

Senator Dennis E. Stowell proposes the following substitute bill:

STATE AND LOCAL HEALTH AUTHORITIES

AMENDMENTS

2009 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Dennis E. Stowell

House Sponsor: Stephen D. Clark

LONG TITLE

General Description:

This bill modifies provisions relating to the Department of Health and local health department responsibilities.

Highlighted Provisions:

This bill:

- ▶ modifies responsibilities of the Department of Health and local health departments with respect to their interrelationship;
- ▶ requires the Department of Health to establish a committee consisting of Department of Health and local health department representatives;
- ▶ provides for the responsibilities of the committee;
- ▶ provides a process for processing applications for federal grants and establishing the goals and budget for federal grants; and
- ▶ allows the Department of Health to use federal grant money to pay certain administrative costs.

Monies Appropriated in this Bill:

None

Other Special Clauses:



26 This bill takes effect July 1, 2010.

27 **Utah Code Sections Affected:**

28 AMENDS:

29 **26-1-4**, as last amended by Laws of Utah 1991, Chapters 112 and 269

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

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

33 **26-1-4. Department of Health created -- Policymaking responsibilities --**
34 **Cooperation with local health departments.**

35 (1) There is created the Department of Health, which has all of the policymaking
36 functions, regulatory and enforcement powers, rights, duties, and responsibilities of the
37 Division of Health, the Board of Health, the State Health Planning Development Agency, and
38 the Office of Health Care Financing. Unless otherwise specifically provided, when reference is
39 made in any statute of this state to the Board of Health, the Division of Health, the State Health
40 Planning Development Agency, or the Office of Health Care Financing, it refers to the
41 department. The department shall assume all of the policymaking functions, powers, rights,
42 duties, and responsibilities over the division, agency, and office previously vested in the
43 Department of Human Services and its executive director.

44 (2) ~~[(a)]~~ In establishing public health policy ~~[which directly affects local health~~
45 ~~departments, as defined in Title 26A, Chapter 1, Part 1]~~, the department shall ~~[cooperate]~~
46 consult with the local health departments established under Title 26A, Chapter 1, Local Health
47 Departments.

48 ~~[(b)]~~ ~~The department shall establish by rule procedures for developing its policies,~~
49 ~~which ensure that local health departments are given opportunity to comment and provide input~~
50 ~~on any new policy of the department and on any proposed changes in existing policies which~~
51 ~~affect local health departments.]~~

52 ~~[(c)]~~ ~~The department shall also provide a mechanism for review of its existing policies~~
53 ~~which affect local health departments, and for consideration of policy changes proposed by~~
54 ~~local health departments.]~~

55 (3) (a) As used in this Subsection (3):

56 (i) "Committee" means the committee established under Subsection (3)(b).

57 (ii) "Exempt application" means an application for a federal grant that meets the
58 criteria established under Subsection (3)(c)(iii).

59 (iii) "Expedited application" means an application for a federal grant that meets the
60 criteria established under Subsection (3)(c)(iv).

61 (iv) "Federal grant" means a grant from the federal government that could provide
62 funds for local health departments to help them fulfill their duties and responsibilities.

63 (v) "Reviewable application" means an application for a federal grant that is not an
64 exempt application.

65 (b) The department shall establish a committee consisting of:

66 (i) the executive director, or the executive director's designee;

67 (ii) two representatives of the department, appointed by the executive director; and

68 (iii) three representatives of local health departments, appointed by all local health
69 departments.

70 (c) The committee shall:

71 (i) evaluate:

72 (A) the allocation of public health resources between the department and local health
73 departments; and

74 (B) policies that affect local health departments;

75 (ii) consider policy changes proposed by the department or local health departments;

76 (iii) establish criteria by which an application for a federal grant may be judged to
77 determine whether it should be exempt from the requirements under Subsection (3)(d); and

78 (iv) establish criteria by which an application for a federal grant may be judged to
79 determine whether committee review under Subsection (3)(d)(i) should be delayed until after
80 the application is submitted because the application is required to be submitted under a
81 timetable that makes committee review before it is submitted impracticable if the submission
82 deadline is to be met.

83 (d) (i) The committee shall review the goals and budget for each reviewable
84 application:

85 (A) before the application is submitted, except for an expedited application; and

86 (B) for an expedited application, after the application is submitted but before funds
87 from the federal grant for which the application was submitted are disbursed or encumbered.

88 (ii) Funds from a federal grant pursuant to a reviewable application may not be
89 disbursed or encumbered before the goals and budget for the federal grant are established by:

90 (A) a two-thirds vote of the committee, following the committee review under
91 Subsection (3)(d)(i); or

92 (B) if two-thirds of the committee cannot agree on the goals and budget, the chair of
93 the health advisory council, after consultation with the committee in a manner that the
94 committee determines.

95 (e) An exempt application is exempt from the requirements of Subsection (3)(d).

96 (f) The committee shall report to the Legislature's Health and Human Services
97 Appropriations Subcommittee and Political Subdivisions Interim Committee by November 30
98 of each year regarding implementation of this Subsection (3).

99 (g) The department may use money from a federal grant to pay administrative costs
100 incurred in implementing this Subsection (3).

101 Section 2. **Effective date.**

102 This bill takes effect July 1, 2010.

S.B. 21 1st Sub. (Green) - State and Local Health Authorities Amendments

Fiscal Note

2009 General Session

State of Utah

State Impact

Enactment of this bill will not require additional appropriations.

Individual, Business and/or Local Impact

The decisions of the coordinating committee could result in increased or decreased federal funds for local health departments. Enactment of this bill likely will not result in direct, measurable costs and/or benefits for individuals or businesses.
