



Health & Human Services Code Recodification

Summary Information & Resource Documents | April 14, 2023

This document summarizes the Health and Human Services Recodification bills that were passed by the Utah Legislature during the 2023 General Session. These bills are effective on May 3, 2023. The document links to various resources that were compiled to facilitate the legislative process.

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I. Summary

In the 2021 General Session, the Utah Department of Health and the Utah Department of Human Services announced their intention to consolidate into a single state agency. The Legislature passed [H.B. 365, State Agency Realignment](#), to begin the transition to the new Utah Department of Health and Human Services ("DHHS"). During the 2022 General Session, the Legislature passed [S.B. 45, Department of Health and Human Services](#), which enacted and renumbered certain provisions that were critical for the operation of the newly reorganized state agency, formally taking effect on July 1, 2022.

As part of this consolidation, the Legislature recodified Title 26, Utah Health Code, and Title 62A, Utah Human Services Code, into Title 26B, Utah Health and Human Services Code. During the 2022 interim, the Health and Human Services Interim Committee requested a committee bill file to complete the recodification process, combining all sections in Title 26 and Title 62A into Title 26B. The four "base" bills were presented to the interim committee in its November 2022 meeting.

This single recodification is divided into eight bills because of system limitations on the length of any single bill. Four bills, S.B. 38 through 41, are "base" bills that renumber and amend all sections in Title 26 and Title 62A and place them into Title 26B. Four bills, S.B. 206 through 209, are "cross reference" bills, which update references throughout Utah Code to sections that are recodified in the "base" bills.

These bills aim to be a technical, non-substantive recodification. While any agency reorganization and statutory recodification cannot purely be technical, the changes in these bills are aimed at avoiding substantive changes; the bills were reviewed by the sponsors, legislative staff, agency staff, and stakeholder groups to avoid substantive changes.

II. List of 2023 GS Recodification Bills

Base Recodification Bills

[S.B. 38](#), Health and Human Services Recodification - Administration, Licensing, and Recovery Services

[S.B. 39](#), Health and Human Services Recodification - Health Care Assistance and Data

[S.B. 40](#), Health and Human Services Recodification - Health Care Delivery and Repeals

[S.B. 41](#), Health and Human Services Recodification - Prevention, Supports, Substance Use and Mental Health

Cross Reference Bills

[S.B. 206](#), Health and Human Services Recodification - Cross References, Titles 4-31A

[S.B. 207](#), Health and Human Services Recodification - Cross References, Titles 31A-58

[S.B. 208](#), Health and Human Services Recodification - Cross References, Titles 58-63J

[S.B. 209](#), Health and Human Services Recodification - Cross References, Titles 63J-80



III. Organization of Title 26B

A. Chapter and Parts

The recodification reorganizes every section of Title 26, Utah Health Code, and Title 62A, Utah Human Services Code, into Title 26B, Utah Health and Human Services Code. Provisions in the new Title 26B follow the preferred convention of grouping similar provisions into a limited number of chapters, rather than enacting a new chapter for each new program or bill. This structure was developed in collaboration with DHHS and other stakeholder groups. An outline list of the chapters and parts can be found in the Recodification Outline.

- **Chapter 1. Department of Health and Human Services.** *This includes title-wide provisions; general duties and responsibilities of DHHS; funds and accounts; and advisory bodies.*
- **Chapter 2. Licensing and Certifications.** *This includes all licenses issued by DHHS, including human services programs and facilities, health care facilities, child care, and certifications.*
- **Chapter 3. Health Care - Administration and Assistance.** *This includes health care assistance programs such as Medicaid and CHIP; provider assessments; and benefits recovery.*
- **Chapter 4. Health Care - Delivery and Access.** *This includes emergency medical services, medical cannabis, certain health care programs that are provided directly by DHHS; and provisions relating to the health care workforce.*
- **Chapter 5. Health Care - Substance Use and Mental Health.** *This includes provisions regarding substance use disorder treatment, prevention, and education; the Utah State Hospital; civil commitment of minors; and mental health intervention and treatment programs.*
- **Chapter 6. Long Term Services and Supports, Aging, and Disabilities.** *This includes aging and adult services; the Office of Public Guardian; Division of Services for People with Disabilities (DPSD); the Utah State Developmental Center; and certain rights of individuals with a disability.*
- **Chapter 7. Public Health and Prevention.** *This includes programs for health promotion; detection and management of chronic and communicable diseases and public health emergencies; sanitation and food safety standards; and regulation of smoking, tobacco products, and nicotine products.*
- **Chapter 8. Health Data, Vital Statistics, and Utah Medical Examiner.** *This includes vital statistics (including birth and death certificates); the Utah Medical Examiner; the Revised Uniform Anatomical Gift Act; health statistics; and health data.*
- **Chapter 9. Recovery Services and Administration of Child Support.** *This includes the Office of Recovery Services and provisions relating to the collection and enforcement of child support.*

B. Newly Consolidated Title-wide Provisions (Funds and Advisory Bodies)

A major structural change introduced by the recodification is the centralization into Title 26B, Chapter 1, of all funds and accounts (Part 3) and boards, commissions, and committees (Part 4). This structure was also used in the 2018 recodification of the Education Code to allow for greater legislative oversight in budgeting and the creation of advisory bodies. While there may be some short-term benefit to having every part of a bill in a single place, consolidating these two items will provide greater transparency in the long run.

C. Placement of New Sections in Title 26B

The placement of newly enacted sections is at the discretion of the Legislature, with advice from OLRGC. In Title 26B, new sections should generally be enacted at the end of the part to which the provision most closely aligns – for technical reasons, OLRGC advises against enacting sections with a decimal (*e.g.* 26-6-3.5). This may result in the sections that are somewhat related being separated slightly. If a provision is inextricably linked to an existing section, the existing section should be amended to include the related provision.



Specific health care programs may be difficult to find or place. In particular:

- All provisions relating to Medicaid, CHIP, and other health care assistance are in **Chapter 3**.
- Programs that are largely provided, administered, or overseen directly by DHHS are in **Chapter 4**.
- Public health promotion and prevention programs (*e.g.* education campaigns) are in **Chapter 7**.

Finally, care should be taken to place into Title 26B *only those provisions that are intended to be enforced or carried out by the Utah Department of Health and Human Services*. Various sections throughout Title 26B direct and authorize DHHS to make rules, carry out, or enforce provisions in the title (*e.g.* 26B-1-201, 26B-1-214). Title 26B does not contain all provisions related to health and human services in Utah Code. For example, local substance abuse and mental health authorities are provided for in Chapter 17, Counties; regulation of health insurance is in Title 31A, Insurance Code; professional licensure is in Title 58, Occupations and Professions; and provisions relating to juveniles are in Title 80, Utah Juvenile Code.

IV. Resource Documents

A. Resources for bills as enrolled (final):

- [Outline](#): 2-page table of contents for Title 26B.
- [Repeals](#): Lists every section that was repealed.
- [Crosswalk](#): A list of each recodified section that shows the old section from which it is recodified.

B. Resources for bills as originally numbered:

- [Outline](#): 2-page table of contents for Title 26B.
- [Repeals](#): Lists every section that is being repealed (repeals are all in SB 40).
- [Crosswalk](#): A full list of each recodified section that shows where the section is being recodified from.
- [Reverse Crosswalk](#): A crosswalk sorted by the original/current section number.

C. Other recodification bills affecting Titles 26 or 62A:

- [S.B. 64, Bureau of Emergency Medical Services Amendments \(2023 GS, Owens\)](#)
- [H.B. 72, Medical Cannabis Governance Revisions \(2023 GS, Brooks\)](#)

V. Technical Notes

A. Coordination Clauses

Due to the scale of this recodification, several coordination clauses were included in the recodification bills to avoid technical and substantive conflicts. Those coordination clauses can be found in each bill.

B. List of Recurring Technical Changes

The following technical changes were made as part of the recodification:

- “Years of age” is changed to “years old” to reflect correct drafting convention
- “[X] days notice” is changed to “days’ notice” to reflect correct drafting convention
- The agency name, and names of reorganized divisions and offices within DHHS, are updated (*e.g.* the Department of Health and Human Services, Office of Substance Use and Mental Health, Division of Juvenile Justice and Youth Services)
- “Substance abuse” has been changed to “substance use” to reflect commonly accepted clinical terminology and to reflect the name of the Office of Substance Use and Mental Health.