

SB0182S01 compared with SB0182

{Omitted text} shows text that was in SB0182 but was omitted in SB0182S01

inserted text shows text that was not in SB0182 but was inserted into SB0182S01

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1 **Homeless Services Modifications**

. 2025 GENERAL SESSION

. STATE OF UTAH

. **Chief Sponsor: Todd Weiler**

. House Sponsor:

2

3 **LONG TITLE**

4 **General Description:**

5 This bill enacts certain provisions for individuals experiencing homelessness.

6 **Highlighted Provisions:**

7 This bill:

8 ▶ amends and defines terms;

8 ▶ requires the Department of Health and Human Services to issue a code red alert for certain weather events that may pose a danger to individuals experiencing homelessness;

10 ▶ provides for certain requirements and limitations to take effect within a county that is impacted by a code red alert; and

12 ▶ makes technical and conforming changes.

14 **Money Appropriated in this Bill:**

15 None

16 None

19 AMENDS:

20

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26B-1-202 , as last amended by Laws of Utah 2024, Chapter 506 , as last amended by Laws of Utah 2024, Chapter 506

21 **35A-16-701 , as last amended by Laws of Utah 2024, Chapters 204, 438 , as last amended by**
22 **Laws of Utah 2024, Chapters 204, 438**

22 ENACTS:

23 **35A-16-801** , Utah Code Annotated 1953 , Utah Code Annotated 1953

24 **35A-16-802** , Utah Code Annotated 1953 , Utah Code Annotated 1953

25 **35A-16-803** , Utah Code Annotated 1953 , Utah Code Annotated 1953

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

28 Section 1. Section **26B-1-202** is amended to read:

29 **26B-1-202. Department authority and duties.**

The department may, subject to applicable restrictions in state law and in addition to all other authority and responsibility granted to the department by law:

- 30 (1) adopt rules, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, and not
inconsistent with law, as the department may consider necessary or desirable for providing health
and social services to the people of this state;
- 33 (2) establish and manage client trust accounts in the department's institutions and community programs,
at the request of the client or the client's legal guardian or representative, or in accordance with
federal law;
- 36 (3) purchase, as authorized or required by law, services that the department is responsible to provide for
legally eligible persons;
- 38 (4) conduct adjudicative proceedings for clients and providers in accordance with the procedures of
Title 63G, Chapter 4, Administrative Procedures Act;
- 40 (5) establish eligibility standards for the department's programs, not inconsistent with state or federal
law or regulations;
- 42 (6) take necessary steps, including legal action, to recover money or the monetary value of services
provided to a recipient who was not eligible;
- 44 (7) set and collect fees for the department's services;
- 45 (8) license agencies, facilities, and programs, except as otherwise allowed, prohibited, or limited by
law;

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- 47 (9) acquire, manage, and dispose of any real or personal property needed or owned by the department,
not inconsistent with state law;
- 49 (10) receive gifts, grants, devises, and donations; gifts, grants, devises, donations, or the proceeds
thereof, may be credited to the program designated by the donor, and may be used for the purposes
requested by the donor, as long as the request conforms to state and federal policy; all donated funds
shall be considered private, nonlapsing funds and may be invested under guidelines established by
the state treasurer;
- 54 (11) accept and employ volunteer labor or services; the department is authorized to reimburse
volunteers for necessary expenses, when the department considers that reimbursement to be
appropriate;
- 57 (12) carry out the responsibility assigned in the workforce services plan by the State Workforce
Development Board;
- 59 (13) carry out the responsibility assigned by Section 26B-1-430 with respect to coordination of services
for students with a disability;
- 61 (14) provide training and educational opportunities for the department's staff;
- 62 (15) collect child support payments and any other money due to the department;
- 63 (16) apply the provisions of Title 81, Chapter 6, Child Support, to parents whose child lives out of the
home in a department licensed or certified setting;
- 65 (17) establish policy and procedures, within appropriations authorized by the Legislature, in cases
where the Division of Child and Family Services or the Division of Juvenile Justice and Youth
Services is given custody of a minor by the juvenile court under Title 80, Utah Juvenile Code, or
the department is ordered to prepare an attainment plan for a minor found not competent to proceed
under Section 80-6-403, including:
- 70 (a) designation of interagency teams for each juvenile court district in the state;
- 71 (b) delineation of assessment criteria and procedures;
- 72 (c) minimum requirements, and timeframes, for the development and implementation of a collaborative
service plan for each minor placed in department custody; and
- 74 (d) provisions for submittal of the plan and periodic progress reports to the court;
- 75 (18) carry out the responsibilities assigned to the department by statute;
- 76 (19) examine and audit the expenditures of any public funds provided to a local substance abuse
authority, a local mental health authority, a local area agency on aging, and any person, agency, or

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organization that contracts with or receives funds from those authorities or agencies. Those local authorities, area agencies, and any person or entity that contracts with or receives funds from those authorities or area agencies, shall provide the department with any information the department considers necessary. The department is further authorized to issue directives resulting from any examination or audit to a local authority, an area agency, and persons or entities that contract with or receive funds from those authorities with regard to any public funds. If the department determines that it is necessary to withhold funds from a local mental health authority or local substance abuse authority based on failure to comply with state or federal law, policy, or contract provisions, the department may take steps necessary to ensure continuity of services. For purposes of this Subsection (19) "public funds" means the same as that term is defined in Section 26B-5-101;

- 90 (20) in accordance with Subsection 26B-2-104(1)(d), accredit one or more agencies and persons to provide intercountry adoption services;
- 92 (21) within legislative appropriations, promote and develop a system of care and stabilization services:
- 94 (a) in compliance with Title 63G, Chapter 6a, Utah Procurement Code; and
- 95 (b) that encompasses the department, department contractors, and the divisions, offices, or institutions within the department, to:
- 97 (i) navigate services, funding resources, and relationships to the benefit of the children and families whom the department serves;
- 99 (ii) centralize department operations, including procurement and contracting;
- 100 (iii) develop policies that govern business operations and that facilitate a system of care approach to service delivery;
- 102 (iv) allocate resources that may be used for the children and families served by the department or the divisions, offices, or institutions within the department, subject to the restrictions in Section 63J-1-206;
- 105 (v) create performance-based measures for the provision of services; and
- 106 (vi) centralize other business operations, including data matching and sharing among the department's divisions, offices, and institutions;
- 108 (22) ensure that any training or certification required of a public official or public employee, as those terms are defined in Section 63G-22-102, complies with Title 63G, Chapter 22, State Training and Certification Requirements, if the training or certification is required:
- 112 (a) under this title;

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- 113 (b) by the department; or
- 114 (c) by an agency or division within the department;
- 115 (23) enter into cooperative agreements with the Department of Environmental Quality to delineate
specific responsibilities to assure that assessment and management of risk to human health from the
environment are properly administered;
- 118 (24) consult with the Department of Environmental Quality and enter into cooperative agreements, as
needed, to ensure efficient use of resources and effective response to potential health and safety
threats from the environment, and to prevent gaps in protection from potential risks from the
environment to specific individuals or population groups;
- 123 (25) to the extent authorized under state law or required by federal law, promote and protect the health
and wellness of the people within the state;
- 125 (26) establish, maintain, and enforce rules authorized under state law or required by federal law to
promote and protect the public health or to prevent disease and illness;
- 127 (27) investigate the causes of epidemic, infectious, communicable, and other diseases affecting the
public health;
- 129 (28) provide for the detection and reporting of communicable, infectious, acute, chronic, or any other
disease or health hazard which the department considers to be dangerous, important, or likely to
affect the public health;
- 132 (29) collect and report information on causes of injury, sickness, death, and disability and the risk
factors that contribute to the causes of injury, sickness, death, and disability within the state;
- 135 (30) collect, prepare, publish, and disseminate information to inform the public concerning the health
and wellness of the population, specific hazards, and risks that may affect the health and wellness of
the population and specific activities which may promote and protect the health and wellness of the
population;
- 139 (31) abate nuisances when necessary to eliminate sources of filth and infectious and communicable
diseases affecting the public health;
- 141 (32) make necessary sanitary and health investigations and inspections in cooperation with local health
departments as to any matters affecting the public health;
- 143 (33) establish laboratory services necessary to support public health programs and medical services in
the state;

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- (34) establish and enforce standards for laboratory services which are provided by any laboratory in the state when the purpose of the services is to protect the public health;
- 147 (35) cooperate with the Labor Commission to conduct studies of occupational health hazards and occupational diseases arising in and out of employment in industry, and make recommendations for elimination or reduction of the hazards;
- 150 (36) cooperate with the local health departments, the Department of Corrections, the Administrative Office of the Courts, the Division of Juvenile Justice and Youth Services, and the Utah Office for Victims of Crime to conduct testing for HIV infection of alleged sexual offenders, convicted sexual offenders, and any victims of a sexual offense;
- 155 (37) investigate the causes of maternal and infant mortality;
- 156 (38) establish, maintain, and enforce a procedure requiring the blood of adult pedestrians and drivers of motor vehicles killed in highway accidents be examined for the presence and concentration of alcohol, and provide the Commissioner of Public Safety with monthly statistics reflecting the results of these examinations, with necessary safeguards so that information derived from the examinations is not used for a purpose other than the compilation of these statistics;
- 162 (39) establish qualifications for individuals permitted to draw blood under Subsection 41-6a-523(1)(a)(vi), 53-10-405(2)(a)(vi), 72-10-502(5)(a)(vi), or 77-23-213(3)(a)(vi), and to issue permits to individuals the department finds qualified, which permits may be terminated or revoked by the department;
- 166 (40) establish a uniform public health program throughout the state which includes continuous service, employment of qualified employees, and a basic program of disease control, vital and health statistics, sanitation, public health nursing, and other preventive health programs necessary or desirable for the protection of public health;
- 170 (41) conduct health planning for the state;
- 171 (42) monitor the costs of health care in the state and foster price competition in the health care delivery system;
- 173 (43) establish methods or measures for health care providers, public health entities, and health care insurers to coordinate among themselves to verify the identity of the individuals the providers serve;
- 176 (44) designate Alzheimer's disease and related dementia as a public health issue and, within budgetary limitations, implement a state plan for Alzheimer's disease and related dementia by incorporating the plan into the department's strategic planning and budgetary process;

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- 180 (45) coordinate with other state agencies and other organizations to implement the state plan for
Alzheimer's disease and related dementia;
- 182 (46) ensure that any training or certification required of a public official or public employee, as those
terms are defined in Section 63G-22-102, complies with Title 63G, Chapter 22, State Training and
Certification Requirements, if the training or certification is required by the agency or under this
Title 26B, Utah Health and Human Services Code;
- 186 (47) oversee public education vision screening as described in Section 53G-9-404;
- 187 (48) issue code blue alerts in accordance with Title 35A, Chapter 16, Part 7, Code Blue Alert;
- 189 (49) issue code red alerts in accordance with Title 35A, Chapter 16, Part 8, Code Red Alert; and
- 191 [~~49~~] (50) as allowed by state and federal law, share data with the Office of Families that is relevant to
the duties described in Subsection 26B-1-243(4), which may include, to the extent available:
- 194 (a) demographic data concerning family structures in the state; and
- 195 (b) data regarding the family structure associated with:
- 196 (i) suicide, depression, or anxiety; and
- 197 (ii) various health outcomes.

201 Section 2. Section 35A-16-701 is amended to read:

202 **35A-16-701. Definitions.**

As used in this part:

- 204 (1) "Affected county" means a county of the first, second, third, or fourth class in which a code blue
event is anticipated.
- 206 (2) "Applicable local homeless council" means the local homeless council that is responsible for
coordinating homeless response within an affected county.
- 208 (3) "Capacity limit" means a limit as to the number of individuals that a homeless shelter may provide
temporary shelter to under a conditional use permit.
- 210 (4) "Code blue alert" means a proclamation issued by the Department of Health and Human Services
under Section 35A-16-702 to alert the public of a code blue event.
- 212 (5) "Code blue event" means a weather event in which the National Weather Service predicts
temperatures of 18 degrees Fahrenheit or less, including wind chill, or any other extreme weather
conditions established in rules made by the Department of Health and Human Services under
Subsection 35A-16-702(4), to occur in any county of the first, second, third, or fourth class for two
hours or longer within the next 24 to 48 hours.

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217 (6) "Homeless shelter" means a congregate facility that provides temporary shelter to individuals
experiencing homelessness.

219 (7) "Municipality" means a city or town.

220 Section 3. Section 3 is enacted to read:

199

Part 8. Code Red Alert

222 **35A-16-801. Definitions.**

As used in this section:

202 (1) "Affected county" means a county of the first, second, third, or fourth class in which a code red
event is anticipated.

204 (2) "Applicable local homeless council" means the local homeless council that is responsible for
coordinating homeless response within an affected county.

206 (3) "Capacity limit" means a limit as to the number of individuals that a homeless shelter may provide
temporary shelter to under a conditional use permit or other restrictions required by law.

208 (4) "Code red alert" means a proclamation issued by the Department of Health and Human Services
under Section 35A-16-802 to alert the public of a code red event.

210 (5) "Code red event" means a weather event in which the National Weather Service predicts
{ temperatures of 105 degrees Fahrenheit } a HeatRisk of 2 - Moderate or greater, including any
other extreme weather conditions established in rules made by the Department of Health and Human
Services under Subsection 35A-16-802(4), to occur in any county of the first, second, third, or
fourth class { for two hours or longer } within the next 24 to 48 hours.

215 (6) "Homeless shelter" means a congregate facility that provides temporary shelter to individuals
experiencing homelessness.

217 (7) "Municipality" means a city or town.

241 Section 4. Section 4 is enacted to read:

242 **35A-16-802. Code red alert -- Content -- Dissemination -- Rulemaking{:**

{ Subject to rules made by the Department of Health and Human Services under }

{ Subsection 35A-16-802(4), the following provisions take effect within an affected county for }
the duration of a code red alert: }

223 (1) The Department of Health and Human Services shall:

224 (a) monitor and evaluate forecasts and advisories produced by the National Weather Service beginning
on June 1 and ending on September 30;

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- 226 (b) issue a code red alert under this section if the Department of Health and Human Services identifies a
code red event; and
- 228 (c) disseminate the code red alert to:
- 229 (i) the public at large;
- 230 (ii) homeless shelters located within an affected county;
- 231 (iii) local government entities located within an affected county;
- 232 (iv) the office; and
- 233 (v) any other relevant public or private entities that provide services to individuals experiencing
homelessness within an affected county.
- 235 (2) The code red alert shall:
- 236 (a) identify each affected county;
- 237 (b) specify the duration of the code red alert;
- 238 (c) describe the provisions that take effect for the duration of the code red alert as described in Section
35A-16-803; and
- 240 (d) include the information prepared by the office under Subsection (3).
- 241 (3)
- . (a) The office shall prepare and regularly update information to assist individuals experiencing
homelessness during a code red event, including:
- 243 (i) the location and availability of homeless shelters and other community resources and services
for individuals experiencing homelessness;
- 245 (ii) information regarding public safety and emergency services; and
- 246 (iii) any other information considered relevant by the office.
- 247 (b) The office shall submit to the Department of Health and Human Services the information prepared
and updated under Subsection (3)(a).
- 249 (4)
- . (a) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the Department
of Health and Human Services, in coordination with the office, shall make rules to implement this
section.
- 252 (b) The rules under Subsection (4)(a) shall:
- 253 (i) establish {any-} extreme weather conditions that warrant the issuance of a code red alert; and
- 255 (ii) establish standards for:

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- 256 (A) monitoring and evaluating National Weather Service forecasts and advisories to identify code red events;
- 258 (B) issuing code red alerts under this section, including the form, content, and dissemination of code red alerts;
- 260 (C) the provisions that take effect within an affected county for the duration of a red alert under Section 35A-16-803; and
- 262 (D) coordinating with the office to receive the information described in Subsection (3).
- 264 (5) Nothing in this section prohibits a municipality from implementing emergency plans or other measures to assist individuals experiencing homelessness at times when environmental conditions present a substantial threat to the health or safety of individuals experiencing homelessness, provided that the emergency plans or other measures implemented by the municipality do not conflict with any applicable provisions that take effect during a code red event in accordance with Section 35A-16-803.

291 Section 5. Section 5 is enacted to read:

292 **35A-16-803. Provisions in effect for duration of a code red alert.**

Subject to rules made by the Department of Health and Human Services under [Subsection 35A-16-802\(4\)](#), the following provisions take effect within an affected county for the duration of a code red alert:

{[Subsection 35A-16-802\(4\)](#), the following provisions take effect within an affected county for the duration of a code red alert:}

- 276 {~~(1)~~ (a) a homeless shelter may expand the homeless shelter's capacity limit by up to 35% to provide temporary shelter to any number of individuals experiencing homelessness, so long as the homeless shelter is in compliance with the applicable building code and fire code;
- 280 {~~(2)~~ (b) a homeless shelter, in coordination with the applicable local homeless council, shall implement expedited intake procedures for individuals experiencing homelessness who request access to the homeless shelter;
- 283 {~~(3)~~ (c) a homeless shelter may not deny temporary shelter to any individual experiencing homelessness who requests access to the homeless shelter for temporary shelter unless the homeless shelter is at the capacity limit described in Subsection ~~{(1)}~~ [\(1\)\(a\)](#) or if a reasonable individual would conclude that the individual presents a danger to public safety;

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- ~~{(4)}~~ (d) any indoor facility owned by a private organization, nonprofit organization, state government entity, or local government entity may be used to provide temporary shelter to individuals experiencing homelessness and is exempt from the licensure requirements of Title 26B, Chapter 2, Licensing and Certifications, for the duration of the code red alert ~~{and seven days following the day on which the code red alert ends,}~~ so long as the facility is in compliance with the applicable building code and fire code and the governing body of the organization or the legislative body of the government entity that owns the facility approves the use;
- 295 ~~{(5)}~~ (e) homeless shelters, state and local government entities, and other organizations that provide services to individuals experiencing homelessness shall coordinate street outreach efforts to distribute to individuals experiencing homelessness any available resources for survival in hot weather, including water, lightweight and light-colored clothing, a hat, sunscreen, or other items that may protect the individual from heat;
- 300 ~~{(6)}~~ (f) a state or local government entity, including a municipality, law enforcement agency, and local health department, may enforce a camping ordinance but may not seize from individuals experiencing homelessness any personal items for survival in hot weather, including clothing, tents, or other items used for shade; and
- 304 ~~{(7)}~~ (g) a municipality or other local government entity may not enforce any ordinance or policy that limits or restricts the ability for the provisions described in Subsections ~~{(1)}~~ (1)(a) through ~~{(5)}~~ (f) to take effect, including local zoning ordinances.
- 327 (2) A municipality or other local government entity shall prioritize providing shelter for individuals experiencing homelessness during a code red event at a facility described in Subsection (1)(d) before providing shelter in a homeless shelter to individuals experiencing homelessness during the code red event.

331 Section 6. **Effective date.**

This bill takes effect on May 7, 2025.

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