate special group license plates under  
3911 Subsection (1)(a)(i) must be a contributor to the institution named in the application and  
3912 present the original contribution verification form under Subsection (2)(b) or make a  
3913 contribution to the division at the time of application under Subsection (3).

3914 (b) An institution with a support special group license plate shall issue to a contributor  
3915 a verification form designed by the commission containing:

3916 (i) the name of the contributor;

3917 (ii) the institution to which a donation was made;

3918 (iii) the date of the donation; and

3919 (iv) an attestation that the donation was for a scholastic scholarship.

3920 (c) The state auditor may audit each institution to verify that the money collected by the  
3921 institutions from contributors is used for scholastic scholarships.

3922 (d) After an applicant has been issued collegiate license plates or renewal decals, the  
3923 commission shall charge the institution whose plate was issued, a fee determined in accordance  
3924 with Section 63J-1-504 for management and administrative expenses incurred in issuing and  
3925 renewing the collegiate license plates.

3926 (e) If the contribution is made at the time of application, the contribution shall be  
3927 collected, treated, and deposited as provided under Subsection (3).

3928 (3) (a) An applicant for original or renewal support special group license plates under  
3929 this section must be a contributor to the sponsoring organization associated with the license  
3930 plate.

3931 (b) This contribution shall be:

3932 (i) unless collected by the named institution under Subsection (2), collected by the  
3933 division;

3934 (ii) considered a voluntary contribution for the funding of the activities specified under  
3935 this section and not a motor vehicle registration fee;

3936 (iii) deposited into the appropriate account less actual administrative costs associated  
3937 with issuing the license plates; and

3938 (iv) for a firefighter special group license plate, deposited into the appropriate account  
3939 less:

3940 (A) the costs of reordering firefighter special group license plate decals; and

3941 (B) the costs of replacing recognition special group license plates with new license  
3942 plates under Subsection 41-1a-1211(13).

3943 (c) The donation described in Subsection (1)(a) must be made in the 12 months prior to  
3944 registration or renewal of registration.

3945 (d) The donation described in Subsection (1)(a) shall be a one-time donation made to  
3946 the division when issuing original:

3947 (i) snowmobile license plates; or

3948 (ii) conservation license plates.

3949 (4) Veterans license plates shall display one of the symbols representing the Army,

3950 Navy, Air Force, Marines, Coast Guard, or American Legion.

3951 Section 77. Section **53-3-106** is amended to read:

3952 **53-3-106. Disposition of revenues under this chapter -- Restricted account created**  
3953 **-- Uses as provided by appropriation -- Nonlapsing.**

3954 (1) There is created within the Transportation Fund a restricted account known as the  
3955 "Department of Public Safety Restricted Account."

3956 (2) The account consists of money generated from the following revenue sources:

3957 (a) all money received under this chapter;

3958 (b) administrative fees received according to the fee schedule authorized under this  
3959 chapter and Section [63J-1-504](#);

3960 (c) beginning on January 1, 2013, money received in accordance with Section  
3961 [41-1a-1201](#); and

3962 (d) any appropriations made to the account by the Legislature.

3963 (3) (a) The account shall earn interest.

3964 (b) All interest earned on account money shall be deposited in the account.

3965 (4) The expenses of the department in carrying out this chapter shall be provided for by  
3966 legislative appropriation from this account.

3967 (5) The amount in excess of \$45 of the fees collected under Subsection [53-3-105\(25\)](#)  
3968 shall be appropriated by the Legislature from this account to the department to implement the  
3969 provisions of Section [53-1-117](#), except that of the amount in excess of \$45, \$100 shall be  
3970 deposited in the State Laboratory Drug Testing Account created in Section [~~26-1-34~~]  
3971 [26B-1-304](#).

3972 (6) All money received under Subsection [41-6a-1406\(6\)\(b\)\(ii\)](#) shall be appropriated by  
3973 the Legislature from this account to the department to implement the provisions of Section  
3974 [53-1-117](#).

3975 (7) Beginning in fiscal year 2009-10, the Legislature shall appropriate \$100,000  
3976 annually from the account to the state medical examiner appointed under Section [26-4-4](#) for  
3977 use in carrying out duties related to highway crash deaths under Subsection [26-4-7\(1\)](#).

3978 (8) The division shall remit the fees collected under Subsection 53-3-105(31) to the  
3979 Bureau of Criminal Identification to cover the costs for the services the Bureau of Criminal  
3980 Identification provides under Section 53-3-205.5.

3981 (9) (a) Beginning on January 1, 2013, the Legislature shall appropriate all money  
3982 received in the account under Section 41-1a-1201 to the Utah Highway Patrol Division for  
3983 field operations.

3984 (b) The Legislature may appropriate additional money from the account to the Utah  
3985 Highway Patrol Division for law enforcement purposes.

3986 (10) Appropriations to the department from the account are nonlapsing.

3987 (11) The department shall report to the Department of Health and Human Services, on  
3988 or before December 31, the amount the department expects to collect under Subsection  
3989 53-3-105(25) in the next fiscal year.

3990 Section 78. Section 53-5-707.6 is amended to read:

3991 **53-5-707.6. Concealed firearm permit renewal -- Firearm safety and suicide**  
3992 **prevention video.**

3993 (1) The bureau, in conjunction with the Division of [~~Substance Abuse and Mental~~  
3994 ~~Health created in Section 62A-15-103~~] Integrated Healthcare created in Section 26B-1-204,  
3995 shall create a firearm safety and suicide prevention video that:

3996 (a) is web-accessible;

3997 (b) is no longer than 10 minutes in length; and

3998 (c) includes information about:

3999 (i) safe handling, storage, and use of firearms in a home environment;

4000 (ii) at-risk individuals and individuals who are legally prohibited from possessing  
4001 firearms; and

4002 (iii) suicide prevention awareness.

4003 (2) Before renewing a firearm permit, an individual shall view the firearm safety and  
4004 suicide prevention video and submit proof in the form required by the bureau.

4005 (3) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the

4006 bureau shall make rules that establish procedures for:

- 4007 (a) producing and distributing the firearm safety and suicide prevention video; and
- 4008 (b) providing access to the video to an applicant seeking renewal of a firearm permit.

4009 Section 79. Section **53-10-108** is amended to read:

4010 **53-10-108. Restrictions on access, use, and contents of division records -- Limited**  
4011 **use of records for employment purposes -- Challenging accuracy of records -- Usage fees**  
4012 **-- Missing children records -- Penalty for misuse of records.**

4013 (1) As used in this section:

4014 (a) "FBI Rap Back System" means the rap back system maintained by the Federal  
4015 Bureau of Investigation.

4016 (b) "Qualifying child care entity" means:

4017 (i) the Office of Licensing within the Department of Health and Human Services,  
4018 created in Section 62A-2-103;

4019 (ii) the State Board of Education described in Section 53E-3-201; or

4020 (iii) the Department of Health and Human Services created in Section [~~26-1-4~~]  
4021 26B-1-201.

4022 (c) "Rap back system" means a system that enables authorized entities to receive  
4023 ongoing status notifications of any criminal history reported on individuals whose fingerprints  
4024 are registered in the system.

4025 (d) "WIN Database" means the Western Identification Network Database that consists  
4026 of eight western states sharing one electronic fingerprint database.

4027 (2) Except as provided in Subsection (17), dissemination of information from a criminal  
4028 history record, including information obtained from a fingerprint background check, name  
4029 check, warrant of arrest information, or information from division files, is limited to:

4030 (a) criminal justice agencies for purposes of administration of criminal justice and for  
4031 employment screening by criminal justice agencies;

4032 (b) (i) agencies or individuals pursuant to a specific agreement with a criminal justice  
4033 agency to provide services required for the administration of criminal justice;



4034 (ii) the agreement shall specifically authorize access to data, limit the use of the data to  
4035 purposes for which given, and ensure the security and confidentiality of the data;

4036 (c) a qualifying entity for employment background checks for their own employees and  
4037 persons who have applied for employment with the qualifying entity;

4038 (d) noncriminal justice agencies or individuals for any purpose authorized by statute,  
4039 executive order, court rule, court order, or local ordinance;

4040 (e) agencies or individuals for the purpose of obtaining required clearances connected  
4041 with foreign travel or obtaining citizenship;

4042 (f) agencies or individuals for the purpose of a preplacement adoptive study, in  
4043 accordance with the requirements of Sections [78B-6-128](#) and [78B-6-130](#);

4044 (g) private security agencies through guidelines established by the commissioner for  
4045 employment background checks for their own employees and prospective employees;

4046 (h) state agencies for the purpose of conducting a background check for the following  
4047 individuals:

4048 (i) employees;

4049 (ii) applicants for employment;

4050 (iii) volunteers; and

4051 (iv) contract employees;

4052 (i) governor's office for the purpose of conducting a background check on the  
4053 following individuals:

4054 (i) cabinet members;

4055 (ii) judicial applicants; and

4056 (iii) members of boards, committees, and commissions appointed by the governor;

4057 (j) the office of the lieutenant governor for the purpose of conducting a background  
4058 check on an individual applying to be a notary public under Section [46-1-3](#);

4059 (k) agencies and individuals as the commissioner authorizes for the express purpose of  
4060 research, evaluative, or statistical activities pursuant to an agreement with a criminal justice  
4061 agency; and

4062 (l) other agencies and individuals as the commissioner authorizes and finds necessary  
4063 for protection of life and property and for offender identification, apprehension, and  
4064 prosecution pursuant to an agreement.

4065 (3) An agreement under Subsection (2)(k) shall specifically authorize access to data,  
4066 limit the use of data to research, evaluative, or statistical purposes, preserve the anonymity of  
4067 individuals to whom the information relates, and ensure the confidentiality and security of the  
4068 data.

4069 (4) (a) Before requesting information, a qualifying entity under Subsection (2)(c), state  
4070 agency, or other agency or individual described in Subsections (2)(d) through (j) shall obtain a  
4071 signed waiver from the person whose information is requested.

4072 (b) The waiver shall notify the signee:

4073 (i) that a criminal history background check will be conducted;

4074 (ii) who will see the information; and

4075 (iii) how the information will be used.

4076 (c) A qualifying entity under Subsection (2)(c), state agency, or other agency or  
4077 individual described in Subsections (2)(d) through (g) that submits a request for a noncriminal  
4078 justice name based background check of local databases to the bureau shall provide to the  
4079 bureau:

4080 (i) personal identifying information for the subject of the background check; and

4081 (ii) the fee required by Subsection (15).

4082 (d) A qualifying entity under Subsection (2)(c), state agency, or other agency or  
4083 individual described in Subsections (2)(d) through (g) that submits a request for a WIN  
4084 database check and a nationwide background check shall provide to the bureau:

4085 (i) personal identifying information for the subject of the background check;

4086 (ii) a fingerprint card for the subject of the background check; and

4087 (iii) the fee required by Subsection (15).

4088 (e) Information received by a qualifying entity under Subsection (2)(c), state agency, or  
4089 other agency or individual described in Subsections (2)(d) through (j) may only be:

4090 (i) available to individuals involved in the hiring or background investigation of the job  
4091 applicant, employee, or notary applicant;

4092 (ii) used for the purpose of assisting in making an employment appointment, selection,  
4093 or promotion decision or for considering a notary applicant under Section 46-1-3; and

4094 (iii) used for the purposes disclosed in the waiver signed in accordance with Subsection  
4095 (4)(b).

4096 (f) An individual who disseminates or uses information obtained from the division  
4097 under Subsections (2)(c) through (j) for purposes other than those specified under Subsection  
4098 (4)(e), in addition to any penalties provided under this section, is subject to civil liability.

4099 (g) A qualifying entity under Subsection (2)(c), state agency, or other agency or  
4100 individual described in Subsections (2)(d) through (j) that obtains background check  
4101 information shall provide the subject of the background check an opportunity to:

4102 (i) review the information received as provided under Subsection (9); and

4103 (ii) respond to any information received.

4104 (h) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the  
4105 division may make rules to implement this Subsection (4).

4106 (i) The division or its employees are not liable for defamation, invasion of privacy,  
4107 negligence, or any other claim in connection with the contents of information disseminated  
4108 under Subsections (2)(c) through (j).

4109 (5) (a) Any criminal history record information obtained from division files may be  
4110 used only for the purposes for which it was provided and may not be further disseminated,  
4111 except under Subsection (5)(b), (c), or (d).

4112 (b) A criminal history provided to an agency pursuant to Subsection (2)(f) may be  
4113 provided by the agency to the individual who is the subject of the history, another licensed  
4114 child-placing agency, or the attorney for the adoptive parents for the purpose of facilitating an  
4115 adoption.

4116 (c) A criminal history of a defendant provided to a criminal justice agency under  
4117 Subsection (2)(a) may also be provided by the prosecutor to a defendant's defense counsel,

4118 upon request during the discovery process, for the purpose of establishing a defense in a  
4119 criminal case.

4120 (d) A public transit district, as described in Title 17B, Chapter 2a, Part 8, Public  
4121 Transit District Act, that is under contract with a state agency to provide services may, for the  
4122 purposes of complying with Subsection [62A-5-103.5\(5\)](#), provide a criminal history record to  
4123 the state agency or the agency's designee.

4124 (6) The division may not disseminate criminal history record information to qualifying  
4125 entities under Subsection (2)(c) regarding employment background checks if the information is  
4126 related to charges:

4127 (a) that have been declined for prosecution;

4128 (b) that have been dismissed; or

4129 (c) regarding which a person has been acquitted.

4130 (7) (a) This section does not preclude the use of the division's central computing  
4131 facilities for the storage and retrieval of criminal history record information.

4132 (b) This information shall be stored so it cannot be modified, destroyed, or accessed by  
4133 unauthorized agencies or individuals.

4134 (8) Direct access through remote computer terminals to criminal history record  
4135 information in the division's files is limited to those agencies authorized by the commissioner  
4136 under procedures designed to prevent unauthorized access to this information.

4137 (9) (a) The commissioner shall establish procedures to allow an individual right of  
4138 access to review and receive a copy of the individual's criminal history report.

4139 (b) A processing fee for the right of access service, including obtaining a copy of the  
4140 individual's criminal history report under Subsection (9)(a) shall be set in accordance with  
4141 Section [63J-1-504](#).

4142 (c) (i) The commissioner shall establish procedures for an individual to challenge the  
4143 completeness and accuracy of criminal history record information contained in the division's  
4144 computerized criminal history files regarding that individual.

4145 (ii) These procedures shall include provisions for amending any information found to

4146 be inaccurate or incomplete.

4147 (10) The private security agencies as provided in Subsection (2)(g):

4148 (a) shall be charged for access; and

4149 (b) shall be registered with the division according to rules made by the division under  
4150 Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

4151 (11) Before providing information requested under this section, the division shall give  
4152 priority to criminal justice agencies needs.

4153 (12) (a) It is a class B misdemeanor for a person to knowingly or intentionally access,  
4154 use, disclose, or disseminate a record created, maintained, or to which access is granted by the  
4155 division or any information contained in a record created, maintained, or to which access is  
4156 granted by the division for a purpose prohibited or not permitted by statute, rule, regulation, or  
4157 policy of a governmental entity.

4158 (b) A person who discovers or becomes aware of any unauthorized use of records  
4159 created or maintained, or to which access is granted by the division shall inform the  
4160 commissioner and the director of the Utah Bureau of Criminal Identification of the  
4161 unauthorized use.

4162 (13) (a) Subject to Subsection (13)(b), a qualifying entity or an entity described in  
4163 Subsection (2) may request that the division register fingerprints taken for the purpose of  
4164 conducting current and future criminal background checks under this section with:

4165 (i) the WIN Database rap back system, or any successor system;

4166 (ii) the FBI Rap Back System; or

4167 (iii) a system maintained by the division.

4168 (b) A qualifying entity or an entity described in Subsection (2) may only make a  
4169 request under Subsection (13)(a) if the entity:

4170 (i) has the authority through state or federal statute or federal executive order;

4171 (ii) obtains a signed waiver from the individual whose fingerprints are being registered;

4172 and

4173 (iii) establishes a privacy risk mitigation strategy to ensure that the entity only receives

4174 notifications for individuals with whom the entity maintains an authorizing relationship.

4175           (14) The division is authorized to submit fingerprints to the FBI Rap Back System to  
4176 be retained in the FBI Rap Back System for the purpose of being searched by future  
4177 submissions to the FBI Rap Back System, including latent fingerprint searches.

4178           (15) (a) The division shall impose fees set in accordance with Section [63J-1-504](#) for  
4179 the applicant fingerprint card, name check, and to register fingerprints under Subsection  
4180 (13)(a).

4181           (b) Funds generated under this Subsection (15) shall be deposited into the General  
4182 Fund as a dedicated credit by the department to cover the costs incurred in providing the  
4183 information.

4184           (c) The division may collect fees charged by an outside agency for services required  
4185 under this section.

4186           (16) For the purposes of conducting a criminal background check authorized under  
4187 Subsection (2)(h), (i), or (j), the Division of Human Resource Management, in accordance with  
4188 Title 63A, Chapter 17, Utah State Personnel Management Act, and the governor's office shall  
4189 have direct access to criminal background information maintained under Title 53, Chapter 10,  
4190 Part 2, Bureau of Criminal Identification.

4191           (17) (a) Except as provided in Subsection (18), if an individual has an active FBI Rap  
4192 Back System subscription with a qualifying child care entity, the division may, upon request  
4193 from another qualifying child care entity, transfer the subscription to the requesting qualifying  
4194 child care entity if:

4195           (i) the requesting qualifying child care entity requests the transfer for the purpose of  
4196 evaluating whether the individual should be permitted to obtain or retain a license for, or serve  
4197 as an employee or volunteer in a position where the individual is responsible for, the care,  
4198 custody, or control of children;

4199           (ii) the requesting qualifying child care entity is expressly authorized by statute to  
4200 obtain criminal history record information for the individual who is the subject of the request;

4201           (iii) before requesting the transfer, the requesting qualifying child care entity obtains a

4202 signed waiver, containing the information described in Subsection (4)(b), from the individual  
4203 who is the subject of the request;

4204 (iv) the requesting qualifying child care entity or the individual pays any applicable  
4205 fees set by the division in accordance with Section [63J-1-504](#); and

4206 (v) the requesting qualifying child care entity complies with the requirements described  
4207 in Subsection (4)(g).

4208 (b) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the  
4209 division may make rules regulating the process described in this Subsection (17).

4210 (18) (a) Subsection (17) does not apply unless the Federal Bureau of Investigation  
4211 approves the use of the FBI Rap Back System for the purpose described in Subsection  
4212 (17)(a)(i) under the conditions described in Subsection (17).

4213 (b) Subsection (17) does not apply to the extent that implementation of the provisions  
4214 of Subsection (17) are contrary to the requirements of the Child Care and Development Block  
4215 Grant, 42 U.S.C. Secs. 9857-9858r or any other federal grant.

4216 (19) (a) Information received by a qualifying child care entity under Subsection (17)  
4217 may only be disclosed and used as described in Subsection (4)(e).

4218 (b) A person who disseminates or uses information received under Subsection (17) for  
4219 a purpose other than those described in Subsection (4)(e) is subject to the penalties described in  
4220 this section and is also subject to civil liability.

4221 (c) A qualifying child care entity is not liable for defamation, invasion of privacy,  
4222 negligence, or any other claim in connection with the contents of information disseminated  
4223 under Subsection (17).

4224 Section 80. Section **53G-9-301** is amended to read:

4225 **53G-9-301. Definitions.**

4226 As used in this part:

4227 (1) "Department" means the Department of Health~~;~~ and Human Services created in  
4228 Section ~~[26-1-4]~~ [26B-1-201](#).

4229 (2) "Health official" means an individual designated by a local health department from

4230 within the local health department to consult and counsel parents and licensed health care  
4231 providers, in accordance with Subsection 53G-9-304(2)(a).

4232 (3) "Health official designee" means a licensed health care provider designated by a  
4233 local health department, in accordance with Subsection 53G-9-304(2)(b), to consult with  
4234 parents, licensed health care professionals, and school officials.

4235 (4) "Immunization" or "immunize" means a process through which an individual  
4236 develops an immunity to a disease, through vaccination or natural exposure to the disease.

4237 (5) "Immunization record" means a record relating to a student that includes:

4238 (a) information regarding each required vaccination that the student has received,  
4239 including the date each vaccine was administered, verified by:

4240 (i) a licensed health care provider;

4241 (ii) an authorized representative of a local health department;

4242 (iii) an authorized representative of the department;

4243 (iv) a registered nurse; or

4244 (v) a pharmacist;

4245 (b) information regarding each disease against which the student has been immunized  
4246 by previously contracting the disease; and

4247 (c) an exemption form identifying each required vaccination from which the student is  
4248 exempt, including all required supporting documentation described in Section 53G-9-303.

4249 (6) "Legally responsible individual" means:

4250 (a) a student's parent;

4251 (b) the student's legal guardian;

4252 (c) an adult brother or sister of a student who has no legal guardian; or

4253 (d) the student, if the student:

4254 (i) is an adult; or

4255 (ii) is a minor who may consent to treatment under Section 26-10-9.

4256 (7) "Licensed health care provider" means a health care provider who is licensed under  
4257 Title 58, Occupations and Professions, as:



- 4258 (a) a medical doctor;
- 4259 (b) an osteopathic doctor;
- 4260 (c) a physician assistant; or
- 4261 (d) an advanced practice registered nurse.
- 4262 (8) "Local health department" means the same as that term is defined in Section
- 4263 [26A-1-102](#).
- 4264 (9) "Required vaccines" means vaccines required by department rule described in
- 4265 Section [53G-9-305](#).
- 4266 (10) "School" means any public or private:
  - 4267 (a) elementary or secondary school through grade 12;
  - 4268 (b) preschool;
  - 4269 (c) child care program, as that term is defined in Section [26-39-102](#);
  - 4270 (d) nursery school; or
  - 4271 (e) kindergarten.
- 4272 (11) "Student" means an individual who attends a school.
- 4273 (12) "Vaccinating" or "vaccination" means the administration of a vaccine.
- 4274 (13) "Vaccination exemption form" means a form, described in Section [53G-9-304](#),
- 4275 that documents and verifies that a student is exempt from the requirement to receive one or
- 4276 more required vaccines.
- 4277 (14) "Vaccine" means the substance licensed for use by the United States Food and
- 4278 Drug Administration that is injected into or otherwise administered to an individual to
- 4279 immunize the individual against a communicable disease.
- 4280 Section 81. Section **53G-9-309** is amended to read:
- 4281 **53G-9-309. School record of students' immunization status -- Confidentiality.**
- 4282 (1) Each school shall maintain a current list of all enrolled students, noting each
- 4283 student:
  - 4284 (a) for whom the school has received a valid and complete immunization record;
  - 4285 (b) who is exempt from receiving a required vaccine; and

4286 (c) who is allowed to attend school under Section [53G-9-308](#).

4287 (2) Each school shall ensure that the list described in Subsection (1) specifically  
4288 identifies each disease against which a student is not immunized.

4289 (3) Upon the request of an official from a local health department in the case of a  
4290 disease outbreak, a school principal or administrator shall:

4291 (a) notify the legally responsible individual of any student who is not immune to the  
4292 outbreak disease, providing information regarding steps the legally responsible individual may  
4293 take to protect students;

4294 (b) identify each student who is not immune to the outbreak disease; and

4295 (c) for a period determined by the local health department not to exceed the duration of  
4296 the disease outbreak, do one of the following at the discretion of the school principal or  
4297 administrator after obtaining approval from the local health department:

4298 (i) provide a separate educational environment for the students described in Subsection  
4299 (3)(b) that ensures the protection of the students described in Subsection (3)(b) as well as the  
4300 protection of the remainder of the student body; or

4301 (ii) prevent each student described in Subsection (3)(b) from attending school.

4302 (4) A name appearing on the list described in Subsection (1) is subject to  
4303 confidentiality requirements described in Section [~~26-1-17.5~~] [26B-1-212](#) and Section  
4304 [53E-9-202](#).

4305 Section 82. Section **58-1-601** is amended to read:

4306 **58-1-601. Suicide prevention video -- Primary care providers.**

4307 (1) As used in this section:

4308 (a) "Nurse practitioner" means an individual who is licensed to practice as an advanced  
4309 practice registered nurse under Chapter 31b, Nurse Practice Act.

4310 (b) "Physician" means an individual licensed to practice as a physician or osteopath  
4311 under Chapter 67, Utah Medical Practice Act, or Chapter 68, Utah Osteopathic Medical  
4312 Practice Act.

4313 (c) "Physician assistant" means an individual who is licensed to practice as a physician

4314 assistant under Chapter 70a, Utah Physician Assistant Act.

4315 (d) "Primary care provider" means a nurse practitioner, physician, or physician  
4316 assistant.

4317 (2) The division, in conjunction with the Division of [~~Substance Abuse and Mental~~  
4318 ~~Health created in Section 62A-15-103~~] Integrated Healthcare created in Section 26B-1-204,  
4319 shall:

4320 (a) create a series of suicide prevention videos that:

4321 (i) are web-accessible;

4322 (ii) are each no longer than 20 minutes in length; and

4323 (iii) include information about:

4324 (A) individuals at-risk for suicide; and

4325 (B) suicide prevention and intervention; and

4326 (b) provide, on the division's website, educational materials or courses that relate to  
4327 suicide prevention that a primary care provider may complete at no cost and apply toward  
4328 continuing competency requirements required by division rule.

4329 (3) The division shall, in accordance with Title 63G, Chapter 3, Utah Administrative  
4330 Rulemaking Act, make rules that establish procedures for:

4331 (a) producing the suicide prevention videos described in Subsection (2); and

4332 (b) providing access to the videos to each primary care provider.

4333 Section 83. Section **58-17b-620** is amended to read:

4334 **58-17b-620. Prescriptions issued within the public health system.**

4335 (1) As used in this section:

4336 (a) "Department of Health and Human Services" means the [state] Department of  
4337 Health and Human Services created in Section [~~26-1-4~~] 26B-1-201.

4338 (b) "Health department" means either the Department of Health and Human Services or  
4339 a local health department.

4340 (c) "Local health departments" mean the local health departments created in Title 26A,  
4341 Chapter 1, Local Health Departments.

4342 (2) When it is necessary to treat a reportable disease or non-emergency condition that  
4343 has a direct impact on public health, a health department may implement the prescription  
4344 procedure described in Subsection (3) for a prescription drug that is not a controlled substance  
4345 for use in:

4346 (a) a clinic; or

4347 (b) a remote or temporary off-site location, including a triage facility established in the  
4348 community, that provides:

4349 (i) treatment for sexually transmitted infections;

4350 (ii) fluoride treatment;

4351 (iii) travel immunization;

4352 (iv) preventative treatment for an individual with latent tuberculosis infection;

4353 (v) preventative treatment for an individual at risk for an infectious disease that has a  
4354 direct impact on public health when the treatment is indicated to prevent the spread of disease  
4355 or to mitigate the seriousness of infection in the exposed individual; or

4356 (vi) other treatment as defined by the Department of Health ~~[rule]~~ and Human Services  
4357 by rule made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

4358 (3) In a circumstance described in Subsection (2), an individual with prescriptive  
4359 authority may write a prescription for each contact, as defined in Section 26-6-2, of a patient of  
4360 the individual with prescriptive authority without a face-to-face exam, if:

4361 (a) the individual with prescriptive authority is treating the patient for a reportable  
4362 disease or non-emergency condition having a direct impact on public health; and

4363 (b) the contact's condition is the same as the patient of the individual with prescriptive  
4364 authority.

4365 (4) The following prescription procedure shall be carried out in accordance with the  
4366 requirements of Subsection (5) and may be used only in the circumstances described under  
4367 Subsections (2) and (3):

4368 (a) a physician writes and signs a prescription for a prescription drug, other than a  
4369 controlled substance, without the name and address of the patient and without the date the

4370 prescription is provided to the patient; and

4371 (b) the physician authorizes a registered nurse employed by the health department to  
4372 complete the prescription written under this Subsection (4) by inserting the patient's name and  
4373 address, and the date the prescription is provided to the patient, in accordance with the  
4374 physician's standing written orders and a written health department protocol approved by the  
4375 physician and the medical director of the state Department of Health and Human Services.

4376 (5) A physician assumes responsibility for all prescriptions issued under this section in  
4377 the physician's name.

4378 (6) (a) All prescription forms to be used by a physician and health department in  
4379 accordance with this section shall be serially numbered according to a numbering system  
4380 assigned to that health department.

4381 (b) All prescriptions issued shall contain all information required under this chapter  
4382 and rules adopted under this chapter.

4383 Section 84. Section **58-17b-627** is amended to read:

4384 **58-17b-627. Prescription of drugs or devices by a pharmacist.**

4385 (1) Beginning January 1, 2022, a pharmacist may prescribe a prescription drug or  
4386 device if:

4387 (a) prescribing the prescription drug or device is within the scope of the pharmacist's  
4388 training and experience;

4389 (b) the prescription drug or device is designated by the division by rule under  
4390 Subsection (3)(a); and

4391 (c) the prescription drug or device is not a controlled substance that is included in  
4392 Schedules I, II, III, or IV of:

4393 (i) Section **58-37-4**; or

4394 (ii) the federal Controlled Substances Act, Title II, P.L. 91-513.

4395 (2) Nothing in this section requires a pharmacist to issue a prescription for a  
4396 prescription drug or device.

4397 (3) The division shall make rules in accordance with Title 63G, Chapter 3, Utah

4398 Administrative Rulemaking Act, to:

4399 (a) designate the prescription drugs or devices that may be prescribed by a pharmacist  
4400 under this section, beginning with prescription drugs or devices that address a public health  
4401 concern that is designated by the Department of Health and Human Services, including:

- 4402 (i) post-exposure HIV prophylaxis;
- 4403 (ii) pre-exposure HIV prophylaxis;
- 4404 (iii) self-administered hormonal contraceptives;
- 4405 (iv) smoking cessation; and
- 4406 (v) naloxone;

4407 (b) create guidelines that a pharmacist must follow when prescribing a prescription  
4408 drug or device, including guidelines:

- 4409 (i) for notifying the patient's primary care or other health care provider about the  
4410 prescription; and
- 4411 (ii) to prevent the over-prescription of drugs or devices including but not limited to  
4412 antibiotics;
- 4413 (c) address when a pharmacist should refer the patient to an appropriate health care  
4414 provider or otherwise encourage the patient to seek further medical care; and
- 4415 (d) implement the provisions of this section.

4416 (4) The division shall make rules under Subsection (3) in collaboration with:

- 4417 (a) individuals representing pharmacies and pharmacists;
- 4418 (b) individuals representing physicians and advanced practice clinicians; and
- 4419 (c) (i) if the executive director of the Department of Health and Human Services is a  
4420 physician, the executive director of the Department of Health and Human Services;
- 4421 (ii) if the executive director of the Department of Health and Human Services is not a

4422 physician, a deputy director who is a physician in accordance with Subsection [~~26-1-9(4)~~]

4423 26B-1-203(4); or

4424 (iii) a designee of the individual described in [~~Subsection (4)(c)(i) or (ii)] Section~~

4425 26B-1-203.

4426 (5) Before November 1 of each year, the division, in consultation with the individuals  
4427 described in Subsection (4), shall:

4428 (a) develop recommendations for statutory changes to improve patient access to  
4429 prescribed drugs in the state; and

4430 (b) report the recommendations developed under Subsection (5)(a) to the Health and  
4431 Human Services Interim Committee.

4432 Section 85. Section **58-17b-902** is amended to read:

4433 **58-17b-902. Definitions.**

4434 As used in this part:

4435 (1) "Assisted living facility" means the same as that term is defined in Section [26-21-2](#).

4436 (2) "Cancer drug" means a drug that controls or kills neoplastic cells and includes a  
4437 drug used in chemotherapy to destroy cancer cells.

4438 (3) "Charitable clinic" means a charitable nonprofit corporation that:

4439 (a) holds a valid exemption from federal income taxation issued under Section 501(a),  
4440 Internal Revenue Code;

4441 (b) is exempt from federal income taxation under Section 501(c)(3), Internal Revenue  
4442 Code;

4443 (c) provides, on an outpatient basis, for a period of less than 24 consecutive hours, to  
4444 an individual not residing or confined at a facility owned or operated by the charitable  
4445 nonprofit corporation:

4446 (i) advice;

4447 (ii) counseling;

4448 (iii) diagnosis;

4449 (iv) treatment;

4450 (v) surgery; or

4451 (vi) care or services relating to the preservation or maintenance of health; and

4452 (d) has a licensed outpatient pharmacy.

4453 (4) "Charitable pharmacy" means an eligible pharmacy that is operated by a charitable

4454 clinic.

4455 (5) "County health department" means the same as that term is defined in Section  
4456 [26A-1-102](#).

4457 (6) "Donated prescription drug" means a prescription drug that an eligible donor or  
4458 individual donates to an eligible pharmacy under the program.

4459 (7) "Eligible donor" means a donor that donates a prescription drug from within the  
4460 state and is:

4461 (a) a nursing care facility;

4462 (b) an assisted living facility;

4463 (c) a licensed intermediate care facility for people with an intellectual disability;

4464 (d) a manufacturer;

4465 (e) a pharmaceutical wholesale distributor;

4466 (f) an eligible pharmacy; or

4467 (g) a physician's office.

4468 (8) "Eligible pharmacy" means a pharmacy that:

4469 (a) is registered by the division as eligible to participate in the program; and

4470 (b) (i) is licensed in the state as a Class A retail pharmacy; or

4471 (ii) is operated by:

4472 (A) a county;

4473 (B) a county health department;

4474 (C) a pharmacy under contract with a county health department;

4475 (D) the Department of Health[;] and Human Services created in Section [~~26-1-4~~]

4476 [26B-1-201](#); or

4477 [~~(E) the Division of Substance Abuse and Mental Health, created in Section~~

4478 [62A-15-103](#); or]

4479 [~~(F)~~] (E) a charitable clinic.

4480 (9) "Eligible prescription drug" means a prescription drug, described in Section

4481 [58-17b-904](#), that is not:



- 4482 (a) a controlled substance; or
- 4483 (b) a drug that can only be dispensed to a patient registered with the drug's
- 4484 manufacturer in accordance with federal Food and Drug Administration requirements.
- 4485 (10) "Licensed intermediate care facility for people with an intellectual disability"
- 4486 means the same as that term is defined in Section 58-17b-503.
- 4487 (11) "Medically indigent individual" means an individual who:
- 4488 (a) (i) does not have health insurance; and
- 4489 (ii) lacks reasonable means to purchase prescribed medications; or
- 4490 (b) (i) has health insurance; and
- 4491 (ii) lacks reasonable means to pay the insured's portion of the cost of the prescribed
- 4492 medications.
- 4493 (12) "Nursing care facility" means the same as that term is defined in Section
- 4494 26-18-501.
- 4495 (13) "Physician's office" means a fixed medical facility that:
- 4496 (a) is staffed by a physician, physician's assistant, nurse practitioner, or registered
- 4497 nurse, licensed under Title 58, Occupations and Professions; and
- 4498 (b) treats an individual who presents at, or is transported to, the facility.
- 4499 (14) "Program" means the Charitable Prescription Drug Recycling Program created in
- 4500 Section 58-17b-903.
- 4501 (15) "Unit pack" means the same as that term is defined in Section 58-17b-503.
- 4502 (16) "Unlawful conduct" means the same as that term is defined in Sections 58-1-501
- 4503 and 58-17b-501.
- 4504 (17) "Unprofessional conduct" means the same as that term is defined in Sections
- 4505 58-1-501 and 58-17b-502.
- 4506 Section 86. Section 58-17b-907 is amended to read:
- 4507 **58-17b-907. Rules made by the division.**
- 4508 The rules made by the division under Subsection 58-17b-903(2)(b) shall include:
- 4509 (1) registration requirements to establish the eligibility of a pharmacy to participate in

4510 the program;

4511 (2) a formulary that includes all eligible prescription drugs approved by the federal  
4512 Food and Drug Administration;

4513 (3) standards and procedures for:

4514 (a) verifying whether a pharmacy or pharmacist participating in the program is licensed  
4515 and in good standing with the board;

4516 (b) handling of an eligible prescription drug transferred in accordance with Subsection  
4517 [58-17b-903](#)(2) to an eligible pharmacy or a physician's office, including:

4518 (i) acceptance;

4519 (ii) identification, including redundant criteria for verification;

4520 (iii) documentation, under 21 U.S.C. Sec. 360eee-1, of transaction information, history,  
4521 and statements;

4522 (iv) safe storage;

4523 (v) security;

4524 (vi) inspection;

4525 (vii) transfer; and

4526 (viii) dispensing;

4527 (c) a pharmacist, pharmacy intern, or licensed pharmacy technician:

4528 (i) working in or consulting with a participating eligible donor; or

4529 (ii) assisting an individual donating the eligible prescription drug;

4530 (d) disposition of a donated prescription drug that is a controlled substance;

4531 (e) record keeping regarding:

4532 (i) the individual or eligible donor that transferred an eligible prescription drug under  
4533 Subsection [58-17b-903](#)(2)(a);

4534 (ii) the identification and evaluation of a donated prescription drug by a pharmacist or  
4535 licensed pharmacy technician; and

4536 (iii) the dispensing or disposition of a prescription drug;

4537 (f) determining the status of a medically indigent individual;

- 4538 (g) labeling requirements to:
- 4539 (i) ensure compliance with patient privacy laws relating to:
- 4540 (A) an individual who receives an eligible prescription drug; and
- 4541 (B) patient information that may appear on a donated prescription drug;
- 4542 (ii) clearly identify an eligible prescription drug dispensed under the program; and
- 4543 (iii) communicate necessary information regarding the manufacturer's recommended
- 4544 expiration date or the beyond use date; and
- 4545 (h) ensuring compliance with the requirements of this part;
- 4546 (4) a process for seeking input from~~[-(a)]~~ the Department of Health~~[-]~~ and Human
- 4547 Services created in Section ~~[26-1-4, to]~~ 26B-1-201 to:
- 4548 (a) establish program standards and procedures for assisted living facilities and nursing
- 4549 care facilities; and
- 4550 (b) ~~[the Division of Substance Abuse and Mental Health, created in Section~~
- 4551 62A-15-103, to] establish program standards and procedures for mental health and substance
- 4552 abuse clients; and
- 4553 (5) the creation of a special training program that a pharmacist and a licensed pharmacy
- 4554 technician at an eligible pharmacy must complete before participating in the program.
- 4555 Section 87. Section **62A-1-104** is amended to read:
- 4556 **62A-1-104. Definitions.**
- 4557 (1) As used in this title:
- 4558 (a) "Competency evaluation" means the same as that term is defined in Section
- 4559 77-15-2.
- 4560 (b) "Concurrence of the board" means agreement by a majority of the members of a
- 4561 board.
- 4562 (c) "Department" means the Department of Health and Human Services ~~[established in~~
- 4563 Section 62A-1-102] created in Section 26B-1-201.
- 4564 (d) "Executive director" means the executive director of the department, appointed
- 4565 under Section ~~[62A-1-108]~~ 26B-1-203.

4566 (e) "Forensic evaluator" means the same as that term is defined in Section [77-15-2](#).

4567 (f) "Stabilization services" means in-home services provided to a child with, or who is  
4568 at risk for, complex emotional and behavioral needs, including teaching the child's parent or  
4569 guardian skills to improve family functioning.

4570 (g) "System of care" means a broad, flexible array of services and supports that:

4571 (i) serves a child with or who is at risk for complex emotional and behavioral needs;

4572 (ii) is community based;

4573 (iii) is informed about trauma;

4574 (iv) builds meaningful partnerships with families and children;

4575 (v) integrates service planning, service coordination, and management across state and  
4576 local entities;

4577 (vi) includes individualized case planning;

4578 (vii) provides management and policy infrastructure that supports a coordinated  
4579 network of interdepartmental service providers, contractors, and service providers who are  
4580 outside of the department; and

4581 (viii) is guided by the type and variety of services needed by a child with or who is at  
4582 risk for complex emotional and behavioral needs and by the child's family.

4583 (2) The definitions provided in Subsection (1) are to be applied in addition to  
4584 definitions contained throughout this title that are applicable to specified chapters or parts.

4585 Section 88. Section **62A-1-107** is amended to read:

4586 **62A-1-107. Board of Aging and Adult Services -- Members, appointment, terms,**  
4587 **vacancies, chairperson, compensation, meetings, quorum.**

4588 (1) The Board of Aging and Adult Services [~~described in Subsection [62A-1-105](#)(1)(a)]~~  
4589 created in Section [26B-1-204](#) shall have seven members who are appointed by the governor  
4590 with the advice and consent of the Senate in accordance with Title 63G, Chapter 24, Part 2,  
4591 Vacancies.

4592 (2) (a) Except as required by Subsection (2)(b), each member shall be appointed for a  
4593 term of four years, and is eligible for one reappointment.

4594 (b) Notwithstanding the requirements of Subsection (2)(a), the governor shall, at the  
4595 time of appointment or reappointment, adjust the length of terms to ensure that the terms of  
4596 board members are staggered so that approximately half of the board is appointed every two  
4597 years.

4598 (c) Board members shall continue in office until the expiration of their terms and until  
4599 their successors are appointed, which may not exceed 90 days after the formal expiration of a  
4600 term.

4601 (d) When a vacancy occurs in the membership for any reason, the replacement shall be  
4602 appointed for the unexpired term.

4603 (3) No more than four members of the board may be from the same political party.  
4604 The board shall have diversity of gender, ethnicity, and culture; and members shall be chosen  
4605 on the basis of their active interest, experience, and demonstrated ability to deal with issues  
4606 related to the Board of Aging and Adult Services.

4607 (4) The board shall annually elect a chairperson from the board's membership. The  
4608 board shall hold meetings at least once every three months. Within budgetary constraints,  
4609 meetings may be held from time to time on the call of the chairperson or of the majority of the  
4610 members of the board. Four members of the board are necessary to constitute a quorum at any  
4611 meeting, and, if a quorum exists, the action of the majority of members present shall be the  
4612 action of the board.

4613 (5) A member may not receive compensation or benefits for the member's service, but,  
4614 at the executive director's discretion, may receive per diem and travel expenses in accordance  
4615 with:

4616 (a) Section [63A-3-106](#);

4617 (b) Section [63A-3-107](#); and

4618 (c) rules made by the Division of Finance pursuant to Sections [63A-3-106](#) and  
4619 [63A-3-107](#).

4620 (6) The board shall adopt bylaws governing its activities. Bylaws shall include  
4621 procedures for removal of a board member who is unable or unwilling to fulfill the

4622 requirements of the board member's appointment.

4623           (7) The board has program policymaking authority for the division over which the  
4624 board presides.

4625           (8) A member of the board shall comply with the conflict of interest provisions  
4626 described in Title 63G, Chapter 24, Part 3, Conflicts of Interest.

4627           Section 89. Section **62A-2-121** is amended to read:

4628           **62A-2-121. Access to abuse and neglect information.**

4629           (1) As used in this section:

4630           (a) "Direct service worker" means the same as that term is defined in Section  
4631 [62A-5-101](#).

4632           (b) "Personal care attendant" means the same as that term is defined in Section  
4633 [62A-3-101](#).

4634           (2) With respect to a licensee, a direct service worker, or a personal care attendant, the  
4635 department may access only the Licensing Information System of the Division of Child and  
4636 Family Services created by Section [62A-4a-1006](#) and juvenile court records under Subsection  
4637 [80-3-404](#)(6), for the purpose of:

4638           (a) (i) determining whether a person associated with a licensee, with direct access to  
4639 children:

4640           (A) is listed in the Licensing Information System; or

4641           (B) has a substantiated finding by a juvenile court of a severe type of child abuse or  
4642 neglect under Subsections [80-3-404](#)(1) and (2); and

4643           (ii) informing a licensee that a person associated with the licensee:

4644           (A) is listed in the Licensing Information System; or

4645           (B) has a substantiated finding by a juvenile court of a severe type of child abuse or  
4646 neglect under Subsections [80-3-404](#)(1) and (2);

4647           (b) (i) determining whether a direct service worker:

4648           (A) is listed in the Licensing Information System; or

4649           (B) has a substantiated finding by a juvenile court of a severe type of child abuse or

- 4650 neglect under Subsections [80-3-404](#)(1) and (2); and
- 4651 (ii) informing a direct service worker or the direct service worker's employer that the
- 4652 direct service worker:
- 4653 (A) is listed in the Licensing Information System; or
- 4654 (B) has a substantiated finding by a juvenile court of a severe type of child abuse or
- 4655 neglect under Subsections [80-3-404](#)(1) and (2); or
- 4656 (c) (i) determining whether a personal care attendant:
- 4657 (A) is listed in the Licensing Information System; or
- 4658 (B) has a substantiated finding by a juvenile court of a severe type of child abuse or
- 4659 neglect under Subsections [80-3-404](#)(1) and (2); and
- 4660 (ii) informing a person described in Subsections [62A-3-101](#)(9)(a)(i) through (iv) that a
- 4661 personal care attendant:
- 4662 (A) is listed in the Licensing Information System; or
- 4663 (B) has a substantiated finding by a juvenile court of a severe type of child abuse or
- 4664 neglect under Subsections [80-3-404](#)(1) and (2).
- 4665 (3) Notwithstanding Subsection (2), the department may access the Division of Child
- 4666 and Family Services' Management Information System under Section [62A-4a-1003](#):
- 4667 (a) for the purpose of licensing and monitoring foster parents;
- 4668 (b) for the purposes described in Subsection [62A-4a-1003](#)(1)(d); and
- 4669 (c) for the purpose described in Section [~~[62A-1-118](#)~~] [26B-1-211](#).
- 4670 (4) The department shall receive and process personal identifying information under
- 4671 Subsection [62A-2-120](#)(1) for the purposes described in Subsection (2).
- 4672 (5) The department shall adopt rules under Title 63G, Chapter 3, Utah Administrative
- 4673 Rulemaking Act, consistent with this chapter, defining the circumstances under which a person
- 4674 may have direct access or provide services to children when:
- 4675 (a) the person is listed in the Licensing Information System of the Division of Child
- 4676 and Family Services created by Section [62A-4a-1006](#); or
- 4677 (b) juvenile court records show that a court made a substantiated finding under Section

4678 80-3-404, that the person committed a severe type of child abuse or neglect.

4679 Section 90. Section **62A-4a-412** is amended to read:

4680 **62A-4a-412. Reports, information, and referrals confidential.**

4681 (1) Except as otherwise provided in this chapter, reports made under this part, as well  
4682 as any other information in the possession of the division obtained as the result of a report are  
4683 private, protected, or controlled records under Title 63G, Chapter 2, Government Records  
4684 Access and Management Act, and may only be made available to:

4685 (a) a police or law enforcement agency investigating a report of known or suspected  
4686 abuse or neglect, including members of a child protection team;

4687 (b) a physician who reasonably believes that a child may be the subject of abuse or  
4688 neglect;

4689 (c) an agency that has responsibility or authority to care for, treat, or supervise a minor  
4690 who is the subject of a report;

4691 (d) a contract provider that has a written contract with the division to render services to  
4692 a minor who is the subject of a report;

4693 (e) a subject of the report, the natural parents of the child, and the guardian ad litem;

4694 (f) a court, upon a finding that access to the records may be necessary for the  
4695 determination of an issue before the court, provided that in a divorce, custody, or related  
4696 proceeding between private parties, the record alone is:

4697 (i) limited to objective or undisputed facts that were verified at the time of the  
4698 investigation; and

4699 (ii) devoid of conclusions drawn by the division or any of the division's workers on the  
4700 ultimate issue of whether or not an individual's acts or omissions constituted any level of abuse  
4701 or neglect of another individual;

4702 (g) an office of the public prosecutor or its deputies in performing an official duty;

4703 (h) a person authorized by a Children's Justice Center, for the purposes described in  
4704 Section 67-5b-102;

4705 (i) a person engaged in bona fide research, when approved by the director of the



4706 division, if the information does not include names and addresses;

4707 (j) the State Board of Education, acting on behalf of itself or on behalf of a local  
4708 education agency, as defined in Section 63J-5-102, for the purpose of evaluating whether an  
4709 individual should be permitted to obtain or retain a license as an educator or serve as an  
4710 employee or volunteer in a school, limited to information with substantiated or supported  
4711 findings involving an alleged sexual offense, an alleged felony or class A misdemeanor drug  
4712 offense, or any alleged offense against the person under Title 76, Chapter 5, Offenses Against  
4713 the Person, and with the understanding that the office must provide the subject of a report  
4714 received under Subsection (1)(k) with an opportunity to respond to the report before making a  
4715 decision concerning licensure or employment;

4716 (k) any individual identified in the report as a perpetrator or possible perpetrator of  
4717 abuse or neglect, after being advised of the screening prohibition in Subsection (2);

4718 (l) a person filing a petition for a child protective order on behalf of a child who is the  
4719 subject of the report;

4720 (m) a licensed child-placing agency or person who is performing a preplacement  
4721 adoptive evaluation in accordance with the requirements of Sections 78B-6-128 and  
4722 78B-6-130;

4723 (n) an Indian tribe to:

4724 (i) certify or license a foster home;

4725 (ii) render services to a subject of a report; or

4726 (iii) investigate an allegation of abuse, neglect, or dependency; or

4727 (o) the [~~Division of Substance Abuse and Mental Health, the Department of Health,~~]

4728 department or a local substance abuse authority, described in Section 17-43-201, for the  
4729 purpose of providing substance abuse treatment to a pregnant woman or a parent of a newborn  
4730 child, or the services described in Subsection 62A-15-103(2)(o).

4731 (2) (a) A person, unless listed in Subsection (1), may not request another person to  
4732 obtain or release a report or any other information in the possession of the division obtained as  
4733 a result of the report that is available under Subsection (1)(k) to screen for potential

4734 perpetrators of abuse or neglect.

4735 (b) A person who requests information knowing that the request is a violation of  
4736 Subsection (2)(a) is subject to the criminal penalty in Subsection (4).

4737 (3) (a) Except as provided in Section [62A-4a-1007](#), the division and law enforcement  
4738 officials shall ensure the anonymity of the person or persons making the initial report and any  
4739 others involved in the division's or law enforcement officials' subsequent investigation.

4740 (b) Notwithstanding any other provision of law, excluding Section [80-3-107](#), but  
4741 including this chapter and Title 63G, Chapter 2, Government Records Access and Management  
4742 Act, when the division makes a report or other information in the division's possession  
4743 available under Subsection (1)(e) to a subject of the report or a parent of a child, the division  
4744 shall remove from the report or other information only the names, addresses, and telephone  
4745 numbers of individuals or specific information that could:

- 4746 (i) identify the referent;
- 4747 (ii) impede a criminal investigation; or
- 4748 (iii) endanger an individual's safety.

4749 (4) Any person who willfully permits, or aides and abets the release of data or  
4750 information obtained as a result of this part, in the possession of the division or contained on  
4751 any part of the Management Information System, in violation of this part or Sections  
4752 [62A-4a-1003](#) through [62A-4a-1007](#), is guilty of a class C misdemeanor.

4753 (5) (a) As used in this Subsection (5), "physician" means an individual licensed to  
4754 practice as a physician or osteopath in this state under Title 58, Chapter 67, Utah Medical  
4755 Practice Act, or Title 58, Chapter 68, Utah Osteopathic Medical Practice Act.

4756 (b) The physician-patient privilege does not:

4757 (i) excuse a physician from reporting suspected abuse, neglect, fetal alcohol syndrome,  
4758 or fetal drug dependency under this part; and

4759 (ii) constitute grounds for excluding evidence regarding a child's injuries, or the cause  
4760 of the child's injuries, in any judicial or administrative proceeding resulting from a report under  
4761 this part.

4762 (6) A child-placing agency or person who receives a report in connection with a  
4763 preplacement adoptive evaluation under Sections 78B-6-128 and 78B-6-130:

4764 (a) may provide this report to the person who is the subject of the report; and

4765 (b) may provide this report to a person who is performing a preplacement adoptive  
4766 evaluation in accordance with the requirement of Sections 78B-6-128 and 78B-6-130, or to a  
4767 licensed child-placing agency or to an attorney seeking to facilitate an adoption.

4768 (7) A member of a child protection team may, before the day on which the child is  
4769 removed, share case-specific information obtained from the division under this section with  
4770 other members of the child protection team.

4771 (8) (a) Except as provided in Subsection (8)(b), in a divorce, custody, or related  
4772 proceeding between private parties, a court may not receive into evidence a report that:

4773 (i) is provided to the court:

4774 (A) under Subsection (1)(f); or

4775 (B) by a parent of the child after the record is made available to the parent under  
4776 Subsection (1)(e);

4777 (ii) describes a parent of the child as the alleged perpetrator; and

4778 (iii) is found to be unsubstantiated, unsupported, or without merit.

4779 (b) (i) After a motion to admit the report described in Subsection (8)(a) is made, the  
4780 court shall allow sufficient time for all subjects of the record to respond before making a  
4781 finding on the motion.

4782 (ii) After considering the motion described in Subsection (8)(b), the court may receive  
4783 the report into evidence upon a finding on the record of good cause.

4784 Section 91. Section 62A-14-108 is amended to read:

4785 **62A-14-108. Office volunteers.**

4786 (1) A person who desires to be an office volunteer shall:

4787 (a) possess demonstrated personal characteristics of honesty, integrity, compassion,  
4788 and concern for incapacitated persons; and

4789 (b) upon request, submit information for a background check pursuant to Section

4790 [~~62A-1-118~~] 26B-1-211.

4791 (2) An office volunteer may not receive compensation or benefits, but may be  
4792 reimbursed by the office for expenses actually and reasonably incurred, consistent with Title  
4793 67, Chapter 20, Volunteer Government Workers Act.

4794 (3) An office volunteer is immune from civil liability pursuant to Title 63G, Chapter 8,  
4795 Immunity for Persons Performing Voluntary Services Act.

4796 Section 92. Section **62A-15-102** is amended to read:

4797 **62A-15-102. Definitions.**

4798 As used in this chapter:

4799 (1) "Criminal risk factors" means a person's characteristics and behaviors that:

4800 (a) affect the person's risk of engaging in criminal behavior; and

4801 (b) are diminished when addressed by effective treatment, supervision, and other  
4802 support resources, resulting in reduced risk of criminal behavior.

4803 (2) "Director" means the director [~~of the Division of Substance Abuse and Mental~~  
4804 ~~Health~~] appointed under Section 62A-15-104.

4805 (3) "Division" means the Division of [~~Substance Abuse and Mental Health established~~  
4806 ~~in Section 62A-15-103~~] Integrated Healthcare created in Section 26B-1-202.

4807 (4) "Local mental health authority" means a county legislative body.

4808 (5) "Local substance abuse authority" means a county legislative body.

4809 (6) "Mental health crisis" means:

4810 (a) a mental health condition that manifests in an individual by symptoms of sufficient  
4811 severity that a prudent layperson who possesses an average knowledge of mental health issues  
4812 could reasonably expect the absence of immediate attention or intervention to result in:

4813 (i) serious danger to the individual's health or well-being; or

4814 (ii) a danger to the health or well-being of others; or

4815 (b) a mental health condition that, in the opinion of a mental health therapist or the  
4816 therapist's designee, requires direct professional observation or intervention.

4817 (7) "Mental health crisis response training" means community-based training that

4818 educates laypersons and professionals on the warning signs of a mental health crisis and how to  
4819 respond.

4820 (8) "Mental health crisis services" means an array of services provided to an individual  
4821 who experiences a mental health crisis, which may include:

4822 (a) direct mental health services;

4823 (b) on-site intervention provided by a mobile crisis outreach team;

4824 (c) the provision of safety and care plans;

4825 (d) prolonged mental health services for up to 90 days after the day on which an  
4826 individual experiences a mental health crisis;

4827 (e) referrals to other community resources;

4828 (f) local mental health crisis lines; and

4829 (g) the statewide mental health crisis line.

4830 (9) "Mental health therapist" means the same as that term is defined in Section  
4831 [58-60-102](#).

4832 (10) "Mobile crisis outreach team" or "MCOT" means a mobile team of medical and  
4833 mental health professionals that, in coordination with local law enforcement and emergency  
4834 medical service personnel, provides mental health crisis services.

4835 (11) (a) "Public funds" means federal money received from the [~~Department of Human~~  
4836 ~~Services or the Department of Health~~] department, and state money appropriated by the  
4837 Legislature to the [~~Department of Human Services, the Department of Health~~] department, a  
4838 county governing body, or a local substance abuse authority, or a local mental health authority  
4839 for the purposes of providing substance abuse or mental health programs or services.

4840 (b) "Public funds" include federal and state money that has been transferred by a local  
4841 substance abuse authority or a local mental health authority to a private provider under an  
4842 annual or otherwise ongoing contract to provide comprehensive substance abuse or mental  
4843 health programs or services for the local substance abuse authority or local mental health  
4844 authority. The money maintains the nature of "public funds" while in the possession of the  
4845 private entity that has an annual or otherwise ongoing contract with a local substance abuse

4846 authority or a local mental health authority to provide comprehensive substance abuse or  
4847 mental health programs or services for the local substance abuse authority or local mental  
4848 health authority.

4849 (c) Public funds received for the provision of services [~~pursuant to~~] under substance  
4850 abuse or mental health service plans may not be used for any other purpose except those  
4851 authorized in the contract between the local mental health or substance abuse authority and  
4852 provider for the provision of plan services.

4853 (12) "Severe mental disorder" means schizophrenia, major depression, bipolar  
4854 disorders, delusional disorders, psychotic disorders, and other mental disorders as defined by  
4855 the division.

4856 (13) "Statewide mental health crisis line" means the same as that term is defined in  
4857 Section [62A-15-1301](#).

4858 Section 93. Section **62A-15-103** is amended to read:

4859 **62A-15-103. Division -- Responsibilities.**

4860 (1) (a) [~~There is created~~] The division shall exercise responsibility over the  
4861 policymaking functions, regulatory and enforcement powers, rights, duties, and responsibilities  
4862 outlined in state law that were previously vested in the Division of Substance Abuse and  
4863 Mental Health within the department, under the administration and general supervision of the  
4864 executive director.

4865 (b) The division is the substance abuse authority and the mental health authority for  
4866 this state.

4867 (2) The division shall:

4868 (a) (i) educate the general public regarding the nature and consequences of substance  
4869 abuse by promoting school and community-based prevention programs;

4870 (ii) render support and assistance to public schools through approved school-based  
4871 substance abuse education programs aimed at prevention of substance abuse;

4872 (iii) promote or establish programs for the prevention of substance abuse within the  
4873 community setting through community-based prevention programs;

- 4874 (iv) cooperate with and assist treatment centers, recovery residences, and other  
4875 organizations that provide services to individuals recovering from a substance abuse disorder,  
4876 by identifying and disseminating information about effective practices and programs;
- 4877 (v) except as provided in Section 62A-15-103.5, make rules in accordance with Title  
4878 63G, Chapter 3, Utah Administrative Rulemaking Act, to develop, in collaboration with public  
4879 and private programs, minimum standards for public and private providers of substance abuse  
4880 and mental health programs licensed by the department under [~~Title 62A,~~] Chapter 2, Licensure  
4881 of Programs and Facilities;
- 4882 (vi) promote integrated programs that address an individual's substance abuse, mental  
4883 health, physical health, and criminal risk factors;
- 4884 (vii) establish and promote an evidence-based continuum of screening, assessment,  
4885 prevention, treatment, and recovery support services in the community for individuals with  
4886 substance use disorder and mental illness that addresses criminal risk factors;
- 4887 (viii) evaluate the effectiveness of programs described in this Subsection (2);
- 4888 (ix) consider the impact of the programs described in this Subsection (2) on:
- 4889 (A) emergency department utilization;
- 4890 (B) jail and prison populations;
- 4891 (C) the homeless population; and
- 4892 (D) the child welfare system; and
- 4893 (x) promote or establish programs for education and certification of instructors to  
4894 educate individuals convicted of driving under the influence of alcohol or drugs or driving with  
4895 any measurable controlled substance in the body;
- 4896 (b) (i) collect and disseminate information pertaining to mental health;
- 4897 (ii) provide direction over the state hospital including approval of the state hospital's  
4898 budget, administrative policy, and coordination of services with local service plans;
- 4899 (iii) make rules in accordance with Title 63G, Chapter 3, Utah Administrative  
4900 Rulemaking Act, to educate families concerning mental illness and promote family  
4901 involvement, when appropriate, and with patient consent, in the treatment program of a family

4902 member; and

4903 (iv) make rules in accordance with Title 63G, Chapter 3, Utah Administrative  
4904 Rulemaking Act, to direct that an individual receiving services through a local mental health  
4905 authority or the Utah State Hospital be informed about and, if desired by the individual,  
4906 provided assistance in the completion of a declaration for mental health treatment in  
4907 accordance with Section [62A-15-1002](#);

4908 (c) (i) consult and coordinate with local substance abuse authorities and local mental  
4909 health authorities regarding programs and services;

4910 (ii) provide consultation and other assistance to public and private agencies and groups  
4911 working on substance abuse and mental health issues;

4912 (iii) promote and establish cooperative relationships with courts, hospitals, clinics,  
4913 medical and social agencies, public health authorities, law enforcement agencies, education and  
4914 research organizations, and other related groups;

4915 (iv) promote or conduct research on substance abuse and mental health issues, and  
4916 submit to the governor and the Legislature recommendations for changes in policy and  
4917 legislation;

4918 (v) receive, distribute, and provide direction over public funds for substance abuse and  
4919 mental health services;

4920 (vi) monitor and evaluate programs provided by local substance abuse authorities and  
4921 local mental health authorities;

4922 (vii) examine expenditures of local, state, and federal funds;

4923 (viii) monitor the expenditure of public funds by:

4924 (A) local substance abuse authorities;

4925 (B) local mental health authorities; and

4926 (C) in counties where they exist, a private contract provider that has an annual or  
4927 otherwise ongoing contract to provide comprehensive substance abuse or mental health  
4928 programs or services for the local substance abuse authority or local mental health authority;

4929 (ix) contract with local substance abuse authorities and local mental health authorities



4930 to provide a comprehensive continuum of services that include community-based services for  
4931 individuals involved in the criminal justice system, in accordance with division policy, contract  
4932 provisions, and the local plan;

4933           (x) contract with private and public entities for special statewide or nonclinical  
4934 services, or services for individuals involved in the criminal justice system, according to  
4935 division rules;

4936           (xi) review and approve each local substance abuse authority's plan and each local  
4937 mental health authority's plan in order to ensure:

4938               (A) a statewide comprehensive continuum of substance abuse services;

4939               (B) a statewide comprehensive continuum of mental health services;

4940               (C) services result in improved overall health and functioning;

4941               (D) a statewide comprehensive continuum of community-based services designed to  
4942 reduce criminal risk factors for individuals who are determined to have substance abuse or  
4943 mental illness conditions or both, and who are involved in the criminal justice system;

4944               (E) compliance, where appropriate, with the certification requirements in Subsection  
4945 (2)(j); and

4946               (F) appropriate expenditure of public funds;

4947           (xii) review and make recommendations regarding each local substance abuse  
4948 authority's contract with the local substance abuse authority's provider of substance abuse  
4949 programs and services and each local mental health authority's contract with the local mental  
4950 health authority's provider of mental health programs and services to ensure compliance with  
4951 state and federal law and policy;

4952           (xiii) monitor and ensure compliance with division rules and contract requirements;  
4953 and

4954           (xiv) withhold funds from local substance abuse authorities, local mental health  
4955 authorities, and public and private providers for contract noncompliance, failure to comply  
4956 with division directives regarding the use of public funds, or for misuse of public funds or  
4957 money;

4958 (d) ensure that the requirements of this part are met and applied uniformly by local  
4959 substance abuse authorities and local mental health authorities across the state;

4960 (e) require each local substance abuse authority and each local mental health authority,  
4961 in accordance with Subsections 17-43-201(5)(b) and 17-43-301(6)(a)(ii), to submit a plan to  
4962 the division on or before May 15 of each year;

4963 (f) conduct an annual program audit and review of each local substance abuse authority  
4964 and each local substance abuse authority's contract provider, and each local mental health  
4965 authority and each local mental health authority's contract provider, including:

4966 (i) a review and determination regarding whether:

4967 (A) public funds allocated to the local substance abuse authority or the local mental  
4968 health authorities are consistent with services rendered by the authority or the authority's  
4969 contract provider, and with outcomes reported by the authority's contract provider; and

4970 (B) each local substance abuse authority and each local mental health authority is  
4971 exercising sufficient oversight and control over public funds allocated for substance use  
4972 disorder and mental health programs and services; and

4973 (ii) items determined by the division to be necessary and appropriate;

4974 (g) define "prevention" by rule as required under Title 32B, Chapter 2, Part 4,  
4975 Alcoholic Beverage and Substance Abuse Enforcement and Treatment Restricted Account Act;

4976 (h) (i) train and certify an adult as a peer support specialist, qualified to provide peer  
4977 supports services to an individual with:

4978 (A) a substance use disorder;

4979 (B) a mental health disorder; or

4980 (C) a substance use disorder and a mental health disorder;

4981 (ii) certify a person to carry out, as needed, the division's duty to train and certify an  
4982 adult as a peer support specialist;

4983 (iii) make rules in accordance with Title 63G, Chapter 3, Utah Administrative  
4984 Rulemaking Act, that:

4985 (A) establish training and certification requirements for a peer support specialist;

4986 (B) specify the types of services a peer support specialist is qualified to provide;

4987 (C) specify the type of supervision under which a peer support specialist is required to  
4988 operate; and

4989 (D) specify continuing education and other requirements for maintaining or renewing  
4990 certification as a peer support specialist; and

4991 (iv) make rules in accordance with Title 63G, Chapter 3, Utah Administrative  
4992 Rulemaking Act, that:

4993 (A) establish the requirements for a person to be certified to carry out, as needed, the  
4994 division's duty to train and certify an adult as a peer support specialist; and

4995 (B) specify how the division shall provide oversight of a person certified to train and  
4996 certify a peer support specialist;

4997 (i) except as provided in Section [62A-15-103.5](#), establish by rule, in accordance with  
4998 Title 63G, Chapter 3, Utah Administrative Rulemaking Act, minimum standards and  
4999 requirements for the provision of substance use disorder and mental health treatment to an  
5000 individual who is incarcerated or who is required to participate in treatment by a court or by the  
5001 Board of Pardons and Parole, including:

5002 (i) collaboration with the Department of Corrections and the Utah Substance Use and  
5003 Mental Health Advisory Council to develop and coordinate the standards, including standards  
5004 for county and state programs serving individuals convicted of class A and class B  
5005 misdemeanors;

5006 (ii) determining that the standards ensure available treatment, including the most  
5007 current practices and procedures demonstrated by recognized scientific research to reduce  
5008 recidivism, including focus on the individual's criminal risk factors; and

5009 (iii) requiring that all public and private treatment programs meet the standards  
5010 established under this Subsection (2)(i) in order to receive public funds allocated to the  
5011 division, the Department of Corrections, or the State Commission on Criminal and Juvenile  
5012 Justice for the costs of providing screening, assessment, prevention, treatment, and recovery  
5013 support;

5014 (j) except as provided in Section 62A-15-103.5, establish by rule, in accordance with  
5015 Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the requirements and procedures  
5016 for the certification of licensed public and private providers, including individuals licensed by  
5017 the Division of Occupational and Professional Licensing, programs licensed by the department,  
5018 and health care facilities licensed by the [~~Department of Health~~] department, who provide, as  
5019 part of their practice, substance use disorder and mental health treatment to an individual  
5020 involved in the criminal justice system, including:

5021 (i) collaboration with the Department of Corrections, the Utah Substance Use and  
5022 Mental Health Advisory Council, and the Utah Association of Counties to develop, coordinate,  
5023 and implement the certification process;

5024 (ii) basing the certification process on the standards developed under Subsection (2)(i)  
5025 for the treatment of an individual involved in the criminal justice system; and

5026 (iii) the requirement that a public or private provider of treatment to an individual  
5027 involved in the criminal justice system shall obtain certification on or before July 1, 2016, and  
5028 shall renew the certification every two years, in order to qualify for funds allocated to the  
5029 division, the Department of Corrections, or the State Commission on Criminal and Juvenile  
5030 Justice on or after July 1, 2016;

5031 (k) collaborate with the State Commission on Criminal and Juvenile Justice to analyze  
5032 and provide recommendations to the Legislature regarding:

5033 (i) pretrial services and the resources needed to reduce recidivism;

5034 (ii) county jail and county behavioral health early-assessment resources needed for an  
5035 offender convicted of a class A or class B misdemeanor; and

5036 (iii) the replacement of federal dollars associated with drug interdiction law  
5037 enforcement task forces that are reduced;

5038 (l) (i) establish performance goals and outcome measurements for all treatment  
5039 programs for which minimum standards are established under Subsection (2)(i), including  
5040 recidivism data and data regarding cost savings associated with recidivism reduction and the  
5041 reduction in the number of inmates, that are obtained in collaboration with the Administrative

5042 Office of the Courts and the Department of Corrections; and  
5043 (ii) collect data to track and determine whether the goals and measurements are being  
5044 attained and make this information available to the public;  
5045 (m) in the division's discretion, use the data to make decisions regarding the use of  
5046 funds allocated to the division, the Administrative Office of the Courts, and the Department of  
5047 Corrections to provide treatment for which standards are established under Subsection (2)(i);  
5048 (n) annually, on or before August 31, submit the data collected under Subsection (2)(k)  
5049 to the Commission on Criminal and Juvenile Justice, which shall compile a report of findings  
5050 based on the data and provide the report to the Judiciary Interim Committee, the Health and  
5051 Human Services Interim Committee, the Law Enforcement and Criminal Justice Interim  
5052 Committee, and the related appropriations subcommittees; and  
5053 (o) consult and coordinate with [~~the Department of Health and~~] the Division of Child  
5054 and Family Services to develop and manage the operation of a program designed to reduce  
5055 substance abuse during pregnancy and by parents of a newborn child that includes:  
5056 (i) providing education and resources to health care providers and individuals in the  
5057 state regarding prevention of substance abuse during pregnancy;  
5058 (ii) providing training to health care providers in the state regarding screening of a  
5059 pregnant woman or pregnant minor to identify a substance abuse disorder; and  
5060 (iii) providing referrals to pregnant women, pregnant minors, or parents of a newborn  
5061 child in need of substance abuse treatment services to a facility that has the capacity to provide  
5062 the treatment services.  
5063 (3) In addition to the responsibilities described in Subsection (2), the division shall,  
5064 within funds appropriated by the Legislature for this purpose, implement and manage the  
5065 operation of a firearm safety and suicide prevention program, in consultation with the Bureau  
5066 of Criminal Identification created in Section [53-10-201](#), including:  
5067 (a) coordinating with [~~the Department of Health,~~] local mental health and substance  
5068 abuse authorities, a nonprofit behavioral health advocacy group, and a representative from a  
5069 Utah-based nonprofit organization with expertise in the field of firearm use and safety that

5070 represents firearm owners, to:

5071 (i) produce and periodically review and update a firearm safety brochure and other  
5072 educational materials with information about the safe handling and use of firearms that  
5073 includes:

5074 (A) information on safe handling, storage, and use of firearms in a home environment;

5075 (B) information about at-risk individuals and individuals who are legally prohibited  
5076 from possessing firearms;

5077 (C) information about suicide prevention awareness; and

5078 (D) information about the availability of firearm safety packets;

5079 (ii) procure cable-style gun locks for distribution under this section;

5080 (iii) produce a firearm safety packet that includes the firearm safety brochure and the  
5081 cable-style gun lock described in this Subsection (3); and

5082 (iv) create a suicide prevention education course that:

5083 (A) provides information for distribution regarding firearm safety education;

5084 (B) incorporates current information on how to recognize suicidal behaviors and  
5085 identify individuals who may be suicidal; and

5086 (C) provides information regarding crisis intervention resources;

5087 (b) distributing, free of charge, the firearm safety packet to the following persons, who  
5088 shall make the firearm safety packet available free of charge:

5089 (i) health care providers, including emergency rooms;

5090 (ii) mobile crisis outreach teams;

5091 (iii) mental health practitioners;

5092 (iv) other public health suicide prevention organizations;

5093 (v) entities that teach firearm safety courses;

5094 (vi) school districts for use in the seminar, described in Section [53G-9-702](#), for parents  
5095 of students in the school district; and

5096 (vii) firearm dealers to be distributed in accordance with Section [76-10-526](#);

5097 (c) creating and administering a rebate program that includes a rebate that offers

5098 between \$10 and \$200 off the purchase price of a firearm safe from a participating firearms  
5099 dealer or a person engaged in the business of selling firearm safes in Utah, by a Utah resident;

5100 (d) in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,  
5101 making rules that establish procedures for:

5102 (i) producing and distributing the suicide prevention education course and the firearm  
5103 safety brochures and packets;

5104 (ii) procuring the cable-style gun locks for distribution; and

5105 (iii) administering the rebate program; and

5106 (e) reporting to the Health and Human Services Interim Committee regarding  
5107 implementation and success of the firearm safety program and suicide prevention education  
5108 course at or before the November meeting each year.

5109 (4) (a) The division may refuse to contract with and may pursue legal remedies against  
5110 any local substance abuse authority or local mental health authority that fails, or has failed, to  
5111 expend public funds in accordance with state law, division policy, contract provisions, or  
5112 directives issued in accordance with state law.

5113 (b) The division may withhold funds from a local substance abuse authority or local  
5114 mental health authority if the authority's contract provider of substance abuse or mental health  
5115 programs or services fails to comply with state and federal law or policy.

5116 (5) (a) Before reissuing or renewing a contract with any local substance abuse authority  
5117 or local mental health authority, the division shall review and determine whether the local  
5118 substance abuse authority or local mental health authority is complying with the oversight and  
5119 management responsibilities described in Sections [17-43-201](#), [17-43-203](#), [17-43-303](#), and  
5120 [17-43-309](#).

5121 (b) Nothing in this Subsection (5) may be used as a defense to the responsibility and  
5122 liability described in Section [17-43-303](#) and to the responsibility and liability described in  
5123 Section [17-43-203](#).

5124 (6) In carrying out the division's duties and responsibilities, the division may not  
5125 duplicate treatment or educational facilities that exist in other divisions or departments of the

5126 state, but shall work in conjunction with those divisions and departments in rendering the  
5127 treatment or educational services that those divisions and departments are competent and able  
5128 to provide.

5129 (7) The division may accept in the name of and on behalf of the state donations, gifts,  
5130 devises, or bequests of real or personal property or services to be used as specified by the  
5131 donor.

5132 (8) The division shall annually review with each local substance abuse authority and  
5133 each local mental health authority the authority's statutory and contract responsibilities  
5134 regarding:

5135 (a) use of public funds;

5136 (b) oversight of public funds; and

5137 (c) governance of substance use disorder and mental health programs and services.

5138 (9) The Legislature may refuse to appropriate funds to the division upon the division's  
5139 failure to comply with the provisions of this part.

5140 (10) If a local substance abuse authority contacts the division under Subsection  
5141 [17-43-201](#)(10) for assistance in providing treatment services to a pregnant woman or pregnant  
5142 minor, the division shall:

5143 (a) refer the pregnant woman or pregnant minor to a treatment facility that has the  
5144 capacity to provide the treatment services; or

5145 (b) otherwise ensure that treatment services are made available to the pregnant woman  
5146 or pregnant minor.

5147 (11) The division shall employ a school-based mental health specialist to be housed at  
5148 the State Board of Education who shall work with the State Board of Education to:

5149 (a) provide coordination between a local education agency and local mental health  
5150 authority;

5151 (b) recommend evidence-based and evidence informed mental health screenings and  
5152 intervention assessments for a local education agency; and

5153 (c) coordinate with the local community, including local departments of health, to



5154 enhance and expand mental health related resources for a local education agency.

5155 Section 94. Section **62A-15-104** is amended to read:

5156 **62A-15-104. Director -- Qualifications.**

5157 (1) The ~~[director of the division shall be appointed by the]~~ executive director shall  
5158 appoint a director within the division to carry out all or part of the duties and responsibilities  
5159 described in this part.

5160 (2) The director appointed under Subsection (1) shall have a bachelor's degree from an  
5161 accredited university or college, be experienced in administration, and be knowledgeable in  
5162 matters concerning substance abuse and mental health.

5163 ~~[(3) The director is the administrative head of the division.]~~

5164 Section 95. Section **63A-13-102** is amended to read:

5165 **63A-13-102. Definitions.**

5166 As used in this chapter:

5167 (1) "Abuse" means:

5168 (a) an action or practice that:

5169 (i) is inconsistent with sound fiscal, business, or medical practices; and

5170 (ii) results, or may result, in unnecessary Medicaid related costs; or

5171 (b) reckless or negligent upcoding.

5172 (2) "Claimant" means a person that:

5173 (a) provides a service; and

5174 (b) submits a claim for Medicaid reimbursement for the service.

5175 (3) "Department" means the Department of Health~~;~~ and Human Services created in

5176 Section ~~[26-1-4]~~ 26B-1-201.

5177 (4) "Division" means the Division of Medicaid and Health Financing, created in

5178 Section 26-18-2.1.

5179 (5) "Extrapolation" means a method of using a mathematical formula that takes the  
5180 audit results from a small sample of Medicaid claims and projects those results over a much  
5181 larger group of Medicaid claims.

- 5182 (6) "Fraud" means intentional or knowing:
- 5183 (a) deception, misrepresentation, or upcoding in relation to Medicaid funds, costs, a
- 5184 claim, reimbursement, or services; or
- 5185 (b) a violation of a provision of Sections [26-20-3](#) through [26-20-7](#).
- 5186 (7) "Fraud unit" means the Medicaid Fraud Control Unit of the attorney general's
- 5187 office.
- 5188 (8) "Health care professional" means a person licensed under:
- 5189 (a) Title 58, Chapter 5a, Podiatric Physician Licensing Act;
- 5190 (b) Title 58, Chapter 16a, Utah Optometry Practice Act;
- 5191 (c) Title 58, Chapter 17b, Pharmacy Practice Act;
- 5192 (d) Title 58, Chapter 24b, Physical Therapy Practice Act;
- 5193 (e) Title 58, Chapter 31b, Nurse Practice Act;
- 5194 (f) Title 58, Chapter 40, Recreational Therapy Practice Act;
- 5195 (g) Title 58, Chapter 41, Speech-Language Pathology and Audiology Licensing Act;
- 5196 (h) Title 58, Chapter 42a, Occupational Therapy Practice Act;
- 5197 (i) Title 58, Chapter 44a, Nurse Midwife Practice Act;
- 5198 (j) Title 58, Chapter 49, Dietitian Certification Act;
- 5199 (k) Title 58, Chapter 60, Mental Health Professional Practice Act;
- 5200 (l) Title 58, Chapter 67, Utah Medical Practice Act;
- 5201 (m) Title 58, Chapter 68, Utah Osteopathic Medical Practice Act;
- 5202 (n) Title 58, Chapter 69, Dentist and Dental Hygienist Practice Act;
- 5203 (o) Title 58, Chapter 70a, Utah Physician Assistant Act; and
- 5204 (p) Title 58, Chapter 73, Chiropractic Physician Practice Act.
- 5205 (9) "Inspector general" means the inspector general of the office, appointed under
- 5206 Section [63A-13-201](#).
- 5207 (10) "Office" means the Office of Inspector General of Medicaid Services, created in
- 5208 Section [63A-13-201](#).
- 5209 (11) "Provider" means a person that provides:

5210 (a) medical assistance, including supplies or services, in exchange, directly or  
5211 indirectly, for Medicaid funds; or  
5212 (b) billing or recordkeeping services relating to Medicaid funds.  
5213 (12) "Upcoding" means assigning an inaccurate billing code for a service that is  
5214 payable or reimbursable by Medicaid funds, if the correct billing code for the service, taking  
5215 into account reasonable opinions derived from official published coding definitions, would  
5216 result in a lower Medicaid payment or reimbursement.

5217 (13) (a) "Waste" means the act of using or expending a resource carelessly,  
5218 extravagantly, or to no purpose.

5219 (b) "Waste" includes an activity that:

5220 (i) does not constitute abuse or necessarily involve a violation of law; and

5221 (ii) relates primarily to mismanagement, an inappropriate action, or inadequate  
5222 oversight.

5223 Section 96. Section **63I-1-226** is amended to read:

5224 **63I-1-226. Repeal dates, Title 26.**

5225 [~~(1) Subsection 26-1-7(1)(f), related to the Residential Child Care Licensing Advisory~~  
5226 ~~Committee, is repealed July 1, 2024.~~]

5227 [~~(2) Subsection 26-1-7(1)(h), related to the Primary Care Grant Committee, is repealed~~  
5228 ~~July 1, 2025.~~]

5229 [~~(3)~~] (1) Section 26-1-7.5, which creates the Utah Health Advisory Council, is repealed  
5230 July 1, 2025.

5231 [~~(4)~~] (2) Section 26-1-40 is repealed July 1, 2022.

5232 [~~(5)~~] (3) Section 26-1-41 is repealed July 1, 2026.

5233 [~~(6)~~] (4) Section 26-7-10 is repealed July 1, 2025.

5234 [~~(7)~~] (5) Subsection 26-7-11(5), regarding reports to the Legislature, is repealed July 1,  
5235 2028.

5236 [~~(8)~~] (6) Section 26-7-14 is repealed December 31, 2027.

5237 [~~(9)~~] (7) Title 26, Chapter 9f, Utah Digital Health Service Commission Act, is repealed

- 5238 July 1, 2025.
- 5239           ~~[(10)]~~ (8) Subsection [26-10-6\(5\)](#), which creates the Newborn Hearing Screening  
5240 Committee, is repealed July 1, 2026.
- 5241           ~~[(11)]~~ (9) Section [26-10b-106](#), which creates the Primary Care Grant Committee, is  
5242 repealed July 1, 2025.
- 5243           ~~[(12)]~~ (10) Subsection [26-15c-104\(3\)](#), relating to a limitation on the number of  
5244 microenterprise home kitchen permits that may be issued, is repealed on July 1, 2022.
- 5245           ~~[(13)]~~ (11) Subsection [26-18-2.6\(9\)](#), which addresses reimbursement for dental  
5246 hygienists, is repealed July 1, 2028.
- 5247           ~~[(14)]~~ (12) Section [26-18-27](#) is repealed July 1, 2025.
- 5248           ~~[(15)]~~ (13) Title 26, Chapter 18, Part 2, Drug Utilization Review Board, is repealed  
5249 July 1, 2027.
- 5250           ~~[(16)]~~ (14) Subsection [26-18-418\(2\)](#), the language that states "and the Behavioral  
5251 Health Crisis Response Commission created in Section [63C-18-202](#)" is repealed July 1, 2023.
- 5252           ~~[(17)]~~ (15) Section [26-33a-117](#) is repealed on December 31, 2023.
- 5253           ~~[(18)]~~ (16) Title 26, Chapter 33a, Utah Health Data Authority Act, is repealed July 1,  
5254 2024.
- 5255           ~~[(19)]~~ (17) Title 26, Chapter 36b, Inpatient Hospital Assessment Act, is repealed July  
5256 1, 2024.
- 5257           ~~[(20)]~~ (18) Title 26, Chapter 36c, Medicaid Expansion Hospital Assessment Act, is  
5258 repealed July 1, 2024.
- 5259           ~~[(21)]~~ (19) Title 26, Chapter 36d, Hospital Provider Assessment Act, is repealed July  
5260 1, 2024.
- 5261           ~~[(22)]~~ (20) Section [26-39-201](#), which creates the Residential Child Care Licensing  
5262 Advisory Committee, is repealed July 1, 2024.
- 5263           ~~[(23)]~~ (21) Section [26-40-104](#), which creates the Utah Children's Health Insurance  
5264 Program Advisory Council, is repealed July 1, 2025.
- 5265           ~~[(24)]~~ (22) Section [26-50-202](#), which creates the Traumatic Brain Injury Advisory

- 5266 Committee, is repealed July 1, 2025.
- 5267        ~~[(25)]~~ (23) Title 26, Chapter 54, Spinal Cord and Brain Injury Rehabilitation Fund and  
5268 Pediatric Neuro-Rehabilitation Fund, is repealed January 1, 2025.
- 5269        ~~[(26)]~~ (24) Title 26, Chapter 63, Nurse Home Visiting Pay-for-Success Program, is  
5270 repealed July 1, 2026.
- 5271        ~~[(27)]~~ (25) Title 26, Chapter 66, Early Childhood Utah Advisory Council, is repealed  
5272 July 1, 2026.
- 5273        ~~[(28)]~~ (26) Title 26, Chapter 68, COVID-19 Vaccine Restrictions Act, is repealed July  
5274 1, 2024.
- 5275        (27) Subsection 26B-1-204(2)(i), related to the Residential Child Care Licensing  
5276 Advisory Committee, is repealed July 1, 2024.
- 5277        (28) Subsection 26B-1-204(2)(k), related to the Primary Care Grant Committee, is  
5278 repealed July 1, 2025.
- 5279        Section 97. Section **63I-2-226** is amended to read:
- 5280        **63I-2-226. Repeal dates -- Titles 26 through 26B.**
- 5281        ~~[(1) Subsection 26-1-7(1)(c), in relation to the Air Ambulance Committee, is repealed~~  
5282 ~~July 1, 2024.]~~
- 5283        ~~[(2) Section 26-4-6.1 is repealed January 1, 2022.]~~
- 5284        ~~[(3) Section 26-6-41, in relation to termination of public health emergency powers~~  
5285 ~~pertaining to COVID-19, is repealed on July 1, 2021.]~~
- 5286        ~~[(4)]~~ (1) Subsection 26-7-8(3) is repealed January 1, 2027.
- 5287        ~~[(5)]~~ (2) Section 26-8a-107 is repealed July 1, 2024.
- 5288        ~~[(6)]~~ (3) Subsection 26-8a-203(3)(a)(i) is repealed January 1, 2023.
- 5289        ~~[(7)]~~ (4) Section 26-8a-211 is repealed July 1, 2023.
- 5290        ~~[(8)]~~ (5) In relation to the Air Ambulance Committee, on July 1, 2024, Subsection  
5291 26-8a-602(1)(a) is amended to read:
- 5292        "(a) provide the patient or the patient's representative with the following information  
5293 before contacting an air medical transport provider:

5294 (i) which health insurers in the state the air medical transport provider contracts with;  
5295 (ii) if sufficient data is available, the average charge for air medical transport services  
5296 for a patient who is uninsured or out of network; and  
5297 (iii) whether the air medical transport provider balance bills a patient for any charge  
5298 not paid by the patient's health insurer; and".

5299 ~~[(9)]~~ (6) Subsection [26-18-2.4\(3\)\(e\)](#) is repealed January 1, 2023.

5300 ~~[(10)]~~ (7) Subsection [26-18-411\(8\)](#), related to reporting on the health coverage  
5301 improvement program, is repealed January 1, 2023.

5302 ~~[(11)]~~ (8) Subsection [26-18-420\(5\)](#), related to reporting on coverage for in vitro  
5303 fertilization and genetic testing, is repealed July 1, 2030.

5304 ~~[(12)]~~ (9) In relation to the Air Ambulance Committee, July 1, 2024, Subsection  
5305 [26-21-32\(1\)\(a\)](#) is amended to read:

5306 "(a) provide the patient or the patient's representative with the following information  
5307 before contacting an air medical transport provider:

5308 (i) which health insurers in the state the air medical transport provider contracts with;  
5309 (ii) if sufficient data is available, the average charge for air medical transport services  
5310 for a patient who is uninsured or out of network; and  
5311 (iii) whether the air medical transport provider balance bills a patient for any charge  
5312 not paid by the patient's health insurer; and".

5313 ~~[(13)]~~ (10) Subsection [26-33a-106.1\(2\)\(a\)](#) is repealed January 1, 2023.

5314 ~~[(14)]~~ (11) Title 26, Chapter 46, Utah Health Care Workforce Financial Assistance  
5315 Program, is repealed July 1, 2027.

5316 ~~[(15)]~~ (12) Subsection [26-61-202\(4\)\(b\)](#) is repealed January 1, 2022.

5317 ~~[(16)]~~ (13) Subsection [26-61-202\(5\)](#) is repealed January 1, 2022.

5318 ~~[(17)]~~ Section [26A-1-130](#), in relation to termination of public health emergency powers  
5319 pertaining to COVID-19, is repealed on July 1, 2021.]

5320 ~~[(18)]~~ Section [26B-1-201.1](#) is repealed July 1, 2022.]

5321 (14) Subsection [26B-1-204\(2\)\(f\)](#), relating to the Air Ambulance Committee, is

5322 repealed July 1, 2024.

5323 Section 98. Section **63J-1-315** is amended to read:

5324 **63J-1-315. Medicaid Growth Reduction and Budget Stabilization Account --**  
5325 **Transfers of Medicaid growth savings -- Base budget adjustments.**

5326 (1) As used in this section:

5327 (a) "Department" means the Department of Health and Human Services created in  
5328 Section [~~26-1-4~~] [26B-1-201](#).

5329 (b) "Division" means the Division of Medicaid and Health Financing created in Section  
5330 [26-18-2.1](#).

5331 (c) "General Fund revenue surplus" means a situation where actual General Fund  
5332 revenues collected in a completed fiscal year exceed the estimated revenues for the General  
5333 Fund for that fiscal year that were adopted by the Executive Appropriations Committee of the  
5334 Legislature.

5335 (d) "Medicaid growth savings" means the Medicaid growth target minus Medicaid  
5336 program expenditures, if Medicaid program expenditures are less than the Medicaid growth  
5337 target.

5338 (e) "Medicaid growth target" means Medicaid program expenditures for the previous  
5339 year multiplied by 1.08.

5340 (f) "Medicaid program" is as defined in Section [26-18-2](#).

5341 (g) "Medicaid program expenditures" means total state revenue expended for the  
5342 Medicaid program from the General Fund, including restricted accounts within the General  
5343 Fund, during a fiscal year.

5344 (h) "Medicaid program expenditures for the previous year" means total state revenue  
5345 expended for the Medicaid program from the General Fund, including restricted accounts  
5346 within the General Fund, during the fiscal year immediately preceding a fiscal year for which  
5347 Medicaid program expenditures are calculated.

5348 (i) "Operating deficit" means that, at the end of the fiscal year, the unassigned fund  
5349 balance in the General Fund is less than zero.

5350 (j) "State revenue" means revenue other than federal revenue.

5351 (k) "State revenue expended for the Medicaid program" includes money transferred or  
5352 appropriated to the Medicaid Growth Reduction and Budget Stabilization Account only to the  
5353 extent the money is appropriated for the Medicaid program by the Legislature.

5354 (2) There is created within the General Fund a restricted account to be known as the  
5355 Medicaid Growth Reduction and Budget Stabilization Account.

5356 (3) (a) (i) Except as provided in Subsection (6), if, at the end of a fiscal year, there is a  
5357 General Fund revenue surplus, the Division of Finance shall transfer an amount equal to  
5358 Medicaid growth savings from the General Fund to the Medicaid Growth Reduction and  
5359 Budget Stabilization Account.

5360 (ii) If the amount transferred is reduced to prevent an operating deficit, as provided in  
5361 Subsection (6), the Legislature shall include, to the extent revenue is available, an amount  
5362 equal to the reduction as an appropriation from the General Fund to the account in the base  
5363 budget for the second fiscal year following the fiscal year for which the reduction was made.

5364 (b) If, at the end of a fiscal year, there is not a General Fund revenue surplus, the  
5365 Legislature shall include, to the extent revenue is available, an amount equal to Medicaid  
5366 growth savings as an appropriation from the General Fund to the account in the base budget for  
5367 the second fiscal year following the fiscal year for which the reduction was made.

5368 (c) Subsections (3)(a) and (3)(b) apply only to the fiscal year in which the department  
5369 implements the proposal developed under Section 26-18-405 to reduce the long-term growth in  
5370 state expenditures for the Medicaid program, and to each fiscal year after that year.

5371 (4) The Division of Finance shall calculate the amount to be transferred under  
5372 Subsection (3):

5373 (a) before transferring revenue from the General Fund revenue surplus to:

5374 (i) the General Fund Budget Reserve Account under Section 63J-1-312;

5375 (ii) the Wildland Fire Suppression Fund created in Section 65A-8-204, as described in  
5376 Section 63J-1-314; and

5377 (iii) the State Disaster Recovery Restricted Account under Section 63J-1-314;



5378 (b) before earmarking revenue from the General Fund revenue surplus to the Industrial  
5379 Assistance Account under Section 63N-3-106; and

5380 (c) before making any other year-end contingency appropriations, year-end set-asides,  
5381 or other year-end transfers required by law.

5382 (5) (a) If, at the close of any fiscal year, there appears to be insufficient money to pay  
5383 additional debt service for any bonded debt authorized by the Legislature, the Division of  
5384 Finance may hold back from any General Fund revenue surplus money sufficient to pay the  
5385 additional debt service requirements resulting from issuance of bonded debt that was  
5386 authorized by the Legislature.

5387 (b) The Division of Finance may not spend the hold back amount for debt service  
5388 under Subsection (5)(a) unless and until it is appropriated by the Legislature.

5389 (c) If, after calculating the amount for transfer under Subsection (3), the remaining  
5390 General Fund revenue surplus is insufficient to cover the hold back for debt service required by  
5391 Subsection (5)(a), the Division of Finance shall reduce the transfer to the Medicaid Growth  
5392 Reduction and Budget Stabilization Account by the amount necessary to cover the debt service  
5393 hold back.

5394 (d) Notwithstanding Subsections (3) and (4), the Division of Finance shall hold back  
5395 the General Fund balance for debt service authorized by this Subsection (5) before making any  
5396 transfers to the Medicaid Growth Reduction and Budget Stabilization Account or any other  
5397 designation or allocation of General Fund revenue surplus.

5398 (6) Notwithstanding Subsections (3) and (4), if, at the end of a fiscal year, the Division  
5399 of Finance determines that an operating deficit exists and that holding back earmarks to the  
5400 Industrial Assistance Account under Section 63N-3-106, transfers to the Wildland Fire  
5401 Suppression Fund and State Disaster Recovery Restricted Account under Section 63J-1-314,  
5402 transfers to the General Fund Budget Reserve Account under Section 63J-1-312, or earmarks  
5403 and transfers to more than one of those accounts, in that order, does not eliminate the operating  
5404 deficit, the Division of Finance may reduce the transfer to the Medicaid Growth Reduction and  
5405 Budget Stabilization Account by the amount necessary to eliminate the operating deficit.

5406 (7) The Legislature may appropriate money from the Medicaid Growth Reduction and  
5407 Budget Stabilization Account only:

5408 (a) if Medicaid program expenditures for the fiscal year for which the appropriation is  
5409 made are estimated to be 108% or more of Medicaid program expenditures for the previous  
5410 year; and

5411 (b) for the Medicaid program.

5412 (8) The Division of Finance shall deposit interest or other earnings derived from  
5413 investment of Medicaid Growth Reduction and Budget Stabilization Account money into the  
5414 General Fund.

5415 Section 99. Section **63J-1-602.1** is amended to read:

5416 **63J-1-602.1. List of nonlapsing appropriations from accounts and funds.**

5417 Appropriations made from the following accounts or funds are nonlapsing:

5418 (1) The Utah Intracurricular Student Organization Support for Agricultural Education  
5419 and Leadership Restricted Account created in Section [4-42-102](#).

5420 (2) The Native American Repatriation Restricted Account created in Section [9-9-407](#).

5421 (3) The Martin Luther King, Jr. Civil Rights Support Restricted Account created in  
5422 Section [9-18-102](#).

5423 (4) The National Professional Men's Soccer Team Support of Building Communities  
5424 Restricted Account created in Section [9-19-102](#).

5425 (5) Funds collected for directing and administering the C-PACE district created in  
5426 Section [11-42a-106](#).

5427 (6) Money received by the Utah Inland Port Authority, as provided in Section  
5428 [11-58-105](#).

5429 (7) The "Latino Community Support Restricted Account" created in Section [13-1-16](#).

5430 (8) The Clean Air Support Restricted Account created in Section [19-1-109](#).

5431 (9) The Division of Air Quality Oil, Gas, and Mining Restricted Account created in  
5432 Section [19-2a-106](#).

5433 (10) The Division of Water Quality Oil, Gas, and Mining Restricted Account created in

- 5434 Section [19-5-126](#).
- 5435           (11) The "Support for State-Owned Shooting Ranges Restricted Account" created in  
5436 Section [23-14-13.5](#).
- 5437           (12) Award money under the State Asset Forfeiture Grant Program, as provided under  
5438 Section [24-4-117](#).
- 5439           (13) Funds collected from the program fund for local health department expenses  
5440 incurred in responding to a local health emergency under Section [26-1-38](#).
- 5441           (14) The Children with Cancer Support Restricted Account created in Section  
5442 [26-21a-304](#).
- 5443           (15) State funds for matching federal funds in the Children's Health Insurance Program  
5444 as provided in Section [26-40-108](#).
- 5445           (16) The Children with Heart Disease Support Restricted Account created in Section  
5446 [26-58-102](#).
- 5447           (17) The Nurse Home Visiting Restricted Account created in Section [26-63-601](#).
- 5448           (18) The Technology Development Restricted Account created in Section [31A-3-104](#).
- 5449           (19) The Criminal Background Check Restricted Account created in Section  
5450 [31A-3-105](#).
- 5451           (20) The Captive Insurance Restricted Account created in Section [31A-3-304](#), except  
5452 to the extent that Section [31A-3-304](#) makes the money received under that section free revenue.
- 5453           (21) The Title Licensee Enforcement Restricted Account created in Section  
5454 [31A-23a-415](#).
- 5455           (22) The Health Insurance Actuarial Review Restricted Account created in Section  
5456 [31A-30-115](#).
- 5457           (23) The Insurance Fraud Investigation Restricted Account created in Section  
5458 [31A-31-108](#).
- 5459           (24) The Underage Drinking Prevention Media and Education Campaign Restricted  
5460 Account created in Section [32B-2-306](#).
- 5461           (25) The School Readiness Restricted Account created in Section [35A-15-203](#).

5462 (26) Money received by the Utah State Office of Rehabilitation for the sale of certain  
5463 products or services, as provided in Section [35A-13-202](#).

5464 (27) The Oil and Gas Administrative Penalties Account created in Section [40-6-11](#).

5465 (28) The Oil and Gas Conservation Account created in Section [40-6-14.5](#).

5466 (29) The Division of Oil, Gas, and Mining Restricted account created in Section  
5467 [40-6-23](#).

5468 (30) The Electronic Payment Fee Restricted Account created by Section [41-1a-121](#) to  
5469 the Motor Vehicle Division.

5470 (31) The Motor Vehicle Enforcement Division Temporary Permit Restricted Account  
5471 created by Section [41-3-110](#) to the State Tax Commission.

5472 (32) The Utah Law Enforcement Memorial Support Restricted Account created in  
5473 Section [53-1-120](#).

5474 (33) The State Disaster Recovery Restricted Account to the Division of Emergency  
5475 Management, as provided in Section [53-2a-603](#).

5476 (34) The Department of Public Safety Restricted Account to the Department of Public  
5477 Safety, as provided in Section [53-3-106](#).

5478 (35) The Utah Highway Patrol Aero Bureau Restricted Account created in Section  
5479 [53-8-303](#).

5480 (36) The DNA Specimen Restricted Account created in Section [53-10-407](#).

5481 (37) The Canine Body Armor Restricted Account created in Section [53-16-201](#).

5482 (38) The Technical Colleges Capital Projects Fund created in Section [53B-2a-118](#).

5483 (39) The Higher Education Capital Projects Fund created in Section [53B-22-202](#).

5484 (40) A certain portion of money collected for administrative costs under the School  
5485 Institutional Trust Lands Management Act, as provided under Section [53C-3-202](#).

5486 (41) The Public Utility Regulatory Restricted Account created in Section [54-5-1.5](#),  
5487 subject to Subsection [54-5-1.5\(4\)\(d\)](#).

5488 (42) Funds collected from a surcharge fee to provide certain licensees with access to an  
5489 electronic reference library, as provided in Section [58-3a-105](#).

5490 (43) Certain fines collected by the Division of Occupational and Professional Licensing  
5491 for violation of unlawful or unprofessional conduct that are used for education and enforcement  
5492 purposes, as provided in Section [58-17b-505](#).

5493 (44) Funds collected from a surcharge fee to provide certain licensees with access to an  
5494 electronic reference library, as provided in Section [58-22-104](#).

5495 (45) Funds collected from a surcharge fee to provide certain licensees with access to an  
5496 electronic reference library, as provided in Section [58-55-106](#).

5497 (46) Funds collected from a surcharge fee to provide certain licensees with access to an  
5498 electronic reference library, as provided in Section [58-56-3.5](#).

5499 (47) Certain fines collected by the Division of Occupational and Professional Licensing  
5500 for use in education and enforcement of the Security Personnel Licensing Act, as provided in  
5501 Section [58-63-103](#).

5502 (48) The Relative Value Study Restricted Account created in Section [59-9-105](#).

5503 (49) The Cigarette Tax Restricted Account created in Section [59-14-204](#).

5504 (50) Funds paid to the Division of Real Estate for the cost of a criminal background  
5505 check for a mortgage loan license, as provided in Section [61-2c-202](#).

5506 (51) Funds paid to the Division of Real Estate for the cost of a criminal background  
5507 check for principal broker, associate broker, and sales agent licenses, as provided in Section  
5508 [61-2f-204](#).

5509 (52) Certain funds donated to the Department of Health and Human Services, as  
5510 provided in Section [~~62A-1-111~~] [26B-1-202](#).

5511 (53) The National Professional Men's Basketball Team Support of Women and  
5512 Children Issues Restricted Account created in Section [~~62A-1-202~~] [26B-1-302](#).

5513 (54) Certain funds donated to the Division of Child and Family Services, as provided  
5514 in Section [62A-4a-110](#).

5515 (55) The Choose Life Adoption Support Restricted Account created in Section  
5516 [62A-4a-608](#).

5517 (56) Funds collected by the Office of Administrative Rules for publishing, as provided

- 5518 in Section [63G-3-402](#).
- 5519 (57) The Immigration Act Restricted Account created in Section [63G-12-103](#).
- 5520 (58) Money received by the military installation development authority, as provided in
- 5521 Section [63H-1-504](#).
- 5522 (59) The Computer Aided Dispatch Restricted Account created in Section [63H-7a-303](#).
- 5523 (60) The Unified Statewide 911 Emergency Service Account created in Section
- 5524 [63H-7a-304](#).
- 5525 (61) The Utah Statewide Radio System Restricted Account created in Section
- 5526 [63H-7a-403](#).
- 5527 (62) The Utah Capital Investment Restricted Account created in Section [63N-6-204](#).
- 5528 (63) The Motion Picture Incentive Account created in Section [63N-8-103](#).
- 5529 (64) Certain money payable for expenses of the Pete Suazo Utah Athletic Commission,
- 5530 as provided under Section [63N-10-301](#).
- 5531 (65) Funds collected by the housing of state probationary inmates or state parole
- 5532 inmates, as provided in Subsection [64-13e-104\(2\)](#).
- 5533 (66) Certain forestry and fire control funds utilized by the Division of Forestry, Fire,
- 5534 and State Lands, as provided in Section [65A-8-103](#).
- 5535 (67) The Transportation of Veterans to Memorials Support Restricted Account created
- 5536 in Section [71-14-102](#).
- 5537 (68) The Amusement Ride Safety Restricted Account, as provided in Section
- 5538 [72-16-204](#).
- 5539 (69) Certain funds received by the Office of the State Engineer for well drilling fines or
- 5540 bonds, as provided in Section [73-3-25](#).
- 5541 (70) The Water Resources Conservation and Development Fund, as provided in
- 5542 Section [73-23-2](#).
- 5543 (71) Funds donated or paid to a juvenile court by private sources, as provided in
- 5544 Subsection [78A-6-203\(1\)\(c\)](#).
- 5545 (72) Fees for certificate of admission created under Section [78A-9-102](#).

5546 (73) Funds collected for adoption document access as provided in Sections 78B-6-141,  
5547 78B-6-144, and 78B-6-144.5.

5548 (74) Funds collected for indigent defense as provided in Title 78B, Chapter 22, Part 4,  
5549 Utah Indigent Defense Commission.

5550 (75) The Utah Geological Survey Oil, Gas, and Mining Restricted Account created in  
5551 Section 79-3-403.

5552 (76) Revenue for golf user fees at the Wasatch Mountain State Park, Palisades State  
5553 Park, and Green River State Park, as provided under Section 79-4-403.

5554 (77) Certain funds received by the Division of State Parks from the sale or disposal of  
5555 buffalo, as provided under Section 79-4-1001.

5556 (78) The Drinking While Pregnant Prevention Media and Education Campaign  
5557 Restricted Account created in Section 32B-2-308.

5558 Section 100. Section 63M-7-301 is amended to read:

5559 **63M-7-301. Definitions -- Creation of council -- Membership -- Terms.**

5560 (1) (a) As used in this part, "council" means the Utah Substance Use and Mental Health  
5561 Advisory Council created in this section.

5562 (b) There is created within the governor's office the Utah Substance Use and Mental  
5563 Health Advisory Council.

5564 (2) The council shall be comprised of the following voting members:

5565 (a) the attorney general or the attorney general's designee;

5566 (b) one elected county official appointed by the Utah Association of Counties;

5567 (c) the commissioner of public safety or the commissioner's designee;

5568 (d) the director of the Division of [~~Substance Abuse and Mental Health~~] Integrated  
5569 Healthcare or the director's designee;

5570 (e) the state superintendent of public instruction or the superintendent's designee;

5571 (f) the executive director of the Department of Health and Human Services or the  
5572 executive director's designee;

5573 (g) the executive director of the Commission on Criminal and Juvenile Justice or the

5574 executive director's designee;

5575       (h) the executive director of the Department of Corrections or the executive director's  
5576 designee;

5577       (i) the director of the Division of Juvenile Justice Services or the director's designee;

5578       (j) the director of the Division of Child and Family Services or the director's designee;

5579       (k) the chair of the Board of Pardons and Parole or the chair's designee;

5580       (l) the director of the Office of Multicultural Affairs or the director's designee;

5581       (m) the director of the Division of Indian Affairs or the director's designee;

5582       (n) the state court administrator or the state court administrator's designee;

5583       (o) one district court judge who presides over a drug court and who is appointed by the  
5584 chief justice of the Utah Supreme Court;

5585       (p) one district court judge who presides over a mental health court and who is  
5586 appointed by the chief justice of the Utah Supreme Court;

5587       (q) one juvenile court judge who presides over a drug court and who is appointed by the  
5588 chief justice of the Utah Supreme Court;

5589       (r) one prosecutor appointed by the Statewide Association of Prosecutors;

5590       (s) the chair or co-chair of each committee established by the council;

5591       (t) the chair or co-chair of the Statewide Suicide Prevention Coalition created under  
5592 Subsection [62A-15-1101\(2\)](#);

5593       (u) one representative appointed by the Utah League of Cities and Towns to serve a  
5594 four-year term;

5595       (v) the following members appointed by the governor to serve four-year terms:

5596       (i) one resident of the state who has been personally affected by a substance use or  
5597 mental health disorder; and

5598       (ii) one citizen representative; and

5599       (w) in addition to the voting members described in Subsections (2)(a) through (v), the  
5600 following voting members appointed by a majority of the members described in Subsections  
5601 (2)(a) through (v) to serve four-year terms:



- 5602 (i) one resident of the state who represents a statewide advocacy organization for  
5603 recovery from substance use disorders;
- 5604 (ii) one resident of the state who represents a statewide advocacy organization for  
5605 recovery from mental illness;
- 5606 (iii) one resident of the state who represents a statewide advocacy organization for  
5607 protection of rights of individuals with a disability;
- 5608 (iv) one resident of the state who represents prevention professionals;
- 5609 (v) one resident of the state who represents treatment professionals;
- 5610 (vi) one resident of the state who represents the physical health care field;
- 5611 (vii) one resident of the state who is a criminal defense attorney;
- 5612 (viii) one resident of the state who is a military servicemember or military veteran  
5613 under Section [53B-8-102](#);
- 5614 (ix) one resident of the state who represents local law enforcement agencies;
- 5615 (x) one representative of private service providers that serve youth with substance use  
5616 disorders or mental health disorders; and
- 5617 (xi) one resident of the state who is certified by the Division of [~~Substance Abuse and~~  
5618 ~~Mental Health~~] Integrated Healthcare as a peer support specialist as described in Subsection  
5619 [62A-15-103\(2\)\(h\)](#).

5620 (3) An individual other than an individual described in Subsection (2) may not be  
5621 appointed as a voting member of the council.

5622 Section 101. Section **67-3-11** is amended to read:

5623 **67-3-11. Health care price transparency tool -- Transparency tool requirements.**

- 5624 (1) The state auditor shall create a health care price transparency tool:
  - 5625 (a) subject to appropriations from the Legislature and any available funding from  
5626 third-party sources;
  - 5627 (b) with technical support from the Public Employees' Benefit and Insurance Program  
5628 created in Section [49-20-103](#), the Department of Health and Human Services, and the  
5629 Insurance Department; and

5630 (c) in accordance with the requirements in Subsection (2).  
5631 (2) A health care price transparency tool created by the state auditor under this section  
5632 shall:  
5633 (a) present health care price information for consumers in a manner that is clear and  
5634 accurate;  
5635 (b) be available to the public in a user-friendly manner;  
5636 (c) incorporate existing data collected under Section [26-33a-106.1](#);  
5637 (d) incorporate data collected under Section [26-61a-106](#), regarding fees for qualified  
5638 medical providers recommending medical cannabis, as those terms are defined in Section  
5639 [26-61a-102](#);  
5640 (e) group billing codes for common health care procedures;  
5641 (f) be updated on a regular basis; and  
5642 (g) be created and operated in accordance with all applicable state and federal laws.  
5643 (3) The state auditor may make the health care pricing data from the health care price  
5644 transparency tool available to the public through an application program interface format if the  
5645 data meets state and federal data privacy requirements.  
5646 (4) (a) Before making a health care price transparency tool available to the public, the  
5647 state auditor shall:  
5648 (i) seek input from the Health Data Committee created in Section [~~26-1-7~~] [26B-1-204](#)  
5649 on the overall accuracy and effectiveness of the reports provided by the health care price  
5650 transparency tool; and  
5651 (ii) establish procedures to give data providers a 30-day period to review pricing  
5652 information before the state auditor publishes the information on the health care price  
5653 transparency tool.  
5654 (b) If the state auditor complies with the requirements of Subsection (4)(a), the health  
5655 care price transparency tool is not subject to the requirements of Section [26-33a-107](#).  
5656 (5) Each year in which a health care price transparency tool is operational, the state  
5657 auditor shall report to the Health and Human Services Interim Committee before November 1

5658 of that year:

5659 (a) the utilization of the health care price transparency tool; and

5660 (b) policy options for improving access to health care price transparency data.

5661 Section 102. Section **76-5-413** is amended to read:

5662 **76-5-413. Custodial sexual relations or misconduct with youth receiving state**  
5663 **services -- Definitions -- Penalties -- Defenses.**

5664 (1) As used in this section:

5665 (a) "Actor" means:

5666 (i) an individual employed by the Department of Health and Human Services~~[,as]~~  
5667 created in Section [~~62A-1-102~~] [26B-1-201](#), or an employee of a private provider or contractor;  
5668 or

5669 (ii) an individual employed by the juvenile court of the state, or an employee of a  
5670 private provider or contractor.

5671 (b) "Department" means the Department of Health and Human Services created in  
5672 Section [~~62A-1-102~~] [26B-1-201](#).

5673 (c) "Juvenile court" means the juvenile court of the state created in Section [78A-6-102](#).

5674 (d) "Private provider or contractor" means any individual or entity that contracts with  
5675 the:

5676 (i) department to provide services or functions that are part of the operation of the  
5677 department; or

5678 (ii) juvenile court to provide services or functions that are part of the operation of the  
5679 juvenile court.

5680 (e) "Youth receiving state services" means an individual:

5681 (i) younger than 18 years old, except as provided under Subsection (1)(e)(ii), who is:

5682 (A) in the custody of the department under Section [80-6-703](#); or

5683 (B) receiving services from any division of the department if any portion of the costs of  
5684 these services is covered by public money; or

5685 (ii) younger than 21 years old:

5686 (A) who is in the custody of the Division of Juvenile Justice Services, or the Division  
5687 of Child and Family Services; or

5688 (B) whose case is under the jurisdiction of the juvenile court.

5689 (2) (a) An actor commits custodial sexual relations with a youth receiving state  
5690 services if the actor commits any of the acts under Subsection (3):

5691 (i) under circumstances not amounting to commission of, or an attempt to commit, an  
5692 offense under Subsection (6); and

5693 (ii) (A) the actor knows that the individual is a youth receiving state services; or

5694 (B) a reasonable person in the actor's position should have known under the  
5695 circumstances that the individual was a youth receiving state services.

5696 (b) A violation of Subsection (2)(a) is a third degree felony, but if the youth receiving  
5697 state services is younger than 18 years old, a violation of Subsection (2)(a) is a second degree  
5698 felony.

5699 (c) If the act committed under this Subsection (2) amounts to an offense subject to a  
5700 greater penalty under another provision of state law than is provided under this Subsection (2),  
5701 this Subsection (2) does not prohibit prosecution and sentencing for the more serious offense.

5702 (3) Acts referred to in Subsection (2)(a) are:

5703 (a) having sexual intercourse with a youth receiving state services;

5704 (b) engaging in any sexual act with a youth receiving state services involving the  
5705 genitals of one individual and the mouth or anus of another individual, regardless of the sex of  
5706 either participant; or

5707 (c) causing the penetration, however slight, of the genital or anal opening of a youth  
5708 receiving state services by any foreign object, substance, instrument, or device, including a part  
5709 of the human body, with the intent to cause substantial emotional or bodily pain to any  
5710 individual, regardless of the sex of any participant or with the intent to arouse or gratify the  
5711 sexual desire of any individual, regardless of the sex of any participant.

5712 (4) (a) An actor commits custodial sexual misconduct with a youth receiving state  
5713 services if the actor commits any of the acts under Subsection (5):

5714 (i) under circumstances not amounting to commission of, or an attempt to commit, an  
5715 offense under Subsection (6); and

5716 (ii) (A) the actor knows that the individual is a youth receiving state services; or

5717 (B) a reasonable person in the actor's position should have known under the  
5718 circumstances that the individual was a youth receiving state services.

5719 (b) A violation of Subsection (4)(a) is a class A misdemeanor, but if the youth  
5720 receiving state services is younger than 18 years old, a violation of Subsection (4)(a) is a third  
5721 degree felony.

5722 (c) If the act committed under this Subsection (4) amounts to an offense subject to a  
5723 greater penalty under another provision of state law than is provided under this Subsection (4),  
5724 this Subsection (4) does not prohibit prosecution and sentencing for the more serious offense.

5725 (5) Acts referred to in Subsection (4)(a) are the following acts when committed with  
5726 the intent to cause substantial emotional or bodily pain to any individual or with the intent to  
5727 arouse or gratify the sexual desire of any individual, regardless of the sex of any participant:

5728 (a) touching the anus, buttocks, pubic area, or any part of the genitals of a youth  
5729 receiving state services;

5730 (b) touching the breast of a female youth receiving state services; or

5731 (c) otherwise taking indecent liberties with a youth receiving state services.

5732 (6) The offenses referred to in Subsections (2)(a)(i) and (4)(a)(i) are:

5733 (a) Section 76-5-401, unlawful sexual activity with a minor;

5734 (b) Section 76-5-402, rape;

5735 (c) Section 76-5-402.1, rape of a child;

5736 (d) Section 76-5-402.2, object rape;

5737 (e) Section 76-5-402.3, object rape of a child;

5738 (f) Section 76-5-403, forcible sodomy;

5739 (g) Section 76-5-403.1, sodomy on a child;

5740 (h) Section 76-5-404, forcible sexual abuse;

5741 (i) Section 76-5-404.1, sexual abuse of a child or aggravated sexual abuse of a child; or

5742 (j) Section 76-5-405, aggravated sexual assault.

5743 (7) (a) It is not a defense to the commission of the offense of custodial sexual relations  
5744 with a youth receiving state services under Subsection (2) or custodial sexual misconduct with  
5745 a youth receiving state services under Subsection (4), or an attempt to commit either of these  
5746 offenses, if the youth receiving state services is younger than 18 years old, that the actor:

5747 (i) mistakenly believed the youth receiving state services to be 18 years old or older at  
5748 the time of the alleged offense; or

5749 (ii) was unaware of the true age of the youth receiving state services.

5750 (b) Consent of the youth receiving state services is not a defense to any violation or  
5751 attempted violation of Subsection (2) or (4).

5752 (8) It is a defense that the commission by the actor of an act under Subsection (2) or (4)  
5753 is the result of compulsion, as the defense is described in Subsection 76-2-302(1).

5754 Section 103. Section 76-5-501 is amended to read:

5755 **76-5-501. Definitions.**

5756 For purposes of this part:

5757 (1) "Alleged sexual offender" means a person or a minor regarding whom an  
5758 indictment, petition, or an information has been filed or an arrest has been made alleging the  
5759 commission of a sexual offense or an attempted sexual offense under Title 76, Chapter 5, Part  
5760 4, Sexual Offenses, and regarding which:

5761 (a) a judge has signed an accompanying arrest warrant, pickup order, or any other order  
5762 based upon probable cause regarding the alleged offense; and

5763 (b) the judge has found probable cause to believe that the alleged victim has been  
5764 exposed to conduct or activities that may result in an HIV infection as a result of the alleged  
5765 offense.

5766 (2) "Department of Health and Human Services" means the [state] Department of  
5767 Health [as defined in Section 26-1-2] and Human Services created in Section 26B-1-201.

5768 (3) "HIV infection" means an indication of Human Immunodeficiency Virus (HIV)  
5769 infection determined by current medical standards and detected by any of the following:

5770 (a) presence of antibodies to HIV, verified by a positive "confirmatory" test, such as  
5771 Western blot or other method approved by the Utah State Health Laboratory. Western blot  
5772 interpretation will be based on criteria currently recommended by the Association of State and  
5773 Territorial Public Health Laboratory Directors;

5774 (b) presence of HIV antigen;

5775 (c) isolation of HIV; or

5776 (d) demonstration of HIV proviral DNA.

5777 (4) "HIV positive individual" means a person who is HIV positive as determined by the  
5778 State Health Laboratory.

5779 (5) "Local department of health" means ~~[the]~~ a local health department as defined in  
5780 ~~[Subsection 26A-1-102(5)]~~ Section 26A-1-102.

5781 (6) "Minor" means a person younger than 18 years ~~[of age]~~ old.

5782 (7) "Positive" means an indication of the HIV infection as defined in Subsection (3).

5783 (8) "Sexual offense" means a violation of state law prohibiting a sexual offense under  
5784 Title 76, Chapter 5, Part 4, Sexual Offenses.

5785 (9) "Test" or "testing" means a test or tests for HIV infection conducted by and in  
5786 accordance with standards recommended by the Department of Health and Human Services.

5787 Section 104. Section **78B-5-902** is amended to read:

5788 **78B-5-902. Definitions.**

5789 As used in this part:

5790 (1) "Communication" means an oral statement, written statement, note, record, report,  
5791 or document made during, or arising out of, a meeting between a law enforcement officer,  
5792 firefighter, emergency medical service provider, or rescue provider and a peer support team  
5793 member.

5794 (2) "Behavioral emergency services technician" means an individual who is licensed  
5795 under Section 26-8a-302 as:

5796 (a) a behavioral emergency services technician; or

5797 (b) an advanced behavioral emergency services technician.

5798 (3) "Emergency medical service provider or rescue unit peer support team member"  
5799 means a person who is:

5800 (a) an emergency medical service provider as defined in Section 26-8a-102, a regular  
5801 or volunteer member of a rescue unit acting as an emergency responder as defined in Section  
5802 53-2a-502, or another person who has been trained in peer support skills; and

5803 (b) designated by the chief executive of an emergency medical service agency or the  
5804 chief of a rescue unit as a member of an emergency medical service provider's peer support  
5805 team or as a member of a rescue unit's peer support team.

5806 (4) "Law enforcement or firefighter peer support team member" means a person who  
5807 is:

5808 (a) a peace officer, law enforcement dispatcher, civilian employee, or volunteer  
5809 member of a law enforcement agency, a regular or volunteer member of a fire department, or  
5810 another person who has been trained in peer support skills; and

5811 (b) designated by the commissioner of the Department of Public Safety, the executive  
5812 director of the Department of Corrections, a sheriff, a police chief, or a fire chief as a member  
5813 of a law enforcement agency's peer support team or a fire department's peer support team.

5814 (5) "Trained" means a person who has successfully completed a peer support training  
5815 program approved by the Peace Officer Standards and Training Division, the State Fire  
5816 Marshal's Office, or the ~~[Health]~~ Department of Health and Human Services, as applicable.

5817 Section 105. Section **78B-5-903** is amended to read:

5818 **78B-5-903. Creation -- Training -- Communications -- Exclusions.**

5819 (1) A law enforcement agency, fire department, emergency medical service agency, or  
5820 rescue unit:

5821 (a) may create a peer support team; and

5822 (b) if a peer support team is created, shall develop guidelines for the peer support team  
5823 and its members.

5824 (2) A peer support team member shall complete a peer support training program  
5825 approved by the Peace Officer Standards and Training Division, the State Fire Marshal's



5826 Office, or the [Health] Department of Health and Human Services, as applicable.

5827 (3) In accordance with the Utah Rules of Evidence, a peer support team member may  
5828 refuse to disclose communications made by a person participating in peer support services,  
5829 including group therapy sessions.

5830 (4) Subsection (3) applies only to communications made during individual interactions  
5831 conducted by a peer support team member who is:

5832 (a) acting in the member's capacity as a law enforcement or firefighter peer support  
5833 team member or an emergency medical service provider or rescue unit peer support team  
5834 member; and

5835 (b) functioning within the written peer support guidelines that are in effect for the  
5836 member's respective law enforcement agency, fire department, emergency medical service  
5837 agency, or rescue unit.

5838 (5) This part does not apply if:

5839 (a) a law enforcement or firefighter peer support team member or emergency medical  
5840 service provider or rescue unit peer support team member was a witness or a party to the  
5841 incident that prompted the delivery of peer support services;

5842 (b) information received by a peer support team member is indicative of actual or  
5843 suspected child abuse, or actual or suspected child neglect;

5844 (c) the person receiving peer support is a clear and immediate danger to the person's  
5845 self or others;

5846 (d) communication to a peer support team member establishes reasonable cause for the  
5847 peer support team member to believe that the person receiving peer support services is mentally  
5848 or emotionally unfit for duty; or

5849 (e) communication to the peer support team member provides evidence that the person  
5850 who is receiving the peer support services has committed a crime, plans to commit a crime, or  
5851 intends to conceal a crime.

5852 Section 106. Section **80-1-102** is amended to read:

5853 **80-1-102. Juvenile code definitions.**

5854 As used in this title:

5855 (1) (a) "Abuse" means:

5856 (i) (A) nonaccidental harm of a child;

5857 (B) threatened harm of a child;

5858 (C) sexual exploitation;

5859 (D) sexual abuse; or

5860 (E) human trafficking of a child in violation of Section [76-5-308.5](#); or

5861 (ii) that a child's natural parent:

5862 (A) intentionally, knowingly, or recklessly causes the death of another parent of the  
5863 child;

5864 (B) is identified by a law enforcement agency as the primary suspect in an investigation  
5865 for intentionally, knowingly, or recklessly causing the death of another parent of the child; or

5866 (C) is being prosecuted for or has been convicted of intentionally, knowingly, or  
5867 recklessly causing the death of another parent of the child.

5868 (b) "Abuse" does not include:

5869 (i) reasonable discipline or management of a child, including withholding privileges;

5870 (ii) conduct described in Section [76-2-401](#); or

5871 (iii) the use of reasonable and necessary physical restraint or force on a child:

5872 (A) in self-defense;

5873 (B) in defense of others;

5874 (C) to protect the child; or

5875 (D) to remove a weapon in the possession of a child for any of the reasons described in  
5876 Subsections (1)(b)(iii)(A) through (C).

5877 (2) "Abused child" means a child who has been subjected to abuse.

5878 (3) (a) "Adjudication" means a finding by the court, incorporated in a decree, that the  
5879 facts alleged in the petition have been proved.

5880 (b) "Adjudication" does not mean a finding of not competent to proceed in accordance  
5881 with Section [80-6-402](#).

- 5882 (4) (a) "Adult" means an individual who is 18 years old or older.
- 5883 (b) "Adult" does not include an individual:
- 5884 (i) who is 18 years old or older; and
- 5885 (ii) who is a minor.
- 5886 (5) "Attorney guardian ad litem" means the same as that term is defined in Section
- 5887 [78A-2-801](#).
- 5888 (6) "Board" means the Board of Juvenile Court Judges.
- 5889 (7) "Child" means an individual who is under 18 years old.
- 5890 (8) "Child and family plan" means a written agreement between a child's parents or
- 5891 guardian and the Division of Child and Family Services as described in Section [62A-4a-205](#).
- 5892 (9) "Child placement agency" means:
- 5893 (a) a private agency licensed to receive a child for placement or adoption under this
- 5894 code; or
- 5895 (b) a private agency that receives a child for placement or adoption in another state,
- 5896 which is licensed or approved where such license or approval is required by law.
- 5897 (10) "Clandestine laboratory operation" means the same as that term is defined in
- 5898 Section [58-37d-3](#).
- 5899 (11) "Commit" or "committed" means, unless specified otherwise:
- 5900 (a) with respect to a child, to transfer legal custody; and
- 5901 (b) with respect to a minor who is at least 18 years old, to transfer custody.
- 5902 (12) "Community-based program" means a nonsecure residential or nonresidential
- 5903 program, designated to supervise and rehabilitate juvenile offenders, that prioritizes the least
- 5904 restrictive setting, consistent with public safety, and operated by or under contract with the
- 5905 Division of Juvenile Justice Services.
- 5906 (13) "Community placement" means placement of a minor in a community-based
- 5907 program described in Section [80-5-402](#).
- 5908 (14) "Correctional facility" means:
- 5909 (a) a county jail; or

- 5910 (b) a secure correctional facility as defined in Section [64-13-1](#).
- 5911 (15) "Criminogenic risk factors" means evidence-based factors that are associated with  
5912 a minor's likelihood of reoffending.
- 5913 (16) "Department" means the Department of Health and Human Services created in  
5914 Section [~~62A-1-102~~] [26B-1-201](#).
- 5915 (17) "Dependent child" or "dependency" means a child who is without proper care  
5916 through no fault of the child's parent, guardian, or custodian.
- 5917 (18) "Deprivation of custody" means transfer of legal custody by the juvenile court  
5918 from a parent or a previous custodian to another person, agency, or institution.
- 5919 (19) "Detention" means home detention or secure detention.
- 5920 (20) "Detention risk assessment tool" means an evidence-based tool established under  
5921 Section [80-5-203](#) that:
- 5922 (a) assesses a minor's risk of failing to appear in court or reoffending before  
5923 adjudication; and
- 5924 (b) is designed to assist in making a determination of whether a minor shall be held in  
5925 detention.
- 5926 (21) "Developmental immaturity" means incomplete development in one or more  
5927 domains that manifests as a functional limitation in the minor's present ability to:
- 5928 (a) consult with counsel with a reasonable degree of rational understanding; and  
5929 (b) have a rational as well as factual understanding of the proceedings.
- 5930 (22) "Disposition" means an order by a juvenile court, after the adjudication of a  
5931 minor, under Section [80-3-405](#) or [80-4-305](#) or Chapter 6, Part 7, Adjudication and Disposition.
- 5932 (23) "Educational neglect" means that, after receiving a notice of compulsory education  
5933 violation under Section [53G-6-202](#), the parent or guardian fails to make a good faith effort to  
5934 ensure that the child receives an appropriate education.
- 5935 (24) "Educational series" means an evidence-based instructional series:
- 5936 (a) obtained at a substance abuse program that is approved by the Division of  
5937 [~~Substance Abuse and Mental Health~~] Integrated Healthcare in accordance with Section

- 5938 [62A-15-105](#); and
- 5939 (b) designed to prevent substance use or the onset of a mental health disorder.
- 5940 (25) "Emancipated" means the same as that term is defined in Section [80-7-102](#).
- 5941 (26) "Evidence-based" means a program or practice that has had multiple randomized
- 5942 control studies or a meta-analysis demonstrating that the program or practice is effective for a
- 5943 specific population or has been rated as effective by a standardized program evaluation tool.
- 5944 (27) "Forensic evaluator" means the same as that term is defined in Section [77-15-2](#).
- 5945 (28) "Formal probation" means a minor is:
- 5946 (a) supervised in the community by, and reports to, a juvenile probation officer or an
- 5947 agency designated by the juvenile court; and
- 5948 (b) subject to return to the juvenile court in accordance with Section [80-6-607](#).
- 5949 (29) "Group rehabilitation therapy" means psychological and social counseling of one
- 5950 or more individuals in the group, depending upon the recommendation of the therapist.
- 5951 (30) "Guardian" means a person appointed by a court to make decisions regarding a
- 5952 minor, including the authority to consent to:
- 5953 (a) marriage;
- 5954 (b) enlistment in the armed forces;
- 5955 (c) major medical, surgical, or psychiatric treatment; or
- 5956 (d) legal custody, if legal custody is not vested in another individual, agency, or
- 5957 institution.
- 5958 (31) "Guardian ad litem" means the same as that term is defined in Section [78A-2-801](#).
- 5959 (32) "Harm" means:
- 5960 (a) physical or developmental injury or damage;
- 5961 (b) emotional damage that results in a serious impairment in the child's growth,
- 5962 development, behavior, or psychological functioning;
- 5963 (c) sexual abuse; or
- 5964 (d) sexual exploitation.
- 5965 (33) "Home detention" means placement of a minor:

5966 (a) if prior to a disposition, in the minor's home, or in a surrogate home with the  
5967 consent of the minor's parent, guardian, or custodian, under terms and conditions established by  
5968 the Division of Juvenile Justice Services or the juvenile court; or

5969 (b) if after a disposition, and in accordance with Section 78A-6-353 or 80-6-704, in the  
5970 minor's home, or in a surrogate home with the consent of the minor's parent, guardian, or  
5971 custodian, under terms and conditions established by the Division of Juvenile Justice Services  
5972 or the juvenile court.

5973 (34) (a) "Incest" means engaging in sexual intercourse with an individual whom the  
5974 perpetrator knows to be the perpetrator's ancestor, descendant, brother, sister, uncle, aunt,  
5975 nephew, niece, or first cousin.

5976 (b) "Incest" includes:

5977 (i) blood relationships of the whole or half blood, without regard to legitimacy;

5978 (ii) relationships of parent and child by adoption; and

5979 (iii) relationships of stepparent and stepchild while the marriage creating the  
5980 relationship of a stepparent and stepchild exists.

5981 (35) "Indian child" means the same as that term is defined in 25 U.S.C. Sec. 1903.

5982 (36) "Indian tribe" means the same as that term is defined in 25 U.S.C. Sec. 1903.

5983 (37) "Indigent defense service provider" means the same as that term is defined in  
5984 Section 78B-22-102.

5985 (38) "Indigent defense services" means the same as that term is defined in Section  
5986 78B-22-102.

5987 (39) "Indigent individual" means the same as that term is defined in Section  
5988 78B-22-102.

5989 (40) (a) "Intake probation" means a minor is:

5990 (i) monitored by a juvenile probation officer; and

5991 (ii) subject to return to the juvenile court in accordance with Section 80-6-607.

5992 (b) "Intake probation" does not include formal probation.

5993 (41) "Intellectual disability" means a significant subaverage general intellectual

5994 functioning existing concurrently with deficits in adaptive behavior that constitutes a  
5995 substantial limitation to the individual's ability to function in society.

5996 (42) "Juvenile offender" means:

5997 (a) a serious youth offender; or

5998 (b) a youth offender.

5999 (43) "Juvenile probation officer" means a probation officer appointed under Section  
6000 [78A-6-205](#).

6001 (44) "Juvenile receiving center" means a nonsecure, nonresidential program established  
6002 by the Division of Juvenile Justice Services, or under contract with the Division of Juvenile  
6003 Justice Services, that is responsible for minors taken into temporary custody under Section  
6004 [80-6-201](#).

6005 (45) "Legal custody" means a relationship embodying:

6006 (a) the right to physical custody of the minor;

6007 (b) the right and duty to protect, train, and discipline the minor;

6008 (c) the duty to provide the minor with food, clothing, shelter, education, and ordinary  
6009 medical care;

6010 (d) the right to determine where and with whom the minor shall live; and

6011 (e) the right, in an emergency, to authorize surgery or other extraordinary care.

6012 (46) "Mental illness" means:

6013 (a) a psychiatric disorder that substantially impairs an individual's mental, emotional,  
6014 behavioral, or related functioning; or

6015 (b) the same as that term is defined in:

6016 (i) the current edition of the Diagnostic and Statistical Manual of Mental Disorders  
6017 published by the American Psychiatric Association; or

6018 (ii) the current edition of the International Statistical Classification of Diseases and  
6019 Related Health Problems.

6020 (47) "Minor" means, except as provided in Sections [80-6-501](#), [80-6-901](#), and [80-7-102](#):

6021 (a) a child; or

- 6022 (b) an individual:
- 6023 (i) (A) who is at least 18 years old and younger than 21 years old; and
- 6024 (B) for whom the Division of Child and Family Services has been specifically ordered
- 6025 by the juvenile court to provide services because the individual was an abused, neglected, or
- 6026 dependent child or because the individual was adjudicated for an offense; or
- 6027 (ii) (A) who is at least 18 years old and younger than 25 years old; and
- 6028 (B) whose case is under the continuing jurisdiction of the juvenile court under Chapter
- 6029 6, Juvenile Justice.
- 6030 (48) "Mobile crisis outreach team" means the same as that term is defined in Section
- 6031 [62A-15-102](#).
- 6032 (49) "Molestation" means that an individual, with the intent to arouse or gratify the
- 6033 sexual desire of any individual, touches the anus, buttocks, pubic area, or genitalia of any child,
- 6034 or the breast of a female child, or takes indecent liberties with a child as defined in Section
- 6035 [76-5-416](#).
- 6036 (50) (a) "Natural parent" means a minor's biological or adoptive parent.
- 6037 (b) "Natural parent" includes the minor's noncustodial parent.
- 6038 (51) (a) "Neglect" means action or inaction causing:
- 6039 (i) abandonment of a child, except as provided in Title 62A, Chapter 4a, Part 8, Safe
- 6040 Relinquishment of a Newborn Child;
- 6041 (ii) lack of proper parental care of a child by reason of the fault or habits of the parent,
- 6042 guardian, or custodian;
- 6043 (iii) failure or refusal of a parent, guardian, or custodian to provide proper or necessary
- 6044 subsistence or medical care, or any other care necessary for the child's health, safety, morals, or
- 6045 well-being;
- 6046 (iv) a child to be at risk of being neglected or abused because another child in the same
- 6047 home is neglected or abused;
- 6048 (v) abandonment of a child through an unregulated custody transfer; or
- 6049 (vi) educational neglect.



- 6050 (b) "Neglect" does not include:
- 6051 (i) a parent or guardian legitimately practicing religious beliefs and who, for that
- 6052 reason, does not provide specified medical treatment for a child;
- 6053 (ii) a health care decision made for a child by the child's parent or guardian, unless the
- 6054 state or other party to a proceeding shows, by clear and convincing evidence, that the health
- 6055 care decision is not reasonable and informed;
- 6056 (iii) a parent or guardian exercising the right described in Section 80-3-304; or
- 6057 (iv) permitting a child, whose basic needs are met and who is of sufficient age and
- 6058 maturity to avoid harm or unreasonable risk of harm, to engage in independent activities,
- 6059 including:
- 6060 (A) traveling to and from school, including by walking, running, or bicycling;
- 6061 (B) traveling to and from nearby commercial or recreational facilities;
- 6062 (C) engaging in outdoor play;
- 6063 (D) remaining in a vehicle unattended, except under the conditions described in
- 6064 Subsection 76-10-2202(2);
- 6065 (E) remaining at home unattended; or
- 6066 (F) engaging in a similar independent activity.
- 6067 (52) "Neglected child" means a child who has been subjected to neglect.
- 6068 (53) "Nonjudicial adjustment" means closure of the case by the assigned juvenile
- 6069 probation officer, without an adjudication of the minor's case under Section 80-6-701, upon the
- 6070 consent in writing of:
- 6071 (a) the assigned juvenile probation officer; and
- 6072 (b) (i) the minor; or
- 6073 (ii) the minor and the minor's parent, legal guardian, or custodian.
- 6074 (54) "Not competent to proceed" means that a minor, due to a mental illness,
- 6075 intellectual disability or related condition, or developmental immaturity, lacks the ability to:
- 6076 (a) understand the nature of the proceedings against the minor or of the potential
- 6077 disposition for the offense charged; or

6078 (b) consult with counsel and participate in the proceedings against the minor with a  
6079 reasonable degree of rational understanding.

6080 (55) "Parole" means a conditional release of a juvenile offender from residency in  
6081 secure care to live outside of secure care under the supervision of the Division of Juvenile  
6082 Justice Services, or another person designated by the Division of Juvenile Justice Services.

6083 (56) "Physical abuse" means abuse that results in physical injury or damage to a child.

6084 (57) (a) "Probation" means a legal status created by court order, following an  
6085 adjudication under Section 80-6-701, whereby the minor is permitted to remain in the minor's  
6086 home under prescribed conditions.

6087 (b) "Probation" includes intake probation or formal probation.

6088 (58) "Prosecuting attorney" means:

6089 (a) the attorney general and any assistant attorney general;

6090 (b) any district attorney or deputy district attorney;

6091 (c) any county attorney or assistant county attorney; and

6092 (d) any other attorney authorized to commence an action on behalf of the state.

6093 (59) "Protective custody" means the shelter of a child by the Division of Child and  
6094 Family Services from the time the child is removed from the home until the earlier of:

6095 (a) the day on which the shelter hearing is held under Section 80-3-301; or

6096 (b) the day on which the child is returned home.

6097 (60) "Protective supervision" means a legal status created by court order, following an  
6098 adjudication on the ground of abuse, neglect, or dependency, whereby:

6099 (a) the minor is permitted to remain in the minor's home; and

6100 (b) supervision and assistance to correct the abuse, neglect, or dependency is provided  
6101 by an agency designated by the juvenile court.

6102 (61) (a) "Related condition" means a condition that:

6103 (i) is found to be closely related to intellectual disability;

6104 (ii) results in impairment of general intellectual functioning or adaptive behavior  
6105 similar to that of an intellectually disabled individual;

6106 (iii) is likely to continue indefinitely; and  
6107 (iv) constitutes a substantial limitation to the individual's ability to function in society.

6108 (b) "Related condition" does not include mental illness, psychiatric impairment, or  
6109 serious emotional or behavioral disturbance.

6110 (62) (a) "Residual parental rights and duties" means the rights and duties remaining  
6111 with a parent after legal custody or guardianship, or both, have been vested in another person or  
6112 agency, including:

- 6113 (i) the responsibility for support;
- 6114 (ii) the right to consent to adoption;
- 6115 (iii) the right to determine the child's religious affiliation; and
- 6116 (iv) the right to reasonable parent-time unless restricted by the court.

6117 (b) If no guardian has been appointed, "residual parental rights and duties" includes the  
6118 right to consent to:

- 6119 (i) marriage;
- 6120 (ii) enlistment; and
- 6121 (iii) major medical, surgical, or psychiatric treatment.

6122 (63) "Runaway" means a child, other than an emancipated child, who willfully leaves  
6123 the home of the child's parent or guardian, or the lawfully prescribed residence of the child,  
6124 without permission.

6125 (64) "Secure care" means placement of a minor, who is committed to the Division of  
6126 Juvenile Justice Services for rehabilitation, in a facility operated by, or under contract with, the  
6127 Division of Juvenile Justice Services, that provides 24-hour supervision and confinement of the  
6128 minor.

6129 (65) "Secure care facility" means a facility, established in accordance with Section  
6130 [80-5-503](#), for juvenile offenders in secure care.

6131 (66) "Secure detention" means temporary care of a minor who requires secure custody  
6132 in a physically restricting facility operated by, or under contract with, the Division of Juvenile  
6133 Justice Services:

- 6134 (a) before disposition of an offense that is alleged to have been committed by the  
6135 minor; or
- 6136 (b) under Section 80-6-704.
- 6137 (67) "Serious youth offender" means an individual who:
- 6138 (a) is at least 14 years old, but under 25 years old;
- 6139 (b) committed a felony listed in Subsection 80-6-503(1) and the continuing jurisdiction  
6140 of the juvenile court was extended over the individual's case until the individual was 25 years  
6141 old in accordance with Section 80-6-605; and
- 6142 (c) is committed by the juvenile court to the Division of Juvenile Justice Services for  
6143 secure care under Sections 80-6-703 and 80-6-705.
- 6144 (68) "Severe abuse" means abuse that causes or threatens to cause serious harm to a  
6145 child.
- 6146 (69) "Severe neglect" means neglect that causes or threatens to cause serious harm to a  
6147 child.
- 6148 (70) "Sexual abuse" means:
- 6149 (a) an act or attempted act of sexual intercourse, sodomy, incest, or molestation by an  
6150 adult directed towards a child;
- 6151 (b) an act or attempted act of sexual intercourse, sodomy, incest, or molestation  
6152 committed by a child towards another child if:
- 6153 (i) there is an indication of force or coercion;
- 6154 (ii) the children are related, as described in Subsection (34), including siblings by  
6155 marriage while the marriage exists or by adoption;
- 6156 (iii) there have been repeated incidents of sexual contact between the two children,  
6157 unless the children are 14 years old or older; or
- 6158 (iv) there is a disparity in chronological age of four or more years between the two  
6159 children;
- 6160 (c) engaging in any conduct with a child that would constitute an offense under any of  
6161 the following, regardless of whether the individual who engages in the conduct is actually

6162 charged with, or convicted of, the offense:

6163 (i) Title 76, Chapter 5, Part 4, Sexual Offenses, except for Section 76-5-401, if the  
6164 alleged perpetrator of an offense described in Section 76-5-401 is a minor;

6165 (ii) child bigamy, Section 76-7-101.5;

6166 (iii) incest, Section 76-7-102;

6167 (iv) lewdness, Section 76-9-702;

6168 (v) sexual battery, Section 76-9-702.1;

6169 (vi) lewdness involving a child, Section 76-9-702.5; or

6170 (vii) voyeurism, Section 76-9-702.7; or

6171 (d) subjecting a child to participate in or threatening to subject a child to participate in  
6172 a sexual relationship, regardless of whether that sexual relationship is part of a legal or cultural  
6173 marriage.

6174 (71) "Sexual exploitation" means knowingly:

6175 (a) employing, using, persuading, inducing, enticing, or coercing any child to:

6176 (i) pose in the nude for the purpose of sexual arousal of any individual; or

6177 (ii) engage in any sexual or simulated sexual conduct for the purpose of photographing,  
6178 filming, recording, or displaying in any way the sexual or simulated sexual conduct;

6179 (b) displaying, distributing, possessing for the purpose of distribution, or selling  
6180 material depicting a child:

6181 (i) in the nude, for the purpose of sexual arousal of any individual; or

6182 (ii) engaging in sexual or simulated sexual conduct; or

6183 (c) engaging in any conduct that would constitute an offense under Section 76-5b-201,  
6184 sexual exploitation of a minor, regardless of whether the individual who engages in the conduct  
6185 is actually charged with, or convicted of, the offense.

6186 (72) "Shelter" means the temporary care of a child in a physically unrestricted facility  
6187 pending a disposition or transfer to another jurisdiction.

6188 (73) "Shelter facility" means the same as that term is defined in Section 62A-4a-101.

6189 (74) "Single criminal episode" means the same as that term is defined in Section

6190 76-1-401.

6191 (75) "Status offense" means an offense that would not be an offense but for the age of  
6192 the offender.

6193 (76) "Substance abuse" means the misuse or excessive use of alcohol or other drugs or  
6194 substances.

6195 (77) "Substantiated" means the same as that term is defined in Section 62A-4a-101.

6196 (78) "Supported" means the same as that term is defined in Section 62A-4a-101.

6197 (79) "Termination of parental rights" means the permanent elimination of all parental  
6198 rights and duties, including residual parental rights and duties, by court order.

6199 (80) "Therapist" means:

6200 (a) an individual employed by a state division or agency for the purpose of conducting  
6201 psychological treatment and counseling of a minor in the division's or agency's custody; or

6202 (b) any other individual licensed or approved by the state for the purpose of conducting  
6203 psychological treatment and counseling.

6204 (81) "Threatened harm" means actions, inactions, or credible verbal threats, indicating  
6205 that the child is at an unreasonable risk of harm or neglect.

6206 (82) "Ungovernable" means a child in conflict with a parent or guardian, and the  
6207 conflict:

6208 (a) results in behavior that is beyond the control or ability of the child, or the parent or  
6209 guardian, to manage effectively;

6210 (b) poses a threat to the safety or well-being of the child, the child's family, or others;

6211 or

6212 (c) results in the situations described in Subsections (82)(a) and (b).

6213 (83) "Unregulated custody transfer" means the placement of a child:

6214 (a) with an individual who is not the child's parent, step-parent, grandparent, adult  
6215 sibling, adult uncle or aunt, or legal guardian, or a friend of the family who is an adult and with  
6216 whom the child is familiar, or a member of the child's federally recognized tribe;

6217 (b) with the intent of severing the child's existing parent-child or guardian-child

6218 relationship; and  
6219 (c) without taking:  
6220 (i) reasonable steps to ensure the safety of the child and permanency of the placement;  
6221 and  
6222 (ii) the necessary steps to transfer the legal rights and responsibilities of parenthood or  
6223 guardianship to the individual taking custody of the child.  
6224 (84) "Unsupported" means the same as that term is defined in Section 62A-4a-101.  
6225 (85) "Unsubstantiated" means the same as that term is defined in Section 62A-4a-101.  
6226 (86) "Validated risk and needs assessment" means an evidence-based tool that assesses  
6227 a minor's risk of reoffending and a minor's criminogenic needs.  
6228 (87) "Without merit" means the same as that term is defined in Section 62A-4a-101.  
6229 (88) "Youth offender" means an individual who is:  
6230 (a) at least 12 years old, but under 21 years old; and  
6231 (b) committed by the juvenile court to the Division of Juvenile Justice Services for  
6232 secure care under Sections 80-6-703 and 80-6-705.  
6233 Section 107. Section 80-3-404 is amended to read:  
6234 **80-3-404. Finding of severe child abuse or neglect -- Petition for removal from**  
6235 **Licensing Information System -- Court records.**  
6236 (1) Upon the filing with the juvenile court of an abuse, neglect, or dependency petition  
6237 that informs the juvenile court that the division has made a supported finding that an individual  
6238 committed a severe type of child abuse or neglect as defined in Section 62A-4a-1002, the  
6239 juvenile court shall:  
6240 (a) make a finding of substantiated, unsubstantiated, or without merit;  
6241 (b) include the finding described in Subsection (1)(a) in a written order; and  
6242 (c) deliver a certified copy of the order described in Subsection (1)(b) to the division.  
6243 (2) The juvenile court shall make the finding described in Subsection (1):  
6244 (a) as part of the adjudication hearing;  
6245 (b) at the conclusion of the adjudication hearing; or

6246 (c) as part of a court order entered pursuant to a written stipulation of the parties.  
6247 (3) (a) An individual described in Subsection [62A-4a-1010](#)(1) may at any time file with  
6248 the juvenile court a petition for removal of the individual's name from the Licensing  
6249 Information System.

6250 (b) At the conclusion of the hearing on the petition described in Subsection (3), the  
6251 juvenile court shall:

- 6252 (i) make a finding of substantiated, unsubstantiated, or without merit;
- 6253 (ii) include the finding described in Subsection (1)(a) in a written order; and
- 6254 (iii) deliver a certified copy of the order described in Subsection (1)(b) to the division.

6255 (4) A proceeding for adjudication of a supported finding under this section of a type of  
6256 abuse or neglect that does not constitute a severe type of child abuse or neglect may be joined  
6257 in the juvenile court with an adjudication of a severe type of child abuse or neglect.

6258 (5) If an individual whose name appears on the Licensing Information System before  
6259 May 6, 2002, files a petition under Subsection (3) during the time that an alleged perpetrator's  
6260 application for clearance to work with children or vulnerable adults is pending, the juvenile  
6261 court shall hear the matter and enter a final decision no later than 60 days after the day on  
6262 which the petition is filed.

6263 (6) For the purposes of licensing under Sections [26-39-402](#), [~~[62A-1-118](#)~~] [26B-1-211](#),  
6264 and [62A-2-120](#), and for the purposes described in Sections [26-8a-310](#) and [62A-2-121](#) and Title  
6265 26, Chapter 21, Part 2, Clearance for Direct Patient Access:

- 6266 (a) the juvenile court shall make available records of the juvenile court's findings under  
6267 Subsections (1) and (2):
  - 6268 (i) for those purposes; and
  - 6269 (ii) only to a person with statutory authority to access the Licensing Information  
6270 System created under Section [62A-4a-1006](#); and
- 6271 (b) any appellate court shall make available court records of appeals from juvenile  
6272 court decisions under Subsections (1), (2), (3), and (4):
  - 6273 (i) for those purposes; and



6274 (ii) only to a person with statutory authority to also access the Licensing Information  
6275 System.

6276 Section 108. Section **80-5-102** is amended to read:

6277 **80-5-102. Definitions.**

6278 As used in this chapter:

6279 (1) "Account" means the Juvenile Justice Reinvestment Restricted Account created in  
6280 Section **80-5-302**.

6281 (2) (a) "Adult" means an individual who is 18 years old or older.

6282 (b) "Adult" does not include a juvenile offender.

6283 (3) "Aftercare services" means the same as the term "aftercare" is defined in 45 C.F.R.  
6284 1351.1.

6285 (4) "Authority" means the Youth Parole Authority created in Section **80-5-701**.

6286 (5) "Control" means the authority to detain, restrict, and supervise a juvenile offender  
6287 in a manner consistent with public safety and the well-being of the juvenile offender and  
6288 division employees.

6289 (6) "Director" means the director of the Division of Juvenile Justice Services.

6290 (7) "Discharge" means the same as that term is defined in Section **80-6-102**.

6291 (8) "Division" means the Division of Juvenile Justice Services created in Section  
6292 **80-5-103**.

6293 (9) "Homeless youth" means a child, other than an emancipated minor:

6294 (a) who is a runaway; or

6295 (b) who is:

6296 (i) not accompanied by the child's parent or guardian; and

6297 (ii) without care, as defined in Section **80-5-602**.

6298 (10) "Observation and assessment program" means a nonresidential service program  
6299 operated or purchased by the division that is responsible only for diagnostic assessment of  
6300 minors, including for substance use disorder, mental health, psychological, and sexual behavior  
6301 risk assessments.

6302 (11) "Performance based contracting" means a system of contracting with service  
6303 providers for the provision of residential or nonresidential services that:

6304 (a) provides incentives for the implementation of evidence-based juvenile justice  
6305 programs or programs rated as effective for reducing recidivism by a standardized tool in  
6306 accordance with Section [63M-7-208](#); and

6307 (b) provides a premium rate allocation for a minor who receives the evidence-based  
6308 dosage of treatment and successfully completes the program within three months.

6309 (12) "Rescission" means the same as that term is defined in Section [80-6-102](#).

6310 (13) "Restitution" means the same as that term is defined in Section [80-6-102](#).

6311 (14) "Revocation" means the same as that term is defined in Section [80-6-102](#).

6312 (15) "Temporary custody" means the same as that term is defined in Section [80-6-102](#).

6313 (16) "Temporary homeless youth shelter" means a facility that:

6314 (a) provides temporary shelter to homeless youth; and

6315 (b) is licensed by the [~~Office of Licensing, created under Section [62A-1-105](#);~~

6316 Department of Health and Human Services, created in Section [26B-1-201](#), as a residential  
6317 support program.

6318 (17) "Termination" means the same as that term is defined in Section [80-6-102](#).

6319 (18) "Victim" means the same as that term is defined in Section [80-6-102](#).

6320 (19) "Work program" means a nonresidential public or private service work project  
6321 established and administered by the division for juvenile offenders for the purpose of  
6322 rehabilitation, education, and restitution to victims.

6323 (20) (a) "Youth services" means services provided in an effort to resolve family  
6324 conflict:

6325 (i) for families in crisis when a minor is ungovernable or a runaway; or

6326 (ii) involving a minor and the minor's parent or guardian.

6327 (b) "Youth services" include efforts to:

6328 (i) resolve family conflict;

6329 (ii) maintain or reunite minors with the minors' families; and

- 6330 (iii) divert minors from entering or escalating in the juvenile justice system.
- 6331 (c) "Youth services" may provide:
- 6332 (i) crisis intervention;
- 6333 (ii) short-term shelter;
- 6334 (iii) time-out placement; and
- 6335 (iv) family counseling.
- 6336 (21) "Youth services center" means a center established by, or under contract with, the
- 6337 division to provide youth services.
- 6338 Section 109. **Repealer.**
- 6339 This bill repeals:
- 6340 Section **26-1-1, Title cited as "Utah Health Code."**
- 6341 Section **26-1-3, Purpose of title -- Consolidation of health functions into single state**
- 6342 **agency.**
- 6343 Section **26-1-4.1, Department procedures -- Adjudicative proceedings.**
- 6344 Section **26-1-7, Committees within department.**
- 6345 Section **26-1-7.1, Committee procedures -- Adjudicative proceedings.**
- 6346 Section **26-1-8, Executive director -- Appointment -- Compensation.**
- 6347 Section **26-1-9, Executive director -- Qualifications.**
- 6348 Section **26-1-13, Executive director -- Power to organize department.**
- 6349 Section **26-1-14, Executive director -- Appointment, removal, and compensation of**
- 6350 **division directors.**
- 6351 Section **26-1-15, Executive director -- Power to accept federal aid.**
- 6352 Section **26-1-17, Executive director -- Power to prescribe rules for administration**
- 6353 **and government of department.**
- 6354 Section **26-1-18, Authority of department generally.**
- 6355 Section **26-1-20, Advisory committees created by department.**
- 6356 Section **26-1-21, Disposal of property by department.**
- 6357 Section **26-1-22, Budget preparation and submission to governor.**

- 6358 Section [26-1-23](#), **Regulations for local health departments prescribed by**  
6359 **department -- Local standards not more stringent than federal or state standards --**  
6360 **Exceptions for written findings.**
- 6361 Section [26-1-24](#), **Hearings conducted by department.**
- 6362 Section [26-1-25](#), **Principal and branch offices of department.**
- 6363 Section [26-1-30](#), **Powers and duties of department.**
- 6364 Section [26B-1-101](#), **Title.**
- 6365 Section [62A-1-101](#), **Short title.**
- 6366 Section [62A-1-102](#), **Department of Human Services -- Creation.**
- 6367 Section [62A-1-106](#), **Adjudicative proceedings.**
- 6368 Section [62A-1-110](#), **Executive director -- Jurisdiction over division and office**  
6369 **directors -- Authority.**
- 6370 Section [62A-1-114](#), **Department is state agency for specified federal programs --**  
6371 **Development of state plans and programs.**
- 6372 Section [62A-1-118](#), **Access to abuse and neglect information to screen employees**  
6373 **and volunteers.**
- 6374 Section [62A-5-304](#), **Limited admission of persons convicted of felony offenses.**
- 6375 Section 110. **Effective date.**
- 6376 This bill takes effect on July 1, 2022.
- 6377 Section 111. **Revisor instructions.**
- 6378 The Legislature intends that the Office of Legislative Research and General Counsel, in  
6379 preparing the Utah Code database for publication, on July 1, 2022:
- 6380 (1) replace "Department of Health" or "Department of Human Services" with  
6381 "Department of Health and Human Services" in any new language added to the Utah Code by  
6382 legislation passed during the 2022 General Session, except for the references to "Department of  
6383 Health" and "Department of Human Services" in:
- 6384 (a) Section [26B-1-103](#);  
6385 (b) Section [26B-1-201](#); and

6386 (c) Section [26B-1-201.1](#); and

6387 (2) replace "Division of Substance Abuse and Mental Health" with "Division of  
6388 Integrated Healthcare."