

Jason E. Thompson proposes the following substitute bill:

Drug Overdose Training Amendments

2025 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Jason E. Thompson

Senate Sponsor: Heidi Balderree

LONG TITLE

General Description:

This bill addresses training and education concerning drug overdose recognition.

Highlighted Provisions:

This bill:

- defines terms;
- requires the Division of Integrated Healthcare within the Department of Health and Human Services to create training and educational materials regarding recognizing a drug overdose;
- requires an alcohol training and education seminar to include, for certain trainees, the drug overdose training and educational materials created by the Division of Integrated Healthcare;
- provides that the receipt of the drug overdose training and educational materials does not create or increase liability for the individual who receives them; and
- makes technical and conforming changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

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

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

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

Section 1. Section **26B-5-102** is amended to read:

26B-5-102 . Division of Integrated Healthcare -- Office of Substance Use and Mental Health -- Creation -- Responsibilities.

(1)(a) The Division of Integrated Healthcare shall exercise responsibility over the policymaking functions, regulatory and enforcement powers, rights, duties, and responsibilities outlined in state law that were previously vested in the Division of Substance Abuse and Mental Health within the department, under the administration and general supervision of the executive director.

(b) The division is the substance abuse authority and the mental health authority for this state.

(c) There is created the Office of Substance Use and Mental Health within the division.

(d) The office shall exercise the responsibilities, powers, rights, duties, and responsibilities assigned to the office by the executive director.

(2) The division shall:

(a)(i) educate the general public regarding the nature and consequences of substance use by promoting school and community-based prevention programs;

(ii) render support and assistance to public schools through approved school-based substance abuse education programs aimed at prevention of substance use;

(iii) promote or establish programs for the prevention of substance use within the community setting through community-based prevention programs;

(iv) cooperate with and assist treatment centers, recovery residences, and other organizations that provide services to individuals recovering from a substance use disorder, by identifying and disseminating information about effective practices and programs;

(v) promote integrated programs that address an individual's substance use, mental health, and physical health;

(vi) establish and promote an evidence-based continuum of screening, assessment, prevention, treatment, and recovery support services in the community for individuals with a substance use disorder or mental illness;

(vii) evaluate the effectiveness of programs described in this Subsection (2);

(viii) consider the impact of the programs described in this Subsection (2) on:

(A) emergency department utilization;

(B) jail and prison populations;

(C) the homeless population; and

- 63 (D) the child welfare system; and
- 64 (ix) promote or establish programs for education and certification of instructors to
- 65 educate individuals convicted of driving under the influence of alcohol or drugs or
- 66 driving with any measurable controlled substance in the body;
- 67 (b)(i) collect and disseminate information pertaining to mental health;
- 68 (ii) provide direction over the state hospital including approval of the state hospital's
- 69 budget, administrative policy, and coordination of services with local service
- 70 plans;
- 71 (iii) make rules in accordance with Title 63G, Chapter 3, Utah Administrative
- 72 Rulemaking Act, to educate families concerning mental illness and promote
- 73 family involvement, when appropriate, and with patient consent, in the treatment
- 74 program of a family member;
- 75 (iv) make rules in accordance with Title 63G, Chapter 3, Utah Administrative
- 76 Rulemaking Act, to direct that an individual receiving services through a local
- 77 mental health authority or the Utah State Hospital be informed about and, if
- 78 desired by the individual, provided assistance in the completion of a declaration
- 79 for mental health treatment in accordance with Section 26B-5-313; and
- 80 (v) to the extent authorized and in accordance with statute, make rules in accordance
- 81 with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, that:
- 82 (A) create a certification for targeted case management;
- 83 (B) establish training and certification requirements;
- 84 (C) specify the types of services each certificate holder is qualified to provide;
- 85 (D) specify the type of supervision under which a certificate holder is required to
- 86 operate; and
- 87 (E) specify continuing education and other requirements for maintaining or
- 88 renewing certification;
- 89 (c)(i) consult and coordinate with local substance abuse authorities and local mental
- 90 health authorities regarding programs and services;
- 91 (ii) provide consultation and other assistance to public and private agencies and
- 92 groups working on substance use and mental health issues;
- 93 (iii) promote and establish cooperative relationships with courts, hospitals, clinics,
- 94 medical and social agencies, public health authorities, law enforcement agencies,
- 95 education and research organizations, and other related groups;
- 96 (iv) promote or conduct research on substance use and mental health issues, and

- 97 submit to the governor and the Legislature recommendations for changes in policy
98 and legislation;
- 99 (v) receive, distribute, and provide direction over public funds for substance use and
100 mental health services;
- 101 (vi) monitor and evaluate programs provided by local substance abuse authorities and
102 local mental health authorities;
- 103 (vii) examine expenditures of local, state, and federal funds;
- 104 (viii) monitor the expenditure of public funds by:
- 105 (A) local substance abuse authorities;
- 106 (B) local mental health authorities; and
- 107 (C) in counties where they exist, a private contract provider that has an annual or
108 otherwise ongoing contract to provide comprehensive substance abuse or
109 mental health programs or services for the local substance abuse authority or
110 local mental health authority;
- 111 (ix) contract with local substance abuse authorities and local mental health authorities
112 to provide a comprehensive continuum of services that include community-based
113 services for individuals involved in the criminal justice system, in accordance with
114 division policy, contract provisions, and the local plan;
- 115 (x) contract with private and public entities for special statewide or nonclinical
116 services, or services for individuals involved in the criminal justice system,
117 according to division rules;
- 118 (xi) review and approve each local substance abuse authority's plan and each local
119 mental health authority's plan in order to ensure:
- 120 (A) a statewide comprehensive continuum of substance use services;
- 121 (B) a statewide comprehensive continuum of mental health services;
- 122 (C) services result in improved overall health and functioning;
- 123 (D) a statewide comprehensive continuum of community-based services designed
124 to reduce criminal risk factors for individuals who are determined to have
125 substance use or mental illness conditions or both, and who are involved in the
126 criminal justice system;
- 127 (E) compliance, where appropriate, with the certification requirements in
128 Subsection (2)(h); and
- 129 (F) appropriate expenditure of public funds;
- 130 (xii) review and make recommendations regarding each local substance abuse

- 131 authority's contract with the local substance abuse authority's provider of
132 substance use programs and services and each local mental health authority's
133 contract with the local mental health authority's provider of mental health
134 programs and services to ensure compliance with state and federal law and policy;
135 (xiii) monitor and ensure compliance with division rules and contract requirements;
136 and
137 (xiv) withhold funds from local substance abuse authorities, local mental health
138 authorities, and public and private providers for contract noncompliance, failure to
139 comply with division directives regarding the use of public funds, or for misuse of
140 public funds or money;
- 141 (d) ensure that the requirements of this part are met and applied uniformly by local
142 substance abuse authorities and local mental health authorities across the state;
- 143 (e) require each local substance abuse authority and each local mental health authority,
144 in accordance with Subsections 17-43-201(5)(b) and 17-43-301(6)(a)(ii), to submit a
145 plan to the division on or before May 15 of each year;
- 146 (f) conduct an annual program audit and review of each local substance abuse authority
147 and each local substance abuse authority's contract provider, and each local mental
148 health authority and each local mental health authority's contract provider, including:
- 149 (i) a review and determination regarding whether:
- 150 (A) public funds allocated to the local substance abuse authority or the local
151 mental health authorities are consistent with services rendered by the authority
152 or the authority's contract provider, and with outcomes reported by the
153 authority's contract provider; and
- 154 (B) each local substance abuse authority and each local mental health authority is
155 exercising sufficient oversight and control over public funds allocated for
156 substance use disorder and mental health programs and services; and
- 157 (ii) items determined by the division to be necessary and appropriate;
- 158 (g) define "prevention" by rule as required under Title 32B, Chapter 2, Part 4, Alcoholic
159 Beverage and Substance Abuse Enforcement and Treatment Restricted Account Act;
- 160 (h)(i) train and certify an adult as a peer support specialist, qualified to provide peer
161 supports services to an individual with:
- 162 (A) a substance use disorder;
- 163 (B) a mental health disorder; or
- 164 (C) a substance use disorder and a mental health disorder;

- 165 (ii) certify a person to carry out, as needed, the division's duty to train and certify an
166 adult as a peer support specialist;
- 167 (iii) make rules in accordance with Title 63G, Chapter 3, Utah Administrative
168 Rulemaking Act, that:
- 169 (A) establish training and certification requirements for a peer support specialist;
- 170 (B) specify the types of services a peer support specialist is qualified to provide;
- 171 (C) specify the type of supervision under which a peer support specialist is
172 required to operate; and
- 173 (D) specify continuing education and other requirements for maintaining or
174 renewing certification as a peer support specialist; and
- 175 (iv) make rules in accordance with Title 63G, Chapter 3, Utah Administrative
176 Rulemaking Act, that:
- 177 (A) establish the requirements for a person to be certified to carry out, as needed,
178 the division's duty to train and certify an adult as a peer support specialist; and
- 179 (B) specify how the division shall provide oversight of a person certified to train
180 and certify a peer support specialist;
- 181 (i) collaborate with the State Commission on Criminal and Juvenile Justice to analyze
182 and provide recommendations to the Legislature regarding:
- 183 (i) pretrial services and the resources needed to reduce recidivism;
- 184 (ii) county jail and county behavioral health early-assessment resources needed for an
185 individual convicted of a class A or class B misdemeanor; and
- 186 (iii) the replacement of federal dollars associated with drug interdiction law
187 enforcement task forces that are reduced;
- 188 (j) establish performance goals and outcome measurements for a mental health or
189 substance use treatment program that is licensed under Chapter 2, Part 1, Human
190 Services Programs and Facilities, and contracts with the department, including goals
191 and measurements related to employment and reducing recidivism of individuals
192 receiving mental health or substance use treatment who are involved with the
193 criminal justice system;
- 194 (k) annually, on or before November 30, submit a written report to the Judiciary Interim
195 Committee, the Health and Human Services Interim Committee, and the Law
196 Enforcement and Criminal Justice Interim Committee, that includes:
- 197 (i) a description of the performance goals and outcome measurements described in
198 Subsection (2)(j); and

- 199 (ii) information on the effectiveness of the goals and measurements in ensuring
200 appropriate and adequate mental health or substance use treatment is provided in a
201 treatment program described in Subsection (2)(j);
- 202 (l) collaborate with the Administrative Office of the Courts, the Department of
203 Corrections, the Department of Workforce Services, and the Board of Pardons and
204 Parole to collect data on recidivism in accordance with the metrics and requirements
205 described in Section 63M-7-102;
- 206 (m) at the division's discretion, use the data described in Subsection (2)(l) to make
207 decisions regarding the use of funds allocated to the division to provide treatment;
- 208 (n) annually, on or before August 31, submit the data collected under Subsection (2)(l)
209 and any recommendations to improve the data collection to the State Commission on
210 Criminal and Juvenile Justice to be included in the report described in Subsection
211 63M-7-204(1)(x);
- 212 (o) publish the following on the division's website:
- 213 (i) the performance goals and outcome measurements described in Subsection (2)(j);
214 and
- 215 (ii) a description of the services provided and the contact information for the mental
216 health and substance use treatment programs described in Subsection (2)(j) and
217 residential, vocational and life skills programs, as defined in Section 13-53-102;[
218 and]
- 219 (p) consult and coordinate with the Division of Child and Family Services to develop
220 and manage the operation of a program designed to reduce substance use during
221 pregnancy and by parents of a newborn child that includes:
- 222 (i) providing education and resources to health care providers and individuals in the
223 state regarding prevention of substance use during pregnancy;
- 224 (ii) providing training to health care providers in the state regarding screening of a
225 pregnant woman or pregnant minor to identify a substance use disorder; and
- 226 (iii) providing referrals to pregnant women, pregnant minors, or parents of a newborn
227 child in need of substance use treatment services to a facility that has the capacity
228 to provide the treatment services[-] ; and
- 229 (q) create training and educational materials regarding recognizing a drug overdose.
- 230 (3) In addition to the responsibilities described in Subsection (2), the division shall, within
231 funds appropriated by the Legislature for this purpose, implement and manage the
232 operation of a firearm safety and suicide prevention program, in consultation with the

- Bureau of Criminal Identification created in Section 53-10-201, including:
- (a) coordinating with local mental health and substance abuse authorities, a nonprofit behavioral health advocacy group, and a representative from a Utah-based nonprofit organization with expertise in the field of firearm use and safety that represents firearm owners, to:
 - (i) produce and periodically review and update a firearm safety brochure and other educational materials with information about the safe handling and use of firearms that includes:
 - (A) information on safe handling, storage, and use of firearms in a home environment;
 - (B) information about at-risk individuals and individuals who are legally prohibited from possessing firearms;
 - (C) information about suicide prevention awareness; and
 - (D) information about the availability of firearm safety packets;
 - (ii) procure cable-style gun locks for distribution under this section;
 - (iii) produce a firearm safety packet that includes the firearm safety brochure and the cable-style gun lock described in this Subsection (3); and
 - (iv) create a suicide prevention education course that:
 - (A) provides information for distribution regarding firearm safety education;
 - (B) incorporates current information on how to recognize suicidal behaviors and identify individuals who may be suicidal; and
 - (C) provides information regarding crisis intervention resources;
 - (b) distributing, free of charge, the firearm safety packet to the following persons, who shall make the firearm safety packet available free of charge:
 - (i) health care providers, including emergency rooms;
 - (ii) mobile crisis outreach teams;
 - (iii) mental health practitioners;
 - (iv) other public health suicide prevention organizations;
 - (v) entities that teach firearm safety courses;
 - (vi) school districts for use in the seminar, described in Section 53G-9-702, for parents of students in the school district; and
 - (vii) firearm dealers to be distributed in accordance with Section 76-10-526;
 - (c) creating and administering a rebate program that includes a rebate that offers between \$10 and \$200 off the purchase price of a firearm safe from a participating

firearms dealer or a person engaged in the business of selling firearm safes in Utah,
by a Utah resident; and

(d) in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,
making rules that establish procedures for:

(i) producing and distributing the suicide prevention education course and the firearm
safety brochures and packets;

(ii) procuring the cable-style gun locks for distribution; and

(iii) administering the rebate program.

(4)(a) The division may refuse to contract with and may pursue legal remedies against
any local substance abuse authority or local mental health authority that fails, or has
failed, to expend public funds in accordance with state law, division policy, contract
provisions, or directives issued in accordance with state law.

(b) The division may withhold funds from a local substance abuse authority or local
mental health authority if the authority's contract provider of substance use or mental
health programs or services fails to comply with state and federal law or policy.

(5)(a) Before reissuing or renewing a contract with any local substance abuse authority
or local mental health authority, the division shall review and determine whether the
local substance abuse authority or local mental health authority is complying with the
oversight and management responsibilities described in Sections 17-43-201,
17-43-203, 17-43-303, and 17-43-309.

(b) Nothing in this Subsection (5) may be used as a defense to the responsibility and
liability described in Section 17-43-303 and to the responsibility and liability
described in Section 17-43-203.

(6) In carrying out the division's duties and responsibilities, the division may not duplicate
treatment or educational facilities that exist in other divisions or departments of the state,
but shall work in conjunction with those divisions and departments in rendering the
treatment or educational services that those divisions and departments are competent and
able to provide.

(7) The division may accept in the name of and on behalf of the state donations, gifts,
devises, or bequests of real or personal property or services to be used as specified by
the donor.

(8) The division shall annually review with each local substance abuse authority and each
local mental health authority the authority's statutory and contract responsibilities
regarding:

- (a) use of public funds;
- (b) oversight of public funds; and
- (c) governance of substance use disorder and mental health programs and services.

(9) The Legislature may refuse to appropriate funds to the division upon the division's failure to comply with the provisions of this part.

(10) If a local substance abuse authority contacts the division under Subsection 17-43-201 (10) for assistance in providing treatment services to a pregnant woman or pregnant minor, the division shall:

- (a) refer the pregnant woman or pregnant minor to a treatment facility that has the capacity to provide the treatment services; or
- (b) otherwise ensure that treatment services are made available to the pregnant woman or pregnant minor.

(11) The division shall employ a school-based mental health specialist to be housed at the State Board of Education who shall work with the State Board of Education to:

- (a) provide coordination between a local education agency and local mental health authority;
- (b) recommend evidence-based and evidence informed mental health screenings and intervention assessments for a local education agency; and
- (c) coordinate with the local community, including local departments of health, to enhance and expand mental health related resources for a local education agency.

Section 2. Section **26B-5-205** is amended to read:

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

(1) As used in this section:

- (a) "Instructor" means a person that directly provides the instruction during an alcohol training and education seminar for a seminar provider.
- (b) "Licensee" means a person who is:
 - (i)(A) a new or renewing licensee under Title 32B, Alcoholic Beverage Control Act; and
 - (B) engaged in the retail sale of an alcoholic product for consumption on the premises of the licensee; or
 - (ii) a business that is:
 - (A) a new or renewing licensee licensed by a city, town, or county; and
 - (B) engaged in the retail sale of beer for consumption off the premises of the licensee.

- (c) "Licensee staff" means a retail manager, retail staff, an off-premise retail manager, or off-premise retail staff.
- (d) "Off-premise beer retailer" is as defined in Section 32B-1-102.
- (e) "Off-premise retail manager" means the same as that term is defined in Section 32B-1-701.
- (f) "Off-premise retail staff" means the same as that term is defined in Section 32B-1-701.
- (g) "Retail manager" means the same as that term is defined in Section 32B-1-701.
- (h) "Retail staff" means the same as that term is defined in Section 32B-1-701.
- (i) "Seminar provider" means a person other than the division who provides an alcohol training and education seminar meeting the requirements of this section.
- (2)(a) This section applies to licensee staff.
- (b) An individual who does not have a valid record that the individual has completed an alcohol training and education seminar shall:
- (i) complete an alcohol training and education seminar before the day on which the individual begins work as licensee staff of a licensee; and
 - (ii) pay a fee [-]to the seminar provider that is equal to or greater than the amount established under Subsection (4)(h).
- (c) An individual shall have a valid record that the individual completed an alcohol training and education seminar within the time period provided in this Subsection (2) to act as licensee staff.
- (d) A record that licensee staff has completed an alcohol training and education seminar is valid for three years after the day on which the record is issued.
- (e) To be considered as having completed an alcohol training and education seminar, an individual shall:
- (i) attend the alcohol training and education seminar and take any test required to demonstrate completion of the alcohol training and education seminar in the physical presence of an instructor of the seminar provider; or
 - (ii) complete the alcohol training and education seminar and take any test required to demonstrate completion of the alcohol training and education seminar through an online course or testing program that meets the requirements described in Subsection (2)(f).
- (f)(i) The division shall by rule made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, establish one or more requirements for an online course or testing program described in Subsection (2)(e) that are designed to

inhibit fraud in the use of the online course or testing program.

(ii) In developing the requirements by rule the division shall consider whether to require:

(A) authentication that the an individual accurately identifies the individual as taking the online course or test;

(B) measures to ensure that an individual taking the online course or test is focused on training material throughout the entire training period;

(C) measures to track the actual time an individual taking the online course or test is actively engaged online;

(D) a seminar provider to provide technical support, such as requiring a telephone number, email, or other method of communication that allows an individual taking the online course or test to receive assistance if the individual is unable to participate online because of technical difficulties;

(E) a test to meet quality standards, including randomization of test questions and maximum time limits to take a test;

(F) a seminar provider to have a system to reduce fraud as to who completes an online course or test, such as requiring a distinct online certificate with information printed on the certificate that identifies the person taking the online course or test, or requiring measures to inhibit duplication of a certificate;

(G) measures for the division to audit online courses or tests;

(H) measures to allow an individual taking an online course or test to provide an evaluation of the online course or test;

(I) a seminar provider to track the Internet protocol address or similar electronic location of an individual who takes an online course or test;

(J) an individual who takes an online course or test to use an e-signature; or

(K) a seminar provider to invalidate a certificate if the seminar provider learns that the certificate does not accurately reflect the individual who took the online course or test.

(3)(a) A licensee may not permit an individual who is not in compliance with Subsection (2) to:

(i) serve or supervise the serving of an alcoholic product to a customer for consumption on the premises of the licensee;

(ii) engage in any activity that would constitute managing operations at the premises of a licensee that engages in the retail sale of an alcoholic product for

- consumption on the premises of the licensee;
- (iii) directly supervise the sale of beer to a customer for consumption off the premises of an off-premise beer retailer; or
- (iv) sell beer to a customer for consumption off the premises of an off-premise beer retailer.
- (b) A licensee that violates Subsection (3)(a) is subject to Section 32B-1-702.
- (4) The division shall:
- (a)(i) provide alcohol training and education seminars; or
- (ii) certify one or more seminar providers;
- (b) establish the curriculum for an alcohol training and education seminar that includes the following subjects:
- (i)(A) alcohol as a drug; and
- (B) alcohol's effect on the body and behavior;
- (ii) recognizing the problem drinker or signs of intoxication;
- (iii) an overview of state alcohol laws related to responsible beverage sale or service, as determined in consultation with the Department of Alcoholic Beverage Services;
- (iv) dealing with the problem customer, including ways to terminate sale or service; and
- (v) for those supervising or engaging in the retail sale of an alcoholic product for consumption on the premises of a licensee[;] :
- (A) alternative means of transportation to get the customer safely home; and
- (B) the drug overdose training and educational materials created pursuant to
- Subsection 26B-5-102(2)(q);
- (c) recertify each seminar provider every three years;
- (d) monitor compliance with the curriculum described in Subsection (4)(b);
- (e) maintain for at least five years a record of every person who has completed an alcohol training and education seminar;
- (f) provide the information described in Subsection (4)(e) on request to:
- (i) the Department of Alcoholic Beverage Services;
- (ii) law enforcement; or
- (iii) a person licensed by the state or a local government to sell an alcoholic product;
- (g) provide the Department of Alcoholic Beverage Services on request a list of any seminar provider certified by the division; and

(h) establish a fee amount for each person attending an alcohol training and education seminar that is sufficient to offset the division's cost of administering this section.

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

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

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

(6) A seminar provider shall:

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

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

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

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

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

(i) the curriculum established under this section; and

(ii) this section;

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

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

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

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

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

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

(ii) revoke the certification of the seminar provider;

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

(iv) prohibit the seminar provider from using an instructor until such time that the

471 seminar provider establishes to the satisfaction of the division that the instructor is
472 in compliance with Subsection (6)(b).

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

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

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

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

481 Section 3. **Effective Date.**

482 This bill takes effect on May 7, 2025.