

# UTAH COMMISSION ON AGING

(Utah Code Title 63M, Chapter 11, repealed July 1, 2017, pursuant to Subsection 63I-1-263(1))

## **63M-11-101. Title.**

This chapter is known as "Utah Commission on Aging."

## **63M-11-102. Creation -- Purpose.**

- (1) In accordance with this chapter, there is created within the governor's office the Utah Commission on Aging.
- (2) The commission's purpose is to:
  - (a) increase public and government understanding of the current and future needs of the state's aging population and how those needs may be most effectively and efficiently met;
  - (b) study, evaluate, and report on the projected impact that the state's increasing aging population will have on:
    - (i) government services;
    - (ii) health services;
    - (iii) social services;
    - (iv) the economy; and
    - (v) society in general;
  - (c) identify and recommend implementation of specific policies, procedures, and programs to respond to the needs and impact of the aging population relating to:
    - (i) government services;
    - (ii) health services;
    - (iii) social services;
    - (iv) the economy; and
    - (v) society in general;
  - (d) facilitate coordination of the functions of public and private entities concerned with the aging population; and
  - (e) accomplish the duties enumerated in Section 63M-11-203.

## **63M-11-103. Definitions.**

As used in this chapter:

- (1) "Aging" and "aged" are as defined in Section 62A-3-101.
- (2) "Center on Aging" means the Center on Aging within the University of Utah.
- (3) "Commission" means the Utah Commission on Aging, created in Section 63M-11-102.

## **63M-11-201. Composition -- Appointments -- Terms -- Removal.**

- (1) The commission shall be composed of 21 voting members as follows:
  - (a) one senator, appointed by the president of the Senate;
  - (b) one representative, appointed by the speaker of the House of Representatives;
  - (c) the executive director of the Department of Health;
  - (d) the executive director of the Department of Human Services;
  - (e) the executive director of the Governor's Office of Economic Development;
  - (f) the executive director of the Department of Workforce Services; and
  - (g) 15 voting members, appointed by the governor, representing each of the following:
    - (i) the Utah Association of Area Agencies on Aging;
    - (ii) higher education in Utah;
    - (iii) the business community;
    - (iv) the Utah Association of Counties;
    - (v) the Utah League of Cities and Towns;
    - (vi) charitable organizations;
    - (vii) the health care provider industry;
    - (viii) financial institutions;
    - (ix) the legal profession;
    - (x) the public safety sector;
    - (xi) public transportation;
    - (xii) ethnic minorities;
    - (xiii) the industry that provides long-term care for the elderly;
    - (xiv) organizations or associations that advocate for the aging population; and
    - (xv) the general public.
- (2)
  - (a) A member appointed under Subsection (1)(g) shall serve a two-year term.
  - (b) Notwithstanding the term requirements of Subsection (2)(a), the governor may adjust the length of the initial commission members' terms to ensure that the terms are staggered so that approximately 1/2 of the members appointed under Subsection (1)(g) are appointed each year.
  - (c) When, for any reason, a vacancy occurs in a position appointed by the governor under Subsection (1)(g), the governor shall appoint a person to fill the vacancy for the unexpired term of the commission member being

replaced.

- (d) Members appointed under Subsection (1)(g) may be removed by the governor for cause.
  - (e) A member appointed under Subsection (1)(g) shall be removed from the commission and replaced by the governor if the member is absent for three consecutive meetings of the commission without being excused by the chair of the commission.
- (3) In appointing the members under Subsection (1)(g), the governor shall:
- (a) take into account the geographical makeup of the commission; and
  - (b) strive to appoint members who are knowledgeable or have an interest in issues relating to the aging population.

**63M-11-202. Executive director -- Qualifications -- Appointment -- Functions.**

- (1) (a) Subject to Subsections (1)(b) and (c), the executive director of the Center on Aging shall appoint an executive director of the commission.
- (b) The executive director appointed under Subsection (1)(a) shall be a person knowledgeable and experienced in matters relating to:
- (i) management; and
  - (ii) the aging population.
- (c) The appointment described in Subsection (1)(a) is not effective until ratified by the governor.
- (2) The executive director of the commission, under the direction of the commission and the executive director of the Center on Aging, shall administer the duties of the commission.

**63M-11-203. Duties and powers of commission.**

- (1) The commission shall:
- (a) fulfill the commission's purposes as listed in Section 63M-11-102;
  - (b) facilitate the communication and coordination of public and private entities that provide services to the aging population;
  - (c) study, evaluate, and report on the status and effectiveness of policies, procedures, and programs that provide services to the aging population;
  - (d) study and evaluate the policies, procedures, and programs implemented by other states that address the needs of the aging population;

- (e) facilitate and conduct the research and study of issues related to aging;
  - (f) provide a forum for public comment on issues related to aging;
  - (g) provide public information on the aging population and the services available to the aging population;
  - (h) facilitate the provision of services to the aging population from the public and private sectors; and
  - (i) encourage state and local governments to analyze, plan, and prepare for the impacts of the aging population on services and operations.
- (2) To accomplish its duties, the commission may:
- (a) request and receive from any state or local governmental agency or institution, summary information relating to the aging population, including:
    - (i) reports;
    - (ii) audits;
    - (iii) projections; and
    - (iv) statistics;
  - (b) apply for and accept grants or donations for uses consistent with the duties of the commission from public or private sources; and
  - (c) appoint special committees to advise and assist the commission.
- (3) All funds received under Subsection (2)(b) shall be:
- (a) accounted for and expended in compliance with the requirements of federal and state law; and
  - (b) continuously available to the commission to carry out the commission's duties.
- (4) (a) Members of a special committee described in Subsection (2)(c):
- (i) shall be appointed by the commission;
  - (ii) may be:
    - (A) members of the commission; or
    - (B) individuals from the private or public sector; and
  - (iii) notwithstanding Section 63M-11-206, shall not receive any reimbursement or pay for any work done in relation to the special committee.
- (b) A special committee described in Subsection (2)(c) shall report to the commission on the progress of the special committee.
- (5) This chapter does not diminish the planning authority conferred on state, regional, and local

governments by existing law.

**63M-11-204. Annual report by the commission.**

- (1) The commission shall annually prepare and publish a report directed to the:
  - (a) governor; and
  - (b) Health and Human Services Interim Committee.
- (2) The report described in Subsection (1) shall:
  - (a) describe how the commission fulfilled its statutory purposes and duties during the year; and
  - (b) contain recommendations on how the state should act to address issues relating to the aging population.

**63M-11-205. Appointment of chair -- Meetings.**

- (1) The governor shall appoint a member of the commission to serve as chair.
- (2)
  - (a) Subject to the other provisions of this Subsection (2), the chair is responsible for the call and conduct of meetings.
  - (b) The chair shall call and hold meetings of the commission at least bimonthly.
  - (c) One of the bimonthly meetings described in Subsection (2)(b) shall be held while the Legislature is convened in its annual session.
  - (d) One or more additional meetings may be called upon request by a majority of the commission's members.
- (3)
  - (a) A majority of the members of the commission constitute a quorum.
  - (b) The action of a majority of a quorum constitutes the action of the commission.

**63M-11-206. Members serve without pay -- Reimbursement for expenses.**

- (1) A member who is not a legislator may not receive compensation or benefits for the member's service, but may receive per diem and travel expenses as allowed in:
  - (a) Section 63A-3-106;
  - (b) Section 63A-3-107; and
  - (c) rules made by the Division of Finance according to Sections 63A-3-106 and 63A-3-107.
- (2) Compensation and expenses of a member who is a legislator are governed by Section 36-2-2 and Legislative Joint Rules, Title JR5, Legislative Compensation and Expenses.

**63M-11-207. Oversight -- Executive director salary -- Staff support -- Use of funds.**

- (1) The Center on Aging shall:
  - (a) pay the salary, and oversee the performance of, the executive director of the commission;
  - (b) provide staff support for the executive director of the commission and the commission; and
  - (c) provide office space, furnishings, and supplies to the commission, the executive director of the commission, and support staff.
- (2) The funds appropriated by the Legislature for the commission may only be used for the purposes described in this chapter.

**26-38-2.5. Temporary exemption for certain restrictions on heated tobacco.**

- (1) The definition of "smoking" which prohibits heated tobacco inhaled or exhaled through a hookah does not apply to a place of public access if the place of public access meets the requirements of Subsections (2) and (3).
- (2)
  - (a) A place of public access shall certify to the department by July 1, 2012, under penalty of perjury, that it meets the requirements of Subsection (3) and should be exempt under this section.
  - (b) The department:
    - (i) shall verify that the place of public access complies with the provisions of Subsection (3) at the time of the certification under Subsection (2)(a);
    - (ii) may ask the local health department with jurisdiction over the place of public access to verify that the place of public access complies with the provisions of Subsection (3);
    - (iii) shall issue a certificate of exemption if the place of public access is found to comply with the provisions of Subsection (3);
    - (iv) may itself, or through the local health department, verify at other times that the place of public access is in compliance with the provisions of Subsection (3); and
    - (v) may in accordance with Section 63J-1-504, impose a fee to recover the cost of certifying the place of public access as exempt under this section and enforce the provisions of this section.
  - (c) A local health department may impose a reasonable fee to cover the cost of verifying a place of public access complies with the

provisions of Subsection (3) at the time of the application under Subsection (2)(a) and during the time of the exemption.

- (d) Notwithstanding Section 26-38-8, if the department or a local health department determines that the place of public access has violated any provision of Subsection (3), the department may impose penalties in accordance with Section 26-23-6.
- (3) (a) A place of public access must meet the following criteria to claim an exemption under this section:
  - (i) prior to January 1, 2012:
    - (A) the place of public access had and continues to have a class C or D liquor license;
    - (B) the place of public access sold a mixture of tobacco and other flavors for the purpose of heating, inhaling and exhaling the tobacco mixture through a hookah pipe in the place of public access; and
    - (C) the sale of the mixture of tobacco and other flavors for use in a hookah pipe in the place of public access constituted at least 10% of the establishment's gross sales; and
  - (ii) during the period of the exemption under this section, the place of public access:
    - (A) shall maintain its class C or D liquor license;
    - (B) shall admit only individuals 21 years of age and older into the place of public access;
    - (C) shall prominently display signs on the premises and in advertisements that disclose the dangers of second hand smoke and inhaling tobacco in accordance with administrative rules adopted by the department;
    - (D) shall require that only tobacco products sold by the place of public access may be heated, inhaled, and exhaled in the place of public access; and
    - (E) may not sell a product for use in a hookah that contains more than 30% tobacco or more than .05% nicotine.
- (4) The department shall adopt administrative rules in accordance with Title 63G, Chapter 3, Utah

Administrative Rulemaking Act, specifying the:

- (a) written information a facility shall include in a sign posted under Subsection (3)(a)(ii)(C) and in advertisements; and
  - (b) the size and number of signs that shall be posted in a facility.
- (5) This section sunsets in accordance with Section 631-1-226.



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