



Health & Human Services Code Recodification

Explanation of Repealed Sections in S.B. 40 (2023 GS) | April 14, 2023

Summary

Senate Bills 38, 39, 40, and 41 (2023 General Session) combine Title 26, Utah Health Code, and Title 62A, Utah Human Services Code, into a new Title 26B, Utah Health and Human Services Code. As part of this recodification, a number of sections are being repealed because they are obsolete or because the substance of the section is being combined with another part of the code. None of these repeals are intended to result in substantive changes.

There are three categories of repealed sections listed below:

1. Provision Moved: The provisions are moved into another section in Title 26B.
2. Provision Obsolete: The provision is no longer needed.
3. Short Titles: The Legislature no longer codifies the short title of titles, chapters, and parts.

Repealed Sections – Substantive Provision Moved

Old Section	Section Title	Recodified Section
26-1-2	Definitions.	26B-1-102
26-2-2	Definitions.	26B-8-101
26-5-2	Establishment of prevention programs by department.	26B-7-227(2)
26-5-3	System for detecting and monitoring diseases established by department.	26B-7-227(3)
26-5-4	Programs of community and professional education established by department.	26B-7-227(4)
26-6-12	Rabies or other animal disease -- Investigation following order of quarantine.	26B-7-210(3)
26-6-13	Rabies or other animal disease -- Authority of peace officer to kill or capture animals.	26B-7-210(4)
26-6-14	Rabies or other animal disease -- Quarantine defined.	26B-7-210(1)
26-6b-2	Definitions.	26B-6-401, 26B-7-301
26-8a-102^	Definitions.	26B-4-101
26-8a-104^	Committee advisory duties.	26B-1-404(6)
26-8a-204^	Disaster coordination plan.	26B-4-102(6)
26-8a-205^	Pediatric quality improvement program.	26B-4-102(7)
26-8a-206^	Personnel stress management program.	26B-4-102(8)
26-8b-102	Definitions.	26B-4-301
26-9f-102	Definitions.	26B-1-409
26-9f-104	Duties and responsibilities.	26B-1-409
26-10-1	Definitions.	26B-7-101
26-15-1	Definitions.	26B-7-405(1)
26-15-5.1	Exemptions to food handler requirements.	26B-7-413(14)
26-15-12	Rules to implement statutes on smoking.	26B-7-503(6)(c)
26-15a-103	Duties.	26B-7-410(5), 26B-7-412(8)
26-15a-107	Duties.	26B-7-413(7)
26-15b-102	Definitions.	26B-7-401, 26B-7-415
26-15b-103	Permitting -- Fees.	26B-7-415(2)
26-15b-104	Permits.	26B-7-415(3)
26-15c-102	Definitions.	26B-7-401, 26B-7-416
26-15c-103	Permitting -- Fees.	26B-7-416(2)
26-15c-104	Safety and health inspections and permits.	26B-7-416(3)
26-18-2	Definitions.	26B-3-101
26-18-402.5	Nonlapsing Medicaid funds.	26B-1-309(3)(b)
26-18-501	Definitions.	26B-3-301
26-18-602	Definitions.	26B-3-140(1)
26-18-701	Definitions.	26B-3-141(1)



Old Section	Section Title	Recodified Section
26-18-702	Division and Department of Workforce Services compliance with adoption assistance interstate compact.	26B-3-141(5)
26-18a-1	Definitions.	26B-1-311, 26B-1-411
26-18a-3	Purpose of committee.	26B-1-411(6)-(8)
26-21-4	Per diem and travel expenses of committee members.	26B-1-412(6)
26-21-5	Duties of committee.	26B-1-412(5)
26-21-203	Department authorized to grant, deny, or revoke clearance -- Department may limit direct patient access.	26B-2-240(1)(a), (b)
26-21-205	Department of Public Safety -- Retention of information -- Notification of Department of Health.	26B-2-241(4)
26-21-206	Covered providers and covered contractors required to apply for clearance of certain individuals.	26B-2-239(4)
26-21-207	Covered providers required to apply for clearance for certain individuals other than residents residing in residential settings -- Certain individuals other than residents prohibited from residing in residential settings without clearance.	26B-2-239(5)
26-21-208	Application for clearance by individuals.	26B-2-239(6)
26-21-210	No civil liability.	26B-2-241(5)
26-21-302	Definitions.	26B-2-236, 26B-2-237
26-21-304	Monitoring device -- Facility admission, patient discharge, and posted notice.	26B-2-236(4)
26-21b-102	Definitions.	26B-4-501
26-21b-301	Investigation and enforcement.	26B-4-502(5)
26-21c-102	Definitions.	26B-2-235(1)
26-21c-104	Presenting protocols upon inspection.	26B-2-235(5)
26-23a-1	Definitions.	26B-8-232(1)
26-23a-3	Penalties.	26B-8-232(6)
26-25-2	Restrictions on use of data.	26B-1-229(7)
26-25-3	Information considered privileged communications.	26B-1-229(8)
26-25-4	Information held in confidence -- Protection of identities.	26B-1-229(9)
26-25-5	Violation of chapter a misdemeanor -- Civil liability.	26B-1-229(10)
26-26-1	"Institution" defined.	26B-1-236(1)
26-26-2	Authorization for institutions to obtain impounded animals.	26B-1-236(2)
26-26-4	Institution to pay transportation expense -- Restrictions on use of animals -- Fee.	26B-1-236(6), (7)
26-26-5	Records of animals required.	26B-1-236(8)
26-26-6	Revocation of authorization.	26B-1-236(9)
26-26-7	Adoption of rules by department -- Inspection and investigation of institutions.	26B-1-236(10), (11)
26-29-2	Purpose of chapter.	63A-5b-1109(5)
26-29-3	Basis for standards.	63A-5b-1109(6)
26-29-4	Enforcement of chapter.	63A-5b-1109(7)
26-31-102	Definitions.	26B-7-408(1)
26-31-202	Blood donation by a minor.	26B-7-408(3)
26-33a-103	Committee membership -- Terms -- Chair -- Compensation.	26B-1-413
26-34-2	Definition of death -- Determination of death.	26B-8-123(2)
26-38-2	Definitions.	26B-7-501
26-38-3.5	Smoking ban exemption for Native American ceremony.	26B-7-503(3)
26-38-6	Local ordinances.	26B-7-503(8)
26-38-7	Enforcement action by proprietors.	26B-7-503(4)
26-38-8	Penalties.	26B-7-503(5)
26-38-9	Enforcement of chapter.	26B-7-503(6), (7)
26-39-203	Duties of the Child Care Center Licensing Committee.	26B-1-414(7)
26-41-102	Definitions.	26B-4-401



Old Section	Section Title	Recodified Section
26-43-103	Disclosure of information.	26B-7-504(2)
26-46-101	Definitions.	26B-4-702
26-50-102	Definitions.	26B-1-318
26-51-202	Public education concerning methamphetamine contamination.	26B-7-409(3)
26-55-102	Definitions.	26B-4-501
26-57-102	Definitions.	26B-7-501
26-57-104	Labeling of nicotine products containing nicotine.	26B-7-505(6), (7)
26-60-102	Definitions.	26B-4-704(1)
26-60-104	Enforcement.	26B-4-704(6)
26-61-102	Definitions.	26B-4-212
26-61-202	Duties.	26B-1-420
26-66-102	Definitions.	26B-1-422
26-66-201	Early Childhood Utah Advisory Council.	26B-1-422(1), (2)(a)
26-66-203	Compensation.	26B-1-422(2)(b)
26-69-101	Definitions.	26B-4-701
26-69-202	Council and executive director duties.	26B-1-425(7)-(11)
26-69-203	Members serve without pay -- Reimbursement for expenses.	26B-1-425(12)
26-69-401	Definitions.	26B-4-701
26-70-101	Definitions.	26B-8-514(1)
26B-1a-101	Definitions.	26B-1-231, 26B-1-232
26B-1a-102	Office of American Indian-Alaska Native Health and Family Services -- Creation -- Purpose.	26B-1-231(2), (5)(a)
26B-1a-103	Director of the office -- Appointment -- Qualifications -- Staff.	26B-1-231(3), (4)
26B-1a-107	Liaison reporting.	26B-1-232(4), 26B-1-233(4)
62A-11-103	Definitions.	26B-9-101
62A-1-104	Definitions.	26B-5-101
62A-1-123	Intergenerational poverty mitigation reporting.	Identical to 26B-1-218
62A-2-101	Definitions.	26B-2-101
62A-3-101	Definitions.	26B-6-101
62A-4a-210	Definitions.	26B-1-238
62A-5-206.8	Management of the Utah State Developmental Center Sustainability Fund.	26B-1-331(8)
62A-5-401	Purpose.	26B-6-413(1)
62A-5-403	Services for persons under 11 years of age.	26B-6-413(4), (5)
62A-5a-101	Policy statement.	26B-1-430
62A-5a-102	Definitions.	26B-1-430
62A-5a-104	Powers of council.	26B-1-430
62A-5a-105	Coordination of services for school-age children.	26B-1-430
62A-6-101	Definitions.	26B-6-801
62A-11-103	Definitions.	26B-9-101
62A-11-702	Definitions.	Already in 26B-9-101
62A-15-102	Definitions.	26B-5-101
62A-15-1001	Definitions.	26B-5-301
62A-15-1100	Definitions.	26B-5-611
62A-15-1301	Definitions.	26B-5-610(1)
62A-15-1303	Statewide mental health crisis line and statewide warm line operational standards.	26B-5-610(4), (5)
62A-15-1401	Definitions.	26B-5-609
62A-15-1501	Definitions.	26B-1-327(1)
62A-15-1601	Definitions.	26B-1-328
62A-15-1701	Definitions.	26B-1-329(1)
62A-15-1801	Definitions.	26B-5-601



Repealed Sections – Provision Obsolete

Section	Section Title	Explanation
26-1-7.5	Health advisory council.	This council is obsolete and does not meet.
26-8a-211	Report.	Required report already submitted by agency. Scheduled repeal July 1, 2023.
26-21-100	Reserved.	Empty reserved section not needed.
26-47-102	Prescription Drug Assistance Program.	Obsolete as program no longer operates.
26-60-105	Study by Public Utilities, Energy, and Technology Interim Committee and Health Reform Task Force.	This study was completed in 2019
26B-1-201.1	Transition to single state agency -- Transition plan.	DHHS agency transition has ended
62A-4a-101.5	Juvenile services.	Transition language for Title 80 recodification no longer needed.
62A-15-645	Retrospective effect of provisions.	Obsolete and no longer needed
62A-18-102	Definitions.	Obsolete after DHHS reorganization
62A-18-103	Office of Quality and Design -- Creation.	Obsolete after DHHS reorganization
62A-18-104	Director of the office -- Appointment -- Qualifications.	Obsolete after DHHS reorganization

Repealed Sections – Short Titles

The following sections codified the short title of a title, chapter, or part in Titles 26 or 62A:

26-2-1	26-19-101	26-36c-101	26-54-101	62A-5b-101
26-4-1	26-20-1	26-36d-101	26-55-101	62A-11-301
26-6-1	26-21-1	26-37a-101	26-57-101	62A-11-601
26-8a-101	26-21-301	26-38-1	26-58-101	62A-11-701
26-8b-101	26-21a-201	26-39-101	26-60-101	62A-14-101
26-8b-601	26-21b-101	26-40-101	26-61-101	62A-15-101
26-8c-101	26-21c-101	26-41-101	26-61a-101	62A-15-201
26-8d-101	26-23b-101	26-43-101	26-62-101	62A-16-101
26-9f-101	26-28-101	26-46a-101	26-64-101	62A-17-101
26-15a-101	26-31-101	26-47-101	26-66-101	62A-18-101
26-15b-101	26-33a-101	26-49-101	26-67-101	
26-15c-101	26-34-1	26-50-101	26-68-101	
26-18-1	26-35a-101	26-51-101	26A-1-101	
26-18-601	26-36b-101	26-53-101	62A-1-201	

^ Sections 26-8a-102, 104, 204, 205, and 206 are not directly repealed in S.B. 40, but rather are amended in S.B. 206, where the text of each of these sections is deleted and replaced with "Reserved." The purpose of this change is to coordinate with S.B. 64, Bureau of Emergency Medical Services Amendments. The text in these deleted sections will move into the recodified section in Title 26B on May 3, 2023. If S.B. 64 also becomes law, on July 1, 2024, these sections will merge into Title 53, Chapter 2d, Emergency Medical Services Act. For more information about this coordination, please see the coordination clause in S.B. 206.

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