

28 AMENDS:

29 4-3-14, as last amended by Laws of Utah 2009, Chapter 183

30 26-1-4, as last amended by Laws of Utah 2012, Chapter 242

31 26-1-36, as last amended by Laws of Utah 2010, Chapter 287

32 26-1-37, as last amended by Laws of Utah 2010, Chapter 68

33 26-1-38, as last amended by Laws of Utah 2012, Chapter 242

34 26-4-28, as enacted by Laws of Utah 2007, Chapter 205

35 ~~§→ [26-7-2, as last amended by Laws of Utah 2011, Chapter 192] ←§~~

36 26-18-3, as last amended by Laws of Utah 2012, Chapters 28 and 242

37 26-18-4, as last amended by Laws of Utah 2012, Chapter 369

38 26-18-10, as last amended by Laws of Utah 2012, Chapter 369

39 26-18-103, as last amended by Laws of Utah 2008, Chapter 382

40 26-18-406, as enacted by Laws of Utah 2011, Chapter 166

41 26-18-604, as enacted by Laws of Utah 2011, Chapter 362

42 26-18a-3, as last amended by Laws of Utah 2012, Chapter 242

43 26-18b-101, as last amended by Laws of Utah 2012, Chapter 242

44 26-33a-104, as last amended by Laws of Utah 2011, Chapter 297

45 26-40-103, as last amended by Laws of Utah 2012, Chapters 28 and 369

46 26-40-109, as last amended by Laws of Utah 2001, Chapter 53

47 26-47-102, as last amended by Laws of Utah 2012, Chapter 242

48 26-47-103, as last amended by Laws of Utah 2012, Chapter 242

49 ~~§→ [26-52-202, as last amended by Laws of Utah 2012, Chapters 242 and 402] ←§~~

50 31A-22-626, as last amended by Laws of Utah 2001, Chapter 116

51 31A-22-633, as last amended by Laws of Utah 2005, Chapter 123

52 35A-3-207, as last amended by Laws of Utah 2008, Chapter 382

53 51-9-201, as last amended by Laws of Utah 2012, Chapters 90 and 242

54 53A-15-205, as last amended by Laws of Utah 2011, Chapter 366

55 58-37f-801, as renumbered and amended by Laws of Utah 2010, Chapter 287

56 58-77-201, as last amended by Laws of Utah 2008, Chapter 365

57 ~~§→ [59-14-204, as last amended by Laws of Utah 2012, Chapter 341] ←§~~

58 62A-3-110, as last amended by Laws of Utah 2012, Chapter 242

183 (b) The department may reissue a permit that has been suspended under Subsection
 184 (6)(a) if the producer has complied with all of the requirements of this section and rules
 185 adopted as authorized by this section.

186 ~~§~~→ [f] (7) For ~~[2008 and 2009]~~ **2014 and 2015** ~~←§~~ , the Department of Health and
 186a the Department of Agriculture
 187 and Food shall report on or before November 30th to the Natural Resources, Agriculture, and
 188 Environment Interim Committee [~~and the Health and Human Services Interim Committee~~] on
 189 any health problems resulting from the sale of raw whole milk at self-owned retail stores.[H] ~~←§~~

190 [(8)] (7) (a) If any subsection of this section or the application of any subsection to any
 191 person or circumstance is held invalid by a final decision of a court of competent jurisdiction,
 192 the remainder of the section may not be given effect without the invalid subsection or
 193 application.

194 (b) The provisions of this section may not be severed.

195 Section 2. Section **26-1-4** is amended to read:

196 **26-1-4. Department of Health created -- Policymaking responsibilities --**
 197 **Consultation with local health departments -- Committee to evaluate health policies and**
 198 **to review federal grants -- Committee responsibilities.**

199 (1) There is created the Department of Health, which has all of the policymaking
 200 functions, regulatory and enforcement powers, rights, duties, and responsibilities of the
 201 Division of Health, the Board of Health, the State Health Planning Development Agency, and
 202 the Office of Health Care Financing. Unless otherwise specifically provided, when reference is
 203 made in any statute of this state to the Board of Health, the Division of Health, the State Health
 204 Planning Development Agency, or the Office of Health Care Financing, it refers to the
 205 department. The department shall assume all of the policymaking functions, powers, rights,
 206 duties, and responsibilities over the division, agency, and office previously vested in the
 207 Department of Human Services and its executive director.

208 (2) In establishing public health policy, the department shall consult with the local
 209 health departments established under Title 26A, Chapter 1, Local Health Departments.

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

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

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

431 assisted suicide, the medical examiner shall endeavor to have the following tests conducted
 432 upon samples taken from the body of the deceased:

433 (a) a test that detects all of the substances included in the volatiles panel of the Bureau
 434 of Forensic Toxicology within the Department of Health;

435 (b) a test that detects all of the substances included in the drugs of abuse panel of the
 436 Bureau of Forensic Toxicology within the Department of Health; and

437 (c) a test that detects all of the substances included in the prescription drug panel of the
 438 Bureau of Forensic Toxicology within the Department of Health.

439 (2) The medical examiner shall maintain information regarding the types of substances
 440 found present in the samples taken from the body of a person who is suspected to have died as
 441 a result of suicide or assisted suicide.

442 [~~(3)(a) Beginning in 2008, on or before November 30 of each year, the Department of~~
 443 ~~Health shall present a report on the information described in Subsection (2) to the Health and~~
 444 ~~Human Services Interim Committee.]~~

445 [~~(b) The information described in Subsection (3)(a) may not contain any identifying~~
 446 ~~information regarding any person to whom the information described in Subsection (2) relates.]~~

447 ~~[(4)]~~ (3) Within funds appropriated by the Legislature for this purpose, the medical
 448 examiner shall provide compensation, at a standard rate determined by the medical examiner,
 449 to a deputy medical examiner who collects samples for the purposes described in Subsection
 450 (1).

451 **§→ [Section 7. Section 26-7-2 is amended to read:**

452 ~~26-7-2. Office of Health Disparities Reduction -- Duties.~~

453 ~~(1) As used in this section:~~

454 ~~(a) "Multicultural or minority health issue" means a health issue, including a mental~~
 455 ~~and oral health issue, of particular interest to cultural, ethnic, racial, or other subpopulations;~~
 456 ~~including:~~

457 ~~(i) disparities in:~~

458 ~~(A) disease incidence, prevalence, morbidity, mortality, treatment, and treatment~~
 459 ~~response; and~~

460 ~~(B) access to care; and~~

461 ~~(ii) cultural competency in the delivery of health care. ←§~~

462 — ~~§→(b) "Office" means the Office of Health Disparities Reduction created in this section.~~
 463 — ~~(2) There is created within the department the Office of Health Disparities Reduction.~~
 464 — ~~(3) The office shall:~~
 465 — ~~(a) promote and coordinate the research, data production, dissemination, education,~~
 466 ~~and health promotion activities of the following that relate to a multicultural or minority health~~
 467 ~~issue:~~
 468 — ~~(i) the department;~~
 469 — ~~(ii) local health departments;~~
 470 — ~~(iii) local mental health authorities;~~
 471 — ~~(iv) public schools;~~
 472 — ~~(v) community-based organizations; and~~
 473 — ~~(vi) other organizations within the state;~~
 474 — ~~(b) assist in the development and implementation of one or more programs to address a~~
 475 ~~multicultural or minority health issue;~~
 476 — ~~(c) promote the dissemination and use of information on a multicultural or minority~~
 477 ~~health issue by minority populations, health care providers, and others;~~
 478 — ~~(d) seek federal funding and other resources to accomplish the office's mission;~~
 479 — ~~(e) provide technical assistance to organizations within the state seeking funding to~~
 480 ~~study or address a multicultural or minority health issue;~~
 481 — ~~(f) develop and increase the capacity of the office to:~~
 482 — ~~(i) ensure the delivery of qualified timely culturally appropriate translation services~~
 483 ~~across department programs; and~~
 484 — ~~(ii) provide, when appropriate, linguistically competent translation and communication~~
 485 ~~services for limited English proficiency individuals; and~~
 486 — ~~(g) provide staff assistance to any advisory committee created by the department to~~
 487 ~~study a multicultural or minority health issue[; and];~~
 488 — ~~[(h) annually report to the Legislature on its activities and accomplishments.]] ←§~~

489 Section 8. Section 26-18-3 is amended to read:

490 **26-18-3. Administration of Medicaid program by department -- Reporting to the**
 491 **Legislature -- Disciplinary measures and sanctions -- Funds collected -- Eligibility**
 492 **standards -- Internal audits -- Studies -- Health opportunity accounts.**

1082 (b) a description of the personnel responsible for carrying out the activities of the grant
1083 along with a statement justifying the use of any grant funds for the personnel;

1084 (c) letters and other forms of evidence showing that efforts have been made to secure
1085 financial and professional assistance and support for the services to be provided under the
1086 grant;

1087 (d) a list of services to be provided by the applicant;

1088 (e) the schedule of fees to be charged by the applicant; and

1089 (f) other provisions as determined by the department.

1090 (4) The department may accept grants, gifts, and donations of money or property for
1091 use by the grant program.

1092 (5) ~~(a)~~ The department shall establish rules in accordance with Title 63G, Chapter 3,
1093 Utah Administrative Rulemaking Act, governing the application form, process, and criteria it
1094 will use in awarding grants under this section.

1095 ~~[(b) The department shall submit an annual report on the implementation of the grant
1096 program:]~~

1097 ~~[(i) by no later than November 1; and]~~

1098 ~~[(ii) to the Health and Human Services Interim Committee and the Social Services
1099 Appropriations Subcommittee.]~~

1100 **§→ [Section 21. Section 26-52-202 is amended to read:**

1101 ~~———— 26-52-202. Autism Treatment Account Advisory Committee -- Membership --~~
1102 **Time limit.**

1103 ~~———— (1) (a) There is created an Autism Treatment Account Advisory Committee consisting~~
1104 **of six members appointed by the governor to two-year terms of office as follows:**

1105 ~~———— (i) one person holding a doctorate degree who has experience in treating persons with~~
1106 **an autism spectrum disorder;**

1107 ~~———— (ii) one person who is a board-certified behavior analyst;~~

1108 ~~———— (iii) one person who is a physician licensed under Title 58, Chapter 67, Utah Medical~~
1109 **Practice Act, or Title 58, Chapter 68, Utah Osteopathic Medical Practice Act, who has**
1110 **completed a residency program in pediatrics;**

1111 ~~———— (iv) one person who is employed in the Department of Health; and~~

1112 ~~———— (v) two persons from the community who are familiar with autism spectrum disorders~~ ← §

1113 ~~§→and their effects, diagnosis, treatment, rehabilitation, and support needs, including:~~
 1114 ~~—— (A) family members of a person with an autism spectrum disorder;~~
 1115 ~~—— (B) representatives of an association which advocates for persons with an autism~~
 1116 ~~spectrum disorder; and~~
 1117 ~~—— (C) specialists or professionals who work with persons with autism spectrum disorders.~~
 1118 ~~—— (b) Notwithstanding the requirements of Subsection (1)(a), the governor shall, at the~~
 1119 ~~time of appointment or reappointment, adjust the length of terms to ensure that the terms of~~
 1120 ~~committee members are staggered so that approximately half of the committee is appointed~~
 1121 ~~every year.~~
 1122 ~~—— (c) If a vacancy occurs in the committee membership for any reason, a replacement~~
 1123 ~~may be appointed for the unexpired term.~~
 1124 ~~—— (2) The department shall provide staff support to the committee.~~
 1125 ~~—— (3) (a) The committee shall elect a chair from the membership on an annual basis.~~
 1126 ~~—— (b) A majority of the committee constitutes a quorum at any meeting, and, if a quorum~~
 1127 ~~exists, the action of the majority of members present shall be the action of the committee.~~
 1128 ~~—— (c) The executive director may remove a committee member:~~
 1129 ~~—— (i) if the member is unable or unwilling to carry out the member's assigned~~
 1130 ~~responsibilities; or~~
 1131 ~~—— (ii) for good cause.~~
 1132 ~~—— (4) The committee may, in accordance with Title 63G, Chapter 3, Utah Administrative~~
 1133 ~~Rulemaking Act, make rules governing the committee's activities, which rules shall:~~
 1134 ~~—— (a) comply with the requirements of this title; and~~
 1135 ~~—— (b) include:~~
 1136 ~~—— (i) qualification criteria and procedures for selecting children who may qualify for~~
 1137 ~~assistance from the account;~~
 1138 ~~—— (ii) qualifications, criteria, and procedures for evaluating the services and providers to~~
 1139 ~~include in the program, which shall include at least:~~
 1140 ~~—— (A) applied behavior analysis provided by or supervised by a board certified behavior~~
 1141 ~~analyst or a licensed psychologist with equivalent university training and supervised~~
 1142 ~~experience;~~
 1143 ~~—— (B) collaboration with existing telehealth networks to reach children in rural and ←§~~

1144 ~~§ under-served areas of the state; and~~
 1145 ~~—— (C) methods to engage family members in the treatment process; and~~
 1146 ~~—— (iii) provisions to address and avoid conflicts of interest that may arise in relation to the~~
 1147 ~~committee's work.~~
 1148 ~~—— (5) The committee shall meet as necessary to carry out its duties and shall meet upon a~~
 1149 ~~call of the committee chair or a call of a majority of the committee members.~~
 1150 ~~—— (6) The committee shall comply with the procedures and requirements of:~~
 1151 ~~—— (a) Title 52, Chapter 4, Open and Public Meetings Act; and~~
 1152 ~~—— (b) Title 63G, Chapter 2, Government Records Access and Management Act.~~
 1153 ~~—— (7) Committee members shall receive no compensation or per diem allowance for their~~
 1154 ~~services.~~
 1155 ~~—— (8) (a) Not later than November 30 of each year, the committee shall provide a written~~
 1156 ~~report summarizing the activities of the committee to: (i) the executive director [of the~~
 1157 ~~department;]~~
 1158 ~~—— [(ii) the Legislature's Health and Human Services Interim Committee; and]~~
 1159 ~~—— [(iii) the Legislature's Social Services Appropriations Subcommittee.]~~
 1160 ~~—— (b) The report under Subsection (8)(a) shall include:~~
 1161 ~~—— (i) the number of children diagnosed with autism spectrum disorder who are receiving~~
 1162 ~~services under this chapter;~~
 1163 ~~—— (ii) the types of services provided to children under this chapter; and~~
 1164 ~~—— (iii) results of any evaluations on the effectiveness of treatments and services provided~~
 1165 ~~under this chapter.] ←§~~

1166 Section 22. Section 31A-22-626 is amended to read:

1167 **31A-22-626. Coverage of diabetes.**

1168 (1) As used in this section, "diabetes" includes individuals with:

1169 (a) complete insulin deficiency or type 1 diabetes;

1170 (b) insulin resistant with partial insulin deficiency or type 2 diabetes; and

1171 (c) elevated blood glucose levels induced by pregnancy or gestational diabetes.

1172 (2) The commissioner shall establish, by rule, minimum standards of coverage for

1173 diabetes for accident and health insurance policies that provide a health insurance benefit

1174 before July 1, 2000.

1485 Legislature's Health and Human Services Interim Committee describing the outcome data of
 1486 licensed Direct-entry midwives practicing in Utah.]

1487 [The board shall base its report on data provided in large part from the Midwives'
 1488 Alliance of North America.]

1489 (4) A board member who has, under Subsection (3), reviewed a complaint or advised
 1490 in its investigation may be disqualified from participating with the board when the board serves
 1491 as a presiding officer in an adjudicative proceeding concerning the complaint.

1492 (5) Qualified faculty, board members, and other staff of Direct-entry midwifery
 1493 learning institutions may serve as one or more of the licensed Directed-entry midwives on the
 1494 board.

1495 **§→ [Section 29. Section 59-14-204 is amended to read:**

1496 ~~———— 59-14-204. Tax basis -- Rate -- Future increase -- Cigarette Tax Restricted~~
 1497 ~~Account -- Appropriation and expenditure of revenues.~~

1498 ~~———— (1) Except for cigarettes described under Subsection 59-14-210(3), there is levied a tax~~
 1499 ~~upon the sale, use, storage, or distribution of cigarettes in the state.~~

1500 ~~———— (2) The rates of the tax levied under Subsection (1) are, beginning on July 1, 2010:~~

1501 ~~———— (a) 8.5 cents on each cigarette, for all cigarettes weighing not more than three pounds~~
 1502 ~~per thousand cigarettes; and~~

1503 ~~———— (b) 9.963 cents on each cigarette, for all cigarettes weighing in excess of three pounds~~
 1504 ~~per thousand cigarettes.~~

1505 ~~———— (3) Except as otherwise provided under this chapter, the tax levied under Subsection~~
 1506 ~~(1) shall be paid by any person who is the manufacturer, jobber, importer, distributor,~~
 1507 ~~wholesaler, retailer, user, or consumer.~~

1508 ~~———— (4) The tax rates specified in this section shall be increased by the commission by the~~
 1509 ~~same amount as any future reduction in the federal excise tax on cigarettes.~~

1510 ~~———— (5) (a) There is created within the General Fund a restricted account known as the~~
 1511 ~~"Cigarette Tax Restricted Account."~~

1512 ~~———— (b) The Cigarette Tax Restricted Account consists of:~~

1513 ~~———— (i) the first \$7,950,000 of the revenues collected from a tax under this section; and~~

1514 ~~———— (ii) any other appropriations the Legislature makes to the Cigarette Tax Restricted~~
 1515 ~~Account. ← §~~

1516 — ~~§(c) For each fiscal year beginning with fiscal year 2011-12 and subject to appropriation~~
 1517 ~~by the Legislature, the Division of Finance shall distribute money from the Cigarette Tax~~
 1518 ~~Restricted Account as follows:~~

1519 — ~~(i) \$250,000 to the Department of Health to be expended for a tobacco prevention and~~
 1520 ~~control media campaign targeted towards children;~~

1521 — ~~(ii) \$2,900,000 to the Department of Health to be expended for tobacco prevention,~~
 1522 ~~reduction, cessation, and control programs;~~

1523 — ~~(iii) \$2,000,000 to the University of Utah Health Sciences Center for the Huntsman~~
 1524 ~~Cancer Institute to be expended for cancer research; and~~

1525 — ~~(iv) \$2,800,000 to the University of Utah Health Sciences Center to be expended for~~
 1526 ~~medical education at the University of Utah School of Medicine.~~

1527 — ~~(d) In determining how to appropriate revenue deposited into the Cigarette Tax~~
 1528 ~~Restricted Account that is not otherwise appropriated under Subsection (5)(c), the Legislature~~
 1529 ~~shall give particular consideration to enhancing Medicaid provider reimbursement rates and~~
 1530 ~~medical coverage for the uninsured.~~

1531 — ~~{(e) Any program or entity that receives funding under Subsection (5)(c) shall provide~~
 1532 ~~an annual report to the Health and Human Services Interim Committee no later than September~~
 1533 ~~1 of each year. The report shall include:}~~

1534 — ~~{(i) the amount funded;}~~

1535 — ~~{(ii) the amount expended;}~~

1536 — ~~{(iii) a description of the effectiveness of the program; and}~~

1537 — ~~{(iv) if the program is a tobacco cessation program, the report required in Section~~
 1538 ~~51-9-203.} ←§~~

1539 Section 30. Section **62A-3-110** is amended to read:

1540 **62A-3-110. "Out and About" Homebound Transportation Assistance Fund.**

1541 (1) (a) There is created a restricted special revenue fund known as the "Out and About"
 1542 Homebound Transportation Assistance Fund.

1543 (b) The "Out and About" Homebound Transportation Assistance Fund shall consist of:

1544 (i) private contributions;

1545 (ii) donations or grants from public or private entities;

1546 (iii) voluntary donations collected under Section 53-3-214.8; and