

Tyler Clancy proposes the following substitute bill:

**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;
- creates the Shelter Counties Advisory Board to make recommendations to the Utah Homeless Board (board) regarding homeless services;
- provides for use of the Know-by-Name pilot program;
- requires the board to collect and report on certain data;
- provides that funds from the Pamela Atkinson Homeless Account may be used for certain transportation costs to connect the individual with a support network outside of the state;
- 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;
- 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;
- provides for penalties if a service provider that receives state or federal funds fails to comply with certain safety requirements;
- provides certain exceptions under the COVID-19 grant program for licensed residential vocational and life skills programs;

- 29       ▸ provides a sunset date for the Know-by-Name pilot program; and
- 30       ▸ makes technical and conforming changes.

31 **Money Appropriated in this Bill:**

32       None

33 **Other Special Clauses:**

34       None

35 **Utah Code Sections Affected:**

36 AMENDS:

- 37       **26B-5-382**, as enacted by Laws of Utah 2024, Chapter 204
- 38       **35A-16-102**, as last amended by Laws of Utah 2024, Chapter 338
- 39       **35A-16-202**, as last amended by Laws of Utah 2024, Chapters 338, 349
- 40       **35A-16-203**, as last amended by Laws of Utah 2024, Chapters 204, 338 and 349
- 41       **35A-16-204**, as repealed and reenacted by Laws of Utah 2024, Chapter 338
- 42       **35A-16-205**, as last amended by Laws of Utah 2024, Chapters 204, 338 and 349
- 43       **35A-16-205.1**, as enacted by Laws of Utah 2024, Chapter 204
- 44       **35A-16-207**, as last amended by Laws of Utah 2024, Chapter 349
- 45       **35A-16-208**, as enacted by Laws of Utah 2024, Chapter 338
- 46       **35A-16-302**, as last amended by Laws of Utah 2024, Chapters 204, 338
- 47       **35A-16-401**, as last amended by Laws of Utah 2024, Chapters 204, 338 and 438
- 48       **35A-16-403**, as last amended by Laws of Utah 2024, Chapters 204, 338
- 49       **35A-16-501**, as last amended by Laws of Utah 2024, Chapter 438
- 50       **35A-16-501.5**, as last amended by Laws of Utah 2024, Chapter 338
- 51       **35A-16-602**, as last amended by Laws of Utah 2024, Chapter 338
- 52       **58-37-8**
- 53       **63I-2-235**, as last amended by Laws of Utah 2024, Third Special Session, Chapter 5

54 ENACTS:

- 55       **35-16-210.1**, Utah Code Annotated 1953
- 56       **35A-16-801**, Utah Code Annotated 1953
- 57       **35A-16-901**, Utah Code Annotated 1953

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

60       Section 1. Section **26B-5-382** is amended to read:

61       **26B-5-382 . HOME Court Pilot Program -- Requirements -- Funding --**  
62 **Reporting.**

- 63 (1) As used in this section, "pilot program" means the HOME Court Pilot Program  
64 established in Subsection (2).
- 65 (2) Subject to appropriations from the Legislature and the assignment of a judge to preside  
66 over the proceedings, the Third Judicial District Court of Salt Lake County shall  
67 establish and administer a HOME Court Pilot Program beginning October 1, 2024, and  
68 ending June 30, 2029, that provides for comprehensive and individualized,  
69 court-supervised treatment and services to individuals with mental illness.
- 70 (3) The pilot program shall:
- 71 (a) allow a person to petition the court for an order requiring an individual's participation  
72 in the pilot program;
- 73 (b) require the court to substitute the local mental health authority as the petitioner if the  
74 initial petitioner is not the local mental health authority;
- 75 (c) provide an opportunity for the parties to enter into an agreement regarding an  
76 individual's participation in the pilot program, including a treatment plan, prior to a  
77 court order under Subsection (3)(e);
- 78 (d) provide for a hearing at which information is presented to determine whether an  
79 individual qualifies for court-ordered participation in the pilot program as provided in  
80 Subsection (3)(e);
- 81 (e) require the court to order an individual to participate in the pilot program if, upon  
82 completion of the hearing described in Subsection (3)(d), the court finds by clear and  
83 convincing evidence that:
- 84 (i) the individual resides or may be presently found within Salt Lake County;
- 85 (ii) the individual has a mental illness;
- 86 (iii) because of the individual's mental illness, the individual:
- 87 (A) is unlikely to survive or remain safe without supervision, assistance, or  
88 services; or
- 89 (B) meets the criteria described in Subsection 26B-5-351(14)(c)(i) or (ii);
- 90 (iv) there is no appropriate less-restrictive alternative to a court order for participation  
91 in the pilot program;
- 92 (v) the individual is likely to benefit from participation in the pilot program; and
- 93 (vi) there is adequate capacity within the pilot program to meet the individual's need  
94 for services described in Subsection (3)(f);
- 95 (f) upon the court's order for an individual to participate in the pilot program, require the  
96 local mental health authority to prepare a comprehensive and individualized

97 treatment plan, for approval by the court, that includes the following components for  
98 the individual to successfully achieve the purposes of the pilot program:

99 (i) mental health services;

100 (ii) housing resources;

101 (iii) social services;

102 (iv) case management;

103 (v) peer support;

104 (vi) exit or transition services; and

105 (vii) individualized goals for the successful completion of the pilot program;

106 (g) upon the court's approval of a treatment plan prepared by the local mental health  
107 authority:

108 (i) require the local mental health authority to coordinate services required for  
109 participation in the pilot program; and

110 (ii) require the court to conduct regular review hearings as deemed necessary to  
111 evaluate the individual's progress in completing the treatment plan; and

112 (h) operate in a manner that is consistent with the procedures for ordering assisted  
113 outpatient treatment under Section 26B-5-351.

114 (4)(a)(i) If a individual participating in the pilot program has an outstanding warrant  
115 or pending criminal matter in another Utah court, the Third Judicial District Court  
116 of Salt Lake County may notify the other court in which the individual has an  
117 outstanding warrant or pending criminal matter regarding the individual's  
118 participation in the pilot program.

119 (ii) Upon receiving notice of an individual's participation in the pilot program under  
120 Subsection (4)(a)(i), the other court may, if deemed appropriate, recall the warrant  
121 or stay the case in which the individual is involved unless the warrant or case  
122 involves a felony charge.

123 (iii) In determining whether to recall a warrant or stay a case under Subsection  
124 (4)(a)(ii), the other court shall consider the likelihood of the individual's  
125 successful completion of the pilot program, the severity of the pending charges,  
126 the impact on victims' rights, and the impact on the government's ability and right  
127 to prosecute the case.

128 (b)(i) If an individual described in Subsection (4)(a)(i) successfully completes the  
129 pilot program, the Third Judicial District Court of Salt Lake County may notify  
130 the other court in which the individual has an outstanding warrant or pending

- 131 criminal matter regarding the individual's successful completion of the pilot  
132 program.
- 133 (ii) Upon receiving notice of an individual's successful completion of the pilot  
134 program under Subsection (4)(b)(i), the other court shall consider the effect of the  
135 individual's completion of the pilot program on the case pending before that court,  
136 including the dismissal of criminal charges if deemed appropriate.
- 137 (5)(a) Costs of all services provided under the pilot program, including the costs  
138 incurred by the multidisciplinary team described in Subsection (5)(b)(ii)(B), shall be  
139 paid by Salt Lake County.
- 140 (b) If the Legislature appropriates money to the division for implementation of the pilot  
141 program, the division shall:
- 142 (i) require the local mental health authority, as part of the plan required under  
143 Subsection 17-43-301(6)(a)(ii), to submit to the division a proposal for  
144 implementation of the pilot program on or before May 15 of each year;
- 145 (ii) review the proposal described in Subsection (5)(b)(i) to ensure that the proposal:  
146 (A) meets the requirements of this section; and  
147 (B) establishes a multidisciplinary team, with a sufficient number of stakeholders,  
148 to adequately address the provision of treatment and services under the pilot  
149 program;
- 150 (iii) upon approval of the proposal described in Subsection (5)(b)(i), contract funds  
151 appropriated for the pilot program with the local mental health authority; and
- 152 (iv) conduct an annual audit and review of the local mental health authority, and any  
153 contracted provider, regarding the use of funds appropriated for the pilot program.
- 154 (c) The matching requirement in Subsection 17-41-301(6)(a)(x) does not apply to funds  
155 appropriated by the Legislature for the pilot program.
- 156 (d) Subject to appropriation by the Legislature, Salt Lake County may:
- 157 (i) apply to the division to receive funds to cover the county's costs under the pilot  
158 program; and
- 159 (ii) pay county contributions to the nonfederal share of Medicaid expenditures with  
160 funds appropriated for the pilot program.
- 161 (6) The department shall:
- 162 (a) establish and evaluate metrics for the success of the pilot program with input from  
163 the local mental health authority, the [~~Utah Homelessness Council~~] Utah Homeless  
164 Services Board created in Section 35A-16-204, and the Judicial Council; and

165 (b) in collaboration with the local mental health authority, submit to the Health and  
 166 Human Services Interim Committee a report on or before June 30 of each year,  
 167 beginning in calendar year 2025, regarding the outcomes of the pilot program.

168 Section 2. Section **35-16-210.1** is enacted to read:

169 **35-16-210.1 . Shelter Counties Advisory Board.**

170 (1) There is established the Shelter Counties Advisory Board.

171 (2) The Shelter Counties Advisory Board shall consist of the chief executive officer of each  
 172 county that maintains a homeless shelter year round, or the chief executive officer's  
 173 designee.

174 (3)(a) The Shelter Counties Advisory Board shall appoint, in accordance with this  
 175 section, one chief executive officer representing a county as a member to the board.

176 (b) The members of the Shelter Counties Advisory Board shall make an appointment, or  
 177 fill a vacancy, by a majority vote of all members of the Shelter Counties Advisory  
 178 Board who are present at the meeting during which an appointment is made.

179 (c) Section 35A-16-204 governs other terms of appointment.

180 (4) The Shelter Counties Advisory Board may make recommendations to the board  
 181 regarding improvements to coordinating and providing services to individuals  
 182 experiencing homelessness in the state.

183 (5) The office and an association representing at least two counties in the state shall jointly  
 184 provide staff and administrative support to the Shelter Counties Advisory Board.

185 Section 3. Section **35A-16-102** is amended to read:

186 **35A-16-102 . Definitions.**

187 As used in this chapter:

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

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

192 [(2)] (3) "Client" means an individual who is experiencing homelessness or an individual at  
 193 risk of becoming homeless.

194 [(3)] (4) "Chief executive officer" means the same as that term is defined in Section  
 195 11-51-102.

196 [(4)] (5) "Collaborative applicant" means the entity designated by a continuum of care to  
 197 collect and submit data and apply for funds on behalf of the continuum of care, as  
 198 required by the United States Department of Housing and Urban Development.

199 ~~[(5)]~~ (6) "Continuum of care" means a regional or local planning body designated by the  
 200 United States Department of Housing and Urban Development to coordinate services for  
 201 individuals experiencing homelessness within an area of the state.

202 ~~[(6)]~~ (7) "Coordinator" means the state homelessness coordinator appointed under Section  
 203 63J-4-202.

204 (8) "County of the first class" means the same as that term is defined in Section 17-50-501.

205 (9) "County of the second class" means the same as that term is defined in Section  
 206 17-50-501.

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

211 ~~[(7)]~~ (11) "Executive committee" means the executive committee of the board.

212 ~~[(8)]~~ (12) "Exit destination" means:

- 213 (a) a homeless situation;
- 214 (b) an institutional situation;
- 215 (c) a temporary housing situation;
- 216 (d) a permanent housing situation; or
- 217 (e) other.

218 ~~[(9)]~~ (13) "First-tier eligible municipality" means a municipality that:

- 219 (a) is located within a county of the first or second class;
- 220 (b) as determined by the office, has or is proposed to have an eligible shelter within the  
 221 municipality's geographic boundaries within the following fiscal year;
- 222 (c) due to the location of an eligible shelter within the municipality's geographic  
 223 boundaries, requires eligible services; and
- 224 (d) is certified as a first-tier eligible municipality in accordance with Section 35A-16-404.

225 ~~[(10)]~~ (14) "Homeless Management Information System" or "HMIS" means an information  
 226 technology system that:

- 227 (a) is used to collect client-level data and data on the provision of housing and services  
 228 to homeless individuals and individuals at risk of homelessness in the state; and
- 229 (b) meets the requirements of the United States Department of Housing and Urban  
 230 Development.

231 ~~[(11)]~~ (15) "Homeless services budget" means the comprehensive annual budget and  
 232 overview of all homeless services available in the state described in Subsection

233 35A-16-203(1)(b).

234 (16) "Know-by-Name case management system pilot program" means a homeless  
235 intervention program that shares the aggregated data from HMIS between service  
236 providers and caseworkers to identify and provide an individual experiencing  
237 homelessness with individualized services.

238 [(12)] (17) "Local homeless council" means a local planning body designated by the steering  
239 committee to coordinate services for individuals experiencing homelessness within an  
240 area of the state.

241 (18) "Nonrecurring" means that the total number of individuals who return to homelessness  
242 within two years of exiting the homeless service system is not greater than 5%.

243 [(13)] (19) "Office" means the Office of Homeless Services.

244 (20) "Rare" means the number of individuals experiencing homelessness within each  
245 subpopulation is less than the percentage threshold, as determined by the board, of the  
246 overall population.

247 (21) "Residential, vocational and life skills program" means the same as that term is defined  
248 in Section 13-53-102.

249 [(14)] (22) "Second-tier eligible municipality" means a municipality that:

- 250 (a) is located within a county of the third, fourth, fifth, or sixth class;
- 251 (b) as determined by the office, has or is proposed to have an eligible shelter within the  
252 municipality's geographic boundaries within the following fiscal year;
- 253 (c) due to the location of an eligible shelter within the municipality's geographic  
254 boundaries, requires eligible services; and
- 255 (d) is certified as a second-tier eligible municipality in accordance with Section  
256 35A-16-404.

257 [(15)] (23)(a) "Service provider" means a state agency, a local government, or a private  
258 organization that provides services to clients.

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

261 [(16)] (24) "Steering committee" means the Utah Homeless Network Steering Committee  
262 created in Section 35A-16-206.

263 [(17)] (25) "Strategic plan" means the statewide strategic plan to minimize homelessness in  
264 the state described in Subsection 35A-16-203(1)(c).

265 [(18)] (26) "Type of homelessness" means:

- 266 (a) chronic homelessness;



- 267 (b) episodic homelessness;  
268 (c) situational homelessness; or  
269 (d) family homelessness.

270 Section 4. Section **35A-16-202** is amended to read:

271 **35A-16-202 . Powers and duties of the office.**

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

- 273 (a) assist in providing homeless services in the state;  
274 (b) coordinate the provision of homeless services in the state;  
275 (c) manage, with the concurrence of continuum of care organizations approved by the  
276 United States Department of Housing and Urban Development, a Homeless  
277 Management Information System for the state that:  
278 (i) shares client-level data between service providers in the state;  
279 (ii) is effective as a case management system;  
280 (iii) except for individuals receiving services who are victims of domestic violence,  
281 includes an effective authorization protocol for encouraging individuals who are  
282 provided with any homeless services in the state to provide accurate information  
283 to providers for inclusion in the HMIS and, if applicable, Know-by-Name case  
284 management system pilot program; and  
285 (iv) meets the requirements of the United States Department of Housing and Urban  
286 Development and other federal requirements;  
287 (d) in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,  
288 make rules defining "successful exit," "unsuccessful exit," and "neutral exit"; and  
289 (e) provide support to the steering committee in developing the formula described in  
290 Section 35A-16-211.

291 (2) The office may:

- 292 (a) by following the procedures and requirements of Title 63J, Chapter 5, Federal Funds  
293 Procedures Act, seek federal grants, loans, or participation in federal programs; and  
294 (b) for any federal program that requires the expenditure of state funds as a condition for  
295 participation by the state in a fund, property, or service, with the governor's approval,  
296 expend whatever funds are necessary out of the money provided by the Legislature  
297 for the use of the office.

298 Section 5. Section **35A-16-203** is amended to read:

299 **35A-16-203 . Powers and duties of the coordinator.**

300 (1) The coordinator shall:

- 301 (a) coordinate the provision of homeless services in the state;
- 302 (b) in cooperation with the board, develop and maintain a comprehensive annual budget  
303 and overview of all homeless services available in the state, which homeless services  
304 budget shall receive final approval by the board;
- 305 (c) in cooperation with the board, create a statewide strategic plan to minimize  
306 homelessness in the state, which strategic plan shall receive final approval by the  
307 board;
- 308 (d) in cooperation with the board, oversee funding provided for the provision of  
309 homeless services, which funding shall receive final approval by the board, including  
310 funding from the:
- 311 (i) Pamela Atkinson Homeless Account created in Section 35A-16-301;
- 312 (ii) Homeless to Housing Reform Restricted Account created in Section 35A-16-303;  
313 and
- 314 (iii) Homeless Shelter Cities Mitigation Restricted Account created in Section  
315 35A-16-402;
- 316 (e) provide administrative support to and serve as a member of the board;
- 317 (f) at the governor's request, report directly to the governor on issues regarding  
318 homelessness in the state and the provision of homeless services in the state; and
- 319 (g) report directly to the president of the Senate and the speaker of the House of  
320 Representatives at least twice each year on issues regarding homelessness in the state  
321 and the provision of homeless services in the state.
- 322 (2) The coordinator, in cooperation with the board, shall ensure that the homeless services  
323 budget described in Subsection (1)(b) includes an overview and coordination plan for all  
324 funding sources for homeless services in the state, including from state agencies,  
325 continuum of care organizations, housing authorities, local governments, federal  
326 sources, and private organizations.
- 327 (3) The coordinator, in cooperation with the board and taking into account the metrics  
328 established and data reported in accordance with Section 35A-16-211, shall ensure that  
329 the strategic plan described in Subsection (1)(c):
- 330 (a) outlines specific goals and measurable benchmarks for minimizing homelessness in  
331 the state and for coordinating services for individuals experiencing homelessness  
332 among all service providers in the state;
- 333 (b) identifies [~~best practices~~] innovative strategies and recommends improvements to the  
334 provision of services to individuals experiencing homelessness in the state to ensure

- 335 the services are provided in a safe, cost-effective, and efficient manner;
- 336 (c) identifies [~~best practices~~] innovative strategies and recommends improvements in
- 337 coordinating the delivery of services to the variety of populations experiencing
- 338 homelessness in the state, including through the use of electronic databases and
- 339 improved data sharing among all service providers in the state;
- 340 (d) identifies gaps and recommends solutions in the delivery of services to the variety of
- 341 populations experiencing homelessness in the state; and
- 342 (e) takes into consideration the success of the HOME Court Pilot Program established in
- 343 Section 26B-5-382.
- 344 (4) In overseeing funding for the provision of homeless services as described in Subsection
- 345 (1)(d), the coordinator:
- 346 (a) shall prioritize the funding of programs and providers that have a documented history
- 347 of successfully reducing the number of individuals experiencing homelessness,
- 348 reducing the time individuals spend experiencing homelessness, moving individuals
- 349 experiencing homelessness to permanent housing, or reducing the number of
- 350 individuals who return to experiencing homelessness;
- 351 (b) except for a program or provider providing services to victims of domestic violence,
- 352 may not approve funding to a program or provider that does not enter into a written
- 353 agreement with the office to collect and share HMIS and, if applicable,
- 354 Know-by-Name case management system pilot program data regarding the provision
- 355 of services to individuals experiencing homelessness so that the provision of services
- 356 can be coordinated among state agencies, local governments, and private
- 357 organizations; and
- 358 (c) if the [~~homelessness council~~] board has approved a funding formula developed by the
- 359 steering committee, as described in Section 35A-16-205:
- 360 (i) except as provided in Subsection (4)(c)(ii), shall utilize that funding formula in
- 361 disbursing funds for the provision of homeless services; and
- 362 (ii) shall ensure that any federal funds not subject to the funding formula are
- 363 disbursed in accordance with any applicable federal requirements.
- 364 (5) In cooperation with the board, the coordinator shall update the annual statewide budget
- 365 and the strategic plan described in this section on an annual basis.
- 366 (6)(a) On or before October 1, the coordinator shall provide a written report to the
- 367 department for inclusion in the department's annual written report described in
- 368 Section 35A-1-109.

- 369 (b) The written report shall include:
- 370 (i) the homeless services budget;
- 371 (ii) the strategic plan;
- 372 (iii) recommendations regarding improvements to coordinating and providing
- 373 services to individuals experiencing homelessness in the state;
- 374 (iv) in coordination with the board, a complete accounting of the office's
- 375 disbursement of funds during the previous fiscal year from:
- 376 (A) the Pamela Atkinson Homeless Account created in Section 35A-16-301;
- 377 (B) the Homeless to Housing Reform Restricted Account created in Section
- 378 35A-16-303;
- 379 (C) the Homeless Shelter Cities Mitigation Restricted Account created in Section
- 380 35A-16-402;
- 381 (D) the COVID-19 Homeless Housing and Services Grant Program created in
- 382 Section 35A-16-602; and
- 383 (E) any other grant program created in statute that is administered by the office;
- 384 and
- 385 (v) the data described in Section 35A-16-211.

386 Section 6. Section **35A-16-204** is amended to read:

387 **35A-16-204 . Utah Homeless Services Board.**

- 388 (1) There is created within the office the Utah Homeless Services Board.
- 389 (2)(a) The board shall consist of the following members:
- 390 (i) a representative, appointed by the speaker of the House of Representatives;
- 391 (ii) a representative, appointed by the president of the Senate;
- 392 (iii) a private sector representative, appointed by the governor;
- 393 (iv) a representative, appointed by the governor;
- 394 (v) a statewide philanthropic leader, appointed by the Utah Impact Partnership or the
- 395 partnership's successor organization;
- 396 (vi) the mayor of Salt Lake City;
- 397 (vii) the chief executive officer appointed by the Shelter Cities Advisory Council in
- 398 accordance with Section 35A-16-210;
- 399 (viii) an individual with lived experience of homelessness, appointed by the chair of
- 400 the board;
- 401 [~~(viii) an elected official appointed by the Utah Association of Counties or the~~
- 402 ~~association's successor organization;]~~

- 403 (ix) [~~a county employee who oversees behavioral health,~~] a representative, appointed  
404 by the Utah Association of Counties or the association's successor organization;  
405 (x) an individual who represents the Utah Homeless Network; and  
406 (xi) the coordinator.
- 407 (b) The governor shall select a board member to serve as chair of the board.
- 408 (3) The following four members of the board shall serve as the executive committee:
- 409 (a) the coordinator; and  
410 (b) three board members chosen by the board chair, which shall include one of the  
411 members described in Subsection (2)(a)(vi) or (2)(a)(vii).
- 412 (4)(a) The board shall meet at least once per calendar quarter.
- 413 (b) The chair, the coordinator, or three of the board members may call a board meeting.  
414 (c) The individual calling the meeting shall provide notice of the meeting to the board  
415 members at least three calendar days in advance of the meeting.
- 416 (5) A majority of the voting members of the board constitutes a quorum of the board at any  
417 meeting, and the action of the majority of voting members present constitutes the action  
418 of the board.
- 419 (6)(a) A majority of members of the executive committee constitutes a quorum of the  
420 executive committee at any meeting, and the action of the majority of members  
421 present constitutes the action of the executive committee.
- 422 (b) The executive committee is exempt from the requirements described in Title 52,  
423 Chapter 4, Open and Public Meetings Act.
- 424 (7)(a) Except as required by Subsection (7)(c):  
425 (i) each appointed member of the board, other than a board member described in  
426 Subsection (2)(a)(vii), shall serve a four-year term; and  
427 (ii) the board member appointed in accordance with Subsection (2)(a)(vii) shall serve  
428 a two-year term.
- 429 (b) A board member may serve more than one term.
- 430 (c) The appointing authority, at the time of appointment or reappointment, may adjust  
431 the length of terms to ensure that the terms of board members are staggered so that  
432 approximately half of the appointed board members are appointed every two years.
- 433 (8) When a vacancy occurs in the appointed membership for any reason, the replacement is  
434 appointed for the unexpired term.
- 435 (9)(a) Except as described in Subsection (9)(b), a member may not receive  
436 compensation or benefits for the member's service but may receive per diem and

- 437 travel expenses in accordance with:
- 438 (i) Section 63A-3-106;
- 439 (ii) Section 63A-3-107; and
- 440 (iii) rules made by the Division of Finance in accordance with Sections 63A-3-106
- 441 and 63A-3-107.
- 442 (b) Compensation and expenses of a board member who is a legislator are governed by
- 443 Section 36-2-2 and Legislative Joint Rules, Title 5, Legislative Compensation and
- 444 Expenses.
- 445 (10) The office shall provide staff and administrative support to the board.
- 446 Section 7. Section **35A-16-205** is amended to read:
- 447 **35A-16-205 . Duties of the board.**
- 448 (1) The board:
- 449 (a) shall provide final approval for:
- 450 (i) a funding formula developed by the steering committee under Section 35A-16-211;
- 451 (ii) the homeless services budget;
- 452 (iii) the strategic plan; and
- 453 (iv) the awarding of funding for the provision of homeless services as described in
- 454 Subsection 35A-16-203(1)(d);
- 455 (b) in cooperation with the coordinator, shall:
- 456 (i) develop and maintain the homeless services budget;
- 457 (ii) develop and maintain the strategic plan; and
- 458 (iii) review applications and approve funding for the provision of homeless services
- 459 in the state as described in Subsection 35A-16-203(1)(d);
- 460 (c) shall review local and regional plans for providing services to individuals
- 461 experiencing homelessness;
- 462 (d) shall cooperate with local homeless councils to:
- 463 (i) develop a common agenda and vision for reducing homelessness in each local
- 464 oversight body's respective region;
- 465 (ii) as part of the homeless services budget, develop a spending plan that coordinates
- 466 the funding supplied to local stakeholders; and
- 467 (iii) align local funding to projects that improve outcomes and target specific needs in
- 468 each community;
- 469 (e) shall coordinate gap funding with private entities for providing services to
- 470 individuals experiencing homelessness;

- 471 (f) shall recommend performance and accountability measures for service providers,  
472 including the support of collecting consistent and transparent data;
- 473 (g) when reviewing and giving final approval for requests as described in Subsection  
474 35A-16-203(1)(d):
- 475 (i) may only recommend funding if the proposed recipient has a policy to share  
476 client-level service information with other entities in accordance with state and  
477 federal law to enhance the coordination of services for individuals who are  
478 experiencing homelessness; and
- 479 (ii) shall identify specific targets and benchmarks that align with the strategic plan for  
480 each recommended award;
- 481 (h) shall regularly update the state strategic plan on homelessness to reflect:
- 482 (i) trends in homelessness as identified by the review of:
- 483 (A) local data; and
- 484 (B) performance and accountability metrics in accordance with this section; and
- 485 (ii) proven strategies to reduce homelessness among:
- 486 [(i)] (A) the unsheltered;
- 487 [(ii)] (B) the chronically or episodically homeless; and
- 488 [(iii)] (C) the situationally homeless;
- 489 (i) shall develop annual state and local goals for reducing homelessness among the target  
490 subpopulations identified by the board;
- 491 (j) shall work with the local homeless councils to carry out the requirements of  
492 Subsection 35A-16-211(3);
- 493 (k) shall develop metrics for measuring the effectiveness of providers in assisting clients  
494 to successfully progress through the services coordinated by a continuum of care;
- 495 (l) shall create [~~best practices~~] innovative strategies for a service provider to administer  
496 services to an individual experiencing homelessness, including promotion of:
- 497 (i) a recognition of the human dignity of clients served;
- 498 (ii) a need to develop self-reliance;
- 499 (iii) the value of work;
- 500 (iv) personal accountability; and
- 501 (v) personal progress toward greater personal independence;
- 502 (m) shall make recommendations for uniform standards for enforcing pedestrian safety  
503 and unsanctioned camping laws and ordinances;
- 504 (n) shall identify [~~best practices~~] innovative strategies for responding to unsheltered

- 505 individuals experiencing mental health disorder and substance use disorder;
- 506 (o) shall make recommendations for strategies to reduce illegal drug use within
- 507 homeless shelters, transitional housing, and permanent supportive housing;
- 508 (p) shall facilitate client connection to alternative support systems, including behavioral
- 509 health services, addiction recovery, and residential services;
- 510 (q) shall facilitate participation in HMIS, where appropriate and in alignment with
- 511 established HMIS policies, and data sharing agreements among all participants in a
- 512 client support network, including:
- 513 (i) homeless services, physical health systems, mental health systems, and the
- 514 criminal justice system; and
- 515 (ii) for participating providers, the Know-by-Name case management system pilot
- 516 program;
- 517 (r) shall make recommendations to the office for defining "successful exit,"
- 518 "unsuccessful exit," and "neutral exit";
- 519 (s) shall evaluate additional opportunities for the office to become a collaborative
- 520 applicant;
- 521 (t) shall coordinate with the continuums of care to provide for cooperative distribution of
- 522 available funding;
- 523 (u) shall work in conjunction with the executive directors of the Department of
- 524 Workforce Services, the Department of Health and Human Services, and the
- 525 Department of Corrections to create [~~best practices~~] innovative strategies for helping
- 526 individuals exiting from incarceration or an institution to avoid homelessness; and
- 527 (v) shall establish standards for the prioritization of beds located in homeless shelters in
- 528 accordance with Section 35A-16-205.1.
- 529 (2)(a) In approving a funding formula, as described in Subsection (1)(a)(i), the board
- 530 shall take action on a proposed funding formula by a two-thirds vote.
- 531 (b) If the board cannot approve a proposed funding formula, the board shall refer the
- 532 proposed funding formula back to the steering committee for further consideration.
- 533 (3)(a) The executive committee shall act in an advisory capacity for the board and make
- 534 recommendations regarding the board's duties under Subsection (1).
- 535 (b) The executive committee does not have authority to make decisions independent of
- 536 the board.

537 Section 8. Section **35A-16-205.1** is amended to read:

538 **35A-16-205.1 . Utah Homeless Services Board to establish standards for the**



539 **prioritization of homeless shelter beds -- Dissemination -- Compliance with standards**  
540 **required for receipt of state funds.**

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

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

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

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

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

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

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

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

559 Section 9. Section **35A-16-207** is amended to read:

560 **35A-16-207 . Duties of the steering committee.**

561 (1) The steering committee shall:

562 (a) support connections across continuums of care, local homeless councils, and state  
563 and local governments;

564 (b) coordinate statewide emergency and crisis response in relation to services for  
565 individuals experiencing homelessness;

566 (c) provide training to providers of services for individuals experiencing homelessness,  
567 stakeholders, and policymakers;

568 (d) educate the general public and other interested persons regarding the needs,  
569 challenges, and opportunities for individuals experiencing homelessness; and

570 (e) make recommendations to the [~~homelessness council~~] board regarding the awarding  
571 of funding for the provision of homeless services as described in Subsection  
572 35A-16-203(1)(d).

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

576 Section 10. Section **35A-16-208** is amended to read:

577 **35A-16-208 . Reporting requirements -- Outcome measures.**

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

- 579 (i) the state's year-to-date progress toward reaching a functional zero level of  
580 homelessness for each type of homelessness and subpopulation, including:  
581 (A) the number of individuals who are homeless for the first time;  
582 (B) the number of individuals who returned to homelessness after having exited  
583 homelessness within the two previous years;  
584 (C) the number of individuals who remained homeless since the last report;  
585 (D) the number of individuals experiencing homelessness since the last report by  
586 household type;  
587 (E) the number of individuals who exited by exit destination; and  
588 (F) the number of individuals who are experiencing homelessness for the first time  
589 plus the number of individuals who are returning to homelessness minus the  
590 number of individuals who are exiting homelessness;
- 591 (ii) the percentage of individuals experiencing homelessness who:  
592 (A) have a mental health disorder;  
593 (B) have a substance use disorder;  
594 (C) have a chronic health condition;  
595 (D) have a physical disability;  
596 (E) have a developmental disability;  
597 (F) have HIV/AIDS;  
598 (G) are survivors of domestic violence;  
599 (H) are veterans; and  
600 (I) are unaccompanied youth 24 years old or younger;
- 601 (iii) the number of individuals who exited homeless services since the last report by:  
602 (A) type of homelessness;  
603 (B) subpopulation; and  
604 (C) exit destination;[-and]
- 605 (iv) progress, by project type, on each goal established in accordance with Subsection  
606 (3)[-];

607 (v) the extent to which homelessness has been made rare, brief, and nonrecurring; and  
 608 (vi) the data collected from service providers in accordance with Part 8, Homeless  
 609 Services Provider Program Requirements.

610 (b) The reports described in this Subsection (1) shall contain aggregated, de-identified  
 611 information.

612 (2) The office shall report the data described in Subsection (1):

613 (a) in the annual report required by Section 35A-16-203;

614 (b) on or before October 1 of each year, through an oral presentation to the Economic  
 615 Development and Workforce Services Interim Committee; and

616 (c) on a data dashboard for the public with specific additional data points recommended  
 617 by the board.

618 (3) The board and the local homeless councils shall jointly establish quarterly goals for  
 619 each project type.

620 (4) The board and the local homeless councils shall jointly make annual progress reports  
 621 identifying:

622 (a) the percentage of clients:

623 (i) screened for social needs; and

624 (ii) referred for services that match the clients' social needs;

625 (b) the percentage of clients subsequently referred to community-based providers who  
 626 can:

627 (i) address the client's needs;

628 (ii) follow-up on status of addressing the client's needs; and

629 (iii) report back to the referring entity;

630 (c) the number of youth receiving parent or guardian bereavement support services; and

631 (d) the number of clients with:

632 (i) a successful exit;

633 (ii) an unsuccessful exit;

634 (iii) a neutral exit; and

635 (iv) continued enrollment in the project.

636 Section 11. Section **35A-16-302** is amended to read:

637 **35A-16-302 . Uses of Homeless to Housing Reform Restricted Account.**

638 (1) The board may award ongoing or one-time grants or contracts funded from the  
 639 Homeless to Housing Reform Restricted Account created in Section 35A-16-303.

640 (2) As a condition of receiving money, including any ongoing money, from the restricted

- 641 account, an entity awarded a grant or contract under this section shall provide detailed  
642 and accurate reporting on at least an annual basis to the board and the coordinator that  
643 describes:
- 644 (a) how money provided from the restricted account has been spent by the entity; and
  - 645 (b) the progress towards measurable outcome-based benchmarks agreed to between the  
646 entity and the board before the awarding of the grant or contract.
- 647 (3) In determining the awarding of a grant or contract under this section, the board and the  
648 coordinator shall:
- 649 (a) ensure that the services to be provided through the grant or contract will be provided  
650 in a cost-effective manner;
  - 651 (b) give priority to a project or contract that will include significant additional or  
652 matching funds from a private organization, nonprofit organization, or local  
653 government entity;
  - 654 (c) ensure that the project or contract will target the distinct housing needs of one or  
655 more at-risk or homeless subpopulations, which may include:
    - 656 (i) families with children;
    - 657 (ii) transitional-aged youth;
    - 658 (iii) single men or single women;
    - 659 (iv) veterans;
    - 660 (v) victims of domestic violence;
    - 661 (vi) individuals with behavioral health disorders, including mental health or  
662 substance use disorders;
    - 663 (vii) individuals who are medically frail or terminally ill;
    - 664 (viii) individuals exiting prison or jail; or
    - 665 (ix) individuals who are homeless without shelter;
  - 666 (d) consider whether the project will address one or more of the following goals:
    - 667 (i) diverting homeless or imminently homeless individuals and families from  
668 emergency shelters by providing better housing-based solutions;
    - 669 (ii) meeting the basic needs of homeless individuals and families in crisis;
    - 670 (iii) providing homeless individuals and families with needed stabilization services;
    - 671 (iv) decreasing the state's homeless rate;
    - 672 (v) implementing a coordinated entry system with consistent assessment tools to  
673 provide appropriate and timely access to services for homeless individuals and  
674 families;

- 675 (vi) providing access to caseworkers or other individualized support for homeless  
676 individuals and families;
- 677 (vii) encouraging employment and increased financial stability for individuals and  
678 families being diverted from or exiting homelessness;
- 679 (viii) creating additional affordable housing for state residents;
- 680 (ix) providing services and support to prevent homelessness among at-risk  
681 individuals and adults;
- 682 (x) providing services and support to prevent homelessness among at-risk children,  
683 adolescents, and young adults;
- 684 (xi) preventing the reoccurrence of homelessness among individuals and families  
685 exiting homelessness; and
- 686 (xii) providing medical respite care for homeless individuals where the homeless  
687 individuals can access medical care and other supportive services; and
- 688 (e) address the needs identified in the strategic plan described in Section 35A-16-203 for  
689 inclusion in the annual written report described in Section 35A-1-109.
- 690 (4) In addition to the other provisions of this section, in determining the awarding of a grant  
691 or contract under this section to design, build, create, or renovate a facility that will  
692 provide shelter or other resources for the homeless, the board, with the concurrence of  
693 the coordinator, may consider whether the facility will be:
- 694 (a) located near mass transit services;
- 695 (b) located in an area that meets or will meet all zoning regulations before a final  
696 dispersal of funds;
- 697 (c) safe and welcoming both for individuals using the facility and for members of the  
698 surrounding community; and
- 699 (d) located in an area with access to employment, job training, and positive activities.
- 700 (5) In accordance with Subsection (4), and subject to the approval of the board, with the  
701 concurrence of the coordinator, the following may recommend a site location, acquire a  
702 site location, and hold title to real property, buildings, fixtures, and appurtenances of a  
703 facility that provides or will provide shelter or other resources for the homeless:
- 704 (a) the county executive of a county of the first class on behalf of the county of the first  
705 class, if the facility is or will be located in the county of the first class in a location  
706 other than Salt Lake City;
- 707 (b) the state;
- 708 (c) a nonprofit entity approved by the board, with the concurrence of the coordinator; and

709 (d) a mayor of a municipality on behalf of the municipality where a facility is or will be  
710 located.

711 (6)(a) If a homeless shelter commits to provide any amount of matching funds under this  
712 Subsection (6), the board, with the concurrence of the coordinator, may award a grant  
713 for the ongoing operations of the homeless shelter.

714 (b) In awarding a grant under this Subsection (6), the board, with the concurrence of the  
715 coordinator, shall consider:

716 (i) the number of beds available at the homeless shelter;

717 (ii) the number and quality of the homeless services provided by the homeless  
718 shelter; and

719 (iii) the amount of matching funds provided by the homeless shelter.

720 (7)(a) To meet the goals described in Subsection (3), the office may expend money from  
721 the restricted account to provide individuals experiencing homelessness  
722 transportation costs to connect the individual with a support network outside of the  
723 state.

724 (b) A service provider that applies for a grant award for the purposes described under  
725 Subsection (7)(a) shall provide the office with a detailed report that includes:

726 (i) the name and address of the person to provide support services for the individual  
727 experiencing homelessness; and

728 (ii) the transportation costs that the individual experiencing homelessness may require.

729 (8) The office may expend money from the restricted account to offset actual office and  
730 board expenses related to administering this section.

731 Section 12. Section **35A-16-401** is amended to read:

732 **35A-16-401 . Definitions.**

733 As used in this part:

734 (1) "Account" means the Homeless Shelter Cities Mitigation Restricted Account created in  
735 Section 35A-16-402.

736 (2) "Authorized provider" means a nonprofit provider of homeless services that is  
737 authorized by a third-tier eligible municipality to operate a temporary winter response  
738 shelter within the municipality in accordance with Part 5, Winter Response Plan  
739 Requirements.

740 (3) "Eligible municipality" means:

741 (a) a first-tier eligible municipality;

742 (b) a second-tier eligible municipality; or

- 743 (c) a third-tier eligible municipality.
- 744 (4) "Eligible services" means any activities or services that mitigate the impacts of the  
 745 location of an eligible shelter, including direct services, public safety services, and  
 746 emergency services, as further defined by rule made by the office in accordance with  
 747 Title 63G, Chapter 3, Utah Administrative Rulemaking Act.
- 748 (5) "Eligible shelter" means:
- 749 (a) for a first-tier eligible municipality, a homeless shelter that:
- 750 (i) has the capacity to provide temporary shelter to at least 80 individuals per night,  
 751 as verified by the office;
- 752 (ii) operates year-round; and
- 753 (iii) is not subject to restrictions that limit the hours, days, weeks, or months of  
 754 operation;
- 755 (b) for a second-tier municipality, a homeless shelter that:
- 756 (i) has the capacity to provide temporary shelter to at least 25 individuals per night,  
 757 as verified by the office;
- 758 (ii) operates year-round; and
- 759 (iii) is not subject to restrictions that limit the hours, days, weeks, or months of  
 760 operation; and
- 761 (c) for a third-tier eligible municipality, a homeless shelter that:
- 762 (i)(A) has the capacity to provide temporary shelter to at least 50 individuals per  
 763 night, as verified by the office; and
- 764 (B) operates for no less than three months during the period beginning October 1  
 765 and ending April 30 of the following year; or
- 766 (ii)~~(A) meets the definition of a homeless shelter under Section 35A-16-501; and]~~  
 767 (A) provides temporary shelter to individuals experiencing homelessness;  
 768 (B) operates year-round; and  
 769 (C) is not subject to restrictions that limit the hours, days, weeks, or months of  
 770 operation.
- 771 ~~[(B) contains beds that are utilized as part of a county's winter response plan under~~  
 772 ~~Section 35A-16-502.]~~
- 773 (6) "Homeless shelter" means a facility that provides or is proposed to provide temporary  
 774 shelter to individuals experiencing homelessness.
- 775 (7) "Municipality" means a city or town.
- 776 (8) "Public safety services" means law enforcement, emergency medical services, or fire

777 protection.

778 (9) "Third-tier eligible municipality" means a municipality that:

779 (a) as determined by the office, has or is proposed to have an eligible shelter within the  
780 municipality's geographic boundaries within the following fiscal year; and

781 (b) due to the location of an eligible shelter within the municipality's geographic  
782 boundaries, requires eligible services.

783 Section 13. Section **35A-16-403** is amended to read:

784 **35A-16-403 . Eligible municipality application process for Homeless Shelter**

785 **Cities Mitigation Restricted Account funds.**

786 (1) An eligible municipality may apply for account funds to mitigate the impacts of the  
787 location of an eligible shelter through the provision of eligible services within the  
788 eligible municipality's boundaries.

789 (2)(a) The board shall set aside time on the agenda of a board meeting that occurs before  
790 the beginning of the next fiscal year to allow an eligible municipality to present a  
791 request for account funds for that next fiscal year.

792 (b) An eligible municipality may present a request for account funds by:

793 (i) sending an electronic copy of the request to the board before the meeting; and

794 (ii) appearing at the meeting to present the request.

795 (c) The request described in Subsection (2)(b)(i) shall contain:

796 (i) a proposal outlining the need for eligible services, including a description of each  
797 eligible service for which the eligible municipality requests account funds;

798 (ii) a description of the eligible municipality's proposed use of account funds;

799 (iii) a description of the outcomes that the funding would be used to achieve,  
800 including indicators that would be used to measure progress toward the specified  
801 outcomes; and

802 (iv) the amount of account funds requested.

803 (d)(i) On or before September 30, an eligible municipality that received account  
804 funds during the previous fiscal year shall file electronically with the board a  
805 report that includes:

806 (A) a summary of the amount of account funds that the eligible municipality  
807 expended and the eligible municipality's specific use of those funds;

808 (B) an evaluation of the eligible municipality's effectiveness in using the account  
809 funds to address the eligible municipality's needs due to the location of an  
810 eligible shelter;



- 811 (C) an evaluation of the eligible municipality's progress regarding the outcomes  
812 and indicators described in Subsection (2)(c)(iii); and
- 813 (D) any proposals for improving the eligible municipality's effectiveness in using  
814 account funds that the eligible municipality may receive in future fiscal years.
- 815 (ii) The board may request additional information as needed to make the evaluation  
816 described in Subsection (2)(e).
- 817 (e) The board shall evaluate a request made in accordance with this Subsection (2) and  
818 may take the following factors into consideration in determining whether to approve  
819 or deny the request:
- 820 (i) the strength of the proposal that the eligible municipality provided to support the  
821 request;
- 822 (ii) if the eligible municipality received account funds during the previous fiscal year,  
823 the efficiency with which the eligible municipality used any account funds during  
824 the previous fiscal year;
- 825 (iii) the availability of funding for the eligible municipality under Subsection  
826 35A-16-402(4);
- 827 (iv) the availability of alternative funding for the eligible municipality to address the  
828 eligible municipality's needs due to the location of an eligible shelter; and
- 829 (v) any other considerations identified by the board.
- 830 (f) After making the evaluation described in Subsection (2)(e), and subject to Subsection  
831 (2)(g), the board shall vote to either approve or deny, in whole or in part, an eligible  
832 municipality's request for account funds.
- 833 (g)(i) In addition to the evaluation under Subsection (2)(e), the board may not  
834 approve an eligible municipality's request to receive account funds under this  
835 section unless the eligible municipality:
- 836 (A) enforces an ordinance that prohibits camping;
- 837 (B) enforces an ordinance or other applicable state law prohibiting conduct that  
838 impedes or blocks traffic in violation of Subsection 41-6a-1009(4); and
- 839 (C) demonstrates improvement in reducing the conduct described in Subsections  
840 (2)(g)(i)(A) and (B).
- 841 (ii) In determining whether an eligible municipality has demonstrated improvement  
842 under Subsection (2)(g)(i)(C), the board shall consider:
- 843 (A) the specific measures taken by the municipality to reduce the conduct  
844 described in Subsections (2)(g)(i)(A) and (B), and the effectiveness of those

- 845 measures in reducing the conduct;
- 846 (B) the strategies utilized by the municipality in managing and improving public  
847 spaces within the municipality, and the impact of these strategies on safety,  
848 cleanliness, and the well-being of the community; and
- 849 (C) the gap between the number of individuals experiencing homelessness within  
850 the municipality and the availability of beds at homeless shelters to which the  
851 individuals experiencing homelessness have reasonable access, and any  
852 changes to this gap over time.
- 853 (iii) The board [~~may~~] shall coordinate with the Department of Public Safety for the  
854 receipt of quantitative and qualitative data to determine compliance with  
855 applicable state and local laws.
- 856 (iv) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,  
857 and with the approval of the board, the office shall make rules establishing  
858 standards for the information required by an eligible municipality to demonstrate  
859 improvement under Subsection (2)(g)(i)(C).
- 860 (h) If the board approves an eligible municipality's request to receive account funds  
861 under Subsection (2)(f), the office, subject to appropriation, shall calculate the  
862 amount of funds for disbursement to the eligible municipality under Subsection  
863 35A-16-402(4).
- 864 (3) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the  
865 office shall make rules governing the process for calculating the amount of funds that an  
866 eligible municipality may receive under Subsection 35A-16-402(4).
- 867 Section 14. Section **35A-16-501** is amended to read:
- 868 **35A-16-501 . Definitions.**
- 869 As used in this part:
- 870 (1) "Applicable county" means a county of the first or second class.
- 871 (2) "Applicable local homeless council" means the local homeless council that is  
872 responsible for coordinating homeless response within an applicable county.
- 873 (3) "Board" means the Utah Homeless Services Board created in Section 35A-16-204.
- 874 [~~(3)~~] (4) "Capacity limit" means a limit as to the number of individuals that a homeless  
875 shelter may provide overnight shelter to under a conditional use permit.
- 876 [~~(4)~~] (5) "Chief executive officer" means the same as that term is defined in Section  
877 11-51-102.
- 878 [~~(5)~~] (6) "Community location" means the same as that term is defined in Section 10-8-41.6.

- 879 [(6)] (7) "Conference of mayors" means an association consisting of the mayor of each  
 880 municipality located within a county.
- 881 [(7)] (8) "Council of governments" means the same as that term is defined in Section  
 882 72-2-117.5.
- 883 [(8)] (9) "County winter response task force" or "task force" means a task force described in  
 884 Section 35A-16-501.5.
- 885 [(9)] (10) "Homeless shelter" means a facility that:
- 886 (a) provides temporary shelter to individuals experiencing homelessness;
- 887 (b) operates year-round; and
- 888 (c) is not subject to restrictions that limit the hours, days, weeks, or months of operation.
- 889 [(10)] (11) "Municipality" means a city or town.
- 890 [(11)] (12) "State facility" means the same as that term is defined in Section 63A-5b-1001.
- 891 [(12)] (13) "Subsequent winter response period" means the winter response period that  
 892 begins on October 15 of the year in which a county winter response task force is  
 893 required to submit a winter response plan to the office under Section 35A-16-502.
- 894 [(13)] (14) "Targeted winter response bed count" means the targeted bed count number for  
 895 an applicable county during the winter response period, as determined jointly by the  
 896 applicable local homeless council and the office.
- 897 [(14)] (15) "Temporary winter response shelter" means a facility that:
- 898 (a) provides temporary emergency shelter to individuals experiencing homelessness  
 899 during a winter response period; and
- 900 (b) does not operate year-round.
- 901 [(15)] (16) "Winter response period" means the period beginning October 15 and ending  
 902 April 30 of the following year.
- 903 [(16)] (17) "Winter response plan" means the plan described in Section 35A-16-502.
- 904 Section 15. Section **35A-16-501.5** is amended to read:
- 905 **35A-16-501.5 . County winter response task force.**
- 906 (1) [~~Subject to the requirements of Section 35A-16-502, the~~] The council of governments of  
 907 each applicable county shall annually convene a county winter response task force to  
 908 advise and provide recommendations to the board concerning the needs of homeless  
 909 individuals during a winter response period, including recommendations for site  
 910 selection of a temporary winter response shelter.
- 911 (2)(a) The task force for Salt Lake County shall consist of the following 14 voting  
 912 members:

- 913 (i) the chief executive officer of Salt Lake County, or the chief executive officer's  
 914 designee;
- 915 (ii) the chief executive officer, or the chief executive officer's designee, of each of the  
 916 following 11 municipalities:
- 917 (A) Draper;
- 918 (B) Midvale;
- 919 (C) Millcreek;
- 920 (D) Murray;
- 921 (E) Salt Lake City;
- 922 (F) Sandy;
- 923 (G) South Jordan;
- 924 (H) South Salt Lake;
- 925 (I) Taylorsville;
- 926 (J) West Jordan; and
- 927 (K) West Valley City; and
- 928 (iii) the chief executive officer, or the chief executive officer's designee, of any two  
 929 municipalities located in Salt Lake County that are not described in Subsection  
 930 (2)(a)(ii), appointed by the conference of mayors of Salt Lake County.
- 931 (b) A task force for an applicable county not described in Subsection (2)(a) shall consist  
 932 of the following voting members:
- 933 (i) ~~[the chief executive officer of the applicable county, or the chief executive~~  
 934 ~~officer's designee]~~ an officer of the applicable county nominated by the county  
 935 governing body; and
- 936 (ii) the chief executive officer, or the chief executive officer's designee, of a number  
 937 of municipalities located in the applicable county that the conference of mayors of  
 938 the applicable county considers to be appropriate, appointed by the conference of  
 939 mayors of the applicable county.
- 940 (3) In addition to the voting members required in Subsection (2), a task force shall include  
 941 the following nonvoting members:
- 942 (a) the coordinator, or the coordinator's designee;
- 943 (b) one representative of the Utah League of Cities and Towns, appointed by the Utah  
 944 League of Cities and Towns, or the representative's designee;
- 945 (c) one representative of the Utah Association of Counties, appointed by the Utah  
 946 Association of Counties, or the representative's designee;

- 947 (d) two individuals experiencing homelessness or having previously experienced  
 948 homelessness, appointed by the [~~applicable local homeless council~~] voting members  
 949 of the task force;
- 950 (e) [~~three~~] two representatives of the applicable local homeless council, appointed by the [  
 951 ~~applicable local homeless council, or the representative's designee~~] voting members of  
 952 the task force; [and]
- 953 (f) one representative from a local public safety entity appointed by the voting members  
 954 of the task force; and
- 955 [(f)] (g) any other individual appointed by the council of governments of the applicable  
 956 county.
- 957 (4)(a) Any vacancy on a task force shall be filled in the same manner as the appointment  
 958 of the member whose vacancy is being filled.
- 959 (b) Each member of a task force shall serve until a successor is appointed.
- 960 (5) A majority of the voting members of a task force constitutes a quorum and may act on  
 961 behalf of the task force.
- 962 (6) A task force shall:
- 963 (a) select officers from the task force's members as the task force finds necessary; and  
 964 (b) meet as necessary to effectively conduct the task force's business and duties as  
 965 prescribed by statute.
- 966 (7) A task force may establish one or more working groups as is deemed appropriate to  
 967 assist on specific issues related to the task force's duties[~~, including a working group for~~  
 968 ~~site selection of temporary winter response shelters~~].
- 969 (8)(a) A task force member may not receive compensation or benefits for the task force  
 970 member's service.
- 971 (b) A task force member may receive per diem and travel expenses in accordance with:  
 972 (i) Section 63A-3-106;  
 973 (ii) Section 63A-3-107; and  
 974 (iii) rules made by the Division of Finance in accordance with Sections 63A-3-106  
 975 and 63A-3-107.
- 976 (9) The applicable county for which a task force is convened shall provide administrative  
 977 support to the task force.
- 978 (10) Meetings of the task force are not subject to Title 52, Chapter 4, Open and Public  
 979 Meetings Act.
- 980 Section 16. Section **35A-16-602** is amended to read:

981 **35A-16-602 . COVID-19 Homeless Housing and Services Grant Program.**

- 982 (1) There is established the COVID-19 Homeless Housing and Services Grant Program, a  
983 competitive grant program administered by the office and funded in accordance with 42  
984 U.S.C. Sec. 802.
- 985 (2) The office shall distribute money to fund one or more projects that:
- 986 (a) include affordable housing units for households:
- 987 (i) whose income is no more than 30% of the area median income for households of  
988 the same size in the county or municipality where the project is located;
- 989 (ii) at rental rates no greater than 30% of the income described in Subsection (2)(a)(i)  
990 for a household of:
- 991 (A) one person if the unit is an efficiency unit;
- 992 (B) two people if the unit is a one-bedroom unit;
- 993 (C) four people if the unit is a two-bedroom unit;
- 994 (D) five people if the unit is a three-bedroom unit;
- 995 (E) six people if the unit is a four-bedroom unit; or
- 996 (F) eight people if the unit is a five-bedroom or larger unit; and
- 997 (iii) that have been impacted by the COVID-19 emergency in accordance with 42  
998 U.S.C. Sec. 802; and
- 999 (b) have been approved by the board.
- 1000 (3) The office shall:
- 1001 (a) administer the grant program, including:
- 1002 (i) reviewing grant applications and making recommendations to the board; and  
1003 (ii) distributing grant money to approved grant recipients; and
- 1004 (b) in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,  
1005 make rules to administer the program, including:
- 1006 (i) grant application requirements;
- 1007 (ii) procedures to approve a grant; and  
1008 (iii) procedures for distributing money to grant recipients.
- 1009 (4) ~~When~~ Except as provided in Subsection (5), when reviewing an application for  
1010 approval, the board shall consider:
- 1011 (a) an applicant's rental income plan;
- 1012 (b) proposed case management and service plans for households;
- 1013 (c) any matching funds proposed by an applicant;
- 1014 (d) proposed restrictions, including deed restrictions, and the duration of restrictions on

1015 housing units to facilitate long-term assistance to households;  
 1016 (e) whether use of funds for the proposed project complies with 42 U.S.C. Sec. 802; and  
 1017 (f) any other considerations as adopted by the board.

1018 (5) A licensed residential, vocational and life skills program, as defined in Section  
 1019 13-53-102, is exempt from the requirements described in Subsections (4)(a), (b), and (f).  
 1020 [~~5~~] (6) A grant award under this section shall comply with the requirements of 42 U.S.C.  
 1021 Sec. 802.

1022 Section 17. Section **35A-16-801** is enacted to read:

1023 **Part 8. Homeless Services Provider Program Requirements**

1024 **35A-16-801 . Homeless services provider requirements -- Definitions -- Data**  
 1025 **collection -- Reporting -- Consequences of noncompliance.**

1026 (1) As used in this part:

1027 (a) "Pathway to human thriving" means the framework by which homeless services  
 1028 offered and administered in the state are designed to assist individuals experiencing  
 1029 homelessness, including measurable services that assist in an individual's progress  
 1030 from past trauma and personal struggles to personal healing, transformation, and  
 1031 thriving.

1032 (b) "Struggling" means an individual who is experiencing homelessness is unable to  
 1033 meet the individual's basic needs, including food and shelter, and who may be  
 1034 experiencing trauma or other barriers in securing and maintaining stable housing with  
 1035 or without the assistance of supportive services.

1036 (c) "Surviving" means an individual who is experiencing homelessness is able to secure  
 1037 the individual's basic needs, including food and shelter, including temporary shelter,  
 1038 by relying upon supportive services.

1039 (d) "Thriving" means an individual who experienced homelessness is able to secure and  
 1040 support the individual's basic needs, including food and shelter and who is actively  
 1041 engaged in personal development and is experiencing a sense of purpose and  
 1042 fulfillment.

1043 (2) A service provider may design and administer a homeless services program that  
 1044 recognizes a homeless individual's pathway to human thriving, as provided in Section  
 1045 35A-16-205.

1046 (3) The services described in Subsection (2) may include evidence-based and measurable  
 1047 services to assist in a client's progress and transition along the pathway of human  
 1048 thriving.

- 1049 (4) A service provider may directly measure, or, if applicable, work with an assigned  
 1050 Know-by-Name caseworker to measure, the progress and transition described in  
 1051 Subsection (3) in areas that include:  
 1052 (a) education, employment, and income;  
 1053 (b) housing;  
 1054 (c) legal rights and emergency services;  
 1055 (d) mental health;  
 1056 (e) physical health and daily living;  
 1057 (f) social relationships and personal fulfillment; and  
 1058 (g) substance abuse.
- 1059 (5) In providing an individual experiencing homelessness with the services described in this  
 1060 part, the service provider shall make the service provider's best effort to preserve the  
 1061 individual's ability to thrive and capacity for growth.

1062 Section 18. Section **35A-16-901** is enacted to read:

1063 **Part 9. Safety Requirements for Homeless Shelters**

1064 **35A-16-901 . Safety requirements for homeless shelters -- Requirements --**

1065 **Prohibitions -- Enforcement and penalties.**

- 1066 (1) As used in this part:  
 1067 (a) "Homeless shelter" means a facility that provides or is proposed to provide  
 1068 temporary shelter to individuals experiencing homelessness.  
 1069 (b) "Homeless shelter" includes a temporary winter response shelter, as that term is  
 1070 defined in Section 35A-16-501.
- 1071 (2) To ensure the safety and well-being of homeless shelter residents and staff, and the  
 1072 surrounding communities, a service provider of a homeless shelter shall:  
 1073 (a) maintain a zero-tolerance policy within the premises of the homeless shelter on the  
 1074 use, possession, or distribution of an illegal drug;  
 1075 (b) develop and implement bag check procedures at points of entry and regular searches  
 1076 of personal belongings to ensure the premises of the homeless shelter remain free  
 1077 from prohibited items, including illegal drugs and weapons; and  
 1078 (c) cooperate with law enforcement, including:  
 1079 (i) providing an employee of a law enforcement agency access to the premises to  
 1080 conduct checks for illegal drugs using trained K9 units, based upon reasonable  
 1081 suspicion as determined by the local law enforcement agency; or  
 1082 (ii) providing a client's name and identifying information to an employee of a law



- 1083 enforcement agency to the extent the disclosure is:
- 1084 (A) necessary to avoid a significant risk to public safety;
- 1085 (B) in aid of an ongoing investigation; or
- 1086 (C) as required by state or federal law.
- 1087 (3) A service provider that receives state or federal funding shall require each client who
- 1088 receives services from the service provider to sign a homeless shelter agreement that
- 1089 clearly states the service provider's policies and procedures consistent with this section.
- 1090 (4) A service provider that fails to comply with this section may be assessed a penalty,
- 1091 including a fine, suspension of funding, or other penalties that may be assessed by the
- 1092 board, or as provided for in state or federal law.

1093 Section 19. Section **58-37-8** is amended to read:

1094 **58-37-8 . Prohibited acts -- Penalties.**

- 1095 (1) Prohibited acts A -- Penalties and reporting:
- 1096 (a) Except as authorized by this chapter, it is unlawful for a person to knowingly and
- 1097 intentionally:
- 1098 (i) produce, manufacture, or dispense, or to possess with intent to produce,
- 1099 manufacture, or dispense, a controlled or counterfeit substance;
- 1100 (ii) distribute a controlled or counterfeit substance, or to agree, consent, offer, or
- 1101 arrange to distribute a controlled or counterfeit substance;
- 1102 (iii) possess a controlled or counterfeit substance with intent to distribute; or
- 1103 (iv) engage in a continuing criminal enterprise where:
- 1104 (A) the person participates, directs, or engages in conduct that results in a
- 1105 violation of this chapter, Chapter 37a, Utah Drug Paraphernalia Act, Chapter
- 1106 37b, Imitation Controlled Substances Act, Chapter 37c, Utah Controlled
- 1107 Substance Precursor Act, or Chapter 37d, Clandestine Drug Lab Act, that is a
- 1108 felony; and
- 1109 (B) the violation is a part of a continuing series of two or more violations of this
- 1110 chapter, Chapter 37a, Utah Drug Paraphernalia Act, Chapter 37b, Imitation
- 1111 Controlled Substances Act, Chapter 37c, Utah Controlled Substance Precursor
- 1112 Act, or Chapter 37d, Clandestine Drug Lab Act, on separate occasions that are
- 1113 undertaken in concert with five or more persons with respect to whom the
- 1114 person occupies a position of organizer, supervisor, or any other position of
- 1115 management.
- 1116 (b) A person convicted of violating Subsection (1)(a) with respect to:

- 1117 (i) a substance or a counterfeit of a substance classified in Schedule I or II, a  
1118 controlled substance analog, or gammahydroxybutyric acid as listed in Schedule  
1119 III is guilty of a second degree felony, punishable by imprisonment for not more  
1120 than 15 years, and upon a second or subsequent conviction is guilty of a first  
1121 degree felony;
- 1122 (ii) a substance or a counterfeit of a substance classified in Schedule III or IV, or  
1123 marijuana, or a substance listed in Section 58-37-4.2 is guilty of a third degree  
1124 felony, and upon a second or subsequent conviction is guilty of a second degree  
1125 felony; or
- 1126 (iii) a substance or a counterfeit of a substance classified in Schedule V is guilty of a  
1127 class A misdemeanor and upon a second or subsequent conviction is guilty of a  
1128 third degree felony.
- 1129 (c)(i) Except as provided in Subsection (1)(c)(ii), a person who has been convicted of  
1130 a violation of Subsection (1)(a)(ii) or (iii) may be sentenced to imprisonment for  
1131 an indeterminate term as described in Subsection (1)(b) and Title 76, Chapter 3,  
1132 Punishments.
- 1133 (ii) The court shall impose an indeterminate prison term for a person who has been  
1134 convicted of a violation of Subsection (1)(a)(ii) or (iii) that is a first degree felony  
1135 or a second degree felony if the trier of fact finds beyond a reasonable doubt that,  
1136 during the commission or furtherance of the violation, the person intentionally or  
1137 knowingly:
- 1138 (A) used, drew, or exhibited a dangerous weapon, as that term is defined in  
1139 Section 76-10-501, that is not a firearm, in an angry, threatening, intimidating,  
1140 or coercive manner;
- 1141 (B) used a firearm or had a firearm readily accessible for immediate use, as those  
1142 terms are defined in Section 76-10-501; or
- 1143 (C) distributed a firearm, as that term is defined in Section 76-10-501, or  
1144 possessed a firearm with intent to distribute the firearm.
- 1145 (iii) Notwithstanding Subsection (1)(c)(ii), a court may suspend the indeterminate  
1146 prison term for a person convicted under Subsection (1)(c)(ii) if the court:
- 1147 (A) details on the record the reasons why it is in the interests of justice not to  
1148 impose the indeterminate prison term;
- 1149 (B) makes a finding on the record that the person does not pose a significant  
1150 safety risk to the public; and

- 1151 (C) orders the person to complete the terms and conditions of supervised  
1152 probation provided by the Department of Corrections.
- 1153 (d)(i) A person convicted of violating Subsection (1)(a)(iv) is guilty of a first degree  
1154 felony punishable by imprisonment for an indeterminate term of not less than:  
1155 (A) seven years and which may be for life; or  
1156 (B) 15 years and which may be for life if the trier of fact determined that the  
1157 defendant knew or reasonably should have known that any subordinate under  
1158 Subsection (1)(a)(iv)(B) was under 18 years old.
- 1159 (ii) Imposition or execution of the sentence may not be suspended, and the person is  
1160 not eligible for probation.
- 1161 (iii) Subsection (1)(d)(i)(B) does not apply to any defendant who, at the time of the  
1162 offense, was under 18 years old.
- 1163 (e) The Administrative Office of the Courts shall report to the Division of Professional  
1164 Licensing the name, case number, date of conviction, and if known, the date of birth  
1165 of each person convicted of violating Subsection (1)(a).
- 1166 (2) Prohibited acts B -- Penalties and reporting:
- 1167 (a) It is unlawful:
- 1168 (i) for a person knowingly and intentionally to possess or use a controlled substance  
1169 analog or a controlled substance, unless it was obtained under a valid prescription  
1170 or order, directly from a practitioner while acting in the course of the person's  
1171 professional practice, or as otherwise authorized by this chapter;
- 1172 (ii) for an owner, tenant, licensee, or person in control of a building, room, tenement,  
1173 vehicle, boat, aircraft, or other place knowingly and intentionally to permit them  
1174 to be occupied by persons unlawfully possessing, using, or distributing controlled  
1175 substances in any of those locations; or
- 1176 (iii) for a person knowingly and intentionally to possess an altered or forged  
1177 prescription or written order for a controlled substance.
- 1178 (b) A person convicted of violating Subsection (2)(a)(i) with respect to:
- 1179 (i) marijuana, if the amount is 100 pounds or more, is guilty of a second degree  
1180 felony; or
- 1181 (ii) a substance classified in Schedule I or II, or a controlled substance analog, is  
1182 guilty of a class A misdemeanor on a first or second conviction, and on a third or  
1183 subsequent conviction if each prior offense was committed within seven years  
1184 before the date of the offense upon which the current conviction is based is guilty

- 1185 of a third degree felony.
- 1186 (c) Upon a person's conviction of a violation of this Subsection (2) subsequent to a  
1187 conviction under Subsection (1)(a), that person shall be sentenced to a one degree  
1188 greater penalty than provided in this Subsection (2).
- 1189 (d) A person who violates Subsection (2)(a)(i) with respect to all other controlled  
1190 substances not included in Subsection (2)(b)(i) or (ii), including a substance listed in  
1191 Section 58-37-4.2, or marijuana, is guilty of a class B misdemeanor.
- 1192 (i) Upon a third conviction the person is guilty of a class A misdemeanor, if each  
1193 prior offense was committed within seven years before the date of the offense  
1194 upon which the current conviction is based.
- 1195 (ii) Upon a fourth or subsequent conviction the person is guilty of a third degree  
1196 felony if each prior offense was committed within seven years before the date of  
1197 the offense upon which the current conviction is based.
- 1198 (e) A person convicted of violating Subsection (2)(a)(i) while inside the exterior  
1199 boundaries of property occupied by a correctional facility as defined in Section  
1200 64-13-1 or a public jail or other place of confinement shall be sentenced to a penalty  
1201 one degree greater than provided in Subsection (2)(b), and if the conviction is with  
1202 respect to controlled substances as listed in:
- 1203 (i) Subsection (2)(b), the person may be sentenced to imprisonment for an  
1204 indeterminate term as provided by law, and:
- 1205 (A) the court shall additionally sentence the person convicted to a term of one year  
1206 to run consecutively and not concurrently; and
- 1207 (B) the court may additionally sentence the person convicted for an indeterminate  
1208 term not to exceed five years to run consecutively and not concurrently; and
- 1209 (ii) Subsection (2)(d), the person may be sentenced to imprisonment for an  
1210 indeterminate term as provided by law, and the court shall additionally sentence  
1211 the person convicted to a term of six months to run consecutively and not  
1212 concurrently.
- 1213 (f) A person convicted of violating Subsection (2)(a)(ii) or (iii) is:
- 1214 (i) on a first conviction, guilty of a class B misdemeanor;
- 1215 (ii) on a second conviction, guilty of a class A misdemeanor; and
- 1216 (iii) on a third or subsequent conviction, guilty of a third degree felony.
- 1217 (g) The Administrative Office of the Courts shall report to the Division of Professional  
1218 Licensing the name, case number, date of conviction, and if known, the date of birth

- 1219 of each person convicted of violating Subsection (2)(a).
- 1220 (3) Prohibited acts C -- Penalties:
- 1221 (a) It is unlawful for a person knowingly and intentionally:
- 1222 (i) to use in the course of the manufacture or distribution of a controlled substance a
- 1223 license number which is fictitious, revoked, suspended, or issued to another
- 1224 person or, for the purpose of obtaining a controlled substance, to assume the title
- 1225 of, or represent oneself to be, a manufacturer, wholesaler, apothecary, physician,
- 1226 dentist, veterinarian, or other authorized person;
- 1227 (ii) to acquire or obtain possession of, to procure or attempt to procure the
- 1228 administration of, to obtain a prescription for, to prescribe or dispense to a person
- 1229 known to be attempting to acquire or obtain possession of, or to procure the
- 1230 administration of a controlled substance by misrepresentation or failure by the
- 1231 person to disclose receiving a controlled substance from another source, fraud,
- 1232 forgery, deception, subterfuge, alteration of a prescription or written order for a
- 1233 controlled substance, or the use of a false name or address;
- 1234 (iii) to make a false or forged prescription or written order for a controlled substance,
- 1235 or to utter the same, or to alter a prescription or written order issued or written
- 1236 under the terms of this chapter; or
- 1237 (iv) to make, distribute, or possess a punch, die, plate, stone, or other thing designed
- 1238 to print, imprint, or reproduce the trademark, trade name, or other identifying
- 1239 mark, imprint, or device of another or any likeness of any of the foregoing upon
- 1240 any drug or container or labeling so as to render a drug a counterfeit controlled
- 1241 substance.
- 1242 (b)(i) A first or second conviction under Subsection (3)(a)(i), (ii), or (iii) is a class A
- 1243 misdemeanor.
- 1244 (ii) A third or subsequent conviction under Subsection (3)(a)(i), (ii), or (iii) is a third
- 1245 degree felony.
- 1246 (c) A violation of Subsection (3)(a)(iv) is a third degree felony.
- 1247 (4) Prohibited acts D -- Penalties:
- 1248 (a) Notwithstanding other provisions of this section, and except as provided in
- 1249 Subsection (4)(b), a person not authorized under this chapter who commits any act
- 1250 that is unlawful under Subsection (1)(a) or Section 58-37b-4 is upon conviction
- 1251 subject to the penalties and classifications under this Subsection (4) if the trier of fact
- 1252 finds the act is committed:

- 1253 (i) in a public or private elementary or secondary school or on the grounds of any of  
 1254 those schools during the hours of 6 a.m. through 10 p.m.;
- 1255 (ii) in a public or private vocational school or postsecondary institution or on the  
 1256 grounds of any of those schools or institutions during the hours of 6 a.m. through  
 1257 10 p.m.;
- 1258 (iii) in or on the grounds of a preschool or child-care facility during the preschool's or  
 1259 facility's hours of operation;
- 1260 (iv) in a public park, amusement park, arcade, or recreation center when the public or  
 1261 amusement park, arcade, or recreation center is open to the public;
- 1262 (v) in or on the grounds of a house of worship as defined in Section 76-10-501;
- 1263 (vi) in or on the grounds of a library when the library is open to the public;
- 1264 (vii) in a homeless shelter, a temporary winter response shelter as defined in Section  
 1265 35A-16-501, a temporary homeless shelter as described in Title 35A, Chapter 16,  
 1266 Part 7, Code Blue Alert, or a permanent supportive housing facility that is licensed  
 1267 by the state in accordance with Title 26B, Chapter 2, Part 1, Human Services  
 1268 Programs and Facilities;
- 1269 [~~(vii)~~] (viii)(A) within an area that is within 100 feet of any structure, facility, or  
 1270 grounds included in Subsections (4)(a)(i) through [~~(vi)~~] (vii); or
- 1271 (B) 300 feet of any shelter or facility described in Subsection (4)(a)(vii);
- 1272 [~~(viii)~~] (ix) in the presence of a person younger than 18 years old, regardless of where  
 1273 the act occurs; or
- 1274 [~~(ix)~~] (x) for the purpose of facilitating, arranging, or causing the transport, delivery,  
 1275 or distribution of a substance in violation of this section to an inmate or on the  
 1276 grounds of a correctional facility as defined in Section 76-8-311.3.
- 1277 (b) Subsection (4)(a)(viii) is limited to the distribution of a controlled or counterfeit  
 1278 substance as described in Subsection (1)(a) or Section 58-37b-4.
- 1279 [~~(b)~~] (c)(i) A person convicted under this Subsection (4) is guilty of a first degree  
 1280 felony and shall be imprisoned for a term of not less than five years if the penalty  
 1281 that would otherwise have been established but for this Subsection (4) would have  
 1282 been a first degree felony.
- 1283 (ii) Imposition or execution of the sentence may not be suspended, and the person is  
 1284 not eligible for probation.
- 1285 [~~(c)~~] (d) If the classification that would otherwise have been established would have been  
 1286 less than a first degree felony but for this Subsection (4), a person convicted under

1287 this Subsection (4) is guilty of one degree more than the maximum penalty prescribed  
1288 for that offense.

1289 ~~[(d)]~~ (e)(i) If the violation is of Subsection ~~[(4)(a)(ix)]~~ (4)(a)(x):

1290 (A) the person may be sentenced to imprisonment for an indeterminate term as  
1291 provided by law, and the court shall additionally sentence the person convicted  
1292 for a term of one year to run consecutively and not concurrently; and

1293 (B) the court may additionally sentence the person convicted for an indeterminate  
1294 term not to exceed five years to run consecutively and not concurrently; and

1295 (ii) the penalties under this Subsection (4)(d) apply also to a person who, acting with  
1296 the mental state required for the commission of an offense, directly or indirectly  
1297 solicits, requests, commands, coerces, encourages, or intentionally aids another  
1298 person to commit a violation of Subsection ~~[(4)(a)(ix)]~~ (4)(a)(x).

1299 ~~[(e)]~~ (f) It is not a defense to a prosecution under this Subsection (4) that:

1300 (i) the actor mistakenly believed the individual to be 18 years old or older at the time  
1301 of the offense or was unaware of the individual's true age; or

1302 (ii) the actor mistakenly believed that the location where the act occurred was not as  
1303 described in Subsection (4)(a) or was unaware that the location where the act  
1304 occurred was as described in Subsection (4)(a).

1305 (5) A violation of this chapter for which no penalty is specified is a class B misdemeanor.

1306 (6)(a) For purposes of penalty enhancement under Subsections (1) and (2), a plea of  
1307 guilty or no contest to a violation or attempted violation of this section or a plea  
1308 which is held in abeyance under Title 77, Chapter 2a, Pleas in Abeyance, is the  
1309 equivalent of a conviction, even if the charge has been subsequently reduced or  
1310 dismissed in accordance with the plea in abeyance agreement.

1311 (b) A prior conviction used for a penalty enhancement under Subsection (2) shall be a  
1312 conviction that is:

1313 (i) from a separate criminal episode than the current charge; and

1314 (ii) from a conviction that is separate from any other conviction used to enhance the  
1315 current charge.

1316 (7) A person may be charged and sentenced for a violation of this section, notwithstanding  
1317 a charge and sentence for a violation of any other section of this chapter.

1318 (8)(a) A penalty imposed for violation of this section is in addition to, and not in lieu of,  
1319 a civil or administrative penalty or sanction authorized by law.

1320 (b) When a violation of this chapter violates a federal law or the law of another state,

- 1321 conviction or acquittal under federal law or the law of another state for the same act  
1322 is a bar to prosecution in this state.
- 1323 (9) In any prosecution for a violation of this chapter, evidence or proof that shows a person  
1324 or persons produced, manufactured, possessed, distributed, or dispensed a controlled  
1325 substance or substances, is prima facie evidence that the person or persons did so with  
1326 knowledge of the character of the substance or substances.
- 1327 (10) This section does not prohibit a veterinarian, in good faith and in the course of the  
1328 veterinarian's professional practice only and not for humans, from prescribing,  
1329 dispensing, or administering controlled substances or from causing the substances to be  
1330 administered by an assistant or orderly under the veterinarian's direction and supervision.
- 1331 (11) Civil or criminal liability may not be imposed under this section on:
- 1332 (a) a person registered under this chapter who manufactures, distributes, or possesses an  
1333 imitation controlled substance for use as a placebo or investigational new drug by a  
1334 registered practitioner in the ordinary course of professional practice or research;
- 1335 (b) a law enforcement officer acting in the course and legitimate scope of the officer's  
1336 employment; or
- 1337 (c) a healthcare facility, substance use harm reduction services program, or drug  
1338 addiction treatment facility that temporarily possesses a controlled or counterfeit  
1339 substance to conduct a test or analysis on the controlled or counterfeit substance to  
1340 identify or analyze the strength, effectiveness, or purity of the substance for a public  
1341 health or safety reason.
- 1342 (12)(a) Civil or criminal liability may not be imposed under this section on any Indian,  
1343 as defined in Section 58-37-2, who uses, possesses, or transports peyote for bona fide  
1344 traditional ceremonial purposes in connection with the practice of a traditional Indian  
1345 religion as defined in Section 58-37-2.
- 1346 (b) In a prosecution alleging violation of this section regarding peyote as defined in  
1347 Section 58-37-4, it is an affirmative defense that the peyote was used, possessed, or  
1348 transported by an Indian for bona fide traditional ceremonial purposes in connection  
1349 with the practice of a traditional Indian religion.
- 1350 (c)(i) The defendant shall provide written notice of intent to claim an affirmative  
1351 defense under this Subsection (12) as soon as practicable, but not later than 10  
1352 days before trial.
- 1353 (ii) The notice shall include the specific claims of the affirmative defense.
- 1354 (iii) The court may waive the notice requirement in the interest of justice for good



- 1355           cause shown, if the prosecutor is not unfairly prejudiced by the lack of timely  
1356           notice.
- 1357       (d) The defendant shall establish the affirmative defense under this Subsection (12) by a  
1358           preponderance of the evidence. If the defense is established, it is a complete defense  
1359           to the charges.
- 1360 (13)(a) It is an affirmative defense that the person produced, possessed, or administered  
1361           a controlled substance listed in Section 58-37-4.2 if the person was:
- 1362           (i) engaged in medical research; and  
1363           (ii) a holder of a valid license to possess controlled substances under Section 58-37-6.
- 1364 (b) It is not a defense under Subsection (13)(a) that the person prescribed or dispensed a  
1365           controlled substance listed in Section 58-37-4.2.
- 1366 (14) It is an affirmative defense that the person possessed, in the person's body, a controlled  
1367           substance listed in Section 58-37-4.2 if:
- 1368           (a) the person was the subject of medical research conducted by a holder of a valid  
1369           license to possess controlled substances under Section 58-37-6; and  
1370           (b) the substance was administered to the person by the medical researcher.
- 1371 (15) The application of any increase in penalty under this section to a violation of  
1372           Subsection (2)(a)(i) may not result in any greater penalty than a second degree felony.  
1373           This Subsection (15) takes precedence over any conflicting provision of this section.
- 1374 (16)(a) It is an affirmative defense to an allegation of the commission of an offense  
1375           listed in Subsection (16)(b) that the person or bystander:
- 1376           (i) reasonably believes that the person or another person is experiencing an overdose  
1377           event due to the ingestion, injection, inhalation, or other introduction into the  
1378           human body of a controlled substance or other substance;
- 1379           (ii) reports, or assists a person who reports, in good faith the overdose event to a  
1380           medical provider, an emergency medical service provider as defined in Section  
1381           53-2d-101, a law enforcement officer, a 911 emergency call system, or an  
1382           emergency dispatch system, or the person is the subject of a report made under  
1383           this Subsection (16);
- 1384           (iii) provides in the report under Subsection (16)(a)(ii) a functional description of the  
1385           actual location of the overdose event that facilitates responding to the person  
1386           experiencing the overdose event;
- 1387           (iv) remains at the location of the person experiencing the overdose event until a  
1388           responding law enforcement officer or emergency medical service provider

- 1389 arrives, or remains at the medical care facility where the person experiencing an  
1390 overdose event is located until a responding law enforcement officer arrives;
- 1391 (v) cooperates with the responding medical provider, emergency medical service  
1392 provider, and law enforcement officer, including providing information regarding  
1393 the person experiencing the overdose event and any substances the person may  
1394 have injected, inhaled, or otherwise introduced into the person's body; and
- 1395 (vi) is alleged to have committed the offense in the same course of events from which  
1396 the reported overdose arose.
- 1397 (b) The offenses referred to in Subsection (16)(a) are:
- 1398 (i) the possession or use of less than 16 ounces of marijuana;
- 1399 (ii) the possession or use of a scheduled or listed controlled substance other than  
1400 marijuana; and
- 1401 (iii) any violation of Chapter 37a, Utah Drug Paraphernalia Act, or Chapter 37b,  
1402 Imitation Controlled Substances Act.
- 1403 (c) As used in this Subsection (16) and in Section 76-3-203.11, "good faith" does not  
1404 include seeking medical assistance under this section during the course of a law  
1405 enforcement agency's execution of a search warrant, execution of an arrest warrant,  
1406 or other lawful search.
- 1407 (17) If any provision of this chapter, or the application of any provision to any person or  
1408 circumstances, is held invalid, the remainder of this chapter shall be given effect without  
1409 the invalid provision or application.
- 1410 (18) A legislative body of a political subdivision may not enact an ordinance that is less  
1411 restrictive than any provision of this chapter.
- 1412 (19) If a minor who is under 18 years old is found by a court to have violated this section or  
1413 Subsection 76-5-102.1(2)(b) or 76-5-207(2)(b), the court may order the minor to  
1414 complete:
- 1415 (a) a screening as defined in Section 41-6a-501;
- 1416 (b) an assessment as defined in Section 41-6a-501 if the screening indicates an  
1417 assessment to be appropriate; and
- 1418 (c) an educational series as defined in Section 41-6a-501 or substance use disorder  
1419 treatment as indicated by an assessment.
- 1420 Section 20. Section **63I-2-235** is amended to read:
- 1421 **63I-2-235 . Repeal dates: Title 35A.**
- 1422 (1) Section 35A-3-212, Use of COVID-19 relief funds -- Grants to child care providers

- 1423 -- Reporting requirements, is repealed June 30, 2025.
- 1424 (2) Subsection 35A-16-102(16), regarding the Know-by-Name case management system
- 1425 pilot program, is repealed July 1, 2026.
- 1426 (3) Subsection 35A-16-202(1)(c)(iii), regarding the Know-by-Name case management
- 1427 system pilot program, is repealed July 1, 2026.
- 1428 (4) Subsection 35A-16-203(4)(b), regarding the Know-by-Name case management system
- 1429 pilot program, is repealed July 1, 2026.
- 1430 (5) Subsection 35A-16-205(1)(q)(ii), regarding the Know-by-Name case management
- 1431 system pilot program, is repealed July 1, 2026.
- 1432 [~~(1) Section 35A-13-301, Title, is repealed October 1, 2024.~~]
- 1433 [~~(2) Section 35A-13-302, Governor's Committee on Employment of People with~~
- 1434 ~~Disabilities, is repealed October 1, 2024.~~]
- 1435 Section 21. **Effective Date.**
- 1436 This bill takes effect on May 7, 2025.