

HB0329S02 compared with HB0329S01

~~{Omitted text}~~ shows text that was in HB0329S01 but was omitted in HB0329S02
inserted text shows text that was not in HB0329S01 but was inserted into HB0329S02

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Homeless Services Amendments
2025 GENERAL SESSION
STATE OF UTAH
Chief Sponsor: Tyler Clancy
Senate Sponsor: Daniel McCay



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3 **LONG TITLE**

4 **General Description:**

5 This bill amends and enacts provisions related to homelessness.

6 **Highlighted Provisions:**

7 This bill:

- 8 ▶ defines terms;
- 9 ▶ creates the Shelter Counties Advisory Board to make recommendations to the Utah Homeless Board (board) regarding homeless services;
- 11 ▶ provides for use of the Know-by-Name pilot program;
- 12 ▶ requires the board to collect and report on certain data;
- 13 ▶ provides that funds from the ~~{Pamela Atkinson}~~ Homeless to Housing Reform Restricted Account may be used for certain transportation costs to connect the individual with a support network outside of the state;
- 15 ▶ modifies the process by which the board approves funding requests from the Homeless Shelter Cities Mitigation Restricted Account;
- 17 ▶

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~~{ states that certain drug offenses are subject to enhanced penalties when committed in a state licensed homeless shelter; }~~

- 19 ▶ amends certain provisions of the winter response task force;
- 20 ▶ enacts provisions requiring service providers to design certain services to assist homeless individuals in progressing and transitioning from struggling with homelessness to personal thriving;
- 23 ▶ enacts provisions requiring certain safety requirements for homeless shelters, including winter response shelters;
- 25 ▶ provides for penalties if a service provider that receives state or federal funds ~~{ fails }~~ refuses to comply with certain safety requirements;
- 27 ▶ provides certain exceptions under the COVID-19 grant program for licensed residential vocational and life skills programs;
- 29 ▶ provides a sunset date for the Know-by-Name pilot program; and
- 30 ▶ makes technical and conforming changes.

30 **Money Appropriated in this Bill:**

31 None

32 **Other Special Clauses:**

33 None

35 **AMENDS:**

36 **26B-5-382** , as enacted by Laws of Utah 2024, Chapter 204 , as enacted by Laws of Utah 2024, Chapter 204

37 **35A-16-102** , as last amended by Laws of Utah 2024, Chapter 338 , as last amended by Laws of Utah 2024, Chapter 338

38 **35A-16-202** , as last amended by Laws of Utah 2024, Chapters 338, 349 , as last amended by Laws of Utah 2024, Chapters 338, 349

39 **35A-16-203** , as last amended by Laws of Utah 2024, Chapters 204, 338 and 349 , as last amended by Laws of Utah 2024, Chapters 204, 338 and 349

40 **35A-16-204** , as repealed and reenacted by Laws of Utah 2024, Chapter 338 , as repealed and reenacted by Laws of Utah 2024, Chapter 338

41 **35A-16-205** , as last amended by Laws of Utah 2024, Chapters 204, 338 and 349 , as last amended by Laws of Utah 2024, Chapters 204, 338 and 349

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35A-16-205.1 , as enacted by Laws of Utah 2024, Chapter 204 , as enacted by Laws of Utah 2024, Chapter 204

43 35A-16-207 , as last amended by Laws of Utah 2024, Chapter 349 , as last amended by Laws of Utah 2024, Chapter 349

44 35A-16-208 , as enacted by Laws of Utah 2024, Chapter 338 , as enacted by Laws of Utah 2024, Chapter 338

45 35A-16-302 , as last amended by Laws of Utah 2024, Chapters 204, 338 , as last amended by Laws of Utah 2024, Chapters 204, 338

47 ~~{35A-16-401 , as last amended by Laws of Utah 2024, Chapters 204, 338 and 438 , as last amended by Laws of Utah 2024, Chapters 204, 338 and 438}~~

46 35A-16-403 , as last amended by Laws of Utah 2024, Chapters 204, 338 , as last amended by Laws of Utah 2024, Chapters 204, 338

47 35A-16-501 , as last amended by Laws of Utah 2024, Chapter 438 , as last amended by Laws of Utah 2024, Chapter 438

48 35A-16-501.5 , as last amended by Laws of Utah 2024, Chapter 338 , as last amended by Laws of Utah 2024, Chapter 338

49 35A-16-602 , as last amended by Laws of Utah 2024, Chapter 338 , as last amended by Laws of Utah 2024, Chapter 338

52 ~~{58-37-8 }~~

50 63I-2-235 , as last amended by Laws of Utah 2024, Third Special Session, Chapter 5 , as last amended by Laws of Utah 2024, Third Special Session, Chapter 5

51 ENACTS:

55 ~~{35-16-210.1 , Utah Code Annotated 1953 , Utah Code Annotated 1953}~~

52 **35A-16-210.1 , Utah Code Annotated 1953 , Utah Code Annotated 1953**

53 35A-16-801 , Utah Code Annotated 1953 , Utah Code Annotated 1953

54 35A-16-901 , Utah Code Annotated 1953 , Utah Code Annotated 1953

55

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

57 Section 1. Section 26B-5-382 is amended to read:

58 **26B-5-382. HOME Court Pilot Program -- Requirements -- Funding -- Reporting.**

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- (1) As used in this section, "pilot program" means the HOME Court Pilot Program established in Subsection (2).
- 65 (2) Subject to appropriations from the Legislature and the assignment of a judge to preside over the proceedings, the Third Judicial District Court of Salt Lake County shall establish and administer a HOME Court Pilot Program beginning October 1, 2024, and ending June 30, 2029, that provides for comprehensive and individualized, court-supervised treatment and services to individuals with mental illness.
- 70 (3) The pilot program shall:
- 71 (a) allow a person to petition the court for an order requiring an individual's participation in the pilot program;
- 73 (b) require the court to substitute the local mental health authority as the petitioner if the initial petitioner is not the local mental health authority;
- 75 (c) provide an opportunity for the parties to enter into an agreement regarding an individual's participation in the pilot program, including a treatment plan, prior to a court order under Subsection (3)(e);
- 78 (d) provide for a hearing at which information is presented to determine whether an individual qualifies for court-ordered participation in the pilot program as provided in Subsection (3)(e);
- 81 (e) require the court to order an individual to participate in the pilot program if, upon completion of the hearing described in Subsection (3)(d), the court finds by clear and convincing evidence that:
- 84 (i) the individual resides or may be presently found within Salt Lake County;
- 85 (ii) the individual has a mental illness;
- 86 (iii) because of the individual's mental illness, the individual:
- 87 (A) is unlikely to survive or remain safe without supervision, assistance, or services; or
- 89 (B) meets the criteria described in Subsection 26B-5-351(14)(c)(i) or (ii);
- 90 (iv) there is no appropriate less-restrictive alternative to a court order for participation in the pilot program;
- 92 (v) the individual is likely to benefit from participation in the pilot program; and
- 93 (vi) there is adequate capacity within the pilot program to meet the individual's need for services described in Subsection (3)(f);
- 95 (f) upon the court's order for an individual to participate in the pilot program, require the local mental health authority to prepare a comprehensive and individualized treatment plan, for approval by the

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court, that includes the following components for the individual to successfully achieve the purposes of the pilot program:

- 99 (i) mental health services;
- 100 (ii) housing resources;
- 101 (iii) social services;
- 102 (iv) case management;
- 103 (v) peer support;
- 104 (vi) exit or transition services; and
- 105 (vii) individualized goals for the successful completion of the pilot program;
- 106 (g) upon the court's approval of a treatment plan prepared by the local mental health authority:
- 108 (i) require the local mental health authority to coordinate services required for participation in the pilot program; and
- 110 (ii) require the court to conduct regular review hearings as deemed necessary to evaluate the individual's progress in completing the treatment plan; and
- 112 (h) operate in a manner that is consistent with the procedures for ordering assisted outpatient treatment under Section 26B-5-351.
- 114 (4)
- (a)
- (i) If a individual participating in the pilot program has an outstanding warrant or pending criminal matter in another Utah court, the Third Judicial District Court of Salt Lake County may notify the other court in which the individual has an outstanding warrant or pending criminal matter regarding the individual's participation in the pilot program.
- 119 (ii) Upon receiving notice of an individual's participation in the pilot program under Subsection (4)(a)(i), the other court may, if deemed appropriate, recall the warrant or stay the case in which the individual is involved unless the warrant or case involves a felony charge.
- 123 (iii) In determining whether to recall a warrant or stay a case under Subsection (4)(a)(ii), the other court shall consider the likelihood of the individual's successful completion of the pilot program, the severity of the pending charges, the impact on victims' rights, and the impact on the government's ability and right to prosecute the case.
- 128 (b)

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- (i) If an individual described in Subsection (4)(a)(i) successfully completes the pilot program, the Third Judicial District Court of Salt Lake County may notify the other court in which the individual has an outstanding warrant or pending criminal matter regarding the individual's successful completion of the pilot program.
- 133 (ii) Upon receiving notice of an individual's successful completion of the pilot program under Subsection (4)(b)(i), the other court shall consider the effect of the individual's completion of the pilot program on the case pending before that court, including the dismissal of criminal charges if deemed appropriate.
- 137 (5)
- (a) Costs of all services provided under the pilot program, including the costs incurred by the multidisciplinary team described in Subsection (5)(b)(ii)(B), shall be paid by Salt Lake County.
- 140 (b) If the Legislature appropriates money to the division for implementation of the pilot program, the division shall:
- 142 (i) require the local mental health authority, as part of the plan required under Subsection 17-43-301(6)(a)(ii), to submit to the division a proposal for implementation of the pilot program on or before May 15 of each year;
- 145 (ii) review the proposal described in Subsection (5)(b)(i) to ensure that the proposal:
- 146 (A) meets the requirements of this section; and
- 147 (B) establishes a multidisciplinary team, with a sufficient number of stakeholders, to adequately address the provision of treatment and services under the pilot program;
- 150 (iii) upon approval of the proposal described in Subsection (5)(b)(i), contract funds appropriated for the pilot program with the local mental health authority; and
- 152 (iv) conduct an annual audit and review of the local mental health authority, and any contracted provider, regarding the use of funds appropriated for the pilot program.
- 154 (c) The matching requirement in Subsection 17-41-301(6)(a)(x) does not apply to funds appropriated by the Legislature for the pilot program.
- 156 (d) Subject to appropriation by the Legislature, Salt Lake County may:
- 157 (i) apply to the division to receive funds to cover the county's costs under the pilot program; and
- 159 (ii) pay county contributions to the nonfederal share of Medicaid expenditures with funds appropriated for the pilot program.
- 161 (6) The department shall:

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- 162 (a) establish and evaluate metrics for the success of the pilot program with input from the local mental
health authority, the [~~Utah Homelessness Council~~] Utah Homeless Services Board created in
Section 35A-16-204, and the Judicial Council; and
- 165 (b) in collaboration with the local mental health authority, submit to the Health and Human Services
Interim Committee a report on or before June 30 of each year, beginning in calendar year 2025,
regarding the outcomes of the pilot program.

168 Section 2. Section 2 is enacted to read:

169 **35-16-210.1. Shelter Counties Advisory Board.**

- 170 (1) There is established the Shelter Counties Advisory Board.
- 171 (2) The Shelter Counties Advisory Board shall consist of the chief executive officer of each county that
maintains a homeless shelter year round, or the chief executive officer's designee.
- 174 (3)
- (a) The Shelter Counties Advisory Board shall appoint, in accordance with this section, one chief
executive officer representing a county as a member to the board.
- 176 (b) The members of the Shelter Counties Advisory Board shall make an appointment, or fill a vacancy,
by a majority vote of all members of the Shelter Counties Advisory Board who are present at the
meeting during which an appointment is made.
- 179 (c) Section 35A-16-204 governs other terms of appointment.
- 180 (4) The Shelter Counties Advisory Board may make recommendations to the board regarding
improvements to coordinating and providing services to individuals experiencing homelessness in
the state.
- 183 (5) The office and an association representing at least two counties in the state shall jointly provide staff
and administrative support to the Shelter Counties Advisory Board.

165 Section 2. Section ~~35A-16-102~~ is amended to read:

166 **35A-16-102. Definitions.**

As used in this chapter:

- 188 (1) "Board" means the Utah Homeless Services Board created in Section 35A-16-204.
- 189 ~~{(2)} "Brief" means the average length of time from the date of the initial identification of an individual
experiencing homelessness to the date of the individual's exit destination is less than 45 days.}~~
- 192 ~~{(2){}} ~~{(3)}~~~~ "Client" means an individual who is experiencing homelessness or an individual at risk
of becoming homeless.

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- 194 ~~{(3)}~~{1} ~~{(4)}~~ "Chief executive officer" means the same as that term is defined in Section 11-51-102.
- 196 ~~{(4)}~~{1} ~~{(5)}~~ "Collaborative applicant" means the entity designated by a continuum of care to collect and submit data and apply for funds on behalf of the continuum of care, as required by the United States Department of Housing and Urban Development.
- 199 ~~{(5)}~~{1} ~~{(6)}~~ "Continuum of care" means a regional or local planning body designated by the United States Department of Housing and Urban Development to coordinate services for individuals experiencing homelessness within an area of the state.
- 202 ~~{(6)}~~{1} ~~{(7)}~~ "Coordinator" means the state homelessness coordinator appointed under Section 63J-4-202.
- 204 ~~{(8)}~~ (7) "County of the first class" means the same as that term is defined in Section 17-50-501.
- 205 ~~{(9)}~~ (8) "County of the second class" means the same as that term is defined in Section 17-50-501.
- 207 ~~{(10)}~~ (9) "Eligible services" means any activities or services that mitigate the impacts of the location of an eligible shelter, including direct services, public safety services, and emergency services, as further defined by rule made by the office in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.
- 211 ~~{(7)}~~ ~~{(11)}~~ (10) "Executive committee" means the executive committee of the board.
- 212 ~~{(8)}~~ ~~{(12)}~~ (11) "Exit destination" means:
- 213 (a) a homeless situation;
- 214 (b) an institutional situation;
- 215 (c) a temporary housing situation;
- 216 (d) a permanent housing situation; or
- 217 (e) other.
- 218 ~~{(9)}~~ ~~{(13)}~~ (12) "First-tier eligible municipality" means a municipality that:
- 219 (a) is located within a county of the first or second class;
- 220 (b) as determined by the office, has or is proposed to have an eligible shelter within the municipality's geographic boundaries within the following fiscal year;
- 222 (c) due to the location of an eligible shelter within the municipality's geographic boundaries, requires eligible services; and
- 224 (d) is certified as a first-tier eligible municipality in accordance with Section 35A-16-404.
- 225 ~~{(10)}~~ ~~{(14)}~~ (13) "Homeless Management Information System" or "HMIS" means an information technology system that:

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- 227 (a) is used to collect client-level data and data on the provision of housing and services to homeless individuals and individuals at risk of homelessness in the state; and
- 229 (b) meets the requirements of the United States Department of Housing and Urban Development.
- 231 [(11)] ~~{(15)}~~ (14) "Homeless services budget" means the comprehensive annual budget and overview of all homeless services available in the state described in Subsection 35A-16-203(1)(b).
- 234 ~~{(16)}~~ (15) "Know-by-Name case management system pilot program" means a privately funded homeless intervention program that shares the aggregated data from HMIS between service providers and caseworkers to identify and provide an individual experiencing homelessness with individualized services.
- 238 [(12)] ~~{(17)}~~ (16) "Local homeless council" means a local planning body designated by the steering committee to coordinate services for individuals experiencing homelessness within an area of the state.
- 241 ~~{(18)}~~ "Nonrecurring" means that the total number of individuals who return to homelessness within two years of exiting the homeless service system is not greater than 5%.
- 243 [(13)] ~~{(19)}~~ (17) "Office" means the Office of Homeless Services.
- 244 ~~{(20)}~~ (18) ~~{ "Rare" }~~ "Residential, vocational and life skills program" means ~~{ the number of individuals experiencing homelessness within each subpopulation is less than }~~ the ~~{ percentage threshold, as determined by the board, of the overall population }~~ same as that term is defined in Section 13-53-102.
- 247 ~~{(21)}~~ "Residential, vocational and life skills program" means the same as that term is defined in Section 13-53-102.
- 249 [(14)] ~~{(22)}~~ (19) "Second-tier eligible municipality" means a municipality that:
- 250 (a) is located within a county of the third, fourth, fifth, or sixth class;
- 251 (b) as determined by the office, has or is proposed to have an eligible shelter within the municipality's geographic boundaries within the following fiscal year;
- 253 (c) due to the location of an eligible shelter within the municipality's geographic boundaries, requires eligible services; and
- 255 (d) is certified as a second-tier eligible municipality in accordance with Section 35A-16-404.
- 257 [(15)] ~~{(23)}~~ (20)
- (a) "Service provider" means a state agency, a local government, or a private organization that provides services to clients.

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- 259 (b) "Service provider" includes a correctional facility and the Administrative Office of the Courts.
261 [(16)] ~~{(24)}~~ (21) "Steering committee" means the Utah Homeless Network Steering Committee
created in Section 35A-16-206.
- 263 [(17)] ~~{(25)}~~ (22) "Strategic plan" means the statewide strategic plan to minimize homelessness in the
state described in Subsection 35A-16-203(1)(c).
- 265 [(18)] ~~{(26)}~~ (23) "Type of homelessness" means:
- 266 (a) chronic homelessness;
267 (b) episodic homelessness;
268 (c) situational homelessness; or
269 (d) family homelessness.
- 241 Section 3. Section **35A-16-202** is amended to read:
242 **35A-16-202. Powers and duties of the office.**
- 272 (1) The office shall, under the direction of the coordinator:
273 (a) assist in providing homeless services in the state;
274 (b) coordinate the provision of homeless services in the state;
275 (c) manage, with the concurrence of continuum of care organizations approved by the United States
Department of Housing and Urban Development, a Homeless Management Information System for
the state that:
278 (i) shares client-level data between service providers in the state;
279 (ii) is effective as a case management system;
280 (iii) except for individuals receiving services who are victims of domestic violence, includes an
effective authorization protocol for encouraging individuals who are provided with any homeless
services in the state to provide accurate information to providers for inclusion in the HMIS and, if
applicable, Know-by-Name case management system pilot program; and
285 (iv) meets the requirements of the United States Department of Housing and Urban Development and
other federal requirements;
- 287 (d) in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, make rules defining
"successful exit," "unsuccessful exit," and "neutral exit"; and
289 (e) provide support to the steering committee in developing the formula described in Section
35A-16-211.
- 291 (2) The office may:

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- 292 (a) by following the procedures and requirements of Title 63J, Chapter 5, Federal Funds Procedures
Act, seek federal grants, loans, or participation in federal programs; and
- 294 (b) for any federal program that requires the expenditure of state funds as a condition for participation
by the state in a fund, property, or service, with the governor's approval, expend whatever funds are
necessary out of the money provided by the Legislature for the use of the office.

269 Section 4. Section **35A-16-203** is amended to read:

270 **35A-16-203. Powers and duties of the coordinator.**

300 (1) The coordinator shall:

- 301 (a) coordinate the provision of homeless services in the state;
- 302 (b) in cooperation with the board, develop and maintain a comprehensive annual budget and overview
of all homeless services available in the state, which homeless services budget shall receive final
approval by the board;
- 305 (c) in cooperation with the board, create a statewide strategic plan to minimize homelessness in the
state, which strategic plan shall receive final approval by the board;
- 308 (d) in cooperation with the board, oversee funding provided for the provision of homeless services,
which funding shall receive final approval by the board, including funding from the:
- 311 (i) Pamela Atkinson Homeless Account created in Section 35A-16-301;
- 312 (ii) Homeless to Housing Reform Restricted Account created in Section 35A-16-303; and
- 314 (iii) Homeless Shelter Cities Mitigation Restricted Account created in Section 35A-16-402;
- 316 (e) provide administrative support to and serve as a member of the board;
- 317 (f) at the governor's request, report directly to the governor on issues regarding homelessness in the
state and the provision of homeless services in the state; and
- 319 (g) report directly to the president of the Senate and the speaker of the House of Representatives at least
twice each year on issues regarding homelessness in the state and the provision of homeless services
in the state.
- 322 (2) The coordinator, in cooperation with the board, shall ensure that the homeless services budget
described in Subsection (1)(b) includes an overview and coordination plan for all funding sources
for homeless services in the state, including from state agencies, continuum of care organizations,
housing authorities, local governments, federal sources, and private organizations.

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- (3) The coordinator, in cooperation with the board and taking into account the metrics established and data reported in accordance with Section 35A-16-211, shall ensure that the strategic plan described in Subsection (1)(c):
- 330 (a) outlines specific goals and measurable benchmarks for minimizing homelessness in the state and for coordinating services for individuals experiencing homelessness among all service providers in the state;
- 333 (b) identifies {best practices} or innovative strategies and recommends improvements to the provision of services to individuals experiencing homelessness in the state to ensure the services are provided in a safe, cost-effective, and efficient manner;
- 336 (c) identifies {best practices} or innovative strategies and recommends improvements in coordinating the delivery of services to the variety of populations experiencing homelessness in the state, including through the use of electronic databases and improved data sharing among all service providers in the state;
- 340 (d) identifies gaps and recommends solutions in the delivery of services to the variety of populations experiencing homelessness in the state; and
- 342 (e) takes into consideration the success of the HOME Court Pilot Program established in Section 26B-5-382.
- 344 (4) In overseeing funding for the provision of homeless services as described in Subsection (1)(d), the coordinator:
- 346 (a) shall prioritize the funding of programs and providers that have a documented history of successfully reducing the number of individuals experiencing homelessness, reducing the time individuals spend experiencing homelessness, moving individuals experiencing homelessness to permanent housing, or reducing the number of individuals who return to experiencing homelessness;
- 351 (b) except for a program or provider providing services to victims of domestic violence, may not approve funding to a program or provider that does not enter into a written agreement with the office to collect and share HMIS and, if applicable, Know-by-Name case management system pilot program data regarding the provision of services to individuals experiencing homelessness so that the provision of services can be coordinated among state agencies, local governments, and private organizations; and
- 358 (c) if the [~~homelessness council~~] board has approved a funding formula developed by the steering committee, as described in Section 35A-16-205:

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- 360 (i) except as provided in Subsection (4)(c)(ii), shall utilize that funding formula in disbursing funds for
the provision of homeless services; and
- 362 (ii) shall ensure that any federal funds not subject to the funding formula are disbursed in accordance
with any applicable federal requirements.
- 364 (5) In cooperation with the board, the coordinator shall update the annual statewide budget and the
strategic plan described in this section on an annual basis.
- 366 (6)
- (a) On or before October 1, the coordinator shall provide a written report to the department for inclusion
in the department's annual written report described in Section 35A-1-109.
- 369 (b) The written report shall include:
- 370 (i) the homeless services budget;
- 371 (ii) the strategic plan;
- 372 (iii) recommendations regarding improvements to coordinating and providing services to individuals
experiencing homelessness in the state;
- 374 (iv) in coordination with the board, a complete accounting of the office's disbursement of funds during
the previous fiscal year from:
- 376 (A) the Pamela Atkinson Homeless Account created in Section 35A-16-301;
- 377 (B) the Homeless to Housing Reform Restricted Account created in Section 35A-16-303;
- 379 (C) the Homeless Shelter Cities Mitigation Restricted Account created in Section 35A-16-402;
- 381 (D) the COVID-19 Homeless Housing and Services Grant Program created in Section 35A-16-602; and
- 383 (E) any other grant program created in statute that is administered by the office; and
- 385 (v) the data described in Section 35A-16-211.
- 357 Section 5. Section **35A-16-204** is amended to read:
- 358 **35A-16-204. Utah Homeless Services Board.**
- 388 (1) There is created within the office the Utah Homeless Services Board.
- 389 (2)
- (a) The board shall consist of the following members:
- 390 (i) a representative, appointed by the speaker of the House of Representatives;
- 391 (ii) a representative, appointed by the president of the Senate;
- 392 (iii) a private sector representative, appointed by the governor;
- 393 (iv) a representative, appointed by the governor;

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- 394 (v) a statewide philanthropic leader, appointed by the Utah Impact Partnership or the partnership's
successor organization;
- 396 (vi) the mayor of Salt Lake City;
- 397 (vii) the chief executive officer appointed by the Shelter Cities Advisory Council in accordance
with Section 35A-16-210;
- 399 (viii) an individual with lived experience of homelessness, appointed by the chair of the board;
- 401 [~~(viii) an elected official appointed by the Utah Association of Counties or the association's
successor organization;~~]
- 403 (ix) [~~a county employee who oversees behavioral health;~~] a representative, appointed by the Utah
Association of Counties or the association's successor organization;
- 405 (x) an individual who represents the Utah Homeless Network; and
- 406 (xi) the coordinator.
- 407 (b) The governor shall select a board member to serve as chair of the board.
- 408 (3) The following four members of the board shall serve as the executive committee:
- 409 (a) the coordinator; and
- 410 (b) three board members chosen by the board chair, which shall include one of the members described
in Subsection (2)(a)(vi) or (2)(a)(vii).
- 412 (4)
- (a) The board shall meet at least once per calendar quarter.
- 413 (b) The chair, the coordinator, or three of the board members may call a board meeting.
- 414 (c) The individual calling the meeting shall provide notice of the meeting to the board members at least
three calendar days in advance of the meeting.
- 416 (5) A majority of the voting members of the board constitutes a quorum of the board at any meeting,
and the action of the majority of voting members present constitutes the action of the board.
- 419 (6)
- (a) A majority of members of the executive committee constitutes a quorum of the executive committee
at any meeting, and the action of the majority of members present constitutes the action of the
executive committee.
- 422 (b) The executive committee is exempt from the requirements described in Title 52, Chapter 4, Open
and Public Meetings Act.
- 424 (7)

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- (a) Except as required by Subsection (7)(c):
- 425 (i) each appointed member of the board, other than a board member described in Subsection (2)(a)
427 (vii), shall serve a four-year term; and
- 429 (ii) the board member appointed in accordance with Subsection (2)(a)(vii) shall serve a two-year
430 term.
- 431 (b) A board member may serve more than one term.
- 432 (c) The appointing authority, at the time of appointment or reappointment, may adjust the length of
433 terms to ensure that the terms of board members are staggered so that approximately half of the
434 appointed board members are appointed every two years.
- 435 (8) When a vacancy occurs in the appointed membership for any reason, the replacement is appointed
436 for the unexpired term.
- 437 (9)
- 438 (a) Except as described in Subsection (9)(b), a member may not receive compensation or benefits for
439 the member's service but may receive per diem and travel expenses in accordance with:
- 440 (i) Section 63A-3-106;
- 441 (ii) Section 63A-3-107; and
- 442 (iii) rules made by the Division of Finance in accordance with Sections 63A-3-106 and 63A-3-107.
- 443 (b) Compensation and expenses of a board member who is a legislator are governed by Section 36-2-2
444 and Legislative Joint Rules, Title 5, Legislative Compensation and Expenses.
- 445 (10) The office shall provide staff and administrative support to the board.
- 446 Section 6. Section **35A-16-205** is amended to read:
- 447 **35A-16-205. Duties of the board.**
- 448 (1) The board:
- 449 (a) shall provide final approval for:
- 450 (i) a funding formula developed by the steering committee under Section 35A-16-211;
- 451 (ii) the homeless services budget;
- 452 (iii) the strategic plan; and
- 453 (iv) the awarding of funding for the provision of homeless services as described in Subsection
454 35A-16-203(1)(d);
- 455 (b) in cooperation with the coordinator, shall:
- 456 (i) develop and maintain the homeless services budget;

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- 457 (ii) develop and maintain the strategic plan; and
- 458 (iii) review applications and approve funding for the provision of homeless services in the state as described in Subsection 35A-16-203(1)(d);
- 460 (c) shall review local and regional plans for providing services to individuals experiencing homelessness;
- 462 (d) shall cooperate with local homeless councils to:
- 463 (i) develop a common agenda and vision for reducing homelessness in each local oversight body's respective region;
- 465 (ii) as part of the homeless services budget, develop a spending plan that coordinates the funding supplied to local stakeholders; and
- 467 (iii) align local funding to projects that improve outcomes and target specific needs in each community;
- 469 (e) shall coordinate gap funding with private entities for providing services to individuals experiencing homelessness;
- 471 (f) shall recommend performance and accountability measures for service providers, including the support of collecting consistent and transparent data;
- 473 (g) when reviewing and giving final approval for requests as described in Subsection 35A-16-203(1)(d):
- 475 (i) may only recommend funding if the proposed recipient has a policy to share client-level service information with other entities in accordance with state and federal law to enhance the coordination of services for individuals who are experiencing homelessness; and
- 479 (ii) shall identify specific targets and benchmarks that align with the strategic plan for each recommended award;
- 481 (h) shall regularly update the state strategic plan on homelessness to reflect:
- 482 (i) trends in homelessness as identified by the review of:
- 483 (A) local data; and
- 484 (B) performance and accountability metrics in accordance with this section; and
- 485 (ii) proven strategies to reduce homelessness among:
- 486 [(i)] (A) the unsheltered;
- 487 [(ii)] (B) the chronically or episodically homeless; and
- 488 [(iii)] (C) the situationally homeless;
- 489 (i) shall develop annual state and local goals for reducing homelessness among the target subpopulations identified by the board;

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- 491 (j) shall work with the local homeless councils to carry out the requirements of Subsection
35A-16-211(3);
- 493 (k) shall develop metrics for measuring the effectiveness of providers in assisting clients to successfully
progress through the services coordinated by a continuum of care;
- 495 (l) shall create {fbest practices} or innovative strategies for a service provider to administer services
to an individual experiencing homelessness, including promotion of:
- 497 (i) a recognition of the human dignity of clients served;
- 498 (ii) a need to develop self-reliance;
- 499 (iii) the value of work;
- 500 (iv) personal accountability; and
- 501 (v) personal progress toward greater personal independence;
- 502 (m) shall make recommendations for uniform standards for enforcing pedestrian safety and
unsanctioned camping laws and ordinances;
- 504 (n) shall identify {fbest practices} or innovative strategies for responding to unsheltered individuals
experiencing mental health disorder and substance use disorder;
- 506 (o) shall make recommendations for strategies to reduce illegal drug use within homeless shelters,
transitional housing, and permanent supportive housing;
- 508 (p) shall facilitate client connection to alternative support systems, including behavioral health services,
addiction recovery, and residential services;
- 510 (q) shall facilitate participation in HMIS, where appropriate and in alignment with established HMIS
policies, and data sharing agreements among all participants in a client support network, including:
- 513 (i) homeless services, physical health systems, mental health systems, and the criminal justice system;
and
- 515 (ii) for participating providers, the Know-by-Name case management system pilot program;
- 517 (r) shall make recommendations to the office for defining "successful exit," "unsuccessful exit," and
"neutral exit";
- 519 (s) shall evaluate additional opportunities for the office to become a collaborative applicant;
- 521 (t) shall coordinate with the continuums of care to provide for cooperative distribution of available
funding;
- 523 (u) shall work in conjunction with the executive directors of the Department of Workforce Services,
the Department of Health and Human Services, and the Department of Corrections to create {fbest

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~~practices~~} or innovative strategies for helping individuals exiting from incarceration or an institution to avoid homelessness; and

527 (v) shall establish standards for the prioritization of beds located in homeless shelters in accordance with Section 35A-16-205.1.

529 (2)

(a) In approving a funding formula, as described in Subsection (1)(a)(i), the board shall take action on a proposed funding formula by a two-thirds vote.

531 (b) If the board cannot approve a proposed funding formula, the board shall refer the proposed funding formula back to the steering committee for further consideration.

533 (3)

(a) The executive committee shall act in an advisory capacity for the board and make recommendations regarding the board's duties under Subsection (1).

535 (b) The executive committee does not have authority to make decisions independent of the board.

508 Section 7. Section **35A-16-205.1** is amended to read:

509 **35A-16-205.1. Utah Homeless Services Board to establish standards for the prioritization of homeless shelter beds -- Dissemination -- Compliance with standards required for receipt of state funds.**

541 (1) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the ~~[homelessness council]~~ board shall make rules establishing standards for the prioritization of beds located in a homeless shelter.

544 (2) In establishing standards under Subsection (1), the ~~[homelessness council]~~ board shall:

545 (a) assign highest priority for available beds to:

546 (i) individuals eligible for Temporary Assistance for Needy Families funds pursuant to 42 U.S.C. Sec. 604; and

548 (ii) individuals discharged from the Utah State Hospital created in Section 26B-5-302; and

550 (b) require a homeless shelter, if feasible, to allocate an average of 85% of the total number of beds located in a homeless shelter to individuals described in Subsection (2)(a)(i).

553 (3) The office shall disseminate the standards established by the ~~[homelessness council]~~ board under Subsection (1) to each homeless shelter located within the state.

555 (4) Notwithstanding any other provisions in this chapter, state funds may not be awarded under this chapter directly to or for the benefit of a homeless shelter located within the state unless the

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homeless shelter complies with the standards established by the [~~homelessness council~~] board under Subsection (1).

530 Section 8. Section **35A-16-207** is amended to read:

531 **35A-16-207. Duties of the steering committee.**

561 (1) The steering committee shall:

562 (a) support connections across continuums of care, local homeless councils, and state and local governments;

564 (b) coordinate statewide emergency and crisis response in relation to services for individuals experiencing homelessness;

566 (c) provide training to providers of services for individuals experiencing homelessness, stakeholders, and policymakers;

568 (d) educate the general public and other interested persons regarding the needs, challenges, and opportunities for individuals experiencing homelessness; and

570 (e) make recommendations to the [~~homelessness council~~] board regarding the awarding of funding for the provision of homeless services as described in Subsection 35A-16-203(1)(d).

573 (2) The steering committee shall, in consultation with members of the [~~homelessness council~~] board, the office, members of local [~~homelessness~~] homeless councils, and the coordinator, develop a funding formula as described in Section 35A-16-211.

547 Section 9. Section **35A-16-208** is amended to read:

548 **35A-16-208. Reporting requirements -- Outcome measures.**

578 (1)

(a) The office shall report, for the state and for each local homeless council:

579 (i) the state's year-to-date progress toward reaching a functional zero level of homelessness for each type of homelessness and subpopulation, including:

581 (A) the number of individuals who are homeless for the first time;

582 (B) the number of individuals who returned to homelessness after having exited homelessness within the two previous years;

584 (C) the number of individuals who remained homeless since the last report;

585 (D) the number of individuals experiencing homelessness since the last report by household type;

587 (E) the number of individuals who exited by exit destination; and

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- (F) the number of individuals who are experiencing homelessness for the first time plus the number of individuals who are returning to homelessness minus the number of individuals who are exiting homelessness;
- 591 (ii) the percentage of individuals experiencing homelessness who:
- 592 (A) have a mental health disorder;
- 593 (B) have a substance use disorder;
- 594 (C) have a chronic health condition;
- 595 (D) have a physical disability;
- 596 (E) have a developmental disability;
- 597 (F) have HIV/AIDS;
- 598 (G) are survivors of domestic violence;
- 599 (H) are veterans; and
- 600 (I) are unaccompanied youth 24 years old or younger;
- 601 (iii) the number of individuals who exited homeless services since the last report by:
- 602 (A) type of homelessness;
- 603 (B) subpopulation; and
- 604 (C) exit destination; ~~{f and}~~
- 605 (iv) progress, by project type, on each goal established in accordance with Subsection (3) ~~{f, {}} ;~~
- 607 ~~{(v) the extent to which homelessness has been made rare, brief, and nonrecurring; and }~~
- 608 ~~{(vi) the data collected from service providers in accordance with Part 8, Homeless Services Provider Program Requirements. }~~
- 610 (b) The reports described in this Subsection (1) shall contain aggregated, de-identified information.
- 612 (2) The office shall report the data described in Subsection (1):
- 613 (a) in the annual report required by Section 35A-16-203;
- 614 (b) on or before October 1 of each year, through an oral presentation to the Economic Development and Workforce Services Interim Committee; and
- 616 (c) on a data dashboard for the public with specific additional data points recommended by the board.
- 618 (3) The board and the local homeless councils shall jointly establish quarterly goals for each project type.
- 620 (4) The board and the local homeless councils shall jointly make annual progress reports identifying:
- 622 (a) the percentage of clients;

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- 623 (i) screened for social needs; and
624 (ii) referred for services that match the clients' social needs;
625 (b) the percentage of clients subsequently referred to community-based providers who can:
627 (i) address the client's needs;
628 (ii) follow-up on status of addressing the client's needs; and
629 (iii) report back to the referring entity;
630 (c) the number of youth receiving parent or guardian bereavement support services; and
631 (d) the number of clients with:
632 (i) a successful exit;
633 (ii) an unsuccessful exit;
634 (iii) a neutral exit; and
635 (iv) continued enrollment in the project.

604 Section 10. Section **10** is enacted to read:

605 **35A-16-210.1. Shelter Counties Advisory Board.**

- 606 (1) There is established the Shelter Counties Advisory Board.
607 (2) The Shelter Counties Advisory Board shall consist of the chief executive officer of each county that maintains a homeless shelter year round, or the chief executive officer's designee.
610 (3) The Shelter Counties Advisory Board may make recommendations to the board regarding improvements to coordinating and providing services to individuals experiencing homelessness in the state.
613 (4) The office and an association representing at least two counties in the state shall jointly provide staff and administrative support to the Shelter Counties Advisory Board.

615 Section 11. Section **35A-16-302** is amended to read:

616 **35A-16-302. Uses of Homeless to Housing Reform Restricted Account.**

- 638 (1) The board may award ongoing or one-time grants or contracts funded from the Homeless to Housing Reform Restricted Account created in Section 35A-16-303.
640 (2) As a condition of receiving money, including any ongoing money, from the restricted account, an entity awarded a grant or contract under this section shall provide detailed and accurate reporting on at least an annual basis to the board and the coordinator that describes:
644 (a) how money provided from the restricted account has been spent by the entity; and
645

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- (b) the progress towards measurable outcome-based benchmarks agreed to between the entity and the board before the awarding of the grant or contract.
- 647 (3) In determining the awarding of a grant or contract under this section, the board and the coordinator shall:
- 649 (a) ensure that the services to be provided through the grant or contract will be provided in a cost-effective manner;
- 651 (b) give priority to a project or contract that will include significant additional or matching funds from a private organization, nonprofit organization, or local government entity;
- 654 (c) ensure that the project or contract will target the distinct housing needs of one or more at-risk or homeless subpopulations, which may include:
- 656 (i) families with children;
- 657 (ii) transitional-aged youth;
- 658 (iii) single men or single women;
- 659 (iv) veterans;
- 660 (v) victims of domestic violence;
- 661 (vi) individuals with behavioral health disorders, including mental health or substance use disorders;
- 663 (vii) individuals who are medically frail or terminally ill;
- 664 (viii) individuals exiting prison or jail; or
- 665 (ix) individuals who are homeless without shelter;
- 666 (d) consider whether the project will address one or more of the following goals:
- 667 (i) diverting homeless or imminently homeless individuals and families from emergency shelters by providing better housing-based solutions;
- 669 (ii) meeting the basic needs of homeless individuals and families in crisis;
- 670 (iii) providing homeless individuals and families with needed stabilization services;
- 671 (iv) decreasing the state's homeless rate;
- 672 (v) implementing a coordinated entry system with consistent assessment tools to provide appropriate and timely access to services for homeless individuals and families;
- 675 (vi) providing access to caseworkers or other individualized support for homeless individuals and families;
- 677 (vii) encouraging employment and increased financial stability for individuals and families being diverted from or exiting homelessness;

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- 679 (viii) creating additional affordable housing for state residents;
- 680 (ix) providing services and support to prevent homelessness among at-risk individuals and adults;
- 682 (x) providing services and support to prevent homelessness among at-risk children, adolescents, and
young adults;
- 684 (xi) preventing the reoccurrence of homelessness among individuals and families exiting homelessness;
and
- 686 (xii) providing medical respite care for homeless individuals where the homeless individuals can access
medical care and other supportive services; and
- 688 (e) address the needs identified in the strategic plan described in Section 35A-16-203 for inclusion in
the annual written report described in Section 35A-1-109.
- 690 (4) In addition to the other provisions of this section, in determining the awarding of a grant or contract
under this section to design, build, create, or renovate a facility that will provide shelter or other
resources for the homeless, the board, with the concurrence of the coordinator, may consider
whether the facility will be:
- 694 (a) located near mass transit services;
- 695 (b) located in an area that meets or will meet all zoning regulations before a final dispersal of funds;
- 697 (c) safe and welcoming both for individuals using the facility and for members of the surrounding
community; and
- 699 (d) located in an area with access to employment, job training, and positive activities.
- 700 (5) In accordance with Subsection (4), and subject to the approval of the board, with the concurrence
of the coordinator, the following may recommend a site location, acquire a site location, and hold
title to real property, buildings, fixtures, and appurtenances of a facility that provides or will provide
shelter or other resources for the homeless:
- 704 (a) the county executive of a county of the first class on behalf of the county of the first class, if the
facility is or will be located in the county of the first class in a location other than Salt Lake City;
- 707 (b) the state;
- 708 (c) a nonprofit entity approved by the board, with the concurrence of the coordinator; and
- 709 (d) a mayor of a municipality on behalf of the municipality where a facility is or will be located.
- 711 (6)

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- (a) If a homeless shelter commits to provide any amount of matching funds under this Subsection (6), the board, with the concurrence of the coordinator, may award a grant for the ongoing operations of the homeless shelter.
- 714 (b) In awarding a grant under this Subsection (6), the board, with the concurrence of the coordinator, shall consider:
- 716 (i) the number of beds available at the homeless shelter;
- 717 (ii) the number and quality of the homeless services provided by the homeless shelter; and
- 719 (iii) the amount of matching funds provided by the homeless shelter.
- 720 (7)
- (a) To meet the goals described in Subsection (3), the office may expend money from the restricted account to provide individuals experiencing homelessness transportation costs to connect the individual with a support network outside of the state.
- 724 (b) A service provider that applies for a grant award for the purposes described under Subsection (7)(a) shall provide the office with a detailed report that includes:
- 726 (i) the name and address of the person to provide support services for the individual experiencing homelessness; and
- 728 (ii) the transportation costs that the individual experiencing homelessness may require.
- 729 (8) The office may expend money from the restricted account to offset actual office and board expenses related to administering this section.
- 731 ~~{Section 12. Section 35A-16-401 is amended to read: }~~
- 732 **35A-16-401. Definitions.**
- As used in this part:
- 734 (1) "Account" means the Homeless Shelter Cities Mitigation Restricted Account created in Section 35A-16-402.
- 736 (2) "Authorized provider" means a nonprofit provider of homeless services that is authorized by a third-tier eligible municipality to operate a temporary winter response shelter within the municipality in accordance with Part 5, Winter Response Plan Requirements.
- 740 (3) "Eligible municipality" means:
- 741 (a) a first-tier eligible municipality;
- 742 (b) a second-tier eligible municipality; or
- 743 (c) a third-tier eligible municipality.

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- 744 (4) "Eligible services" means any activities or services that mitigate the impacts of the location of an
eligible shelter, including direct services, public safety services, and emergency services, as further
defined by rule made by the office in accordance with Title 63G, Chapter 3, Utah Administrative
Rulemaking Act.
- 748 (5) "Eligible shelter" means:
- 749 (a) for a first-tier eligible municipality, a homeless shelter that:
- 750 (i) has the capacity to provide temporary shelter to at least 80 individuals per night, as verified by the
office;
- 752 (ii) operates year-round; and
- 753 (iii) is not subject to restrictions that limit the hours, days, weeks, or months of operation;
- 755 (b) for a second-tier municipality, a homeless shelter that:
- 756 (i) has the capacity to provide temporary shelter to at least 25 individuals per night, as verified by the
office;
- 758 (ii) operates year-round; and
- 759 (iii) is not subject to restrictions that limit the hours, days, weeks, or months of operation; and
- 761 (c) for a third-tier eligible municipality, a homeless shelter that:
- 762 (i)
- (A) has the capacity to provide temporary shelter to at least 50 individuals per night, as verified by the
office; and
- 764 (B) operates for no less than three months during the period beginning October 1 and ending April 30 of
the following year; or
- 766 (ii)
- ~~[(A) meets the definition of a homeless shelter under Section 35A-16-501; and]~~
- 767 (A) provides temporary shelter to individuals experiencing homelessness;
- 768 (B) operates year-round; and
- 769 (C) is not subject to restrictions that limit the hours, days, weeks, or months of operation.
- 771 ~~[(B) contains beds that are utilized as part of a county's winter response plan under Section
35A-16-502.]~~
- 773 (6) "Homeless shelter" means a facility that provides or is proposed to provide temporary shelter to
individuals experiencing homelessness.
- 775 (7) "Municipality" means a city or town.

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776 (8) "Public safety services" means law enforcement, emergency medical services, or fire protection.

778 (9) "Third-tier eligible municipality" means a municipality that:

779 (a) as determined by the office, has or is proposed to have an eligible shelter within the municipality's geographic boundaries within the following fiscal year; and

781 (b) due to the location of an eligible shelter within the municipality's geographic boundaries, requires eligible services.

707 Section 12. Section **35A-16-403** is amended to read:

708 **35A-16-403. Eligible municipality application process for Homeless Shelter Cities Mitigation Restricted Account funds.**

786 (1) An eligible municipality may apply for account funds to mitigate the impacts of the location of an eligible shelter through the provision of eligible services within the eligible municipality's boundaries.

789 (2)

(a) The board shall set aside time on the agenda of a board meeting that occurs before the beginning of the next fiscal year to allow an eligible municipality to present a request for account funds for that next fiscal year.

792 (b) An eligible municipality may present a request for account funds by:

793 (i) sending an electronic copy of the request to the board before the meeting; and

794 (ii) appearing at the meeting to present the request.

795 (c) The request described in Subsection (2)(b)(i) shall contain:

796 (i) a proposal outlining the need for eligible services, including a description of each eligible service for which the eligible municipality requests account funds;

798 (ii) a description of the eligible municipality's proposed use of account funds;

799 (iii) a description of the outcomes that the funding would be used to achieve, including indicators that would be used to measure progress toward the specified outcomes; and

802 (iv) the amount of account funds requested.

803 (d)

(i) On or before September 30, an eligible municipality that received account funds during the previous fiscal year shall file electronically with the board a report that includes:

806 (A) a summary of the amount of account funds that the eligible municipality expended and the eligible municipality's specific use of those funds;

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- 808 (B) an evaluation of the eligible municipality's effectiveness in using the account funds to address
the eligible municipality's needs due to the location of an eligible shelter;
- 811 (C) an evaluation of the eligible municipality's progress regarding the outcomes and indicators
described in Subsection (2)(c)(iii); and
- 813 (D) any proposals for improving the eligible municipality's effectiveness in using account funds
that the eligible municipality may receive in future fiscal years.
- 815 (ii) The board may request additional information as needed to make the evaluation described in
Subsection (2)(e).
- 817 (e) The board shall evaluate a request made in accordance with this Subsection (2) and may take the
following factors into consideration in determining whether to approve or deny the request:
- 820 (i) the strength of the proposal that the eligible municipality provided to support the request;
- 822 (ii) if the eligible municipality received account funds during the previous fiscal year, the efficiency
with which the eligible municipality used any account funds during the previous fiscal year;
- 825 (iii) the availability of funding for the eligible municipality under Subsection 35A-16-402(4);
- 827 (iv) the availability of alternative funding for the eligible municipality to address the eligible
municipality's needs due to the location of an eligible shelter; and
- 829 (v) any other considerations identified by the board.
- 830 (f) After making the evaluation described in Subsection (2)(e), and subject to Subsection (2)(g), the
board shall vote to either approve or deny ~~{, -in whole or in part,}~~ an eligible municipality's request
for account funds.
- 833 (g)
- (i) In addition to the evaluation under Subsection (2)(e), the board may not approve an eligible
municipality's request to receive account funds under this section unless the eligible municipality:
- 836 (A) enforces an ordinance that prohibits camping;
- 837 (B) enforces an ordinance or other applicable state law prohibiting conduct that impedes or blocks
traffic in violation of Subsection 41-6a-1009(4); and
- 839 (C) demonstrates improvement in reducing the conduct described in Subsections (2)(g)(i)(A) and
(B).
- 841 (ii) In determining whether an eligible municipality has demonstrated improvement under Subsection
(2)(g)(i)(C), the board shall consider:
- 843

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- (A) the specific measures taken by the municipality to reduce the conduct described in Subsections (2)(g)(i)(A) and (B), and the effectiveness of those measures in reducing the conduct;
- 846 (B) the strategies utilized by the municipality in managing and improving public spaces within the municipality, and the impact of these strategies on safety, cleanliness, and the well-being of the community; and
- 849 (C) the gap between the number of individuals experiencing homelessness within the municipality and the availability of beds at homeless shelters to which the individuals experiencing homelessness have reasonable access, and any changes to this gap over time.
- 853 (iii) The board [may] shall coordinate with the Department of Public Safety for the receipt of quantitative and qualitative data to determine compliance with applicable state and local laws.
- 856 (iv) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, and with the approval of the board, the office shall make rules establishing standards for the information required by an eligible municipality to demonstrate improvement under Subsection (2)(g)(i)(C).
- 860 (h) If the board approves an eligible municipality's request to receive account funds under Subsection (2)(f), the office, subject to appropriation, shall calculate the amount of funds for disbursement to the eligible municipality under Subsection 35A-16-402(4).
- 864 (3) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the office shall make rules governing the process for calculating the amount of funds that an eligible municipality may receive under Subsection 35A-16-402(4).

791 Section 13. Section **35A-16-501** is amended to read:

792 **35A-16-501. Definitions.**

As used in this part:

- 870 (1) "Applicable county" means a county of the first or second class.
- 871 (2) "Applicable local homeless council" means the local homeless council that is responsible for coordinating homeless response within an applicable county.
- 873 (3) "Board" means the Utah Homeless Services Board created in Section 35A-16-204.
- 874 [~~(3)~~] (4) "Capacity limit" means a limit as to the number of individuals that a homeless shelter may provide overnight shelter to under a conditional use permit.
- 876 [~~(4)~~] (5) "Chief executive officer" means the same as that term is defined in Section 11-51-102.
- 878 [~~(5)~~] (6) "Community location" means the same as that term is defined in Section 10-8-41.6.

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[(6)] (7) "Conference of mayors" means an association consisting of the mayor of each municipality located within a county.

881 [(7)] (8) "Council of governments" means the same as that term is defined in Section 72-2-117.5.

883 [(8)] (9) "County winter response task force" or "task force" means a task force described in Section 35A-16-501.5.

885 [(9)] (10) "Homeless shelter" means a facility that:

886 (a) provides temporary shelter to individuals experiencing homelessness;

887 (b) operates year-round; and

888 (c) is not subject to restrictions that limit the hours, days, weeks, or months of operation.

889 [(10)] (11) "Municipality" means a city or town.

890 [(11)] (12) "State facility" means the same as that term is defined in Section 63A-5b-1001.

891 [(12)] (13) "Subsequent winter response period" means the winter response period that begins on October 15 of the year in which a county winter response task force is required to submit a winter response plan to the office under Section 35A-16-502.

894 [(13)] (14) "Targeted winter response bed count" means the targeted bed count number for an applicable county during the winter response period, as determined jointly by the applicable local homeless council and the office.

897 [(14)] (15) "Temporary winter response shelter" means a facility that:

898 (a) provides temporary emergency shelter to individuals experiencing homelessness during a winter response period; and

900 (b) does not operate year-round.

901 [(15)] (16) "Winter response period" means the period beginning October 15 and ending April 30 of the following year.

903 [(16)] (17) "Winter response plan" means the plan described in Section 35A-16-502.

828 Section 14. Section **35A-16-501.5** is amended to read:

829 **35A-16-501.5. County winter response task force.**

906 (1) [~~Subject to the requirements of Section 35A-16-502, the~~] The council of governments of each applicable county shall annually convene a county winter response task force to advise and provide recommendations to the board concerning the needs of homeless individuals during a winter response period, including recommendations for site selection of a temporary winter response shelter.

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911 (2)

(a) The task force for Salt Lake County shall consist of the following 14 voting members:

913 (i) the chief executive officer of Salt Lake County, or the chief executive officer's designee;

915 (ii) the chief executive officer, or the chief executive officer's designee, of each of the following 11 municipalities:

917 (A) Draper;

918 (B) Midvale;

919 (C) Millcreek;

920 (D) Murray;

921 (E) Salt Lake City;

922 (F) Sandy;

923 (G) South Jordan;

924 (H) South Salt Lake;

925 (I) Taylorsville;

926 (J) West Jordan; and

927 (K) West Valley City; and

928 (iii) the chief executive officer, or the chief executive officer's designee, of any two municipalities located in Salt Lake County that are not described in Subsection (2)(a)(ii), appointed by the conference of mayors of Salt Lake County.

931 (b) A task force for an applicable county not described in Subsection (2)(a) shall consist of the following voting members:

933 (i) ~~[the chief executive officer of the applicable county, or the chief executive officer's designee]~~ an officer of the applicable county nominated by the county governing body; and

936 (ii) the chief executive officer, or the chief executive officer's designee, of a number of municipalities located in the applicable county that the conference of mayors of the applicable county considers to be appropriate, appointed by the conference of mayors of the applicable county.

940 (3) In addition to the voting members required in Subsection (2), a task force shall include the following nonvoting members:

942 (a) the coordinator, or the coordinator's designee;

943 (b) one representative of the Utah League of Cities and Towns, appointed by the Utah League of Cities and Towns, or the representative's designee;

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- 945 (c) one representative of the Utah Association of Counties, appointed by the Utah Association of
Counties, or the representative's designee;
- 947 (d) two individuals experiencing homelessness or having previously experienced homelessness,
appointed by the ~~[applicable local homeless council]~~ voting members of the task force;
- 950 (e) ~~[three]~~ two representatives of the applicable local homeless council, appointed by the ~~[applicable
local homeless council, or the representative's designee]~~ voting members of the task force; ~~[-{f}] and]~~
- 953 (f) one representative from a local public safety entity appointed by the voting members of the task
force; and
- 955 ~~[(f)]~~ (g) any other individual appointed by the council of governments of the applicable county.
- 957 (4)
- (a) Any vacancy on a task force shall be filled in the same manner as the appointment of the member
whose vacancy is being filled.
- 959 (b) Each member of a task force shall serve until a successor is appointed.
- 960 (5) A majority of the voting members of a task force constitutes a quorum and may act on behalf of the
task force.
- 962 (6) A task force shall:
- 963 (a) select officers from the task force's members as the task force finds necessary; and
- 964 (b) meet as necessary to effectively conduct the task force's business and duties as prescribed by statute.
- 966 (7) A task force may establish one or more working groups as is deemed appropriate to assist on
specific issues related to the task force's duties ~~[-including a working group for site selection of
temporary winter response shelters].~~
- 969 (8)
- (a) A task force member may not receive compensation or benefits for the task force member's service.
- 971 (b) A task force member may receive per diem and travel expenses in accordance with:
- 972 (i) Section 63A-3-106;
- 973 (ii) Section 63A-3-107; and
- 974 (iii) rules made by the Division of Finance in accordance with Sections 63A-3-106 and 63A-3-107.
- 976 (9) The applicable county for which a task force is convened shall provide administrative support to the
task force.
- 978 (10) Meetings of the task force are not subject to Title 52, Chapter 4, Open and Public Meetings Act.
- 904 Section 15. Section **35A-16-602** is amended to read:

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905 **35A-16-602. COVID-19 Homeless Housing and Services Grant Program.**

- 982 (1) There is established the COVID-19 Homeless Housing and Services Grant Program, a competitive
grant program administered by the office and funded in accordance with 42 U.S.C. Sec. 802.
- 985 (2) The office shall distribute money to fund one or more projects that:
- 986 (a) include affordable housing units for households:
- 987 (i) whose income is no more than 30% of the area median income for households of the same size in the
county or municipality where the project is located;
- 989 (ii) at rental rates no greater than 30% of the income described in Subsection (2)(a)(i) for a household
of:
- 991 (A) one person if the unit is an efficiency unit;
- 992 (B) two people if the unit is a one-bedroom unit;
- 993 (C) four people if the unit is a two-bedroom unit;
- 994 (D) five people if the unit is a three-bedroom unit;
- 995 (E) six people if the unit is a four-bedroom unit; or
- 996 (F) eight people if the unit is a five-bedroom or larger unit; and
- 997 (iii) that have been impacted by the COVID-19 emergency in accordance with 42 U.S.C. Sec. 802; and
- 999 (b) have been approved by the board.
- 1000 (3) The office shall:
- 1001 (a) administer the grant program, including:
- 1002 (i) reviewing grant applications and making recommendations to the board; and
- 1003 (ii) distributing grant money to approved grant recipients; and
- 1004 (b) in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, make rules to
administer the program, including:
- 1006 (i) grant application requirements;
- 1007 (ii) procedures to approve a grant; and
- 1008 (iii) procedures for distributing money to grant recipients.
- 1009 (4) [~~When~~] Except as provided in Subsection (5), when reviewing an application for approval, the
board shall consider:
- 1011 (a) an applicant's rental income plan;
- 1012 (b) proposed case management and service plans for households;
- 1013 (c) any matching funds proposed by an applicant;

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1014 (d) proposed restrictions, including deed restrictions, and the duration of restrictions on housing units to
facilitate long-term assistance to households;

1016 (e) whether use of funds for the proposed project complies with 42 U.S.C. Sec. 802; and

1017 (f) any other considerations as adopted by the board.

1018 (5) A licensed residential, vocational and life skills program, as defined in Section 13-53-102, is exempt
from the requirements described in Subsections (4)(a), (b), and (f).

1020 [(5)] (6) A grant award under this section shall comply with the requirements of 42 U.S.C. Sec. 802.

946 Section 16. Section 16 is enacted to read:

1023

Part 8. Homeless Services Provider Program Requirements

948 **35A-16-801. Homeless services provider program requirements {~~-- Definitions -- Data
collection -- Reporting -- Consequences of noncompliance~~} .**

1026 (1) As used in this part:

1027 (a) "Pathway to human thriving" means the framework by which homeless services offered and
administered in the state are designed to assist individuals experiencing homelessness, including
measurable services that assist in an individual's progress from past trauma and personal struggles to
personal healing, transformation, and thriving.

1032 (b) "Struggling" means an individual who is experiencing homelessness is unable to meet the
individual's basic needs, including food and shelter, and who may be experiencing trauma or other
barriers in securing and maintaining stable housing with or without the assistance of supportive
services.

1036 (c) "Surviving" means an individual who is experiencing homelessness is able to secure the individual's
basic needs, including food and shelter, including temporary shelter, by relying upon supportive
services.

1039 (d) "Thriving" means an individual who experienced homelessness is able to secure and support
the individual's basic needs, including food and shelter and who is actively engaged in personal
development and is experiencing a sense of purpose and fulfillment.

1043 (2) A service provider may design and administer a homeless services program that recognizes a
homeless individual's pathway to human thriving, as provided in Section 35A-16-205.

1046 (3) The services described in Subsection (2) may include evidence-based and measurable services to
assist in a client's progress and transition along the pathway of human thriving.

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(4) A service provider may directly measure, or, if applicable, work with an assigned Know-by-Name caseworker to measure, the progress and transition described in Subsection (3) in areas that include:

- 1052 (a) education, employment, and income;
1053 (b) housing;
1054 (c) legal rights and emergency services;
1055 (d) mental health;
1056 (e) physical health and daily living;
1057 (f) social relationships and personal fulfillment; and
1058 (g) substance abuse.

1059 (5) In providing an individual experiencing homelessness with the services described in this part, the service provider shall make the service provider's best effort to preserve the individual's ability to thrive and capacity for growth.

985 Section 17. Section 17 is enacted to read:

1063

Part 9. Safety Requirements for Homeless Shelters

987 **35A-16-901. Safety requirements for homeless shelters -- Requirements -- Prohibitions -- Enforcement and penalties.**

1066 (1) As used in this part:

1067 (a) "Homeless shelter" means a facility that provides or is proposed to provide temporary shelter to individuals experiencing homelessness.

1069 (b) "Homeless shelter" includes a temporary winter response shelter, as that term is defined in Section 35A-16-501.

1071 (2) To ensure the safety and well-being of homeless shelter residents and staff, and the surrounding communities, a service provider of a homeless shelter {shall} that receives state or federal funding shall have a client agreement that clearly states the service provider's policies and procedures to:

1073 (a) maintain a zero-tolerance policy within the premises of the homeless shelter on the use, possession, or distribution of an illegal drug;

1075 (b) develop and implement bag check procedures at points of entry and regular searches of personal belongings to ensure the premises of the homeless shelter remain free from prohibited items, including illegal drugs and weapons; and

1078 (c) cooperate with law enforcement, including:

1079

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- (i) providing an employee of a law enforcement agency access to the premises to conduct checks for illegal drugs using trained K9 units, based upon reasonable suspicion as determined by the local law enforcement agency; or
- 1082 (ii) providing a client's name and identifying information to an employee of a law enforcement agency to the extent the disclosure is:
- 1084 (A) necessary to avoid a significant risk to public safety;
- 1085 (B) in aid of an ongoing investigation; or
- 1086 (C) as required by state or federal law.
- 1087 ~~{(3) {A service provider that receives state or federal funding shall require each client who receives services from the service provider to sign a homeless shelter agreement that clearly states the service provider's policies and procedures consistent with this section.}}~~
- 1090 ~~{(4)}~~ (3) A service provider that {fails} refuses to comply with this section may be assessed a penalty, including a fine, suspension of funding, or other penalties that may be assessed by the board, or as provided for in state or federal law.
- 1093 ~~{Section 19. Section 58-37-8 is amended to read: }~~
- 1094 **58-37-8. Prohibited acts -- Penalties.**
- 1095 (1) Prohibited acts A -- Penalties and reporting:
- 1096 (a) Except as authorized by this chapter, it is unlawful for a person to knowingly and intentionally:
- 1098 (i) produce, manufacture, or dispense, or to possess with intent to produce, manufacture, or dispense, a controlled or counterfeit substance;
- 1100 (ii) distribute a controlled or counterfeit substance, or to agree, consent, offer, or arrange to distribute a controlled or counterfeit substance;
- 1102 (iii) possess a controlled or counterfeit substance with intent to distribute; or
- 1103 (iv) engage in a continuing criminal enterprise where:
- 1104 (A) the person participates, directs, or engages in conduct that results in a violation of this chapter, Chapter 37a, Utah Drug Paraphernalia Act, Chapter 37b, Imitation Controlled Substances Act, Chapter 37c, Utah Controlled Substance Precursor Act, or Chapter 37d, Clandestine Drug Lab Act, that is a felony; and
- 1109 (B) the violation is a part of a continuing series of two or more violations of this chapter, Chapter 37a, Utah Drug Paraphernalia Act, Chapter 37b, Imitation Controlled Substances Act, Chapter 37c, Utah Controlled Substance Precursor Act, or Chapter 37d, Clandestine Drug Lab Act, on separate

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occasions that are undertaken in concert with five or more persons with respect to whom the person occupies a position of organizer, supervisor, or any other position of management.

- 1116 (b) A person convicted of violating Subsection (1)(a) with respect to:
- 1117 (i) a substance or a counterfeit of a substance classified in Schedule I or II, a controlled substance analog, or gammahydroxybutyric acid as listed in Schedule III is guilty of a second degree felony, punishable by imprisonment for not more than 15 years, and upon a second or subsequent conviction is guilty of a first degree felony;
- 1122 (ii) a substance or a counterfeit of a substance classified in Schedule III or IV, or marijuana, or a substance listed in Section 58-37-4.2 is guilty of a third degree felony, and upon a second or subsequent conviction is guilty of a second degree felony; or
- 1126 (iii) a substance or a counterfeit of a substance classified in Schedule V is guilty of a class A misdemeanor and upon a second or subsequent conviction is guilty of a third degree felony.
- 1129 (c)
- (i) Except as provided in Subsection (1)(c)(ii), a person who has been convicted of a violation of Subsection (1)(a)(ii) or (iii) may be sentenced to imprisonment for an indeterminate term as described in Subsection (1)(b) and Title 76, Chapter 3, Punishments.
- 1133 (ii) The court shall impose an indeterminate prison term for a person who has been convicted of a violation of Subsection (1)(a)(ii) or (iii) that is a first degree felony or a second degree felony if the trier of fact finds beyond a reasonable doubt that, during the commission or furtherance of the violation, the person intentionally or knowingly:
- 1138 (A) used, drew, or exhibited a dangerous weapon, as that term is defined in Section 76-10-501, that is not a firearm, in an angry, threatening, intimidating, or coercive manner;
- 1141 (B) used a firearm or had a firearm readily accessible for immediate use, as those terms are defined in Section 76-10-501; or
- 1143 (C) distributed a firearm, as that term is defined in Section 76-10-501, or possessed a firearm with intent to distribute the firearm.
- 1145 (iii) Notwithstanding Subsection (1)(c)(ii), a court may suspend the indeterminate prison term for a person convicted under Subsection (1)(c)(ii) if the court:
- 1147 (A) details on the record the reasons why it is in the interests of justice not to impose the indeterminate prison term;
- 1149

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- (B) makes a finding on the record that the person does not pose a significant safety risk to the public;
and
- 1151 (C) orders the person to complete the terms and conditions of supervised probation provided by the
Department of Corrections.
- 1153 (d)
- (i) A person convicted of violating Subsection (1)(a)(iv) is guilty of a first degree felony punishable by
imprisonment for an indeterminate term of not less than:
- 1155 (A) seven years and which may be for life; or
- 1156 (B) 15 years and which may be for life if the trier of fact determined that the defendant knew or
reasonably should have known that any subordinate under Subsection (1)(a)(iv)(B) was under
18 years old.
- 1159 (ii) Imposition or execution of the sentence may not be suspended, and the person is not eligible for
probation.
- 1161 (iii) Subsection (1)(d)(i)(B) does not apply to any defendant who, at the time of the offense, was under
18 years old.
- 1163 (e) The Administrative Office of the Courts shall report to the Division of Professional Licensing the
name, case number, date of conviction, and if known, the date of birth of each person convicted of
violating Subsection (1)(a).
- 1166 (2) Prohibited acts B -- Penalties and reporting:
- 1167 (a) It is unlawful:
- 1168 (i) for a person knowingly and intentionally to possess or use a controlled substance analog or a
controlled substance, unless it was obtained under a valid prescription or order, directly from
a practitioner while acting in the course of the person's professional practice, or as otherwise
authorized by this chapter;
- 1172 (ii) for an owner, tenant, licensee, or person in control of a building, room, tenement, vehicle, boat,
aircraft, or other place knowingly and intentionally to permit them to be occupied by persons
unlawfully possessing, using, or distributing controlled substances in any of those locations; or
- 1176 (iii) for a person knowingly and intentionally to possess an altered or forged prescription or written
order for a controlled substance.
- 1178 (b) A person convicted of violating Subsection (2)(a)(i) with respect to:
- 1179 (i) marijuana, if the amount is 100 pounds or more, is guilty of a second degree felony; or

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- 1181 (ii) a substance classified in Schedule I or II, or a controlled substance analog, is guilty of a class A misdemeanor on a first or second conviction, and on a third or subsequent conviction if each prior offense was committed within seven years before the date of the offense upon which the current conviction is based is guilty of a third degree felony.
- 1186 (c) Upon a person's conviction of a violation of this Subsection (2) subsequent to a conviction under Subsection (1)(a), that person shall be sentenced to a one degree greater penalty than provided in this Subsection (2).
- 1189 (d) A person who violates Subsection (2)(a)(i) with respect to all other controlled substances not included in Subsection (2)(b)(i) or (ii), including a substance listed in Section 58-37-4.2, or marijuana, is guilty of a class B misdemeanor.
- 1192 (i) Upon a third conviction the person is guilty of a class A misdemeanor, if each prior offense was committed within seven years before the date of the offense upon which the current conviction is based.
- 1195 (ii) Upon a fourth or subsequent conviction the person is guilty of a third degree felony if each prior offense was committed within seven years before the date of the offense upon which the current conviction is based.
- 1198 (e) A person convicted of violating Subsection (2)(a)(i) while inside the exterior boundaries of property occupied by a correctional facility as defined in Section 64-13-1 or a public jail or other place of confinement shall be sentenced to a penalty one degree greater than provided in Subsection (2)(b), and if the conviction is with respect to controlled substances as listed in:
- 1203 (i) Subsection (2)(b), the person may be sentenced to imprisonment for an indeterminate term as provided by law, and:
- 1205 (A) the court shall additionally sentence the person convicted to a term of one year to run consecutively and not concurrently; and
- 1207 (B) the court may additionally sentence the person convicted for an indeterminate term not to exceed five years to run consecutively and not concurrently; and
- 1209 (ii) Subsection (2)(d), the person may be sentenced to imprisonment for an indeterminate term as provided by law, and the court shall additionally sentence the person convicted to a term of six months to run consecutively and not concurrently.
- 1213 (f) A person convicted of violating Subsection (2)(a)(ii) or (iii) is:
- 1214 (i) on a first conviction, guilty of a class B misdemeanor;

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- 1215 (ii) on a second conviction, guilty of a class A misdemeanor; and
- 1216 (iii) on a third or subsequent conviction, guilty of a third degree felony.
- 1217 (g) The Administrative Office of the Courts shall report to the Division of Professional Licensing the name, case number, date of conviction, and if known, the date of birth of each person convicted of violating Subsection (2)(a).
- 1220 (3) Prohibited acts C -- Penalties:
- 1221 (a) It is unlawful for a person knowingly and intentionally:
- 1222 (i) to use in the course of the manufacture or distribution of a controlled substance a license number which is fictitious, revoked, suspended, or issued to another person or, for the purpose of obtaining a controlled substance, to assume the title of, or represent oneself to be, a manufacturer, wholesaler, apothecary, physician, dentist, veterinarian, or other authorized person;
- 1227 (ii) to acquire or obtain possession of, to procure or attempt to procure the administration of, to obtain a prescription for, to prescribe or dispense to a person known to be attempting to acquire or obtain possession of, or to procure the administration of a controlled substance by misrepresentation or failure by the person to disclose receiving a controlled substance from another source, fraud, forgery, deception, subterfuge, alteration of a prescription or written order for a controlled substance, or the use of a false name or address;
- 1234 (iii) to make a false or forged prescription or written order for a controlled substance, or to utter the same, or to alter a prescription or written order issued or written under the terms of this chapter; or
- 1237 (iv) to make, distribute, or possess a punch, die, plate, stone, or other thing designed to print, imprint, or reproduce the trademark, trade name, or other identifying mark, imprint, or device of another or any likeness of any of the foregoing upon any drug or container or labeling so as to render a drug a counterfeit controlled substance.
- 1242 (b)
- (i) A first or second conviction under Subsection (3)(a)(i), (ii), or (iii) is a class A misdemeanor.
- 1244 (ii) A third or subsequent conviction under Subsection (3)(a)(i), (ii), or (iii) is a third degree felony.
- 1246 (c) A violation of Subsection (3)(a)(iv) is a third degree felony.
- 1247 (4) Prohibited acts D -- Penalties:
- 1248 (a) Notwithstanding other provisions of this section, and except as provided in Subsection (4)(b), a person not authorized under this chapter who commits any act that is unlawful under Subsection

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- (1)(a) or Section 58-37b-4 is upon conviction subject to the penalties and classifications under this Subsection (4) if the trier of fact finds the act is committed:
- 1253 (i) in a public or private elementary or secondary school or on the grounds of any of those schools during the hours of 6 a.m. through 10 p.m.;
- 1255 (ii) in a public or private vocational school or postsecondary institution or on the grounds of any of those schools or institutions during the hours of 6 a.m. through 10 p.m.;
- 1258 (iii) in or on the grounds of a preschool or child-care facility during the preschool's or facility's hours of operation;
- 1260 (iv) in a public park, amusement park, arcade, or recreation center when the public or amusement park, arcade, or recreation center is open to the public;
- 1262 (v) in or on the grounds of a house of worship as defined in Section 76-10-501;
- 1263 (vi) in or on the grounds of a library when the library is open to the public;
- 1264 (vii) in a homeless shelter, a temporary winter response shelter as defined in Section 35A-16-501, a temporary homeless shelter as described in Title 35A, Chapter 16, Part 7, Code Blue Alert, or a permanent supportive housing facility that is licensed by the state in accordance with Title 26B, Chapter 2, Part 1, Human Services Programs and Facilities;
- 1269 [~~vii~~] (viii)
- (A) within an area that is within 100 feet of any structure, facility, or grounds included in Subsections (4)(a)(i) through [~~vi~~] (vii); or
- 1271 (B) 300 feet of any shelter or facility described in Subsection (4)(a)(vii);
- 1272 [~~viii~~] (ix) in the presence of a person younger than 18 years old, regardless of where the act occurs; or
- 1274 [~~ix~~] (x) for the purpose of facilitating, arranging, or causing the transport, delivery, or distribution of a substance in violation of this section to an inmate or on the grounds of a correctional facility as defined in Section 76-8-311.3.
- 1277 (b) Subsection (4)(a)(viii) is limited to the distribution of a controlled or counterfeit substance as described in Subsection (1)(a) or Section 58-37b-4.
- 1279 [~~b~~] (c)
- (i) A person convicted under this Subsection (4) is guilty of a first degree felony and shall be imprisoned for a term of not less than five years if the penalty that would otherwise have been established but for this Subsection (4) would have been a first degree felony.
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- (ii) Imposition or execution of the sentence may not be suspended, and the person is not eligible for probation.
- 1285 [~~(e)~~] (d) If the classification that would otherwise have been established would have been less than a first degree felony but for this Subsection (4), a person convicted under this Subsection (4) is guilty of one degree more than the maximum penalty prescribed for that offense.
- 1289 [~~(d)~~] (e)
- (i) If the violation is of Subsection [~~(4)(a)(ix)~~] (4)(a)(x):
- 1290 (A) the person may be sentenced to imprisonment for an indeterminate term as provided by law, and the court shall additionally sentence the person convicted for a term of one year to run consecutively and not concurrently; and
- 1293 (B) the court may additionally sentence the person convicted for an indeterminate term not to exceed five years to run consecutively and not concurrently; and
- 1295 (ii) the penalties under this Subsection (4)(d) apply also to a person who, acting with the mental state required for the commission of an offense, directly or indirectly solicits, requests, commands, coerces, encourages, or intentionally aids another person to commit a violation of Subsection [~~(4)(a)(ix)~~] (4)(a)(x).
- 1299 [~~(e)~~] (f) It is not a defense to a prosecution under this Subsection (4) that:
- 1300 (i) the actor mistakenly believed the individual to be 18 years old or older at the time of the offense or was unaware of the individual's true age; or
- 1302 (ii) the actor mistakenly believed that the location where the act occurred was not as described in Subsection (4)(a) or was unaware that the location where the act occurred was as described in Subsection (4)(a).
- 1305 (5) A violation of this chapter for which no penalty is specified is a class B misdemeanor.
- 1306 (6)
- (a) For purposes of penalty enhancement under Subsections (1) and (2), a plea of guilty or no contest to a violation or attempted violation of this section or a plea which is held in abeyance under Title 77, Chapter 2a, Pleas in Abeyance, is the equivalent of a conviction, even if the charge has been subsequently reduced or dismissed in accordance with the plea in abeyance agreement.
- 1311 (b) A prior conviction used for a penalty enhancement under Subsection (2) shall be a conviction that is:
- 1313 (i) from a separate criminal episode than the current charge; and
- 1314 (ii) from a conviction that is separate from any other conviction used to enhance the current charge.

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- 1316 (7) A person may be charged and sentenced for a violation of this section, notwithstanding a charge and
sentence for a violation of any other section of this chapter.
- 1318 (8)
- (a) A penalty imposed for violation of this section is in addition to, and not in lieu of, a civil or
administrative penalty or sanction authorized by law.
- 1320 (b) When a violation of this chapter violates a federal law or the law of another state, conviction or
acquittal under federal law or the law of another state for the same act is a bar to prosecution in this
state.
- 1323 (9) In any prosecution for a violation of this chapter, evidence or proof that shows a person or persons
produced, manufactured, possessed, distributed, or dispensed a controlled substance or substances,
is prima facie evidence that the person or persons did so with knowledge of the character of the
substance or substances.
- 1327 (10) This section does not prohibit a veterinarian, in good faith and in the course of the veterinarian's
professional practice only and not for humans, from prescribing, dispensing, or administering
controlled substances or from causing the substances to be administered by an assistant or orderly
under the veterinarian's direction and supervision.
- 1331 (11) Civil or criminal liability may not be imposed under this section on:
- 1332 (a) a person registered under this chapter who manufactures, distributes, or possesses an imitation
controlled substance for use as a placebo or investigational new drug by a registered practitioner in
the ordinary course of professional practice or research;
- 1335 (b) a law enforcement officer acting in the course and legitimate scope of the officer's employment; or
- 1337 (c) a healthcare facility, substance use harm reduction services program, or drug addiction treatment
facility that temporarily possesses a controlled or counterfeit substance to conduct a test or analysis
on the controlled or counterfeit substance to identify or analyze the strength, effectiveness, or purity
of the substance for a public health or safety reason.
- 1342 (12)
- (a) Civil or criminal liability may not be imposed under this section on any Indian, as defined in Section
58-37-2, who uses, possesses, or transports peyote for bona fide traditional ceremonial purposes in
connection with the practice of a traditional Indian religion as defined in Section 58-37-2.

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- (b) In a prosecution alleging violation of this section regarding peyote as defined in Section 58-37-4, it is an affirmative defense that the peyote was used, possessed, or transported by an Indian for bona fide traditional ceremonial purposes in connection with the practice of a traditional Indian religion.
- 1350 (c)
- (i) The defendant shall provide written notice of intent to claim an affirmative defense under this Subsection (12) as soon as practicable, but not later than 10 days before trial.
- 1353 (ii) The notice shall include the specific claims of the affirmative defense.
- 1354 (iii) The court may waive the notice requirement in the interest of justice for good cause shown, if the prosecutor is not unfairly prejudiced by the lack of timely notice.
- 1357 (d) The defendant shall establish the affirmative defense under this Subsection (12) by a preponderance of the evidence. If the defense is established, it is a complete defense to the charges.
- 1360 (13)
- (a) It is an affirmative defense that the person produced, possessed, or administered a controlled substance listed in Section 58-37-4.2 if the person was:
- 1362 (i) engaged in medical research; and
- 1363 (ii) a holder of a valid license to possess controlled substances under Section 58-37-6.
- 1364 (b) It is not a defense under Subsection (13)(a) that the person prescribed or dispensed a controlled substance listed in Section 58-37-4.2.
- 1366 (14) It is an affirmative defense that the person possessed, in the person's body, a controlled substance listed in Section 58-37-4.2 if:
- 1368 (a) the person was the subject of medical research conducted by a holder of a valid license to possess controlled substances under Section 58-37-6; and
- 1370 (b) the substance was administered to the person by the medical researcher.
- 1371 (15) The application of any increase in penalty under this section to a violation of Subsection (2)(a) (i) may not result in any greater penalty than a second degree felony. This Subsection (15) takes precedence over any conflicting provision of this section.
- 1374 (16)
- (a) It is an affirmative defense to an allegation of the commission of an offense listed in Subsection (16) (b) that the person or bystander:
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- (i) reasonably believes that the person or another person is experiencing an overdose event due to the ingestion, injection, inhalation, or other introduction into the human body of a controlled substance or other substance;
- 1379 (ii) reports, or assists a person who reports, in good faith the overdose event to a medical provider, an emergency medical service provider as defined in Section 53-2d-101, a law enforcement officer, a 911 emergency call system, or an emergency dispatch system, or the person is the subject of a report made under this Subsection (16);
- 1384 (iii) provides in the report under Subsection (16)(a)(ii) a functional description of the actual location of the overdose event that facilitates responding to the person experiencing the overdose event;
- 1387 (iv) remains at the location of the person experiencing the overdose event until a responding law enforcement officer or emergency medical service provider arrives, or remains at the medical care facility where the person experiencing an overdose event is located until a responding law enforcement officer arrives;
- 1391 (v) cooperates with the responding medical provider, emergency medical service provider, and law enforcement officer, including providing information regarding the person experiencing the overdose event and any substances the person may have injected, inhaled, or otherwise introduced into the person's body; and
- 1395 (vi) is alleged to have committed the offense in the same course of events from which the reported overdose arose.
- 1397 (b) The offenses referred to in Subsection (16)(a) are:
- 1398 (i) the possession or use of less than 16 ounces of marijuana;
- 1399 (ii) the possession or use of a scheduled or listed controlled substance other than marijuana; and
- 1401 (iii) any violation of Chapter 37a, Utah Drug Paraphernalia Act, or Chapter 37b, Imitation Controlled Substances Act.
- 1403 (c) As used in this Subsection (16) and in Section 76-3-203.11, "good faith" does not include seeking medical assistance under this section during the course of a law enforcement agency's execution of a search warrant, execution of an arrest warrant, or other lawful search.
- 1407 (17) If any provision of this chapter, or the application of any provision to any person or circumstances, is held invalid, the remainder of this chapter shall be given effect without the invalid provision or application.

HB0329S01 compared with HB0329S02

1410 (18) A legislative body of a political subdivision may not enact an ordinance that is less restrictive than
any provision of this chapter.

1412 (19) If a minor who is under 18 years old is found by a court to have violated this section or Subsection
76-5-102.1(2)(b) or 76-5-207(2)(b), the court may order the minor to complete:

1415 (a) a screening as defined in Section 41-6a-501;

1416 (b) an assessment as defined in Section 41-6a-501 if the screening indicates an assessment to be
appropriate; and

1418 (c) an educational series as defined in Section 41-6a-501 or substance use disorder treatment as
indicated by an assessment.

1015 Section 18. Section **63I-2-235** is amended to read:

1016 **63I-2-235. Repeal dates: Title 35A.**

1422 (1) Section 35A-3-212, Use of COVID-19 relief funds -- Grants to child care providers -- Reporting
requirements, is repealed June 30, 2025.

1424 (2) ~~Subsection {35A-16-102(16)}~~ 35A-16-102(15), regarding the Know-by-Name case management
system pilot program, is repealed July 1, 2026.

1426 (3) Subsection 35A-16-202(1)(c)(iii), regarding the Know-by-Name case management system pilot
program, is repealed July 1, 2026.

1428 (4) Subsection 35A-16-203(4)(b), regarding the Know-by-Name case management system pilot
program, is repealed July 1, 2026.

1430 (5) Subsection 35A-16-205(1)(q)(ii), regarding the Know-by-Name case management system pilot
program, is repealed July 1, 2026.

1432 ~~{(4)}~~ }

1027 (6) Subsection 35A-16-801(4), regarding the Know-by-Name case management system pilot
program, is repealed July 1, 2026.

~~Section 35A-13-301, Title, is repealed October 1, 2024.]~~

1433 ~~[(2) Section 35A-13-302, Governor's Committee on Employment of People with Disabilities, is
repealed October 1, 2024.]~~

1032 Section 19. **Effective date.**

This bill takes effect on May 7, 2025.

2-24-25 2:31 PM