

# HB0347S04 compared with HB0347S01

~~{Omitted text}~~ shows text that was in HB0347S01 but was omitted in HB0347S04  
inserted text shows text that was not in HB0347S01 but was inserted into HB0347S04

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## Social Services Program Amendments

2025 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: James A. Dunnigan**

Senate Sponsor:Evan J. Vickers

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### LONG TITLE

#### General Description:

This bill amends the provisions related to social services programs.

#### Highlighted Provisions:

This bill:

- amends provisions related to the Medicaid ACA Fund;
- amends provisions related to substance use and mental health program licensure;
- amends provisions related to certified community health workers;
- amends provisions regarding atypical anti-psychotic, psychotropic drugs, and the Medicaid preferred drug list;
- amends provisions related to case management; and
- makes technical and conforming changes.

#### Money Appropriated in this Bill:

- This bill appropriates \$1,100,000 in operating and capital budgets for fiscal year 2026, all of which is from the General Fund.

#### Other Special Clauses:

HB0347S01

## HB0347S01 compared with HB0347S04

This bill provides a special effective date.

### AMENDS:

**26B-1-315 (Effective 05/07/25)**, as last amended by Laws of Utah 2024, Chapter 439 (**Effective 05/07/25**), as last amended by Laws of Utah 2024, Chapter 439

**26B-2-101 (Effective 05/07/25)**, as last amended by Laws of Utah 2024, Chapters 240, 267, 307, and 438 (**Effective 05/07/25**), as last amended by Laws of Utah 2024, Chapters 240, 267, 307, and 438

**26B-3-105 (Effective 07/01/25)**, as renumbered and amended by Laws of Utah 2023, Chapter 306 (**Effective 07/01/25**), as renumbered and amended by Laws of Utah 2023, Chapter 306

**26B-3-217 (Effective 05/07/25), as last amended by Laws of Utah 2024, Chapter 284 (Effective 05/07/25), as last amended by Laws of Utah 2024, Chapter 284**

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**26B-5-101 (Effective 05/07/25)**, as last amended by Laws of Utah 2024, Chapters 240, 420 (**Effective 05/07/25**), as last amended by Laws of Utah 2024, Chapters 240, 420

**26B-5-102 (Effective 05/07/25)**, as last amended by Laws of Utah 2024, Chapters 250, 420 (**Effective 05/07/25**), as last amended by Laws of Utah 2024, Chapters 250, 420

**26B-5-301 (Effective 05/07/25)**, as renumbered and amended by Laws of Utah 2023, Chapter 308 (**Effective 05/07/25**), as renumbered and amended by Laws of Utah 2023, Chapter 308

**26B-5-801 (Effective 05/07/25)**, as renumbered and amended by Laws of Utah 2024, Chapter 245 (**Effective 05/07/25**), as renumbered and amended by Laws of Utah 2024, Chapter 245

**53-21-101 (Effective 05/07/25)**, as last amended by Laws of Utah 2024, Chapter 345 (**Effective 05/07/25**), as last amended by Laws of Utah 2024, Chapter 345

**63M-7-204 (Effective 05/07/25)**, as last amended by Laws of Utah 2024, Chapter 345 (**Effective 05/07/25**), as last amended by Laws of Utah 2024, Chapter 345

### ENACTS:

**26B-2-110 (Effective 05/07/25)**, Utah Code Annotated 1953 (**Effective 05/07/25**), Utah Code Annotated 1953

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

Section 1. Section **26B-1-315** is amended to read:

**26B-1-315. Medicaid ACA Fund.**

(1) There is created an expendable special revenue fund known as the "Medicaid ACA Fund."

## HB0347S01 compared with HB0347S04

- 44 (2) The fund consists of:
- 45 (a) assessments collected under Chapter 3, Part 5, Inpatient Hospital Assessment;
- 46 (b) intergovernmental transfers under Section 26B-3-508;
- 47 (c) savings attributable to the health coverage improvement program, as defined in Section 26B-3-501,  
as determined by the department;
- 49 (d) savings attributable to the enhancement waiver program, as defined in Section 26B-3-501, as  
determined by the department;
- 51 (e) savings attributable to the Medicaid waiver expansion, as defined in Section 26B-3-501, as  
determined by the department;
- 53 ~~[(f) savings attributable to the inclusion of psychotropic drugs on the preferred drug list under  
Subsection 26B-3-105(3) as determined by the department;]~~
- 55 ~~[(g)]~~ (f) revenues collected from the sales tax described in Subsection 59-12-103(11);
- 56 ~~[(h)]~~ (g) gifts, grants, donations, or any other conveyance of money that may be made to the fund from  
private sources;
- 58 ~~[(i)]~~ (h) interest earned on money in the fund; and
- 59 ~~[(j)]~~ (i) additional amounts as appropriated by the Legislature.
- 60 (3)
- (a) The fund shall earn interest.
- 61 (b) All interest earned on fund money shall be deposited into the fund.
- 62 (4)
- (a) A state agency administering the provisions of Chapter 3, Part 5, Inpatient Hospital Assessment,  
may use money from the fund to pay the costs, not otherwise paid for with federal funds or other  
revenue sources, of:
- 65 (i) the health coverage improvement program as defined in Section 26B-3-501;
- 66 (ii) the enhancement waiver program as defined in Section 26B-3-501;
- 67 (iii) a Medicaid waiver expansion as defined in Section 26B-3-501; and
- 68 (iv) the outpatient upper payment limit supplemental payments under Section 26B-3-511.
- 70 (b) A state agency administering the provisions of Chapter 3, Part 5, Inpatient Hospital Assessment,  
may not use:
- 72 (i) funds described in Subsection (2)(b) to pay the cost of private outpatient upper payment limit  
supplemental payments; or

## HB0347S01 compared with HB0347S04

(ii) money in the fund for any purpose not described in Subsection (4)(a).

Section 2. Section **26B-2-101** is amended to read:

### **26B-2-101. Definitions.**

As used in this part:

(1) "Adoption services" means the same as that term is defined in Section 80-2-801.

(2) "Adult day care" means nonresidential care and supervision:

(a) for three or more adults for at least four but less than 24 hours a day; and

(b) that meets the needs of functionally impaired adults through a comprehensive program that provides a variety of health, social, recreational, and related support services in a protective setting.

(3) "Applicant" means a person that applies for an initial license or a license renewal under this part.

(4)

(a) "Associated with the licensee" means that an individual is:

(i) affiliated with a licensee as an owner, director, member of the governing body, employee, agent, provider of care, department contractor, or volunteer; or

(ii) applying to become affiliated with a licensee in a capacity described in Subsection (4)(a)(i).

(b) "Associated with the licensee" does not include:

(i) service on the following bodies, unless that service includes direct access to a child or a vulnerable adult:

(A) a local mental health authority described in Section 17-43-301;

(B) a local substance abuse authority described in Section 17-43-201; or

(C) a board of an organization operating under a contract to provide mental health or substance use programs, or services for the local mental health authority or substance abuse authority; or

(ii) a guest or visitor whose access to a child or a vulnerable adult is directly supervised at all times.

(5)

(a) "Boarding school" means a private school that:

(i) uses a regionally accredited education program;

(ii) provides a residence to the school's students:

(A) for the purpose of enabling the school's students to attend classes at the school; and

(B) as an ancillary service to educating the students at the school;

(iii) has the primary purpose of providing the school's students with an education, as defined in Subsection (5)(b)(i); and

## HB0347S01 compared with HB0347S04

- 109 (iv)
- (A) does not provide the treatment or services described in Subsection [~~(40)~~(a)] (41)(a); or
- 111 (B) provides the treatment or services described in Subsection [~~(40)~~(a)] (41)(a) on a limited basis, as described in Subsection (5)(b)(ii).
- 113 (b)
- (i) For purposes of Subsection (5)(a)(iii), "education" means a course of study for one or more grades from kindergarten through grade 12.
- 115 (ii) For purposes of Subsection (5)(a)(iv)(B), a private school provides the treatment or services described in Subsection [~~(40)~~(a)] (41)(a) on a limited basis if:
- 117 (A) the treatment or services described in Subsection [~~(40)~~(a)] (41)(a) are provided only as an incidental service to a student; and
- 119 (B) the school does not:
- 120 (I) specifically solicit a student for the purpose of providing the treatment or services described in Subsection [~~(40)~~(a)] (41)(a); or
- 122 (II) have a primary purpose of providing the treatment or services described in Subsection [~~(40)~~(a)] (41)(a).
- 124 (c) "Boarding school" does not include a therapeutic school.
- 125 (6) "Certification" means a less restrictive level of licensure issued by the department.
- 126 (7) "Child" means an individual under 18 years old.
- 127 (8) "Child placing" means receiving, accepting, or providing custody or care for any child, temporarily or permanently, for the purpose of:
- 129 (a) finding a person to adopt the child;
- 130 (b) placing the child in a home for adoption; or
- 131 (c) foster home placement.
- 132 (9) "Child-placing agency" means a person that engages in child placing.
- 133 (10) "Client" means an individual who receives or has received services from a licensee.
- 134 (11)
- (a) "Congregate care program" means any of the following that provide services to a child:
- 136 (i) an outdoor youth program;
- 137 (ii) a residential support program;
- 138 (iii) a residential treatment program; or

## HB0347S01 compared with HB0347S04

- 139 (iv) a therapeutic school.
- 140 (b) "Congregate care program" does not include a human services program that:
- 141 (i) is licensed to serve adults; and
- 142 (ii) is approved by the office to service a child for a limited time.
- 143 (12) "Day treatment" means specialized treatment that is provided to:
- 144 (a) a client less than 24 hours a day; and
- 145 (b) four or more persons who:
- 146 (i) are unrelated to the owner or provider; and
- 147 (ii) have emotional, psychological, developmental, physical, or behavioral dysfunctions, impairments,  
or chemical dependencies.
- 149 (13) "Department contractor" means an individual who:
- 150 (a) provides services under a contract with the department; and
- 151 (b) due to the contract with the department, has or will likely have direct access to a child or vulnerable  
adult.
- 153 (14) "Direct access" means that an individual has, or likely will have:
- 154 (a) contact with or access to a child or vulnerable adult that provides the individual with an opportunity  
for personal communication or touch; or
- 156 (b) an opportunity to view medical, financial, or other confidential personal identifying information of  
the child, the child's parents or legal guardians, or the vulnerable adult.
- 158 (15) "Directly supervised" means that an individual is being supervised under the uninterrupted visual  
and auditory surveillance of another individual who has a current background check approval issued  
by the office.
- 161 (16) "Director" means the director of the office.
- 162 (17) "Domestic violence" means the same as that term is defined in Section 77-36-1.
- 163 (18) "Domestic violence treatment program" means a nonresidential program designed to provide  
psychological treatment and educational services to perpetrators and victims of domestic violence.
- 166 (19) "Elder adult" means a person 65 years old or older.
- 167 (20) "Emergency safety intervention" means a tactic used to protect staff or a client from being  
physically injured, utilized by an appropriately trained direct care staff and only performed in  
accordance with a nationally or regionally recognized curriculum in the least restrictive manner to  
restore staff or client safety.

## HB0347S01 compared with HB0347S04

- 171 (21) "Foster home" means a residence that is licensed or certified by the office for the full-time  
substitute care of a child.
- 173 (22) "Health benefit plan" means the same as that term is defined in Section 31A-22-634.
- 174 (23) "Health care provider" means the same as that term is defined in Section 78B-3-403.
- 175 (24) "Health insurer" means the same as that term is defined in Section 31A-22-615.5.
- 176 (25)
- (a) "Human services program" means:
- 177 (i) a foster home;
- 178 (ii) a therapeutic school;
- 179 (iii) a youth program;
- 180 (iv) an outdoor youth program;
- 181 (v) a residential treatment program;
- 182 (vi) a residential support program;
- 183 (vii) a resource family home;
- 184 (viii) a recovery residence; or
- 185 (ix) a facility or program that provides:
- 186 (A) adult day care;
- 187 (B) day treatment;
- 188 (C) outpatient treatment;
- 189 (D) domestic violence treatment;
- 190 (E) child-placing services;
- 191 (F) social detoxification; or
- 192 (G) any other human services that are required by contract with the department to be licensed with the  
department.
- 194 (b) "Human services program" does not include:
- 195 (i) a boarding school;
- 196 (ii) a residential, vocational and life skills program, as defined in Section 13-53-102; or
- 198 (iii) a short-term relief care provider.
- 199 (26) "Indian child" means the same as that term is defined in 25 U.S.C. Sec. 1903.
- 200 (27) "Indian country" means the same as that term is defined in 18 U.S.C. Sec. 1151.
- 201 (28) "Indian tribe" means the same as that term is defined in 25 U.S.C. Sec. 1903.

## HB0347S01 compared with HB0347S04

- 202 (29) "Intermediate secure treatment" means 24-hour specialized residential treatment or care for an  
individual who:
- 204 (a) cannot live independently or in a less restrictive environment; and
- 205 (b) requires, without the individual's consent or control, the use of locked doors to care for the  
individual.
- 207 (30) "Licensee" means an individual or a human services program licensed by the office.
- 208 (31) "Local government" means a city, town, or county.
- 209 (32) "Mental health treatment program" means a program that:
- 210 (a) is a structured intervention; and
- 211 (b) is used to improve mental health, prevent mental disorders, and treat mental health conditions.
- 213 ~~[(32)]~~ (33) "Minor" means child.
- 214 ~~[(33)]~~ (34) "Office" means the Office of Licensing within the department.
- 215 ~~[(34)]~~ (35) "Outdoor youth program" means a program that provides:
- 216 (a) services to a child that has:
- 217 (i) a chemical dependency; or
- 218 (ii) a dysfunction or impairment that is emotional, psychological, developmental, physical, or  
behavioral;
- 220 (b) a 24-hour outdoor group living environment; and
- 221 (c)
- (i) regular therapy, including group, individual, or supportive family therapy; or
- 222 (ii) informal therapy or similar services, including wilderness therapy, adventure therapy, or outdoor  
behavioral healthcare.
- 224 ~~[(35)]~~ (36) "Outpatient treatment" means individual, family, or group therapy or counseling designed  
to improve and enhance social or psychological functioning for those whose physical and emotional  
status allows them to continue functioning in their usual living environment.
- 228 ~~[(36)]~~ (37) "Practice group" or "group practice" means two or more health care providers legally  
organized as a partnership, professional corporation, or similar association, for which:
- 231 (a) substantially all of the services of the health care providers who are members of the group are  
provided through the group and are billed in the name of the group and amounts received are treated  
as receipts of the group; and

234



## HB0347S01 compared with HB0347S04

(b) the overhead expenses of and the income from the practice are distributed in accordance with methods previously determined by members of the group.

236 [(37)] (38) "Private-placement child" means a child whose parent or guardian enters into a contract with a congregate care program for the child to receive services.

238 [(38)] (39)

(a) "Recovery residence" means a home, residence, or facility that meets at least two of the following requirements:

240 (i) provides a supervised living environment for individuals recovering from a substance use disorder;

242 (ii) provides a living environment in which more than half of the individuals in the residence are recovering from a substance use disorder;

244 (iii) provides or arranges for residents to receive services related to the resident's recovery from a substance use disorder, either on or off site;

246 (iv) is held out as a living environment in which individuals recovering from substance abuse disorders live together to encourage continued sobriety; or

248 (v)

(A) receives public funding; or

249 (B) is run as a business venture, either for-profit or not-for-profit.

250 (b) "Recovery residence" does not mean:

251 (i) a residential treatment program;

252 (ii) residential support program; or

253 (iii) a home, residence, or facility, in which:

254 (A) residents, by a majority vote of the residents, establish, implement, and enforce policies governing the living environment, including the manner in which applications for residence are approved and the manner in which residents are expelled;

258 (B) residents equitably share rent and housing-related expenses; and

259 (C) a landlord, owner, or operator does not receive compensation, other than fair market rental income, for establishing, implementing, or enforcing policies governing the living environment.

262 [(39)] (40) "Regular business hours" means:

263 (a) the hours during which services of any kind are provided to a client; or

264 (b) the hours during which a client is present at the facility of a licensee.

## HB0347S01 compared with HB0347S04

265     ~~[(40)]~~ (41)

(a) "Residential support program" means a program that arranges for or provides the necessities of life as a protective service to individuals or families who have a disability or who are experiencing a dislocation or emergency that prevents them from providing these services for themselves or their families.

269     (b) "Residential support program" includes a program that provides a supervised living environment for individuals with dysfunctions or impairments that are:

271     (i) emotional;

272     (ii) psychological;

273     (iii) developmental; or

274     (iv) behavioral.

275     (c) Treatment is not a necessary component of a residential support program.

276     (d) "Residential support program" does not include:

277     (i) a recovery residence; or

278     (ii) a program that provides residential services that are performed:

279     (A) exclusively under contract with the department and provided to individuals through the Division of Services for People with Disabilities; or

281     (B) in a facility that serves fewer than four individuals.

282     ~~[(41)]~~ (42)

(a) "Residential treatment" means a 24-hour group living environment for four or more individuals unrelated to the owner or provider that offers room or board and specialized treatment, behavior modification, rehabilitation, discipline, emotional growth, or habilitation services for persons with emotional, psychological, developmental, or behavioral dysfunctions, impairments, or chemical dependencies.

287     (b) "Residential treatment" does not include a:

288     (i) boarding school;

289     (ii) foster home; or

290     (iii) recovery residence.

291     ~~[(42)]~~ (43) "Residential treatment program" means a program or facility that provides:

292     (a) residential treatment; or

293     (b) intermediate secure treatment.

## HB0347S01 compared with HB0347S04

- 294     ~~[(43)]~~ (44) "Seclusion" means the involuntary confinement of an individual in a room or an area:
- 296     (a) away from the individual's peers; and
- 297     (b) in a manner that physically prevents the individual from leaving the room or area.
- 298     ~~[(44)]~~ (45) "Short-term relief care provider" means an individual who:
- 299     (a) provides short-term and temporary relief care to a foster parent:
- 300         (i) for less than six consecutive nights; and
- 301         (ii) in the short-term relief care provider's home;
- 302     (b) is an immediate family member or relative, as those terms are defined in Section 80-3-102, of the  
foster parent;
- 304     (c) is direct access qualified, as that term is defined in Section 26B-2-120;
- 305     (d) has been approved to provide short-term relief care by the department;
- 306     (e) is not reimbursed by the department for the temporary relief care provided; and
- 307     (f) is not an immediate family member or relative, as those terms are defined in Section 80-3-102, of the  
foster child.
- 309     ~~[(45)]~~ (46) "Social detoxification" means short-term residential services for persons who are  
experiencing or have recently experienced drug or alcohol intoxication, that are provided outside of  
a health care facility licensed under Part 2, Health Care Facility Licensing and Inspection, and that  
include:
- 313     (a) room and board for persons who are unrelated to the owner or manager of the facility;
- 314     (b) specialized rehabilitation to acquire sobriety; and
- 315     (c) aftercare services.
- 316     ~~[(46)]~~ (47) "Substance abuse disorder" or "substance use disorder" mean the same as "substance use  
disorder" is defined in Section 26B-5-501.
- 318     ~~[(47)]~~ (48) "Substance abuse treatment program" or "substance use disorder treatment program" means  
a program:
- 320     (a) designed to provide:
- 321         (i) specialized drug or alcohol treatment;
- 322         (ii) rehabilitation; or
- 323         (iii) habilitation services; and
- 324     (b) that provides the treatment or services described in Subsection ~~[(47)(a)]~~ (48)(a) to persons with:
- 326         (i) a diagnosed substance use disorder; or

## HB0347S01 compared with HB0347S04

- 327 (ii) chemical dependency disorder.
- 328 [~~(48)~~] (49) "Therapeutic school" means a residential group living facility:
- 329 (a) for four or more individuals that are not related to:
- 330 (i) the owner of the facility; or
- 331 (ii) the primary service provider of the facility;
- 332 (b) that serves students who have a history of failing to function:
- 333 (i) at home;
- 334 (ii) in a public school; or
- 335 (iii) in a nonresidential private school; and
- 336 (c) that offers:
- 337 (i) room and board; and
- 338 (ii) an academic education integrated with:
- 339 (A) specialized structure and supervision; or
- 340 (B) services or treatment related to:
- 341 (I) a disability;
- 342 (II) emotional development;
- 343 (III) behavioral development;
- 344 (IV) familial development; or
- 345 (V) social development.
- 346 [~~(49)~~] (50) "Unrelated persons" means persons other than parents, legal guardians, grandparents,  
brothers, sisters, uncles, or aunts.
- 348 [~~(50)~~] (51) "Vulnerable adult" means an elder adult or an adult who has a temporary or permanent  
mental or physical impairment that substantially affects the person's ability to:
- 350 (a) provide personal protection;
- 351 (b) provide necessities such as food, shelter, clothing, or mental or other health care;
- 352 (c) obtain services necessary for health, safety, or welfare;
- 353 (d) carry out the activities of daily living;
- 354 (e) manage the adult's own resources; or
- 355 (f) comprehend the nature and consequences of remaining in a situation of abuse, neglect, or  
exploitation.
- 357 [~~(51)~~] (52)

## HB0347S01 compared with HB0347S04

(a) "Youth program" means a program designed to provide behavioral, substance use, or mental health services to minors that:

- (i) serves adjudicated or nonadjudicated youth;
- (ii) charges a fee for the program's services;
- (iii) may provide host homes or other arrangements for overnight accommodation of the youth;
- (iv) may provide all or part of the program's services in the outdoors;
- (v) may limit or censor access to parents or guardians; and
- (vi) prohibits or restricts a minor's ability to leave the program at any time of the minor's own free will.

(b) "Youth program" does not include recreational programs such as Boy Scouts, Girl Scouts, 4-H, and other such organizations.

~~[(52)]~~ (53)

(a) "Youth transportation company" means any person that transports a child for payment to or from a congregate care program in Utah.

(b) "Youth transportation company" does not include:

- (i) a relative of the child;
- (ii) a state agency; or
- (iii) a congregate care program's employee who transports the child from the congregate care program that employs the employee and returns the child to the same congregate care program.

Section 3. Section 3 is enacted to read:

### **26B-2-110. Adult substance use and mental health providers.**

(1) As used in this section:

(a) "Deemed site" means a site:

- (i) operated by a licensee; and
- (ii) that is approved by the department in accordance with Subsection (2).

(b) "Good standing" means:

- (i) that a licensee has not had a violation that is considered by the department as moderate, high, or extreme noncompliance in the previous 24 months; and
- (ii) does not have outstanding fees or civil money penalties owed to the department.

(c) "Licensee" means a substance abuse treatment program or mental health treatment program.

(2)

## HB0347S01 compared with HB0347S04

(a) The department may approve a site operated by a licensee as a deemed site if:

(i) the licensee meets the requirements of Subsection (2)(b); and

(ii) at the time of licensure or renewal, the licensee is in good standing.

(b) A deemed site:

(i) may not serve an individual that is not at least 18 years old;

(ii) shall be accredited by a national accrediting organization that is recognized by the department through rule; and

(iii) shall provide the department with documentation from the accrediting organization that includes:

(A) inspection reports;

(B) findings;

(C) plans of correction issued by the accrediting organization; and

(D) progress reports on any plan of correction required by the accrediting organization.

(3)

(a) A licensee may opt-out of on-site renewal inspections conducted by the department for a deemed site.

(b) Notwithstanding Subsection (3)(a), the department may investigate complaints or incidents involving the deemed site.

(c) A licensee is still subject to all renewal licensing fees for a deemed site.

(4) The department shall revoke a licensee's deemed site status if:

(a) a compliance or incident investigation of the deemed site results in a moderate, high, or extreme noncompliance violation;

(b) the licensee does not submit accreditation documentation described in Subsection (2)(b)(iii) for the deemed site; or

(c) documentation from the accrediting organization shows any findings that equate to a moderate, high, or extreme noncompliance violation in a state licensing finding for the deemed site.

(5)

(a) If a licensee has multiple sites, the department shall consider whether a site becomes a deemed site through a separate evaluation described in Subsection (2).

(b) The revocation of deemed status for a site does not cause the revocation of deemed status for another of a licensee's deemed sites unless the conditions listed in Subsection (4) apply to each site that is subject to losing the site's deemed site status.

## HB0347S01 compared with HB0347S04

(6) Information received by the department from a licensee pertaining to that licensee's accreditation by a voluntary accrediting organization, shall be private data except for a summary prepared by the department related to licensure standards.

(7) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the office shall make rules to implement and enforce this section.

Section 4. Section **26B-3-105** is amended to read:

### **26B-3-105. Medicaid drug program -- Preferred drug list.**

(1) As used in this section:

(a) "Immunosuppressive drug" means a drug that:

(i) is used in immunosuppressive therapy to inhibit or prevent activity of the immune system to aid the body in preventing the rejection of transplanted organs and tissue; and

(ii) does not include drugs used for the treatment of autoimmune disease or diseases that are most likely of autoimmune origin.

(b) "Psychotropic drug" means the following classes of drugs:

(i) anti-depressant;

(ii) anti-convulsant/mood stabilizer;

(iii) anti-anxiety; and

(iv) attention deficit hyperactivity disorder stimulant.

(c) "Stabilized" means a health care provider has documented in the patient's medical chart that a patient has achieved a stable or steadfast medical state within the past 90 days.

(2) A Medicaid drug program developed by the department under Subsection 26B-3-104(2)(f):

(a) shall, notwithstanding Subsection 26B-3-104(1)(b), be based on clinical and cost-related factors which include medical necessity as determined by a provider in accordance with administrative rules established by the Drug Utilization Review Board;

(b) may include therapeutic categories of drugs that may be exempted from the drug program;

(c) notwithstanding Section 58-17b-606, may include placing some drugs~~[, except the drugs described in Subsection (2),]~~ on a preferred drug list:

(i) to the extent determined appropriate by the department; and

(ii) in the manner described in Subsection [(3)] (4) for [psychotropic] atypical anti-psychotic drugs;

(d) notwithstanding the requirements of Sections 26B-3-302 through 26B-3-309 regarding the Drug Utilization Review Board, and except as provided in Subsection [(3)] (4), shall immediately

## HB0347S01 compared with HB0347S04

implement the prior authorization requirements for a nonpreferred drug that is in the same therapeutic class as a drug that is:

- (i) on the preferred drug list on the date that this act takes effect; or
- (ii) added to the preferred drug list after this act takes effect; and
- (e) except as prohibited by Subsections 58-17b-606(4) and (5), shall establish the prior authorization requirements [established under Subsections (1)(c) and (d)] which shall permit a health care provider or the health care provider's agent to obtain a prior authorization override of the preferred drug list through the department's pharmacy prior authorization review process, and which shall:
  - (i) provide either telephone or fax approval or denial of the request within 24 hours of the receipt of a request that is submitted during normal business hours of Monday through Friday from 8 a.m. to 5 p.m.;
  - (ii) provide for the dispensing of a limited supply of a requested drug as determined appropriate by the department in an emergency situation, if the request for an override is received outside of the department's normal business hours; and
  - (iii) require the health care provider to provide the department with documentation of the medical need for the preferred drug list override in accordance with criteria established by the department in consultation with the Pharmacy and Therapeutics Committee.

[~~(2)~~] (3)

[~~(a) As used in this Subsection (2):~~]

[~~(i) "Immunosuppressive drug":~~]

[~~(A) means a drug that is used in immunosuppressive therapy to inhibit or prevent activity of the immune system to aid the body in preventing the rejection of transplanted organs and tissue; and~~]  
[~~(B) does not include drugs used for the treatment of autoimmune disease or diseases that are most likely of autoimmune origin.~~]

[~~(ii) "Stabilized" means a health care provider has documented in the patient's medical chart that a patient has achieved a stable or steadfast medical state within the past 90 days using a particular psychotropic drug.~~]

[~~(b)~~]

[~~a~~] A preferred drug list developed under the provisions of this section may not include an immunosuppressive drug.

[~~(e)~~]



## HB0347S01 compared with HB0347S04

- 491     ~~[(i)]~~ (b) The state Medicaid program shall reimburse for a prescription for an immunosuppressive drug  
as written by the health care provider for a patient who has undergone an organ transplant.
- 494     ~~[(ii)]~~ (c) For purposes of Subsection 58-17b-606(4), and with respect to patients who have undergone  
an organ transplant, the prescription for a particular immunosuppressive drug as written by a  
health care provider meets the criteria of demonstrating to the department a medical necessity for  
dispensing the prescribed immunosuppressive drug.
- 499     (d) Notwithstanding the requirements of Sections 26B-3-302 through 26B-3-309 regarding the Drug  
Utilization Review Board, the state Medicaid drug program may not require the use of step therapy  
for immunosuppressive drugs without the written or oral consent of the health care provider and the  
patient.
- 503     ~~[(e) The department may include a sedative hypnotic on a preferred drug list in accordance with  
Subsection (2)(f).]~~
- 505     ~~[(f) The department shall grant a prior authorization for a sedative hypnotic that is not on the preferred  
drug list under Subsection (2)(e), if the health care provider has documentation related to one of the  
following conditions for the Medicaid client:]~~
- 508     ~~[(i) a trial and failure of at least one preferred agent in the drug class, including the name of the  
preferred drug that was tried, the length of therapy, and the reason for the discontinuation;]~~
- 511     ~~[(ii) detailed evidence of a potential drug interaction between current medication and the preferred  
drug;]~~
- 513     ~~[(iii) detailed evidence of a condition or contraindication that prevents the use of the preferred drug;]~~
- 515     ~~[(iv) objective clinical evidence that a patient is at high risk of adverse events due to a therapeutic  
interchange with a preferred drug;]~~
- 517     ~~[(v) the patient is a new or previous Medicaid client with an existing diagnosis previously stabilized  
with a nonpreferred drug; or]~~
- 519     ~~[(vi) other valid reasons as determined by the department.]~~
- 520     ~~[(g) A prior authorization granted under Subsection (2)(f) is valid for one year from the date the  
department grants the prior authorization and shall be renewed in accordance with Subsection (2)  
(f).]~~
- 523     ~~[(3)]~~ (4)
- ~~[(a) As used in this Subsection (3), "psychotropic drug" means the following classes of drugs:]~~
- 525     ~~[(i) atypical anti-psychotic;]~~

## HB0347S01 compared with HB0347S04

- 526       ~~[(ii) anti-depressant;]~~  
527       ~~[(iii) anti-convulsant/mood stabilizer;]~~  
528       ~~[(iv) anti-anxiety; and]~~  
529       ~~[(v) attention deficit hyperactivity disorder stimulant.]~~  
530       ~~[(b)]~~ (a)  
      (i) The department shall ~~[develop a preferred drug list for psychotropic drugs]~~ include atypical anti-psychotic drugs on the preferred drug list.  
532       (ii) ~~[Except as provided in Subsection (3)(d), a preferred drug list for psychotropic drugs developed under this section]~~ The department shall allow a health care provider to override the preferred drug list for an atypical anti-psychotic drug by writing "dispense as written" on the prescription for the ~~[psychotropic]~~ atypical anti-psychotic drug.  
537       (iii) A health care provider may not override Section 58-17b-606 by writing "dispense as written" on a prescription.  
539       ~~[(e)]~~ (b) The department, and a Medicaid accountable care organization that is responsible for providing behavioral health, shall[:]  
541       ~~[(i)]~~ establish a system to:  
542       ~~[(A)]~~ (i) track health care provider prescribing patterns for ~~[psychotropic]~~ atypical anti-psychotic drugs;  
544       ~~[(B)]~~ (ii) educate health care providers who are not complying with the preferred drug list; and  
546       ~~[(C)]~~ (iii) implement peer to peer education for health care providers whose prescribing practices continue to not comply with the preferred drug list~~[:and]~~ .  
548       ~~[(ii) determine whether health care provider compliance with the preferred drug list is at least:]~~  
550       ~~[(A) 55% of prescriptions by July 1, 2017;]~~  
551       ~~[(B) 65% of prescriptions by July 1, 2018; and]~~  
552       ~~[(C) 75% of prescriptions by July 1, 2019.]~~  
553       ~~[(d) Beginning October 1, 2019, the department shall eliminate the dispense as written override for the preferred drug list, and shall implement a prior authorization system for psychotropic drugs, in accordance with Subsection (2)(f), if by July 1, 2019, the department has not realized annual savings from implementing the preferred drug list for psychotropic drugs of at least \$750,000 General Fund savings.]~~

558

## HB0347S01 compared with HB0347S04

(5) For enrollees that begin a psychotropic drug treatment on or after July 1, 2025, the department shall pay for a psychotropic drug that is not on the preferred drug list if the department, based on patient claims history or health care provider attestation, has evidence of:

(a) an enrollee's trial and failure of a psychotropic drug on the preferred drug list that is equivalent or similar to the drug that is not on the preferred drug list in the last 365 days; or

(b) the enrollee being stabilized on the psychotropic drug that is not on the preferred drug list at the time of enrollment.

Section 5. Section 26B-3-217 is amended to read:

**26B-3-217. Medicaid waiver for coverage of qualified inmates leaving prison or jail.**

(1) As used in this section:

(a) "Certified community health worker" means an individual who has obtained the certification described in Section 26B-2-504.

(b) "Correctional facility" means:

(i) a county jail;

(ii) a prison, penitentiary, or other institution operated by or under contract with the Department of Corrections for the confinement of an offender, as defined in Section 64-13-1; or

(iii) a facility for secure confinement of minors operated by the Division of Juvenile Justice and Youth Services.

~~[(b)]~~ (c) "Limited Medicaid benefit" means:

(i) reentry case management services;

(ii) physical and behavioral health clinical services;

(iii) medications and medication administration;

(iv) medication-assisted treatment, including all United States Food and Drug Administration approved medications, including coverage for counseling; ~~[and]~~

(v) services provided by a certified community health worker; and

~~[(v)]~~ (vi) other services as determined by rule made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

~~[(e)]~~ (d) "Qualified inmate" means an individual who:

(i) is incarcerated in a correctional facility; and

(ii) is ineligible for Medicaid as a result of incarceration but would otherwise qualify for Medicaid.

## HB0347S01 compared with HB0347S04

- (2) Subject to appropriation, before July 1, 2024, the division shall apply for a Medicaid waiver, or amend an existing Medicaid waiver application, with CMS to offer a program to provide a limited Medicaid benefit to a qualified inmate for up to 90 days immediately before the day on which the qualified inmate is released from a correctional facility.
- (3)
- (a) Savings to state and local funds that result from the use of federal funds provided under this section shall be used in accordance with a reinvestment plan as mandated by CMS.
- (b) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the department shall make rules for a participating county to establish a reinvestment plan described in Subsection (3)(a).
- (4) If the waiver or amended waiver described in Subsection (2) is approved, the department shall report to the Health and Human Services Interim Committee each year before November 30 while the waiver is in effect regarding:
- (a) the number of qualified inmates served under the program;
- (b) the cost of the program; and
- (c) the effectiveness of the program, including:
- (i) any reduction in the number of emergency room visits or hospitalizations by inmates after release from a correctional facility;
- (ii) any reduction in the number of inmates undergoing inpatient treatment after release from a correctional facility;
- (iii) any reduction in overdose rates and deaths of inmates after release from a correctional facility; and
- (iv) any other costs or benefits as a result of the program.
- (5) Before July 1, 2024, the department shall amend the Medicaid waiver related to housing support services to include an individual that was a qualified inmate within the previous 12 months.
- (6) The department may elect to not apply for a Medicaid waiver or limit services described in this section based on appropriation.

Section 6. Section **26B-5-101** is amended to read:

### **26B-5-101. Chapter definitions.**

As used in this chapter:

- (1) "Criminal risk factors" means a person's characteristics and behaviors that:
- (a) affect the person's risk of engaging in criminal behavior; and

## HB0347S01 compared with HB0347S04

(b) are diminished when addressed by effective treatment, supervision, and other support resources, resulting in reduced risk of criminal behavior.

(2) "Director" means the director appointed under Section 26B-5-103.

(3) "Division" means the Division of Integrated Healthcare created in Section 26B-1-1202.

(4) "Local mental health authority" means a county legislative body.

(5) "Local substance abuse authority" means a county legislative body.

(6) "Mental health crisis" means:

(a) a mental health condition that manifests in an individual by symptoms of sufficient severity that a prudent layperson who possesses an average knowledge of mental health issues could reasonably expect the absence of immediate attention or intervention to result in:

(i) serious danger to the individual's health or well-being; or

(ii) a danger to the health or well-being of others; or

(b) a mental health condition that, in the opinion of a mental health therapist or the therapist's designee, requires direct professional observation or intervention.

(7) "Mental health crisis response training" means community-based training that educates laypersons and professionals on the warning signs of a mental health crisis and how to respond.

(8) "Mental health crisis services" means an array of services provided to an individual who experiences a mental health crisis, which may include:

(a) direct mental health services;

(b) on-site intervention provided by a mobile crisis outreach team;

(c) the provision of safety and care plans;

(d) prolonged mental health services for up to 90 days after the day on which an individual experiences a mental health crisis;

(e) referrals to other community resources;

(f) local mental health crisis lines; and

(g) the statewide mental health crisis line.

(9) "Mental health therapist" means the same as that term is defined in Section 58-60-102.

(10) "Mobile crisis outreach team" or "MCOT" means a mobile team of medical and mental health professionals that, in coordination with local law enforcement and emergency medical service personnel, provides mental health crisis services.

(11) "Office" means the Office of Substance Use and Mental Health created in Section 26B-5-102.

## HB0347S01 compared with HB0347S04

- 606 (12)
- (a) "Public funds" means federal money received from the department, and state money appropriated by the Legislature to the department, a county governing body, or a local substance abuse authority, or a local mental health authority for the purposes of providing substance abuse or mental health programs or services.
- 610 (b) "Public funds" include federal and state money that has been transferred by a local substance abuse authority or a local mental health authority to a private provider under an annual or otherwise ongoing contract to provide comprehensive substance abuse or mental health programs or services for the local substance abuse authority or local mental health authority. The money maintains the nature of "public funds" while in the possession of the private entity that has an annual or otherwise ongoing contract with a local substance abuse authority or a local mental health authority to provide comprehensive substance use or mental health programs or services for the local substance abuse authority or local mental health authority.
- 619 (c) Public funds received for the provision of services under substance use or mental health service plans may not be used for any other purpose except those authorized in the contract between the local mental health or substance abuse authority and provider for the provision of plan services.
- 623 (13) "Severe mental disorder" means schizophrenia, major depression, bipolar disorders, delusional disorders, psychotic disorders, and other mental disorders as defined by the division.
- 626 (14) "Stabilization services" means in-home services provided to a child with, or who is at risk for, complex emotional and behavioral needs, including teaching the child's parent or guardian skills to improve family functioning.
- 629 (15) "Statewide mental health crisis line" means the same as that term is defined in Section 26B-5-610.
- 631 (16) "System of care" means a broad, flexible array of services and supports that:
- 632 (a) serve a child with or who is at risk for complex emotional and behavioral needs;
- 633 (b) are community based;
- 634 (c) are informed about trauma;
- 635 (d) build meaningful partnerships with families and children;
- 636 (e) integrate service planning, service coordination, and management across state and local entities;
- 638 (f) include individualized case planning;
- 639

## HB0347S01 compared with HB0347S04

(g) provide management and policy infrastructure that supports a coordinated network of interdepartmental service providers, contractors, and service providers who are outside of the department; and

(h) are guided by the type and variety of services needed by a child with or who is at risk for complex emotional and behavioral needs and by the child's family.

~~[(17) "Targeted case management" means a service that assists Medicaid recipients in a target group to gain access to needed medical, social, educational, and other services.]~~

Section 7. Section **26B-5-102** is amended to read:

**26B-5-102. Division of Integrated Healthcare -- Office of Substance Use and Mental Health -- Creation -- Responsibilities.**

(1)

(a) The Division of Integrated Healthcare shall exercise responsibility over the policymaking functions, regulatory and enforcement powers, rights, duties, and responsibilities outlined in state law that were previously vested in the Division of Substance Abuse and Mental Health within the department, under the administration and general supervision of the executive director.

(b) The division is the substance abuse authority and the mental health authority for this state.

(c) There is created the Office of Substance Use and Mental Health within the division.

(d) The office shall exercise the responsibilities, powers, rights, duties, and responsibilities assigned to the office by the executive director.

(2) The division shall:

~~[(a)]~~

~~(i)]~~ (a) educate the general public regarding the nature and consequences of substance use by promoting school and community-based prevention programs;

~~[(ii)]~~ (b) render support and assistance to public schools through approved school-based substance abuse education programs aimed at prevention of substance use;

~~[(iii)]~~ (c) promote or establish programs for the prevention of substance use within the community setting through community-based prevention programs;

~~[(iv)]~~ (d) cooperate with and assist treatment centers, recovery residences, and other organizations that provide services to individuals recovering from a substance use disorder, by identifying and disseminating information about effective practices and programs;

## HB0347S01 compared with HB0347S04

[(v)] (e) promote integrated programs that address an individual's substance use, mental health, and physical health;

672 [(vi)] (f) establish and promote an evidence-based continuum of screening, assessment, prevention, treatment, and recovery support services in the community for individuals with a substance use disorder or mental illness;

675 [(vii)] (g) evaluate the effectiveness of programs described in this Subsection (2);

676 [(viii)] (h) consider the impact of the programs described in this Subsection (2) on:

677 [(A)] (i) emergency department utilization;

678 [(B)] (ii) jail and prison populations;

679 [(C)] (iii) the homeless population; and

680 [(D)] (iv) the child welfare system; [and]

681 [(ix)] (i) promote or establish programs for education and certification of instructors to educate individuals convicted of driving under the influence of alcohol or drugs or driving with any measurable controlled substance in the body;

684 [(b)

(i) (j) collect and disseminate information pertaining to mental health;

685 [(ii)] (k) provide direction over the state hospital including approval of the state hospital's budget, administrative policy, and coordination of services with local service plans;

687 [(iii)] (l) make rules in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, to educate families concerning mental illness and promote family involvement, when appropriate, and with patient consent, in the treatment program of a family member;

691 [(iv)] (m) make rules in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, to direct that an individual receiving services through a local mental health authority or the Utah State Hospital be informed about and, if desired by the individual, provided assistance in the completion of a declaration for mental health treatment in accordance with Section 26B-5-313; [and]

696 [(v)] (n) ~~[to the extent authorized and in accordance with statute,]~~ make rules in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, that:

698 [(A)] (i) ~~[create a certification for targeted case management]~~ certify an adult as a case manager, qualified to provide case management services within the state;

700 [(B)] (ii) establish training and certification requirements;

701 [(C)] (iii) specify the types of services each certificate holder is qualified to provide;



## HB0347S01 compared with HB0347S04

- 702 [~~(D)~~] (iv) specify the type of supervision under which a certificate holder is required to operate; and  
704 [~~(E)~~] (v) specify continuing education and other requirements for maintaining or renewing certification;  
706 [~~(e)~~]  
[~~(i)~~] (o) consult and coordinate with local substance abuse authorities and local mental health authorities  
regarding programs and services;  
708 [~~(ii)~~] (p) provide consultation and other assistance to public and private agencies and groups working on  
substance use and mental health issues;  
710 [~~(iii)~~] (q) promote and establish cooperative relationships with courts, hospitals, clinics, medical  
and social agencies, public health authorities, law enforcement agencies, education and research  
organizations, and other related groups;  
713 [~~(iv)~~] (r) promote or conduct research on substance use and mental health issues, and submit to the  
governor and the Legislature recommendations for changes in policy and legislation;  
716 [~~(v)~~] (s) receive, distribute, and provide direction over public funds for substance use and mental health  
services;  
718 [~~(vi)~~] (t) monitor and evaluate programs provided by local substance abuse authorities and local mental  
health authorities;  
720 [~~(vii)~~] (u) examine expenditures of local, state, and federal funds;  
721 [~~(viii)~~] (v) monitor the expenditure of public funds by:  
722 [~~(A)~~] (i) local substance abuse authorities;  
723 [~~(B)~~] (ii) local mental health authorities; and  
724 [~~(C)~~] (iii) in counties where they exist, a private contract provider that has an annual or otherwise  
ongoing contract to provide comprehensive substance abuse or mental health programs or services  
for the local substance abuse authority or local mental health authority;  
728 [~~(ix)~~] (w) contract with local substance abuse authorities and local mental health authorities to provide  
a comprehensive continuum of services that include community-based services for individuals  
involved in the criminal justice system, in accordance with division policy, contract provisions, and  
the local plan;  
732 (x) contract with private and public entities for special statewide or nonclinical services, or services for  
individuals involved in the criminal justice system, according to division rules;  
735 [~~(xi)~~] (y) review and approve each local substance abuse authority's plan and each local mental health  
authority's plan in order to ensure:

## HB0347S01 compared with HB0347S04

- 737     ~~[(A)]~~ (i) a statewide comprehensive continuum of substance use services;
- 738     ~~[(B)]~~ (ii) a statewide comprehensive continuum of mental health services;
- 739     ~~[(C)]~~ (iii) services result in improved overall health and functioning;
- 740     ~~[(D)]~~ (iv) a statewide comprehensive continuum of community-based services designed to reduce  
          criminal risk factors for individuals who are determined to have substance use or mental illness  
          conditions or both, and who are involved in the criminal justice system;
- 744     ~~[(E)]~~ (v) compliance, where appropriate, with the certification requirements in Subsection ~~[(2)(h)]~~ (2)  
          ~~(gg)~~; and
- 746     ~~[(F)]~~ (vi) appropriate expenditure of public funds;
- 747     ~~[(xii)]~~ (z) review and make recommendations regarding each local substance abuse authority's contract  
          with the local substance abuse authority's provider of substance use programs and services and each  
          local mental health authority's contract with the local mental health authority's provider of mental  
          health programs and services to ensure compliance with state and federal law and policy;
- 752     ~~[(xiii)]~~ (aa) monitor and ensure compliance with division rules and contract requirements; ~~[and]~~
- 754     ~~[(xiv)]~~ (bb) withhold funds from local substance abuse authorities, local mental health authorities, and  
          public and private providers for contract noncompliance, failure to comply with division directives  
          regarding the use of public funds, or for misuse of public funds or money;
- 758     ~~[(d)]~~ (cc) ensure that the requirements of this part are met and applied uniformly by local substance  
          abuse authorities and local mental health authorities across the state;
- 760     ~~[(e)]~~ (dd) require each local substance abuse authority and each local mental health authority, in  
          accordance with Subsections 17-43-201(5)(b) and 17-43-301(6)(a)(ii), to submit a plan to the  
          division on or before May 15 of each year;
- 763     ~~[(f)]~~ (ee) conduct an annual program audit and review of each local substance abuse authority and each  
          local substance abuse authority's contract provider, and each local mental health authority and each  
          local mental health authority's contract provider, including:
- 767     (i) a review and determination regarding whether:
- 768     (A) public funds allocated to the local substance abuse authority or the local mental health authorities  
          are consistent with services rendered by the authority or the authority's contract provider, and with  
          outcomes reported by the authority's contract provider; and

772

## HB0347S01 compared with HB0347S04

(B) each local substance abuse authority and each local mental health authority is exercising sufficient oversight and control over public funds allocated for substance use disorder and mental health programs and services; and

(ii) items determined by the division to be necessary and appropriate;

~~[(g)]~~ (ff) define "prevention" by rule as required under Title 32B, Chapter 2, Part 4, Alcoholic Beverage and Substance Abuse Enforcement and Treatment Restricted Account Act;

~~[(h)]~~

~~[(i)]~~ (gg) train and certify an adult as a peer support specialist, qualified to provide peer supports services to an individual with:

~~[(A)]~~ (i) a substance use disorder;

~~[(B)]~~ (ii) a mental health disorder; ~~[or]~~

~~[(C)]~~ (iii) a substance use disorder and a mental health disorder;

~~[(H)]~~ (iv) certify a person to carry out, as needed, the division's duty to train and certify an adult as a peer support specialist;

~~[(iii)]~~ (v) make rules in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, that:

(A) establish training and certification requirements for a peer support specialist;

(B) specify the types of services a peer support specialist is qualified to provide;

(C) specify the type of supervision under which a peer support specialist is required to operate; and

(D) specify continuing education and other requirements for maintaining or renewing certification as a peer support specialist; and

~~[(iv)]~~ (vi) make rules in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, that:

(A) establish the requirements for a person to be certified to carry out, as needed, the division's duty to train and certify an adult as a peer support specialist; and

(B) specify how the division shall provide oversight of a person certified to train and certify a peer support specialist;

~~[(i)]~~ (hh) collaborate with the State Commission on Criminal and Juvenile Justice to analyze and provide recommendations to the Legislature regarding:

(i) pretrial services and the resources needed to reduce recidivism;

## HB0347S01 compared with HB0347S04

(ii) county jail and county behavioral health early-assessment resources needed for an individual convicted of a class A or class B misdemeanor; and

(iii) the replacement of federal dollars associated with drug interdiction law enforcement task forces that are reduced;

~~[(j)]~~ (ii) establish performance goals and outcome measurements for a mental health or substance use treatment program that is licensed under Chapter 2, Part 1, Human Services Programs and Facilities, and contracts with the department, including goals and measurements related to employment and reducing recidivism of individuals receiving mental health or substance use treatment who are involved with the criminal justice system;

~~[(k)]~~ (jj) annually, on or before November 30, submit a written report to the Judiciary Interim Committee, the Health and Human Services Interim Committee, and the Law Enforcement and Criminal Justice Interim Committee, that includes:

(i) a description of the performance goals and outcome measurements described in Subsection ~~[(2)]~~ (2)~~(i)]~~ (ii); and

(ii) information on the effectiveness of the goals and measurements in ensuring appropriate and adequate mental health or substance use treatment is provided in a treatment program described in Subsection ~~[(2)(j)]~~ (2)~~(i)]~~ (ii);

~~[(4)]~~ (kk) collaborate with the Administrative Office of the Courts, the Department of Corrections, the Department of Workforce Services, and the Board of Pardons and Parole to collect data on recidivism in accordance with the metrics and requirements described in Section 63M-7-102;

~~[(m)]~~ (ll) at the division's discretion, use the data described in Subsection ~~[(2)(4)]~~ (2)~~(k)]~~ (kk) to make decisions regarding the use of funds allocated to the division to provide treatment;

~~[(n)]~~ (mm) annually, on or before August 31, submit the data collected under Subsection ~~[(2)(4)]~~ (2)~~(k)]~~ (kk) and any recommendations to improve the data collection to the State Commission on Criminal and Juvenile Justice to be included in the report described in Subsection 63M-7-204(1)(x);

~~[(o)]~~ (nn) publish the following on the division's website:

(i) the performance goals and outcome measurements described in Subsection ~~[(2)(j)]~~ (2)~~(i)]~~ (ii); and

(ii) a description of the services provided and the contact information for the mental health and substance use treatment programs described in Subsection ~~[(2)(j)]~~ (2)~~(i)]~~ (ii) and residential, vocational and life skills programs, as defined in Section 13-53-102; and

## HB0347S01 compared with HB0347S04

~~[(p)]~~ (oo) consult and coordinate with the Division of Child and Family Services to develop and manage the operation of a program designed to reduce substance use during pregnancy and by parents of a newborn child that includes:

- 843 (i) providing education and resources to health care providers and individuals in the state regarding prevention of substance use during pregnancy;
- 845 (ii) providing training to health care providers in the state regarding screening of a pregnant woman or pregnant minor to identify a substance use disorder; and
- 847 (iii) providing referrals to pregnant women, pregnant minors, or parents of a newborn child in need of substance use treatment services to a facility that has the capacity to provide the treatment services.
- 850 (3) In addition to the responsibilities described in Subsection (2), the division shall, within funds appropriated by the Legislature for this purpose, implement and manage the operation of a firearm safety and suicide prevention program, in consultation with the Bureau of Criminal Identification created in Section 53-10-201, including:
  - 854 (a) coordinating with local mental health and substance abuse authorities, a nonprofit behavioral health advocacy group, and a representative from a Utah-based nonprofit organization with expertise in the field of firearm use and safety that represents firearm owners, to:
    - 858 (i) produce and periodically review and update a firearm safety brochure and other educational materials with information about the safe handling and use of firearms that includes:
      - 861 (A) information on safe handling, storage, and use of firearms in a home environment;
      - 863 (B) information about at-risk individuals and individuals who are legally prohibited from possessing firearms;
      - 865 (C) information about suicide prevention awareness; and
      - 866 (D) information about the availability of firearm safety packets;
    - 867 (ii) procure cable-style gun locks for distribution under this section;
    - 868 (iii) produce a firearm safety packet that includes the firearm safety brochure and the cable-style gun lock described in this Subsection (3); and
    - 870 (iv) create a suicide prevention education course that:
      - 871 (A) provides information for distribution regarding firearm safety education;
      - 872 (B) incorporates current information on how to recognize suicidal behaviors and identify individuals who may be suicidal; and
      - 874 (C) provides information regarding crisis intervention resources;

## HB0347S01 compared with HB0347S04

- 875 (b) distributing, free of charge, the firearm safety packet to the following persons, who shall make the  
firearm safety packet available free of charge:
- 877 (i) health care providers, including emergency rooms;
- 878 (ii) mobile crisis outreach teams;
- 879 (iii) mental health practitioners;
- 880 (iv) other public health suicide prevention organizations;
- 881 (v) entities that teach firearm safety courses;
- 882 (vi) school districts for use in the seminar, described in Section 53G-9-702, for parents of students in  
the school district; and
- 884 (vii) firearm dealers to be distributed in accordance with Section 76-10-526;
- 885 (c) creating and administering a rebate program that includes a rebate that offers between \$10 and \$200  
off the purchase price of a firearm safe from a participating firearms dealer or a person engaged in  
the business of selling firearm safes in Utah, by a Utah resident; and
- 889 (d) in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, making rules that  
establish procedures for:
- 891 (i) producing and distributing the suicide prevention education course and the firearm safety brochures  
and packets;
- 893 (ii) procuring the cable-style gun locks for distribution; and
- 894 (iii) administering the rebate program.
- 895 (4)
- (a) The division may refuse to contract with and may pursue legal remedies against any local substance  
abuse authority or local mental health authority that fails, or has failed, to expend public funds in  
accordance with state law, division policy, contract provisions, or directives issued in accordance  
with state law.
- 899 (b) The division may withhold funds from a local substance abuse authority or local mental health  
authority if the authority's contract provider of substance use or mental health programs or services  
fails to comply with state and federal law or policy.
- 902 (5)
- (a) Before reissuing or renewing a contract with any local substance abuse authority or local mental  
health authority, the division shall review and determine whether the local substance abuse authority

## HB0347S01 compared with HB0347S04

or local mental health authority is complying with the oversight and management responsibilities described in Sections 17-43-201, 17-43-203, 17-43-303, and 17-43-309.

- 907 (b) Nothing in this Subsection (5) may be used as a defense to the responsibility and liability described  
in Section 17-43-303 and to the responsibility and liability described in Section 17-43-203.
- 910 (6) In carrying out the division's duties and responsibilities, the division may not duplicate treatment  
or educational facilities that exist in other divisions or departments of the state, but shall work in  
conjunction with those divisions and departments in rendering the treatment or educational services  
that those divisions and departments are competent and able to provide.
- 915 (7) The division may accept in the name of and on behalf of the state donations, gifts, devises, or  
bequests of real or personal property or services to be used as specified by the donor.
- 918 (8) The division shall annually review with each local substance abuse authority and each local mental  
health authority the authority's statutory and contract responsibilities regarding:
- 921 (a) use of public funds;
- 922 (b) oversight of public funds; and
- 923 (c) governance of substance use disorder and mental health programs and services.
- 924 (9) The Legislature may refuse to appropriate funds to the division upon the division's failure to comply  
with the provisions of this part.
- 926 (10) If a local substance abuse authority contacts the division under Subsection 17-43-201(10) for  
assistance in providing treatment services to a pregnant woman or pregnant minor, the division  
shall:
- 929 (a) refer the pregnant woman or pregnant minor to a treatment facility that has the capacity to provide  
the treatment services; or
- 931 (b) otherwise ensure that treatment services are made available to the pregnant woman or pregnant  
minor.
- 933 (11) The division shall employ a school-based mental health specialist to be housed at the State Board  
of Education who shall work with the State Board of Education to:
- 935 (a) provide coordination between a local education agency and local mental health authority;
- 937 (b) recommend evidence-based and evidence informed mental health screenings and intervention  
assessments for a local education agency; and
- 939 (c) coordinate with the local community, including local departments of health, to enhance and expand  
mental health related resources for a local education agency.

## HB0347S01 compared with HB0347S04

Section 8. Section **26B-5-301** is amended to read:

**26B-5-301. Definitions.**

As used in this part, Part 4, Commitment of Persons Under Age 18, and Part 5, Essential Treatment and Intervention:

- (1) "Adult" means an individual 18 years old or older.
- (2) "Approved treatment facility or program" means a mental health or substance use treatment provider that meets the goals and measurements described in Subsection [~~26B-5-102(2)(j)~~] 26B-5-102(2)(ii).
- (3) "Assisted outpatient treatment" means involuntary outpatient mental health treatment ordered under Section 26B-5-351.
- (4) "Attending physician" means a physician licensed to practice medicine in this state who has primary responsibility for the care and treatment of the declarant.
- (5) "Attorney-in-fact" means an adult properly appointed under this part to make mental health treatment decisions for a declarant under a declaration for mental health treatment.
- (6) "Commitment to the custody of a local mental health authority" means that an adult is committed to the custody of the local mental health authority that governs the mental health catchment area where the adult resides or is found.
- (7) "Community mental health center" means an entity that provides treatment and services to a resident of a designated geographical area, that operates by or under contract with a local mental health authority, and that complies with state standards for community mental health centers.
- (8) "Designated examiner" means:
  - (a) a licensed physician, preferably a psychiatrist, who is designated by the division as specially qualified by training or experience in the diagnosis of mental or related illness; or
  - (b) a licensed mental health professional designated by the division as specially qualified by training and who has at least five years' continual experience in the treatment of mental illness.
- (9) "Designee" means a physician who has responsibility for medical functions including admission and discharge, an employee of a local mental health authority, or an employee of a person that has contracted with a local mental health authority to provide mental health services under Section 17-43-304.
- (10) "Essential treatment" and "essential treatment and intervention" mean court-ordered treatment at a local substance abuse authority or an approved treatment facility or program for the treatment of an adult's substance use disorder.



## HB0347S01 compared with HB0347S04

- 976 (11) "Harmful sexual conduct" means the following conduct upon an individual without the individual's  
consent, including the nonconsensual circumstances described in Subsections 76-5-406(2)(a)  
through (l):
- 979 (a) sexual intercourse;
- 980 (b) penetration, however slight, of the genital or anal opening of the individual;
- 981 (c) any sexual act involving the genitals or anus of the actor or the individual and the mouth or anus of  
either individual, regardless of the gender of either participant; or
- 983 (d) any sexual act causing substantial emotional injury or bodily pain.
- 984 (12) "Informed waiver" means the patient was informed of a right and, after being informed of that right  
and the patient's right to waive the right, expressly communicated his or her intention to waive that  
right.
- 987 (13) "Incapable" means that, in the opinion of the court in a guardianship proceeding under Title 75,  
Utah Uniform Probate Code, or in the opinion of two physicians, a person's ability to receive and  
evaluate information effectively or communicate decisions is impaired to such an extent that the  
person currently lacks the capacity to make mental health treatment decisions.
- 992 (14) "Institution" means a hospital or a health facility licensed under Section 26B-2-206.
- 993 (15) "Local substance abuse authority" means the same as that term is defined in Section 26B-5-101  
and described in Section 17-43-201.
- 995 (16) "Mental health facility" means the Utah State Hospital or other facility that provides mental health  
services under contract with the division, a local mental health authority, a person that contracts  
with a local mental health authority, or a person that provides acute inpatient psychiatric services to  
a patient.
- 999 (17) "Mental health officer" means an individual who is designated by a local mental health authority as  
qualified by training and experience in the recognition and identification of mental illness, to:
- 1002 (a) apply for and provide certification for a temporary commitment; or
- 1003 (b) assist in the arrangement of transportation to a designated mental health facility.
- 1004 (18) "Mental illness" means:
- 1005 (a) a psychiatric disorder that substantially impairs an individual's mental, emotional, behavioral, or  
related functioning; or
- 1007 (b) the same as that term is defined in:
- 1008

## HB0347S01 compared with HB0347S04

- (i) the current edition of the Diagnostic and Statistical Manual of Mental Disorders published by the American Psychiatric Association; or
- 1010 (ii) the current edition of the International Statistical Classification of Diseases and Related Health Problems.
- 1012 (19) "Mental health treatment" means convulsive treatment, treatment with psychoactive medication, or admission to and retention in a facility for a period not to exceed 17 days.
- 1014 (20) "Patient" means an individual who is:
- 1015 (a) under commitment to the custody or to the treatment services of a local mental health authority; or
- 1017 (b) undergoing essential treatment and intervention.
- 1018 (21) "Physician" means an individual who is:
- 1019 (a) licensed as a physician under Title 58, Chapter 67, Utah Medical Practice Act; or
- 1020 (b) licensed as a physician under Title 58, Chapter 68, Utah Osteopathic Medical Practice Act.
- 1022 (22) "Serious bodily injury" means bodily injury that involves a substantial risk of death, unconsciousness, extreme physical pain, protracted and obvious disfigurement, or protracted loss or impairment of the function of a bodily member, organ, or mental faculty.
- 1026 (23) "State hospital" means the Utah State Hospital established in Section 26B-5-302.
- 1027 (24) "Substantial danger" means that due to mental illness, an individual is at serious risk of:
- 1028 (a) suicide;
- 1029 (b) serious bodily self-injury;
- 1030 (c) serious bodily injury because the individual is incapable of providing the basic necessities of life, including food, clothing, or shelter;
- 1032 (d) causing or attempting to cause serious bodily injury to another individual;
- 1033 (e) engaging in harmful sexual conduct; or
- 1034 (f) if not treated, suffering severe and abnormal mental, emotional, or physical distress that:
- 1036 (i) is associated with significant impairment of judgment, reason, or behavior; and
- 1037 (ii) causes a substantial deterioration of the individual's previous ability to function independently.
- 1039 (25) "Treatment" means psychotherapy, medication, including the administration of psychotropic medication, or other medical treatments that are generally accepted medical or psychosocial interventions for the purpose of restoring the patient to an optimal level of functioning in the least restrictive environment.
- 1100 Section 9. Section **26B-5-801** is amended to read:

## HB0347S01 compared with HB0347S04

1101           **26B-5-801. Definitions -- Creation of committee -- Membership -- Terms.**

1046       (1)

(a) As used in this part, "committee" means the Utah Substance Use and Mental Health Advisory Committee created in this section.

1048       (b) There is created within the department the Utah Substance Use and Mental Health Advisory Committee, which serves under the direction of the Utah Behavioral Health Commission created in Section 26B-5-702.

1051       (2) The committee shall be comprised of the following voting members:

1052       (a) the attorney general or the attorney general's designee;

1053       (b) one elected county official appointed by the Utah Association of Counties;

1054       (c) the commissioner of public safety or the commissioner's designee;

1055       (d) the director of the Division of Integrated Healthcare or the director's designee;

1056       (e) the state superintendent of public instruction or the superintendent's designee;

1057       (f) the executive director of the Department of Health and Human Services or the executive director's designee;

1059       (g) the executive director of the State Commission on Criminal and Juvenile Justice or the executive director's designee;

1061       (h) the executive director of the Department of Corrections or the executive director's designee;

1063       (i) the director of the Division of Juvenile Justice and Youth Services or the director's designee;

1065       (j) the director of the Division of Child and Family Services or the director's designee;

1066       (k) the chair of the Board of Pardons and Parole or the chair's designee;

1067       (l) the director of the Office of Multicultural Affairs or the director's designee;

1068       (m) the director of the Division of Indian Affairs or the director's designee;

1069       ~~[(nn)]~~ (n) the state court administrator or the state court administrator's designee;

1070       ~~[(oo)]~~ (o) one district court judge who presides over a drug court and who is appointed by the chief justice of the Utah Supreme Court;

1072       ~~[(pp)]~~ (p) one district court judge who presides over a mental health court and who is appointed by the chief justice of the Utah Supreme Court;

1074       ~~[(qq)]~~ (q) one juvenile court judge who presides over a drug court and who is appointed by the chief justice of the Utah Supreme Court;

1076       ~~[(rr)]~~ (r) one prosecutor appointed by the Statewide Association of Prosecutors;

## HB0347S01 compared with HB0347S04

- 1077 [~~(ss)~~] (s) the chair or co-chair of each subcommittee established by the committee;
- 1078 [~~(tt)~~] (t) the chair or co-chair of the Statewide Suicide Prevention Committee created under Subsection  
26B-5-611(3);
- 1080 [~~(uu)~~] (u) one representative appointed by the Utah League of Cities and Towns to serve a four-year  
term;
- 1082 [~~(vv)~~] (v) the chair of the Utah Victim Services Commission or the chair's designee;
- 1083 [~~(ww)~~] (w) the superintendent of the Utah State Hospital or the superintendent's designee;
- 1084 [~~(xx)~~] (x) the following members appointed by the governor to serve four-year terms:
- 1085 (i) one resident of the state who has been personally affected by a substance use or mental health  
disorder; and
- 1087 (ii) one citizen representative; and
- 1088 [~~(yy)~~] (y) in addition to the voting members described in Subsections (2)(a) through (x), the following  
voting members appointed by a majority of the members described in Subsections (2)(a) through (x)  
to serve four-year terms:
- 1091 (i) one resident of the state who represents a statewide advocacy organization for recovery from  
substance use disorders;
- 1093 (ii) one resident of the state who represents a statewide advocacy organization for recovery from mental  
illness;
- 1095 (iii) one resident of the state who represents a statewide advocacy organization for protection of rights  
of individuals with a disability;
- 1097 (iv) one resident of the state who represents prevention professionals;
- 1098 (v) one resident of the state who represents treatment professionals;
- 1099 (vi) one resident of the state who represents the physical health care field;
- 1100 (vii) one resident of the state who is a criminal defense attorney;
- 1101 (viii) one resident of the state who is a military servicemember or military veteran under Section  
53B-8-102;
- 1103 (ix) one resident of the state who represents local law enforcement agencies;
- 1104 (x) one representative of private service providers that serve youth with substance use disorders or  
mental health disorders; and
- 1106 (xi) one resident of the state who is certified by the Division of Integrated Healthcare as a peer support  
specialist as described in Subsection [~~26B-5-102(2)(h)~~] 26B-5-102(2)(gg).

## HB0347S01 compared with HB0347S04

1109 (3) An individual other than an individual described in Subsection (2) may not be appointed as a voting  
member of the committee.

1168 Section 10. Section **53-21-101** is amended to read:

1169 **53-21-101. Definitions.**

As used in this chapter:

1114 (1) "Crime scene investigator technician" means an individual employed by a law enforcement agency  
to collect and analyze evidence from crime scenes and crime-related incidents.

1117 (2) "Designated mental health resources liaison" means a non-leadership human resources or other  
administrative employee designated by a first responder agency who receives and processes a  
request for mental health resources on behalf of the first responder agency under this chapter.

1121 (3) "First responder" means:

1122 (a) a law enforcement officer, as defined in Section 53-13-103;

1123 (b) an emergency medical technician, as defined in Section 53-2e-101;

1124 (c) an advanced emergency medical technician, as defined in Section 53-2e-101;

1125 (d) a paramedic, as defined in Section 53-2e-101;

1126 (e) a firefighter, as defined in Section 34A-3-113;

1127 (f) a dispatcher, as defined in Section 53-6-102;

1128 (g) a correctional officer, as defined in Section 53-13-104;

1129 (h) a special function officer, as defined in Section 53-13-105, employed by a local sheriff;

1131 (i) a search and rescue worker under the supervision of a local sheriff;

1132 (j) a forensic interviewer or victim advocate employed by a children's justice center established in  
accordance with Section 67-5b-102;

1134 (k) a credentialed criminal justice system victim advocate as defined in Section 77-38-403 who  
responds to incidents with a law enforcement officer;

1136 (l) a crime scene investigator technician;

1137 (m) a wildland firefighter;

1138 (n) an investigator or prosecutor of cases involving sexual crimes against children; or

1139 (o) a civilian employee of a first responder agency who has been authorized to view or otherwise access  
information concerning crimes, accidents, or other traumatic events.

1141 (4) "First responder agency" means:

1142

## HB0347S01 compared with HB0347S04

- (a) a special district, municipality, interlocal entity, or other political subdivision that employs a first responder to provide fire protection, paramedic, law enforcement, or emergency services; or
- 1145 (b) a certified private law enforcement agency as defined in Section 53-19-102.
- 1146 (5)
- (a) "Mental health resources" means:
  - 1147 (i) an assessment to determine appropriate mental health treatment that is performed by a mental health therapist;
  - 1149 (ii) outpatient mental health treatment provided by a mental health therapist; or
  - 1150 (iii) peer support services provided by a peer support specialist who is qualified to provide peer support services under Subsection [~~26B-5-102(2)(h)~~] 26B-5-102(2)(gg).
- 1153 (b) "Mental health resources" includes, at a minimum, the following services:
  - 1154 (i) regular periodic screenings for all employees within the first responder agency;
  - 1155 (ii) assessments and availability to mental health services for personnel directly involved in a critical incident within 48 hours of the incident; and
  - 1157 (iii) regular and continuing access to the mental health program for:
    - 1158 (A) spouses and children of first responders;
    - 1159 (B) first responders who have retired or separated from the agency; and
    - 1160 (C) spouses of first responders who have retired or separated from the agency.
- 1161 (6) "Mental health therapist" means the same as that term is defined in Section 58-60-102.
- 1162 (7) "Plan" means a plan to implement or expand a program that provides mental health resources to first responders for which the division awards a grant under this chapter.
- 1164 (8) "Retired" means the status of an individual who has become eligible, applies for, and may receive an allowance under Title 49, Utah State Retirement and Insurance Benefit Act.
- 1167 (9) "Separated" means the status of an individual who has separated from employment as a first responder from a first responder agency as a result of a critical incident involving the first responder.
- 1170 (10) "Small first responder agency" means a first responder agency that:
  - 1171 (a) has 10 or fewer employees;
  - 1172 (b) is primarily staffed by volunteers; or
  - 1173 (c) is located in:
    - 1174 (i) a county of the third, fourth, fifth, or sixth class;

## HB0347S01 compared with HB0347S04

- 1175 (ii) a city of the third, fourth, fifth, or sixth class; or  
1176 (iii) a town.
- 1234 Section 11. Section **63M-7-204** is amended to read:  
1235 **63M-7-204. Duties of commission.**
- 1179 (1) The commission shall:
- 1180 (a) promote the commission's purposes as enumerated in Section 63M-7-201;  
1181 (b) promote the communication and coordination of all criminal and juvenile justice agencies;  
1183 (c) study, evaluate, and report on the status of crime in the state and on the effectiveness of criminal justice policies, procedures, and programs that are directed toward the reduction of crime in the state;  
1186 (d) study, evaluate, and report on programs initiated by state and local agencies to address reducing recidivism, including changes in penalties and sentencing guidelines intended to reduce recidivism, costs savings associated with the reduction in the number of inmates, and evaluation of expenses and resources needed to meet goals regarding the use of treatment as an alternative to incarceration, as resources allow;  
1192 (e) study, evaluate, and report on policies, procedures, and programs of other jurisdictions which have effectively reduced crime;  
1194 (f) identify and promote the implementation of specific policies and programs the commission determines will significantly reduce crime in Utah;  
1196 (g) provide analysis and recommendations on all criminal and juvenile justice legislation, state budget, and facility requests, including program and fiscal impact on all components of the criminal and juvenile justice system;  
1199 (h) provide analysis, accountability, recommendations, and supervision for state and federal criminal justice grant money;  
1201 (i) provide public information on the criminal and juvenile justice system and give technical assistance to agencies or local units of government on methods to promote public awareness;  
1204 (j) promote research and program evaluation as an integral part of the criminal and juvenile justice system;  
1206 (k) provide a comprehensive criminal justice plan annually;  
1207 (l) review agency forecasts regarding future demands on the criminal and juvenile justice systems, including specific projections for secure bed space;

## HB0347S01 compared with HB0347S04

- 1209 (m) promote the development of criminal and juvenile justice information systems that are consistent  
with common standards for data storage and are capable of appropriately sharing information with  
other criminal justice information systems by:
- 1212 (i) developing and maintaining common data standards for use by all state criminal justice agencies;
- 1214 (ii) annually performing audits of criminal history record information maintained by state criminal  
justice agencies to assess their accuracy, completeness, and adherence to standards;
- 1217 (iii) defining and developing state and local programs and projects associated with the improvement of  
information management for law enforcement and the administration of justice; and
- 1220 (iv) establishing general policies concerning criminal and juvenile justice information systems and  
making rules as necessary to carry out the duties under Subsection (1)(k) and this Subsection (1)(m);
- 1223 (n) allocate and administer grants, from money made available, for approved education programs to  
help prevent the sexual exploitation of children;
- 1225 (o) allocate and administer grants for law enforcement operations and programs related to reducing  
illegal drug activity and related criminal activity;
- 1227 (p) request, receive, and evaluate data and recommendations collected and reported by agencies  
and contractors related to policies recommended by the commission regarding recidivism  
reduction, including the data described in Section 13-53-111 and Subsection [26B-5-102(2)  
(t)] {~~26B-5-102(kk)~~} 26B-5-102(2)(kk);
- 1231 (q) establish and administer a performance incentive grant program that allocates funds appropriated  
by the Legislature to programs and practices implemented by counties that reduce recidivism and  
reduce the number of offenders per capita who are incarcerated;
- 1235 (r) oversee or designate an entity to oversee the implementation of juvenile justice reforms;
- 1237 (s) make rules and administer the juvenile holding room standards and juvenile jail standards to align  
with the Juvenile Justice and Delinquency Prevention Act requirements pursuant to 42 U.S.C. Sec.  
5633;
- 1240 (t) allocate and administer grants, from money made available, for pilot qualifying education programs;
- 1242 (u) request, receive, and evaluate the aggregate data collected from prosecutorial agencies and the  
Administrative Office of the Courts, in accordance with Sections 63M-7-216 and 78A-2-109.5;
- 1245 (v) report annually to the Law Enforcement and Criminal Justice Interim Committee on the progress  
made on each of the following goals of the Justice Reinvestment Initiative:
- 1248 (i) ensuring oversight and accountability;



## HB0347S01 compared with HB0347S04

- 1249 (ii) supporting local corrections systems;
- 1250 (iii) improving and expanding reentry and treatment services; and
- 1251 (iv) strengthening probation and parole supervision;
- 1252 (w) compile a report of findings based on the data and recommendations provided under Section  
13-53-111 and Subsection [~~26B-5-102(2)(n)~~] 26B-5-102(2)(mm) that:
- 1254 (i) separates the data provided under Section 13-53-111 by each residential, vocational and life skills  
program; and
- 1256 (ii) separates the data provided under Subsection [~~26B-5-102(2)(n)~~] 26B-5-102(2)(mm) by each mental  
health or substance use treatment program;
- 1258 (x) publish the report described in Subsection (1)(w) on the commission's website and annually provide  
the report to the Judiciary Interim Committee, the Health and Human Services Interim Committee,  
the Law Enforcement and Criminal Justice Interim Committee, and the related appropriations  
subcommittees;
- 1262 (y) receive, compile, and publish on the commission's website the data provided under:
- 1263 (i) Section 53-25-202;
- 1264 (ii) Section 53-25-301; and
- 1265 (iii) Section 53-25-401;
- 1266 (z) review, research, advise, and make recommendations to the three branches of government regarding  
evidence-based sex offense management policies and practices, including supervision standards,  
treatment standards, and the sex offender registry;
- 1270 (aa) receive and evaluate a referral from the Department of Public Safety received under Section  
53-21-104.3 involving a denial of mental health resources to an eligible individual, including, if  
appropriate in the commission's discretion, deny the relevant entity from receiving any grant of state  
funds under Section 63M-7-218 for a specified period of time; and
- 1275 (bb) accept public comment.
- 1276 (2)
- (a) The commission may designate an entity to perform the duties described in this part.
- 1278 (b) If the commission designates an entity under Subsection (2)(a), the commission shall ensure that the  
membership of the designated entity includes representation from relevant stakeholder groups from  
the parts of the justice system implicated in the policy area.

1282

## HB0347S01 compared with HB0347S04

(3) in fulfilling the commission's duties under Subsection (1), the commission may seek input and request assistance from groups with knowledge and expertise in criminal justice, including other boards and commissions affiliated or housed within the commission.

### Section 12. FY 2026 Appropriations.

The following sums of money are appropriated for the fiscal year beginning July 1, 2025, and ending June 30, 2026. These are additions to amounts previously appropriated for fiscal year 2026.

#### Subsection 12(a). Operating and Capital Budgets

Under the terms and conditions of Title 63J, Chapter 1, Budgetary Procedures Act, the Legislature appropriates the following sums of money from the funds or accounts indicated for the use and support of the government of the state of Utah.

ITEM 1 To Department of Workforce Services - Office of Homeless Services

<b>From General Fund</b>	<b>100,000</b>
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<b>From General Fund, One-time</b>	<b>(100,000)</b>
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Schedule of Programs:

The Legislature intends that this funding be used  
to fund the item "Healthcare and Housing: Medical  
Respite & End-of-Life Care for Homeless".

ITEM 1 To Department of Workforce Services - Housing and Community Development

<del>{From General Fund</del>	<del>100,000</del>
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}

<del>{From General Fund, One-time</del>	<del>450,000</del>
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}

Schedule of Programs:

<del>{Homeless Committee</del>	<del>550,000</del>
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}

~~{The Legislature intends that this funding be used  
to fund the item "Healthcare and Housing: Medical  
Respite & End-of-Life Care for Homeless".}~~

ITEM 2 To Department of Health and Human Services - Operations

<b>From General Fund, One-time</b>	<b>200,000</b>
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## HB0347S01 compared with HB0347S04

Schedule of Programs:

### **Finance Administration**

**200,000**

Under the provisions of Utah Code Annotated

Title 63G, Chapter 6b, State Grants, the Legislature

intends that the Department of Health and Human

Services provide a direct award grant of \$200,000 to

Valley Behavioral Health in fiscal year 2026 to expand

services in Tooele County. The Legislature intends that

the funding be distributed in one lump sum payment.

ITEM 3 To Department of Health and Human Services - Integrated Health Care Services

From General Fund

{ ~~1,267,000~~ } 1,200,000

From General Fund, One-time

{ ~~(645,000)~~ } (300,000)

Schedule of Programs:

Medicaid Long Term Care Services

{ ~~622,000~~ } 300,000

### **Non-Medicaid Behavioral Health Treatment and Crisis ~~Response~~**

Under the provisions of Utah Code Annotated

Title 63G Chapter 6b, State Grants, the Legislature

intends that the Department of Health and Human

Services provide a direct award grant of of \$150,000

ongoing and \$450,000 one-time to Odyssey House to

serve individuals exiting inpatient substance use disorder

treatment, jail, or unstable housing. The Legislature

intends that the \$600,000 funding in fiscal 2026 be

distributed in one lump sum payment.

The Legislature intends that \$300,000 in fiscal

year 2026 be used to fund the item "Skilled Nursing

Facility Behavioral Health". Beginning in fiscal year

2027, the Legislature intends that \$1,050,000 ongoing go

to this purpose.

Section 13. **Effective date.**

Effective date.

## **HB0347S01 compared with HB0347S04**

- 1311     (1) Except as provided in Subsection (2), this bill takes effect on May 7, 2025.
- 1312     (2) The actions affecting Section 26B-3-105 (Effective 07/01/25) take effect on July 1, 2025.
- 3-6-25 12:59 PM