

HB0361S01 compared with HB0361

{Omitted text} shows text that was in HB0361 but was omitted in HB0361S01

inserted text shows text that was not in HB0361 but was inserted into HB0361S01

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Opioid Overdose Training Amendments

2025 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Jason E. Thompson

Senate Sponsor:

LONG TITLE

General Description:

This bill addresses training and education concerning opioid overdose events and related treatment.

Highlighted Provisions:

This bill:

- defines terms;
- requires an alcohol training and education seminar to include , for certain trainees, the subjects of recognizing an opioid-related drug overdose and administering an opioid antagonist; and
- makes technical and conforming changes.

Money Appropriated in this Bill:

None

None

AMENDS:

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26B-5-205 , as last amended by Laws of Utah 2023, Chapter 371 and renumbered and amended by Laws of Utah 2023, Chapter 308 , as last amended by Laws of Utah 2023, Chapter 371 and renumbered and amended by Laws of Utah 2023, Chapter 308

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

Section 1. Section **26B-5-205** is amended to read:

26B-5-205. Alcohol training and education seminar.

(1) As used in this section:

(a) "Instructor" means a person that directly provides the instruction during an alcohol training and education seminar for a seminar provider.

(b) "Licensee" means a person who is:

(i)

(A) a new or renewing licensee under Title 32B, Alcoholic Beverage Control Act; and

(B) engaged in the retail sale of an alcoholic product for consumption on the premises of the licensee; or

(ii) a business that is:

(A) a new or renewing licensee licensed by a city, town, or county; and

(B) engaged in the retail sale of beer for consumption off the premises of the licensee.

(c) "Licensee staff" means a retail manager, retail staff, an off-premise retail manager, or off-premise retail staff.

(d) "Off-premise beer retailer" is as defined in Section 32B-1-102.

(e) "Off-premise retail manager" means the same as that term is defined in Section 32B-1-701.

(f) "Off-premise retail staff" means the same as that term is defined in Section 32B-1-701.

(g) "Opioid antagonist" means naloxone hydrochloride or any similarly acting drug that is not a controlled substance and that is approved by the federal Food and Drug Administration for the diagnosis or treatment of an opioid-related drug overdose event.

(h) "Opioid-related drug overdose event" means an acute condition, including a decreased level of consciousness or respiratory depression resulting from the consumption or use of a controlled substance, or another substance with which a controlled substance was combined, and that a person would reasonably believe to require medical assistance.

~~[(g)]~~ (i) "Retail manager" means the same as that term is defined in Section 32B-1-701.

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- 53 ~~[(h)]~~ (j) "Retail staff" means the same as that term is defined in Section 32B-1-701.
- 54 ~~[(i)]~~ (k) "Seminar provider" means a person other than the division who provides an alcohol training
and education seminar meeting the requirements of this section.
- 56 (2)
- . (a) This section applies to licensee staff.
- 57 (b) An individual who does not have a valid record that the individual has completed an alcohol training
and education seminar shall:
- 59 (i) complete an alcohol training and education seminar before the day on which the individual begins
work as licensee staff of a licensee; and
- 61 (ii) pay a fee ~~[-]~~to the seminar provider that is equal to or greater than the amount established under
Subsection (4)(h).
- 63 (c) An individual shall have a valid record that the individual completed an alcohol training and
education seminar within the time period provided in this Subsection (2) to act as licensee staff.
- 66 (d) A record that licensee staff has completed an alcohol training and education seminar is valid for
three years after the day on which the record is issued.
- 68 (e) To be considered as having completed an alcohol training and education seminar, an individual
shall:
- 70 (i) attend the alcohol training and education seminar and take any test required to demonstrate
completion of the alcohol training and education seminar in the physical presence of an instructor of
the seminar provider; or
- 73 (ii) complete the alcohol training and education seminar and take any test required to demonstrate
completion of the alcohol training and education seminar through an online course or testing
program that meets the requirements described in Subsection (2)(f).
- 77 (f)
- . (i) The division shall by rule made in accordance with Title 63G, Chapter 3, Utah Administrative
Rulemaking Act, establish one or more requirements for an online course or testing program
described in Subsection (2)(e) that are designed to inhibit fraud in the use of the online course or
testing program.
- 81 (ii) In developing the requirements by rule the division shall consider whether to require:
- 83 (A) authentication that the an individual accurately identifies the individual as taking the online course
or test;

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- 85 (B) measures to ensure that an individual taking the online course or test is focused on training material
throughout the entire training period;
- 87 (C) measures to track the actual time an individual taking the online course or test is actively engaged
online;
- 89 (D) a seminar provider to provide technical support, such as requiring a telephone number, email, or
other method of communication that allows an individual taking the online course or test to receive
assistance if the individual is unable to participate online because of technical difficulties;
- 93 (E) a test to meet quality standards, including randomization of test questions and maximum time limits
to take a test;
- 95 (F) a seminar provider to have a system to reduce fraud as to who completes an online course or
test, such as requiring a distinct online certificate with information printed on the certificate that
identifies the person taking the online course or test, or requiring measures to inhibit duplication of a
certificate;
- 99 (G) measures for the division to audit online courses or tests;
- 100 (H) measures to allow an individual taking an online course or test to provide an evaluation of the
online course or test;
- 102 (I) a seminar provider to track the Internet protocol address or similar electronic location of an
individual who takes an online course or test;
- 104 (J) an individual who takes an online course or test to use an e-signature; or
- 105 (K) a seminar provider to invalidate a certificate if the seminar provider learns that the certificate does
not accurately reflect the individual who took the online course or test.
- 108 (3)
- . (a) A licensee may not permit an individual who is not in compliance with Subsection (2) to:
- 110 (i) serve or supervise the serving of an alcoholic product to a customer for consumption on the
premises of the licensee;
- 112 (ii) engage in any activity that would constitute managing operations at the premises of a licensee
that engages in the retail sale of an alcoholic product for consumption on the premises of the
licensee;
- 115 (iii) directly supervise the sale of beer to a customer for consumption off the premises of an off-
premise beer retailer; or
- 117 (iv) sell beer to a customer for consumption off the premises of an off-premise beer retailer.

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- 119 (b) A licensee that violates Subsection (3)(a) is subject to Section 32B-1-702.
- 120 (4) The division shall:
- 121 (a)
- . (i) provide alcohol training and education seminars; or
- 122 (ii) certify one or more seminar providers;
- 123 (b) establish the curriculum for an alcohol training and education seminar that includes the following subjects:
- 125 (i)
- . (A) alcohol as a drug; and
- 126 (B) alcohol's effect on the body and behavior;
- 127 (ii) recognizing the problem drinker or signs of intoxication;
- 128 (iii) an overview of state alcohol laws related to responsible beverage sale or service, as determined in consultation with the Department of Alcoholic Beverage Services;
- 131 (iv) dealing with the problem customer, including ways to terminate sale or service;{f and}
- 133 (v) for those supervising or engaging in the retail sale of an alcoholic product for consumption on the premises of a licensee~~;~~ :
- 136 (A) alternative means of transportation to get the customer safely home;
- 136 ~~{(vi)}~~ (B) recognizing an opioid-related drug overdose event; and
- 137 ~~{(vii)}~~ (C) the proper administration of an opioid antagonist in response to an opioid-related drug overdose event;
- 139 (c) recertify each seminar provider every three years;
- 140 (d) monitor compliance with the curriculum described in Subsection (4)(b);
- 141 (e) maintain for at least five years a record of every person who has completed an alcohol training and education seminar;
- 143 (f) provide the information described in Subsection (4)(e) on request to:
- 144 (i) the Department of Alcoholic Beverage Services;
- 145 (ii) law enforcement; or
- 146 (iii) a person licensed by the state or a local government to sell an alcoholic product;
- 147 (g) provide the Department of Alcoholic Beverage Services on request a list of any seminar provider certified by the division; and
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(h) establish a fee amount for each person attending an alcohol training and education seminar that is sufficient to offset the division's cost of administering this section.

151 (5) The division shall by rule made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act:

153 (a) establish criteria for certifying and recertifying a seminar provider; and

154 (b) establish guidelines for the manner in which an instructor provides an alcohol education and training seminar.

156 (6) A seminar provider shall:

157 (a) obtain recertification by the division every three years;

158 (b) ensure that an instructor used by the seminar provider:

159 (i) follows the curriculum established under this section; and

160 (ii) conducts an alcohol training and education seminar in accordance with the guidelines established by rule;

162 (c) ensure that any information provided by the seminar provider or instructor of a seminar provider is consistent with:

164 (i) the curriculum established under this section; and

165 (ii) this section;

166 (d) provide the division with the names of all persons who complete an alcohol training and education seminar provided by the seminar provider;

168 (e)

. (i) collect a fee for each person attending an alcohol training and education seminar in accordance with Subsection (2); and

170 (ii) forward to the division the portion of the fee that is equal to the amount described in Subsection (4) (h); and

172 (f) issue a record to an individual that completes an alcohol training and education seminar provided by the seminar provider.

174 (7)

. (a) If after a hearing conducted in accordance with Title 63G, Chapter 4, Administrative Procedures Act, the division finds that a seminar provider violates this section or that an instructor of the seminar provider violates this section, the division may:

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(i) suspend the certification of the seminar provider for a period not to exceed 90 days after the day on which the suspension begins;

180 (ii) revoke the certification of the seminar provider;

181 (iii) require the seminar provider to take corrective action regarding an instructor; or

182 (iv) prohibit the seminar provider from using an instructor until such time that the seminar provider establishes to the satisfaction of the division that the instructor is in compliance with Subsection (6)(b).

185 (b) The division may certify a seminar provider whose certification is revoked:

186 (i) no sooner than 90 days after the day on which the certification is revoked; and

187 (ii) if the seminar provider establishes to the satisfaction of the division that the seminar provider will comply with this section.

190 Section 2. **Effective date.**

This bill takes effect on May 7, 2025.

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