

# HB0146S01 compared with HB0146

~~{deleted text}~~ shows text that was in HB0146 but was deleted in HB0146S01.

inserted text shows text that was not in HB0146 but was inserted into HB0146S01.

**DISCLAIMER:** This document is provided to assist you in your comparison of the two bills. Sometimes this automated comparison will NOT be completely accurate. Therefore, you need to read the actual bills. This automatically generated document could contain inaccuracies caused by: limitations of the compare program; bad input data; or other causes.

Representative Jennifer Dailey-Provost proposes the following substitute bill:

## OVERDOSE ~~{PREVENTION SITES}~~ HARM REDUCTION WORKING GROUP

2021 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Jennifer ~~{Dailey-Provost}~~ Dailey-Provost

Senate Sponsor: \_\_\_\_\_

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### LONG TITLE

#### General Description:

This bill ~~{enacts provisions relating to the establishment and operation of an overdose prevention program}~~ creates a working group to study harm reduction oriented strategies to reduce overdose injuries and deaths in the state.

#### Highlighted Provisions:

This bill:

- ▶ ~~{allows a county or municipality to approve an entity to operate an overdose prevention program;~~

→ ~~creates requirements for approval of an overdose prevention program;~~ directs the Utah Substance Abuse Advisory Council to convene a working group to study harm

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reduction oriented strategies to reduce overdose injuries and deaths;

▶ describes the purpose and membership of the working group; and

▶ creates a reporting requirement ~~{for an overdose prevention program that is approved for operation; and~~

—▶ ~~limits liability for certain actions relating to an overdose prevention program}~~ and a sunset date.

### Money Appropriated in this Bill:

None

### Other Special Clauses:

None

### Utah Code Sections Affected:

#### AMENDS:

63I-2-263, as last amended by Laws of Utah 2020, Fifth Special Session, Chapter 12

#### ENACTS:

~~{26-68-101, Utah Code Annotated 1953~~

—~~26-68-102, Utah Code Annotated 1953~~

—~~26-68-201, Utah Code Annotated 1953~~

—~~26-68-202, Utah Code Annotated 1953~~

—~~26-68-301}~~ 63M-1-303.1, Utah Code Annotated 1953

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

Section 1. Section ~~{26-68-101 is enacted to read:~~

#### ~~CHAPTER 68. OVERDOSE PREVENTION PROGRAMS~~

—~~26-68-101. Title:~~

—~~This chapter is known as "Overdose Prevention Programs."~~ 63I-2-263 is amended to read:

63I-2-263. Repeal dates, Title 63A to Title 63N.

(1) On July 1, 2020:

(a) Subsection 63A-1-203(5)(a)(i) is repealed; and

(b) in Subsection 63A-1-203(5)(a)(ii), the language that states "appointed on or after May 8, 2018," is repealed.

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(2) Section 63A-3-111 is repealed June 30, 2021.

(3) Title 63C, Chapter 19, Higher Education Strategic Planning Commission is repealed July 1, 2021.

(4) Title 63C, Chapter 22, Digital Wellness, Citizenship, and Safe Technology Commission is repealed July 1, 2023.

(5) The following sections regarding the World War II Memorial Commission are repealed on July 1, 2022:

(a) Section 63G-1-801;

(b) Section 63G-1-802;

(c) Section 63G-1-803; and

(d) Section 63G-1-804.

(6) Subsections 63G-6a-802(1)(d) and 63G-6a-802(3)(b)(iii), regarding a procurement relating to a vice presidential debate, are repealed January 1, 2021.

~~[(7) In relation to the State Fair Park Committee, on January 1, 2021:]~~

~~[(a) Section 63H-6-104.5 is repealed; and]~~

~~[(b) Subsections 63H-6-104(8) and (9) are repealed.]~~

~~[(8)] (7) Section 63H-7a-303 is repealed July 1, 2024.~~

~~[(9)] (8) Subsection 63J-1-206(3)(c), relating to coronavirus, is repealed July 1, 2021.~~

~~[(10)] (9) In relation to the Employability to Careers Program Board, on July 1, 2022:~~

~~(a) Subsection 63J-1-602.1(57) is repealed;~~

~~(b) Subsection 63J-4-301(1)(h), related to the review of data and metrics, is repealed;~~

and

~~(c) Title 63J, Chapter 4, Part 7, Employability to Careers Program, is repealed.~~

(10) Section 63M-1-303.1 is repealed on January 1, 2022.

(11) Title 63M, Chapter 4, Part 8, Voluntary Home Energy Information Pilot Program Act, is repealed January 1, 2022.

(12) Sections 63M-7-213 and 63M-7-213.5 are repealed on January 1, 2023.

(13) Subsection 63N-12-508(3) is repealed December 31, 2021.

(14) Title 63N, Chapter 13, Part 3, Facilitating ~~[Public-Private]~~ Public-private Partnerships Act, is repealed January 1, 2024.

(15) Title 63N, Chapter 15, COVID-19 Economic Recovery Programs, is repealed

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December 31, 2021.

Section 2. Section ~~{26-68-102}~~63M-1-303.1 is enacted to read:

~~26-68-102. Definitions:~~

~~As used in this chapter:~~

~~(1) "County" means the same as that term is defined in Section 17-50-101.~~

~~(2) "Municipality" means the same as that term is defined in Section 10-1-104.~~

~~Section 3. Section 26-68-201 is enacted to read:~~

~~26-68-201. Establishment and operation of overdose prevention programs --~~

~~Standards:~~

~~(1) Notwithstanding any other provision of law, a county or a municipality may approve an entity within the county or municipality's jurisdiction to establish and operate}~~63M-1-303.1. Working group to study strategies for overdose harm reduction.

~~(1) The council shall convene a working group to study harm reduction oriented strategies to address overdose injuries and deaths, including the feasibility of establishing:~~

~~(a) a pilot program for an overdose prevention {program for individuals if the program satisfies the requirements in Subsection (2)}:~~

~~(2) A county or a municipality may authorize an entity to operate an overdose prevention program if the entity is able to demonstrate that the entity is able to:~~

~~(a) provide a hygienic space supervised by health care professionals where an individual is able to consume pre-obtained drugs;~~

~~(b) provide sterile consumption supplies, collect hypodermic needles and syringes, and provide secure needle and syringe disposal services;~~

~~(c) administer first aid, monitor participants for potential overdose, and provide treatment as necessary to prevent a fatal overdose;~~

~~(d) provide access or referrals to substance use disorder treatment services, medical services, mental health services, and social services;~~

~~(e) educate individuals on:~~

~~(i) the risks of contracting HIV and viral hepatitis;~~

~~(ii) overdose prevention; and~~

~~(iii) proper disposal of needles and syringes;~~

~~(f) provide access to or referrals to obtain naloxone or another overdose reversal~~

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~~medication approved by the United States Food and Drug Administration;~~

- ~~— (g) provide reasonable security of the program site;~~
- ~~— (h) establish operating procedures for the program that are made available to the public through an internet website or upon request;~~
- ~~— (i) train staff members to deliver services offered by the program;~~
- ~~— (j) establish a policy that facilitates communication and addresses concerns and complaints of local businesses and residences; and~~
- ~~— (k) establish a policy for informing local government officials and neighbors about the entity's complain procedures, including the contact information for the director of the entity;~~

~~(3) The operating procedures described in Subsection (2)(h) shall include:~~

- ~~— (a) standard hours of operation;~~
- ~~— (b) minimum number of personnel required to be onsite during the hours of operation;~~
- ~~— (c) licensing and training standards for personnel;~~
- ~~— (d) the maximum number of individuals who may be served at one time;~~
- ~~— (e) eligibility criteria for individuals who are served by the program; and~~
- ~~— (f) documentation of an established relationship with the emergency department of the nearest general acute hospital;~~

~~Section 4. Section 26-68-202 is enacted to read:~~

~~**26-68-202. Reporting requirement.**~~

~~(1) On or before April 1 of each year, an entity operating an overdose prevention program under this chapter shall provide an annual report with the information described in Subsection (2) to:~~

- ~~— (a) the county or municipality that approved the entity; and~~
- ~~— (b) the department;~~

~~(2) The annual report in } site; and~~

~~(b) a mobile unit to increase access to certain medication-assisted therapies for vulnerable or marginalized areas and populations.~~

~~(2) The working group convened under Subsection (1) shall include representation from at least the following groups:~~

- ~~(a) the number of individuals served by the program;~~
- ~~— (b) aggregate demographic information regarding the individuals served by the~~

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program;

~~— (c) the number of needles and syringes distributed by the program for use onsite;~~

~~— (d) the number of overdoses experienced onsite;~~

~~— (e) the number of overdoses successfully reversed onsite;~~

~~— (f) the number of individuals referred to a drug treatment program; and~~

~~— (g) the number of individuals directly referred to other services.~~

~~— Section 5. Section ~~26-68-301~~ is enacted to read:~~

~~— **26-68-301. Limitation of liability.**~~

~~— Notwithstanding any other provision of law:~~

~~— (1) property belonging to an approved entity or a person acting within the scope of the person's duties relating to an approved; family members impacted by drug overdose;~~

~~(b) recovery community advocates;~~

~~(c) a local elected official;~~

~~(d) local law enforcement;~~

~~(e) local fire department;~~

~~(f) local prosecutors;~~

~~(g) local treatment providers;~~

~~(h) a member from the council;~~

~~(i) a representative from the Utah Division of Substance Abuse and Mental Health;~~

~~(j) a representative from the Department of Health;~~

~~(k) a representative of a local health department;~~

~~(l) a representative of local governments in the state; and~~

~~(m) other community members as needed.~~

~~(3) On or before November 17, 2021, the working group convened under Subsection (1) shall report to the Health and Human Services Interim Committee strategies and proposals for legislative changes to reduce overdose injuries and deaths through harm reduction oriented strategies, including the feasibility of establishing:~~

~~(a) a pilot program for an overdose prevention {program is not subject to seizure under Title 24, Forfeiture and Disposition of Property Act, solely for:~~

~~(a) an action, conduct, or omission relating to the work for which an overdose prevention program is approved by a county or municipality under this chapter; and~~

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~~—— (b) conduct relating to the approval of an entity to operate an overdose prevention program, including inspection, licensing, and other types of regulation;~~

~~—— (2) a person acting within the course and scope of employment is not subject to civil, administrative, disciplinary, employment, credentialing, professional discipline, contractual, or any other form of liability solely for:~~

~~—— (a) an action, conduct, or omission relating to the work for which an overdose prevention program is approved by a county or municipality under this chapter; and~~

~~—— (b) conduct relating to the approval of an entity to operate an overdose prevention program, including inspection, licensing, and other types of regulation; and~~

~~—— (3) a person may not be arrested, charged, prosecuted, or otherwise penalized solely for:~~

~~—— (a) an action, conduct, or omission relating to the work for which an overdose prevention program is approved by a county or municipality under this chapter; and~~

~~—— (b) conduct relating to the approval of an entity to operate an overdose prevention program, including inspection, licensing, and other types of regulation.~~

~~site; and~~

(b) a mobile unit to increase access to certain medication-assisted therapies for vulnerable or marginalized areas and populations.