

HB0361S02 compared with HB0361

~~{Omitted text}~~ shows text that was in HB0361 but was omitted in HB0361S02

inserted text shows text that was not in HB0361 but was inserted into HB0361S02

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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}~~ the Division of Integrated Healthcare within the Department of Health and Human Services to create training and ~~{education seminar to include}~~ educational materials regarding the subjects of recognizing an opioid-related drug overdose and administering an opioid antagonist; ~~{and}~~
- requires an alcohol training and education seminar to include, for certain trainees, the opioid-related training and educational materials created by the Division of Integrated Healthcare;
- provides that the receipt of the opioid-related training and educational materials does not create or increase liability for the individual who receives them; and

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- makes technical and conforming changes.

Money Appropriated in this Bill:

None

None

AMENDS:

26B-5-101 , as last amended by Laws of Utah 2024, Chapters 240, 420 , as last amended by Laws of Utah 2024, Chapters 240, 420

26B-5-102 , as last amended by Laws of Utah 2024, Chapters 250, 420 , as last amended by Laws of Utah 2024, Chapters 250, 420

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-5-101** 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

(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

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- 49 (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.
- 51 (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.
- 54 (8) "Mental health crisis services" means an array of services provided to an individual who experiences
a mental health crisis, which may include:
- 56 (a) direct mental health services;
- 57 (b) on-site intervention provided by a mobile crisis outreach team;
- 58 (c) the provision of safety and care plans;
- 59 (d) prolonged mental health services for up to 90 days after the day on which an individual experiences
a mental health crisis;
- 61 (e) referrals to other community resources;
- 62 (f) local mental health crisis lines; and
- 63 (g) the statewide mental health crisis line.
- 64 (9) "Mental health therapist" means the same as that term is defined in Section 58-60-102.
- 65 (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.
- 68 (11) "Office" means the Office of Substance Use and Mental Health created in Section 26B-5-102.
- 70 (12) "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.
- 73 (13) "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.
- 77 ~~[(12)]~~ (14)
- . (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.

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- 81 (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.
- 90 (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.
- 94 ~~[(13)]~~ (15) "Severe mental disorder" means schizophrenia, major depression, bipolar disorders,
delusional disorders, psychotic disorders, and other mental disorders as defined by the division.
- 97 ~~[(14)]~~ (16) "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.
- 100 ~~[(15)]~~ (17) "Statewide mental health crisis line" means the same as that term is defined in Section
26B-5-610.
- 102 ~~[(16)]~~ (18) "System of care" means a broad, flexible array of services and supports that:
- 103 (a) serve a child with or who is at risk for complex emotional and behavioral needs;
- 104 (b) are community based;
- 105 (c) are informed about trauma;
- 106 (d) build meaningful partnerships with families and children;
- 107 (e) integrate service planning, service coordination, and management across state and local entities;
- 109 (f) include individualized case planning;
- 110 (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
- 113 (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.

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[(17)] (19) "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 2. 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) educate the general public regarding the nature and consequences of substance use by promoting school and community-based prevention programs;
- (ii) render support and assistance to public schools through approved school-based substance abuse education programs aimed at prevention of substance use;
- (iii) promote or establish programs for the prevention of substance use within the community setting through community-based prevention programs;
- (iv) 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;
- (v) promote integrated programs that address an individual's substance use, mental health, and physical health;
- (vi) 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;
- (vii) evaluate the effectiveness of programs described in this Subsection (2);

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- 147 (viii) consider the impact of the programs described in this Subsection (2) on:
- 148 (A) emergency department utilization;
- 149 (B) jail and prison populations;
- 150 (C) the homeless population; and
- 151 (D) the child welfare system; and
- 152 (ix) 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;
- 155 (b)
- . (i) collect and disseminate information pertaining to mental health;
- 156 (ii) provide direction over the state hospital including approval of the state hospital's budget,
administrative policy, and coordination of services with local service plans;
- 159 (iii) 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;
- 163 (iv) 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
- 168 (v) to the extent authorized and in accordance with statute, make rules in accordance with Title 63G,
Chapter 3, Utah Administrative Rulemaking Act, that:
- 170 (A) create a certification for targeted case management;
- 171 (B) establish training and certification requirements;
- 172 (C) specify the types of services each certificate holder is qualified to provide;
- 173 (D) specify the type of supervision under which a certificate holder is required to operate; and
- 175 (E) specify continuing education and other requirements for maintaining or renewing certification;
- 177 (c)
- . (i) consult and coordinate with local substance abuse authorities and local mental health authorities
regarding programs and services;
- 179 (ii) provide consultation and other assistance to public and private agencies and groups working on
substance use and mental health issues;

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- 181 (iii) 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;
- 184 (iv) 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;
- 187 (v) receive, distribute, and provide direction over public funds for substance use and mental health
services;
- 189 (vi) monitor and evaluate programs provided by local substance abuse authorities and local mental
health authorities;
- 191 (vii) examine expenditures of local, state, and federal funds;
- 192 (viii) monitor the expenditure of public funds by:
- 193 (A) local substance abuse authorities;
- 194 (B) local mental health authorities; and
- 195 (C) 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;
- 199 (ix) 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;
- 203 (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;
- 206 (xi) review and approve each local substance abuse authority's plan and each local mental health
authority's plan in order to ensure:
- 208 (A) a statewide comprehensive continuum of substance use services;
- 209 (B) a statewide comprehensive continuum of mental health services;
- 210 (C) services result in improved overall health and functioning;
- 211 (D) 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;
- 215 (E) compliance, where appropriate, with the certification requirements in Subsection (2)(h); and

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- 217 (F) appropriate expenditure of public funds;
- 218 (xii) 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;
- 223 (xiii) monitor and ensure compliance with division rules and contract requirements; and
- 225 (xiv) 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;
- 229 (d) 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;
- 231 (e) 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;
- 234 (f) 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:
- 237 (i) a review and determination regarding whether:
- 238 (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
- 242 (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
- 245 (ii) items determined by the division to be necessary and appropriate;
- 246 (g) define "prevention" by rule as required under Title 32B, Chapter 2, Part 4, Alcoholic Beverage and
Substance Abuse Enforcement and Treatment Restricted Account Act;
- 248 (h)
- . (i) train and certify an adult as a peer support specialist, qualified to provide peer supports services to an
individual with:
- 250 (A) a substance use disorder;

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- 251 (B) a mental health disorder; or
252 (C) a substance use disorder and a mental health disorder;
- 253 (ii) certify a person to carry out, as needed, the division's duty to train and certify an adult as a peer support specialist;
- 255 (iii) make rules in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, that:
- 257 (A) establish training and certification requirements for a peer support specialist;
- 258 (B) specify the types of services a peer support specialist is qualified to provide;
- 259 (C) specify the type of supervision under which a peer support specialist is required to operate; and
- 261 (D) specify continuing education and other requirements for maintaining or renewing certification as a peer support specialist; and
- 263 (iv) make rules in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, that:
- 265 (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
- 267 (B) specify how the division shall provide oversight of a person certified to train and certify a peer support specialist;
- 269 (i) collaborate with the State Commission on Criminal and Juvenile Justice to analyze and provide recommendations to the Legislature regarding:
- 271 (i) pretrial services and the resources needed to reduce recidivism;
- 272 (ii) county jail and county behavioral health early-assessment resources needed for an individual convicted of a class A or class B misdemeanor; and
- 274 (iii) the replacement of federal dollars associated with drug interdiction law enforcement task forces that are reduced;
- 276 (j) 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;
- 282 (k) 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:

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- (i) a description of the performance goals and outcome measurements described in Subsection (2)(j);
and
- 287 (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);
- 290 (l) 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;
- 294 (m) at the division's discretion, use the data described in Subsection (2)(l) to make decisions regarding
the use of funds allocated to the division to provide treatment;
- 296 (n) annually, on or before August 31, submit the data collected under Subsection (2)(l) 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);
- 300 (o) publish the following on the division's website:
- 301 (i) the performance goals and outcome measurements described in Subsection (2)(j); and
- 303 (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) and residential, vocational and life
skills programs, as defined in Section 13-53-102; ~~and~~
- 307 (p) 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:
- 310 (i) providing education and resources to health care providers and individuals in the state regarding
prevention of substance use during pregnancy;
- 312 (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
- 314 (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[-] ; and
- 317 (q) create training and educational materials regarding recognizing an opioid-related drug overdose
event and the proper administration of an opioid antagonist in response to an opioid-related drug
overdose event.

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- 320 (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:
- 324 (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:
- 328 (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:
- 331 (A) information on safe handling, storage, and use of firearms in a home environment;
- 333 (B) information about at-risk individuals and individuals who are legally prohibited from possessing
firearms;
- 335 (C) information about suicide prevention awareness; and
- 336 (D) information about the availability of firearm safety packets;
- 337 (ii) procure cable-style gun locks for distribution under this section;
- 338 (iii) produce a firearm safety packet that includes the firearm safety brochure and the cable-style gun
lock described in this Subsection (3); and
- 340 (iv) create a suicide prevention education course that:
- 341 (A) provides information for distribution regarding firearm safety education;
- 342 (B) incorporates current information on how to recognize suicidal behaviors and identify individuals
who may be suicidal; and
- 344 (C) provides information regarding crisis intervention resources;
- 345 (b) distributing, free of charge, the firearm safety packet to the following persons, who shall make the
firearm safety packet available free of charge:
- 347 (i) health care providers, including emergency rooms;
- 348 (ii) mobile crisis outreach teams;
- 349 (iii) mental health practitioners;
- 350 (iv) other public health suicide prevention organizations;
- 351 (v) entities that teach firearm safety courses;
- 352 (vi) school districts for use in the seminar, described in Section 53G-9-702, for parents of students in
the school district; and

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- 354 (vii) firearm dealers to be distributed in accordance with Section 76-10-526;
- 355 (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
- 359 (d) in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, making rules that
establish procedures for:
- 361 (i) producing and distributing the suicide prevention education course and the firearm safety brochures
and packets;
- 363 (ii) procuring the cable-style gun locks for distribution; and
- 364 (iii) administering the rebate program.
- 365 (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.
- 369 (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.
- 372 (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
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.
- 377 (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.
- 380 (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.
- 385 (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.

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- 388 (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:
- 391 (a) use of public funds;
- 392 (b) oversight of public funds; and
- 393 (c) governance of substance use disorder and mental health programs and services.
- 394 (9) The Legislature may refuse to appropriate funds to the division upon the division's failure to comply
with the provisions of this part.
- 396 (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:
- 399 (a) refer the pregnant woman or pregnant minor to a treatment facility that has the capacity to provide
the treatment services; or
- 401 (b) otherwise ensure that treatment services are made available to the pregnant woman or pregnant
minor.
- 403 (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:
- 405 (a) provide coordination between a local education agency and local mental health authority;
- 407 (b) recommend evidence-based and evidence informed mental health screenings and intervention
assessments for a local education agency; and
- 409 (c) coordinate with the local community, including local departments of health, to enhance and expand
mental health related resources for a local education agency.
- 411 Section 3. Section **26B-5-205** is amended to read:
- 412 **26B-5-205. Alcohol training and education seminar.**
- 25 (1) As used in this section:
- 26 (a) "Instructor" means a person that directly provides the instruction during an alcohol training and
education seminar for a seminar provider.
- 28 (b) "Licensee" means a person who is:
- 29 (i)
- . (A) a new or renewing licensee under Title 32B, Alcoholic Beverage Control Act; and
- 31 (B) engaged in the retail sale of an alcoholic product for consumption on the premises of the licensee;
or

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- 33 (ii) a business that is:
- 34 (A) a new or renewing licensee licensed by a city, town, or county; and
- 35 (B) engaged in the retail sale of beer for consumption off the premises of the licensee.
- 37 (c) "Licensee staff" means a retail manager, retail staff, an off-premise retail manager, or off-premise retail staff.
- 39 (d) "Off-premise beer retailer" is as defined in Section 32B-1-102.
- 40 (e) "Off-premise retail manager" means the same as that term is defined in Section 32B-1-701.
- 42 (f) "Off-premise retail staff" means the same as that term is defined in Section 32B-1-701.
- 43 ~~{(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. }~~
- 47 ~~{(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. }~~
- 52 ~~{(g){}} {(i){}}~~ "Retail manager" means the same as that term is defined in Section 32B-1-701.
- 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.

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- 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;
- 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;

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- (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.
- 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}

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- 133 (v) for those supervising or engaging in the retail sale of an alcoholic product for consumption on the
premises of a licensee~~[;]~~ :
- 514 (A) alternative means of transportation to get the customer safely home;
- 136 ~~{(vi) recognizing an opioid-related drug overdose event; and}~~
- 137 ~~{(vii) {the proper administration of an opioid antagonist in response to an opioid-related drug overdose
event;}}~~
- 139 ~~{(e)}~~ and
- 515 (B) the opioid-related training and educational materials created pursuant to Subsection 26B-5-102(2)
(q):
- 517 (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
- 149 (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

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- (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:
 - 178 (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.

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(8) An individual's receipt of the training and educational materials described in Subsection (4)(b)(v)(B) does not place any additional responsibility or liability on the individual, and shall not be construed to increase or create liability or responsibility for the individual.

571 Section 4. **Effective date.**

This bill takes effect on May 7, 2025.

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