

**Homeless Services Amendments**

2025 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Tyler Clancy**

Senate Sponsor: Daniel McCay

**LONG TITLE****General Description:**

This bill amends and enacts provisions related to homelessness.

**Highlighted Provisions:**

This bill:

- defines terms;
- requires the Office of Licensing (office) within the Department of Health and Human Services to make rules that require a licensee to prioritize public safety of the area and community surrounding the licensee's physical facility;
- requires the Utah Homeless Services Board (board) to collect and report on certain data;
- requires that an eligible municipality adopt an ordinance prohibiting unsanctioned camping in a substantially similar form to state code;
- modifies the process by which the board approves funding requests from the Homeless Shelter Cities Mitigation Restricted Account;
- states that certain drug offenses are subject to enhanced penalties when committed in a state licensed homeless shelter;
- repeals and amends certain provisions of the winter response task force;
- enacts provisions requiring service providers to design certain services to assist homeless individuals in progressing and transitioning from struggling with homelessness to personal thriving;
- enacts provisions requiring certain safety requirements for homeless shelters, including winter response shelters; and
- makes technical and conforming changes.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

31 AMENDS:

- 32 **26B-2-104**, as last amended by Laws of Utah 2024, Chapters 240, 307
- 33 **35A-16-102**, as last amended by Laws of Utah 2024, Chapter 338
- 34 **35A-16-202**, as last amended by Laws of Utah 2024, Chapters 338, 349
- 35 **35A-16-203**, as last amended by Laws of Utah 2024, Chapters 204, 338 and 349
- 36 **35A-16-204**, as repealed and reenacted by Laws of Utah 2024, Chapter 338
- 37 **35A-16-205**, as last amended by Laws of Utah 2024, Chapters 204, 338 and 349
- 38 **35A-16-205.1**, as enacted by Laws of Utah 2024, Chapter 204
- 39 **35A-16-207**, as last amended by Laws of Utah 2024, Chapter 349
- 40 **35A-16-208**, as enacted by Laws of Utah 2024, Chapter 338
- 41 **35A-16-401**, as last amended by Laws of Utah 2024, Chapters 204, 338 and 438
- 42 **35A-16-402**, as last amended by Laws of Utah 2024, Chapters 204, 338
- 43 **35A-16-403**, as last amended by Laws of Utah 2024, Chapters 204, 338
- 44 **35A-16-501**, as last amended by Laws of Utah 2024, Chapter 438
- 45 **35A-16-501.5**, as last amended by Laws of Utah 2024, Chapter 338
- 46 **58-37-8**

47 ENACTS:

- 48 **35A-16-801**, Utah Code Annotated 1953
- 49 **35A-16-901**, Utah Code Annotated 1953

50 REPEALS:

- 51 **35A-16-502**, as last amended by Laws of Utah 2024, Chapters 204, 338
- 52 **35A-16-502.5**, as enacted by Laws of Utah 2023, Chapter 302
- 53 **35A-16-503**, as last amended by Laws of Utah 2024, Chapter 381

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

56 Section 1. Section **26B-2-104** is amended to read:

57 **26B-2-104 . Division responsibilities.**

- 58 (1) Subject to the requirements of federal and state law, the office shall:
  - 59 (a) make rules in accordance with Title 63G, Chapter 3, Utah Administrative
    - 60 Rulemaking Act, to establish:
      - 61 (i) except as provided in Subsection (1)(a)(ii), basic health and safety standards for
        - 62 licensees, [~~that~~] which shall be limited to:
          - 63 (A) fire safety;
          - 64 (B) food safety;

- 65 (C) sanitation;
- 66 (D) infectious disease control;
- 67 (E) safety of the:
- 68 (I) physical facility and grounds; and
- 69 (II) area and community surrounding the physical facility;
- 70 (F) transportation safety;
- 71 (G) emergency preparedness and response;
- 72 (H) the administration of medical standards and procedures, consistent with the
- 73 related provisions of this title;
- 74 (I) staff and client safety and protection;
- 75 (J) the administration and maintenance of client and service records;
- 76 (K) staff qualifications and training, including standards for permitting experience
- 77 to be substituted for education, unless prohibited by law;
- 78 (L) staff to client ratios;
- 79 (M) access to firearms; and
- 80 (N) the prevention of abuse, neglect, exploitation, harm, mistreatment, or fraud;
- 81 (ii) basic health and safety standards for therapeutic schools, [that] which shall be
- 82 limited to:
- 83 (A) fire safety, except that the standards are limited to those required by law or
- 84 rule under Title 53, Chapter 7, Part 2, Fire Prevention and Fireworks Act;
- 85 (B) food safety;
- 86 (C) sanitation;
- 87 (D) infectious disease control, except that the standards are limited to:
- 88 (I) those required by law or rule under this title, or Title 26A, Local Health
- 89 Authorities; and
- 90 (II) requiring a separate room for clients who are sick;
- 91 (E) safety of the physical facility and grounds, except that the standards are
- 92 limited to those required by law or rule under Title 53, Chapter 7, Part 2, Fire
- 93 Prevention and Fireworks Act;
- 94 (F) transportation safety;
- 95 (G) emergency preparedness and response;
- 96 (H) access to appropriate medical care, including:
- 97 (I) subject to the requirements of law, designation of a person who is
- 98 authorized to dispense medication; and

- 99 (II) storing, tracking, and securing medication;
- 100 (I) staff and client safety and protection that permits the school to provide for the
- 101 direct supervision of clients at all times;
- 102 (J) the administration and maintenance of client and service records;
- 103 (K) staff qualifications and training, including standards for permitting experience
- 104 to be substituted for education, unless prohibited by law;
- 105 (L) staff to client ratios;
- 106 (M) access to firearms; and
- 107 (N) the prevention of abuse, neglect, exploitation, harm, mistreatment, or fraud;
- 108 (iii) procedures and standards for permitting a licensee to:
- 109 (A) provide in the same facility and under the same conditions as children,
- 110 residential treatment services to a person 18 years old or older who:
- 111 (I) begins to reside at the licensee's residential treatment facility before the
- 112 person's 18th birthday;
- 113 (II) has resided at the licensee's residential treatment facility continuously since
- 114 the time described in Subsection (1)(a)(iii)(A)(I);
- 115 (III) has not completed the course of treatment for which the person began
- 116 residing at the licensee's residential treatment facility; and
- 117 (IV) voluntarily consents to complete the course of treatment described in
- 118 Subsection (1)(a)(iii)(A)(III); or
- 119 (B)(I) provide residential treatment services to a child who is:
- 120 (Aa) at least 12 years old or, as approved by the office, younger than 12
- 121 years old; and
- 122 (Bb) under the custody of the department, or one of [its] the divisions under
- 123 the department; and
- 124 (II) provide, in the same facility as a child described in Subsection
- 125 (1)(a)(iii)(B)(I), residential treatment services to a person who is:
- 126 (Aa) at least 18 years old, but younger than 21 years old; and
- 127 (Bb) under the custody of the department, or one of [its] the divisions under
- 128 the department;
- 129 (iv) minimum administration and financial requirements for licensees;
- 130 (v) guidelines for variances from rules established under this Subsection (1);
- 131 (vi) ethical standards, as described in [~~Subsection 78B-6-106(3)~~] Section 78B-6-106,
- 132 and minimum responsibilities of a child-placing agency that provides adoption

- 133 services and that is licensed under this part;
- 134 (vii) what constitutes an [~~"outpatient treatment program"~~] outpatient treatment  
135 program for purposes of this part;
- 136 (viii) a procedure requiring a licensee to provide an insurer the licensee's records  
137 related to any services or supplies billed to the insurer[;] and a procedure allowing  
138 the licensee and the insurer to contact the Insurance Department to resolve any  
139 disputes;
- 140 (ix) a protocol for the office to investigate and process complaints about licensees;
- 141 (x) a procedure for a licensee to:
- 142 (A) report the use of a restraint or seclusion within one business day after the day  
143 on which the use of the restraint or seclusion occurs; and
- 144 (B) report a critical incident within one business day after the day on which the  
145 incident occurs;
- 146 (xi) guidelines for the policies and procedures described in Sections 26B-2-109 and  
147 26B-2-123;
- 148 (xii) a procedure for the office to review and approve the policies and procedures  
149 described in Sections 26B-2-109 and 26B-2-123; and
- 150 (xiii) a requirement that each human services program publicly post information that  
151 informs an individual how to submit a complaint about a human services program  
152 to the office;
- 153 (b) enforce rules relating to the office;
- 154 (c) issue licenses in accordance with this part;
- 155 (d) if the United States Department of State executes an agreement with the office that  
156 designates the office to act as an accrediting entity in accordance with the  
157 Intercountry Adoption Act of 2000, Pub. L. No. 106-279, accredit one or more  
158 agencies and persons to provide intercountry adoption services pursuant to:
- 159 (i) the Intercountry Adoption Act of 2000, Pub. L. No. 106-279; and  
160 (ii) the implementing regulations for the Intercountry Adoption Act of 2000, Pub. L.  
161 No. 106-279;
- 162 (e) make rules to implement the provisions of Subsection (1)(d);
- 163 (f) conduct surveys and inspections of licensees and facilities in accordance with Section  
164 26B-2-107;
- 165 (g) collect licensure fees;
- 166 (h) notify licensees of the name of a person within the department to contact when filing

- 167 a complaint;
- 168 (i) investigate complaints regarding any licensee or human services program;
- 169 (j) have access to all records, correspondence, and financial data required to be  
170 maintained by a licensee;
- 171 (k) have authority to interview any client, family member of a client, employee, or  
172 officer of a licensee;
- 173 (l) have authority to deny, condition, revoke, suspend, or extend any license issued by  
174 the department under this part by following the procedures and requirements of Title  
175 63G, Chapter 4, Administrative Procedures Act;
- 176 (m) cooperate with the Division of Child and Family Services to condition, revoke, or  
177 suspend the license of a foster home when a child welfare caseworker from the  
178 Division of Child and Family Services identifies a safety concern with the foster  
179 home;
- 180 (n) electronically post notices of agency action issued to a human services program, with  
181 the exception of a foster home, on the office's website, in accordance with Title 63G,  
182 Chapter 2, Government Records Access and Management Act; and
- 183 (o) upon receiving a local government's request under Section 26B-2-118, notify the  
184 local government of new human services program license applications, except for  
185 foster homes, for human services programs located within the local government's  
186 jurisdiction.
- 187 (2) In establishing rules under Subsection (1)(a)(ii)(G), the office shall require a licensee to  
188 establish and comply with an emergency response plan that requires clients and staff to:
- 189 (a) immediately report to law enforcement any [~~significant~~] criminal activity, as defined  
190 by rule, committed:
- 191 (i) on the premises where the licensee operates [~~its~~] the licensee's human services  
192 program;
- 193 (ii) by or against [~~its~~] the licensee's clients; or
- 194 (iii) by or against a staff member while the staff member is on duty;
- 195 (b) immediately report to emergency medical services any medical emergency, as  
196 defined by rule:
- 197 (i) on the premises where the licensee operates [~~its~~] the licensee's human services  
198 program;
- 199 (ii) involving [~~its~~] the licensee's clients; or
- 200 (iii) involving a staff member while the staff member is on duty; and

201 (c) immediately report other emergencies that occur on the premises where the licensee  
 202 operates [its] the licensee's human services program to the appropriate emergency  
 203 services agency.

204 Section 2. Section **35A-16-102** is amended to read:

205 **35A-16-102 . Definitions.**

206 As used in this chapter:

207 (1) "Board" means the Utah Homeless Services Board created in Section 35A-16-204.

208 (2) "Brief" means the average length of time from the date of the initial identification of an  
 209 individual experiencing homelessness to the date of the individual's exit destination is  
 210 less than 45 days.

211 [~~2~~] (3) "Client" means an individual who is experiencing homelessness or an individual at  
 212 risk of becoming homeless.

213 [~~3~~] (4) "Chief executive officer" means the same as that term is defined in Section  
 214 11-51-102.

215 [~~4~~] (5) "Collaborative applicant" means the entity designated by a continuum of care to  
 216 collect and submit data and apply for funds on behalf of the continuum of care, as  
 217 required by the United States Department of Housing and Urban Development.

218 [~~5~~] (6) "Continuum of care" means a regional or local planning body designated by the  
 219 United States Department of Housing and Urban Development to coordinate services for  
 220 individuals experiencing homelessness within an area of the state.

221 [~~6~~] (7) "Coordinator" means the state homelessness coordinator appointed under Section  
 222 63J-4-202.

223 (8) "Eligible services" means any activities or services that mitigate the impacts of the  
 224 location of an eligible shelter, including direct services, public safety services, and  
 225 emergency services, as further defined by rule made by the office in accordance with  
 226 Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

227 [~~7~~] (9) "Executive committee" means the executive committee of the board.

228 [~~8~~] (10) "Exit destination" means:

- 229 (a) a homeless situation;
- 230 (b) an institutional situation;
- 231 (c) a temporary housing situation;
- 232 (d) a permanent housing situation; or
- 233 (e) other.

234 [~~9~~] (11) "First-tier eligible municipality" means a municipality that:

- 235 (a) is located within a county of the first or second class;
- 236 (b) as determined by the office, has or is proposed to have an eligible shelter within the  
237 municipality's geographic boundaries within the following fiscal year;
- 238 (c) due to the location of an eligible shelter within the municipality's geographic  
239 boundaries, requires eligible services; and
- 240 (d) is certified as a first-tier eligible municipality in accordance with Section 35A-16-404.
- 241 ~~[(10)]~~ (12) "Homeless Management Information System" or "HMIS" means an information  
242 technology system that:
- 243 (a) is used to collect client-level data and data on the provision of housing and services  
244 to homeless individuals and individuals at risk of homelessness in the state; and
- 245 (b) meets the requirements of the United States Department of Housing and Urban  
246 Development.
- 247 ~~[(11)]~~ (13) "Homeless services budget" means the comprehensive annual budget and  
248 overview of all homeless services available in the state described in Subsection  
249 35A-16-203(1)(b).
- 250 (14) "Know-by-Name case management system" or "Know-by-Name" means a homeless  
251 intervention program that shares the aggregated data from HMIS among the Utah Office  
252 of Homeless Services, the Utah Homeless Services Board, service providers, and  
253 caseworkers to identify and provide a chronically homeless individual experiencing  
254 homelessness with:
- 255 (a) coordinated service providers;
- 256 (b) centralized caseworkers; and
- 257 (c) individualized care plans.
- 258 ~~[(12)]~~ (15) "Local homeless council" means a local planning body designated by the steering  
259 committee to coordinate services for individuals experiencing homelessness within an  
260 area of the state.
- 261 (16) "Nonrecurring" means that the total number of individuals who return to homelessness  
262 within two years of exiting the homeless service system is not greater than 5%.
- 263 ~~[(13)]~~ (17) "Office" means the Office of Homeless Services.
- 264 (18) "Rare" means the number of individuals experiencing homelessness within each  
265 subpopulation is less than the percentage threshold, as determined by the board, of the  
266 overall population.
- 267 ~~[(14)]~~ (19) "Second-tier eligible municipality" means a municipality that:
- 268 (a) is located within a county of the third, fourth, fifth, or sixth class;



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

271 (c) due to the location of an eligible shelter within the municipality's geographic  
 272 boundaries, requires eligible services; and

273 (d) is certified as a second-tier eligible municipality in accordance with Section  
 274 35A-16-404.

275 ~~[(15)]~~ (20)(a) "Service provider" means a state agency, a local government, or a private  
 276 organization that provides services to clients.

277 (b) "Service provider" includes a correctional facility and the Administrative Office of  
 278 the Courts.

279 ~~[(16)]~~ (21) "Steering committee" means the Utah Homeless Network Steering Committee  
 280 created in Section 35A-16-206.

281 ~~[(17)]~~ (22) "Strategic plan" means the statewide strategic plan to minimize homelessness in  
 282 the state described in Subsection 35A-16-203(1)(c).

283 ~~[(18)]~~ (23) "Type of homelessness" means:

284 (a) chronic homelessness;

285 (b) episodic homelessness;

286 (c) situational homelessness; or

287 (d) family homelessness.

288 Section 3. Section **35A-16-202** is amended to read:

289 **35A-16-202 . Powers and duties of the office.**

290 (1) The office shall, under the direction of the coordinator:

291 (a) assist in providing homeless services in the state;

292 (b) coordinate the provision of homeless services in the state;

293 (c) manage, with the concurrence of continuum of care organizations approved by the  
 294 United States Department of Housing and Urban Development, a Homeless  
 295 Management Information System for the state that:

296 (i) shares client-level data between service providers in the state;

297 (ii) is effective as a case management system;

298 (iii) integrates the Know-by-Name case management system standards;

299 ~~[(iii)]~~ (iv) except for individuals receiving services who are victims of domestic

300 violence, includes an effective authorization protocol for encouraging individuals

301 who are provided with any homeless services in the state to provide accurate

302 information to providers for inclusion in the HMIS and Know-by-Name case

- 303                    management system; and
- 304                    [(iv)] (v) meets the requirements of the United States Department of Housing and
- 305                    Urban Development and other federal requirements;
- 306                    (d) in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,
- 307                    make rules defining "successful exit," "unsuccessful exit," and "neutral exit"; and
- 308                    (e) provide support to the steering committee in developing the formula described in
- 309                    Section 35A-16-211.
- 310                    (2) The office may:
- 311                    (a) by following the procedures and requirements of Title 63J, Chapter 5, Federal Funds
- 312                    Procedures Act, seek federal grants, loans, or participation in federal programs; and
- 313                    (b) for any federal program that requires the expenditure of state funds as a condition for
- 314                    participation by the state in a fund, property, or service, with the governor's approval,
- 315                    expend whatever funds are necessary out of the money provided by the Legislature
- 316                    for the use of the office.
- 317                    Section 4. Section **35A-16-203** is amended to read:
- 318                    **35A-16-203 . Powers and duties of the coordinator.**
- 319                    (1) The coordinator shall:
- 320                    (a) coordinate the provision of homeless services in the state;
- 321                    (b) in cooperation with the board, develop and maintain a comprehensive annual budget
- 322                    and overview of all homeless services available in the state, which homeless services
- 323                    budget shall receive final approval by the board;
- 324                    (c) in cooperation with the board, create a statewide strategic plan to minimize
- 325                    homelessness in the state, which strategic plan shall receive final approval by the
- 326                    board;
- 327                    (d) in cooperation with the board, oversee funding provided for the provision of
- 328                    homeless services, which funding shall receive final approval by the board, including
- 329                    funding from the:
- 330                    (i) Pamela Atkinson Homeless Account created in Section 35A-16-301;
- 331                    (ii) Homeless to Housing Reform Restricted Account created in Section 35A-16-303;
- 332                    and
- 333                    (iii) Homeless Shelter Cities Mitigation Restricted Account created in Section
- 334                    35A-16-402;
- 335                    (e) provide administrative support to and serve as a member of the board;
- 336                    (f) at the governor's request, report directly to the governor on issues regarding

- 337 homelessness in the state and the provision of homeless services in the state; and
- 338 (g) report directly to the president of the Senate and the speaker of the House of
- 339 Representatives at least twice each year on issues regarding homelessness in the state
- 340 and the provision of homeless services in the state.
- 341 (2) The coordinator, in cooperation with the board, shall ensure that the homeless services
- 342 budget described in Subsection (1)(b) includes an overview and coordination plan for all
- 343 funding sources for homeless services in the state, including from state agencies,
- 344 continuum of care organizations, housing authorities, local governments, federal
- 345 sources, and private organizations.
- 346 (3) The coordinator, in cooperation with the board and taking into account the metrics
- 347 established and data reported in accordance with Section 35A-16-211, shall ensure that
- 348 the strategic plan described in Subsection (1)(c):
- 349 (a) outlines specific goals and measurable benchmarks for minimizing homelessness in
- 350 the state and for coordinating services for individuals experiencing homelessness
- 351 among all service providers in the state;
- 352 (b) identifies [~~best practices~~] innovative strategies and recommends improvements to the
- 353 provision of services to individuals experiencing homelessness in the state to ensure
- 354 the services are provided in a safe, cost-effective, and efficient manner;
- 355 (c) identifies [~~best practices~~] innovative strategies and recommends improvements in
- 356 coordinating the delivery of services to the variety of populations experiencing
- 357 homelessness in the state, including through the use of electronic databases and
- 358 improved data sharing among all service providers in the state;
- 359 (d) identifies gaps and recommends solutions in the delivery of services to the variety of
- 360 populations experiencing homelessness in the state; and
- 361 (e) takes into consideration the success of the HOME Court Pilot Program established in
- 362 Section 26B-5-382.
- 363 (4) In overseeing funding for the provision of homeless services as described in Subsection
- 364 (1)(d), the coordinator:
- 365 (a) shall prioritize the funding of programs and providers that have a documented history
- 366 of successfully reducing the number of individuals experiencing homelessness,
- 367 reducing the time individuals spend experiencing homelessness, moving individuals
- 368 experiencing homelessness to permanent housing, or reducing the number of
- 369 individuals who return to experiencing homelessness;
- 370 (b) except for a program or provider providing services to victims of domestic violence,

- 371 may not approve funding to a program or provider that does not enter into a written  
372 agreement with the office to collect and share HMIS and Know-by-Name data  
373 regarding the provision of services to individuals experiencing homelessness so that  
374 the provision of services can be coordinated among state agencies, local  
375 governments, and private organizations; and
- 376 (c) if the [~~homelessness council~~] board has approved a funding formula developed by the  
377 steering committee, as described in Section 35A-16-205:
- 378 (i) except as provided in Subsection (4)(c)(ii), shall utilize that funding formula in  
379 disbursing funds for the provision of homeless services; and
- 380 (ii) shall ensure that any federal funds not subject to the funding formula are  
381 disbursed in accordance with any applicable federal requirements.
- 382 (5) In cooperation with the board, the coordinator shall update the annual statewide budget  
383 and the strategic plan described in this section on an annual basis.
- 384 (6)(a) On or before October 1, the coordinator shall provide a written report to the  
385 department for inclusion in the department's annual written report described in  
386 Section 35A-1-109.
- 387 (b) The written report shall include:
- 388 (i) the homeless services budget;
- 389 (ii) the strategic plan;
- 390 (iii) recommendations regarding improvements to coordinating and providing  
391 services to individuals experiencing homelessness in the state;
- 392 (iv) in coordination with the board, a complete accounting of the office's  
393 disbursement of funds during the previous fiscal year from:
- 394 (A) the Pamela Atkinson Homeless Account created in Section 35A-16-301;
- 395 (B) the Homeless to Housing Reform Restricted Account created in Section  
396 35A-16-303;
- 397 (C) the Homeless Shelter Cities Mitigation Restricted Account created in Section  
398 35A-16-402;
- 399 (D) the COVID-19 Homeless Housing and Services Grant Program created in  
400 Section 35A-16-602; and
- 401 (E) any other grant program created in statute that is administered by the office;  
402 and
- 403 (v) the data described in Section 35A-16-211.
- 404 Section 5. Section **35A-16-204** is amended to read:

405 **35A-16-204 . Utah Homeless Services Board.**

- 406 (1) There is created within the office the Utah Homeless Services Board.
- 407 (2)(a) The board shall consist of the following members:
- 408 (i) a representative, appointed by the speaker of the House of Representatives;
  - 409 (ii) a representative, appointed by the president of the Senate;
  - 410 (iii) a private sector representative, appointed by the governor;
  - 411 (iv) a representative, appointed by the governor;
  - 412 (v) a statewide philanthropic leader, appointed by the Utah Impact Partnership or the
  - 413 partnership's successor organization;
  - 414 (vi) the mayor of Salt Lake City;
  - 415 (vii) the chief executive officer appointed by the Shelter Cities Advisory Council in
  - 416 accordance with Section 35A-16-210;
  - 417 (viii) an individual with lived experience of homelessness, appointed by the chair of
  - 418 the board;
  - 419 [~~(viii) an elected official appointed by the Utah Association of Counties or the~~
  - 420 ~~association's successor organization;]~~
  - 421 (ix) [~~a county employee who oversees behavioral health;~~] a representative, appointed
  - 422 by the Utah Association of Counties or the association's successor organization;
  - 423 (x) an individual who represents the Utah Homeless Network; and
  - 424 (xi) the coordinator.
- 425 (b) The governor shall select a board member to serve as chair of the board.
- 426 (3) The following four members of the board shall serve as the executive committee:
- 427 (a) the coordinator; and
  - 428 (b) three board members chosen by the board chair, which shall include one of the
  - 429 members described in Subsection (2)(a)(vi) or (2)(a)(vii).
- 430 (4)(a) The board shall meet at least once per calendar quarter.
- 431 (b) The chair, the coordinator, or three of the board members may call a board meeting.
  - 432 (c) The individual calling the meeting shall provide notice of the meeting to the board
  - 433 members at least three calendar days in advance of the meeting.
- 434 (5) A majority of the voting members of the board constitutes a quorum of the board at any
- 435 meeting, and the action of the majority of voting members present constitutes the action
- 436 of the board.
- 437 (6)(a) A majority of members of the executive committee constitutes a quorum of the
- 438 executive committee at any meeting, and the action of the majority of members

- 439 present constitutes the action of the executive committee.
- 440 (b) The executive committee is exempt from the requirements described in Title 52,  
441 Chapter 4, Open and Public Meetings Act.
- 442 (7)(a) Except as required by Subsection (7)(c):
- 443 (i) each appointed member of the board, other than a board member described in  
444 Subsection (2)(a)(vii), shall serve a four-year term; and
- 445 (ii) the board member appointed in accordance with Subsection (2)(a)(vii) shall serve  
446 a two-year term.
- 447 (b) A board member may serve more than one term.
- 448 (c) The appointing authority, at the time of appointment or reappointment, may adjust  
449 the length of terms to ensure that the terms of board members are staggered so that  
450 approximately half of the appointed board members are appointed every two years.
- 451 (8) When a vacancy occurs in the appointed membership for any reason, the replacement is  
452 appointed for the unexpired term.
- 453 (9)(a) Except as described in Subsection (9)(b), a member may not receive  
454 compensation or benefits for the member's service but may receive per diem and  
455 travel expenses in accordance with:
- 456 (i) Section 63A-3-106;
- 457 (ii) Section 63A-3-107; and
- 458 (iii) rules made by the Division of Finance in accordance with Sections 63A-3-106  
459 and 63A-3-107.
- 460 (b) Compensation and expenses of a board member who is a legislator are governed by  
461 Section 36-2-2 and Legislative Joint Rules, Title 5, Legislative Compensation and  
462 Expenses.
- 463 (10) The office shall provide staff and administrative support to the board.  
464 Section 6. Section **35A-16-205** is amended to read:  
465 **35A-16-205 . Duties of the board.**
- 466 (1) The board:
- 467 (a) shall provide final approval for:
- 468 (i) a funding formula developed by the steering committee under Section 35A-16-211;
- 469 (ii) the homeless services budget;
- 470 (iii) the strategic plan; and
- 471 (iv) the awarding of funding for the provision of homeless services as described in  
472 Subsection 35A-16-203(1)(d);

- 473 (b) in cooperation with the coordinator, shall:
- 474 (i) develop and maintain the homeless services budget;
- 475 (ii) develop and maintain the strategic plan; and
- 476 (iii) review applications and approve funding for the provision of homeless services
- 477 in the state as described in Subsection 35A-16-203(1)(d);
- 478 (c) shall review local and regional plans for providing services to individuals
- 479 experiencing homelessness;
- 480 (d) shall cooperate with local homeless councils to:
- 481 (i) develop a common agenda and vision for reducing homelessness in each local
- 482 oversight body's respective region;
- 483 (ii) as part of the homeless services budget, develop a spending plan that coordinates
- 484 the funding supplied to local stakeholders; and
- 485 (iii) align local funding to projects that improve outcomes and target specific needs in
- 486 each community;
- 487 (e) shall coordinate gap funding with private entities for providing services to
- 488 individuals experiencing homelessness;
- 489 (f) shall recommend performance and accountability measures for service providers,
- 490 including the support of collecting consistent and transparent data;
- 491 (g) when reviewing and giving final approval for requests as described in Subsection
- 492 35A-16-203(1)(d):
- 493 (i) may only recommend funding if the proposed recipient has a policy to share
- 494 client-level service information with other entities in accordance with state and
- 495 federal law to enhance the coordination of services for individuals who are
- 496 experiencing homelessness; and
- 497 (ii) shall identify specific targets and benchmarks that align with the strategic plan for
- 498 each recommended award;
- 499 (h) shall regularly update the state strategic plan on homelessness to reflect:
- 500 (i) trends in homelessness as identified by the review of:
- 501 (A) local data; and
- 502 (B) performance and accountability metrics in accordance with this section; and
- 503 (ii) proven strategies to reduce homelessness among:
- 504 [(i)] (A) the unsheltered;
- 505 [(ii)] (B) the chronically or episodically homeless; and
- 506 [(iii)] (C) the situationally homeless;

- 507 (i) shall develop annual state and local goals for reducing homelessness among the target  
508 subpopulations identified by the board;
- 509 (j) shall work with the local homeless councils to carry out the requirements of  
510 Subsection 35A-16-211(3);
- 511 (k) shall develop metrics for measuring the effectiveness of providers in assisting clients  
512 to successfully progress through the services coordinated by a continuum of care;
- 513 (l) shall create [~~best practices~~] innovative strategies for a service provider to administer  
514 services to an individual experiencing homelessness, including promotion of:
- 515 (i) a recognition of the human dignity of clients served;
- 516 (ii) a need to develop self-reliance;
- 517 (iii) the value of work;
- 518 (iv) personal accountability; and
- 519 (v) personal progress toward greater personal independence;
- 520 (m) shall make recommendations for uniform standards for enforcing pedestrian safety  
521 and unsanctioned camping laws and ordinances;
- 522 (n) shall identify [~~best practices~~] innovative strategies for responding to unsheltered  
523 individuals experiencing mental health disorder and substance use disorder;
- 524 (o) shall make recommendations for strategies to reduce illegal drug use within  
525 homeless shelters, transitional housing, and permanent supportive housing;
- 526 (p) shall facilitate client connection to alternative support systems, including behavioral  
527 health services, addiction recovery, and residential services;
- 528 (q) shall facilitate participation in HMIS and Know-by-Name, where appropriate and in  
529 alignment with established HMIS and Know-by-Name policies, and data sharing  
530 agreements among all participants in a client support network, including homeless  
531 services, physical health systems, mental health systems, and the criminal justice  
532 system;
- 533 (r) shall make recommendations to the office for defining "successful exit,"  
534 "unsuccessful exit," and "neutral exit";
- 535 (s) shall evaluate additional opportunities for the office to become a collaborative  
536 applicant;
- 537 (t) shall coordinate with the continuums of care to provide for cooperative distribution of  
538 available funding;
- 539 (u) shall work in conjunction with the executive directors of the Department of  
540 Workforce Services, the Department of Health and Human Services, and the



541 Department of Corrections to create [~~best practices~~] innovative strategies for helping  
 542 individuals exiting from incarceration or an institution to avoid homelessness; and  
 543 (v) shall establish standards for the prioritization of beds located in homeless shelters in  
 544 accordance with Section 35A-16-205.1.

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

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

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

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

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

554 **35A-16-205.1 . Utah Homeless Services Board to establish standards for the**  
 555 **prioritization of homeless shelter beds -- Dissemination -- Compliance with standards**  
 556 **required for receipt of state funds.**

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

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

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

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

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

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

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

571 (4) Notwithstanding any other provisions in this chapter, state funds may not be awarded  
 572 under this chapter directly to or for the benefit of a homeless shelter located within the  
 573 state unless the homeless shelter complies with the standards established by the [  
 574 ~~homelessness council~~] board under Subsection (1).

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

576 **35A-16-207 . Duties of the steering committee.**

577 (1) The steering committee shall:

- 578 (a) support connections across continuums of care, local homeless councils, and state  
579 and local governments;
- 580 (b) coordinate statewide emergency and crisis response in relation to services for  
581 individuals experiencing homelessness;
- 582 (c) provide training to providers of services for individuals experiencing homelessness,  
583 stakeholders, and policymakers;
- 584 (d) educate the general public and other interested persons regarding the needs,  
585 challenges, and opportunities for individuals experiencing homelessness; and
- 586 (e) make recommendations to the [~~homelessness council~~] board regarding the awarding  
587 of funding for the provision of homeless services as described in Subsection  
588 35A-16-203(1)(d).

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

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

593 **35A-16-208 . Reporting requirements -- Outcome measures.**

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

- 595 (i) the state's year-to-date progress toward reaching a functional zero level of  
596 homelessness for each type of homelessness and subpopulation, including:
- 597 (A) the number of individuals who are homeless for the first time;
- 598 (B) the number of individuals who returned to homelessness after having exited  
599 homelessness within the two previous years;
- 600 (C) the number of individuals who remained homeless since the last report;
- 601 (D) the number of individuals experiencing homelessness since the last report by  
602 household type;
- 603 (E) the number of individuals who exited by exit destination; and
- 604 (F) the number of individuals who are experiencing homelessness for the first time  
605 plus the number of individuals who are returning to homelessness minus the  
606 number of individuals who are exiting homelessness;
- 607 (ii) the percentage of individuals experiencing homelessness who:
- 608 (A) have a mental health disorder;

- 609 (B) have a substance use disorder;
- 610 (C) have a chronic health condition;
- 611 (D) have a physical disability;
- 612 (E) have a developmental disability;
- 613 (F) have HIV/AIDS;
- 614 (G) are survivors of domestic violence;
- 615 (H) are veterans; and
- 616 (I) are unaccompanied youth 24 years old or younger;
- 617 (iii) the number of individuals who exited homeless services since the last report by:
- 618 (A) type of homelessness;
- 619 (B) subpopulation; and
- 620 (C) exit destination; [~~and~~]
- 621 (iv) progress, by project type, on each goal established in accordance with Subsection
- 622 (3) [~~]~~ ;
- 623 (v) the extent to which homelessness has been made rare, brief, and nonrecurring; and
- 624 (vi) the data collected from service providers in accordance with Part 8, Homeless
- 625 Services Provider Program Requirements.
- 626 (b) The reports described in this Subsection (1) shall contain aggregated, de-identified
- 627 information.
- 628 (2) The office shall report the data described in Subsection (1):
- 629 (a) in the annual report required by Section 35A-16-203;
- 630 (b) on or before October 1 of each year, through an oral presentation to the Economic
- 631 Development and Workforce Services Interim Committee; and
- 632 (c) on a data dashboard for the public with specific additional data points recommended
- 633 by the board.
- 634 (3) The board and the local homeless councils shall jointly establish quarterly goals for
- 635 each project type.
- 636 (4) The board and the local homeless councils shall jointly make annual progress reports
- 637 identifying:
- 638 (a) the percentage of clients:
- 639 (i) screened for social needs; and
- 640 (ii) referred for services that match the clients' social needs;
- 641 (b) the percentage of clients subsequently referred to community-based providers who
- 642 can:

- 643 (i) address the client's needs;
- 644 (ii) follow-up on status of addressing the client's needs; and
- 645 (iii) report back to the referring entity;
- 646 (c) the number of youth receiving parent or guardian bereavement support services; and
- 647 (d) the number of clients with:
- 648 (i) a successful exit;
- 649 (ii) an unsuccessful exit;
- 650 (iii) a neutral exit; and
- 651 (iv) continued enrollment in the project.

652 Section 10. Section **35A-16-401** is amended to read:

653 **35A-16-401 . Definitions.**

654 As used in this part:

- 655 (1) "Account" means the Homeless Shelter Cities Mitigation Restricted Account created in  
656 Section 35A-16-402.
- 657 (2) "Authorized provider" means a nonprofit provider of homeless services that is  
658 authorized by a third-tier eligible municipality to operate a temporary winter response  
659 shelter within the municipality in accordance with Part 5, Winter Response Plan  
660 Requirements.
- 661 (3) "Eligible municipality" means:
- 662 (a) a first-tier eligible municipality;
- 663 (b) a second-tier eligible municipality; or
- 664 (c) a third-tier eligible municipality.
- 665 (4) "Eligible services" means any activities or services that mitigate the impacts of the  
666 location of an eligible shelter, including direct services, public safety services, and  
667 emergency services, as further defined by rule made by the office in accordance with  
668 Title 63G, Chapter 3, Utah Administrative Rulemaking Act.
- 669 (5) "Eligible shelter" means:
- 670 (a) for a first-tier eligible municipality, a homeless shelter that:
- 671 (i) has the capacity to provide temporary shelter to at least 80 individuals per night,  
672 as verified by the office;
- 673 (ii) operates year-round; and
- 674 (iii) is not subject to restrictions that limit the hours, days, weeks, or months of  
675 operation;
- 676 (b) for a second-tier municipality, a homeless shelter that:

- 677 (i) has the capacity to provide temporary shelter to at least 25 individuals per night,  
 678 as verified by the office;
- 679 (ii) operates year-round; and
- 680 (iii) is not subject to restrictions that limit the hours, days, weeks, or months of  
 681 operation; and
- 682 (c) for a third-tier eligible municipality, a homeless shelter that:
- 683 (i)(A) has the capacity to provide temporary shelter to at least 50 individuals per  
 684 night, as verified by the office; and
- 685 (B) operates for no less than three months during the period beginning October 1  
 686 and ending April 30 of the following year; or
- 687 ~~(ii)(A) meets the definition of a homeless shelter under Section 35A-16-501; and]~~
- 688 (A) provides temporary shelter to individuals experiencing homelessness;
- 689 (B) operates year-round; and
- 690 (C) is not subject to restrictions that limit the hours, days, weeks, or months of  
 691 operation.
- 692 ~~[(B) contains beds that are utilized as part of a county's winter response plan under~~  
 693 ~~Section 35A-16-502.]~~
- 694 (6) "Homeless shelter" means a facility that provides or is proposed to provide temporary  
 695 shelter to individuals experiencing homelessness.
- 696 (7) "Municipality" means a city or town.
- 697 (8) "Public safety services" means law enforcement, emergency medical services, or fire  
 698 protection.
- 699 (9) "Third-tier eligible municipality" means a municipality that:
- 700 (a) as determined by the office, has or is proposed to have an eligible shelter within the  
 701 municipality's geographic boundaries within the following fiscal year; and
- 702 (b) due to the location of an eligible shelter within the municipality's geographic  
 703 boundaries, requires eligible services.
- 704 Section 11. Section **35A-16-402** is amended to read:
- 705 **35A-16-402 . Homeless Shelter Cities Mitigation Restricted Account -- Formula**  
 706 **for disbursing account funds to eligible municipalities.**
- 707 (1) There is created a restricted account within the General Fund known as the Homeless  
 708 Shelter Cities Mitigation Restricted Account.
- 709 (2) The account shall be funded by:
- 710 (a) local sales and use tax revenue deposited into the account in accordance with Section

- 711 59-12-205;
- 712 (b) interest earned on the account; and
- 713 (c) appropriations made to the account by the Legislature.
- 714 (3) The office shall administer the account.
- 715 (4)(a) Subject to appropriations, the office shall annually disburse funds from the
- 716 account as follows:
- 717 (i) 87.5% shall be disbursed to first-tier eligible municipalities that have been
- 718 approved to receive account funds under Section 35A-16-403, of which:
- 719 (A) 70% of the amount described in Subsection (4)(a)(i) shall be disbursed
- 720 proportionately among applicants based on the total number of individuals
- 721 experiencing homelessness who are served by eligible shelters within each
- 722 municipality, as determined by the office;
- 723 (B) 20% of the amount described in Subsection (4)(a)(i) shall be disbursed
- 724 proportionately among applicants based on the total number of individuals
- 725 experiencing homelessness who are served by eligible shelters within each
- 726 municipality as compared to the total population of the municipality, as
- 727 determined by the office; and
- 728 (C) 10% of the amount described in Subsection (4)(a)(i) shall be disbursed
- 729 proportionately among applicants based on the total year-round capacity of all
- 730 eligible shelters within each municipality, as determined by the office;
- 731 (ii) 2.5% shall be disbursed to second-tier eligible municipalities that have been
- 732 approved to receive account funds under Section 35A-16-403, of which:
- 733 (A) 70% of the amount described in Subsection (4)(a)(ii) shall be disbursed
- 734 proportionately among applicants based on the total number of individuals
- 735 experiencing homelessness who are served by eligible shelters within each
- 736 municipality, as determined by the office;
- 737 (B) 20% of the amount described in Subsection (4)(a)(ii) shall be disbursed
- 738 proportionately among applicants based on the total number of individuals
- 739 experiencing homelessness who are served by eligible shelters within each
- 740 municipality as compared to the total population of the municipality, as
- 741 determined by the office; and
- 742 (C) 10% of the amount described in Subsection (4)(a)(ii) shall be disbursed
- 743 proportionately among applicants based on the total year-round capacity of all
- 744 eligible shelters within each municipality, as determined by the office; and

- 745 (iii) 10% shall be disbursed to third-tier eligible municipalities that have been  
746 approved to receive account funds under Section 35A-16-403, in accordance with  
747 a formula established by the office and approved by the board.
- 748 (b) In disbursing funds to second-tier municipalities under Subsection (4)(a)(ii), the  
749 maximum amount of funds that the office may disburse each year to a single  
750 second-tier municipality may not exceed 50% of the total amount of funds disbursed  
751 under Subsection (4)(a)(ii).
- 752 (c) The office may disburse funds under Subsection (4)(a)(iii) to an authorized provider  
753 of a third-tier eligible municipality.
- 754 (d) The office may disburse funds to a third-tier municipality or an authorized provider  
755 under Subsection (4)(a)(iii) regardless of whether the municipality receives funds  
756 under Subsection (4)(a)(i) as a first-tier municipality or funds under Subsection  
757 (4)(a)(ii) as a second-tier municipality.
- 758 (e) If any account funds are available to the office for disbursement under this section  
759 after making the disbursements required in Subsection (4)(a), the office may disburse  
760 the available account funds to third-tier municipalities that have been approved to  
761 receive account funds under Section 35A-16-403.
- 762 (f)(i) Notwithstanding any other provision in this section, if an eligible municipality  
763 requests account funds under Section 35A-16-403 and the request is denied for the  
764 sole reason that the municipality has failed to comply with the requirements of  
765 Subsection 35A-16-403(2)[~~(g)(i)~~] (h)(i), the office may disburse the account funds  
766 that the municipality would otherwise have received to:
- 767 (A) eligible municipalities in accordance with the provisions of this Subsection  
768 (4); or
- 769 (B) subject to Subsection (4)(f)(ii), the Department of Public Safety.
- 770 (ii)(A) The office may not disburse account funds to the Department of Public  
771 Safety under Subsection (4)(f)(i) unless the disbursement is recommended and  
772 approved by the board.
- 773 (B) The Department of Public Safety shall use any account funds received under  
774 Subsection (4)(f)(i) to assist in the enforcement of state laws that promote the  
775 safety or well-being of individuals experiencing homelessness.
- 776 (5) In disbursing account funds to municipalities under Subsection (4), the office may not  
777 consider the capacity of an eligible shelter to qualify a municipality for multiple tiers of  
778 funding.

- 779 (6) The office may use up to 2.75% of any appropriations made to the account by the  
780 Legislature to offset the office's administrative expenses under this part.
- 781 (7) In accordance with Section 63J-1-602.1, appropriations from the account are nonlapsing.
- 782 (8) The office may disburse any uncommitted account funds to municipalities under this  
783 section in the following year.

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

785 **35A-16-403 . Eligible municipality application process for Homeless Shelter**  
786 **Cities Mitigation Restricted Account funds.**

- 787 (1) An eligible municipality may apply for account funds to mitigate the impacts of the  
788 location of an eligible shelter through the provision of eligible services within the  
789 eligible municipality's boundaries.
- 790 (2)(a) The board shall set aside time on the agenda of a board meeting that occurs before  
791 the beginning of the next fiscal year to allow an eligible municipality to present a  
792 request for account funds for that next fiscal year.
- 793 (b) An eligible municipality may present a request for account funds by:
- 794 (i) sending an electronic copy of the request to the board before the meeting; and  
795 (ii) appearing at the meeting to present the request.
- 796 (c) The request described in Subsection (2)(b)(i) shall contain:
- 797 (i) a proposal outlining the need for eligible services, including a description of each  
798 eligible service for which the eligible municipality requests account funds;  
799 (ii) a description of the eligible municipality's proposed use of account funds;  
800 (iii) a description of the outcomes that the funding would be used to achieve,  
801 including indicators that would be used to measure progress toward the specified  
802 outcomes; and  
803 (iv) the amount of account funds requested.
- 804 (d)(i) On or before September 30, an eligible municipality that received account  
805 funds during the previous fiscal year shall file electronically with the board a  
806 report that includes:
- 807 (A) a summary of the amount of account funds that the eligible municipality  
808 expended and the eligible municipality's specific use of those funds;  
809 (B) an evaluation of the eligible municipality's effectiveness in using the account  
810 funds to address the eligible municipality's needs due to the location of an  
811 eligible shelter;  
812 (C) an evaluation of the eligible municipality's progress regarding the outcomes



- 813 and indicators described in Subsection (2)(c)(iii); and
- 814 (D) any proposals for improving the eligible municipality's effectiveness in using
- 815 account funds that the eligible municipality may receive in future fiscal years.
- 816 (ii) The board may request additional information as needed to make the evaluation
- 817 described in Subsection (2)(e).
- 818 (e) The board shall evaluate a request made in accordance with this Subsection (2) and
- 819 may take the following factors into consideration in determining whether to approve
- 820 or deny the request:
- 821 (i) the strength of the proposal that the eligible municipality provided to support the
- 822 request;
- 823 (ii) if the eligible municipality received account funds during the previous fiscal year,
- 824 the efficiency with which the eligible municipality used any account funds during
- 825 the previous fiscal year;
- 826 (iii) the availability of funding for the eligible municipality under Subsection
- 827 35A-16-402(4);
- 828 (iv) the availability of alternative funding for the eligible municipality to address the
- 829 eligible municipality's needs due to the location of an eligible shelter; and
- 830 (v) any other considerations identified by the board.
- 831 (f)(i) In the event that total requests under this Subsection (2) exceed available funds
- 832 in the Homeless Shelter Cities Mitigation Restricted Account, the board shall
- 833 prioritize approving requests that propose to use funding on services directly
- 834 related to supporting goals or implementing innovative practices identified by the
- 835 board pursuant to 35A-16-205.
- 836 (ii) If a request primarily proposes to use funding to supplement an eligible
- 837 municipality's regular costs for law enforcement personnel, including overtime
- 838 pay, the board shall deprioritize that request.
- 839 (g) After making the evaluation described in Subsection (2)(e) and the prioritization
- 840 described in Subsection (2)(f), and subject to Subsection [~~(2)(g)~~] (2)(h), the board
- 841 shall vote to either approve or deny, in whole or in part, an eligible municipality's
- 842 request for account funds.
- 843 [~~(g)~~] (h)(i) In addition to the evaluation under Subsection (2)(e), the board may not
- 844 approve an eligible municipality's request to receive account funds under this
- 845 section unless the eligible municipality:
- 846 (A) enforces an ordinance that prohibits camping;

847 (B) enforces an ordinance or other applicable state law prohibiting conduct that  
 848 impedes or blocks traffic in violation of Subsection 41-6a-1009(4); and  
 849 (C) demonstrates improvement in reducing the conduct described in Subsections [  
 850 ~~(2)(g)(i)(A)~~] (2)(h)(i)(A) and (B).

851 (ii) In determining whether an eligible municipality has demonstrated improvement  
 852 under Subsection [~~(2)(g)(i)(C)~~,] (2)(h)(i)(C), the board shall consider:

853 (A) the specific measures taken by the municipality to reduce the conduct  
 854 described in Subsections [~~(2)(g)(i)(A)~~] (2)(h)(i)(A) and (B), and the  
 855 effectiveness of those measures in reducing the conduct;

856 (B) the strategies utilized by the municipality in managing and improving public  
 857 spaces within the municipality, and the impact of these strategies on safety,  
 858 cleanliness, and the well-being of the community; and

859 (C) the gap between the number of individuals experiencing homelessness within  
 860 the municipality and the availability of beds at homeless shelters to which the  
 861 individuals experiencing homelessness have reasonable access, and any  
 862 changes to this gap over time.

863 (iii) The board may coordinate with the Department of Public Safety for the receipt  
 864 of quantitative and qualitative data to determine compliance with applicable state  
 865 and local laws.

866 (iv) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,  
 867 and with the approval of the board, the office shall make rules establishing  
 868 standards for the information required by an eligible municipality to demonstrate  
 869 improvement under Subsection [~~(2)(g)(i)(C)~~] (2)(h)(i)(C).

870 ~~[(h)]~~ (i) If the board approves an eligible municipality's request to receive account funds  
 871 under Subsection [~~(2)(f)~~] (2)(g), the office, subject to appropriation, shall calculate the  
 872 amount of funds for disbursement to the eligible municipality under Subsection  
 873 35A-16-402(4).

874 (3) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the  
 875 office shall make rules governing the process for calculating the amount of funds that an  
 876 eligible municipality may receive under Subsection 35A-16-402(4).

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

878 **Part 5. Winter Response Task Force**

879 **35A-16-501 . Definitions.**

880 As used in this part:

- 881 (1) "Applicable county" means a county of the first or second class.
- 882 (2) "Applicable local homeless council" means the local homeless council that is  
883 responsible for coordinating homeless response within an applicable county.
- 884 (3) "Board" means the Utah Homeless Services Board created in Section 35A-16-204.
- 885 ~~[(3) "Capacity limit" means a limit as to the number of individuals that a homeless shelter  
886 may provide overnight shelter to under a conditional use permit.]~~
- 887 (4) "Chief executive officer" means the same as that term is defined in Section 11-51-102.
- 888 ~~[(5) "Community location" means the same as that term is defined in Section 10-8-41.6.]~~
- 889 ~~[(6)] (5) "Conference of mayors" means an association consisting of the mayor of each  
890 municipality located within a county.~~
- 891 ~~[(7)] (6) "Council of governments" means the same as that term is defined in Section  
892 72-2-117.5.~~
- 893 ~~[(8)] (7) "County winter response task force" or "task force" means a task force described in  
894 Section 35A-16-501.5.~~
- 895 ~~[(9) "Homeless shelter" means a facility that:]~~
- 896 ~~[(a) provides temporary shelter to individuals experiencing homelessness;]~~
- 897 ~~[(b) operates year-round; and]~~
- 898 ~~[(c) is not subject to restrictions that limit the hours, days, weeks, or months of operation.]~~
- 899 ~~[(10)] (8) "Municipality" means a city or town.~~
- 900 ~~[(11) "State facility" means the same as that term is defined in Section 63A-5b-1001.]~~
- 901 ~~[(12) "Subsequent winter response period" means the winter response period that begins on  
902 October 15 of the year in which a county winter response task force is required to submit  
903 a winter response plan to the office under Section 35A-16-502.]~~
- 904 ~~[(13) "Targeted winter response bed count" means the targeted bed count number for an  
905 applicable county during the winter response period, as determined jointly by the  
906 applicable local homeless council and the office.]~~
- 907 ~~[(14)] (9) "Temporary winter response shelter" means a facility that:~~
- 908 ~~(a) provides temporary emergency shelter to individuals experiencing homelessness  
909 during a winter response period; and~~
- 910 ~~(b) does not operate year-round.~~
- 911 ~~[(15)] (10) "Winter response period" means the period beginning October 15 and ending  
912 April 30 of the following year.~~
- 913 ~~[(16) "Winter response plan" means the plan described in Section 35A-16-502.]~~
- 914 Section 14. Section **35A-16-501.5** is amended to read:

915 **35A-16-501.5 . County winter response task force.**

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

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

- 923 (i) the chief executive officer of Salt Lake County, or the chief executive officer's  
924 designee;
- 925 (ii) the chief executive officer, or the chief executive officer's designee, of each of the  
926 following 11 municipalities:
- 927 (A) Draper;
- 928 (B) Midvale;
- 929 (C) Millcreek;
- 930 (D) Murray;
- 931 (E) Salt Lake City;
- 932 (F) Sandy;
- 933 (G) South Jordan;
- 934 (H) South Salt Lake;
- 935 (I) Taylorsville;
- 936 (J) West Jordan; and
- 937 (K) West Valley City; and
- 938 (iii) the chief executive officer, or the chief executive officer's designee, of any two  
939 municipalities located in Salt Lake County that are not described in Subsection  
940 (2)(a)(ii), appointed by the conference of mayors of Salt Lake County.

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

- 943 (i) the chief executive officer of the applicable county, or the chief executive officer's  
944 designee; and
- 945 (ii) the chief executive officer, or the chief executive officer's designee, of a number  
946 of municipalities located in the applicable county that the conference of mayors of  
947 the applicable county considers to be appropriate, appointed by the conference of  
948 mayors of the applicable county.

- 949 (3) In addition to the voting members required in Subsection (2), a task force shall include  
950 the following nonvoting members:
- 951 (a) the coordinator, or the coordinator's designee;
  - 952 (b) one representative of the Utah League of Cities and Towns, appointed by the Utah  
953 League of Cities and Towns, or the representative's designee;
  - 954 (c) one representative of the Utah Association of Counties, appointed by the Utah  
955 Association of Counties, or the representative's designee;
  - 956 (d) two individuals experiencing homelessness or having previously experienced  
957 homelessness, appointed by the applicable local homeless council;
  - 958 (e) three representatives of the applicable local homeless council, appointed by the  
959 applicable local homeless council, or the representative's designee; and
  - 960 (f) any other individual appointed by the council of governments of the applicable  
961 county.
- 962 (4)(a) Any vacancy on a task force shall be filled in the same manner as the appointment  
963 of the member whose vacancy is being filled.
- 964 (b) Each member of a task force shall serve until a successor is appointed.
- 965 (5) A majority of the voting members of a task force constitutes a quorum and may act on  
966 behalf of the task force.
- 967 (6) A task force shall:
- 968 (a) select officers from the task force's members as the task force finds necessary; and
  - 969 (b) meet as necessary to effectively conduct the task force's business and duties as  
970 prescribed by statute.
- 971 (7) A task force may establish one or more working groups as is deemed appropriate to  
972 assist on specific issues related to the task force's duties[~~, including a working group for  
973 site selection of temporary winter response shelters~~].
- 974 (8)(a) A task force member may not receive compensation or benefits for the task force  
975 member's service.
- 976 (b) A task force member may receive per diem and travel expenses in accordance with:
- 977 (i) Section 63A-3-106;
  - 978 (ii) Section 63A-3-107; and
  - 979 (iii) rules made by the Division of Finance in accordance with Sections 63A-3-106  
980 and 63A-3-107.
- 981 (9) The applicable county for which a task force is convened shall provide administrative  
982 support to the task force.

983 (10) Meetings of the task force are not subject to Title 52, Chapter 4, Open and Public  
984 Meetings Act.

985 Section 15. Section **35A-16-801** is enacted to read:

986 **Part 8. Homeless Services Provider Program Requirements**

987 **35A-16-801 . Homeless services provider requirements -- Definitions -- Data**  
988 **collection -- Reporting -- Consequences of noncompliance.**

989 (1) As used in this part:

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

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

999 (c) "Surviving" means an individual who is experiencing homelessness is able to secure  
1000 the individual's basic needs, including food and shelter, including temporary shelter,  
1001 by relying upon supportive services.

1002 (d) "Thriving" means an individual who experienced homelessness is able to secure and  
1003 support the individual's basic needs, including food and shelter and who is actively  
1004 engaged in personal development and is experiencing a sense of purpose and  
1005 fulfillment.

1006 (2) A service provider shall design and administer a homeless services program that  
1007 recognizes a homeless individual's human dignity, as provided in Section 35A-16-205.

1008 (3) The services described in Subsection (2) shall include evidence-based and measurable  
1009 services to assist in a client's progress and transition along the pathway of human dignity.

1010 (4) A service provider shall measure the progress and transition described in Subsection (3)  
1011 in areas that include:

1012 (a) daily living;

1013 (b) education;

1014 (c) emergency services;

1015 (d) employment;

1016 (e) housing;

- 1017 (f) income;  
1018 (g) legal rights;  
1019 (h) mental health;  
1020 (i) personal fulfillment;  
1021 (j) physical health;  
1022 (k) social relationships; and  
1023 (l) substance abuse.
- 1024 (5)(a) A service provider shall ensure that the services provided to an individual  
1025 experiencing homelessness, including tools and metrics used, preserve the  
1026 individual's human dignity and capacity for growth.
- 1027 (b) A service provider may not use tools or other metrics to stigmatize, disadvantage, or  
1028 arbitrarily score an individual or the services provided based upon the individual or  
1029 the individual's type of homelessness.
- 1030 (6) All services and programs provided by the service provider under this section, including  
1031 public health programs, harm-reduction services and programs, and trauma-informed  
1032 care shall demonstrate alignment with innovative practices that measurably assist  
1033 individuals in progressing along the pathway of human dignity.
- 1034 (7) No later than July 1 of each year, a service provider shall submit a written report to the  
1035 office, for inclusion in the office's annual report described in Section 35A-16-203, on the  
1036 data and measurable outcomes:
- 1037 (a) of the service provider's progress and implementation of the program requirements  
1038 under this section; and
- 1039 (b) on each individual client's progress and transition described in Subsection (4) along  
1040 the pathway to human dignity, including:
- 1041 (i) improvements in mental and behavioral health care;  
1042 (ii) reduction or absence of illicit substance use;  
1043 (iii) reduction in criminal activity; and  
1044 (iv) engagement in employment or volunteerism.
- 1045 (8) The office shall, under the direction of the coordinator, in accordance with Title 63G,  
1046 Chapter 3, Utah Administrative Rulemaking Act, make rules establishing standards for  
1047 the implementation, adaptation, and evaluation of the requirements under this section.
- 1048 (9) The coordinator may recommend to the board corrective measures, including funding  
1049 adjustments, for service providers that fail to comply with the requirements under this  
1050 section.

1051 Section 16. Section **35A-16-901** is enacted to read:

1052 **Part 9. Safety Requirements for Homeless Shelters**

1053 **35A-16-901 . Safety requirements for homeless shelters -- Requirements --**

1054 **Prohibitions -- Enforcement and penalties.**

1055 (1) As used in this part:

1056 (a) "Homeless shelter" means a facility that provides or is proposed to provide  
1057 temporary shelter to individuals experiencing homelessness.

1058 (b) "Homeless shelter" includes a temporary winter response shelter, as that term is  
1059 defined in Section 35A-16-501.

1060 (2) To ensure the safety and well-being of homeless shelter residents and staff, and the  
1061 surrounding communities, a homeless shelter shall:

1062 (a) maintain a zero-tolerance policy within the premises of the homeless shelter on the  
1063 use, possession, or distribution of an illegal drug;

1064 (b) develop and implement bag check procedures at points of entry and regular searches  
1065 of personal belongings to ensure the premises of the homeless shelter remain free  
1066 from prohibited items, including illegal drugs and weapons; and

1067 (c) cooperate with law enforcement, including:

1068 (i) providing an employee of a law enforcement agency access to the premises to  
1069 conduct random checks for illegal drugs using trained K9 units, which shall be  
1070 conducted at intervals determined by local law enforcement; or

1071 (ii) providing a client's name and identifying information to an employee of a law  
1072 enforcement agency to the extent the disclosure is:

1073 (A) necessary to avoid a significant risk to public safety;

1074 (B) in aid of an ongoing investigation; or

1075 (C) as required by state or federal law.

1076 (3) A homeless shelter that fails to comply with this section may be assessed a penalty,  
1077 including a fine, suspension of an operated license, or other penalties that may be  
1078 assessed by the board or as provided for in state or federal law.

1079 Section 17. Section **58-37-8** is amended to read:

1080 **58-37-8 . Prohibited acts -- Penalties.**

1081 (1) Prohibited acts A -- Penalties and reporting:

1082 (a) Except as authorized by this chapter, it is unlawful for a person to knowingly and  
1083 intentionally:

1084 (i) produce, manufacture, or dispense, or to possess with intent to produce,



- 1085 manufacture, or dispense, a controlled or counterfeit substance;
- 1086 (ii) distribute a controlled or counterfeit substance, or to agree, consent, offer, or
- 1087 arrange to distribute a controlled or counterfeit substance;
- 1088 (iii) possess a controlled or counterfeit substance with intent to distribute; or
- 1089 (iv) engage in a continuing criminal enterprise where:
- 1090 (A) the person participates, directs, or engages in conduct that results in a
- 1091 violation of this chapter, Chapter 37a, Utah Drug Paraphernalia Act, Chapter
- 1092 37b, Imitation Controlled Substances Act, Chapter 37c, Utah Controlled
- 1093 Substance Precursor Act, or Chapter 37d, Clandestine Drug Lab Act, that is a
- 1094 felony; and
- 1095 (B) the violation is a part of a continuing series of two or more violations of this
- 1096 chapter, Chapter 37a, Utah Drug Paraphernalia Act, Chapter 37b, Imitation
- 1097 Controlled Substances Act, Chapter 37c, Utah Controlled Substance Precursor
- 1098 Act, or Chapter 37d, Clandestine Drug Lab Act, on separate occasions that are
- 1099 undertaken in concert with five or more persons with respect to whom the
- 1100 person occupies a position of organizer, supervisor, or any other position of
- 1101 management.
- 1102 (b) A person convicted of violating Subsection (1)(a) with respect to:
- 1103 (i) a substance or a counterfeit of a substance classified in Schedule I or II, a
- 1104 controlled substance analog, or gammahydroxybutyric acid as listed in Schedule
- 1105 III is guilty of a second degree felony, punishable by imprisonment for not more
- 1106 than 15 years, and upon a second or subsequent conviction is guilty of a first
- 1107 degree felony;
- 1108 (ii) a substance or a counterfeit of a substance classified in Schedule III or IV, or
- 1109 marijuana, or a substance listed in Section 58-37-4.2 is guilty of a third degree
- 1110 felony, and upon a second or subsequent conviction is guilty of a second degree
- 1111 felony; or
- 1112 (iii) a substance or a counterfeit of a substance classified in Schedule V is guilty of a
- 1113 class A misdemeanor and upon a second or subsequent conviction is guilty of a
- 1114 third degree felony.
- 1115 (c)(i) Except as provided in Subsection (1)(c)(ii), a person who has been convicted of
- 1116 a violation of Subsection (1)(a)(ii) or (iii) may be sentenced to imprisonment for
- 1117 an indeterminate term as described in Subsection (1)(b) and Title 76, Chapter 3,
- 1118 Punishments.

- 1119 (ii) The court shall impose an indeterminate prison term for a person who has been  
1120 convicted of a violation of Subsection (1)(a)(ii) or (iii) that is a first degree felony  
1121 or a second degree felony if the trier of fact finds beyond a reasonable doubt that,  
1122 during the commission or furtherance of the violation, the person intentionally or  
1123 knowingly:
- 1124 (A) used, drew, or exhibited a dangerous weapon, as that term is defined in  
1125 Section 76-10-501, that is not a firearm, in an angry, threatening, intimidating,  
1126 or coercive manner;
- 1127 (B) used a firearm or had a firearm readily accessible for immediate use, as those  
1128 terms are defined in Section 76-10-501; or
- 1129 (C) distributed a firearm, as that term is defined in Section 76-10-501, or  
1130 possessed a firearm with intent to distribute the firearm.
- 1131 (iii) Notwithstanding Subsection (1)(c)(ii), a court may suspend the indeterminate  
1132 prison term for a person convicted under Subsection (1)(c)(ii) if the court:
- 1133 (A) details on the record the reasons why it is in the interests of justice not to  
1134 impose the indeterminate prison term;
- 1135 (B) makes a finding on the record that the person does not pose a significant  
1136 safety risk to the public; and
- 1137 (C) orders the person to complete the terms and conditions of supervised  
1138 probation provided by the Department of Corrections.
- 1139 (d)(i) A person convicted of violating Subsection (1)(a)(iv) is guilty of a first degree  
1140 felony punishable by imprisonment for an indeterminate term of not less than:
- 1141 (A) seven years and which may be for life; or
- 1142 (B) 15 years and which may be for life if the trier of fact determined that the  
1143 defendant knew or reasonably should have known that any subordinate under  
1144 Subsection (1)(a)(iv)(B) was under 18 years old.
- 1145 (ii) Imposition or execution of the sentence may not be suspended, and the person is  
1146 not eligible for probation.
- 1147 (iii) Subsection (1)(d)(i)(B) does not apply to any defendant who, at the time of the  
1148 offense, was under 18 years old.
- 1149 (e) The Administrative Office of the Courts shall report to the Division of Professional  
1150 Licensing the name, case number, date of conviction, and if known, the date of birth  
1151 of each person convicted of violating Subsection (1)(a).
- 1152 (2) Prohibited acts B -- Penalties and reporting:

- 1153 (a) It is unlawful:
- 1154 (i) for a person knowingly and intentionally to possess or use a controlled substance
- 1155 analog or a controlled substance, unless it was obtained under a valid prescription
- 1156 or order, directly from a practitioner while acting in the course of the person's
- 1157 professional practice, or as otherwise authorized by this chapter;
- 1158 (ii) for an owner, tenant, licensee, or person in control of a building, room, tenement,
- 1159 vehicle, boat, aircraft, or other place knowingly and intentionally to permit them
- 1160 to be occupied by persons unlawfully possessing, using, or distributing controlled
- 1161 substances in any of those locations; or
- 1162 (iii) for a person knowingly and intentionally to possess an altered or forged
- 1163 prescription or written order for a controlled substance.
- 1164 (b) A person convicted of violating Subsection (2)(a)(i) with respect to:
- 1165 (i) marijuana, if the amount is 100 pounds or more, is guilty of a second degree
- 1166 felony; or
- 1167 (ii) a substance classified in Schedule I or II, or a controlled substance analog, is
- 1168 guilty of a class A misdemeanor on a first or second conviction, and on a third or
- 1169 subsequent conviction if each prior offense was committed within seven years
- 1170 before the date of the offense upon which the current conviction is based is guilty
- 1171 of a third degree felony.
- 1172 (c) Upon a person's conviction of a violation of this Subsection (2) subsequent to a
- 1173 conviction under Subsection (1)(a), that person shall be sentenced to a one degree
- 1174 greater penalty than provided in this Subsection (2).
- 1175 (d)(i) A person who violates Subsection (2)(a)(i) with respect to all other controlled
- 1176 substances not included in Subsection (2)(b)(i) or (ii), including a substance listed
- 1177 in Section 58-37-4.2, or marijuana, is guilty of a class B misdemeanor.
- 1178 [(+)] (ii) Upon a third conviction the person is guilty of a class A misdemeanor, if each
- 1179 prior offense was committed within seven years before the date of the offense
- 1180 upon which the current conviction is based.
- 1181 [(+)] (iii) Upon a fourth or subsequent conviction the person is guilty of a third degree
- 1182 felony if each prior offense was committed within seven years before the date of
- 1183 the offense upon which the current conviction is based.
- 1184 (e) A person convicted of violating Subsection (2)(a)(i) while inside the exterior
- 1185 boundaries of property occupied by a correctional facility as defined in Section
- 1186 64-13-1 or a public jail or other place of confinement shall be sentenced to a penalty

- 1187 one degree greater than provided in Subsection (2)(b), and if the conviction is with  
1188 respect to controlled substances as listed in:
- 1189 (i) Subsection (2)(b), the person may be sentenced to imprisonment for an  
1190 indeterminate term as provided by law, and:  
1191 (A) the court shall additionally sentence the person convicted to a term of one year  
1192 to run consecutively and not concurrently; and  
1193 (B) the court may additionally sentence the person convicted for an indeterminate  
1194 term not to exceed five years to run consecutively and not concurrently; and  
1195 (ii) Subsection (2)(d), the person may be sentenced to imprisonment for an  
1196 indeterminate term as provided by law, and the court shall additionally sentence  
1197 the person convicted to a term of six months to run consecutively and not  
1198 concurrently.
- 1199 (f) A person convicted of violating Subsection (2)(a)(ii) or (iii) is:  
1200 (i) on a first conviction, guilty of a class B misdemeanor;  
1201 (ii) on a second conviction, guilty of a class A misdemeanor; and  
1202 (iii) on a third or subsequent conviction, guilty of a third degree felony.
- 1203 (g) The Administrative Office of the Courts shall report to the Division of Professional  
1204 Licensing the name, case number, date of conviction, and if known, the date of birth  
1205 of each person convicted of violating Subsection (2)(a).
- 1206 (3) Prohibited acts C -- Penalties:
- 1207 (a) It is unlawful for a person knowingly and intentionally:  
1208 (i) to use in the course of the manufacture or distribution of a controlled substance a  
1209 license number which is fictitious, revoked, suspended, or issued to another  
1210 person or, for the purpose of obtaining a controlled substance, to assume the title  
1211 of, or represent oneself to be, a manufacturer, wholesaler, apothecary, physician,  
1212 dentist, veterinarian, or other authorized person;  
1213 (ii) to acquire or obtain possession of, to procure or attempt to procure the  
1214 administration of, to obtain a prescription for, to prescribe or dispense to a person  
1215 known to be attempting to acquire or obtain possession of, or to procure the  
1216 administration of a controlled substance by misrepresentation or failure by the  
1217 person to disclose receiving a controlled substance from another source, fraud,  
1218 forgery, deception, subterfuge, alteration of a prescription or written order for a  
1219 controlled substance, or the use of a false name or address;  
1220 (iii) to make a false or forged prescription or written order for a controlled substance,

- 1221 or to utter the same, or to alter a prescription or written order issued or written  
 1222 under the terms of this chapter; or
- 1223 (iv) to make, distribute, or possess a punch, die, plate, stone, or other thing designed  
 1224 to print, imprint, or reproduce the trademark, trade name, or other identifying  
 1225 mark, imprint, or device of another or any likeness of any of the foregoing upon  
 1226 any drug or container or labeling so as to render a drug a counterfeit controlled  
 1227 substance.
- 1228 (b)(i) A first or second conviction under Subsection (3)(a)(i), (ii), or (iii) is a class A  
 1229 misdemeanor.
- 1230 (ii) A third or subsequent conviction under Subsection (3)(a)(i), (ii), or (iii) is a third  
 1231 degree felony.
- 1232 (c) A violation of Subsection (3)(a)(iv) is a third degree felony.
- 1233 (4) Prohibited acts D -- Penalties:
- 1234 (a) Notwithstanding other provisions of this section, and except as provided in  
 1235 Subsection (4)(b), a person not authorized under this chapter who commits any act  
 1236 that is unlawful under Subsection (1)(a) or Section 58-37b-4 is upon conviction  
 1237 subject to the penalties and classifications under this Subsection (4) if the trier of fact  
 1238 finds the act is committed:
- 1239 (i) in a public or private elementary or secondary school or on the grounds of any of  
 1240 those schools during the hours of 6 a.m. through 10 p.m.;
- 1241 (ii) in a public or private vocational school or postsecondary institution or on the  
 1242 grounds of any of those schools or institutions during the hours of 6 a.m. through  
 1243 10 p.m.;
- 1244 (iii) in or on the grounds of a preschool or child-care facility during the preschool's or  
 1245 facility's hours of operation;
- 1246 (iv) in a public park, amusement park, arcade, or recreation center when the public or  
 1247 amusement park, arcade, or recreation center is open to the public;
- 1248 (v) in or on the grounds of a house of worship as defined in Section 76-10-501;
- 1249 (vi) in or on the grounds of a library when the library is open to the public;
- 1250 (vii) in a homeless shelter, a temporary winter response shelter as defined in Section  
 1251 35A-16-501, a temporary homeless shelter as described in Title 35A, Chapter 16,  
 1252 Part 7, Code Blue Alert, or a permanent supportive housing facility that is licensed  
 1253 by the state in accordance with Title 26B, Chapter 2, Part 1, Human Services  
 1254 Programs and Facilities;

- 1255           ~~[(vii)]~~ (viii)(A) within an area that is within 100 feet of any structure, facility, or  
 1256           grounds included in Subsections (4)(a)(i) through ~~[(vi)]~~ (vii); or  
 1257           (B) 300 feet of any shelter or facility described in Subsection (4)(a)(vii);  
 1258           ~~[(viii)]~~ (ix) in the presence of a person younger than 18 years old, regardless of where  
 1259           the act occurs; or  
 1260           ~~[(ix)]~~ (x) for the purpose of facilitating, arranging, or causing the transport, delivery,  
 1261           or distribution of a substance in violation of this section to an inmate or on the  
 1262           grounds of a correctional facility as defined in Section 76-8-311.3.
- 1263           **(b) Subsection (4)(a)(viii) is limited to the distribution of a controlled or counterfeit**  
 1264           **substance as described in Subsection (1)(a) or Section 58-37b-4.**
- 1265           ~~[(b)]~~ (c)(i) A person convicted under this Subsection (4) is guilty of a first degree  
 1266           felony and shall be imprisoned for a term of not less than five years if the penalty  
 1267           that would otherwise have been established but for this Subsection (4) would have  
 1268           been a first degree felony.
- 1269           (ii) Imposition or execution of the sentence may not be suspended, and the person is  
 1270           not eligible for probation.
- 1271           ~~[(c)]~~ (d) If the classification that would otherwise have been established would have been  
 1272           less than a first degree felony but for this Subsection (4), a person convicted under  
 1273           this Subsection (4) is guilty of one degree more than the maximum penalty prescribed  
 1274           for that offense.
- 1275           ~~[(d)]~~ (e)(i) If the violation is of Subsection ~~[(4)(a)(ix)]~~ (4)(a)(x):
- 1276                   (A) the person may be sentenced to imprisonment for an indeterminate term as  
 1277                   provided by law, and the court shall additionally sentence the person convicted  
 1278                   for a term of one year to run consecutively and not concurrently; and  
 1279                   (B) the court may additionally sentence the person convicted for an indeterminate  
 1280                   term not to exceed five years to run consecutively and not concurrently; and  
 1281           (ii) the penalties under this Subsection (4)(d) apply also to a person who, acting with  
 1282           the mental state required for the commission of an offense, directly or indirectly  
 1283           solicits, requests, commands, coerces, encourages, or intentionally aids another  
 1284           person to commit a violation of Subsection ~~[(4)(a)(ix)]~~ (4)(a)(x).
- 1285           ~~[(e)]~~ (f) It is not a defense to a prosecution under this Subsection (4) that:
- 1286                   (i) the actor mistakenly believed the individual to be 18 years old or older at the time  
 1287                   of the offense or was unaware of the individual's true age; or  
 1288                   (ii) the actor mistakenly believed that the location where the act occurred was not as

- 1289 described in Subsection (4)(a) or was unaware that the location where the act  
1290 occurred was as described in Subsection (4)(a).
- 1291 (5) A violation of this chapter for which no penalty is specified is a class B misdemeanor.
- 1292 (6)(a) For purposes of penalty enhancement under Subsections (1) and (2), a plea of  
1293 guilty or no contest to a violation or attempted violation of this section or a plea  
1294 which is held in abeyance under Title 77, Chapter 2a, Pleas in Abeyance, is the  
1295 equivalent of a conviction, even if the charge has been subsequently reduced or  
1296 dismissed in accordance with the plea in abeyance agreement.
- 1297 (b) A prior conviction used for a penalty enhancement under Subsection (2) shall be a  
1298 conviction that is:
- 1299 (i) from a separate criminal episode than the current charge; and  
1300 (ii) from a conviction that is separate from any other conviction used to enhance the  
1301 current charge.
- 1302 (7) A person may be charged and sentenced for a violation of this section, notwithstanding  
1303 a charge and sentence for a violation of any other section of this chapter.
- 1304 (8)(a) A penalty imposed for violation of this section is in addition to, and not in lieu of,  
1305 a civil or administrative penalty or sanction authorized by law.
- 1306 (b) When a violation of this chapter violates a federal law or the law of another state,  
1307 conviction or acquittal under federal law or the law of another state for the same act  
1308 is a bar to prosecution in this state.
- 1309 (9) In any prosecution for a violation of this chapter, evidence or proof that shows a person  
1310 or persons produced, manufactured, possessed, distributed, or dispensed a controlled  
1311 substance or substances, is prima facie evidence that the person or persons did so with  
1312 knowledge of the character of the substance or substances.
- 1313 (10) This section does not prohibit a veterinarian, in good faith and in the course of the  
1314 veterinarian's professional practice only and not for humans, from prescribing,  
1315 dispensing, or administering controlled substances or from causing the substances to be  
1316 administered by an assistant or orderly under the veterinarian's direction and supervision.
- 1317 (11) Civil or criminal liability may not be imposed under this section on:
- 1318 (a) a person registered under this chapter who manufactures, distributes, or possesses an  
1319 imitation controlled substance for use as a placebo or investigational new drug by a  
1320 registered practitioner in the ordinary course of professional practice or research;
- 1321 (b) a law enforcement officer acting in the course and legitimate scope of the officer's  
1322 employment; or

- 1323 (c) a healthcare facility, substance use harm reduction services program, or drug  
1324 addiction treatment facility that temporarily possesses a controlled or counterfeit  
1325 substance to conduct a test or analysis on the controlled or counterfeit substance to  
1326 identify or analyze the strength, effectiveness, or purity of the substance for a public  
1327 health or safety reason.
- 1328 (12)(a) Civil or criminal liability may not be imposed under this section on any Indian,  
1329 as defined in Section 58-37-2, who uses, possesses, or transports peyote for bona fide  
1330 traditional ceremonial purposes in connection with the practice of a traditional Indian  
1331 religion as defined in Section 58-37-2.
- 1332 (b) In a prosecution alleging violation of this section regarding peyote as defined in  
1333 Section 58-37-4, it is an affirmative defense that the peyote was used, possessed, or  
1334 transported by an Indian for bona fide traditional ceremonial purposes in connection  
1335 with the practice of a traditional Indian religion.
- 1336 (c)(i) The defendant shall provide written notice of intent to claim an affirmative  
1337 defense under this Subsection (12) as soon as practicable, but not later than 10  
1338 days before trial.
- 1339 (ii) The notice shall include the specific claims of the affirmative defense.
- 1340 (iii) The court may waive the notice requirement in the interest of justice for good  
1341 cause shown, if the prosecutor is not unfairly prejudiced by the lack of timely  
1342 notice.
- 1343 (d) The defendant shall establish the affirmative defense under this Subsection (12) by a  
1344 preponderance of the evidence. If the defense is established, it is a complete defense  
1345 to the charges.
- 1346 (13)(a) It is an affirmative defense that the person produced, possessed, or administered  
1347 a controlled substance listed in Section 58-37-4.2 if the person was:
- 1348 (i) engaged in medical research; and
- 1349 (ii) a holder of a valid license to possess controlled substances under Section 58-37-6.
- 1350 (b) It is not a defense under Subsection (13)(a) that the person prescribed or dispensed a  
1351 controlled substance listed in Section 58-37-4.2.
- 1352 (14) It is an affirmative defense that the person possessed, in the person's body, a controlled  
1353 substance listed in Section 58-37-4.2 if:
- 1354 (a) the person was the subject of medical research conducted by a holder of a valid  
1355 license to possess controlled substances under Section 58-37-6; and
- 1356 (b) the substance was administered to the person by the medical researcher.



- 1357 (15) The application of any increase in penalty under this section to a violation of  
1358 Subsection (2)(a)(i) may not result in any greater penalty than a second degree felony.  
1359 This Subsection (15) takes precedence over any conflicting provision of this section.
- 1360 (16)(a) It is an affirmative defense to an allegation of the commission of an offense  
1361 listed in Subsection (16)(b) that the person or bystander:
- 1362 (i) reasonably believes that the person or another person is experiencing an overdose  
1363 event due to the ingestion, injection, inhalation, or other introduction into the  
1364 human body of a controlled substance or other substance;
  - 1365 (ii) reports, or assists a person who reports, in good faith the overdose event to a  
1366 medical provider, an emergency medical service provider as defined in Section  
1367 53-2d-101, a law enforcement officer, a 911 emergency call system, or an  
1368 emergency dispatch system, or the person is the subject of a report made under  
1369 this Subsection (16);
  - 1370 (iii) provides in the report under Subsection (16)(a)(ii) a functional description of the  
1371 actual location of the overdose event that facilitates responding to the person  
1372 experiencing the overdose event;
  - 1373 (iv) remains at the location of the person experiencing the overdose event until a  
1374 responding law enforcement officer or emergency medical service provider  
1375 arrives, or remains at the medical care facility where the person experiencing an  
1376 overdose event is located until a responding law enforcement officer arrives;
  - 1377 (v) cooperates with the responding medical provider, emergency medical service  
1378 provider, and law enforcement officer, including providing information regarding  
1379 the person experiencing the overdose event and any substances the person may  
1380 have injected, inhaled, or otherwise introduced into the person's body; and
  - 1381 (vi) is alleged to have committed the offense in the same course of events from which  
1382 the reported overdose arose.
- 1383 (b) The offenses referred to in Subsection (16)(a) are:
- 1384 (i) the possession or use of less than 16 ounces of marijuana;
  - 1385 (ii) the possession or use of a scheduled or listed controlled substance other than  
1386 marijuana; and
  - 1387 (iii) any violation of Chapter 37a, Utah Drug Paraphernalia Act, or Chapter 37b,  
1388 Imitation Controlled Substances Act.
- 1389 (c) As used in this Subsection (16) and in Section 76-3-203.11, "good faith" does not  
1390 include seeking medical assistance under this section during the course of a law

1391 enforcement agency's execution of a search warrant, execution of an arrest warrant,  
1392 or other lawful search.

1393 (17) If any provision of this chapter, or the application of any provision to any person or  
1394 circumstances, is held invalid, the remainder of this chapter shall be given effect without  
1395 the invalid provision or application.

1396 (18) A legislative body of a political subdivision may not enact an ordinance that is less  
1397 restrictive than any provision of this chapter.

1398 (19) If a minor who is under 18 years old is found by a court to have violated this section or  
1399 Subsection 76-5-102.1(2)(b) or 76-5-207(2)(b), the court may order the minor to  
1400 complete:

1401 (a) a screening as defined in Section 41-6a-501;

1402 (b) an assessment as defined in Section 41-6a-501 if the screening indicates an  
1403 assessment to be appropriate; and

1404 (c) an educational series as defined in Section 41-6a-501 or substance use disorder  
1405 treatment as indicated by an assessment.

1406 Section 18. **Repealer.**

1407 This bill repeals:

1408 Section **35A-16-502.5, County noncompliance with winter response plan requirements.**

1409 Section **35A-16-503, Rules.**

1410 Section **35A-16-502, Winter response plan required -- Contents -- Review --**

1411 **Consequences after determination of noncompliance.**

1412 Section 19. **Effective Date.**

1413 This bill takes effect on May 7, 2025.